

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1519

By: Quinn

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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 a medical
12 marijuana license holder; modifying authority of
13 municipalities to restrict or prohibit certain
14 actions related to medical marijuana; authorizing
15 counties to restrict or prohibit certain actions
16 related to medical marijuana; providing for certain
17 elections; specifying how election is to be called;
18 specifying election dates; clarifying language; and
19 providing an effective date.

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

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

30 Section 425. A. No school or landlord may refuse to enroll or
31 lease to and may not otherwise penalize a person solely for his or
32 her status as a medical marijuana license holder, unless failing to
33 do so would cause the school or landlord the potential to lose a
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1 monetary or licensing-related benefit under federal law or
2 regulations.

3 B. Unless a failure to do so would cause an employer the
4 potential to lose a monetary or licensing-related benefit under
5 federal law or regulations, an employer may not discriminate against
6 a person in hiring, termination or imposing any term or condition of
7 employment or otherwise penalize a person based upon ~~either:~~

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

10 ~~2.~~ 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 A municipality or county may, by vote of a majority of the
5 registered voters in the municipality or county, restrict or
6 prohibit the possession, consumption, transport, sale, cultivation
7 or manufacture of marijuana or marijuana products, or any
8 combination thereof. Such election shall be called by the municipal
9 governing body or the board of county commissioners upon receipt of
10 a petition signed by registered voters constituting not less than
11 fifteen percent (15%) of the total votes cast in the municipality or
12 county in the last General Election for the Office of Governor, or
13 such election may be called by the municipal governing body or the
14 board of county commissioners upon its own motion. Such election
15 shall be held on the same day as:

16 1. For a municipality:

17 a. any regularly scheduled federal, state or municipal
18 election held in the municipality,

19 b. a special election held in the municipality for a
20 federal, state or municipal office, or

21 c. a special election held in the municipality for
22 another municipal proposition or a state question; or

23 2. For a county:

- 1 a. any regularly scheduled federal, state or county
2 election held in the county,
3 b. a special election held in the county for a federal,
4 state or county office, or
5 c. a special election held in the county for another
6 county proposition or a state question.

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

10 H. Research shall be provided for under this law. A researcher
11 may apply to the State Department of Health for a special research
12 license. The license shall be granted, provided the applicant meets
13 the criteria listed under subsection B of Section 421 of this title.
14 Research license holders shall be required to file monthly
15 consumption reports to the State Department of Health with amounts
16 of marijuana used for research.

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

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