

An Act

ENROLLED SENATE
BILL NO. 1511

By: Rosino of the Senate

and

Pfeiffer, Townley, and
Grego of the House

An Act relating to medical marijuana; amending 63 O.S. 2021, Section 425, as last amended by Section 5, Chapter 553, O.S.L. 2021, which relates to discrimination against medical marijuana license holder; imposing certain restrictions on location of medical marijuana commercial grower; providing method of certain measurement; providing exceptions; and declaring an emergency.

SUBJECT: Medical marijuana commercial grower requirements

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

SECTION 1. AMENDATORY 63 O.S. 2021, Section 425, as last amended by Section 5, Chapter 553, O.S.L. 2021, is amended to read as follows:

Section 425. A. No school or landlord may refuse to enroll or lease to and may not otherwise penalize a person solely for his or her status as a medical marijuana patient licensee, unless failing to do so would cause the school or landlord the potential to lose a monetary or licensing-related benefit under federal law or regulations.

B. Unless a failure to do so would cause an employer the potential to lose a monetary or licensing-related benefit under federal law or regulations, an employer may not discriminate against a person in hiring, termination or imposing any term or condition of

employment or otherwise penalize a person based upon the status of the person as a medical marijuana patient licensee. Employers may take action against a medical marijuana patient licensee if the licensee uses or possesses marijuana while in his or her place of employment or during the hours of employment. Employers may not take action against a medical marijuana patient licensee solely based upon the status of an employee as a medical marijuana patient licensee or the results of a drug test showing positive for marijuana or its components.

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

D. No medical marijuana patient licensee may be denied custody of or visitation or parenting time with a minor child, and there is no presumption of neglect or child endangerment for conduct allowed under this law unless the behavior of the medical marijuana patient licensee creates an unreasonable danger to the safety of the minor child.

E. No person who possesses a medical marijuana patient license may be unduly withheld from holding another state-issued license by virtue of his or her status as a medical marijuana patient licensee including, but not limited to, a concealed carry permit.

F. 1. No city or local municipality may unduly change or restrict zoning laws to prevent the opening of a medical marijuana dispensary.

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

3. A medical marijuana dispensary does not include those other entities licensed by the Oklahoma Medical Marijuana Authority as marijuana-licensed premises, medical marijuana businesses or other facilities or locations where marijuana or any product containing marijuana or its by-products are cultivated, grown, processed, stored or manufactured.

G. 1. The location of any medical marijuana dispensary is specifically prohibited within one thousand (1,000) feet of any public school or private school. The distance indicated in this ~~subsection~~ paragraph shall be measured from the nearest property line of such public school or private school to the nearest perimeter wall of the licensed premises of such medical marijuana dispensary. If a medical marijuana dispensary met the requirements of this ~~subsection~~ paragraph at the time of its initial licensure, the medical marijuana dispensary licensee shall be permitted to continue operating at the licensed premises in the same manner and not be subject to nonrenewal or revocation due to subsequent events or changes in regulations occurring after licensure that would render the medical marijuana dispensary in violation by being within one thousand (1,000) feet of a public school or private school. If any public school or private school is established within one thousand (1,000) feet of any medical marijuana dispensary after such medical marijuana dispensary has been licensed, the provisions of this ~~subsection~~ paragraph shall not be a deterrent to the renewal of such license or warrant revocation of the license. For purposes of this ~~subsection~~ paragraph, a property owned, used or operated by a public school or by a private school that is not used for classroom instruction on core curriculum, such as an administrative building, athletic facility, ballpark, field or stadium, shall not constitute a public school or private school unless such property is located on the same campus as a building used for classroom instruction on core curriculum.

2. The location of any medical marijuana commercial grower shall not be within one thousand (1,000) feet of any public school or private school as measured from the nearest property line of such public school or private school to the nearest property line of the licensed premises of such medical marijuana commercial grower. Additionally, the location of the medical marijuana commercial grower shall not adjoin to any public school or private school or be

located at the same physical address as the public school or private school. If a medical marijuana commercial grower met the requirements of this paragraph at the time of its initial licensure, the medical marijuana commercial grower licensee shall be permitted to continue operating at the licensed premises in the same manner and not be subject to nonrenewal or revocation due to subsequent events or changes in regulations occurring after licensure that would render the medical marijuana commercial grower in violation of this paragraph. If any public school or private school is established within one thousand (1,000) feet of any medical marijuana commercial grower after such medical marijuana commercial grower has been licensed, or if any public school or private school is established adjoining to or at the same physical address as any medical marijuana commercial grower after such medical marijuana commercial grower has been licensed, the provisions of this paragraph shall not be a deterrent to the renewal of such license or warrant revocation of the license. For purposes of this paragraph, a property owned, used, or operated by a public school or by a private school that is not used for classroom instruction on core curriculum, such as an administrative building, athletic facility, ballpark, field, or stadium, shall not constitute a public school or private school unless such property is located on the same campus as a building used for classroom instruction on core curriculum.

H. Research shall be provided for under this law. A researcher may apply to the State Department of Health for a special research license. The research license shall be granted, provided the applicant meets the criteria listed in the Oklahoma Medical Marijuana and Patient Protection Act. Research licensees shall be required to file monthly consumption reports to the State Department of Health with amounts of marijuana used for research. Biomedical and clinical research which is subject to federal regulations and institutional oversight shall not be subject to oversight by the State Department of Health.

SECTION 2. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 15th day of February, 2022.

Presiding Officer of the Senate

Passed the House of Representatives the 28th day of March, 2022.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____