

1 **SENATE FLOOR VERSION**

2 February 18, 2019

3 **AS AMENDED**

4 SENATE BILL NO. 811

5 By: Smalley

6 [**medical marijuana - discrimination against a**
7 **medical marijuana license holder -**
8 **emergency]**

9
10 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

20 B. 1. Unless a failure to do so would cause an employer the
21 potential to imminently lose a monetary or licensing related benefit
22 under federal law or regulations, an employer may not discriminate
23 against a person in hiring, termination or imposing any term or
24

1 condition of employment or otherwise penalize a person based upon
2 either:

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

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

12 C. For the purposes of medical care, including organ
13 transplants, a medical marijuana license holder's authorized use of
14 marijuana ~~must~~ 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 person's behavior creates an unreasonable
22 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. ~~This would include such~~
2 ~~things as, including but not limited to~~ a concealed carry permit.

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

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

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

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

23 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
24 February 18, 2019 - DO PASS AS AMENDED