

FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2004
Page 67 Section 13 Lines 12
Of the printed Bill
Of the Engrossed Bill

By inserting a new "SECTION 13." to read as follows:

(see attached)

and by renumbering the subsequent sections of the bill.

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Stan May

Reading Clerk

1 "SECTION 13. AMENDATORY Section 8, Chapter 11, O.S.L.
2 2019 (63 O.S. Supp. 2020, Section 427.8), is amended to read as
3 follows:

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

10 B. Municipal and county governing bodies may not enact medical
11 marijuana guidelines which restrict or interfere with the rights of
12 a licensed patient or caregiver to possess, purchase, cultivate or
13 transport medical marijuana within the legal limits set forth in
14 this act or Section 420 et seq. of Title 63 of the Oklahoma Statutes
15 or require patients or caregivers to obtain permits or licenses in
16 addition to the state-required licenses provided herein.

17 C. Nothing in this act or Section 420 et seq. of Title 63 of
18 the Oklahoma Statutes shall prohibit a residential or commercial
19 property or business owner from prohibiting the consumption of
20 medical marijuana or medical marijuana product by smoke or
21 vaporization on the premises, within the structures of the premises
22 or within ten (10) feet of the entryway to the premises. However, a
23 medical marijuana patient shall not be denied the right to consume
24 or use other medical marijuana products which are otherwise legal

1 and do not involve the smoking or vaporization of cannabis when
2 lawfully recommended pursuant to Section 420 of Title 63 of the
3 Oklahoma Statutes.

4 D. A medical marijuana patient or caregiver licensee shall not
5 be denied eligibility in public assistance programs including, but
6 not limited to, Medicaid, Supplemental Nutrition Assistance Program
7 (SNAP), Women, Infants, and Children Nutrition Program (WIC),
8 Temporary Assistance for Needy Families (TANF) or other such public
9 assistance programs based solely on his or her status as a medical
10 marijuana patient or caregiver licensee, unless required by federal
11 law.

12 E. A medical marijuana patient or caregiver licensee shall not
13 be denied the right to own, purchase or possess a firearm,
14 ammunition, or firearm accessories based solely on his or her status
15 as a medical marijuana patient or caregiver licensee. No state or
16 local agency, municipal or county governing authority shall
17 restrict, revoke, suspend or otherwise infringe upon the right of a
18 person to own, purchase or possess a firearm, ammunition, or firearm
19 accessories or any related firearms license or certification based
20 solely on their status as a medical marijuana patient or caregiver
21 licensee.

22 F. A medical marijuana patient or caregiver in actual
23 possession of a medical marijuana license shall not be subject to
24 arrest, prosecution or penalty in any manner or denied any right,

1 privilege or public assistance, under state law or municipal or
2 county ordinance or resolution including without limitation a civil
3 penalty or disciplinary action by a business, occupational or
4 professional licensing board or bureau, for the medical use of
5 marijuana in accordance with this act.

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

9 H. Unless otherwise required by federal law or required to
10 obtain federal funding:

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

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

- 18 a. the applicant or employee is not in possession of a
19 valid medical marijuana license,
20 b. the licensee possesses, consumes or is under the
21 influence of medical marijuana or medical marijuana
22 product while at the place of employment or during the
23 fulfillment of employment obligations, or
24

1 c. the position is one involving safety-sensitive job
2 duties, as such term is defined in subsection K of
3 this section.

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

6 1. Require an employer to permit or accommodate the use of
7 medical marijuana on the property or premises of any place of
8 employment or during hours of employment;

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

14 3. Prevent an employer from having written policies regarding
15 drug testing and impairment in accordance with the Oklahoma
16 Standards for Workplace Drug and Alcohol Testing Act, Section 551 et
17 seq. of Title 40 of the Oklahoma Statutes.

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

23 K. As used in this section:
24

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

5 a. the handling, packaging, processing, storage, disposal
6 or transport of hazardous materials,

7 b. the operation of a motor vehicle, other vehicle,
8 equipment, machinery or power tools,

9 c. repairing, maintaining or monitoring the performance
10 or operation of any equipment, machinery or
11 manufacturing process, the malfunction or disruption
12 of which could result in injury or property damage,

13 ~~d. performing firefighting duties,~~

14 ~~e.~~ the operation, maintenance or oversight of critical
15 services and infrastructure including, but not limited
16 to, electric, gas, and water utilities, power
17 generation or distribution,

18 ~~f.~~ e. the extraction, compression, processing,
19 manufacturing, handling, packaging, storage, disposal,
20 treatment or transport of potentially volatile,
21 flammable, combustible materials, elements, chemicals
22 or any other highly regulated component,

23 ~~g.~~ f. dispensing pharmaceuticals,

24 ~~h.~~ g. carrying a firearm, or

1 ~~i.~~ h. direct patient care or direct child care; and

2 2. A "positive test for marijuana components or metabolites"
3 means a result that is at or above the cutoff concentration level
4 established by the United States Department of Transportation or
5 Oklahoma law regarding being under the influence, whichever is
6 lower.

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

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14 58-1-7873 GRS 03/03/21