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February 13, 2023

COMMITTEE SUBSTITUTE  
FOR

SENATE BILL NO. 801

By: Coleman

An Act relating to medical marijuana; amending 63 O.S. 2021, Section 425, as last amended by Section 5, Chapter 251, O.S.L. 2022 (63 O.S. Supp. 2022, Section 425), which relates to discrimination against license holder; allowing for municipalities to modify their planning or zoning procedures to forbid medical marijuana businesses from operating in certain areas; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 2021, Section 425, as last amended by Section 5, Chapter 251, O.S.L. 2022 (63 O.S. Supp. 2022, 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 patient licensee, 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

1 federal law or regulations, an employer may not discriminate against  
2 a person in hiring, termination or imposing any term or condition of  
3 employment or otherwise penalize a person based upon the status of  
4 the person as a medical marijuana patient licensee. Employers may  
5 take action against a medical marijuana patient licensee if the  
6 licensee uses or possesses marijuana while in his or her place of  
7 employment or during the hours of employment. Employers may not  
8 take action against a medical marijuana patient licensee solely  
9 based upon the status of an employee as a medical marijuana patient  
10 licensee or the results of a drug test showing positive for  
11 marijuana or its components.

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

18 D. No medical marijuana patient licensee may be denied custody  
19 of or visitation or parenting time with a minor child, and there is  
20 no presumption of neglect or child endangerment for conduct allowed  
21 under this law unless the behavior of the medical marijuana patient  
22 licensee creates an unreasonable danger to the safety of the minor  
23 child.

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1 E. No person who possesses a medical marijuana patient license  
2 may be unduly withheld from holding another state-issued license by  
3 virtue of his or her status as a medical marijuana patient licensee  
4 including, but not limited to, a concealed carry permit.

5 F. ~~1.~~ No city or local municipality may unduly change or  
6 restrict zoning laws to prevent the opening of a medical marijuana  
7 dispensary.

8 ~~2.~~ For purposes of this subsection, an undue change or  
9 restriction of municipal zoning laws means an act which entirely  
10 prevents medical marijuana dispensaries from operating within  
11 municipal boundaries as a matter of law.

12 G. 1. Municipalities may follow their standard planning and  
13 zoning procedures to determine if certain zones or districts would  
14 be appropriate for locating marijuana-licensed premises, medical  
15 marijuana businesses, or any other premises where marijuana or its  
16 by-products are cultivated, grown, processed, stored, or  
17 manufactured.

18 2. After the effective date of this act, municipalities may  
19 modify their standard planning and zoning procedures to forbid  
20 certain zones or districts within the municipality for the operation  
21 of a marijuana-licensed premises, medical marijuana businesses, or  
22 any other premises where marijuana or its by-products are  
23 cultivated, grown, processed, stored, or manufactured; provided, any  
24 medical marijuana businesses licensed prior to the effective date of

1 this act may continue to operate until such time they are no longer  
2 licensed by the Oklahoma Medical Marijuana Authority.

3 3. A medical marijuana dispensary does not include those other  
4 entities licensed by the Oklahoma Medical Marijuana Authority as  
5 marijuana-licensed premises, medical marijuana businesses or other  
6 facilities or locations where marijuana or any product containing  
7 marijuana or its by-products are cultivated, grown, processed,  
8 stored or manufactured.

9 ~~G.~~ H. The location of any medical marijuana dispensary is  
10 specifically prohibited within one thousand (1,000) feet of any  
11 public school or private school. The distance indicated in this  
12 subsection shall be measured from the nearest property line of such  
13 public school or private school to the nearest perimeter wall of the  
14 licensed premises of such medical marijuana dispensary. If a  
15 medical marijuana dispensary met the requirements of this subsection  
16 at the time of its initial licensure, the medical marijuana  
17 dispensary licensee shall be permitted to continue operating at the  
18 licensed premises in the same manner and not be subject to  
19 nonrenewal or revocation due to subsequent events or changes in  
20 regulations occurring after licensure that would render the medical  
21 marijuana dispensary in violation by being within one thousand  
22 (1,000) feet of a public school or private school. If any public  
23 school or private school is established within one thousand (1,000)  
24 feet of any medical marijuana dispensary after such medical

1 marijuana dispensary has been licensed, the provisions of this  
2 subsection shall not be a deterrent to the renewal of such license  
3 or warrant revocation of the license. For purposes of this  
4 subsection, a property owned, used or operated by a public school or  
5 by a private school that is not used for classroom instruction on  
6 core curriculum, such as an administrative building, athletic  
7 facility, ballpark, field or stadium, shall not constitute a public  
8 school or private school unless such property is located on the same  
9 campus as a building used for classroom instruction on core  
10 curriculum.

11 ~~H.~~ I. Research shall be provided for under this law. A  
12 researcher may apply to the Oklahoma Medical Marijuana Authority for  
13 a special research license. The research license shall be granted,  
14 provided the applicant meets the criteria listed in the Oklahoma  
15 Medical Marijuana and Patient Protection Act. Research licensees  
16 shall be required to file monthly consumption reports to the  
17 Authority with amounts of marijuana used for research. Biomedical  
18 and clinical research which is subject to federal regulations and  
19 institutional oversight shall not be subject to oversight by the  
20 Authority.

21 SECTION 2. This act shall become effective November 1, 2023.

22 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND COMMERCE  
23 February 13, 2023 - DO PASS AS AMENDED BY CS  
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