

**Who Is ORCA?** OKlahomans for Responsible Cannabis Action is a Oklahoma registered and based 501(c)4 not for profit incorporation. This organization has been founded by Jed Green with help of professional associates brought in to serve as founding and interim leadership. Their task is to establish the organization and structure with the intent of stepping back into ancillary support roles as the organization grows and a long term structure developed based on interest and support from the Cannabis Community and Industry

- We also have a growing number of individuals, groups and associations who are pitching in to help already. Their early efforts are providing us with early outreach, establishing transparent and compliant organizational structure and banking as well as the start up of online platforms.
- Membership is an open invitation without expectation. Anyone who wants to sign up to stay informed and get involved where they want within our efforts. As we grow there will be many opportunities for most all skill sets and levels of available time commitment. Every bit helps, in kind volunteerism or clicking the donate button.

### **What is the purpose of ORCA?**

- ORCA is established to provide advocacy, education, and direct action in support of the Oklahoma Cannabis Community and Industry to benefit the public good for the people of the State of Organization. We are connecting to keep protecting the integrity of Cannabis programs in Oklahoma.
- Early efforts of our organization revolve around developing a set of citizen initiative petitions to advance Cannabis, Hemp and Marijuana policy and regulation through constitutional and/or statutory language via popular vote in the 2022 election cycle.
- Mid-range goals include engaging the year round legislative process to provide a proactive voice and in advancing common sense law and regulation of Cannabis, Hemp and Marijuana in Oklahoma. Also, gathering signatures and building support for petition language for both medical and recreational marijuana law we expect to file in late July or early August of 2021
- Longer-range goals include advocacy and education for Cannabis, Hemp and Marijuana issues at all levels of government and in our community. This includes supporting campaign efforts to pass laws that we gather signatures and public support for.
- Simply put, we're here to help Oklahoma help itself.

### **Why are petitions necessary at this time?**

- There are many reasons. Foremost, advancement of Cannabis policy and enforcement of those policies is lagging behind community and industry growth in Oklahoma. It isn't enough for us to sit on the sidelines or struggle to pass common sense law and regulation. Much of the policy contained in the petitions is adopted (patient protections) but needs tweaked and enshrined as constitutional right; or has been proposed by our community and supporters in the legislature but hasn't made it, because of politics. Sometimes the people have to stand and give a stamp of approval to get the job done.
- Some of these issues include a freestanding state agency dedicated to Cannabis, Hemp and Marijuana in Oklahoma, clear cut funding for enforcement and auxiliary educational

and research efforts of medical marijuana, support of industrial hemp infrastructure development, transparency in the statutory and regulatory process to name a few.

### **What exactly is in these petitions?**

#### **- SECTION 1**

- Creation of the Oklahoma Cannabis Commission that within one year of passage, assumes authority for Cannabis, Hemp and Marijuana in our Oklahoma
- Authorization for hiring staff and creation of internal administrative court functions similar to other state agencies.
- Creation of a general fund to capture all revenue generated by taxes and fees related to the program and transfer of all current collections to that fund
- Requiring the State Auditor to within 150 days of passage provide an audit of all collection and expenditure from the beginning of the program to current date and returning of any funds not spent in accordance with current statutory directive.

#### **- SECTION 2**

- Creating a Commissioner to lead the new agency and
- Creation of a 20 member Commission Board. This board is composed of Agencies regulating us, legislative leaders writing laws regarding us and members from among the community and industry.
- Outlining how those members are appointed, by whom, the process by which individuals may apply for appointment, terms of board members and seat vacancy provisions
- Set a mandatory minimum meeting schedule for the commission board. This schedule is built to go along with the legislative calendar. The goal is to establish an open process that generates annual statutory requests for upcoming legislative sessions. The OCC is also allowed to call more board meetings as needed to accomplish the mission of the agency. Board members are restricted from pursuing a legislative agenda separately from that which is approved by the board.
- Directing the Commissioner to hire an executive Director who is responsible for hiring other Directors and staffing as well as production of budget and performance reports to the Board at each quarterly meeting
- Creation of advisory boards for each specified director that are appointed by the Executive Director with the advice and consent of the Commission Board. These Boards are tasked with providing substantial input into items considered by the Commission Board

#### **- Section 3 - Relationships with other State Agencies (Our Current Regulators)**

- Requires the OCC to work with and fund other agencies that hold general regulatory powers in the state. These efforts are specified to a degree necessary to establish clear cut roles and responsibilities of all agencies in relation to Cannabis, Hemp and Marijuana in Oklahoma.
- These agencies are Departments/Bureaus/Commissions of Health, Agriculture, Narcotics, Taxes, Fire, and Environmental Quality

- Specification of what activities the OCC may provide funding for, to these agencies
- **Section 4 Taxation and Direction of Expenditure from the Cannabis General Fund**
  - Dollars allocated to a research fund. This money is intended to go to Research licensees and potentially Education licenses to fund projects that feed information into public educational programs and required training for some commercial license holders.
  - Dollars are directed to support emergency mental health response programs aimed at generating more positive outcomes in street level encounters between law enforcement and the general public. These dollars are required to be matched by municipalities to fund these programs
  - Dollars are directed to provide training and education regarding cannabis law and mental health scenarios to all levels of law enforcement in our state.
  - Dollars are allocated to the County Extension program for the purpose of promoting water conservation in and regenerative agriculture techniques **NOTE: this line item is under rapid development given recent conversations regarding general rural issues relating to the cannabis industry.**
  - Allows the deduction of business expenses from state tax filings that may otherwise be prohibited by 280e tax status with the IRS
  - Restricts Counties and Municipalities from imposing additional fees or taxation of Cannabis businesses, including targeted sales or property taxes.
  - Exempts Certified hemp from marijuana specific taxation
  - Allows for the 7% excise tax to be removed from medical marijuana and replace with up to a 20% tax on recreational marijuana sales
  - Allows the OCC to receive legislative funding appropriations
  - Directs funds not utilized by the OCC to be transferred to the state General Revenue fund
- **Section 5 Commercial and patient licensing**
  - Lays out commercial and patient license costs, requirements and abilities
  - Currently OCC commercial licenses are Grower, Processor, Dispensary, Broker and Distributor, Marijuana Transport, Waste Disposal, Medical Recommender, Researcher and Educations.
  - Details allowable practices and relationships between commercial license holders, their interaction and introduction of Cannabis, Hemp and Marijuana into the consumer market. Establishes supply chain placement of product testing requirements to provide for consumer safety.
  - Current individual licenses are Patient and Caregiver, these licenses are made available to all US residents. Patient rights language is in section
- **Section 6 Registration of Commercial Licenses with the OBND**
  - Allows OBND to continue issuance of registration licenses for commercial operations and creates a handler license and delivery handler license
  - Handler license is attached to the individual and the delivery handler license is attached to the empower. Both are intended to be issues similar to a liquor license.

- Establishes guidelines for the impoundment and recovery of product not within compliance during transport
- **Section 7 Exemptions, exclusions, contingencies, boundaries of authority, retention and direction of state authority under circumstance**
  - Provides Consumer safety functions for Certified Hemp products
  - If there is federal legalization of Marijuana Oklahoma law shall be no more restrictive than federal guidelines
  - If federal or state legalization of Marijuana OBNDD retains enforcement authority on behalf of the OCC as specified in this Article
  - If federal legalization occurs, local limits shall be no more restrictive than and may be increased to match federal guidelines
- **Section 8 Product tracking and Consumer Safety**
  - Production tracking for marijuana grow licenses shall be no more restrictive than federal guidelines for Hemp production
  - Directs the OCC to develop a matrix to sufficiently track cannabis products through the supply chain, request vendor proposals for that system and prohibits service of the selected state vendor to the private sector beyond the minimum requirements of state regulation
  - Requires reporting of program data by the Executive Director to the Commission Board
  - Establishes patient and proprietary data protections
  - Establishes testing requirements for consumer safety
- **Section 9 Professional license protections**
  - Gives professional license holders of ancillary businesses state level protections from their exposure to the Cannabis industry

**Sections from here deal with Protection of Patient rights. There may be some duplication with other sections that may be able to be consolidated while preserving them.**

- **Section 10 Patient and Caregiver Protection Rights**
  - Establishes possession limits
  - Makes possession of marijuana paraphernalia lawful
  - Makes possession without a license a civil infraction and details a 45 day process for getting a license to avoid penalty if amounts in possession at time of infraction
- **Section 11 General Protection Language**
  - Prohibits discrimination against license holders from a wide range of state services and prohibits testing for THC for the purpose of discrimination
- **Section 12 Patient Privacy Rights**
  - Establishes patient data privacy rights and protections
- **Section 13 Employment Rights**
  - Establishes employee and employer rights in regard to safety sensitive jobs
- **Section 14 General Healthcare Rights of Patients**
  - Establishes Rights of Patient license holders to general healthcare services
- **Section 15 Parental Rights]**

- Protects the parental rights of Patient license holders in custody hearings
- **Section 16 Licensure Rights, Impairment testing guidelines**
  - Relation of patient license to other state issued licenses to individuals
  - Impairment testing guidelines
  - Addresses impaired driving by patient license holders
- **Section 17 Second Amendment Rights**
  - Protects second amendment rights of OCC license holders
- **Section 18 Fourth and 5th amendment rights**
  - Rights of those on probation
  - This section is duplicative of other sections and may be consolidated
- **Section 19 Home Grow Protections**
  - This section is also duplicative and may be consolidated

### **Missives and Random Thoughts**

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