

1 ENGROSSED SENATE  
2 BILL NO. 763

By: McCortney of the Senate

3 and

4 Echols of the House

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6  
7 An Act relating to medical marijuana; amending  
8 Provision No. 1, State Question No. 788, Petition No.  
9 412 (63 O.S. Supp. 2018, Section 420), which relates  
10 to medical marijuana license; allowing physicians to  
11 set certain limits; and clarifying language.

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

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

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

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

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

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

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

10 C. A regulatory office shall be established under the ~~Oklahoma~~  
11 State Department of Health which ~~will~~ shall receive applications for  
12 medical marijuana license recipients, dispensaries, growers, and  
13 packagers 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~~ shall be valid for two  
18 (2) years, and the application fee ~~will~~ shall be One Hundred Dollars  
19 (\$100.00), or Twenty Dollars (\$20.00) for individuals on Medicaid,  
20 Medicare, or SoonerCare. The methods of payment ~~will~~ shall be  
21 provided on the Department's website.

22 E. A temporary license application ~~will~~ shall also be made  
23 available on the ~~Oklahoma Department of Health~~ Department's website.  
24 A temporary medical marijuana license ~~will~~ shall be granted to any

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

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

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

23 H. The ~~Oklahoma~~ State Department of Health ~~will~~ shall only keep  
24 the following records for each approved medical marijuana 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 State Department of Health ~~will~~ shall make available,  
7 both on its website, and through a telephone verification system, an  
8 easy method to validate a medical marijuana license ~~holders~~ holder's  
9 authenticity by the unique ~~24-character~~ 24-character identifier.

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

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

23 L. All applicants ~~must~~ shall be eighteen (18) years or older.  
24 A special exception ~~will~~ shall be granted to an applicant under the

1 age of eighteen (18), however these applications ~~must~~ shall be  
2 signed by two (2) physicians and the applicant's parent or legal  
3 guardian.

4 M. All applications for a medical marijuana license ~~must~~ shall  
5 be signed by an Oklahoma Board certified physician. There are no  
6 qualifying conditions. A medical marijuana license ~~must~~ shall be  
7 recommended according to the accepted standards a reasonable and  
8 prudent physician would follow when recommending or approving any  
9 medication. When providing a medical marijuana recommendation, the  
10 physician may, at his or her discretion, set a maximum amount of  
11 tetrahydrocannabinol (THC) that the patient may purchase from a  
12 medical marijuana dispensary each month. No physician may be unduly  
13 stigmatized or harassed for signing a medical marijuana license  
14 application.

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

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