

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL NO. 760

By: McCortney

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5  
6 AS INTRODUCED

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; clarifying language; and declaring an  
16 emergency.

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

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

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

- 23 1. Consume marijuana legally;
- 24 2. Legally possess up to three (3) ounces of marijuana on their  
25 person;
3. Legally possess six (6) mature marijuana plants;
4. Legally possess six (6) seedling plants;

1 5. Legally possess one (1) ounce of concentrated marijuana;

2 6. Legally possess seventy-two (72) ounces of edible marijuana;

3 and

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

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

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

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

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

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

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

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

23 G. H. The ~~Oklahoma~~ State Department of Health shall review the  
24 medical marijuana application, ~~approve/reject~~ approve or reject the

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

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

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

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

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

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

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

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

23       ~~N.~~ O. Counties and cities may enact medical marijuana  
24 guidelines allowing medical marijuana license holders or caregivers

1 to exceed the state limits set forth in subsection A of this  
2 section.

3 SECTION 2. It being immediately necessary for the preservation  
4 of the public peace, health or safety, an emergency is hereby  
5 declared to exist, by reason whereof this act shall take effect and  
6 be in full force from and after its passage and approval.

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