

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 59th Legislature (2023)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2146

By: McDugle of the House

and

Garvin of the Senate

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10 COMMITTEE SUBSTITUTE

11 An Act relating to medical marijuana; amending 63
12 O.S. 2021, Section 420, as amended by Section 1,
13 Chapter 251, O.S.L. 2022 (63 O.S. Supp. 2022, Section
14 420), which relates to the issuance of medical
15 marijuana patient licenses; authorizing the issuance
16 of nonresident medical marijuana licenses under
17 certain circumstances; increasing term and cost of
18 license; providing restrictions for minor patients;
19 and providing an effective date.

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

21 SECTION 1. AMENDATORY 63 O.S. 2021, Section 420, as
22 amended by Section 1, Chapter 251, O.S.L. 2022 (63 O.S. Supp. 2022,
23 Section 420), is amended to read as follows:

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

1. Consume marijuana legally;

1 2. Legally possess up to three (3) ounces or eighty-four and
2 nine-tenths (84.9) grams of marijuana on their person;

3 3. Legally possess six mature marijuana plants and the
4 harvested marijuana therefrom;

5 4. Legally possess six seedling plants;

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

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

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

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

15 B. Possession of up to one and one-half (1.5) ounces or forty-
16 two and forty-five one-hundredths (42.45) grams of marijuana by
17 persons who can state a medical condition, but are not in possession
18 of a state-issued medical marijuana patient license, shall
19 constitute a misdemeanor offense not subject to imprisonment but
20 punishable by a fine not to exceed Four Hundred Dollars (\$400.00).
21 Any law enforcement officer who comes in contact with a person in
22 violation of this subsection and who is satisfied as to the identity
23 of the person, as well as any other pertinent information the law
24 enforcement officer deems necessary, shall issue to the person a

1 written citation containing a notice to answer the charge against
2 the person in the appropriate court. Upon receiving the written
3 promise of the alleged violator to answer as specified in the
4 citation, the law enforcement officer shall release the person upon
5 personal recognizance unless there has been a violation of another
6 provision of law.

7 C. The Oklahoma Medical Marijuana Authority shall be
8 established which shall receive applications for medical marijuana
9 patient and caregiver license recipients, dispensaries, growers and
10 processors within sixty (60) days of the passage of this initiative.

11 D. The Authority shall, within thirty (30) days of passage of
12 this initiative, make available on its website, in an easy-to-find
13 location, an application for a medical marijuana patient license.
14 The license shall be valid for two (2) years. The biannual
15 application fee shall be One Hundred Dollars (\$100.00), or Twenty
16 Dollars (\$20.00) for individuals on Medicaid, Medicare or
17 SoonerCare. The methods of payment shall be provided on the website
18 of the Authority. Reprints of the medical marijuana patient license
19 shall be Twenty Dollars (\$20.00).

20 E. A short-term medical marijuana patient license application
21 shall also be made available on the website of the Authority. A
22 short-term medical marijuana patient license shall be granted to any
23 applicant who can meet the requirements for a two-year medical
24 marijuana patient license, but whose physician recommendation for

1 medical marijuana is only valid for sixty (60) days. Short-term
2 medical marijuana patient licenses shall be issued for sixty (60)
3 days. The fee for a short-term medical marijuana patient license,
4 reprints of the short-term medical marijuana patient license and the
5 procedure for extending or renewing the license shall be determined
6 by the Executive Director of the Authority.

7 F. A ~~temporary~~ nonresident medical marijuana patient license
8 application shall also be available on the website of the Authority
9 for residents of other states. ~~Temporary~~ Nonresident medical
10 marijuana patient licenses shall be granted to medical marijuana
11 license holders from other states, provided that ~~such states have~~
12 ~~state-regulated medical marijuana programs and applicants can prove~~
13 ~~they are members of such programs~~ the patient is under the care of a
14 licensed Oklahoma physician located within the State of Oklahoma.
15 ~~Temporary~~ Nonresident medical marijuana patient licenses shall be
16 issued for ~~thirty (30) days~~ two (2) years. The cost for a ~~temporary~~
17 nonresident medical marijuana patient license shall be ~~One Hundred~~
18 ~~Dollars (\$100.00)~~ Two Hundred Fifty Dollars (\$250.00). Renewal
19 shall be granted with resubmission of a new application. No
20 additional criteria shall be required for adult medical marijuana
21 patients but medical marijuana patients who are eighteen (18) years
22 of age or younger shall meet the requirements provided for in
23 subsection L of this section. Reprints of the ~~temporary~~ nonresident
24 medical marijuana patient license shall be Twenty Dollars (\$20.00).

1 G. Medical marijuana patient license applicants shall submit
2 their applications to the Authority for approval. The applicant
3 shall be a resident of this state and shall prove residency by a
4 valid driver license, utility bills, or other accepted methods.

5 H. The Authority shall review the medical marijuana patient
6 license application; approve, reject or deny the application; and
7 mail the approval, rejection or denial letter stating any reasons
8 for the rejection or denial to the applicant within fourteen (14)
9 business days of receipt of the application. Approved applicants
10 shall be issued a medical marijuana patient license which shall act
11 as proof of his or her approved status. Applications may only be
12 rejected or denied based on the applicant not meeting stated
13 criteria or improper completion of the application.

14 I. The Authority shall make available, both on its website and
15 through a telephone verification system, an easy method to validate
16 the authenticity of the medical marijuana patient license by the
17 unique 24-character identification number.

18 J. The Authority shall ensure that all medical marijuana
19 patient and caregiver records and information are sealed to protect
20 the privacy of medical marijuana patient license applicants.

21 K. A caregiver license shall be made available for qualified
22 caregivers of a medical marijuana patient license holder who is
23 homebound. As provided in Section 427.11 of this title, the
24 caregiver license shall provide the caregiver the same rights as the

1 medical marijuana patient licensee including the ability to possess
2 marijuana, marijuana products and mature and immature plants
3 pursuant to the Oklahoma Medical Marijuana and Patient Protection
4 Act, but excluding the ability to use marijuana or marijuana
5 products unless the caregiver has a medical marijuana patient
6 license. Applicants for a caregiver license shall submit proof of
7 the license status and homebound status of the medical marijuana
8 patient and proof that the applicant is the designee of the medical
9 marijuana patient. The applicant shall also submit proof that he or
10 she is eighteen (18) years of age or older and proof of his or her
11 state residency.

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

17 M. All applications for a medical marijuana patient license
18 shall be signed by an Oklahoma physician licensed by and in good
19 standing with the State Board of Medical Licensure and Supervision,
20 the State Board of Osteopathic Examiners, or the Board of Podiatric
21 Medical Examiners. There are no qualifying conditions for adult
22 medical marijuana patients. A medical marijuana patient license
23 shall be recommended according to the accepted standards a
24 reasonable and prudent physician would follow when recommending or

1 approving any medication. No physician may be unduly stigmatized or
2 harassed for signing a medical marijuana patient license
3 application.

4 N. Counties and cities may enact medical marijuana guidelines
5 allowing medical marijuana patient license holders or caregiver
6 license holders to exceed the state limits set forth in subsection A
7 of this section.

8 SECTION 2. This act shall become effective November 1, 2023.

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10 COMMITTEE REPORT BY: COMMITTEE ON ALCOHOL, TOBACCO AND CONTROLLED
11 SUBSTANCES, dated 02/22/2023 - DO PASS, As Amended and Coauthored.

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