

1 ENGROSSED SENATE
2 BILL NO. 31

By: Shaw of the Senate

3 and

4 Loring of the House

5
6 An Act relating to medical marijuana; amending 63
7 O.S. 2011, Section 420, as amended by Section 1,
8 State Question No. 788, Initiative Petition No. 412
9 (63 O.S. Supp. 2018, Section 420), which relates to
10 medical marijuana license; clarifying language; and
11 providing an effective date.

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

13 SECTION 1. AMENDATORY 63 O.S. 2011, Section 420 as
14 amended by Section 1, State Question No. 788, Initiative Petition
15 No. 412 (63 O.S. Supp. 2018, Section 420), is amended to read as
16 follows:

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

- 19 1. Consume marijuana legally;
- 20 2. Legally possess up to three (3) ounces (84.9 grams) of
21 marijuana on their person;
- 22 3. Legally possess six (6) mature marijuana plants;
- 23 4. Legally possess six (6) seedling plants;
- 24 5. Legally possess one (1) ounce (28.3 grams) of concentrated
marijuana;

1 6. Legally possess seventy-two (72) ounces (2037.6 grams) of
2 edible marijuana; and

3 7. Legally possess up to eight (8) ounces (226.4 grams) of
4 marijuana in their residence.

5 B. Possession of up to one and one-half (1.5) ounces (42.45
6 grams) of marijuana by persons who can state a medical condition,
7 but not in possession of a state issued medical marijuana license,
8 shall constitute a misdemeanor offense with a fine not to exceed
9 Four Hundred Dollars (\$400.00).

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

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

21 E. A temporary license application will also be available on
22 the Oklahoma Department of Health website. A temporary medical
23 marijuana license will be granted to any medical marijuana license
24 holder from other states, provided that the state has a state

1 regulated medical marijuana program, and the applicant can prove
2 they are a member of such. Temporary licenses will be issued for
3 thirty (30) days. The cost for a temporary license shall be One
4 Hundred Dollars (\$100.00). Renewal will be granted with
5 resubmission of a new application. No additional criteria will be
6 required.

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

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

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

- 22 1. A digital photograph of the license holder;
- 23 2. The expiration date of the license;
- 24 3. The county where the card was issued; and

1 4. A unique 24 character identification number assigned to the
2 license.

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

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

10 K. A caregiver license will be made available for qualified
11 caregivers of a medical marijuana license holder who is homebound.
12 The caregiver license will give the caregiver the same rights as the
13 medical license holder. Applicants for a caregiver license will
14 submit proof of the medical marijuana license holder's license
15 status and homebound status, ~~that~~ which they are the designee of the
16 medical marijuana license holder, must submit proof that the
17 caregiver is age eighteen (18) or older, and must submit proof the
18 caregiver is an Oklahoma resident. This will be the only criteria
19 for a caregiver license.

20 L. All applicants must be eighteen (18) years or older. A
21 special exception will be granted to an applicant under the age of
22 eighteen (18), however these applications must be signed by two (2)
23 physicians and the applicant's parent or legal guardian.
24

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

8 N. Counties and cities may enact medical marijuana guidelines
9 allowing medical marijuana license holders or caregivers to exceed
10 the state limits set forth in subsection A of this section.

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

12 Passed the Senate the 4th day of March, 2019.

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14 _____
15 Presiding Officer of the Senate

16 Passed the House of Representatives the ____ day of _____,
17 2019.

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19 _____
20 Presiding Officer of the House
21 of Representatives
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