

FILED

APR 03 2018

OKLAHOMA SECRETARY
OF STATE

PROPOSED BALLOT TITLE.

This measure adds a new Article to the Oklahoma Constitution, Article 32, sections 1.A to 1.H and 2.A. It allows for the classification of marijuana as an herbal drug regulated by the Oklahoma Cannabis Commission and permits the use of marijuana under the recommendation of a board-certified physician. It allows the sale of marijuana to licensed patients by licensed dispensaries; it allows the sale of marijuana to licensed dispensaries by licensed growers. It permits patients to assert medical reasons for using marijuana as a defense to any prosecution involving marijuana. Tax proceeds and fees from sales of marijuana would be allocated first to fund regulatory processes for the medical marijuana purpose. Excess tax income from sales would then be divided with 75% going to the Oklahoma State Department of Education and 25% to the Oklahoma State Department of Health. Additionally, local municipalities may levee an additional tax to be earmarked solely for the construction and repair of public roads. This measure also excludes marijuana containing less than 0.3% THC from the definition of marijuana and reclassifies it as industrial hemp and allows for the growth and commerce thereof when registered with the Oklahoma State Department of Agriculture.

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OKLAHOMA SECRETARY
OF STATE

State Question No. **796**

Initiative Petition No. **417**

"WARNING"

"It is a felony for anyone to sign an initiative or referendum petition with any name other than his or her own, or knowingly to sign his or her name more than once for the measure, or to sign such petition when he or her is not a legal voter."

Initiative Petition

To the Honorable Mary Fallin, Governor of Oklahoma:

We, the undersigned legal voters of the State of Oklahoma, respectfully order that the following proposed amendment to the constitution shall be submitted to the legal voters of the State of Oklahoma for their approval or rejection at the regular general election to be held on the ___ day of November, 20___, and each for himself says: I have personally signed this petition; I am a legal voter of the State of Oklahoma; my residence or post office are correctly written after my name. The time for filing this petition expires ninety (90) days from _____. The question we herewith submit to our fellow voters is: Shall the following proposed amendment to the Constitution be approved?

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Be it enacted by the people of the State of Oklahoma that the Oklahoma constitution shall be amended by adding a new article 32, sections 1.A to 1.H and 2.A 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 newly created Oklahoma Cannabis Commission. Further, that the Oklahoma Cannabis Commission shall be granted rule making authority under the Administrative Procedures Act to implement and enforce the provisions of this measure.
2. Provides that the sale, manufacturing, or otherwise distribution of marijuana implements, utensils, or paraphernalia is legal in the state of Oklahoma.
3. Provides that the Oklahoma Cannabis Commission be created within 90 days of passage of this initiative.
 - a. The Oklahoma Cannabis Commission shall regulate the awarding of medical marijuana licenses, retail licenses, transportation licenses, growing licenses, and processing licenses. Further that the Oklahoma Cannabis Commission shall only have oversight in three very specific areas.
 - b. The tracking of medical marijuana sales. A reporting system will be put into place by which the Oklahoma Cannabis Commission will track the monthly sales of medical marijuana in Oklahoma. This will be done in a non-burdensome fashion and shall not result in undue hardship or expense for the reporting entities.
 - c. The tracking of medical marijuana by weight of medical marijuana produced, sold, processed, and repackaged. A reporting system will be put into place by

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which the Oklahoma Cannabis Commission 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.

- d. The inspection and compliance of processors producing products with marijuana as an additive. The Oklahoma Cannabis Commission will be compelled to, within 120 days of passage of this initiative, appoint a board of 12 Oklahoma residents, who are marijuana industry experts, to create a list of safety standards for processing medical marijuana in Oklahoma. These standards will be adopted by the Oklahoma Cannabis Commission who will in turn enforce these standards for processors. The Oklahoma Cannabis Commission will develop a standards review procedure and these standards can be altered by calling another board of 12 Oklahoma industry experts.
4. A state wide tax will be established for medical marijuana not to exceed 7%. Tax will be collected at the point of retail sale. Tax proceeds will go to first, financing the regulatory office. Should proceeds exceed the budgeted amount for running the regulatory office, surplus funds will be divided with 75% going to the Oklahoma State Department of Education general fund and 25% going to the Oklahoma State Department of Health and earmarked for Drug and Alcohol rehabilitation. Local municipalities may levee an additional tax, not to exceed 2%, to be earmarked for road construction and repair. No other taxes shall be imposed.
 5. All marijuana used for any purpose identified herein must be grown in the State of Oklahoma and may not be transported across state lines in any form.

Section 1.B — Individual Qualifications:

1. Provides for the consumption of marijuana for medicinal purposes. That a person in possession of any state issued medical marijuana license can:
 - a. Consume marijuana legally.
 - b. Legally possess up to four (4) ounces of dried marijuana.
 - c. Legally possess four (8) seedling plants in the vegetative state and four (8) mature plants in the flowering state. Instances where a physician sees need for an extended plant count, license holders may, with physician recommendation, obtain a plant count extension letter at no cost from the Oklahoma Cannabis Commission which will allow extension letter holders to no more than double their Individual plant count. A mature plant will be defined as any marijuana plant whose producing flowers. Medical marijuana grows (indoor or outdoor) must be secured and not visible from the road, public easement, or sidewalk.
 - d. Legally possess, or by legal means create, two (2) ounces of concentrated marijuana, in any form.
 - e. Legally possess, or by legal means create, up to 72 ounces of edible marijuana, in any form.
 - f. Legally possess any implements for consumption of marijuana, also known as paraphernalia.
 - g. Medical marijuana license holders may casually exchange marijuana in amounts of one (1) ounce or less.

