

SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION

FLOOR AMENDMENT

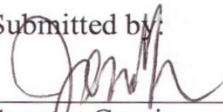
No. 1

COMMITTEE AMENDMENT

(Date)

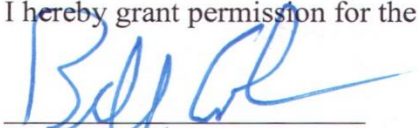
I move to amend Engrossed House Bill No. 1734, by the attached floor substitute (Request #2152) for the title, enacting clause and entire body of the measure.

Submitted by:



Senator Garvin

I hereby grant permission for the floor substitute to be adopted.




Senator Coleman, Chair (required)



Senator Thompson (Kristen)



Senator Brooks



Senator Burns

Senator Haste

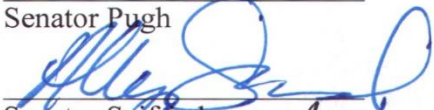


Senator Jett

Senator Treat, President Pro Tempore

Senator Newhouse


Senator Prieto

Senator Pugh


Senator Seiffried



Senator Weaver

Senator Young

Senator McCortney, Majority Floor Leader

Note: Business and Commerce committee majority requires seven (7) members' signatures.

Garvin-MR-FS-HB1734
4/21/2023 11:22 AM

(Floor Amendments Only) Date and Time Filed: 4-24-23 3:16 pm 

Untimely

Amendment Cycle Extended

Secondary Amendment

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 FLOOR SUBSTITUTE
4 FOR ENGROSSED

5 HOUSE BILL NO. 1734

6 By: Townley, Pittman, and Roe
7 of the House

8 and

9 Garvin of the Senate

10 FLOOR SUBSTITUTE

11 An Act relating to medical marijuana; amending 63
12 O.S. 2021, Section 427.10, as amended by Section 12,
13 Chapter 251, O.S.L. 2022 (63 O.S. Supp. 2022, Section
14 427.10), which relates to physicians who may provide
15 a recommendation; directing creation of certain
16 registry; requiring registration by physicians;
17 requiring compliance with medical education and
18 continuing medical education requirements;
19 authorizing the Oklahoma Medical Marijuana Authority
20 to provide for certain conferences, meetings, or
21 training sessions; directing promulgation of certain
22 rules in consultation with specified boards; amending
23 Section 3, Chapter 328, O.S.L. 2022 (63 O.S. Supp.
24 2022, Section 427.14b), which relates to credentials
required for employees to work in licensed medical
marijuana business; requiring dispensary employees to
comply with education and continuing education
requirements; expanding promulgation of certain rules
by the Executive Director; directing promulgation of
rules to impose limits on tetrahydrocannabinol (THC)
potency of medical marijuana and medical marijuana
products; setting certain limits on potency;
prohibiting licensed medical marijuana dispensary
from selling medical marijuana or medical marijuana
product that exceeds potency limits; providing
exception of limits; prohibiting the sale of certain
products for certain patients; requiring warning
signage to be displayed in dispensaries for the use
of THC products while pregnant; requiring owners of

1 any place where THC is sold to pay for the signage at
2 their own expense; requiring the Authority to
3 promulgate rules for distribution of educational
4 materials for patients by dispensaries; amending 63
5 O.S. 2021, Section 427.21, as amended by Section 2,
6 Chapter 329, O.S.L. 2022 (63 O.S. Supp. 2022, Section
7 427.21), which relates to advertising; prohibiting
8 certain types of events to be hosted or advertised;
9 providing for the promulgation of rules for certain
10 events; updating statutory language; updating
11 statutory reference; providing for codification; and
12 providing an effective date.

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

14 SECTION 1. AMENDATORY 63 O.S. 2021, Section 427.10, as
15 amended by Section 12, Chapter 251, O.S.L. 2022 (63 O.S. Supp. 2022,
16 Section 427.10), is amended to read as follows:

17 Section 427.10. A. Only licensed Oklahoma allopathic,
18 osteopathic and podiatric physicians may provide a medical marijuana
19 recommendation for a medical marijuana patient license under the
20 Oklahoma Medical Marijuana and Patient Protection Act.

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

25 C. No physician shall be subject to arrest, prosecution or
26 penalty in any manner or denied any right or privilege under state,
27 municipal or county statute, ordinance or resolution, including
28 without limitation a civil penalty or disciplinary action by the

1 State Board of Medical Licensure and Supervision, the State Board of
2 Osteopathic Examiners, the Board of Podiatric Medical Examiners or
3 by any other business, occupation or professional licensing board or
4 bureau, solely for providing a medical marijuana recommendation for
5 a patient or for monitoring, treating or prescribing scheduled
6 medication to patients who are medical marijuana licensees. The
7 provisions of this subsection shall not prevent the relevant
8 professional licensing boards from sanctioning a physician for
9 failing to properly evaluate the medical condition of a patient or
10 for otherwise violating the applicable physician-patient standard of
11 care.

12 D. A physician who recommends use of medical marijuana shall
13 not be located at the same physical address as a licensed medical
14 marijuana dispensary.

15 E. If the physician determines the continued use of medical
16 marijuana by the patient no longer meets the requirements set forth
17 in the Oklahoma Medical Marijuana and Patient Protection Act, the
18 physician shall notify the Oklahoma Medical Marijuana Authority and
19 the license shall be immediately voided without right to an
20 individual proceeding.

21 F. The Authority shall create and maintain a registry of
22 recommending physicians. Beginning January 1, 2025, to be eligible
23 to provide a medical marijuana recommendation to a licensed patient,
24 a physician shall be registered with the Authority.

1 G. To be registered with the Authority, a physician shall
2 comply with the medical education and continuing medical education
3 requirements described in subsection I of this section and shall
4 meet all other requirements established by law or rule for
5 recommending physicians.

6 H. The Authority is hereby authorized to enter into contracts
7 and agreements for the payment of food, lodging, and other
8 authorized expenses as may be necessary to host, conduct, sponsor,
9 or participate in conferences, meetings, or training sessions. The
10 Authority may establish accounts as necessary for the collection and
11 distribution of funds, including funds of sponsors and registration
12 fees, related to such conferences, meetings, and training sessions.
13 Any expenses incurred may be paid directly to the contacting agency
14 or business establishment.

15 I. The Executive Director of the Authority shall promulgate
16 rules to establish medical education and continuing medical
17 education requirements for recommending physicians. In promulgating
18 such rules, the Executive Director shall consult with the State
19 Board of Medical Licensure and Supervision, the State Board of
20 Osteopathic Examiners, and the Board of Podiatric Medical Examiners,
21 and the Executive Director may consult with associations
22 representing licensees of such boards.

1 SECTION 2. AMENDATORY Section 3, Chapter 328, O.S.L.
2 2022 (63 O.S. Supp. 2022, Section 427.14b), is amended to read as
3 follows:

4 Section 427.14b. A. 1. Beginning January 1, 2024, the
5 Oklahoma Medical Marijuana Authority shall require employees of a
6 medical marijuana business licensee to apply for and receive a
7 credential authorizing the employee to work in a licensed medical
8 marijuana business.

9 2. Beginning January 1, 2025, to be eligible for such
10 credential, employees of medical marijuana dispensaries shall comply
11 with the education and continuing education requirements described
12 in subsection G of this section and shall meet all other
13 requirements established by law or rule for employees of a medical
14 marijuana business licensee.

15 B. The Authority may contract with one or more third-party
16 vendors to provide the credentialing services necessary to carry out
17 the provisions of this section.

18 C. The Authority shall determine the services to be provided by
19 such third-party vendor and shall establish costs and prices. If
20 contracted for credentialing services, a third-party vendor shall on
21 behalf of the Authority conduct the background checks and verify
22 eligibility and suitability for any employees of a medical marijuana
23 business license holder to obtain a credential.

24

1 D. Upon successful completion by the third-party vendor of the
2 statutorily required background checks and verification of
3 eligibility and suitability for an employee, the third-party vendor
4 shall issue a credential to the employee. The results of background
5 checks and verifications shall be provided to the Authority by the
6 third-party vendor.

7 E. If the third-party vendor determines that an employee of a
8 medical marijuana business holder does not meet the minimum
9 statutory requirements for a credential, the applicant or employee
10 shall have no recourse against the third-party vendor but may appeal
11 such adverse determination to the Authority.

12 F. The third-party vendor shall not be civilly liable to an
13 applicant, licensee, or employee of a licensee for any acts taken in
14 good-faith compliance with the provisions of Section 420 et seq. of
15 Title 63 of the Oklahoma Statutes and the Oklahoma Medical Marijuana
16 and Patient Protection Act and the rules promulgated by the Oklahoma
17 Medical Marijuana Authority.

18 G. 1. The Executive Director of the Authority may promulgate
19 rules to implement the provisions of this section.

20 2. Such rules shall include, but not be limited to, education
21 and continuing education requirements for employees of medical
22 marijuana dispensaries.

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1 SECTION 3. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 427.18a of Title 63, unless
3 there is created a duplication in numbering, reads as follows:

4 A. The Executive Director of the Oklahoma Medical Marijuana
5 Authority shall promulgate rules to limit the tetrahydrocannabinol
6 (THC) serving size of edible medical marijuana products sold in
7 medical marijuana dispensaries. The serving sizes imposed by such
8 rules shall be at the discretion of the Executive Director;
9 provided, that the limits do not exceed:

10 1. One thousand milligrams (1,000 mg) of delta-9
11 tetrahydrocannabinol per package for edible medical marijuana
12 products;

13 2. Five milligrams (5 mg) of delta-8 tetrahydrocannabinol or
14 any other tetrahydrocannabinol isomer or analogue that occurs
15 naturally in cannabis per package for edible medical marijuana
16 products; and

17 3. An action level of 5 parts per million (0.0005%) of any
18 tetrahydrocannabinol isomer, tetrahydrocannabinol analogue, or any
19 other cannabinoid that does not occur naturally in cannabis per
20 package for edible medical marijuana products. A list of such
21 compounds may be established at the discretion of the Executive
22 Director.

23 B. A licensed medical marijuana dispensary shall not sell any
24 edible medical marijuana product that exceeds the THC per-package

1 limits imposed in this section. For the purposes of this section,
2 "fully extracted cannabis oil" or "Rick Simpson oil" used for
3 qualifying conditions as established by the Executive Director shall
4 not be considered an edible medical marijuana product and shall not
5 be limited by the provisions of this section.

6 C. For medical marijuana patients eighteen (18) years of age or
7 younger, the Executive Director may impose further limits on THC per
8 serving in edible medical marijuana products. No dispensaries shall
9 be allowed to sell any medical marijuana product for the use of
10 vaping to any medical marijuana patient eighteen (18) years of age
11 or younger.

12 D. 1. Every licensed medical marijuana dispensary or any place
13 medical marijuana or THC products are sold shall display at all
14 times a printed sign with a minimum height of eight and one-half (8
15 1/2) inches and a minimum width of eleven (11) inches, with large
16 visible font and posted near the cash register or place of checkout
17 and at least two other highly visible places in the store. The sign
18 shall display the pharmacological impacts of ingesting THC products
19 including, but not limited to, adverse developmental effects to an
20 unborn child during pregnancy, the psychological effects on patients
21 under twenty-five (25) years of age, and any other impacts
22 pertaining to usage and consumption deemed necessary by the
23 Authority to be displayed as provided in subsection E of this
24 section.

1 2. The signage shall be produced at the expense of the owner.

2 E. The Executive Director shall establish rules that require
3 dispensaries to provide educational efforts to patients regarding
4 potency, dosing, and pharmacological impacts pertaining to usage and
5 consumption of medical marijuana and medical marijuana products.

6 SECTION 4. AMENDATORY 63 O.S. 2021, Section 427.21, as
7 amended by Section 2, Chapter 329, O.S.L. 2022 (63 O.S. Supp. 2022,
8 Section 427.21), is amended to read as follows:

9 Section 427.21. A. A medical marijuana business shall not
10 engage in advertising that is deceptive, false or misleading.

11 B. Medical marijuana advertising shall not contain any
12 statement or illustration that:

13 1. Promotes overconsumption;

14 2. Represents that the use of marijuana has curative or
15 therapeutic effects; or

16 3. Depicts a child or other person under legal age to consume
17 marijuana, or includes:

18 a. objects such as toys or cartoon or other characters,
19 which suggest the presence of a child, or any other
20 depiction designed in any manner to be especially
21 appealing to children or other persons under legal age
22 to consume marijuana, or

1 b. any manner or design that would be especially
2 appealing to children or other persons under eighteen
3 (18) years of age.

4 C. ~~Upon the effective date of this act~~ Beginning on November 1,
5 2022, all medical marijuana commercial grower licensees shall be
6 required to post signage at the site of the commercial grow
7 operation. Signage shall be located at the perimeter of the
8 property with dimensions measuring no less than eighteen (18) inches
9 by twenty-four (24) inches with a font size of no less than two (2)
10 inches. Information required to be displayed on the sign shall be
11 in black standardized font on a white background. The Oklahoma
12 Medical Marijuana Authority shall promulgate rules as necessary
13 regarding the size, placement, issuance and specifications of the
14 required signage. The following information shall be included on
15 the required signage:

- 16 1. Business name;
- 17 2. Physical address of the licensed business;
- 18 3. Phone number of the licensed business; and
- 19 4. Medical marijuana business license number.

20 The required signage shall also comply with county regulations
21 and local ordinances related to the real property where the
22 commercial grow operation is located. Failure to erect the proper
23 signage within sixty (60) days after the renewal of each application
24 for a medical marijuana commercial grower license in accordance with

1 the provisions of this subsection shall result in the immediate
2 revocation of the medical marijuana commercial grower license. Upon
3 issuance of a temporary license, all medical marijuana commercial
4 grower licensees shall be required to comply with the provisions of
5 this subsection prior to the prelicensure inspection conducted by
6 the Authority.

7 D. 1. It shall be unlawful to host or advertise medical
8 marijuana-related events requiring admission fees or open to the
9 general public, other than for the purposes of providing education
10 to a physician or medical marijuana business licensee, and as
11 permitted by the appropriate licensing board. The Authority shall
12 promulgate rules to issue or deny permits for events not hosted by
13 the Authority and events unrelated to education of providers or
14 licensed businesses. This shall not apply to educational events
15 occurring on-site at a licensed dispensary.

16 2. After the effective date of this act, the Authority may
17 allow for licensed medical marijuana businesses to sell and
18 distribute samples at Authority-permitted events in accordance with
19 the provisions of this subsection.

20 SECTION 5. This act shall become effective January 1, 2024.

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22 59-1-2152 MR 4/23/2024 2:50:49 PM

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