

1 **SENATE FLOOR VERSION**

2 April 1, 2019

3 **AS AMENDED**

4 ENGROSSED HOUSE  
5 BILL NO. 2601

6 By: Echols of the House

7 and

8 McCortney of the Senate

9 An Act relating to marijuana; amending Section 1,  
10 State Question No. 788, Initiative Petition No. 412  
11 (63 O.S. Supp. 2018, Section 420), which relates to  
12 licensing requirements and restrictions for medical  
13 marijuana license holders and caregivers; providing  
14 for revocation of medical marijuana license in  
15 certain circumstances; defining term; authorizing  
16 counties to establish, assess and collect a fee under  
17 certain circumstances; providing for duties and  
18 powers of the Oklahoma State Department of Health;  
19 and declaring an emergency.

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

21 SECTION 1. AMENDATORY Section 1, State Question No. 788,  
22 Initiative Petition No. 412 (63 O.S. Supp. 2018, Section 420), is  
23 amended to read as follows:

24 Section 420. A. A person in possession of a state\_issued  
medical marijuana license shall be able to:

1. Consume marijuana legally;

2. Legally possess up to three (3) ounces of marijuana on their  
person;

- 1 3. Legally possess six ~~(6)~~ mature marijuana plants;
- 2 4. Legally possess six ~~(6)~~ seedling plants;
- 3 5. Legally possess one (1) ounce of concentrated marijuana;
- 4 6. Legally possess seventy-two (72) ounces of edible marijuana;

5 and

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

8 B. Possession of up to one and one-half (1.5) ounces of  
9 marijuana by persons who can state a medical condition, but not in  
10 possession of a state-issued medical marijuana license, shall  
11 constitute a misdemeanor offense with a fine not to exceed Four  
12 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 Department of Health website. A temporary medical  
3 marijuana license will be granted to any medical marijuana license  
4 holder from other states, provided that the state has a state-  
5 regulated medical marijuana program, and the applicant can prove  
6 ~~they are~~ he or she is a member of such. Temporary licenses will be  
7 issued for thirty (30) days. The cost for a temporary license shall  
8 be One 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~~ applications to the Oklahoma State Department of Health  
13 for approval ~~and that the~~. The applicant must be an Oklahoma state  
14 resident and shall prove residency by a valid ~~driver's~~ driver  
15 license, utility bills, 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 applicant not meeting stated criteria or improper completion of the  
24 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 medical license holders~~ the authenticity of the  
11 medical license 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 license holder. ~~Applicants~~ An applicant for a caregiver  
19 license ~~will~~ shall submit proof of the ~~medical marijuana license~~  
20 ~~holder's~~ license status and homebound status, ~~that they are~~ of the  
21 medical marijuana patient and proof that the applicant is the  
22 designee of the medical marijuana ~~license holder,~~ must patient. The  
23 applicant shall also submit proof that ~~the caregiver~~ he or she is  
24 age eighteen (18) years of age or older, and ~~must submit~~ proof the

1 ~~caregiver is an~~ of his or her Oklahoma resident residency. 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)~~;~~ 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. 1. All applications for a medical license must be signed by  
9 an 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 2. If the referring physician determines the continued use of  
16 medical marijuana by the patient no longer meets the requirements  
17 set forth in the medical marijuana program, the physician shall  
18 notify the Department and the Oklahoma Medical Marijuana Authority  
19 shall immediately revoke the license.

20 3. For purposes of the medical marijuana program, the term  
21 "physician" means a doctor of medicine, a doctor of osteopathic  
22 medicine or a doctor of podiatric medicine who holds a valid,  
23 unrestricted and existing license to practice in the State of  
24 Oklahoma from either the State Board of Medical Licensure and

1 Supervision, the State Board of Osteopathic Examiners or the State  
2 Board of Podiatric Medical Examiners.

3 N. Counties and cities may enact medical marijuana guidelines  
4 allowing medical marijuana license holders or caregivers to exceed  
5 the state limits set forth in subsection A of this section. A  
6 county is hereby authorized to establish, assess and collect a fee  
7 of Two Hundred Fifty Dollars (\$250.00) from medical marijuana  
8 licensees or caregivers who, upon request and approval by the county  
9 where the person currently resides, exceed the maximum possession  
10 limits established in subsection A of this section. The authority  
11 granted by a county to a medical marijuana licensee or caregiver to  
12 exceed maximum possession limits shall apply only within the borders  
13 of said county.

14 O. The Department shall exercise its respective powers and  
15 perform its respective duties and functions as specified in the  
16 medical marijuana program and Title 63 of the Oklahoma Statutes  
17 including, but not limited to, the following:

18 1. Determine steps the state shall take, whether administrative  
19 or legislative in nature, to ensure that research on marijuana and  
20 marijuana products is being conducted for public purposes, including  
21 the advancement of:

- 22 a. public health policy and public safety policy,  
23 b. agronomic and horticultural best practices, and  
24 c. medical and pharmacopoeia best practices;

1        2. Contract with third-party vendors and other governmental  
2 entities in order to carry out the respective duties and functions  
3 as specified in the medical marijuana program;

4        3. Upon complaint or upon its own motion and upon a completed  
5 investigation, levy fines as prescribed in the medical marijuana  
6 program and suspend or revoke licenses pursuant to the medical  
7 marijuana program;

8        4. Issue subpoenas for the appearance or production of persons,  
9 records and things in connection with disciplinary or contested  
10 cases considered by the Department;

11        5. Apply for injunctive or declaratory relief to enforce the  
12 provisions of this section and any rules promulgated pursuant to  
13 this section;

14        6. Inspect and examine, with notice provided in accordance with  
15 this act, all licensed premises of medical marijuana businesses,  
16 research facilities and education facilities in which medical  
17 marijuana is cultivated, manufactured, sold, stored, transported,  
18 tested or distributed;

19        7. Work with the Oklahoma State Banking Department and the  
20 State Treasurer to develop good practices and standards for banking  
21 and finance for medical marijuana businesses;

22        8. Establish internal control procedures for licenses including  
23 accounting procedures, reporting procedures and personnel policies;

24

1        9. Establish a fee schedule and collect fees for performing  
2 background checks as the Commissioner deems appropriate. The fees  
3 charged pursuant to this paragraph shall not exceed the actual cost  
4 incurred for each background check; and

5        10. Require verification for sources of finance for medical  
6 marijuana businesses.

7        SECTION 2. It being immediately necessary for the preservation  
8 of the public peace, health or safety, an emergency is hereby  
9 declared to exist, by reason whereof this act shall take effect and  
10 be in full force from and after its passage and approval.

11 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES  
12 April 1, 2019 - DO PASS AS AMENDED

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