

1 **SENATE FLOOR VERSION**

2 February 9, 2022

3 SENATE BILL NO. 1511

By: Rosino of the Senate

4 and

5 Pfeiffer of the House

6
7
8 An Act relating to medical marijuana; amending 63
9 O.S. 2021, Section 425, as last amended by Section 5,
10 Chapter 553, O.S.L. 2021, which relates to
11 discrimination against medical marijuana license
12 holder; imposing certain restrictions on location of
13 medical marijuana commercial grower; providing method
14 of certain measurement; providing exceptions; and
15 declaring an emergency.

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

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

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

1 B. Unless a failure to do so would cause an employer the
2 potential to lose a monetary or licensing-related benefit under
3 federal law or regulations, an employer may not discriminate against
4 a person in hiring, termination or imposing any term or condition of
5 employment or otherwise penalize a person based upon the status of
6 the person as a medical marijuana patient licensee. Employers may
7 take action against a medical marijuana patient licensee if the
8 licensee uses or possesses marijuana while in his or her place of
9 employment or during the hours of employment. Employers may not
10 take action against a medical marijuana patient licensee solely
11 based upon the status of an employee as a medical marijuana patient
12 licensee or the results of a drug test showing positive for
13 marijuana or its components.

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

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

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

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

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

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

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

1 the same campus as a building used for classroom instruction on core
2 curriculum.

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

8 Additionally, the location of the medical marijuana commercial
9 grower shall not adjoin to any public school or private school or be
10 located at the same physical address as the public school or private
11 school. If a medical marijuana commercial grower met the
12 requirements of this paragraph at the time of its initial licensure,
13 the medical marijuana commercial grower licensee shall be permitted
14 to continue operating at the licensed premises in the same manner
15 and not be subject to nonrenewal or revocation due to subsequent
16 events or changes in regulations occurring after licensure that
17 would render the medical marijuana commercial grower in violation of
18 this paragraph. If any public school or private school is
19 established within one thousand (1,000) feet of any medical
20 marijuana commercial grower after such medical marijuana commercial
21 grower has been licensed, or if any public school or private school
22 is established adjoining to or at the same physical address as any
23 medical marijuana commercial grower after such medical marijuana
24 commercial grower has been licensed, the provisions of this

1 paragraph shall not be a deterrent to the renewal of such license or
2 warrant revocation of the license. For purposes of this paragraph,
3 a property owned, used, or operated by a public school or by a
4 private school that is not used for classroom instruction on core
5 curriculum, such as an administrative building, athletic facility,
6 ballpark, field, or stadium, shall not constitute a public school or
7 private school unless such property is located on the same campus as
8 a building used for classroom instruction on core curriculum.

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

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

23 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
24 February 9, 2022 - DO PASS