

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 59th Legislature (2024)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1720

By: McDugle of the House

and

Coleman of the Senate

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11 COMMITTEE SUBSTITUTE

12 An Act relating to medical marijuana; amending 63
13 O.S. 2021, Section 420, as amended by Section 1,
14 Chapter 251, O.S.L. 2022 (63 O.S. Supp. 2023, Section
15 420), which relates to the issuance of medical
16 marijuana patient licenses; authorizing the issuance
17 of nonresident medical marijuana patient licenses
18 under certain circumstances; increasing term and cost
19 of license; providing restrictions for certain
20 patients; providing for the deposit of fees into
21 certain revolving funds; authorizing the promulgation
22 of certain rules; and providing an effective date.

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

24 SECTION 1. AMENDATORY 63 O.S. 2021, Section 420, as
amended by Section 1, Chapter 251, O.S.L. 2022 (63 O.S. Supp. 2023,
Section 420), is amended to read as follows:

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

- 3 1. Consume marijuana legally;
- 4 2. Legally possess up to three (3) ounces or eighty-four and
5 nine-tenths (84.9) grams of marijuana on their person;
- 6 3. Legally possess six mature marijuana plants and the
7 harvested marijuana therefrom;
- 8 4. Legally possess six seedling plants;
- 9 5. Legally possess one (1) ounce or twenty-eight and three-
10 tenths (28.3) grams of concentrated marijuana;
- 11 6. Legally possess seventy-two (72) ounces or two thousand
12 thirty-seven and six-tenths (2,037.6) grams of edible marijuana;
- 13 7. Legally possess up to eight (8) ounces or two hundred
14 twenty-six and four-tenths (226.4) grams of marijuana in their
15 residence; and
- 16 8. Legally possess seventy-two (72) ounces of topical
17 marijuana.

18 B. Possession of up to one and one-half (1.5) ounces or forty-
19 two and forty-five one-hundredths (42.45) grams of marijuana by
20 persons who can state a medical condition, but are not in possession
21 of a state-issued medical marijuana patient license, shall
22 constitute a misdemeanor offense not subject to imprisonment but
23 punishable by a fine not to exceed Four Hundred Dollars (\$400.00).
24 Any law enforcement officer who comes in contact with a person in

1 violation of this subsection and who is satisfied as to the identity
2 of the person, as well as any other pertinent information the law
3 enforcement officer deems necessary, shall issue to the person a
4 written citation containing a notice to answer the charge against
5 the person in the appropriate court. Upon receiving the written
6 promise of the alleged violator to answer as specified in the
7 citation, the law enforcement officer shall release the person upon
8 personal recognizance unless there has been a violation of another
9 provision of law.

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

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

23 E. A short-term medical marijuana patient license application
24 shall also be made available on the website of the Authority. A

1 short-term medical marijuana patient license shall be granted to any
2 applicant who can meet the requirements for a two-year medical
3 marijuana patient license, but whose physician recommendation for
4 medical marijuana is only valid for sixty (60) days. Short-term
5 medical marijuana patient licenses shall be issued for sixty (60)
6 days. The fee for a short-term medical marijuana patient license,
7 reprints of the short-term medical marijuana patient license and the
8 procedure for extending or renewing the license shall be determined
9 by the Executive Director of the Authority.

10 F. A ~~temporary~~ nonresident medical marijuana patient license
11 application shall also be available on the website of the Authority
12 for residents of other states. ~~Temporary~~ Nonresident medical
13 marijuana patient licenses shall be granted to medical marijuana
14 license holders from other states, provided that ~~such states have~~
15 ~~state-regulated medical marijuana programs and applicants can prove~~
16 ~~they are members of such programs~~ the patient is under the care of a
17 licensed Oklahoma physician located within the State of Oklahoma.
18 ~~Temporary~~ Nonresident medical marijuana patient licenses shall be
19 issued for ~~thirty (30) days~~ two (2) years. The cost for a ~~temporary~~
20 nonresident medical marijuana patient license shall be ~~One Hundred~~
21 ~~Dollars (\$100.00)~~ Two Hundred Fifty Dollars (\$250.00). Renewal
22 shall be granted with resubmission of a new application. No
23 additional criteria shall be required for adult medical marijuana
24 patients but medical marijuana patients who are eighteen (18) years

1 of age or younger shall meet the requirements provided for in
2 subsection L of this section. Reprints of the ~~temporary~~ nonresident
3 medical marijuana patient license shall be Twenty Dollars (\$20.00).
4 Fees collected pursuant to this subsection shall be distributed as
5 follows:

6 1. Twenty percent (20%) to the Oklahoma Medical Marijuana
7 Authority Fund for the costs of issuing medical marijuana patient
8 licenses to veterans; and

9 2. Eighty percent (80%) to the Bureau of Narcotics Revolving
10 Fund, created in Section 150.19a of Title 74 of the Oklahoma
11 Statutes, for the investigation and enforcement of the provisions of
12 the Oklahoma Medical Marijuana and Patient Protection Act and the
13 Uniform Controlled Dangerous Substance Act.

14 The Authority shall be authorized to promulgate rules to
15 establish a process by which the fees collected pursuant to
16 paragraph 1 of this subsection are administered and applied toward
17 the costs of issuing medical marijuana patient licenses to veterans.

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

22 H. The Authority shall review the medical marijuana patient
23 license application; approve, reject or deny the application; and
24 mail the approval, rejection or denial letter stating any reasons

1 for the rejection or denial to the applicant within fourteen (14)
2 business days of receipt of the application. Approved applicants
3 shall be issued a medical marijuana patient license which shall act
4 as proof of his or her approved status. Applications may only be
5 rejected or denied based on the applicant not meeting stated
6 criteria or improper completion of the application.

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

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

14 K. A caregiver license shall be made available for qualified
15 caregivers of a medical marijuana patient license holder who is
16 homebound. As provided in Section 427.11 of this title, the
17 caregiver license shall provide the caregiver the same rights as the
18 medical marijuana patient licensee including the ability to possess
19 marijuana, marijuana products and mature and immature plants
20 pursuant to the Oklahoma Medical Marijuana and Patient Protection
21 Act, but excluding the ability to use marijuana or marijuana
22 products unless the caregiver has a medical marijuana patient
23 license. Applicants for a caregiver license shall submit proof of
24 the license status and homebound status of the medical marijuana

1 patient and proof that the applicant is the designee of the medical
2 marijuana patient. The applicant shall also submit proof that he or
3 she is eighteen (18) years of age or older and proof of his or her
4 state residency.

5 L. All applicants for a medical marijuana patient license shall
6 be eighteen (18) years of age or older. A special exception shall
7 be granted to an applicant under the age of eighteen (18); however,
8 these applications shall be signed by two physicians and the parent
9 or legal guardian of the applicant.

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

21 N. Counties and cities may enact medical marijuana guidelines
22 allowing medical marijuana patient license holders or caregiver
23 license holders to exceed the state limits set forth in subsection A
24 of this section.

1 SECTION 2. This act shall become effective November 1, 2024.

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3 COMMITTEE REPORT BY: COMMITTEE ON ALCOHOL, TOBACCO AND CONTROLLED
4 SUBSTANCES, dated 02/29/2024 - DO PASS, As Amended and Coauthored.
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