

1 **SENATE FLOOR VERSION**

2 February 26, 2018

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 1120

6 By: Yen

7 **[ medical marijuana - codification - contingent**  
8 **effective date - effective date ]**

9  
10 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

14 A. For the purposes of this section:

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

17 2. "Certification" means a certification, as defined in Section  
18 2 of this act.

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

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

22 2. A registered organization as defined in Section 2 of this  
23 act who acted in good faith in the lawful course of the practice of  
24 pharmacy; or

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

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

8                 a. the recipient has no medical need for the marijuana,

9                         or

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

12           2. Criminal diversion of medical marijuana in the first degree  
13 shall be punishable by imprisonment of not less than one year and  
14 not more than five (5) years and a fine not to exceed Twenty  
15 Thousand Dollars (\$20,000.00). Second and subsequent offenses may  
16 be punishable by not less than one year and not more than ten (10)  
17 years for each subsequent offense.

18           D. A person is guilty of criminal diversion of medical  
19 marijuana in the second degree when he or she sells, trades,  
20 delivers or otherwise provides medical marijuana to another with  
21 knowledge or reasonable grounds to know that the recipient is not  
22 registered pursuant to this act. Criminal diversion of medical  
23 marijuana in the second degree shall be a felony punishable by  
24 imprisonment of not less than one year and not more than two (2)

1 years and a fine not to exceed Ten Thousand Dollars (\$10,000.00).  
2 Second and subsequent offenses may be punishable by not less than  
3 one year and not more than five (5) years for each subsequent  
4 offense.

5 E. A person is guilty of criminal retention of medical  
6 marijuana when, being a certified patient or designated caregiver,  
7 as those terms are defined in Section 2 of this act, he or she  
8 knowingly obtains, possesses, stores or maintains an amount of  
9 marijuana in excess of the amount he or she is authorized to possess  
10 pursuant to the provisions of this act. Criminal retention of  
11 medical marijuana is a misdemeanor subject to imprisonment of not  
12 more than one year and a fine of not more than Five Thousand Dollars  
13 (\$5,000.00).

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

17 As used in this act:

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

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

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

3           4. "Certified medical use" means the acquisition, possession,  
4 use or transportation of medical marijuana by a certified patient,  
5 or the acquisition, possession, delivery, transportation or  
6 administration of medical marijuana by a designated caregiver, for  
7 use as part of the treatment of the patient's serious condition, as  
8 authorized in a certification pursuant to Section 3 of this act  
9 including enabling the patient to tolerate treatment for the serious  
10 condition. A certified medical use does not include smoking;

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

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

17           7. "Form of medical marijuana" means characteristics of the  
18 medical marijuana recommended or limited for a particular certified  
19 patient, including the method of consumption and any particular  
20 strain, variety and quantity or percentage of marijuana or  
21 particular active ingredient;

22           8. "Individual dose" means a single measure of raw medical  
23 marijuana or non-infused concentrates to be determined and clearly  
24 identified by a patient's practitioner for the patient's specific

1 certified condition. For ingestible or sublingual medical marijuana  
2 products, no individual dose may contain more than ten (10)  
3 milligrams of tetrahydrocannabinol;

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

6 10. "Practitioner" means a practitioner who:

7 a. is a physician licensed by the State Board of Medical  
8 Licensure and Supervision or the State Board of  
9 Osteopathic Examiners and practicing within this  
10 state,

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

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

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

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

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

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

6 15. "Serious condition" means:

7 a. neuropathic pain,

8 b. persistent muscle spasms due to multiple sclerosis or  
9 paraplegia,

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

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

12 and

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

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

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

20 a. a practitioner has been registered with the State  
21 Department of Health pursuant to this act to issue a  
22 certification as determined by the Commissioner of  
23 Health,

24

- 1           b. the patient has a serious condition, as defined in  
2           Section 2 of this act, which shall be specified in the  
3           patient's health care record,  
4           c. the practitioner, by training or experience, is  
5           qualified to treat the serious condition,  
6           d. the patient is under the practitioner's continuing  
7           care for the serious condition, and  
8           e. in the practitioner's professional opinion and review  
9           of past treatments, the patient is likely to receive  
10          therapeutic or palliative benefit from the primary or  
11          adjunctive treatment with medical use of marijuana for  
12          the serious condition. The State Board of Medical  
13          Licensure and Supervision and the State Board of  
14          Osteopathic Examiners shall promulgate rules to carry  
15          out the provisions of this subparagraph.

16        B. The certification shall include:

- 17           a. the name, date of birth and address of the patient,  
18           b. a statement that the patient has a serious condition  
19           and is under the practitioner's care for the serious  
20           condition,  
21           c. a statement attesting that all requirements of  
22           subsection A of this section have been satisfied,  
23           d. the date, and  
24

1 e. the name, address, federal registration number,  
2 telephone number and the handwritten signature of the  
3 certifying practitioner. The Commissioner of Health  
4 may require, by rule, that the certification shall be  
5 on a form provided by the State Department of Health.  
6 The practitioner shall state in the certification  
7 that, in the practitioner's professional opinion, the  
8 patient would benefit from medical marijuana only  
9 until a specified date. The practitioner shall state  
10 in the certification that, in the practitioner's  
11 professional opinion, the patient is terminally ill  
12 and that the certification shall not expire until the  
13 patient dies.

14 C. In making a certification, the practitioner shall consider  
15 the form of medical marijuana the patient should consume, including  
16 the method of consumption and any particular strain, variety and  
17 quantity or percentage of marijuana or particular active ingredient,  
18 and appropriate dosage. The practitioner shall state in the  
19 certification any recommendation or limitation the practitioner  
20 makes, in his or her professional opinion, concerning the  
21 appropriate form or forms of medical marijuana and dosage.

22 D. Every practitioner shall consult the central repository as  
23 required by Section 2-309D of Title 63 of the Oklahoma Statutes  
24 prior to making or issuing a certification, for the purpose of



1 reviewing a patient's controlled substance history. For purposes of  
2 this section, a practitioner may authorize a designee to consult the  
3 central repository on his or her behalf, provided that such  
4 designation is in accordance with Section 6 of this act.

5 E. The practitioner shall give the certification to the  
6 certified patient, and place a copy in the patient's health care  
7 record.

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

10 G. A registry identification card based on a certification  
11 shall expire one year after the date the certification is signed by  
12 the practitioner.

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

17 2. If the practitioner states in the certification that, in the  
18 practitioner's professional opinion, the patient is terminally ill  
19 and that the certification shall not expire until the patient dies,  
20 then the registry identification card shall state that the patient  
21 is terminally ill and that the registration card shall not expire  
22 until the patient dies.

23 3. If the practitioner reissues the certification to terminate  
24 the certification on an earlier date, then the registry

1 identification card shall expire on that date and shall be promptly  
2 returned by the certified patient to the State Department of Health.

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

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

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

12 A. The possession, acquisition, use, delivery, transfer,  
13 transportation or administration of medical marijuana by a certified  
14 patient or designated caregiver possessing a valid registry  
15 identification card, for certified medical use, shall be lawful  
16 pursuant to this act; provided that:

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

24

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

5           3. The form or forms of medical marijuana that may be possessed  
6 by the certified patient or designated caregiver pursuant to a  
7 certification shall be in compliance with any recommendation or  
8 limitation by the practitioner as to the form or forms of medical  
9 marijuana or dosage for the certified patient in the certification;  
10 and

11           4. The medical marijuana shall be kept in the original package  
12 in which it was dispensed pursuant to Section 6 of this act, except  
13 for the portion removed for immediate consumption for certified  
14 medical use by the certified patient.

15           B. Notwithstanding subsection A of this section:

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

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

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

4           A. The State Department of Health may specify a form for a  
5 registry application, in which case the Department shall provide the  
6 form on request. Reproductions of the form may be used, and the  
7 form shall be available for downloading from the Department's  
8 website.

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

- 14           1. In the case of a certified patient:
- 15           a. the patient's certification issued by a registered  
16           practitioner as defined in Section 3 of this act,  
17           provided a new written certification shall be provided  
18           with a renewal application,
  - 19           b. the name, address and date of birth of the patient,
  - 20           c. the date of the certification,
  - 21           d. if the patient has a registry identification card  
22           based on a current valid certification, the registry  
23           identification number and expiration date of that  
24           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;

3. In the case of a designated caregiver:

- a. the name, address and date of birth of the designated caregiver,
- b. if the designated caregiver has a registry identification card, the registry identification number and expiration date of that registry identification card, and
- c. other individual identifying information required by the State Department of Health;

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

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

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

9 7. Any other requirements determined by the Commissioner of  
10 Health as approved by the State Board of Health.

11 Upon approval of the certification, the State Department of  
12 Health shall issue registry identification cards for certified  
13 patients and designated caregivers. A registry identification card  
14 shall expire as provided in Section 3 of this act. The State  
15 Department of Health shall begin issuing registry identification  
16 cards as soon as practicable after the certifications required by  
17 Section 3 of this act are granted.

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

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

1 E. If a certified patient wishes to change or terminate his or  
2 her designated caregiver, for whatever reason, the certified patient  
3 shall notify the State Department of Health as soon as practicable.  
4 The State Department of Health shall issue a written notification to  
5 the designated caregiver that their registration card is invalid and  
6 shall be promptly returned to the State Department of Health. The  
7 newly designated caregiver must comply with all requirements set  
8 forth in this section. The State Department of Health shall  
9 immediately amend their records, both written and electronic, to  
10 indicate the termination of the designated caregiver card.

11 F. If the certification so provides, the registry  
12 identification card shall contain any recommendation or limitation  
13 by the practitioner as to the form or forms of medical marijuana or  
14 dosage for the certified patient.

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

21 H. If the application of a certified patient designates an  
22 individual as a designated caregiver who is not authorized to be a  
23 designated caregiver, that portion of the application shall be  
24

1 denied by the State Department of Health but shall not affect the  
2 approval of the balance of the application.

3 I. A registry identification card shall:

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

6 2. Display the date of issuance and expiration date of the  
7 registry identification card;

8 3. Display a registry identification number for the certified  
9 patient or designated caregiver, as the case may be, and a registry  
10 identification number;

11 4. Display a photograph of the individual to whom the registry  
12 identification card is being issued, which shall be obtained by the  
13 State Department of Health in a manner specified by administrative  
14 rules promulgated by the State Board of Health; provided, if the  
15 State Department of Health requires certified patients to submit  
16 photographs for this purpose, there shall be a reasonable  
17 accommodation of certified patients who are confined to their homes  
18 due to their medical conditions and may therefore have difficulty  
19 procuring photographs;

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

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



1           7. State any other requirements determined by the Commissioner  
2 of Health with approval of the State Board of Health.

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

13           K. If a certified patient or designated caregiver loses his or  
14 her registry identification card, he or she shall notify the State  
15 Department of Health and submit a fee of Twenty-five Dollars  
16 (\$25.00) within ten (10) business days of losing the card to  
17 maintain the registration. The State Department of Health may  
18 establish higher fees for issuing a new registry identification card  
19 for second and subsequent replacements for a lost card; provided,  
20 the State Department of Health may waive or reduce the fee in cases  
21 of financial hardship. The State Department of Health shall issue a  
22 new registry identification card as soon as practicable, which may  
23 contain a new registry identification number, to the certified  
24 patient or designated caregiver. The certified patient or

1 designated caregiver shall not be able to obtain medical marijuana  
2 until the certified patient receives a new card.

3 L. The State Department of Health shall maintain a confidential  
4 list of the persons to whom it has issued registry identification  
5 cards. Individual identifying information obtained by the State  
6 Department of Health pursuant to this act shall be confidential and  
7 exempt from disclosure pursuant to the Oklahoma Open Records Act.  
8 Notwithstanding this subsection, the State Department of Health may  
9 notify any appropriate law enforcement agency of information  
10 relating to any violation or suspected violation of this act.

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

14 N. If a certified patient or designated caregiver willfully  
15 violates any provision of this act, his or her registry  
16 identification card may be suspended or revoked. This is in  
17 addition to any other penalty that may apply.

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

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

23 A. A registered organization shall be a for-profit business  
24 entity or not-for-profit corporation organized for the purpose of

1 acquiring, possessing, manufacturing, selling, delivering,  
2 transporting, distributing or dispensing marijuana for certified  
3 medical use. Each registered organization shall employ a pharmacist  
4 who is licensed by and in good standing with the State Board of  
5 Pharmacy. Such licensed pharmacist shall be on the premises during  
6 regular business hours of the registered organization and shall  
7 provide direct supervision of activities within the facility,  
8 including supervision of employees who handle or dispense medical  
9 marijuana.

10 B. The acquiring, possession, manufacture, sale, delivery,  
11 transporting, distributing or dispensing of marijuana by a  
12 registered organization pursuant to this act in accordance with all  
13 registration requirements set forth in Section 7 of this act or a  
14 renewal thereof shall be lawful pursuant to this act.

15 C. Each registered organization shall contract with an  
16 independent laboratory to test the medical marijuana produced by the  
17 registered organization. The Commissioner of Health shall approve  
18 the laboratory and require that the laboratory report testing  
19 results in a manner determined by the Commissioner of Health.

20 D. 1. A registered organization may lawfully and in good faith  
21 sell, deliver, distribute or dispense medical marijuana to a  
22 certified patient or designated caregiver upon presentation to the  
23 registered organization of a valid registry identification card for  
24 that certified patient or designated caregiver, and one other form

1 of a valid state-issued identification; provided, a registered  
2 organization that grows, manufactures or processes marijuana may not  
3 also sell, deliver, distribute or dispense medical marijuana. When  
4 presented with the registry identification card, the registered  
5 organization shall provide to the certified patient or designated  
6 caregiver a receipt which shall state the name, address and registry  
7 identification number of the registered organization, the name and  
8 registry identification number of the certified patient and the name  
9 of the designated caregiver if applicable, the date the marijuana  
10 was sold, any recommendation or limitation by the practitioner as to  
11 the form or forms of medical marijuana or dosage for the certified  
12 patient and the form and the quantity of medical marijuana sold.  
13 The registered organization shall retain a copy of the registry  
14 identification card and the receipt for six (6) years.

15 2. The proprietor of a registered organization shall file or  
16 cause to be filed any receipt and certification information with the  
17 central repository set forth in the Anti-Drug Diversion Act by  
18 electronic means on a real-time basis. When filing receipt and  
19 certification information electronically pursuant to this paragraph,  
20 the proprietor of the registered organization shall dispose of any  
21 electronically-recorded prescription information in such manner as  
22 the State Board of Health shall require by rule.

23 3. A registered organization shall complete a training program  
24 as prescribed by the State Board of Health by rule, to assist

1 registered organizations and their employees, partners and  
2 stakeholders with the knowledge and skills to help them serve or  
3 sell medical marijuana responsibly and fulfill the legal  
4 requirements of medical marijuana service.

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

9 2. In dispensing medical marijuana to a certified patient or  
10 designated caregiver, the registered organization shall not dispense  
11 an amount greater than a thirty (30) calendar day supply to a  
12 certified patient until the certified patient has exhausted all but  
13 a seven (7) day supply provided pursuant to a previously issued  
14 certification, and shall verify the information required by this  
15 paragraph by checking the central repository pursuant to the  
16 requirements set forth in this act and as required by the Anti-Drug  
17 Diversion Act.

18 3. Medical marijuana dispensed to a certified patient or  
19 designated caregiver by a registered organization shall conform to  
20 any recommendation or limitation by the practitioner as to the form  
21 or forms of medical marijuana or dosage for the certified patient.

22 F. When a registered organization sells, delivers, distributes  
23 or dispenses medical marijuana to a certified patient or designated  
24 caregiver, the registered organization shall provide to that

1 individual a safety insert, which shall be developed and approved by  
2 the Commissioner of Health and shall include, but not be limited to,  
3 information regarding:

4 1. Methods for administering medical marijuana in individual  
5 doses;

6 2. Any potential dangers stemming from the use of medical  
7 marijuana;

8 3. How to recognize what may be problematic usage of medical  
9 marijuana and obtain appropriate services or treatment for  
10 problematic usage; and

11 4. Other information as determined by the Commissioner of  
12 Health.

13 G. Registered organizations shall not be managed by or employ  
14 anyone who has been convicted of any felony within the ten (10)  
15 years prior to employment for the sale or possession of drugs,  
16 narcotics or controlled dangerous substances; provided, no person  
17 who has been convicted of trafficking in illegal drugs pursuant to  
18 Section 2-415 of Title 63 of the Oklahoma Statutes shall be employed  
19 by or manage a registered organization, regardless of whether that  
20 person comes into contact or handles marijuana and regardless of the  
21 amount of time that has lapsed between conviction and employment.  
22 This subsection shall only apply to managers or employees who come  
23 into contact with or handle medical marijuana.

24

1 H. Manufacturing of medical marijuana by a registered  
2 organization shall only be done in an indoor, enclosed, secure  
3 facility located in the State of Oklahoma, which may include a  
4 greenhouse. The State Board of Health shall promulgate rules  
5 establishing requirements for such facilities.

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

11 J. A registered organization shall determine the quality,  
12 safety and strength of medical marijuana manufactured or dispensed  
13 by the registered organization, and shall provide documentation of  
14 that quality, safety and clinical strength to the State Department  
15 of Health on a quarterly basis, or upon request by the Department,  
16 and to any person or entity to which the medical marijuana is sold  
17 or dispensed.

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

20 L. Medical cannabis containers must be:

21 1. Plain;

22 2. Designed to maximize the shelf life of contained medical  
23 cannabis;

24 3. Tamper-evident; and

1 4. Child-resistant.

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

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

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

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

12 b. any name that is identical to, or confusingly similar  
13 to, the name of an existing noncannabis product is  
14 prohibited,

15 c. any name that is identical to, or confusingly similar  
16 to, the name of an unlawful product or substance is  
17 prohibited, and

18 d. any name that contains language that suggests using  
19 medical cannabis for recreational purposes or for a  
20 condition other than a qualifying medical condition is  
21 prohibited.

22 N. A registered organization must ensure that all medical  
23 cannabis that is distributed is labeled with the following  
24 information:



- 1 1. The patient's registry identification number, name and date  
2 of birth;
- 3 2. The name and date of birth of the designated registered  
4 caregiver, if applicable;
- 5 3. The name of the patient's parent or legal guardian, if  
6 listed on the registry verification, if applicable;
- 7 4. The patient's address;
- 8 5. The name and address of the medical cannabis manufacturer  
9 where the medical cannabis was manufactured;
- 10 6. The medical cannabis's chemical composition;
- 11 7. The recommended dosage;
- 12 8. Directions for use of the product;
- 13 9. All ingredients of the product shown with common or usual  
14 names, including any colors, artificial flavors and preservatives;  
15 listed in descending order by predominance of weight;
- 16 10. The date of manufacture and batch number;
- 17 11. A notice with the statement, including capitalization,  
18 which states: "This medical cannabis is for therapeutic use only.  
19 Diversion of this product is unlawful and may result in the  
20 revocation of the patient's registration. This product has not been  
21 analyzed or approved by the United States Food and Drug  
22 Administration. There is limited information on the side effects of  
23 using this product, and there may be associated health risks. Do  
24 not drive or operate heavy machinery while under the influence of

1 this product. Women should not consume during pregnancy or while  
2 breastfeeding except on the advice of the certifying health care  
3 practitioner, and in the case of breastfeeding mothers, including  
4 the infant's pediatrician. This product may impair the ability to  
5 drive. Keep out of reach of children.";

6 12. The information required to be included in the receipt  
7 provided to the certified patient or designated caregiver by the  
8 registered organization;

9 13. The packaging date;

10 14. Any applicable date by which the medical marijuana should  
11 be used;

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

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

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

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

24

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

- 4           a. is false or misleading,
- 5           b. promotes overconsumption,
- 6           c. represents that the use of marijuana has curative or  
7 therapeutic effects, or
- 8           d. depicts a child or other person under legal age to  
9 consume marijuana, or includes:

- 10           (1) objects such as toys, cartoon or other characters  
11 suggesting the presence of a child, or any other  
12 depiction designed in any manner to be especially  
13 appealing to children or other persons under  
14 legal age to consume marijuana, or
- 15           (2) any manner or design that would be especially  
16 appealing to children or other persons under  
17 twenty-one (21) years of age.

18           3. No licensed marijuana producer, processor or retailer shall  
19 place or maintain, or cause to be placed or maintained, an  
20 advertisement of marijuana, marijuana concentrates, usable marijuana  
21 or a marijuana-infused product in any form or through any medium  
22 whatsoever:

- 23           a. within one thousand (1,000) feet of the perimeter of a  
24 school grounds, playground, recreation center or

1 facility, child care center, public park, library or a  
2 game arcade admission to which is not restricted to  
3 persons aged twenty-one (21) or older,

4 b. on or in a public transit vehicle or public transit  
5 shelter, or

6 c. on or in a publicly owned or operated property.

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

10 4. All advertising must contain the following warnings:

11 a. "This product has intoxicating effects and may be  
12 habit forming.",

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

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

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

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

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

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

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

7           b. that the applicant:

8               (1) is of good moral character,

9               (2) possesses or has the right to use sufficient  
10 land, buildings and other premises which shall be  
11 specified in the application and equipment to  
12 properly and safely carry on the activity  
13 described in the application, or in the  
14 alternative, posts a bond of not less than Two  
15 Million Dollars (\$2,000,000.00),

16               (3) is able to maintain effective security and  
17 control to prevent diversion, abuse and other  
18 illegal conduct relating to the marijuana,

19               (4) is able to comply with all applicable state laws  
20 and regulations relating to the activities in  
21 which it intends to engage pursuant to the  
22 registration,

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

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

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

10 d. the name, residence address and title of each of the  
11 officers and directors and the name and residence  
12 address of any person or entity that is a member of  
13 the organization. Each person, if an individual, or  
14 lawful representative if a legal entity, shall submit  
15 an affidavit with the application stating:

16 (1) any position of management or ownership during  
17 the preceding ten (10) years of a ten percent  
18 (10%) or greater interest in any other business,  
19 located in or outside this state, manufacturing  
20 or distributing controlled dangerous substances,

21 (2) whether such person or any such business has been  
22 convicted of a felony or had a registration or  
23 license suspended or revoked in any  
24 administrative or judicial proceeding, and

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

3 2. No person may own any interest in more than two (2)  
4 registered organizations. For the purpose of establishing whether  
5 or not a person owns an interest in more than one registered  
6 organization, any person having a beneficial interest in any  
7 registered organization shall be deemed to be a partner in the  
8 registered organization except that the spouse of any person who  
9 owns an interest in a registered organization shall not be deemed to  
10 be a partner or have a beneficial interest in a registered  
11 organization unless his or her name appears on the license. A  
12 beneficial interest shall be any interest that benefits from any  
13 sales or profits of the registered organization.

14 B. Subject to administrative penalties, the applicant shall be  
15 under a continuing duty to report to the State Department of Health  
16 any change in facts or circumstances reflected in the application or  
17 any newly discovered or occurring fact or circumstance which is  
18 required to be included in the application.

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

22 a. the applicant will be able to maintain effective  
23 control against diversion of marijuana,  
24

- 1           b.    the applicant will be able to comply with all  
2                    applicable state laws,  
3           c.    the applicant and its officers are ready, willing and  
4                    able to properly carry on the manufacturing or  
5                    distributing activity for which a registration is  
6                    sought,  
7           d.    the applicant possesses or has the right to use  
8                    sufficient land, buildings and equipment to properly  
9                    carry on the activity described in the application,  
10          e.    it is in the public interest that such registration be  
11                    granted.  The Commissioner of Health may consider  
12                    whether the number of registered organizations in an  
13                    area will be adequate or excessive to reasonably serve  
14                    the area,  
15          f.    the applicant and its managing officers are of good  
16                    moral character, and  
17          g.    the applicant satisfies any other conditions as  
18                    determined by the State Board of Health.

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



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

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

8           a. the name and address of the registered organization,

9           b. which activities of a registered organization are  
10 permitted by the registration,

11           c. the land, buildings and facilities that may be used  
12 for the permitted activities of the registered  
13 organization, and

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

16           5. Upon application of a registered organization, a  
17 registration may be amended to allow the registered organization to  
18 relocate within the State of Oklahoma or to add or delete permitted  
19 registered organization activities or facilities. The fee for such  
20 amendment shall be Two Hundred Fifty Dollars (\$250.00) and subject  
21 to approval by the State Board of Health.

22           6. A registration issued pursuant to this section shall be  
23 valid for two (2) years from the date of issue, except that in order  
24 to facilitate the renewals of such registrations, the State Board of

1 Health may, upon the initial application for a registration, issue  
2 some registrations which may remain valid for a period of time  
3 greater than two (2) years, but not exceeding an additional eleven  
4 (11) months.

5 D. 1. An application for the renewal of any registration  
6 issued pursuant to this section shall be filed with the State  
7 Department of Health not more than six (6) months or less than four  
8 (4) months prior to the expiration thereof. A late-filed  
9 application for the renewal of a registration may, in the discretion  
10 of the State Board of Health, be treated as an application for an  
11 initial license.

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

- 15 a. any material change in the circumstances or factors  
16 listed in subsection A of this section, and  
17 b. every known charge or investigation, pending or  
18 concluded during the period of the registration, by  
19 any governmental or administrative agency with respect  
20 to:

- 21 (1) each incident or alleged incident involving the  
22 theft, loss or possible diversion of marijuana  
23 manufactured or distributed by the applicant, and  
24

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

4 3. An applicant for renewal shall be under a continuing duty to  
5 report to the Department any change in facts or circumstances  
6 reflected in the application or any newly discovered or occurring  
7 fact or circumstance which is required to be included in the  
8 application.

9 4. If the State Board of Health is not satisfied that the  
10 applicant is entitled to a renewal of the registration, he or she  
11 shall, within a reasonably practicable time as set forth in  
12 administrative rule, serve upon the applicant or his or her attorney  
13 of record in person or by registered or certified mail, an order  
14 directing the applicant to show cause why his or her application for  
15 renewal should not be denied. The order shall specify in detail the  
16 respects in which the applicant has not satisfied the requirements  
17 of this section.

18 5. Within a reasonably practicable time, the applicant may  
19 submit additional material to the State Board of Health or demand a  
20 hearing, or both. If a hearing is demanded, the State Department of  
21 Health shall fix a date as soon as reasonably practicable. Such  
22 hearings shall be conducted in accordance with the Administrative  
23 Procedures Act of the Oklahoma Statutes.

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

- 3 a. the applicant is unlikely to maintain or be able to  
4 maintain effective control against diversion,
- 5 b. the applicant is unlikely to comply with all state  
6 laws applicable to the activities in which it may  
7 engage pursuant to the registration, or
- 8 c. it is not in the public interest to renew the  
9 registration because the number of registered  
10 organizations in an area is excessive to reasonably  
11 serve the area.

12 2. For purposes of this section, proof that a registered  
13 organization, during the period of its registration, has failed to  
14 maintain effective control against diversion, violates any provision  
15 of this act or has knowingly or negligently failed to comply with  
16 applicable state laws relating to the activities in which it engages  
17 pursuant to the registration, shall constitute grounds for immediate  
18 suspension or termination of the registered organization's  
19 registration as determined by the State Board of Health. The  
20 registered organization shall also be under a continuing duty to  
21 report to the State Department of Health any material change or fact  
22 or circumstance to the information provided in the registered  
23 organization's application.

24

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

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

8 H. The State Board of Health shall approve no more than five  
9 (5) registered organizations that manufacture medical marijuana with  
10 no more than four (4) dispensing sites wholly owned and operated by  
11 such registered organization. The State Board of Health shall  
12 ensure that such registered organizations and dispensing sites are  
13 geographically distributed across this state. The State Board of  
14 Health may register additional registered organizations as it deems  
15 in the public interest.

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

- 20 1. Elementary or secondary school;
- 21 2. Playground;
- 22 3. Recreation center or facility;
- 23 4. Child care center;
- 24 5. Public Park;

1 6. Public transit center;

2 7. Library; or

3 8. Any game arcade where admission is not restricted to persons  
4 age twenty-one (21) or older.

5 J. Municipalities and counties are hereby authorized to create  
6 a new zoning classification to regulate the location of registered  
7 organizations. Such zoning classification may include but not be  
8 limited to reasonable parking, access regulations and other such  
9 zoning regulations as the local authorities may deem necessary for  
10 local control and public welfare.

11 K. 1. The State Board of Health shall send a notice to cities  
12 and counties, and may send a notice to tribal governments or port  
13 authorities regarding the registered organization application. The  
14 local authority has twenty (20) business days to respond with a  
15 recommendation to approve or an objection to the applicant, location  
16 or both.

17 2. Applicants for a new registered organization license and  
18 those who apply to change their location must display a sign  
19 provided by the State Department of Health on the outside of the  
20 premises to be licensed notifying the public that the premises is  
21 subject to an application to become a registered organization.  
22 Posting notices must occur within seven (7) business days of  
23 submitting the location confirmation form for new licenses or the  
24 change of location application for existing licensees. The State

1 Department of Health may check for compliance with this requirement  
2 at its discretion. The sign shall:

3 a. not be altered. The licensee must post the sign sent  
4 by the State Department of Health without changing,  
5 adding or subtracting from the text,

6 b. be conspicuously displayed on, or immediately adjacent  
7 to, the premises subject to the application and in the  
8 location that is most likely to be seen by the public,

9 c. be of a size sufficient to ensure that it will be  
10 readily seen by the public. At a minimum, the sign  
11 shall be eight and one-half by eleven (8 1/2 x 11)  
12 inches, and

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

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

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

23 2. "Minors restricted" signs must be posted at all retail  
24 establishments.

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

5           4. The State Board of Health shall not approve any application  
6 to become a registered organization for a location within another  
7 business.

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

12           6. Registered organizations and retail establishments shall not  
13 allow the consumption of marijuana or marijuana-infused products on  
14 the premises.

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

17           8. No retail establishment shall offer free samples or  
18 products.

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

22           A. The State Board of Health shall promulgate rules requiring  
23 each registered organization to file reports regarding the  
24 activities of the registered organization during a particular



1 period. The State Board of Health shall determine the information  
2 to be reported and the forms, time and manner of the reporting.

3 B. The State Board of Health shall promulgate rules requiring  
4 each registered organization to adopt and maintain security,  
5 tracking, recordkeeping, record retention and surveillance systems,  
6 relating to all medical marijuana at every stage of acquiring,  
7 possession, manufacture, sale, delivery, transporting, distributing,  
8 or dispensing by the registered organization, subject to regulations  
9 of the Commissioner of Health.

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

13 A. The State Department of Health may provide for the analysis  
14 and evaluation of the operation of this act. The Commissioner of  
15 Health may authorize the State Department of Health to enter into  
16 agreements with one or more persons, not-for-profit corporations or  
17 other organizations, for the performance of an evaluation of the  
18 implementation and effectiveness of this act.

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

24

1 C. The State Department of Health shall report every two (2)  
2 years, beginning two (2) years after the effective date of this act,  
3 to the Governor, the President Pro Tempore of the Senate, and the  
4 Speaker of the Oklahoma House of Representatives on the medical use  
5 of marijuana pursuant to this act and make appropriate  
6 recommendations.

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

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

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

15 A. Certified patients, designated caregivers, practitioners,  
16 registered organizations and the employees of registered  
17 organizations shall not be subject to arrest, prosecution or penalty  
18 in any manner or denied any right or privilege, including but not  
19 limited to civil penalty or disciplinary action by a business or  
20 occupational or professional licensing board or bureau, solely for  
21 the certified medical use or manufacture of marijuana or for any  
22 other action or conduct in accordance with this act.

23 B. Being a certified patient shall be deemed to be having a  
24 disability as described in Sections 1101 through 1706 of Title 25 of

1 the Oklahoma Statutes; provided, this subsection shall not bar the  
2 enforcement of a policy prohibiting an employee from performing his  
3 or her employment duties while impaired by a controlled dangerous  
4 substance. This section shall not require any person or entity to  
5 do any act that would put the person or entity in violation of  
6 federal law or cause it to lose a federal contract or funding.

7 C. The fact that a person is a certified patient or is acting  
8 in accordance with this act shall not be a consideration in a  
9 proceeding pursuant to divorce, custody, foster or adoption  
10 proceeding; provided, any evidence of risk of harm to the child as a  
11 result of impairment of the biological parent, current or  
12 prospective foster parent or current or prospective adoptive parent  
13 as a result of the use of marijuana or risk as a result of the child  
14 or children being exposed to marijuana products or consumption shall  
15 be admissible in such proceeding.

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

20 2. Registry identification cards or registered organization  
21 registrations shall be issued or become effective no later than  
22 eighteen (18) months from the signing of this act or until such time  
23 as the Commissioner of Health and the Commissioner of Public Safety  
24

1 certify that this act can be implemented in accordance with public  
2 health and safety interests, whichever event comes later.

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

8 E. 1. Every sale of medical marijuana shall be at the price  
9 determined by the State Board of Health. Every charge made or  
10 demanded for medical marijuana not in accordance with the price  
11 determined by the State Board of Health, is prohibited.

12 2. The State Board of Health is hereby authorized to set the  
13 per dose price of each form of medical marijuana sold by any  
14 registered organization. In setting the per dose price of each form  
15 of medical marijuana, the State Board of Health shall consider the  
16 fixed and variable costs of producing the form of marijuana and any  
17 other factor the Commissioner of Health, in his or her discretion,  
18 deems relevant to determining the per dose price of each form of  
19 medical marijuana.

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

22 SECTION 12. AMENDATORY 63 O.S. 2011, Section 2-309D, as  
23 last amended by Section 35, Chapter 210, O.S.L. 2016 (63 O.S. Supp.  
24 2017, Section 2-309D), is amended to read as follows:

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

5 1. Peace officers certified pursuant to Section 3311 of Title  
6 70 of the Oklahoma Statutes who are employed as investigative agents  
7 of the Oklahoma State Bureau of Narcotics and Dangerous Drugs  
8 Control;

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

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

- 13 a. Board of Podiatric Medical Examiners,
- 14 b. Board of Dentistry,
- 15 c. State Board of Pharmacy,
- 16 d. State Board of Medical Licensure and Supervision,
- 17 e. State Board of Osteopathic Examiners,
- 18 f. State Board of Veterinary Medical Examiners,
- 19 g. Oklahoma Health Care Authority,
- 20 h. Department of Mental Health and Substance Abuse  
21 Services,
- 22 i. Board of Examiners in Optometry,
- 23 j. Board of Nursing,
- 24 k. Office of the Chief Medical Examiner, and

1           1.     State Board of Health;

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

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

7           6.     At the discretion of the Director of the Oklahoma State  
8 Bureau of Narcotics and Dangerous Drugs Control, medical  
9 practitioners and their staff, including those employed by the  
10 federal government in this state.

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

21          C.     This section shall not prevent the disclosure, at the  
22 discretion of the Director of the Oklahoma State Bureau of Narcotics  
23 and Dangerous Drugs Control, of statistical information gathered  
24 from the central repository to the general public which shall be

1 limited to types and quantities of controlled substances dispensed  
2 and the county where dispensed.

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

8 E. The Department of Mental Health and Substance Abuse Services  
9 and the State Department of Health may utilize the information in  
10 the central repository for statistical, research, substance abuse  
11 prevention, or educational purposes, provided that consumer  
12 confidentiality is not compromised.

13 F. Any unauthorized disclosure of any information collected at  
14 the central repository provided by the Anti-Drug Diversion Act shall  
15 be a misdemeanor. Violation of the provisions of this section shall  
16 be deemed willful neglect of duty and shall be grounds for removal  
17 from office.

18 G. 1. Registrants shall have access to the central repository  
19 for the purposes of patient treatment and for determination in  
20 prescribing or screening new patients. The patient's history may be  
21 disclosed to the patient for the purposes of treatment of  
22 information at the discretion of the physician.

23 2. a. Prior to prescribing or authorizing for refill, if one  
24 hundred eighty (180) days have elapsed prior to the

1 previous access and check, of opiates, synthetic  
2 opiates, semisynthetic opiates, benzodiazepine ~~or,~~  
3 carisoprodol, or medical marijuana when the patient  
4 holds a valid medical marijuana certification, to a  
5 patient of record, registrants or members of their  
6 medical or administrative staff shall be required  
7 until October 31, 2020, to access the information in  
8 the central repository to assess medical necessity and  
9 the possibility that the patient may be unlawfully  
10 obtaining prescription drugs in violation of the  
11 Uniform Controlled Dangerous Substances Act. The duty  
12 to access and check shall not alter or otherwise amend  
13 appropriate medical standards of care. The registrant  
14 or medical provider shall note in the patient file  
15 that the central repository has been checked and may  
16 maintain a copy of the information.

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

19 (1) to medical practitioners who prescribe the  
20 controlled substances set forth in subparagraph a  
21 of this paragraph for hospice or end-of-life  
22 care, or

23 (2) for a prescription of a controlled substance set  
24 forth in subparagraph a of this paragraph that is



1 issued by a practitioner for a patient residing  
2 in a nursing facility as defined by Section 1-  
3 1902 of this title, provided that the  
4 prescription is issued to a resident of such  
5 facility.

6 3. Registrants shall not be liable to any person for any claim  
7 of damages as a result of accessing or failing to access the  
8 information in the central repository and no lawsuit may be  
9 predicated thereon.

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

20 I. The Director of the Oklahoma State Bureau of Narcotics and  
21 Dangerous Drugs Control, or a designee thereof, shall provide a  
22 monthly list to the Directors of the State Board of Podiatric  
23 Examiners, the State Board of Dentistry, the State Board of Medical  
24 Licensure and Supervision, the State Board of Examiners in

1 Optometry, the State Board of Nursing, the State Board of  
2 Osteopathic Examiners and the State Board of Veterinary Medical  
3 Examiners of the top twenty prescribers of controlled dangerous  
4 substances within their respective areas of jurisdiction. Upon  
5 discovering that a registrant is prescribing outside the limitations  
6 of his or her licensure or outside of drug registration rules or  
7 applicable state laws, the respective licensing board shall be  
8 notified by the Bureau in writing. Such notifications may be  
9 considered complaints for the purpose of investigations or other  
10 actions by the respective licensing board. Licensing boards shall  
11 have exclusive jurisdiction to take action against a licensee for a  
12 violation of subsection G of this section.

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

23 K. The Director of the Oklahoma State Bureau of Narcotics and  
24 Dangerous Drugs Control shall provide adequate means and procedures

1 allowing access to central repository information for registrants  
2 lacking direct computer access.

3 L. Upon completion of an investigation in which it is  
4 determined that a death was caused by an overdose, either  
5 intentionally or unintentionally, of a controlled dangerous  
6 substance, the medical examiner shall be required to report the  
7 decedent's name and date of birth to the Oklahoma State Bureau of  
8 Narcotics and Dangerous Drugs Control. The Oklahoma State Bureau of  
9 Narcotics and Dangerous Drugs Control shall be required to maintain  
10 a database containing the classification of medical practitioners  
11 who prescribed or authorized controlled dangerous substances  
12 pursuant to this subsection.

13 M. An individual employed by a registered organization as  
14 defined in this act may access the central repository for the  
15 purpose of entering into the central depository information related  
16 to the sale to an individual for whom one or more certifications for  
17 marijuana is presented to that registered organization, as required  
18 by this act.

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

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

23 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES  
24 February 26, 2018 - DO PASS AS AMENDED