

1 ENGROSSED SENATE
2 BILL NO. 437

By: Garvin of the Senate

and

Marti of the House

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6 An Act relating to medical marijuana; amending 63
7 O.S. 2021, Section 427.10, as amended by Section 12,
8 Chapter 251, O.S.L. 2022 (63 O.S. Supp. 2022, Section
9 427.10), which relates to physicians who may provide
10 a recommendation; directing creation of certain
11 registry; requiring registration by physicians;
12 requiring compliance with medical education and
13 continuing medical education requirements;
14 authorizing the Oklahoma Medical Marijuana Authority
15 to provide for certain conferences, meetings, or
16 training sessions; directing promulgation of certain
17 rules in consultation with specified boards; amending
18 Section 3, Chapter 328, O.S.L. 2022 (63 O.S. Supp.
19 2022, Section 427.14b), which relates to credentials
20 required for employees to work in licensed medical
21 marijuana business; requiring dispensary employees to
22 comply with education and continuing education
23 requirements; directing promulgation of certain
24 rules; amending 63 O.S. 2021, Section 427.21, as
amended by Section 2, Chapter 329, O.S.L. 2022 (63
O.S. Supp. 2022, Section 427.21), which relates to
advertising; prohibiting certain types of events to
be hosted or advertised; providing for the
promulgation of rules for certain events; updating
statutory language; updating statutory reference; and
providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 2021, Section 427.10, as
amended by Section 12, Chapter 251, O.S.L. 2022 (63 O.S. Supp. 2022,
Section 427.10), is amended to read as follows:

1 Section 427.10. A. Only licensed Oklahoma allopathic,
2 osteopathic and podiatric physicians may provide a medical marijuana
3 recommendation for a medical marijuana patient license under the
4 Oklahoma Medical Marijuana and Patient Protection Act.

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

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

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

4 E. If the physician determines the continued use of medical
5 marijuana by the patient no longer meets the requirements set forth
6 in the Oklahoma Medical Marijuana and Patient Protection Act, the
7 physician shall notify the Oklahoma Medical Marijuana Authority and
8 the license shall be immediately voided without right to an
9 individual proceeding.

10 F. The Authority shall create and maintain a registry of
11 recommending physicians. Beginning January 1, 2025, to be eligible
12 to provide a medical marijuana recommendation to a licensed patient,
13 a physician shall be registered with the Authority.

14 G. To be registered with the Authority, a physician shall
15 comply with the medical education and continuing medical education
16 requirements described in subsection I of this section and shall
17 meet all other requirements established by law or rule for
18 recommending physicians.

19 H. The Authority is hereby authorized to enter into contracts
20 and agreements for the payment of food, lodging, and other
21 authorized expenses as may be necessary to host, conduct, sponsor,
22 or participate in conferences, meetings, or training sessions. The
23 Authority may establish accounts as necessary for the collection and
24 distribution of funds, including funds of sponsors and registration

1 fees, related to such conferences, meetings, and training sessions.
2 Any expenses incurred may be paid directly to the contacting agency
3 or business establishment.

4 I. The Executive Director of the Authority shall promulgate
5 rules to establish medical education and continuing medical
6 education requirements for recommending physicians. In promulgating
7 such rules, the Executive Director shall consult with the State
8 Board of Medical Licensure and Supervision, the State Board of
9 Osteopathic Examiners, and the Board of Podiatric Medical Examiners,
10 and the Executive Director may consult with associations
11 representing licensees of such boards.

12 SECTION 2. AMENDATORY Section 3, Chapter 328, O.S.L.
13 2022 (63 O.S. Supp. 2022, Section 427.14b), is amended to read as
14 follows:

15 Section 427.14b. A. 1. Beginning January 1, 2024, the
16 Oklahoma Medical Marijuana Authority shall require employees of a
17 medical marijuana business licensee to apply for and receive a
18 credential authorizing the employee to work in a licensed medical
19 marijuana business.

20 2. Beginning January 1, 2025, to be eligible for such
21 credential, employees of medical marijuana dispensaries shall comply
22 with the education and continuing education requirements described
23 in subsection G of this section and shall meet all other
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1 requirements established by law or rule for employees of a medical
2 marijuana business licensee.

3 B. The Authority may contract with one or more third-party
4 vendors to provide the credentialing services necessary to carry out
5 the provisions of this section.

6 C. The Authority shall determine the services to be provided by
7 such third-party vendor and shall establish costs and prices. If
8 contracted for credentialing services, a third-party vendor shall on
9 behalf of the Authority conduct the background checks and verify
10 eligibility and suitability for any employees of a medical marijuana
11 business license holder to obtain a credential.

12 D. Upon successful completion by the third-party vendor of the
13 statutorily required background checks and verification of
14 eligibility and suitability for an employee, the third-party vendor
15 shall issue a credential to the employee. The results of background
16 checks and verifications shall be provided to the Authority by the
17 third-party vendor.

18 E. If the third-party vendor determines that an employee of a
19 medical marijuana business holder does not meet the minimum
20 statutory requirements for a credential, the applicant or employee
21 shall have no recourse against the third-party vendor but may appeal
22 such adverse determination to the Authority.

23 F. The third-party vendor shall not be civilly liable to an
24 applicant, licensee, or employee of a licensee for any acts taken in

1 good-faith compliance with the provisions of Section 420 et seq. of
2 Title 63 of the Oklahoma Statutes and the Oklahoma Medical Marijuana
3 and Patient Protection Act and the rules promulgated by the Oklahoma
4 Medical Marijuana Authority.

5 G. 1. The Executive Director of the Authority may promulgate
6 rules to implement the provisions of this section.

7 2. Such rules shall include, but not be limited to, education
8 and continuing education requirements for employees of medical
9 marijuana dispensaries.

10 SECTION 3. AMENDATORY 63 O.S. 2021, Section 427.21, as
11 amended by Section 2, Chapter 329, O.S.L. 2022 (63 O.S. Supp. 2022,
12 Section 427.21), is amended to read as follows:

13 Section 427.21. A. A medical marijuana business shall not
14 engage in advertising that is deceptive, false or misleading.

15 B. Medical marijuana advertising shall not contain any
16 statement or illustration that:

17 1. Promotes overconsumption;

18 2. Represents that the use of marijuana has curative or
19 therapeutic effects; or

20 3. Depicts a child or other person under legal age to consume
21 marijuana, or includes:

22 a. objects such as toys or cartoon or other characters,
23 which suggest the presence of a child, or any other
24 depiction designed in any manner to be especially

1 appealing to children or other persons under legal age
2 to consume marijuana, or

3 b. any manner or design that would be especially
4 appealing to children or other persons under eighteen
5 (18) years of age.

6 C. ~~Upon the effective date of this act~~ Beginning on November 1,
7 2022, all medical marijuana commercial grower licensees shall be
8 required to post signage at the site of the commercial grow
9 operation. Signage shall be located at the perimeter of the
10 property with dimensions measuring no less than eighteen (18) inches
11 by twenty-four (24) inches with a font size of no less than two (2)
12 inches. Information required to be displayed on the sign shall be
13 in black standardized font on a white background. The Oklahoma
14 Medical Marijuana Authority shall promulgate rules as necessary
15 regarding the size, placement, issuance and specifications of the
16 required signage. The following information shall be included on
17 the required signage:

- 18 1. Business name;
- 19 2. Physical address of the licensed business;
- 20 3. Phone number of the licensed business; and
- 21 4. Medical marijuana business license number.

22 The required signage shall also comply with county regulations
23 and local ordinances related to the real property where the
24 commercial grow operation is located. Failure to erect the proper

1 signage within sixty (60) days after the renewal of each application
2 for a medical marijuana commercial grower license in accordance with
3 the provisions of this subsection shall result in the immediate
4 revocation of the medical marijuana commercial grower license. Upon
5 issuance of a temporary license, all medical marijuana commercial
6 grower licensees shall be required to comply with the provisions of
7 this subsection prior to the prelicensure inspection conducted by
8 the Authority.

9 D. It shall be unlawful to host or advertise medical marijuana-
10 related events requiring admission fees or open to the general
11 public, other than for the purposes of providing education to a
12 physician on the list of approved providers and as permitted by the
13 appropriate licensing board. The Authority shall promulgate rules
14 to issue or deny permits for events not hosted by the Authority and
15 related to education of providers.

16 SECTION 4. This act shall become effective January 1, 2024.
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1 Passed the Senate the 23rd day of March, 2023.

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4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2023.

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9 Presiding Officer of the House
10 of Representatives