

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               1st Session of the 57th Legislature (2019)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 2614

By: Echols

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8                               COMMITTEE SUBSTITUTE

9           An Act relating to marijuana; amending Section 1,  
10       State Question No. 788, Petition No. 412 (63 O.S.  
11       Supp. 2018, Section 420), which relates to medical  
12       marijuana licensing requirements and restrictions;  
13       modifying penalty for certain unlawful act; amending  
14       63 O.S. 2011, Section 2-402, as last amended by  
15       Section 3, State Question No. 780, Petition No. 404  
16       (63 O.S. Supp. 2018, Section 2-402), which relates to  
17       the Uniform Controlled Dangerous Substances Act;  
18       providing separate penalty for possession of  
19       marijuana; and providing an effective date.

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

24           SECTION 1.        AMENDATORY       Section 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;

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

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

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

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

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

7 and

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

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

16       C. A regulatory office shall be established under the Oklahoma  
17 State Department of Health which will receive applications for  
18 medical license recipients, dispensaries, growers, and packagers  
19 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 for two (2) years, and  
24 the application fee will be One Hundred Dollars (\$100.00), or Twenty

1 Dollars (\$20.00) for individuals on Medicaid, Medicare, or  
2 SoonerCare. The methods of payment will be provided on the website.

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

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

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

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1 Applications may only be rejected based on applicant not meeting  
2 stated criteria or improper completion of the application.

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

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

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

1 caregiver is an Oklahoma resident. This will be the only criteria  
2 for a caregiver license.

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

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

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

17 SECTION 2. AMENDATORY 63 O.S. 2011, Section 2-402, as  
18 last amended by Section 3, State Question No. 780, Petition No. 404  
19 (63 O.S. Supp. 2018, Section 2-402), is amended to read as follows:

20 Section 2-402. A. 1. It shall be unlawful for any person  
21 knowingly or intentionally to possess a controlled dangerous  
22 substance unless such substance was obtained directly, or pursuant  
23 to a valid prescription or order from a practitioner, while acting  
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1 in the course of his or her professional practice, or except as  
2 otherwise authorized by this act.

3 2. It shall be unlawful for any person to purchase any  
4 preparation excepted from the provisions of the Uniform Controlled  
5 Dangerous Substances Act pursuant to Section 2-313 of this title in  
6 an amount or within a time interval other than that permitted by  
7 Section 2-313 of this title.

8 3. It shall be unlawful for any person or business to sell,  
9 market, advertise or label any product containing ephedrine, its  
10 salts, optical isomers, or salts of optical isomers, for the  
11 indication of stimulation, mental alertness, weight loss, appetite  
12 control, muscle development, energy or other indication which is not  
13 approved by the pertinent federal OTC Final Monograph, Tentative  
14 Final Monograph, or FDA-approved new drug application or its legal  
15 equivalent. In determining compliance with this requirement, the  
16 following factors shall be considered:

- 17 a. the packaging of the product,
- 18 b. the name of the product, and
- 19 c. the distribution and promotion of the product,  
20 including verbal representations made at the point of  
21 sale.

22 B. ~~Any~~ 1. Except as provided in paragraph 2 of this  
23 subsection, any person who violates the provisions of this section  
24 is with respect to a controlled dangerous substance, except for

1 marijuana, shall be guilty of a misdemeanor punishable by  
2 confinement for not more than one (1) year and by a fine not  
3 exceeding One Thousand Dollars (\$1,000.00).

4 2. Any person who violates the provisions of this section with  
5 respect to marijuana shall be issued a citation in an amount not to  
6 exceed Four Hundred Dollars (\$400.00).

7 C. Any person convicted of any offense described in this  
8 section shall, in addition to any fine imposed, pay a special  
9 assessment trauma-care fee of One Hundred Dollars (\$100.00) to be  
10 deposited into the Trauma Care Assistance Revolving Fund created in  
11 Section 1-2530.9 of this title.

12 SECTION 3. This act shall become effective November 1, 2019.

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14 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 02/28/2019 - DO PASS,  
15 As Amended.  
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