

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

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

4 ENGROSSED SENATE
5 BILL NO. 898

By: Howard of the Senate

and

Ortega of the House

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9 **[medical marijuana - requiring dispensaries to check**
10 **certain information at point of sale - effective**
11 **date]**

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

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

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

- 20 1. Consume marijuana legally;
- 21 2. Legally possess up to three (3) ounces of marijuana on their
22 person;
- 23 3. Legally possess six (6) mature marijuana plants;
- 24 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 license recipients, dispensaries, growers~~r~~ and packagers
14 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 its website, in an easy to find location, an application for a
18 medical marijuana license. The license ~~will be good~~ shall be valid
19 for two (2) years, and the application fee ~~will~~ shall be One Hundred
20 Dollars (\$100.00), or Twenty Dollars (\$20.00) for individuals on
21 Medicaid, Medicare~~r~~ or SoonerCare. The methods of payment ~~will~~
22 shall be provided on the Department's website.

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

1 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~~ driver
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 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 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 Licensed dispensaries shall enter each medical marijuana license's
13 24-character identifier into the license verification system at the
14 point of sale to ensure that such license is valid. If the license
15 is invalid, the sale shall not occur.

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

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22 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 04/09/2019 - DO PASS,
23 As Amended.
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