

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

FLOOR AMENDMENT

No. 1

COMMITTEE AMENDMENT

(Date)

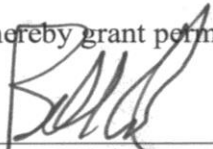
I move to amend Senate Bill No. 437, by the attached floor substitute (Request #2044) for the title, enacting clause and entire body of the measure.

Submitted by:

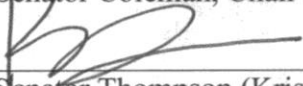


Senator Garvin

I hereby grant permission for the floor substitute to be adopted.



Senator Coleman, Chair (required)



Senator Thompson (Kristen)

Senator Brooks



Senator Burns



Senator Haste

Senator Jett

Senator Treat, President Pro Tempore

Senator Newhouse



Senator Prieto

Senator Pugh



Senator Seifried



Senator Weaver

Senator Young

Senator McCortney, Majority Floor Leader

Note: Business and Commerce committee majority requires seven (7) members' signatures.

Garvin-MR-FS-SB437
3/22/2023 8:57 AM

(Floor Amendments Only)

Date and Time Filed: 3-22-23 9:40 am *fd*

Untimely

Amendment Cycle Extended

Secondary Amendment

1 STATE OF OKLAHOMA

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

3 FLOOR SUBSTITUTE
4 FOR

5 SENATE BILL NO. 437

6 By: Garvin of the Senate

7 and

8 Marti of the House

9 FLOOR SUBSTITUTE

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

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

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

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

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 state,
15 municipal or county statute, ordinance or resolution, including
16 without limitation a civil penalty or disciplinary action by the
17 State Board of Medical Licensure and Supervision, the State Board of
18 Osteopathic Examiners, the Board of Podiatric Medical Examiners or
19 by any other business, occupation or professional licensing board or
20 bureau, solely for providing a medical marijuana recommendation for
21 a patient or for monitoring, treating or prescribing scheduled
22 medication to patients who are medical marijuana licensees. The
23 provisions of this subsection shall not prevent the relevant
24 professional licensing boards from sanctioning a physician for

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

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

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

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

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

22 H. The Authority is hereby authorized to enter into contracts
23 and agreements for the payment of food, lodging, and other
24 authorized expenses as may be necessary to host, conduct, sponsor,

1 or participate in conferences, meetings, or training sessions. The
2 Authority may establish accounts as necessary for the collection and
3 distribution of funds, including funds of sponsors and registration
4 fees, related to such conferences, meetings, and training sessions.
5 Any expenses incurred may be paid directly to the contacting agency
6 or business establishment.

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

15 SECTION 2. AMENDATORY Section 3, Chapter 328, O.S.L.
16 2022 (63 O.S. Supp. 2022, Section 427.14b), is amended to read as
17 follows:

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

23 2. Beginning January 1, 2025, to be eligible for such
24 credential, employees of medical marijuana dispensaries shall comply

1 with the education and continuing education requirements described
2 in subsection G of this section and shall meet all other
3 requirements established by law or rule for employees of a medical
4 marijuana business licensee.

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

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

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

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

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

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

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

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

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

17 B. Medical marijuana advertising shall not contain any
18 statement or illustration that:

19 1. Promotes overconsumption;

20 2. Represents that the use of marijuana has curative or
21 therapeutic effects; or

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

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1 a. objects such as toys or cartoon or other characters,
2 which suggest the presence of a child, or any other
3 depiction designed in any manner to be especially
4 appealing to children or other persons under legal age
5 to consume marijuana, or

6 b. any manner or design that would be especially
7 appealing to children or other persons under eighteen
8 (18) years of age.

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

- 21 1. Business name;
- 22 2. Physical address of the licensed business;
- 23 3. Phone number of the licensed business; and
- 24 4. Medical marijuana business license number.

1 The required signage shall also comply with county regulations
2 and local ordinances related to the real property where the
3 commercial grow operation is located. Failure to erect the proper
4 signage within sixty (60) days after the renewal of each application
5 for a medical marijuana commercial grower license in accordance with
6 the provisions of this subsection shall result in the immediate
7 revocation of the medical marijuana commercial grower license. Upon
8 issuance of a temporary license, all medical marijuana commercial
9 grower licensees shall be required to comply with the provisions of
10 this subsection prior to the prelicensure inspection conducted by
11 the Authority.

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

19 SECTION 4. This act shall become effective January 1, 2024.

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21 59-1-2044 MR 3/23/2023 12:17:59 AM

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