

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 2614

6 By: Echols

7 COMMITTEE SUBSTITUTE

8 An Act relating to marijuana; amending Section 1,
9 State Question No. 788, Petition No. 412 (63 O.S.
10 Supp. 2018, Section 420), which relates to medical
11 marijuana licensing requirements and restrictions;
12 modifying penalty for certain unlawful act; amending
13 63 O.S. 2011, Section 2-402, as last amended by
14 Section 3, State Question No. 780, Petition No. 404
15 (63 O.S. Supp. 2018, Section 2-402), which relates to
16 the Uniform Controlled Dangerous Substances Act;
17 providing separate penalty for possession of
18 marijuana; and providing an effective date.

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

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

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

1. Consume marijuana legally;

2. Legally possess up to three (3) ounces of marijuana on their
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;
6. Legally possess seventy-two (72) ounces of edible marijuana;

and

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

B. ~~Possession~~ Any person in possession of up to one and one-half (1.5) ounces of marijuana ~~by persons~~ who can state a medical condition, but who is not in possession of a state-issued medical marijuana license, shall ~~constitute a misdemeanor offense with a fine~~ be issued a citation for an amount not to exceed Four Hundred Dollars (\$400.00).

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

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

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

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

16 G. The Oklahoma State Department of Health shall review the
17 medical marijuana application, approve/reject the application, and
18 mail the applicant's approval or rejection letter (stating reasons
19 for rejection) to the applicant within fourteen (14) days of receipt
20 of the application. Approved applicants will be issued a medical
21 marijuana license which will act as proof of their approved status.
22 Applications may only be rejected based on applicant not meeting
23 stated criteria or improper completion of the application.

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1 H. The Oklahoma State Department of Health will only keep the
2 following records for each approved medical license:

- 3 1. A digital photograph of the license holder;
- 4 2. The expiration date of the license;
- 5 3. The county where the card was issued; and
- 6 4. A unique 24-character identification number assigned to the
7 license.

8 I. The Department of Health will make available, both on its
9 website, and through a telephone verification system, an easy method
10 to validate a medical license ~~holders~~ holder's authenticity by the
11 unique 24-character identifier.

12 J. The State Department of Health will ensure that all
13 application records and information are sealed to protect the
14 privacy of medical license applicants.

15 K. A caregiver license will be made available for qualified
16 caregivers of a medical marijuana license holder who is homebound.
17 The caregiver license will give the caregiver the same rights as the
18 medical license holder. Applicants for a caregiver license will
19 submit proof of the medical marijuana license holder's license
20 status and homebound status, that they are the designee of the
21 medical marijuana license holder, must submit proof that the
22 caregiver is age eighteen (18) or older, and must submit proof the
23 caregiver is an Oklahoma resident. This will be the only criteria
24 for a caregiver license.

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

5 M. All applications for a medical license must be signed by an
6 Oklahoma Board certified physician. There are no qualifying
7 conditions. A medical marijuana license must be recommended
8 according to the accepted standards a reasonable and prudent
9 physician would follow when recommending or approving any
10 medication. No physician may be unduly stigmatized or harassed for
11 signing a medical marijuana license application.

12 N. Counties and cities may enact medical marijuana guidelines
13 allowing medical marijuana license holders or caregivers to exceed
14 the state limits set forth in subsection A of this section.

15 SECTION 2. AMENDATORY 63 O.S. 2011, Section 2-402, as
16 last amended by Section 3, State Question No. 780, Petition No. 404
17 (63 O.S. Supp. 2018, Section 2-402), is amended to read as follows:

18 Section 2-402. A. 1. It shall be unlawful for any person
19 knowingly or intentionally to possess a controlled dangerous
20 substance unless such substance was obtained directly, or pursuant
21 to a valid prescription or order from a practitioner, while acting
22 in the course of his or her professional practice, or except as
23 otherwise authorized by this act.

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1 2. It shall be unlawful for any person to purchase any
2 preparation excepted from the provisions of the Uniform Controlled
3 Dangerous Substances Act pursuant to Section 2-313 of this title in
4 an amount or within a time interval other than that permitted by
5 Section 2-313 of this title.

6 3. It shall be unlawful for any person or business to sell,
7 market, advertise or label any product containing ephedrine, its
8 salts, optical isomers, or salts of optical isomers, for the
9 indication of stimulation, mental alertness, weight loss, appetite
10 control, muscle development, energy or other indication which is not
11 approved by the pertinent federal OTC Final Monograph, Tentative
12 Final Monograph, or FDA-approved new drug application or its legal
13 equivalent. In determining compliance with this requirement, the
14 following factors shall be considered:

- 15 a. the packaging of the product,
16 b. the name of the product, and
17 c. the distribution and promotion of the product,
18 including verbal representations made at the point of
19 sale.

20 B. ~~Any~~ 1. Except as provided in paragraph 2 of this
21 subsection, any person who violates the provisions of this section
22 is with respect to a controlled dangerous substance, except for
23 marijuana, shall be guilty of a misdemeanor punishable by
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1 confinement for not more than one (1) year and by a fine not
2 exceeding One Thousand Dollars (\$1,000.00).

3 2. Any person who violates the provisions of this section with
4 respect to marijuana shall be issued a citation in an amount not to
5 exceed Four Hundred Dollars (\$400.00).

6 C. Any person convicted of any offense described in this
7 section shall, in addition to any fine imposed, pay a special
8 assessment trauma-care fee of One Hundred Dollars (\$100.00) to be
9 deposited into the Trauma Care Assistance Revolving Fund created in
10 Section 1-2530.9 of this title.

11 SECTION 3. This act shall become effective November 1, 2019.

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