

FILED

APR 03 2018

OKLAHOMA SECRETARY
OF STATE

PROPOSED BALLOT TITLE.

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

FILED

APR 03 2018

OKLAHOMA SECRETARY
OF STATE

State Question No. **796**

Initiative Petition No. **417**

"WARNING"

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

Initiative Petition

To the Honorable Mary Fallin, Governor of Oklahoma:

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

.....

Be it enacted by the people of the State of Oklahoma that the Oklahoma constitution shall be amended by adding a new article 32, sections 1.A to 1.H and 2.A as follows:

Section 1 — Medical Marijuana

Section 1.A — General Provisions and Individual Qualifications:

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

which the Oklahoma Cannabis Commission will track the monthly movement of medical marijuana in Oklahoma. This will be done in a non-burdensome fashion and should not result in undue hardship or expense for the reporting entities.

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

Section 1.B — Individual Qualifications:

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

2. Possession of up to one (1) ounce of marijuana by persons who can prove a medical need, but not in possession of a state issued medical marijuana license, shall constitute a misdemeanor offense with a fine not to exceed \$400.
3. Possession of up to six (6) marijuana plants, by persons who can prove a medical need, but not in possession of a state issued medical marijuana license, shall constitute a misdemeanor offense with a fine not to exceed \$400.
4. The regulatory office established under the Oklahoma Cannabis Commission will receive applications for medical license recipients, dispensaries, growers, and packagers within 150 days of the passage of this initiative. The Oklahoma Cannabis Commission will:
 - a. Within 150 days of passage of this initiative, make available, on their website, in an easy to find location, an application for a medical marijuana license. The licenses will be good for a length of time of one (1) year. Application fee for medical marijuana patient license will be \$100. The methods of payment will be provided on the website.
 - b. Individuals whom are recipients of programs such as food stamps, Medicaid, or Medicare qualify for a reduction of cost of licensing in the amount of 80%. Proof of such program enrollment should accompany license application in order to receive fee reduction.
 - c. Medical marijuana license applicants will submit their application to the Oklahoma Cannabis Commission for approval and that the applicant must be an Oklahoma State resident and shall prove residency by a valid Oklahoma issued identification card, utility bills, or lease agreement.
 - d. The Oklahoma Cannabis Commission shall review the medical marijuana application; approve/reject the application and mail the applicant's approval or rejection letter (stating reasons for rejection) to the applicant within 14 days of receipt of the application. In cases such as rejection due to paperwork deficiency, applicant would have 14 days to correct issues and return forms without being charged additional fees. Approved applicants will be issued a medical marijuana license which will act as proof of their approved status.
 - e. The Oklahoma Cannabis Commission will only keep the following records for each approved medical license: a digital photograph of the license holder, the expiration date of the license, the county where the card was issued, and a unique 16-character alphanumeric identification number assigned to the license. The Oklahoma Cannabis Commission will make available, both on its website, and thru a telephone verification system, an easy method to validate a medical license holder's authenticity by the unique 16-character identifier. Further, the Oklahoma Cannabis Commission will ensure that all application records and information are sealed to protect the privacy of medical license applicants, and they shall not be subject to disclosure pursuant to any open record act.
 - f. All applicants must be 18 years of age or older. A special exception will be granted to an applicant under the age of 18; however, these applications must be signed by 2 physicians and the applicant's parent or legal guardian. All applications for a medical marijuana license must be signed by an Oklahoma Board certified physician. Qualifying conditions will be; Arthritis, Cancer, Ehler's Danlos Syndrome, Glaucoma, HIV/AIDS, Hepatitis C, Amyotrophic lateral sclerosis (ALS), Migraines, Muscular dystrophy, Crohn's disease, Multiple sclerosis, Chronic pancreatitis, post-traumatic stress disorder (PTSD),

Spinal cord injury or disease, Traumatic brain injury, Epilepsy, Seizures, Lupus, Parkinson's disease, Alzheimer's disease, Ulcerative colitis, Pain, Any severely debilitating or terminal medical condition that produces one or more of the following: Elevated intraocular pressure, Cachexia (wasting syndrome), Chronic obstructive pulmonary disease (COPD), Severe pain, Severe nausea/vomiting, Seizures, Severe muscle spasms. For any condition not listed a patient would need 2 doctor recommendations to qualify for medical card. A medical marijuana license must be recommended according to the accepted standards a reasonable and prudent physician would follow when recommending or approving any medication. No physician may be unduly stigmatized or harassed for signing a medical marijuana license application. As long as all criteria are met, applications will not be rejected.

- g. A caregiver license will be made available for qualified caregivers of a medical marijuana license holder who is homebound. Caregiver license will be a cost of no more than \$500 with an annual renewal fee of no more than \$250. Once licensed a caregiver may care for up to five (10) medical marijuana license holders. The caregiver license will give the caregiver the same rights as the medical license holder, as well as each licensee's individual plant counts and possession limits. Applicants for a caregiver license need to submit proof of the medical marijuana license holder's license status, must submit proof that the caregiver is age 21 or older, and must submit proof that the caregiver is an Oklahoma resident. This will be the only criteria for a caregiver license. Licensed caregivers will be issued a caregiver card which will give the cardholder the same rights as a medical marijuana licensee. Caregivers shall be subject to the same testing regulations as commercial growers.
- h. Felony drug conviction involving minors under the age of 18 that occur after an individual has obtained a medical marijuana license will result in disqualification from the medical marijuana license completely.

Section I.C — Retail Application, Qualifications, and Regulatory Provisions

The Oklahoma Cannabis Commission will within 150 days of passage of this initiative, make available, on their website, in an easy to find location, an application for medical marijuana retail license. Application fee will be \$2,500 and a method of payment will be provided on the website. Any entity and/or person applying for a retail license must be registered to do business in Oklahoma, and all members of any organization must have been continuous residents of the State of Oklahoma for the five (5) year period immediately preceding application. Additionally, no applicant may solicit, borrow, raise, or otherwise collect money from any individual that is not a resident of the State of Oklahoma, and no applicant may borrow money from a corporation and/or other legal entity wherein all any member and/or shareholder is not a resident of the State of Oklahoma.

The Oklahoma Cannabis Commission shall impose disclosure requirements related to source of funding to ensure that all investors, owners, and applicants are residents of the State of Oklahoma. The Oklahoma Cannabis Commission has two (2) weeks to review the application, approve or reject the application, and mail the approval/rejection letter (if rejected, stating reasons for rejection) to the applicant. In cases such as rejection due to paperwork deficiency, applicant would have 14 days to correct issues and return forms without being charged additional fees or penalties. This license will need to be renewed every year and is non-transferable. Cost of license will be set as medical marijuana retail license may not exceed, \$25,000.00, Yearly renewal \$2,500.00. In the event that an application is rejected for any reason, the application fee shall be refunded to the applicant.

1. Upon application approval, the applicant will have 30 days to pay for the medical marijuana dispensary retail license. The Oklahoma Cannabis Commission must approve all applications which meet the following criteria:
 - a. Applicant must be 21 years of age or older.
 - b. Entities applying for a license must be registered to conduct business in the state of Oklahoma.
 - c. All applicants must disclose all ownership.
 - d. Applicant(s) must have not had a felony conviction in the last five (5) years.
2. Retailers will be required to complete a monthly sales report and submit said report to the Oklahoma Cannabis Commission. This report will be due on the 20th of each month and provide reporting on the previous month's sales. This report will detail the weight of marijuana purchased at wholesale and the weight of marijuana sold to card holders, and account for any waste. Additionally, this report will show total sales in dollars, tax collected in dollars, and tax due in dollars. The Oklahoma Cannabis Commission will have oversight and auditing responsibilities to ensure that all marijuana being grown commercially is accounted for. A retailer will only be subject to a penalty if a gross discrepancy exists and cannot be explained. Penalties for fraudulent reporting will be a fine of up to \$5000 for each occurrence. Two occurrences within the same calendar year may result in revocation of license.
3. All products intended for resale must be tested for potency and impurities by a third-party laboratory. These tests will be referenced by batch number and listed on the label of all marijuana product packaging.
4. Only a licensed medical marijuana retailer may conduct retail sales of marijuana, or marijuana derivatives in the form provided by licensed processors, and that these products can only be sold to a medical marijuana license holder or their caregiver.

Section I.D — Growers Application, Qualifications, and Regulatory Provisions

1. The Oklahoma Cannabis Commission will within 150 days of passage of this initiative, make available, on their website, in an easy to find location, an application for a medical marijuana grower. Application fee will be \$2,500.00 and methods of payment will be provided on the OCC website. Any entity and/or person applying for a marijuana grower's license must be registered to do business in Oklahoma, and all members of any organization must have been continuous residents of the State of Oklahoma for the five (5) year period immediately preceding application. Additionally, no applicant may solicit, borrow, raise, or otherwise collect money from any individual that is not a resident of the State of Oklahoma, and no applicant may borrow money from a corporation and/or other legal entity wherein all any member and/or shareholder is not a resident of the State of Oklahoma.

The Oklahoma Cannabis Commission shall impose disclosure requirements related to source of funding to ensure that all investors, owners, and applicants are residents of the State of Oklahoma. The Oklahoma Cannabis Commission has two (2) weeks to review the application and mail the approval/rejection letter (if rejected, stating reasons for rejection) to the applicant. In cases such as rejection due to paperwork deficiency, applicant would have 14 days to correct issues and return forms without being charged additional fees. This license is non-transferable. Cost of license will be set as medical marijuana retail license may not exceed, \$25,000.00, Yearly renewal \$2,500.00. Upon approval of growers application, the applicant shall have 30 days from the date of approval to pay the license fee. The Oklahoma Cannabis

Commission must approve all applications which meet the following criteria:

- a. Applicants must be 21 years of age or older.
 - b. Entities applying for a license must be registered to conduct business in the state of Oklahoma.
 - c. All applicants must disclose all ownership.
 - d. Applicant(s) must have not had a felony conviction in the last (5) years.
2. A licensed grower may sell marijuana to a licensed retailer, or a licensed packager/processor. Under no circumstances may a licensed grower sell marijuana directly to a medical marijuana license holder. Further, these sales will be considered wholesale sales and not subject to taxation. If the federal government lifts restrictions on buying and selling marijuana between states, then a licensed grower would be allowed to buy and sell marijuana wholesale from, or to, an out of state wholesale provider, retailer, or packager/processor. Growers will be required to complete a monthly yield and sales report. Monthly reports will go to the Oklahoma Cannabis Commission by the 20th of each month and report on the previous months yield and sales. This report will detail amount of marijuana harvested in lbs., the amount of marijuana drying on hand, the amount of marijuana sold to processors in lbs., the amount of waste in lbs., and the amount of marijuana sold to retailers in lbs. In addition, this report will show total wholesale sales in dollars. The Oklahoma Cannabis Commission will have oversight and auditing responsibility to ensure that all marijuana being grown is accounted for. A licensed grower will only be subject to a penalty if a gross discrepancy exists and cannot be explained. Penalties for fraudulent reporting or sales will be a fine of up to \$5000 for each occurrence. Two occurrences within the same calendar year may result in revocation of license.
3. There are no limits as to how many marijuana plants a licensed grower may grow.

Section 1.E—Concentrate Extraction Application, Qualifications, and Regulatory Provisions

1. The Oklahoma Cannabis Commission will within 30 days of passage of this initiative, make available, on their website, in an easy to find location, an application for a medical marijuana concentrate extraction license. Application fee will be \$2,500.00 and methods of payment will be provided on the website. Any entity and/or person applying for a marijuana concentrate extraction license must be registered to do business in Oklahoma, and all members of any organization must have been continuous residents of the State of Oklahoma for the five (5) year period immediately preceding application. Additionally, no applicant may solicit, borrow, raise, or otherwise collect money from any individual that is not a resident of the State of Oklahoma, and no applicant may borrow money from a corporation and/or other legal entity wherein all any member and/or shareholder is not a resident of the State of Oklahoma. The Oklahoma Cannabis Commission shall impose disclosure requirements related to source of funding to ensure that all investors, owners, and applicants are residents of the State of Oklahoma. The Oklahoma Cannabis Commission has two (2) weeks to review the application and mail the approval/rejection letter (if rejected, stating reasons for rejection) to the applicant. In cases such as rejection due to paperwork deficiency, applicant would have 14 days to correct issues and return forms without being charged additional fees. This license is non-transferable. Cost of license will be set as medical marijuana concentrate extraction license may not exceed, \$15,000.00, Yearly renewal \$1,500.00. Upon approval of medical marijuana concentrate extraction application the applicant shall have 30 days from the date of approval to pay the license fee. The Oklahoma Cannabis Commission must approve all applications

which meet the following criteria:

- a. Applicant must be 21 years of age or older.
 - b. Entities applying for a license must be registered to conduct business in the state of Oklahoma.
 - c. All applicants must disclose all ownership.
 - d. Applicant(s) must have not had a felony conviction in the last five (5) years.
 - e. Applicant(s) extraction facility meets safety standards set by the Oklahoma Cannabis Commission.
2. A licensed processor may take marijuana plants and distill these plants into concentrates, edibles, and other forms for consumption. Per section 1.E- 1.c., provides that the Oklahoma Cannabis Commission will, within 150 days of passage of this initiative, make available a set of standards which will be used by licensed processors to ensure safety during the extraction process in the preparation of concentrated marijuana products. There should not be excessive or punitive rules established by the Oklahoma Cannabis Commission. Once a year, the Oklahoma Cannabis Commission shall inspect an extraction facility to determine compliance with standards. If deficiencies are found, a written report of deficiency will be issued to the operator. The operator will have fifteen (15) days to correct said deficiency or be subject to a fine of no more than \$5,000 per deficiency. A licensed concentrate extractor may sell marijuana products it creates to a licensed retailer or another licensed operator. Further, these sales will be considered wholesale sales and not subject to taxation. Under no circumstances may a licensed concentrate extractor sell marijuana or any marijuana product, directly to a medical marijuana license holder. Operators may perform for a fee, extraction services for medical marijuana license holders or caregivers with product supplied by said license holder or caregiver. Operators will be required to complete a monthly yield and sales report. Monthly reports will go to the Oklahoma Cannabis Commission by the 20th of each month and report on the previous months yield and sales. This report will detail amount of marijuana purchased in lbs., amount of extracted marijuana concentrates in lbs., and amount of waste in lbs. In addition, this report will account for total wholesale sales in dollars. The Oklahoma Cannabis Commission will have oversight and auditing responsibility to ensure that all marijuana being processed is accounted for. A licensed concentrate extraction operator will only be subject to a penalty if a gross discrepancy exists and cannot be explained. Penalties for fraudulent reporting or sales will be a fine of up to \$5000 for each occurrence. Two occurrences within the same calendar year may result in revocation of license.

Section 1.F— Marijuana Edible Processing Application, Qualifications, and Regulatory Provisions

1. The Oklahoma Cannabis Commission will within 150 days of passage of this initiative, make available, on their website, in an easy to find location, an application for a medical marijuana processing license. Application fee will be \$2,500.00 and methods of payment will be provided on the website. Any entity and/or person applying for a marijuana edible processing license must be registered to do business in Oklahoma, and all members of any organization must have been continuous residents of the State of Oklahoma for the five (5) year period immediately preceding application. Additionally, no applicant may solicit, borrow, raise, or otherwise collect money from any individual that is not a resident of the State of Oklahoma, and no applicant may borrow money from a corporation and/or other legal entity wherein all any member and/or shareholder is not a resident of the State of Oklahoma. The Oklahoma Cannabis Commission shall impose disclosure

requirements related to source of funding to ensure that all investors, owners, and applicants are residents of the State of Oklahoma. The Oklahoma Cannabis Commission has two (2) weeks to review the application and mail the approval/rejection letter (if rejected, stating reasons for rejection) to the applicant. In cases such as rejection due to paperwork deficiency, applicant would have 14 days to correct issues and return forms without being charged additional fees. This license is non-transferable. Cost of license will be set as medical marijuana concentrate extraction license may not exceed, \$25,000.00, Yearly renewal \$2,500.00. The Oklahoma Cannabis Commission must approve all applications which meet the following criteria:

- a. Applicant must be 21 years of age or older.
 - b. Entities applying for a license must be registered to conduct business in the state of Oklahoma.
 - c. All applicants must disclose all ownership.
 - d. Applicant(s) must have not had a felony conviction in the last five (5) years.
 - e. Applicant(s) facility must meet food preparation standards set forth by the Oklahoma State Department of Health.
2. A licensed edible marijuana processor may use marijuana plants and concentrates to produce edibles, and other forms for consumption. Per section 1.A- 2.c., provides that the Oklahoma Cannabis Commission will, within 150 days of passage of this initiative, make available a set of standards which will be used by licensed processors in the preparation of edible marijuana products. This should be in line with current food preparation guidelines and no excessive or punitive rules may be established by the Oklahoma Cannabis Commission. Once a year, the Oklahoma Cannabis Commission may inspect a processing operation and determine compliance with standards. If deficiencies are found, a written report of deficiency will be issued to the processor. The processor will have one (1) week to correct said deficiency or be subject to a \$500 fine per deficiency. A licensed processor may sell marijuana products it creates to a licensed retailer or another licensed processor. Further, these sales will be considered wholesale sales and not subject to taxation. Under no circumstances may a licensed processor sell marijuana or any marijuana product, directly to a medical marijuana license holder. Processors will be required to complete a monthly yield and sales report. Monthly reports will go to the Oklahoma Cannabis Commission by the 20th of each month and report on the previous months yield and sales. This report will detail amount of marijuana purchased in lbs., amount of marijuana cooked or processed in lbs., and amount of waste in lbs. In addition, this report will account for total wholesale sales in dollars. The Oklahoma Cannabis Commission will have oversight and auditing responsibility to ensure that all marijuana being processed is accounted for. A licensed processor will only be subject to a penalty if a gross discrepancy exists and cannot be explained. Penalties for fraudulent reporting or sales will be a fine of up to \$5000 for each occurrence. Two occurrences within the same calendar year may result in revocation of license.

Section I.G — Transportation

1. The Oklahoma Cannabis Commission will within 30 days of passage of this initiative, make available, on their website, in an easy to find location, an application for a license to transport of all types of marijuana intended for wholesale distribution to or from; a marijuana retail dispensary, cultivation growing operation, or processing facility. Application fee will be \$500.00, and methods of

payment will be provided on the website. Any entity and/or person applying for a transport license must be registered to do business in Oklahoma, and all members of any organization must have been continuous residents of the State of Oklahoma for the five (5) year period immediately preceding application. Additionally, no applicant may solicit, borrow, raise, or otherwise collect money from any individual that is not a resident of the State of Oklahoma, and no applicant may borrow money from a corporation and/or other legal entity wherein all any member and/or shareholder is not a resident of the State of Oklahoma. The Oklahoma Cannabis Commission shall impose disclosure requirements related to source of funding to ensure that all investors, owners, and applicants are residents of the State of Oklahoma. The Oklahoma Cannabis Commission has two (2) weeks to review the application and mail the approval/rejection letter (if rejected, stating reasons for rejection) to the applicant. In cases such as rejection due to paperwork deficiency, applicant would have 14 days to correct issues and return forms without being charged additional fees. This license is non-transferable. Cost of license will be set as. medical marijuana Transportation license and may not exceed \$10,000.00. The Oklahoma Cannabis Commission must approve all applications which meet the following criteria:

- a. Applicant must be 21 years of age or older.
 - b. Entities applying for a license must have a valid Oklahoma driver's license.
 - c. Applicant(s) must have not had a felony conviction in the last five (5) years.
2. A marijuana transportation license issued to qualified applicants will be required for transport on public roads of all marijuana intended for wholesale distribution to or from:
- a. A marijuana retail dispensary.
 - b. Cultivation growing operation.
 - c. Processing facility.
3. A transportation license will allow the holder, to transport on public roads, marijuana to and from any Oklahoma licensed medical marijuana retailer, licensed grow facility, or licensed processing facility. All marijuana or marijuana products intended for resale must be transported in a locked container and clearly labeled "Medical Marijuana or Derivative".

Section 1.H — Discrimination Prohibited

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

3. For the purposes of medical care, including organ transplants, a registered qualifying patient's authorized use of marijuana must be considered the equivalent use of any other medication under the direction of a physician and does not constitute the use of an illicit substance or otherwise disqualify a registered qualifying patient from medical care.
4. No medical marijuana license holder may be denied custody of or visitation or parenting time with a minor, and there is no presumption of neglect or child endangerment for conduct allowed under this chapter, unless the person's behavior creates an unreasonable danger to the safety of the minor as established by clear and convincing evidence.
5. No person holding a medical marijuana license may unduly be withheld from holding a state issued license by virtue of their being a medical marijuana license holder. This would include such things as a concealed carry permit.
6. No city or local municipality may unduly change or restrict zoning laws to prevent the opening of a marijuana establishment.
7. No city or local municipality may unduly change or restrict zoning laws to prevent medical marijuana license holders from owning, renting, or leasing property at which medical marijuana may be grown.
8. No financial institution may deny medical marijuana businesses or industrial hemp businesses services by virtue of the nature of their business unless to do so would result in loss of employment, enrollment of coverage, or loss of monetary or licensing related benefit under federal law or regulations.
9. No commercial insurer may deny medical marijuana businesses or industrial hemp businesses services by virtue of the nature of their business unless to do so would result in loss of employment, enrollment of coverage, or loss of monetary or licensing related benefit under federal law or regulations.
10. Medical marijuana license holders may not be charged with DUI or DWI or any other charge of marijuana intoxication or impairment based on the results of blood, urine, breath test, or odor of marijuana. A field sobriety test must be administered to prove impairment to charge a medical marijuana licensed patient to be charged with DUI or DWI. These field sobriety test must be videoed to be used as evidence of impairment.

Section 2 — Industrial Hemp

Section 2.A — General Provisions:

1. Provides that any marijuana plant containing 0.3% or less tetrahydrocannabinol (THC) will be considered Industrial Hemp and excluded from the definition of marijuana.
2. Allows for possession, growing, selling, and processing of Industrial Hemp and Industrial Hemp products by anyone in the state of Oklahoma provided that the following requirements are met:
 - a. Individuals who intend to grow Industrial Hemp must register with the Oklahoma State Department of Agriculture.

- b. Individuals may not grow Industrial Hemp in close proximity to medical marijuana in order to otherwise disguise the marijuana growth.
- c. Crops of Industrial Hemp are subject to inspection by the Oklahoma State Department of Agriculture.

Name and Address of Proponent(s):
Green The Vote LLC
1815 East 15th Street
Tulsa Oklahoma 74104

This measure, if passed, would amend the constitution of the State of Oklahoma and allow for the classification of marijuana as an herbal drug regulated by the Oklahoma Cannabis Commission and permits the use of medical marijuana as recommended by a board-certified physician. It allows for the growth of medical marijuana, processing of medical marijuana, and retail sale of medical marijuana by state licensed entities. It allows for licensed medical marijuana patients to possess, consume, grow, and process medical marijuana. This measure would also exclude marijuana plants with 0.3% or less THC from the definition of marijuana and reclassify it as industrial hemp, which could be grown, processed, and sold by persons or entities after registering said crops with the Oklahoma State Department of Agriculture.

"WARNING"

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

	SIGNATURE	PRINTED NAME	ADDRESS	CITY	ZIP	COUNTY
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AFFIDAVIT

STATE OF OKLAHOMA)
)
COUNTY OF _____)

I, _____, being first duly sworn say:
That I am at least eighteen (18) years old and that all signatures on the signature sheet were signed in my presence; I believe that each has stated his or her name, mailing address, and residence correctly, and that each signer is a legal voter of the State of Oklahoma.

Circulator's Signature

Post Office Address

City Zip code

Subscribed and sworn to before me this ____ day of _____ 2018.

(Affix Seal Here)

Notary Public

Post Office Address

City Zip code

My Commission Number is: _____

My Commission Expires: _____

Tod Wall
Secretary of State



Mary Fallin
Governor

OKLAHOMA SECRETARY OF STATE

FILED

APR 03 2018

**OKLAHOMA SECRETARY
OF STATE**

April 3, 2018

Green the Vote LLC
1815 East 15th Street
Tulsa, Oklahoma 74104

Dear Proponent(s):

This acknowledges receipt of the petition submitted to the Secretary of State office, which has been designated as **State Question Number 796, Initiative Petition Number 417** and filed accordingly this 3rd day of April 2018.

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 we may provide any further assistance or should you have any questions, please do not hesitate to contact Amy Canton, Executive Legislative Division (executivelegislative@sos.ok.gov / 405-522-4565).

Thank you,

Amy Canton
Executive Legislative Division
OKLAHOMA SECRETARY OF STATE OFFICE

NOTICE OF THE FILING OF STATE QUESTION 796, INITIATIVE PETITION 417, 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 April 3, 2018, State Question 796, Initiative Petition 417 was filed in the Office of the Oklahoma Secretary of State.

NOTICE is also hereby given that State Question 796, Initiative Petition 417 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 796, Initiative Petition 417:

Green the Vote LLC
1815 East 15th Street
Tulsa, Oklahoma 74104

Tod Wall
Oklahoma Secretary of State

Oklahoma Press Service

3601 North Lincoln Blvd.
Oklahoma City, OK 73105-
Voice (405) 499-0020 Fax (405) 499-0048

Tuesday, April 10, 2018 11:56 AM

Page 1

Proof of Publication Order Number 18-04-23

I, Cindy Shea, of lawful age, being duly sworn upon oath, deposes and says: That I am the Authorized Agent of OK-JOURNAL RECORD, a Daily newspaper printed and published in the city of OKLAHOMA CITY, county of Oklahoma, and state of Oklahoma, and that the advertisement referred to, a true and printed copy of which is here unto attached, was published in said OK-JOURNAL RECORD in consecutive issues on the following dates-to-wit:

Insertion: 04/09/2018

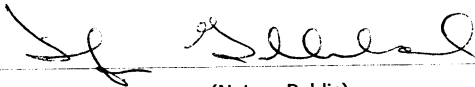
That said newspaper has been published continuously and uninterruptedly in said county during a period of one-hundred and four consecutive weeks prior to the publication of the attached notice or advertisement; that it has been admitted to the United States mail as second-class mail matter; that it has a general paid circulation, and publishes news of general interest, and otherwise conforms with all of the statutes of the Oklahoma governing legal publications.

PUBLICATION FEE \$33.05

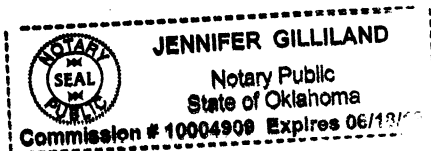


(Editor, Publisher or Authorized Agent)

SUBSCRIBED and sworn to me this
10 day of April 2018.



(Notary Public)



NOTICE OF THE FILING OF STATE QUESTION 796, INITIATIVE PETITION 417, 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)

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Insertion: 04/09/2018

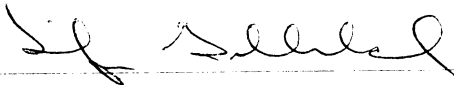
That said newspaper has been published continuously and uninterruptedly in said county during a period of one-hundred and four consecutive weeks prior to the publication of the attached notice or advertisement; that it has been admitted to the United States mail as second-class mail matter; that it has a general paid circulation, and publishes news of general interest, and otherwise conforms with all of the statutes of the Oklahoma governing legal publications.

PUBLICATION FEE \$33.30

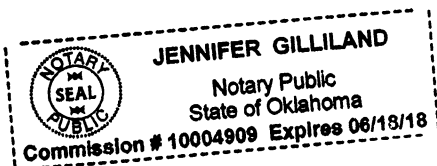


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Tulsa, Oklahoma 74104

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Insertion: 04/09/2018

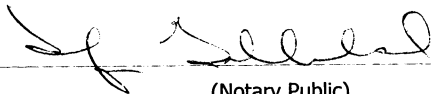
That said newspaper has been published continuously and uninterrupted in said county during a period of one-hundred and four consecutive weeks prior to the publication of the attached notice or advertisement; that it has been admitted to the United States mail as second-class mail matter; that it has a general paid circulation, and publishes news of general interest, and otherwise conforms with all of the statutes of the Oklahoma governing legal publications.

PUBLICATION FEE \$33.05

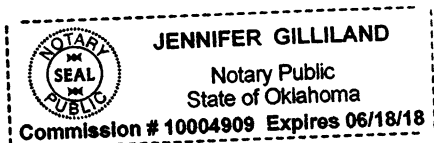
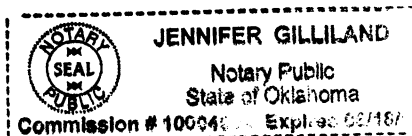


(Editor, Publisher or Authorized Agent)

SUBSCRIBED and sworn to me this
10 day of April 2018.



(Notary Public)



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Proponents of record for State Question 796, Initiative Petition 417:

Green the Vote LLC
1815 East 15th Street
Tulsa, Oklahoma 74104

Tod Wall
Oklahoma Secretary of State

Tod Wall
Secretary of State



Mary Fallin
Governor

OKLAHOMA SECRETARY OF STATE

April 23, 2018

Green the Vote LLC
1815 East 15th Street
Tulsa, Oklahoma 74104

Dear Proponent(s):

Per Title 34, Section 8 of the Oklahoma Statutes, no appeals or protests for rehearing have been filed and the period for such has expired, therefore notice is hereby given that the signature gathering period for **State Question Number 796, Initiative Petition Number 417** is set to begin on May 11, 2018 and all signatures are due within ninety (90) days of the date set. Signatures will not be accepted for filing after 5:00 p.m. on August 8, 2018. The current signature requirement for amendments or additions to the Oklahoma Constitution is 123,725.

Please find enclosed two true and accurate copies of said petition on record with the Secretary of State, plus a copy of the current signature requirements for statewide petitions as certified by the Secretary of the Oklahoma State Election Board.

If we may provide any further assistance or should you have any questions, please do not hesitate to contact our office (405-522-4565 or executivelegislative@sos.ok.gov).

Thank you,

Amy Canton
Executive Legislative Division
OKLAHOMA SECRETARY OF STATE OFFICE

FILED

APR 03 2018

OKLAHOMA SECRETARY
OF STATE

State Question No. **796**

Initiative Petition No. **417**

"WARNING"

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

Initiative Petition

To the Honorable Mary Fallin, Governor of Oklahoma:

We, the undersigned legal voters of the State of Oklahoma, respectfully order that the following proposed amendment to the constitution shall be submitted to the legal voters of the State of Oklahoma for their approval or rejection at the regular general election to be held on the ___ day of November, 20___, and each for himself says: I have personally signed this petition; I am a legal voter of the State of Oklahoma; my residence or post office are correctly written after my name. The time for filing this petition expires ninety (90) days from May 11, 2018. The question we herewith submit to our fellow voters is: Shall the following proposed amendment to the Constitution be approved?

.....
Be it enacted by the people of the State of Oklahoma that the Oklahoma constitution shall be amended by adding a new article 32, sections 1.A to 1.H and 2.A as follows:

Section 1 — Medical Marijuana

Section 1.A — General Provisions and Individual Qualifications:

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

which the Oklahoma Cannabis Commission will track the monthly movement of medical marijuana in Oklahoma. This will be done in a non-burdensome fashion and should not result in undue hardship or expense for the reporting entities.

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

Section 1.B — Individual Qualifications:

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

2. Possession of up to one (1) ounce of marijuana by persons who can prove a medical need, but not in possession of a state issued medical marijuana license, shall constitute a misdemeanor offense with a fine not to exceed \$400.
3. Possession of up to six (6) marijuana plants, by persons who can prove a medical need, but not in possession of a state issued medical marijuana license, shall constitute a misdemeanor offense with a fine not to exceed \$400.
4. The regulatory office established under the Oklahoma Cannabis Commission will receive applications for medical license recipients, dispensaries, growers, and packagers within 150 days of the passage of this initiative. The Oklahoma Cannabis Commission will:
 - a. Within 150 days of passage of this initiative, make available, on their website, in an easy to find location, an application for a medical marijuana license. The licenses will be good for a length of time of one (1) year. Application fee for medical marijuana patient license will be \$100. The methods of payment will be provided on the website.
 - b. Individuals whom are recipients of programs such as food stamps, Medicaid, or Medicare qualify for a reduction of cost of licensing in the amount of 80%. Proof of such program enrollment should accompany license application in order to receive fee reduction.
 - c. Medical marijuana license applicants will submit their application to the Oklahoma Cannabis Commission for approval and that the applicant must be an Oklahoma State resident and shall prove residency by a valid Oklahoma issued identification card, utility bills, or lease agreement.
 - d. The Oklahoma Cannabis Commission shall review the medical marijuana application; approve/reject the application and mail the applicant's approval or rejection letter (stating reasons for rejection) to the applicant within 14 days of receipt of the application. In cases such as rejection due to paperwork deficiency, applicant would have 14 days to correct issues and return forms without being charged additional fees. Approved applicants will be issued a medical marijuana license which will act as proof of their approved status.
 - e. The Oklahoma Cannabis Commission will only keep the following records for each approved medical license: a digital photograph of the license holder, the expiration date of the license, the county where the card was issued, and a unique 16-character alphanumeric identification number assigned to the license. The Oklahoma Cannabis Commission will make available, both on its website, and thru a telephone verification system, an easy method to validate a medical license holder's authenticity by the unique 16-character identifier. Further, the Oklahoma Cannabis Commission will ensure that all application records and information are sealed to protect the privacy of medical license applicants, and they shall not be subject to disclosure pursuant to any open record act.
 - f. All applicants must be 18 years of age or older. A special exception will be granted to an applicant under the age of 18; however, these applications must be signed by 2 physicians and the applicant's parent or legal guardian. All applications for a medical marijuana license must be signed by an Oklahoma Board certified physician. Qualifying conditions will be; Arthritis, Cancer, Ehrler's Danlos Syndrome, Glaucoma, HIV/AIDS, Hepatitis C, Amyotrophic lateral sclerosis (ALS), Migraines, Muscular dystrophy, Crohn's disease, Multiple sclerosis, Chronic pancreatitis, post-traumatic stress disorder (PTSD),

Spinal cord injury or disease, Traumatic brain injury, Epilepsy, Seizures, Lupus, Parkinson's disease, Alzheimer's disease, Ulcerative colitis, Pain, Any severely debilitating or terminal medical condition that produces one or more of the following: Elevated intraocular pressure, Cachexia (wasting syndrome), Chronic obstructive pulmonary disease (COPD), Severe pain, Severe nausea/vomiting, Seizures, Severe muscle spasms. For any condition not listed a patient would need 2 doctor recommendations to qualify for medical card. A medical marijuana license must be recommended according to the accepted standards a reasonable and prudent physician would follow when recommending or approving any medication. No physician may be unduly stigmatized or harassed for signing a medical marijuana license application. As long as all criteria are met, applications will not be rejected.

- g. A caregiver license will be made available for qualified caregivers of a medical marijuana license holder who is homebound. Caregiver license will be a cost of no more than \$500 with an annual renewal fee of no more than \$250. Once licensed a caregiver may care for up to five (10) medical marijuana license holders. The caregiver license will give the caregiver the same rights as the medical license holder, as well as each licensee's individual plant counts and possession limits. Applicants for a caregiver license need to submit proof of the medical marijuana license holder's license status, must submit proof that the caregiver is age 21 or older, and must submit proof that the caregiver is an Oklahoma resident. This will be the only criteria for a caregiver license. Licensed caregivers will be issued a caregiver card which will give the cardholder the same rights as a medical marijuana licensee. Caregivers shall be subject to the same testing regulations as commercial growers.
- h. Felony drug conviction involving minors under the age of 18 that occur after an individual has obtained a medical marijuana license will result in disqualification from the medical marijuana license completely.

Section I.C — Retail Application, Qualifications, and Regulatory Provisions

The Oklahoma Cannabis Commission will within 150 days of passage of this initiative, make available, on their website, in an easy to find location, an application for medical marijuana retail license. Application fee will be \$2,500 and a method of payment will be provided on the website. Any entity and/or person applying for a retail license must be registered to do business in Oklahoma, and all members of any organization must have been continuous residents of the State of Oklahoma for the five (5) year period immediately preceding application. Additionally, no applicant may solicit, borrow, raise, or otherwise collect money from any individual that is not a resident of the State of Oklahoma, and no applicant may borrow money from a corporation and/or other legal entity wherein all any member and/or shareholder is not a resident of the State of Oklahoma.

The Oklahoma Cannabis Commission shall impose disclosure requirements related to source of funding to ensure that all investors, owners, and applicants are residents of the State of Oklahoma. The Oklahoma Cannabis Commission has two (2) weeks to review the application, approve or reject the application, and mail the approval/rejection letter (if rejected, stating reasons for rejection) to the applicant. In cases such as rejection due to paperwork deficiency, applicant would have 14 days to correct issues and return forms without being charged additional fees or penalties. This license will need to be renewed every year and is non-transferable. Cost of license will be set as medical marijuana retail license may not exceed, \$25,000.00, Yearly renewal \$2,500.00. In the event that an application is rejected for any reason, the application fee shall be refunded to the applicant.

1. Upon application approval, the applicant will have 30 days to pay for the medical marijuana dispensary retail license. The Oklahoma Cannabis Commission must approve all applications which meet the following criteria:
 - a. Applicant must be 21 years of age or older.
 - b. Entities applying for a license must be registered to conduct business in the state of Oklahoma.
 - c. All applicants must disclose all ownership.
 - d. Applicant(s) must have not had a felony conviction in the last five (5) years.
2. Retailers will be required to complete a monthly sales report and submit said report to the Oklahoma Cannabis Commission. This report will be due on the 20th of each month and provide reporting on the previous month's sales. This report will detail the weight of marijuana purchased at wholesale and the weight of marijuana sold to card holders, and account for any waste. Additionally, this report will show total sales in dollars, tax collected in dollars, and tax due in dollars. The Oklahoma Cannabis Commission will have oversight and auditing responsibilities to ensure that all marijuana being grown commercially is accounted for. A retailer will only be subject to a penalty if a gross discrepancy exists and cannot be explained. Penalties for fraudulent reporting will be a fine of up to \$5000 for each occurrence. Two occurrences within the same calendar year may result in revocation of license.
3. All products intended for resale must be tested for potency and impurities by a third-party laboratory. These tests will be referenced by batch number and listed on the label of all marijuana product packaging.
4. Only a licensed medical marijuana retailer may conduct retail sales of marijuana, or marijuana derivatives in the form provided by licensed processors, and that these products can only be sold to a medical marijuana license holder or their caregiver.

Section I.D — Growers Application, Qualifications, and Regulatory Provisions

1. The Oklahoma Cannabis Commission will within 150 days of passage of this initiative, make available, on their website, in an easy to find location, an application for a medical marijuana grower. Application fee will be \$2,500.00 and methods of payment will be provided on the OCC website. Any entity and/or person applying for a marijuana grower's license must be registered to do business in Oklahoma, and all members of any organization must have been continuous residents of the State of Oklahoma for the five (5) year period immediately preceding application. Additionally, no applicant may solicit, borrow, raise, or otherwise collect money from any individual that is not a resident of the State of Oklahoma, and no applicant may borrow money from a corporation and/or other legal entity wherein all any member and/or shareholder is not a resident of the State of Oklahoma.

The Oklahoma Cannabis Commission shall impose disclosure requirements related to source of funding to ensure that all investors, owners, and applicants are residents of the State of Oklahoma. The Oklahoma Cannabis Commission has two (2) weeks to review the application and mail the approval/rejection letter (if rejected, stating reasons for rejection) to the applicant. In cases such as rejection due to paperwork deficiency, applicant would have 14 days to correct issues and return forms without being charged additional fees. This license is non-transferable. Cost of license will be set as medical marijuana retail license may not exceed, \$25,000.00, Yearly renewal \$2,500.00. Upon approval of growers application, the applicant shall have 30 days from the date of approval to pay the license fee. The Oklahoma Cannabis

Commission must approve all applications which meet the following criteria:

- a. Applicants must be 21 years of age or older.
 - b. Entities applying for a license must be registered to conduct business in the state of Oklahoma.
 - c. All applicants must disclose all ownership.
 - d. Applicant(s) must have not had a felony conviction in the last (5) years.
2. A licensed grower may sell marijuana to a licensed retailer, or a licensed packager/processor. Under no circumstances may a licensed grower sell marijuana directly to a medical marijuana license holder. Further, these sales will be considered wholesale sales and not subject to taxation. If the federal government lifts restrictions on buying and selling marijuana between states, then a licensed grower would be allowed to buy and sell marijuana wholesale from, or to, an out of state wholesale provider, retailer, or packager/processor. Growers will be required to complete a monthly yield and sales report. Monthly reports will go to the Oklahoma Cannabis Commission by the 20th of each month and report on the previous months yield and sales. This report will detail amount of marijuana harvested in lbs., the amount of marijuana drying on hand, the amount of marijuana sold to processors in lbs., the amount of waste in lbs., and the amount of marijuana sold to retailers in lbs. In addition, this report will show total wholesale sales in dollars. The Oklahoma Cannabis Commission will have oversight and auditing responsibility to ensure that all marijuana being grown is accounted for. A licensed grower will only be subject to a penalty if a gross discrepancy exists and cannot be explained. Penalties for fraudulent reporting or sales will be a fine of up to \$5000 for each occurrence. Two occurrences within the same calendar year may result in revocation of license.
3. There are no limits as to how many marijuana plants a licensed grower may grow.

Section 1.E—Concentrate Extraction Application, Qualifications, and Regulatory Provisions

1. The Oklahoma Cannabis Commission will within 30 days of passage of this initiative, make available, on their website, in an easy to find location, an application for a medical marijuana concentrate extraction license. Application fee will be \$2,500.00 and methods of payment will be provided on the website. Any entity and/or person applying for a marijuana concentrate extraction license must be registered to do business in Oklahoma, and all members of any organization must have been continuous residents of the State of Oklahoma for the five (5) year period immediately preceding application. Additionally, no applicant may solicit, borrow, raise, or otherwise collect money from any individual that is not a resident of the State of Oklahoma, and no applicant may borrow money from a corporation and/or other legal entity wherein all any member and/or shareholder is not a resident of the State of Oklahoma. The Oklahoma Cannabis Commission shall impose disclosure requirements related to source of funding to ensure that all investors, owners, and applicants are residents of the State of Oklahoma. The Oklahoma Cannabis Commission has two (2) weeks to review the application and mail the approval/rejection letter (if rejected, stating reasons for rejection) to the applicant. In cases such as rejection due to paperwork deficiency, applicant would have 14 days to correct issues and return forms without being charged additional fees. This license is non-transferable. Cost of license will be set as medical marijuana concentrate extraction license may not exceed, \$15,000.00, Yearly renewal \$1,500.00. Upon approval of medical marijuana concentrate extraction application the applicant shall have 30 days from the date of approval to pay the license fee. The Oklahoma Cannabis Commission must approve all applications

which meet the following criteria:

- a. Applicant must be 21 years of age or older.
 - b. Entities applying for a license must be registered to conduct business in the state of Oklahoma.
 - c. All applicants must disclose all ownership.
 - d. Applicant(s) must have not had a felony conviction in the last five (5) years.
 - e. Applicant(s) extraction facility meets safety standards set by the Oklahoma Cannabis Commission.
2. A licensed processor may take marijuana plants and distill these plants into concentrates, edibles, and other forms for consumption. Per section 1.E- 1.c., provides that the Oklahoma Cannabis Commission will, within 150 days of passage of this initiative, make available a set of standards which will be used by licensed processors to ensure safety during the extraction process in the preparation of concentrated marijuana products. There should not be excessive or punitive rules established by the Oklahoma Cannabis Commission. Once a year, the Oklahoma Cannabis Commission shall inspect an extraction facility to determine compliance with standards. If deficiencies are found, a written report of deficiency will be issued to the operator. The operator will have fifteen (15) days to correct said deficiency or be subject to a fine of no more than \$5,000 per deficiency. A licensed concentrate extractor may sell marijuana products it creates to a licensed retailer or another licensed operator. Further, these sales will be considered wholesale sales and not subject to taxation. Under no circumstances may a licensed concentrate extractor sell marijuana or any marijuana product, directly to a medical marijuana license holder. Operators may perform for a fee, extraction services for medical marijuana license holders or caregivers with product supplied by said license holder or caregiver. Operators will be required to complete a monthly yield and sales report. Monthly reports will go to the Oklahoma Cannabis Commission by the 20th of each month and report on the previous months yield and sales. This report will detail amount of marijuana purchased in lbs., amount of extracted marijuana concentrates in lbs., and amount of waste in lbs. In addition, this report will account for total wholesale sales in dollars. The Oklahoma Cannabis Commission will have oversight and auditing responsibility to ensure that all marijuana being processed is accounted for. A licensed concentrate extraction operator will only be subject to a penalty if a gross discrepancy exists and cannot be explained. Penalties for fraudulent reporting or sales will be a fine of up to \$5000 for each occurrence. Two occurrences within the same calendar year may result in revocation of license.

Section 1.F— Marijuana Edible Processing Application, Qualifications, and Regulatory Provisions

1. The Oklahoma Cannabis Commission will within 150 days of passage of this initiative, make available, on their website, in an easy to find location, an application for a medical marijuana processing license. Application fee will be \$2,500.00 and methods of payment will be provided on the website. Any entity and/or person applying for a marijuana edible processing license must be registered to do business in Oklahoma, and all members of any organization must have been continuous residents of the State of Oklahoma for the five (5) year period immediately preceding application. Additionally, no applicant may solicit, borrow, raise, or otherwise collect money from any individual that is not a resident of the State of Oklahoma, and no applicant may borrow money from a corporation and/or other legal entity wherein all any member and/or shareholder is not a resident of the State of Oklahoma. The Oklahoma Cannabis Commission shall impose disclosure

requirements related to source of funding to ensure that all investors, owners, and applicants are residents of the State of Oklahoma. The Oklahoma Cannabis Commission has two (2) weeks to review the application and mail the approval/rejection letter (if rejected, stating reasons for rejection) to the applicant. In cases such as rejection due to paperwork deficiency, applicant would have 14 days to correct issues and return forms without being charged additional fees. This license is non-transferable. Cost of license will be set as medical marijuana concentrate extraction license may not exceed, \$25,000.00, Yearly renewal \$2,500.00. The Oklahoma Cannabis Commission must approve all applications which meet the following criteria:

- a. Applicant must be 21 years of age or older.
 - b. Entities applying for a license must be registered to conduct business in the state of Oklahoma.
 - c. All applicants must disclose all ownership.
 - d. Applicant(s) must have not had a felony conviction in the last five (5) years.
 - e. Applicant(s) facility must meet food preparation standards set forth by the Oklahoma State Department of Health.
2. A licensed edible marijuana processor may use marijuana plants and concentrates to produce edibles, and other forms for consumption. Per section 1.A- 2.c., provides that the Oklahoma Cannabis Commission will, within 150 days of passage of this initiative, make available a set of standards which will be used by licensed processors in the preparation of edible marijuana products. This should be in line with current food preparation guidelines and no excessive or punitive rules may be established by the Oklahoma Cannabis Commission. Once a year, the Oklahoma Cannabis Commission may inspect a processing operation and determine compliance with standards. If deficiencies are found, a written report of deficiency will be issued to the processor. The processor will have one (1) week to correct said deficiency or be subject to a \$500 fine per deficiency. A licensed processor may sell marijuana products it creates to a licensed retailer or another licensed processor. Further, these sales will be considered wholesale sales and not subject to taxation. Under no circumstances may a licensed processor sell marijuana or any marijuana product, directly to a medical marijuana license holder. Processors will be required to complete a monthly yield and sales report. Monthly reports will go to the Oklahoma Cannabis Commission by the 20th of each month and report on the previous months yield and sales. This report will detail amount of marijuana purchased in lbs., amount of marijuana cooked or processed in lbs., and amount of waste in lbs. In addition, this report will account for total wholesale sales in dollars. The Oklahoma Cannabis Commission will have oversight and auditing responsibility to ensure that all marijuana being processed is accounted for. A licensed processor will only be subject to a penalty if a gross discrepancy exists and cannot be explained. Penalties for fraudulent reporting or sales will be a fine of up to \$5000 for each occurrence. Two occurrences within the same calendar year may result in revocation of license.

Section I.G — Transportation

1. The Oklahoma Cannabis Commission will within 30 days of passage of this initiative, make available, on their website, in an easy to find location, an application for a license to transport of all types of marijuana intended for wholesale distribution to or from; a marijuana retail dispensary, cultivation growing operation, or processing facility. Application fee will be \$500.00, and methods of

payment will be provided on the website. Any entity and/or person applying for a transport license must be registered to do business in Oklahoma, and all members of any organization must have been continuous residents of the State of Oklahoma for the five (5) year period immediately preceding application. Additionally, no applicant may solicit, borrow, raise, or otherwise collect money from any individual that is not a resident of the State of Oklahoma, and no applicant may borrow money from a corporation and/or other legal entity wherein all any member and/or shareholder is not a resident of the State of Oklahoma. The Oklahoma Cannabis Commission shall impose disclosure requirements related to source of funding to ensure that all investors, owners, and applicants are residents of the State of Oklahoma. The Oklahoma Cannabis Commission has two (2) weeks to review the application and mail the approval/rejection letter (if rejected, stating reasons for rejection) to the applicant. In cases such as rejection due to paperwork deficiency, applicant would have 14 days to correct issues and return forms without being charged additional fees. This license is non-transferable. Cost of license will be set as. medical marijuana Transportation license and may not exceed \$10,000.00. The Oklahoma Cannabis Commission must approve all applications which meet the following criteria:

- a. Applicant must be 21 years of age or older.
 - b. Entities applying for a license must have a valid Oklahoma driver's license.
 - c. Applicant(s) must have not had a felony conviction in the last five (5) years.
2. A marijuana transportation license issued to qualified applicants will be required for transport on public roads of all marijuana intended for wholesale distribution to or from:
- a. A marijuana retail dispensary.
 - b. Cultivation growing operation.
 - c. Processing facility.
3. A transportation license will allow the holder, to transport on public roads, marijuana to and from any Oklahoma licensed medical marijuana retailer, licensed grow facility, or licensed processing facility. All marijuana or marijuana products intended for resale must be transported in a locked container and clearly labeled "Medical Marijuana or Derivative".

Section 1.H — Discrimination Prohibited

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

3. For the purposes of medical care, including organ transplants, a registered qualifying patient's authorized use of marijuana must be considered the equivalent use of any other medication under the direction of a physician and does not constitute the use of an illicit substance or otherwise disqualify a registered qualifying patient from medical care.
4. No medical marijuana license holder may be denied custody of or visitation or parenting time with a minor, and there is no presumption of neglect or child endangerment for conduct allowed under this chapter, unless the person's behavior creates an unreasonable danger to the safety of the minor as established by clear and convincing evidence.
5. No person holding a medical marijuana license may unduly be withheld from holding a state issued license by virtue of their being a medical marijuana license holder. This would include such things as a concealed carry permit.
6. No city or local municipality may unduly change or restrict zoning laws to prevent the opening of a marijuana establishment.
7. No city or local municipality may unduly change or restrict zoning laws to prevent medical marijuana license holders from owning, renting, or leasing property at which medical marijuana may be grown.
8. No financial institution may deny medical marijuana businesses or industrial hemp businesses services by virtue of the nature of their business unless to do so would result in loss of employment, enrollment of coverage, or loss of monetary or licensing related benefit under federal law or regulations.
9. No commercial insurer may deny medical marijuana businesses or industrial hemp businesses services by virtue of the nature of their business unless to do so would result in loss of employment, enrollment of coverage, or loss of monetary or licensing related benefit under federal law or regulations.
10. Medical marijuana license holders may not be charged with DUI or DWI or any other charge of marijuana intoxication or impairment based on the results of blood, urine, breath test, or odor of marijuana. A field sobriety test must be administered to prove impairment to charge a medical marijuana licensed patient to be charged with DUI or DWI. These field sobriety test must be videoed to be used as evidence of impairment.

Section 2 — Industrial Hemp

Section 2.A — General Provisions:

1. Provides that any marijuana plant containing 0.3% or less tetrahydrocannabinol (THC) will be considered Industrial Hemp and excluded from the definition of marijuana.
2. Allows for possession, growing, selling, and processing of Industrial Hemp and Industrial Hemp products by anyone in the state of Oklahoma provided that the following requirements are met:
 - a. Individuals who intend to grow Industrial Hemp must register with the Oklahoma State Department of Agriculture.

- b. Individuals may not grow Industrial Hemp in close proximity to medical marijuana in order to otherwise disguise the marijuana growth.
- c. Crops of Industrial Hemp are subject to inspection by the Oklahoma State Department of Agriculture.

Name and Address of Proponent(s):

Green The Vote LLC
1815 East 15th Street
Tulsa Oklahoma 74104

This measure, if passed, would amend the constitution of the State of Oklahoma and allow for the classification of marijuana as an herbal drug regulated by the Oklahoma Cannabis Commission and permits the use of medical marijuana as recommended by a board-certified physician. It allows for the growth of medical marijuana, processing of medical marijuana, and retail sale of medical marijuana by state licensed entities. It allows for licensed medical marijuana patients to possess, consume, grow, and process medical marijuana. This measure would also exclude marijuana plants with 0.3% or less THC from the definition of marijuana and reclassify it as industrial hemp, which could be grown, processed, and sold by persons or entities after registering said crops with the Oklahoma State Department of Agriculture.

"WARNING"

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

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AFFIDAVIT

STATE OF OKLAHOMA)
)
COUNTY OF _____)

I, _____, being first duly sworn say:
That I am at least eighteen (18) years old and that all signatures on the signature sheet were signed in my presence; I believe that each has stated his or her name, mailing address, and residence correctly, and that each signer is a legal voter of the State of Oklahoma.

Circulator's Signature

Post Office Address

City Zip code

Subscribed and sworn to before me this ____ day of _____ 2018.

(Affix Seal Here)

Notary Public

Post Office Address

City Zip code

My Commission Number is: _____

My Commission Expires: _____