

Medical Marijuana in Oklahoma

On the June 26th ballot, Oklahomans voted to approve State Question 788: Medical Marijuana. Since the measure was passed, OK State Dept. of Health has made changes to State regulations of the Medical Marijuana industry. Some changes are as follows:

- ❖ Medical Marijuana (MMJ) applicants receive the right to licensed use, sale, and growth of marijuana in Oklahoma for medicinal purposes.
- ❖ MMJ cardholders will have the legal right to:
 - Carry up to 3 ounces of marijuana on their person and 8 ounces at their residence
 - possess 6 mature plants and 6 seedling plants
 - possess 1 ounce of concentrated marijuana;
 - possess 72 ounces of edible marijuana.
- ❖ Currently, there are no qualifying medical conditions mentioned to be eligible for a license.
- ❖ The Department will issue medical marijuana licenses to Oklahoma resident applicants eighteen years or older at \$100 per license, and \$20 for Medicaid patients. A special exemption will be granted to an applicant under the age of eighteen, however these applications must be signed by two physicians and a parent or legal guardian. The punishment for unlicensed possession of permitted amounts of marijuana for individuals who can state a medical condition is a fine not exceeding \$400.
- ❖ The Department will also issue seller, growing, packaging, transportation, and research and caregiver licenses at \$2,500 per license. The law requires a dispensary to be at least 1,000 feet away from any entrance to any public or private school, but does not restrict locations by churches.
- ❖ Commercial applicants must register with the Oklahoma Dept. of Narcotics and Dangerous Drugs (OBND) and are responsible for any additional fees.
- ❖ Licensees must be approved by an Oklahoma Board Certified Physician. A bona fide physician-patient relationship is required, but a physician is not required to have ongoing responsibility for the care of the individual or required to do an in-person physical examination or discussion of risks and benefits. Physician should use accepted reasonable and prudent standards of practice.

Other Facts Concerning Oklahoma Medical Marijuana

- ❖ New regulations remove limitations on THC content of marijuana.
- ❖ Licensed dispensaries may now sell marijuana seedlings and mature plants.
- ❖ Municipalities may not restrict zoning to prevent retailers from opening businesses.
- ❖ Although not specifically highlighted in SQ788, due to the current, federally illegal status of marijuana, FDIC places restrictions on marijuana revenue deposited into FDIC regulated banks. Therefore, the seven percent state tax will be collected from MMJ retail sales in cash. Revenue generated by all other commercial types of licenses will not be taxed, and there are no growing limits placed on commercial growers.
- ❖ Although not specifically highlighted in SQ788, it is a federal law that people who possess or consume any form of marijuana are prohibited from owning, selling or receiving firearms and ammunition. (See ATF Form 4473 (11e))
- ❖ Schools, landlords, and employers may not refuse enrollment, rent, lease, or employment based on someone's medical marijuana license status.

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