

1 ENGROSSED HOUSE
2 BILL NO. 2613

By: Fetgatter and Echols of the
House

3 and

4 Paxton of the Senate
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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 1. 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 2. 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 3. 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 4. 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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