

# An Act

ENROLLED HOUSE  
BILL NO. 2601

By: Fetgatter of the House

and

McCortney of the Senate

An Act relating to medical marijuana; amending 21 O.S. 2011, Section 1247, as last amended by Section 1, Chapter 110, O.S.L. 2017 (21 O.S. Supp. 2018, Section 1247), which relates to prohibitions on smoking; prohibiting marijuana smoking and vaping in public places; providing exception under certain circumstances; amending 63 O.S. 2011, Section 1-1523, as last amended by Section 2, Chapter 110, O.S.L. 2017 (63 O.S. Supp. 2018, Section 1-1523), which relates to prohibitions on smoking; prohibiting marijuana smoking and vaping in public places; providing an exception; amending 63 O.S. 2011, Section 1-1525, as amended by Section 3, Chapter 369, O.S.L. 2017 (63 O.S. Supp. 2018, Section 1-1525), which relates to measures to prevent smoking in nonsmoking areas; directing agencies and persons who operate public businesses to prevent marijuana smoking and vaping in public places; providing for the implementation of certain provisions in accordance with the Oklahoma Medical Marijuana and Patient Protection Act; amending Section 1, State Question No. 788, Initiative Petition No. 412 (63 O.S. Supp. 2018, Section 420), which relates to licensing requirements and restrictions for medical marijuana license holders and caregivers; updating and clarifying language; directing State Department of Health to provide applications for short-term medical marijuana licenses; stating requirements for obtaining short-term medical marijuana license; authorizing the Department to determine procedures for extending and renewing licenses and setting fee; amending Sections 3, 6, 7, 14, 21 and 23 of Enrolled House Bill No. 2612 of the 1st Session of the 57th

Oklahoma Legislature, which relate to the Oklahoma Medical Marijuana and Patient Protection Act; removing restriction that prohibits the State Department of Health from contracting with certain vendors; directing the Department to work with the Oklahoma State Banking Department and State Treasurer to develop banking and finance standards upon certain action by the federal government; clarifying scope of certain disciplinary action; deleting mandate that prohibits personally identifiable information from being stored; updating and deleting duplicative reference to Oklahoma Medical Marijuana Authority; providing exception to certain residency requirement; correcting certain statutory reference; clarifying time frame for reviewing business applications; removing licensing restriction for certain companies; specifying advertising restrictions for medical marijuana businesses; deleting the Banking Board from requirement to promulgate rules; and providing for noncodification.

SUBJECT: Marijuana

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

SECTION 1. AMENDATORY 21 O.S. 2011, Section 1247, as last amended by Section 1, Chapter 110, O.S.L. 2017 (21 O.S. Supp. 2018, Section 1247), is amended to read as follows:

Section 1247. A. The possession of lighted tobacco in any form is a public nuisance and dangerous to public health and is hereby prohibited when such possession is in any indoor place used by or open to the public, all parts of a zoo to which the public may be admitted, whether indoors or outdoors, public transportation, or any indoor workplace, except where specifically allowed by law. Commercial airport operators may prohibit the use of lighted tobacco or lighted marijuana or the vaping of marijuana in any area that is open to or used by the public whether located indoors or outdoors, provided that the outdoor area is within one hundred seventy-five (175) feet from an entrance.

As used in this section, "indoor workplace" means any indoor place of employment or employment-type service for or at the request of another individual or individuals, or any public or private entity, whether part-time or full-time and whether for compensation or not. Such services shall include, without limitation, any service performed by an owner, employee, independent contractor, agent, partner, proprietor, manager, officer, director, apprentice, trainee, associate, servant or volunteer. An indoor workplace includes work areas, employee lounges, restrooms, conference rooms, classrooms, employee cafeterias, hallways, any other spaces used or visited by employees, and all space between a floor and ceiling that is predominantly or totally enclosed by walls or windows, regardless of doors, doorways, open or closed windows, stairways, or the like. The provisions of this section shall apply to such indoor workplace at any given time, whether or not work is being performed.

B. All buildings and other properties, or portions thereof, owned or operated by this state shall be designated as nonsmoking. The tobacco smoking provisions of this subsection shall not apply to veterans centers operated by this state pursuant to the provisions of Section 221 et seq. of Title 72 of the Oklahoma Statutes, which shall be designated nonsmoking effective January 1, 2015, at which time veterans centers may establish outdoor designated smoking areas for resident veterans only. Smoking tobacco shall only be allowed in designated outdoor smoking areas.

C. All buildings and other properties, or portions thereof, owned or operated by a county or municipal government, at the discretion of the county or municipal governing body, may be designated as entirely nonsmoking.

D. All educational facilities or portions thereof as defined in the Smoking in Public Places and Indoor Workplaces Act and all educational facilities as defined in the 24/7 Tobacco-free Schools Act shall be designated as nonsmoking as provided for in Section 1-1523 of Title 63 of the Oklahoma Statutes. All campuses, buildings and grounds, or portions thereof, owned or operated by an institution within The Oklahoma State System of Higher Education may be designated as tobacco and marijuana free, including smoking or smokeless tobacco or smokable or vaporable marijuana, by the institution upon adoption of a policy stating the ~~tobacco~~ restrictions for the institution and an intent to enforce the penalty for violations as set forth in subsection M of this section.

