

BILL SUMMARY
2nd Session of the 57th Legislature

Bill No.:	HB 3228
Version:	CS
Request Number:	10825
Author:	Echols
Date:	2/26/2020
Impact:	None

Research Analysis

The proposed committee substitute for HB 3228, as amended, creates the Oklahoma Medical Marijuana and Patient Protection Act. The measure directs the State Department of Health to charge a late renewal fee, to be determined by the department, for medical marijuana licensees reapplying more than 30 days past the license expiration date and to refuse to reinstate the license more than 90 days after the expiration date. It also gives the department 90 days to review medical marijuana license applications. Persons who were involved in a medical marijuana business and had their license revoked in the last five years cannot have a business, education, research, or waste disposal facility license.

The measure also allows 100 percent disabled veterans to pay a reduced application fee of \$20, and allows all patients to request at any time the withdrawal of their caregiver's license immediately and without a hearing.

The measure prohibits retailers and waste disposal facilities from being within 300 feet of a school. Retailers that were already established when a new school is built within 300 feet are exempt and may continue to reapply for license renewal. Additionally, patients who already hold a license before Nov. 1, 2020, are exempt from residency requirements for license applicants.

The measure provides for penalties for fraudulent or grossly inaccurate reporting by medical marijuana businesses and requires research, education, and waste disposal facilities to keep transaction records and use the seed-to-sale tracking system.

The measure requires originating and receiving licensees to keep logs for seven years and testing labs to keep results for seven years. It also allows commercial growers to transport medical marijuana that has failed testing for the purpose of remediation only. Remedied marijuana that has then achieved process validation may be transferred, processed, or sold. Additionally, the measure removes the necessity of a criminal background check for transporter agent license applicants and changes the application fee for transporter agent licenses from \$100 to \$25.

The measure removes the requirement that waste disposal licensees document details on the disposal of medical marijuana products and no longer allows waste disposal licensees to have appropriate financial assurance in lieu of liability insurance. The measure also directs waste disposal license and permit fees to be deposited into the Oklahoma Medical Marijuana Authority Revolving Fund.

Finally, the measure allows the State Department of Health to appoint up to eight additional members to the 12-member Medical Marijuana Advisory Council.

Prepared By: Emily McPherson

Fiscal Analysis

The CS to HB 3228 has no anticipated costs to the agency.

Prepared By: Stacy Johnson

Other Considerations

None.