

1 STATE OF OKLAHOMA

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

3 SENATE BILL 612

By: McCortney

4
5 AS INTRODUCED

6 An Act relating to medical marijuana; amending
7 Provision No. 1, State Question No. 788, Initiative
8 Petition No. 412 (63 O.S. Supp. 2018, Section 420),
9 which relates to medical marijuana license;
10 prescribing penalty for certain crime; and providing
11 an effective date.

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

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

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

- 18 1. Consume marijuana legally;
- 19 2. Legally possess up to three (3) ounces of marijuana on their
20 person;
- 21 3. Legally possess six (6) mature marijuana plants;
- 22 4. Legally possess six (6) seedling plants;
- 23 5. Legally possess one (1) ounce of concentrated marijuana;
- 24 6. Legally possess seventy-two (72) ounces of edible marijuana;

and

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

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

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

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

19 E. A temporary license application will also be available on
20 the Oklahoma Department of Health website. A temporary medical
21 marijuana license will be granted to any medical marijuana license
22 holder from other states, provided that the state has a state
23 regulated medical marijuana program, and the applicant can prove
24 they are a member of such. Temporary licenses will be issued for

1 thirty (30) days. The cost for a temporary license shall be One
2 Hundred Dollars (\$100.00). Renewal will be granted with
3 resubmission of a new application. No additional criteria will be
4 required.

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

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

18 H. The Oklahoma State Department of Health will only keep the
19 following records for each approved medical 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 I. The Department of Health will make available, both on its
2 website, and through a telephone verification system, an easy method
3 to validate a medical license holders authenticity by the unique 24
4 character identifier.

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

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

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

22 M. All applications for a medical license must be signed by an
23 Oklahoma Board certified physician. There are no qualifying
24 conditions. A medical marijuana license must be recommended

1 according to the accepted standards a reasonable and prudent
2 physician would follow when recommending or approving any
3 medication. No physician may be unduly stigmatized or harassed for
4 signing a medical marijuana license application.

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

8 O. Any person who violates any provision of this act by
9 creating, possessing or using a counterfeit medical marijuana
10 license shall be guilty of a misdemeanor, and upon conviction shall
11 be subject to imprisonment in the county jail for not more than one
12 (1) year or a fine of not more than Five Hundred Dollars (\$500.00),
13 or both such imprisonment and fine.

14 P. Any person who intentionally and falsely assumes the
15 identity of another, and in such assumed character uses a medical
16 marijuana license that has been licensed to the individual so
17 personated, shall be guilty of a misdemeanor, and upon conviction
18 shall be subject to imprisonment in the county jail for not more
19 than one (1) year or a fine of not more than Five Hundred Dollars
20 (\$500.00), or both such imprisonment and fine.

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

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