

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 SENATE BILL 1511

By: Rosino

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5  
6 AS INTRODUCED

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

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

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

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

25 B. Unless a failure to do so would cause an employer the  
26 potential to lose a monetary or licensing-related benefit under

1 federal law or regulations, an employer may not discriminate against  
2 a person in hiring, termination or imposing any term or condition of  
3 employment or otherwise penalize a person based upon the status of  
4 the person as a medical marijuana patient licensee. Employers may  
5 take action against a medical marijuana patient licensee if the  
6 licensee uses or possesses marijuana while in his or her place of  
7 employment or during the hours of employment. Employers may not  
8 take action against a medical marijuana patient licensee solely  
9 based upon the status of an employee as a medical marijuana patient  
10 licensee or the results of a drug test showing positive for  
11 marijuana or its components.

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

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

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

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

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

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

23 G. 1. The location of any medical marijuana dispensary is  
24 specifically prohibited within one thousand (1,000) feet of any

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

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

1 a property owned, used, or operated by a public school or by a  
2 private school that is not used for classroom instruction on core  
3 curriculum, such as an administrative building, athletic facility,  
4 ballpark, field or stadium, shall not constitute a public school or  
5 private school unless such property is located on the same campus as  
6 a building used for classroom instruction on core curriculum.

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

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

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22 58-2-2746

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