

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1932

By: Manger

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5
6 AS INTRODUCED

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

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

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

17 Section 420. A. A person in possession of a state_issued
18 medical marijuana license shall be able to:

- 19 1. Consume marijuana legally;
- 20 2. Legally possess up to three (3) ounces or eighty-four and
21 nine-tenths (84.9) grams of marijuana on ~~their~~ his or her person;
- 22 3. Legally possess six (6) mature marijuana plants;
- 23 4. Legally possess six (6) seedling plants;
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1 5. Legally possess one (1) ounce or twenty-eight and three-
2 tenths (28.3) grams of concentrated marijuana;

3 6. Legally possess seventy-two (72) ounces or two thousand
4 thirty-seven and six-tenths (2037.6) grams of edible marijuana; and

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

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

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

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

1 E. A temporary license application will also be available on
2 the Oklahoma State Department of Health website. A temporary
3 medical marijuana license will be granted to any medical marijuana
4 license holder from other states, provided that the state has a
5 state-regulated medical marijuana program, and the applicant can
6 prove they are a member of such. Temporary licenses will be issued
7 for 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~~ driver license, utility bills,
15 or other accepted methods.

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

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~~ the authenticity of a medical marijuana license
11 ~~holders authenticity~~ by the 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 marijuana license holder. Applicants for a caregiver
19 license will submit proof to the Department of the license status
20 and homebound status of the medical marijuana license holder's
21 ~~license status and homebound status~~ holder, that ~~they are~~ the person
22 is the designee of the medical marijuana license holder, ~~must submit~~
23 ~~proof~~ that the caregiver is ~~age~~ eighteen (18) years of age or older,
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1 and ~~must submit proof the caregiver is~~ an Oklahoma resident. This
2 will be the only criteria for a caregiver license.

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

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

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

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

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20 57-1-5389 GRS 12/31/18

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