

1 ENGROSSED SENATE
2 BILL NO. 439

By: Garvin of the Senate

3 and

4 Marti of the House

5
6 An Act relating to medical marijuana; amending 63
7 O.S. 2021, Section 420, as amended by Section 1,
8 Chapter 251, O.S.L. 2022 (63 O.S. Supp. 2022, Section
9 420), which relates to medical marijuana patient
10 license; prohibiting colocation of recommending
11 physicians for minor patient; requiring certain
12 attestation; clarifying certain requirement;
13 directing promulgation of certain rules; requiring
14 qualifying medical conditions for recommendations;
15 requiring in-person physical examination; providing
16 exception; and providing an effective date.

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

18 SECTION 1. AMENDATORY 63 O.S. 2021, Section 420, as
19 amended by Section 1, Chapter 251, O.S.L. 2022 (63 O.S. Supp. 2022,
20 Section 420), is amended to read as follows:

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

- 23 1. Consume marijuana legally;
- 24 2. Legally possess up to three (3) ounces or eighty-four and
nine-tenths (84.9) grams of marijuana on their person;
3. Legally possess six mature marijuana plants and the
harvested marijuana therefrom;

1 4. Legally possess six seedling plants;

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

4 6. Legally possess seventy-two (72) ounces or two thousand
5 thirty-seven and six-tenths (2,037.6) grams of edible marijuana;

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

9 8. Legally possess seventy-two (72) ounces of topical
10 marijuana.

11 B. Possession of up to one and one-half (1.5) ounces or forty-
12 two and forty-five one-hundredths (42.45) grams of marijuana by
13 persons who can state a medical condition, but are not in possession
14 of a state-issued medical marijuana patient license, shall
15 constitute a misdemeanor offense not subject to imprisonment but
16 punishable by a fine not to exceed Four Hundred Dollars (\$400.00).
17 Any law enforcement officer who comes in contact with a person in
18 violation of this subsection and who is satisfied as to the identity
19 of the person, as well as any other pertinent information the law
20 enforcement officer deems necessary, shall issue to the person a
21 written citation containing a notice to answer the charge against
22 the person in the appropriate court. Upon receiving the written
23 promise of the alleged violator to answer as specified in the
24 citation, the law enforcement officer shall release the person upon

1 personal recognizance unless there has been a violation of another
2 provision of law.

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

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

16 E. A short-term medical marijuana patient license application
17 shall also be made available on the website of the Authority. A
18 short-term medical marijuana patient license shall be granted to any
19 applicant who can meet the requirements for a two-year medical
20 marijuana patient license, but whose physician recommendation for
21 medical marijuana is only valid for sixty (60) days. Short-term
22 medical marijuana patient licenses shall be issued for sixty (60)
23 days. The fee for a short-term medical marijuana patient license,
24 reprints of the short-term medical marijuana patient license and the

1 procedure for extending or renewing the license shall be determined
2 by the Executive Director of the Authority.

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

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

19 H. The Authority shall review the medical marijuana patient
20 license application; approve, reject or deny the application; and
21 mail the approval, rejection or denial letter stating any reasons
22 for the rejection or denial to the applicant within fourteen (14)
23 business days of receipt of the application. Approved applicants
24 shall be issued a medical marijuana patient license which shall act

1 as proof of his or her approved status. Applications may only be
2 rejected or denied based on the applicant not meeting stated
3 criteria or improper completion of the application.

4 I. The Authority shall make available, both on its website and
5 through a telephone verification system, an easy method to validate
6 the authenticity of the medical marijuana patient license by the
7 unique 24-character identification number.

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

11 K. A caregiver license shall be made available for qualified
12 caregivers of a medical marijuana patient license holder who is
13 homebound. As provided in Section 427.11 of this title, the
14 caregiver license shall provide the caregiver the same rights as the
15 medical marijuana patient licensee including the ability to possess
16 marijuana, marijuana products and mature and immature plants
17 pursuant to the Oklahoma Medical Marijuana and Patient Protection
18 Act, but excluding the ability to use marijuana or marijuana
19 products unless the caregiver has a medical marijuana patient
20 license. Applicants for a caregiver license shall submit proof of
21 the license status and homebound status of the medical marijuana
22 patient and proof that the applicant is the designee of the medical
23 marijuana patient. The applicant shall also submit proof that he or
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1 she is eighteen (18) years of age or older and proof of his or her
2 state residency.

3 L. All applicants for a medical marijuana patient license shall
4 be eighteen (18) years of age or older. A special exception shall
5 be granted to an applicant under the age of eighteen (18); however,
6 these applications shall be signed by two physicians and the parent
7 or legal guardian of the applicant. The two physicians shall not be
8 located at the same physical address. At least one of the
9 physicians shall attest that the minor applicant has been under the
10 routine care of the physician for not less than one (1) year, or not
11 less than five (5) years if the minor patient has only been seen by
12 the physician through telemedicine, or that the minor applicant was
13 referred to the physician by a physician whose care the minor
14 applicant has been under for not less than one (1) year or not less
15 than five (5) years if the minor patient has only been seen by the
16 physician through telemedicine.

17 M. All applications for a medical marijuana patient license
18 shall be signed by ~~an Oklahoma~~ a physician located in this state and
19 licensed by and in good standing with the State Board of Medical
20 Licensure and Supervision, the State Board of Osteopathic Examiners,
21 or the Board of Podiatric Medical Examiners. There are no
22 qualifying conditions for patients eighteen (18) years of age or
23 older. The Executive Director shall promulgate rules to specify
24 qualifying medical conditions for a medical marijuana patient under

1 eighteen (18) years of age for licensure. A medical marijuana
2 patient license shall be recommended according to the accepted
3 standards a reasonable and prudent physician would follow when
4 recommending or approving any medication, and may only be
5 recommended for qualifying medical conditions approved by the
6 Executive Director. Before issuing a medical marijuana
7 recommendation to a minor patient, a physician shall first conduct
8 an in-person examination of the patient. Unless the physician
9 certifies that the patient is homebound and in need of a caregiver
10 under subsection K of this section. No physician may be unduly
11 stigmatized or harassed for signing a medical marijuana patient
12 license application.

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

17 SECTION 2. This act shall become effective January 1, 2025.
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1 Passed the Senate the 23rd day of March, 2023.

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3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2023.

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8 _____
9 Presiding Officer of the House
10 of Representatives