

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 HOUSE BILL 1163

By: Gann

6 AS INTRODUCED

7 An Act relating to marijuana; amending 63 O.S. 2021,  
8 Section 2-415, which relates to the Trafficking in  
Illegal Drugs Act; decreasing weight amount of  
9 marijuana for aggravated trafficking offense;  
amending 63 O.S. 2021, Section 420, as amended by  
Section 1, Chapter 182, O.S.L. 2024 (63 O.S. Supp.  
10 2024, Section 420), which relates to medical  
11 marijuana patient licenses; clarifying scope of  
certain unlawful act; and providing an effective  
date.

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

16 SECTION 1. AMENDATORY 63 O.S. 2021, Section 2-415, is  
17 amended to read as follows:

18 Section 2-415. A. The provisions of the Trafficking in Illegal  
19 Drugs Act shall apply to persons convicted of violations with  
20 respect to the following substances:

- 21 1. Marijuana;
- 22 2. Cocaine or coca leaves;
- 23 3. Heroin;
- 24 4. Amphetamine or methamphetamine;

1       5. Lysergic acid diethylamide (LSD);  
2       6. Phencyclidine (PCP);  
3       7. Cocaine base, commonly known as "crack" or "rock";  
4       8. 3,4-Methylenedioxy methamphetamine, commonly known as  
5     "ecstasy" or MDMA;  
6       9. Morphine;  
7       10. Oxycodone;  
8       11. Hydrocodone;  
9       12. Benzodiazepine; or  
10      13. Fentanyl and its analogs and derivatives.

11           B. Except as otherwise authorized by the Uniform Controlled  
12 Dangerous Substances Act, it shall be unlawful for any person to:

13           1. Knowingly distribute, manufacture, bring into this state or  
14 possess a controlled substance specified in subsection A of this  
15 section in the quantities specified in subsection C of this section;  
16           2. Possess any controlled substance with the intent to  
17 manufacture a controlled substance specified in subsection A of this  
18 section in quantities specified in subsection C of this section; or  
19           3. Use or solicit the use of services of a person less than  
20 eighteen (18) years of age to distribute or manufacture a controlled  
21 dangerous substance specified in subsection A of this section in  
22 quantities specified in subsection C of this section.

23           Violation of this section shall be known as "trafficking in  
24 illegal drugs". Separate types of controlled substances described

1      in subsection A of this section when possessed at the same time in  
2      violation of any provision of this section shall constitute a  
3      separate offense for each substance.

4           Any person who commits the conduct described in paragraph 1, 2  
5      or 3 of this subsection and represents the quantity of the  
6      controlled substance to be an amount described in subsection C of  
7      this section shall be punished under the provisions appropriate for  
8      the amount of controlled substance represented, regardless of the  
9      actual amount.

10        C. In the case of a violation of the provisions of subsection B  
11     of this section, involving:

12        1. Marijuana:

13           a. twenty-five (25) pounds or more of a mixture or  
14              substance containing a detectable amount of marijuana  
15              shall be punishable by a fine of not less than Twenty-  
16              five Thousand Dollars (\$25,000.00) and not more than  
17              One Hundred Thousand Dollars (\$100,000.00), or

18           b. one ~~thousand (1,000)~~ hundred (100) pounds or more of a  
19              mixture or substance containing a detectable amount of  
20              marijuana shall be deemed aggravated trafficking  
21              punishable by a fine of not less than One Hundred  
22              Thousand Dollars (\$100,000.00) and not more than Five  
23              Hundred Thousand Dollars (\$500,000.00);

24        2. Cocaine, coca leaves or cocaine base:

- 1           a. twenty-eight (28) grams or more of a mixture or  
2           substance containing a detectable amount of cocaine,  
3           coca leaves or cocaine base shall be punishable by a  
4           fine of not less than Twenty-five Thousand Dollars  
5           (\$25,000.00) and not more than One Hundred Thousand  
6           Dollars (\$100,000.00),
- 7           b. three hundred (300) grams or more of a mixture or  
8           substance containing a detectable amount of cocaine,  
9           coca leaves or cocaine base shall be punishable by a  
10          fine of not less than One Hundred Thousand Dollars  
11          (\$100,000.00) and not more than Five Hundred Thousand  
12          Dollars (\$500,000.00), or
- 13          c. four hundred fifty (450) grams or more of a mixture or  
14          substance containing a detectable amount of cocaine,  
15          coca leaves or cocaine base shall be deemed aggravated  
16          trafficking punishable by a fine of not less than One  
17          Hundred Thousand Dollars (\$100,000.00) and not more  
18          than Five Hundred Thousand Dollars (\$500,000.00);

19        3. Heroin:

- 20          a. ten (10) grams or more of a mixture or substance  
21          containing a detectable amount of heroin shall be  
22          punishable by a fine of not less than Twenty-five  
23          Thousand Dollars (\$25,000.00) and not more than Fifty  
24          Thousand Dollars (\$50,000.00), or

1           b. twenty-eight (28) grams or more of a mixture or  
2           substance containing a detectable amount of heroin  
3           shall be deemed aggravated trafficking punishable by a  
4           fine of not less than Fifty Thousand Dollars  
5           (\$50,000.00) and not more than Five Hundred Thousand  
6           Dollars (\$500,000.00);

7       4. Amphetamine or methamphetamine:

8           a. twenty (20) grams or more of a mixture or substance  
9           containing a detectable amount of amphetamine or  
10          methamphetamine shall be punishable by a fine of not  
11          less than Twenty-five Thousand Dollars (\$25,000.00)

12          and not more than Two Hundred Thousand Dollars  
13          (\$200,000.00),

14           b. two hundred (200) grams or more of a mixture or  
15          substance containing a detectable amount of  
16          amphetamine or methamphetamine shall be punishable by  
17          a fine of not less than Fifty Thousand Dollars  
18          (\$50,000.00) and not more than Five Hundred Thousand  
19          Dollars (\$500,000.00), or

20           c. four hundred fifty (450) grams or more of a mixture or  
21          substance containing a detectable amount of  
22          amphetamine or methamphetamine shall be deemed  
23          aggravated trafficking punishable by a fine of not  
24

1                   less than Fifty Thousand Dollars (\$50,000.00) and not  
2                   more than Five Hundred Thousand Dollars (\$500,000.00);

3       5. Lysergic acid diethylamide (LSD):

4           a. one (1) gram or more of a mixture or substance  
5                   containing a detectable amount of lysergic acid  
6                   diethylamide (LSD) shall be trafficking punishable by  
7                   a term of imprisonment in the custody of the  
8                   Department of Corrections not to exceed twenty (20)  
9                   years and by a fine of not less than Fifty Thousand  
10                  Dollars (\$50,000.00) and not more than One Hundred  
11                  Thousand Dollars (\$100,000.00), or

12           b. ten (10) grams or more of a mixture or substance  
13                   containing a detectable amount of lysergic acid  
14                   diethylamide (LSD) shall be aggravated trafficking  
15                   punishable by a term of imprisonment in the custody of  
16                   the Department of Corrections of not less than two (2)  
17                   years nor more than life and by a fine of not less  
18                   than One Hundred Thousand Dollars (\$100,000.00) and  
19                   not more than Two Hundred Fifty Thousand Dollars  
20                   (\$250,000.00);

21       6. Phencyclidine (PCP):

22           a. twenty (20) grams or more of a substance containing a  
23                   mixture or substance containing a detectable amount of  
24                   phencyclidine (PCP) shall be trafficking punishable by

1           a term of imprisonment in the custody of the  
2           Department of Corrections not to exceed twenty (20)  
3           years and by a fine of not less than Twenty Thousand  
4           Dollars (\$20,000.00) and not more than Fifty Thousand  
5           Dollars (\$50,000.00), or

6       b. one hundred fifty (150) grams or more of a substance  
7           containing a mixture or substance containing a  
8           detectable amount of phencyclidine (PCP) shall be  
9           aggravated trafficking punishable by a term of  
10          imprisonment in the custody of the Department of  
11          Corrections of not less than two (2) years nor more  
12          than life and by a fine of not less than Fifty  
13          Thousand Dollars (\$50,000.00) and not more than Two  
14          Hundred Fifty Thousand Dollars (\$250,000.00);

15       7. Methylene dioxy methamphetamine:

16       a. thirty (30) tablets or ten (10) grams of a mixture or  
17           substance containing a detectable amount of 3,4-  
18           Methylene dioxy methamphetamine shall be trafficking  
19           punishable by a term of imprisonment in the custody of  
20           the Department of Corrections not to exceed twenty  
21           (20) years and by a fine of not less than Twenty-five  
22           Thousand Dollars (\$25,000.00) and not more than One  
23           Hundred Thousand Dollars (\$100,000.00), or

1           b. one hundred (100) tablets or thirty (30) grams of a  
2           mixture or substance containing a detectable amount of  
3           3,4-Methylenedioxy methamphetamine shall be deemed  
4           aggravated trafficking punishable by a term of  
5           imprisonment in the custody of the Department of  
6           Corrections of not less than two (2) years nor more  
7           than life by a fine of not less than One Hundred  
8           Thousand Dollars (\$100,000.00) and not more than Five  
9           Hundred Thousand Dollars (\$500,000.00);

10          8. Morphine: One thousand (1,000) grams or more of a mixture  
11         containing a detectable amount of morphine shall be trafficking  
12         punishable by a term of imprisonment in the custody of the  
13         Department of Corrections not to exceed twenty (20) years and by a  
14         fine of not less than One Hundred Thousand Dollars (\$100,000.00) and  
15         not more than Five Hundred Thousand Dollars (\$500,000.00);

16          9. Oxycodone: Four hundred (400) grams or more of a mixture  
17         containing a detectable amount of oxycodone shall be trafficking  
18         punishable by a term of imprisonment in the custody of the  
19         Department of Corrections not to exceed twenty (20) years and by a  
20         fine of not less than One Hundred Thousand Dollars (\$100,000.00) and  
21         not more than Five Hundred Thousand Dollars (\$500,000.00);

22          10. Hydrocodone: Three thousand seven hundred fifty (3,750)  
23         grams or more of a mixture containing a detectable amount of  
24         hydrocodone shall be trafficking punishable by a term of

1      imprisonment in the custody of the Department of Corrections not to  
2      exceed twenty (20) years and by a fine of not less than One Hundred  
3      Thousand Dollars (\$100,000.00) and not more than Five Hundred  
4      Thousand Dollars (\$500,000.00);

5            11. Benzodiazepine: Five hundred (500) grams or more of a  
6      mixture containing a detectable amount of benzodiazepine shall be  
7      trafficking punishable by a term of imprisonment not to exceed  
8      twenty (20) years and by a fine of not less than One Hundred  
9      Thousand Dollars (\$100,000.00) and not more than Five Hundred  
10     Thousand Dollars (\$500,000.00); and

11            12. Fentanyl and its analogs and derivatives:

12                a. one (1) gram or more of a mixture containing fentanyl  
13                    or carfentanil, or any fentanyl analogs or derivatives  
14                    shall be trafficking punishable by a term of  
15                    imprisonment in the custody of the Department of  
16                    Corrections not to exceed twenty (20) years and by a  
17                    fine of not less than One Hundred Thousand Dollars  
18                    (\$100,000.00) and not more than Two Hundred Fifty  
19                    Thousand Dollars (\$250,000.00), or

20                b. five (5) grams or more of a mixture containing  
21                    fentanyl or carfentanil, or any fentanyl analogs or  
22                    derivatives shall be aggravated trafficking punishable  
23                    by a term of imprisonment in the custody of the  
24                    Department of Corrections of not less than two (2)

1           years nor more than life and by a fine of not less  
2           than Two Hundred Fifty Thousand Dollars (\$250,000.00)  
3           and not more than Five Hundred Thousand Dollars  
4           (\$500,000.00).

5         D. Any person who violates the provisions of this section with  
6 respect to marijuana, cocaine, coca leaves, cocaine base, heroin,  
7 amphetamine or methamphetamine in a quantity specified in paragraphs  
8 1, 2, 3 and 4 of subsection C of this section shall, in addition to  
9 any fines specified by this section, be punishable by a term of  
10 imprisonment as follows:

11           1. For trafficking, a first violation of this section, a term  
12 of imprisonment in the custody of the Department of Corrections not  
13 to exceed twenty (20) years;

14           2. For trafficking, a second violation of this section, a term  
15 of imprisonment in the Department of Corrections of not less than  
16 four (4) years nor more than life, for which the person shall serve  
17 fifty percent (50%) of the sentence before being eligible for parole  
18 consideration;

19           3. For trafficking, a third or subsequent violation of this  
20 section, a term of imprisonment in the custody of the Department of  
21 Corrections of not less than twenty (20) years nor more than life,  
22 of which the person shall serve fifty percent (50%) of the sentence  
23 before being eligible for parole consideration.

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1       Persons convicted of trafficking shall not be eligible for  
2       earned credits or any other type of credits which have the effect of  
3       reducing the length of sentence to less than fifty percent (50%) of  
4       the sentence imposed; and

5       If the person is convicted of aggravated trafficking, the person  
6       shall serve eighty-five percent (85%) of such sentence before being  
7       eligible for parole consideration.

8       E. The penalties specified in subsections C and D of this  
9       section are subject to the enhancements enumerated in subsections E  
10      and F of Section 2-401 of this title.

11      F. Any person convicted of any offense described in this  
12      section shall, in addition to any fine imposed, pay a special  
13      assessment trauma-care fee of One Hundred Dollars (\$100.00) to be  
14      deposited into the Trauma Care Assistance Revolving Fund created in  
15      Section 1-2530.9 of this title and the assessment pursuant to  
16      Section 2-503.2 of this title.

17      SECTION 2.       AMENDATORY       63 O.S. 2021, Section 420, as  
18      amended by Section 1, Chapter 182, O.S.L. 2024 (63 O.S. Supp. 2024,  
19      Section 420), is amended to read as follows:

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

- 22       1. Consume marijuana legally;
- 23       2. Legally possess up to three (3) ounces or eighty-four and  
24       nine-tenths (84.9) grams of marijuana on their person;

1       3. Legally possess six mature marijuana plants and the  
2 harvested marijuana therefrom;  
3       4. Legally possess six seedling plants;  
4       5. Legally possess one (1) ounce or twenty-eight and three  
5 tenths (28.3) grams of concentrated marijuana;  
6       6. Legally possess seventy-two (72) ounces or two thousand  
7 thirty-seven and six-tenths (2037.6) grams of edible marijuana;  
8       7. Legally possess up to eight (8) ounces or two hundred  
9 twenty-six and four-tenths (226.4) grams of marijuana in their  
10 residence; and  
11      8. Legally possess seventy-two (72) ounces of topical  
12 marijuana.

13      B. Possession of up to one and one-half (1.5) ounces or forty-  
14 two and forty-five one-hundredths (42.45) grams of marijuana by  
15 persons who can state a medical condition at the time of the stop  
16 and issuance of a written citation or arrest, but are not in  
17 possession of a state-issued medical marijuana patient license,  
18 shall constitute a misdemeanor offense punishable by a fine not to  
19 exceed Four Hundred Dollars (\$400.00) and shall not be subject to  
20 imprisonment for the offense. Any law enforcement officer who comes  
21 in contact with a person in violation of this subsection and who is  
22 satisfied as to the identity of the person, as well as any other  
23 pertinent information the law enforcement officer deems necessary,  
24 shall issue to the person a written citation containing a notice to

1 answer the charge against the person in the appropriate court. Upon  
2 receiving the written promise of the alleged violator to answer as  
3 specified in the citation, the law enforcement officer shall release  
4 the person upon personal recognizance unless there has been a  
5 violation of another provision of law.

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

10 D. The Authority shall, within thirty (30) days of passage of  
11 this initiative, make available on its website, in an easy-to-find  
12 location, an application for a medical marijuana patient license.

13 The license shall be valid for two (2) years. The biannual  
14 application fee shall be One Hundred Dollars (\$100.00), or Twenty  
15 Dollars (\$20.00) for individuals on Medicaid, Medicare or  
16 SoonerCare. The methods of payment shall be provided on the website  
17 of the Authority. Reprints of the medical marijuana patient license  
18 shall be Twenty Dollars (\$20.00).

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

1 medical marijuana patient licenses shall be issued for sixty (60)  
2 days. The fee for a short-term medical marijuana patient license,  
3 reprints of the short-term medical marijuana patient license, and  
4 the procedure for extending or renewing the license shall be  
5 determined by the Executive Director of the Authority.

6 F. A temporary medical marijuana patient license application  
7 shall also be made available on the website of the Authority for  
8 residents of other states. Temporary medical marijuana patient  
9 licenses shall be granted to any medical marijuana license holders  
10 from other states, provided that such states have state-regulated  
11 medical marijuana programs, and applicants can prove they are  
12 members of such programs. Temporary medical marijuana patient  
13 licenses shall be issued for thirty (30) days. The cost for a  
14 temporary license shall be One Hundred Dollars (\$100.00). Renewal  
15 shall be granted with resubmission of a new application. No  
16 additional criteria shall be required. Reprints of the temporary  
17 medical marijuana patient license shall be Twenty Dollars (\$20.00).

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 rejection, to the applicant within fourteen (14) business days  
2 of receipt of the application. Approved applicants shall be issued  
3 a medical marijuana patient license which shall act as proof of his  
4 or her approved status. Applications may only be rejected or denied  
5 based on the applicant not meeting stated criteria or improper  
6 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 twenty-four-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 or  
20 cultivated medical marijuana pursuant to the Oklahoma Medical  
21 Marijuana and Patient Protection Act, but excluding the ability to  
22 use marijuana or marijuana products unless the caregiver has a  
23 medical marijuana patient license. Applicants for a caregiver  
24 license shall submit proof of the license status and homebound

1 status of the medical marijuana patient and proof that the applicant  
2 is the designee of the medical marijuana patient. The applicant  
3 shall also submit proof that he or she is eighteen (18) years of age  
4 or older and proof of his or her state residency. This shall be the  
5 only criteria for a caregiver license. A licensed caregiver shall  
6 not cultivate medical marijuana for more than five medical marijuana  
7 patient licensees and shall not charge a medical marijuana patient  
8 licensee for cultivating medical marijuana in excess of the actual  
9 costs incurred in cultivating the medical marijuana.

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

15 M. All applications for a medical marijuana patient license  
16 shall be signed by an Oklahoma physician licensed by and in good  
17 standing with the State Board of Medical Licensure and Supervision,  
18 the State Board of Osteopathic Examiners, or the Board of Podiatric  
19 Medical Examiners. There are no qualifying conditions. A medical  
20 marijuana patient license shall be recommended according to the  
21 accepted standards a reasonable and prudent physician would follow  
22 when recommending or approving any medication. No physician may be  
23 unduly stigmatized, penalized, subjected to discipline, sanctioned,  
24 reprimanded or harassed for signing a medical marijuana patient

1 license application; provided, the physician acted in accordance  
2 with the provisions of this subsection and all other rules governing  
3 the medical license of the physician in this state.

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

8 SECTION 3. This act shall become effective November 1, 2025.

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10 60-1-10537        GRS        01/12/25

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