



# OMMA 2022 Legislative Session Update



# HB 2179

- ▶ Tiered licensing fees for dispensaries, commercial growers, and processors; increased fees for testing labs.
- ▶ **Dispensaries:** Initial fee of \$2,500; annual fee thereafter is calculated at 10% of of the sum of 12 calendar months of total state sales and excise tax.
- ▶ **Testing labs:** Annual, nonrefundable license fee increased to \$20,000
- ▶ **Processors:**

<b>Tier 1</b>	<b>0 – 10,000lbs or up to 100 liters</b>	<b>Annual fee: \$2,500</b>
<b>Tier 2</b>	10,001 – 50,000lbs or 101to 350 liters	Annual fee: \$5,000
<b>Tier 3</b>	50,001 – 150,000lbs or 351 to 650 liters	Annual fee: \$10,000
<b>Tier 4</b>	150,001 – 300,000lbs or 651 to 1,000 liters	Annual fee: \$15,000
<b>Tier 5</b>	More than 300,001lbs or more than 1,001 liters of	Annual fee: \$20,000



# HB 2179

## ▶ Commercial growers:

<b>Tier 1</b>	<b>Up to 10,000 sq ft canopy</b>	<b>\$2,500</b>
<b>Tier 2</b>	10,001 to 20,000 sq ft canopy	\$5,000
<b>Tier 3</b>	20,001 to 40,000 sq ft of canopy	\$10,000
<b>Tier 4</b>	40,001 to 60,001 sq ft of canopy	\$20,000
<b>Tier 5</b>	60,001 to 80,000 sq ft of canopy	\$30,000
<b>Tier 6</b>	80,001 to 99,999 sq ft of canopy	\$40,000
<b>Tier 7</b>	100,000 sq ft and beyond	\$50,000, plus additional \$0.25 per sq ft of canopy over the 100,000

<b>Tier 1</b>	<b>Up to 2.5 acres</b>	<b>\$2,500</b>
<b>Tier 2</b>	2.5 to 5 acres	\$5,000
<b>Tier 3</b>	5 to 10 acres	\$10,000
<b>Tier 4</b>	10 to 20 acres	\$20,000
<b>Tier 5</b>	20 to 30 acres	\$30,000
<b>Tier 6</b>	30 to 40 acres	\$40,000
<b>Tier 7</b>	40 to 50 acres	\$50,000
<b>Tier 8</b>	50 acres and above	\$50,000 plus \$250 per any additional acres over the 50 acres.

- ▶ For combination of indoor and outdoor grows at the same location, the commercial grower will be required to have separate licenses for each type and adhere to the fees for each license.



# HB 3019

- ▶ Medical marijuana, medical marijuana concentrate, or medical marijuana products **may** be in clear packaging.
- ▶ Prior to leaving the dispensary it must be placed in an exit package (defined as an opaque bag).
- ▶ Adds requirement for labels to include the warnings “For use by medical marijuana patients only” and “keep out of reach of children”.



# HB 3208

- ▶ OMMA **shall** declare and establish a moratorium on processing and issuing new medical marijuana business licenses for dispensaries, processors, and commercial growers.
- ▶ Begins August 1, 2022 and ends August 1, 2024; OMMA Executive Director may terminate the moratorium before August 1, 2024, upon a determination that all pending licensing reviews, inspections, or investigations have been completed.
- ▶ Any license applications received on or before August 1, 2022, will be processed.
- ▶ Does not apply to renewals or changes of ownership or location, nor does it apply to testing labs, waste disposal, etc.





# HB 3929

- ▶ OMMA shall develop standards and requirements for process validation by January 1, 2024.
- ▶ Shall include: initial requirements, utilizing a Certified Process Validation Lab, biannual inspections and random testing, revocation procedures, etc.
- ▶ Voluntary program with an annual \$5,000 registration fee.
- ▶ Includes heavy financial penalties for various violations.



# HB 3971

- ▶ OMMA shall implement rules to employ “secret shoppers” beginning January 1, 2024.
- ▶ Secret shoppers will purchase enough medical marijuana to make 5 test samples, 4 are sent to testing labs and one is retained by OMMA for verification.
- ▶ Unanimous contaminant failures triggers a public recall, between 1 and 4 failures triggers further investigation.
- ▶ Minimum of 50 secret shopper inspections in 2024, 10% of licensed dispensaries annually thereafter.



# HB 4056

- ▶ OMMA shall receive recommendations from a board or committee of ISO-accredited testing labs by June 1, 2023, on the standards and equipment used by testing labs for testing medical marijuana and medical marijuana products.
- ▶ Must promulgate new or modify existing rules within 90 days after receipt of recommendations, and all labs must adhere to the standards beginning June 1, 2024.
- ▶ Failure to comply **shall** result in permanent revocation of the testing lab license.





# SB 1367

- ▶ Increases penalties and administrative fines for diversion of medical marijuana or medical marijuana products to unauthorized persons by patients, caregivers, businesses, or employees or agents of businesses.
- ▶ Business: \$5,000 for first violation, \$15,000 thereafter; inaccurate or fraudulent reporting - \$5,000 first, \$10,000 and revocation thereafter
- ▶ Patients (transfers for value): \$400 for first violation, \$1,000 and revocation of patient license for subsequent violations. Sharing less than 3 grams is an administrative fine of \$400.



# SBs 1511&1726

- ▶ SB 1511: Adds commercial growers to the business that cannot be located within 1,000 feet of a school. Commercial growers licensed as of March 30, 2022 were not affected.
- ▶ SB 1726: Includes “technology center school” to the definition of “School” in 63 O.S. 427.2



# SB 1543

- ▶ Beginning November 1, 2022, OMMA shall be an agency independent of OSDH.
- ▶ All property, records, assets, obligations, etc. will be transferred.
- ▶ OMMA working to stand up finance, HR, and several other functions prior to November 1.



# SB 1704

- ▶ Requires all employees of medical marijuana businesses to apply for and receive a credential beginning January 1, 2024.
- ▶ OMMA may contract with a third party vendor to provide this service, and shall determine the services to be provided and the costs and prices.
- ▶ Additionally, gives OMMA authority to revoke the license of any person directly involved with the diversion of marijuana.



# SB 1737

- ▶ All commercial growers shall register with ODAFF as an environmentally sensitive crop owner.
- ▶ All commercial growers must also post signage at the perimeter of the property, sign must include:
  - Business name
  - Physical address of the licensed business
  - Phone number of the business
  - Business license number



# Administrative Rules

- ▶ Emergency rules:

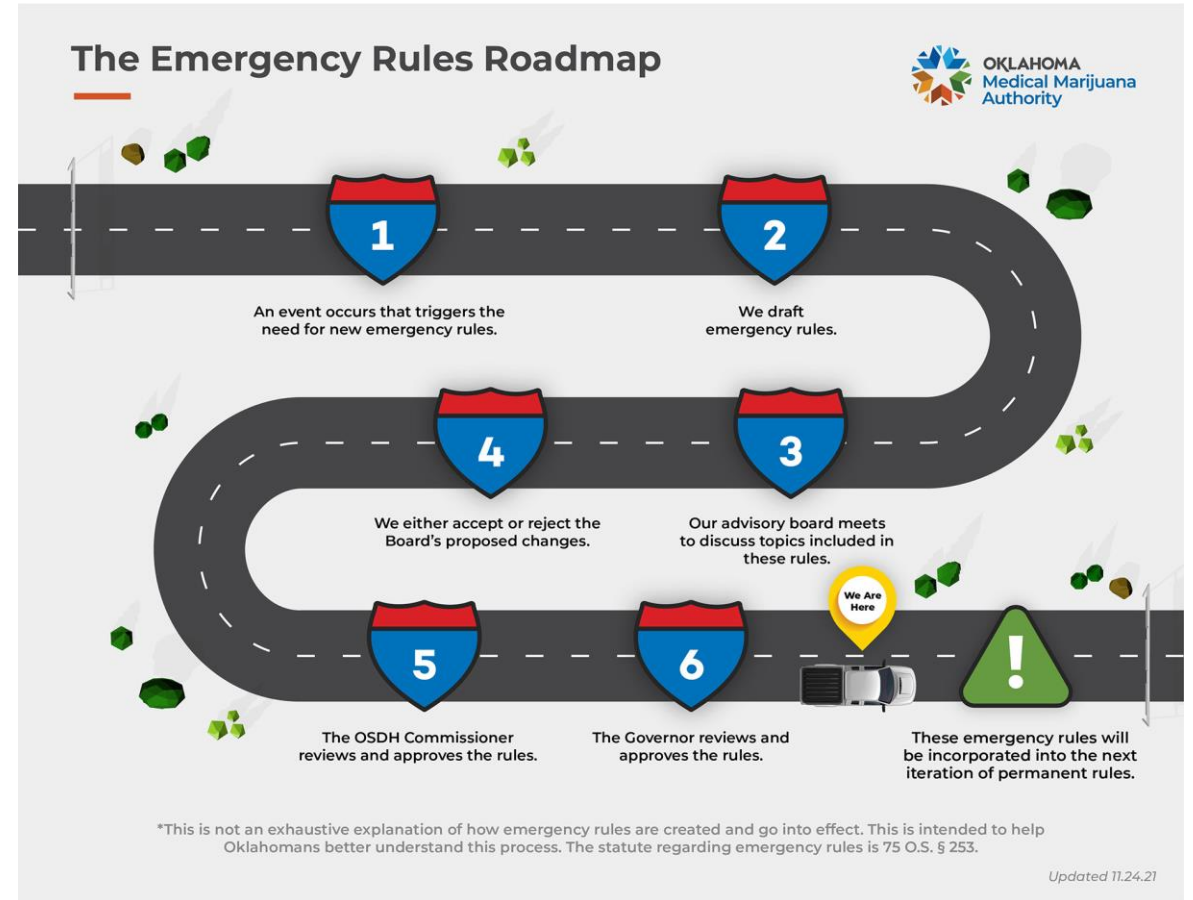
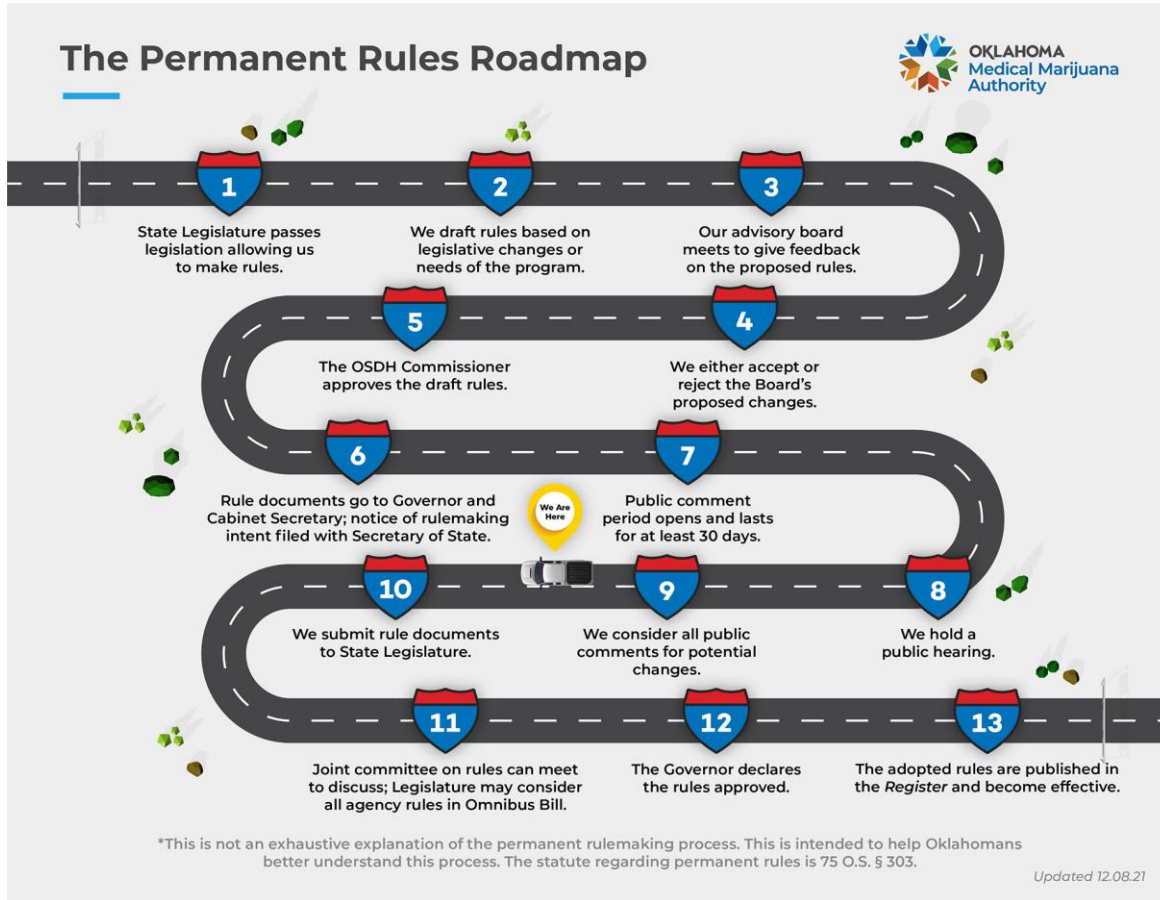
- Mid-July
- Sept. 12
- November 1
- Mid January

- ▶ Permanent rules





# Rulemaking Road Maps





**OKLAHOMA**  
**Medical Marijuana Authority**

**Oklahoma.gov/OMMA**

**Call Center: 405-522-OMMA (6662)**



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