

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 ENGROSSED SENATE
5 BILL NO. 811

By: Smalley of the Senate
6
and
7
McBride of the House

8
9 An Act relating to medical marijuana; amending
10 Provision No. 6, State Question No. 788, Initiative
11 Petition No. 412 (63 O.S. Supp. 2018, Section 425),
12 which relates to discrimination against a medical
13 marijuana license holder; providing that certain
14 research is not subject to State Department of Health
15 oversight; clarifying language; and declaring an
16 emergency.

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

18 SECTION 1. AMENDATORY Provision No. 6, State Question
19 No. 788, Initiative Petition No. 412 (63 O.S. Supp. 2018, Section
20 425), is amended to read as follows:

21 Section 425. A. No school or landlord may refuse to enroll or
22 lease to, as appropriate, and may not otherwise penalize a person
23 solely for his or her status as a medical marijuana license holder,
24 unless failing to do so would imminently cause the school or
landlord to lose a monetary or licensing related benefit under
federal law or regulations.

1 B. 1. Unless a failure to do so would cause an employer the
2 potential to imminently lose a monetary or licensing related benefit
3 under federal law or regulations, an employer may not discriminate
4 against a person in hiring, termination or imposing any term or
5 condition of employment or otherwise penalize a person based upon
6 ~~either:~~

7 ~~1. The~~ the person's status as a medical marijuana license
8 holder; ~~or.~~

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

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

22 D. No medical marijuana license holder may be denied custody of
23 or visitation or parenting time with a minor, and there is no
24 presumption of neglect or child endangerment for conduct allowed

1 under this law, unless the person's behavior creates an unreasonable
2 danger to the safety of the minor.

3 E. No person holding a medical marijuana license may unduly be
4 withheld from holding a state issued license by virtue of their
5 being a medical marijuana license holder. ~~This would include such~~
6 ~~things as, including but not limited to~~ a concealed carry permit.

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

10 G. The location of any retail marijuana establishment is
11 specifically prohibited within one thousand (1,000) feet ~~from~~ of any
12 public or private school entrance.

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

23 SECTION 2. It being immediately necessary for the preservation
24 of the public peace, health or safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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4 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 04/11/2019 - DO PASS.

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