

THE GIST

State Question 820 would legalize adult-use recreational marijuana in Oklahoma. Adults over the age of 21 years old would be able to purchase marijuana products for recreational use from licensed sellers.

SQ 820 would allow individuals to possess up to 1 ounce of marijuana, 6 mature marijuana plants, and 6 seedling plants.

The state question also creates a licensing process for recreational marijuana dispensaries, commercial growers, processors, and transporters, and it directs the state to create rules for the preparation and labeling of marijuana products within 90 days after becoming law.

State Question 820
would legalize recreational
marijuana for adults over
the age of 21 and impose a
15% excise tax on each sale.

The state would impose a 15% excise tax on each sale, with surplus revenue going to student services, drug addiction treatment programs, courts, local government, and the state General Revenue Fund.

Proposed distribution of the 15% excise tax on each sale:

| Purpose | Percentage |
|---|------------|
| Public school programs to address substance abuse and improve student retention | 30% |
| General Revenue Fund | 30% |
| Drug addiction treatment programs | 20% |
| Courts | 10% |
| Local governments | 10% |

Private landowners and businesses would be allowed to prohibit or regulate the use of marijuana on their property or during the course of employment. SQ 820 would not change current medical marijuana laws and regulations. In addition to marijuana legalization, the law creates a pathway for courts to resentencing, reverse, modify and expunge certain prior marijuana-related conviction records. It also prohibits prosecutors from revoking bail, parole, or probation because of marijuana use.

BACKGROUND INFORMATION

In 2018, Oklahoma voters approved SQ 788, which legalized the sale and use of medical marijuana in the state. However, recreational use of marijuana remains illegal in Oklahoma. Recreational marijuana is permitted for adult use in 21 states, including Missouri, Colorado and New Mexico - but still prohibited federally. In states with legal marijuana, the revenue from taxing sales is a significant source of funds for state programs. If SQ820 passes, it's estimated to generate more than \$400 million in tax revenue in the first five years following legalization.

SQ 820 also requires "resentencing, reversing, modifying and expunging" past marijuana-related criminal records and convictions. An estimated 60,000 Oklahomans have a current marijuana-related criminal record, and laws have been disproportionately enforced against Oklahomans of color. Black men in Oklahoma are nearly five times as likely to be arrested for marijuana possession, and nearly 10 times as likely to be arrested for marijuana sales and manufacturing, as white men.

SUPPORTERS SAY...



Allowing adult-use recreational marijuana would help address a significant cause of racial imbalance in our state's criminal justice system, in which a disproportionate number of Black Oklahomans have been charged with marijuana-related offenses when compared to white residents.



The sales from adult-use recreational marijuana will generate hundreds of millions of dollars in tax revenue to fund substance abuse prevention education, mental health services, and other vital community programs across Oklahoma.



SQ 820 would permit resentencing, reversal, modification and expungement for prior marijuana-related criminal records, removing barriers to housing, employment, and education.



Adults should be able to use medical marijuana as a matter of individual freedom. The potential for abuse of marijuana is low compared to alcohol, opioids, and many other prescription drugs.

OPPONENTS SAY...



Marijuana is still illegal at the federal level and in 29 states, creating a patchwork system of laws. Oklahoma should wait to legalize recreational marijuana until the federal government changes the law.



Legalizing recreational marijuana might encourage greater abuse of the substance.



Citing the need for more comprehensive research, the American Medical Association opposes legalization of marijuana for recreational use.



Legalization of medical marijuana encouraged criminal enterprises to come to the state to participate in black-market marijuana operations. Loosening the state's marijuana laws further would make those problems worse.

BALLOT LANGUAGE

// This measure creates a state law legalizing recreational use marijuana for persons 21 or older. Marijuana use and possession remain crimes under federal law. The export of marijuana from Oklahoma is prohibited. The law will have a fiscal impact on the State. The Oklahoma Tax Commission will collect a 15% excise tax on recreational use sales, above applicable sales taxes. Excise tax revenues will fund implementation of the law, with any surplus revenues going to public school programs to address substance abuse and improve student retention (30%), the General Revenue Fund (30%), drug addiction treatment programs (20%), courts (10%), and local governments (10%). The law limits certain marijuana-related conduct and establishes quantity limits, safety standards, restrictions, and penalties for violations. A local government may prohibit or restrict recreational marijuana use on the property of the local government and regulate the time, place, and manner of the operation of marijuana businesses within its boundaries. However, a local government may not limit the number of, or completely prohibit, such businesses. Persons who occupy, own, or control private property may prohibit or regulate marijuana-related conduct, except that a lease agreement may not prohibit a tenant from lawfully possessing and consuming marijuana by means other than smoking. The law does not affect an employer's ability to restrict employee marijuana use. For the first two years, marijuana business licenses are available only to existing licensees in operation one year or more. The law does not affect the rights of medical marijuana patients or licensees. The law requires resentencing, reversing, modifying, and expunging certain prior marijuana-related judgments and sentences unless the State proves an unreasonable risk to a person. The Oklahoma Medical Marijuana Authority is authorized to administer and enforce the law. Shall the proposal be approved?

For the proposal -YES Against the proposal -NO

DEADLINES

REGISTRATION DEADLINE

- Postmarked or Delivered by February 10, 2023

ABSENTEE BALLOT REQUEST DEADLINE

- Received by February 20, 2023 at 5 p.m.

ABSENTEE BALLOT SUBMISSION DEADLINE

- Received or Hand Delivered by March 7, 2023 at 7 p.m.

EARLY VOTING

- Thursday, March 2, 2023: 8 a.m. - 6 p.m.
- Friday, March 3, 2023: 8 a.m. - 6 p.m.

DAY OF ELECTION

- Tuesday, March 7, 2023: 7 a.m. - 7 p.m.

Visit the Oklahoma Voter Portal at okvoterportal.okelections.us for your voting information, including polling location.