

1 ENGROSSED SENATE
2 BILL NO. 1511

By: Rosino of the Senate

3 and

4 Pfeiffer of the House

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

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

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

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

24 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

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

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

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

23 E. No person who possesses a medical marijuana patient license
24 may be unduly withheld from holding another state-issued license by

1 virtue of his or her status as a medical marijuana patient licensee
2 including, but not limited to, a concealed carry permit.

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

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

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

21 G. 1. The location of any medical marijuana dispensary is
22 specifically prohibited within one thousand (1,000) feet of any
23 public school or private school. The distance indicated in this
24 ~~subsection~~ paragraph shall be measured from the nearest property

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

23 2. The location of any medical marijuana commercial grower
24 shall not be within one thousand (1,000) feet of any public school

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

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

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

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

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

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4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2022.

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9 Presiding Officer of the House
10 of Representatives