

**FILED**

**DEC 12 2019**

**OKLAHOMA SECRETARY  
OF STATE**

**PROPOSED BALLOT TITLE**

This measure adds a new article to the Constitution, which would generally legalize, regulate and tax marijuana for persons aged 21+ under state law. Specifically, it protects the personal use of marijuana for those 21+, while establishing quantity limits, safety standards, and other restrictions. It maintains prohibitions on impaired driving and distribution to, or use by, those under 21. It would not affect employers' ability to restrict marijuana use by employees. Property owners generally may restrict marijuana on their property. The Oklahoma Marijuana Authority would license and regulate marijuana-related conduct and administer the article pursuant to specified requirements. It provides for local zoning of businesses and permits municipalities, upon popular vote, to limit or prohibit retail licenses. It imposes a 15% excise tax on sales (not applicable to medical marijuana) to fund the Authority, localities where sales occur, schools (for programs to prevent substance abuse and improve student retention and performance), and drug-addiction treatment programs, while ensuring such funds must add to, and not replace, existing funding. It provides a judicial process for people to seek modification, reversal, redesignation or expungement of certain prior marijuana-related judgments and sentences. Its provisions are severable and would take effect in 90 days.

Shall the proposal be approved?

For the proposal -- YES

Against the proposal -- NO

A "YES" vote is a vote in favor of this measure. A "NO" vote is a vote against this measure.

**FILED**

DEC 12 2019

State Question No. 806, Initiative Petition No. 422 OKLAHOMA SECRETARY OF STATE

**WARNING**

**IT IS A FELONY FOR ANYONE TO SIGN AN INITIATIVE OR REFERENDUM PETITION WITH ANY NAME OTHER THAN HIS OWN, OR KNOWINGLY TO SIGN HIS NAME MORE THAN ONCE FOR THE MEASURE, OR TO SIGN THE PETITION WHEN HE IS NOT A LEGAL VOTER.**

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**INITIATIVE PETITION**

**To the Honorable John Kevin Stitt, Governor of Oklahoma:**

**We the undersigned legal voters of the State of Oklahoma respectfully order that the following proposed Amendment to the Constitution shall be submitted to the legal voters of the State of Oklahoma for their approval or rejection at the next regular general election (or at a special election as may be called by the Governor), and each for himself/herself says: I have personally signed this petition; I am a legal voter of the State of Oklahoma; my residence is correctly written after my name. The time for filing this petition expires ninety (90) days from \_\_\_\_\_ . The question we herewith submit to our fellow voters is:**

**Shall the following proposed new Article 31 to the Oklahoma Constitution be approved?**

**BE IT ENACTED BY THE PEOPLE OF OKLAHOMA THAT A NEW ARTICLE 31 TO THE OKLAHOMA CONSTITUTION BE APPROVED:**

**CONSTITUTION OF OKLAHOMA, ARTICLE 31  
MARIJUANA**

**§ 1. Definitions**

Terms used in this article mean:

- (1) "Authority" means the Oklahoma Marijuana Authority or its successor agency or agencies.
- (2) "Consumer" means a person twenty-one years of age or older.
- (3) "Department" means the Oklahoma State Department of Health.
- (4) "Entity" means an individual, a sole proprietorship, a general partnership, a limited partnership, a limited liability company, a trust, an estate, an association, a corporation, or any other legal or commercial entity.
- (5) "Hemp" means the plant of the genus cannabis, and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent on a dry weight basis.
- (6) "Licensee" means an entity licensed pursuant to this article and the Authority's rules.
- (7) "Local government" means a county, municipality, or other political subdivision.
- (8) "Marijuana" means cannabis indica, cannabis sativa, and cannabis ruderalis, hybrids of such species, as well as resin extracted from the plant and marijuana-infused products. "Marijuana" does not include hemp, or commodities or products manufactured with

hemp, or any other ingredient combined with marijuana to prepare topical, oral, or rectal administrations, food, drink, or other products.

- (9) “Marijuana accessory” means any equipment, product, or material, which is specifically designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling, or otherwise introducing marijuana into the human body.
- (10) “Marijuana-infused product” means marijuana, its resin, or an extract derived therefrom mixed with other ingredients for topical, oral, or rectal administration. “Marijuana-infused product” does not include hemp, or commodities or products manufactured with hemp.
- (11) “Medical marijuana” means marijuana that is grown, processed, dispensed, tested, possessed, or used for a medical purpose.
- (12) “Medical marijuana license” means a license issued by the Authority proving the holder of such license is a member of a state-regulated medical marijuana program.
- (13) “Patient” or “Licensed patient” means a person that has been properly issued a medical marijuana license pursuant to Oklahoma law and Authority regulations.
- (14) “School” means a public or private preschool or a public or private elementary or secondary school used for school classes and instruction. A homeschool, daycare, child-care facility, or other structure not primarily used for school classes and student instruction shall not be considered a “school” as used in this article.
- (15) “Unduly burdensome” means that the measures necessary to comply with the rules or ordinances adopted pursuant to this section subject licensees or potential licensees to such a high investment of money, time, or any other resource or asset that a reasonably prudent businessperson would not operate a marijuana business.

## **§2. Limitations**

Notwithstanding the provisions of this article, this article does not limit or affect laws that prohibit or otherwise regulate:

- (1) Delivery or distribution of marijuana or marijuana accessories, with or without consideration, to a person younger than twenty-one years of age;
- (2) Purchase, possession, use, or transport of marijuana or marijuana accessories by a person younger than twenty-one years of age;
- (3) Consumption of marijuana by a person younger than twenty-one years of age;
- (4) Operating or being in physical control of any motor vehicle, train, aircraft, motorboat, or other motorized form of transport while under the influence of marijuana;
- (5) Consumption of marijuana while operating or being in physical control of a motor vehicle, train, aircraft, motorboat, or other motorized form of transport, while it is being operated;
- (6) Smoking marijuana while riding in the passenger seat or compartment of a motor vehicle, aircraft, motorboat, or other motorized form of transport, while it is being operated;
- (7) Possession or consumption of marijuana or possession of marijuana accessories on the grounds of a public or private preschool, elementary school, or high school, in a school bus, or on the grounds of any correctional facility;

