

1 **SENATE FLOOR VERSION**

2 February 13, 2020

3 **AS AMENDED**

4 SENATE BILL NO. 1245

By: Rader of the Senate

and

Bush of the House

7 **[ medical marijuana - discrimination against medical**  
8 **marijuana license holder - ~~effective date~~**  
9 **emergency]**

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

11 SECTION 1. AMENDATORY Section 6, State Question No. 788,  
12 Initiative Petition No. 412, as amended by Section 3, Chapter 509,  
13 O.S.L. 2019 (63 O.S. Supp. 2019, Section 425), is amended to read as  
14 follows:

15 Section 425. A. No school or landlord may refuse to enroll or  
16 lease to and may not otherwise penalize a person solely for his or  
17 her status as a medical marijuana license holder, unless failing to  
18 do so would cause the school or landlord the potential to lose a  
19 monetary or licensing-related benefit under federal law or  
20 regulations.

21 B. Unless a failure to do so would cause an employer the  
22 potential to lose a monetary or licensing-related benefit under  
23 federal law or regulations, an employer may not discriminate against  
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1 a person in hiring, termination or imposing any term or condition of  
2 employment or otherwise penalize a person based upon ~~either:~~

3 ~~1. The~~ the status of the person as a medical marijuana license  
4 holder; ~~or~~

5 ~~2.~~ Employers may take action against a holder of a medical  
6 marijuana license if the holder uses or possesses marijuana while in  
7 his or her place of employment or during the hours of employment.

8 Employers may not take action against the holder of a medical  
9 marijuana license solely based upon the status of an employee as a  
10 medical marijuana license holder or the results of a drug test  
11 showing positive for marijuana or its components.

12 C. For the purposes of medical care, including organ  
13 transplants, the authorized use of marijuana by a medical marijuana  
14 license holder shall be considered the equivalent of the use of any  
15 other medication under the direction of a physician and does not  
16 constitute the use of an illicit substance or otherwise disqualify a  
17 registered qualifying patient from medical care.

18 D. No medical marijuana license holder may be denied custody of  
19 or visitation or parenting time with a minor, and there is no  
20 presumption of neglect or child endangerment for conduct allowed  
21 under this law, unless the behavior of the person creates an  
22 unreasonable danger to the safety of the minor.

23 E. No person holding a medical marijuana license may unduly be  
24 withheld from holding a state-issued license by virtue of their

1 being a medical marijuana license holder including, but not limited  
2 to, a concealed carry permit.

3 F. 1. No city or local municipality may unduly change or  
4 restrict zoning laws to prevent the opening of a retail marijuana  
5 establishment.

6 2. For purposes of this subsection, an undue change or  
7 restriction of municipal zoning laws means an act which entirely  
8 prevents retail marijuana establishments from operating within  
9 municipal boundaries as a matter of law. Municipalities may follow  
10 their standard planning and zoning procedures to determine if  
11 certain zones or districts would be appropriate for locating  
12 marijuana-licensed premises, medical marijuana businesses or any  
13 other premises where marijuana or its by-products are cultivated,  
14 grown, processed, stored or manufactured.

15 3. For purposes of this section, "retail marijuana  
16 establishment" means an entity licensed by the State Department of  
17 Health as a medical marijuana dispensary. Retail marijuana  
18 establishment does not include those other entities licensed by the  
19 Department as marijuana-licensed premises, medical marijuana  
20 businesses or other facilities or locations where marijuana or any  
21 product containing marijuana or its by-products are cultivated,  
22 grown, processed, stored or manufactured.

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1 G. The location of any retail marijuana establishment is  
2 specifically prohibited within one thousand (1,000) feet of any  
3 ~~public~~ entrance of a:

4 1. Public or private school entrance; or

5 2. Child care facility as defined by Section 402 of Title 10 of  
6 the Oklahoma Statutes, except that a family child care home or a  
7 large family child care home as such terms are defined therein shall  
8 not be considered a child care facility for purposes of this  
9 subsection.

10 H. Research shall be provided for under this law. A researcher  
11 may apply to the State Department of Health for a special research  
12 license. The license shall be granted, provided the applicant meets  
13 the criteria listed under subsection B of Section 421 of this title.  
14 Research license holders shall be required to file monthly  
15 consumption reports to the State Department of Health with amounts  
16 of marijuana used for research.

17 ~~**SECTION 2. This act shall become effective July 1, 2020.**~~

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

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23 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS, COMMERCE AND TOURISM  
24 February 13, 2020 - DO PASS AS AMENDED