

1 **SENATE FLOOR VERSION**

2 April 1, 2019

3 **AS AMENDED**

4 ENGROSSED HOUSE

5 BILL NO. 2613

6 By: Fetgatter and Echols of the
7 House

8 and

9 Paxton of the Senate

10 [**medical marijuana - medical marijuana**
11 **recommendations for patients - State Department of**
12 **Health and Oklahoma Medical Marijuana Authority -**
13 **codification -**

14 **emergency]**

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

16 SECTION 1. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 427 of Title 63, unless there is
18 created a duplication in numbering, reads as follows:

19 For purposes of the medical marijuana program, the term
20 "physician" means a doctor of medicine, a doctor of osteopathic
21 medicine or a doctor of podiatric medicine who holds a valid,
22 unrestricted and existing license to practice in the State of
23 Oklahoma and meets the definition of board certified under rules
24 established by either the State Board of Medical Licensure and

1 Supervision, the State Board of Osteopathic Examiners or the State
2 Board of Podiatric Medical Examiners.

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

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

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

13 C. No physician shall be subject to arrest, prosecution or
14 penalty in any manner or denied any right or privilege under
15 Oklahoma state, municipal or county statute, ordinance or
16 resolution, including without limitation a civil penalty or
17 disciplinary action by the State Board of Medical Licensure and
18 Supervision, the State Board of Osteopathic Examiners or the State
19 Board of Podiatric Medical Examiners or by any other business,
20 occupation or professional licensing board or bureau, solely for
21 providing a medical marijuana recommendation for a patient or for
22 monitoring, treating or prescribing scheduled medication to patients
23 who are medical marijuana licensees. The provisions of this
24 subsection shall not prevent the relevant professional licensing

1 boards from sanctioning a physician for failing to properly evaluate
2 the medical condition of a patient or for otherwise violating the
3 applicable physician-patient standard of care.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 10. Require verification for sources of finance for medical
6 marijuana businesses.

7 ~~SECTION 4. It being immediately necessary for the preservation~~
8 ~~of the public peace, health or safety, an emergency is hereby~~
9 ~~declared to exist, by reason whereof this act shall take effect and~~
10 ~~be in full force from and after its passage and approval.~~

11 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
12 April 1, 2019 - DO PASS AS AMENDED

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