

1 **SENATE FLOOR VERSION**

2 February 18, 2019

3 **AS AMENDED**

4 SENATE BILL NO. 760

5 By: McCortney

6
7 **[medical marijuana - medical marijuana license -**
8 **State Department of Health - short-term license**
9 **emergency]**

10
11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

- 17 1. Consume marijuana legally;
- 18 2. Legally possess up to three (3) ounces of marijuana on their
19 person;
- 20 3. Legally possess six (6) mature marijuana plants;
- 21 4. Legally possess six (6) seedling plants;
- 22 5. Legally possess one (1) ounce of concentrated marijuana;
- 23 6. Legally possess seventy-two (72) ounces of edible marijuana;

24 and

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

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

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

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

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

1 marijuana is only valid for sixty (60) days. Short-term licenses
2 shall be issued for sixty (60) days. The fee for a short-term
3 license and the procedure for extending or renewing the license
4 shall be determined by the Department.

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

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

20 ~~G.~~ H. The ~~Oklahoma~~ State Department of Health shall review the
21 medical marijuana application, ~~approve/reject~~ approve or reject the
22 application, and mail the applicant's approval or rejection letter,
23 ~~(stating reasons for rejection)~~ stating any reasons for rejection,
24 to the applicant within fourteen (14) days of receipt of the

1 application. Approved applicants ~~will~~ shall be issued a medical
2 marijuana license which ~~will~~ shall act as proof of their approved
3 status. Applications may only be rejected based on the applicant
4 not meeting stated criteria or improper completion of the
5 application.

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

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

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

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

21 ~~K.~~ L. A caregiver license ~~will~~ shall be made available for
22 qualified caregivers of a medical marijuana license holder who is
23 homebound. The caregiver license ~~will~~ shall give the caregiver the
24 same rights as the medical marijuana license holder. Applicants for

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

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

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

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

23 ~~**SECTION 2. It being immediately necessary for the preservation**~~
24 ~~**of the public peace, health or safety, an emergency is hereby**~~

1 ~~declared to exist, by reason whereof this act shall take effect and~~
2 ~~be in full force from and after its passage and approval.~~

3 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
4 February 18, 2019 - DO PASS AS AMENDED
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24