

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

SENATE BILL NO. 898

By: Howard

AS INTRODUCED

An Act relating to medical marijuana; amending Provision No. 1, State Question No. 788, Initiative Petition No. 412 (63 O.S. Supp. 2018, Section 420), which relates to medical marijuana license; requiring dispensaries to check certain information at point of sale; clarifying language; and providing an effective date.

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

SECTION 1. AMENDATORY Provision No. 1, State Question No. 788, Initiative 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 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~~ shall be valid
18 for two (2) years, and the application fee ~~will~~ shall be One Hundred
19 Dollars (\$100.00), or Twenty Dollars (\$20.00) for individuals on
20 Medicaid, Medicare, or SoonerCare. The methods of payment ~~will~~
21 shall be provided on the Department's website.

22 E. A temporary license application ~~will~~ shall also be made
23 available on the ~~Oklahoma~~ State Department of Health website. A
24 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
11 state 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)~~, 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 only keep the
24 following records for each approved medical license:

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

6 I. The State Department of Health ~~will~~ shall make available,
7 both on its website, and through a telephone verification system, an
8 easy method to validate a medical marijuana license ~~holders~~ holder's
9 authenticity by the unique ~~24-character~~ 24-character identifier.
10 Licensed dispensaries shall enter each medical marijuana license's
11 24-character identifier into the license verification system at the
12 point of sale to ensure that such license is valid. If the license
13 is invalid, the sale shall not be occur.

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

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

1 ~~must submit~~ proof the caregiver is an Oklahoma resident. This ~~will~~
2 shall be the only criteria for a caregiver license.

3 L. All applicants ~~must~~ shall be eighteen (18) years or older.

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

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

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

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

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