

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

SENATE BILL 498

By: Boren

AS INTRODUCED

An Act relating to medical marijuana; amending 63 O.S. 2021, Section 426.1, as last amended by Section 2, Chapter 447, O.S.L. 2024 (63 O.S. Supp. 2024, Section 426.1), which relates to licensure revocation hearings; requiring certain hearings to be conducted pursuant to the Oklahoma Pleading Code; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 2021, Section 426.1, as last amended by Section 2, Chapter 447, O.S.L. 2024 (63 O.S. Supp. 2024, Section 426.1), is amended to read as follows:

Section 426.1. A. 1. All licensure revocation hearings conducted pursuant to marijuana licenses established in the Oklahoma Statutes shall be conducted pursuant to the requirements of the Oklahoma Pleading Code, Section 2001 et seq. of Title 12 of the Oklahoma Statutes.

2. All licensure revocation hearings conducted pursuant to marijuana licenses established in the Oklahoma Statutes shall be recorded. A party may request a copy of the recording of the

1 proceedings. Copies shall be provided to local law enforcement if  
2 the revocation was based on alleged criminal activity.

3 B. The Oklahoma Medical Marijuana Authority shall assist any  
4 law enforcement officer in the performance of his or her duties upon  
5 such request by the law enforcement officer or the request of other  
6 local officials having jurisdiction. Except for license information  
7 concerning licensed patients, as defined in Section 427.2 of this  
8 title, the Authority shall share information with law enforcement  
9 agencies upon request without a subpoena or search warrant.

10 C. The Authority shall make available all information on  
11 whether a medical marijuana patient or caregiver license is valid to  
12 law enforcement electronically through an online verification  
13 system.

14 D. The Authority shall make available to state agencies and  
15 political subdivisions a list of marijuana-licensed premises,  
16 medical marijuana businesses or any other premises where marijuana  
17 or its by-products are licensed to be cultivated, grown, processed,  
18 stored or manufactured to aid state agencies and county and  
19 municipal governments in identifying locations within their  
20 jurisdiction and ensuring compliance with applicable laws, rules and  
21 regulations.

22 E. 1. Any marijuana-licensed premises, medical marijuana  
23 business or any other premises where marijuana or its by-products  
24 are licensed to be cultivated, grown, processed, stored or

1 manufactured shall submit with its application or request to change  
2 location, after notifying the political subdivision of its intent, a  
3 certificate of occupancy from the political subdivision or State  
4 Fire Marshal where the facility of the applicant or licensee is to  
5 be located certifying compliance with zoning classifications,  
6 applicable municipal ordinances and all applicable safety,  
7 electrical, fire, plumbing, waste, construction and building  
8 specification codes. If the political subdivision does not have an  
9 authority having a jurisdiction agreement on file with the Office of  
10 the State Fire Marshal, the State Fire Marshal shall certify  
11 compliance with all applicable safety, electrical, fire, plumbing,  
12 waste, construction, and building specification codes.

13 2. Beginning on May 28, 2021, upon the initial request for  
14 renewal or transfer of a retail marijuana dispensary license, a  
15 municipal government may object to the continued licensure of the  
16 medical marijuana dispensary if the municipal government determines  
17 it is operating contrary to the required setback distance from a  
18 school including the error in measurement allowance authorized by  
19 Section 425 of this title.

20 3. To prevent the granting of the grandfather provisions of  
21 Section 425 of this title as a matter of law, the municipal  
22 government shall provide the following documentation prior to the  
23 initial renewal or transfer of a license:  
24

1 a. a municipal resolution finding that the marijuana  
2 dispensary is located within the prohibited setback  
3 distance from a school that was openly in existence in  
4 such a way that the public generally would have known  
5 of the school's existence and operation in that  
6 location prior to the original marijuana dispensary  
7 being licensed. For purposes of this subparagraph,  
8 "openly in existence" means any building, location or  
9 structure on a school site that has visible outward  
10 markings indicating the building, location or  
11 structure was operating as a school which would serve  
12 as sufficient notice of the existence of the school or  
13 a reason for further inquiry on the part of the  
14 marijuana dispensary license applicant. Openly in  
15 existence shall not mean any school that operated  
16 secretly or discreetly without any signs or other  
17 markings on any building, location or structure on the  
18 school site, undeveloped land or a structure owned by  
19 a school that was not openly used and marked as a  
20 school site, or any school site that was established  
21 after the marijuana dispensary had been established  
22 and licensed by the Authority, and

23 b. documentation of the measured distance from the school  
24 to the marijuana dispensary utilizing the method for  
25

1 determining the setback distance less any allowable  
2 error in measurement calculated and remeasured on and  
3 after the effective date of this act as authorized by  
4 Section 425 of this title.

5 4. Prior to initial renewal or transfer of a license and upon  
6 receipt of documentation required by paragraph 3 of this subsection,  
7 if the Authority determines that the medical marijuana dispensary is  
8 operating contrary to the required setback distance from a school  
9 including the error in measurement allowance authorized by Section  
10 425 of this title, the Authority may deny the renewal or transfer of  
11 the medical marijuana dispensary license and shall cause the license  
12 to be revoked.

13 5. For purposes of this subsection, "school" means the same as  
14 defined in Section 427.2 of this title.

15 Once a certificate of occupancy has been submitted to the  
16 Oklahoma Medical Marijuana Authority showing full compliance as  
17 outlined in this subsection, the licensee shall only need to submit  
18 an affidavit for license renewal stating the premises continues to  
19 comply with zoning classifications, applicable municipal ordinances,  
20 and all applicable safety, electrical, fire, plumbing, waste,  
21 construction, and building specification codes. An additional  
22 certificate of occupancy along with an affidavit shall be submitted  
23 if a change of use or occupancy occurs, or there is any change  
24 concerning the facility or location that would, by law, require

1 additional inspection, licensure or permitting by the state or  
2 municipality. Municipalities or the State Fire Marshal may  
3 implement an inspection program to verify compliance with this  
4 subsection. The Authority shall promulgate the rules necessary for  
5 the affidavit provided in this subsection. If an application for  
6 renewal is submitted in violation of the provisions of this  
7 subsection or information provided on the affidavit is inaccurate or  
8 untrue, the Authority shall suspend operations of the licensee's  
9 premises until compliance is reestablished. All existing medical  
10 marijuana business licensees and registrants that do not possess a  
11 valid certificate of occupancy, where required, shall be subject to  
12 revocation until such time as a valid certificate of occupancy is  
13 obtained for all applicable structures. This provision shall not  
14 apply to medical marijuana business licensees and registrants who  
15 submitted a full and complete application for a valid certificate of  
16 occupancy to the State Fire Marshal or political subdivision with an  
17 authority having a jurisdiction agreement on file with the State  
18 Fire Marshal before February 1, 2024, and while the same application  
19 remains under review by the State Fire Marshal or political  
20 subdivision. Medical marijuana business licensees and registrants  
21 are responsible for compliance with applicable state fire, building,  
22 and electrical codes and may be liable for all damage that results  
23 from noncompliance with state fire, building, and electrical codes  
24 to the extent authorized by law.

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

2  
3 60-1-1126 TEK 1/19/2025 5:37:33 AM  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25