

1 **SENATE FLOOR VERSION**

2 February 13, 2025

3 SENATE BILL NO. 774

By: Coleman

4
5
6 An Act relating to medical marijuana licenses;
7 amending 63 O.S. 2021, Sections 420, as amended by
8 Section 1, Chapter 182, O.S.L. 2024, and 427.7 (63
9 O.S. Supp. 2024, Section 420), which relate to
10 medical marijuana patient licenses and registry;
11 modifying certain identification number; requiring
12 certain barcode; and providing an effective date.

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

14 SECTION 1. AMENDATORY 63 O.S. 2021, Section 420, as
15 amended by Section 1, Chapter 182, O.S.L. 2024 (63 O.S. Supp. 2024,
16 Section 420), is amended to read as follows:

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

- 19 1. Consume marijuana legally;
- 20 2. Legally possess up to three (3) ounces or eighty-four and
21 nine-tenths (84.9) grams of marijuana on their person;
- 22 3. Legally possess six mature marijuana plants and the
23 harvested marijuana therefrom;
- 24 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 (2037.6) 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 punishable by a fine not to exceed
15 Four Hundred Dollars (\$400.00) and shall not be subject to
16 imprisonment for the offense. Any law enforcement officer who comes
17 in contact with a person in violation of this subsection and who is
18 satisfied as to the identity of the person, as well as any other
19 pertinent information the law enforcement officer deems necessary,
20 shall issue to the person a written citation containing a notice to
21 answer the charge against the person in the appropriate court. Upon
22 receiving the written promise of the alleged violator to answer as
23 specified in the citation, the law enforcement officer shall release

24

1 the person upon personal recognizance unless there has been a
2 violation of another 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

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

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

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

19 H. The Authority shall review the medical marijuana patient
20 license application; approve, reject, or deny the application; and
21 mail the approval, rejection, or denial letter stating any reasons
22 for rejection, to the applicant within fourteen (14) business days
23 of receipt of the application. Approved applicants shall be issued
24 a medical marijuana patient license which shall act as proof of his

1 or her approved status. Applications may only be rejected or denied
2 based on the applicant not meeting stated criteria or improper
3 completion of the application.

4 I. The Authority shall make available, both on its website and
5 through a telephone verification system, an easy method to validate
6 the authenticity of the medical marijuana patient license by the
7 unique ~~twenty-four-character~~ twelve-character identification number
8 and PDF417 barcode.

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

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

1 shall also submit proof that he or she is eighteen (18) years of age
2 or older and proof of his or her state residency. This shall be the
3 only criteria for a caregiver license. A licensed caregiver shall
4 not cultivate medical marijuana for more than five medical marijuana
5 patient licensees and shall not charge a medical marijuana patient
6 licensee for cultivating medical marijuana in excess of the actual
7 costs incurred in cultivating the medical marijuana.

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

13 M. All applications for a medical marijuana patient license
14 shall be signed by an Oklahoma physician licensed by and in good
15 standing with the State Board of Medical Licensure and Supervision,
16 the State Board of Osteopathic Examiners, or the Board of Podiatric
17 Medical Examiners. There are no qualifying conditions. A medical
18 marijuana patient license shall be recommended according to the
19 accepted standards a reasonable and prudent physician would follow
20 when recommending or approving any medication. No physician may be
21 unduly stigmatized, penalized, subjected to discipline, sanctioned,
22 reprimanded or harassed for signing a medical marijuana patient
23 license application; provided, the physician acted in accordance

24

1 with the provisions of this subsection and all other rules governing
2 the medical license of the physician in this state.

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

7 SECTION 2. AMENDATORY 63 O.S. 2021, Section 427.7, is
8 amended to read as follows:

9 Section 427.7. A. The Oklahoma Medical Marijuana Authority
10 shall create a medical marijuana use registry of patients and
11 caregivers as provided under this section. The handling of any
12 records maintained in the registry shall comply with all applicable
13 state and federal privacy laws.

14 B. The medical marijuana use registry shall be accessible to:

15 1. Oklahoma-licensed medical marijuana dispensaries to verify
16 the license of a patient or caregiver by the ~~twenty-four-character~~
17 twelve-character identifier and PDF417 barcode; and

18 2. Any court in this state.

19 C. All other records regarding a medical marijuana patient or
20 caregiver licensee shall be maintained by the Authority and shall be
21 deemed confidential. The handling of any records maintained by the
22 Authority shall comply with all applicable state and federal privacy
23 laws. Such records shall be marked as confidential, shall not be
24 made available to the public, and shall only be made available to

1 the licensee, designee of the licensee, any physician of the
2 licensee or the caregiver of the licensee.

3 D. A log shall be kept with the file of the licensee to record
4 any event in which the records of the licensee were made available
5 and to whom the records were provided.

6 E. The Authority shall ensure that all medical marijuana
7 patient and caregiver records and information are sealed to protect
8 the privacy of medical marijuana patient license applicants and
9 licensees.

10 F. This act shall be in force for any new or replacement
11 medical marijuana patient licenses issued after the effective date
12 of this act.

13 SECTION 3. This act shall become effective November 1, 2025.

14 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND INSURANCE
15 February 13, 2025 - DO PASS

16
17
18
19
20
21
22
23
24