

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 SENATE BILL 1352

By: Stewart

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5
6 AS INTRODUCED

7 An Act relating to medical marijuana licenses;
8 amending 63 O.S. 2021, Section 426.1, as last amended
9 by Section 2, Chapter 447, O.S.L. 2024 (63 O.S. Supp.
10 2025, Section 426.1), which relates to licensure
11 revocation hearings; excluding certain applicants
12 from certain provisions; updating statutory
13 reference; and 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 426.1, as
16 last amended by Section 2, Chapter 447, O.S.L. 2024 (63 O.S. Supp.
17 2025, Section 426.1), is amended to read as follows:

18 Section 426.1. A. All licensure revocation hearings conducted
19 pursuant to marijuana licenses established in the Oklahoma Statutes
20 shall be recorded. A party may request a copy of the recording of
21 the proceedings. Copies shall be provided to local law enforcement
22 if the revocation was based on alleged criminal activity.

23 B. The Oklahoma Medical Marijuana Authority shall assist any
24 law enforcement officer in the performance of his or her duties upon
25 such request by the law enforcement officer or the request of other

1 local officials having jurisdiction. Except for license information
2 concerning licensed patients, as defined in Section 427.2 of this
3 title, the Authority shall share information with law enforcement
4 agencies upon request without a subpoena or search warrant.

5 C. The Authority shall make available all information on
6 whether a medical marijuana patient or caregiver license is valid to
7 law enforcement electronically through an online verification
8 system.

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

17 E. 1. Any marijuana-licensed premises, medical marijuana
18 business, or any other premises where marijuana or its by-products
19 are licensed to be cultivated, grown, processed, stored, or
20 manufactured shall submit with its application or request to change
21 location, after notifying the political subdivision of its intent, a
22 certificate of occupancy from the political subdivision or State
23 Fire Marshal where the facility of the applicant or licensee is to
24 be located certifying compliance with zoning classifications,

1 applicable municipal ordinances, and all applicable safety,
2 electrical, fire, plumbing, waste, construction, and building
3 specification codes. If the political subdivision does not have an
4 authority having a jurisdiction agreement on file with the Office of
5 the State Fire Marshal, the State Fire Marshal shall certify
6 compliance with all applicable safety, electrical, fire, plumbing,
7 waste, construction, and building specification codes.

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

15 3. To prevent the granting of the grandfather provisions of
16 Section 425 of this title as a matter of law, the municipal
17 government shall provide the following documentation prior to the
18 initial renewal or transfer of a license:

- 19 a. a municipal resolution finding that the marijuana
20 dispensary is located within the prohibited setback
21 distance from a school that was openly in existence in
22 such a way that the public generally would have known
23 of the school's existence and operation in that
24 location prior to the original marijuana dispensary

1 being licensed. For purposes of this subparagraph,
2 "openly in existence" means any building, location, or
3 structure on a school site that has visible outward
4 markings indicating the building, location, or
5 structure was operating as a school which would serve
6 as sufficient notice of the existence of the school or
7 a reason for further inquiry on the part of the
8 marijuana dispensary license applicant. Openly in
9 existence shall not mean any school that operated
10 secretly or discreetly without any signs or other
11 markings on any building, location, or structure on
12 the school site, undeveloped land or a structure owned
13 by a school that was not openly used and marked as a
14 school site, or any school site that was established
15 after the marijuana dispensary had been established
16 and licensed by the Authority, and

17 b. documentation of the measured distance from the school
18 to the marijuana dispensary utilizing the method for
19 determining the setback distance less any allowable
20 error in measurement calculated and remeasured on and
21 after ~~the effective date of this act~~ May 28, 2021, as
22 authorized by Section 425 of this title.

23 4. Prior to initial renewal or transfer of a license and upon
24 receipt of documentation required by paragraph 3 of this subsection,

1 if the Authority determines that the medical marijuana dispensary is
2 operating contrary to the required setback distance from a school
3 including the error in measurement allowance authorized by Section
4 425 of this title, the Authority may deny the renewal or transfer of
5 the medical marijuana dispensary license and shall cause the license
6 to be revoked.

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

9 Once a certificate of occupancy has been submitted to the
10 Oklahoma Medical Marijuana Authority showing full compliance as
11 outlined in this subsection, the licensee shall only need to submit
12 an affidavit for license renewal stating the premises continues to
13 comply with zoning classifications, applicable municipal ordinances,
14 and all applicable safety, electrical, fire, plumbing, waste,
15 construction, and building specification codes. An additional
16 certificate of occupancy along with an affidavit shall be submitted
17 if a change of use or occupancy occurs, or there is any change
18 concerning the facility or location that would, by law, require
19 additional inspection, licensure, or permitting by the state or
20 municipality. Municipalities or the State Fire Marshal may
21 implement an inspection program to verify compliance with this
22 subsection. The Authority shall promulgate the rules necessary for
23 the affidavit provided in this subsection. If an application for
24 renewal is submitted in violation of the provisions of this

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

22 SECTION 2. This act shall become effective November 1, 2026.

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