

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 HOUSE BILL 1716

By: Marti

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5  
6 AS INTRODUCED

7 An Act relating to medical marijuana; amending 63  
8 O.S. 2021, Sections 421, 422 and 423, as amended by  
9 Sections 1, 2 and 3, Chapter 332, O.S.L. 2022 (63  
10 O.S. Supp. 2022, Sections 421, 422 and 423) and 424,  
11 which relate to licensing requirements for medical  
12 marijuana dispensaries, commercial growers,  
13 processors and transporters; providing for temporary  
14 and annual licenses; updating language; amending 63  
15 O.S. 2021, Sections 427.14, as amended by Section 4,  
16 Chapter 332, O.S.L. 2022 and 427.16, as amended by  
17 Section 16, Chapter 251, O.S.L. 2022 (63 O.S. Supp.  
18 2022, Sections 427.14 and 427.16), which relate to  
19 the Oklahoma Medical Marijuana and Patient Protection  
20 Act; creating temporary and annual licensing program  
21 for certain medical marijuana businesses; stating  
22 conditions for temporary licenses; requiring  
23 adherence to certain rules and regulations;  
24 clarifying obligations of the Oklahoma Medical  
Marijuana Authority when issuing temporary licenses;  
stating length of term of temporary licenses;  
providing for extensions under certain circumstances;  
establishing fees for temporary licenses and  
extensions; requiring submission of certain  
information to the Authority; prohibiting issuance of  
license until certain inspections are completed;  
authorizing rejection of applications; defining term;  
clarifying circumstances that allow for the issuance  
of annual medical marijuana business licenses;  
requiring current licensees to submit certain  
documentation prior to renewal; establishing  
timelines and procedures; requiring person issued a  
temporary and annual license to annually submit  
certain documentation when seeking renewal of the  
license; updating language; creating temporary

1           licensing program for medical marijuana transporters;  
2           and providing an effective date.

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

4           SECTION 1.           AMENDATORY           63 O.S. 2021, Section 421, as  
5 amended by Section 1, Chapter 332, O.S.L. 2022 (63 O.S. Supp. 2022,  
6 Section 421), is amended to read as follows:

7           Section 421. A. The Oklahoma Medical Marijuana Authority shall  
8 make available on its website in an easy-to-find location ~~an~~  
9 ~~application~~ applications for a temporary medical marijuana  
10 dispensary license and annual medical marijuana dispensary license.  
11 The application ~~fee to~~ fees for the temporary or annual license  
12 shall be paid by the applicant ~~shall be~~ in the amounts provided for  
13 in Section 427.14 of this title. A method of payment for the  
14 application ~~fee~~ fees shall be provided on the website of the  
15 Authority. ~~Dispensary~~ Medical marijuana dispensary applicants must  
16 all be residents of Oklahoma. Any entity applying for a temporary  
17 or annual medical marijuana dispensary license must be owned by an  
18 Oklahoma resident and must be registered to do business in Oklahoma.  
19 The Authority shall have ninety (90) business days to review the  
20 application for a temporary medical marijuana dispensary license;  
21 approve, reject or deny the application; and mail the approval,  
22 rejection or denial letter stating reasons for the rejection or  
23 denial to the applicant.

1 B. ~~The~~ In addition to the requirements provided for in the  
2 Oklahoma Medical Marijuana and Patient Protection Act, the Authority  
3 shall approve all applications which meet the following criteria:

4 1. The applicant must be twenty-five (25) years of age or  
5 older;

6 2. The applicant, if applying as an individual, must show  
7 residency in the State of Oklahoma;

8 3. All applying entities must show that all members, managers,  
9 and board members are Oklahoma residents;

10 4. An applying entity may show ownership of non-Oklahoma  
11 residents, but that percentage ownership may not exceed twenty-five  
12 percent (25%);

13 5. All applying individuals or entities must be registered to  
14 conduct business in the State of Oklahoma; and

15 6. All applicants must disclose all ownership interests in the  
16 medical marijuana dispensary.

17 Applicants with a nonviolent felony conviction in the last two  
18 (2) years, any other felony conviction in the last five (5) years,  
19 inmates in the custody of the Department of Corrections or any  
20 person currently incarcerated shall not qualify for a temporary or  
21 annual medical marijuana dispensary license.

22 C. Licensed medical marijuana dispensaries shall be required to  
23 complete a monthly sales report to the Authority. This report shall  
24 be due on the fifteenth of each month and provide reporting on the

1 previous month. This report shall detail the weight of marijuana  
2 purchased at wholesale and the weight of marijuana sold to licensed  
3 medical marijuana patients and licensed caregivers and account for  
4 any waste. The report shall show total sales in dollars, tax  
5 collected in dollars, and tax due in dollars. The Authority shall  
6 have oversight and auditing responsibilities to ensure that all  
7 marijuana being grown is accounted for.

8 D. Only a licensed medical marijuana dispensary may conduct  
9 retail sales of marijuana or marijuana derivatives. Beginning on  
10 the effective date of this act, licensed medical marijuana  
11 dispensaries shall be authorized to package and sell pre-rolled  
12 marijuana to licensed medical marijuana patients and licensed  
13 caregivers. The products described in this subsection shall contain  
14 only the ground parts of the marijuana plant and shall not include  
15 marijuana concentrates or derivatives. The total net weight of each  
16 pre-roll packaged and sold by a medical marijuana dispensary shall  
17 not exceed one (1) gram. These products shall be tested, packaged  
18 and labeled in accordance with Oklahoma law and rules promulgated by  
19 the Authority.

20 E. No licensed medical marijuana dispensary shall offer or  
21 allow a medical marijuana patient licensee, caregiver licensee or  
22 other member of the public to handle or otherwise have physical  
23 contact with any medical marijuana not contained in a sealed or  
24 separate package. Provided, such prohibition shall not preclude an

1 employee of the licensed medical marijuana dispensary from handling  
2 loose or nonpackaged medical marijuana to be placed in packaging  
3 consistent with the Oklahoma Medical Marijuana and Patient  
4 Protection Act and the rules promulgated by the Authority for the  
5 packaging of medical marijuana for retail sale. Provided, further,  
6 such prohibition shall not prevent a licensed medical marijuana  
7 dispensary from displaying samples of its medical marijuana in  
8 separate display cases, jars or other containers and allowing  
9 medical marijuana patient licensees and caregiver licensees the  
10 ability to handle or smell the various samples as long as the sample  
11 medical marijuana is used for display purposes only and is not  
12 offered for retail sale.

13 SECTION 2. AMENDATORY 63 O.S. 2021, Section 422, as  
14 amended by Section 2, Chapter 332, O.S.L. 2022 (63 O.S. Supp. 2022,  
15 Section 422), is amended to read as follows:

16 Section 422. A. The Oklahoma Medical Marijuana Authority shall  
17 make available on its website in an easy-to-find location ~~an~~  
18 ~~application~~ applications for a temporary medical marijuana  
19 commercial grower license and annual medical marijuana commercial  
20 grower license. The application ~~fee~~ fees for the temporary or  
21 annual license shall be paid by the applicant in the amounts  
22 provided for in Section 427.14 of this title. A method of payment  
23 for the application ~~fee~~ fees shall be provided on the website of the  
24 Authority. The Authority shall have ninety (90) days to review the

1 application for a temporary medical marijuana commercial grower  
2 license; approve, reject or deny the application; and mail the  
3 approval, rejection or denial letter stating the reasons for the  
4 rejection or denial to the applicant.

5 B. ~~The~~ In addition to the requirements provided for in the  
6 Oklahoma Medical Marijuana and Patient Protection Act, the Authority  
7 shall approve all applications which meet the following criteria:

8 1. The applicant must be twenty-five (25) years of age or  
9 older;

10 2. The applicant, if applying as an individual, must show  
11 residency in the State of Oklahoma;

12 3. All applying entities must show that all members, managers,  
13 and board members are Oklahoma residents;

14 4. An applying entity may show ownership of non-Oklahoma  
15 residents, but that percentage ownership may not exceed twenty-five  
16 percent (25%);

17 5. All applying individuals or entities must be registered to  
18 conduct business in the State of Oklahoma; and

19 6. All applicants must disclose all ownership interests in the  
20 medical marijuana commercial grower operation.

21 Applicants with a nonviolent felony conviction in the last two  
22 (2) years, any other felony conviction in the last five (5) years,  
23 inmates in the custody of the Department of Corrections or any  
24

1 person currently incarcerated shall not qualify for a temporary or  
2 annual medical marijuana commercial grower license.

3 C. A licensed medical marijuana commercial grower may sell  
4 marijuana to a licensed medical marijuana dispensary or a licensed  
5 medical marijuana processor. Further, sales by a licensed medical  
6 marijuana commercial grower shall be considered wholesale sales and  
7 shall not be subject to taxation. Under no circumstances may a  
8 licensed medical marijuana commercial grower sell marijuana directly  
9 to a licensed medical marijuana patient or licensed medical  
10 marijuana caregiver. A licensed medical marijuana commercial grower  
11 may only sell at the wholesale level to a licensed medical marijuana  
12 dispensary, a licensed medical marijuana commercial grower or a  
13 licensed medical marijuana processor. If the federal government  
14 lifts restrictions on buying and selling marijuana between states,  
15 then a licensed medical marijuana commercial grower would be allowed  
16 to sell and buy marijuana wholesale from, or to, an out-of-state  
17 wholesale provider. A licensed medical marijuana commercial grower  
18 shall be required to complete a monthly yield and sales report to  
19 the Authority. This report shall be due on the fifteenth of each  
20 month and provide reporting on the previous month. This report  
21 shall detail the amount of marijuana harvested in pounds, the amount  
22 of drying or dried marijuana on hand, the amount of marijuana sold  
23 to licensed medical marijuana processors in pounds, the amount of  
24 waste in pounds, and the amount of marijuana sold to licensed

1 medical marijuana dispensaries in pounds. Additionally, this report  
2 shall show total wholesale sales in dollars. The Authority shall  
3 have oversight and auditing responsibilities to ensure that all  
4 marijuana being grown by licensed medical marijuana commercial  
5 growers is accounted for.

6 D. There shall be no limits on how much marijuana a licensed  
7 medical marijuana commercial grower can grow.

8 E. Beginning on the effective date of this act, licensed  
9 medical marijuana commercial growers shall be authorized to package  
10 and sell pre-rolled marijuana to licensed medical marijuana  
11 dispensaries. The products described in this subsection shall  
12 contain only the ground parts of the marijuana plant and shall not  
13 include marijuana concentrates or derivatives. The total net weight  
14 of each pre-roll packaged and sold by licensed medical marijuana  
15 commercial growers shall not exceed one (1) gram. These products  
16 must be tested, packaged and labeled in accordance with Oklahoma law  
17 and rules promulgated by the Authority.

18 SECTION 3. AMENDATORY 63 O.S. 2021, Section 423, as  
19 amended by Section 3, Chapter 332, O.S.L. 2022 (63 O.S. Supp. 2022,  
20 Section 423), is amended to read as follows:

21 Section 423. A. The Oklahoma Medical Marijuana Authority shall  
22 make available on its website in an easy-to-find location ~~an~~  
23 ~~application~~ applications for a temporary medical marijuana processor  
24 license and annual medical marijuana ~~processing~~ processor license.



1 The Authority shall be authorized to issue two types of annual  
2 medical marijuana processor licenses based on the level of risk  
3 posed by the type of processing conducted:

- 4 1. Nonhazardous medical marijuana processor license; and
- 5 2. Hazardous medical marijuana processor license.

6 The application ~~fee fees~~ for a ~~nonhazardous or hazardous medical~~  
7 ~~marijuana processor~~ the temporary or annual medical marijuana  
8 license shall be paid by the applicant in the amounts provided for  
9 in Section 427.14 of this title. A method of payment shall be  
10 provided on the website of the Authority. The Authority shall have  
11 ninety (90) days to review the application for a temporary medical  
12 marijuana processor license; approve, reject or deny the  
13 application; and mail the approval, rejection or denial letter  
14 stating the reasons for the rejection or denial to the applicant.

15 B. The Authority shall approve all applications which meet the  
16 following criteria:

17 1. The applicant must be twenty-five (25) years of age or  
18 older;

19 2. The applicant, if applying as an individual, must show  
20 residency in the State of Oklahoma;

21 3. All applying entities must show that all members, managers,  
22 and board members are Oklahoma residents;

23

24

1 4. An applying entity may show ownership of non-Oklahoma  
2 residents, but that percentage ownership may not exceed twenty-five  
3 percent (25%);

4 5. All applying individuals or entities must be registered to  
5 conduct business in the State of Oklahoma; and

6 6. All applicants must disclose all ownership interests in the  
7 ~~processing~~ medical marijuana processor operation.

8 Applicants with a nonviolent felony conviction in the last two  
9 (2) years, any other felony conviction in the last five (5) years,  
10 inmates in the custody of the Department of Corrections or any  
11 person currently incarcerated shall not qualify for a temporary or  
12 annual medical marijuana ~~processing~~ processor license.

13 C. 1. A licensed medical marijuana processor may take  
14 marijuana plants and distill or process these plants into  
15 concentrates, edibles, and other forms for consumption.

16 2. As required by subsection D of this section, the Authority  
17 shall make available a set of standards which shall be used by  
18 licensed medical marijuana processors in the preparation of edible  
19 marijuana products. The standards should be in line with current  
20 food preparation guidelines. No excessive or punitive rules may be  
21 established by the Authority.

22 3. Up to two times a year, the Authority may inspect a  
23 processing operation and determine its compliance with the  
24 preparation standards. If deficiencies are found, a written report

1 of the deficiency shall be issued to the licensed medical marijuana  
2 processor. The licensed medical marijuana processor shall have one  
3 (1) month to correct the deficiency or be subject to a fine of Five  
4 Hundred Dollars (\$500.00) for each deficiency.

5 4. A licensed medical marijuana processor may sell marijuana  
6 products it creates to a licensed medical marijuana dispensary or  
7 any other licensed medical marijuana processor. All sales by a  
8 licensed medical marijuana processor shall be considered wholesale  
9 sales and shall not be subject to taxation.

10 5. Under no circumstances may a licensed medical marijuana  
11 processor sell marijuana or any marijuana product directly to a  
12 licensed medical marijuana patient or licensed medical marijuana  
13 caregiver. However, a licensed medical marijuana processor may  
14 process cannabis into a concentrated form for a licensed medical  
15 marijuana patient for a fee.

16 6. Licensed medical marijuana processors shall be required to  
17 complete a monthly yield and sales report to the Authority. This  
18 report shall be due on the fifteenth of each month and shall provide  
19 reporting on the previous month. This report shall detail the  
20 amount of marijuana and medical marijuana products purchased in  
21 pounds, the amount of marijuana cooked or processed in pounds, and  
22 the amount of waste in pounds. Additionally, this report shall show  
23 total wholesale sales in dollars. The Authority shall have  
24

1 oversight and auditing responsibilities to ensure that all marijuana  
2 being processed is accounted for.

3 D. The Authority shall oversee the inspection and compliance of  
4 licensed medical marijuana processors producing products with  
5 marijuana as an additive. The Authority shall be compelled to  
6 ~~within thirty (30) days of passage of this initiative,~~ appoint  
7 twelve (12) Oklahoma residents to the Medical Marijuana Advisory  
8 Council, who are marijuana industry experts, to create a list of  
9 food safety standards for processing and handling medical marijuana  
10 in Oklahoma. These standards shall be adopted by the Authority and  
11 the Authority may enforce these standards for licensed medical  
12 marijuana processors. The Authority shall develop a standards  
13 review procedure and these standards can be altered by calling  
14 another council of twelve (12) Oklahoma marijuana industry experts.  
15 A signed letter of twenty operating, licensed medical marijuana  
16 processors shall constitute a need for a new council and standards  
17 review.

18 E. If it becomes permissible under federal law, marijuana may  
19 be moved across state lines.

20 F. Any device used for the processing or consumption of medical  
21 marijuana shall be considered legal to be sold, manufactured,  
22 distributed and possessed. No merchant, wholesaler, manufacturer or  
23 individual may be unduly harassed or prosecuted for selling,  
24 manufacturing or possessing marijuana paraphernalia.

1 SECTION 4. AMENDATORY 63 O.S. 2021, Section 424, is  
2 amended to read as follows:

3 Section 424. A. A temporary medical marijuana transportation  
4 transporter license will or an annual medical marijuana transporter  
5 license shall be issued to qualifying applicants for a medical  
6 marijuana ~~retail~~ dispensary, ~~growing~~ medical marijuana commercial  
7 grower, or ~~processing~~ medical marijuana processor license. The  
8 ~~transportation~~ temporary or annual medical marijuana transporter  
9 license will shall be issued at the time of approval of a ~~retail,~~  
10 ~~growing, or processing~~ the temporary or annual medical marijuana  
11 dispensary, medical marijuana commercial grower, or medical  
12 marijuana processor license. The fees for the temporary or annual  
13 license shall be paid by the applicant in the amounts provided for  
14 in Section 427.14 of this title.

15 B. A ~~transportation~~ medical marijuana transporter license ~~will~~  
16 shall allow the holder to transport medical marijuana from an  
17 Oklahoma-licensed medical marijuana ~~retailer~~ dispensary, licensed  
18 ~~growing~~ medical marijuana commercial grower facility, or ~~licensed~~  
19 medical marijuana processor facility to an Oklahoma-licensed medical  
20 marijuana ~~retailer~~ dispensary, licensed ~~growing~~ medical marijuana  
21 commercial grower facility, or ~~licensed~~ medical marijuana processing  
22 facility.

23  
24

1 C. All medical marijuana or medical marijuana products shall be  
2 transported in a locked container and clearly labeled "Medical  
3 Marijuana or Derivative".

4 SECTION 5. AMENDATORY 63 O.S. 2021, Section 427.14, as  
5 amended by Section 4, Chapter 332, O.S.L. 2022 (63 O.S. Supp. 2022,  
6 Section 427.14), is amended to read as follows:

7 Section 427.14 A. There is hereby created the medical  
8 marijuana business license, which shall include the following  
9 categories:

- 10 1. Medical marijuana commercial grower;
- 11 2. Medical marijuana processor;
- 12 3. Medical marijuana dispensary;
- 13 4. Medical marijuana transporter; and
- 14 5. Medical marijuana testing laboratory.

15 B. The Oklahoma Medical Marijuana Authority, with the aid of  
16 the Office of Management and Enterprise Services, shall develop a  
17 website for medical marijuana business license applications.

18 C. The Authority shall make available on its website in an  
19 easy-to-find location, applications for a temporary medical  
20 marijuana business license and annual medical marijuana business  
21 license.

22 D. Beginning November 1, 2023, the Authority shall require all  
23 persons or entities seeking licensure as a medical marijuana  
24 commercial grower, medical marijuana processor, medical marijuana

1 dispensary, or medical marijuana transporter to first apply for a  
2 temporary medical marijuana business license.

3 1. A temporary medical marijuana business license is a  
4 conditional license and does not authorize the licensee to conduct  
5 any sales of medical marijuana or marijuana products, the growing or  
6 processing of marijuana, or the transportation of any medical  
7 marijuana or marijuana products by the licensee. A temporary  
8 medical marijuana business licensee shall follow all applicable  
9 rules and regulations promulgated by the Authority.

10 2. A temporary medical marijuana business license does not  
11 obligate the Authority to issue an annual medical marijuana business  
12 license nor does the temporary medical marijuana business license  
13 create a vested right in the holder to either an extension of the  
14 temporary medical marijuana business license or to the granting of a  
15 subsequent annual medical marijuana business license.

16 3. A temporary medical marijuana business license issued under  
17 the provisions of this subsection shall be valid for one hundred  
18 eighty (180) days from its effective date.

19 4. A temporary medical marijuana business license may be  
20 extended by the Authority for additional ninety-day periods not to  
21 exceed eighteen (18) months if:

22 a. an application for an annual license has been  
23 submitted to the Authority prior to the initial  
24

1 expiration date of the temporary medical marijuana  
2 business license, and

3 b. the Authority determines that the application and  
4 required documentation submitted by the applicant for  
5 an annual medical marijuana business license is  
6 deficient in some manner.

7 5. In addition to the initial fee for a medical marijuana  
8 business license provided for in subsection E of this section, a  
9 nonrefundable application fee for a temporary medical marijuana  
10 business license shall be assessed in the amount of One Thousand  
11 Dollars (\$1,000.00). A nonrefundable fee of One Thousand Dollars  
12 (\$1,000.00) shall be assessed for every ninety-day extension  
13 requested by the holder of a temporary medical marijuana business  
14 license and subsequently granted by the Authority.

15 6. In addition to the general requirements provided for in  
16 subsection F of this section, persons or entities applying for a  
17 temporary medical marijuana business license or applying to renew a  
18 medical marijuana business license shall submit the following to the  
19 Authority:

20 a. business-formation documents, which may include, but  
21 not be limited to, articles of incorporation,  
22 operating agreements, partnership agreements, and  
23 fictitious business name statements. The applicant  
24



1 shall also provide all documents filed with the  
2 Oklahoma Secretary of State,

3 b. financial information pertaining to the operations of  
4 the medical marijuana business, which shall include  
5 the following:

6 (1) a list of funds belonging to the applicant held  
7 in savings, checking, or other accounts  
8 maintained by a financial institution. The  
9 applicant shall provide for each account, the  
10 name of the financial institution, the address of  
11 the financial institution, account type, account  
12 number, and the amount of money in the account,

13 (2) a list of loans made to the applicant. For each  
14 loan, the applicant shall provide the amount of  
15 the loan, the date of the loan, term of the loan,  
16 security provided for the loan, and the name,  
17 address, and phone number of the lender,

18 (3) a list of investments made into the medical  
19 marijuana business. For each investment, the  
20 applicant shall provide the amount of the  
21 investment, the date of the investment, term of  
22 the investment, and the name, address, and phone  
23 number of the investor, and  
24

1           (4) a list of all monetary gifts, equipment, and  
2           property of any kind given to the applicant for  
3           the purpose of or in exchange for applying for or  
4           operating a medical marijuana business. For each  
5           gift, the applicant shall provide the value or a  
6           description of the gift and the name, address,  
7           and phone number of the provider of the gift,

8       c. a complete list of every individual who has a  
9           financial interest in the medical marijuana business  
10           who is not an owner of the medical marijuana business,

11       d. whether the applicant has an ownership or a financial  
12           interest in any other medical marijuana business  
13           licensed under the provisions of the Oklahoma Medical  
14           Marijuana and Patient Protection Act,

15       e. a complete and detailed diagram of the proposed  
16           premises. If changes to the proposed premises occur  
17           during the application period, a revised set of plans  
18           shall be submitted to the Authority for final  
19           inspection. The diagram shall be to scale and shall  
20           show the following:

21           (1) boundaries of the property and the proposed  
22           premises to be licensed, showing all boundaries,  
23           dimensions, entrances and exits, interior  
24           partitions, walls, rooms, windows, doorways, and

1                   common or shared entryways, and shall include a  
2                   brief statement or description of the principal  
3                   activity to be conducted therein,

4                   (2) the location of medical marijuana business  
5                   activities that will take place in each area of  
6                   the premises, and limited-access areas,

7                   (3) where all cameras are located and a number  
8                   assigned to each camera for identification  
9                   purposes, and

10                  (4) if the proposed premises consists of only a  
11                  portion of the property, labels indicating which  
12                  part of the property is the proposed premises and  
13                  what the remaining property is used for,

14                  f. if the applicant is not the landowner of the real  
15                  property upon which the premises is located, the  
16                  applicant shall provide to the Authority a document  
17                  from the landowner or the agent of the landowner that  
18                  states that the applicant has the right to occupy the  
19                  property and acknowledging the applicant may use the  
20                  property for the medical marijuana business activity  
21                  for which the applicant is applying for licensure. An  
22                  applicant shall also provide a copy of the rental  
23                  agreement, as applicable,

1        g. if the applicant is the landowner of the real property  
2        upon which the premises is located, the applicant  
3        shall provide to the Authority a copy of the title or  
4        deed to the property,

5        h. if the applicant is applying for a medical marijuana  
6        commercial grower license, the applicant shall also  
7        submit the following:

8            (1) for indoor and mixed light cultivation,  
9            identification of all power sources for  
10           cultivation activities including, but not limited  
11           to, illumination, heating, cooling, and  
12           ventilation,

13           (2) if the applicant is proposing to use a diversion  
14           from a waterbody, groundwater well, or rain  
15           catchment system as a water source for  
16           cultivation, include the following locations on  
17           the property diagram with locations also provided  
18           as coordinates in either latitude and longitude  
19           or the Oklahoma Coordinate System:

20            (a) sources of water used, including the  
21            location of waterbody diversion, pump  
22            location, and distribution system, and

23            (b) location, type, and capacity of each storage  
24            unit to be used for cultivation, and

1           (3) a proposed cultivation plan, which shall include  
2           identification of all water sources used for  
3           cultivation activities, and

4           i. evidence of insurance including, but not limited to:

5           (1) general liability insurance,

6           (2) workers' compensation insurance or a copy of an  
7           Affidavit of Exempt Status filed with the  
8           Workers' Compensation Commission if compensation  
9           coverage is not required pursuant to the  
10           Administrative Workers' Compensation Act, and

11           (3) product liability insurance.

12           7. The Authority may request additional information from the  
13           applicant.

14           8. The Authority may reject an application for an annual  
15           medical marijuana business license if the requirements for a  
16           temporary medical marijuana business license or any provision of the  
17           Oklahoma Medical Marijuana and Patient Protection Act are not  
18           satisfied.

19           9. For purposes of this subsection, "financial interest"  
20           concerning a medical marijuana business shall include any  
21           contractual agreements for profit sharing, subcontracting, or  
22           similar financial arrangements; provided, that such disclosures  
23           alone shall not automatically indicate ownership of the license or  
24           require disclosure as an owner of the license.

1        E. 1. The In addition to the fee for a temporary medical  
2 marijuana transporter license, the annual, nonrefundable fee for a  
3 medical marijuana transporter license shall be Two Thousand Five  
4 Hundred Dollars (\$2,500.00).

5        2. The In addition to the nonrefundable application fee for a  
6 temporary medical marijuana business license, the initial fee for a  
7 medical marijuana commercial grower license shall be calculated  
8 based upon the total amount of square feet of canopy or acres the  
9 grower estimates will be harvested for the year. The annual,  
10 nonrefundable license fee shall be based upon the total amount of  
11 square feet of canopy harvested by the grower during the previous  
12 twelve (12) months. The amount of the fees shall be determined as  
13 follows:

14            a. For an indoor, greenhouse, or light deprivation  
15 medical marijuana grow facility:

16                    (1) Tier 1: Up to ten thousand (10,000) square feet  
17                            of canopy, the fee shall be Two Thousand Five  
18                            Hundred Dollars (\$2,500.00),

19                    (2) Tier 2: Ten thousand one (10,001) square feet of  
20                            canopy to twenty thousand (20,000) square feet of  
21                            canopy, the fee shall be Five Thousand Dollars  
22                            (\$5,000.00),

23                    (3) Tier 3: Twenty thousand one (20,001) square feet  
24                            of canopy to forty thousand (40,000) square feet

1 of canopy, the fee shall be Ten Thousand Dollars  
2 (\$10,000.00),

3 (4) Tier 4: Forty thousand one (40,001) square feet  
4 of canopy to sixty thousand (60,000) square feet  
5 of canopy, the fee shall be Twenty Thousand  
6 Dollars (\$20,000.00),

7 (5) Tier 5: Sixty thousand one (60,001) square feet  
8 of canopy to eighty thousand (80,000) square feet  
9 of canopy, the fee shall be Thirty Thousand  
10 Dollars (\$30,000.00),

11 (6) Tier 6: Eighty thousand one (80,001) square feet  
12 of canopy to ninety-nine thousand nine hundred  
13 ninety-nine (99,999) square feet of canopy, the  
14 fee shall be Forty Thousand Dollars (\$40,000.00),  
15 and

16 (7) Tier 7: One hundred thousand (100,000) square  
17 feet of canopy and beyond, the fee shall be Fifty  
18 Thousand Dollars (\$50,000.00), plus an additional  
19 twenty-five cents (\$0.25) per square foot of  
20 canopy over one hundred thousand (100,000) square  
21 feet.

22 b. For an outdoor medical marijuana grow facility:  
23  
24

- 1 (1) Tier 1: Up to two and one-half (2 1/2) acres,  
2 the fee shall be Two Thousand Five Hundred  
3 Dollars (\$2,500.00),
- 4 (2) Tier 2: Two and one-half (2 1/2) acres up to  
5 five (5) acres, the fee shall be Five Thousand  
6 Dollars (\$5,000.00),
- 7 (3) Tier 3: Five (5) acres up to ten (10) acres, the  
8 fee shall be Ten Thousand Dollars (\$10,000.00),
- 9 (4) Tier 4: Ten (10) acres up to twenty (20) acres,  
10 the fee shall be Twenty Thousand Dollars  
11 (\$20,000.00),
- 12 (5) Tier 5: Twenty (20) acres up to thirty (30)  
13 acres, the fee shall be Thirty Thousand Dollars  
14 (\$30,000.00),
- 15 (6) Tier 6: Thirty (30) acres up to forty (40)  
16 acres, the fee shall be Forty Thousand Dollars  
17 (\$40,000.00),
- 18 (7) Tier 7: Forty (40) acres up to fifty (50) acres,  
19 the fee shall be Fifty Thousand Dollars  
20 (\$50,000.00), and
- 21 (8) Tier 8: If the amount of acreage exceeds fifty  
22 (50) acres, the fee shall be Fifty Thousand  
23 Dollars (\$50,000.00) plus an additional Two  
24 Hundred Fifty Dollars (\$250.00) per acre.



1 c. For a medical marijuana commercial grower that has a  
2 combination of both indoor and outdoor growing  
3 facilities at one location, the medical marijuana  
4 commercial grower shall be required to obtain a  
5 separate license from the Authority for each type of  
6 grow operation and shall be subject to the licensing  
7 fees provided for in subparagraphs a and b of this  
8 paragraph.

9 d. As used in this paragraph:

10 (1) "canopy" means the total surface area within a  
11 cultivation area that is dedicated to the  
12 cultivation of flowering marijuana plants. The  
13 surface area of the plant canopy must be  
14 calculated in square feet and measured and must  
15 include all of the area within the boundaries  
16 where the cultivation of the flowering marijuana  
17 plants occurs. If the surface of the plant  
18 canopy consists of noncontiguous areas, each  
19 component area must be separated by identifiable  
20 boundaries. If a tiered or shelving system is  
21 used in the cultivation area, the surface area of  
22 each tier or shelf must be included in  
23 calculating the area of the plant canopy.  
24 Calculation of the area of the plant canopy may

1 not include the areas within the cultivation area  
2 that are used to cultivate immature marijuana  
3 plants and seedlings, prior to flowering, and  
4 that are not used at any time to cultivate mature  
5 marijuana plants. If the flowering plants are  
6 vertically grown in cylinders, the square footage  
7 of the canopy shall be measured by the  
8 circumference of the cylinder multiplied by the  
9 total length of the cylinder,

10 (2) "greenhouse" means a structure located outdoors  
11 that is completely covered by a material that  
12 allows a controlled level of light transmission,  
13 and

14 (3) "light deprivation" means a structure that has  
15 concrete floors and the ability to manipulate  
16 natural light.

17 3. The In addition to the nonrefundable application fee for a  
18 temporary medical marijuana business license, the annual,  
19 nonrefundable license fee for a medical marijuana processor license  
20 shall be determined as follows:

21 a. Tier 1: Zero (0) to ten thousand (10,000) pounds of  
22 biomass or production or use of up to one hundred  
23 (100) liters of cannabis concentrate, the annual fee  
24

1 shall be Two Thousand Five Hundred Dollars  
2 (\$2,500.00),

3 b. Tier 2: Ten thousand one (10,001) pounds to fifty  
4 thousand (50,000) pounds of biomass or production or  
5 use from one hundred one (101) to three hundred fifty  
6 (350) liters of cannabis concentrate, the annual fee  
7 shall be Five Thousand Dollars (\$5,000.00),

8 c. Tier 3: Fifty thousand one (50,001) pounds to one  
9 hundred fifty thousand (150,000) pounds of biomass or  
10 production or use from three hundred fifty-one (351)  
11 to six hundred fifty (650) liters of cannabis  
12 concentrate, the annual fee shall be Ten Thousand  
13 Dollars (\$10,000.00),

14 d. Tier 4: One hundred fifty thousand one (150,001)  
15 pounds to three hundred thousand (300,000) pounds of  
16 biomass or production or use from six hundred fifty-  
17 one (651) to one thousand (1,000) liters of cannabis  
18 concentrate, the annual fee shall be Fifteen Thousand  
19 Dollars (\$15,000.00), and

20 e. Tier 5: More than three hundred thousand one  
21 (300,001) pounds of biomass or production or use in  
22 excess of one thousand one (1,001) liters of cannabis  
23 concentrate, the annual fee shall be Twenty Thousand  
24 Dollars (\$20,000.00).

1 For purposes of this paragraph only, if the cannabis concentrate  
2 is in nonliquid form, every one thousand (1,000) grams of  
3 concentrated marijuana shall be calculated as one (1) liter of  
4 cannabis concentrate.

5 4. ~~The~~ In addition to the nonrefundable application fee for a  
6 temporary medical marijuana business license, the initial fee for a  
7 medical marijuana dispensary license shall be Two Thousand Five  
8 Hundred Dollars (\$2,500.00). The annual, nonrefundable license fee  
9 for a medical marijuana dispensary license shall be calculated at  
10 ten percent (10%) of the sum of twelve (12) calendar months of the  
11 combined annual state sales tax and state excise tax of the  
12 dispensary. The minimum fee shall be not less than Two Thousand  
13 Five Hundred Dollars (\$2,500.00) and the maximum fee shall not  
14 exceed Ten Thousand Dollars (\$10,000.00).

15 5. ~~The~~ In addition to the nonrefundable application fee for a  
16 temporary medical marijuana business license, the annual,  
17 nonrefundable license fee for a medical marijuana testing laboratory  
18 shall be Twenty Thousand Dollars (\$20,000.00).

19 ~~E.~~ F. All applicants seeking licensure or licensure renewal as  
20 a medical marijuana business shall comply with the following general  
21 requirements:

22 1. All applications for licenses and registrations authorized  
23 pursuant to this section shall be made upon forms prescribed by the  
24 Authority;

1        2. Each application shall identify the city or county in which  
2 the applicant seeks to obtain licensure as a medical marijuana  
3 business;

4        3. Applicants shall submit a complete application to the  
5 Authority before the application may be accepted or considered;

6        4. All applications shall be complete and accurate in every  
7 detail;

8        5. All applications shall include all attachments or  
9 supplemental information required by the forms supplied by the  
10 Authority;

11       6. All applications shall be accompanied by a full remittance  
12 for the whole amount of the application fees. Application fees are  
13 nonrefundable;

14       7. All applicants shall be approved for licensing review that,  
15 at a minimum, meets the following criteria:

16           a. twenty-five (25) years of age or older,

17           b. if applying as an individual, proof that the applicant  
18 is an Oklahoma resident pursuant to paragraph 11 of  
19 this subsection,

20           c. if applying as an entity, proof that seventy-five  
21 percent (75%) of all members, managers, executive  
22 officers, partners, board members or any other form of  
23 business ownership are Oklahoma residents pursuant to  
24 paragraph 11 of this subsection,

- 1           d.    if applying as an individual or entity, proof that the  
2                individual or entity is registered to conduct business  
3                in the State of Oklahoma,  
4           e.    disclosure of all ownership interests pursuant to the  
5                Oklahoma Medical Marijuana and Patient Protection Act,  
6                and  
7           f.    proof that the medical marijuana business, medical  
8                marijuana research facility, medical marijuana  
9                education facility and medical marijuana waste  
10              disposal facility applicant or licensee has not been  
11              convicted of a nonviolent felony in the last two (2)  
12              years, or any other felony conviction within the last  
13              five (5) years, is not a current inmate in the custody  
14              of the Department of Corrections, or currently  
15              incarcerated in a jail or corrections facility;

16           8.    There shall be no limit to the number of medical marijuana  
17           business licenses or categories that an individual or entity can  
18           apply for or receive, although each application and each category  
19           shall require a separate application and application fee.  A  
20           commercial grower, processor and dispensary, or any combination  
21           thereof, are authorized to share the same address or physical  
22           location, subject to the restrictions set forth in the Oklahoma  
23           Medical Marijuana and Patient Protection Act;

1 9. All applicants for a medical marijuana business license,  
2 research facility license or education facility license authorized  
3 by the Oklahoma Medical Marijuana and Patient Protection Act, or for  
4 a renewal of such license, shall undergo an Oklahoma criminal  
5 history background check conducted by the Oklahoma State Bureau of  
6 Investigation (OSBI) within thirty (30) days prior to the  
7 application for the license, including:

- 8 a. individual applicants applying on their own behalf,
- 9 b. individuals applying on behalf of an entity,
- 10 c. all principal officers of an entity, and
- 11 d. all owners of an entity as defined by the Oklahoma  
12 Medical Marijuana and Patient Protection Act;

13 10. All applicable fees charged by the OSBI are the  
14 responsibility of the applicant and shall not be higher than fees  
15 charged to any other person or industry for such background checks;

16 11. In order to be considered an Oklahoma resident for purposes  
17 of a medical marijuana business license application, all applicants  
18 shall provide proof of Oklahoma residency for at least two (2) years  
19 immediately preceding the date of application or five (5) years of  
20 continuous Oklahoma residency during the preceding twenty-five (25)  
21 years immediately preceding the date of application. Sufficient  
22 documentation of proof of residency shall include a combination of  
23 the following:

- 24 a. an unexpired Oklahoma-issued driver license,

- 1           b.    an Oklahoma identification card,
- 2           c.    a utility bill preceding the date of application,
- 3                excluding cellular telephone and Internet bills,
- 4           d.    a residential property deed to property in the State
- 5                of Oklahoma, and
- 6           e.    a rental agreement preceding the date of application
- 7                for residential property located in the State of
- 8                Oklahoma.

9           Applicants that were issued a medical marijuana business license  
10 prior to August 30, 2019, are hereby exempt from the two-year or  
11 five-year Oklahoma residence requirement mentioned above;

12           12. All license applicants shall be required to submit a  
13 registration with the Oklahoma State Bureau of Narcotics and  
14 Dangerous Drugs Control as provided in Sections 2-302 through 2-304  
15 of this title;

16           13. All applicants shall establish their identity through  
17 submission of a color copy or digital image of one of the following  
18 unexpired documents:

- 19           a.    front of an Oklahoma driver license,
- 20           b.    front of an Oklahoma identification card,
- 21           c.    a United States passport or other photo identification
- 22                issued by the United States government, or
- 23
- 24



1 d. a tribal identification card approved for  
2 identification purposes by the Oklahoma Department of  
3 Public Safety; and

4 14. All applicants shall submit an applicant photograph.

5 ~~F.~~ G. The Authority shall review the temporary medical  
6 marijuana business license application; approve, reject or deny the  
7 application; and mail the approval, rejection, denial or status-  
8 update letter to the applicant within ninety (90) business days of  
9 receipt of the application.

10 ~~G.~~ H. 1. The Authority shall review the temporary medical  
11 marijuana business license applications and conduct all  
12 investigations, inspections and interviews before approving the  
13 application for an annual medical marijuana business license for the  
14 specific category applied under. The annual medical marijuana  
15 business license shall not be issued until the Authority determines  
16 that all necessary inspections and reviews including, but not  
17 limited to, plan reviews, safety inspections or compliance  
18 inspections, have been completed.

19 2. Approved applicants shall be issued a an annual medical  
20 marijuana business license for the specific category applied under,  
21 which shall act as proof of their approved status. Rejection and  
22 denial letters shall provide a reason for the rejection or denial.  
23 Applications for an annual medical marijuana business license may  
24 only be rejected or denied based on the applicant not meeting the

1 standards set forth in the provisions of subsection D of this  
2 section for a temporary medical marijuana business license, the  
3 provisions of the Oklahoma Medical Marijuana and Patient Protection  
4 Act and Sections 420 through 426.1 of this title, improper  
5 completion of the application, or for a reason provided for in the  
6 Oklahoma Medical Marijuana and Patient Protection Act and Sections  
7 420 through 426.1 of this title. If an application for an annual  
8 medical marijuana business license is rejected for failure to  
9 provide required information, the applicant shall ~~have thirty (30)~~  
10 ~~days~~ be granted an extension of time as provided for in paragraph 4  
11 of subsection D of this section to submit the required information  
12 for reconsideration. ~~No additional application fee and~~ shall be  
13 ~~charged for such reconsideration~~ assessed a nonrefundable fee of One  
14 Thousand Dollars (\$1,000.00) for every ninety-day extension  
15 requested by the applicant and subsequently granted by the  
16 Authority. Unless the Authority determines otherwise, an  
17 application that has been resubmitted but is still incomplete or  
18 contains errors that are not clerical or typographical in nature  
19 shall be denied.

20 3. Status-update letters shall provide a reason for delay in  
21 either approval, rejection or denial should a situation arise in  
22 which an application was submitted properly but a delay in  
23 processing the application occurred.

24

1 4. Approval, rejection, denial or status-update letters shall  
2 be sent to the applicant in the same method the application was  
3 submitted to the Authority.

4 5. Medical marijuana businesses issued a medical marijuana  
5 business license prior to the effective date of this act shall be  
6 required to submit business-formation documents, financial  
7 information, and insurance information pertaining to the operations  
8 of the medical marijuana business, as prescribed in subparagraphs a,  
9 b, c, d, e, f, and i of paragraph 6 of subsection D of this section,  
10 to the Authority prior to renewal of the medical marijuana business  
11 license. The medical marijuana business licensee shall submit the  
12 required documentation not less than sixty (60) days prior to the  
13 date of renewal of the medical marijuana business license. The  
14 Authority shall have thirty (30) days to review the submitted  
15 documentation and an additional thirty (30) days immediately  
16 thereafter for purposes of resolving any inconsistencies,  
17 discrepancies, or disputed issues found within the submitted  
18 documentation. If the medical marijuana business licensee fails to  
19 submit the required documentation sixty (60) days prior to the date  
20 of renewal, the license of the medical marijuana business shall be  
21 suspended until such time as the documentation is submitted to the  
22 Authority.

23 6. Medical marijuana businesses that have been issued a  
24 temporary and annual medical marijuana business license pursuant to

1 the provisions of subsection D of this section shall be required to  
2 annually submit updated business-formation documents, financial  
3 information, and insurance information pertaining to the operations  
4 of the medical marijuana business, as prescribed in subparagraphs a,  
5 b, c, d, e, f, and i of paragraph 6 of subsection D of this section,  
6 to the Authority when seeking renewal of the medical marijuana  
7 business license.

8       # I. A license for a medical marijuana business, medical  
9 marijuana research facility, medical marijuana education facility or  
10 medical marijuana waste disposal facility shall not be issued to or  
11 held by:

12       1. A person until all required fees have been paid;

13       2. A person who has been convicted of a nonviolent felony  
14 within two (2) years of the date of application, or within five (5)  
15 years for any other felony;

16       3. A corporation, if the criminal history of any of its  
17 officers, directors or stockholders indicates that the officer,  
18 director or stockholder has been convicted of a nonviolent felony  
19 within two (2) years of the date of application, or within five (5)  
20 years for any other felony;

21       4. A person under twenty-five (25) years of age;

22       5. A person licensed pursuant to this section who, during a  
23 period of licensure, or who, at the time of application, has failed  
24 to:

1 a. file taxes, interest or penalties due related to a  
2 medical marijuana business, or

3 b. pay taxes, interest or penalties due related to a  
4 medical marijuana business;

5 6. A sheriff, deputy sheriff, police officer or prosecuting  
6 officer, or an officer or employee of the Authority or municipality;

7 7. A person whose authority to be a caregiver, as defined in  
8 Section 427.2 of this title, has been revoked by the Authority; or

9 8. A person who was involved in the management or operations of  
10 any medical marijuana business, medical marijuana research facility,  
11 medical marijuana education facility or medical marijuana waste  
12 disposal facility that, after the initiation of a disciplinary  
13 action, has had a medical marijuana license revoked, not renewed, or  
14 surrendered during the five (5) years preceding submission of the  
15 application and for the following violations:

16 a. unlawful sales or purchases,

17 b. any fraudulent acts, falsification of records or  
18 misrepresentation to the Authority, medical marijuana  
19 patient licensees, caregiver licensees or medical  
20 marijuana business licensees,

21 c. any grossly inaccurate or fraudulent reporting,

22 d. threatening or harming any medical marijuana patient,  
23 caregiver, medical practitioner or employee of the  
24 Authority,

- 1 e. knowingly or intentionally refusing to permit the  
2 Authority access to premises or records,  
3 f. using a prohibited, hazardous substance for processing  
4 in a residential area,  
5 g. criminal acts relating to the operation of a medical  
6 marijuana business, or  
7 h. any violations that endanger public health and safety  
8 or product safety.

9 ¶ J. In investigating the qualifications of an applicant or a  
10 licensee, the Authority and municipalities may have access to  
11 criminal history record information furnished by a criminal justice  
12 agency subject to any restrictions imposed by such an agency.

13 ¶ K. The failure of an applicant or licensee to provide the  
14 requested information by the Authority deadline may be grounds for  
15 denial of the application.

16 ¶ L. All applicants and licensees shall submit information to  
17 the Authority in a full, faithful, truthful and fair manner. The  
18 Authority may recommend denial of an application where the applicant  
19 or licensee made misstatements, omissions, misrepresentations or  
20 untruths in the application or in connection with the background  
21 investigation of the applicant. This type of conduct may be grounds  
22 for administrative action against the applicant or licensee. Typos  
23 and scrivener errors shall not be grounds for denial.

1        ~~¶~~ M. A licensed medical marijuana business premises shall be  
2 subject to and responsible for compliance with applicable provisions  
3 consistent with the zoning where such business is located as  
4 described in the most recent versions of the Oklahoma Uniform  
5 Building Code, the International Building Code and the International  
6 Fire Code, unless granted an exemption by a municipality or  
7 appropriate code enforcement entity.

8        ~~¶~~ N. All medical marijuana business, medical marijuana research  
9 facility, medical marijuana education facility and medical marijuana  
10 waste disposal facility licensees shall pay the relevant licensure  
11 fees prior to receiving licensure to operate.

12        ~~¶~~ O. A medical marijuana business, medical marijuana research  
13 facility, medical marijuana education facility or medical marijuana  
14 waste disposal facility that attempts to renew its license after the  
15 expiration date of the license shall pay a late renewal fee in an  
16 amount to be determined by the Authority to reinstate the license.  
17 Late renewal fees are nonrefundable. A license that has been  
18 expired for more than ninety (90) days shall not be renewed.

19        ~~¶~~ P. No medical marijuana business, medical marijuana research  
20 facility, medical marijuana education facility or medical marijuana  
21 waste disposal facility shall possess, sell or transfer medical  
22 marijuana or medical marijuana products without a valid, unexpired  
23 license issued by the Authority.

24

1 SECTION 6. AMENDATORY 63 O.S. 2021, Section 427.16, as  
2 amended by Section 16, Chapter 251, O.S.L. 2022 (63 O.S. Supp. 2022,  
3 Section 427.16), is amended to read as follows:

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

7 B. Pursuant to Section 424 of this title, the Oklahoma Medical  
8 Marijuana Authority shall issue a temporary and an annual medical  
9 marijuana transporter license to licensed medical marijuana  
10 commercial growers, licensed medical marijuana processors, and  
11 licensed medical marijuana dispensaries upon issuance of such  
12 licenses and upon each renewal. Medical marijuana transporter  
13 licenses shall also be issued to licensed medical marijuana research  
14 facilities, licensed medical marijuana education facilities and  
15 licensed medical marijuana testing laboratories upon issuance of  
16 such licenses and upon each renewal.

17 C. A temporary or annual medical marijuana transporter license  
18 may also be issued to qualifying applicants who are registered with  
19 the Secretary of State and otherwise meet the requirements for a  
20 medical marijuana business license set forth in Section 427.14 of  
21 this title, the Oklahoma Medical Marijuana and Patient Protection  
22 Act and the requirements set forth in this section to provide  
23 logistics, distribution and storage of medical marijuana, medical  
24 marijuana concentrate and medical marijuana products.



1 D. A medical marijuana transporter license shall be valid for  
2 one (1) year and shall not be transferred with a change of  
3 ownership. A licensed medical marijuana transporter shall be  
4 responsible for all medical marijuana, medical marijuana concentrate  
5 and medical marijuana products once the transporter takes control of  
6 the product.

7 E. A transporter license shall be required for any person or  
8 entity to transport or transfer medical marijuana, medical marijuana  
9 concentrate or medical marijuana products from a licensed medical  
10 marijuana business to another medical marijuana business, or from a  
11 medical marijuana business to a medical marijuana research facility  
12 or medical marijuana education facility.

13 F. A medical marijuana transporter licensee may contract with  
14 multiple licensed medical marijuana businesses.

15 G. A medical marijuana transporter may maintain a licensed  
16 premises to temporarily store medical marijuana, medical marijuana  
17 concentrate and medical marijuana products and to use as a  
18 centralized distribution point. A medical marijuana transporter may  
19 store and distribute medical marijuana, medical marijuana  
20 concentrate and medical marijuana products from the licensed  
21 premises. The licensed premises shall meet all security  
22 requirements applicable to a medical marijuana business.

23 H. A medical marijuana transporter licensee shall use the seed-  
24 to-sale tracking system developed pursuant to the Oklahoma Medical

1 Marijuana and Patient Protection Act to create shipping manifests  
2 documenting the transport of medical marijuana, medical marijuana  
3 concentrate and medical marijuana products throughout the state.

4 I. A licensed medical marijuana transporter may maintain and  
5 operate one or more warehouses in the state to handle medical  
6 marijuana, medical marijuana concentrate and medical marijuana  
7 products. Each location shall be registered and inspected by the  
8 Authority prior to its use.

9 J. With the exception of a lawful transfer between medical  
10 marijuana businesses who are licensed to operate at the same  
11 physical address, all medical marijuana, medical marijuana  
12 concentrate and medical marijuana products shall be transported:

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

15 2. In a locked container and clearly labeled "Medical Marijuana  
16 or Derivative"; and

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

19 K. A transporter agent may possess marijuana at any location  
20 while the transporter agent is transferring marijuana to or from a  
21 licensed medical marijuana business, licensed medical marijuana  
22 research facility or licensed medical marijuana education facility.  
23 The Authority shall administer and enforce the provisions of this  
24 section concerning transportation.

1 L. The Authority shall issue a transporter agent license to  
2 individual agents, employees, officers or owners of a transporter  
3 license in order for the individual to qualify to transport medical  
4 marijuana, medical marijuana concentrate or medical marijuana  
5 products.

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

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

- 12 1. The name, address and date of birth of the person;
- 13 2. Proof of current state residency;
- 14 3. Proof of identity as required for a medical marijuana  
15 business license;
- 16 4. Possession of a valid state-issued driver license;
- 17 5. Verification of employment with a licensed transporter;
- 18 6. The application and affiliated fee; and
- 19 7. A copy of the criminal background check conducted by the  
20 Oklahoma State Bureau of Investigation, paid for by the applicant.

21 O. If the transporter agent application is denied, the  
22 Authority shall notify the transporter in writing of the reason for  
23 denying the registry identification card.

24

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

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

9 R. The Authority may revoke or suspend the transporter license  
10 of a transporter that the Authority determines knowingly aided or  
11 facilitated a violation of any provision of this section, and the  
12 license holder is subject to any other penalties established in law  
13 for the violation.

14 S. Vehicles used in the transport of medical marijuana or  
15 medical marijuana product shall be:

- 16 1. Insured at or above the legal requirements in this state;
- 17 2. Capable of securing medical marijuana during transport; and
- 18 3. In possession of a shipping container as defined in Section  
19 427.2 of this title capable of securing all transported products.

20 T. Prior to the transport of any medical marijuana, medical  
21 marijuana concentrate or medical marijuana products, an inventory  
22 manifest shall be prepared at the origination point of the medical  
23 marijuana. The inventory manifest shall include the following  
24 information:

- 1 1. For the origination point of the medical marijuana:
  - 2 a. the licensee number for the commercial grower,
  - 3 processor or dispensary,
  - 4 b. address of origination of transport, and
  - 5 c. name and contact information for the originating
  - 6 licensee;
- 7 2. For the end recipient license holder of the medical  
8 marijuana:
  - 9 a. the license number for the dispensary, commercial
  - 10 grower, processor, research facility or education
  - 11 facility destination,
  - 12 b. address of the destination, and
  - 13 c. name and contact information for the destination
  - 14 licensee;
- 15 3. Quantities by weight or unit of each type of medical  
16 marijuana product contained in transport;
- 17 4. The date of the transport and the approximate time of  
18 departure;
- 19 5. The arrival date and estimated time of arrival;
- 20 6. Printed names and signatures of the personnel accompanying  
21 the transport; and
- 22 7. Notation of the transporting licensee.
- 23 U. 1. A separate inventory manifest shall be prepared for each  
24 licensee receiving the medical marijuana.

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

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

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

11           SECTION 7. This act shall become effective November 1, 2023.

12

13           59-1-6680           GRS           01/10/23

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