

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2023
Page 1 Section 1 Lines 21
Of the printed Bill
Of the Engrossed Bill

By inserting a new "SECTION 1." to read as follows:

(see attached)

and by renumbering the subsequent sections of the bill.

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Scott Fetgatter

Adopted: _____

Reading Clerk

1 "SECTION 1. AMENDATORY Section 6, State Question No.
2 788, Initiative Petition No. 412, as last amended by Section 46,
3 Chapter 161, O.S.L. 2020 (63 O.S. Supp. 2020, Section 425), is
4 amended to read as follows:

5 Section 425. A. No school or landlord may refuse to enroll or
6 lease to and may not otherwise penalize a person solely for his or
7 her status as a medical marijuana ~~license holder~~ patient licensee,
8 unless failing to do so would cause the school or landlord the
9 potential to lose a monetary or licensing-related benefit under
10 federal law or regulations.

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

16 1. ~~The~~ the status of the person as a medical marijuana ~~license~~
17 ~~holder~~ patient licensee; ~~or~~

18 2. ~~Employers~~ provided, however, employers may take action
19 against a ~~holder of a~~ medical marijuana ~~license~~ patient licensee if
20 the ~~holder~~ licensee uses or possesses marijuana while in his or her
21 place of employment or during the hours of employment. Employers
22 may not take action against ~~the holder of a~~ medical marijuana
23 ~~license~~ patient licensee solely based upon the status of an employee
24 as a medical marijuana ~~license holder~~ patient licensee or the

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

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

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

16 E. No person ~~holding~~ who possesses a medical marijuana license
17 may unduly be withheld from holding a state-issued license by virtue
18 of their being a medical marijuana ~~license holder~~ patient licensee
19 including, but not limited to, a concealed carry permit.

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

23 2. For purposes of this subsection, an undue change or
24 restriction of municipal zoning laws means an act which entirely

1 prevents ~~retail~~ medical marijuana ~~establishments~~ dispensaries from
2 operating within municipal boundaries as a matter of law.
3 Municipalities may follow their standard planning and zoning
4 procedures to determine if certain zones or districts would be
5 appropriate for locating marijuana-licensed premises, medical
6 marijuana businesses or any other premises where marijuana or its
7 by-products are cultivated, grown, processed, stored or
8 manufactured.

9 3. For purposes of this section, "~~retail marijuana~~
10 ~~establishment~~" "medical marijuana dispensary" means an entity
11 licensed by the ~~State Department of Health~~ Oklahoma Medical
12 Marijuana Authority as a medical marijuana dispensary. ~~Retail~~
13 ~~marijuana establishment~~ A medical marijuana dispensary does not
14 include those other entities licensed by the Department as
15 marijuana-licensed premises, medical marijuana businesses or other
16 facilities or locations where marijuana or any product containing
17 marijuana or its by-products are cultivated, grown, processed,
18 stored or manufactured.

19 G. ~~The~~ Except as otherwise provided in this subsection, the
20 location of any ~~retail~~ medical marijuana ~~establishment~~ dispensary is
21 specifically prohibited within one thousand (1,000) feet of any
22 public or private school entrance. On and after November 1, 2019,
23 the prohibited distance shall be measured from the nearest property
24 line of the medical marijuana dispensary to the nearest property

1 line of the public or private school. If any public or private
2 school is established within one thousand (1,000) feet of any
3 medical marijuana dispensary after a license has been issued by the
4 Authority for that location, the prohibited distance between
5 properties shall not apply as long as the licensed property is
6 continuously used for its stated purpose. The Authority shall not
7 deny any issuance or renewal of licensure, deny any transfer of
8 licensure pursuant to a change in ownership or revoke any license
9 due to a mistake in measurement by the Authority or any change in
10 public or private school usage after an initial license has been
11 issued at the location. The licensed location shall be
12 grandfathered by the Authority as long as the property continues to
13 be used in accordance with the original licensed purpose, regardless
14 of any change in ownership.

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

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