

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 HOUSE BILL 1714

By: Bennett

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6 AS INTRODUCED

7 An Act relating to employment of individuals who
8 lawfully consume cannabis; defining term; providing
9 protection for employment; providing for
10 codification; and providing an effective date.

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

13 SECTION 1. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 427.28a of Title 63, unless
15 there is created a duplication in numbering, reads as follows:

16 A. For the purposes of this section, "cannabis" means all parts
17 of the plant Cannabis sativa L., whether growing or not; the seeds
18 thereof; the resin extracted from any part of such plant; and every
19 compound, manufacture, salt, derivative, mixture or preparation of
20 such plant, its seeds or resin, but shall not include:

21 1. The mature stalks of such plant or fiber produced from such
22 stalks;

23 2. Oil or cake made from the seeds of such plant, including
24 cannabidiol derived from the seeds of the marijuana plant;

1 3. Any other compound, manufacture, salt, derivative, mixture
2 or preparation of such mature stalks (except the resin extracted
3 therefrom), including cannabidiol derived from mature stalks, fiber,
4 oil or cake;

5 4. The sterilized seed of such plant which is incapable of
6 germination;

7 5. For any person participating in a clinical trial to
8 administer cannabidiol for the treatment of severe forms of epilepsy
9 pursuant to Section 2-802 of Title 63 of the Oklahoma Statutes, a
10 drug or substance approved by the federal Food and Drug
11 Administration for use by those participants;

12 6. For any person or the parents, legal guardians or caretakers
13 of the person who have received a written certification from a
14 physician licensed in this state that the person has been diagnosed
15 by a physician as having Lennox-Gastaut syndrome, Dravet syndrome,
16 also known as severe myoclonic epilepsy of infancy, or any other
17 severe form of epilepsy that is not adequately treated by
18 traditional medical therapies, spasticity due to multiple sclerosis
19 or due to paraplegia, intractable nausea and vomiting, appetite
20 stimulation with chronic wasting diseases, the substance
21 cannabidiol, a nonpsychoactive cannabinoid, found in the plant
22 Cannabis sativa L. or any other preparation thereof, that has a
23 tetrahydrocannabinol concentration not more than three-tenths of one
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1 percent (0.3%) and that is delivered to the patient in the form of a
2 liquid;

3 7. Any federal Food and Drug Administration-approved drug or
4 substance; or

5 8. Industrial hemp, from the plant *Cannabis sativa* L. and any
6 part of such plant, whether growing or not, with a delta-9
7 tetrahydrocannabinol concentration not more than three-tenths of one
8 percent (0.3%) on a dry-weight basis which shall only be grown
9 pursuant to the Oklahoma Industrial Hemp Program and may be shipped
10 intrastate and interstate.

11 B. It is unlawful for an employer to discriminate against a
12 person in the initial hiring for employment if the discrimination is
13 based upon:

14 1. The person's use of cannabis off the job and away from the
15 workplace; or

16 2. An employer-required drug screening test that has found the
17 person to have nonpsychoactive cannabis metabolites in his or her
18 hair, blood, urine, or other bodily fluids.

19 C. Nothing in this subsection:

20 1. Prohibits an employer from basing initial hiring decisions
21 on scientifically valid drug screening conducted through methods
22 that do not screen for nonpsychoactive cannabis metabolites;

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1 2. Affects the rights or obligations of an employer to maintain
2 a drug- and alcohol-free workplace, or any other rights or
3 obligations of an employer required by federal law or regulation; or

4 3. Applies to testing for controlled substances other than
5 preemployment, such as post-accident testing or testing because of a
6 suspicion of impairment or being under the influence of alcohol,
7 controlled substances, medications, or other substances.

8 D. This section does not apply to an applicant applying for a
9 position that requires a federal government background investigation
10 or security clearance or in the airline or aerospace industries, or
11 any other safety sensitive position for which impairment while
12 working presents a substantial risk of death. Such safety sensitive
13 positions shall be identified by the employer prior to the
14 applicant's application for employment.

15 E. 1. This section does not preempt state or federal laws
16 requiring an applicant to be tested for controlled substances. This
17 includes state or federal laws requiring applicants to be tested, or
18 the way they are tested, as a condition of employment, receiving
19 federal funding or federal licensing-related benefits, or as
20 required by a federal contract.

21 2. Employers may require an applicant to be tested for a
22 spectrum of controlled substances, which may include cannabis, as
23 long as the cannabis results are not provided to the employer. Such
24 policies are fully subject to subsection B of this section.

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SECTION 2. This act shall become effective November 1, 2025.

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