

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SENATE BILL 1750

By: Garvin

AS INTRODUCED

An Act relating to medical marijuana; amending 63 O.S. 2021, Section 427.10, as amended by Section 12, Chapter 251, O.S.L. 2022 (63 O.S. Supp. 2023, Section 427.10), which relates to physicians who may provide a recommendation; directing creation of certain registry; requiring registration by physicians; requiring compliance with medical education and continuing medical education requirements; authorizing the Oklahoma Medical Marijuana Authority to provide for certain conferences, meetings, or training sessions; directing promulgation of certain rules in consultation with specified boards; amending Section 3, Chapter 328, O.S.L. 2022 (63 O.S. Supp. 2023, Section 427.14b), which relates to credentials required for employees to work in a licensed medical marijuana business; requiring dispensary employees to comply with education and continuing education requirements; directing promulgation of certain rules; amending 63 O.S. 2021, Section 427.21, as amended by Section 2, Chapter 329, O.S.L. 2022 (63 O.S. Supp. 2023, Section 427.21), which relates to advertising; prohibiting certain types of events to be hosted or advertised; providing for the promulgation of rules for certain events; updating statutory language; updating statutory references; and providing an effective date.

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

1 SECTION 1. AMENDATORY 63 O.S. 2021, Section 427.10, as  
2 amended by Section 12, Chapter 251, O.S.L. 2022 (63 O.S. Supp. 2023,  
3 Section 427.10), is amended to read as follows:

4 Section 427.10. A. Only licensed Oklahoma allopathic,  
5 osteopathic and podiatric physicians may provide a medical marijuana  
6 recommendation for a medical marijuana patient license under the  
7 Oklahoma Medical Marijuana and Patient Protection Act.

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

12 C. No physician shall be subject to arrest, prosecution or  
13 penalty in any manner or denied any right or privilege under state,  
14 municipal or county statute, ordinance or resolution, including  
15 without limitation a civil penalty or disciplinary action by the  
16 State Board of Medical Licensure and Supervision, the State Board of  
17 Osteopathic Examiners, the Board of Podiatric Medical Examiners or  
18 by any other business, occupation or professional licensing board or  
19 bureau, solely for providing a medical marijuana recommendation for  
20 a patient or for monitoring, treating or prescribing scheduled  
21 medication to patients who are medical marijuana licensees. The  
22 provisions of this subsection shall not prevent the relevant  
23 professional licensing boards from sanctioning a physician for  
24 failing to properly evaluate the medical condition of a patient or

1 for otherwise violating the applicable physician-patient standard of  
2 care.

3 D. A physician who recommends use of medical marijuana shall  
4 not be located at the same physical address as a licensed medical  
5 marijuana dispensary.

6 E. If the physician determines the continued use of medical  
7 marijuana by the patient no longer meets the requirements set forth  
8 in the Oklahoma Medical Marijuana and Patient Protection Act, the  
9 physician shall notify the Oklahoma Medical Marijuana Authority and  
10 the license shall be immediately voided without right to an  
11 individual proceeding.

12 F. The Authority shall create and maintain a registry of  
13 recommending physicians. Beginning January 1, 2025, to be eligible  
14 to provide a medical marijuana recommendation to a licensed patient,  
15 a physician shall be registered with the Authority.

16 G. To be registered with the Authority, a physician shall  
17 comply with the medical education and continuing medical education  
18 requirements described in subsection I of this section and shall  
19 meet all other requirements established by law or rule for  
20 recommending physicians.

21 H. The Authority is hereby authorized to enter into contracts  
22 and agreements for the payment for food, lodging, and other  
23 authorized expenses as may be necessary to host, conduct, sponsor,  
24 or participate in conferences, meetings, or training sessions. The

1 Authority may establish accounts as necessary for the collection and  
2 distribution of funds, including funds of sponsors and registration  
3 fees, related to such conferences, meetings, and training sessions.  
4 Any expenses incurred may be paid directly to the contacting agency  
5 or business establishment.

6 I. The Executive Director of the Authority shall promulgate  
7 rules to establish medical education and continuing medical  
8 education requirements for recommending physicians. In promulgating  
9 such rules, the Executive Director shall consult with the State  
10 Board of Medical Licensure and Supervision, the State Board of  
11 Osteopathic Examiners, and the Board of Podiatric Medical Examiners,  
12 and the Executive Director may consult with associations  
13 representing licensees of such boards.

14 SECTION 2. AMENDATORY Section 3, Chapter 328, O.S.L.  
15 2022 (63 O.S. Supp. 2023, Section 427.14b), is amended to read as  
16 follows:

17 Section 427.14b. A. 1. Beginning January 1, 2024, the  
18 Oklahoma Medical Marijuana Authority shall require employees of a  
19 medical marijuana business licensee to apply for and receive a  
20 credential authorizing the employee to work in a licensed medical  
21 marijuana business.

22 2. Beginning January 1, 2025, to be eligible for such  
23 credential, employees of medical marijuana dispensaries shall comply  
24 with the education and continuing education requirements described

1 in subsection G of this section and shall meet all other  
2 requirements established by law or rule for employees of a medical  
3 marijuana business licensee.

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

7 C. The Authority shall determine the services to be provided by  
8 such third-party vendor and shall establish costs and prices. If  
9 contracted for credentialing services, a third-party vendor shall on  
10 behalf of the Authority conduct the background checks and verify  
11 eligibility and suitability for any employees of a medical marijuana  
12 business license holder to obtain a credential.

13 D. Upon successful completion by the third-party vendor of the  
14 statutorily required background checks and verification of  
15 eligibility and suitability for an employee, the third-party vendor  
16 shall issue a credential to the employee. The results of background  
17 checks and verifications shall be provided to the Authority by the  
18 third-party vendor.

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

1 F. The third-party vendor shall not be civilly liable to an  
2 applicant, licensee, or employee of a licensee for any acts taken in  
3 good-faith compliance with the provisions of Section 420 et seq. of  
4 ~~Title 63 of the Oklahoma Statutes~~ this title and the Oklahoma  
5 Medical Marijuana and Patient Protection Act and the rules  
6 promulgated by the Oklahoma Medical Marijuana Authority.

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

9 2. Such rules shall include, but not be limited to, education  
10 and continuing education requirements for employees of medical  
11 marijuana dispensaries.

12 SECTION 3. AMENDATORY 63 O.S. 2021, Section 427.21, as  
13 amended by Section 2, Chapter 329, O.S.L. 2022 (63 O.S. Supp. 2023,  
14 Section 427.21), is amended to read as follows:

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

17 B. Medical marijuana advertising shall not contain any  
18 statement or illustration that:

19 1. Promotes overconsumption;

20 2. Represents that the use of marijuana has curative or  
21 therapeutic effects; or

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

1 a. objects such as toys or cartoon or other characters,  
2 which suggest the presence of a child, or any other  
3 depiction designed in any manner to be especially  
4 appealing to children or other persons under legal age  
5 to consume marijuana, or

6 b. any manner or design that would be especially  
7 appealing to children or other persons under eighteen  
8 (18) years of age.

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

- 21 1. Business name;
- 22 2. Physical address of the licensed business;
- 23 3. Phone number of the licensed business; and
- 24 4. Medical marijuana business license number.

1 The required signage shall also comply with county regulations  
2 and local ordinances related to the real property where the  
3 commercial grow operation is located. Failure to erect the proper  
4 signage within sixty (60) days after the renewal of each application  
5 for a medical marijuana commercial grower license in accordance with  
6 the provisions of this subsection shall result in the immediate  
7 revocation of the medical marijuana commercial grower license. Upon  
8 issuance of a temporary license, all medical marijuana commercial  
9 grower licensees shall be required to comply with the provisions of  
10 this subsection prior to the prelicensure inspection conducted by  
11 the Authority.

12 D. It shall be unlawful to host or advertise medical marijuana-  
13 related events requiring admission fees or open to the general  
14 public, other than for the purposes of providing education to a  
15 physician on the list of approved providers and as permitted by the  
16 appropriate licensing board. The Authority shall promulgate rules  
17 to issue or deny permits for events not hosted by the Authority and  
18 not related to education of providers.

19 SECTION 4. This act shall become effective January 1, 2025.

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