

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

DISPOSITION

☐ FLOOR AMENDMENT

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

\_\_\_\_\_

☐ COMMITTEE AMENDMENT

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

Mr./Madame President:

I move to amend Senate Bill No. 767, 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#2079  
3/11/2019 4:21 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. 767

By: McCortney of the Senate

and

Echols of the House

FLOOR SUBSTITUTE

[ medical marijuana - Oklahoma Medical Marijuana  
Authority - Executive Director - codification -  
~~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;
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 are not  
8 in 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~~ shall receive applications for  
13 medical marijuana license recipients, dispensaries, growers, and  
14 packagers 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~~r~~ on their  
17 website, in an easy to find location, an application for a medical  
18 marijuana license. The license ~~will be good~~ shall be valid for two  
19 (2) years, and the application fee ~~will~~ shall 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~~ shall be  
22 provided on the Department's website.

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

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

9 F. Medical marijuana license applicants ~~will~~ shall submit their  
10 application to the ~~Oklahoma~~ State Department of Health for approval  
11 ~~and that the applicant must~~. The applicant shall be an Oklahoma  
12 state resident and shall prove residency by a valid driver's  
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)~~, stating any reasons for rejection,  
18 to the applicant within fourteen (14) days of receipt of the  
19 application. Approved applicants ~~will~~ shall be issued a medical  
20 marijuana license which ~~will~~ shall act as proof of their approved  
21 status. Applications may only be rejected based on the applicant  
22 not meeting stated criteria or improper completion of the  
23 application.  
24

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

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

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

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

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

1 L. All applicants ~~must~~ shall be eighteen (18) years or older.

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

6 M. All applications for a medical marijuana license ~~must~~ shall  
7 be signed by an Oklahoma Board certified physician. There are no  
8 qualifying conditions. Before issuing a medical marijuana  
9 recommendation, a physician must first conduct a physical  
10 examination while physically present in the same room as the patient  
11 and a full assessment of the medical history of the patient. The  
12 physical examination shall not be performed by remote means  
13 including, but not limited to, telemedicine. A medical marijuana  
14 license ~~must~~ shall be recommended according to the accepted  
15 standards a reasonable and prudent physician would follow when  
16 recommending or approving any medication. No physician may be  
17 unduly stigmatized or harassed for signing a medical marijuana  
18 license 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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