

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 SENATE BILL 1245

By: Rader

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5
6 AS INTRODUCED

7 An Act relating to medical marijuana; amending
8 Section 6, State Question No. 788, Initiative
9 Petition No. 412, as amended by Section 3, Chapter
10 509, O.S.L. 2019 (63 O.S. Supp. 2019, Section
11 425), which relates to discrimination against a
12 medical marijuana license holder; broadening certain
13 restriction on location of a retail marijuana
14 establishment; clarifying language; and providing an
15 effective date.

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

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

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

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

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

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

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

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

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

3 E. No person holding a medical marijuana license may unduly be
4 withheld from holding a state-issued license by virtue of their
5 being a medical marijuana license holder including, but not limited
6 to, a concealed carry permit.

7 F. 1. No city or local municipality may unduly change or
8 restrict zoning laws to prevent the opening of a retail marijuana
9 establishment.

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

19 3. For purposes of this section, "retail marijuana
20 establishment" means an entity licensed by the State Department of
21 Health as a medical marijuana dispensary. Retail marijuana
22 establishment does not include those other entities licensed by the
23 Department as marijuana-licensed premises, medical marijuana
24 businesses or other facilities or locations where marijuana or any

1 product containing marijuana or its by-products are cultivated,
2 grown, processed, stored or manufactured.

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

6 1. Public or private school entrance; or

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

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

19 SECTION 2. This act shall become effective November 1, 2020.

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