

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1014

By: Olsen

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5  
6 AS INTRODUCED

7 An Act relating to medical marijuana; amending 63  
8 O.S. 2021, Section 425, as amended by Section 2,  
9 Chapter 317, O.S.L. 2022 (63 O.S. Supp. 2022, Section  
10 425), which relates to discrimination against medical  
11 marijuana licensees; prohibiting medical marijuana  
12 dispensaries from being located near places of  
13 worship; defining term; and providing an effective  
14 date.

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

16 SECTION 1. AMENDATORY 63 O.S. 2021, Section 425, as  
17 amended by Section 2, Chapter 317, 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. 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 paragraph shall be measured from the nearest property line of such  
3 public school or private school to the nearest perimeter wall of the  
4 licensed premises of such medical marijuana dispensary. If a  
5 medical marijuana dispensary met the requirements of this paragraph  
6 at the time of its initial licensure, the medical marijuana  
7 dispensary licensee shall be permitted to continue operating at the  
8 licensed premises in the same manner and not be subject to  
9 nonrenewal or revocation due to subsequent events or changes in  
10 regulations occurring after licensure that would render the medical  
11 marijuana dispensary in violation by being within one thousand  
12 (1,000) feet of a public school or private school. If any public  
13 school or private school is established within one thousand (1,000)  
14 feet of any medical marijuana dispensary after such medical  
15 marijuana dispensary has been licensed, the provisions of this  
16 paragraph shall not be a deterrent to the renewal of such license or  
17 warrant revocation of the license. For purposes of this paragraph,  
18 a property owned, used or operated by a public school or by a  
19 private school that is not used for classroom instruction on core  
20 curriculum, such as an administrative building, athletic facility,  
21 ballpark, field or stadium, shall not constitute a public school or  
22 private school unless such property is located on the same campus as  
23 a building used for classroom instruction on core curriculum.

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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. The location of any medical marijuana dispensary is  
8 specifically prohibited within nine hundred (900) feet of any place  
9 of worship. As used in this subsection, "place of worship" means:

10 1. Any permanent building, structure, facility or office space  
11 owned, leased, rented or borrowed, on a full-time basis, and used no  
12 less than biweekly for worship services, activities or business of  
13 the congregation, which shall include, but not be limited to,  
14 churches, temples, synagogues and mosques; and

15 2. Any permanent building, structure, facility or office space  
16 owned, leased, rented or borrowed for use on a temporary basis of no  
17 less than twelve (12) months, and used no less than biweekly for  
18 worship services, activities or business of the congregation, which  
19 shall include, but not be limited to, churches, temples, synagogues  
20 and mosques.

21 Medical marijuana dispensaries established prior to November 1,  
22 2023, which do not conform to the distance requirements provided for  
23 in this subsection shall be authorized to continue operating in  
24 their current locations.

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

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

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14        59-1-5226            GRS            11/17/22

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