

FLOOR AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2613 _____
 Page 2 Section 2 Lines 1
 Of the printed Bill
 Of the Engrossed Bill

By inserting new Sections 2 and 3 to read as follows:

"SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 427.1 of Title 63, unless there is created a duplication in numbering, reads as follows:

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

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

C. No physician shall be subject to arrest, prosecution or penalty in any manner or denied any right or privilege under Oklahoma state, municipal or county statute, ordinance or resolution, including without limitation a civil penalty or disciplinary action by the State Board of Medical Licensure and Supervision, the State Board of Osteopathic Examiners or the State Board of Podiatric Medical Examiners or by any other business, occupation or professional licensing board or bureau, solely for providing a medical marijuana recommendation for a patient or for monitoring, treating or prescribing scheduled medication to patients who are medical marijuana licensees. The provisions of this subsection shall not prevent the relevant professional licensing boards from sanctioning a physician for failing to properly evaluate the medical condition of a patient or for otherwise violating the applicable physician-patient standard of care.

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

(CONTINUED BELOW)

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Jon Echols

Adopted: _____

Reading Clerk

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

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 427.2 of Title 63, unless there is created a duplication in numbering, reads as follows:

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

1. Determine steps the state shall take, whether administrative or legislative in nature, to ensure that research on marijuana and marijuana products is being conducted for public purposes, including 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;
8. Establish internal control procedures for licenses including accounting procedures, reporting procedures and personnel policies;
9. Establish a fee schedule and collect fees for performing background checks as the Commissioner deems appropriate. The fees charged pursuant to this paragraph shall not exceed the actual cost incurred for each background check; and
10. Require verification for sources of finance for medical marijuana businesses."; and

(CONTINUED BELOW)

Page 2, Section 2, Line 1:

By removing the "November 1, 2019" effective date and inserting in lieu thereof, the following: "It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval."