

1 **SENATE FLOOR VERSION**

2 April 8, 2019

3 ENGROSSED HOUSE
4 BILL NO. 1932

By: Manger of the House

and

Shaw of the Senate

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9 An Act relating to public health and safety; amending
10 Section 1, State Question No. 788, Petition No. 412
(63 O.S. Supp. 2018, Section 420), which relates to
11 medical marijuana licensing requirements and
restrictions; specifying measurement in grams as well
12 as ounces of marijuana product that a licensee may
possess; and providing an effective date.

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

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

19 Section 420. A. A person in possession of a state-issued
20 medical marijuana license shall be able to:

- 21 1. Consume marijuana legally;
- 22 2. Legally possess up to three (3) ounces or eighty-four and
23 nine-tenths (84.9) grams of marijuana on ~~their~~ his or her person;
- 24 3. Legally possess six (6) mature marijuana plants;

1 4. Legally possess six (6) seedling plants;

2 5. Legally possess one (1) ounce or twenty-eight and three-
3 tenths (28.3) grams of concentrated marijuana;

4 6. Legally possess seventy-two (72) ounces or two thousand
5 thirty-seven and six-tenths (2,037.6) grams of edible marijuana; and

6 7. Legally possess up to eight (8) ounces or two hundred
7 twenty-six and four-tenths (226.4) grams of marijuana in their
8 residence.

9 B. Possession of up to one and one-half (1.5) ounces or forty-
10 two and five-tenths (42.5) grams of marijuana by persons who can
11 state a medical condition, but not in possession of a state-issued
12 medical marijuana license, shall constitute a misdemeanor offense
13 with a fine not to exceed Four Hundred Dollars (\$400.00).

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

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

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

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

18 G. The Oklahoma State Department of Health shall review the
19 medical marijuana application, ~~approve/reject~~ approve or reject the
20 application, and mail the ~~applicant's~~ approval or rejection letter
21 ~~(stating reasons for rejection)~~ to the applicant within fourteen
22 (14) days of receipt of the application. Approved applicants will
23 be issued a medical marijuana license which will act as proof of
24 their approved status. Applications may only be rejected based on

1 an applicant not meeting stated criteria or improper completion of
2 the application.

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

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

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

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

17 K. A caregiver license will be made available for qualified
18 caregivers of a medical marijuana license holder who is homebound.
19 The caregiver license will give the caregiver the same rights as the
20 medical marijuana license holder. Applicants for a caregiver
21 license will submit proof to the Department of the license status
22 and homebound status of the medical marijuana license ~~holder's~~
23 ~~license status and homebound status~~ holder, that ~~they are~~ the person
24 is the designee of the medical marijuana license holder, ~~must submit~~

1 ~~proof~~ that the caregiver is ~~age~~ eighteen (18) years of age or older,
2 and ~~must submit proof the caregiver is~~ an Oklahoma resident. This
3 will be the only criteria for a caregiver license.

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

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

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

19 SECTION 2. This act shall become effective November 1, 2019.

20 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
21 April 8, 2019 - DO PASS
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