

1 ENGROSSED SENATE  
2 BILL NO. 898

By: Howard of the Senate

3 and

4 Ortega of the House

5  
6 An Act relating to medical marijuana; amending  
7 Provision No. 1, State Question No. 788, Initiative  
8 Petition No. 412 (63 O.S. Supp. 2018, Section 420),  
9 which relates to medical marijuana license; requiring  
10 dispensaries to check certain information at point of  
11 sale; clarifying language; and providing an effective  
12 date.

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

14 SECTION 1. AMENDATORY Provision No. 1, State Question  
15 No. 788, Initiative Petition No. 412 (63 O.S. Supp. 2018, Section  
16 420), is amended to 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 of marijuana on their  
21 person;
- 22 3. Legally possess six (6) mature marijuana plants;
- 23 4. Legally possess six (6) seedling plants;
- 24 5. Legally possess one (1) ounce of concentrated marijuana;

1       6. Legally possess seventy-two (72) ounces of edible marijuana;  
2 and

3       7. Legally possess up to eight (8) ounces of marijuana in their  
4 residence.

5       B. Possession of up to one and one-half (1.5) ounces of  
6 marijuana by persons who can state a medical condition, but are not  
7 in possession of a state issued medical marijuana license, shall  
8 constitute a misdemeanor offense with a fine not to exceed Four  
9 Hundred Dollars (\$400.00).

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

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

22       E. A temporary license application ~~will~~ shall also be made  
23 available on the ~~Oklahoma~~ State Department of Health website. A  
24 temporary medical marijuana license ~~will~~ shall be granted to any

1 medical marijuana license holder from other states, provided that  
2 the state has a state regulated medical marijuana program, and the  
3 applicant can prove they are a member of such program. Temporary  
4 licenses ~~will~~ shall be issued for thirty (30) days. The cost for a  
5 temporary license shall be One Hundred Dollars (\$100.00). Renewal  
6 ~~will~~ shall be granted with resubmission of a new application. No  
7 additional criteria ~~will~~ shall be required.

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

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

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

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

6 I. The State Department of Health ~~will~~ shall make available,  
7 both on its website, and through a telephone verification system, an  
8 easy method to validate a medical marijuana license ~~holders~~ holder's  
9 authenticity by the unique ~~24-character~~ 24-character identifier.

10 Licensed dispensaries shall enter each medical marijuana license's  
11 24-character identifier into the license verification system at the  
12 point of sale to ensure that such license is valid. If the license  
13 is invalid, the sale shall not occur.

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

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

1 ~~must submit~~ proof the caregiver is an Oklahoma resident. This ~~will~~  
2 shall be the only criteria for a caregiver license.

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

8 M. All applications for a medical marijuana license ~~must~~ shall  
9 be signed by an Oklahoma Board certified physician. There are no  
10 qualifying conditions. A medical marijuana license ~~must~~ shall be  
11 recommended according to the accepted standards a reasonable and  
12 prudent 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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