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Medical marijuana act likely will see more tweaks next year



by [PAULA BURKES](#)

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This Aug. 15, 2019 file photo shows a marijuana plant in an indoor cannabis farm in Gardena, Calif. [AP photo]

Andrew Polly is an attorney with GableGotwals. Oklahoma voters approved SQ 788, the Oklahoma Medical Marijuana Act (OMMA) just more than one year ago. What's happened since?

Since passage, Oklahoma has become the nation's fastest-growing medical marijuana market. As of Aug. 26, the Oklahoma Medical Marijuana Authority approved 178,173 patient licenses (roughly 5% of the state's population) and 7,308 commercial licenses (4,287 growers, 1,848 dispensaries and 1,173 processors).

Has the Oklahoma Legislature changed the law passed by the voters?

Yes. The Unity Bill, which went into effect Aug. 30, contains the most significant changes. As explained in our client alert published March 21, the Unity Bill creates an exception to the OMMA's prohibition of adverse employment actions against medical marijuana license-holders. Through the Unity Bill, employers may base hiring and disciplinary decisions on a positive marijuana test without violating the general prohibition, so long as those decisions concern employees working in "safety sensitive positions." Other notable changes to the OMMA include: Podiatrists will join allopathic and osteopathic physicians in having discretion to make medical marijuana recommendations to patients, subject to OMMA licensure; New commercial applicants must satisfy more stringent Oklahoma residency requirements to be eligible for a license by demonstrating residency for either two years preceding the date of application, or five continuous years during the twenty-five years preceding the date of application; and a new class of commercial licenses will be created for

"transporters," clarifying that transportation rights does not fall within the other commercial license classes.

What other changes to the industry can be expected in the future?

Effective Nov. 1, SB 882 will establish waste facilities as a new license class. These facilities will provide critical services for the industry by safely disposing excess plant material from growers and processors. The Oklahoma Legislature will undoubtedly continue tweaking the OMMA in 2020, as the state continues to get its arms wrapped around unique issues presented by Oklahoma's budding new industry. On the federal level, the Secure and Fair Enforcement Banking Act (the "SAFE Banking Act") is potentially game-changing legislation for the industry, which operates primarily in cash due to current federal banking restrictions. The SAFE Banking Act would protect financial institutions that work with marijuana-related businesses from federal enforcement action. The Act has made it through several House committees with bi-partisan support and been endorsed by Attorney General Barr and Treasury Secretary Mnuchin.

Paula Burkes, Business writer



PAULA BURKES

A 1981 journalism graduate of Oklahoma State University, Paula Burkes has more than 30 years experience writing and editing award-winning material for newspapers and healthcare, educational and telecommunications institutions in Tulsa, Oklahoma City and Boston. Since February 2001, she's worked as a business writer for The Oklahoman state newspaper, specializing in personal finance and workplace enterprise stories that have far-reaching effects for readers' lives. Paula and her teenage daughter, Jessica, live in Edmond, Okla.

