

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2779

By: Olsen

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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 425),  
11 which relates to discrimination against medical  
12 marijuana licensees; prohibiting retail marijuana  
13 establishments from being located near places of  
14 worship; defining term; and providing an effective  
15 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  
monetary or licensing-related benefit under federal law or  
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 status of the person as a medical marijuana license  
7 holder; or

8 2. The results of a drug test showing positive for marijuana or  
9 its components.

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

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

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

23 D. No medical marijuana license holder may be denied custody of  
24 or visitation or parenting time with a minor, and there is no

1 presumption of neglect or child endangerment for conduct allowed  
2 under this law, unless the behavior of the person creates an  
3 unreasonable danger to the safety of the minor.

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

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

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

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

1 businesses or other facilities or locations where marijuana or any  
2 product containing marijuana or its by-products are cultivated,  
3 grown, processed, stored or manufactured.

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

7 H. The location of any retail marijuana establishment is  
8 specifically prohibited within one thousand (1,000) feet of any  
9 place of worship. As used in this subsection, "place of worship"  
10 means:

11 1. Any permanent building, structure, facility or office space  
12 owned, leased, rented or borrowed, on a full-time basis, when used  
13 for worship services, activities and business of the congregation,  
14 which may include, but not be limited to, churches, temples,  
15 synagogues and mosques; and

16 2. Any permanent building, structure, facility or office space  
17 owned, leased, rented or borrowed for use on a temporary basis, when  
18 used for worship services, activities and business of the  
19 congregation, which may include, but not be limited to, churches,  
20 temples, synagogues and mosques.

21 Retail marijuana businesses established prior to November 1,  
22 2020, which do not conform to the distance requirement provided for  
23 in this subsection shall be authorized to continue operating in  
24 their current locations.

1        I. Research shall be provided for under this law. A researcher  
2 may apply to the State Department of Health for a special research  
3 license. The license shall be granted, provided the applicant meets  
4 the criteria listed under subsection B of Section 421 of this title.  
5 Research license holders shall be required to file monthly  
6 consumption reports to the State Department of Health with amounts  
7 of marijuana used for research.

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

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10        57-2-9022            GRS            08/12/19

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