

Bill Summary
1st Session of the 57th Legislature

Bill No.:	SB 1030
Version:	CS1
Request No.:	1928
Author:	Sen. Paxton
Date:	02/26/2019

Committee Substitute (CS)

The CS for SB 1030 directs the State Department of Health to maintain all records contained in a medical marijuana license application. License revocation hearings are required to be recorded by the measure. A party may request a copy of the recording of the proceedings and copies of the proceedings shall be forwarded to law enforcement if the revocation was based on criminal activity. The Department is also directed to forward all information displayed on medical marijuana licenses to law enforcement via the Oklahoma Law Enforcement Telecommunications System. The Department must make available a list showing the location of licensed entities to the public. SB 1030 also authorizes employers to take action against a person solely for holding a medical marijuana license if the person is employed in a safety-sensitive position. As defined by the measure, a safety-sensitive position includes:

- 1) Packaging or transportation of hazardous materials
- 2) Using power tools
- 3) Maintaining or monitoring the performance or operation of any equipment
- 4) Performing duties in the residential or commercial premises of a customer
- 5) Operating critical infrastructure
- 6) Handling combustible materials
- 7) Law or code enforcement if the person is required to carry a firearm
- 8) Food processing or handling
- 9) Fire response or prevention
- 10) Medical services
- 11) Direct patient or child care

Property and business owners are also authorized to prohibit the consumption of marijuana on his or her property. The measure clarifies the meaning of “undue change or restriction of municipal zoning laws” to be the total prohibition of the establishment of marijuana businesses within the municipality. Municipalities are authorized to operate according to standard planning and zoning procedures. Municipalities are authorized by the measure to levy a local tax on marijuana. The measure clarifies that the tax on marijuana is a sales tax. Additionally, the measure authorizes municipalities to pass ordinances restricting the smoking or vaping of marijuana in any or all public places within city limits. The measure creates a maximum penalty of \$400.00 for possessing up to 1.5 ounces of marijuana without a license.

Prepared by: Kalen Taylor

Fiscal Analysis

FY'20 Impact: None

Full Year Impact: None

SB 1030 changes the penalty for possession of marijuana of 1.5 oz. or less. It also changes the 7% excise tax to a 7% sales tax. OTC will continue to collect the 4.5% for a total sales tax of 11.5%.

Prepared by: Oklahoma Tax Commission