

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL 213

By: Boggs

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5  
6 AS INTRODUCED

7 An Act relating to medical marijuana; amending  
8 Provision No. 1, State Question No. 788, Initiative  
9 Petition No. 412 (63 O.S. Supp. 2018, Section 420),  
10 which relates to medical marijuana license;  
11 broadening physicians who may sign application; and  
12 providing an effective date.

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

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

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

- 19 1. Consume marijuana legally;
- 20 2. Legally possess up to three (3) ounces of marijuana on their  
21 person;
- 22 3. Legally possess six (6) mature marijuana plants;
- 23 4. Legally possess six (6) seedling plants;
- 24 5. Legally possess one (1) ounce of concentrated marijuana;

1           6. Legally possess seventy-two (72) ounces of edible marijuana;  
2 and

3           7. Legally possess up to eight (8) ounces of marijuana in their  
4 residence.

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

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

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

21           E. A temporary license application will also be available on  
22 the Oklahoma Department of Health website. A temporary medical  
23 marijuana license will be granted to any medical marijuana license  
24 holder from other states, provided that the state has a state

1 regulated medical marijuana program, and the applicant can prove  
2 they are a member of such. Temporary licenses will be issued for  
3 thirty (30) days. The cost for a temporary license shall be One  
4 Hundred Dollars (\$100.00). Renewal will be granted with  
5 resubmission of a new application. No additional criteria will be  
6 required.

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

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

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

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

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

3 I. The Department of Health will make available, both on its  
4 website, and through a telephone verification system, an easy method  
5 to validate a medical license ~~holders~~ holder's authenticity by the  
6 unique 24 character identifier.

7 J. The State Department of Health will ensure that all  
8 application records and information are sealed to protect the  
9 privacy of medical license applicants.

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

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

1 M. All applications for a medical license must be signed by an  
2 Oklahoma ~~Board certified~~ physician licensed by and in good standing  
3 with the State Board of Medical Licensure and Supervision or the  
4 State Board of Osteopathic Examiners. There are no qualifying  
5 conditions. A medical marijuana license must be recommended  
6 according to the accepted standards a reasonable and prudent  
7 physician would follow when recommending or approving any  
8 medication. No physician may be unduly stigmatized or harassed for  
9 signing a medical marijuana license application.

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

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

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