

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

☐ FLOOR AMENDMENT

No. _____

☐ COMMITTEE AMENDMENT

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 763, 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#2076
3/11/2019 4:06 PM

(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

SENATE BILL NO. 763

By: McCortney of the Senate

and

Echols of the House

FLOOR SUBSTITUTE

[medical marijuana - medical marijuana license -
physicians
~~emergency~~]

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

SECTION 1. AMENDATORY Provision No. 1, State Question
No. 788, 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;

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

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

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

4 and

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

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

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

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

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

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

16 G. The ~~Oklahoma~~ State Department of Health shall review the
17 medical marijuana application, ~~approve/reject~~ approve or reject the
18 application, and mail the applicant's approval or rejection letter,
19 ~~(stating reasons for rejection)~~ stating any reasons for rejection,
20 to the applicant within fourteen (14) days of receipt of the
21 application. Approved applicants ~~will~~ shall be issued a medical
22 marijuana license which ~~will~~ shall act as proof of their approved
23 status. Applications may only be rejected based on the applicant
24

1 not meeting stated criteria or improper completion of the
2 application.

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

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

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

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

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

1 ~~must submit~~ proof the caregiver is an Oklahoma resident. This ~~will~~
2 shall be the only criteria for a caregiver license.

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

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

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

22 ~~SECTION 2. It being immediately necessary for the preservation~~
23 ~~of the public peace, health or safety, an emergency is hereby~~
24

1 ~~declared to exist, by reason whereof this act shall take effect and~~
2 ~~be in full force from and after its passage and approval.~~

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4 57-1-2076 DC 3/11/2019 4:06:30 PM
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