

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

SENATE BILL 1914

By: Newhouse

AS INTRODUCED

An Act relating to medical marijuana; amending Section 1, State Question No. 788, Initiative Petition No. 412, as last amended by Section 2, Chapter 312, O.S.L. 2019 (63 O.S. Supp. 2019, Section 420), which relates to medical marijuana patient license; limiting physicians who may sign application of a minor; and providing an effective date.

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

SECTION 1. AMENDATORY Section 1, State Question No. 788, Initiative Petition No. 412, as last amended by Section 2, Chapter 312, O.S.L. 2019 (63 O.S. Supp. 2019, Section 420), is amended to read as follows:

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 (84.9 grams) of marijuana on their person;
3. Legally possess six (6) mature marijuana plants;
4. Legally possess six (6) seedling plants;

1 5. Legally possess one (1) ounce (28.3 grams) of concentrated
2 marijuana;

3 6. Legally possess seventy-two (72) ounces (2037.6 grams) of
4 edible marijuana; and

5 7. Legally possess up to eight (8) ounces (226.4 grams) of
6 marijuana in their residence.

7 B. Possession of up to one and one-half (1.5) ounces ~~of~~ (42.45
8 grams) of marijuana by persons who can state a medical condition,
9 but are not in possession of a state issued medical marijuana
10 license, shall constitute a misdemeanor offense with a fine not to
11 exceed Four Hundred Dollars (\$400.00).

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

16 D. The State Department of Health shall, within thirty (30)
17 days of passage of this initiative, make available on the
18 Department's website, in an easy to find location, an application
19 for a medical marijuana license. The license shall be valid for two
20 (2) years, and the application fee shall be One Hundred Dollars
21 (\$100.00), or Twenty Dollars (\$20.00) for individuals on Medicaid,
22 Medicare or SoonerCare. The methods of payment shall be provided on
23 the Department's website.
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1 E. A temporary license application shall also be made available
2 on the State Department of Health website. A temporary medical
3 marijuana license shall 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 a member of such program. Temporary licenses shall be
7 issued for thirty (30) days. The cost for a temporary license shall
8 be One Hundred Dollars (\$100.00). Renewal shall be granted with
9 resubmission of a new application. No additional criteria shall be
10 required.

11 F. Medical marijuana license applicants shall submit their
12 application to the State Department of Health for approval. The
13 applicant shall be an Oklahoma state resident and shall prove
14 residency by a valid driver license, utility bills, or other
15 accepted methods.

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

1 H. The State Department of Health shall only keep the following
2 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 twenty-four-character identification number
7 assigned to the license.

8 I. The State Department of Health shall make available, both on
9 the Department's website and through a telephone verification
10 system, an easy method to validate a medical marijuana license
11 holder's authenticity by the unique twenty-four-character
12 identifier.

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

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

3 L. All applicants shall be eighteen (18) years or older. A
4 special exception shall be granted to an applicant under the age of
5 eighteen (18), however these applications shall be signed by two (2)
6 physicians, each of whom has completed residency training in Family
7 Medicine or Pediatrics or has completed fellowship training in a
8 subspecialty of Pediatrics, and the applicant's parent or legal
9 guardian.

10 M. All applications for a medical marijuana license shall be
11 signed by an Oklahoma physician licensed by and in good standing
12 with the State Board of Medical Licensure and Supervision or the
13 State Board of Osteopathic Examiners. There are no qualifying
14 conditions. A medical marijuana license shall be recommended
15 according to the accepted standards a reasonable and prudent
16 physician would follow when recommending or approving any
17 medication. No physician may be unduly stigmatized or harassed for
18 signing a medical marijuana license application.

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

22 SECTION 2. This act shall become effective November 1, 2020.

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