

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

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

4 ENGROSSED SENATE
5 BILL NO. 31

By: Shaw of the Senate

and

Loring of the House

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9 An Act relating to medical marijuana; amending 63
10 O.S. 2011, Section 420, as amended by Section 1,
11 State Question No. 788, Initiative Petition No. 412
12 (63 O.S. Supp. 2018, Section 420), which relates to
13 medical marijuana license; clarifying language; and
14 providing an effective date.

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

16 SECTION 1. AMENDATORY 63 O.S. 2011, Section 420 as
17 amended by Section 1, State Question No. 788, Initiative Petition
18 No. 412 (63 O.S. Supp. 2018, Section 420), is amended to read as
19 follows:

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

- 22 1. Consume marijuana legally;
- 23 2. Legally possess up to three (3) ounces (84.9 grams) of
24 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 (28.3 grams) of concentrated
3 marijuana;

4 6. Legally possess seventy-two (72) ounces (2037.6 grams) of
5 edible marijuana; and

6 7. Legally possess up to eight (8) ounces (226.4 grams) of
7 marijuana in their residence.

8 B. Possession of up to one and one-half (1.5) ounces (42.45
9 grams) of marijuana by persons who can state a medical condition,
10 but not in possession of a state issued medical marijuana license,
11 shall constitute a misdemeanor offense with a fine not to exceed
12 Four Hundred Dollars (\$400.00).

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

17 D. The Oklahoma State Department of Health shall within thirty
18 (30) days of passage of this initiative, make available, on their
19 website, in an easy to find location, an application for a medical
20 marijuana license. The license will be good for two (2) years, and
21 the application fee will be One Hundred Dollars (\$100.00), or Twenty
22 Dollars (\$20.00) for individuals on Medicaid, Medicare, or
23 SoonerCare. The methods of payment will be provided on the website.
24

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

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

16 G. The Oklahoma State Department of Health shall review the
17 medical marijuana application, approve/reject the application, and
18 mail the applicant's approval or rejection letter (stating reasons
19 for rejection) to the applicant within fourteen (14) days of receipt
20 of the application. Approved applicants will be issued a medical
21 marijuana license which will act as proof of their approved status.
22 Applications may only be rejected based on applicant not meeting
23 stated criteria or improper completion of the application.
24

1 H. The Oklahoma State Department of Health will only keep the
2 following records for each approved medical 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 Department of Health will make available, both on its
9 website, and through a telephone verification system, an easy method
10 to validate a medical license holders authenticity by the unique 24
11 character identifier.

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

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

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

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

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

15 SECTION 2. This act shall become effective November 1, 2019.

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17 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 04/09/2019 - DO PASS.
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