

1 ENGROSSED SENATE  
2 BILL NO. 811

By: Smalley of the Senate

3 and

4 McBride of the House  
5

6 An Act relating to medical marijuana; amending  
7 Provision No. 6, State Question No. 788, Initiative  
8 Petition No. 412 (63 O.S. Supp. 2018, Section 425),  
9 which relates to discrimination against a medical  
10 marijuana license holder; providing that certain  
11 research is not subject to State Department of Health  
12 oversight; clarifying language; and declaring an  
13 emergency.

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

15 SECTION 1. AMENDATORY Provision No. 6, State Question  
16 No. 788, Initiative Petition No. 412 (63 O.S. Supp. 2018, Section  
17 425), is amended to read as follows:

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

24 B. 1. Unless a failure to do so would cause an employer the  
potential to imminently lose a monetary or licensing related benefit  
under federal law or regulations, an employer may not discriminate

1 against a person in hiring, termination or imposing any term or  
2 condition of employment or otherwise penalize a person based upon  
3 ~~either:~~

4 1. ~~The~~ the person's status as a medical marijuana license  
5 holder; ~~or.~~

6 2. Employers may take action against a holder of a medical  
7 marijuana license holder if the holder uses or possesses marijuana  
8 while in the holder's place of employment or during the hours of  
9 employment. Employers may not take action against the holder of a  
10 medical marijuana license solely based upon the status of an  
11 employee as a medical marijuana license holder or the results of a  
12 drug test showing positive for marijuana or its components.

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

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

24

1 E. No person holding a medical marijuana license may unduly be  
2 withheld from holding a state issued license by virtue of their  
3 being a medical marijuana license holder. ~~This would include such~~  
4 ~~things as,~~ including but not limited to a concealed carry permit.

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

8 G. The location of any retail marijuana establishment is  
9 specifically prohibited within one thousand (1,000) feet ~~from~~ of any  
10 public or private school entrance.

11 H. Research ~~will~~ shall be provided for under this law. A  
12 researcher may apply to the ~~Oklahoma~~ State Department of Health for  
13 a special research license. ~~That license will~~ The license shall be  
14 granted, provided the applicant meets the criteria listed under  
15 ~~Section 421.B~~ subsection B of Section 421 of this title. Research  
16 license holders ~~will~~ shall be required to file monthly consumption  
17 reports to the ~~Oklahoma~~ State Department of Health with amounts of  
18 marijuana used for research. Biomedical and clinical research which  
19 is subject to federal regulations and institutional oversight shall  
20 not be subject to State Department of Health oversight.

21 SECTION 2. It being immediately necessary for the preservation  
22 of the public peace, health or safety, an emergency is hereby  
23 declared to exist, by reason whereof this act shall take effect and  
24 be in full force from and after its passage and approval.

