



Following the passage of State Question 788 in June 2018 legalizing medical marijuana in Oklahoma, a number of questions and concerns remain about how to safely and effectively implement the new law. Below are some of the key challenges and omissions, as they relate to the new laws and Oklahoma's business community. We have also outlined proposed solutions and next steps to ensure that medical marijuana is implemented in a way that doesn't infringe on employer rights or compromise workforce safety.

GAPS IN THE OKLAHOMA MEDICAL MARIJUANA LAWS:

- Employees can no longer be disciplined solely for testing positive for and having marijuana in their system if they have a valid patient license issued by the Oklahoma Medical Marijuana Authority (OMMA).
- Employers who want a drug-free workplace will not be able to enforce or regulate the use of medical marijuana in the same way they are able to regulate the use of narcotics and alcohol on the job, even in positions that involve safety-sensitive duties.
- Anyone receiving a patient license can possess exceptionally large amounts of marijuana at any given time—eight ounces at home, three ounces on their person, plus plants, edibles and concentrated forms of marijuana. For context, the amount legally allowed in Oklahoma law is around six times the felony amount in Colorado.
- New tax revenue raised by medical marijuana sales is effectively off-limits for funding other state services (e.g., education or health care) since it is earmarked to fund the OMMA, the regulatory agency that oversees this new industry.
- Employees may sue their employer if there is any perceived evidence of discrimination based on their new protected status as medical marijuana license holders, forcing companies into costly lawsuits and driving up the cost of doing business.
- There are currently no standards in place for laboratory testing or labeling of products containing marijuana. This lack of quality control means that the marijuana being sold in dispensaries has not been tested for THC levels or amount of pesticide found on the plant, for example.

SOLUTIONS:

- The State Chamber provided the legislative working group with draft bill language that would, among other things:
 - Allow employers to continue setting employment policies stating that employees may not possess, consume, or be under the influence of medical marijuana while at their place of employment,
 - Allow employers to refuse to hire, discipline, discharge, or otherwise penalize an applicant or employee if they work in a position involving safety-sensitive duties, and

- Clarify that employers and insurers are not required to reimburse a person for costs associated with the use of medical marijuana.
- The legislative working group along with state agencies such as the Oklahoma State Department of Health, the Oklahoma Department of Environmental Quality, and the Oklahoma Department of Agriculture are working to fix the many gaps in the rules through legislative action and administrative rulemaking.

TIMELINE AND NEXT STEPS:

- Since a special session is unlikely, these issues will likely be addressed by the legislature during the next legislative session beginning in February
- Employers & HR supervisors will need to review their current employment policies to ensure that they follow the current law
- We will need your help! As legislation is drafted, we will keep you and your members informed so you will have ideas of what to talk with your legislators about. To be a part of a coalition supporting business-friendly changes, contact **ADRIA BERRY** at aberry@okstatechamber.com.



WE MEAN BUSINESS