

1 ENGROSSED HOUSE
2 BILL NO. 2022

By: Fetgatter of the House

and

Leewright of the Senate

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6 An Act relating to medical marijuana; amending
7 Section 1, State Question No. 788, Initiative
8 Petition No. 412, as last amended by Section 44,
9 Chapter 161, O.S.L. 2020 (63 O.S. Supp. 2020, Section
10 420), which relates to medical marijuana patient and
11 caregiver licenses; updating language; specifying
12 measurements in grams; eliminating temporary medical
marijuana licensing option; authorizing nonresidents
to apply for medical marijuana patient licenses;
providing qualifications; setting application fee and
term of license; providing for licensure renewal; and
authorizing the Oklahoma Medical Marijuana Authority
to promulgate rules.

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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 Initiative Petition No. 412, as last amended by Section 44, Chapter
18 161, O.S.L. 2020 (63 O.S. Supp. 2020, Section 420), is amended to
19 read as follows:

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

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

1 3. Legally possess six mature marijuana plants;

2 4. Legally possess six seedling plants;

3 5. Legally possess ~~one (1) ounce~~ twenty-eight and three-tenths
4 (28.3) grams of concentrated marijuana;

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

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

9 B. Possession of up to ~~one and one-half (1.5) ounces~~ forty-two
10 and forty-five one-hundredths (42.45) grams of marijuana by persons

11 who can state a medical condition, but are not in possession of a
12 state-issued medical marijuana license, shall constitute a

13 misdemeanor offense punishable by a fine not to exceed Four Hundred
14 Dollars (\$400.00) and shall not be subject to imprisonment for the

15 offense. Any law enforcement officer who comes in contact with a
16 person in violation of this subsection and who is satisfied as to

17 the identity of the person, as well as any other pertinent

18 information the law enforcement officer deems necessary, shall issue

19 to the person a written citation containing a notice to answer the

20 charge against the person in the appropriate court. Upon receiving

21 the written promise of the alleged violator to answer as specified

22 in the citation, the law enforcement officer shall release the

23 person upon personal recognizance unless there has been a violation

24 of another provision of law.

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

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

14 E. A short-term medical marijuana patient license application
15 shall also be made available on the website of the ~~State Department~~
16 ~~of Health~~ Authority. A short-term medical marijuana patient license
17 shall be granted to any applicant who can meet the requirements for
18 a two-year medical marijuana patient license, but whose physician
19 recommendation for medical marijuana is only valid for sixty (60)
20 days. Short-term medical marijuana patient licenses shall be issued
21 for sixty (60) days. The fee for a short-term medical marijuana
22 patient license and the procedure for extending or renewing the
23 license shall be determined by the Department.

1 F. A ~~temporary~~ nonresident medical marijuana patient license
2 application shall also be made available on the website of the
3 ~~Department Authority~~. A ~~temporary nonresident~~ medical marijuana
4 patient license shall be granted to any ~~medical marijuana license~~
5 ~~holder person~~ from other states, another state; provided that, the
6 ~~state has a state-regulated medical marijuana program, and the~~
7 ~~applicant can prove he or she is a member of such program.~~
8 ~~Temporary licenses shall be issued for thirty (30) days~~ applicant is
9 eighteen (18) years of age or older and the application for a
10 nonresident medical marijuana patient license is signed by an
11 Oklahoma physician. A qualifying medical condition is not required
12 for a nonresident medical marijuana patient license. The Authority
13 may contact the recommending physician of an applicant for a
14 nonresident medical marijuana patient license to verify the need of
15 the applicant for the license. The cost for a ~~temporary nonresident~~
16 medical marijuana patient license shall be ~~One Hundred Dollars~~
17 ~~(\$100.00) Two Hundred Dollars (\$200.00).~~ The nonresident medical
18 marijuana patient license shall be valid for up to two (2) years
19 from the date of issuance, unless the recommendation of the
20 physician is terminated or the license is revoked by the Authority.
21 Renewal of the license shall be granted with resubmission of a new
22 application and application fee. The Authority shall be authorized
23 to promulgate rules to implement the provisions of this subsection.
24 ~~No additional criteria shall be required.~~

1 G. Medical marijuana patient license applicants shall submit
2 ~~his or her~~ their applications to the ~~State Department of Health~~
3 Authority for approval. The applicant shall be an Oklahoma state
4 resident and shall prove residency by a valid driver license,
5 utility bills, or other accepted methods.

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

15 I. The ~~State Department of Health~~ Authority shall only keep the
16 following records for each approved medical marijuana patient
17 license:

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

23 J. The ~~State Department of Health~~ Authority shall make
24 available, both on its website and through a telephone verification

1 system, an easy method to validate the authenticity of the medical
2 marijuana patient license by the unique 24-character identification
3 number.

4 K. The ~~State Department of Health~~ Authority shall ensure that
5 all application records and information are sealed to protect the
6 privacy of medical marijuana patient license applicants.

7 L. A caregiver license shall be made available for qualified
8 caregivers of a medical marijuana ~~license holder~~ patient licensee
9 who is homebound. As provided in Section ~~44~~ 427.11 of ~~Enrolled~~
10 ~~House Bill No. 2612 of the 1st Session of the 57th Oklahoma~~
11 ~~Legislature~~ this title, the caregiver license shall provide the
12 caregiver the same rights as the medical marijuana patient licensee,
13 including the ability to possess marijuana, marijuana products and
14 mature and immature plants pursuant to the Oklahoma Medical
15 Marijuana and Patient Protection Act, but excluding the ability to
16 use marijuana or marijuana products unless the caregiver has a
17 medical marijuana patient license. An applicant for a caregiver
18 license shall submit proof of the license status and homebound
19 status of the medical marijuana patient and proof that the applicant
20 is the designee of the medical marijuana patient. The applicant
21 shall also submit proof that he or she is eighteen (18) years of age
22 or older and proof of his or her Oklahoma residency. This shall be
23 the only criteria for a caregiver license.

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

5 N. All applications for a medical marijuana patient license
6 shall be signed by an Oklahoma physician. There are no qualifying
7 conditions. A medical marijuana patient 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 patient license application.

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

16 Passed the House of Representatives the 18th day of February,
17 2021.

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20 Presiding Officer of the House
of Representatives

21 Passed the Senate the ___ day of _____, 2021.

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23 _____
24 Presiding Officer of the Senate