

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SENATE BILL 1980

By: Paxton

AS INTRODUCED

An Act relating to medical marijuana; amending 63 O.S. 2021, Section 427.2, as last amended by Section 1, Chapter 317, O.S.L. 2022 (63 O.S. Supp. 2023, Section 427.2), which relates to definitions; defining term; modifying definition; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 2021, Section 427.2, as last amended by Section 1, Chapter 317, O.S.L. 2022 (63 O.S. Supp. 2023, Section 427.2), is amended to read as follows:

Section 427.2. As used in the Oklahoma Medical Marijuana and Patient Protection Act:

1. "Advertising" means the act of providing consideration for the publication, dissemination, solicitation or circulation, of visual, oral or written communication to induce directly or indirectly any person to patronize a particular medical marijuana business, or to purchase particular medical marijuana or a medical marijuana product. Advertising includes marketing, but does not include packaging and labeling;

1 2. "Authority" means the Oklahoma Medical Marijuana Authority;

2 3. "Batch number" means a unique numeric or alphanumeric
3 identifier assigned prior to testing to allow for inventory tracking
4 and traceability;

5 4. "Cannabinoid" means any of the chemical compounds that are
6 active principles of marijuana;

7 5. "Caregiver" means a family member or assistant who regularly
8 looks after a medical marijuana license holder whom a physician
9 attests needs assistance;

10 6. "Child-resistant" means special packaging that is:

11 a. designed or constructed to be significantly difficult
12 for children under five (5) years of age to open and
13 not difficult for normal adults to use properly as
14 defined by 16 C.F.R. 1700.15 (1995) and 16 C.F.R.
15 1700.20 (1995),

16 b. opaque so that the outermost packaging does not allow
17 the product to be seen without opening the packaging
18 material, and

19 c. resealable to maintain its child-resistant
20 effectiveness for multiple openings for any product
21 intended for more than a single use or containing
22 multiple servings;

1 7. "Clone" means a nonflowering plant cut from a mother plant
2 that is capable of developing into a new plant and has shown no
3 signs of flowering;

4 8. "Commissioner" means the State Commissioner of Health;

5 9. "Complete application" means a document prepared in
6 accordance with the provisions set forth in the Oklahoma Medical
7 Marijuana and Patient Protection Act, rules promulgated pursuant
8 thereto, and the forms and instructions provided by the Department
9 including any supporting documentation required and the applicable
10 license application fee;

11 10. "Department" means the State Department of Health;

12 11. "Director" means the Executive Director of the Oklahoma
13 Medical Marijuana Authority;

14 12. "Dispense" means the selling of medical marijuana or a
15 medical marijuana product to a qualified patient or the designated
16 caregiver of the patient that is packaged in a suitable container
17 appropriately labeled for subsequent administration to or use by a
18 qualifying patient;

19 13. "Dispensary" means a medical marijuana dispensary, an
20 entity that has been licensed by the Department pursuant to the
21 Oklahoma Medical Marijuana and Patient Protection Act to purchase
22 medical marijuana or medical marijuana products from a licensed
23 medical marijuana commercial grower or medical marijuana processor,
24 sell medical marijuana or medical marijuana products to patients and

1 caregivers as defined under the Oklahoma Medical Marijuana and
2 Patient Protection Act, or sell or transfer products to another
3 dispensary;

4 14. "Edible medical marijuana product" means any medical-
5 marijuana-infused product for which the intended use is oral
6 consumption including, but not limited to, any type of food, drink
7 or pill;

8 15. "Entity" means an individual, general partnership, limited
9 partnership, limited liability company, trust, estate, association,
10 corporation, cooperative or any other legal or commercial entity;

11 16. "Flower" means the reproductive organs of the marijuana or
12 cannabis plant referred to as the bud or parts of the plant that are
13 harvested and used to consume in a variety of medical marijuana
14 products;

15 17. "Flowering" means the reproductive state of the marijuana
16 or cannabis plant in which there are physical signs of flower or
17 budding out of the nodes of the stem;

18 18. "Food-based medical marijuana concentrate" means a medical
19 marijuana concentrate that was produced by extracting cannabinoids
20 from medical marijuana through the use of propylene glycol,
21 glycerin, butter, olive oil, coconut oil or other typical food-safe
22 cooking fats;

1 19. "Good cause" for purposes of an initial, renewal or
2 reinstatement license application, or for purposes of discipline of
3 a licensee, means:

- 4 a. the licensee or applicant has violated, does not meet,
5 or has failed to comply with any of the terms,
6 conditions or provisions of the act, any rules
7 promulgated pursuant thereto, or any supplemental
8 relevant state or local law, rule or regulation,
9 b. the licensee or applicant has failed to comply with
10 any special terms or conditions that were placed upon
11 the license pursuant to an order of the State
12 Department of Health, Oklahoma Medical Marijuana
13 Authority or the municipality, or
14 c. the licensed premises of a medical marijuana business
15 or applicant have been operated in a manner that
16 adversely affects the public health or welfare or the
17 safety of the immediate vicinity in which the
18 establishment is located;

19 20. "Harvest batch" means a specifically identified quantity of
20 medical marijuana that is uniform in strain, cultivated utilizing
21 the same cultivation practices, harvested at the same time from the
22 same location and cured under uniform conditions;

23 21. "Harvested marijuana" means post-flowering medical
24 marijuana not including trim, concentrate or waste;

1 22. "Heat- or pressure-based medical marijuana concentrate"
2 means a medical marijuana concentrate that was produced by
3 extracting cannabinoids from medical marijuana through the use of
4 heat or pressure;

5 23. "Hemp-derived cannabinoid product" means a product that
6 contains cannabinoids that are extracted from hemp or resin from
7 hemp by physical or chemical means and is intended for
8 administration to a consumer including, but not limited to,
9 concentrates, oils, tinctures, edibles, pills, topicals, gels,
10 creams, and other derivative forms. The term shall also mean
11 products available for animal or human consumption, which may be in
12 the form of inhalation into the respiratory system and ingestion in
13 the gastrointestinal system, or tissue absorption. The term shall
14 not include seeds or seed-derived ingredients that are generally
15 recognized as safe by the United States Food and Drug
16 Administration;

17 24. "Immature plant" means a nonflowering marijuana plant that
18 has not demonstrated signs of flowering;

19 ~~24.~~ 25. "Inventory tracking system" means the required tracking
20 system that accounts for medical marijuana from either the seed or
21 immature plant stage until the medical marijuana or medical
22 marijuana product is sold to a patient at a medical marijuana
23 dispensary, transferred to a medical marijuana research facility,
24

1 destroyed by a medical marijuana business or used in a research
2 project by a medical marijuana research facility;

3 ~~25.~~ 26. "Licensed patient" or "patient" means a person who has
4 been issued a medical marijuana patient license by the State
5 Department of Health or Oklahoma Medical Marijuana Authority;

6 ~~26.~~ 27. "Licensed premises" means the premises specified in an
7 application for a medical marijuana business license, medical
8 marijuana research facility license or medical marijuana education
9 facility license pursuant to the Oklahoma Medical Marijuana and
10 Patient Protection Act that are owned or in possession of the
11 licensee and within which the licensee is authorized to cultivate,
12 manufacture, distribute, sell, store, transport, test or research
13 medical marijuana or medical marijuana products in accordance with
14 the provisions of the Oklahoma Medical Marijuana and Patient
15 Protection Act and rules promulgated pursuant thereto;

16 ~~27.~~ 28. "Manufacture" means the production, propagation,
17 compounding or processing of a medical marijuana product, excluding
18 marijuana plants, either directly or indirectly by extraction from
19 substances of natural or synthetic origin, or independently by means
20 of chemical synthesis, or by a combination of extraction and
21 chemical synthesis;

22 ~~28.~~ 29. "Marijuana" shall have the same meaning as such term is
23 defined in Section 2-101 of this title and shall not include any
24 plant or material containing delta-8 or delta-10

1 tetrahydrocannabinol which is grown, processed or sold pursuant to
2 the provisions of the Oklahoma Industrial Hemp Program unless the
3 plant or material containing delta-8 or delta-10
4 tetrahydrocannabinol is used in a hemp-derived cannabinoid product;

5 ~~29.~~ 30. "Material change" means any change that would require a
6 substantive revision to the standard operating procedures of a
7 licensee for the cultivation or production of medical marijuana,
8 medical marijuana concentrate or medical marijuana products;

9 ~~30.~~ 31. "Mature plant" means a harvestable female marijuana
10 plant that is flowering;

11 ~~31.~~ 32. "Medical marijuana business (MMB)" means a licensed
12 medical marijuana dispensary, medical marijuana processor, medical
13 marijuana commercial grower, medical marijuana laboratory, medical
14 marijuana business operator or a medical marijuana transporter;

15 ~~32.~~ 33. "Medical marijuana concentrate" or "concentrate" means
16 a specific subset of medical marijuana that was produced by
17 extracting cannabinoids from medical marijuana. Categories of
18 medical marijuana concentrate include water-based medical marijuana
19 concentrate, food-based medical marijuana concentrate, solvent-based
20 medical marijuana concentrate, and heat- or pressure-based medical
21 marijuana concentrate;

22 ~~33.~~ 34. "Medical marijuana commercial grower" or "commercial
23 grower" means an entity licensed to cultivate, prepare and package
24 medical marijuana and transfer or contract for transfer medical

1 marijuana to a medical marijuana dispensary, medical marijuana
2 processor, any other medical marijuana commercial grower, medical
3 marijuana research facility, medical marijuana education facility
4 and pesticide manufacturers. A commercial grower may sell seeds,
5 flower or clones to commercial growers pursuant to the Oklahoma
6 Medical Marijuana and Patient Protection Act;

7 ~~34.~~ 35. "Medical marijuana education facility" or "education
8 facility" means a person or entity approved pursuant to the Oklahoma
9 Medical Marijuana and Patient Protection Act to operate a facility
10 providing training and education to individuals involving the
11 cultivation, growing, harvesting, curing, preparing, packaging or
12 testing of medical marijuana, or the production, manufacture,
13 extraction, processing, packaging or creation of medical-marijuana-
14 infused products or medical marijuana products as described in the
15 Oklahoma Medical Marijuana and Patient Protection Act;

16 ~~35.~~ 36. "Medical-marijuana-infused product" means a product
17 infused with medical marijuana including, but not limited to, edible
18 products, ointments and tinctures;

19 ~~36.~~ 37. "Medical marijuana product" or "product" means a
20 product that contains cannabinoids that have been extracted from
21 plant material or the resin therefrom by physical or chemical means
22 and is intended for administration to a qualified patient including,
23 but not limited to, oils, tinctures, edibles, pills, topical forms,
24 gels, creams, vapors, patches, liquids and forms administered by a

1 nebulizer, excluding live plant forms which are considered medical
2 marijuana;

3 ~~37.~~ 38. "Medical marijuana processor" means a person or entity
4 licensed pursuant to the Oklahoma Medical Marijuana and Patient
5 Protection Act to operate a business including the production,
6 manufacture, extraction, processing, packaging or creation of
7 concentrate, medical-marijuana-infused products or medical marijuana
8 products as described in the Oklahoma Medical Marijuana and Patient
9 Protection Act;

10 ~~38.~~ 39. "Medical marijuana research facility" or "research
11 facility" means a person or entity approved pursuant to the Oklahoma
12 Medical Marijuana and Patient Protection Act to conduct medical
13 marijuana research. A medical marijuana research facility is not a
14 medical marijuana business;

15 ~~39.~~ 40. "Medical marijuana testing laboratory" or "laboratory"
16 means a public or private laboratory licensed pursuant to the
17 Oklahoma Medical Marijuana and Patient Protection Act, to conduct
18 testing and research on medical marijuana and medical marijuana
19 products;

20 ~~40.~~ 41. "Medical marijuana transporter" or "transporter" means
21 a person or entity that is licensed pursuant to the Oklahoma Medical
22 Marijuana and Patient Protection Act. A medical marijuana
23 transporter does not include a medical marijuana business that
24 transports its own medical marijuana, medical marijuana concentrate
25

1 or medical marijuana products to a property or facility adjacent to
2 or connected to the licensed premises if the property is another
3 licensed premises of the same medical marijuana business;

4 ~~41.~~ 42. "Medical marijuana waste" or "waste" means unused,
5 surplus, returned or out-of-date marijuana, plant debris of the
6 plant of the genus Cannabis including dead plants and all unused
7 plant parts and roots, except the term shall not include roots,
8 stems, stalks and fan leaves;

9 ~~42.~~ 43. "Medical use" means the acquisition, possession, use,
10 delivery, transfer or transportation of medical marijuana, medical
11 marijuana products, medical marijuana devices or paraphernalia
12 relating to the administration of medical marijuana to treat a
13 licensed patient;

14 ~~43.~~ 44. "Mother plant" means a marijuana plant that is grown or
15 maintained for the purpose of generating clones, and that will not
16 be used to produce plant material for sale to a medical marijuana
17 processor or medical marijuana dispensary;

18 ~~44.~~ 45. "Oklahoma physician" or "physician" means a physician
19 licensed by and in good standing with the State Board of Medical
20 Licensure and Supervision, the State Board of Osteopathic Examiners
21 or the Board of Podiatric Medical Examiners;

22 ~~45.~~ 46. "Oklahoma resident" means an individual who can provide
23 proof of residency as required by the Oklahoma Medical Marijuana and
24 Patient Protection Act;

1 ~~46.~~ 47. "Owner" means, except where the context otherwise
2 requires, a direct beneficial owner including, but not limited to,
3 all persons or entities as follows:

- 4 a. all shareholders owning an interest of a corporate
5 entity and all officers of a corporate entity,
- 6 b. all partners of a general partnership,
- 7 c. all general partners and all limited partners that own
8 an interest in a limited partnership,
- 9 d. all members that own an interest in a limited
10 liability company,
- 11 e. all beneficiaries that hold a beneficial interest in a
12 trust and all trustees of a trust,
- 13 f. all persons or entities that own interest in a joint
14 venture,
- 15 g. all persons or entities that own an interest in an
16 association,
- 17 h. the owners of any other type of legal entity, and
- 18 i. any other person holding an interest or convertible
19 note in any entity which owns, operates or manages a
20 licensed facility;

21 ~~47.~~ 48. "Package" or "packaging" means any container or wrapper
22 that may be used by a medical marijuana business to enclose or
23 contain medical marijuana;

1 ~~48.~~ 49. "Person" means a natural person, partnership,
2 association, business trust, company, corporation, estate, limited
3 liability company, trust or any other legal entity or organization,
4 or a manager, agent, owner, director, servant, officer or employee
5 thereof, except that person does not include any governmental
6 organization;

7 ~~49.~~ 50. "Pesticide" means any substance or mixture of
8 substances intended for preventing, destroying, repelling or
9 mitigating any pest or any substance or mixture of substances
10 intended for use as a plant regulator, defoliant or desiccant,
11 except that the term pesticide shall not include any article that is
12 a "new animal drug" as designated by the United States Food and Drug
13 Administration;

14 ~~50.~~ 51. "Production batch" means:

- 15 a. any amount of medical marijuana concentrate of the
16 same category and produced using the same extraction
17 methods, standard operating procedures and an
18 identical group of harvest batch of medical marijuana,
19 or
20 b. any amount of medical marijuana product of the same
21 exact type, produced using the same ingredients,
22 standard operating procedures and the same production
23 batch of medical marijuana concentrate;

1 ~~51.~~ 52. "Public institution" means any entity established or
2 controlled by the federal government, state government, or a local
3 government or municipality including, but not limited to,
4 institutions of higher education or related research institutions;

5 ~~52.~~ 53. "Public money" means any funds or money obtained by the
6 holder from any governmental entity including, but not limited to,
7 research grants;

8 ~~53.~~ 54. "Recommendation" means a document that is signed or
9 electronically submitted by a physician on behalf of a patient for
10 the use of medical marijuana pursuant to the Oklahoma Medical
11 Marijuana and Patient Protection Act;

12 ~~54.~~ 55. "Registered to conduct business" means a person that
13 has provided proof that the business applicant is in good standing
14 with the Secretary of State and Oklahoma Tax Commission;

15 ~~55.~~ 56. "Remediation" means the process by which the medical
16 marijuana flower or trim, which has failed microbial testing, is
17 processed into solvent-based medical marijuana concentrate and
18 retested as required by the Oklahoma Medical Marijuana and Patient
19 Protection Act;

20 ~~56.~~ 57. "Research project" means a discrete scientific endeavor
21 to answer a research question or a set of research questions related
22 to medical marijuana and is required for a medical marijuana
23 research license. A research project shall include a description of
24 a defined protocol, clearly articulated goals, defined methods and

1 outputs, and a defined start and end date. The description shall
2 demonstrate that the research project will comply with all
3 requirements in the Oklahoma Medical Marijuana and Patient
4 Protection Act and rules promulgated pursuant thereto. All research
5 and development conducted by a medical marijuana research facility
6 shall be conducted in furtherance of an approved research project;

7 ~~57.~~ 58. "Revocation" means the final decision by the Department
8 that any license issued pursuant to the Oklahoma Medical Marijuana
9 and Patient Protection Act is rescinded because the individual or
10 entity does not comply with the applicable requirements set forth in
11 the Oklahoma Medical Marijuana and Patient Protection Act or rules
12 promulgated pursuant thereto;

13 ~~58.~~ 59. "School" means a public or private preschool, a public
14 or private elementary or secondary school, or a technology center
15 school which is primarily used for classroom instruction. A
16 homeschool, daycare or child-care facility shall not be considered a
17 "school" as used in the Oklahoma Medical Marijuana and Patient
18 Protection Act;

19 ~~59.~~ 60. "Shipping container" means a hard-sided container with
20 a lid or other enclosure that can be secured in place. A shipping
21 container is used solely for the transport of medical marijuana,
22 medical marijuana concentrate, or medical marijuana products between
23 medical marijuana businesses, a medical marijuana research facility,
24 or a medical marijuana education facility;

1 ~~60.~~ 61. "Solvent-based medical marijuana concentrate" means a
2 medical marijuana concentrate that was produced by extracting
3 cannabinoids from medical marijuana through the use of a solvent
4 approved by the Department;

5 ~~61.~~ 62. "State Question" means Oklahoma State Question No. 788,
6 Initiative Petition No. 412, approved by a majority vote of the
7 citizens of Oklahoma on June 26, 2018;

8 ~~62.~~ 63. "Strain" means the classification of marijuana or
9 cannabis plants in either pure sativa, indica, afghanica, ruderalis
10 or hybrid varieties;

11 ~~63.~~ 64. "THC" means tetrahydrocannabinol, which is the primary
12 psychotropic cannabinoid in marijuana formed by decarboxylation of
13 naturally tetrahydrocannabinolic acid, which generally occurs by
14 exposure to heat;

15 ~~64.~~ 65. "Test batch" means with regard to usable marijuana, a
16 homogenous, identified quantity of usable marijuana by strain, no
17 greater than ten (10) pounds, that is harvested during a seven-day
18 period from a specified cultivation area, and with regard to oils,
19 vapors and waxes derived from usable marijuana, means an identified
20 quantity that is uniform, that is intended to meet specifications
21 for identity, strength and composition, and that is manufactured,
22 packaged and labeled during a specified time period according to a
23 single manufacturing, packaging and labeling protocol;

~~65.~~ 66. "Transporter agent" means a person who transports medical marijuana or medical marijuana products for a licensed transporter and holds a transporter agent license pursuant to the Oklahoma Medical Marijuana and Patient Protection Act;

~~66.~~ 67. "Universal symbol" means the image established by the State Department of Health or Oklahoma Medical Marijuana Authority and made available to licensees through its website indicating that the medical marijuana or the medical marijuana product contains THC;

~~67.~~ 68. "Usable marijuana" means the dried leaves, flowers, oils, vapors, waxes and other portions of the marijuana plant and any mixture or preparation thereof, excluding seeds, roots, stems, stalks and fan leaves; and

~~68.~~ 69. "Water-based medical marijuana concentrate" means a concentrate that was produced by extracting cannabinoids from medical marijuana through the use of only water, ice or dry ice.

SECTION 2. This act shall become effective November 1, 2024.

59-2-2864 MR 1/18/2024 2:01:20 PM