

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 57th Legislature (2019)

4 COMMITTEE SUBSTITUTE  
5 FOR ENGROSSED  
6 SENATE BILL NO. 754

By: McCortney of the Senate

and

Echols of the House

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11                                   COMMITTEE SUBSTITUTE

12                   An Act relating to medical marijuana; amending  
13                   Section 7, State Question No. 788, Initiative  
14                   Petition No. 412 (63 O.S. Supp. 2018, Section 426),  
15                   which relates to tax on retail medical marijuana;  
16                   clarifying language; amending Section 10 of Enrolled  
17                   House Bill No. 2612 of the 1st Session of the 57th  
18                   Oklahoma Legislature, which relates to medical  
19                   marijuana recommendations; authorizing nurse  
20                   practitioners to provide certain recommendation; and  
21                   declaring an emergency.

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

23                   SECTION 1.           AMENDATORY           Section 7, State Question No. 788,  
24                   Initiative Petition No. 412 (63 O.S. Supp. 2018, Section 426), is  
amended to read as follows:

1 Section 426. A. The tax on retail medical marijuana sales ~~will~~  
2 shall be established at seven percent (7%) of the gross amount  
3 received by the seller.

4 B. This tax ~~will~~ shall be collected at the point of sale. Tax  
5 proceeds ~~will~~ shall be applied primarily to finance the regulatory  
6 office.

7 C. If proceeds from the levy authorized by subsection A of this  
8 section exceed the budgeted amount for running the regulatory  
9 office, any surplus shall be apportioned with seventy-five percent  
10 (75%) going to the General Revenue Fund and may only be expended for  
11 common education. Twenty-five percent (25%) shall be apportioned to  
12 the Oklahoma State Department of Health and earmarked for drug and  
13 alcohol rehabilitation.

14 SECTION 2. AMENDATORY Section 10 of Enrolled House Bill  
15 No. 2612 of the 1st Session of the 57th Oklahoma Legislature, is  
16 amended to read as follows:

17 Section 10. A. ~~Only~~ Except as provided for in subsection F of  
18 this section, only licensed Oklahoma allopathic and osteopathic  
19 physicians may provide a medical marijuana recommendation for a  
20 medical marijuana patient license under this 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 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 E. If the physician determines the continued use of medical  
19 marijuana by the patient no longer meets the requirements set forth  
20 in this act, the physician shall notify the Department and the  
21 Authority shall immediately revoke the license.

22 F. Certified nurse practitioners shall be authorized to provide  
23 medical marijuana recommendations for medical marijuana patient  
24

1 licenses under the authority of a supervising Oklahoma physician as  
2 described in subsection A of this section.

3 SECTION 3. It being immediately necessary for the preservation  
4 of the public peace, health or safety, an emergency is hereby  
5 declared to exist, by reason whereof this act shall take effect and  
6 be in full force from and after its passage and approval.

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8 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 04/09/2019 - DO PASS,  
9 As Amended.

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