

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 HOUSE BILL 3182

By: Hilbert

4
5
6 AS INTRODUCED

7 An Act relating to medical marijuana; amending
8 Section 14, Chapter 11, O.S.L. 2019, as amended by
9 Section 6, Chapter 509, O.S.L. 2019 (63 O.S. Supp.
10 2019, Section 427.14), which relates to the Oklahoma
11 Medical Marijuana and Patient Protection Act;
12 modifying list of individuals who are ineligible for
13 medical marijuana business licenses; and providing an
14 effective date.

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

16 SECTION 1. AMENDATORY Section 14, Chapter 11, O.S.L.
17 2019, as amended by Section 6, Chapter 509, O.S.L. 2019 (63 O.S.
18 Supp. 2019, Section 427.14), is amended to read as follows:

19 Section 427.14 A. There is hereby created the medical
20 marijuana business license, which shall include the following
21 categories:

- 22 1. Medical marijuana commercial grower;
- 23 2. Medical marijuana processor;
- 24 3. Medical marijuana dispensary;
4. Medical marijuana transporter; and
5. Medical marijuana testing laboratory.

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

4 C. The Authority shall make available on its website ~~or the~~
5 ~~website of the Oklahoma Medical Marijuana Authority,~~ in an easy-to-
6 find location, license applications for a medical marijuana
7 business.

8 D. The nonrefundable application fee for a medical marijuana
9 business license shall be Two Thousand Five Hundred Dollars
10 (\$2,500.00).

11 E. All applicants seeking licensure as a medical marijuana
12 business shall comply with the following general requirements:

13 1. All applications for licenses and registrations authorized
14 pursuant to this section shall be made upon forms prescribed by the
15 Authority;

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

19 3. Applicants shall submit a complete application to the
20 ~~Department~~ Authority before the application may be accepted or
21 considered;

22 4. All applications shall be complete and accurate in every
23 detail;

1 5. All applications shall include all attachments or
2 supplemental information required by the forms supplied by the
3 Authority;

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

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

9 a. all applicants shall be age twenty-five (25) years of
10 age or older,

11 b. any applicant applying as an individual shall show
12 proof that the applicant is an Oklahoma resident
13 pursuant to paragraph 11 of this subsection,

14 c. any applicant applying as an entity shall show that
15 seventy-five percent (75%) of all members, managers,
16 executive officers, partners, board members or any
17 other form of business ownership are Oklahoma
18 residents pursuant to paragraph 11 of this subsection,

19 d. all applying individuals or entities shall be
20 registered to conduct business in the State of
21 Oklahoma,

22 e. all applicants shall disclose all ownership interests
23 pursuant to this act, and
24

1 f. applicants shall not have been convicted of a
2 nonviolent felony in the last two (2) years, and any
3 other felony conviction within the last five (5)
4 years, and shall not be current inmates, or currently
5 incarcerated in a jail or corrections facility;

6 8. There shall be no limit to the number of medical marijuana
7 business licenses or categories that an individual or entity can
8 apply for or receive, although each application and each category
9 shall require a separate application and application fee. A
10 commercial grower, processor ~~and~~ or dispensary, or any combination
11 thereof, are authorized to share the same address or physical
12 location, subject to the restrictions set forth in this act;

13 9. All applicants for a medical marijuana business license,
14 research facility license or education facility license authorized
15 by this act shall undergo an Oklahoma criminal history background
16 check conducted by the Oklahoma State Bureau of Investigation (OSBI)
17 within thirty (30) days prior to the application for the license,
18 including:

- 19 a. individual applicants applying on their own behalf,
 - 20 b. individuals applying on behalf of an entity,
 - 21 c. all principal officers of an entity, and
 - 22 d. all owners of an entity as defined by this act;
- 23
24

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

4 11. In order to be considered an Oklahoma resident for purposes
5 of a medical marijuana business license application, all applicants
6 shall provide proof of Oklahoma residency for at least two (2) years
7 immediately preceding the date of application or five (5) years of
8 continuous Oklahoma residency during the preceding twenty-five (25)
9 years immediately preceding the date of application. Sufficient
10 documentation of proof of residency shall include a combination of
11 the following:

- 12 a. an unexpired Oklahoma-issued driver license,
- 13 b. an Oklahoma voter identification card,
- 14 c. a utility bill preceding the date of application,
15 excluding cellular telephone and Internet bills,
- 16 d. a residential property deed to property in the State
17 of Oklahoma, and
- 18 e. a rental agreement preceding the date of application
19 for residential property located in the State of
20 Oklahoma;

21 12. All license applicants shall be required to submit a
22 registration with the Oklahoma State Bureau of Narcotics and
23 Dangerous Drugs Control as provided in Sections 2-202 through 2-204
24 of ~~Title 63 of the Oklahoma Statutes~~ this title;

1 13. All applicants shall establish their identity through
2 submission of a color copy or digital image of one of the following
3 unexpired documents:

- 4 a. front and back of an Oklahoma driver license,
- 5 b. front and back of an Oklahoma identification card,
- 6 c. a United States passport or other photo identification
7 issued by the United States government,
- 8 d. certified copy of the applicant's birth certificate
9 for minor applicants who do not possess a document
10 listed in this section, or
- 11 e. a tribal identification card approved for
12 identification purposes by the Oklahoma Department of
13 Public Safety; and

14 14. All applicants shall submit an applicant photograph.

15 F. The Authority shall review the medical marijuana business
16 license application, approve or reject the application and mail the
17 approval, rejection or status-update letter to the applicant within
18 ninety (90) days of receipt of the application.

19 G. 1. The Authority shall review the medical marijuana
20 business license applications and conduct all investigations,
21 inspections and interviews before approving the application.

22 2. Approved applicants shall be issued a medical marijuana
23 business license for the specific category applied under which shall
24 act as proof of their approved status. Rejection letters shall

1 provide a reason for the rejection. Applications may only be
2 rejected based on the applicant not meeting the standards set forth
3 in the provisions of this section, improper completion of the
4 application, or for a reason provided for in this act. If an
5 application is rejected for failure to provide required information,
6 the applicant shall have thirty (30) days to submit the required
7 information for reconsideration. No additional application fee
8 shall be charged for such reconsideration.

9 3. Status-update letters shall provide a reason for delay in
10 either approval or rejection should a situation arise in which an
11 application was submitted properly, but a delay in processing the
12 application occurred.

13 4. Approval, rejection or status-update letters shall be sent
14 to the applicant in the same method the application was submitted to
15 the Department.

16 H. A medical marijuana business license shall not be issued to
17 or held by:

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

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

22 3. A corporation, if the criminal history of any of its
23 officers, directors or stockholders indicates that the officer,
24 director or stockholder has been convicted of a nonviolent felony

1 within two (2) years of the date of application, or within five (5)
2 years for any other felony;

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

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

7 a. file taxes, interest or penalties due related to a
8 medical marijuana business, or

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

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

13 7. A person whose authority to be a caregiver as defined in
14 this act has been revoked by the Department; or

15 8. A publicly traded company.

16 I. In investigating the qualifications of an applicant or a
17 licensee, the State Department of Health, Authority and
18 municipalities may have access to criminal history record
19 information furnished by a criminal justice agency subject to any
20 restrictions imposed by such an agency. In the event the Department
21 considers the criminal history record of the applicant, the
22 Department shall also consider any information provided by the
23 applicant regarding such criminal history record, including but not
24 limited to evidence of rehabilitation, character references and

1 educational achievements, especially those items pertaining to the
2 period of time between the last criminal conviction of the applicant
3 and the consideration of the application for a state license.

4 J. The failure of an applicant to provide the requested
5 information by the Authority deadline may be grounds for denial of
6 the application.

7 K. All applicants shall submit information to the Department
8 and Authority in a full, faithful, truthful and fair manner. The
9 Department and Authority may recommend denial of an application
10 where the applicant made misstatements, omissions,
11 misrepresentations or untruths in the application or in connection
12 with the background investigation of the applicant. This type of
13 conduct may be considered as the basis for additional administrative
14 action against the applicant. Typos and scrivener errors shall not
15 be grounds for denial.

16 L. A licensed medical marijuana business premises shall be
17 subject to and responsible for compliance with applicable provisions
18 for medical marijuana business facilities as described in the most
19 recent versions of the Oklahoma Uniform Building Code, the
20 International Building Code and the International Fire Code, unless
21 granted an exemption by the Authority or municipality.

22 M. All medical marijuana business licensees shall pay the
23 relevant licensure fees prior to receiving licensure to operate a
24

1 medical marijuana business, as defined in this act, for each class
2 of license.

3 SECTION 2. This act shall become effective November 1, 2020.

4

5 57-2-10397 GRS 01/13/20

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24