

1 ENGROSSED SENATE
2 BILL NO. 759

By: McCortney of the Senate

3 and

4 Echols of the House

5
6 An Act relating to medical marijuana; amending
7 Section 10 of Enrolled House Bill No. 2612 of the 1st
8 Session of the 57th Oklahoma Legislature, which
relates to recommending physicians; and modifying and
adding certain prohibitions.

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

12 SECTION 1. AMENDATORY Section 10 of Enrolled House Bill
13 No. 2612 of the 1st Session of the 57th Oklahoma Legislature, is
14 amended to read as follows:

15 Section 10. A. Only licensed Oklahoma allopathic and
16 osteopathic physicians may provide a medical marijuana
17 recommendation for a medical marijuana patient license under this
18 act.

19 B. A physician who has not completed his or her first residency
20 shall not meet the definition of "physician" under this section and
21 any recommendation for a medical marijuana patient license shall not
22 be processed by the Oklahoma Medical Marijuana Authority.

23 C. No physician shall be subject to arrest, prosecution or
24 penalty in any manner or denied any right or privilege under

1 Oklahoma state, municipal or county statute, ordinance or
2 resolution, including without limitation a civil penalty or
3 disciplinary action by the State Board of Medical Licensure and
4 Supervision or the State Board of Osteopathic Examiners or by any
5 other business, occupation or professional licensing board or
6 bureau, solely for providing a medical marijuana recommendation for
7 a patient or for monitoring, treating or prescribing scheduled
8 medication to patients who are medical marijuana licensees. The
9 provisions of this subsection shall not prevent the relevant
10 professional licensing boards from sanctioning a physician for
11 failing to properly evaluate the medical condition of a patient or
12 for otherwise violating the applicable physician-patient standard of
13 care.

14 D. A physician who recommends use of medical marijuana shall
15 ~~not be located at the same physical address as a dispensary:~~

16 1. Examine a patient for the purposes of recommending medical
17 marijuana at a location where medical marijuana is dispensed;

18 2. Accept, solicit or offer any form of pecuniary remuneration
19 from or to a caregiver, dispensary, processor or commercial grower;

20 3. Offer a discount or any other thing of value to a patient
21 who uses or agrees to use a particular caregiver or dispensary; or

22 4. Hold any economic interest in an enterprise that grows,
23 transports, processes, or dispenses medical marijuana.

24

