

FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3956
Page 1 Section 1 Lines 20
Of the printed Bill
Of the Engrossed Bill

By removing "Section 1." from the bill in its entirety and inserting in lieu thereof, a new "Section 1." to read as follows:

(see attached)

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Scott Fetgatter _____

Reading Clerk

1 "SECTION 1. AMENDATORY Section 14, Chapter 11, O.S.L.
2 2019, as amended by Section 9, Chapter 477, O.S.L. 2019 (63 O.S.
3 Supp. 2019, Section 427.14), is amended to read as follows:

4 Section 427.14 A. There is hereby created the medical
5 marijuana business license, which shall include the following
6 categories:

- 7 1. Medical marijuana commercial grower;
- 8 2. Medical marijuana processor;
- 9 3. Medical marijuana dispensary;
- 10 4. Medical marijuana transporter; and
- 11 5. Medical marijuana testing laboratory.

12 B. The Oklahoma Medical Marijuana Authority, with the aid of
13 the Office of Management and Enterprise Services, shall develop a
14 website for medical marijuana business applications.

15 C. The Authority shall make available on its website in an
16 easy-to-find location, applications for a medical marijuana
17 business.

18 D. The nonrefundable application fee for a medical marijuana
19 business license shall be Two Thousand Five Hundred Dollars
20 (\$2,500.00).

21 E. All applicants seeking licensure as a medical marijuana
22 business shall comply with the following general requirements:
23
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1 1. All applications for licenses and registrations authorized
2 pursuant to this section shall be made upon forms prescribed by the
3 Authority;

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

7 3. Applicants shall submit a complete application to the
8 Department before the application may be accepted or considered;

9 4. All applications shall be complete and accurate in every
10 detail;

11 5. All applications shall include all attachments or
12 supplemental information required by the forms supplied by the
13 Authority;

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

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

19 a. all applicants shall be ~~age~~ twenty-five (25) years of
20 age or older,

21 b. any applicant applying as an individual shall show
22 proof that the applicant is an Oklahoma resident
23 pursuant to paragraph 11 of this subsection,
24

- 1 c. any applicant applying as an entity shall show that
2 seventy-five percent (75%) of all members, managers,
3 executive officers, partners, board members or any
4 other form of business ownership are Oklahoma
5 residents pursuant to paragraph 11 of this subsection,
6 d. all applying individuals or entities shall be
7 registered to conduct business in the State of
8 Oklahoma,
9 e. all applicants shall disclose all ownership interests
10 pursuant to ~~this act~~ the Oklahoma Medical Marijuana
11 and Patient Protection Act, and
12 f. applicants shall not have been convicted of a
13 nonviolent felony in the last two (2) years, and any
14 other felony conviction within the last five (5)
15 years, shall not be current inmates, or currently
16 incarcerated in a jail or corrections facility;

17 8. There shall be no limit to the number of medical marijuana
18 business licenses or categories that an individual or entity can
19 apply for or receive, although each application and each category
20 shall require a separate application and application fee. A
21 commercial grower, processor and dispensary, or any combination
22 thereof, are authorized to share the same address or physical
23 location, subject to the restrictions set forth in ~~this act~~ the
24 Oklahoma 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 ~~this act~~ the Oklahoma Medical Marijuana and Patient Protection
4 Act shall undergo an Oklahoma criminal history background check
5 conducted by the Oklahoma State Bureau of Investigation (OSBI)
6 within thirty (30) days prior to the application for the license,
7 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 ~~this act~~ Section
12 427.2 of this title;

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 application, all applicants shall
18 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 voter 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 or medical marijuana testing laboratories that were licensed by the
11 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control prior
12 to the enactment of the Oklahoma Medical Marijuana and Patient
13 Protection Act are hereby exempt from the two-year or five-year
14 Oklahoma residency requirement mentioned above. Upon the effective
15 date of this act, a transporter agent shall be exempt from the two-
16 year or five-year Oklahoma residency requirement provided for in
17 this subsection;

18 12. All license applicants shall be required to submit a
19 registration with the Oklahoma State Bureau of Narcotics and
20 Dangerous Drugs Control as provided in Sections 2-302 through 2-304
21 of ~~Title 63 of the Oklahoma Statutes~~ this title;

22 13. All applicants shall establish their identity through
23 submission of a color copy or digital image of one of the following
24 unexpired documents:

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

11 14. All applicants shall submit an applicant photograph.

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

16 G. 1. The Authority shall review the medical marijuana
17 business applications and conduct all investigations, inspections
18 and interviews before approving the application.

19 2. Approved applicants shall be issued a medical marijuana
20 business license for the specific category applied under which shall
21 act as proof of their approved status. Rejection letters shall
22 provide a reason for the rejection. Applications may only be
23 rejected based on the applicant not meeting the standards set forth
24 in the provisions of this section, improper completion of the

1 application, or for a reason provided for in ~~this act~~ the Oklahoma
2 Medical Marijuana and Patient Protection Act. If an application is
3 rejected for failure to provide required information, the applicant
4 shall have thirty (30) days to submit the required information for
5 reconsideration. No additional application fee shall be charged for
6 such reconsideration.

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

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

14 H. ~~A license provided by this act or by Section 421, 422, 423~~
15 ~~or 425 of Title 63 of the Oklahoma Statutes shall not be issued~~
16 ~~until all relevant local licenses and permits have been issued by~~
17 ~~the municipality, including but not limited to an occupancy permit~~
18 ~~or certificate of compliance.~~

19 I. ~~In the event that an applicant has not received the~~
20 ~~necessary permits, certificates or licenses from a municipality, but~~
21 ~~the applicant has fulfilled all other obligations required by this~~
22 ~~act, the Authority shall grant a conditional license. A conditional~~
23 ~~license shall remain valid for a period of one (1) year or until the~~
24 ~~applicant obtains the necessary local permits, certificates or~~

1 ~~licenses. An applicant shall not transfer any medical marijuana,~~
2 ~~concentrate or products to a medical marijuana business, patient or~~
3 ~~caregiver until approval is received from the Authority.~~

4 ~~⌋~~ A medical marijuana business license shall not be issued to
5 or held by:

- 6 1. A person until all required fees have been paid;
- 7 2. A person who has been convicted of a nonviolent felony
8 within two (2) years of the date of application, or within five (5)
9 years for any other felony;
- 10 3. A corporation, if the criminal history of any of its
11 officers, directors or stockholders indicates that the officer,
12 director or stockholder has been convicted of a nonviolent felony
13 within two (2) years of the date of application, or within five (5)
14 years for any other felony;
- 15 4. A person under twenty-five (25) years of age;
- 16 5. A person licensed pursuant to this section who, during a
17 period of licensure, or who, at the time of application, has failed
18 to:
 - 19 a. file taxes, interest or penalties due related to a
20 medical marijuana business, or
 - 21 b. pay taxes, interest or penalties due related to a
22 medical marijuana business;

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

4 7. A person whose authority to be a caregiver as defined in
5 ~~this act~~ Section 427.2 of this title has been revoked by the State
6 Department of Health.

7 ~~K.~~ I. In investigating the qualifications of an applicant or a
8 licensee, the Department, Authority and municipalities may have
9 access to criminal history record information furnished by a
10 criminal justice agency subject to any restrictions imposed by such
11 an agency. In the event the Department considers the criminal
12 history record of the applicant, the Department shall also consider
13 any information provided by the applicant regarding such criminal
14 history record, including but not limited to evidence of
15 rehabilitation, character references and educational achievements,
16 especially those items pertaining to the period of time between the
17 last criminal conviction of the applicant and the consideration of
18 the application for a state license.

19 ~~H.~~ J. The failure of an applicant to provide the requested
20 information by the Authority deadline may be grounds for denial of
21 the application.

22 ~~M.~~ K. All applicants shall submit information to the Department
23 and Authority in a full, faithful, truthful and fair manner. The
24 Department and Authority may recommend denial of an application

1 where the applicant made misstatements, omissions,
2 misrepresentations or untruths in the application or in connection
3 with the background investigation of the applicant. This type of
4 conduct may be considered as the basis for additional administrative
5 action against the applicant. Typos and scrivener errors shall not
6 be grounds for denial.

7 ~~N.~~ L. A licensed medical marijuana business premises shall be
8 subject to and responsible for compliance with applicable provisions
9 for medical marijuana business facilities as described in the most
10 recent versions of the Oklahoma Uniform Building Code, the
11 International Building Code and the International Fire Code, unless
12 granted an exemption by the Authority or municipality.

13 ~~O.~~ M. All medical marijuana business licensees shall pay the
14 relevant licensure fees prior to receiving licensure to operate a
15 medical marijuana business, as defined in ~~this act~~ Section 427.2 of
16 this title for each class of license."

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