

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

SENATE BILL NO. 763

By: McCortney

AS INTRODUCED

An Act relating to medical marijuana; amending Provision No.1 , State Question No. 788, Petition No. 412 (63 O.S. Supp. 2018, Section 420), which relates to medical marijuana license; allowing physicians to set certain limits; clarifying language; and declaring an 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;
5. Legally possess one (1) ounce of concentrated marijuana;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

L. All applicants ~~must~~ shall be eighteen (18) years or older. A special exception ~~will~~ shall be granted to an applicant under the

1 age of eighteen (18), however these applications ~~must~~ shall be
2 signed by two (2) physicians and the applicant's parent or legal
3 guardian.

4 M. All applications for a medical marijuana license ~~must~~ shall
5 be signed by an Oklahoma Board certified physician. There are no
6 qualifying conditions. A medical marijuana license ~~must~~ shall be
7 recommended according to the accepted standards a reasonable and
8 prudent physician would follow when recommending or approving any
9 medication. When providing a medical marijuana recommendation, the
10 physician may, at his or her discretion, set a maximum amount of
11 tetrahydrocannabinol (THC) that the patient may purchase each month.

12 No physician may be unduly stigmatized or harassed for signing a
13 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. It being immediately necessary for the preservation
18 of the public peace, health or safety, an emergency is hereby
19 declared to exist, by reason whereof this act shall take effect and
20 be in full force from and after its passage and approval.

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22 57-1-451

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