

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 ENGROSSED SENATE

5 BILL NO. 760

By: McCortney of the Senate

and

Echols of the House

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

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

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

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

24 1. Consume marijuana legally;

2. Legally possess up to three (3) ounces of marijuana on their
person;

- 1 3. Legally possess six (6) mature marijuana plants;
- 2 4. Legally possess six (6) seedling plants;
- 3 5. Legally possess one (1) ounce of concentrated marijuana;
- 4 6. Legally possess seventy-two (72) ounces of edible marijuana;

5 and

6 7. Legally possess up to eight (8) ounces of marijuana in their
7 residence.

8 B. Possession of up to one and one-half (1.5) ounces of
9 marijuana by persons who can state a medical condition, but are not
10 in possession of a state issued medical marijuana license, shall
11 constitute a misdemeanor offense with a fine not to exceed Four
12 Hundred Dollars (\$400.00).

13 C. A regulatory office shall be established under the ~~Oklahoma~~
14 State Department of Health which ~~will~~ shall receive applications for
15 medical marijuana license recipients, dispensaries, growers, and
16 packagers within sixty (60) days of the passage of this initiative.

17 D. The ~~Oklahoma~~ State Department of Health shall, within thirty
18 (30) days of passage of this initiative, make available, on their
19 website, in an easy to find location, an application for a medical
20 marijuana license. The license ~~will be good~~ shall be valid for two
21 (2) years, and the application fee ~~will~~ shall be One Hundred Dollars
22 (\$100.00), or Twenty Dollars (\$20.00) for individuals on Medicaid,
23 Medicare, or SoonerCare. The methods of payment ~~will~~ shall be
24 provided on the Department's website.

1 E. A short-term medical marijuana license application shall
2 also be made available on the State Department of Health's website.
3 A short-term medical marijuana license shall be granted to any
4 applicant who can meet the requirements for a two-year medical
5 marijuana license, but whose physician recommendation for medical
6 marijuana is only valid for sixty (60) days. Short-term licenses
7 shall be issued for sixty (60) days. The fee for a short-term
8 license and the procedure for extending or renewing the license
9 shall be determined by the Department.

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

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

1 ~~G.~~ H. The ~~Oklahoma~~ State Department of Health shall review the
2 medical marijuana application, ~~approve/reject~~ approve or reject the
3 application, and mail the applicant's approval or rejection letter,
4 ~~(stating reasons for rejection)~~ stating any reasons for rejection,
5 to the applicant within fourteen (14) days of receipt of the
6 application. Approved applicants ~~will~~ shall be issued a medical
7 marijuana license which ~~will~~ shall act as proof of their approved
8 status. Applications may only be rejected based on the applicant
9 not meeting stated criteria or improper completion of the
10 application.

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

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

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

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

4 ~~K.~~ L. A caregiver license ~~will~~ shall be made available for
5 qualified caregivers of a medical marijuana license holder who is
6 homebound. The caregiver license ~~will~~ shall give the caregiver the
7 same rights as the medical marijuana license holder. Applicants for
8 a caregiver license ~~will~~ shall submit proof of the medical marijuana
9 license holder's license status and homebound status, proof that
10 they are the designee of the medical marijuana license holder, ~~must~~
11 ~~submit~~ proof that the caregiver is age eighteen (18) or older, and
12 ~~must submit~~ proof the caregiver is an Oklahoma resident. This ~~will~~
13 shall be the only criteria for a caregiver license.

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

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

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

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8 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 04/09/2019 - DO PASS.

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