

FILED

MAR 13 2020

PROPOSED BALLOT TITLE

**OKLAHOMA SECRETARY
OF STATE**

This measure adds a new Article to the Constitution of the State of Oklahoma. This Article will heal State Question 788 which the Oklahoma State Legislatures, the Oklahoma Medical Marijuana Authority, the Oklahoma Bureau of Narcotics and Dangerous Drugs, the Oklahoma State Department of Health, Local Governments, has desecrated since 57% of Oklahoma voters passed SQ788 on the historic day of June 26, 2018. This Article will not only heal the damage created by those named above, it will responsibly legalize, regulate and tax Adult-Use Marijuana for persons aged 18 and older under state law.

WARNING, IT IS A FELONY FOR ANYONE TO SIGN AN INITIATIVE OR REFERENDUM PETITION WITH ANY NAME OTHER THAN HIS OWN, OR KNOWINGLY TO SIGN HIS NAME MORE THAN ONCE FOR THE MEASURE, OR TO SIGN THE PETITION WHEN HE IS NOT A LEGAL VOTER.

FILED

INITIATIVE PETITION

MAR 13 2020

To the Honorable John Kevin Stitt, Governor of Oklahoma: **OKLAHOMA SECRETARY OF STATE**

We the undersigned legal voters of the State of Oklahoma respectfully order that the following proposed Amendment to The Constitution of the State of Oklahoma shall be submitted to the legal voters of the State of Oklahoma for their approval or rejection at the next regular general election (or at a special election as may be called by the Governor), and each for himself/herself says I have personally signed this petition; I am a legal voter of the State of Oklahoma; my residence is 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 new Article 31 to The Constitution of the State of Oklahoma be approved?

BE IT ENACTED BY THE PEOPLE OF OKLAHOMA THAT A NEW ARTICLE 31 TO THE CONSTITUTION OF THE STATE OF OKLAHOMA BE APPROVED.

§ 1. Oklahoma Medical Marijuana Authority.

- (1) The Oklahoma Medical Marijuana Authority shall be deemed its own entity/agency outside of the Oklahoma State Department of Health, or any other State of Oklahoma agency;
- (2) The Oklahoma Medical Marijuana Authority shall be the one and only entity to oversee Medical Marijuana and Adult-Use Marijuana businesses;
- (3) The Oklahoma Medical Marijuana Authority shall employ as their director a person who is knowledgeable in Medical Marijuana and the benefits of Medical Marijuana;
- (4) The Oklahoma Medical Marijuana Authority shall open six positions on their board to include on their board a licensed Medical Marijuana Dispensary business owner, a licensed Medical Marijuana Processor business owner, a licensed Medical Marijuana Grower business owner, an Oklahoma Cannabis Attorney, an Oklahoma Cannabis Tax Accountant, and an Oklahoma Medical Marijuana recommending physician,
 - (a) The Oklahoma Medical Marijuana Authority shall initially appoint the above required business owners and professionals to the board until an election process has been created. The election process shall be in place no later than March 1, of 2022;
- (5) The Oklahoma Medical Marijuana Authority shall who are knowledgeable about Medical Marijuana and Medical Marijuana businesses:
 - (a) The Oklahoma Medical Marijuana Authority shall establish a training program for their employees;
- (6) The Oklahoma Medical Marijuana Authority shall maintain consistency in the information their employees disseminate to patients, the public, and business owners;
- (7) The Oklahoma Medical Marijuana Authority shall converse with all business owners and patients via email, and or telephone, regarding issues until the business or patient considers the issue(s) resolved;
- (8) The Oklahoma Medical Marijuana Authority shall update all parties who file a complaint, through their complaint process, in writing as to how the complaint was resolved;
- (9) The Oklahoma Medical Marijuana Authority shall communicate any and all changes that will affect a Medical Marijuana / Adult-Use business through email and U.S. Postal Services;
- (10) The Oklahoma Medical Marijuana Authority shall not release patient information to any local or state government agency or Oklahoma employer for any reason;

- (11) The Oklahoma Medical Marijuana Authority shall be responsible for licensing Medical Marijuana and Adult-Use businesses pursuant to **§ 22. Business Licensing.** of this Article;
- (12) The Oklahoma Medical Marijuana Authority shall be responsible for licensing Medical Marijuana patients pursuant to **§ 5. Patient Licensing.** of this Article.
- (13) The Oklahoma Medical Marijuana Authority shall be responsible for licensing Medical Marijuana Caregivers pursuant to **§ 5. Patient Licensing.**
- (14) The Oklahoma Medical Marijuana Authority shall not create any new business licensing categories outside of Dispensary, Processing, Grower, Testing Laboratory, Transportation Agency licenses;
- (15) The Oklahoma Medical Marijuana Authority shall not require a Certificate of Compliance for any licensed Medical Marijuana business or for any new Medical Marijuana business making an initial application for a business license;
- (16) The Oklahoma Medical Marijuana Authority shall not require a mechanical engineer inspection for any medical marijuana licensed business;
- (17) The Oklahoma Medical Marijuana Authority shall not require heat and air-conditioning in growers' facilities without heating and air-conditioning being required in all manufacturing businesses within the state of Oklahoma;
- (18) The Oklahoma Medical Marijuana Authority shall not require a Health Department Food/Drug Permit for dispensaries who do not manufacture or process edibles within the dispensary business;
- (19) The Oklahoma Medical Marijuana Authority shall not require vent hoods in a processing business which does not utilize an electric, gas, or propane stove;
- (20) The Oklahoma Medical Marijuana Authority shall not require medical marijuana/adult-use dispensaries to have a mop sink on their premises;
- (21) The Oklahoma Medical Marijuana shall not ban or cause to be banned the use of any medical marijuana product, including smokables/vapes, in public, provided cigarettes are allowed to be smoked in the public space and unlicensed minors are not present;
- (22) The Oklahoma Medical Marijuana Authority shall not add additional distance requirements restricting the location of a medical marijuana/adult-use business within the State of Oklahoma (i.e.: distance from a daycare, distance from a church. Distance from a police station, distance from a fire department, distance from a city building, distance from a homeschool, etc.);
- (23) The Oklahoma Medical Marijuana Authority shall direct two percent (2%) of all monies received by the Oklahoma Medical Marijuana Authority to the following:
 - (a) A not for profit organization who provides drug education and continuing drug education to minors;
- (24) No additional rules and or regulations shall be enacted outside of this Article.

§ 2. Oklahoma State Department of Health.

- (1) Effective immediately upon the passage of this Article, the Oklahoma State Department of Health shall have no authority over Oklahoma Medical Marijuana Authority, the Medical Marijuana program, and or Adult-Use Marijuana program;
- (2) Effective immediately upon the passage of this Article, the Oklahoma State Department of Health shall have no authority to license a Medical Marijuana dispensary (including a Medical Marijuana dispensary licensed to sell for Adult-Use) provided the dispensary is not producing Marijuana ingestible food products;
- (3) All Oklahoma Medical Marijuana Authority licensed processing businesses shall be required to obtain a license/food permit from the Oklahoma State Department of Health.
- (4) No additional rules and or regulations shall be enacted outside of this Article.

§ 3. State of Oklahoma Government.

- (1) The State of Oklahoma government shall not regulate the time, place, and or manner of operation of businesses licensed pursuant to this Article;
- (2) The State of Oklahoma government shall not ban and or restrict medical marijuana or adult-use marijuana businesses within the State of Oklahoma;

- (3) The State of Oklahoma government shall not limit the number of medical marijuana or adult-use businesses licensed pursuant to this Article;
- (4) The State of Oklahoma government shall not prohibit the operation of medical marijuana or adult-use businesses licensed pursuant to this Article;
- (5) The State of Oklahoma government shall not add any additional distance requirements, restricting the location of a medical marijuana/adult-use business within the State of Oklahoma (i.e.: distance from a daycare, distance from a church. Distance from a police station, distance from a fire department, distance from a city building, distance from a homeschool, etc.);
- (6) The State of Oklahoma government shall not limit the number or completely prohibit any category of licenses issued pursuant to this Article;
- (7) The State of Oklahoma government shall not prohibit the transportation of marijuana and or marijuana-infused products within the State of Oklahoma on public regulated roads by a medical marijuana/adult-use business licensee, a patient, or as otherwise allowed by this Article;
 - (a) Upon legalization of marijuana at the federal level interstate/intrastate transportation of marijuana shall not be restricted;
- (8) The State of Oklahoma government shall not restrict any Oklahoma licensed medical marijuana/adult-use marijuana business from advertising from the following:
 - (a) Billboards
 - (b) Radio
 - (c) Television
 - (d) Newspapers
 - (e) Magazines
 - (f) Social Media
 - (g) Signs/Signage
 - (h) Or any other advertising media;
- (9) The State of Oklahoma government shall not require a Certificate of Compliance for any licensed medical marijuana/adult-use marijuana business licensee;
- (10) The State of Oklahoma government shall not require a mechanical engineer inspection on any business licensed by the Oklahoma Medical Authority, with the exception of processors;
- (11) The State of Oklahoma shall not require air conditioning or heat in licensed growers' facilities without requiring heat and air-conditioning in all manufacturing and non-marijuana grow businesses;
- (12) The State of Oklahoma government shall afford all medical marijuana/adult-use licensed businesses the same itemized tax deductions as all legally licensed businesses in Oklahoma;
- (13) The State of Oklahoma shall not require an Oklahoma State Department Food/Drug Permit for dispensary's who do not manufacture or process edibles within the dispensary business;
- (14) The State of Oklahoma shall not require vent hoods in a processing business which does not utilize an electric, gas, or propane stove;
- (15) The State of Oklahoma shall not require a medical marijuana/adult-use marijuana dispensary to have a mop sink within their premises;
- (16) The State of Oklahoma shall not ban the use of any medical marijuana product, including smokables/vapes, in public provided cigarettes are allowed to be smoked in the public space, providing no unlicensed minors are present;
- (17) The State of Oklahoma shall not enact any additional rules and or regulations outside of this Article.

§ 4. Local Governments.

- (1) A local government, city, county, township, municipality, shall not require any additional licensing, permits or fees to Oklahoma Medical Marijuana Authority licensed medical marijuana/adult-use businesses;
- (2) A local government, city, county, township, municipality, shall not regulate the time, place, and manner of operation of any business licensed pursuant to this Article;

- (3) A local government, city, county, township, municipality, or the citizens who reside within the aforementioned shall not ban or restrict medical marijuana or adult-use marijuana businesses within their jurisdiction;
- (4) A local government, city, county, township, municipality, shall not limit the number or completely prohibit the establishment or operation of businesses licensed pursuant to this Article;
- (5) A local government, city, county, township, municipality, shall not limit the number or completely prohibit any category of licenses issued pursuant to this Article, within its boundaries;
- (6) All local government's law enforcement agency(s) shall abide by this Article;
- (7) A local government, city, county, township, municipality, shall not adopt ordinances or regulations that are not covered in this Article;
- (8) A local government, city, county, township, municipality, shall not change or restrict zoning laws, rules, regulations, statutes, etc., to prevent the opening or operation of any business licensed by the Oklahoma Medical Marijuana Authority;
- (9) A Local government, city, county, township, municipality, shall not rezone an established medical marijuana/adult-use business, licensed by the Oklahoma Medical Marijuana Authority, out of business;
- (10) A local government, city, county, township, municipality, shall not restrict any Oklahoma licensed medical marijuana business from advertising using the following:
 - (a) Billboards
 - (b) Radio
 - (c) Television
 - (d) Newspaper
 - (e) Magazines
 - (f) Social Media
 - (g) Signs/Signage
 - (h) Or any other advertising media
- (11) A local government, city, county, township, municipality, shall not require a Certificate of Compliance for any licensed medical marijuana/adult-use marijuana business or for a new business in the process of obtaining their medical marijuana business license;
- (12) A local government, city, county, township, municipality, shall not require a mechanical engineer inspection for any medical marijuana/adult-use marijuana business licensed pursuant to this Article;
- (13) A local government, city, county, township, municipality, shall not require air conditioning or heat in growers' facilities without requiring heating and air conditioning in all manufacturing and plant nursery businesses;
- (14) A local government, city, county, township, municipality, shall not require a Health Department Food/Drug Permits for licensed medical marijuana/adult-use dispensaries who do not manufacture or process edibles within the dispensary business;
- (15) A local government, city, county, township, municipality, shall not require vent hoods in a licensed processing business which does not utilize an electric, gas, or propane stove;
- (16) A local government, city county, township, municipality, shall not require a licensed medical marijuana/adult-use to have a mop sink within their premises;
- (17) A local government, city, county, township, municipality, shall not ban the use of any medical marijuana product, including smokables/vapes, in public provided cigarettes are permitted to be smoked in the public space, and there are no unlicensed minors present;
- (18) A local government, city, county, township, municipality, shall not add additional distance requirements restricting the location of a medical marijuana business within the State of Oklahoma (i.e.: distance from a daycare, distance from a church, distance from a police station, distance from a fire department, distance from a city of building, distance from a homeschool, etc.);
- (19) No additional rules and or regulations shall be enacted outside of this Article.

§ 5. Patient and Caregiver Licensing.

- (1) The Oklahoma Medical Marijuana Authority shall issue four (4) types of patient licenses:
 - (A) Adult Patient: Issued to any applicant patient eighteen (18) years of age or older,

- (B) Minor Patient: Issued to any applicant patient younger than eighteen (18) years of age,
- (C) Parent Caregiver: Issued to parent(s), stepparent(s), foster parent(s), guardian(s), grandparent(s) (more than one Parent Caregiver license can be issued per minor patient)
- (D) Patient Caregiver: Issued to a caregiver of the patients' choosing:
 - (a) Only one Patient Caregiver license can be issued per adult patient,
 - (b) The patient can terminate the Patient Caregiver license by contacting the Oklahoma Medical Marijuana Authority by phone, email, or U.S. mail,
 - (c) Upon termination of a Patient Caregiver license the patient can designate another Caregiver, upon application,
 - (d) A Caregiver can apply for a Caregiver license to give care to more than one patient;
- (2) The Oklahoma Medical Marijuana Authority shall charge no more than twenty dollars (\$20.00) for a two (2) year patient license, including renewals;
- (3) The Oklahoma Medical Marijuana Authority shall charge Minor Caregiver's and Patient Caregiver's zero dollars (\$0.00) for a two (2) year caregiver license, including renewals;
- (4) The Oklahoma Medical Marijuana Authority shall charge Veteran's zero dollars (\$0.00) for a two (2) year patient license, including renewals;
- (5) Patients shall be permitted to submit their recommendation, picture, documentation, application, and payment to the Oklahoma Medical Marijuana Authority on the Oklahoma Medical Marijuana Authority website, via the United States Postal Service, and in person effective immediately upon passage of this Article;
- (6) The Oklahoma Medical Marijuana Authority has fourteen (14) business days to approve or reject a patient or Caregiver application/renewal;
- (7) The Oklahoma Medical Marijuana Authority shall communicate with the patient and or Caregiver applicant via phone, mail, or email regarding the approval or rejection of a patient/Caregiver application/renewal;
- (8) The Oklahoma Medical Marijuana Authority shall communicate clearly the reason for the rejection of a patient or Caregiver application/renewal and what is needed to complete application in a timely fashion;
- (9) Accepted documentation for proof of residency:
 - (a) An Oklahoma issues driver's license,
 - (b) An Oklahoma issued Identification Card,
 - (c) An Oklahoma voter identification card,
 - (d) A utility bill for the calendar month preceding the date of the application, excluding cellular telephone, television, and internet bills,
 - (e) A residential property deed to property in the State of Oklahoma,
 - (f) A current rental agreement for residential property located in the State of Oklahoma,
 - (g) All documents submitted should provide a valid residential address. Post Office Boxes shall not be accepted;
- (10) Accepted documentation for proof of identity:
 - (a) An Oklahoma issued driver's license,
 - (b) An Oklahoma issued Identification Card,
 - (c) A United States Passport or other photo identification issued by the United States Government,
 - (d) A tribal identification card approved for identification purposes by the Oklahoma Department of Public Safety;
- (11) Patient/Caregiver License Photograph:
 - (a) The digital photo to be submitted with the patient application shall be a clear, color photograph of the head and top of the shoulders,
 - (b) Be an image file in .jpg, .png, or .gif digital image format no larger than 3 MB in size,
 - (c) Be a scanned photograph at a resolution of 300 pixels per inch from a 2 x 2x inch image with dimensions in a square aspect ration (the height must be equal to the width),
 - (d) Be taken within the previous six (6) months to reflect the likeness of the applicant,
 - (e) Be taken with a plain white background,
 - (f) Be taken in full-face view directly facing the camera at eye level,

- (g) Eyeglasses shall be permitted to be worn in the photo,
 - (h) Face piercings shall be permitted to be worn in the photo,
 - (i) Hats shall not be permitted to be worn in the photo,
 - (j) A signed statement shall be submitted if a hat or head covering is worn for religious and or medical purposes,
 - (k) Be taken with a natural smile or neutral facial expression, both eyes open,
 - (l) Shall not be digitally enhanced or altered to change the appearance in any way,
 - (m) Must sufficiently resemble the photograph in any identification provided for proof of identity or residence,
 - (n) For applications that are submitted to the Oklahoma Medical Marijuana Authority in person or via the United States Postal Service, a digital photograph on a thumb drive shall be required to be submitted with the application;
- (12) Application for an Adult Patient and or Caregiver's License shall consist of:
- (a) The applicant's first name, middle name, last name, suffix, if applicable,
 - (b) The applicant's valid mailing address (no Post Office Boxes accepted)
 - (c) The applicant's date of birth,
 - (d) The applicant's telephone number,
 - (e) The applicant's email address,
 - (f) The signature of the applicant attesting the information provided by the applicant is true and correct,
 - (g) The date the application was signed,
 - (h) A patient recommendation shall expire ninety (90) days from the date on the medical recommendation,
- (13) A complete adult/Caregiver application shall include the following documentation:
- (A) Documents establishing the applicant is an Oklahoma resident,
 - (B) Documents establishing proof of identity as required above,
 - (C) A digital photo as established above,
 - (D) A recommendation from a medical professional for adults, or two board-certified physicians for a minor patient, for all initial applications and all renewals,
 - (E) The medical professional/board-certified physician's name and medical license number including the medical professionals license type,
 - (F) Address on file with the medical professional/board-certified physician licensing board,
 - (G) Telephone number on file with the medical professional/board-certified physician's licensing board,
 - (H) The applicant (patient or caregiver's) date of birth,
 - (I) The medical professional/board-certified physician's signed and dated attestation of the following:
 - (a) The medical professionals/board certified physician has established a medical record and has a bona fide professional relationship,
 - (b) The medical professional/board-certified physician has determined the presence of medical condition(s) for the applicant/patient who is likely to receive medical benefit from the use of medical marijuana,
 - (c) The applicant/patient is recommended a medical marijuana license by the recommending medical professional/board-certified physician,
 - (d) The applicant/patient is requesting a Caregiver – no qualifications are needed for a Caregiver,
 - (e) An adult medical marijuana patient shall only have one Caregiver at any given time:
 - i. An adult patient shall be permitted to change their Caregiver upon notifying the Oklahoma Medical Marijuana Authority and the Caregiver in writing and revoking the Caregiver's license. Once the original Caregiver's license has been revoked the patient shall, at their discretion, select another Caregiver and follow the application process,
 - (f) The information provided by the medical professional/board-certified physician in the certification is true and correct,
 - (g) Stating the method the medical professional/board-certified physician verified the patient's identity;

- (J) A minor patient and or minor Caregiver application shall include the following documentation:
- (a) The applicant's first name, middle name, last name, and suffix, if applicable,
 - (b) The applicant's parent, stepparent, foster parent, guardian, or grandparents first name, middle name, last name, and suffix, if applicable,
 - (c) The applicant's valid mailing address (no Post Office Boxes accepted),
 - (d) The applicant's parent, stepparent, foster parent, guardian, or grandparents valid mailing address (no Post Office Boxes accepted),
 - (e) The applicant's date of birth,
 - (f) The applicant's parent, stepparent, foster parent, guardian, or grandparents date of birth,
 - (g) The applicant's parent, stepparent, foster parent, guardian, or grandparents telephone number,
 - (h) The applicant's parent, stepparent, foster parent, guardian, or grandparents email address,
 - (i) The signature of the applicant's parent, stepparent, foster parent, guardian, or grandparent attesting the information provided by the applicant is true and correct,
 - (j) The date the application is signed,
- (K) A complete minor application shall include the following documentation:
- (A) Documents establishing the applicant is a Oklahoma Resident as defined in this Article,
 - (B) A birth certificate must be presented to prove the identity of the minor,
 - (C) A digital photo as established above,
 - (D) Two board-certified physicians must sign recommendations for a minor patient,
 - (E) The board-certified physicians name and medical license number including the physicians license type,
 - (F) Address on file with the board-certified physicians licensing board,
 - (G) The minor applicants date of birth,
 - (H) The board-certified physicians signed and dated attestation of the following:
 - (a) The board-certified physician has established a medical record and has a bona fide medical professional relationship,
 - (b) The board-certified physician has determined the presence of medical condition(s) for the applicant/patient and the patient is likely to receive benefit from the use of medical marijuana,
 - (c) The applicant/patient is recommended a medical marijuana license by the two recommending board-certified physicians,
 - (d) The applicant/patient is requesting a Caregiver – no qualifications are needed for a Caregiver,
 - i. A minor patient may have multiple Caregivers, parent(s) (foster parent, guardian) in the home, parent not in the home, stepparent in the home, grandparent(s) not in the home, at the same time,
 - (e) The information provided by the board-certified physician in the certification is true and correct,
 - (f) Stating the method the board-certified physicians verified the patient's identity;
- (14) Patients shall be permitted to submit their recommendation, picture, documentation, application, and payment to the Oklahoma Medical Marijuana Authority through the United States Postal Service effective thirty (30) days from the date of the passage of this Article;
- (15) Minor Patients:
- (a) A minor patient shall be required to obtain two medical recommendations from two Board-Certified physicians,
 - (b) A minor patient under the age of thirteen (13) years of age shall not be permitted to medicate with inhalants without a specific written order from two board-certified physicians and education through a not for profit organization providing education for minors on inhalants,
 - (c) A minor patient age thirteen (13) years of age or older shall be permitted to medicate with inhalants, with a specific written order from one board-certified recommending

- physician, and education through a not for profit organization, providing education for minors on inhalants,
- (d) Within sixty (60) days of the passage of this Article the Oklahoma Medical Marijuana Authority shall add to minor patient licenses in large bold print:
- (A) “Inhalants Allowed”
 - (B) “Inhalants NOT Allowed”
- (16) Applications for a Caregiver license for a minor patient shall be made at the time of the application for the minor patient,
- (a) A minor patient shall be permitted multiple Caregiver licenses to encompass all adults who assist in raising/rearing the licensed child;
- (17) Application for a Caregiver license for an adult patient shall be made at any time after the application of the patient has been submitted to the Oklahoma Medical Marijuana Authority,
- (a) An adult patient shall be permitted one Caregiver license at a time;
- (18) Adult patient license renewals shall require a recommendation from a medical professional every two years;
- (19) Minor patient license renewals shall require two recommendations from two board-certified physicians every two-years;
- (20) The Oklahoma Medical Marijuana Authority shall accept as form of payment from patients applying for a Medical Marijuana license debit cards, credit cards, checks and money orders effective thirty (30) days from the passage of this Article;
- (21) The Oklahoma Medical Marijuana Authority shall allow for the application of a caregiver license at the time the patient submits the patient application, or any time after the patient’s application for a Medical Marijuana license has been approved;
- (22) Minor patient recommendations shall not expire for ninety (90) days from the date the recommendation was signed by the board-certified physicians, effective thirty (30) days from the date of passage of this Article;
- (23) A licensed patient or Caregiver may voluntarily surrender a license to the Oklahoma Medical Marijuana Authority at any time by mailing the license to Oklahoma Medical Marijuana Authority and submitting a voluntary surrender license form provided by the Oklahoma Medical Marijuana Authority. The surrender of the license must be accompanied by proof of identity of the patient or Caregiver submitting the surrendered license;
- (24) Immediately upon passage of this Article the Oklahoma Medical Marijuana Authority shall place a slash (/) through all zeroes in the patient ID number;
- (25) Authority shall add a scannable barcode to the back of all patient licenses which permits the licensed medical marijuana dispensary to scan the back of the medical marijuana license to securely upload the patients name, address, ID number, approval date and expiration date to the dispensary’s Point of Sale system;
- (26) No additional rules and or regulations shall be enacted outside of this Article.

§ 6. Patient Protections.

- (1) Adult Medical Marijuana Patient: A person in possession of a Medical Marijuana License, issued by the Oklahoma Medical Marijuana Authority shall be permitted to:
- (a) Consume Medical Marijuana, and or medical marijuana products legally, in their home, as a passenger in a vehicle, and wherever cigarettes are allowed to be smoked, provided cigarettes are allowed to be smoked in the public space and unlicensed minors are not present,
 - (b) Legally possess up to three (3) ounces of medical marijuana, on their person, in their home, or in their vehicle,
 - (c) Legally possess up to six (6) immature medical marijuana plants in their home or on their property outside,
 - (d) Legally possess up to six (6) mature medical marijuana plants in their home or on their property outside,
 - (e) Effective immediately upon the passage of this Article, legally possess all medical marijuana, its bi-products, (stems, leaves) yielded from a home grow, as authorized by this Article,
 - (f) Legally transport up to six (6) immature medical marijuana plants in their vehicle,

- (g) Legally possess up to one (1) ounce of concentrated medical marijuana on their person, in their home, or in their vehicle,
 - (h) Legally possess up to seventy-two (72) ounces of edible medical marijuana-infused products on their person, in their home, or in their vehicle,
 - (i) Legally possess up to eight (8) ounces of purchased medical marijuana in their residence, (notwithstanding any medical marijuana yielded from a home grow);
- (2) Minor Medical Marijuana Patients: A person under the age of eighteen (18) years of age, in possession of a Medical Marijuana Minor Patient License, issued by the Oklahoma Medical Marijuana Authority shall be permitted to:
- (a) Consume Medical Marijuana, and or medical marijuana products legally, in their home, as a passenger in a vehicle, and wherever cigarettes are allowed to be smoked, as per their recommending physician's recommendation,
 - (b) Legally possess up to three (3) ounces of medical marijuana, on their person, in their home, or in their vehicle,
 - (c) Legally possess up to six (6) immature medical marijuana plants in their home or on their property outside,
 - (d) Legally possess up to six (6) mature medical marijuana plants in their home or on their property outside,
 - (e) Effective immediately upon the passage of this Article, legally possess all medical marijuana, its bi-products, (stems, leaves, etc.) yielded from a home grow, as authorized by this Article,
 - (f) Legally transport up to six (6) immature medical marijuana plants in their vehicle,
 - (g) Legally possess up to one (1) ounce of concentrated medical marijuana on their person, in their home, or in their vehicle,
 - (h) Legally possess up to seventy-two (72) ounces of edible medical marijuana-infused products on their person, in their home, and or in their vehicle,
 - (i) Legally possess up to eight (8) ounces of purchased medical marijuana in their residence, notwithstanding any medical marijuana yielded from a home grow;
- (3) A person shall not be denied parental rights, custody of, or visitation with a minor child by the State of Oklahoma or a local government based solely on the persons status as a medical marijuana patient and their use of medical marijuana or any act that is permitted within this Article unless the persons behavior is such that it creates a danger to the minor child that can be clearly articulated and substantiated;
- (4) A person shall not be denied by the State of Oklahoma or any local government the right to purchase, own, or possess a firearm(s), ammunition, or firearm accessory based solely on conduct that is permitted by this Article;
- (5) No state or local agency, municipality, township, city, or county governing authority shall restrict, revoke, suspend, or otherwise infringe upon the right of a person to purchase, own, and or possess a firearm, ammunition, and/or firearm accessories or any related firearms license or certification based solely on conduct that is permitted by this Article;
- (6) Adult-Use: A person eighteen (18) years of age or older, who is not in possession of an Oklahoma Medical Marijuana Authority issued Medical Marijuana patient license shall be permitted to:
- (a) Consume Marijuana, and or marijuana products legally, in their home, as a passenger in a vehicle, and wherever cigarettes are allowed to be smoked, provided cigarettes are permitted to be smoked in the public space,
 - (b) Legally possess up to one (1) ounce of marijuana purchased with consideration at a dispensary, licensed by the Oklahoma Medical Marijuana Authority for adult-use sales, on their person, in their home, or in their vehicle,
 - (c) Legally possess up to four (4) grams of concentrated marijuana, purchased with consideration at a dispensary, licensed by the Oklahoma Medical Marijuana Authority for adult-use sales, on their person, in their home, or in their vehicle,
 - (d) Legally possess up to twenty-four (24) ounces of edible marijuana-infused products purchased with consideration at a dispensary, licensed by the Oklahoma Medical Marijuana Authority for adult-use sales, on their person, in their home, or in their vehicle,
 - (e) A person shall not be denied parental rights, custody of, or visitation with a minor child by the State of Oklahoma or a local government based solely on the persons

personal use of marijuana or conduct that is permitted by this Article, unless the persons behavior is such that it creates a danger to the minor child that can be clearly articulated and substantiated;

(7) No additional rules and or regulations shall be enacted outside of this Article.

§ 7. Patients' Rights.

- (1) Home Grow shall be permitted for Medical Marijuana patients who are licensed by the Oklahoma Medical Marijuana Authority:
 - (a) Oklahoma Medical Marijuana licensed patients shall have the right to have a home grow, to grow their medical marijuana, (pursuant to obtaining written permission from the owner of the residential property if they lease or rent),
 - (b) A patient who chooses to grow their own medical marijuana shall have the right to have up to and including six (6) mature and six (6) immature plants in their home grow,
 - (c) A patient, licensed by the Oklahoma Medical Marijuana Authority, shall have the right to grow their medical marijuana inside their home without unduly, burdensome input, taxation, rules, or regulations from the State, County, City, Township, Municipality, or any other local governmental agency, and or entity;
 - (d) A patient, licensed by the Oklahoma Medical Marijuana Authority, shall have the right to grow their medicine (medical marijuana) in their yard without unduly burdensome input, taxation, rules, or regulations from the State, County, City, Township, Municipality, or any other local governmental agency, and or entity,
 - (e) A patient licensed by the Oklahoma Medical Marijuana Authority, shall have the right to have in their possession, in their home, all medical marijuana flower, trim, shake, root ball, and leaves, yielded from their home grow harvest without fear of being over the legal limit, providing they can prove the medical marijuana is from their home grow (i.e.: picture or video evidence) absent evidence to the contrary by the State of Oklahoma or any law enforcement agency,
- (2) Social Settings: Effective immediately upon the passage of this Article sharing of marijuana smokables/vapes (i.e.: joint, pre-rolls, pipes, smoking devices), concentrates, edibles, marijuana-infused products with friends in a group setting, provided all persons in the social setting are eighteen (18) years old or older as permitted under this Article;
- (3) Pursuant to the passage of this Article, persons who are on probation, or parole who have a medical marijuana license issued by the Oklahoma Medical Marijuana Authority shall be permitted to medicate with medical marijuana without fear of having their probation or parole revoked;
- (4) Pursuant to approval by Oklahoma prison authorities, administrators of said facility shall administer medical marijuana to incarcerated persons, who hold valid Oklahoma a medical marijuana license;
- (5) Pursuant to approval by the Department of Corrections, city, county, municipal, township jails, detention centers, and correctional facilities shall administer medical marijuana to an inmate who holds a medical marijuana license issued by the Oklahoma Medical Marijuana Authority;
- (6) No school may refuse to enroll or penalize a person solely for their status as a medical marijuana license holder;
- (7) No landlord may refuse to lease to or penalize a person solely for his/her status as a medical marijuana license holder;
- (8) For the purpose of medical care, including organ transplants, a medical marijuana patient, licensed by the Oklahoma Medical Marijuana Authority, medical marijuana use shall be considered the equivalent of any other medication and shall not constitute the use of an illicit or illegal substance.
- (9) The use of medical marijuana by a patient, who is licensed by the Oklahoma Medical Marijuana Authority, shall not disqualify a patient from medical care, including pain management care, from any medical facility;
- (10) Medical professionals and physicians shall not place notations in the patient's medical records indicating illicit drug use solely for the presence of THC in a blood or urine test or due to the patient holding a medical marijuana license issued by the Oklahoma Medical Marijuana Authority;

- (11) Licensed medical marijuana patient home growers shall have the right to donate any of their yielded medical marijuana (including flower, stems, shake, trim, root balls) to a processor to manufacture Rick Simpson Oil (RSO);
- (12) No additional rules and or regulations shall be enacted outside of this Article.

§ 8. Donations of Medical Marijuana and Medical Marijuana Products.

- (1) Oklahoma Medical Marijuana Authority licensed medical marijuana patient home growers shall be permitted to donate any of their yielded medical marijuana (including flower, stems, shake, trim, root balls) to a processor to manufacture Rick Simpson Oil (RSO);
- (2) Oklahoma Medical Marijuana Authority licensed businesses shall be permitted to donate medical marijuana (including flower, stems, shake, trim, root balls) to a processor to manufacture Rick Simpson Oil (RSO);
- (3) Oklahoma Medical Marijuana Authority licensed businesses shall be permitted to donate medical marijuana flower, medical marijuana-infused products, and or marijuana accessories to Oklahoma licensed patients who are in need at the discretion of the licensed business owner;
- (4) Oklahoma Medical Marijuana Authority licensed businesses shall be permitted to donate medical marijuana flower, medical marijuana-infused products, and or marijuana accessories to groups raising monies for causes. The winner of the donated prize shall be required to be an Oklahoma Medical Marijuana Authority licensed medical marijuana patient. The prize shall be picked up at an Oklahoma Medical Marijuana Authority licensed dispensary;
- (5) No additional rules and or regulations shall be enacted outside of this Article.

§ 9. Medical Marijuana Patient and Caregiver Penalties.

- (1) A medical marijuana patient, licensed by the Oklahoma Medical Marijuana Authority, who is found to be in possession of more than their allowed limit in public shall be subject to a ticket (at the officer's discretion) with a fine of no more than one hundred dollars (\$100.00), all marijuana overage shall be forfeited;
- (2) A medical marijuana patient or Caregiver, licensed by the Oklahoma Medical Marijuana Authority, who is found to be in possession of more than the allowable plants in their home or on their property, shall be subject to the loss of any plants over the allowable limit;
- (3) A medical marijuana patient, licensed by the Oklahoma Medical Marijuana Authority, who sells marijuana or medical marijuana-infused products to another individual or a licensed medical marijuana/adult-use business, or any other entity shall be subject to a fine of five thousand dollars (\$5,000.0) for a first offense, and revocation of their patient license upon a showing that the violation was willful and with disregard for the medical marijuana program;
- (4) A medical marijuana caregiver, licensed by the Oklahoma Medical Marijuana Authority, who sells marijuana or medical marijuana-infused products to another individual or a licensed medical marijuana/adult-use business, or any other entity shall be subject to a fine of five thousand dollars (\$5,00.00) and revocation of their caregiver license(s) upon a showing that the violation was willful and with disregard for the medical marijuana program;
- (5) No additional rules, and or regulations shall be enacted outside of this Article.

§ 10. Medical Marijuana Licensed Patient Employment Protections.

- (1) No employer/contractor, operating a business within the State of Oklahoma, shall test any employee/contractor or a potential employee/contractor for THC/Medical Marijuana, provided the employee/contractor or potential employee/contractor has a valid Oklahoma Medical Marijuana Authority patient license;
- (2) All employers/contractor, operating a business within the State of Oklahoma, shall treat licensed medical marijuana patients the same as any employee/contractor who is being treated by a conventional physician and or receiving medication from a conventional pharmacy;

- (3) No employer/contractor, operating within the State of Oklahoma, shall terminate or discipline an employee who has a medical marijuana license, issued by the Oklahoma Medical Marijuana Authority, and or for having THC in their system;
- (4) An employer/contractor operating a business within the State of Oklahoma, may discipline and or terminate an employee/contractor for being *impaired* on the job;
- (5) No employer/contractor, operating a business within the State of Oklahoma, shall restrict any employee/contractor, who holds an Oklahoma Medical Marijuana Authority license, from medicating with medical marijuana, medical marijuana-infused products during his/her non-working hours;
- (6) An employer/contractor operating within the State of Oklahoma shall not discriminate against an employee/contractor's ability to medicate on the job. If the employer/contractor allows employees/contractor to medicate using pharmaceuticals and or over the counter medications said employer/contractor shall allow a medical marijuana patient, licensed by the Oklahoma Medical Marijuana Authority to medicate on the job;
- (7) An employer/contractor operating within the State of Oklahoma, at their discretion, may not allow medicating on their premises, provided said employer/contractor does not allow employees/contractors to medicate with pharmaceuticals on their premises, however, no employer/contractor in Oklahoma shall prevent an employee/contractor from medicating off of their premises on their lunch break, dinner break, and or break;
- (8) At no time shall an employer/contractor, operating within the State of Oklahoma, prevent and or discipline an employee/contractor, who is licensed by the Oklahoma Medical Marijuana Authority, from leaving the employers/contractor premises to go to another nearby location to medicate;
- (9) No employer/contractor, operating within the State of Oklahoma, shall deny employment, discriminate against, any employee/contractor or potential employee/contractor who has a medical marijuana license issued by the Oklahoma Medical Marijuana Authority;
- (10) No employer/contractor, operating within the State of Oklahoma, shall limit any privileges, rights, immunities, or defenses of a medical marijuana patient licensed by the Oklahoma Medical Marijuana Authority;
- (11) ***A Safety-Sensitive job is any job that includes tasks or duties that the employer/contractor can articulate clearly and concisely and show the position is a dangerous position and can provide evidence that medicating while on the job could affect the safety and health of the employee/contractor performing the task or others;***
- (12) Except as otherwise specifically provided by law:
 - (a) It shall be unlawful for any employer/contractor, operating a business within the State of Oklahoma, to fail or refuse to hire a prospective employee who holds a medical marijuana license, issued by the Oklahoma Medical Marijuana Authority, because the prospective employee whom submitted to a screening test that indicates the presence of THC/marijuana,
 - (b) It shall be unlawful for any employer/contractor, operating a business within the State of Oklahoma, to terminate any employee/contractor who holds a medical marijuana license, issued by the Oklahoma Medical Marijuana Authority, because the employee/contractor who submitted to a screening test that indicates the presence of THC/marijuana;
- (13) The provisions of §10. Medical Marijuana Licensed Patient Employment Protections.
 - (12) (a) and (b) shall also apply of the employee/contractor/prospective employee/prospective contractor is applying for or holding a safety sensitive position;
- (14) The presence of marijuana in an employee/contractor/prospective employees/prospective contractors' system does not ascertain the employee/contractor/prospective employee/contractor is impaired. The employer/contractor shall have to prove impairment at the time of the test;
- (15) If an employer/contractor, operating a business within the State of Oklahoma, requires a prospective employee/contractor to submit to a drug screening test for pre-employment the prospective employee/contractor shall have the right to present his/her medical marijuana license to the tester and the medical marijuana card holder shall not be tested for THC/marijuana;
- (16) If an employer/contractor, operating a business within the State of Oklahoma, requires an employee/contractor to submit to a drug screening test, random or otherwise, the

employee/contractor shall have the right to present their medical marijuana license to the tester and the medical marijuana card holder shall not be tested for THC/marijuana;

- (17) The provisions of this section do not apply;
- (a) To the extent that they are inconsistent or otherwise in conflict with the provisions of an employment contract or collective bargaining agreement,
 - (b) To the extent that they are inconsistent or otherwise in conflict with the provisions of federal law,
 - (c) To a position of employment funded by a federal grant;
- (18) As used in this section, “screening test” shall mean a test of a person’s blood, urine, hair, saliva or nail bed, to detect the general presence of a controlled substance or any other drug;
- (19) No additional rules and or regulations shall be enacted outside of this Article.

§ 11. Parental/Grandparent Rights.

- (1) No parent, stepparent, foster parent, guardian, or grandparent who has a medical marijuana license, issued by the Oklahoma Medical Marijuana Authority, shall be denied custody, visitation, or parenting/grandparenting time with a minor child;
- (2) No parent, stepparent, foster parent, guardian, or grandparent shall be denied custody, visitation, or parenting/grandparenting time with a minor child for being an adult-use marijuana consumer;
- (3) No parent, stepparent, foster parent, guardian, or grandparent who has a medical marijuana license, issued by the Oklahoma Medical Marijuana Authority, shall be denied custody, visitation, or parenting/grandparenting time for having a patient home grow in their home or on their property;
- (4) No parent, stepparent, foster parent, guardian, or grandparent who has a medical marijuana and or adult-use marijuana business license, issued by the Oklahoma Medical Marijuana Authority, shall be denied custody, visitation, or parenting/grandparenting time with a minor child;
- (5) No parent, stepparent, foster parent, guardian, or grandparent who has a medical marijuana licensed, issued by the Oklahoma Medical Marijuana Authority, shall be denied custody, visitation, or parenting/grandparenting time with a minor child for having marijuana accessories and or paraphernalia on their person, in their vehicle, or in their home;
- (6) No child(ren) shall be removed from the home of a parent, stepparent, foster parent, guardian, or grandparent solely for possessing, consuming, or growing medical marijuana in their home,
 - (a) These actions shall not precipitate a Department of Human Services or Child Protection Services investigation,
- (7) No child(ren) shall be removed from the home of a parent, stepparent, foster parent, guardian, or grandparent solely for possessing, consuming, adult-use marijuana,
 - (b) These actions shall not precipitate a Department of Human Services or Child Protection Services investigation,
- (8) Any licensed Oklahoma Medical Marijuana Authority patient who is a new mother and her newborn(s) who test positive for THC at birth shall not precipitate a Department of Human Services or Child Protective Services investigation or removal of child(ren) solely on the grounds of THC being present;
- (9) Should a licensed Oklahoma Medical Marijuana patient give birth and her or the baby test positive for THC while under medical care, this shall not precipitate a Department of Human Services or Child Protection Services investigation or removal of child(ren) solely on the grounds of THC being present;
- (10) No additional rules and or regulations shall be enacted outside of this Article.

§ 12. Adult-Use Protections.

- (1) Subject to the limitations in this Article the following acts are not unlawful and shall not be an offense under state law or the laws of any local government or state entity within the State of Oklahoma. The following shall not be subject to a civil fine, penalty, or sanction, or be a basis for detention, search, or arrest, or to deny any right or privilege, or

- to seize or forfeit assets under State of Oklahoma law or laws of any local government, if the person is at least eighteen (18) years of age;
- (a) Purchasing with consideration from an Oklahoma Medical Marijuana Authority Medical Marijuana/Adult-Use dispensary, possessing, using, ingesting, inhaling, transporting, one ounce or less of marijuana, four (4) grams or less of marijuana in a concentrated form, and/or twenty-four (24) ounces of edible marijuana infused products. The quantities listed here are cumulative,
 - (b) Social settings: sharing of marijuana smokables/vapes (i.e.: joints, pre-rolls, pipes, smoking devices) concentrates, edibles, marijuana-infused products with friends in a group setting, providing all persons in the social setting are eighteen (18) years of age or older,
 - (c) Assisting another person who is at least eighteen (18) years of age, or allowing property to be used in any of the acts permitted by this Article,
 - (d) Possessing, using, purchasing from an Oklahoma Medical Marijuana Authority licensed Medical Marijuana/Adult-Use dispensary, distributing by an Oklahoma Medical Marijuana Authority licensed dispensary, processor, and or grower, manufacturing by an Oklahoma Medical Marijuana dispensary, processor, and or grower, transferring by an Oklahoma Medical Marijuana Authority licensed dispensary, processor, and or grower, selling and or possessing marijuana accessories/paraphernalia by an Oklahoma Medical Marijuana Authority licensed dispensary to persons eighteen (18) years of age or older;
- (2) A person shall not be denied parental rights, custody of, or visitation with a minor child by the state of Oklahoma or a local government based solely on the persons adult-use of marijuana conduct that is permitted by this Article, unless the persons behavior is such that it creates a danger to the minor child that can be clearly articulated and substantiated;
 - (3) An adult-use consumer shall provide identification, with identifying information to the retail establishment, solely to establish the consumer's age, and to confirm identity, as well as residency;
 - (4) No conduct permitted in this Article shall be a basis for detention, search, or arrest, with the exception when law enforcement is investigating whether a person is operating a motor vehicle, train, aircraft, motorboat, or other motorized form of transportation while impaired.
 - (5) The odor of marijuana, or burnt marijuana, the possession or suspicion of possession of marijuana without evidence of quantity in excess of the lawful amount, or the possession of multiple containers of marijuana without evidence of quantity in excess of the lawful amount shall not individually or in combination with each other constitute reasonable articulable suspicion of a crime;
 - (6) Marijuana and marijuana-infused products as permitted by this Article are not contraband nor subject to seizure by law enforcement;
 - (7) A person shall not be denied eligibility to public assistance programs based solely on conduct that is permitted in this Article, unless required by federal law;
 - (8) A person shall not be denied by the State of Oklahoma or any local government the right to purchase, own, or possess, a firearm(s), ammunition, or firearm accessory based solely on lawful conduct that is permitted in this Article;
 - (9) No state or local agency, municipality, township, or county governing authority shall restrict, revoke, suspend, or otherwise infringe upon the right of the person to purchase, own, possess a firearm, ammunition, and/or firearm accessories or any related firearms license or certification based solely on conduct that is permitted by this Article;
 - (10) No additional rules and or regulations shall be enacted outside of this Article.

§ 13. Adult-Use Penalties.

- (1) A person who, contrary to §12 of this Article, cultivates marijuana plants is subject to a civil penalty, by the Oklahoma Medical Marijuana Authority, not to exceed five thousand dollars (\$5,000.00) for the first offense, ten thousand dollars (\$10,000.00) for the second offense and each subsequent offense thereafter;
- (2) A person who smokes marijuana in a public place, other than in areas authorized by the Oklahoma Medical Marijuana Authority or unless otherwise allowed by Oklahoma law

or a local government, is subject to a civil penalty not to exceed twenty-five dollars (\$25.00);

- (3) Smoking marijuana in a public place shall not constitute the basis for search, detention, and or arrest;
- (4) A person who is under the age of eighteen (18) years of age and possesses, uses, ingests, inhales, transports, delivers with or without consideration or distributes with or without consideration one ounce or less of marijuana or possesses, delivers with or without consideration marijuana-infused products, accessories/paraphernalia is subject to a civil penalty not to exceed one-hundred fifty dollars (\$150.00) and forfeiture of the marijuana, marijuana-infused products, and or marijuana accessories/paraphernalia. The minor shall be provided the option of attending up to four hours of drug education, provided by a not for profit organization educational program for minors in lieu of fine;
- (5) Any person who delivers or distributes marijuana in any form, with or without consideration, to a person under the age of eighteen (18) years of age who is not licensed as a minor patient by the Oklahoma Medical Marijuana Authority shall be subject to a fine of one-thousand dollars (\$1,000.00) and forfeiture of the marijuana and or marijuana-infused product(s), and or marijuana accessory/paraphernalia for the first offense, and a fine of five thousand dollars (\$5,000.00) and forfeiture of the marijuana, marijuana-infused product and or marijuana accessory/paraphernalia for each subsequent offense;
- (6) Subject to the limitations in §12 a person who possesses not more than twice the amount of marijuana allowed in §12 of this Article, delivers with or without receiving consideration or remuneration to a person who is at least eighteen (18) years of age not more than twice the amount of marijuana allowed in §12 of this Article, or possess with intent to deliver not more than twice the amount of marijuana allowed by §12 of this Article:
 - (a) For the first violation, the violator shall be subject to a civil penalty not exceeding two hundred dollars (\$200.00) and forfeiture of the marijuana,
 - (b) For a second violation, the violator shall be subject to a civil penalty not exceeding three hundred dollars (\$300.00) and forfeiture of the marijuana,
 - (c) For a third violation, the violator shall be subject to a civil penalty not exceeding five hundred dollars (\$500.00), or
 - (d) For a person under eighteen (18) years of age, the violator shall be subject to a civil penalty not to exceed two hundred dollars (\$200.00) and forfeiture of the marijuana. Any such minor shall be provided the option of attending up to eight (8) hours of drug education with a not for profit organization educational group for minors in lieu of fine;
- (7) A person shall not be subject to any additional fines, fees, or other penalties for the violations addressed in this section, Furthermore, any person who violates the above shall not be subject to increased punishment for any other crime on the basis of their having undertaken any of the conducts listed in Section 12 of this Article;
- (8) No additional rules and or regulations shall be enacted outside of this Article.

§ 14. Oklahoma Marijuana Reciprocity Program.

- (1) Medical Marijuana Reciprocity
 - (A) The Oklahoma Medical Marijuana Authority shall, within thirty (30) days from the date of the passage of this Article, allow reciprocity of medical marijuana licenses from all states within the United States who have a medical marijuana program:
 - (a) All out of state medical marijuana patients shall have their state issued medical marijuana license and their out of state identification to qualify to make purchases in an Oklahoma Medical Marijuana Authority licensed medical marijuana dispensary,
 - (b) All out of state medical marijuana patients shall have their state issued medical marijuana license on their person when in possession of medical marijuana, medical marijuana-infused products, medical marijuana accessories/paraphernalia, on their person within the State of Oklahoma,
 - (c) No out of state medical marijuana patient shall be permitted to grow their own medical marijuana within the state of Oklahoma,

- (d) Out of state medical marijuana patients are subject to the same medical marijuana limitations, rules and regulations (with the exception of being permitted to grow their own medical marijuana) while they are within the state of Oklahoma,
- (2) Adult-Use Reciprocity
 - (a) The Oklahoma Medical Marijuana Authority shall, within sixty (60) days from the passage of this Article, permit reciprocity for adult-use (also known as recreational use) of marijuana,
 - (b) All out of state adult-use persons shall have their state issued identification or state issued driver's license on their person, and shall present their state issued identification or state issued driver's license to the Oklahoma Medical Marijuana Authority licensed dispensary personnel, to be permitted to make an adult-use marijuana or adult-use marijuana-infused product purchase,
 - (c) No out of state adult-use marijuana consumers shall be permitted to grow marijuana within the state of Oklahoma,
- (3) No additional rules and or regulations shall be enacted outside of this Article.

§ 15. Second Amendment Rights.

- (1) Oklahoma Medical Marijuana patients shall retain their Second Amendment rights when issued an Oklahoma Medical Marijuana Patient License by the Oklahoma Medical Marijuana Authority;
- (2) The Oklahoma State Bureau of Investigation (OSBI) shall not ask on any application for a concealed carry permit for a firearm if an applicant holds an Oklahoma Medical Marijuana patient license issued by the Oklahoma Medical Marijuana Authority,
- (3) The Oklahoma State Bureau of Investigation (OSBI) shall not include on any application for a concealed carry permit marijuana as an illicit drug;
- (4) The Oklahoma State Bureau of Investigation (OSBI) shall not deny any application for a concealed carry permit solely due to the applicant having been issued an Oklahoma Medical Marijuana Authority medical marijuana license;
- (5) Licensed medical marijuana patients shall retain the right to legally own and purchase firearms, ammunitions, and firearm accessories, provided the patient qualifies to legally make the purchase;
- (6) Licensed medical marijuana patients shall retain the right to legally carry firearms, open carry and or concealed carry, provided they are not impaired. Licensed patients shall be permitted to be medicated, however, not impaired.
- (7) No additional rules and or regulations shall be enacted outside of this Article.

§ 16. Property Rights.

- (1) No law enforcement agency and or their law enforcement officer(s) within the State of Oklahoma shall confiscate medical marijuana and or their marijuana accessories/paraphernalia, smoking devices, of a patient who is licensed by the Oklahoma Medical Marijuana Authority, provided the patient is within their legally allowable limits;
- (2) No law enforcement agency and or their law enforcement officer(s) within the State of Oklahoma shall confiscate the marijuana, marijuana-infused products, marijuana accessories/paraphernalia, smoking devices, of an adult-use consumer, provided the consumer is within their legally allowable limits;
- (3) No law enforcement agency and or their law enforcement officer(s) within the State of Oklahoma shall search a vehicle, home, or person of a patient licensed by the Oklahoma Medical Marijuana Authority simply due to the smell/aroma/odor of marijuana in the area, once the patient presents their license to the law enforcement agency and or officer(s);
- (4) Should a law enforcement agency and or their officer(s) seize the medical marijuana plants/paraphernalia/accessories from a patient who is licensed by the Oklahoma Medical Marijuana Authority, the law enforcement agency shall return medical marijuana plants/paraphernalia/accessories to the licensed patient immediately upon the presentation of the license to the law enforcement agency and or officer(s):

- (a) A medical marijuana patient has forty-eight (48) hours to present their valid Oklahoma Medical Marijuana Authority issued license to law enforcement to retrieve their medication/marijuana plants/paraphernalia/accessories that was seized by law enforcement due to the patient not having their medical marijuana license on their person when the patient came into contact with the officer(s), if not retrieved within forty-eight (48) hours the property seized shall be deemed abandoned and the law enforcement agency shall destroy;
- (5) A law enforcement agency shall not dispose of or destroy a patient's medical marijuana, marijuana plants, concentrates, topicals, edibles, paraphernalia, accessories, etc., unless the Oklahoma Medical Marijuana Authority patient abandons them;
- (6) A lease agreement shall not prohibit a tenant from lawfully possessing and consuming medical marijuana and or medical marijuana-infused products on the leased premises;
- (7) The state and or local governments shall not prohibit or restrict conduct permitted under this Article within a building owned, leased, or occupied by non-government entities/agencies, individuals, corporations, etc.;
- (8) For a patient to have the right to home grow in or on a leased residential property, the patient shall obtain permission from the owner or property manager of the residential property in writing;
- (9) No law enforcement agency within the State of Oklahoma shall confiscate or seize any firearms or ammunition from a person solely based on the person having an Oklahoma Medical Marijuana Authority patient or business license;
- (10) No additional rules and or regulations shall be enacted outside of this Article

§ 17. Children Allowed in Medical Marijuana Businesses with a Parent or Guardian.

- (1) Children shall be allowed inside medical marijuana/adult-use businesses with a parent, stepparent, foster parent, guardian, and or grandparent;
- (2) No additional rules and or regulations shall be enacted outside of this Article.

§ 18. Service Dogs.

- (1) Service dogs shall be permitted inside all Oklahoma Medical Marijuana Authority licensed medical marijuana/adult-use dispensaries;
- (2) No additional rules and or regulations shall be enacted outside of this Article.

§ 19. Medical Professionals and Recommendation Clinics.

- (1) Any Oklahoma Nurse Practitioner, Physician's Assistant and licensed medical physician shall be permitted to sign medical recommendations for adult-patients per this Article;
- (2) Oklahoma board-certified physicians shall be required to sign all medical recommendations for minor patients, and shall be permitted to sign adult recommendations, per this Article;
- (3) Prior to signing/writing recommendations for a patient, adult and or minor, Nurse Practitioner, Physician's Assistant and Oklahoma licensed medical physician and Oklahoma board-certified physicians shall register with the Oklahoma Medical Marijuana Authority;
- (4) Recommendation clinics shall be permitted to be held in licensed medical marijuana dispensaries;
- (5) The Oklahoma Medical Marijuana Authority shall have an Oklahoma licensed medical professional and an Oklahoma board-certified physician registration process in place no later than thirty (30) days from the passage of this Article;
- (6) The Oklahoma Medical Marijuana Authority shall make the names and contact information of registered medical professionals and Oklahoma board-certified physicians available on their website no later than sixty (60) days from the passage of this Article;
- (7) No additional rules and or regulations shall be enacted outside of this Article.

§ 20. Limitations.

- (1) Nothing in this section of this Article shall be deemed or construed to limit any rights, immunities or defense of licensed medical marijuana patients, medical marijuana licenses, medical marijuana licensees, licensed medical marijuana businesses;

- (2) Delivery or distribution of marijuana, marijuana-infused products, or marijuana accessories/paraphernalia, with or without consideration, to a person younger than eighteen (18) years of age, notwithstanding a minor who has a valid marijuana license issued by the Oklahoma Medical Marijuana Authority;
- (3) Purchase, possession, consumption, use, transportation of marijuana, marijuana-infused products, and or marijuana accessories/paraphernalia by a person younger than eighteen (18) years of age, notwithstanding a minor who has a valid medical marijuana license issued by the Oklahoma Medical Marijuana Authority;
- (4) Consumption of marijuana while operating or being in physical control of any motor vehicle, motorcycle, train, aircraft, motorboat, or other motorized form of transportation, while it is being operated;
- (5) Operating or being in physical control of any motor vehicle, motorcycle, train, aircraft, motorboat, or other motorized form of transportation while impaired from the overuse of marijuana and or marijuana-infused products;
- (6) Possession of marijuana, marijuana-infused products on the grounds of a public or private elementary school, public or private middle school, public or private junior high school, public or private high school, and or on a public or private school bus, notwithstanding a minor or adult who holds a valid medical marijuana license issued by the Oklahoma Medical Marijuana Authority;
- (7) Consumption of marijuana, marijuana-infused products on the grounds of a public or private elementary school, public or private middle school, public or private junior high school, public or private high school, and or on a public or private school bus, notwithstanding a minor or adult who hold a valid medical marijuana license issued by the Oklahoma Medical Marijuana Authority;
- (8) Smoking marijuana in a public place which prohibits cigarette/cigar smoking or where minor children are present in a public place;
- (9) Minors of parents, stepparents, foster parents, guardians, grandparents, who are medical marijuana patients, shall be permitted to be around medical marijuana, medical marijuana-infused products, medical marijuana plants, without fear of reprisal and or repercussions from any law enforcement or government agency or entity;
- (10) There are no qualifying conditions for a medical marijuana license to be issued by the Oklahoma Medical Marijuana Authority;
- (11) All adult recommendations for an Oklahoma Medical Marijuana Authority patient license shall be signed by any Oklahoma licensed medical professional who is in good standing with their licensing board:
 - (a) No Oklahoma medical professional shall be unduly stigmatized, harassed, or denied the ability to sign an Oklahoma Medical Marijuana Authority medical marijuana recommendation, providing they are in good standing with their licensing/certifying agency and or board,
 - (b) Oklahoma medical professional shall be required to register with the Oklahoma Medical Marijuana Authority prior to signing any recommendations for an Oklahoma medical marijuana license;
- (12) All minor recommendations for an Oklahoma Medical Marijuana Authority minor patient license must be signed by an Oklahoma board-certified physician who is registered with the Oklahoma Medical Marijuana Authority;
- (13) All minors seeking an Oklahoma Medical Marijuana Authority minor patient license shall have two (2) recommendations from two (2) board-certified physicians;
- (14) All minors seeking an Oklahoma Medical Marijuana Authority minor patient license shall be required to have a signature from their legal guardian on their application form;
- (15) All minor recommendation shall have a medical condition listed on the recommendation form by each of the two (2) recommending board-certified physicians;
- (16) All minor patients shall have a parent, stepparent, guardian, foster parent, and or grandparent apply and receive an Oklahoma Medical Marijuana Authority caregiver's license for said minor patient;
- (17) An adult caregiver license shall be made available to any Oklahoma resident, on behalf of any adult patient, who has submitted an application and signed recommendation to the Oklahoma Medical Marijuana Authority;

- (18) There are no qualifying conditions for a patient to elect to have an adult caregiver license for said patient to qualify for a caregiver;
- (19) The caregiver license shall give the caregiver the same purchasing power and transportation rights as any licensed patient holding an Oklahoma Medical Marijuana patient license;
- (20) An adult caregiver for an Oklahoma Medical Marijuana Authority licensed patient shall not grow medical marijuana for the patient if the patient is growing medical marijuana for him/herself;
- (21) A caregiver for an Oklahoma Medical Marijuana Authority licensed patient shall not charge or accept payment from a patient that they are licensed to give care to, with the exception of reimbursement of costs, with physical receipts provided to the patient;
- (22) An Oklahoma Medical Marijuana Authority licensed caregiver shall be permitted to grow medical marijuana, for a patient in their care, on the patient's property or the caregiver's property;
- (23) Minor patients shall not be required to carry their physician signed, medical marijuana recommendations on their person;
- (24) No medical marijuana, marijuana, medical marijuana concentrates, marijuana concentrates, medical marijuana-infused products, marijuana-infused products, medical marijuana topicals, marijuana topicals, medical marijuana tinctures, marijuana tinctures, or any other medical marijuana or marijuana products shall be sold in Oklahoma licensed medical marijuana/adult-use dispensaries that is not grown, produced, manufactured within the State of Oklahoma by Oklahoma licensed marijuana/adult-use businesses licensed by the Oklahoma Medical Marijuana Authority;
- (25) Any licensed medical marijuana/adult-use dispensary found to have knowingly bought and sold medical marijuana, marijuana, medical marijuana-infused products, marijuana-infused products, medical marijuana concentrates, marijuana concentrates, medical marijuana topicals, marijuana topicals, medical marijuana tinctures, marijuana tinctures, or any other medical marijuana or marijuana products grown, manufactured, or produced outside of the State of Oklahoma shall have their license revoked immediately;
- (26) The mere possession of baggies, sandwich bags, and or scales in the home or vehicle of a patient licensed by the Oklahoma Medical Marijuana Authority shall not be a presumption of any criminal activity without evidence to the contrary;
- (27) The mere possession of baggies, sandwich bags, and or scales in the home or vehicle of an adult-use marijuana consumer shall not be a presumption of any criminal activity without evidence to the contrary;
- (28) Licensed medical marijuana patients, adult-use marijuana consumers, licensed caregivers shall not sell any marijuana, marijuana-infused products, and or any product that contains THC to patients, non-patients, or licensed medical marijuana/adult-use marijuana dispensaries or licensed processing businesses;
- (29) No Oklahoma State Legislature shall author or sponsor any marijuana legislation that would be a direct benefit to their non-legislative business interests;
- (30) No law enforcement officer, Federal, State, city, county, municipal, township, etc., shall hold any interest or investment interest in any medical marijuana / adult-use businesses;
- (31) No out of state patients shall be permitted to grow their own medical marijuana within the State of Oklahoma;
- (32) No out of state adult-use marijuana consumers shall be permitted to grow marijuana within the State of Oklahoma;
- (33) No medical marijuana grown outside of the State of Oklahoma shall be sold within the State of Oklahoma;
- (34) No medical marijuana products of any kind manufactured or produced outside of the State of Oklahoma shall be permitted to be sold within the State of Oklahoma;
- (35) No financial institution providing financial services to a licensed marijuana/cannabis business shall charge a service fee to the licensed business of more than two hundred fifty dollars (\$250.00) per month;
- (36) No additional rules and or regulations shall be enacted outside of this Article.

§ 21. Rules and Regulations.

- (1) The Oklahoma Medical Marijuana Authority shall be the only governing entity over medical marijuana, adult-use marijuana rules and medical marijuana/adult-use marijuana businesses;
- (2) The Oklahoma Medical Marijuana Authority shall not add any rules regulations, mandates, emergency or otherwise that is outside of this Article;
- (3) All medical marijuana and adult-use marijuana products sold within the State of Oklahoma shall be grown, produced, manufactured, within the State of Oklahoma;
- (4) No additional rules and or regulations shall be enacted outside of this Article.

§ 22. Business Licensing.

(1) Medical Marijuana

- (A) The following medical marijuana business licenses shall be the only marijuana business licenses issued and renewed by the Oklahoma Medical Marijuana Authority:
 - (a) Medical Marijuana Dispensary,
 - (b) Adult-Use Dispensary (for the first two years upon the passage of this article only Medical Marijuana Dispensary's who were established prior to the passage of this Article shall receive licenses for adult-use),
 - (c) Medical Marijuana/Adult-Use Marijuana Grower,
 - (d) Medical Marijuana/Adult-Use Marijuana Processor,
 - (e) Testing Laboratory,
 - (f) Transportation Company;
- (B) Effective immediately upon the passage of this Article, all initial business applications for medical marijuana dispensaries, growers, processors, business licenses shall be for a period of one (1) year at a cost of two thousand five hundred dollars (\$2,500.00) per business license;
- (C) Effectively immediately upon the passage of this Article, the Oklahoma Medical Marijuana Authority shall renew all Medical Marijuana business licenses, listed in § 22. B, for a period of no less than five (5) years at a cost of five thousand dollars (\$5,000.00) per business license;
- (D) Effective immediately upon the passage of this Article, the initial business license and the renewal business license shall come with a Transportation license that shall cover all employees of the licensed business;
- (E) Effective immediately upon the passage of this Article, the Oklahoma Medical Marijuana Authority has fourteen (14) business days to the approve or reject an initial business application;
- (F) Effective immediately upon the passage of this Article, the Oklahoma Medical Marijuana Authority has fourteen (14) business days to approve or reject a renewal business application;
- (G) Effective immediately upon the passage of this Article, the Oklahoma Medical Marijuana Authority shall communicate with the business applicant via phone, United States Postal Service (mail), and or email regarding the approval or rejection of a business application/renewal;
- (H) Effective immediately upon the passage of this Article, the Oklahoma Medical Marijuana Authority shall communicate clearly the reason for any rejection of a business application/renewal and what is needed to be approved in a timely fashion;
- (I) Effective immediately upon the passage of this Article, all owners of an entity applying for a business license shall meet residency requirement:
 - (a) "Resident" shall mean a person who is a resident of the State of Oklahoma for a minimum of five (5) years consecutively (with documentation) or,
 - (b) Can prove ten (10) years of intermittent residency within the State of Oklahoma totaling five (5) years of residency within a ten (10) year period (with documentation);
- (J) Qualifications to own, purchase, invest in a medical marijuana and adult-use marijuana business:
 - (a) Minimum age twenty-five (25) years of age,
 - (b) Shall have no violent felony convictions within the prior ten (10) years,
 - (c) No non-violent felony convictions within the prior two (2) years,
 - (d) No current protective orders,

- (e) Shall not have been on probation or parole for the previous five (5) years for a violent conviction,
- (f) Shall not have been on probation or parole for the previous two (2) years for a non-violent conviction,
- (g) Shall not be on a deferred sentence,
- (K) Within thirty (30) days of the passage of this Article the Oklahoma Bureau of Narcotics and Dangerous Drugs (OBNDD) shall charge Medical Marijuana businesses no more than two hundred and fifty dollars (\$250.00) annually, per entity. There shall be no additional fee from the OBNDD for Medical Marijuana dispensaries to dispense for Adult-Use marijuana;
- (L) The Oklahoma Bureau of Narcotics and Dangerous Drugs (OBNDD) shall not create or apply rules and regulations on Oklahoma Medical Marijuana Authority licensed Medical Marijuana/Adult-Use businesses, with the exception of the following:
 - (a) Reasonable storage of the Medical Marijuana flower;
 - (b) Reasonable security measures for medical marijuana and adult-use businesses;
- (M) Effective immediately upon the passage of this Article, the Oklahoma State Department of Health shall no longer require Medical Marijuana dispensaries to obtain a Health Department Food/Drug Permit;
- (N) Processors who produce ingestible products shall be required to obtain a Health Department Food/Drug Permit from the Oklahoma State Department of Health;
- (O) Within thirty (30) days from the passage of this Article, dispensaries, licensed by the Oklahoma Medical Marijuana Authority, shall no longer be required to obtain an annual nursery license/permit from the Oklahoma Department of Agriculture;
- (P) Within thirty (30) days from the passage of this Article, dispensaries, licensed by the Oklahoma Medical Marijuana Authority shall no longer be required to obtain a seed license/permit from the Oklahoma Department of Agriculture;
- (Q) No additional, unduly burdensome, licenses, registrations, fees, taxes, etc., are to be assessed on licensed medical marijuana/adult-use marijuana businesses shall be permitted by the State of Oklahoma, the Legislature, Oklahoma Tax Commission, Oklahoma State Department of Health, Oklahoma Medical Marijuana Authority, State Agencies, State Entities, or Local Governments;
- (R) The State of Oklahoma, the Oklahoma Medical Marijuana Authority, the Oklahoma Bureau of Narcotics and Dangerous Drugs, the Oklahoma Bureau of Investigations, The Oklahoma Department of Health, the Oklahoma legislatures, the Oklahoma Governor, and or local governments shall not add any requirement/rule/regulation/stipulation/law/statute, etc., to a licensed Oklahoma medical marijuana/adult-use marijuana business if that requirement does not apply to all businesses within the State of Oklahoma;
- (S) The Oklahoma Medical Marijuana Authority shall require the following information/documentation from persons or entities submitting an initial application for a medical marijuana business:
 - (a) First and last name of the individual responsible for the account,
 - (b) Email address to be used for the online account application,
 - (c) Phone number for the individual responsible for the account,
 - (d) Password for the online Oklahoma Medical Marijuana Authority account,
 - (e) Acceptance of terms and conditions for the Oklahoma Medical Marijuana Authority website, if applying via the website,
 - (f) Individual owner name or primary entity name for the commercial establishment,
 - (g) Type of commercial license: dispensary, grower, processor, testing laboratory, or transporter (for businesses created to provide transportation only),
 - (h) Trade name of the business,
 - (i) Business phone number, business fax number (if applicable), and business website (if applicable),
 - (j) Business structure: Sole Proprietor (individual owner), Limited Liability Company (LLC), Corporation (Inc. or Corp.), Limited Partnerships, Limited Liability Partnerships, etc.,
 - (k) Operating hours (optional),
 - (l) All owners and principal officers (Ownership Disclosure):

- (A) First, middle, last name and suffix if applicable,
- (B) Phone number and email address for each owner and principal officers,
- (C) Name of ID document being uploaded (Oklahoma driver's license, Oklahoma State ID, Passport, Tribal ID, etc.),
- (D) ID number,
- (E) ID expiration date,
- (F) Date of birth,
- (G) Entity or entities in which each person has affiliation with,
- (H) Direct or indirect ownership shares by entity or entities defined above. For relationships in sub-entries with an ownership interest must list themselves as an owner,
- (I) Residence address (street address, apt.#, city, state, zip code, no post office boxes),
- (J) Mailing address if different,
- (K) Physical address of the commercial establishment (street address, apt.#, city, state, zip code, no post office boxes),
- (L) GPS coordinates (latitude & longitude) of the physical location of the commercial establishment,
- (M) Mailing address for establishment (if different from the physical address)
- (N) Relationship to licensee, i.e. member, manager, board member, or owner,
- (O) Color copy of Oklahoma driver's license (front and back), or color copy of state issued Oklahoma ID (front and back), color copy of passport, color copy of Tribal identification (front and back), etc.;
- (m) Primary Contact:
 - (A) Primary point of contact,
 - (B) Primary point of contact title,
 - (C) Primary point of contact phone number,
 - (D) Primary point of contact email address,
 - (E) Primary point of contact home address;
- (n) Questions & Verifications:
 - (A) Attestation that the commercial entity is not/will not be located on tribal land,
 - (B) Pledge not to divert marijuana to any person or entity that is not legally entitled to possess marijuana,
 - (C) Attestation the applying person is authorized to make the application on behalf of the applicant,
 - (D) Attestation the information provided in the application is true and correct,
 - (E) (If applicable) Attestation that the dispensary is more than 1,000 feet from a public or private elementary school, a public or private middle school, a public or private junior high school, or a public or private high school front door,
 - (F) Attestation that no individual with ownership in the business employee of Oklahoma Medical Marijuana Authority, Oklahoma Bureau of Narcotics and Dangerous Drugs, Oklahoma Bureau of Investigation, an Oklahoma Law Enforcement Officer (Federal, State, City, County, Township, Municipal),
 - (G) Understanding of the responsibility to have security measures in place;
- (o) Affidavit of lawful presence for each owner,
- (p) Dispensaries shall upload a map demonstrating proposed dispensary location is more than 1,000 feet from any public or private elementary school, public or private middle school. Public or private junior high school, public or private high school;
- (q) Proof of Oklahoma residency for those representing the seventy-five percent (75%) share of the business owners that must be Oklahoma residents:
 - (A) An Oklahoma driver's license,
 - (B) An Oklahoma identification card,
 - (C) An Oklahoma voter registration card,
 - (D) A utility bill for the calendar month preceding the date of the application,
 - (E) A residential property deed to property within the State of Oklahoma,
 - (F) A current rental agreement for residential property located within the State of Oklahoma,

- (r) An Oklahoma State Bureau of Investigation background check for each owner who resides in Oklahoma;
 - (s) Color copy of each Oklahoma owner's Oklahoma driver's license (front and back) or Oklahoma state issued identification card (front and back);
 - (t) Certificate of Good Standing from the Oklahoma Secretary of State, unless you are a sole proprietorship;
 - (u) Oklahoma Tax Permit – for processors and dispensaries only;
 - (v) Ownership disclosure documentation;
 - (w) Ownership list;
 - (x) Renewals shall require the same information and documentation;
 - (y) Effective no later than thirty (30) days from the date of the passage of this Article, businesses shall be permitted to submit their documentation, initial application or renewal application, and payment to the Oklahoma Medical Marijuana Authority in person, through the United States Postal Service, or online via the Oklahoma Medical Marijuana Authority website;
 - (z) The Oklahoma Medical Marijuana Authority shall accept as forms of payment from businesses applying for a medical marijuana/adult-use marijuana business license – checks, cash, money orders, cashier checks, credit cards, and debit cards;
 - (aa) The Oklahoma Medical Marijuana Authority shall not penalize business owners for initial violations for reporting discrepancies;
 - (bb) The Oklahoma Medical Marijuana Authority shall not fine, or penalize a business, or business owner, for violations regarding their quarterly reports of more than one-hundred dollars (\$100.00);
 - (cc) The Oklahoma Medical Marijuana Authority shall strictly enforce the residency requirement for all marijuana business licenses as established in this Article;
 - (dd) The Oklahoma Medical Marijuana Authority shall immediately revoke a medical marijuana/adult-use marijuana business if the business is found to knowingly sell products grown, manufactured, and or processed outside of the state of Oklahoma;
- (2) No additional rules and or regulations shall be enacted outside of this Article.

§ 23. Business Licensee Protections.

- (1) The Oklahoma Medical Marijuana Authority shall not impose unduly burdensome restrictions, regulations, rules, etc., on licensed medical marijuana/adult-use businesses such as:
 - (a) Reporting overreach,
 - (b) Certificate of Compliance certifications,
 - (c) Additional fees, fines, licenses, license requirements,
 - (d) Increased cost of initial or renewal business license fees,
 - (e) Duration of business license renewals;
- (2) Actions and conduct by a licensee, a licensee's employees, and a licensee's agent, as permitted pursuant to a license issued by the Oklahoma Medical Marijuana Authority, or by those who allow property to be used by a licensee, a licensee's employee, a licensee's agent, as pursuant to a license issued by the Oklahoma Medical Marijuana Authority, are not unlawful and shall not be an offense under state law, or the laws of any local government with the state of Oklahoma, or be the subject to a civil fine, penalty, or sanction, or be a basis for detention, search, or arrest, or to deny any right or privilege, or to seize or forfeit assets under state law or the laws of any local government within the state of Oklahoma;
- (3) A holder of a professional or occupational license is not subject to professional discipline for providing advice or services arising out of or related to marijuana licenses or application on the basis that marijuana is prohibited by federal law;
- (4) The Oklahoma Medical Marijuana Authority shall not penalize, or fine, medical marijuana licensed businesses for non-intentional discrepancies:
 - (a) The Oklahoma Medical Marijuana Authority shall not fine any licensed business more than five-hundred dollars (\$500.00) for any infraction, per infraction,
 - (b) The Oklahoma Medical Marijuana Authority shall immediately revoke a medical marijuana business license for the following:

- (A) Knowingly selling medical marijuana/adult-use marijuana, marijuana-infused products grown, produced, manufactured outside of the State of Oklahoma,
 - (B) Falsifying laboratory certifications for medical marijuana/adult-use marijuana, marijuana-infused products,
 - (C) Selling medical marijuana/adult-use marijuana, marijuana-infused products to licensed dispensaries and processors, knowing the laboratory certifications have been falsified;
- (5) All current business licensee's, upon the passage of this Article shall be grandfathered into the residency requirements, stated in this Article;
- (6) No additional rules and or regulations shall be enacted outside of this article.

§ 24. Labeling and Packaging.

- (1) The Oklahoma Medical Marijuana Authority, the Oklahoma State Legislature, the Oklahoma Bureau of Narcotics and Dangerous Drugs, the Oklahoma Department of Health, and or local governments, shall not require unduly burdensome rules and regulations regarding packaging of medical marijuana/adult-use and or medical marijuana-infused products, adult-use marijuana-infused products, including but not limited to concentrates, edibles, topicals, tinctures, inhalants, etc.;
- (2) Labels, logos, packages, and containers shall not be attractive to children and shall not contain any content that reasonably appears to target minors, including toys, cartoon characters, and similar images;
- (3) Packaging within the retail dispensary shall allow for the product to be viewed through the packaging;
- (4) Flower packaging shall be in opaque containers. No additional requirements shall be mandated by the Oklahoma Medical Marijuana Authority, or any other state agency, Oklahoma State or local governments or law enforcement agency within the state of Oklahoma;
- (5) No additional packaging requirement outside of this Article, shall be placed on the business of the licensed medical marijuana/adult-use marijuana businesses;
- (6) Medical marijuana/adult-use marijuana purchases from a licensed dispensary shall be placed in an opaque non-discreet bag if:
 - (a) The patient/consumer has a child(ren) with them while shopping,
- (7) All labels for marijuana products labeling shall be required to provide the following information:
 - (a) The Oklahoma Medical Marijuana Authority approved THC logo (acceptable in color or black and white).
 - (b) "For accidental ingestion or overconsumption please contact poison control at 1-800-222-1222",
 - (c) Name of Strain and or name of product (for all marijuana-infused products, medical or adult-use),
 - (d) Weight (in grams), excluding weight of packaging,
 - (e) Ingredients for edibles,
 - (f) Amount of THC, or
 - (g) Percentage of THC,
- (8) Labeling for medical marijuana/adult-use flower shall contain the following:
 - (a) Name of strain,
 - (b) Weight (in grams) excluding weight of packaging,
 - (c) Percentage of THC,
 - (d) Indica, Sativa, Hybrid,
 - (e) "For accidental ingestion or overconsumption please contact poison control at 1-800-222-1222",
 - (f) No other information shall be required;
- (9) Oklahoma Medical Marijuana licensed dispensaries shall be permitted to package marijuana and marijuana-infused products on their premises without a processors license,
 - (a) No Oklahoma Medical Marijuana Authority processors license shall be required by dispensaries or growers to produce pre-rolls;
- (10) No additional rules and or regulations shall be enacted outside of this Article.

§ 25. Transportation.

- (1) All Medical Marijuana licensed businesses shall be provided with a Transportation License with their business license. This transportation license will cover all of the businesses employees to pick up and transport Medical Marijuana products to another Medical Marijuana and Adult-Use licensed business;
- (2) No additional transportation licenses shall be required for medical marijuana/adult-use marijuana businesses licensed by the Oklahoma Medical Marijuana Authority to transport marijuana products from one business to another, with the exception of transportation companies;
- (3) No additional transportation license shall be required for a dispensary to deliver medical marijuana and or medical marijuana products to a licensed medical marijuana patients' home or place of employment (i.e.: delivery);
- (4) No additional requirements shall be required by the Oklahoma Medical Marijuana Authority;
- (5) Any business formed solely for the purpose of transporting product from one licensed business to another shall be required to obtain a transportation license for each employee who will be transporting, from the Oklahoma Medical Marijuana Authority at the cost of twenty-five dollars (\$25.00) per employee license;
- (6) Should a licensed employee leave the employ of an Oklahoma Medical Marijuana Authority licensed transportation business the transportation company shall revoke the license with the Oklahoma Medical Marijuana Authority, within twenty-four hours;
- (7) No Oklahoma Medical Marijuana Authority licensed business shall be required to employ the use of a transportation company;
- (8) No Oklahoma Medical Marijuana Authority licensed business, excluding a transportation company, shall be required to create and or utilize manifests for deliveries between businesses;
- (9) An Oklahoma Medical Marijuana Authority Licensed Transportation Company shall be required to generate a manifest for all marijuana deliveries.
- (10) All Oklahoma Medical Marijuana Authority licensed businesses selling products to other licensed marijuana businesses must provide the purchasing business with an invoice and all testing at the time of the sale/purchase;
- (11) GPS (Global Positioning System) tracking devices shall not be required to transport medical marijuana/adult-use marijuana.
- (12) No additional rules and or regulations shall be enacted outside of this Article.

§ 26. Reporting.

- (1) Medical Marijuana:
 - (a) Inventory tracking system(s) or seed to sale systems are recommended and shall not be required for any medical marijuana/adult-use business licensed by the Oklahoma Medical Marijuana Authority;
 - (b) Licensed medical marijuana/adult-use businesses shall be required to submit quarterly reporting (monthly reporting shall no longer be required) to the Oklahoma Medical Marijuana Authority;
 - (c) Monthly sales reporting shall not be required by licensed medical marijuana/adult-use businesses to their financial institution;
 - (d) The information required to be reported to the Oklahoma Medical Marijuana Authority shall include and be limited to the following:
 - (1) Dispensary Reporting:
 - (a) Total sales for the quarter,
 - (b) Total medical sales for the quarter,
 - (c) Total adult-use sales for the quarter,
 - (d) Total flower sales for the quarter,
 - (e) Total edible sales for the quarter,
 - (f) Total concentrate sales for the quarter,
 - (g) Total topical sales for the quarter,
 - (h) Total clone sales for the quarter,
 - (i) Total seed sales for the quarter,

- (j) Total number of minor patient sales during the quarter (for research purposes only);
- (2) Processor Reporting:
 - (a) Total weight purchased for the quarter,
 - (b) Total waste weight for the quarter,
 - (c) Total weight sold for the quarter,
 - (d) Total sales for the quarter;
- (3) Grower Reporting:
 - (a) Total weight harvested for the quarter,
 - (b) Total weight drying for the quarter,
 - (c) Total weight dried for the quarter,
 - (d) Total weight sold for the quarter,
 - (e) Total weight sent to the lab for testing,
 - (f) Total plant count at the beginning of the quarter,
 - (g) Total plant count at the end of the quarter,
 - (h) Total waste for the quarter,
 - (i) Total sales for the quarter;
- (2) No reporting shall be required by or to the Oklahoma Bureau of Narcotic and Dangerous Drugs (OBNDD):
- (3) No additional rules and or regulations shall be enacted outside of this Article.

§ 27. Waste.

- (1) Marijuana and or medical marijuana, medical marijuana-infused products, are not a biohazardous/hazardous material and shall not require any special handling or disposal requirements/assessments/restrictions/regulations/statutes/legislation, etc.;
- (2) No additional rules and or regulations shall be enacted outside of this Article.

§ 28. Testing – Labs and Requirements.

- (1) All commercial Medical Marijuana Testing Laboratories shall be required to apply for a Testing Laboratory business license with the Oklahoma Medical Marijuana Authority. See §22. Business Licensing;
- (2) All commercial licensed Medical Marijuana Testing Laboratories shall be required to use the same template for their lab reports to allow for consistency and ease for patients to read and understand;
- (3) Within ninety (90) days of the passage of this Article the Oklahoma Medical Marijuana Authority shall provide a concise lab reporting template to all licensed laboratories;
- (4) Oklahoma Medical Marijuana Authority in conjunction with licensed Oklahoma medical marijuana testing laboratories shall be granted rule making authority over medical marijuana testing rules and regulations;
- (5) A working group consisting of no less than sixty percent (60%) representatives of licensed medical marijuana testing laboratories shall meet to draft medical marijuana testing regulations. No testing laboratory shall have more than one representative included in drafting of rules.
- (6) Marijuana testing rules and regulations will be drafted and agreed upon within ninety (90) days of the passage of this amendment. Medical marijuana rules and regulations will become effective one-hundred eighty (180) days from the passage of this amendment.
- (7) The owners or CEOs of not less than seventy-five percent (75%) of licensed medical marijuana testing laboratories shall approve and sign drafted rules and regulations for testing of medical marijuana. If a consensus cannot be reached an additional thirty (30) days shall be granted to approve medical marijuana testing rules and regulations.
- (8) The working group shall reconvene at least once per calendar year to update medical marijuana testing rules and regulations, or as needed.
- (9) Samples of all commercial marijuana shall be submitted to a lab for testing prior to being sold to Oklahoma Medical Marijuana/Adult-Use licensed dispensaries for consumption or processing;
 - (a) All marijuana shall pass industry standard testing prior to being sold to a dispensary or a processor,

- (b) Should any marijuana fail the industry standard testing the marijuana shall not be sold to any dispensary,
 - (c) Should any marijuana fail the industry standard testing the marijuana shall be permitted to be sold to processors,
 - (d) All marijuana-infused products manufactured and produced shall pass industry standard testing in order to be sold to a dispensary and ultimately to a patient or adult-use consumer,
 - (e) Any marijuana-infused products manufactured and produced which fails the industry standard testing shall be destroyed and not sold to any marijuana or medical marijuana business;
- (10) Each grower shall submit a sample of each strain harvested, per harvest. for testing prior to sale:
- (a) Should the submitted sample fail the testing process the grower shall be permitted one (1) retest for that harvest;
- (11) Batch numbers shall no longer be required;
- (12) Any marijuana donated to a processor, by a patient who has a home grow, the processor shall have the marijuana tested prior to processing into Rick Simpson Oil;
- (13) Licensed marijuana growers shall submit their samples for testing to a lab, licensed by the Oklahoma Medical Marijuana Authority, of their choosing;
- (14) The Marijuana Testing Lab shall test for the following prior to the commercial marijuana being sold to a dispensary or processor:
- (a) Potency for THC,
 - (b) Terpene Profile,
 - (c) CBD Profile,
 - (d) Potency for Cannabinoids,
 - (e) Test for presence of mold,
 - (f) Test for presence of pesticides,
 - (g) Test for the presence of heavy metals,
 - (h) Test for presence of E coli,
 - (i) Test for hazardous chemicals;
- (15) Each processor shall submit a sample of each product they produce, per quarterly testing to the Oklahoma Medical Marijuana Authority, each lot shall be tested, full panel, and each batch shall be tested, full panel;
- (a) Should the submitted sample fail the testing process the processor shall be permitted one (1) retest for that product;
 - (b) Licensed marijuana processors shall submit their samples for testing to a lab, licensed by the Oklahoma Medical Marijuana Authority, of their choosing;
- (16) The Marijuana Testing Lab shall test for the following prior to the processed marijuana being sold to dispensary:
- (a) Potency for THC,
 - (b) Terpene Profile,
 - (c) CBD Profile,
 - (d) Potency for Cannabinoids,
 - (e) Test for presence of mold,
 - (f) Test for presence of pesticides,
 - (g) Test for the presence of heavy metals,
 - (h) Test for presence of E coli,
 - (i) Test for hazardous chemicals;
- (17) No other testing requirements shall be imposed on the licensed growers, licensed processors, licensed dispensaries;
- (18) No testing requirement shall be imposed on medical marijuana patients who have a home grow;
- (19) The Oklahoma Medical Marijuana Authority shall certify one laboratory facility within one-hundred eighty days from the passage of this Article;
- (a) Said State-Certified laboratory shall have the sole responsibility to audit all laboratories within the state of Oklahoma at a minimum of two (2) times annually.

- (b) The Oklahoma Medical Marijuana Authority shall compensate the state certified lab at the rate of \$500.00 per audit, per laboratory.
 - (c) Should a laboratory fail two certifications the Oklahoma Medical Marijuana Authority shall mandate to medical marijuana businesses to stop testing their products with the failed laboratory,
 - (d) Should a laboratory fraudulently use a medical marijuana businesses license to illegally buy and sell marijuana, said laboratory shall be penalized and fined no less than \$100,000.00 per transaction,
- (20) No additional rules and or regulations outside of the working group in this section shall be enacted outside of this Article.

§ 29. Delivery Service.

- (1) Medical Marijuana dispensaries shall, at their discretion, be permitted to offer delivery services to Oklahoma Medical Marijuana Authority licensed patients:
 - (a) The delivery vehicle used shall have appropriate insurance,
 - (b) The person performing the delivery shall be a licensed driver,
 - (c) The patient has been informed of any and all delivery fees,
 - (d) The delivery vehicle shall be a non-descript vehicle with no industry marking collateral,
 - (e) The delivery person shall be employed by the dispensary or delivery company,
 - (f) Deliveries shall be made to the patient’s home or the patients place of employment;
- (2) No additional rules, regulations, shall be enacted outside of this Article.

§ 30. Medical Marijuana Tax.

- (1) Medical Marijuana sales to medical marijuana patients shall be exempt from ALL taxes, including but not limited to, City, State, County, Municipality, Excise tax, etc. Medication is not taxed within the State of Oklahoma thus medical marijuana and medical marijuana-infused products sold to medical marijuana patients who are in possession of a medical marijuana license issued by the Oklahoma Medical Marijuana Authority shall be exempt from all taxes;
- (2) The State of Oklahoma, Cities, Counties, Townships, Municipalities, Tribes, or any other local government shall not be permitted to tax any medical marijuana and/or medical marijuana-infused products or purchases;
- (3) No additional rules and or regulations shall be enacted outside of this Article.

§ 31. Adult-Use Marijuana Tax.

- (1) A flat tax of twenty percent (25%) is imposed upon the gross receipts of all sales of marijuana sold by a business licensed by Oklahoma Medical Marijuana Authority pursuant to this Article to an adult-use consumer. This tax shall not apply to the sale of Medical Marijuana to a licensed patient or caregiver for use by a licensed patient:
 - (a) No additional city, county, state, municipal taxes shall apply
- (2) There shall be no additional taxes on adult-use marijuana or marijuana-infused purchases;
- (3) The Legislature may adjust this tax rate for adult-use after November 1, 2026 to achieve the goals of undercutting and discouraging illicit market prices.
- (4) No additional rules and or regulations shall be enacted outside of this Article.

§ 32. Oklahoma Marijuana Tax Revenue Trust Fund.

- (1) There is hereby created a trust fund to be known as the “Oklahoma Marijuana Tax Revenue Trust Fund.” The trust fund shall consist of all monies received by the Oklahoma Tax Commission from Tax proceeds collected pursuant to marijuana Adult-Use Tax established by this Article;
- (2) Monies from the Oklahoma Medical Marijuana Tax Revenue Trust Fund and application and renewal of business licenses will be applied first to finance the reasonable costs of the Oklahoma Medical Marijuana Authorities necessary for the implementation of this

Article. Any and all monies that exceed the budgeted amount for running the Oklahoma Medical Marijuana Authority shall be expended only for the following purposes:

- (a) Four percent (4%) to the municipalities (or counties, for unincorporated areas) where the retail sales occurred,
 - (b) Sixty percent (60%) to the Oklahoma State Department of Education to assist with state funding shortfalls. Zero percent (0%) is to be used for administrative salaries or pay raises for administrative employees. These monies shall be used for educational needs of the primary aged students,
 - (c) Thirty-four percent (34%) shall be directed to provide grants to not-for-profit organizations, community-based only, to provide access and or treatment for drug addiction; to reintegration assistance programs who assist persons released from prisons to reintegrate back into their local communities by helping them find employment, housing and obtain counseling as needed,
 - (d) Two percent (2%) shall be directed to pay for medical recommendations for minors, elderly, and disabled persons who are on low and or fixed incomes;
- (3) The Legislature shall appropriate funds from the Oklahoma Marijuana Tax Revenue Trust Fund only for the purposes specified in subsection 2 of this section. Grants awarded pursuant to subparagraph 2(b) of this section shall be awarded to the Oklahoma State Department of Education or its successor, and grants awarded pursuant to subparagraph 2(c) of this section shall be awarded by the Oklahoma Department of Mental Health or its successor from funds appropriated from the Oklahoma Marijuana Tax Revenue Trust Fund. Even when the funds from the trust fund are used for these specific purposes, the Legislature shall not use funds from the Oklahoma Marijuana Tax Revenue Trust Fund to supplant or replace other state funds supporting the entities and programs specified in subsection 2 of this section;
- (4) In order to ensure that the funds from the Oklahoma Marijuana Tax Revenue Trust Fund are used to enhance and not supplant funding for the purposes set forth in subsection 2 of this section, the State Board of Equalization shall examine and investigate appropriations from the trust fund each year. At the meeting of the State Board of Equalization held within five (5) days after the monthly apportionment in February of each year, the State Board of Equalization shall issue a finding and report that shall state whether appropriations from the trust fund were used to enhance or supplant existing funding for the entities and programs specified in subsection 2 of this section. If the State Board of Equalization finds that existing funding was supplanted by funds from the trust fund, the Board shall specify the amount by which funding was supplanted, In this event, the Legislature shall not make any appropriations for the ensuing fiscal year until an appropriation in that amount is made to replenish the trust fund;
- (5) Within ninety (90) days of the passage of this Article a non-governmental, third party oversight committee shall be elected to oversee the fiduciary responsibility of the Oklahoma Marijuana Tax Revenue Trust Fund:
- (a) The committee shall consist of five (5) members,
 - (b) A term shall consist of two-years,
 - (c) Term limits shall be five (5) terms,
- (6) No additional rules, regulations and or taxes shall be enacted outside of this Article.

§ 33. Banking for Medical Marijuana, Adult-Use Marijuana, Hemp and CBD Businesses.

- (1) Oklahoma Safe Banking Legislation shall read as:
 - (1) An Oklahoma state banking regulator shall not—
 - (a) terminate or limit the deposit insurance or share insurance of a depository institution under the Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.), the Federal Credit Union Act (12 U.S.C. 1751 et seq.), or take any other adverse action against an Oklahoma depository institution under section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818) solely because the depository institution provides or has provided financial services to a cannabis-related legitimate business or service provider;

(b) prohibit, penalize, or otherwise discourage an Oklahoma depository institution from providing financial services to a cannabis-related legitimate business or service provider or to the State of Oklahoma, political subdivision of the State of Oklahoma, or Oklahoma Indian Tribe that exercises jurisdiction over licensed Oklahoma cannabis-related legitimate businesses;

(c) recommend, incentivize, or encourage a depository institution not to offer financial services to an account holder, or to downgrade or cancel the financial services offered to an Oklahoma account holder solely because—

(i.) the account holder is a licensed Oklahoma cannabis-related legitimate business or service provider, or is an employee, owner, or operator of a cannabis-related legitimate business or service provider;

(ii) the account holder later becomes an employee, owner, or operator of a licensed Oklahoma cannabis-related legitimate business or service provider; or

(iii) the Oklahoma depository institution was not aware that the account holder is an employee, owner, or operator of a licensed Oklahoma cannabis-related legitimate business or service provider;

(2) take any adverse or corrective supervisory action on a loan made to—

(A) a licensed Oklahoma cannabis-related legitimate business or service provider, solely because the business is a cannabis-related legitimate business or service provider;

(B) an employee, owner, or operator of a licensed Oklahoma cannabis-related legitimate business or service provider, solely because the employee, owner, or operator is employed by, owns, or operates a cannabis-related legitimate business or service provider, as applicable; or

(C) an owner or operator of real estate or equipment that is leased to a licensed Oklahoma cannabis-related legitimate business or service provider, solely because the owner or operator of the real estate or equipment leased the equipment or real estate to a cannabis-related legitimate business or service provider, as applicable; or

(a) prohibit or penalize a depository institution (or entity performing a financial service for or in association with a depository institution) for, or otherwise discourage a depository institution (or entity performing a financial service for or in association with a depository institution) from, engaging in a financial service for a licensed Oklahoma cannabis-related legitimate business or service provider.

(b) OKLAHOMA SAFE HARBOR APPLICABLE TO DE NOVO INSTITUTIONS.—Subsection (a) shall apply to an institution applying for a depository institution charter to the same extent as such subsection applies to a depository institution.

(3) SEC. 3. PROTECTIONS FOR ANCILLARY BUSINESSES.

For the purposes of sections 1956 and 1957 of title 18, United States Code, and all other provisions of Federal law, the proceeds from a transaction involving activities of a licensed Oklahoma cannabis-related legitimate business or service provider shall not be considered proceeds from an unlawful activity solely because—

(1) the transaction involves proceeds from a licensed Oklahoma cannabis-related legitimate business or service provider; or

(2) the transaction involves proceeds from—

(A) licensed Oklahoma cannabis-related activities described in section 14(4)(B) conducted by a cannabis-related legitimate business; or

(B) activities described in section 14(13)(A) conducted by a service provider.

(4) SEC. 4. PROTECTIONS UNDER OKLAHOMA STATE LAW.

(a) **IN GENERAL.**—With respect to providing a financial service to a licensed Oklahoma cannabis-related legitimate business or service provider within the State of Oklahoma, political subdivision of the State of Oklahoma, or Indian country, within the State of Oklahoma, that allows the cultivation, production, manufacture, sale, transportation, display, dispensing, distribution, or purchase of cannabis pursuant to a law or regulation of the State of Oklahoma, political subdivision, or Oklahoma Indian Tribe that has jurisdiction over the Indian country, as applicable, a depository institution, entity performing a financial service for or in association with a depository institution, or insurer that provides a financial service to a cannabis-related legitimate business or service provider, and the officers, directors, and employees of that depository institution, entity, or insurer may not be held liable pursuant to any Oklahoma State law or regulation—

(1) solely for providing such a financial service; or

(2) for further investing any income derived from such a financial service.

(b) **PROTECTIONS FOR OKLAHOMA FEDERAL RESERVE BANKS AND OKLAHOMA FEDERAL HOME LOAN BANKS.**—With respect to providing a service to a depository institution that provides a financial service to a licensed Oklahoma cannabis-related legitimate business or service provider (where such financial service is provided within the State of Oklahoma, political subdivision of the State of Oklahoma, or Oklahoma Indian country that allows the cultivation, production, manufacture, sale, transportation, display, dispensing, distribution, or purchase of cannabis pursuant to a law or regulation of the State of Oklahoma, Oklahoma political subdivision, or Oklahoma Indian Tribe that has jurisdiction over the Oklahoma Indian country, as applicable), a Oklahoma Federal reserve bank or Oklahoma Federal Home Loan Bank, and the officers, directors, and employees of the Oklahoma Federal reserve bank or Oklahoma Federal Home Loan Bank, may not be held liable pursuant to any Federal or Oklahoma law or regulation—

(1) solely for providing such a service; or

(2) for further investing any income derived from such a service.

(c) **PROTECTIONS FOR OKLAHOMA INSURERS.**—With respect to engaging in the business of insurance within the State of Oklahoma, political subdivision of the State of Oklahoma, or Indian country, within the State of Oklahoma, that allows the cultivation, production, manufacture, sale, transportation, display, dispensing, distribution, or purchase of cannabis pursuant to a law or regulation of such State, political subdivision, or Indian Tribe that has jurisdiction over the Indian country, as applicable, an insurer that engages in the business of insurance with a cannabis-related legitimate business or service provider or who otherwise engages with a person in a transaction permissible under State law related to cannabis, and the officers, directors, and employees of that insurer may not be held liable pursuant to any Federal or Oklahoma law or regulation—

(1) solely for engaging in the business of insurance; or

(2) for further investing any income derived from the business of insurance.

(d) **FORFEITURE.**—

(1) **DEPOSITORY INSTITUTIONS.**—A depository institution, which operates within the borders of the State of Oklahoma, that has a legal interest in the collateral for a loan or another financial service provided to an owner, employee, or operator of a licensed Oklahoma cannabis-related legitimate business or service provider, or to an owner or operator of real estate or equipment that is leased or sold to a licensed

Oklahoma cannabis-related legitimate business or service provider, shall not be subject to criminal, civil, or administrative forfeiture of that legal interest pursuant to any Federal or Oklahoma law for providing such loan or other financial service.

(2) OKLAHOMA FEDERAL RESERVE BANKS AND OKLAHOMA FEDERAL HOME LOAN BANKS.—A, Oklahoma Federal reserve bank or Oklahoma Federal Home Loan Bank that has a legal interest in the collateral for a loan or another financial service provided to a depository institution that provides a financial service to a licensed Oklahoma cannabis-related legitimate business or service provider, or to an owner or operator of real estate or equipment that is leased or sold to a cannabis-related legitimate business or service provider, shall not be subject to criminal, civil, or administrative forfeiture of that legal interest pursuant to any Federal or Oklahoma law for providing such loan or other financial service.

(e) DEPOSITORY INSTITUTION. –

(1) ACCOUNT FEES. – Depository Institutions shall not charge a licensed Oklahoma cannabis-related- legitimate business or service provider a service fee an excess of one-hundred dollars (\$100.00) per month, per account.

(5) SEC. 5. RULES OF CONSTRUCTION.

(a) NO REQUIREMENT TO PROVIDE FINANCIAL SERVICES.—Nothing in this Act shall require an Oklahoma depository institution, entity performing a financial service for or in association with a depository institution, or insurer to provide financial services to a licensed Oklahoma cannabis-related legitimate business, service provider, or any other business.

(b) GENERAL EXAMINATION, SUPERVISORY, AND ENFORCEMENT AUTHORITY.—Nothing in this Act may be construed in any way as limiting or otherwise restricting the general examination, supervisory, and enforcement authority of the Oklahoma State banking regulators, provided that the basis for any supervisory or enforcement action is not the provision of financial services to a licensed Oklahoma cannabis-related legitimate business or service provider.

(6) SEC. 6. REQUIREMENTS FOR FILING SUSPICIOUS ACTIVITY REPORTS.

“(5) REQUIREMENTS FOR LICENSED OKLAHOMA CANNABIS-RELATED LEGITIMATE BUSINESSES.—

“(A) IN GENERAL.—With respect to an Oklahoma financial institution or any director, officer, employee, or agent of an Oklahoma financial institution that reports a suspicious transaction pursuant to this subsection, if the reason for the report relates to a licensed Oklahoma cannabis-related legitimate business or service provider, the report shall comply with appropriate guidance issued by the Financial Crimes Enforcement Network. The Secretary shall ensure that the guidance is consistent with the purpose and intent of the OKLAHOMA SAFE Banking Act of 2020 and does not significantly inhibit the provision of financial services to a licensed Oklahoma cannabis-related legitimate business or service provider in a State, political subdivision of the State of Oklahoma, or Oklahoma Indian country that has allowed the cultivation, production, manufacture, transportation, display, dispensing, distribution, sale, or purchase of cannabis pursuant to law or regulation of the State of Oklahoma, Oklahoma political subdivision, or Oklahoma Indian Tribe that has jurisdiction over the Indian country.

“(B) DEFINITIONS.—For purposes of this paragraph:

“(i) CANNABIS.—The term ‘cannabis’ has the meaning given the term ‘marihuana’ in section 102 of the Controlled Substances Act (21 U.S.C. 802).

“(ii) CANNABIS-RELATED LEGITIMATE BUSINESS.—The term ‘cannabis-related legitimate business’ has the meaning given that term in section 14 of the OKLAHOMA SAFE Banking Act of 2020

“(iii) INDIAN COUNTRY.—The term ‘Indian country’ has the meaning given that term in section 1151 of title 18.

“(iv) INDIAN TRIBE.—The term ‘Indian Tribe’ has the meaning given that term in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a).

“(v) FINANCIAL SERVICE.—The term ‘financial service’ has the meaning given that term in section 14 of the OKLAHOMA SAFE Banking Act of 2020.

“(vi) SERVICE PROVIDER.—The term ‘service provider’ has the meaning given that term in section 14 of the OKLAHOMA SAFE Banking Act of 2020.

“(vii) STATE.—The term ‘State’ shall mean the State of “Oklahoma.”

(7) SEC. 7. GUIDANCE AND EXAMINATION PROCEDURES.

Not later than 90 days after the date of passage of this Article, the Oklahoma Banking Department shall develop uniform guidance and examination procedures for depository institutions that provide financial services to licensed Oklahoma cannabis-related legitimate businesses and service providers.

(8) SEC. 8. ANNUAL DIVERSITY AND INCLUSION REPORT.

The Oklahoma state banking regulators shall issue an annual report to the Oklahoma Legislature containing—

- (1) information and data on the availability of access to financial services for licensed minority-owned and women-owned cannabis-related legitimate businesses; and
- (2) any regulatory or legislative recommendations for expanding access to financial services for licensed minority-owned and women-owned cannabis-related legitimate businesses.

(9) SEC. 9. BANKING SERVICES FOR HEMP BUSINESSES.

(1) the Agriculture Improvement Act of 2018 (Public Law 115–334) legalized hemp by removing it from the definition of “marihuana” under the Controlled Substances Act;

(2) despite the legalization of hemp, some Oklahoma hemp businesses (including producers, manufacturers, and retailers) continue to have difficulty gaining access to banking products and services; and

(3) Oklahoma businesses involved in the sale of hemp-derived cannabidiol (“CBD”) products are particularly affected, due to confusion about their legal status.

(b) OKLAHOMA BANKING REGULATOR HEMP BANKING GUIDANCE.—Not later than the end of the 90-day period beginning on the date of passage of this Article, the Oklahoma state banking regulators shall jointly issue guidance to financial institutions—

- (1) confirming the legality of hemp, hemp-derived CBD products, and other hemp-derived cannabinoid products, and the legality of engaging in financial services with businesses selling hemp, hemp-derived CBD products, and other hemp-derived cannabinoid products, after the enactment of the Agriculture Improvement Act of 2018; and

(2) to provide recommended best practices for financial institutions to follow when providing financial services and merchant processing services to businesses involved in the sale of hemp, hemp-derived CBD products, and other hemp-derived cannabinoid products.

(3) Monthly, Quarterly, Semi-Annual, Annual fees to hemp-derived CBD businesses will not exceed the fee schedule afforded to other businesses doing business with the Oklahoma financial institution.

(c) FINANCIAL INSTITUTION DEFINED.—In this section, the term “financial institution” shall mean any person providing financial services.

(10) SEC. 12. APPLICATION OF OKLAHOMA SAFE HARBORS TO HEMP AND CBD PRODUCTS.

(a) IN GENERAL.—Except as provided under subsection (b), the provisions of this Article (other than sections 6 and 10) shall apply to hemp (including hemp-derived cannabidiol and other hemp-derived cannabinoid products) in the same manner as such provisions apply to cannabis.

(b) RULE OF APPLICATION.—In applying the provisions of this Article described under subsection (a) to hemp, the definition of “cannabis-related legitimate business” shall be treated as excluding any requirement to engage in activity pursuant to the law of State of Oklahoma or Oklahoma political subdivision thereof.

(c) HEMP DEFINED.—In this section, the term “hemp” has the meaning given that term under section 297A of the Agricultural Marketing Act of 1946 (7 U.S.C. 1639o).

(11) SEC. 13. REQUIREMENTS FOR DEPOSIT ACCOUNT TERMINATION REQUESTS AND ORDERS.

(a) TERMINATION REQUESTS OR ORDERS MUST BE VALID.—

(1) IN GENERAL.—An appropriate Federal or Oklahoma banking agency may not formally or informally request or order an Oklahoma depository institution to terminate a specific customer account or group of customer accounts or to otherwise restrict or discourage an Oklahoma depository institution from entering into or maintaining a banking relationship with a specific customer or group of customers unless—

(A) the agency has a valid reason for such request or order; and

(B) such reason is not based solely on reputation risk.

(2) TREATMENT OF NATIONAL SECURITY THREATS.—If an appropriate Federal or Oklahoma banking agency believes a specific customer or group of customers is, or is acting as a conduit for, an entity which—

(A) poses a threat to national security;

(B) is involved in terrorist financing;

(C) is an agency of the Government of Iran, North Korea, Syria, or any country listed from time to time on the State Sponsors of Terrorism list;

(D) is located in, or is subject to the jurisdiction of, any country specified in subparagraph (C); or

(E) does business with any entity described in subparagraph (C) or (D), unless the appropriate Federal or Oklahoma banking agency determines that the customer or group of customers has used due diligence to avoid doing business with any entity described in subparagraph (C) or (D),

such belief shall satisfy the requirement under paragraph (1).

(b) NOTICE REQUIREMENT.—

(1) IN GENERAL.—If an appropriate Federal or Oklahoma banking agency formally or informally requests or orders an Oklahoma depository institution to terminate a specific customer account or a group of customer accounts, the agency shall—

(A) provide such request or order to the institution in writing; and

(B) accompany such request or order with a written justification for why such termination is needed, including any specific laws or regulations the agency believes are being violated by the customer or group of customers, if any.

(2) JUSTIFICATION REQUIREMENT.—A justification described under paragraph (1)(B) may not be based solely on the reputation risk to the depository institution.

(c) CUSTOMER NOTICE.—

(1) NOTICE REQUIRED.—Except as provided under paragraph (2) or as otherwise prohibited from being disclosed by law, if an appropriate Federal or Oklahoma banking agency orders a depository institution to terminate a specific customer account or a group of customer accounts, the depository institution shall inform the specific customer or group of customers of the justification for the customer's account termination described under subsection (b).

(2) NOTICE PROHIBITED.—

(A) NOTICE PROHIBITED IN CASES OF NATIONAL SECURITY.—If an appropriate Federal or Oklahoma banking agency requests or orders a depository institution to terminate a specific customer account or a group of customer accounts based on a belief that the customer or customers pose a threat to national security, or are otherwise described under subsection (a)(2), neither the depository institution nor the appropriate Federal or Oklahoma banking agency may inform the customer or customers of the justification for the customer's account termination.

(B) NOTICE PROHIBITED IN OTHER CASES.—If an appropriate Federal or Oklahoma banking agency determines that the notice required under paragraph (1) may interfere with an authorized criminal investigation, neither the depository institution nor the appropriate Federal or Oklahoma banking agency may inform the specific customer or group of customers of the justification for the customer's account termination.

(d) REPORTING REQUIREMENT.—Each appropriate Federal or Oklahoma banking agency shall issue an annual report to the Oklahoma Banking Department stating—

(1) the aggregate number of specific customer accounts that the department requested or ordered a depository institution to terminate during the previous year; and

(2) the legal authority on which the department relied in making such requests and orders and the frequency on which the agency relied on each such authority.

(e) DEFINITIONS.—For purposes of this section:

(1) APPROPRIATE FEDERAL AND STATE BANKING AGENCY.—The term “appropriate Federal or State (Oklahoma) banking agency” shall mean—

(A) the appropriate Federal or State of Oklahoma banking agency, as defined under section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813); and

(B) the National Credit Union Administration, in the case of an insured credit union.

(2) DEPOSITORY INSTITUTION.—The term “depository institution” shall mean—

(A) a depository institution, as defined under section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813); and

(B) an insured credit union.

(12) **SEC. 14. DEFINITIONS.**

In this Article:

(1) BUSINESS OF INSURANCE.—The term “business of insurance” has the meaning given such term in section 1002 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5481).

(2) CANNABIS.—The term “cannabis” has the meaning given the term “marihuana” in section 102 of the Controlled Substances Act (21 U.S.C. 802).

(3) CANNABIS PRODUCT.—The term “cannabis product” shall mean any article which contains cannabis, including an article which is a concentrate, an edible, a tincture, a cannabis-infused product, or a topical.

(4) CANNABIS-RELATED LEGITIMATE BUSINESS.—The term “cannabis-related legitimate business” shall mean a manufacturer, producer, or any person or company that—

(A) engages in any activity described in subparagraph (B) pursuant to a law established by Oklahoma, or a political subdivision of the State of Oklahoma, as determined by the State of Oklahoma or Oklahoma political subdivision; and

(B) participates in any Oklahoma licensed business or organized activity that involves handling cannabis or cannabis products, including cultivating, producing, manufacturing, selling, transporting, displaying, dispensing, distributing, or purchasing cannabis or cannabis products.

(5) OKLAHOMA DEPOSITORY INSTITUTION.—The term “Oklahoma depository institution” shall mean—

(A) a depository institution as defined in section 3(c) of the Federal Deposit Insurance Act (12 U.S.C. 1813(c));

(B) a Federal credit union as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752); or

(C) a State credit union as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752).

(6) OKLAHOMA BANKING REGULATOR.—The term “Oklahoma banking regulator” shall mean The Oklahoma Banking Department shares supervision of depository institutions with the following federal or state of Oklahoma bank regulators: the Federal Deposit Insurance Corporation, Federal Reserve Bank of Kansas City, and the National Credit Union Administration.

(7) FINANCIAL SERVICE.—The term “financial service”—

(A) shall mean a financial product or service, as defined in section 1002 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5481);

(B) includes the business of insurance;

(C) includes, whether performed directly or indirectly, the authorizing, processing, clearing, settling, billing, transferring for deposit, transmitting, delivering, instructing

to be delivered, reconciling, collecting, or otherwise effectuating or facilitating of payments or funds, where such payments or funds are made or transferred by any shall mean, including by the use of credit cards, debit cards, other payment cards, or other access devices, accounts, original or substitute checks, or electronic funds transfers;

(D) includes acting as a money transmitting business which directly or indirectly makes use of a depository institution in connection with effectuating or facilitating a payment for a cannabis-related legitimate business or service provider in compliance with section 5330 of title 31, United States Code, and any applicable Oklahoma State law; and

(E) includes acting as an armored car service for processing and depositing with a depository institution or a Federal reserve bank with respect to any monetary instruments (as defined under section 1956(c)(5) of title 18, United States Code.

(8) INDIAN COUNTRY.—The term “Indian country” has the meaning given that term in section 1151 of title 18.

(9) INDIAN TRIBE.—The term “Indian Tribe” has the meaning given that term in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a).

(10) INSURER.—The term “insurer” has the meaning given that term under section 313(r) of title 31, United States Code.

(11) MANUFACTURER.—The term “manufacturer” shall mean a person who manufactures, compounds, converts, processes, prepares, or packages cannabis or cannabis products.

(12) PRODUCER.—The term “producer” shall mean a person who plants, cultivates, harvests, or in any way facilitates the natural growth of cannabis.

(13) SERVICE PROVIDER.—The term “service provider”—

(A) shall mean an Oklahoma licensed business, organization, or other person that—

(i) sells goods or services to a licensed Oklahoma cannabis-related legitimate business; or

(ii) provides any business services, including the sale or lease of real or any other property, legal or other licensed services, or any other ancillary service, relating to cannabis; and

(B) includes a business, organization, or other person that participates in any business or organized activity that involves handling cannabis or cannabis products, including cultivating, producing, manufacturing, selling, transporting, displaying, dispensing, distributing, or purchasing cannabis or cannabis products.

(14) STATE.—The term “State” Oklahoma.

§ 34. Annual Report to the Public.

- (1) The Oklahoma Medical Marijuana Authority shall provide to the public, in a written document, on their website, and published in the Tulsa World and the Daily Oklahoman (or other Oklahoma newspapers), an annual report, where all money received by the Authority has been allocated and used;
- (2) No additional rules, regulations, shall be enacted outside of this Article.

§ 35. Judicial Review.

- (1) Any rule or regulation adopted by the Oklahoma Medical Marijuana Authority pursuant to this Article must comply with the Oklahoma Administrative Procedures Act. Any person aggrieved by a final order is entitled to seek judicial review in accordance with Oklahoma law. If the Authority fails to timely promulgate rules required in this Article, any resident of the state may commence a mandamus action in district court to compel performance by the Oklahoma Medical Marijuana Authority in accordance with this Article;
- (2) No additional rules and or regulations shall be enacted outside of this Article.

§ 36. Severability.

- (1) This Article shall be construed as written in plain language to accomplish its purposes and intents. Nothing in this Article purports to supersede any applicable federal law, except where allowed by federal law. If any provision in this Article or the application thereof to any person or circumstance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Article that can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this Article are severable.

§ 37. Definitions.

Terms used in this Article mean:

- (1) “Adult” shall mean a person age eighteen (18) years old or older.
- (2) “Adult-Use” shall mean a person age eighteen (18) years or older who consumes/possesses marijuana and marijuana products and who does not have a Medical Marijuana license issued by Oklahoma Medical Marijuana Authority.
- (3) “Adult-Use Marijuana Business” shall mean an established licensed medical marijuana dispensary which is licensed to make adult use marijuana sales subject to this Article.
- (4) “Adult-Use Reciprocity” shall mean the practice of allowing adult-use marijuana users from states outside of Oklahoma who have legalized adult-use marijuana programs to purchase marijuana from an Oklahoma Medical Marijuana Authority licensed medical marijuana dispensary licensed to perform adult-use marijuana transaction while within the State of Oklahoma.
- (5) “Batch” shall be defined by each processor by unit manufactured.
- (6) “Board-Certified Physician” shall mean a Doctor of Medicine who is certified by a licensing medical board and is in good standing with the licensing medical board.
- (7) “Business License” shall mean a license issued by the Oklahoma Medical Marijuana Authority to a medical marijuana dispensary, grower, processor, testing laboratory, or transportation company.
- (8) “Caregiver” shall mean a person chosen by the patient, or a parent, stepparent, foster parent, guardian, and or grandparent to a minor, to assist the adult or minor patient with their medical marijuana medication and or medical marijuana home growing needs.
- (9) “Clone” shall mean an immature plant cut from a mother plant, sold to dispensaries by licensed growers, and sold to patients for home grows by dispensaries.
- (10) “Commercial Licensee” shall mean any person or entity issued a license by the Oklahoma Medical Marijuana Authority, or successor agency, to conduct commercial business in this state.
- (11) “Delivery Service” shall mean delivery of medical marijuana, medical marijuana products, and or medical marijuana accessories, by a dispensary, to a patient’s home or place of employment at the patient’s request.
- (12) “Dispensary” shall mean a place, licensed by Oklahoma Medical Marijuana Authority, where Medical Marijuana and Medical Marijuana products are dispensed.
- (13) "Disposal" shall mean disposition of medical marijuana waste by a process which renders the waste unusable and unrecognizable through physical destruction or a recycling process.

- (14) "Entity" shall mean an individual, a sole proprietorship, a general partnership, a limited partnership, a limited liability company, a trust, an estate, an association, a corporation, or any other legal or commercial entity.
- (15) "Entrance to a private or public school" shall mean the front door to the actual building where teaching of minor children attending a public or private elementary school, a public or private middle school, a public or private junior high school, and or a public or private high school.
- (16) "Grow" shall mean to spring up and develop to maturity: to be able to grow in some place or situation: to assume some relation through or as if through a process of natural growth; develop from a parent source; to cultivate marijuana.
- (17) "Grower" shall mean a person or entity licensed by the Oklahoma Medical Authority to grow medical marijuana.
- (18) "Hemp" shall mean the plant of the subfamily of cannabis, and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent on a dry weight basis.
- (19) "Home Grow" shall mean medical marijuana grown and harvested, by a patient or caregiver licensed by the Oklahoma Medical Marijuana Authority, in their home or on their property for personal consumption by the patient.
- (20) "Immature Plant" is a marijuana plant that has not started flowering (producing bud).
- (21) "Impaired" shall mean degraded coordination, memory, associative learning, attention, cognitive flexibility, and reaction time.
- (22) "Inhalant" shall mean a method of delivery of Medical Marijuana, including but not limited to: smokable flower, smokable concentrates, pre-rolls, nasal spray, inhaler and vaporizer.
- (23) "Label" shall mean a display written, printed, or graphic upon the immediate container/packaging of any article containing the requirements of this Article.
- (24) "License Number" shall mean the unique multi-character identifier issued and printed upon each license.
- (25) "Licensed Patient" shall mean a person has been issued a Medical Marijuana License pursuant to Oklahoma law and Oklahoma Medical Marijuana Authority regulations.
- (26) "Licensee" shall mean an entity licensed pursuant to this Article and the Oklahoma Medical Marijuana Authority rules.
- (27) "Local Government" shall mean a county, municipality, city, township, or other political subdivision.
- (28) "Marihuana/Marijuana" shall mean all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture or preparation of such plant, its seeds or resin, but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture or preparation on such mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of such plant which is incapable of germination.
- (29) "Marijuana Accessory" shall mean any equipment, product, or material, which is specifically designed for use in planting, breeding, growing, cultivating, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling, or otherwise introducing marijuana into the human body.
- (30) "Marijuana-Infused Product" shall mean marijuana, its resin, or an extract derived therefrom mixed with other ingredients for topical, oral, inhalant, or rectal administration. "Marijuana-Infused Product" does not include hemp or products manufactured with hemp.
- (31) A "Mature Plant" is a medical marijuana plant that is flowering (producing buds) and harvestable.
- (32) "Medical Marijuana" shall mean marijuana that is grown, processed, tested, dispensed, possessed and used for medicinal purposes.

- (33) “Medical Marijuana Business” shall mean an individual or entity licensed by the Oklahoma Medical Marijuana Authority as a medical marijuana dispensary, grower, processing, testing laboratory, or transportation agency.
- (34) “Medical Marijuana License” shall mean a license issued by the Oklahoma Medical Marijuana Authority proving the holder of such license is a Patient or Business entity of the Oklahoma State-Regulated Medical Marijuana program.
- (35) “Medical Marijuana Reciprocity” shall mean the practice of allowing medical marijuana patients from other states who have medical marijuana programs to purchase medical marijuana from a licensed medical marijuana dispensary while within the State of Oklahoma.
- (36) “Medical marijuana waste” or “waste” shall mean unused, surplus, returned or out-of-date marijuana, plant debris of the plant of the genus Cannabis, including dead plants and all unused plant parts and roots.
- (37) “Medical Professional” shall mean Nurse Practitioner, Physician’s Assistant and Oklahoma licensed medical physicians;
- (38) “Medicated” shall mean a person with an Oklahoma Medical Marijuana Authority Patient License who has ingested Medical Marijuana to treat an illness, ailment, malady, sickness, indisposition, infirmity, affliction, disease, disorder, etc.;
- (39) “Medicating” shall mean the act of orally, topically, inhaling, or rectally using Medical Marijuana for a medical condition.
- (40) “Minor” is a person who is younger than eighteen (18) years old.
- (41) “Mother plant” shall mean a marijuana plant that is grown or maintained for the purpose of generating clones.
- (42) “Municipality” shall mean any incorporated city or township.
- (43) “Officer of a corporate entity” or “Principal officer” shall mean an officer as identified in the corporate bylaws, articles of organization or other organizational documents, or in a resolution of the governing body.
- (44) “Oklahoma resident” shall mean a person who is a resident of the State of Oklahoma for a minimum of five years (5) consecutively (with documentation) or can prove ten years (10) of intermittent residency within the State of Oklahoma totaling five years (5) of residency within a ten year (10) period. (with documentation).
- (45) “Patient” shall mean an individual awaiting or under medical care and treatment, and for the purposes of this Article, is licensed as a patient by the Oklahoma Medical Marijuana Authority.
- (46) “Paraphernalia” shall mean any equipment, product, or material, which is specifically designed for use in planting, breeding, growing, cultivating, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling, or otherwise introducing marijuana into the human body.
- (47) “Pesticide(s)” shall mean (a) any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, or (b) any substance, or mixture of substances intended for use as a plant regulator, defoliant or desiccant. “Pesticide” shall not include any article that is a “new animal drug” as designated by the United States Food and Drug Administration. Organic plant foods, organic pest control, organic nutrients are not considered pesticides in this Article.
- (48) “Physician” shall mean a Doctor of Medicine.
- (49) “Processor” and or “medical marijuana processor” meaning a person or entity licensed by the Oklahoma Medical Marijuana Authority to operate a business including the production, manufacture, extraction, processing, creation of concentrate, medical marijuana infused products, or medical marijuana products described in this Article.
- (50) “School” shall mean a public or private elementary school, public or private middle school, public or private junior high school, public or private high school where minor children attend to obtain educational instruction. A homeschool, daycare, childcare facility, Technical School/Technical College, College, University, or other structure not primarily used for school classes for minor aged student instruction shall not be considered a “School” as used in this Article.
- (51) “Recreational Use” shall mean the use of a psychoactive drug to induce an altered state of consciousness for pleasure, by modifying the perceptions, feelings, and emotions of the

user. When a psychoactive drug enters the user's body, it induces an intoxicating effect. Generally, recreational drugs are in three categories: depressants (drugs that induce a feeling of relaxation and calm); stimulants (drugs that induce a sense of energy and alertness); and hallucinogens (drugs that induce perceptual distortions such as hallucination).

- (52) "Resident" shall mean a person who is a resident of the State of Oklahoma for a minimum of five years (5) consecutively (with documentation) or can prove ten years (10) of intermittent residency within the State of Oklahoma totaling five years (5) of residency within a ten year (10) period. (with documentation).
- (53) "Safety Sensitive Job" *shall mean any job that includes tasks or duties that the employer can articulate clearly and concisely and show the position is a dangerous position and can provide evidence that medicating while on the job could affect the safety and health of the employee performing the task or others.*
- (54) "Testing" shall mean to take measures to check the quality, performance, or reliability of (something), especially before putting it into widespread use or practice.
- (55) "Testing Facility" shall mean a facility which provides laboratory services to test samples for the presence of drugs or alcohol.
- (56) "THC" shall mean either of two physiologically active isomers $C_{21}H_{30}O_2$ that occur naturally in hemp plant resin or are synthetically prepared: one that is the chief intoxicant in marijuana and is used medicinally - called also *delta-9-tetrahydrocannabinol, delta-9-THC*.
- (57) "Unduly Burdensome" shall mean that the measure necessary to comply with the rules or ordinances adopted pursuant to this section subject licensees or potential licensees to such a high investment of money, time, or any other resources or asset that a reasonably prudent businessperson would not operate a marijuana business.
- (58) "Waste" shall mean unused, surplus, returned or out-of-date marijuana, plant debris of the plant of the genus *Cannabis*, including dead plants and all unused plant parts and roots.

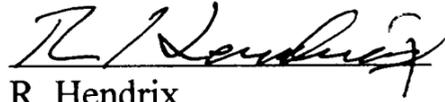
§ 38. Effective Date.

This Article shall become effective sixty (60) days after it is approved by the People, unless specified otherwise.

Name and Address of Proponents



Danna Malone
We Are 788
504 E 11th Place
Sand Springs, Oklahoma 74063
918-734-1347



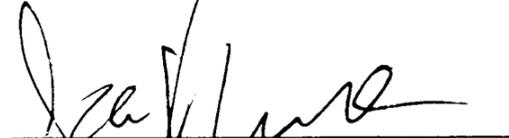
R. Hendrix
We Are 788
5874 S Mingo Road
Tulsa, Oklahoma 74063



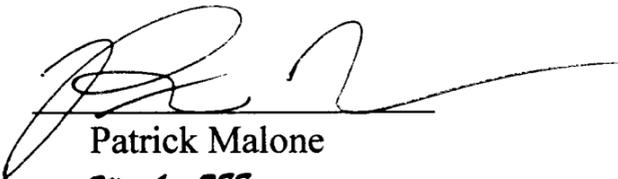
Sherri Taylor
We Are 788
1907 N 271
Grant, Oklahoma 74738
Stoned 4 Survival



Monica Green
We Are 788
6444 S Western Ave, Suite 200
Oklahoma City, Oklahoma 73139
The Green's Bakery



John Koumbis
We Are 788
10700 Secretariat Dr.
Mustang, Oklahoma



Patrick Malone
We Are 788
5874 S Mingo Road
Tulsa, Oklahoma 74146

This measure adds a new Article to the Constitution of the State of Oklahoma. This Article will heal State Question 788 which the Oklahoma State Legislatures, the Oklahoma Medical Marijuana Authority, the Oklahoma Bureau of Narcotics and Dangerous Drugs, the Oklahoma State Department of Health, Local Governments, has desecrated since 57% of Oklahoma voters passed SQ788 on the historic day of June 26, 2018. This Article will not only heal the damage created by those named above, it will responsibly legalize, regulate and tax Adult-Use Marijuana for persons aged 18 and older under state law.

1. _____
 Signature of Voter Print Name Address City Zip County

2. _____
 Signature of Voter Print Name Address City Zip County

3. _____
 Signature of Voter Print Name Address City Zip County

4. _____
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9. _____
 Signature of Voter Print Name Address City Zip County

10. _____
 Signature of Voter Print Name Address City Zip County

11. _____
 Signature of Voter Print Name Address City Zip County

12. _____
 Signature of Voter Print Name Address City Zip County

Michael Rogers
Secretary of State and Education



J. Kevin Stitt
Governor

OKLAHOMA SECRETARY OF STATE

March 13, 2020

Danna Malone
We Are 788
504 E 11th Place
Sand Springs, OK 74063

R. Hendrix
We Are 788
5874 S. Mingo Road
Tulsa, OK 74063

Sherri Taylor
We Are 788
1907 N 271
Grant, OK 74738

Dear Proponent(s):

This acknowledges receipt of the petition submitted to the Secretary of State office, which has been designated as **State Question Number 813, Initiative Petition Number 429** and filed accordingly this 13th day of March, 2020.

Per Title 34 O.S. Section 8, subsequent to the publication of the notice of filing of said petition, the apparent sufficiency or insufficiency thereof and notice that any citizen(s) of the state may file a protest as to the constitutionality of the petition, the Secretary of State will provide a notification to the proponent(s) of record, setting the date to begin circulation for signatures. The date set shall not be less than fifteen (15) days nor more than thirty (30) days from the date when all appeals, protests and rehearings have been resolved or the period for filing such has expired.

If I may provide any further assistance or should you have any questions, please do not hesitate to contact me.

Thank you,

A handwritten signature in black ink, appearing to read "Amy Canton".

Amy Canton
Director, Executive Legislative Services
405.522.4565 / executivelegislative@sos.ok.gov

Michael Rogers
Secretary of State and Education



J. Kevin Stitt
Governor

OKLAHOMA SECRETARY OF STATE

March 16, 2020

Ms. Cindy Shea
Oklahoma Press Service
3601 N. Lincoln
Oklahoma City, Oklahoma 73105

Dear Ms. Shea:

Please find enclosed the following for publication;

- Notice of Filing for State Question 813, Initiative Petition 429

Per Title 34 O.S. § 8, the publication must appear in at least one newspaper of general circulation in the State of Oklahoma. Please publish the enclosed notice in *The Oklahoman*, *Tulsa World*, and the *Journal Record* as soon as possible.

Also, upon the completion of publication, please provide our office with the corresponding Affidavits of Publication. Should you have any questions, please do not hesitate to contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "Amy Canton".

Amy Canton
Director, Executive Legislative Division
Oklahoma Secretary of State Office

**NOTICE OF THE FILING OF STATE QUESTION 813, INITIATIVE PETITION 429,
THE APPARENT SUFFICIENCY THEREOF, AND NOTICE TO CITIZENS OF THE
STATE THAT ANY SUCH PROTEST, AS TO THE CONSTITUTIONALITY OF SAID
PETITION, MUST BE FILED ACCORDINGLY WITHIN TEN (10) BUSINESS DAYS
AFTER THIS NOTICE (Okla. Stat. tit. 34, § 8)**

NOTICE is hereby given that on March 13, 2020, State Question 813, Initiative Petition 429 was filed in the Office of the Oklahoma Secretary of State.

NOTICE is also hereby given that State Question 813, Initiative Petition 429 is SUFFICIENT for filing with the Office of the Oklahoma Secretary of State.

NOTICE is likewise, hereby given, as provided in Title 34 Section 8 of the Oklahoma Statutes, that any citizen or citizens of the state may file a protest as to the constitutionality of said petition, by a written notice to the Supreme Court and to the proponent(s) filing the petition. Any such protest must be filed within ten (10) business days after publication of this notice. Also, a copy of any such protest shall be filed with the Office of the Oklahoma Secretary of State.

Proponents of record for State Question 813, Initiative Petition 429:

Danna Malone
We Are 788
504 E 11th Place
Sand Springs, OK 74063

R. Hendrix
We Are 788
5874 S. Mingo Road
Tulsa, OK 74063

Sherri Taylor
We Are 788
1907 N 271
Grant, OK 74738

Michael Rogers
Oklahoma Secretary of State and Education



THE OKLAHOMAN

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NOTICE OF THE FILING OF STATE QUESTION 813, INITIATIVE PETITION 429, THE APPARENT SUFFICIENCY THEREOF, AND NOTICE TO CITIZENS OF THE STATE THAT ANY SUCH PROTEST, AS TO THE CONSTITUTIONALITY OF SAID PETITION, MUST BE FILED ACCORDINGLY WITHIN TEN (10) BUSINESS DAYS AFTER THIS NOTICE (Okla. Stat. tit. 34, 8) NOTICE is hereby given that on March 13, 2020, State Question 813, Initiative Petition 429 was filed in the Office of the Oklahoma Secretary of State. NOTICE is also hereby given that State Question 813, Initiative Petition 429 is SUFFICIENT for filing with the Office of the Oklahoma Secretary of State. NOTICE is likewise, hereby given, as provided in Title 34 Section 8 of the Oklahoma Statutes, that any citizen or citizens of the state may file a protest as to the constitutionality of said petition, by a written notice to the Supreme Court and to the proponent(s) filing the petition. Any such protest must be filed within ten (10) business days after publication of this notice. Also, a copy of any such protest shall be filed with the Office of the Oklahoma Secretary of State. Proponents of record for State Question 813, Initiative Petition 429: Danna Malone R. Hendrix Sherri Taylor We Are 788 We Are 788 We Are 788 504 E 11th Place 5874 S. Mingo Road 1907 N 271 Sand Springs, OK 74063 Tulsa, OK 74063 Grant, OK 74738 Michael Rogers, Oklahoma Secretary of State and Education

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ORIGINAL

In RE: State Question #13
Initiative Petition No. 429

FILED
SUPREME COURT
STATE OF OKLAHOMA

Paul Taylor,
Petitioner/Protestant

v.
Danna Malone,
R. Hendrix,
Sheeri Taylor,
Minnie Green,
John Koumbis,
Patrick Malone
Respondents/Proponents

Case # **#118733**

| |
|-----------|
| ORIGINAL |
| Received |
| Mailed |
| Revised |
| Cancelled |
| Updated |

Petition in Protest to challenge the
Constitutionality of State Question
#13 Initiative Petition No. 429

RECEIVED

MAR 23 2020

CLERK'S OFFICE

I. Basis of Jurisdiction

a. The above-named Petitioner/Protestant
Paul Taylor, a citizen of the State of
Oklahoma, under the authority of Article
VI, Clause 2, United States Constitution,
14th Amendment of the United States

Common Law, duly recognized and
recognized by the mandatory authority of
United States v. Wong Kim Ark, 169 U.S.
649.

b. The Petitioner/Protestant is currently
incarcerated as prisoner of war on the
Establishment Clause, under the authority of
The Honorable April Siebert, District Court
of Tulsa County, for a misdemeanor conviction
of a State Statute, 21 O.S. 277, previously
declared unconstitutional and unenforceable
by the Oklahoma Court of Criminal Appeals, in
Walker v. State, 1977 OK CR 286.

c. Petitioner/Protestant duly files Petition in
Protest to Challenge the Constitutionality
of State Question 813, Initiative Petition No.
429, within ten (10) business days after
publication of notice to the public by the Oklahoma
Secretary of State, as per 34 O.S. 58(B).

II. Statement of Claim

a. "The power of the People to institute change
through the initiative process is a fundamental
characteristic of Oklahoma government;
recognized, established, and guaranteed
the Constitution of the United States,
Article 2, Section 1, Oklahoma Constitution

b. The Court must take judicial notice of Constitutions, and public Statutes in force in any State, Territory, and Jurisdiction by which the United States is bound by U.S. Courts.

Because Article 1, Section 1, Oklahoma Constitution, Article IV, Clause 2, United States Constitution, Sixth Amendment Clause 1, Clause, United States Supreme Court and Federal Court Controlled Substances, have already spoken and occupied the field, this Court is not free to give its own view of the law and the State Question, as challenged in this Petition as it pertains to the compelling interests involved.

4. Separation of Severability Clause of Initiative Petition 429, which is in 815 is a meaningless piece of legal effort repugnant to the United States Constitution, because the Initiative Petition does purport to supersede applicable federal law, specifically 21 U.S.C. 801, Controlled Substances Act.

Under the Supreme Court's jurisprudence, the Supreme Court has held that the Constitution, the Bill of Rights, and the Amendments are not subject to the United States Supreme Court's decisions, the Court must take mandatory judicial notice of clear and manifest facial constitutional conflicts, and that a positive conflict between the Controlled Substances Act and State Question 813.

Constitutional Article 429 cannot clearly and manifestly meet the same standards of compatible coexistence as expounded by *Quinn v. Wright*, 457 U.S. 955 (1982). The same compliance with both an Illinois statute and federal law was impossible.

Constitutional Article 429 is also unconstitutional and constitutionally infirmed because, like every state statute across thirty-three states, stands as an obstacle to the accomplishment and execution of the purposes and objectives of the Controlled Substances Act and Congress, as expounded by *Crawley v. National Foreign Trade Council*, 542 U.S. 233 (2004) and *Whitman v. American*

7. *United States v. Kellison*, 421 U.S. 116 (1975).
Kellison was a young person who
was a state, prisoner, and he was
not acting lawfully, and he was
in a state of emergency, and destruction
of their marijuana crops.

8. *United States v. Walsh*, 401 U.S. 109 (1971).
Walsh was a state, prisoner, and
he was not allowed to be given
marijuana, and he was
in a state of emergency, and
destruction of their marijuana crops.

9. *20 M. People v. Redden*, 290 Mich. App. 100
(1980).
Michigan Court advised that it was
prudent for the Michigan Court
to use marijuana.

10. *United States v. ...*
Court was not allowed to
use marijuana for limited immunity to law
enforcement. *Compassionate Use Act*, the
Court ultimately ruled that
possession of marijuana, even if it
is intended to be sold, grows only for
personal use, violated Court's
policy of not supporting or

It is quite apparent that the purpose of the above mentioned petition is to secure the removal of the respondent from office and to secure the appointment of a new person to the office.

Richard D. Johnson, 317 S.W.2d 201 (1959)
81 U.S. 100 (1871)
The Supreme Court ruled that the respondents were not entitled to their salary if employment was terminated before the destruction of the business. The respondents claimed that the business was destroyed by the respondents, but the Court held that the respondents were not liable for the destruction of the business. See *Johnson v. Johnson*, 317 S.W.2d 201 (1959).

ii. Petition 429 Section 31-32 clearly, manifestly, and unlawfully, contemplates a) act regulatory, b) state sponsored, c) continuing, d) enterprise, e) dealing in a controlled substance, manifestly, and elements for civil and criminal prosecution under 18 USC § 1961-1968 Racketeer Influenced and Corrupt Organizations Act (RICO).

iii. Petition 429 Section 33 clearly and manifestly, incites the Oklahoma State Legislature to act seditiously and treasonously in a financial coup d'etat of the federal banking system.

J. L. M. McCulloch, 1819, 11 U.S. 407, 316 (1819), a Maryland tax on the federally incorporated Bank of the United States, was tantamount to destruction of the federal institution.

V. The proposed Oklahoma Safe Banking Act would represent an act of sedition and treason, similar to calling for state secession from the financial Federal Union, tantamount to calling for the Confederated Cannabis States of America.

W. Article I, Section 1, Oklahoma Constitution can not be any clearer. In plain English, Oklahoma is part of the Federal Union, called the United States of America.

X. Article III, Clause 2, United States Constitution, can not be any clearer. In plain English, federal laws are the Supreme Laws of the Land.

Y. Tenth Amendment Commerce Clause can not be any clearer. In plain English, Congress is well within its constitutional powers to regulate both intra- and interstate commerce as it related to

to cultivate, process, transport, & use,
for most private purposes, marijuana.

2. The Controlled Substances Act
could for harsh penalties and as
amount of "limited immunity" from
state prosecution can ever be used as
affirmative defense against federal
prosecution. (21 USC 882)

aa. State Question 813 lulls the citizenry
of Colorado into a state of complacency,
by misleading voters into voting for
a pseudo sense of security from
lawful criminal prosecution by fickle
federal agents who may or may not
selectively prosecute either the most
heinous or benign offenders.

bb. Initiative Petitions to amend a practical
unamendable state constitution is not
the proper venue to end the war on
drugs.

cc. is philosophy of limited immunity from
state prosecution of persons involved
with marijuana in thirty three states
to force Congress to bend to the will of

III, Relief Sought

Based on the precedent rulings of Wickard and Raich, this Court has no choice but to strike Initiative Petition 429 State Question 813, from the ballot, by the People, in any form, to avoid both an expensive and futile signature-gathering and election.

State v. ... 1992 OK 122.

As it is administratively, less with controlled substance laws, but as it State Question 813 seek to regulate commercial, economic transaction of a valuable commodity, marijuana.

b. It is physically impossible to comply with 813 where one treats marijuana as a contraband, with no value to the human body, except to get "high," to be eradicated completely from the human body, and another, lower, is former State Statute 63 OS 420,

... "to ... the human body ..."

for simple possession of one ounce of marijuana.

C. Section 31, State Section 813 must be highly alarming to constitutionalists who still believe in the original concept of the Federal Union, as described by Federalist 33 and 44.

The constitutionally repugnant Section describes a 2.5% state excise tax on a federally regulated commodity, akin to the constitutionally repugnant Maryland tax on the federally incorporated Bank of the United States. This is an excise tax on a commodity, such as McCulloch v. Maryland.

D. Section 33(4)(c) incites the State Legislature to directly violate federal law, where business insurers are shield from federal prosecution, by a state constitution.

E. Section 33(4)(d)(i) presumes Federal Reserve Banks, Home Loan Banks, and other undefined "depository institutions" located

Within Oklahoma borders would not be subject to federal prosecution, exempt from Congressional power to regulate the entire field of intra- and inter-state banking under the mandatory authority of the Commerce Clause, as explained clearly and manifestly, in *Wickard v. Filburn*, *McCulloch v. Maryland*, and *Grain Processing*.

f. The proposal for this title is absolutely misleading to voters, where it states "This Article will head 'Marijuana 1888'." It quotes nothing of the 1888 statute "shall use Marijuana law" to treat marijuana users like the law for all other drugs in the State, such as drug abuse, reintegration, and education.

g. The entirety of the document is the Question 81 Logrolls. The majority of issues, everything from safe banking, civil penalties, to administrative minutes, resulting in a Constitutionally infirmed House bill that would never see light of day in the Committee, because

Of rampant, complete disregard of the
single subject rule, Article 5, Section
57, Oklahoma Constitution.

20 MAR 20

Paul Tay
DCM#1163908
David L. Moss CIC
300 N Denver
Tulsa, OK 74103
jailatm.com

1992
DENVER
11/103

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FILED
SUPREME COURT
STATE OF OKLAHOMA

SEP 28 2020

2020 OK 79
IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

JOHN D. HADDEN
CLERK

IN RE: STATE QUESTION No. 813,)
INITIATIVE PETITION No. 429)

FOR OFFICIAL PUBLICATION

PAUL TAY,)
Petitioner/Protestant,)

v.)

No. 118,733

DANNA MALONE, R. HENDRIX,)
SHERRI TAYLOR, MONICA)
GREEN, JOHN KOUMBIS, and)
PATRICK MALONE)

Respondents/Proponents.)

| | |
|--------------|---|
| Rec'd (date) | 9-28-20 |
| Posted | PK |
| Mailed | PK |
| Distrib | PK |
| Publish | <input checked="" type="checkbox"/> yes <input type="checkbox"/> no |

ORDER

¶ 1 Original jurisdiction is assumed. Okla. Const. art. VII, § 4; *In re Initiative Petition No. 409, State Question No. 785*, 2016 OK 51, ¶ 2, 376 P.3d 250, 252; 34 O.S. Supp.2015, § 8. Petitioner Paul Tay challenges the legal sufficiency of State Question No. 813, Initiative Petition No. 429. Upon review, we hold that State Question No. 813's gist is misleading as it fails to alert potential signatories of changes being made to the law or with sufficient information to make an informed decision about the proposed constitutional amendment. State Question No. 813 is declared invalid and ordered stricken from the ballot.

¶ 2 Petitioner asserts State Question 813 is unconstitutional because it violates the Supremacy Clause of the United States Constitution, U.S. Const. art. VI, cl. 2,

as well as Okla. Const., art. 1, § 1. Specifically, Petitioner contends State Question 813 directly conflicts with the Controlled Substances Act, 21 U.S.C. §§ 801-904, and the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. §§ 1961-1968. He also argues State Question 813 conflicts with the 10th Amendment of the United States Constitution. Finally, Petitioner challenges the ballot title of State Question 813 as misleading and claims that State Question 813 amounts to logrolling.

¶ 3 If enacted, State Question 813 would add a new article to the Oklahoma Constitution that would regulate and tax recreational and medical marijuana. The proposed article contains 38 sections, totaling 41 pages. State Question 813 seeks to establish a regulatory framework within the Constitution for recreational marijuana use (adult-use marijuana) and replace the current regulatory framework and the law for medical marijuana. State Question 813 sets a flat tax of 25% on all marijuana sales, while exempting marijuana sales from all other state, municipal, or other local taxes.

¶ 4 Proponents of State Question No. 813 have moved to dismiss Petitioner's protest as Petitioner did not serve copies of his challenge to State Question 813 on any of the Proponents when he initially filed his petition in protest. Citing Supreme Court Rule 1.4(g) and 12 O.S., § 2005(B), Proponents contend that failure to serve should result in dismissal. The Court directed Petitioner to serve Proponents with a copy of his protest, and Petitioner provided confirmation to the Court that he complied.

¶ 5 Petitioner’s challenge is governed by 34 O.S. Supp.2015, § 8(B). Section 8(B) requires that if a person chooses to file a protest to an initiative petition, that person must give written notice to this Court and to the proponents of the initiative petition. 34 O.S., §8(B). The person must also send a copy of the protest to the Secretary of State. This Court treats protests to initiative petitions as part of its original jurisdiction. Both Supreme Court Rules governing filings here, Rule 1.191(e) and Rule 1.4(g), provide no firm mandate for dismissal where a party does not initially serve original action filings. Finally, we are guided by precedent, and service of a protest to this Court or the Secretary of State “is sufficient notice to all parties.” *In re Initiative Petition No. 260, State Question No. 377*, 1956 OK 196, ¶ 8, 298 P.2d 753, 755. Petitioner complied with 34 O.S., § 8(b) and this Court’s Rules, albeit late and at this Court’s instruction. Therefore, we deny Proponents’ request to dismiss Petitioner’s protest.

¶ 6 We next turn to the Petitioner’s legal challenges. The right to propose amendments to the Oklahoma Constitution by initiative petition is a right “zealously” protected by the Court. *In re: State Question No. 807, Initiative Petition No. 423*, 2020 OK 57, ¶ 10. “[I]t is the duty of this Court to review the petition to ensure that it complies with the rights and restrictions established by the Oklahoma Constitution, legislative enactments, and this Court’s jurisprudence.” *Id.* ¶ 11. Petitioner bears a heavy burden to establish any infirmity with State Question 813, and any doubt “is resolved in favor of the initiative” petition. *Id.* ¶ 12.

¶ 7 The majority of Petitioner's legal challenges have already been decided by this Court. In *In re: State Question No. 807, Initiative Petition No. 423*, 2020 OK 57, ¶ 41, the Court rejected Petitioner's arguments that State Question 807 violated the supremacy clause of both the Oklahoma and United States Constitution. State Question 807, like State Question 813, seeks to legalize, regulate, and tax recreational marijuana. The *In re: State Question No. 807* Court held that the Controlled Substances Act does not preempt Oklahoma's ability to legalize, tax, or regulate marijuana. *Id.* ¶ 35. The Court also concluded that neither the 10th Amendment nor the anti-commandeering doctrine render SQ 807 unconstitutional. *Id.* ¶ 29. Finally, the Court concluded legalizing marijuana and taxing marijuana sales do not establish a violation of RICO. *Id.* ¶ 40. We apply those holdings to Petitioner's arguments here, and reject each.

¶ 8 Petitioner's next argument is that the ballot title of State Question 813 is misleading. Petitioner's challenge to the ballot title is premature. See 34 O.S., § 8(H). However, Petitioner timely filed his challenge to the legal sufficiency of the gist. See *id.* § 3; *In re: Initiative Petition No. 426, State Question No. 810*, 2020 OK 44, ¶ 6. We broadly construe Petitioner's argument here as he is proceeding *pro se* and the ballot title and gist are identical for State Question 813. Additionally, "this Court must review the petition to ensure that it complies with the 'parameters of the rights and restrictions [as] established by the Oklahoma Constitution, legislative enactments and this Court's jurisprudence.'" *In re Initiative Petition No. 384, State*

Question No. 731, 2007 OK 48, ¶ 2, 164 P.3d 125, 127 (quoting *In re Initiative Petition No. 379*, *State Question No. 726*, 2006 OK 89, ¶¶16, 155 P.3d 32, 38). A gist must present an outline, or rough sketch, of what the initiative petition will accomplish to fully inform potential signatories. See *Oklahoma's Children, Our Future, Inc. v. Coburn*, 2018 OK 55, ¶ 13, 421 P.3d 867, 871.

The gist of State Question 813 is as follows:

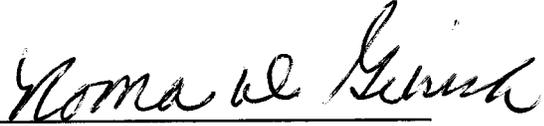
This measure adds a new Article to the Constitution of the State of Oklahoma. This Article will heal State Question 788 which the Oklahoma State Legislature, the Oklahoma Medical Marijuana Authority, the Oklahoma Bureau of Narcotics and Dangerous Drugs, the Oklahoma State Department of Health, Local Governments, has desecrated since 57% of Oklahoma voters passed SQ788 on the historic day of June 26, 2018. This Article will not only heal the damage created by those named above, it will responsibly legalize, regulate and tax Adult-Use Marijuana for persons aged 18 and older under state law.

¶ 9 Only the final clause of the final sentence of the gist provides any detail as to what State Question 813 intends to amend in the Oklahoma Constitution. As the Court explained in *In re Initiative Petition No. 409*, 2016 OK 51, ¶ 6, 376 P.3d at 253, a gist that “fails to alert potential signatories of the changes being made to the law and does not provide a potential signatory with sufficient information to make an informed decision about the true nature of the proposed constitutional amendment” renders an initiative petition invalid. Here, the Court need not engage in any detailed analysis as it is clear State Question 813's gist fails to inform potential signatories of the extensive changes that State Question 813 proposes. Just at a cursory glance, the gist does not inform signatories that it replaces all medical marijuana

laws and regulations, that it establishes an entire regulatory system for recreational marijuana, that it bars any further legislation, agency action, or local ordinance to regulate medical or recreational marijuana, that it exempts all marijuana sales from state and local taxes, and that it modifies banking regulations. State Question 813's gist is insufficient to inform signatories of the vast array of changes State Question 813 will make to existing law. We therefore hold that the gist does not fairly describe the proposed constitutional article and is invalid. The gist is not subject to amendment by this Court, and as a result, the only remedy is to strike the initiative petition from the ballot.

¶ 10 State Question No. 813, Initiative Petition No. 429 is declared invalid and ordered stricken from the ballot.

DONE BY ORDER OF THE SUPREME COURT IN CONFERENCE THIS 28th
DAY OF SEPTEMBER, 2020.


CHIEF JUSTICE

CONCUR: Gurich, C.J., Darby, V.C.J., Kauger, Winchester, Colbert, and Combs, JJ.
CONCURS IN RESULT: Edmondson, J.

CONCUR IN PART; DISSENT IN PART: Kane and Rowe (**by separate writing**), JJ.

KANE, J., concurring in part; dissenting in part:

"I dissent to the finding that State Question 813 is not preempted by the Controlled Substances Act, as noted in my dissent in *In re: State Question No. 807, Initiative Petition No. 423*, 2020 OK 57."