

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

SENATE BILL 325

By: Murdock

AS INTRODUCED

An Act relating to medical marijuana; amending Provision No. 6, State Question No. 788, Initiative Petition No. 412 (63 O.S. Supp. 2018, Section 425), which relates to discrimination against a medical marijuana license holder; allowing counties to hold certain elections; specifying how election is to be called; specifying certain election dates; clarifying language; and declaring an emergency.

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

SECTION 1. AMENDATORY Provision No. 6, State Question No. 788, Initiative Petition No. 412 (63 O.S. Supp. 2018, Section 425), is amended to read as follows:

Section 425. A. No school or landlord may refuse to enroll or lease to, as appropriate, and may not otherwise penalize a person solely for his or her status as a medical marijuana license holder, unless failing to do so would imminently cause the school or landlord to lose a monetary or licensing related benefit under federal law or regulations.

B. 1. Unless a failure to do so would cause an employer the potential to imminently lose a monetary or licensing related benefit

1 under federal law or regulations, an employer may not discriminate
2 against a person in hiring, termination or imposing any term or
3 condition of employment or otherwise penalize a person based upon
4 ~~either:~~

5 1. ~~The~~ the person's status as a medical marijuana license
6 holder; ~~or~~ .

7 2. Employers may take action against a holder of a medical
8 marijuana license holder if the holder uses or possesses marijuana
9 while in the holder's place of employment or during the hours of
10 employment. Employers may not take action against the holder of a
11 medical marijuana license solely based upon the status of an
12 employee as a medical marijuana license holder or the results of a
13 drug test showing positive for marijuana or its components.

14 C. For the purposes of medical care, including organ
15 transplants, a medical marijuana license holder's authorized use of
16 marijuana ~~must~~ shall be considered the equivalent of the use of any
17 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 license holder may be denied custody of
21 or visitation or parenting time with a minor, and there is no
22 presumption of neglect or child endangerment for conduct allowed
23 under this law, unless the person's behavior creates an unreasonable
24 danger to the safety of the minor.

1 E. No person holding a medical marijuana license may unduly be
2 withheld from holding a state issued license by virtue of their
3 being a medical marijuana license holder. ~~This would include such~~
4 ~~things as~~ 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 retail marijuana
7 establishment.

8 2. A county may, by vote of a majority of the registered voters
9 in the county, restrict or prohibit the possession, consumption,
10 transport, sale, cultivation or manufacture of marijuana or
11 marijuana products, or any combination thereof. Such election shall
12 be called by the board of county commissioners upon receipt of a
13 petition signed by registered voters constituting not less than
14 fifteen percent (15%) of the total votes cast in the county in the
15 last General Election for the Office of Governor, or such election
16 may be called by the board of county commissioners upon its own
17 motion. Such election shall be held on the same day as:

18 a. any regularly scheduled federal, state or county
19 election held in that county,

20 b. a special election held in that county for a federal,
21 state or county office, or

22 c. a special election held in that county for another
23 county proposition or a state question.

1 G. The location of any retail marijuana establishment is
2 specifically prohibited within one thousand (1,000) feet ~~from~~ of any
3 public or private school entrance.

4 H. Research ~~will~~ shall be provided for under this law. A
5 researcher may apply to the ~~Oklahoma~~ State Department of Health for
6 a special research license. ~~That license will~~ The license shall be
7 granted, provided the applicant meets the criteria listed under
8 ~~Section 421.B~~ subsection B of Section 421 of this title. Research
9 license holders ~~will~~ shall be required to file monthly consumption
10 reports to the ~~Oklahoma~~ State Department of Health with amounts of
11 marijuana used for research.

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

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