

1 ENGROSSED SENATE
2 BILL NO. 760

By: McCortney of the Senate

3 and

4 Echols of the House

5
6
7 An Act relating to medical marijuana; amending
8 Provision No. 1, State Question No. 788, Petition No.
9 412 (63 O.S. Supp. 2018, Section 420), which relates
10 to medical marijuana license; requiring State
11 Department of Health to make available certain
12 application; granting short-term license to
13 applicants who meet certain requirements; providing
14 term of license; providing for fee and certain
15 procedures; and clarifying language.

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

17 SECTION 1. AMENDATORY Provision No. 1, State Question
18 No. 788, Petition No. 412 (63 O.S. Supp. 2018, Section 420), is
19 amended to read as follows:

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

- 22 1. Consume marijuana legally;
- 23 2. Legally possess up to three (3) ounces of marijuana on their
24 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 marijuana license recipients, dispensaries, growers, and
13 packagers 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 website, in an easy to find location, an application for a medical
17 marijuana license. The license ~~will be good~~ shall be valid for two
18 (2) years, and the application fee ~~will~~ shall be One Hundred Dollars
19 (\$100.00), or Twenty Dollars (\$20.00) for individuals on Medicaid,
20 Medicare, or SoonerCare. The methods of payment ~~will~~ shall be
21 provided on the Department's website.

22 E. A short-term medical marijuana license application shall
23 also be made available on the State Department of Health's website.
24 A short-term medical marijuana license shall be granted to any

1 applicant who can meet the requirements for a two-year medical
2 marijuana license, but whose physician recommendation for medical
3 marijuana is only valid for sixty (60) days. Short-term licenses
4 shall be issued for sixty (60) days. The fee for a short-term
5 license and the procedure for extending or renewing the license
6 shall be determined by the Department.

7 F. A temporary license application ~~will~~ shall also be made
8 available on the ~~Oklahoma Department of Health~~ Department's website.
9 A temporary medical marijuana license ~~will~~ shall be granted to any
10 medical marijuana license holder from other states, provided that
11 the state has a state regulated medical marijuana program, and the
12 applicant can prove they are a member of such program. Temporary
13 licenses ~~will~~ shall be issued for thirty (30) days. The cost for a
14 temporary license shall be One Hundred Dollars (\$100.00). Renewal
15 ~~will~~ shall be granted with resubmission of a new application. No
16 additional criteria ~~will~~ shall be required.

17 ~~F.~~ G. Medical marijuana license applicants ~~will~~ shall submit
18 their application to the ~~Oklahoma~~ State Department of Health for
19 approval ~~and that the applicant must.~~ The applicant shall be an
20 Oklahoma state resident and shall prove residency by a valid
21 driver's license, utility bills, or other accepted methods.

22 ~~G.~~ H. The ~~Oklahoma~~ State Department of Health shall review the
23 medical marijuana application, ~~approve/reject~~ approve or reject the
24 application, and mail the applicant's approval or rejection letter,

1 ~~(stating reasons for rejection)~~ stating any reasons for rejection,
2 to the applicant within fourteen (14) days of receipt of the
3 application. Approved applicants ~~will~~ shall be issued a medical
4 marijuana license which ~~will~~ shall act as proof of their approved
5 status. Applications may only be rejected based on the applicant
6 not meeting stated criteria or improper completion of the
7 application.

8 ~~H.~~ I. The ~~Oklahoma~~ State Department of Health ~~will~~ shall only
9 keep the following records for each approved medical marijuana
10 license:

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

16 ~~I.~~ J. The Department of Health ~~will~~ shall make available, both
17 on its website, and through a telephone verification system, an easy
18 method to validate a medical marijuana license ~~holders~~ holder's
19 authenticity by the unique ~~24-character~~ 24-character identifier.

20 ~~J.~~ K. The State Department of Health ~~will~~ shall ensure that all
21 application records and information are sealed to protect the
22 privacy of medical marijuana license applicants.

23 ~~K.~~ L. A caregiver license ~~will~~ shall be made available for
24 qualified caregivers of a medical marijuana license holder who is

1 homebound. The caregiver license ~~will~~ shall give the caregiver the
2 same rights as the medical marijuana license holder. Applicants for
3 a caregiver license ~~will~~ shall submit proof of the medical marijuana
4 license holder's license status and homebound status, proof that
5 they are the designee of the medical marijuana license holder, ~~must~~
6 ~~submit~~ proof that the caregiver is age eighteen (18) or older, and
7 ~~must submit~~ proof the caregiver is an Oklahoma resident. This ~~will~~
8 shall be the only criteria for a caregiver license.

9 ~~L.~~ M. All applicants ~~must~~ shall be eighteen (18) years or
10 older. A special exception ~~will~~ shall be granted to an applicant
11 under the age of eighteen (18), however these applications ~~must~~
12 shall be signed by two (2) physicians and the applicant's parent or
13 legal guardian.

14 ~~M.~~ N. All applications for a medical marijuana license ~~must~~
15 shall be signed by an Oklahoma Board certified physician. There are
16 no qualifying conditions. A medical marijuana license ~~must~~ shall be
17 recommended according to the accepted standards a reasonable and
18 prudent physician would follow when recommending or approving any
19 medication. No physician may be unduly stigmatized or harassed for
20 signing a medical marijuana license application.

21 ~~N.~~ O. Counties and cities may enact medical marijuana
22 guidelines allowing medical marijuana license holders or caregivers
23 to exceed the state limits set forth in subsection A of this
24 section.

1 Passed the Senate the 13th day of March, 2019.

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3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2019.

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8 _____
9 Presiding Officer of the House
10 of Representatives