

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

HOUSE BILL 3269

By: Mize

AS INTRODUCED

An Act relating to medical marijuana; amending 63 O.S. 2021, Section 420, which relates to medical marijuana patient and caregiver licenses; allowing for the possession of certain medical marijuana products without a valid license; clarifying what constitutes an infraction; authorizing the presentment of a valid license to law enforcement under certain circumstances; prohibiting the issuance of warrants until the expiration of certain time period; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 2021, Section 420, is amended to read as follows:

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

1. Consume marijuana legally;
2. Legally possess up to three (3) ounces or eighty-four and nine-tenths (84.9) grams of marijuana on their person;
3. Legally possess six mature marijuana plants and the harvested marijuana therefrom;
4. Legally possess six seedling plants;

1        5. Legally possess one (1) ounce or twenty-eight and three-  
2 tenths (28.3) grams of concentrated marijuana;

3        6. Legally possess seventy-two (72) ounces or two thousand  
4 thirty-seven and six-tenths (2,037.6) grams of edible marijuana;

5        7. Legally possess up to eight (8) ounces or two hundred  
6 twenty-six and four-tenths (226.4) grams of marijuana in their  
7 residence; and

8        8. Legally possess seventy-two (72) ounces of topical  
9 marijuana.

10       B. ~~Possession~~ Until the possession of marijuana is legal in  
11 Oklahoma for persons without a medical marijuana patient license or  
12 medical marijuana caregiver license, possession of up to one and  
13 one-half (1.5) ounces or forty-two and forty-five one-hundredths  
14 (42.45) grams of marijuana ~~by persons who can state a medical~~  
15 ~~condition, but are not in possession of a state-issued medical~~  
16 ~~marijuana patient license, eight (8) ounces of topical, suppository,~~  
17 ~~or edible marijuana, or marijuana paraphernalia without a valid~~  
18 ~~medical marijuana patient license or medical marijuana caregiver~~  
19 ~~license shall constitute a misdemeanor offense not subject to~~  
20 ~~imprisonment but punishable by~~ be a civil infraction with a fine not  
21 to exceed Four Hundred Dollars (\$400.00). ~~Any law enforcement~~  
22 ~~officer who comes in contact with a person in violation of this~~  
23 ~~subsection and who is satisfied as to the identity of the person, as~~  
24 ~~well as any other pertinent information the law enforcement officer~~

~~deems necessary, shall issue to the person a written citation~~  
~~containing a notice to answer the charge against the person in the~~  
~~appropriate court. Upon receiving the written promise of the~~  
~~alleged violator to answer as specified in the citation, the law~~  
~~enforcement officer shall release the person upon personal~~  
~~recognizance unless there has been a violation of another provision~~  
~~of law~~ The aggregate amount of the aforementioned medical marijuana  
products or less shall constitute no more than one single  
infraction. If, within forty-five (45) days of a citation for  
possession of marijuana without a valid medical marijuana patient  
license or medical marijuana caregiver license issued by the  
Oklahoma Medical Marijuana Authority, the person is approved for a  
medical marijuana patient license or medical marijuana caregiver  
license, the person may present the license or proof of the license  
approval to the law enforcement agency in the jurisdiction in which  
the citation was received and shall have the citation and fine  
vacated. There shall be no warrant issued for an unpaid fine  
indicated in the provisions of this subsection for a minimum of  
forty-five (45) days.

C. A regulatory office shall be established under the State  
Department of Health which shall receive applications for medical  
marijuana patient and caregiver license recipients, dispensaries,  
growers and processors within sixty (60) days of the passage of this  
initiative.

1 D. The State Department of Health shall, within thirty (30)  
2 days of passage of this initiative, make available on its website,  
3 in an easy-to-find location, an application for a medical marijuana  
4 patient license. The license shall be valid for two (2) years. The  
5 biannual application fee shall be One Hundred Dollars (\$100.00), or  
6 Twenty Dollars (\$20.00) for individuals on Medicaid, Medicare or  
7 SoonerCare. The methods of payment shall be provided on the website  
8 of the Department. Reprints of the medical marijuana patient  
9 license shall be Twenty Dollars (\$20.00).

10 E. A short-term medical marijuana patient license application  
11 shall also be made available on the website of the State Department  
12 of Health. A short-term medical marijuana patient license shall be  
13 granted to any applicant who can meet the requirements for a two-  
14 year medical marijuana patient license, but whose physician  
15 recommendation for medical marijuana is only valid for sixty (60)  
16 days. Short-term medical marijuana patient licenses shall be issued  
17 for sixty (60) days. The fee for a short-term medical marijuana  
18 patient license, reprints of the short-term medical marijuana  
19 patient license and the procedure for extending or renewing the  
20 license shall be determined by the Department.

21 F. A temporary medical marijuana patient license application  
22 shall also be available on the website of the State Department of  
23 Health for residents of other states. Temporary medical marijuana  
24 patient licenses shall be granted to medical marijuana license

1 holders from other states, provided that such states have state-  
2 regulated medical marijuana programs and applicants can prove they  
3 are members of such programs. Temporary medical marijuana patient  
4 licenses shall be issued for thirty (30) days. The cost for a  
5 temporary medical marijuana patient license shall be One Hundred  
6 Dollars (\$100.00). Renewal shall be granted with resubmission of a  
7 new application. No additional criteria shall be required.  
8 Reprints of the temporary medical marijuana patient license shall be  
9 Twenty Dollars (\$20.00).

10 G. Medical marijuana patient license applicants shall submit  
11 their applications to the State Department of Health for approval.  
12 The applicant shall be a resident of Oklahoma and shall prove  
13 residency by a valid driver license, utility bills, or other  
14 accepted methods.

15 H. The State Department of Health shall review the medical  
16 marijuana patient license application; approve, reject or deny the  
17 application; and mail the approval, rejection or denial letter  
18 stating any reasons for the rejection or denial to the applicant  
19 within fourteen (14) business days of receipt of the application.  
20 Approved applicants shall be issued a medical marijuana patient  
21 license which shall act as proof of his or her approved status.  
22 Applications may only be rejected or denied based on the applicant  
23 not meeting stated criteria or improper completion of the  
24 application.

1 I. The State Department of Health shall make available, both on  
2 its website and through a telephone verification system, an easy  
3 method to validate the authenticity of the medical marijuana patient  
4 license by the unique 24-character identification number.

5 J. The State Department of Health shall ensure that all medical  
6 marijuana patient and caregiver records and information are sealed  
7 to protect the privacy of medical marijuana patient license  
8 applicants.

9 K. A caregiver license shall be made available for qualified  
10 caregivers of a medical marijuana patient license holder who is  
11 homebound. As provided in Section 427.11 of this title, the  
12 caregiver license shall provide the caregiver the same rights as the  
13 medical marijuana patient licensee including the ability to possess  
14 marijuana, marijuana products and mature and immature plants  
15 pursuant to the Oklahoma Medical Marijuana and Patient Protection  
16 Act, but excluding the ability to use marijuana or marijuana  
17 products unless the caregiver has a medical marijuana patient  
18 license. Applicants for a caregiver license shall submit proof of  
19 the license status and homebound status of the medical marijuana  
20 patient and proof that the applicant is the designee of the medical  
21 marijuana patient. The applicant shall also submit proof that he or  
22 she is eighteen (18) years of age or older and proof of his or her  
23 Oklahoma residency.

1 L. All applicants for a medical marijuana patient license shall  
2 be eighteen (18) years of age or older. A special exception shall  
3 be granted to an applicant under the age of eighteen (18); however,  
4 these applications shall be signed by two physicians and the parent  
5 or legal guardian of the applicant.

6 M. All applications for a medical marijuana patient license  
7 shall be signed by an Oklahoma physician licensed by and in good  
8 standing with the State Board of Medical Licensure and Supervision  
9 or the State Board of Osteopathic Examiners. There are no  
10 qualifying conditions. A medical marijuana patient license 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 patient license application.

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

19 SECTION 2. This act shall become effective November 1, 2022.  
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21 58-2-8976 GRS 12/28/21  
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