

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 57th Legislature (2020)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3229

By: Echols and **Frix**

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8 COMMITTEE SUBSTITUTE

9 An Act relating to medical marijuana; amending
10 Section 1, State Question No. 788, Initiative
11 Petition No. 412, as last amended by Section 2,
12 Chapter 509, O.S.L. 2019 (63 O.S. Supp. 2019, Section
13 420), which relates to patient and caregiver medical
14 marijuana licensing requirements; updating language;
15 removing residency requirement for patients and
16 caregivers; and providing an effective date.

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

17 SECTION 1. AMENDATORY Section 1, State Question No. 788,
18 Initiative Petition No. 412, as last amended by Section 2, Chapter
19 509, O.S.L. 2019 (63 O.S. Supp. 2019, Section 420), is amended to
20 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;

2. Legally possess up to three (3) ounces (84.9 grams) 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 (28.3 grams) of concentrated marijuana;
6. Legally possess seventy-two (72) ounces (2,037.6 grams) of edible marijuana; and
7. Legally possess up to eight (8) ounces (226.4 grams) of marijuana in their residence.

B. Possession of up to one and one-half (1.5) ounces (42.45 grams) of marijuana by persons who can state a medical condition, but not in possession of a state-issued medical marijuana license, shall constitute a misdemeanor offense punishable by a fine not to exceed Four Hundred Dollars (\$400.00) and shall not be subject to imprisonment for the offense. Any law enforcement officer who comes in contact with a person in violation of this subsection and who is satisfied as to the identity of the person, as well as any other pertinent information the law enforcement officer deems necessary, shall issue to the person a written citation containing a notice to answer the charge against the person in the appropriate court. Upon receiving the written promise of the alleged violator to answer as specified in the citation, the law enforcement officer shall release

1 the person upon personal recognizance unless there has been a
2 violation of another provision of law.

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

7 D. The State Department of Health shall, within thirty (30)
8 days of passage of this initiative, make available~~7~~ on ~~their~~ its
9 website~~7~~ in an easy to find location~~7~~ an application for a medical
10 marijuana license. The license shall be good for two (2) years.
11 The application fee shall be One Hundred Dollars (\$100.00)~~7~~ or
12 Twenty Dollars (\$20.00) for individuals on Medicaid, Medicare or
13 SoonerCare. The methods of payment shall be provided on the
14 website.

15 E. A temporary license application shall also be available on
16 the website of the State Department of Health. A temporary medical
17 marijuana license shall be granted to any medical marijuana license
18 holder from other states, provided that the state has a state
19 regulated medical marijuana program, and the applicant can prove he
20 or she is a member of such. Temporary licenses shall be issued for
21 thirty (30) days. The cost for a temporary license shall be One
22 Hundred Dollars (\$100.00). Renewal ~~will~~ shall be granted with
23 resubmission of a new application. No additional criteria shall be
24 required.

1 F. Medical marijuana license applicants shall submit his or her
2 application to the State Department of Health for approval. ~~The~~
3 ~~applicant must be a resident of Oklahoma and shall prove residency~~
4 ~~by a valid driver license, utility bills, or other accepted methods.~~

5 G. The State Department of Health shall review the medical
6 marijuana application, approve or reject the application, and mail
7 the approval or rejection letter to the applicant stating reasons
8 for rejection within fourteen (14) business days of receipt of the
9 application. Approved applicants shall be issued a medical
10 marijuana license which will act as proof of his or her approved
11 status. Applications may only be rejected based on an applicant not
12 meeting the stated criteria or improper completion of the
13 application.

14 H. The State Department of Health shall only keep the following
15 records for each approved medical license:

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

21 I. The State Department of Health shall make available, both on
22 its website, and through a telephone verification system, an easy
23 method to validate the authenticity of a medical marijuana license
24 by the unique 24-character identification number.

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

4 K. A caregiver license shall be made available for qualified
5 caregivers of a medical marijuana license holder who is homebound.
6 As provided in Section ~~41~~ 427.11 of ~~Enrolled House Bill No. 2612 of~~
7 ~~the 1st Session of the 57th Oklahoma Legislature~~ this title, the
8 caregiver license shall provide the caregiver the same rights as the
9 medical marijuana patient licensee, including the ability to possess
10 marijuana, marijuana products and mature and immature plants
11 pursuant to the Oklahoma Medical Marijuana and Patient Protection
12 Act, but excluding the ability to use marijuana or marijuana
13 products unless the caregiver has a medical marijuana patient
14 license. Applicants for a caregiver license shall submit proof of
15 the license status and homebound status of the medical marijuana
16 license holder, that the caregiver is the designee of the medical
17 marijuana license holder, and that the caregiver is eighteen (18)
18 years of age or older, ~~and that the caregiver is an Oklahoma~~
19 ~~resident~~. This shall be the only criteria for a caregiver license.

20 L. All applicants must be eighteen (18) years of age or older.
21 A special exception shall be granted to an applicant under the age
22 of eighteen (18), however these applications must be signed by two
23 (2) physicians and the parent or legal guardian of the applicant.
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1 M. All applications for a medical marijuana license shall be
2 signed by an Oklahoma physician. There are no qualifying
3 conditions. A medical marijuana license must be recommended
4 according to the accepted standards a reasonable and prudent
5 physician would follow when recommending or approving any
6 medication. No physician may be unduly stigmatized or harassed for
7 signing a medical marijuana license application.

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

11 SECTION 2. This act shall become effective November 1, 2020.

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13 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 02/19/2020 - DO PASS,
14 As Amended and Coauthored.
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