STATE OF OKLAHOMA

1st Session of the 53rd Legislature (2011)

SENATE BILL 573 By: Johnson (Constance)

AS INTRODUCED

An Act relating to medical marijuana; creating the Compassionate Use Act of 2011; providing short title; clarifying scope of act; prohibiting penalties against physicians in certain circumstances; exempting certain provisions of law in specified circumstances; defining term; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-800 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. This act shall be known and may be cited as the “Compassionate Use Act of 2011”.

B. Nothing in this section shall be construed to supersede laws or regulations prohibiting persons from engaging in conduct that endangers others, nor to condone the diversion of marijuana for nonmedical purposes. In addition, this section shall not affect any other rule or law that regulates:

1. Penalties for sales to minors;
2. Penalties for the possession of marijuana by minors;
3. Driving under the influence;
4. Workplace protections against accommodations for marijuana use; or
5. Health insurance or pharmacy policies.

C. Notwithstanding any other provision of law, no physician in this state shall be punished, or denied any right or privilege, for having recommended marijuana to a patient for medical purposes.

D. The provisions of Section 2-402 of Title 63 of the Oklahoma Statutes relating to the possession of marijuana and Section 2-509 of Title 63 of the Oklahoma Statutes relating to the cultivation of marijuana shall not apply to a patient, or to a patient’s primary caregiver, who possesses or cultivates marijuana for the personal medical purposes of the patient upon the written or oral recommendation or approval of a physician.

E. For the purposes of this section, “primary caregiver” means the individual designated by the person exempted under this section who has consistently assumed responsibility for the housing, health or safety of that person.

SECTION 2. This act shall become effective November 1, 2011.