

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 SENATE BILL 640

By: Paxton

6 AS INTRODUCED

7 An Act relating to medical marijuana license;
8 amending 63 O.S. 2021, Section 425, as amended by
9 Section 10, Chapter 182, O.S.L. 2024 (63 O.S. Supp.
10 2024, Section 425), which relates to location near
schools; modifying certain distance; updating
statutory language; updating statutory reference; and
providing an effective date.

11
12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. AMENDATORY 63 O.S. 2021, Section 425, as
14 amended by Section 10, Chapter 182, O.S.L. 2024 (63 O.S. Supp. 2024,
15 Section 425), is amended to read as follows:

16 Section 425. A. No school or landlord may refuse to enroll or
17 lease to and may not otherwise penalize a person solely for his or
18 her status as a licensed medical marijuana patient, unless failing
19 to do so would cause the school or landlord the potential to lose a
20 monetary or licensing-related benefit under federal law or
21 regulations.

22 B. 1. Unless a failure to do so would cause an employer the
23 potential to lose a monetary or licensing-related benefit under
24 federal law or regulations, an employer may not discriminate against

1 a person in hiring, ~~termination~~ terminating or imposing any term or
2 condition of employment or otherwise penalize a person based upon
3 the status of the person as a licensed medical marijuana patient.

4 2. Employers may take action against a licensed medical
5 marijuana patient if the licensed medical marijuana patient uses or
6 possesses marijuana while in his or her place of employment or
7 during the hours of employment. Employers may not take action
8 against the licensed medical marijuana patient solely based upon the
9 status of an employee as a licensed medical marijuana patient or the
10 results of a drug test showing positive for marijuana or its
11 components.

12 C. For the purposes of medical care, including organ
13 transplants, the authorized use of marijuana by a licensed medical
14 marijuana patient 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 licensed medical marijuana patient 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 person creates an
22 unreasonable danger to the safety of the minor child.

23 E. No licensed medical marijuana patient may unduly be withheld
24 from holding a state-issued license by virtue of their being a

1 licensed medical marijuana patient including, but not limited to, a
2 concealed carry permit.

3 F. 1. No city or local municipality may unduly change or
4 restrict zoning laws to prevent the opening of a medical marijuana
5 dispensary.

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

15 3. For purposes of this section, a medical marijuana dispensary
16 does not include those other entities licensed by the Oklahoma
17 Medical Marijuana Authority as marijuana-licensed premises, medical
18 marijuana businesses or other facilities or locations where
19 marijuana or any product containing marijuana or its ~~by-products~~
20 byproducts are cultivated, grown, processed, stored or manufactured.

21 G. 1. Except as otherwise provided in this subsection, the
22 location of any medical marijuana dispensary is specifically
23 prohibited within ~~one thousand (1,000)~~ three thousand (3,000) feet
24 of any school entrance. On and after ~~the effective date of this act~~

May 28, 2021, for purposes of calculating the 1,000-foot three-thousand-foot setback distance, the measurement shall be determined by calculating the distance in a straight line from the school door nearest the front door of the retail marijuana dispensary to the front door of the retail marijuana dispensary.

2. On and after June 26, 2018, if any school is established within ~~one thousand (1,000)~~ three thousand (3,000) feet of any retail marijuana dispensary after a license has been issued by the Authority for that location, the setback distance between properties shall not apply as long as the licensed property is used for its original licensed purpose. The licensed location shall be grandfathered in as to the setback distance as long as the property is used in accordance with the original licensed purpose.

3. On and after June 26, 2018, the Authority, due to an error in measurement of the setback distance or failure to measure the setback distance by the Authority prior to issuance of an original license at a location, shall not:

- a. deny any issuance or renewal of a license at that location,
 - b. deny any transfer of license pursuant to a change in ownership at that location, or
 - c. revoke any license due to an error in measurement or failure to measure the setback distance, except as otherwise provided by law.

1 The retail marijuana dispensary shall be grandfathered in as to
2 the setback distance, subject only to the municipal compliance
3 provisions of Section 426.1 of this title.

4 4. For purposes of this subsection and subsection H of this
5 section:

- 6 a. "school" means the same as defined in Section 427.2 of
7 this title, and
- 8 b. "error in measurement" means a mistake made by the
9 Authority or a municipality in the setback measurement
10 process where either the distance between a retail
11 marijuana dispensary and a school is miscalculated due
12 to mathematical error or the method used to measure
13 the setback distance is inconsistent with this
14 section. The setback measurement process is allowed
15 an error in measurement up to and including five
16 hundred (500) feet when remeasured after an original
17 license has been issued.

18 H. The location of any medical marijuana commercial grower
19 shall not be within ~~one thousand (1,000)~~ three thousand (3,000) feet
20 of any school as measured from the nearest property line of such
21 school to the nearest property line of the licensed premises of such
22 medical marijuana commercial grower. Additionally, the location of
23 the medical marijuana commercial grower shall not adjoin to any
24 school or be located at the same physical address as the school. If
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1 a medical marijuana commercial grower met the requirements of this
2 subsection at the time of its initial licensure, the medical
3 marijuana commercial grower licensee shall be permitted to continue
4 operating at the licensed premises in the same manner and not be
5 subject to nonrenewal or revocation due to subsequent events or
6 changes in regulations occurring after licensure that would render
7 the medical marijuana commercial grower in violation of this
8 subsection. If any school is established within ~~one thousand~~
9 ~~(1,000)~~ three thousand (3,000) feet of any medical marijuana
10 commercial grower after such medical marijuana commercial grower has
11 been licensed, or if any school is established adjoining to or at
12 the same physical address as any medical marijuana commercial grower
13 after such medical marijuana commercial grower has been licensed,
14 the provisions of this subsection shall not be a deterrent to the
15 renewal of such license or warrant revocation of the license. For
16 purposes of this subsection, a property owned, used, or operated by
17 a school that is not used for classroom instruction on core
18 curriculum, such as an administrative building, athletic facility,
19 ballpark, field, or stadium, shall not constitute a school unless
20 such property is located on the same campus as a building used for
21 classroom instruction on core curriculum.

22 SECTION 2. This act shall become effective November 1, 2025.
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