

1 STATE OF OKLAHOMA

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

3 SENATE BILL 640

By: Paxton

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5  
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  
11 schools; modifying certain distance; updating  
12 statutory language; updating statutory reference; and  
13 providing an effective date.

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

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

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

24 B. 1. Unless a failure to do so would cause an employer the  
25 potential to lose a monetary or licensing-related benefit under  
26 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~~

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

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

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

- 18 a. deny any issuance or renewal of a license at that  
19 location,
- 20 b. deny any transfer of license pursuant to a change in  
21 ownership at that location, or
- 22 c. revoke any license due to an error in measurement or  
23 failure to measure the setback distance, except as  
24 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

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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