

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 60th Legislature (2025)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 1163

By: Gann of the House

7  
8                                   COMMITTEE SUBSTITUTE

9                   An Act relating to marijuana; amending 63 O.S. 2021,  
10                   Section 2-415, which relates to the Trafficking in  
11                   Illegal Drugs Act; decreasing weight amount of  
12                   marijuana for aggravated trafficking offense;  
13                   amending 63 O.S. 2021, Section 420, as amended by  
14                   Section 1, Chapter 182, O.S.L. 2024 (63 O.S. Supp.  
15                   2024, Section 420), which relates to medical  
16                   marijuana patient licenses; clarifying scope of  
17                   certain unlawful act; and providing an effective  
18                   date.

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

20                   SECTION 1.           AMENDATORY           63 O.S. 2021, Section 2-415, is  
21                   amended to read as follows:

22                   Section 2-415. A. The provisions of the Trafficking in Illegal  
23                   Drugs Act shall apply to persons convicted of violations with  
24                   respect to the following substances:

- 25                   1. Marijuana;
- 26                   2. Cocaine or coca leaves;
- 27                   3. Heroin;

- 1 4. Amphetamine or methamphetamine;
- 2 5. Lysergic acid diethylamide (LSD);
- 3 6. Phencyclidine (PCP);
- 4 7. Cocaine base, commonly known as "crack" or "rock";
- 5 8. 3,4-Methylenedioxy methamphetamine, commonly known as
- 6 "ecstasy" or MDMA;
- 7 9. Morphine;
- 8 10. Oxycodone;
- 9 11. Hydrocodone;
- 10 12. Benzodiazepine; or
- 11 13. Fentanyl and its analogs and derivatives.

12 B. Except as otherwise authorized by the Uniform Controlled  
13 Dangerous Substances Act, it shall be unlawful for any person to:

- 14 1. Knowingly distribute, manufacture, bring into this state or
- 15 possess a controlled substance specified in subsection A of this
- 16 section in the quantities specified in subsection C of this section;
- 17 2. Possess any controlled substance with the intent to
- 18 manufacture a controlled substance specified in subsection A of this
- 19 section in quantities specified in subsection C of this section; or
- 20 3. Use or solicit the use of services of a person less than
- 21 eighteen (18) years of age to distribute or manufacture a controlled
- 22 dangerous substance specified in subsection A of this section in
- 23 quantities specified in subsection C of this section.

24

1 Violation of this section shall be known as "trafficking in  
2 illegal drugs". Separate types of controlled substances described  
3 in subsection A of this section when possessed at the same time in  
4 violation of any provision of this section shall constitute a  
5 separate offense for each substance.

6 Any person who commits the conduct described in paragraph 1, 2  
7 or 3 of this subsection and represents the quantity of the  
8 controlled substance to be an amount described in subsection C of  
9 this section shall be punished under the provisions appropriate for  
10 the amount of controlled substance represented, regardless of the  
11 actual amount.

12 C. In the case of a violation of the provisions of subsection B  
13 of this section, involving:

14 1. Marijuana:

15 a. ~~twenty-five~~ Twenty-five (25) pounds or more of a  
16 mixture or substance containing a detectable amount of  
17 marijuana shall be ~~punishable by a fine of not less~~  
18 ~~than Twenty-five Thousand Dollars (\$25,000.00) and not~~  
19 ~~more than One Hundred Thousand Dollars (\$100,000.00),~~

20 or

21 b. ~~one thousand (1,000) pounds or more of a mixture or~~  
22 ~~substance containing a detectable amount of marijuana~~  
23 ~~shall be deemed aggravated trafficking punishable by a~~  
24 fine of not less than One Hundred Thousand Dollars

1 (\$100,000.00) and not more than Five Hundred Thousand  
2 Dollars (\$500,000.00);

3 2. Cocaine, coca leaves or cocaine base:

4 a. twenty-eight (28) grams or more of a mixture or  
5 substance containing a detectable amount of cocaine,  
6 coca leaves or cocaine base shall be punishable by a  
7 fine of not less than Twenty-five Thousand Dollars  
8 (\$25,000.00) and not more than One Hundred Thousand  
9 Dollars (\$100,000.00),

10 b. three hundred (300) grams or more of a mixture or  
11 substance containing a detectable amount of cocaine,  
12 coca leaves or cocaine base shall be punishable by a  
13 fine of not less than One Hundred Thousand Dollars  
14 (\$100,000.00) and not more than Five Hundred Thousand  
15 Dollars (\$500,000.00), or

16 c. four hundred fifty (450) grams or more of a mixture or  
17 substance containing a detectable amount of cocaine,  
18 coca leaves or cocaine base shall be deemed aggravated  
19 trafficking punishable by a fine of not less than One  
20 Hundred Thousand Dollars (\$100,000.00) and not more  
21 than Five Hundred Thousand Dollars (\$500,000.00);

22 3. Heroin:

23 a. ten (10) grams or more of a mixture or substance  
24 containing a detectable amount of heroin shall be

1 punishable by a fine of not less than Twenty-five  
2 Thousand Dollars (\$25,000.00) and not more than Fifty  
3 Thousand Dollars (\$50,000.00), or

4 b. twenty-eight (28) grams or more of a mixture or  
5 substance containing a detectable amount of heroin  
6 shall be deemed aggravated trafficking punishable by a  
7 fine of not less than Fifty Thousand Dollars  
8 (\$50,000.00) and not more than Five Hundred Thousand  
9 Dollars (\$500,000.00);

10 4. Amphetamine or methamphetamine:

11 a. twenty (20) grams or more of a mixture or substance  
12 containing a detectable amount of amphetamine or  
13 methamphetamine shall be punishable by a fine of not  
14 less than Twenty-five Thousand Dollars (\$25,000.00)  
15 and not more than Two Hundred Thousand Dollars  
16 (\$200,000.00),

17 b. two hundred (200) grams or more of a mixture or  
18 substance containing a detectable amount of  
19 amphetamine or methamphetamine shall be punishable by  
20 a fine of not less than Fifty Thousand Dollars  
21 (\$50,000.00) and not more than Five Hundred Thousand  
22 Dollars (\$500,000.00), or

23 c. four hundred fifty (450) grams or more of a mixture or  
24 substance containing a detectable amount of

1           amphetamine or methamphetamine shall be deemed  
2           aggravated trafficking punishable by a fine of not  
3           less than Fifty Thousand Dollars (\$50,000.00) and not  
4           more than Five Hundred Thousand Dollars (\$500,000.00);

5       5. Lysergic acid diethylamide (LSD):

- 6           a.    one (1) gram or more of a mixture or substance  
7           containing a detectable amount of lysergic acid  
8           diethylamide (LSD) shall be trafficking punishable by  
9           a term of imprisonment in the custody of the  
10          Department of Corrections not to exceed twenty (20)  
11          years and by a fine of not less than Fifty Thousand  
12          Dollars (\$50,000.00) and not more than One Hundred  
13          Thousand Dollars (\$100,000.00), or
- 14          b.    ten (10) grams or more of a mixture or substance  
15          containing a detectable amount of lysergic acid  
16          diethylamide (LSD) shall be aggravated trafficking  
17          punishable by a term of imprisonment in the custody of  
18          the Department of Corrections of not less than two (2)  
19          years nor more than life and by a fine of not less  
20          than One Hundred Thousand Dollars (\$100,000.00) and  
21          not more than Two Hundred Fifty Thousand Dollars  
22          (\$250,000.00);

23       6. Phencyclidine (PCP):

24

1 a. twenty (20) grams or more of a substance containing a  
2 mixture or substance containing a detectable amount of  
3 phencyclidine (PCP) shall be trafficking punishable by  
4 a term of imprisonment in the custody of the  
5 Department of Corrections not to exceed twenty (20)  
6 years and by a fine of not less than Twenty Thousand  
7 Dollars (\$20,000.00) and not more than Fifty Thousand  
8 Dollars (\$50,000.00), or

9 b. one hundred fifty (150) grams or more of a substance  
10 containing a mixture or substance containing a  
11 detectable amount of phencyclidine (PCP) shall be  
12 aggravated trafficking punishable by a term of  
13 imprisonment in the custody of the Department of  
14 Corrections of not less than two (2) years nor more  
15 than life and by a fine of not less than Fifty  
16 Thousand Dollars (\$50,000.00) and not more than Two  
17 Hundred Fifty Thousand Dollars (\$250,000.00);

18 7. Methylenedioxy methamphetamine:

19 a. thirty (30) tablets or ten (10) grams of a mixture or  
20 substance containing a detectable amount of 3,4-  
21 Methylenedioxy methamphetamine shall be trafficking  
22 punishable by a term of imprisonment in the custody of  
23 the Department of Corrections not to exceed twenty  
24 (20) years and by a fine of not less than Twenty-five

1 Thousand Dollars (\$25,000.00) and not more than One  
2 Hundred Thousand Dollars (\$100,000.00), or

3 b. one hundred (100) tablets or thirty (30) grams of a  
4 mixture or substance containing a detectable amount of  
5 3,4-Methylenedioxy methamphetamine shall be deemed  
6 aggravated trafficking punishable by a term of  
7 imprisonment in the custody of the Department of  
8 Corrections of not less than two (2) years nor more  
9 than life by a fine of not less than One Hundred  
10 Thousand Dollars (\$100,000.00) and not more than Five  
11 Hundred Thousand Dollars (\$500,000.00);

12 8. Morphine: One thousand (1,000) grams or more of a mixture  
13 containing a detectable amount of morphine shall be trafficking  
14 punishable by a term of imprisonment in the custody of the  
15 Department of Corrections not to exceed twenty (20) years and by a  
16 fine of not less than One Hundred Thousand Dollars (\$100,000.00) and  
17 not more than Five Hundred Thousand Dollars (\$500,000.00);

18 9. Oxycodone: Four hundred (400) grams or more of a mixture  
19 containing a detectable amount of oxycodone shall be trafficking  
20 punishable by a term of imprisonment in the custody of the  
21 Department of Corrections not to exceed twenty (20) years and by a  
22 fine of not less than One Hundred Thousand Dollars (\$100,000.00) and  
23 not more than Five Hundred Thousand Dollars (\$500,000.00);



1           10. Hydrocodone: Three thousand seven hundred fifty (3,750)  
2 grams or more of a mixture containing a detectable amount of  
3 hydrocodone shall be trafficking punishable by a term of  
4 imprisonment in the custody of the Department of Corrections not to  
5 exceed twenty (20) years and by a fine of not less than One Hundred  
6 Thousand Dollars (\$100,000.00) and not more than Five Hundred  
7 Thousand Dollars (\$500,000.00);

8           11. Benzodiazepine: Five hundred (500) grams or more of a  
9 mixture containing a detectable amount of benzodiazepine shall be  
10 trafficking punishable by a term of imprisonment not to exceed  
11 twenty (20) years and by a fine of not less than One Hundred  
12 Thousand Dollars (\$100,000.00) and not more than Five Hundred  
13 Thousand Dollars (\$500,000.00); and

14           12. Fentanyl and its analogs and derivatives:

- 15           a. one (1) gram or more of a mixture containing fentanyl  
16 or carfentanil, or any fentanyl analogs or derivatives  
17 shall be trafficking punishable by a term of  
18 imprisonment in the custody of the Department of  
19 Corrections not to exceed twenty (20) years and by a  
20 fine of not less than One Hundred Thousand Dollars  
21 (\$100,000.00) and not more than Two Hundred Fifty  
22 Thousand Dollars (\$250,000.00), or  
23           b. five (5) grams or more of a mixture containing  
24 fentanyl or carfentanil, or any fentanyl analogs or

1 derivatives shall be aggravated trafficking punishable  
2 by a term of imprisonment in the custody of the  
3 Department of Corrections of not less than two (2)  
4 years nor more than life and by a fine of not less  
5 than Two Hundred Fifty Thousand Dollars (\$250,000.00)  
6 and not more than Five Hundred Thousand Dollars  
7 (\$500,000.00).

8 D. Any person who violates the provisions of this section with  
9 respect to marijuana, cocaine, coca leaves, cocaine base, heroin,  
10 amphetamine or methamphetamine in a quantity specified in paragraphs  
11 1, 2, 3 and 4 of subsection C of this section shall, in addition to  
12 any fines specified by this section, be punishable by a term of  
13 imprisonment as follows:

14 1. For trafficking, a first violation of this section, a term  
15 of imprisonment in the custody of the Department of Corrections not  
16 to exceed twenty (20) years;

17 2. For trafficking, a second violation of this section, a term  
18 of imprisonment in the Department of Corrections of not less than  
19 four (4) years nor more than life, for which the person shall serve  
20 fifty percent (50%) of the sentence before being eligible for parole  
21 consideration;

22 3. For trafficking, a third or subsequent violation of this  
23 section, a term of imprisonment in the custody of the Department of  
24 Corrections of not less than twenty (20) years nor more than life,

1 of which the person shall serve fifty percent (50%) of the sentence  
2 before being eligible for parole consideration.

3 Persons convicted of trafficking shall not be eligible for  
4 earned credits or any other type of credits which have the effect of  
5 reducing the length of sentence to less than fifty percent (50%) of  
6 the sentence imposed; and

7 If the person is convicted of aggravated trafficking, the person  
8 shall serve eighty-five percent (85%) of such sentence before being  
9 eligible for parole consideration.

10 E. The penalties specified in subsections C and D of this  
11 section are subject to the enhancements enumerated in subsections E  
12 and F of Section 2-401 of this title.

13 F. Any person convicted of any offense described in this  
14 section shall, in addition to any fine imposed, pay a special  
15 assessment trauma-care fee of One Hundred Dollars (\$100.00) to be  
16 deposited into the Trauma Care Assistance Revolving Fund created in  
17 Section 1-2530.9 of this title and the assessment pursuant to  
18 Section 2-503.2 of this title.

19 SECTION 2. AMENDATORY 63 O.S. 2021, Section 420, as  
20 amended by Section 1, Chapter 182, O.S.L. 2024 (63 O.S. Supp. 2024,  
21 Section 420), is amended to read as follows:

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

24 1. Consume marijuana legally;

1           2. Legally possess up to three (3) ounces or eighty-four and  
2 nine-tenths (84.9) grams of marijuana on their person;

3           3. Legally possess six mature marijuana plants and the  
4 harvested marijuana therefrom;

5           4. Legally possess six seedling plants;

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

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

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

13          8. Legally possess seventy-two (72) ounces of topical  
14 marijuana.

15          B. Possession of up to one and one-half (1.5) ounces or forty-  
16 two and forty-five one-hundredths (42.45) grams of marijuana by  
17 persons who can state a medical condition at the time of the stop  
18 and issuance of a written citation or arrest, but are not in  
19 possession of a state-issued medical marijuana patient license,  
20 shall constitute a misdemeanor offense punishable by a fine not to  
21 exceed Four Hundred Dollars (\$400.00) and shall not be subject to  
22 imprisonment for the offense. Any law enforcement officer who comes  
23 in contact with a person in violation of this subsection and who is  
24 satisfied as to the identity of the person, as well as any other

1 pertinent information the law enforcement officer deems necessary,  
2 shall issue to the person a written citation containing a notice to  
3 answer the charge against the person in the appropriate court. Upon  
4 receiving the written promise of the alleged violator to answer as  
5 specified in the citation, the law enforcement officer shall release  
6 the person upon personal recognizance unless there has been a  
7 violation of another provision of law.

8 C. The Oklahoma Medical Marijuana Authority shall be  
9 established which shall receive applications for medical marijuana  
10 patient and caregiver license recipients, dispensaries, growers, and  
11 processors within sixty (60) days of the passage of this initiative.

12 D. The Authority shall, within thirty (30) days of passage of  
13 this initiative, make available on its website, in an easy-to-find  
14 location, an application for a medical marijuana patient license.  
15 The license shall be valid for two (2) years. The biannual  
16 application fee shall be One Hundred Dollars (\$100.00), or Twenty  
17 Dollars (\$20.00) for individuals on Medicaid, Medicare or  
18 SoonerCare. The methods of payment shall be provided on the website  
19 of the Authority. Reprints of the medical marijuana patient license  
20 shall be Twenty Dollars (\$20.00).

21 E. A short-term medical marijuana patient license application  
22 shall also be made available on the website of the Authority. A  
23 short-term medical marijuana patient license shall be granted to any  
24 applicant who can meet the requirements for a two-year medical

1 marijuana patient license, but whose physician recommendation for  
2 medical marijuana is only valid for sixty (60) days. Short-term  
3 medical marijuana patient licenses shall be issued for sixty (60)  
4 days. The fee for a short-term medical marijuana patient license,  
5 reprints of the short-term medical marijuana patient license, and  
6 the procedure for extending or renewing the license shall be  
7 determined by the Executive Director of the Authority.

8 F. A temporary medical marijuana patient license application  
9 shall also be made available on the website of the Authority for  
10 residents of other states. Temporary medical marijuana patient  
11 licenses shall be granted to any medical marijuana license holders  
12 from other states, provided that such states have state-regulated  
13 medical marijuana programs, and applicants can prove they are  
14 members of such programs. Temporary medical marijuana patient  
15 licenses shall be issued for thirty (30) days. The cost for a  
16 temporary license shall be One Hundred Dollars (\$100.00). Renewal  
17 shall be granted with resubmission of a new application. No  
18 additional criteria shall be required. Reprints of the temporary  
19 medical marijuana patient license shall be Twenty Dollars (\$20.00).

20 G. Medical marijuana patient license applicants shall submit  
21 their applications to the Authority for approval. The applicant  
22 shall be a resident of this state and shall prove residency by a  
23 valid driver license, utility bills, or other accepted methods.

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1 H. The Authority shall review the medical marijuana patient  
2 license application; approve, reject, or deny the application; and  
3 mail the approval, rejection, or denial letter stating any reasons  
4 for rejection, to the applicant within fourteen (14) business days  
5 of receipt of the application. Approved applicants shall be issued  
6 a medical marijuana patient license which shall act as proof of his  
7 or her approved status. Applications may only be rejected or denied  
8 based on the applicant not meeting stated criteria or improper  
9 completion of the application.

10 I. The Authority shall make available, both on its website and  
11 through a telephone verification system, an easy method to validate  
12 the authenticity of the medical marijuana patient license by the  
13 unique twenty-four-character identification number.

14 J. The Authority shall ensure that all medical marijuana  
15 patient and caregiver records and information are sealed to protect  
16 the privacy of medical marijuana patient license applicants.

17 K. A caregiver license shall be made available for qualified  
18 caregivers of a medical marijuana patient license holder who is  
19 homebound. As provided in Section 427.11 of this title, the  
20 caregiver license shall provide the caregiver the same rights as the  
21 medical marijuana patient licensee including the ability to possess  
22 marijuana, marijuana products and mature and immature plants or  
23 cultivated medical marijuana pursuant to the Oklahoma Medical  
24 Marijuana and Patient Protection Act, but excluding the ability to

1 use marijuana or marijuana products unless the caregiver has a  
2 medical marijuana patient license. Applicants for a caregiver  
3 license shall submit proof of the license status and homebound  
4 status of the medical marijuana patient and proof that the applicant  
5 is the designee of the medical marijuana patient. The applicant  
6 shall also submit proof that he or she is eighteen (18) years of age  
7 or older and proof of his or her state residency. This shall be the  
8 only criteria for a caregiver license. A licensed caregiver shall  
9 not cultivate medical marijuana for more than five medical marijuana  
10 patient licensees and shall not charge a medical marijuana patient  
11 licensee for cultivating medical marijuana in excess of the actual  
12 costs incurred in cultivating the medical marijuana.

13 L. All applicants for a medical marijuana patient license shall  
14 be eighteen (18) years of age or older. A special exception shall  
15 be granted to an applicant under the age of eighteen (18); however,  
16 these applications shall be signed by two physicians and the parent  
17 or legal guardian of the applicant.

18 M. All applications for a medical marijuana patient license  
19 shall be signed by an Oklahoma physician licensed by and in good  
20 standing with the State Board of Medical Licensure and Supervision,  
21 the State Board of Osteopathic Examiners, or the Board of Podiatric  
22 Medical Examiners. There are no qualifying conditions. A medical  
23 marijuana patient license shall be recommended according to the  
24 accepted standards a reasonable and prudent physician would follow



1 when recommending or approving any medication. No physician may be  
2 unduly stigmatized, penalized, subjected to discipline, sanctioned,  
3 reprimanded or harassed for signing a medical marijuana patient  
4 license application; provided, the physician acted in accordance  
5 with the provisions of this subsection and all other rules governing  
6 the medical license of the physician in this state.

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

11 SECTION 3. This act shall become effective November 1, 2025.

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13 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND PUBLIC OVERSIGHT,  
14 dated 03/03/2025 - DO PASS, As Amended.

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