

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 810

By: Garvin

AS INTRODUCED

An Act relating to medical marijuana; amending 63 O.S. 2021, Section 427.16, as amended by Section 16, Chapter 251, O.S.L. 2022 (63 O.S. Supp. 2022, Section 427.16), which relates to medical marijuana transporter license; providing exception under certain circumstances; allowing the Authority to revoke exception; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 63 O.S. 2021, Section 427.16, as amended by Section 16, Chapter 251, O.S.L. 2022 (63 O.S. Supp. 2022, Section 427.16), is amended to read as follows:

Section 427.16. A. There is hereby created a medical marijuana transporter license as a category of the medical marijuana business license.

B. Pursuant to Section 424 of this title, the Oklahoma Medical Marijuana Authority shall issue a medical marijuana transporter license to licensed medical marijuana commercial growers, processors and dispensaries upon issuance of such licenses and upon each renewal. Medical marijuana transporter licenses shall also be

1 issued to licensed medical marijuana research facilities, medical
2 marijuana education facilities and medical marijuana testing
3 laboratories upon issuance of such licenses and upon each renewal.

4 C. A medical marijuana transporter license may also be issued
5 to qualifying applicants who are registered with the Secretary of
6 State and otherwise meet the requirements for a medical marijuana
7 business license set forth in the Oklahoma Medical Marijuana and
8 Patient Protection Act and the requirements set forth in this
9 section to provide logistics, distribution and storage of medical
10 marijuana, medical marijuana concentrate and medical marijuana
11 products.

12 D. A medical marijuana transporter license shall be valid for
13 one (1) year and shall not be transferred with a change of
14 ownership. A licensed medical marijuana transporter shall be
15 responsible for all medical marijuana, medical marijuana concentrate
16 and medical marijuana products once the transporter takes control of
17 the product.

18 E. A transporter license shall be required for any person or
19 entity to transport or transfer medical marijuana, medical marijuana
20 concentrate or medical marijuana products from a licensed medical
21 marijuana business to another medical marijuana business, or from a
22 medical marijuana business to a medical marijuana research facility
23 or medical marijuana education facility.

1 F. A medical marijuana transporter licensee may contract with
2 multiple licensed medical marijuana businesses.

3 G. A medical marijuana transporter may maintain a licensed
4 premises to temporarily store medical marijuana, medical marijuana
5 concentrate and medical marijuana products and to use as a
6 centralized distribution point. A medical marijuana transporter may
7 store and distribute medical marijuana, medical marijuana
8 concentrate and medical marijuana products from the licensed
9 premises. The licensed premises shall meet all security
10 requirements applicable to a medical marijuana business.

11 H. A medical marijuana transporter licensee shall use the seed-
12 to-sale tracking system developed pursuant to the Oklahoma Medical
13 Marijuana and Patient Protection Act to create shipping manifests
14 documenting the transport of medical marijuana, medical marijuana
15 concentrate and medical marijuana products throughout the state.

16 I. A licensed medical marijuana transporter may maintain and
17 operate one or more warehouses in the state to handle medical
18 marijuana, medical marijuana concentrate and medical marijuana
19 products. Each location shall be registered and inspected by the
20 Authority prior to its use.

21 J. With the exception of a lawful transfer between medical
22 marijuana businesses who are licensed to operate at the same
23 physical address, all medical marijuana, medical marijuana
24 concentrate and medical marijuana products shall be transported:

1 1. In vehicles equipped with Global Positioning System (GPS)
2 trackers;

3 2. In a locked container and clearly labeled "Medical Marijuana
4 or Derivative"; and

5 3. In a secured area of the vehicle that is not accessible by
6 the driver during transit.

7 K. A transporter agent may possess marijuana at any location
8 while the transporter agent is transferring marijuana to or from a
9 licensed medical marijuana business, licensed medical marijuana
10 research facility or licensed medical marijuana education facility.

11 The Authority shall administer and enforce the provisions of this
12 section concerning transportation.

13 L. The Authority shall issue a transporter agent license to
14 individual agents, employees, officers or owners of a transporter
15 license in order for the individual to qualify to transport medical
16 marijuana, medical marijuana concentrate or medical marijuana
17 products.

18 M. The annual fee for a transporter agent license shall be
19 Twenty-five Dollars (\$25.00) and shall be paid by the transporter
20 license holder or the individual applicant. Transporter license
21 reprints shall be Twenty Dollars (\$20.00).

22 N. The Authority shall issue each transporter agent a registry
23 identification card within thirty (30) days of receipt of:

24 1. The name, address and date of birth of the person;

- 1 2. Proof of current state residency;
- 2 3. Proof of identity as required for a medical marijuana
- 3 business license;
- 4 4. Possession of a valid state-issued driver license;
- 5 5. Verification of employment with a licensed transporter;
- 6 6. The application and affiliated fee; and
- 7 7. A copy of the criminal background check conducted by the
- 8 Oklahoma State Bureau of Investigation, paid for by the applicant.

9 O. If the transporter agent application is denied, the
10 Authority shall notify the transporter in writing of the reason for
11 denying the registry identification card.

12 P. A registry identification card for a transporter shall
13 expire one (1) year after the date of issuance or upon notification
14 from the holder of the transporter license that the transporter
15 agent ceases to work as a transporter.

16 Q. The Authority may revoke the registry identification card of
17 a transporter agent who knowingly violates any provision of this
18 section, and the transporter is subject to any other penalties
19 established by law for the violation.

20 R. The Authority may revoke or suspend the transporter license
21 of a transporter that the Authority determines knowingly aided or
22 facilitated a violation of any provision of this section, and the
23 license holder is subject to any other penalties established in law
24 for the violation.

1 S. Vehicles used in the transport of medical marijuana or
2 medical marijuana product shall be:

- 3 1. Insured at or above the legal requirements in this state;
- 4 2. Capable of securing medical marijuana during transport; and
- 5 3. In possession of a shipping container as defined in Section
6 427.2 of this title capable of securing all transported products.

7 T. Prior to the transport of any medical marijuana, medical
8 marijuana concentrate or medical marijuana products, an inventory
9 manifest shall be prepared at the origination point of the medical
10 marijuana. The inventory manifest shall include the following
11 information:

12 1. For the origination point of the medical marijuana:

- 13 a. the licensee number for the commercial grower,
14 processor or dispensary,
- 15 b. address of origination of transport, and
- 16 c. name and contact information for the originating
17 licensee;

18 2. For the end recipient license holder of the medical
19 marijuana:

- 20 a. the license number for the dispensary, commercial
21 grower, processor, research facility or education
22 facility destination,
 - 23 b. address of the destination, and
- 24
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1 c. name and contact information for the destination
2 licensee;

3 3. Quantities by weight or unit of each type of medical
4 marijuana product contained in transport;

5 4. The date of the transport and the approximate time of
6 departure;

7 5. The arrival date and estimated time of arrival;

8 6. Printed names and signatures of the personnel accompanying
9 the transport; and

10 7. Notation of the transporting licensee.

11 U. 1. A separate inventory manifest shall be prepared for each
12 licensee receiving the medical marijuana.

13 2. The transporter agent shall provide the other medical
14 marijuana business with a copy of the inventory manifest at the time
15 the product changes hands and after the other licensee prints his or
16 her name and signs the inventory manifest.

17 3. A receiving licensee shall refuse to accept any medical
18 marijuana, medical marijuana concentrate or medical marijuana
19 products that are not accompanied by an inventory manifest.

20 4. Originating and receiving licensees shall maintain copies of
21 inventory manifests and logs of quantities of medical marijuana
22 received for seven (7) years from date of receipt.

23 V. Upon written approval by the Authority, a medical marijuana
24 business license holder may be exempt from the provisions of this

1 section for the purpose of transporting medical marijuana waste
2 between licensed facilities; provided, the facilities are licensed
3 under the same license holder. The Authority may, at any time,
4 revoke this provision if the medical marijuana business license
5 holder violates any provisions of Section 420 et seq. of this title.

6 SECTION 2. This act shall become effective November 1, 2023.

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