

**SENATE CHAMBER**  
**STATE OF OKLAHOMA**

DISPOSITION

☐ FLOOR AMENDMENT

No. \_\_\_\_\_

\_\_\_\_\_

☐ COMMITTEE AMENDMENT

\_\_\_\_\_  
(Date)

Mr./Madame President:

I move to amend House Bill No. 2601, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

\_\_\_\_\_  
Senator McCortney

McCortney-DC-FS-Req#2254  
4/24/2019 11:57 AM

(Floor Amendments Only)    Date and Time Filed: \_\_\_\_\_

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

FLOOR SUBSTITUTE  
FOR ENGROSSED

HOUSE BILL NO. 2601

By: Echols of the House

and

McCortney of the Senate

FLOOR SUBSTITUTE

[ medical marijuana - license - tax on retail - use  
registry - noncodification -  
~~emergency~~ ]

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

SECTION 1. NEW LAW A new section of law not to be  
codified in the Oklahoma Statutes reads as follows:

The provisions of this act shall be implemented in accordance  
with and subject to the Oklahoma Medical Marijuana and Patient  
Protection Act.

SECTION 2. 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 1. Consume marijuana legally;

2 2. Legally possess up to three (3) ounces of marijuana on their  
3 person;

4 3. Legally possess six (6) mature marijuana plants;

5 4. Legally possess six (6) seedling plants;

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

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

8 and

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

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

16 C. A regulatory office shall be established under the ~~Oklahoma~~  
17 State Department of Health which ~~will~~ shall receive applications for  
18 medical marijuana license recipients, dispensaries, growers, and  
19 packagers within sixty (60) days of the passage of this initiative.

20 D. The ~~Oklahoma~~ State Department of Health shall, within thirty  
21 (30) days of passage of this initiative, make available, on their  
22 website, in an easy to find location, an application for a medical  
23 marijuana license. The license ~~will be good~~ shall be valid for two  
24 (2) years, and the application fee ~~will~~ shall be One Hundred Dollars

1 (\$100.00), or Twenty Dollars (\$20.00) for individuals on Medicaid,  
2 Medicare, or SoonerCare. The methods of payment ~~will~~ shall be  
3 provided on the Department's website.

4 E. A temporary license application ~~will~~ shall also be made  
5 available on the ~~Oklahoma Department of Health~~ Department's website.  
6 A temporary medical marijuana license ~~will~~ shall be granted to any  
7 medical marijuana license holder from other states, provided that  
8 the state has a state regulated medical marijuana program, and the  
9 applicant can prove they are a member of such program. Temporary  
10 licenses ~~will~~ shall be issued for thirty (30) days. The cost for a  
11 temporary license shall be One Hundred Dollars (\$100.00). Renewal  
12 ~~will~~ shall be granted with resubmission of a new application. No  
13 additional criteria ~~will~~ shall be required.

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

19 G. The ~~Oklahoma~~ State Department of Health shall review the  
20 medical marijuana application, ~~approve/reject~~ approve or reject the  
21 application, and mail the applicant's approval or rejection letter  
22 ~~(stating reasons for rejection)~~, stating any reasons for rejection,  
23 to the applicant within fourteen (14) business days of receipt of  
24 the application. Approved applicants ~~will~~ shall be issued a medical

1 marijuana license which ~~will~~ shall act as proof of their approved  
2 status. Applications may only be rejected based on the applicant  
3 not meeting stated criteria or improper completion of the  
4 application.

5 H. The ~~Oklahoma~~ State Department of Health ~~will~~ shall only keep  
6 the following records for each approved medical marijuana license:

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

12 I. The State Department of Health ~~will~~ shall make available,  
13 both on its website, and through a telephone verification system, an  
14 easy method to validate a medical marijuana license ~~holders~~ holder's  
15 authenticity by the unique ~~24-character~~ 24-character identifier.

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

19 K. A caregiver license ~~will~~ shall be made available for  
20 qualified caregivers of a medical marijuana license holder who is  
21 homebound. The caregiver license ~~will~~ shall give the caregiver the  
22 same rights as the medical marijuana license holder. Applicants for  
23 a caregiver license ~~will~~ shall submit proof of the medical marijuana  
24 license holder's license status and homebound status, proof that

1 they are the designee of the medical marijuana license holder, ~~must~~  
2 ~~submit~~ proof that the caregiver is age eighteen (18) or older, and  
3 ~~must submit~~ proof the caregiver is an Oklahoma resident. This ~~will~~  
4 shall be the only criteria for a caregiver license.

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

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

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

20 SECTION 3. AMENDATORY Section 7, State Question No. 788,  
21 Initiative Petition No. 412 (63 O.S. Supp. 2018, Section 426), is  
22 amended to read as follows:  
23  
24

1       Section 426. A. The tax on retail medical marijuana sales ~~will~~  
2 shall be established at seven percent (7%) of the gross amount  
3 received by the seller.

4       B. ~~This~~ The tax will hereby levied shall be collected at the  
5 ~~point time~~ of sale of medical marijuana and shall be due and payable  
6 to the Oklahoma Tax Commission by the seller on the twentieth day of  
7 each month following the month of the sale. The Commission shall  
8 implement such rules and devise such forms as it deems necessary for  
9 the orderly collection of the tax. Tax proceeds ~~will~~ shall be  
10 applied primarily to finance the regulatory office.

11       C. If proceeds from the levy authorized by subsection A of this  
12 section exceed the budgeted amount for running the regulatory  
13 office, any surplus shall be apportioned with seventy-five percent  
14 (75%) going to the General Revenue Fund and may only be expended for  
15 common education. Twenty-five percent (25%) shall be apportioned to  
16 the Oklahoma State Department of Health and earmarked for drug and  
17 alcohol rehabilitation.

18       SECTION 4.       AMENDATORY       Section 7 of Enrolled House Bill  
19 No. 2612 of the 1st Session of the 57th Oklahoma Legislature, is  
20 amended to read as follows:

21       Section 7. A. The Oklahoma Medical Marijuana Authority shall  
22 create a medical marijuana use registry of patients and caregivers  
23 as provided under this section. The handling of any records  
24 maintained in the registry shall comply with all relevant state and

1 federal laws including, but not limited to, the Health Insurance  
2 Portability and Accountability Act of 1996 (HIPAA).

3 B. The medical marijuana use registry shall be accessible to  
4 Oklahoma-licensed medical marijuana dispensaries to verify the  
5 license of a patient or caregiver by the twenty-four-character  
6 identifier.

7 C. All other records regarding a medical marijuana licensee  
8 shall be maintained by the Authority and shall be deemed  
9 confidential. The handling of any records maintained by the  
10 Authority shall comply with all relevant state and federal laws  
11 including, but not limited to, the Health Insurance Portability and  
12 Accountability Act of 1996 (HIPAA). Such records shall be marked as  
13 confidential, shall not be made available to the public and shall  
14 only be made available to the licensee, designee of the licensee,  
15 any physician of the licensee or the caregiver of the licensee. ~~No~~  
16 ~~personally identifiable information, as defined under HIPAA, shall~~  
17 ~~be stored at the Department.~~

18 D. A log shall be kept with the file of the licensee to record  
19 any event in which the records of the licensee were made available  
20 and to whom the records were provided.

21 E. The Department shall ensure that all application records and  
22 information are sealed to protect the privacy of medical marijuana  
23 patient license applicants.



1       ~~SECTION 5. It being immediately necessary for the preservation~~  
2 ~~of the public peace, health or safety, an emergency is hereby~~  
3 ~~declared to exist, by reason whereof this act shall take effect and~~  
4 ~~be in full force from and after its passage and approval.~~

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6       57-1-2254       DC       4/24/2019 11:57:39 AM  
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