

1 **SENATE FLOOR VERSION**

2 February 12, 2026

3 SENATE BILL NO. 1352

By: Stewart

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5  
6 An Act relating to medical marijuana licenses;  
7 amending 63 O.S. 2021, Section 426.1, as last amended  
8 by Section 2, Chapter 447, O.S.L. 2024 (63 O.S. Supp.  
9 2025, Section 426.1), which relates to licensure  
10 revocation hearings; excluding certain applicants  
11 from certain provisions; updating statutory  
12 reference; and providing an effective date.

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

14 SECTION 1. AMENDATORY 63 O.S. 2021, Section 426.1, as  
15 last amended by Section 2, Chapter 447, O.S.L. 2024 (63 O.S. Supp.  
16 2025, Section 426.1), is amended to read as follows:

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

22 B. The Oklahoma Medical Marijuana Authority shall assist any  
23 law enforcement officer in the performance of his or her duties upon  
24 such request by the law enforcement officer or the request of other  
local officials having jurisdiction. Except for license information

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

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

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

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

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

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

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

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

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

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

22 4. Prior to initial renewal or transfer of a license and upon  
23 receipt of documentation required by paragraph 3 of this subsection,  
24 if the Authority determines that the medical marijuana dispensary is

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

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

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

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

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

22 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND INSURANCE  
23 February 12, 2026 - DO PASS  
24