

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 COMMITTEE SUBSTITUTE

4 FOR

5 SENATE BILL 1120

6 By: Yen

7 COMMITTEE SUBSTITUTE

8 An Act relating to medical marijuana; defining terms;
9 stating persons to whom certain provisions do not
10 apply; providing for criminal charges and punishment
11 against certain persons for specific acts; defining
12 terms; setting parameters for issuance of patient
13 certification; providing for contents of
14 certification; stating duties of certain
15 practitioner; prohibiting certain acts by
16 practitioner; providing for expiration dates on
17 registry identification card; requiring certain
18 information be included on card; requiring State
19 Board of Health to promulgate rules to effectuate
20 certain provisions; providing for lawful and unlawful
21 acts; requiring possession of registry identification
22 card at designated time; authorizing State Department
23 of Health to provide registry application form and
24 methods of availability; requiring minimum age for
persons obtaining, amending or renewing certain card;
requiring filing of registry application with
Department; providing for contents of registry
application; providing penalty for false statement;
providing for application fee, reduction in fee and
waiver of fee under certain circumstances; requiring
Department to issue certain card within certain time
period; requiring minimum age for designated
caregiver and providing exceptions; requiring
Department to determine exceptions to minimum age of
caregiver; limiting number of certified patients per
designated caregiver; authorizing certified patient
to change or terminate designated caregiver and
providing procedures; requiring issuance of separate
registration cards for specified persons; requiring
certain notification for certain incomplete or

1 inaccurate applications; stating circumstances for
2 certain denial of application; providing for contents
3 on registry identification; providing certain
4 accommodations for specific persons; requiring
5 certain persons to notify Department of certain
6 changes; requiring return of certain card to
7 Department under certain circumstances and providing
8 fine for failure to return; stating procedure and
9 cost of lost registry identification card; requiring
10 Department to maintain certain confidential list;
11 exempting confidential list from Oklahoma Open
12 Records Act; stating exceptions; requiring Department
13 to verify validity of registry identification card
14 under certain circumstances; stating circumstances
15 requiring suspension or revocation of card and
16 authorizing applicable penalties; stating
17 qualifications of a registered organization;
18 providing for lawful acts of a registered
19 organization; requiring organization to enter into
20 contract to test medical marijuana produced by
21 organization; providing for approval of certain
22 laboratory; requiring reporting of certain test
23 results as determined by Commissioner of Health;
24 authorizing certain acts by organization; prohibiting
certain acts by organization; providing for certain
receipt to certified patient from registered
organization; requiring organization to maintain
certain records for specified period of time;
requiring certain filings of information; requiring
completion of certain training program by
organization; prohibiting certain acts by
organization; requiring verification of certain
information; requiring certain safety information be
provided by organization to certified patient or
designated caregiver; prohibiting organization from
employing certain persons or providing certain
management for organization; providing certain
facility requirement for manufacturing and dispensing
medical marijuana; requiring Board to promulgate
rules establishing facility requirement; requiring
organization to provide certain documentation to
Department at specified time; prohibiting certain
acts by registered organization; setting forth
certain container requirement; requiring approval of
certain trade names by Commissioner of Health;
setting forth compliance standards for certain trade
name; requiring certain labeling; requiring certain

1 receipt information; providing for certain
2 identifying signs, contents and placement thereof;
3 prohibiting certain advertising or certain
4 promotional items; setting forth information required
5 from registered organization applicant; providing
6 qualifications of applicant; prohibiting certain
7 ownership; establishing ownership for certain
8 purposes; requiring reporting of certain information
9 by certain persons; providing for granting of certain
10 registration upon satisfaction of certain
11 information; providing for certain notice, offer of
12 certain information by applicant and/or hearing if
13 registration is denied; authorizing reasonable fee
14 for registration to be set by Department; providing
15 content of registration; authorizing relocation
16 amendment of registration and fee subject to certain
17 approval; providing expiration period for
18 registration; providing deadlines for certain
19 applications or renewals; providing for treatment of
20 late-filed applications; requiring certain
21 information for certain application renewal;
22 providing for certain show-cause hearing; requiring
23 certain detailed order under certain circumstances;
24 requiring certain determination by Board when denying
registration; stating grounds for suspension or
termination of registration; requiring reporting of
certain material information by registered
organization; limiting number of certain registered
organizations and stating exception to limitation;
requiring certain geographical distribution or
registered organizations; limiting location of
registered organizations; authorizing certain
entities to create zoning classification for certain
purposes; requiring certain notice be sent to certain
authorities and deadline to respond to notice;
requiring certain notice by specific applicant within
and for specified period of time; requiring
Department to use certain system for determining
certain retailers are licensed; setting age restricts
for certain applicants and employees; requiring
certain signage in specific retail establishments;
prohibiting approval of certain applications under
certain circumstances; requiring conspicuous posting
of certain information by registered organization;
prohibiting certain acts on certain premises; setting
certain hours of operation; requiring Board to
promulgate certain rules relating to registered

1 organizations; authorizing certain evaluations;
2 authorizing Commissioner to approve certain contract;
3 authoring development of certain research upon
4 certain approval; requiring certain report every two
5 years by Department to certain persons; construing
6 provision; prohibiting liability for certain acts;
7 authorizing certain employee policies; prohibiting
8 use of medical marijuana by lawful user to be used
9 against person in certain legal proceedings;
10 providing exception; providing confidentiality of
11 certain records; providing certain time period for
12 specified acts; authorizing termination by Governor
13 of all registered organization licensing under
14 certain circumstances; requiring sales of medical
15 marijuana to comply with price set by Board;
16 providing considerations required by Board when
17 setting price of medical marijuana; requiring
18 promulgation of rules; amending 63 O.S. 2011, Section
19 2-309D, as last amended by Section 35, Chapter 210,
20 O.S.L. 2016 (63 O.S. Supp. 2017, Section 2-309D)
21 which relates to central repository information;
22 adding medical marijuana to central repository
23 information for certain purpose; authorizing certain
24 persons to access central repository for certain
purposes; providing for codification; providing a
contingent effective date; and providing an effective
date.

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 1248 of Title 21, unless there
is created a duplication in numbering, reads as follows:

A. For the purposes of this section:

1. "Medical marijuana" means medical marijuana as defined in
Section 2 of this act; and

1 2. "Certification" means a certification, as defined in Section
2 2 of this act.

3 B. The provisions of this section shall not apply to:

4 1. A practitioner authorized to issue a certification who acted
5 in good faith in the lawful course of his or her profession;

6 2. A registered organization as defined in Section 2 of this
7 act who acted in good faith in the lawful course of the practice of
8 pharmacy; or

9 3. A person who acted in good faith seeking treatment for a
10 medical condition or assisting another person to obtain treatment
11 for a medical condition.

12 C. 1. A person is guilty of criminal diversion of medical
13 marijuana in the first degree when he or she is a practitioner, as
14 defined in this act, who issues a certification with knowledge of
15 reasonable grounds to know that:

16 a. the recipient has no medical need for the marijuana,
17 or

18 b. the marijuana is for a purpose other than to treat a
19 serious condition as defined in Section 2 of this act;

20 2. Criminal diversion of medical marijuana in the first degree
21 shall be punishable by imprisonment of not less than one year and
22 not more than five (5) years and a fine not to exceed Twenty
23 Thousand Dollars (\$20,000.00). Second and subsequent offenses may
24

1 be punishable by not less than one year and not more than ten (10)
2 years for each subsequent offense.

3 D. A person is guilty of criminal diversion of medical
4 marijuana in the second degree when he or she sells, trades,
5 delivers or otherwise provides medical marijuana to another with
6 knowledge or reasonable grounds to know that the recipient is not
7 registered pursuant to this act. Criminal diversion of medical
8 marijuana in the second degree shall be a felony punishable by
9 imprisonment of not less than one year and not more than two (2)
10 years and a fine not to exceed Ten Thousand Dollars (\$10,000.00).
11 Second and subsequent offenses may be punishable by not less than
12 one year and not more than five (5) years for each subsequent
13 offense.

14 E. A person is guilty of criminal retention of medical
15 marijuana when, being a certified patient or designated caregiver,
16 as those terms are defined in Section 2 of this act, he or she
17 knowingly obtains, possesses, stores or maintains an amount of
18 marijuana in excess of the amount he or she is authorized to possess
19 pursuant to the provisions of this act. Criminal retention of
20 medical marijuana is a misdemeanor subject to imprisonment of not
21 more than one year and a fine of not more than Five Thousand Dollars
22 (\$5,000.00).

23

24

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1-2801 of Title 63, unless there
3 is created a duplication in numbering, reads as follows:

4 As used in this act:

5 1. "Applicant" means a for-profit entity or not-for-profit
6 corporation and includes board members, officers, managers, owners,
7 partners, principal stakeholders and members who submit an
8 application to become a registered organization;

9 2. "Caring for" means treating a patient, in the course of
10 which the practitioner has completed a full assessment of the
11 patient's medical history and current medical condition;

12 3. "Certification" means a certification, made pursuant to
13 Section 4 of this act;

14 4. "Certified medical use" means the acquisition, possession,
15 use or transportation of medical marijuana by a certified patient,
16 or the acquisition, possession, delivery, transportation or
17 administration of medical marijuana by a designated caregiver, for
18 use as part of the treatment of the patient's serious condition, as
19 authorized in a certification pursuant to Section 3 of this act
20 including enabling the patient to tolerate treatment for the serious
21 condition. A certified medical use does not include smoking;

22 5. "Certified patient" means a patient who is a resident of
23 Oklahoma or receiving care and treatment in Oklahoma, and is
24 certified pursuant to Section 3 of this act;

1 6. "Designated caregiver" means the individual designated by a
2 certified patient in a registry application. A certified patient
3 may designate up to two (2) designated caregivers;

4 7. "Form of medical marijuana" means characteristics of the
5 medical marijuana recommended or limited for a particular certified
6 patient, including the method of consumption and any particular
7 strain, variety and quantity or percentage of marijuana or
8 particular active ingredient;

9 8. "Individual dose" means a single measure of raw medical
10 marijuana or non-infused concentrates to be determined and clearly
11 identified by a patient's practitioner for the patient's specific
12 certified condition. For ingestible or sublingual medical marijuana
13 products, no individual dose may contain more than ten (10)
14 milligrams of tetrahydrocannabinol;

15 9. "Medical marijuana" means marijuana intended for a certified
16 medical use as addressed in this act;

17 10. "Practitioner" means a practitioner who:

18 a. is a physician licensed by the State Board of Medical
19 Licensure and Supervision or the State Board of
20 Osteopathic Examiners and practicing within this
21 state,

22 b. by training or experience is qualified to treat a
23 serious condition as defined in this section, and
24

1 c. has completed a two (2) to four (4) hour course as
2 determined by the Commissioner of Health and
3 registered with the State Department of Health. Such
4 course may count toward board certification
5 requirements;

6 11. "Public place" means a public place as defined in
7 regulation by the State Board of Health;

8 12. "Registry application" means an application properly
9 completed and filed with the State Department of Health by a
10 certified patient pursuant to Section 6 of this act;

11 13. "Registry identification card" means a document that
12 identifies a certified patient or designated caregiver pursuant to
13 Section 4 of this act;

14 14. "Registered organization" means an organization registered
15 pursuant to Sections 6 and 7 of this act;

16 15. "Serious condition" means:

17 a. neuropathic pain,

18 b. persistent muscle spasms due to multiple sclerosis or
19 paraplegia,

20 c. intractable nausea or vomiting due to chemotherapy, or

21 d. loss of weight or appetite due to cancer or HIV/AIDS;

22 and
23
24

1 16. "Terminally ill" means an individual has a medical
2 prognosis that the individual's life expectancy is approximately one
3 year or less if the illness runs its normal course.

4 SECTION 3. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 1-2802 of Title 63, unless there
6 is created a duplication in numbering, reads as follows:

7 A. A patient certification may only be issued if:

- 8 a. a practitioner has been registered with the State
9 Department of Health pursuant to this act to issue a
10 certification as determined by the Commissioner of
11 Health,
12 b. the patient has a serious condition, as defined in
13 Section 2 of this act, which shall be specified in the
14 patient's health care record,
15 c. the practitioner, by training or experience, is
16 qualified to treat the serious condition,
17 d. the patient is under the practitioner's continuing
18 care for the serious condition, and
19 e. in the practitioner's professional opinion and review
20 of past treatments, the patient is likely to receive
21 therapeutic or palliative benefit from the primary or
22 adjunctive treatment with medical use of marijuana for
23 the serious condition. The State Board of Medical
24 Licensure and Supervision and the State Board of

1 Osteopathic Examiners shall promulgate rules to carry
2 out the provisions of this subparagraph.

3 B. The certification shall include:

- 4 a. the name, date of birth and address of the patient,
- 5 b. a statement that the patient has a serious condition
6 and is under the practitioner's care for the serious
7 condition,
- 8 c. a statement attesting that all requirements of
9 subsection A of this section have been satisfied,
- 10 d. the date, and
- 11 e. the name, address, federal registration number,
12 telephone number and the handwritten signature of the
13 certifying practitioner. The Commissioner of Health
14 may require, by rule, that the certification shall be
15 on a form provided by the State Department of Health.
16 The practitioner shall state in the certification
17 that, in the practitioner's professional opinion, the
18 patient would benefit from medical marijuana only
19 until a specified date. The practitioner shall state
20 in the certification that, in the practitioner's
21 professional opinion, the patient is terminally ill
22 and that the certification shall not expire until the
23 patient dies.

1 C. In making a certification, the practitioner shall consider
2 the form of medical marijuana the patient should consume, including
3 the method of consumption and any particular strain, variety and
4 quantity or percentage of marijuana or particular active ingredient,
5 and appropriate dosage. The practitioner shall state in the
6 certification any recommendation or limitation the practitioner
7 makes, in his or her professional opinion, concerning the
8 appropriate form or forms of medical marijuana and dosage.

9 D. Every practitioner shall consult the central repository as
10 required by Section 2-309D of Title 63 of the Oklahoma Statutes
11 prior to making or issuing a certification, for the purpose of
12 reviewing a patient's controlled substance history. For purposes of
13 this section, a practitioner may authorize a designee to consult the
14 central repository on his or her behalf, provided that such
15 designation is in accordance with Section 6 of this act.

16 E. The practitioner shall give the certification to the
17 certified patient, and place a copy in the patient's health care
18 record.

19 F. No practitioner shall issue a certification pursuant to this
20 section for himself or herself.

21 G. A registry identification card based on a certification
22 shall expire one year after the date the certification is signed by
23 the practitioner.

24

1 H. 1. If the practitioner states in the certification that, in
2 the practitioner's professional opinion, the patient would benefit
3 from medical marijuana only until a specified earlier date, then the
4 registry identification card shall expire on that date.

5 2. If the practitioner states in the certification that, in the
6 practitioner's professional opinion, the patient is terminally ill
7 and that the certification shall not expire until the patient dies,
8 then the registry identification card shall state that the patient
9 is terminally ill and that the registration card shall not expire
10 until the patient dies.

11 3. If the practitioner reissues the certification to terminate
12 the certification on an earlier date, then the registry
13 identification card shall expire on that date and shall be promptly
14 returned by the certified patient to the State Department of Health.

15 4. If the certification so provides, the registry
16 identification card shall state any recommendation or limitation by
17 the practitioner as to the form or forms of medical marijuana or
18 dosage for the certified patient.

19 5. The State Board of Health shall promulgate rules to carry
20 out the provisions of this section.

21 SECTION 4. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 1-2803 of Title 63, unless there
23 is created a duplication in numbering, reads as follows:

24

1 A. The possession, acquisition, use, delivery, transfer,
2 transportation or administration of medical marijuana by a certified
3 patient or designated caregiver possessing a valid registry
4 identification card, for certified medical use, shall be lawful
5 pursuant to this act; provided that:

6 1. The marijuana that may be possessed by a certified patient
7 shall not exceed a thirty (30) calendar day supply of the dosage as
8 determined by the practitioner, consistent with any guidance and
9 regulations issued by the State Board of Health, provided that
10 during the last seven days (7) calendar days of any thirty (30)
11 calendar day period, the certified patient may also possess up to
12 such amount for the thirty (30) calendar day period;

13 2. The marijuana that may be possessed by designated caregivers
14 does not exceed the quantities allowed pursuant to this subsection
15 for each certified patient for whom the caregiver possesses a valid
16 registry identification card, up to two (2) certified patients;

17 3. The form or forms of medical marijuana that may be possessed
18 by the certified patient or designated caregiver pursuant to a
19 certification shall be in compliance with any recommendation or
20 limitation by the practitioner as to the form or forms of medical
21 marijuana or dosage for the certified patient in the certification;
22 and

23 4. The medical marijuana shall be kept in the original package
24 in which it was dispensed pursuant to Section 6 of this act, except

1 for the portion removed for immediate consumption for certified
2 medical use by the certified patient.

3 B. Notwithstanding subsection A of this section:

4 1. Possession of medical marijuana shall not be lawful pursuant
5 to this act if it is consumed, vaporized or grown in a public place,
6 regardless of the form of medical marijuana stated in the patient's
7 certification; and

8 2. A person possessing medical marijuana pursuant to this act
9 shall possess his or her registry identification card at all times
10 when in immediate possession of medical marijuana.

11 SECTION 5. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 1-2804 of Title 63, unless there
13 is created a duplication in numbering, reads as follows:

14 A. The State Department of Health may specify a form for a
15 registry application, in which case the Department shall provide the
16 form on request. Reproductions of the form may be used, and the
17 form shall be available for downloading from the Department's
18 website.

19 B. To obtain, amend or renew a registry identification card, a
20 certified patient or designated caregiver shall be at least twenty-
21 one (21) years of age and shall file a registry application with the
22 State Department of Health. The registry application or renewal
23 application shall include:

24 1. In the case of a certified patient:

- a. the patient's certification issued by a registered practitioner as defined in Section 3 of this act, provided a new written certification shall be provided with a renewal application,
- b. the name, address and date of birth of the patient,
- c. the date of the certification,
- d. if the patient has a registry identification card based on a current valid certification, the registry identification number and expiration date of that registry identification card,
- e. the specified date until which the patient would benefit from marijuana, if the certification states such a date,
- f. the name, address, federal registration number and telephone number of the certifying practitioner,
- g. any recommendation or limitation by the practitioner as to the form or forms of medical marijuana or dosage for the certified patient, and
- h. other individual identifying information required by the State Department of Health;

2. In the case of a certified patient, if the patient designates a designated caregiver, the name, address and date of birth of the designated caregiver, and other individual identifying information required by the State Department of Health;

1 3. In the case of a designated caregiver:

2 a. the name, address and date of birth of the designated
3 caregiver,

4 b. if the designated caregiver has a registry
5 identification card, the registry identification
6 number and expiration date of that registry
7 identification card, and

8 c. other individual identifying information required by
9 the State Department of Health;

10 4. A false statement made in the application is punishable
11 pursuant to the Section 1 et seq. of Title 22 of the Oklahoma
12 Statutes;

13 5. The date of the application and the signature of the
14 certified patient or designated caregiver, as applicable;

15 6. An application fee of Fifty Dollars (\$50.00), provided that
16 the State Department of Health may waive or reduce the fee in cases
17 of financial hardship; and

18 7. Any other requirements determined by the Commissioner of
19 Health as approved by the State Board of Health.

20 Upon approval of the certification, the State Department of
21 Health shall issue registry identification cards for certified
22 patients and designated caregivers. A registry identification card
23 shall expire as provided in Section 3 of this act. The State
24 Department of Health shall begin issuing registry identification

1 cards as soon as practicable after the certifications required by
2 Section 3 of this act are granted.

3 C. No person under twenty-five (25) years of age may be a
4 designated caregiver unless a sufficient showing is made that the
5 person should be permitted to serve as a designated caregiver. The
6 requirements for such a showing shall be determined by the State
7 Department of Health.

8 D. No person may be a designated caregiver for more than two
9 (2) certified patients at one time.

10 E. If a certified patient wishes to change or terminate his or
11 her designated caregiver, for whatever reason, the certified patient
12 shall notify the State Department of Health as soon as practicable.
13 The State Department of Health shall issue a written notification to
14 the designated caregiver that their registration card is invalid and
15 shall be promptly returned to the State Department of Health. The
16 newly designated caregiver must comply with all requirements set
17 forth in this section. The State Department of Health shall
18 immediately amend their records, both written and electronic, to
19 indicate the termination of the designated caregiver card.

20 F. If the certification so provides, the registry
21 identification card shall contain any recommendation or limitation
22 by the practitioner as to the form or forms of medical marijuana or
23 dosage for the certified patient.

24

1 G. The State Department of Health shall issue separate registry
2 identification cards for certified patients and designated
3 caregivers as soon as reasonably practicable after receiving a
4 completed application pursuant to this section, unless it determines
5 that the application is incomplete or factually inaccurate, in which
6 case it shall promptly notify the applicant.

7 H. If the application of a certified patient designates an
8 individual as a designated caregiver who is not authorized to be a
9 designated caregiver, that portion of the application shall be
10 denied by the State Department of Health but shall not affect the
11 approval of the balance of the application.

12 I. A registry identification card shall:

13 1. Display the name of the certified patient or the designated
14 caregiver as the case may be;

15 2. Display the date of issuance and expiration date of the
16 registry identification card;

17 3. Display a registry identification number for the certified
18 patient or designated caregiver, as the case may be, and a registry
19 identification number;

20 4. Display a photograph of the individual to whom the registry
21 identification card is being issued, which shall be obtained by the
22 State Department of Health in a manner specified by administrative
23 rules promulgated by the State Board of Health; provided, if the
24 State Department of Health requires certified patients to submit

1 photographs for this purpose, there shall be a reasonable
2 accommodation of certified patients who are confined to their homes
3 due to their medical conditions and may therefore have difficulty
4 procuring photographs;

5 5. Be a secure document as determined by the State Department
6 of Health;

7 6. Plainly state any recommendation or limitation by the
8 practitioner as to the form or forms of medical marijuana or dosage
9 for the certified patient; and

10 7. State any other requirements determined by the Commissioner
11 of Health with approval of the State Board of Health.

12 J. A certified patient or designated caregiver who has been
13 issued a registry identification card shall notify the State
14 Department of Health of any change in his or her name or address or,
15 with respect to the patient, if he or she ceases to have the serious
16 condition noted on the certification within ten (10) days of such
17 change. The certified patient's or designated caregiver's registry
18 identification card shall be deemed invalid and shall be returned
19 promptly to the State Department of Health. Failure to return the
20 registry identification card shall be subject to a fine as set forth
21 in administrative rules pursuant to this section.

22 K. If a certified patient or designated caregiver loses his or
23 her registry identification card, he or she shall notify the State
24 Department of Health and submit a fee of Twenty-five Dollars

1 (\$25.00) within ten (10) business days of losing the card to
2 maintain the registration. The State Department of Health may
3 establish higher fees for issuing a new registry identification card
4 for second and subsequent replacements for a lost card; provided,
5 the State Department of Health may waive or reduce the fee in cases
6 of financial hardship. The State Department of Health shall issue a
7 new registry identification card as soon as practicable, which may
8 contain a new registry identification number, to the certified
9 patient or designated caregiver. The certified patient or
10 designated caregiver shall not be able to obtain medical marijuana
11 until the certified patient receives a new card.

12 L. The State Department of Health shall maintain a confidential
13 list of the persons to whom it has issued registry identification
14 cards. Individual identifying information obtained by the State
15 Department of Health pursuant to this act shall be confidential and
16 exempt from disclosure pursuant to the Oklahoma Open Records Act.
17 Notwithstanding this subsection, the State Department of Health may
18 notify any appropriate law enforcement agency of information
19 relating to any violation or suspected violation of this act.

20 M. The State Department of Health shall verify to law
21 enforcement personnel in an appropriate case whether a registry
22 identification card is valid.

23 N. If a certified patient or designated caregiver willfully
24 violates any provision of this act, his or her registry

1 identification card may be suspended or revoked. This is in
2 addition to any other penalty that may apply.

3 O. The State Board of Health shall promulgate administrative
4 rules to carry out the provisions of this section.

5 SECTION 6. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 1-2805 of Title 63, unless there
7 is created a duplication in numbering, reads as follows:

8 A. A registered organization shall be a for-profit business
9 entity or not-for-profit corporation organized for the purpose of
10 acquiring, possessing, manufacturing, selling, delivering,
11 transporting, distributing or dispensing marijuana for certified
12 medical use. Each registered organization shall employ a pharmacist
13 who is licensed by and in good standing with the State Board of
14 Pharmacy. Such licensed pharmacist shall be on the premises during
15 regular business hours of the registered organization and shall
16 provide direct supervision of activities within the facility,
17 including supervision of employees who handle or dispense medical
18 marijuana.

19 B. The acquiring, possession, manufacture, sale, delivery,
20 transporting, distributing or dispensing of marijuana by a
21 registered organization pursuant to this act in accordance with all
22 registration requirements set forth in Section 7 of this act or a
23 renewal thereof shall be lawful pursuant to this act.

24

1 C. Each registered organization shall contract with an
2 independent laboratory to test the medical marijuana produced by the
3 registered organization. The Commissioner of Health shall approve
4 the laboratory and require that the laboratory report testing
5 results in a manner determined by the Commissioner of Health.

6 D. 1. A registered organization may lawfully and in good faith
7 sell, deliver, distribute or dispense medical marijuana to a
8 certified patient or designated caregiver upon presentation to the
9 registered organization of a valid registry identification card for
10 that certified patient or designated caregiver, and one other form
11 of a valid state-issued identification; provided, a registered
12 organization that grows, manufactures or processes marijuana may not
13 also sell, deliver, distribute or dispense medical marijuana. When
14 presented with the registry identification card, the registered
15 organization shall provide to the certified patient or designated
16 caregiver a receipt which shall state the name, address and registry
17 identification number of the registered organization, the name and
18 registry identification number of the certified patient and the name
19 of the designated caregiver if applicable, the date the marijuana
20 was sold, any recommendation or limitation by the practitioner as to
21 the form or forms of medical marijuana or dosage for the certified
22 patient and the form and the quantity of medical marijuana sold.
23 The registered organization shall retain a copy of the registry
24 identification card and the receipt for six (6) years.

1 2. The proprietor of a registered organization shall file or
2 cause to be filed any receipt and certification information with the
3 central repository set forth in the Anti-Drug Diversion Act by
4 electronic means on a real-time basis. When filing receipt and
5 certification information electronically pursuant to this paragraph,
6 the proprietor of the registered organization shall dispose of any
7 electronically-recorded prescription information in such manner as
8 the State Board of Health shall require by rule.

9 3. A registered organization shall complete a training program
10 as prescribed by the State Board of Health by rule, to assist
11 registered organizations and their employees, partners and
12 stakeholders with the knowledge and skills to help them serve or
13 sell medical marijuana responsibly and fulfill the legal
14 requirements of medical marijuana service.

15 E. 1. No registered organization may sell, deliver, distribute
16 or dispense to any certified patient or designated caregiver a
17 quantity of medical marijuana larger than that individual would be
18 allowed to possess pursuant to this act.

19 2. In dispensing medical marijuana to a certified patient or
20 designated caregiver, the registered organization shall not dispense
21 an amount greater than a thirty (30) calendar day supply to a
22 certified patient until the certified patient has exhausted all but
23 a seven (7) day supply provided pursuant to a previously issued
24 certification, and shall verify the information required by this

1 paragraph by checking the central repository pursuant to the
2 requirements set forth in this act and as required by the Anti-Drug
3 Diversion Act.

4 3. Medical marijuana dispensed to a certified patient or
5 designated caregiver by a registered organization shall conform to
6 any recommendation or limitation by the practitioner as to the form
7 or forms of medical marijuana or dosage for the certified patient.

8 F. When a registered organization sells, delivers, distributes
9 or dispenses medical marijuana to a certified patient or designated
10 caregiver, the registered organization shall provide to that
11 individual a safety insert, which shall be developed and approved by
12 the Commissioner of Health and shall include, but not be limited to,
13 information regarding:

14 1. Methods for administering medical marijuana in individual
15 doses;

16 2. Any potential dangers stemming from the use of medical
17 marijuana;

18 3. How to recognize what may be problematic usage of medical
19 marijuana and obtain appropriate services or treatment for
20 problematic usage; and

21 4. Other information as determined by the Commissioner of
22 Health.

23 G. Registered organizations shall not be managed by or employ
24 anyone who has been convicted of any felony within the ten (10)

1 years prior to employment for the sale or possession of drugs,
2 narcotics or controlled dangerous substances; provided, no person
3 who has been convicted of trafficking in illegal drugs pursuant to
4 Section 2-415 of Title 63 of the Oklahoma Statutes shall be employed
5 by or manage a registered organization, regardless of whether that
6 person comes into contact or handles marijuana and regardless of the
7 amount of time that has lapsed between conviction and employment.
8 This subsection shall only apply to managers or employees who come
9 into contact with or handle medical marijuana.

10 H. Manufacturing of medical marijuana by a registered
11 organization shall only be done in an indoor, enclosed, secure
12 facility located in the State of Oklahoma, which may include a
13 greenhouse. The State Board of Health shall promulgate rules
14 establishing requirements for such facilities.

15 I. Dispensing of medical marijuana by a registered organization
16 shall only be done in an indoor, enclosed, secure facility located
17 in the state of Oklahoma, which may include a greenhouse. The State
18 Board of Health shall promulgate administrative rules establishing
19 requirements for such facilities.

20 J. A registered organization shall determine the quality,
21 safety and strength of medical marijuana manufactured or dispensed
22 by the registered organization, and shall provide documentation of
23 that quality, safety and clinical strength to the State Department
24 of Health on a quarterly basis, or upon request by the Department,

1 and to any person or entity to which the medical marijuana is sold
2 or dispensed.

3 K. A registered organization shall not both grow, manufacture
4 or process marijuana and dispense medical marijuana products.

5 L. Medical cannabis containers must be:

6 1. Plain;

7 2. Designed to maximize the shelf life of contained medical
8 cannabis;

9 3. Tamper-evident; and

10 4. Child-resistant.

11 M. 1. Medical cannabis packaging shall not bear a reasonable
12 resemblance to any commercially available product.

13 2. Medical cannabis packaging shall be packaged to minimize its
14 appeal to children and shall not depict images other than the
15 medical cannabis manufacturer's business name logo.

16 3. The medical cannabis manufacturer's medical cannabis trade
17 names are subject to approval by the Commissioner of Health and
18 shall comply with the following standards:

19 a. names are limited to those which clearly reflect the
20 product's medical cannabis nature,

21 b. any name that is identical to, or confusingly similar
22 to, the name of an existing noncannabis product is
23 prohibited,

24

1 c. any name that is identical to, or confusingly similar
2 to, the name of an unlawful product or substance is
3 prohibited, and

4 d. any name that contains language that suggests using
5 medical cannabis for recreational purposes or for a
6 condition other than a qualifying medical condition is
7 prohibited.

8 N. A registered organization must ensure that all medical
9 cannabis that is distributed is labeled with the following
10 information:

11 1. The patient's registry identification number, name and date
12 of birth;

13 2. The name and date of birth of the designated registered
14 caregiver, if applicable;

15 3. The name of the patient's parent or legal guardian, if
16 listed on the registry verification, if applicable;

17 4. The patient's address;

18 5. The name and address of the medical cannabis manufacturer
19 where the medical cannabis was manufactured;

20 6. The medical cannabis's chemical composition;

21 7. The recommended dosage;

22 8. Directions for use of the product;

23

24

1 9. All ingredients of the product shown with common or usual
2 names, including any colors, artificial flavors and preservatives;
3 listed in descending order by predominance of weight;

4 10. The date of manufacture and batch number;

5 11. A notice with the statement, including capitalization,
6 which states: "This medical cannabis is for therapeutic use only.
7 Diversion of this product is unlawful and may result in the
8 revocation of the patient's registration. This product has not been
9 analyzed or approved by the United States Food and Drug
10 Administration. There is limited information on the side effects of
11 using this product, and there may be associated health risks. Do
12 not drive or operate heavy machinery while under the influence of
13 this product. Women should not consume during pregnancy or while
14 breastfeeding except on the advice of the certifying health care
15 practitioner, and in the case of breastfeeding mothers, including
16 the infant's pediatrician. This product may impair the ability to
17 drive. Keep out of reach of children.";

18 12. The information required to be included in the receipt
19 provided to the certified patient or designated caregiver by the
20 registered organization;

21 13. The packaging date;

22 14. Any applicable date by which the medical marijuana should
23 be used;

24 15. The amount of individual doses contained within; and

1 16. A warning that the medical marijuana must be kept in the
2 original container in which it was dispensed.

3 Labeling text shall not include any false or misleading
4 statements regarding health or physical benefits to the patient. A
5 package may contain multiple labels if the information required by
6 this part is not obstructed.

7 O. 1. The state of Oklahoma limits each retail licensed
8 premises to a maximum of two (2) separate signs identifying the
9 retail outlet by the licensee's business name or trade name. Both
10 signs shall be affixed to the building or permanent structure and
11 each sign shall be limited to sixteen hundred (1,600) square inches.

12 2. All marijuana advertising and labels of usable marijuana,
13 marijuana concentrates and marijuana-infused products sold in this
14 state shall not contain any statement or illustration that:

- 15 a. is false or misleading,
- 16 b. promotes overconsumption,
- 17 c. represents that the use of marijuana has curative or
18 therapeutic effects, or
- 19 d. depicts a child or other person under legal age to
20 consume marijuana, or includes:

- 21 (1) objects such as toys, cartoon or other characters
22 suggesting the presence of a child, or any other
23 depiction designed in any manner to be especially
24

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

3 (2) any manner or design that would be especially
4 appealing to children or other persons under
5 twenty-one (21) years of age.

6 3. No licensed marijuana producer, processor or retailer shall
7 place or maintain, or cause to be placed or maintained, an
8 advertisement of marijuana, marijuana concentrates, usable marijuana
9 or a marijuana-infused product in any form or through any medium
10 whatsoever:

- 11 a. within one thousand (1,000) feet of the perimeter of a
12 school grounds, playground, recreation center or
13 facility, child care center, public park, library or a
14 game arcade admission to which is not restricted to
15 persons aged twenty-one (21) or older,
- 16 b. on or in a public transit vehicle or public transit
17 shelter, or
- 18 c. on or in a publicly owned or operated property.

19 Promotional items such as giveaways, coupons and distribution of
20 branded or unbranded merchandise are banned. Registered
21 organizations shall not advertise "free" or "donated" product.

22 4. All advertising must contain the following warnings:

- 23 a. "This product has intoxicating effects and may be
24 habit forming.",

1 b. "Marijuana can impair concentration, coordination and
2 judgment. Do not operate a vehicle or machinery while
3 under the influence of this drug.",

4 c. "There may be health risks associated with consumption
5 of this product.", and

6 d. "For use only by adults twenty-one (21) years and
7 older. Keep out of the reach of children."

8 P. The State Board of Health shall promulgate rules as
9 necessary to carry out the provisions of this section.

10 SECTION 7. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 1-2806 of Title 63, unless there
12 is created a duplication in numbering, reads as follows:

13 A. 1. An applicant for registration as a registered
14 organization pursuant to Section 6 and this section of this act
15 shall include such information prepared in such manner and detail as
16 the State Board of Health may require, including but not limited to:

17 a. a description of the activities in which it intends to
18 engage as a registered organization,

19 b. that the applicant:

20 (1) is of good moral character,

21 (2) possesses or has the right to use sufficient
22 land, buildings and other premises which shall be
23 specified in the application and equipment to
24 properly and safely carry on the activity

1 described in the application, or in the
2 alternative, posts a bond of not less than Two
3 Million Dollars (\$2,000,000.00),

4 (3) is able to maintain effective security and
5 control to prevent diversion, abuse and other
6 illegal conduct relating to the marijuana,

7 (4) is able to comply with all applicable state laws
8 and regulations relating to the activities in
9 which it intends to engage pursuant to the
10 registration,

11 (5) has been a resident of the State of Oklahoma for
12 at least five consecutive (5) years, and

13 (6) has not, in addition to his or her partner or
14 spouse, been convicted of a felony in the
15 previous ten (10) years; provided, any applicant
16 who has been convicted of trafficking in illegal
17 drugs pursuant to Section 2-415 of Title 63 of
18 the Oklahoma Statutes shall not be eligible to
19 own any interest in a registered organization,

20 c. the applicant's status pursuant to Section 5 of this
21 act, and

22 d. the name, residence address and title of each of the
23 officers and directors and the name and residence
24 address of any person or entity that is a member of

1 the organization. Each person, if an individual, or
2 lawful representative if a legal entity, shall submit
3 an affidavit with the application stating:

4 (1) any position of management or ownership during
5 the preceding ten (10) years of a ten percent
6 (10%) or greater interest in any other business,
7 located in or outside this state, manufacturing
8 or distributing controlled dangerous substances,

9 (2) whether such person or any such business has been
10 convicted of a felony or had a registration or
11 license suspended or revoked in any
12 administrative or judicial proceeding, and

13 (3) such other information as the State Board of
14 Health may reasonably require.

15 2. No person may own any interest in more than two (2)
16 registered organizations. For the purpose of establishing whether
17 or not a person owns an interest in more than one registered
18 organization, any person having a beneficial interest in any
19 registered organization shall be deemed to be a partner in the
20 registered organization except that the spouse of any person who
21 owns an interest in a registered organization shall not be deemed to
22 be a partner or have a beneficial interest in a registered
23 organization unless his or her name appears on the license. A
24

1 beneficial interest shall be any interest that benefits from any
2 sales or profits of the registered organization.

3 B. Subject to administrative penalties, the applicant shall be
4 under a continuing duty to report to the State Department of Health
5 any change in facts or circumstances reflected in the application or
6 any newly discovered or occurring fact or circumstance which is
7 required to be included in the application.

8 C. 1. The State Board of Health shall grant a registration or
9 amendment to a registration pursuant to this section if it is
10 satisfied that:

- 11 a. the applicant will be able to maintain effective
12 control against diversion of marijuana,
- 13 b. the applicant will be able to comply with all
14 applicable state laws,
- 15 c. the applicant and its officers are ready, willing and
16 able to properly carry on the manufacturing or
17 distributing activity for which a registration is
18 sought,
- 19 d. the applicant possesses or has the right to use
20 sufficient land, buildings and equipment to properly
21 carry on the activity described in the application,
- 22 e. it is in the public interest that such registration be
23 granted. The Commissioner of Health may consider
24 whether the number of registered organizations in an

1 area will be adequate or excessive to reasonably serve
2 the area,

3 f. the applicant and its managing officers are of good
4 moral character, and

5 g. the applicant satisfies any other conditions as
6 determined by the State Board of Health.

7 2. If the State Board of Health is not satisfied that the
8 applicant should be issued a registration, he or she shall notify
9 the applicant in writing of those factors upon which further
10 evidence is required. Within thirty (30) calendar days of the
11 receipt of such notification, the applicant may submit additional
12 material to the State Board of Health or demand a hearing, or both.

13 3. The fee for a registration pursuant to this section shall be
14 a reasonable amount determined by the State Department of Health as
15 set forth by administrative rule; provided, if the registration is
16 issued for a period greater than two (2) years, the fee shall be
17 increased, pro rata, for each additional month of validity.

18 4. Registrations issued pursuant to this section shall be
19 effective only for the registered organization and shall specify:

- 20 a. the name and address of the registered organization,
21 b. which activities of a registered organization are
22 permitted by the registration,
23
24

1 c. the land, buildings and facilities that may be used
2 for the permitted activities of the registered
3 organization, and

4 d. other information as the Commissioner of Health shall
5 reasonably provide to assure compliance with this act.

6 5. Upon application of a registered organization, a
7 registration may be amended to allow the registered organization to
8 relocate within the State of Oklahoma or to add or delete permitted
9 registered organization activities or facilities. The fee for such
10 amendment shall be Two Hundred Fifty Dollars (\$250.00) and subject
11 to approval by the State Board of Health.

12 6. A registration issued pursuant to this section shall be
13 valid for two (2) years from the date of issue, except that in order
14 to facilitate the renewals of such registrations, the State Board of
15 Health may, upon the initial application for a registration, issue
16 some registrations which may remain valid for a period of time
17 greater than two (2) years, but not exceeding an additional eleven
18 (11) months.

19 D. 1. An application for the renewal of any registration
20 issued pursuant to this section shall be filed with the State
21 Department of Health not more than six (6) months or less than four
22 (4) months prior to the expiration thereof. A late-filed
23 application for the renewal of a registration may, in the discretion
24

1 of the State Board of Health, be treated as an application for an
2 initial license.

3 2. The application for renewal shall include such information
4 prepared in the manner and detail as the State Department of Health
5 may require, including but not limited to:

6 a. any material change in the circumstances or factors
7 listed in subsection A of this section, and

8 b. every known charge or investigation, pending or
9 concluded during the period of the registration, by
10 any governmental or administrative agency with respect
11 to:

12 (1) each incident or alleged incident involving the
13 theft, loss or possible diversion of marijuana
14 manufactured or distributed by the applicant, and

15 (2) compliance by the applicant with the laws of this
16 state with respect to any substance listed in the
17 Uniform Controlled Dangerous Substances Act.

18 3. An applicant for renewal shall be under a continuing duty to
19 report to the Department any change in facts or circumstances
20 reflected in the application or any newly discovered or occurring
21 fact or circumstance which is required to be included in the
22 application.

23 4. If the State Board of Health is not satisfied that the
24 applicant is entitled to a renewal of the registration, he or she

1 shall, within a reasonably practicable time as set forth in
2 administrative rule, serve upon the applicant or his or her attorney
3 of record in person or by registered or certified mail, an order
4 directing the applicant to show cause why his or her application for
5 renewal should not be denied. The order shall specify in detail the
6 respects in which the applicant has not satisfied the requirements
7 of this section.

8 5. Within a reasonably practicable time, the applicant may
9 submit additional material to the State Board of Health or demand a
10 hearing, or both. If a hearing is demanded, the State Department of
11 Health shall fix a date as soon as reasonably practicable. Such
12 hearings shall be conducted in accordance with the Administrative
13 Procedures Act of the Oklahoma Statutes.

14 E. 1. The State Board of Health shall renew a registration
15 unless the Board determines that:

- 16 a. the applicant is unlikely to maintain or be able to
17 maintain effective control against diversion,
- 18 b. the applicant is unlikely to comply with all state
19 laws applicable to the activities in which it may
20 engage pursuant to the registration, or
- 21 c. it is not in the public interest to renew the
22 registration because the number of registered
23 organizations in an area is excessive to reasonably
24 serve the area.

1 2. For purposes of this section, proof that a registered
2 organization, during the period of its registration, has failed to
3 maintain effective control against diversion, violates any provision
4 of this act or has knowingly or negligently failed to comply with
5 applicable state laws relating to the activities in which it engages
6 pursuant to the registration, shall constitute grounds for immediate
7 suspension or termination of the registered organization's
8 registration as determined by the State Board of Health. The
9 registered organization shall also be under a continuing duty to
10 report to the State Department of Health any material change or fact
11 or circumstance to the information provided in the registered
12 organization's application.

13 F. The State Board of Health may suspend or terminate the
14 registration of a registered organization for failing to comply with
15 the provisions of this act.

16 G. The State Board of Health shall begin issuing registrations
17 for registered organizations as soon as practicable after the
18 certifications required by Section 7 and this section of this act
19 are given.

20 H. The State Board of Health shall approve no more than five
21 (5) registered organizations that manufacture medical marijuana with
22 no more than four (4) dispensing sites wholly owned and operated by
23 such registered organization. The State Board of Health shall
24 ensure that such registered organizations and dispensing sites are

1 geographically distributed across this state. The State Board of
2 Health may register additional registered organizations as it deems
3 in the public interest.

4 I. The State Board of Health shall not approve an application
5 of a registered organization if the proposed entity is within one
6 thousand (1,000) feet of the perimeter of the grounds of any of the
7 following entities:

- 8 1. Elementary or secondary school;
- 9 2. Playground;
- 10 3. Recreation center or facility;
- 11 4. Child care center;
- 12 5. Public Park;
- 13 6. Public transit center;
- 14 7. Library; or
- 15 8. Any game arcade where admission is not restricted to persons
16 age twenty-one (21) or older.

17 J. Municipalities and counties are hereby authorized to create
18 a new zoning classification to regulate the location of registered
19 organizations. Such zoning classification may include but not be
20 limited to reasonable parking, access regulations and other such
21 zoning regulations as the local authorities may deem necessary for
22 local control and public welfare.

23 K. 1. The State Board of Health shall send a notice to cities
24 and counties, and may send a notice to tribal governments or port

1 authorities regarding the registered organization application. The
2 local authority has twenty (20) business days to respond with a
3 recommendation to approve or an objection to the applicant, location
4 or both.

5 2. Applicants for a new registered organization license and
6 those who apply to change their location must display a sign
7 provided by the State Department of Health on the outside of the
8 premises to be licensed notifying the public that the premises is
9 subject to an application to become a registered organization.
10 Posting notices must occur within seven (7) business days of
11 submitting the location confirmation form for new licenses or the
12 change of location application for existing licensees. The State
13 Department of Health may check for compliance with this requirement
14 at its discretion. The sign shall:

- 15 a. not be altered. The licensee must post the sign sent
16 by the State Department of Health without changing,
17 adding or subtracting from the text,
- 18 b. be conspicuously displayed on, or immediately adjacent
19 to, the premises subject to the application and in the
20 location that is most likely to be seen by the public,
- 21 c. be of a size sufficient to ensure that it will be
22 readily seen by the public. At a minimum, the sign
23 shall be eight and one-half by eleven (8 1/2 x 11)
24 inches, and

1 d. be posted within seven (7) business days of the date
2 the notice is sent to the applicant by the State
3 Department of Health. In addition, the notice must be
4 posted for fourteen (14) consecutive calendar days.

5 3. The State Department of Health shall use a priority system
6 to determine the order that marijuana retailers are licensed.

7 L. 1. All applicants and employees working in each registered
8 organization must be at least twenty-one (21) years of age. No one
9 under twenty-one (21) years of age is allowed to enter or remain on
10 the premises.

11 2. "Minors restricted" signs must be posted at all retail
12 establishments.

13 3. The State Board of Health shall not approve any application
14 to become a registered organization for a location where law
15 enforcement access, without notice or cause, is limited. This
16 includes a personal residence.

17 4. The State Board of Health shall not approve any application
18 to become a registered organization for a location within another
19 business.

20 5. Every registered organization shall post and keep posted its
21 permit to operate a medical marijuana retail establishment, and any
22 additional correspondence containing conditions and restrictions
23 imposed by this state in a conspicuous place on the premises.

1 6. Registered organizations and retail establishments shall not
2 allow the consumption of marijuana or marijuana-infused products on
3 the premises.

4 7. No retail establishment shall sell marijuana or marijuana-
5 infused products outside the hours of 8:00 a.m. and 7:00 p.m.

6 8. No retail establishment shall offer free samples or
7 products.

8 SECTION 8. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 1-2807 of Title 63, unless there
10 is created a duplication in numbering, reads as follows:

11 A. The State Board of Health shall promulgate rules requiring
12 each registered organization to file reports regarding the
13 activities of the registered organization during a particular
14 period. The State Board of Health shall determine the information
15 to be reported and the forms, time and manner of the reporting.

16 B. The State Board of Health shall promulgate rules requiring
17 each registered organization to adopt and maintain security,
18 tracking, recordkeeping, record retention and surveillance systems,
19 relating to all medical marijuana at every stage of acquiring,
20 possession, manufacture, sale, delivery, transporting, distributing,
21 or dispensing by the registered organization, subject to regulations
22 of the Commissioner of Health.

23
24

1 SECTION 9. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1-2808 of Title 63, unless there
3 is created a duplication in numbering, reads as follows:

4 A. The State Department of Health may provide for the analysis
5 and evaluation of the operation of this act. The Commissioner of
6 Health may authorize the State Department of Health to enter into
7 agreements with one or more persons, not-for-profit corporations or
8 other organizations, for the performance of an evaluation of the
9 implementation and effectiveness of this act.

10 B. The State Department of Health may develop, seek any
11 necessary federal approval for and carry out research programs
12 relating to medical use of marijuana. Participation in any such
13 research program shall be voluntary on the part of practitioners,
14 patients and designated caregivers.

15 C. The State Department of Health shall report every two (2)
16 years, beginning two (2) years after the effective date of this act,
17 to the Governor, the President Pro Tempore of the Senate, and the
18 Speaker of the Oklahoma House of Representatives on the medical use
19 of marijuana pursuant to this act and make appropriate
20 recommendations.

21 SECTION 10. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 1-2809 of Title 63, unless there
23 is created a duplication in numbering, reads as follows:

24

1 Nothing in this act shall be construed to require an insurer or
2 health plan to provide coverage for medical marijuana.

3 SECTION 11. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 1-2810 of Title 63, unless there
5 is created a duplication in numbering, reads as follows:

6 A. Certified patients, designated caregivers, practitioners,
7 registered organizations and the employees of registered
8 organizations shall not be subject to arrest, prosecution or penalty
9 in any manner or denied any right or privilege, including but not
10 limited to civil penalty or disciplinary action by a business or
11 occupational or professional licensing board or bureau, solely for
12 the certified medical use or manufacture of marijuana or for any
13 other action or conduct in accordance with this act.

14 B. Being a certified patient shall be deemed to be having a
15 disability as described in Sections 1101 through 1706 of Title 25 of
16 the Oklahoma Statutes; provided, this subsection shall not bar the
17 enforcement of a policy prohibiting an employee from performing his
18 or her employment duties while impaired by a controlled dangerous
19 substance. This section shall not require any person or entity to
20 do any act that would put the person or entity in violation of
21 federal law or cause it to lose a federal contract or funding.

22 C. The fact that a person is a certified patient or is acting
23 in accordance with this act shall not be a consideration in a
24 proceeding pursuant to divorce, custody, foster or adoption

1 proceeding; provided, any evidence of risk of harm to the child as a
2 result of impairment of the biological parent, current or
3 prospective foster parent or current or prospective adoptive parent
4 as a result of the use of marijuana or risk as a result of the child
5 or children being exposed to marijuana products or consumption shall
6 be admissible in such proceeding.

7 D. 1. Certification applications, certification forms, any
8 certified patient information contained within a database and copies
9 of registry identification cards shall be deemed exempt from public
10 disclosure pursuant to the Oklahoma Open Records Act.

11 2. Registry identification cards or registered organization
12 registrations shall be issued or become effective no later than
13 eighteen (18) months from the signing of this act or until such time
14 as the Commissioner of Health and the Commissioner of Public Safety
15 certify that this act can be implemented in accordance with public
16 health and safety interests, whichever event comes later.

17 3. Based upon the recommendation of the Commissioner of Health
18 and/or the Commissioner of Public Safety that there is a risk to the
19 public health or safety, the Governor may issue an executive order
20 immediately terminating all licenses issued to registered
21 organizations.

22 E. 1. Every sale of medical marijuana shall be at the price
23 determined by the State Board of Health. Every charge made or
24

1 demanded for medical marijuana not in accordance with the price
2 determined by the State Board of Health, is prohibited.

3 2. The State Board of Health is hereby authorized to set the
4 per dose price of each form of medical marijuana sold by any
5 registered organization. In setting the per dose price of each form
6 of medical marijuana, the State Board of Health shall consider the
7 fixed and variable costs of producing the form of marijuana and any
8 other factor the Commissioner of Health, in his or her discretion,
9 deems relevant to determining the per dose price of each form of
10 medical marijuana.

11 F. The State Board of Health shall promulgate rules to carry
12 out the provisions of this section.

13 SECTION 12. AMENDATORY 63 O.S. 2011, Section 2-309D, as
14 last amended by Section 35, Chapter 210, O.S.L. 2016 (63 O.S. Supp.
15 2017, Section 2-309D), is amended to read as follows:

16 Section 2-309D. A. The information collected at the central
17 repository pursuant to the Anti-Drug Diversion Act shall be
18 confidential and shall not be open to the public. Access to the
19 information shall be limited to:

20 1. Peace officers certified pursuant to Section 3311 of Title
21 70 of the Oklahoma Statutes who are employed as investigative agents
22 of the Oklahoma State Bureau of Narcotics and Dangerous Drugs
23 Control;

24

1 2. The United States Drug Enforcement Administration Diversion
2 Group Supervisor;

3 3. The executive director or chief investigator, as designated
4 by each board, of the following state boards:

- 5 a. Board of Podiatric Medical Examiners,
- 6 b. Board of Dentistry,
- 7 c. State Board of Pharmacy,
- 8 d. State Board of Medical Licensure and Supervision,
- 9 e. State Board of Osteopathic Examiners,
- 10 f. State Board of Veterinary Medical Examiners,
- 11 g. Oklahoma Health Care Authority,
- 12 h. Department of Mental Health and Substance Abuse
13 Services,
- 14 i. Board of Examiners in Optometry,
- 15 j. Board of Nursing,
- 16 k. Office of the Chief Medical Examiner, and
- 17 l. State Board of Health;

18 4. A multicounty grand jury properly convened pursuant to the
19 Multicounty Grand Jury Act;

20 5. Medical practitioners employed by the United States
21 Department of Veterans Affairs, the United States Military, or other
22 federal agencies treating patients in this state; and

23 6. At the discretion of the Director of the Oklahoma State
24 Bureau of Narcotics and Dangerous Drugs Control, medical

1 practitioners and their staff, including those employed by the
2 federal government in this state.

3 B. This section shall not prevent access, at the discretion of
4 the Director of the Oklahoma State Bureau of Narcotics and Dangerous
5 Drugs Control, to investigative information by peace officers and
6 investigative agents of federal, state, county or municipal law
7 enforcement agencies, district attorneys and the Attorney General in
8 furtherance of criminal, civil or administrative investigations or
9 prosecutions within their respective jurisdictions, designated
10 legal, communications, and analytical employees of the Bureau, and
11 to registrants in furtherance of efforts to guard against the
12 diversion of controlled dangerous substances.

13 C. This section shall not prevent the disclosure, at the
14 discretion of the Director of the Oklahoma State Bureau of Narcotics
15 and Dangerous Drugs Control, of statistical information gathered
16 from the central repository to the general public which shall be
17 limited to types and quantities of controlled substances dispensed
18 and the county where dispensed.

19 D. This section shall not prevent the disclosure, at the
20 discretion of the Director of the Oklahoma State Bureau of Narcotics
21 and Dangerous Drugs Control, of prescription-monitoring-program
22 information to prescription-monitoring programs of other states
23 provided a reciprocal data-sharing agreement is in place.

24

1 E. The Department of Mental Health and Substance Abuse Services
2 and the State Department of Health may utilize the information in
3 the central repository for statistical, research, substance abuse
4 prevention, or educational purposes, provided that consumer
5 confidentiality is not compromised.

6 F. Any unauthorized disclosure of any information collected at
7 the central repository provided by the Anti-Drug Diversion Act shall
8 be a misdemeanor. Violation of the provisions of this section shall
9 be deemed willful neglect of duty and shall be grounds for removal
10 from office.

11 G. 1. Registrants shall have access to the central repository
12 for the purposes of patient treatment and for determination in
13 prescribing or screening new patients. The patient's history may be
14 disclosed to the patient for the purposes of treatment of
15 information at the discretion of the physician.

16 2. a. Prior to prescribing or authorizing for refill, if one
17 hundred eighty (180) days have elapsed prior to the
18 previous access and check, of opiates, synthetic
19 opiates, semisynthetic opiates, benzodiazepine ~~or,~~
20 carisoprodol, or medical marijuana when the patient
21 holds a valid medical marijuana certification, to a
22 patient of record, registrants or members of their
23 medical or administrative staff shall be required
24 until October 31, 2020, to access the information in

1 the central repository to assess medical necessity and
2 the possibility that the patient may be unlawfully
3 obtaining prescription drugs in violation of the
4 Uniform Controlled Dangerous Substances Act. The duty
5 to access and check shall not alter or otherwise amend
6 appropriate medical standards of care. The registrant
7 or medical provider shall note in the patient file
8 that the central repository has been checked and may
9 maintain a copy of the information.

10 b. The requirements set forth in subparagraph a of this
11 paragraph shall not apply:

12 (1) to medical practitioners who prescribe the
13 controlled substances set forth in subparagraph a
14 of this paragraph for hospice or end-of-life
15 care, or

16 (2) for a prescription of a controlled substance set
17 forth in subparagraph a of this paragraph that is
18 issued by a practitioner for a patient residing
19 in a nursing facility as defined by Section 1-
20 1902 of this title, provided that the
21 prescription is issued to a resident of such
22 facility.

23 3. Registrants shall not be liable to any person for any claim
24 of damages as a result of accessing or failing to access the

1 information in the central repository and no lawsuit may be
2 predicated thereon.

3 H. The State Board of Podiatric Examiners, the State Board of
4 Dentistry, the State Board of Medical Licensure and Supervision, the
5 State Board of Examiners in Optometry, the State Board of Nursing,
6 the State Board of Osteopathic Examiners and the State Board of
7 Veterinary Medical Examiners shall have the sole responsibility for
8 enforcement of the provisions of subsection G of this section.
9 Nothing in this section shall be construed so as to permit the
10 Director of the State Bureau of Narcotics and Dangerous Drugs
11 Control to assess administrative fines provided for in Section 2-304
12 of this title.

13 I. The Director of the Oklahoma State Bureau of Narcotics and
14 Dangerous Drugs Control, or a designee thereof, shall provide a
15 monthly list to the Directors of the State Board of Podiatric
16 Examiners, the State Board of Dentistry, the State Board of Medical
17 Licensure and Supervision, the State Board of Examiners in
18 Optometry, the State Board of Nursing, the State Board of
19 Osteopathic Examiners and the State Board of Veterinary Medical
20 Examiners of the top twenty prescribers of controlled dangerous
21 substances within their respective areas of jurisdiction. Upon
22 discovering that a registrant is prescribing outside the limitations
23 of his or her licensure or outside of drug registration rules or
24 applicable state laws, the respective licensing board shall be

1 notified by the Bureau in writing. Such notifications may be
2 considered complaints for the purpose of investigations or other
3 actions by the respective licensing board. Licensing boards shall
4 have exclusive jurisdiction to take action against a licensee for a
5 violation of subsection G of this section.

6 J. Information regarding fatal and nonfatal overdoses, other
7 than statistical information as required by Section 2-106 of this
8 title, shall be completely confidential. Access to this information
9 shall be strictly limited to the Director of the Oklahoma State
10 Bureau of Narcotics and Dangerous Drugs Control or designee, the
11 Chief Medical Examiner, state agencies and boards provided in
12 subsection A of this section, and the registrant that enters the
13 information. Registrants shall not be liable to any person for a
14 claim of damages for information reported pursuant to the provisions
15 of Section 2-105 of this title.

16 K. The Director of the Oklahoma State Bureau of Narcotics and
17 Dangerous Drugs Control shall provide adequate means and procedures
18 allowing access to central repository information for registrants
19 lacking direct computer access.

20 L. Upon completion of an investigation in which it is
21 determined that a death was caused by an overdose, either
22 intentionally or unintentionally, of a controlled dangerous
23 substance, the medical examiner shall be required to report the
24 decedent's name and date of birth to the Oklahoma State Bureau of

1 Narcotics and Dangerous Drugs Control. The Oklahoma State Bureau of
2 Narcotics and Dangerous Drugs Control shall be required to maintain
3 a database containing the classification of medical practitioners
4 who prescribed or authorized controlled dangerous substances
5 pursuant to this subsection.

6 M. An individual employed by a registered organization as
7 defined in this act may access the central repository for the
8 purpose of entering into the central depository information related
9 to the sale to an individual for whom one or more certifications for
10 marijuana is presented to that registered organization, as required
11 by this act.

12 SECTION 13. This act shall only become effective upon
13 certification of election returns favoring passage of State Question
14 No. 788.

15 SECTION 14. This act shall become effective November 1, 2018.

16
17 56-2-3429 DC 7/17/2018 9:59:20 AM

18
19
20
21
22
23
24