

**SENATE CHAMBER**  
**STATE OF OKLAHOMA**

DISPOSITION

☐ FLOOR AMENDMENT

No. \_\_\_\_\_

\_\_\_\_\_

☐ COMMITTEE AMENDMENT

\_\_\_\_\_  
(Date)

Mr./Madame President:

I move to amend Senate Bill No. 759, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

\_\_\_\_\_  
Senator McCortney

McCortney-DC-FS-Req#2066  
3/11/2019 4:04 PM

(Floor Amendments Only)    Date and Time Filed: \_\_\_\_\_

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

FLOOR SUBSTITUTE  
FOR

SENATE BILL NO. 759

By: McCortney of the Senate

and

Echols of the House

FLOOR SUBSTITUTE

[ medical marijuana - physicians - codification -  
~~emergency~~ ]

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

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

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

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

1 C. No physician shall be subject to arrest, prosecution or  
2 penalty in any manner or denied any right or privilege under  
3 Oklahoma state, municipal or county statute, ordinance or  
4 resolution, including without limitation a civil penalty or  
5 disciplinary action by the State Board of Medical Licensure and  
6 Supervision or the State Board of Osteopathic Examiners or by any  
7 other business, occupation or professional licensing board or  
8 bureau, solely for providing a medical marijuana recommendation for  
9 a patient or for monitoring, treating or prescribing scheduled  
10 medication to patients who are medical marijuana licensees. The  
11 provisions of this subsection shall not prevent the relevant  
12 professional licensing boards from sanctioning a physician for  
13 failing to properly evaluate the medical condition of a patient or  
14 for otherwise violating the applicable physician-patient standard of  
15 care.

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

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

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

22 3. Offer a discount or any other thing of value to a patient  
23 who uses or agrees to use a particular caregiver or dispensary; or  
24

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

3        E. If the physician determines the continued use of medical  
4 marijuana by the patient no longer meets the requirements set forth  
5 in this act, the physician shall notify the Department and the  
6 Authority shall immediately revoke the license.

7        ~~SECTION 2. It being immediately necessary for the preservation~~  
8 ~~of the public peace, health or safety, an emergency is hereby~~  
9 ~~declared to exist, by reason whereof this act shall take effect and~~  
10 ~~be in full force from and after its passage and approval.~~

11  
12        57-1-2066

DC

3/11/2019 4:04:27 PM  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24