



Oklahoma's Medical Cannabis Initiative State Question 788

On June 26, 2018, Oklahoma voters approved State Question 788, which will make the medical use of marijuana legal in the state.

Patient Licenses: Adult residents of Oklahoma may apply for a medical marijuana license if an Oklahoma board-certified physician signs their application. Unlike most medical marijuana states, there is no list of qualifying conditions. "A medical marijuana license must be recommended according to the accepted standards a reasonable and prudent physician would follow when recommending or approving any medication." The licenses must be renewed every two years. Applications cost \$100 unless the patient is enrolled in Medicaid, Medicare, or SoonerCare, in which case it is \$20.

Minor Patients: Patients who are under 18 years of age only qualify for the program if two physicians sign their applications.

Visiting Patients: Patients who can prove they are registered in another medical marijuana state with a regulated program may apply for and be issued a temporary, 30-day, medical marijuana license for a \$100 fee.

Physicians: Physicians who recommend medical cannabis may not be "unduly stigmatized or harassed."

Caregivers: Caregivers may receive a license to assist homebound patients.

Possession Limits: Licensed medical marijuana patients and caregivers may possess up to:

- three ounces of cannabis on their person and eight ounces at their residence;
- one ounce of concentrates;
- 72 ounces of edible cannabis products; and
- six mature medical marijuana plants and up to six seedlings.

Cities and counties may enact guidelines to allow patients and caregivers to exceed these limits.

Reduced Penalty for Medical Use: Individuals found in possession of up to 1.5 ounces of marijuana will face a maximum penalty of a misdemeanor fine of up to \$400 if they "can state a medical condition." (The penalty is up to year in jail and/or a fine of up to \$1,000.)

Anti-Discrimination Protections: The initiative includes protections from being penalized by a school, employer, or landlord based on one's status as a medical cannabis patient unless failing to do so would result in the entity losing a benefit under federal law or regulations. Employers also may not take action based on a patient failing a drug test, but they may prohibit marijuana use at work and during work hours. The measure also includes protections against discrimination in medical care (including organ transplants) and in child custody, visitation, and child welfare.

Medical Cannabis Access: In addition to cultivating their own cannabis, patients may obtain

cannabis from licensed dispensaries, which in turn purchase marijuana from licensed commercial growers and licensed processors (or, possibly packagers). Dispensaries may not be located within 1,000 feet of a school entrance.

The health department must approve every applicant for a medical marijuana license that meets requirements, such as being 25 years old or older and an Oklahoma resident. Applicants must also pay a \$2,500 fee. Individuals with non-violent felonies in the past two years or violent felonies in the past five do not qualify, nor do individuals who apply while they are incarcerated.

Localities: No municipality may “unduly change or restrict zoning laws to prevent the opening of a retail marijuana establishment.”

Paraphernalia: The initiative makes it legal to sell, manufacture, possess, and distribute medical marijuana paraphernalia.

Other States: Once it is allowed under federal law, marijuana may be moved across state lines, and Oklahoma medical marijuana businesses can purchase from businesses in other states.

Research: Allows researchers to apply to the health department for a special research license.

Taxes: The initiative imposes a 7% retail sales tax on medical cannabis. After covering all regulatory costs, 75% of any remaining funds will be used for education and 25% will be used for drug and alcohol rehabilitation.

Timelines:

- **Regulatory office:** The State Department of Health must establish a regulatory office within 60 days of passage.
- **Patient and caregiver licenses:** Within 30 days of passage, the health department must make applications for patient medical marijuana licenses available. It must approve or reject an application within 14 days of receiving it.
- **Business licenses:** Within 30 days of passage, the health department must make applications available for dispensary, commercial grow, and processor licenses. There are also some references to packager licenses. The department must approve or reject an application within two weeks of receiving it.
- **Edible regulation:** Within 30 days, the health department must appoint a 12-member board of marijuana industry experts to create a list of food safety standards for medical marijuana. Within 60 days of passage, the health department must develop standards for processors preparing edible products.