

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

HOUSE BILL 2146

By: McDugle

AS INTRODUCED

An Act relating to medical marijuana; amending 63 O.S. 2021, Section 420, as amended by Section 1, Chapter 251, O.S.L. 2022 (63 O.S. Supp. 2022, Section 420), which relates to the issuance of medical marijuana patient licenses; authorizing the issuance of nonresident medical marijuana licenses; increasing term of license; 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, as amended by Section 1, Chapter 251, O.S.L. 2022 (63 O.S. Supp. 2022, 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 of up to one and one-half (1.5) ounces or forty-
11 two and forty-five one-hundredths (42.45) grams of marijuana by
12 persons who can state a medical condition, but are not in possession
13 of a state-issued medical marijuana patient license, shall
14 constitute a misdemeanor offense not subject to imprisonment but
15 punishable by a fine not to exceed Four Hundred Dollars (\$400.00).
16 Any law enforcement officer who comes in contact with a person in
17 violation of this subsection and who is satisfied as to the identity
18 of the person, as well as any other pertinent information the law
19 enforcement officer deems necessary, shall issue to the person a
20 written citation containing a notice to answer the charge against
21 the person in the appropriate court. Upon receiving the written
22 promise of the alleged violator to answer as specified in the
23 citation, the law enforcement officer shall release the person upon
24

1 personal recognizance unless there has been a violation of another
2 provision of law.

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

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

16 E. A short-term medical marijuana patient license application
17 shall also be made available on the website of the Authority. A
18 short-term medical marijuana patient license shall be granted to any
19 applicant who can meet the requirements for a two-year medical
20 marijuana patient license, but whose physician recommendation for
21 medical marijuana is only valid for sixty (60) days. Short-term
22 medical marijuana patient licenses shall be issued for sixty (60)
23 days. The fee for a short-term medical marijuana patient license,
24 reprints of the short-term medical marijuana patient license and the

1 procedure for extending or renewing the license shall be determined
2 by the Executive Director of the Authority.

3 F. A ~~temporary~~ nonresident medical marijuana patient license
4 application shall also be available on the website of the Authority
5 for residents of other states. ~~Temporary~~ Nonresident medical
6 marijuana patient licenses shall be granted to medical marijuana
7 license holders from other states, ~~provided that such states have~~
8 ~~state-regulated medical marijuana programs and applicants can prove~~
9 ~~they are members of such programs.~~ ~~Temporary~~ Nonresident medical
10 marijuana patient licenses shall be issued for ~~thirty (30) days~~ two
11 (2) years. The cost for a ~~temporary~~ nonresident medical marijuana
12 patient license shall be ~~One Hundred Dollars (\$100.00)~~ Two Hundred
13 Dollars (\$200.00). Renewal shall be granted with resubmission of a
14 new application. No additional criteria shall be required.
15 Reprints of the ~~temporary~~ nonresident medical marijuana patient
16 license shall be Twenty Dollars (\$20.00).

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

21 H. The Authority shall review the medical marijuana patient
22 license application; approve, reject or deny the application; and
23 mail the approval, rejection or denial letter stating any reasons
24 for the rejection or denial to the applicant within fourteen (14)

1 business days of receipt of the application. Approved applicants
2 shall be issued a medical marijuana patient license which shall act
3 as proof of his or her approved status. Applications may only be
4 rejected or denied based on the applicant not meeting stated
5 criteria or improper completion of the application.

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

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

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

1 marijuana patient. The applicant shall also submit proof that he or
2 she is eighteen (18) years of age or older and proof of his or her
3 state residency.

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

9 M. All applications for a medical marijuana patient license
10 shall be signed by an Oklahoma physician licensed by and in good
11 standing with the State Board of Medical Licensure and Supervision,
12 the State Board of Osteopathic Examiners, or the Board of Podiatric
13 Medical Examiners. There are no qualifying conditions. A medical
14 marijuana patient license shall be recommended according to the
15 accepted standards a reasonable and prudent physician would follow
16 when recommending or approving any medication. No physician may be
17 unduly stigmatized or harassed for signing a medical marijuana
18 patient license application.

19 N. Counties and cities may enact medical marijuana guidelines
20 allowing medical marijuana patient license holders or caregiver
21 license holders to exceed the state limits set forth in subsection A
22 of this section.

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

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