

**COMMITTEE AMENDMENT**

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2012 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by  
inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Amendment submitted by: Tammy Townley

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

PROPOSED COMMITTEE  
SUBSTITUTE  
FOR  
HOUSE BILL NO. 2012

By: Townley

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to medical marijuana; amending  
Section 6, State Question No. 788, Initiative  
Petition No. 412, as last amended by Section 46,  
Chapter 161, O.S.L. 2020 (63 O.S. Supp. 2020, Section  
425), which relates to protections for medical  
marijuana patient licensees; updating language;  
prohibiting licensed medical marijuana dispensaries  
and commercial growing facilities from being located  
near certain schools, child care centers and places  
of worship; providing certain exemption; defining  
term; providing an effective date; and declaring an  
emergency.

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 last amended by Section 46, Chapter  
161, O.S.L. 2020 (63 O.S. Supp. 2020, 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~~ patient licensee,

1 unless failing to do so would cause the school or landlord the  
2 potential to lose a monetary or licensing-related benefit under  
3 federal law or regulations.

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

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

11 ~~2. patient licensee.~~ Employers may take action against a ~~holder~~  
12 ~~of a medical marijuana license patient licensee~~ if the ~~holder~~  
13 licensee uses or possesses marijuana while in his or her place of  
14 employment or during the hours of employment. Employers may not  
15 take action against ~~the holder of a medical marijuana license~~  
16 patient licensee solely based upon the status of an employee as a  
17 medical marijuana ~~license holder~~ patient licensee or the results of  
18 a drug test showing positive for marijuana or its components.

19 C. For the purposes of medical care, including organ  
20 transplants, the authorized use of marijuana by a medical marijuana  
21 ~~license holder~~ patient licensee shall be considered the equivalent  
22 of the use of any other medication under the direction of a  
23 physician and does not constitute the use of an illicit substance or  
24

1 otherwise disqualify a registered qualifying patient from medical  
2 care.

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

8 E. No person holding a medical marijuana patient license may be  
9 unduly ~~be~~ withheld from holding a state-issued license by virtue of  
10 ~~their~~ he or she being a medical marijuana ~~license holder~~ patient  
11 licensee including, but not limited to, a concealed carry permit.

12 F. 1. No city or local municipality may unduly change or  
13 restrict zoning laws to prevent the opening of a ~~retail~~ medical  
14 marijuana ~~establishment~~ dispensary.

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

1        3. For purposes of this section, ~~"retail marijuana~~  
2 ~~establishment"~~ "medical marijuana dispensary" means an entity  
3 licensed by the ~~State Department of Health~~ Oklahoma Medical  
4 Marijuana Authority as a medical marijuana dispensary. ~~Retail~~  
5 Medical marijuana establishment dispensary does not include those  
6 other entities licensed by the ~~Department~~ Authority as marijuana-  
7 licensed premises, medical marijuana businesses or other facilities  
8 or locations where marijuana or any product containing marijuana or  
9 its by-products are cultivated, grown, processed, stored or  
10 manufactured.

11        G. 1. The location of any ~~retail~~ licensed medical marijuana  
12 ~~establishment dispensary~~ or medical marijuana commercial growing  
13 facility is specifically prohibited within one thousand (1,000) feet  
14 of the entrance of any public or private preschool, elementary,  
15 middle or high school entrance, technology center school, licensed  
16 child care center or place of worship.

17        2. Medical marijuana dispensaries and medical marijuana  
18 commercial growing facilities licensed and established prior to the  
19 effective date of this act which do not conform to the distance  
20 requirements provided for in this subsection shall be permitted to  
21 continue operating at the licensed premises in the same manner, and  
22 not be subject to nonrenewal or revocation, despite subsequent  
23 events or changes in regulations occurring after said licensure that  
24 would render the license of the medical marijuana dispensary or

1 medical marijuana commercial grower in violation by being located  
2 within the prohibited distance.

3 3. As used in this subsection, "place of worship" means:

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

10 b. any permanent building, structure, facility or office  
11 space owned, leased, rented or borrowed for use on a  
12 temporary basis, when used for worship services,  
13 activities and business of the congregation including,  
14 but not limited to, churches, temples, synagogues and  
15 mosques.

16 H. Research shall be provided for under this law. A researcher  
17 may apply to the ~~State Department of Health~~ Authority for a special  
18 research license. The license shall be granted, provided the  
19 applicant meets the criteria listed under subsection B of Section  
20 421 of this title. Research license holders shall be required to  
21 file monthly consumption reports to the ~~State Department of Health~~  
22 Authority with amounts of marijuana used for research. Biomedical  
23 and clinical research which is subject to federal regulations and  
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1 institutional oversight shall not be subject to ~~State Department of~~  
2 ~~Health~~ Authority oversight.

3 SECTION 2. This act shall become effective July 1, 2021.

4 SECTION 3. It being immediately necessary for the preservation  
5 of the public peace, health or safety, an emergency is hereby  
6 declared to exist, by reason whereof this act shall take effect and  
7 be in full force from and after its passage and approval.

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9 58-1-7421 GRS 02/10/21

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