

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 POLICY COMMITTEE
RECOMMENDATION
4 FOR
HOUSE BILL NO. 3127

5 By: West (Kevin)

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8 POLICY COMMITTEE RECOMMENDATION

9 An Act relating to medical marijuana; amending 63
10 O.S. 2021, Section 427.8, which relates to rights and
restrictions related to medical marijuana use and
11 possession; implementing discretionary zero-tolerance
policy for all employers; and providing an effective
date.

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

16 SECTION 1. AMENDATORY 63 O.S. 2021, Section 427.8, is
17 amended to read as follows:

18 Section 427.8. A. The rights to possess the marijuana products
19 set forth in Section 420 of ~~Title 63 of the Oklahoma Statutes this~~
20 title are cumulative and a duly licensed individual may possess at
21 any one time the totality of the items listed therein and not be in
22 violation of this act so long as the individual holds a valid
23 patient license or caregiver license.

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1 B. Municipal and county governing bodies may not enact medical
2 marijuana guidelines which restrict or interfere with the rights of
3 a licensed patient or caregiver to possess, purchase, cultivate or
4 transport medical marijuana within the legal limits set forth in
5 this act or Section 420 et seq. of ~~Title 63 of the Oklahoma Statutes~~
6 this title or require patients or caregivers to obtain permits or
7 licenses in addition to the state-required licenses provided herein.

8 C. Nothing in this act or Section 420 et seq. of ~~Title 63 of~~
9 ~~the Oklahoma Statutes~~ this title shall prohibit a residential or
10 commercial property or business owner from prohibiting the
11 consumption of medical marijuana or medical marijuana product by
12 smoke or vaporization on the premises, within the structures of the
13 premises or within ten (10) feet of the entryway to the premises.
14 However, a medical marijuana patient shall not be denied the right
15 to consume or use other medical marijuana products which are
16 otherwise legal and do not involve the smoking or vaporization of
17 cannabis when lawfully recommended pursuant to Section 420 of ~~Title~~
18 ~~63 of the Oklahoma Statutes~~ this title.

19 D. A medical marijuana patient or caregiver licensee shall not
20 be denied eligibility in public assistance programs including, but
21 not limited to, Medicaid, Supplemental Nutrition Assistance Program
22 (SNAP), Women, Infants, and Children Nutrition Program (WIC),
23 Temporary Assistance for Needy Families (TANF) or other such public
24 assistance programs based solely on his or her status as a medical

1 marijuana patient or caregiver licensee, unless required by federal
2 law.

3 E. A medical marijuana patient or caregiver licensee shall not
4 be denied the right to own, purchase or possess a firearm,
5 ammunition, or firearm accessories based solely on his or her status
6 as a medical marijuana patient or caregiver licensee. No state or
7 local agency, municipal or county governing authority shall
8 restrict, revoke, suspend or otherwise infringe upon the right of a
9 person to own, purchase or possess a firearm, ammunition, or firearm
10 accessories or any related firearms license or certification based
11 solely on their his or her status as a medical marijuana patient or
12 caregiver licensee.

13 F. A medical marijuana patient or caregiver in actual
14 possession of a medical marijuana license shall not be subject to
15 arrest, prosecution or penalty in any manner or denied any right,
16 privilege or public assistance, under state law or municipal or
17 county ordinance or resolution including without limitation a civil
18 penalty or disciplinary action by a business, occupational or
19 professional licensing board or bureau, for the medical use of
20 marijuana in accordance with this act.

21 G. A government medical assistance program shall not be
22 required to reimburse a person for costs associated with the medical
23 use of marijuana unless federal law requires reimbursement.

24

1 H. Unless otherwise required by federal law or required to
2 obtain federal funding:

3 1. No employer may refuse to hire, discipline, discharge or
4 otherwise penalize an applicant or employee solely on the basis of
5 such applicant's or employee's status as a medical marijuana
6 licensee; and

7 2. No employer may refuse to hire, discipline, discharge or
8 otherwise penalize an applicant or employee solely on the basis of a
9 positive test for marijuana components or metabolites, unless:

- 10 a. the applicant or employee is not in possession of a
11 valid medical marijuana license,
- 12 b. the licensee possesses, consumes or is under the
13 influence of medical marijuana or medical marijuana
14 product while at the place of employment or during the
15 fulfillment of employment obligations, or
- 16 c. such action is taken pursuant to a written drug and
17 alcohol testing policy adopted and enforced in
18 accordance with the Oklahoma Standards for Workplace
19 Drug and Alcohol Testing Act, Section 551 et seq. of
20 Title 40 of the Oklahoma Statutes.

21 3. Notwithstanding any other provision of this section, an
22 applicant or employee employed in a safety-sensitive position, as
23 defined in subsection K of this section shall be subject to a zero-
24 tolerance drug and alcohol standard. This requirement shall apply

1 regardless of any employer policy permitting impairment-based
2 testing or alternative standards for positions not designated as
3 safety-sensitive.

4 I. Nothing in this act or Section 420 et seq. of ~~Title 63 of~~
5 ~~the Oklahoma Statutes~~ this title shall:

6 1. Require an employer to permit or accommodate the use,
7 possession, sale, transfer, or being under the influence of medical
8 marijuana on the property or premises of any place of employment or
9 ~~during hours of employment~~ workplace or while performing job duties;

10 2. Require an employer, a government medical assistance
11 program, private health insurer, ~~worker's~~ workers' compensation
12 carrier or self-insured employer providing ~~worker's~~ workers'
13 compensation benefits to reimburse a person for costs associated
14 with the use of medical marijuana; or

15 3. ~~Prevent Limit~~ an employer from having employer's ability to
16 implement and enforce written drug and alcohol testing policies
17 regarding drug testing and impairment, including zero-tolerance
18 policies, that prohibit the use of marijuana in accordance with the
19 Oklahoma Standards for Workplace Drug and Alcohol Testing Act,
20 Section 551 et seq. of Title 40 of the Oklahoma Statutes.

21 J. Any applicant or employee aggrieved by a willful violation
22 of this section shall have, as his or her exclusive remedy, the same
23 remedies as provided for in the Oklahoma Standards for Workplace

1 Drug and Alcohol Testing Act set forth in Section 563 of Title 40 of
2 the Oklahoma Statutes.

3 K. As used in this section:

4 1. "Safety-sensitive position" means any ~~job that includes~~
5 ~~tasks or duties that the employer reasonably believes could affect~~
6 ~~the safety and health of~~ position in which the employee performing
7 ~~the task or others including, but not limited to, any~~ performs one
8 or more of the following duties:

- 9 a. the handling, packaging, processing, storage, disposal
10 or transport of hazardous materials,
- 11 b. the operation of a motor vehicle, other vehicle,
12 equipment, machinery or power tools,
- 13 c. repairing, maintaining or monitoring the performance
14 or operation of any equipment, machinery or
15 manufacturing process, the malfunction or disruption
16 of which could result in injury or property damage,
- 17 d. performing firefighting duties,
- 18 e. the operation, maintenance or oversight of critical
19 services and infrastructure including, but not limited
20 to, electric, gas, and water utilities, power
21 generation or distribution,
- 22 f. the extraction, compression, processing,
23 manufacturing, handling, packaging, storage, disposal,
24 treatment or transport of potentially volatile,

flammable, combustible materials, elements, chemicals or any other highly regulated component,

g. dispensing pharmaceuticals,

h. carrying a firearm, or

i. direct patient care or direct child care; and

2. A "positive test for marijuana components or metabolites"

means a result that is at or above the cutoff concentration level established by the United States Department of Transportation or Oklahoma law regarding being under the influence, whichever is lower.

L. All smokable, vaporized, vapable and e-cigarette medical marijuana product inhaled through vaporization or smoked by a medical marijuana licensee are subject to the same restrictions for tobacco under Section 1-1521 of ~~Title 63 of the Oklahoma Statutes~~ this title, commonly referred to as the "Smoking in Public Places and Indoor Workplaces Act".

SECTION 2. This act shall become effective November 1, 2026.

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