STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

HOUSE BILL 2779

By: Olsen

AS INTRODUCED

An Act relating to medical marijuana; amending Section 6, State Question No. 788, Initiative Petition No. 412, as amended by Section 3, Chapter 509, O.S.L. 2019 (63 O.S. Supp. 2019, Section 425), which relates to discrimination against medical marijuana licensees; prohibiting retail marijuana establishments from being located near places of worship; defining term; and providing an effective date.

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

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

Section 425. A. No school or landlord may refuse to enroll or lease to and may not otherwise penalize a person solely for his or her status as a medical marijuana license holder, unless failing to do so would cause the school or landlord the potential to lose a monetary or licensing-related benefit under federal law or regulations.
B. Unless a failure to do so would cause an employer the potential to lose a monetary or licensing-related benefit under federal law or regulations, an employer may not discriminate against a person in hiring, termination or imposing any term or condition of employment or otherwise penalize a person based upon either:

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

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

Employers may take action against a holder of a medical marijuana license if the holder uses or possesses marijuana while in his or her place of employment or during the hours of employment. Employers may not take action against the holder of a medical marijuana license solely based upon the status of an employee as a medical marijuana license holder or the results of a drug test showing positive for marijuana or its components.

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

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

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

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

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

3. For purposes of this section, "retail marijuana establishment" means an entity licensed by the State Department of Health as a medical marijuana dispensary. Retail marijuana establishment does not include those other entities licensed by the Department as marijuana-licensed premises, medical marijuana
businesses or other facilities or locations where marijuana or any product containing marijuana or its by-products are cultivated, grown, processed, stored or manufactured.

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

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

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

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

Retail marijuana businesses established prior to November 1, 2020, which do not conform to the distance requirement provided for in this subsection shall be authorized to continue operating in their current locations.
I. Research shall be provided for under this law. A researcher may apply to the State Department of Health for a special research license. The license shall be granted, provided the applicant meets the criteria listed under subsection B of Section 421 of this title. Research license holders shall be required to file monthly consumption reports to the State Department of Health with amounts of marijuana used for research.

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

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