



# City of Broken Arrow

## Request for Action

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**File #:** 18-1112, **Version:** 1

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**Broken Arrow City Council**  
**Meeting of: 09-18-2018**

**Title:**

Consideration, discussion, and possible adoption of Ordinance No. 3542, an Ordinance of the City of Broken Arrow amending the City of Broken code of ordinances chapter 7, adding Article XV Medical Marijuana, Business Regulations and Licensing, Establishing Regulations for Retail Medical Marijuana Establishments, Commercial Marijuana growing facilities, Wholesale Marijuana Facilities, Marijuana Storage Facilities; and repealing all ordinances to the contrary and declaring an emergency

**Background:**

State Question 788 (“SQ 788”) 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, meaning a physician may recommend medicinal marijuana. 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.

SQ 788 specifically provides that no city or local municipality may unduly change or restrict zoning laws to prevent the opening of a retail marijuana establishment. Ordinance No. 3542 amends the City of Broken Arrow Code of Ordinances, Chapter 7, adding Article XV for Medical Marijuana. The ordinance establishes business regulations and licensing procedures for retail, commercial and whole sale marijuana facilities. The ordinance provides location restrictions according to the Broken Arrow Zoning Ordinance. Ordinance No. 3542 also provides for licensing fees to be established in the Manual of Fees.

**Cost:** No Cost

**Funding Source:** No Source

**Requested By:** Trevor Dennis, Acting City Attorney

**Approved By:** Michael L. Spurgeon, City Manager

**Attachments:** Ordinance No. 3542

**Recommendation:**

Adopt Ordinance No. 3542 and approve the emergency clause.