



# City of Broken Arrow

## Request for Action

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**File #:** 18-920, **Version:** 1

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**Broken Arrow City Council  
Meeting of: 08-07-2018**

**Title:**

Presentation and discussion of newly enacted State Statutes and Oklahoma Department of Health rules governing the sale and regulation of medical marijuana following passage of State Question 788

**Background:**

State Question 788 (“SQ 788”), passed on June 6, 2018, legalizes and licenses the use, sale and growth of medical marijuana in Oklahoma for medicinal purposes. SQ 788 requires the Oklahoma State Department of Health (“ODH”) to issue a medical marijuana license to any Oklahoma resident who is eighteen years or older who submits an application signed by an Oklahoma Board certified physician. There are no qualifying medical conditions required for a license. In addition, an applicant under the age of eighteen (18) may obtain a medical marijuana license if recommended by two physicians and the applicant’s legal guardian. The ODH may also issue medical marijuana licenses to caregivers to administer medical marijuana to their wards.

ODH must approve or reject an application for a medical marijuana license within fourteen (14) days of receipt of the application. Licenses are good for two (2) years and cost One Hundred dollars (\$100.00) or Twenty dollars (\$20.00) for Medicaid, Medicare or SoonerCare patients.

Cities and counties in Oklahoma are not allowed to “opt out” of SQ No. 788, meaning cities and counties are unable to prohibit medical marijuana except as allowed under this question. The ODH will begin accepting applications for licenses on August 25, 2018. The ODH is expected to begin issuing licenses by September 9, 2018. The City will need to address zoning issues addressing the location of medical marijuana dispensaries and changes to city ordinance governing the possession of marijuana and paraphernalia. Draft ordinances and zoning changes are being presented at a special planning commission meeting for August 30<sup>th</sup>. A preview ordinance will be presented to Council for preview on August 21,2018 and consideration for final adoption on September 4, 2018.

**Cost:** No Cost  
**Funding Source:** No Source  
**Requested By:** Trevor Dennis, Acting City Attorney  
**Approved By:** Michael L. Spurgeon, City Manager  
**Attachments:** None

**Recommendation:**

Informational only-No action required.