

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL NO. 754

By: McCortney of the Senate

and

Echols of the House

6
7
8
9
10 COMMITTEE SUBSTITUTE

11 An Act relating to medical marijuana; amending
12 Section 7, State Question No. 788, Initiative
13 Petition No. 412 (63 O.S. Supp. 2018, Section 426),
14 which relates to tax on retail medical marijuana;
15 clarifying language; amending Section 10 of Enrolled
16 House Bill No. 2612 of the 1st Session of the 57th
17 Oklahoma Legislature, which relates to medical
18 marijuana recommendations; authorizing nurse
19 practitioners to provide certain recommendation; and
20 declaring an emergency.

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

22 SECTION 1. AMENDATORY Section 7, State Question No. 788,
23 Initiative Petition No. 412 (63 O.S. Supp. 2018, Section 426), is
24 amended to read as follows:

Section 426. A. The tax on retail medical marijuana sales ~~will~~
shall be established at seven percent (7%) of the gross amount
received by the seller.

1 B. This tax ~~will~~ shall be collected at the point of sale. Tax
2 proceeds ~~will~~ shall be applied primarily to finance the regulatory
3 office.

4 C. If proceeds from the levy authorized by subsection A of this
5 section exceed the budgeted amount for running the regulatory
6 office, any surplus shall be apportioned with seventy-five percent
7 (75%) going to the General Revenue Fund and may only be expended for
8 common education. Twenty-five percent (25%) shall be apportioned to
9 the Oklahoma State Department of Health and earmarked for drug and
10 alcohol rehabilitation.

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

14 Section 10. A. ~~Only~~ Except as provided for in subsection F of
15 this section, only licensed Oklahoma allopathic and osteopathic
16 physicians may provide a medical marijuana recommendation for a
17 medical marijuana patient license under this act.

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

22 C. No physician shall be subject to arrest, prosecution or
23 penalty in any manner or denied any right or privilege under
24 Oklahoma state, municipal or county statute, ordinance or

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

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

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

19 F. Certified nurse practitioners shall be authorized to provide
20 medical marijuana recommendations for medical marijuana patient
21 licenses under the authority of a supervising Oklahoma physician as
22 described in subsection A of this section.

23 SECTION 3. It being immediately necessary for the preservation
24 of the public peace, health or safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

3

4 57-1-8728 LRB 04/09/19

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24