

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL 801

By: Coleman

6 COMMITTEE SUBSTITUTE

7 An Act relating to medical marijuana; amending 63
8 O.S. 2021, Section 425, as last amended by Section 5,
9 Chapter 251, O.S.L. 2022 (63 O.S. Supp. 2022, Section
10 425), which relates to discrimination against license
11 holder; allowing for municipalities to modify their
12 planning or zoning procedures to forbid medical
13 marijuana businesses from operating in certain areas;
14 and providing an effective date.

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 251, O.S.L. 2022 (63 O.S. Supp. 2022,
18 Section 425), is amended to read 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.

B. Unless a failure to do so would cause an employer the
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.

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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.

12 G. 1. Municipalities may follow their standard planning and
13 zoning procedures to determine if certain zones or districts would
14 be appropriate for locating marijuana-licensed premises, medical
15 marijuana businesses, or any other premises where marijuana or its
16 by-products are cultivated, grown, processed, stored, or
17 manufactured.

18 2. After the effective date of this act, municipalities may
19 modify their standard planning and zoning procedures to forbid
20 certain zones or districts within the municipality for the operation
21 of a marijuana-licensed premises, medical marijuana businesses, or
22 any other premises where marijuana or its by-products are
23 cultivated, grown, processed, stored, or manufactured; provided, any
24 medical marijuana businesses licensed prior to the effective date of

1 this act may continue to operate until such time they are no longer
2 licensed by the Oklahoma Medical Marijuana Authority.

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

9 ~~G.~~ H. The location of any medical marijuana dispensary is
10 specifically prohibited within one thousand (1,000) feet of any
11 public school or private school. The distance indicated in this
12 subsection shall be measured from the nearest property line of such
13 public school or private school to the nearest perimeter wall of the
14 licensed premises of such medical marijuana dispensary. If a
15 medical marijuana dispensary met the requirements of this subsection
16 at the time of its initial licensure, the medical marijuana
17 dispensary licensee shall be permitted to continue operating at the
18 licensed premises in the same manner and not be subject to
19 nonrenewal or revocation due to subsequent events or changes in
20 regulations occurring after licensure that would render the medical
21 marijuana dispensary in violation by being within one thousand
22 (1,000) feet of a public school or private school. If any public
23 school or private school is established within one thousand (1,000)
24 feet of any medical marijuana dispensary after such medical

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

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

21 SECTION 2. This act shall become effective November 1, 2023.

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