

1 ENGROSSED SENATE AMENDMENT
TO

2 ENGROSSED HOUSE
3 BILL NO. 2613

By: Fetgatter and Echols of the
House

4 and

5 Paxton of the Senate

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8 An Act relating to medical marijuana; providing
9 definition for certain term; specifying which
10 physicians are authorized to provide medical
11 marijuana recommendations for patients; *** directing
12 State Department of Health to perform certain duties
13 and functions for the medical marijuana program;
14 providing list of duties; providing for codification;
15 and declaring an emergency.

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18 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and
19 entire bill and insert

20 "An Act relating to medical marijuana; amending
21 Section 2 of Enrolled House Bill No. 2612 of the 1st
22 Session of the 57th Oklahoma Legislature, which
23 relates to definitions used in the Oklahoma Medical
24 Marijuana and Patient Protection Act; modifying
definition; amending Section 10 of Enrolled House
Bill No. 2612 of the 1st Session of the 57th Oklahoma
Legislature, which relates to recommending
physicians; authorizing podiatrists to recommend
medical marijuana; authorizing the State Board of
Medical Licensure and Supervision, the State Board of
Osteopathic Examiners and the Board of Podiatric
Medical Examiners to issue certain guidance;
authorizing Boards to take disciplinary action
against certain physicians; providing for
codification; and declaring an emergency.

1 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

2 SECTION 1. AMENDATORY Section 2 of Enrolled House Bill
3 No. 2612 of the 1st Session of the 57th Oklahoma Legislature, is
4 amended to read as follows:

5 Section 2. As used in this act:

6 1. "Advertising" means the act of providing consideration for
7 the publication, dissemination, solicitation, or circulation, of
8 visual, oral, or written communication, to induce directly or
9 indirectly any person to patronize a particular medical marijuana
10 business, or to purchase particular medical marijuana or a medical
11 marijuana product. Advertising includes marketing, but does not
12 include packaging and labeling;

13 2. "Authority" means the Oklahoma Medical Marijuana Authority;

14 3. "Batch number" means a unique numeric or alphanumeric
15 identifier assigned prior to testing to allow for inventory tracking
16 and traceability;

17 4. "Cannabinoid" means any of the chemical compounds that are
18 active principles of marijuana;

19 5. "Caregiver" means a family member or assistant who regularly
20 looks after a medical marijuana license holder whom a physician
21 attests needs assistance;

22 6. "Child-resistant" means special packaging that is:

23 a. designed or constructed to be significantly difficult
24 for children under five (5) years of age to open and

1 not difficult for normal adults to use properly as
2 defined by 16 C.F.R. 1700.15 (1995) and 16 C.F.R.
3 1700.20 (1995),

4 b. opaque so that the outermost packaging does not allow
5 the product to be seen without opening the packaging
6 material, and

7 c. resealable to maintain its child-resistant
8 effectiveness for multiple openings for any product
9 intended for more than a single use or containing
10 multiple servings;

11 7. "Clone" means a nonflowering plant cut from a mother plant
12 that is capable of developing into a new plant and has shown no
13 signs of flowering;

14 8. "Commissioner" means the State Commissioner of Health;

15 9. "Complete application" means a document prepared in
16 accordance with the provisions set forth in this act, rules
17 promulgated pursuant thereto, and the forms and instructions
18 provided by the Department, including any supporting documentation
19 required and the applicable license application fee;

20 10. "Department" means the State Department of Health;

21 11. "Director" means the Executive Director of the Oklahoma
22 Medical Marijuana Authority;

23 12. "Dispense" means the selling of medical marijuana or a
24 medical marijuana product to a qualified patient or the designated

1 caregiver of the patient that is packaged in a suitable container
2 appropriately labeled for subsequent administration to or use by a
3 qualifying patient;

4 13. "Dispensary" means a medical marijuana dispensary, an
5 entity that has been licensed by the Department pursuant to this act
6 to purchase medical marijuana or medical marijuana products from a
7 licensed medical marijuana commercial grower or medical marijuana
8 processor, sell medical marijuana or medical marijuana products to
9 patients and caregivers as defined under this act, or sell or
10 transfer products to another dispensary;

11 14. "Edible medical marijuana product" means any medical-
12 marijuana-infused product for which the intended use is oral
13 consumption including, but not limited to, any type of food, drink
14 or pill;

15 15. "Entity" means an individual, general partnership, limited
16 partnership, limited liability company, trust, estate, association,
17 corporation, cooperative, or any other legal or commercial entity;

18 16. "Flower" means the reproductive organs of the marijuana or
19 cannabis plant referred to as the bud or parts of the plant that are
20 harvested and used to consume in a variety of medical marijuana
21 products;

22 17. "Flowering" means the reproductive state of the marijuana
23 or cannabis plant in which there are physical signs of flower or
24 budding out of the nodes of the stem;

1 18. "Food-based medical marijuana concentrate" means a medical
2 marijuana concentrate that was produced by extracting cannabinoids
3 from medical marijuana through the use of propylene glycol,
4 glycerin, butter, olive oil, coconut oil or other typical food-safe
5 cooking fats;

6 19. "Good cause" for purposes of an initial, renewal or
7 reinstatement license application, or for purposes of discipline of
8 a licensee, means:

- 9 a. the licensee or applicant has violated, does not meet,
10 or has failed to comply with any of the terms,
11 conditions or provisions of the act, any rules
12 promulgated pursuant thereto, or any supplemental
13 relevant state or local law, rule or regulation,
- 14 b. the licensee or applicant has failed to comply with
15 any special terms or conditions that were placed upon
16 the license pursuant to an order of the State
17 Department of Health, Oklahoma Medical Marijuana
18 Authority or the municipality, or
- 19 c. the licensed premises of a medical marijuana business
20 or applicant have been operated in a manner that
21 adversely affects the public health or welfare or the
22 safety of the immediate vicinity in which the
23 establishment is located;

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1 20. "Harvest batch" means a specifically identified quantity of
2 medical marijuana that is uniform in strain, cultivated utilizing
3 the same cultivation practices, harvested at the same time from the
4 same location and cured under uniform conditions;

5 21. "Harvested marijuana" means post-flowering medical
6 marijuana not including trim, concentrate or waste;

7 22. "Heat- or pressure-based medical marijuana concentrate"
8 means a medical marijuana concentrate that was produced by
9 extracting cannabinoids from medical marijuana through the use of
10 heat or pressure;

11 23. "Immature plant" means a nonflowering marijuana plant that
12 has not demonstrated signs of flowering;

13 24. "Inventory tracking system" means the required tracking
14 system that accounts for medical marijuana from either the seed or
15 immature plant stage until the medical marijuana or medical
16 marijuana product is sold to a patient at a medical marijuana
17 dispensary, transferred to a medical marijuana research facility,
18 destroyed by a medical marijuana business or used in a research
19 project by a medical marijuana research facility;

20 25. "Licensed patient" or "patient" means a person who has been
21 issued a medical marijuana patient license by the State Department
22 of Health or Oklahoma Medical Marijuana Authority;

23 26. "Licensed premises" means the premises specified in an
24 application for a medical marijuana business license, medical

1 marijuana research facility license or medical marijuana education
2 facility license pursuant to this act that are owned or in
3 possession of the licensee and within which the licensee is
4 authorized to cultivate, manufacture, distribute, sell, store,
5 transport, test or research medical marijuana or medical marijuana
6 products in accordance with the provisions of this act and rules
7 promulgated pursuant thereto;

8 27. "Manufacture" means the production, propagation,
9 compounding or processing of a medical marijuana product, excluding
10 marijuana plants, either directly or indirectly by extraction from
11 substances of natural or synthetic origin, or independently by means
12 of chemical synthesis, or by a combination of extraction and
13 chemical synthesis;

14 28. "Marijuana" shall have the same meaning as such term is
15 defined in Section 2-101 of Title 63 of the Oklahoma Statutes;

16 29. "Material change" means any change that would require a
17 substantive revision to the standard operating procedures of a
18 licensee for the cultivation or production of medical marijuana,
19 medical marijuana concentrate or medical marijuana products;

20 30. "Mature plant" means a harvestable female marijuana plant
21 that is flowering;

22 31. "Medical marijuana business (MMB)" means a licensed medical
23 marijuana dispensary, medical marijuana processor, medical marijuana
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1 commercial grower, medical marijuana laboratory, medical marijuana
2 business operator, or a medical marijuana transporter;

3 32. "Medical marijuana concentrate" or "concentrate" means a
4 specific subset of medical marijuana that was produced by extracting
5 cannabinoids from medical marijuana. Categories of medical
6 marijuana concentrate include water-based medical marijuana
7 concentrate, food-based medical marijuana concentrate, solvent-based
8 medical marijuana concentrate, and heat- or pressure-based medical
9 marijuana concentrate;

10 33. "Medical marijuana commercial grower" or "commercial
11 grower" means an entity licensed to cultivate, prepare and package
12 medical marijuana and transfer or contract for transfer medical
13 marijuana to a medical marijuana dispensary, medical marijuana
14 processor, any other medical marijuana commercial grower, medical
15 marijuana research facility, medical marijuana education facility
16 and pesticide manufacturers. A commercial grower may sell seeds,
17 flower or clones to commercial growers pursuant to this act;

18 34. "Medical marijuana education facility" or "education
19 facility" means a person or entity approved pursuant to this act to
20 operate a facility providing training and education to individuals
21 involving the cultivation, growing, harvesting, curing, preparing,
22 packaging or testing of medical marijuana, or the production,
23 manufacture, extraction, processing, packaging or creation of
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1 medical-marijuana-infused products or medical marijuana products as
2 described in this act;

3 35. "Medical-marijuana-infused product" means a product infused
4 with medical marijuana including, but not limited to, edible
5 products, ointments and tinctures;

6 36. "Medical marijuana product" or "product" means a product
7 that contains cannabinoids that have been extracted from plant
8 material or the resin therefrom by physical or chemical means and is
9 intended for administration to a qualified patient including, but
10 not limited to, oils, tinctures, edibles, pills, topical forms,
11 gels, creams, vapors, patches, liquids, and forms administered by a
12 nebulizer, excluding live plant forms which are considered medical
13 marijuana;

14 37. "Medical marijuana processor" means a person or entity
15 licensed pursuant to this act to operate a business including the
16 production, manufacture, extraction, processing, packaging or
17 creation of concentrate, medical-marijuana-infused products or
18 medical marijuana products as described in this act;

19 38. "Medical marijuana research facility" or "research
20 facility" means a person or entity approved pursuant to this act to
21 conduct medical marijuana research. A medical marijuana research
22 facility is not a medical marijuana business;

23 39. "Medical marijuana testing laboratory" or "laboratory"
24 means a public or private laboratory licensed pursuant to this act,

1 to conduct testing and research on medical marijuana and medical
2 marijuana products;

3 40. "Medical marijuana transporter" or "transporter" means a
4 person or entity that is licensed pursuant to this act. A medical
5 marijuana transporter does not include a medical marijuana business
6 that transports its own medical marijuana, medical marijuana
7 concentrate or medical marijuana products to a property or facility
8 adjacent to or connected to the licensed premises if the property is
9 another licensed premises of the same medical marijuana business;

10 41. "Medical marijuana waste" or "waste" means unused, surplus,
11 returned or out-of-date marijuana, plant debris of the plant of the
12 genus Cannabis, including dead plants and all unused plant parts and
13 roots;

14 42. "Medical use" means the acquisition, possession, use,
15 delivery, transfer or transportation of medical marijuana, medical
16 marijuana products, medical marijuana devices or paraphernalia
17 relating to the administration of medical marijuana to treat a
18 licensed patient;

19 43. "Mother plant" means a marijuana plant that is grown or
20 maintained for the purpose of generating clones, and that will not
21 be used to produce plant material for sale to a medical marijuana
22 processor or medical marijuana dispensary;

23 44. "Oklahoma physician" or "physician" means a physician
24 licensed by and in good standing with the State Board of Medical

1 Licensure and Supervision ~~of~~, the State Board of Osteopathic
2 Examiners or the Board of Podiatric Medical Examiners;

3 45. "Oklahoma resident" means an individual who can provide
4 proof of residency as required by this act;

5 46. "Owner" means, except where the context otherwise requires,
6 a direct beneficial owner including, but not limited to, all persons
7 or entities as follows:

8 a. all shareholders owning an interest of a corporate
9 entity and all officers of a corporate entity,

10 b. all partners of a general partnership,

11 c. all general partners and all limited partners that own
12 an interest in a limited partnership,

13 d. all members that own an interest in a limited
14 liability company,

15 e. all beneficiaries that hold a beneficial interest in a
16 trust and all trustees of a trust,

17 f. all persons or entities that own interest in a joint
18 venture,

19 g. all persons or entities that own an interest in an
20 association,

21 h. the owners of any other type of legal entity, and

22 i. any other person holding an interest or convertible
23 note in any entity which owns, operates or manages a
24 licensed facility;

1 47. "Package" or "packaging" means any container or wrapper
2 that may be used by a medical marijuana business to enclose or
3 contain medical marijuana;

4 48. "Person" means a natural person, partnership, association,
5 business trust, company, corporation, estate, limited liability
6 company, trust or any other legal entity or organization, or a
7 manager, agent, owner, director, servant, officer or employee
8 thereof, except that "person" does not include any governmental
9 organization;

10 49. "Pesticide" means any substance or mixture of substances
11 intended for preventing, destroying, repelling or mitigating any
12 pest or any substance or mixture of substances intended for use as a
13 plant regulator, defoliant or desiccant, except that the term
14 "pesticide" shall not include any article that is a "new animal
15 drug" as designated by the United States Food and Drug
16 Administration;

17 50. "Production batch" means:

- 18 a. any amount of medical marijuana concentrate of the
19 same category and produced using the same extraction
20 methods, standard operating procedures and an
21 identical group of harvest batch of medical marijuana,
22 or
23 b. any amount of medical marijuana product of the same
24 exact type, produced using the same ingredients,

1 standard operating procedures and the same production
2 batch of medical marijuana concentrate;

3 51. "Public institution" means any entity established or
4 controlled by the federal government, state government, or a local
5 government or municipality including, but not limited to,
6 institutions of higher education or related research institutions;

7 52. "Public money" means any funds or money obtained by the
8 holder from any governmental entity including, but not limited to,
9 research grants;

10 53. "Recommendation" means a document that is signed or
11 electronically submitted by a physician on behalf of a patient for
12 the use of medical marijuana pursuant to this act;

13 54. "Registered to conduct business" means a person that has
14 provided proof that the business applicant is in good standing with
15 the Oklahoma Secretary of State and Oklahoma Tax Commission;

16 55. "Remediation" means the process by which the medical
17 marijuana flower or trim, which has failed microbial testing, is
18 processed into solvent-based medical marijuana concentrate and
19 retested as required by this act;

20 56. "Research project" means a discrete scientific endeavor to
21 answer a research question or a set of research questions related to
22 medical marijuana and is required for a medical marijuana research
23 license. A research project shall include a description of a
24 defined protocol, clearly articulated goals, defined methods and

1 outputs, and a defined start and end date. The description shall
2 demonstrate that the research project will comply with all
3 requirements in this act and rules promulgated pursuant thereto.
4 All research and development conducted by a medical marijuana
5 research facility shall be conducted in furtherance of an approved
6 research project;

7 57. "Revocation" means the final decision by the Department
8 that any license issued pursuant to this act is rescinded because
9 the individual or entity does not comply with the applicable
10 requirements set forth in this act or rules promulgated pursuant
11 thereto;

12 58. "School" means a public or private preschool or a public or
13 private elementary or secondary school used for school classes and
14 instruction. A homeschool, daycare or child-care facility shall not
15 be considered a "school" as used in this act;

16 59. "Shipping container" means a hard-sided container with a
17 lid or other enclosure that can be secured in place. A shipping
18 container is used solely for the transport of medical marijuana,
19 medical marijuana concentrate, or medical marijuana products between
20 medical marijuana businesses, a medical marijuana research facility,
21 or a medical marijuana education facility;

22 60. "Solvent-based medical marijuana concentrate" means a
23 medical marijuana concentrate that was produced by extracting
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1 cannabinoids from medical marijuana through the use of a solvent
2 approved by the Department;

3 61. "State Question" means Oklahoma State Question No. 788,
4 Initiative Petition No. 412, approved by a majority vote of the
5 citizens of Oklahoma on June 26, 2018;

6 62. "Strain" means the classification of marijuana or cannabis
7 plants in either pure sativa, indica, afghanica, ruderalis or hybrid
8 varieties;

9 63. "THC" means tetrahydrocannabinol, which is the primary
10 psychotropic cannabinoid in marijuana formed by decarboxylation of
11 naturally tetrahydrocannabinolic acid, which generally occurs by
12 exposure to heat;

13 64. "Test batch" means with regard to usable marijuana, a
14 homogenous, identified quantity of usable marijuana by strain that
15 is harvested during a seven-day period from a specified cultivation
16 area, and with regard to oils, vapors and waxes derived from usable
17 marijuana, means an identified quantity that is uniform, that is
18 intended to meet specifications for identity, strength and
19 composition, and that is manufactured, packaged and labeled during a
20 specified time period according to a single manufacturing, packaging
21 and labeling protocol;

22 65. "Transporter agent" means a person who transports medical
23 marijuana or medical marijuana products for a licensed transporter
24 and holds a transporter agent license pursuant to this act;

1 66. "Universal symbol" means the image established by the State
2 Department of Health or Oklahoma Medical Marijuana Authority and
3 made available to licensees through its website indicating that the
4 medical marijuana or the medical marijuana product contains THC;

5 67. "Usable marijuana" means the dried leaves, flowers, oils,
6 vapors, waxes and other portions of the marijuana plant and any
7 mixture or preparation thereof, excluding seed, roots and stalks;
8 and

9 68. "Water-based medical marijuana concentrate" means a
10 concentrate that was produced by extracting cannabinoids from
11 medical marijuana through the use of only water, ice, or dry ice.

12 SECTION 2. AMENDATORY Section 10 of Enrolled House Bill
13 No. 2612 of the 1st Session of the 57th Oklahoma Legislature, is
14 amended to read as follows:

15 Section 10. A. Only licensed Oklahoma allopathic ~~and,~~
16 osteopathic and podiatric physicians may provide a medical marijuana
17 recommendation for a medical marijuana patient license under this
18 act.

19 B. A physician who has not completed his or her first residency
20 shall not meet the definition of "physician" under this section and
21 any recommendation for a medical marijuana patient license shall not
22 be processed by the Authority.

23 C. No physician shall be subject to arrest, prosecution or
24 penalty in any manner or denied any right or privilege under

1 Oklahoma state, municipal or county statute, ordinance or
2 resolution, including without limitation a civil penalty or
3 disciplinary action by the State Board of Medical Licensure and
4 Supervision or the State Board of Osteopathic Examiners or by any
5 other business, occupation or professional licensing board or
6 bureau, solely for providing a medical marijuana recommendation for
7 a patient or for monitoring, treating or prescribing scheduled
8 medication to patients who are medical marijuana licensees. The
9 provisions of this subsection shall not prevent the relevant
10 professional licensing boards from sanctioning a physician for
11 failing to properly evaluate the medical condition of a patient or
12 for otherwise violating the applicable physician-patient standard of
13 care.

14 D. A physician who recommends use of medical marijuana shall
15 not be located at the same physical address as a dispensary.

16 E. If the physician determines the continued use of medical
17 marijuana by the patient no longer meets the requirements set forth
18 in this act, the physician shall notify the Department and the
19 Authority shall immediately revoke the license.

20 SECTION 3. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 149.1 of Title 59, unless there
22 is created a duplication in numbering, reads as follows:
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1 A. The Board of Podiatric Medical Examiners is hereby
2 authorized to issue guidance to all podiatric physicians in this
3 state on the recommending of medical marijuana to patients.

4 B. The Board may take disciplinary action as provided for in
5 the Podiatric Medicine Practice Act against any podiatric physician
6 who willfully violates or aids another in the willful violation of
7 the provisions of Section 420 et seq. of Title 63 of the Oklahoma
8 Statutes or the provisions of Enrolled House Bill No. 2612 of the
9 1st Session of the 57th Oklahoma Legislature.

10 SECTION 4. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 510.1 of Title 59, unless there
12 is created a duplication in numbering, reads as follows:

13 A. The State Board of Medical Licensure and Supervision is
14 hereby authorized to issue guidance to all allopathic physicians in
15 this state on the recommending of medical marijuana to patients.

16 B. The Board may take disciplinary action as provided for in
17 the Oklahoma Allopathic Medical and Surgical Licensure and
18 Supervision Act against any allopathic physician who willfully
19 violates or aids another in the willful violation of the provisions
20 of Section 420 et seq. of Title 63 of the Oklahoma Statutes or the
21 provisions of Enrolled House Bill No. 2612 of the 1st Session of the
22 57th Oklahoma Legislature.

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1 SECTION 5. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 638.1 of Title 59, unless there
3 is created a duplication in numbering, reads as follows:

4 A. The State Board of Osteopathic Examiners is hereby
5 authorized to issue guidance to all osteopathic physicians in this
6 state on the recommending of medical marijuana to patients.

7 B. The Board may take disciplinary action as provided for in
8 the Oklahoma Osteopathic Medicine Act against any osteopathic
9 physician who willfully violates or aids another in the willful
10 violation of the provisions of Section 420 et seq. of Title 63 of
11 the Oklahoma Statutes or the provisions of Enrolled House Bill No.
12 2612 of the 1st Session of the 57th Oklahoma Legislature.

13 SECTION 6. It being immediately necessary for the preservation
14 of the public peace, health or safety, an emergency is hereby
15 declared to exist, by reason whereof this act shall take effect and
16 be in full force from and after its passage and approval."

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1 Passed the Senate the 25th day of April, 2019.

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4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2019.

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8 _____
9 Presiding Officer of the House
10 of Representatives

1 ENGROSSED HOUSE
2 BILL NO. 2613

By: Fetgatter and Echols of the
House

3 and

4 Paxton of the Senate
5
6

7 An Act relating to medical marijuana; providing
8 definition for certain term; specifying which
9 physicians are authorized to provide medical
10 marijuana recommendations for patients; barring
11 certain physicians from providing recommendations;
12 prohibiting assessment of criminal or civil penalties
13 for physicians who provide medical marijuana
14 recommendations or who provide treatment to medical
15 marijuana patients; prohibiting physicians who
16 provide medical marijuana recommendations from co-
17 locating with dispensaries; directing referring
18 physicians to notify State Department of Health and
19 Oklahoma Medical Marijuana Authority upon making
20 certain medical determination; directing State
21 Department of Health to perform certain duties and
22 functions for the medical marijuana program;
23 providing list of duties; providing for codification;
24 and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 7. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 427 of Title 63, unless there is
created a duplication in numbering, reads as follows:

For purposes of the medical marijuana program, the term
"physician" means a doctor of medicine, a doctor of osteopathic

1 medicine or a doctor of podiatric medicine who holds a valid,
2 unrestricted and existing license to practice in the State of
3 Oklahoma and meets the definition of board certified under rules
4 established by either the State Board of Medical Licensure and
5 Supervision, the State Board of Osteopathic Examiners or the State
6 Board of Podiatric Medical Examiners.

7 SECTION 8. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 427.1 of Title 63, unless there
9 is created a duplication in numbering, reads as follows:

10 A. Only licensed Oklahoma allopathic, osteopathic and podiatric
11 physicians may provide a medical marijuana recommendation for a
12 medical marijuana patient license.

13 B. A physician who has not completed his or her first residency
14 shall not meet the definition of "physician" under this section and
15 any recommendation for a medical marijuana patient license shall not
16 be processed by the Oklahoma Medical Marijuana Authority.

17 C. No physician shall be subject to arrest, prosecution or
18 penalty in any manner or denied any right or privilege under
19 Oklahoma state, municipal or county statute, ordinance or
20 resolution, including without limitation a civil penalty or
21 disciplinary action by the State Board of Medical Licensure and
22 Supervision, the State Board of Osteopathic Examiners or the State
23 Board of Podiatric Medical Examiners or by any other business,
24 occupation or professional licensing board or bureau, solely for

1 providing a medical marijuana recommendation for a patient or for
2 monitoring, treating or prescribing scheduled medication to patients
3 who are medical marijuana licensees. The provisions of this
4 subsection shall not prevent the relevant professional licensing
5 boards from sanctioning a physician for failing to properly evaluate
6 the medical condition of a patient or for otherwise violating the
7 applicable physician-patient standard of care.

8 D. A physician who recommends use of medical marijuana shall
9 not be located at the same physical address as a dispensary.

10 E. If the referring physician determines the continued use of
11 medical marijuana by the patient no longer meets the requirements
12 set forth in this act, the physician shall notify the Department and
13 the Authority shall immediately revoke the license.

14 SECTION 9. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 427.2 of Title 63, unless there
16 is created a duplication in numbering, reads as follows:

17 The Department shall exercise its respective powers and perform
18 its respective duties and functions as specified in the medical
19 marijuana program and Title 63 of the Oklahoma Statutes including,
20 but not limited to, the following:

21 1. Determine steps the state shall take, whether administrative
22 or legislative in nature, to ensure that research on marijuana and
23 marijuana products is being conducted for public purposes, including
24 the advancement of:

- a. public health policy and public safety policy,
- b. agronomic and horticultural best practices, and
- c. medical and pharmacopoeia best practices;

2. Contract with third-party vendors and other governmental entities in order to carry out the respective duties and functions as specified in the medical marijuana program;

3. Upon complaint or upon its own motion and upon a completed investigation, levy fines as prescribed in the medical marijuana program and suspend or revoke licenses pursuant to the medical marijuana program;

4. Issue subpoenas for the appearance or production of persons, records and things in connection with disciplinary or contested cases considered by the Department;

5. Apply for injunctive or declaratory relief to enforce the provisions of this section and any rules promulgated pursuant to this section;

6. Inspect and examine, with notice provided in accordance with this act, all licensed premises of medical marijuana businesses, research facilities and education facilities in which medical marijuana is cultivated, manufactured, sold, stored, transported, tested or distributed;

7. Work with the Oklahoma State Banking Department and the State Treasurer to develop good practices and standards for banking and finance for medical marijuana businesses;

1 8. Establish internal control procedures for licenses including
2 accounting procedures, reporting procedures and personnel policies;

3 9. Establish a fee schedule and collect fees for performing
4 background checks as the Commissioner deems appropriate. The fees
5 charged pursuant to this paragraph shall not exceed the actual cost
6 incurred for each background check; and

7 10. Require verification for sources of finance for medical
8 marijuana businesses.

9 SECTION 10. It being immediately necessary for the preservation
10 of the public peace, health or safety, an emergency is hereby
11 declared to exist, by reason whereof this act shall take effect and
12 be in full force from and after its passage and approval.

13 Passed the House of Representatives the 13th day of March, 2019.

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Presiding Officer of the House
of Representatives

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18 Passed the Senate the ___ day of _____, 2019.

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Presiding Officer of the Senate

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