

OKLAHOMA SELF-DEFENSE ACT (SDA) HANDGUN LICENSES AND MEDICAL MARIJUANA

STATE AND FEDERAL LAWS

Oklahoma state law dictates that any person who is “ineligible to possess a pistol due to any provision of law of this state or the United States Code” shall be denied the right to have a handgun license pursuant the Oklahoma Self- Defense Act. **(21 O.S. § 1290.10 (9))**

Title 18 USC § 922 (g) (3) federally prohibits anyone “who is an unlawful user of or addicted to any controlled substance” from firearms possession.”

According to a [2011 Open Letter to All Federal Firearms Licensees \(FFL\)](#) written by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), “any person who uses or is addicted to marijuana, regardless of whether his or her State has passed legislation authorizing marijuana use for medicinal purposes, is an unlawful user of or addicted to a controlled substance, and is prohibited by Federal law from possessing firearms or ammunition.” The letter tells FFL’s, “if you are aware that the potential transferee is in possession of a card authorizing the possession and use of marijuana under State law, then you have ‘reasonable cause to believe’ that the person is an unlawful user of a controlled substance.”

Unless and until the federal government changes marijuana from the Schedule 1 Prohibited Category, possession and use of medical marijuana will make a person ineligible to possess firearms. OSBI will comply with federal law as it relates to the issuance of SDA handgun licenses.

APPLICATION OF LAWS TO THE PROCESSING OF HANDGUN LICENSES

Based on current state and federal law, the Oklahoma State Bureau of Investigation (OSBI) will deny the application of anyone who answers ‘yes’ to the question, “Do you unlawfully use, or are you addicted to, any controlled substance?” The application warns the applicant that “Marijuana is classified as a Schedule I Controlled Substance federally, therefore individuals issued an Oklahoma Medical Marijuana Patient License should answer yes and may be precluded pursuant to **21 O.S. § 1290.10 (9)**.”

At this time, there is not a notification system between the Health Department and the OSBI. Applicants are required to “Comply in good faith with the provisions of the Oklahoma Self Defense Act” **(21 O.S. § 1290.9 (6))** which would include responding honestly to the questions posed on the application. Any person making any false or misleading statement on an application for a handgun license will be denied and shall, upon conviction, be guilty of perjury.

If an SDA license holder subsequently becomes a Medical Marijuana Patient License holder, he or she is expected to surrender his or her SDA license. A [Voluntary Surrender Form](#) is available on OSBI’s website.

SDA license holders who are subsequently identified as having a Medical Marijuana Patient License will have their SDA license revoked.

Individuals in possession of an SDA Handgun License can reside with a Medical Marijuana Patient License holder. Federal law only prohibits the user from having possession of firearms.

(21 O.S. §1272).