

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 2779

6 By: Olsen

7 COMMITTEE SUBSTITUTE

8 An Act relating to medical marijuana; amending
9 Section 6, State Question No. 788, Initiative
10 Petition No. 412, as amended by Section 3, Chapter
11 509, O.S.L. 2019 (63 O.S. Supp. 2019, Section 425),
12 which relates to discrimination against medical
13 marijuana licensees; prohibiting retail marijuana
14 establishments from being located near places of
15 worship; defining term; and providing an effective
16 date.

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

18 SECTION 1. AMENDATORY Section 6, State Question No. 788,
19 Initiative Petition No. 412, as amended by Section 3, Chapter 509,
20 O.S.L. 2019 (63 O.S. Supp. 2019, Section 425), is amended to read as
21 follows:

22 Section 425. A. No school or landlord may refuse to enroll or
23 lease to and may not otherwise penalize a person solely for his or
24 her status as a medical marijuana license holder, unless failing to
do so would cause the school or landlord the potential to lose a

1 monetary or licensing-related benefit under federal law or
2 regulations.

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

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

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

17 C. For the purposes of medical care, including organ
18 transplants, the authorized use of marijuana by a medical marijuana
19 license holder shall be considered the equivalent of the use of any
20 other medication under the direction of a physician and does not
21 constitute the use of an illicit substance or otherwise disqualify a
22 registered qualifying patient from medical care.

23 D. No medical marijuana license holder may be denied custody of
24 or visitation or parenting time with a minor, and there is no

1 presumption of neglect or child endangerment for conduct allowed
2 under this law, unless the behavior of the person creates an
3 unreasonable danger to the safety of the minor.

4 E. No person holding a medical marijuana license may unduly be
5 withheld from holding a state-issued license by virtue of their
6 being a medical marijuana license holder including, but not limited
7 to, a concealed carry permit.

8 F. 1. No city or local municipality may unduly change or
9 restrict zoning laws to prevent the opening of a retail marijuana
10 establishment.

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

20 3. For purposes of this section, "retail marijuana
21 establishment" means an entity licensed by the State Department of
22 Health as a medical marijuana dispensary. Retail marijuana
23 establishment does not include those other entities licensed by the
24 Department as marijuana-licensed premises, medical marijuana

1 businesses or other facilities or locations where marijuana or any
2 product containing marijuana or its by-products are cultivated,
3 grown, processed, stored or manufactured.

4 G. The location of any retail marijuana establishment is
5 specifically prohibited within ~~one thousand (1,000)~~ three hundred
6 (300) feet of any public or private school entrance.

7 H. The location of any retail marijuana establishment is
8 specifically prohibited within three hundred (300) feet of any place
9 of worship. As used in this subsection, "place of worship" means:

10 1. Any permanent building, structure, facility or office space
11 owned, leased, rented or borrowed, on a full-time basis, and used no
12 less than biweekly for worship services, activities or business of
13 the congregation, which shall include, but not be limited to,
14 churches, temples, synagogues and mosques; and

15 2. Any permanent building, structure, facility or office space
16 owned, leased, rented or borrowed for use on a temporary basis of no
17 less than twelve (12) months, and used no less than biweekly for
18 worship services, activities or business of the congregation, which
19 shall include, but not be limited to, churches, temples, synagogues
20 and mosques.

21 Retail marijuana businesses established prior to November 1,
22 2020, which do not conform to the distance requirements provided for
23 in this subsection shall be authorized to continue operating in
24 their current locations.

1 I. Research shall be provided for under this law. A researcher
2 may apply to the State Department of Health for a special research
3 license. The license shall be granted, provided the applicant meets
4 the criteria listed under subsection B of Section 421 of this title.
5 Research license holders shall be required to file monthly
6 consumption reports to the State Department of Health with amounts
7 of marijuana used for research.

8 SECTION 2. This act shall become effective November 1, 2020.

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