

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2022

By: Fetgatter

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8 COMMITTEE SUBSTITUTE

9 An Act relating to medical marijuana; amending
10 Section 1, State Question No. 788, Initiative
11 Petition No. 412, as last amended by Section 44,
12 Chapter 161, O.S.L. 2020 (63 O.S. Supp. 2020, Section
13 420), which relates to medical marijuana patient and
14 caregiver licenses; updating language; specifying
15 measurements in grams; eliminating temporary medical
16 marijuana licensing option; authorizing nonresidents
17 to apply for medical marijuana patient licenses;
18 providing qualifications; setting application fee and
19 term of license; providing for licensure renewal;
20 authorizing the Oklahoma Medical Marijuana Authority
21 to promulgate rules; and declaring an emergency.

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24 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 44, Chapter
161, O.S.L. 2020 (63 O.S. Supp. 2020, Section 420), is amended to
read as follows:

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

- 1 1. Consume marijuana legally;
 - 2 2. Legally possess up to ~~three (3) ounces~~ eighty-four and nine-
3 tenths (84.9) grams of marijuana on their person;
 - 4 3. Legally possess six mature marijuana plants;
 - 5 4. Legally possess six seedling plants;
 - 6 5. Legally possess ~~one (1) ounce~~ twenty-eight and three-tenths
7 (28.3) grams of concentrated marijuana;
 - 8 6. Legally possess ~~seventy-two (72) ounces~~ two thousand thirty-
9 seven and six-tenths (2,037.6) grams of edible marijuana; and
 - 10 7. Legally possess up to ~~eight (8) ounces~~ two hundred twenty-
11 six and four-tenths (226.4) grams of marijuana in their residence.
- 12 B. Possession of up to ~~one and one-half (1.5) ounces~~ forty-two
13 and forty-five one-hundredths (42.45) grams of marijuana by persons
14 who can state a medical condition, but are not in possession of a
15 state-issued medical marijuana license, shall constitute a
16 misdemeanor offense punishable by a fine not to exceed Four Hundred
17 Dollars (\$400.00) and shall not be subject to imprisonment for the
18 offense. Any law enforcement officer who comes in contact with a
19 person in violation of this subsection and who is satisfied as to
20 the identity of the person, as well as any other pertinent
21 information the law enforcement officer deems necessary, shall issue
22 to the person a written citation containing a notice to answer the
23 charge against the person in the appropriate court. Upon receiving
24 the written promise of the alleged violator to answer as specified

1 in the citation, the law enforcement officer shall release the
2 person upon personal recognizance unless there has been a violation
3 of another provision of law.

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

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

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

1 patient license and the procedure for extending or renewing the
2 license shall be determined by the Department.

3 F. A ~~temporary~~ nonresident medical marijuana patient license
4 application shall also be made available on the website of the
5 Department Authority. A ~~temporary~~ nonresident medical marijuana
6 patient license shall be granted to any ~~medical marijuana license~~
7 holder ~~person~~ from ~~other states~~, another state; provided that, the
8 state has a ~~state-regulated medical marijuana program~~, and the
9 applicant can prove he or she is a member of such program.

10 Temporary licenses shall be issued for thirty (30) days applicant is
11 eighteen (18) years of age or older and the application for a
12 nonresident medical marijuana patient license is signed by an
13 Oklahoma physician. A qualifying medical condition is not required
14 for a nonresident medical marijuana patient license. The Authority
15 may contact the recommending physician of an applicant for a
16 nonresident medical marijuana patient license to verify the need of
17 the applicant for the license. The cost for a ~~temporary~~ nonresident
18 medical marijuana patient license shall be ~~One~~ Two Hundred Dollars
19 ~~(\$100.00)~~ (\$200.00). The nonresident medical marijuana patient
20 license shall be valid for up to two (2) years from the date of
21 issuance, unless the recommendation of the physician is terminated
22 or the license is revoked by the Authority. Renewal of the license
23 shall be granted with resubmission of a new application and
24 application fee. The Authority shall be authorized to promulgate

1 rules to implement the provisions of this subsection. ~~No additional~~
2 ~~criteria shall be required.~~

3 G. Medical marijuana patient license applicants shall submit
4 ~~his or her~~ their applications to the ~~State Department of Health~~
5 Authority for approval. The applicant shall be an Oklahoma state
6 resident and shall prove residency by a valid driver license,
7 utility bills, or other accepted methods.

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

17 I. The ~~State Department of Health~~ Authority shall only keep the
18 following records for each approved medical marijuana patient
19 license:

- 20 1. A digital photograph of the license holder;
- 21 2. The expiration date of the license;
- 22 3. The county where the card was issued; and
- 23 4. A unique 24-character identification number assigned to the
24 license.

1 J. ~~The State Department of Health~~ Authority shall make
2 available, both on its website and through a telephone verification
3 system, an easy method to validate the authenticity of the medical
4 marijuana patient license by the unique 24-character identification
5 number.

6 K. ~~The State Department of Health~~ Authority shall ensure that
7 all application records and information are sealed to protect the
8 privacy of medical marijuana patient license applicants.

9 L. A caregiver license shall be made available for qualified
10 caregivers of a medical marijuana ~~license holder~~ patient licensee
11 who is homebound. As provided in Section ~~44~~ 427.11 of ~~Enrolled~~
12 ~~House Bill No. 2612 of the 1st Session of the 57th Oklahoma~~
13 ~~Legislature~~ this title, the caregiver license shall provide the
14 caregiver the same rights as the medical marijuana patient licensee,
15 including the ability to possess marijuana, marijuana products and
16 mature and immature plants pursuant to the Oklahoma Medical
17 Marijuana and Patient Protection Act, but excluding the ability to
18 use marijuana or marijuana products unless the caregiver has a
19 medical marijuana patient license. An applicant for a caregiver
20 license shall submit proof of the license status and homebound
21 status of the medical marijuana patient and proof that the applicant
22 is the designee of the medical marijuana patient. The applicant
23 shall also submit proof that he or she is eighteen (18) years of age
24

1 or older and proof of his or her Oklahoma residency. This shall be
2 the only criteria for a caregiver license.

3 M. All applicants shall be eighteen (18) years of age or older.
4 A special exception shall be granted to an applicant under the age
5 of eighteen (18); however, these applications shall be signed by two
6 physicians and the parent or legal guardian of the applicant.

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

14 O. Counties and cities may enact medical marijuana guidelines
15 allowing medical marijuana ~~license holders~~ patient licensees or
16 licensed caregivers to exceed the state limits set forth in
17 subsection A of this section.

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

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23 COMMITTEE REPORT BY: COMMITTEE ON ALCOHOL, TOBACCO AND CONTROLLED
24 SUBSTANCES, dated 02/08/2021 - DO PASS, As Amended.