

1 ENGROSSED SENATE  
2 BILL NO. 1245

By: Rader of the Senate

3 and

4 Bush of the House

5  
6 An Act relating to medical marijuana; amending  
7 Section 6, State Question No. 788, Initiative  
8 Petition No. 412, as amended by Section 3, Chapter  
9 509, O.S.L. 2019 (63 O.S. Supp. 2019, Section 425),  
10 which relates to discrimination against a medical  
11 marijuana license holder; broadening certain  
12 restriction on location of a retail marijuana  
13 establishment; clarifying language; providing  
14 exception; providing an effective date; and declaring  
15 an emergency.

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~~ 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  
24

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 Beginning on July 1, 2020, the location of any retail  
4 marijuana establishment is specifically prohibited within one  
5 thousand (1,000) feet of any ~~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.

9 Any retail marijuana establishment licensed and operating on  
10 July 1, 2020, shall not be subject to the provisions of paragraph 2  
11 of this subsection nor shall any licensed and operating retail  
12 marijuana establishment be deemed in violation of the provisions of  
13 this subsection should a school or child care facility locate within  
14 the prohibited distance of such licensed establishment after July 1,  
15 2020.

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

23 SECTION 2. This act shall become effective July 1, 2020.

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