

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 HOUSE BILL 2601

By: Echols

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5
6 AS INTRODUCED

7 An Act relating to marijuana; amending Section 1,
8 State Question No. 788, Initiative Petition No. 412
9 (63 O.S. Supp. 2018, Section 420), which relates to
10 licensing requirements and restrictions for medical
11 marijuana license holders and caregivers; authorizing
12 counties to establish, assess and collect fees under
13 certain circumstances; and providing an effective
14 date.

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

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

19 Section 420. A. A person in possession of a state_issued
20 medical marijuana license shall be able to:

- 21 1. Consume marijuana legally;
- 22 2. Legally possess up to three (3) ounces of marijuana on their
23 person;
- 24 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 not in
7 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 receive applications for
12 medical license recipients, dispensaries, growers, and packagers
13 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 its website, in an easy-to-find location, an application for a
17 medical marijuana license. The license will be good for two (2)
18 years, and the application fee will 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 be provided on
21 the website.

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

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

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

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

24 1. A digital photograph of the license holder;

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

5 I. The Department of Health will make available, both on its

6 website, and through a telephone verification system, an easy method

7 to validate ~~a medical license holders~~ the authenticity of the

8 medical license by the unique 24-character identifier.

9 J. The State Department of Health will ensure that all

10 application records and information are sealed to protect the

11 privacy of medical license applicants.

12 K. A caregiver license will be made available for qualified

13 caregivers of a medical marijuana license holder who is homebound.

14 The caregiver license will give the caregiver the same rights as the

15 medical license holder. Applicants for a caregiver license ~~will~~

16 shall submit proof of the ~~medical marijuana license holder's~~ license

17 status and homebound status, ~~that they are~~ of the medical marijuana

18 patient and proof that the applicant is the designee of the medical

19 ~~marijuana license holder, must~~ patient. The applicant shall also

20 submit proof that ~~the caregiver~~ he or she is ~~age~~ eighteen (18) years

21 of age or older, and ~~must submit proof the caregiver is an~~ of his or

22 her Oklahoma ~~resident~~ residency. This will be the only criteria for

23 a caregiver license.

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

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

13 N. Counties and cities may enact medical marijuana guidelines
14 allowing medical marijuana license holders or caregivers to exceed
15 the state limits set forth in subsection A of this section. A
16 county is hereby authorized to establish, assess and collect fees
17 from medical marijuana licensees or caregivers who, upon request and
18 approval by the county where the person currently resides, exceed
19 the maximum possession limits established in subsection A of this
20 section. The authority granted by a county to a medical marijuana
21 licensee or caregiver to exceed maximum possession limits shall
22 apply only within the borders of said county.

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

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3 57-1-5038 GRS 11/07/18
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