

Be it enacted by the people of the State of Oklahoma that the Oklahoma constitution shall be amended by adding a new article 31, sections 1.A to 1.G as follows:

**Section 1 - Medical Marijuana**

**Section 1.A - General Provisions and Individual Qualifications:**

1. Provides that marijuana be classified as a non-legend herbal drug regulated by the Oklahoma Department of Health. Further, that the Oklahoma State Department of Health will be granted rule making authority under the Administrative Procedures Act to implement and enforce the provisions of this measure.
2. The Oklahoma State Department of Health will regulate the awarding of medical marijuana licenses, retail licenses, transportation licenses, growing licenses, and processing licenses. Further that the Oklahoma State Department of Health will only have oversight in three very specific areas.
  - a. The tracking of marijuana sales. A reporting system will be put into place by which the Oklahoma State Department of Health will track the monthly sales of medical marijuana in Oklahoma. This will be done in a non-burdensome fashion and should not result in undue hardship or expense for the reporting entities.
  - b. The tracking of marijuana by weight of marijuana produced, sold, and repackaged. A reporting system will be put into place by which the Oklahoma State Department of Health will track the monthly movement of medical marijuana in Oklahoma. This will be done in a non-burdensome fashion and should not result in undue hardship or expense for the reporting entities.
  - c. The inspection and compliance of processors producing products with marijuana as an additive. The Oklahoma State Department of Health will be compelled to, within 30 days of passage of this initiative, appoint a board of 12 Oklahoma residents, who are marijuana industry experts, to create a list of food safety standards for processing medical marijuana in Oklahoma. These standards will be adopted by the agency and the agency can enforce these standards for processors. The agency will develop a standards review procedure and these standards can be altered by calling another board of 12 Oklahoma marijuana industry experts. A signed letter of 20 operating processors would constitute a need for a new board and standard review.
3. The sole tax on retail medical marijuana sales will be established at 7%. This tax will be collected at the point of sale. Tax proceeds will go to first, finance the regulatory office. Should proceeds exceed the budgeted amount for running the regulatory office, any surplus would be split with 75% going to the Oklahoma State Education general fund and 25% going to the Oklahoma State Department of Health and earmarked for Drug and Alcohol rehabilitation.
4. If it becomes permissible, under federal law, marijuana may be moved across state lines.
5. Any device used for the consumption of medical cannabis should be considered legal to be sold. No merchant may unduly be harassed or prosecuted for selling medical marijuana paraphernalia.

**Section 1.B - Individual Qualifications:**

1. Provides for the consumption of marijuana for medicinal purposes. That a person in possession of a state issued medical marijuana license can:
  - a. Consume marijuana legally
  - b. Legally possess up to three (3) ounces of marijuana on their person
  - c. Legally possess six (6) mature marijuana plants.
  - d. Legally possess six (6) seedling plants.
  - e. Legally possess concentrated marijuana, in any form, which would equate to three (3) ounces of dried marijuana.
  - f. Legally possess edible marijuana, in any form, which would equate to three (3) ounces of dried marijuana.
  - g. Legally can possess up to eight (8) ounces of marijuana in their residence
2. Possession of up to one and a half (1.5) ounces of marijuana by persons who can state a qualifying medical condition, but not in possession of a state issued medical marijuana license, shall constitute a misdemeanor offense with a fine not to exceed \$400. Possession of up to six (6) marijuana plants, by persons who can state a qualifying medical condition, but not in possession of a state issued medical marijuana license, shall constitute a misdemeanor offense with a fine not to exceed \$400.
3. A regulatory office will be established under the Oklahoma State Department of Health which will receive applications for medical license recipi-

ents, dispensaries, growers, and packagers within 60 days of the passage of this initiative. The Oklahoma State Department of Health will:

- a. Within 30 days of passage of this initiative, make available, on their website, in an easy to find location, an application for a medical marijuana license. The license will be good for one year, and the application fee will be \$100. The methods of payment will be provided on the website.
- b. A temporary license application will also be available on the Oklahoma Department of Health website. A temporary medical marijuana license will be granted to any medical marijuana license holder from other states, provided that the state has a federally regulated medical marijuana program, and the applicant can prove they are a member of such. Temporary licenses will be issued for 30 days. Cost will be \$100. Renewal will be granted with resubmission of a new application. No additional criteria will be required.
- c. Medical marijuana license applicants will submit their application to the Oklahoma State Department of Health for approval and that the applicant must be an Oklahoma State resident and shall prove residency by a valid drivers license, utility bills, or other accepted methods.
- d. The Oklahoma State Department of Health shall review the medical marijuana application, approve/reject the application, and mail the applicants approval or rejection letter (stating reasons for rejection) to the applicant within 14 days of receipt of the application. Approved applicants will be issued a medical marijuana license which will act as proof of their approved status.
- e. The Oklahoma State Department of Health will only keep the following records for each approved medical license: a digital photograph of the license holder, the expiration date of the license, the county where the card was issued, and a unique 24 character identification number assigned to the license. The Department of Health will make available, both on its website, and thru a telephone verification system, an easy method to validate a medical license holders authenticity by the unique 24 character identifier. Further, the State Department of Health will ensure that all application records and information are sealed to protect the privacy of medical license applicants.
- f. A caregiver license will be made available for qualified caregivers of a medical marijuana license holder who is homebound. The caregiver license will give the caregiver the same rights as the medical license holder. Applicants for a caregiver license need to submit proof of the medical marijuana license holders license status and homebound status, must submit proof that the caregiver is age 18 or older, and must submit proof the caregiver is an Oklahoma resident. This will be the only criteria for a caregiver license. Licensed caregivers will be issued a caregiver card which will give the cardholder the same rights as a medical marijuana licensee.
- g. All applicants must be 18 years or older. A special exception will be granted to an applicant under the age of 18, however these applications must be signed by 2 physicians and the applicants parent or legal guardian.
- h. All applications for a medical license must be signed by an Oklahoma Board certified physician. There are no qualifying conditions. A medical marijuana license must be prescribed according to the accepted standards a reasonable and prudent physician would follow when recommending or approving any medication. No physician may be unduly stigmatized or harassed for signing a medical marijuana license application.

4. Counties and cities may retain or enact medical marijuana guidelines allowing qualified patients or primary caregivers to exceed the state limits set forth in Section 1.B.

#### **Section 1.C - Retail Application, Qualifications, and Regulatory Provisions**

1. The Oklahoma State department of Health will within 30 days of passage of this initiative, make available, on their website, in an easy to find location, an application for a medical marijuana dispensary license. Application fee will be \$2500 and a method of payment will be provided on the website. Retail applicants must all be Oklahoma state residents. Any entity applying for a retail license must be owned by an Oklahoma State resident and must be registered to do business in Oklahoma. The Oklahoma State Department of Health has two (2) weeks to review the application, approve or reject the application, and mail the approval/rejection letter (if rejected, stating reasons for rejection) to the applicant. The Oklahoma State Department of Health must approve all applications which meet the following criteria:

- a. Applicant must be age 25 or older

- b. Any applicant, applying as an Individual, must show residency in the state of Oklahoma
  - c. All applying entities must show that all members, managers, board members, shareholders, or owners are Oklahoma residents
  - d. All applying individuals or entities must be registered to conduct business in the state of Oklahoma
  - e. All applicants must disclose all ownership
  - f. Applicant(s) must have not had a felony conviction in the last five (5) years.
2. Retailers will be required to complete a monthly sales report to the Oklahoma Department of Health. This report will be due on the 15<sup>th</sup> of each month and provide reporting on the previous month. This report will detail the weight of marijuana purchased at wholesale and the weight of marijuana sold to card holders, and account for any waste. Additionally, this report will show total sales in dollars, tax collected in dollars, and tax due in dollars. The Oklahoma state department of health will have oversight and auditing responsibilities to ensure that all marijuana being grown is accounted for. A retailer will only be subject to a penalty if a gross discrepancy exists and cannot be explained. Penalties for fraudulent reporting will be an initial fine of \$5,000 (first) and revocation of licensing (second).
3. Only a licensed medical marijuana retailer may conduct retail sales of marijuana, or marijuana derivatives in the form provided by licensed processors, and that these products can only be sold to a medical marijuana license holder or their caregiver. Penalties for fraudulent sales will be an initial fine of \$5,000 (first) and revocation of licensing (second).

#### **Section 1.D - Growers Application, Qualification, and Regulatory Provisions**

1. Oklahoma State department of Health will within 30 days of passage of this initiative, make available, on their website, in an easy to find location, an application for a medical marijuana grower. Application fee will be \$2500 and methods of payment will be provided on the website. The Oklahoma State Department of Health has two (2) weeks to review the application, approve or reject the application, and mail the approval/rejection letter (if rejected, stating reasons for rejection) to the applicant. The Oklahoma State Department of Health must approve all applications which meet the following criteria:
- a. Applicant must be age 25 or older
  - b. Any applicant, applying as an Individual, must show residency in the state of Oklahoma
  - c. All applying entities must show that all members, managers, board members, shareholders, or owners are Oklahoma residents
  - d. All applying individuals or entities must be registered to conduct business in the state of Oklahoma
  - e. All applicants must disclose all ownership
  - f. Applicant(s) must have not had a felony conviction in the last five (5) years.
2. A licensed grower may sell marijuana to a licensed retailer, or a licensed packager. Further, these sales will be considered wholesale sales and not subject to taxation. Under no circumstances may a licensed grower sell marijuana directly to a medical marijuana license holder. A licensed grower may only sell at the wholesale level to a licensed retailer or a licensed processor. If the federal government lifts restrictions on buying and selling marijuana between states, then a licensed grower would be allowed to sell and buy marijuana wholesale from, or to, an out of state wholesale provider. Growers will be required to complete a monthly yield and sales report to the Oklahoma Department of Health. This report will be due on the 15<sup>th</sup> of each month and provide reporting on the previous month. This report will detail amount of marijuana harvested in lbs, the amount of drying or dried marijuana on hand, the amount of marijuana sold to processors in lbs, the amount of waste in lbs, and the amount of marijuana sold to retailers in lbs. Additionally, this report will show total wholesale sales in dollars. The Oklahoma State Department of Health will have oversight and auditing responsibilities to ensure that all marijuana being grown is accounted for. A licensed grower will only be subject to a penalty if a gross discrepancy exists and cannot be explained. Penalties for fraudulent reporting or sales will be an initial fine of \$5,000 (first) and revocation of licensing (second).
3. There are no limits on how much marijuana a licensed grower can grow.

#### **Section 1.E - Processing Application, Qualification, and Regulatory Provisions**

1. The Oklahoma State Department of Health will within 30 days of passage of this initiative, make available, on their website, in an easy to find location, an application for a medical marijuana processing. Application fee will be \$2500 and methods of payment will be provided on the website. The Oklahoma State Department of Health has two (2) weeks to review the application,

approve or reject the application, and mail the approval/rejection letter (if rejected, stating reasons for rejection) to the applicant. The Oklahoma State Department of Health must approve all applications which meet the following criteria:

- a. Applicant must be age 25 or older
  - b. Any applicant, applying as an Individual, must show residency in the state of Oklahoma
  - c. All applying entities must show that all members, managers, board members, shareholders, or owners are Oklahoma residents
  - d. All applying individuals or entities must be registered to conduct business in the state of Oklahoma
  - e. All applicants must disclose all ownership
  - f. Applicant(s) must have not had a felony conviction in the last five (5) years.
2. A licensed processor may take marijuana plants and distill these plants into concentrates, edibles, and other forms for consumption. Per section 1.A, provides that the Oklahoma State Department of Health will, within 60 days of passage of this initiative, make available a set of standards which will be used by licensed processors in the preparation of edible marijuana products. This should be in line with current food preparation guidelines and no excessive or punitive rules may be established by the Oklahoma State Department of Health. Once a year, the Oklahoma State Department of Health may inspect a processing operation and determine its compliance with the preparation standards. If deficiencies are found, a written report of deficiency will be issued to the processor. The processor will have one (1) month to correct the deficiency or be subject to a \$500 fine for each deficiency. A licensed processor may sell marijuana products it creates to a licensed retailer, or another licensed processor. Further, these sales will be consider wholesale sales and not subject to taxation. Under no circumstances may a licensed processor sell marijuana, or any marijuana product, directly to a medical marijuana license holder. Processors will be required to complete a monthly yield and sales report to the Oklahoma Department of Health. This report will be due on the 15<sup>th</sup> of each month and provide reporting on the previous month. This report will detail amount of marijuana purchased in lbs, the amount of marijuana cooked or processed in lbs, and the amount of waste in lbs. Additionally, this report will show total wholesale sales in dollars. The Oklahoma state department of health will have oversight and auditing responsibilities to ensure that all marijuana being grown is accounted for. A licensed processor will only be subject to a penalty if a gross discrepancy exists and cannot be explained. Penalties for fraudulent reporting will be an initial fine of \$5,000 (first) and revocation of licensing (second).

#### **Section 1.F - Transportation**

1. A marijuana transportation license will be issued to qualifying applicants for a marijuana retail, growing, or processing license. The transportation license will be issued at the time of approval of a retail, growing, or processing license. A transportation license will allow the holder, or holders employees, to transport marijuana from an Oklahoma licensed medical marijuana retailer, licensed growing facility, or licensed processor facility to an Oklahoma licensed medical marijuana retailer, licensed growing facility, or licensed processing facility. All marijuana or marijuana products be transported in a locked container and clearly labeled "Medical Marijuana or Derivative".

#### **Section 1.G - Discrimination Prohibited**

1. No school or landlord may refuse to enroll or lease to and may not otherwise penalize a person solely for his status as a medical license holder, unless failing to do so would cause the school or landlord to lose a monetary or licensing related benefit under federal law or regulations.
2. Unless a failure to do so would cause an employer to lose a monetary or licensing related benefit under federal law or regulations, an employer may not discriminate against a person in hiring, termination or imposing any term or condition of employment or otherwise penalize a person based upon either:
  - a. The person's status as a medical marijuana license holder.
  - b. A registered qualifying patient's positive drug test for marijuana components or metabolites, unless the patient used, possessed or was impaired by marijuana on the premises of the place of employment or during the hours of employment.
3. For the purposes of medical care, including organ transplants, a registered qualifying patient's authorized use of marijuana must be considered the

equivalent of the use of any other medication under the direction of a physician and does not constitute the use of an illicit substance or otherwise disqualify a registered qualifying patient from medical care.

4. No medical marijuana license holder may be denied custody of or visitation or parenting time with a minor, and there is no presumption of neglect or child endangerment for conduct allowed under this law, unless the person's behavior creates an unreasonable danger to the safety of the minor as established by clear and convincing evidence.

5. No person holding a medical marijuana license may unduly be withheld from holding a state issued license by virtue of their being a medical marijuana license holder. This would include such things as a concealed carry permit.

6. No city or local municipality may unduly change or restrict zoning laws to prevent the opening of a retail marijuana establishment.

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