I move to amend HB2779
Page ___________ Section ___________ Lines ___________

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: ______________________________ Amendment submitted by: Jim Olsen

______________________________________
Reading Clerk
STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

PROPOSED COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 2779

By: Olsen

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to medical marijuana; amending Section 6, State Question No. 788, Initiative Petition No. 412, as amended by Section 3, Chapter 509, O.S.L. 2019 (63 O.S. Supp. 2019, Section 425), which relates to discrimination against medical marijuana licensees; prohibiting retail marijuana establishments from being located near places of worship; defining term; and providing an effective date.

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

SECTION 1. AMENDATORY Section 6, State Question No. 788, Initiative Petition No. 412, as amended by Section 3, Chapter 509, O.S.L. 2019 (63 O.S. Supp. 2019, Section 425), is amended to read as follows:

Section 425. A. No school or landlord may refuse to enroll or lease to 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 cause the school or landlord the potential to lose a
monetary or licensing-related benefit under federal law or regulations.

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 a person in hiring, termination or imposing any term or condition of employment or otherwise penalize a person based upon either:

1. The status of the person as a medical marijuana license holder; or

2. Employers may take action against a holder of a medical marijuana license if the holder uses or possesses marijuana while in his or her place of employment or during the hours of employment. Employers may not take action against the holder of a medical marijuana license solely based upon the status of an employee as a medical marijuana license holder or the results of a drug test showing positive for marijuana or its components.

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

D. No medical marijuana license holder may be denied custody of or visitation or parenting time with a minor, and there is no
presumption of neglect or child endangerment for conduct allowed under this law, unless the behavior of the person creates an unreasonable danger to the safety of the minor.

E. No person holding a medical marijuana license may unduly be withheld from holding a state-issued license by virtue of their being a medical marijuana license holder including, but not limited to, a concealed carry permit.

F. 1. No city or local municipality may unduly change or restrict zoning laws to prevent the opening of a retail marijuana establishment.

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

3. For purposes of this section, "retail marijuana establishment" means an entity licensed by the State Department of Health as a medical marijuana dispensary. Retail marijuana establishment does not include those other entities licensed by the Department as marijuana-licensed premises, medical marijuana
businesses or other facilities or locations where marijuana or any
product containing marijuana or its by-products are cultivated,
grown, processed, stored or manufactured.

G. The location of any retail marijuana establishment is
specifically prohibited within one thousand (1,000) three hundred
(300) feet of any public or private school entrance.

H. The location of any retail marijuana establishment is
specifically prohibited within three hundred (300) feet of any place
of worship. As used in this subsection, "place of worship" means:

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

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

Retail marijuana businesses established prior to November 1,
2020, which do not conform to the distance requirements provided for
in this subsection shall be authorized to continue operating in
their current locations.
I. Research shall be provided for under this law. A researcher may apply to the State Department of Health for a special research license. The license shall be granted, provided the applicant meets the criteria listed under subsection B of Section 421 of this title. Research license holders shall be required to file monthly consumption reports to the State Department of Health with amounts of marijuana used for research.

SECTION 2. This act shall become effective November 1, 2020.