

1 ENGROSSED SENATE
2 BILL NO. 1120

By: Yen of the Senate

3 and

4 Kannady of the House

5
6 [medical marijuana - codification - contingent
7 effective date - effective date]
8

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

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

13 A. For the purposes of this section:

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

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

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

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

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

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

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

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

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

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

D. A person is guilty of criminal diversion of medical marijuana in the second degree when he or she sells, trades, delivers or otherwise provides medical marijuana to another with knowledge or reasonable grounds to know that the recipient is not registered pursuant to this act. Criminal diversion of medical marijuana in the second degree shall be a felony punishable by 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;
23
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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,

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

B. The certification shall include:

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

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;

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.
23
24

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.

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. Medical cannabis containers must be:

19 1. Plain;

20 2. Designed to maximize the shelf life of contained medical
21 cannabis;

22 3. Tamper-evident; and

23 4. Child-resistant.
24

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

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

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

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

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

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

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

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

- 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 N. 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 O. 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

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

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

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
24

1 Passed the Senate the 15th day of March, 2018.

2
3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2018.

7
8 _____
9 Presiding Officer of the House
10 of Representatives