

1 ENGROSSED SENATE
2 BILL NO. 745

By: Yen of the Senate

3 and

4 Echols of the House

5
6 An Act relating to controlled substances; amending 63
7 O.S. 2011, Section 2-101, as last amended by Section
8 1, Chapter 299, O.S.L. 2016 (63 O.S. Supp. 2016,
9 Section 2-101), which relates to definitions;
10 modifying certain exemption; providing for the
11 establishment of statewide investigational new drug
12 applications for certain clinical trials; authorizing
13 physicians to serve as principal investigators for
14 clinical trials under certain circumstances;
15 providing for subinvestigators; directing
16 investigators and subinvestigators to adhere to
17 certain rules and regulations; permitting Oklahoma
18 State Bureau of Narcotics and Dangerous Drugs Control
19 to inspect certain samples; providing guidelines for
20 conducting clinical trials; providing exemptions from
21 criminal or civil penalties; permitting State
22 Commissioner of Health to perform certain acts;
23 requiring clinical trials to comply with certain
24 standards; providing termination date; providing
certain construction; requiring submission of certain
report; specifying contents of report; permitting
Commissioner to disclose certain data; directing
promulgation of rules by certain entities; providing
for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 2011, Section 2-101, as
last amended by Section 1, Chapter 299, O.S.L. 2016 (63 O.S. Supp.
2016, Section 2-101), is amended to read as follows:

1 Section 2-101. As used in the Uniform Controlled Dangerous
2 Substances Act:

3 1. "Administer" means the direct application of a controlled
4 dangerous substance, whether by injection, inhalation, ingestion or
5 any other means, to the body of a patient, animal or research
6 subject by:

7 a. a practitioner (or, in the presence of the
8 practitioner, by the authorized agent of the
9 practitioner), or

10 b. the patient or research subject at the direction and
11 in the presence of the practitioner;

12 2. "Agent" means a peace officer appointed by and who acts in
13 behalf of the Director of the Oklahoma State Bureau of Narcotics and
14 Dangerous Drugs Control or an authorized person who acts on behalf
15 of or at the direction of a person who manufactures, distributes,
16 dispenses, prescribes, administers or uses for scientific purposes
17 controlled dangerous substances but does not include a common or
18 contract carrier, public warehouser or employee thereof, or a person
19 required to register under the Uniform Controlled Dangerous
20 Substances Act;

21 3. "Board" means the Advisory Board to the Director of the
22 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control;

23 4. "Bureau" means the Oklahoma State Bureau of Narcotics and
24 Dangerous Drugs Control;

1 5. "Coca leaves" includes cocaine and any compound,
2 manufacture, salt, derivative, mixture or preparation of coca
3 leaves, except derivatives of coca leaves which do not contain
4 cocaine or ecgonine;

5 6. "Commissioner" or "Director" means the Director of the
6 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control;

7 7. "Control" means to add, remove or change the placement of a
8 drug, substance or immediate precursor under the Uniform Controlled
9 Dangerous Substances Act;

10 8. "Controlled dangerous substance" means a drug, substance or
11 immediate precursor in Schedules I through V of the Uniform
12 Controlled Dangerous Substances Act or any drug, substance or
13 immediate precursor listed either temporarily or permanently as a
14 federally controlled substance. Any conflict between state and
15 federal law with regard to the particular schedule in which a
16 substance is listed shall be resolved in favor of state law;

17 9. "Counterfeit substance" means a controlled substance which,
18 or the container or labeling of which without authorization, bears
19 the trademark, trade name or other identifying marks, imprint,
20 number or device or any likeness thereof of a manufacturer,
21 distributor or dispenser other than the person who in fact
22 manufactured, distributed or dispensed the substance;

23 10. "Deliver" or "delivery" means the actual, constructive or
24 attempted transfer from one person to another of a controlled

1 dangerous substance or drug paraphernalia, whether or not there is
2 an agency relationship;

3 11. "Dispense" means to deliver a controlled dangerous
4 substance to an ultimate user or human research subject by or
5 pursuant to the lawful order of a practitioner, including the
6 prescribing, administering, packaging, labeling or compounding
7 necessary to prepare the substance for such distribution.

8 "Dispenser" is a practitioner who delivers a controlled dangerous
9 substance to an ultimate user or human research subject;

10 12. "Distribute" means to deliver other than by administering
11 or dispensing a controlled dangerous substance;

12 13. "Distributor" means a commercial entity engaged in the
13 distribution or reverse distribution of narcotics and dangerous
14 drugs and who complies with all regulations promulgated by the
15 federal Drug Enforcement Administration and the Oklahoma State
16 Bureau of Narcotics and Dangerous Drugs Control;

17 14. "Drug" means articles:

- 18 a. recognized in the official United States
19 Pharmacopoeia, official Homeopathic Pharmacopoeia of
20 the United States, or official National Formulary, or
21 any supplement to any of them,
22 b. intended for use in the diagnosis, cure, mitigation,
23 treatment or prevention of disease in man or other
24 animals,

- 1 c. other than food, intended to affect the structure or
2 any function of the body of man or other animals, and
3 d. intended for use as a component of any article
4 specified in this paragraph;

5 provided, however, the term "drug" does not include devices or their
6 components, parts or accessories;

7 15. "Drug-dependent person" means a person who is using a
8 controlled dangerous substance and who is in a state of psychic or
9 physical dependence, or both, arising from administration of that
10 controlled dangerous substance on a continuous basis. Drug
11 dependence is characterized by behavioral and other responses which
12 include a strong compulsion to take the substance on a continuous
13 basis in order to experience its psychic effects, or to avoid the
14 discomfort of its absence;

15 16. "Home care agency" means any sole proprietorship,
16 partnership, association, corporation, or other organization which
17 administers, offers, or provides home care services, for a fee or
18 pursuant to a contract for such services, to clients in their place
19 of residence;

20 17. "Home care services" means skilled or personal care
21 services provided to clients in their place of residence for a fee;

22 18. "Hospice" means a centrally administered, nonprofit or
23 profit, medically directed, nurse-coordinated program which provides
24 a continuum of home and inpatient care for the terminally ill

1 patient and the patient's family. Such term shall also include a
2 centrally administered, nonprofit or profit, medically directed,
3 nurse-coordinated program if such program is licensed pursuant to
4 the provisions of this act. A hospice program offers palliative and
5 supportive care to meet the special needs arising out of the
6 physical, emotional and spiritual stresses which are experienced
7 during the final stages of illness and during dying and bereavement.
8 This care is available twenty-four (24) hours a day, seven (7) days
9 a week, and is provided on the basis of need, regardless of ability
10 to pay. "Class A" Hospice refers to Medicare certified hospices.
11 "Class B" refers to all other providers of hospice services;

12 19. "Imitation controlled substance" means a substance that is
13 not a controlled dangerous substance, which by dosage unit
14 appearance, color, shape, size, markings or by representations made,
15 would lead a reasonable person to believe that the substance is a
16 controlled dangerous substance. In the event the appearance of the
17 dosage unit is not reasonably sufficient to establish that the
18 substance is an "imitation controlled substance", the court or
19 authority concerned should consider, in addition to all other
20 factors, the following factors as related to "representations made"
21 in determining whether the substance is an "imitation controlled
22 substance":
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- a. statements made by an owner or by any other person in control of the substance concerning the nature of the substance, or its use or effect,
- b. statements made to the recipient that the substance may be resold for inordinate profit,
- c. whether the substance is packaged in a manner normally used for illicit controlled substances,
- d. evasive tactics or actions utilized by the owner or person in control of the substance to avoid detection by law enforcement authorities,
- e. prior convictions, if any, of an owner, or any other person in control of the object, under state or federal law related to controlled substances or fraud, and
- f. the proximity of the substances to controlled dangerous substances;

20. "Immediate precursor" means a substance which the Director has found to be and by regulation designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used, or likely to be used, in the manufacture of a controlled dangerous substance, the control of which is necessary to prevent, curtail or limit such manufacture;

21. "Laboratory" means a laboratory approved by the Director as proper to be entrusted with the custody of controlled dangerous

1 substances and the use of controlled dangerous substances for
2 scientific and medical purposes and for purposes of instruction;

3 22. "Manufacture" means the production, preparation,
4 propagation, compounding or processing of a controlled dangerous
5 substance, either directly or indirectly by extraction from
6 substances of natural or synthetic origin, or independently by means
7 of chemical synthesis or by a combination of extraction and chemical
8 synthesis. "Manufacturer" includes any person who packages,
9 repackages or labels any container of any controlled dangerous
10 substance, except practitioners who dispense or compound
11 prescription orders for delivery to the ultimate consumer;

12 23. "Marihuana" means all parts of the plant Cannabis sativa
13 L., whether growing or not; the seeds thereof; the resin extracted
14 from any part of such plant; and every compound, manufacture, salt,
15 derivative, mixture or preparation of such plant, its seeds or
16 resin, but shall not include:

- 17 a. the mature stalks of such plant or fiber produced from
18 such stalks,
- 19 b. oil or cake made from the seeds of such plant,
20 including cannabidiol derived from the seeds of the
21 marihuana plant,
- 22 c. any other compound, manufacture, salt, derivative,
23 mixture or preparation of such mature stalks (except
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- the resin extracted therefrom), including cannabidiol derived from mature stalks, fiber, oil or cake,
- d. the sterilized seed of such plant which is incapable of germination,
 - e. for any person participating in a clinical trial to administer cannabidiol for the treatment of severe forms of epilepsy pursuant to Section 2-802 of this title, a drug or substance approved by the federal Food and Drug Administration for use by those participants,
 - f. for any person or the parents, legal guardians or caretakers of the person who have received a written certification from a physician licensed in this state that the person has been diagnosed by a physician as having Lennox-Gastaut Syndrome, Dravet Syndrome, also known as Severe Myoclonic Epilepsy of Infancy, or any other severe form of epilepsy that is not adequately treated by traditional medical therapies, spasticity due to multiple sclerosis or due to paraplegia, intractable nausea and vomiting, appetite stimulation with chronic wasting diseases, the substance cannabidiol, a nonpsychoactive cannabinoid, found in the plant Cannabis sativa L. or any other preparation thereof, that has a tetrahydrocannabinol concentration

1 of not more than three-tenths of one percent (0.3%)
2 and that is delivered to the patient in the form of a
3 liquid, ~~or~~

4 g. industrial hemp, from the plant Cannabis sativa L. and
5 any part of such plant, whether growing or not, with a
6 delta-9 tetrahydrocannabinol concentration of not more
7 than three-tenths of one percent (0.3%) on a dry
8 weight basis which shall not be grown anywhere in the
9 State of Oklahoma but may be shipped to Oklahoma
10 pursuant to the provisions of subparagraph e or f of
11 this paragraph, or

12 h. marihuana for use by any person age eighteen (18) or
13 older, or the parents, legal guardians or caretakers
14 of the person participating in a clinical trial
15 authorized by Section 2 of this act and who has
16 received a written certification from a physician
17 licensed in this state that the person has:

18 (1) neuropathic pain,

19 (2) persistent muscle spasms due to multiple
20 sclerosis or paraplegia,

21 (3) nausea or vomiting due to chemotherapy,

22 (4) loss of weight or appetite due to cancer or
23 HIV/AIDS, or

24 (5) chronic pain when other treatments have failed;

1 24. "Medical purpose" means an intention to utilize a
2 controlled dangerous substance for physical or mental treatment, for
3 diagnosis, or for the prevention of a disease condition not in
4 violation of any state or federal law and not for the purpose of
5 satisfying physiological or psychological dependence or other abuse;

6 25. "Mid-level practitioner" means an advanced practice nurse
7 as defined and within parameters specified in Section 567.3a of
8 Title 59 of the Oklahoma Statutes, or a certified animal euthanasia
9 technician as defined in Section 698.2 of Title 59 of the Oklahoma
10 Statutes, or an animal control officer registered by the Oklahoma
11 State Bureau of Narcotics and Dangerous Drugs Control under
12 subsection B of Section 2-301 of this title within the parameters of
13 such officer's duty under Sections 501 through 508 of Title 4 of the
14 Oklahoma Statutes;

15 26. "Narcotic drug" means any of the following, whether
16 produced directly or indirectly by extraction from substances of
17 vegetable origin, or independently by means of chemical synthesis,
18 or by a combination of extraction and chemical synthesis:

- 19 a. opium, coca leaves and opiates,
- 20 b. a compound, manufacture, salt, derivative or
21 preparation of opium, coca leaves or opiates,
- 22 c. cocaine, its salts, optical and geometric isomers, and
23 salts of isomers,

- 1 d. ecgonine, its derivatives, their salts, isomers and
2 salts of isomers, and
- 3 e. a substance, and any compound, manufacture, salt,
4 derivative or preparation thereof, which is chemically
5 identical with any of the substances referred to in
6 subparagraphs a through d of this paragraph, except
7 that the words "narcotic drug" as used in Section 2-
8 101 et seq. of this title shall not include
9 decocainized coca leaves or extracts of coca leaves,
10 which extracts do not contain cocaine or ecgonine;

11 27. "Opiate" means any substance having an addiction-forming or
12 addiction-sustaining liability similar to morphine or being capable
13 of conversion into a drug having such addiction-forming or
14 addiction-sustaining liability. It does not include, unless
15 specifically designated as controlled under the Uniform Controlled
16 Dangerous Substances Act, the dextrorotatory isomer of 3-methoxy-n-
17 methyl-morphinan and its salts (dextromethorphan). It does include
18 its racemic and levorotatory forms;

19 28. "Opium poppy" means the plant of the species *Papaver*
20 *somniferum* L., except the seeds thereof;

21 29. "Peace officer" means a police officer, sheriff, deputy
22 sheriff, district attorney's investigator, investigator from the
23 Office of the Attorney General, or any other person elected or
24

1 appointed by law to enforce any of the criminal laws of this state
2 or of the United States;

3 30. "Person" means an individual, corporation, government or
4 governmental subdivision or agency, business trust, estate, trust,
5 partnership or association, or any other legal entity;

6 31. "Poppy straw" means all parts, except the seeds, of the
7 opium poppy, after mowing;

8 32. "Practitioner" means:

- 9 a. (1) a medical doctor or osteopathic physician,
10 (2) a dentist,
11 (3) a podiatrist,
12 (4) an optometrist,
13 (5) a veterinarian,
14 (6) a physician assistant under the supervision of a
15 licensed medical doctor or osteopathic physician,
16 (7) a scientific investigator, or
17 (8) any other person,
18 licensed, registered or otherwise permitted to
19 prescribe, distribute, dispense, conduct research with
20 respect to, use for scientific purposes or administer
21 a controlled dangerous substance in the course of
22 professional practice or research in this state, or
23 b. a pharmacy, hospital, laboratory or other institution
24 licensed, registered or otherwise permitted to

1 distribute, dispense, conduct research with respect
2 to, use for scientific purposes or administer a
3 controlled dangerous substance in the course of
4 professional practice or research in this state;

5 33. "Production" includes the manufacture, planting,
6 cultivation, growing or harvesting of a controlled dangerous
7 substance;

8 34. "State" means the State of Oklahoma or any other state of
9 the United States;

10 35. "Ultimate user" means a person who lawfully possesses a
11 controlled dangerous substance for the person's own use or for the
12 use of a member of the person's household or for administration to
13 an animal owned by the person or by a member of the person's
14 household;

15 36. "Drug paraphernalia" means all equipment, products and
16 materials of any kind which are used, intended for use, or fashioned
17 specifically for use in planting, propagating, cultivating, growing,
18 harvesting, manufacturing, compounding, converting, producing,
19 processing, preparing, testing, analyzing, packaging, repackaging,
20 storing, containing, concealing, injecting, ingesting, inhaling or
21 otherwise introducing into the human body, a controlled dangerous
22 substance in violation of the Uniform Controlled Dangerous
23 Substances Act including, but not limited to:

- a. kits used, intended for use, or fashioned specifically for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled dangerous substance or from which a controlled dangerous substance can be derived,
- b. kits used, intended for use, or fashioned specifically for use in manufacturing, compounding, converting, producing, processing or preparing controlled dangerous substances,
- c. isomerization devices used, intended for use, or fashioned specifically for use in increasing the potency of any species of plant which is a controlled dangerous substance,
- d. testing equipment used, intended for use, or fashioned specifically for use in identifying, or in analyzing the strength, effectiveness or purity of controlled dangerous substances,
- e. scales and balances used, intended for use, or fashioned specifically for use in weighing or measuring controlled dangerous substances,
- f. diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or fashioned

- specifically for use in cutting controlled dangerous substances,
- g. separation gins and sifters used, intended for use, or fashioned specifically for use in removing twigs and seeds from, or in otherwise cleaning or refining, marihuana,
 - h. blenders, bowls, containers, spoons and mixing devices used, intended for use, or fashioned specifically for use in compounding controlled dangerous substances,
 - i. capsules, balloons, envelopes and other containers used, intended for use, or fashioned specifically for use in packaging small quantities of controlled dangerous substances,
 - j. containers and other objects used, intended for use, or fashioned specifically for use in parenterally injecting controlled dangerous substances into the human body,
 - k. hypodermic syringes, needles and other objects used, intended for use, or fashioned specifically for use in parenterally injecting controlled dangerous substances into the human body,
 - l. objects used, intended for use, or fashioned specifically for use in ingesting, inhaling or

otherwise introducing marihuana, cocaine, hashish or hashish oil into the human body, such as:

- (1) metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls,
- (2) water pipes,
- (3) carburetion tubes and devices,
- (4) smoking and carburetion masks,
- (5) roach clips, meaning objects used to hold burning material, such as a marihuana cigarette, that has become too small or too short to be held in the hand,
- (6) miniature cocaine spoons and cocaine vials,
- (7) chamber pipes,
- (8) carburetor pipes,
- (9) electric pipes,
- (10) air-driven pipes,
- (11) chillums,
- (12) bongs, or
- (13) ice pipes or chillers,

m. all hidden or novelty pipes, and

n. any pipe that has a tobacco bowl or chamber of less than one-half (1/2) inch in diameter in which there is any detectable residue of any controlled dangerous

1 substance as defined in this section or any other
2 substances not legal for possession or use;
3 provided, however, the term "drug paraphernalia" shall not include
4 separation gins intended for use in preparing tea or spice, clamps
5 used for constructing electrical equipment, water pipes designed for
6 ornamentation in which no detectable amount of an illegal substance
7 is found or pipes designed and used solely for smoking tobacco,
8 traditional pipes of an American Indian tribal religious ceremony,
9 or antique pipes that are thirty (30) years of age or older;

10 37. a. "Synthetic controlled substance" means a substance:

- 11 (1) the chemical structure of which is substantially
12 similar to the chemical structure of a controlled
13 dangerous substance in Schedule I or II,
- 14 (2) which has a stimulant, depressant, or
15 hallucinogenic effect on the central nervous
16 system that is substantially similar to or
17 greater than the stimulant, depressant or
18 hallucinogenic effect on the central nervous
19 system of a controlled dangerous substance in
20 Schedule I or II, or
- 21 (3) with respect to a particular person, which such
22 person represents or intends to have a stimulant,
23 depressant, or hallucinogenic effect on the
24 central nervous system that is substantially

1 similar to or greater than the stimulant,
2 depressant, or hallucinogenic effect on the
3 central nervous system of a controlled dangerous
4 substance in Schedule I or II.

5 b. The designation of gamma butyrolactone or any other
6 chemical as a precursor, pursuant to Section 2-322 of
7 this title, does not preclude a finding pursuant to
8 subparagraph a of this paragraph that the chemical is
9 a synthetic controlled substance.

10 c. "Synthetic controlled substance" does not include:

- 11 (1) a controlled dangerous substance,
12 (2) any substance for which there is an approved new
13 drug application,
14 (3) with respect to a particular person any
15 substance, if an exemption is in effect for
16 investigational use, for that person under the
17 provisions of Section 505 of the Federal Food,
18 Drug and Cosmetic Act, Title 21 of the United
19 States Code, Section 355, to the extent conduct
20 with respect to such substance is pursuant to
21 such exemption, or
22 (4) any substance to the extent not intended for
23 human consumption before such an exemption takes
24 effect with respect to that substance.

1 d. Prima facie evidence that a substance containing
2 salvia divinorum has been enhanced, concentrated or
3 chemically or physically altered shall give rise to a
4 rebuttable presumption that the substance is a
5 synthetic controlled substance;

6 38. "Tetrahydrocannabinols" means all substances that have been
7 chemically synthesized to emulate the tetrahydrocannabinols of
8 marihuana;

9 39. "Isomer" means the optical isomer, except as used in
10 subsections C and F of Section 2-204 of this title and paragraph 4
11 of subsection A of Section 2-206 of this title. As used in
12 subsections C and F of Section 2-204 of this title, "isomer" means
13 the optical, positional or geometric isomer. As used in paragraph 4
14 of subsection A of Section 2-206 of this title, the term "isomer"
15 means the optical or geometric isomer;

16 40. "Hazardous materials" means materials, whether solid,
17 liquid or gas, which are toxic to human, animal, aquatic or plant
18 life, and the disposal of which materials is controlled by state or
19 federal guidelines; and

20 41. "Anhydrous ammonia" means any substance that exhibits
21 cryogenic evaporative behavior and tests positive for ammonia.

22 SECTION 2. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 2-806 of Title 63, unless there
24 is created a duplication in numbering, reads as follows:

1 A. A statewide investigational new drug application may be
2 established in this state, if approved by the United States Food and
3 Drug Administration, to conduct clinical trials using marihuana,
4 exclusively for qualifying patients with:

5 1. Neuropathic pain;

6 2. Persistent muscle spasms due to multiple sclerosis or
7 paraplegia;

8 3. Nausea or vomiting due to chemotherapy;

9 4. Loss of weight or appetite due to cancer or HIV/AIDS; or

10 5. Chronic pain when other treatments have failed.

11 B. Any physician licensed by the State Board of Medical
12 Licensure and Supervision or the State Board of Osteopathic
13 Examiners, practicing in this state, and treating patients with any
14 of the conditions specified by subsection A of this section may
15 serve as the principal investigator for such clinical trials if such
16 physician:

17 1. Applies to and is approved by the appropriate federal
18 entities with oversight over the performance of clinical trials in a
19 manner consistent with federal law; and

20 2. Receives a registration from the Oklahoma State Bureau of
21 Narcotics and Dangerous Drugs Control.

22 C. Such physician, acting as principal investigator, may
23 include subinvestigators who are also board certified, practice in
24 an academic medical center in this state, and treat patients with

1 any of the conditions specified by subsection A of this section.
2 Such subinvestigators shall be required to comply with the licensing
3 requirement provided in subsection B of this section.

4 D. The principal investigator and all subinvestigators shall
5 adhere to the rules and regulations established by the relevant
6 institutional review board for each participating academic medical
7 center and by the United States Food and Drug Administration, the
8 United States Drug Enforcement Administration, the National
9 Institutes of Health, the Oklahoma State Bureau of Narcotics and
10 Dangerous Drugs Control and the National Institute on Drug Abuse.

11 E. The Oklahoma State Bureau of Narcotics and Dangerous Drugs
12 Control shall have the authority to inspect and test samples of
13 marihuana used in this state pursuant to the provisions of this act.

14 SECTION 3. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 2-807 of Title 63, unless there
16 is created a duplication in numbering, reads as follows:

17 A. Clinical trials conducted pursuant to a statewide
18 investigational new drug application established pursuant to the
19 provisions of this act shall only utilize research-grade marihuana
20 approved by the National Institutes of Health (NIH).

21 B. The principal investigator and any subinvestigator may
22 receive marihuana directly from an approved source or from an
23 authorized distributor for use in the clinical trials. Such receipt
24 shall only occur at the physical location of the clinical trial.

1 Upon receipt of research-grade marihuana, the principal investigator
2 or subinvestigator shall sign a written statement attesting their
3 receipt of such marihuana. Such attestation shall be submitted to
4 the Oklahoma Bureau of Narcotics and Dangerous Drugs Control.

5 C. A person acting in compliance with the provisions of this
6 act shall not be subject to arrest, prosecution or any civil or
7 administrative penalty, including a civil penalty or disciplinary
8 action by a professional licensing board, or be denied any right or
9 privilege, for the use, prescription, administration, possession,
10 manufacture or distribution of marihuana; provided, the immunity
11 provided by this subsection shall not apply to persons participating
12 in the clinical trial authorized by this act when the person
13 possesses or uses marihuana for purposes other than those authorized
14 by this act.

15 D. The State Commissioner of Health shall have the authority to
16 approve physicians conducting clinical trials performed pursuant to
17 the provisions of this act. In the event of a substantial violation
18 of this act, the Commissioner shall provide written notice to the
19 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control and
20 the Governor.

21 E. The clinical trials and related research authorized by this
22 act shall adhere to the highest standards of academic research
23 including, but not limited to, peer review of research conducted
24 pursuant to this act.

1 F. Clinical trials and related research authorized by this act
2 shall conclude no later than December 31, 2019. Nothing in this act
3 shall be construed as to permit the continuation of clinical trials
4 after December 31, 2019.

5 G. The State Commissioner of Health shall submit a report to
6 the President Pro Tempore of the Oklahoma State Senate, the Speaker
7 of the Oklahoma House of Representatives and the Governor on or
8 before December 31, 2019. Such report shall include a summary of
9 findings from clinical trials authorized by this act, including but
10 not limited to the medical efficacy of using marihuana to treat the
11 conditions specified in Section 2 of this act. The Commissioner
12 shall make available any data, excluding individual health records,
13 relating to clinical trials authorized by this act.

14 H. The Oklahoma State Bureau of Narcotics and Dangerous Drugs
15 Control, the State Board of Health, and the Oklahoma State Regents
16 for Higher Education shall promulgate rules to implement the
17 provisions of this act.

18 SECTION 4. This act shall become effective November 1, 2017.
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1 Passed the Senate the 22nd day of March, 2017.

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3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2017.

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