

1 ENGROSSED SENATE
2 BILL NO. 640

By: Paxton and Bullard of the
Senate

3 and

4 Turner of the House
5

6 An Act relating to medical marijuana license;
7 amending 63 O.S. 2021, Section 425, as amended by
8 Section 10, Chapter 182, O.S.L. 2024 (63 O.S. Supp.
9 2024, Section 425), which relates to location near
10 schools; modifying certain distance; prohibiting
11 certain medical marijuana grower or dispensary within
12 certain distance of certain place of worship;
13 defining term; updating statutory language; updating
14 statutory reference; and providing an effective date.

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

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

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

B. 1. Unless a failure to do so would cause an employer the
potential to lose a monetary or licensing-related benefit under

1 federal law or regulations, an employer may not discriminate against
2 a person in hiring, ~~termination~~ terminating or imposing any term or
3 condition of employment or otherwise penalize a person based upon
4 the status of the person as a licensed medical marijuana patient.

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

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

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

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1 E. No licensed medical marijuana patient may unduly be withheld
2 from holding a state-issued license by virtue of their being a
3 licensed medical marijuana patient including, but not limited to, a
4 concealed carry permit.

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

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

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

23 G. 1. Except as otherwise provided in this subsection, the
24 location of any medical marijuana dispensary is specifically

1 prohibited within ~~one thousand (1,000)~~ three thousand (3,000) feet
2 of any school entrance unless currently licensed prior to the
3 effective date of this act. On and after ~~the effective date of this~~
4 ~~act~~ May 28, 2021, for purposes of calculating the ~~1,000-foot~~ three-
5 thousand-foot setback distance, the measurement shall be determined
6 by calculating the distance in a straight line from the school door
7 nearest the front door of the retail marijuana dispensary to the
8 front door of the retail marijuana dispensary.

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

18 3. On and after the effective date of this act, if any place of
19 worship is established within three thousand (3,000) feet of any
20 retail marijuana dispensary after a license has been issued by the
21 Authority for that location, the setback distance between properties
22 shall not apply as long as the licensed property is used for its
23 original licensed purpose. The licensed location shall be
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1 grandfathered in as to the setback distance as long as the property
2 is used in accordance with the original licensed purpose.

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

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

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

17 ~~4.~~ 5. For purposes of this subsection and subsection H of this
18 section:

- 19 a. "school" means the same as defined in Section 427.2 of
20 this title, ~~and~~
- 21 b. "error in measurement" means a mistake made by the
22 Authority or a municipality in the setback measurement
23 process where either the distance between a retail
24 marijuana dispensary and a school is miscalculated due

1 to mathematical error or the method used to measure
2 the setback distance is inconsistent with this
3 section. The setback measurement process is allowed
4 an error in measurement up to and including five
5 hundred (500) feet when remeasured after an original
6 license has been issued, and

7 c. "place of worship" means any permanent building,
8 structure, facility, or office space owned, leased, or
9 rented on a full-time basis, and used weekly for
10 worship services, activities, or business of the
11 religious organization, which shall include, but not
12 be limited to, churches, temples, synagogues, and
13 mosques.

14 H. 1. The location of any medical marijuana commercial grower
15 shall not be within ~~one thousand (1,000)~~ three thousand (3,000) feet
16 of any school as measured from the nearest property line of such
17 school to the nearest property line of the licensed premises of such
18 medical marijuana commercial grower. Additionally, the location of
19 the medical marijuana commercial grower shall not adjoin to any
20 school or be located at the same physical address as the school. If
21 a medical marijuana commercial grower met the requirements of this
22 subsection at the time of its initial licensure, the medical
23 marijuana commercial grower licensee shall be permitted to continue
24 operating at the licensed premises in the same manner and not be

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

18 2. On and after the effective date of this act, if any place of
19 worship is established within three thousand (3,000) feet of any
20 retail marijuana grower after a license has been issued by the
21 Authority for that location, the setback distance between properties
22 shall not apply as long as the licensed property is used for its
23 original licensed purpose. The licensed location shall be

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1 grandfathered in as to the setback distance as long as the property
2 is used in accordance with the original licensed purpose.

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

4 Passed the Senate the 18th day of March, 2025.

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Presiding Officer of the Senate

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8 Passed the House of Representatives the ____ day of _____,

9 2025.

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Presiding Officer of the House
of Representatives

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