

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 HOUSE BILL 3727

By: West (Josh)

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6 AS INTRODUCED

7 An Act relating to medical marijuana; amending 63
8 O.S. 2021, Section 427.3, which relates to the
9 Oklahoma Medical Marijuana and Patient Protection
Act; expanding scope of powers and duties; and
declaring an emergency.

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

13 SECTION 1. AMENDATORY 63 O.S. 2021, Section 427.3, is
14 amended to read as follows:

15 Section 427.3 A. There is hereby created the Oklahoma Medical
16 Marijuana Authority within the State Department of Health which
17 shall address issues related to the medical marijuana program in
18 Oklahoma including, but not limited to, the issuance of patient
19 licenses and medical marijuana business licenses, and the
20 dispensing, cultivating, processing, testing, transporting, storage,
21 research, and the use of and sale of medical marijuana pursuant to
22 the Oklahoma Medical Marijuana and Patient Protection Act.

1 B. The Department shall provide support staff to perform
2 designated duties of the Authority. The Department shall also
3 provide office space for meetings of the Authority.

4 C. The Department shall implement the provisions of the
5 Oklahoma Medical Marijuana and Patient Protection Act consistently
6 with the voter-approved State Question No. 788, Initiative Petition
7 No. 412, subject to the provisions of the Oklahoma Medical Marijuana
8 and Patient Protection Act.

9 D. The Department shall exercise its respective powers and
10 perform its respective duties and functions as specified in the
11 Oklahoma Medical Marijuana and Patient Protection Act and this title
12 including, but not limited to, the following:

13 1. Determine steps the state shall take, whether administrative
14 or legislative in nature, to ensure that research on marijuana and
15 marijuana products is being conducted for public purposes, including
16 the advancement of:

- 17 a. public health policy and public safety policy,
- 18 b. agronomic and horticultural best practices, and
- 19 c. medical and pharmacopoeia best practices;

20 2. Contract with third-party vendors and other governmental
21 entities in order to carry out the respective duties and functions
22 as specified in the Oklahoma Medical Marijuana and Patient
23 Protection Act;

1 3. Upon complaint or upon its own motion and upon a completed
2 investigation, levy fines as prescribed in applicable laws, rules
3 and regulations and suspend, revoke, or not renew licenses pursuant
4 to applicable laws, rules, and regulations;

5 4. Issue subpoenas for the appearance or production of persons,
6 records, and things in connection with disciplinary or contested
7 cases considered by the Department;

8 5. Apply for injunctive or declaratory relief to enforce the
9 provisions of applicable laws, rules, and regulations;

10 6. Inspect and examine all licensed premises of medical
11 marijuana businesses, research facilities, education facilities and
12 waste disposal facilities in which medical marijuana is cultivated,
13 manufactured, sold, stored, transported, tested, distributed, or
14 disposed of;

15 7. Upon action by the federal government by which the
16 production, sale, and use of marijuana in Oklahoma does not violate
17 federal law, work with the Oklahoma State Banking Department and the
18 State Treasurer to develop good practices and standards for banking
19 and finance for medical marijuana businesses;

20 8. Establish internal control procedures for licenses including
21 accounting procedures, reporting procedures and personnel policies;

22 9. Establish a fee schedule and collect fees for performing
23 background checks as the Commissioner deems appropriate. The fees
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1 charged pursuant to this paragraph shall not exceed the actual cost
2 incurred for each background check;

3 10. Establish a fee schedule and collect fees for material
4 changes requested by the licensee; ~~and~~

5 11. Establish regulations, which require a medical marijuana
6 business to submit information to the Oklahoma Medical Marijuana
7 Authority, deemed reasonably necessary to assist the Authority in
8 the prevention of diversion of medical marijuana by a licensed
9 medical marijuana business. Such information required by the
10 Authority may include, but shall not be limited to:

- 11 a. the square footage of the licensed premises,
- 12 b. a diagram of the licensed premises,
- 13 c. the number and type of lights at the licensed medical
14 marijuana commercial grower business,
- 15 d. the number, type and production capacity of equipment
16 located at the medical marijuana processing facility,
- 17 e. the names, addresses and telephone numbers of
18 employees or agents of a medical marijuana business,
- 19 f. employment manuals and standard operating procedures
20 for the medical marijuana business, and
- 21 g. any other information as the Authority reasonably
22 deems necessary; and

23 12. Declare and establish a temporary moratorium on the
24 approval and issuance of new medical marijuana business licenses,

1 authorized in Section 427.14 of this title, for an amount of time
2 the Authority determines necessary.

3 SECTION 2. It being immediately necessary for the preservation
4 of the public peace, health or safety, an emergency is hereby
5 declared to exist, by reason whereof this act shall take effect and
6 be in full force from and after its passage and approval.

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8 58-2-8642 GRS 12/28/21

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