

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3127

By: West (Kevin)

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7 AS INTRODUCED

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

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

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

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

23 B. Municipal and county governing bodies may not enact medical
24 marijuana guidelines which restrict or interfere with the rights of

1 a licensed patient or caregiver to possess, purchase, cultivate or
2 transport medical marijuana within the legal limits set forth in
3 this act or Section 420 et seq. of Title 63 of the Oklahoma Statutes
4 or require patients or caregivers to obtain permits or licenses in
5 addition to the state-required licenses provided herein.

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

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

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

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

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

22 H. ~~Unless otherwise required by federal law or required to~~
23 ~~obtain federal funding:~~

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

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

- 8 a. the applicant or employee is not in possession of a
9 valid medical marijuana license,
- 10 b. the licensee possesses, consumes or is under the
11 influence of medical marijuana or medical marijuana
12 product while at the place of employment or during the
13 fulfillment of employment obligations, or
- 14 c. the position is one involving safety-sensitive job
15 duties, as such term is defined in subsection K of
16 this section.

17 H. Nothing in this act shall:

18 1. Require an employer to permit or accommodate the use,
19 possession, sale, transfer, or being under the influence of medical
20 marijuana in any workplace or while performing job duties,
21 regardless of status as a medical marijuana license holder;

22 2. Require an employer, a government medical assistance
23 program, private health insurer, worker's compensation carrier or
24 self-insured employer providing worker's compensation benefits to

1 reimburse a person for costs associated with the use of medical
2 marijuana; or

3 2. Limit an employer's ability to implement and enforce a
4 written, zero-tolerance drug and alcohol testing policy that
5 prohibits the use of marijuana;

6 3. Prevent an employer from refusing to hire, discharging,
7 disciplining, or taking other adverse employment action against a
8 person with a positive drug test for marijuana or its metabolites,
9 consistent with the employer's written policy; and

10 4. Be construed to create or imply a cause of action for
11 wrongful discharge or discrimination based on marijuana use when
12 such action is consistent with a zero-tolerance policy.

13 I. Nothing in this act or Section 420 et seq. of Title 63 of
14 the Oklahoma Statutes shall:

15 1. Require an employer to permit or accommodate the use of
16 medical marijuana on the property or premises of any place of
17 employment or during hours of employment;

18 2. Require an employer, a government medical assistance
19 program, private health insurer, worker's compensation carrier or
20 self-insured employer providing worker's compensation benefits to
21 reimburse a person for costs associated with the use of medical
22 marijuana; or

23 3. Prevent an employer from having written policies regarding
24 drug testing and impairment in accordance with the Oklahoma

1 Standards for Workplace Drug and Alcohol Testing Act, Section 551 et
2 seq. of Title 40 of the Oklahoma Statutes.

3 J. Any applicant or employee aggrieved by a willful violation
4 of this section shall have, as his or her exclusive remedy, the same
5 remedies as provided for in the Oklahoma Standards for Workplace
6 Drug and Alcohol Testing Act set forth in Section 563 of Title 40 of
7 the Oklahoma Statutes.

8 K. J. As used in this section-,

9 1. "Safety-sensitive position" means any job that includes
10 tasks or duties that the employer reasonably believes could affect
11 the safety and health of the employee performing the task or others
12 including, but not limited to, any of the following:

- 13 a. the handling, packaging, processing, storage, disposal
14 or transport of hazardous materials,
- 15 b. the operation of a motor vehicle, other vehicle,
16 equipment, machinery or power tools,
- 17 c. repairing, maintaining or monitoring the performance
18 or operation of any equipment, machinery or
19 manufacturing process, the malfunction or disruption
20 of which could result in injury or property damage,
- 21 d. performing firefighting duties,
- 22 e. the operation, maintenance or oversight of critical
23 services and infrastructure including, but not limited

to, electric, gas, and water utilities, power generation or distribution, the extraction, compression, processing, manufacturing, handling, packaging, storage, disposal, treatment or transport of potentially volatile, flammable, combustible materials, elements, chemicals or any other highly regulated component, dispensing pharmaceuticals, carrying a firearm, or direct patient care or direct child care; and positive test for marijuana components or metabolites"

2.—A 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. K. 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, 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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