



City of Broken Arrow

Request for Action

File #: 18-976, Version: 1

**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

File #: 18-976, **Version:** 1

Approved By: Michael L. Spurgeon, City Manager

Attachments: Ordinance No 3539

Recommendation:

Adopt Ordinance No. 3539 and approve the emergency clause.