

1 **SENATE FLOOR VERSION**

2 February 8, 2023

3 SENATE BILL NO. 437

By: Garvin

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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; directing  
14 promulgation of certain rules in consultation with  
15 specified boards; amending Section 3, Chapter 328,  
16 O.S.L. 2022 (63 O.S. Supp. 2022, Section 427.14b),  
17 which relates to credentials required for employees  
18 to work in licensed medical marijuana business;  
19 requiring dispensary employees to comply with  
20 education and continuing education requirements;  
21 directing promulgation of certain rules; and  
22 providing an effective date.

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

24 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:

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

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

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

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

23 E. If the physician determines the continued use of medical  
24 marijuana by the patient no longer meets the requirements set forth

1 in the Oklahoma Medical Marijuana and Patient Protection Act, the  
2 physician shall notify the Oklahoma Medical Marijuana Authority and  
3 the license shall be immediately voided without right to an  
4 individual proceeding.

5 F. The Authority shall create and maintain a registry of  
6 recommending physicians. Beginning January 1, 2025, to be eligible  
7 to provide a medical marijuana recommendation to a licensed patient,  
8 a physician shall be registered with the Authority.

9 G. To be registered with the Authority, a physician shall  
10 comply with the medical education and continuing medical education  
11 requirements described in subsection H of this section and shall  
12 meet all other requirements established by law or rule for  
13 recommending physicians.

14 H. The Executive Director of the Authority shall promulgate  
15 rules to establish medical education and continuing medical  
16 education requirements for recommending physicians. In promulgating  
17 such rules, the Executive Director shall consult with the State  
18 Board of Medical Licensure and Supervision, the State Board of  
19 Osteopathic Examiners, and the Board of Podiatric Medical Examiners,  
20 and the Executive Director may consult with associations  
21 representing licensees of such boards.

22 SECTION 2. AMENDATORY Section 3, Chapter 328, O.S.L.  
23 2022 (63 O.S. Supp. 2022, Section 427.14b), is amended to read as  
24 follows:

1 Section 427.14b. A. 1. Beginning January 1, 2024, the  
2 Oklahoma Medical Marijuana Authority shall require employees of a  
3 medical marijuana business licensee to apply for and receive a  
4 credential authorizing the employee to work in a licensed medical  
5 marijuana business.

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

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

15 C. The Authority shall determine the services to be provided by  
16 such third-party vendor and shall establish costs and prices. If  
17 contracted for credentialing services, a third-party vendor shall on  
18 behalf of the Authority conduct the background checks and verify  
19 eligibility and suitability for any employees of a medical marijuana  
20 business license holder to obtain a credential.

21 D. Upon successful completion by the third-party vendor of the  
22 statutorily required background checks and verification of  
23 eligibility and suitability for an employee, the third-party vendor  
24 shall issue a credential to the employee. The results of background

1 checks and verifications shall be provided to the Authority by the  
2 third-party vendor.

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

8 F. The third-party vendor shall not be civilly liable to an  
9 applicant, licensee, or employee of a licensee for any acts taken in  
10 good-faith compliance with the provisions of Section 420 et seq. of  
11 Title 63 of the Oklahoma Statutes and the Oklahoma Medical Marijuana  
12 and Patient Protection Act and the rules promulgated by the Oklahoma  
13 Medical Marijuana Authority.

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

16 2. Such rules shall include, but not be limited to, education  
17 and continuing education requirements for employees of medical  
18 marijuana dispensaries.

19 SECTION 3. This act shall become effective January 1, 2024.

20 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND COMMERCE  
21 February 8, 2023 - DO PASS

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