

Bill Summary
2nd Session of the 57th Legislature

Bill No.:	HB 3228
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Bill Analysis

HB 3228 modifies various provisions of law relating to medical marijuana use, distribution, and sales. The measure strikes language specifying that a person without a medical marijuana license must have a medical condition as it relates to the prohibition on imprisoning persons convicted of holding up to 1.5 ounces of marijuana. The measure also extends the temporary license period from 30 days to 90 days and allows residents of other states who do not possess medical marijuana license to apply for the temporary license. Late renewal fees for patient, business, research, waste disposal, and education licenses are established by the measure and are nonrefundable. The amount of the late fees shall be determined by the State Department of Health. Licenses that have been expired for 90 or more days may not be renewed. Patients are authorized by the measure to request the Department to withdraw his or her caregiver's license. Commercial growers are also authorized to transfer medical marijuana to a processor for remediation purposes.

The measure prohibits the State Department of Health from sharing medical marijuana patient and caregiver records with any other state agency or political subdivision without a warrant issued by a court of competent jurisdiction. The measure also modifies the character limit on identification cards by providing for such cards to have a 10-24 character identification number. The reviewing period for business license applications is extended from 2 weeks to 90 days. The Department is authorized by the measure to establish a fee schedule and collect fees for material changes requested by licensees. The State Commissioner of Health may adopt rules imposing penalties for failure to allow the Department reasonable access to a licensed premises for purposes of conducting an inspection. The measure establishes a penalty fee of \$1,000.00 for the first offense and \$5,000.00 for subsequent violations relating to grossly inaccurate or fraudulent reporting occurring within a 2-year period. The Department may issue emergency orders under certain circumstances.

Licensed medical marijuana dispensaries are authorized by the measure to package and sell to licensed medical marijuana patients and caregivers pre-rolled medical marijuana containing only ground parts of the medical marijuana plant. Growers may also sell pre-rolled medical marijuana to dispensaries. Deliveries of medical marijuana products directly to the private residences of patients and caregivers is authorized by the measure, subject to certain geographical limitations. Patients and caregivers must provide certain information to the dispensary as outlined in the measure. Verification responsibilities are imposed on transporters of medical marijuana products.

The measure clarifies how the distance between a dispensary and school shall be measured. The distance shall be measured from the nearest property line of the public or private school to the front entrance of the dispensary. An athletic facility, ballpark, field or stadium owned, used or operated by a public or private school shall not constitute a school. Procedures relating to the certificate of compliance are also clarified by the measure. "Owners" as defined in the Act is also amended clarify which persons holding an interest in a medical marijuana business shall qualify as an owner. Record keeping requirements for transactions are extended to include research, education, and waste-disposal facilities. Additionally, applicants who were issued a medical marijuana business license, applicants who submitted a complete medical marijuana business license application to the Authority, and were granted a medical marijuana business license after, and medical marijuana testing laboratories that were licensed by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control prior to August 30, 2019 are exempted from the 2-year and 5-year residency requirement to obtain a business license.