

1 ENGROSSED SENATE
2 BILL NO. 767

By: McCortney of the Senate

3 and

4 Echols of the House

5
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; requiring
10 physical examination prior to issuance of medical
11 marijuana recommendation; and declaring an emergency.

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

13 SECTION 1. AMENDATORY Provision No. 1, State Question
14 No. 788, Petition No. 412 (63 O.S. Supp. 2018, Section 420), is
15 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 are not
5 in 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~~ shall receive applications for
10 medical marijuana license recipients, dispensaries, growers, and
11 packagers 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~~ shall be valid for two
16 (2) years, and the application fee ~~will~~ shall be One Hundred Dollars
17 (\$100.00), or Twenty Dollars (\$20.00) for individuals on Medicaid,
18 Medicare, or SoonerCare. The methods of payment ~~will~~ shall be
19 provided on the Department's website.

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

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

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

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

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

- 23 1. A digital photograph of the license holder;
- 24 2. The expiration date of the license;

1 3. The county where the card was issued; and

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

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

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

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

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

3 M. All applications for a medical marijuana license ~~must~~ shall
4 be signed by an Oklahoma Board certified physician. There are no
5 qualifying conditions. Before issuing a medical marijuana
6 recommendation, a physician must first conduct a physical
7 examination while physically present in the same room as the patient
8 and a full assessment of the medical history of the patient. The
9 physical examination shall not be performed by remote means
10 including, but not limited to, telemedicine. A medical marijuana
11 license ~~must~~ shall be recommended according to the accepted
12 standards a reasonable and prudent physician would follow when
13 recommending or approving any medication. No physician may be
14 unduly stigmatized or harassed for signing a medical marijuana
15 license application.

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

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

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