

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

COMMITTEE SUBSTITUTE  
FOR

HOUSE BILL NO. 2601

By: Echols

COMMITTEE SUBSTITUTE

An Act relating to marijuana; amending Section 1, State Question No. 788, Initiative Petition No. 412 (63 O.S. Supp. 2018, Section 420), which relates to licensing requirements and restrictions for medical marijuana license holders and caregivers; authorizing counties to establish, assess and collect a fee under certain circumstances; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY Section 1, State Question No. 788, Initiative Petition No. 412 (63 O.S. Supp. 2018, Section 420), is amended to read as follows:

Section 420. A. A person in possession of a state-issued medical marijuana license shall be able to:

1. Consume marijuana legally;
2. Legally possess up to three (3) ounces of marijuana on their person;
3. Legally possess six ~~(6)~~ mature marijuana plants;
4. Legally possess six ~~(6)~~ seedling plants;

1        5. Legally possess one (1) ounce of concentrated marijuana;

2        6. Legally possess seventy-two (72) ounces of edible marijuana;

3 and

4        7. Legally possess up to eight (8) ounces of marijuana in their  
5 residence.

6        B. Possession of up to one and one-half (1.5) ounces of  
7 marijuana by persons who can state a medical condition, but not in  
8 possession of a state-issued medical marijuana license, shall  
9 constitute a misdemeanor offense with a fine not to exceed Four  
10 Hundred Dollars (\$400.00).

11        C. A regulatory office shall be established under the Oklahoma  
12 State Department of Health which will receive applications for  
13 medical license recipients, dispensaries, growers, and packagers  
14 within sixty (60) days of the passage of this initiative.

15        D. The Oklahoma State Department of Health shall within thirty  
16 (30) days of passage of this initiative, make available, on ~~their~~  
17 its website, in an easy-to-find location, an application for a  
18 medical marijuana license. The license will be good for two (2)  
19 years, and the application fee will be One Hundred Dollars  
20 (\$100.00), or Twenty Dollars (\$20.00) for individuals on Medicaid,  
21 Medicare, or SoonerCare. The methods of payment will be provided on  
22 the website.

23        E. A temporary license application will also be available on  
24 the Oklahoma Department of Health website. A temporary medical

1 marijuana license will be granted to any medical marijuana license  
2 holder from other states, provided that the state has a state\_  
3 regulated medical marijuana program, and the applicant can prove  
4 ~~they are~~ he or she is a member of such. Temporary licenses will be  
5 issued for thirty (30) days. The cost for a temporary license shall  
6 be One Hundred Dollars (\$100.00). Renewal will be granted with  
7 resubmission of a new application. No additional criteria will be  
8 required.

9 F. Medical marijuana license applicants will submit their  
10 ~~application~~ applications to the Oklahoma State Department of Health  
11 for approval ~~and that the~~. The applicant must be an Oklahoma state  
12 resident and shall prove residency by a valid ~~driver's~~ driver  
13 license, utility bills, or other accepted methods.

14 G. The Oklahoma State Department of Health shall review the  
15 medical marijuana application, ~~approve/reject~~ approve or reject the  
16 application, and mail the ~~applicant's~~ approval or rejection letter  
17 ~~(stating reasons for rejection)~~ to the applicant within fourteen  
18 (14) days of receipt of the application. Approved applicants will  
19 be issued a medical marijuana license which will act as proof of  
20 their approved status. Applications may only be rejected based on  
21 applicant not meeting stated criteria or improper completion of the  
22 application.

23 H. The Oklahoma State Department of Health will only keep the  
24 following records for each approved medical license:

- 1 1. A digital photograph of the license holder;
- 2 2. The expiration date of the license;
- 3 3. The county where the card was issued; and
- 4 4. A unique 24-character identification number assigned to the
- 5 license.

6 I. The Department of Health will make available, both on its  
7 website, and through a telephone verification system, an easy method  
8 to validate ~~a medical license holders~~ the authenticity of the  
9 medical license by the unique 24-character identifier.

10 J. The State Department of Health will ensure that all  
11 application records and information are sealed to protect the  
12 privacy of medical license applicants.

13 K. A caregiver license will be made available for qualified  
14 caregivers of a medical marijuana license holder who is homebound.  
15 The caregiver license will give the caregiver the same rights as the  
16 medical license holder. ~~Applicants~~ An applicant for a caregiver  
17 license ~~will~~ shall submit proof of the ~~medical marijuana license~~  
18 ~~holder's~~ license status and homebound status, ~~that they are~~ of the  
19 medical marijuana patient and proof that the applicant is the  
20 designee of the medical marijuana license holder, must patient. The  
21 applicant shall also submit proof that ~~the caregiver~~ he or she is  
22 ~~age~~ eighteen (18) years of age or older, and ~~must submit~~ proof ~~the~~  
23 ~~caregiver is an~~ of his or her Oklahoma ~~resident~~ residency. This  
24 will be the only criteria for a caregiver license.

1 L. All applicants must be eighteen (18) years of age or older.  
2 A special exception will be granted to an applicant under the age of  
3 eighteen (18)~~7~~i; however, these applications must be signed by two  
4 ~~(2)~~ physicians and the ~~applicant's~~ parent or legal guardian of the  
5 applicant.

6 M. All applications for a medical license must be signed by an  
7 Oklahoma Board-certified physician. There are no qualifying  
8 conditions. A medical marijuana license must be recommended  
9 according to the accepted standards a reasonable and prudent  
10 physician would follow when recommending or approving any  
11 medication. No physician may be unduly stigmatized or harassed for  
12 signing a medical marijuana license application.

13 N. Counties and cities may enact medical marijuana guidelines  
14 allowing medical marijuana license holders or caregivers to exceed  
15 the state limits set forth in subsection A of this section. A  
16 county is hereby authorized to establish, assess and collect a fee  
17 of Two Hundred and Fifty Dollars (\$250.00) from medical marijuana  
18 licensees or caregivers who, upon request and approval by the county  
19 where the person currently resides, exceed the maximum possession  
20 limits established in subsection A of this section. The authority  
21 granted by a county to a medical marijuana licensee or caregiver to  
22 exceed maximum possession limits shall apply only within the borders  
23 of said county.

SECTION 2. This act shall become effective November 1, 2019.

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