

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2774 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Cyndi Munson

Adopted: _____

Reading Clerk

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 PROPOSED COMMITTEE
4 SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2774

By: Munson

7 PROPOSED COMMITTEE SUBSTITUTE

8 An Act relating to medical marijuana; requiring
9 employees of licensed medical marijuana dispensaries
10 to apply for and receive a medical marijuana
11 credential from the Oklahoma Medical Marijuana
12 Authority; directing applicants to submit certain
13 information to the Authority; stating restrictions
14 and prohibitions for holders of medical marijuana
15 credentials; requiring the display of medical
16 marijuana credentials; providing guidelines;
17 directing the Authority to provide notification of
18 complaints; providing procedures when responding to
19 complaints; authorizing the denial, suspension, or
20 revocation of medical marijuana credentials under
21 certain circumstances; directing the Authority to
22 send written notices of denials, suspensions, and
23 revocations; providing for hearings; stating
24 procedures for renewing medical marijuana
credentials; providing renewal and reprint fees;
requiring medical marijuana credential holders to
update name changes and addresses with the Authority;
stating restrictions for expired medical marijuana
credentials; requiring completion of continuing
education; directing the Authority to promulgate
rules; providing for codification; and providing an
effective date.

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

1 SECTION 1. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 427.26 of Title 63, unless there
3 is created a duplication in numbering, reads as follows:

4 A. As provided for in Section 427.14a of Title 63 of the
5 Oklahoma Statutes, beginning January 1, 2024, any employee of a
6 licensed medical marijuana dispensary that provides services to
7 customers shall apply for and receive a credential from the Oklahoma
8 Medical Marijuana Authority that authorizes the employee to work as
9 a medical marijuana consultant within the licensed medical marijuana
10 dispensary.

11 B. An applicant for a medical marijuana consultant credential
12 shall submit to the Authority:

13 1. A completed initial application on forms provided by the
14 Authority;

15 2. A nonrefundable application fee of Thirty Dollars (\$30.00);

16 3. Certificate of successful completion from a credentialing
17 and training program approved by the Authority;

18 4. Proof of being twenty-one (21) years of age or older.

19 Acceptable forms of proof shall be a copy of the valid driver
20 license of the applicant or other government-issued identification
21 card, United States passport, or certified birth certificate; and

22 5. Any other documentation required by the Authority.
23
24

1 C. The holder of a medical marijuana credential may only
2 provide services when acting in the capacity of an owner, employee,
3 or volunteer of a licensed medical marijuana dispensary.

4 1. The holder of a medical marijuana credential may:

5 a. perform regular job duties and business functions
6 including, but not limited to, assisting a customer
7 with the selection of medical marijuana products and
8 other items sold at the medical marijuana dispensary,

9 b. assist a licensed medical marijuana patient or
10 licensed medical marijuana caregiver with the
11 following:

12 (1) selection of medical marijuana products and other
13 items sold at the licensed medical marijuana
14 dispensary that may benefit the medical condition
15 of the licensed medical marijuana patient,

16 (2) understanding the risks and benefits of medical
17 marijuana products and other items sold at the
18 licensed medical marijuana dispensary,

19 (3) understanding the risks and benefits of methods
20 of administration of medical marijuana products
21 sold at the licensed medical marijuana
22 dispensary. Whenever practicable, the holder of
23 a medical marijuana credential shall encourage
24 methods of administration other than smoking,

1 (4) advice about the safe handling and storage of
2 medical marijuana products, including strategies
3 to reduce access by minors, and

4 (5) instruction and demonstration about proper use
5 and application of medical marijuana products.

6 2. When discussing a medical marijuana product with a licensed
7 medical marijuana patient or licensed medical marijuana caregiver,
8 the holder of a medical marijuana credential shall refer to the
9 product using the labeling required by the Authority in addition to
10 the represented name of the strain.

11 3. The holder of a medical marijuana credential shall not:

- 12 a. offer or undertake to diagnose or cure any human or
13 animal disease, ailment, injury, infirmity, deformity,
14 pain, or other condition, physical or mental, real or
15 imaginary, by use of medical marijuana products or any
16 other means or instrumentality,
- 17 b. recommend or suggest modification or elimination of
18 any course of treatment that does not involve the
19 medical use of marijuana products,
- 20 c. solicit or accept any form of remuneration directly or
21 indirectly, overtly or covertly, in cash or any other
22 form in return for recommending a certain product,
23 producer, processor, clinic, or health care
24 practitioner,

- 1 d. provide medical marijuana consultant services at any
2 location other than at licensed medical marijuana
3 dispensaries for which the holder of the medical
4 marijuana credential serves as an owner, employee, or
5 volunteer,
- 6 e. provide free samples of a medical marijuana product to
7 a licensed medical marijuana patient or licensed
8 medical marijuana caregiver,
- 9 f. open or allow a licensed medical marijuana patient or
10 licensed medical marijuana caregiver to open a medical
11 marijuana product on the premises, or
- 12 g. consume or allow a licensed medical marijuana patient
13 or licensed medical marijuana caregiver to consume any
14 medical marijuana product on the premises.

15 D. 1. The holder of a medical marijuana credential shall
16 display his or her credential certificate in his or her principal
17 place of business in a place and manner visible to all licensed
18 medical marijuana patients and licensed medical marijuana
19 caregivers.

20 2. The holder of a medical marijuana credential who owns, is
21 employed by, or volunteers at more than one licensed medical
22 marijuana dispensary location shall display a duplicate credential
23 certificate or an unaltered photocopy of his or her credential
24 certificate in each business location in a place and manner visible

1 to licensed medical marijuana patients and licensed medical
2 marijuana caregivers.

3 E. 1. The Authority shall notify an applicant or holder of a
4 medical marijuana credential upon receipt of a complaint, except
5 when the notification would impede an effective investigation. Upon
6 request by the Authority, the applicant or holder of the medical
7 marijuana credential shall submit a written statement about the
8 complaint.

9 2. An applicant or holder of a medical marijuana credential
10 must produce documents, records, or other items that are within his
11 or her possession or control within twenty-one (21) calendar days of
12 service of a request by the Authority.

13 3. Failure to submit a full and complete written statement
14 explaining the matter contained in a complaint pursuant to paragraph
15 1 of this subsection or to comply with a request made pursuant to
16 paragraph 2 of this subsection may result in action by the Authority
17 to refuse the application or revoke or suspend the medical marijuana
18 credential.

19 F. The Authority has the power to deny, suspend, or revoke a
20 medical marijuana credential upon proof that:

21 1. The medical marijuana credential was procured through fraud,
22 misrepresentation, or deceit;

23 2. The applicant or holder of a medical marijuana credential
24 has violated or has permitted any employee or volunteer to violate

1 any of the laws or rules of this state relating to drugs or
2 controlled substances or has been convicted of a felony; and

3 3. The applicant or holder of a medical marijuana credential
4 has violated or has permitted any employee or volunteer to violate
5 any of the terms, conditions, and guidelines set forth in the
6 Oklahoma Medical Marijuana and Patient Protection Act.

7 G. The Authority shall provide written notice of a denial,
8 suspension, or revocation of a medical marijuana credential by the
9 Authority. All hearings related to the denial, suspension, or
10 revocation of a medical marijuana credential shall be held in
11 accordance with the provisions of Section 427.6 of Title 63 of the
12 Oklahoma Statutes.

13 H. 1. Medical marijuana credentials shall be renewed every
14 year on the birthday of the holder of the medical marijuana
15 credential. Initial medical marijuana credentials issued within
16 ninety (90) days of the birthday of the medical marijuana credential
17 holder do not expire until the next birthday of the credential
18 holder.

19 2. The holder of the medial marijuana credential shall attest
20 to completion of annual credentialing requirements.

21 3. A nonrefundable renewal fee of One Hundred Dollars (\$100.00)
22 may be accepted by the Authority no sooner than ninety (90) days
23 prior to the expiration date.

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1 4. The holder of a medical marijuana credential may obtain a
2 duplicate credential certificate by submitting a written request to
3 the Authority. The fee for a credential certificate reprint shall
4 be Twenty Dollars (\$20.00).

5 5. It shall be the responsibility of each holder of a medical
6 marijuana credential to maintain his or her correct name on file
7 with the Authority. Requests for name changes shall be submitted in
8 writing to the Authority along with documentation showing his or her
9 name was legally changed.

10 6. It is the responsibility of each holder of a medical
11 marijuana credential to maintain his or her current address on file
12 with the Authority. Requests for address changes shall be made in
13 writing to the Authority.

14 7. The holder of a medical marijuana credential shall not
15 practice at any time while the credential is expired. The medical
16 marijuana credential is expired if the holder of the medical
17 marijuana credential does not renew on or before the expiration
18 date.

19 I. The holder of a medical marijuana credential shall complete
20 a minimum of ten (10) hours of continuing education each year in
21 order to renew the medical marijuana credential. Acceptable
22 continuing education topics for the hours required shall be
23 determined by the Authority.

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1 J. The Authority shall promulgate rules to implement the
2 provisions of this section.

3 SECTION 2. This act shall become effective November 1, 2023.
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