

1                           **SENATE FLOOR VERSION**  
2                           February 27, 2025  
3                           **AS AMENDED**

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6                           SENATE BILL NO. 640                           By: Paxton

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9                           An Act relating to medical marijuana license;  
10                          amending 63 O.S. 2021, Section 425, as amended by  
11                          Section 10, Chapter 182, O.S.L. 2024 (63 O.S. Supp.  
12                          2024, Section 425), which relates to location near  
13                          schools; modifying certain distance; updating  
14                          statutory language; updating statutory reference; and  
15                          providing an effective date.

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

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

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

28                          B. 1. Unless a failure to do so would cause an employer the  
29                          potential to lose a monetary or licensing-related benefit under  
30                          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 unless currently licensed prior to the

1   **effective date of this act.** On and after ~~the effective date of this~~  
2   act May 28, 2021, for purposes of calculating the ~~1,000-foot three-~~  
3   thousand-foot setback distance, the measurement shall be determined  
4   by calculating the distance in a straight line from the school door  
5   nearest the front door of the retail marijuana dispensary to the  
6   front door of the retail marijuana dispensary.

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

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

- 20           a. deny any issuance or renewal of a license at that  
21              location,
- 22           b. deny any transfer of license pursuant to a change in  
23              ownership at that location, or

1                   c. revoke any license due to an error in measurement or  
2                         failure to measure the setback distance, except as  
3                         otherwise provided by law.

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

7                  4. For purposes of this subsection and subsection H of this  
8                         section:

9                   a. "school" means the same as defined in Section 427.2 of  
10                         this title, and

11                   b. "error in measurement" means a mistake made by the  
12                         Authority or a municipality in the setback measurement  
13                         process where either the distance between a retail  
14                         marijuana dispensary and a school is miscalculated due  
15                         to mathematical error or the method used to measure  
16                         the setback distance is inconsistent with this  
17                         section. The setback measurement process is allowed  
18                         an error in measurement up to and including five  
19                         hundred (500) feet when remeasured after an original  
20                         license has been issued.

21                  H. The location of any medical marijuana commercial grower  
22                         shall not be within ~~one thousand (1,000)~~ three thousand (3,000) feet  
23                         of any school as measured from the nearest property line of such  
24                         school to the nearest property line of the licensed premises of such

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

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

2 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND INSURANCE  
3 February 27, 2025 - DO PASS AS AMENDED

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