

1 **SENATE FLOOR VERSION**

2 February 18, 2019

3 **AS AMENDED**

4 SENATE BILL NO. 898

5 By: Howard

6 [ **medical marijuana - medical marijuana license -**  
7 **dispensaries - effective date** ]

8  
9 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

13 Section 420. A. A person in possession of a state issued  
14 medical marijuana license shall be able to:

- 15 1. Consume marijuana legally;
- 16 2. Legally possess up to three (3) ounces of marijuana on their  
17 person;
- 18 3. Legally possess six (6) mature marijuana plants;
- 19 4. Legally possess six (6) seedling plants;
- 20 5. Legally possess one (1) ounce of concentrated marijuana;
- 21 6. Legally possess seventy-two (72) ounces of edible marijuana;
- 22 and
- 23 7. Legally possess up to eight (8) ounces of marijuana in their  
24 residence.

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

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

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

18 E. A temporary license application ~~will~~ shall also be made  
19 available on the ~~Oklahoma~~ State Department of Health website. A  
20 temporary medical marijuana license ~~will~~ shall be granted to any  
21 medical marijuana license holder from other states, provided that  
22 the state has a state regulated medical marijuana program, and the  
23 applicant can prove they are a member of such program. Temporary  
24 licenses ~~will~~ shall be issued for thirty (30) days. The cost for a

1 temporary license shall be One Hundred Dollars (\$100.00). Renewal  
2 ~~will~~ shall be granted with resubmission of a new application. No  
3 additional criteria ~~will~~ shall be required.

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

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

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

- 21 1. A digital photograph of the license holder;
- 22 2. The expiration date of the license;
- 23 3. The county where the card was issued; and

24

1 4. A unique 24 character identification number assigned to the  
2 license.

3 I. The State Department of Health ~~will~~ shall make available,  
4 both on its website~~7~~ and through a telephone verification system, an  
5 easy method to validate a medical marijuana license ~~holders~~ holder's  
6 authenticity by the unique ~~24-character~~ 24-character identifier.  
7 Licensed dispensaries shall enter each medical marijuana license's  
8 24-character identifier into the license verification system at the  
9 point of sale to ensure that such license is valid. If the license  
10 is invalid, the sale shall not occur.

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

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

24

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

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

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

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

17 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES  
18 February 18, 2019 - DO PASS AS AMENDED  
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