



City of Broken Arrow

Legislation Details (With Text)

File #:	18-976	Name:	
Type:	Ordinance	Status:	Passed
File created:	8/13/2018	In control:	Broken Arrow City Council
On agenda:	8/21/2018	Final action:	8/21/2018
Title:	Consideration, discussion, and possible adoption of Ordinance No. 3539, an Ordinance amending Chapter 16 Offenses-Miscellaneous, Article I, In General, Section 28, Possession of Marijuana and Controlled Dangerous Substances; Section 28.1, Prohibiting Possession, Delivery or Manufacture of Drug Paraphernalia; Exception; Penalty; of the Broken Arrow Code; repealing all ordinances to the contrary; and declaring an emergency		

Sponsors:

Indexes:

Code sections:

Attachments: 1. 08-21-2018 ORDINANCE 3539 - MEDICAL MARIJUANA

Date	Ver.	Action By	Action	Result
8/21/2018	1	Broken Arrow City Council	adopted	Pass
8/21/2018	1	Broken Arrow City Council	approved	Pass

Broken Arrow City Council Meeting of: 08-21-2018

Title:

Consideration, discussion, and possible adoption of Ordinance No. 3539, an Ordinance amending Chapter 16 Offenses-Miscellaneous, Article I, In General, Section 28, Possession of Marijuana and Controlled Dangerous Substances; Section 28.1, Prohibiting Possession, Delivery or Manufacture of Drug Paraphernalia; Exception; Penalty; of the Broken Arrow Code; 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.

In addition, SQ 788 makes possession of up to one and one-half (1.5) ounces of marijuana without a medical

marijuana license a misdemeanor with a fine not to exceed Four Hundred Dollars (\$400.00) if the person can state that they are using the medical marijuana for a medical condition.

Furthermore, any device used for the consumption of medical marijuana shall be considered legal to be sold, manufactured, distributed, and possessed. No merchant, wholesaler, manufacturer, or individual may be unduly harassed or prosecuted for selling, manufacturing, or possession of medical marijuana paraphernalia.

Ordinance No. 3539 amends the City of Broken Arrow Chapter 16 governing offenses related to medical marijuana to be in accordance with SQ 788.

Cost: No Cost

Funding Source: No Source

Requested By: Trevor Dennis, Acting City Attorney

Approved By: Michael L. Spurgeon, City Manager

Attachments: Ordinance No 3539

Recommendation:

Adopt Ordinance No. 3539 and approve the emergency clause.