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[OAR Docket #24-573; filed 5-1-24]

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[OAR Docket #24-574; filed 5-1-24]

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[OAR Docket #24-575; filed 5-1-24]

TITLE 390. COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING
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[OAR Docket #24-576]

RULEMAKING ACTION:
Submission to Governor and Legislature

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SUBMISION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 29, 2024

[OAR Docket #24-576; filed 5-1-24]

Emergency Adoptions

"If an agency finds that a rule is necessary as an emergency measure, the rule may be promulgated" if the Governor approves the rules after determining "that the rule is necessary as an emergency measure to do any of the following:

a. protect the public health, safety or welfare,
b. comply with deadlines in amendments to an agency's governing law or federal programs,
c. avoid violation of federal law or regulation or other state law,
d. avoid imminent reduction to the agency's budget, or
e. avoid serious prejudice to the public interest." [75 O.S., Section 253(A)]

An emergency rule is considered promulgated immediately upon approval by the Governor, and effective immediately upon the Governor's approval or a later date specified by the agency in the emergency rule document. An emergency rule expires on September 15 following the next regular legislative session after its promulgation, or on an earlier date specified by the agency, if not already superseded by a permanent rule or terminated through legislative action as described in 75 O.S., Section 253(H)(2).

Emergency rules are not published in the *Oklahoma Administrative Code;* however, a source note entry, which cites to the *Register* publication of the emergency action, is added to the *Code* upon promulgation of a superseding permanent rule or expiration/termination of the emergency action. *For additional information on the emergency rulemaking process, see 75 O.S., Section 253.*

TITLE 442. OKLAHOMA MEDICAL MARIJUANA AUTHORITY
CHAPTER 10. MEDICAL MARIJUANA REGULATIONS

[OAR Docket #24-578]

RULEMAKING ACTION:
EMERGENCY adoption
RULES:
Subchapter 8. Laboratory Testing
442:10-8-1. Testing standards and thresholds [AMENDED]
442:10-8-2. General operating requirements and procedures [AMENDED]
442:10-8-3. Sampling requirements and procedures [AMENDED]
442:10-8-4. Laboratory quality assurance and quality control [AMENDED]
442:10-8-5. Quality assurance laboratory [AMENDED]
AUTHORITY:
Executive Director of the Oklahoma Medical Marijuana Authority; 63 O.S. § 427.17, 63 O.S. § 427.14, and 63 O.S. § 427.26
COMMENT PERIOD:
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PUBLIC HEARING:
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April 19, 2024
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Effective through September 14, 2024, unless superseded by another rule or disapproved by the Legislature
SUPERSEDED EMERGENCY ACTIONS:
SUPERSEDED RULES:
Subchapter 8. Laboratory Testing
442:10-8-1. Testing standards and thresholds [AMENDED]
442:10-8-5. Quality assurance laboratory [AMENDED]
GUBERNATORIAL APPROVAL:
September 11, 2023
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23-741
INCORPORATIONS BY REFERENCE:
INCORPORATED STANDARDS:

N/A

INCORPORATING RULES:

N/A

AVAILABILITY:

N/A

FINDING OF EMERGENCY:

The proposed emergency rules implement legislative changes mandated by HB 4056 and address changes in statute under 63 O.S. § 427.17. The emergency rules are intended to provide a structure for the implementation of these legislative requirements. Permanent rules implementing the requirements set forth in the new legislation cannot be promulgated until 2024.

GIST/ANALYIS:

Amendments to OAC 442:10-8-1, OAC 442:10-8-2, OAC 442:10-8-3, OAC 442:10-8-4, and OAC 442:10-8-5 establish new laboratory testing requirements effective June 1, 2024.

CONTACT PERSON:

Ashley Crall, Director of Government Affairs, Oklahoma Medical Marijuana Authority, 2501 N. Lincoln Blvd., OK 73105, 405-568-5766. Ashley.Crall@omma.ok.gov.

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253(F), WITH A LATER EFFECTIVE DATE OF JUNE 1, 2024:

SUBCHAPTER 8. LABORATORY TESTING

442:10-8-1. Testing standards and thresholds [AMENDED]

(a) **Purpose**. To ensure the suitability and safety for human consumption of medical marijuana and medical marijuana products, growers and processors are required to test medical marijuana and medical marijuana products for microbials, mycotoxins, residual solvents, pesticides, THC and cannabinoid concentration, terpenoid type and concentration, heavy metals, foreign materials and filth, and water activity and moisture content in accordance with the following standards and thresholds. No laboratory may test medical marijuana without a valid, unexpired testing laboratory license issued by the Authority. A licensed laboratory shall only send samples for testing to another Oklahoma licensed laboratory.

(b) **Batches**.

(1) **Batch size.** Growers shall separate all harvested medical marijuana into harvest batches ~~not to exceed~~ that weigh less than or equal to fifteen ~~(15)~~(≤ 15) pounds with the exception of any plant material to be sold to a licensed processor for the purposes of turning the plant material into concentrate which may be separated into harvest batches ~~of no more than~~that weigh less than or equal to fifty ~~(50)~~ (≤ 50) pounds. Processors shall separate all medical marijuana product into production batches ~~not to exceed~~ that contain a volume that is less than or equal to four ~~(4)~~(≤ 4) liters of liquid medical marijuana concentrate or that weigh less than or equal to nine ~~(9)~~(≤ 9) pounds for nonliquid medical marijuana products, and for final medical marijuana products ~~no greater than~~shall contain less than or equal to one-thousand ~~(1,000)~~(≤ 1,000) grams of ~~THC~~total delta-9-tetrahydrocannabinol (Δ-9-THC).

(2) **Research and Development ("R&D") testing.** Growers and processors may submit samples for research and development testing. R&D testing may be performed by a licensed laboratory in accordance with these Rules:

(A) Passing R&D test results. If a sample submitted to a laboratory passes a R&D test, it shall not constitute a pass for the purposes of compliance with required testing under OAC 442:10-8-1(i);

(B) Failing R&D test results. If a sample submitted to a laboratory fails a R&D test, laboratories shall clearly note in the State's inventory tracking system and on any COA created for an R&D sample that the test results are for R&D purposes only; and

(C) Growers and processors shall ensure that any R&D testing done under this subsection is appropriately documented and identified in the State's inventory tracking system.

(c) **Frequency.** Growers and processors shall ensure samples from each harvest batch and production batch are collected, labeled, and tested in accordance with the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 et seq., and these Rules.

(d) **Prohibitions.**

(1) Growers shall not sell or otherwise transfer any medical marijuana from any medical marijuana harvest batch until samples of the harvest batch have passed all tests in accordance with this Subchapter, except that growers may sell or otherwise transfer harvest batches that have failed testing to processors for decontamination or remediation in accordance with OAC 442:10-8-1(l)(2). Growers may transfer medical marijuana from harvest batches to processors for decontamination prior to testing, so long as decontaminated medical marijuana is not processed into a solvent-based concentrate and is returned to the originating licensed commercial grower. Decontaminated harvest batches must successfully pass all tests in accordance with this Subchapter prior to transfer or sale.

(2) Processors shall not purchase or otherwise obtain, process, sell, or otherwise transfer any medical marijuana or medical marijuana products from any medical marijuana harvest batch or production batch until samples of the harvest batch or production batch have passed all tests in accordance with this Subchapter, except that processors may purchase or otherwise obtain and process harvest batches that have failed testing for the purpose of remediation only in accordance with OAC 442:10-8-1(l)(2).

(3) Dispensaries shall not purchase, accept transfer of, sell, or otherwise transfer any medical marijuana or medical marijuana products that have not passed all tests in accordance with this Subchapter.

(e) **Authority required testing.** The Authority may require a medical marijuana commercial business to submit a sample of medical marijuana, medical marijuana concentrate, or medical marijuana product to a licensed testing laboratory or the quality assurance laboratory upon demand when the Authority has reason to believe the medical marijuana is unsafe for patient consumption or inhalation or has not been tested in accordance with Oklahoma law and these regulations. The Authority may also require a medical marijuana business to periodically submit samples of medical marijuana or medical marijuana products to the quality assurance laboratory for quality assurance purposes. The licensee shall provide the samples or units of medical marijuana or medical marijuana products at its own expense but shall not be responsible for the costs of testing.

(f) **Prohibited transfers.** Except as is authorized in these Rules, growers, processors, and dispensaries shall dispose of and shall not use, sell, or otherwise transfer any medical marijuana or medical marijuana products that exceed any testing thresholds or fail to meet any other standards or requirements set forth in this Subchapter.

(g) **Embargo and recall.**

(1) **Embargo.** In the event that any medical marijuana or medical marijuana product is found by an authorized agent of the Authority to fail to meet the requirements of 63 O.S. § 420 et al., or the Oklahoma Medical Marijuana and Patient Protection Act as it relates to health and safety, the medical marijuana or medical marijuana product is handled in violation of applicable laws or rules and regulations promulgated by the Executive Director of the Authority, or the medical marijuana or medical marijuana product may be poisonous, deleterious to health or is otherwise unsafe, the following shall occur:

(A) All such medical marijuana and medical marijuana products in the possession of a commercial licensee shall be immediately affixed with an electronic tag, physical tag and/or other appropriate marking or hold, including a hold in the State's inventory tracking system, giving notice of the reason that the medical marijuana or medical marijuana product is subject to embargo. The affixed tag(s) and/or electronic hold shall further warn all persons not to remove or dispose of the medical marijuana or medical marijuana product by sale, donation, or otherwise transfer without permission of the Authority. It shall be unlawful for any person to remove or dispose of the embargoed medical marijuana or medical marijuana products without permission of the Authority.

(B) The Authority, upon determination that any medical marijuana or medical marijuana product embargoed is in violation of applicable laws, rules or regulations, or is otherwise poisonous, deleterious to health or unsafe for consumption may institute an action in a district court of competent jurisdiction for the condemnation and destruction of the medical marijuana or medical marijuana product in accordance with 63 O.S. § 427.24.

(C) The Authority, upon determination that any medical marijuana or medical marijuana product meets the requirements of applicable laws, rules or regulations, or otherwise is not poisonous, deleterious to health or unsafe shall remove the embargo.

(D) In the event any medical marijuana or medical marijuana products subject to an embargo ~~is~~are sold or otherwise transferred, such embargoed medical marijuana or medical marijuana products shall be recalled in accordance with these Rules.

(E) Every commercial licensee who is in possession or has ever had possession of such embargoed medical marijuana or medical marijuana products shall assist in the embargo.

(2) **Recall.** ~~In the event that~~If any medical marijuana or medical marijuana products ~~that exceed~~ test above allowable ~~testing~~ thresholds, are the subject of an embargo, ~~or a derivative thereof,~~ are otherwise determined to be unsafe, or that otherwise fail to meet standards set forth in this Subchapter ~~are sold or otherwise transferred~~, the following shall occur:

(A) Any commercial licensee with knowledge of such event shall immediately notify the Authority;

(B) All such medical marijuana and medical marijuana products shall be immediately recalled and cannot be sold or otherwise transferred; and

(C) Every commercial licensee who is in possession or has ever had possession of such medical marijuana or medical marijuana products shall assist in the immediate recall, including, but not limited to, the following:

(i) Undertake necessary measures to ensure any affected medical marijuana or medical marijuana products are not transferred;

(ii) Create a distribution list of all commercial licensees that received the medical marijuana or medical marijuana products subject to the recall, including the licensee's name, license number, address and contact information;

(iii) Create a list identifying all medical marijuana or medical marijuana products subject to the recall, including the category of medical marijuana or medical marijuana products, product description, net contents, batch number, and, if applicable, the name and license number of the commercial licensee that cultivated or manufactured the medical marijuana or medical marijuana product subject to the recall;

(iv) Provide notice to all affected licensees and consumers once identified;

(v) Communicate with the Authority regarding the status of the recall and provide all required information and documentation to the Authority within two (2) weeks unless granted additional time by the Authority.

(vi) The Licensee's failure to timely comply with the provisions of this subsection and/or provide required information and documentation to the Authority may result in revocation, suspension, and monetary penalties. The Authority may also issue a public recall notice, at any time, if it determines it is necessary to protect the public's health safety and welfare.

(D) The commercial licensee whose harvest or production batch is being recalled, and who bears responsibility for the recall, shall bear the costs for disposal of all medical marijuana waste subject to the recall in accordance with Oklahoma law and these Rules.

(h) **Retention of test results and records.**

(1) Prior to accepting any sale or transfer of any medical marijuana, growers shall obtain copies of any and all certificates of analysis (COAs) for every test conducted on the harvest batch(es) of the medical marijuana.

(2) Prior to accepting any sale or transfer of any medical marijuana or medical marijuana products, processors shall obtain copies of any and all COAs for every test conducted on the harvest batch(es) of the medical marijuana or production batch(es) of the medical marijuana products.

(3) Prior to accepting any sale or transfer of medical marijuana, dispensaries shall obtain copies of any and all COAs for every test conducted on the harvest batch(es);

(4) Prior to accepting any sale or transfer of medical marijuana products, dispensaries shall obtain copies of any and all COAs for every test conducted on the production batch(es);

(5) Commercial licensees shall maintain copies of any and all COAs for at least seven (7) years and these records must be kept onsite and readily accessible.

(6) Growers and processors shall immediately provide copies of COAs to the Authority upon request and to any medical marijuana licensee upon request when the purpose of such request is compliance with this Section.

(7) Growers and processors shall, in the manner and form prescribed by the Authority, provide notification to the Authority of any medical marijuana or medical marijuana products that have failed testing. Such notification shall include copies of the applicable COAs.

(8) For the purposes of this subsection, submission of a COA by the laboratory into the State's inventory tracking system is sufficient to meet a commercial licensee's requirements to report and maintain such records.

(i) **Allowable thresholds.** If changes to this Subsection require a change in methodology, proficiency testing enrollment, or accreditation the medical marijuana testing laboratory has up to ninety (90) days to comply. The in-sample limit of quantification (LOQ) must be less than or equal to fifty percent (≤ 50%) of the allowable thresholds listed in this Section.

(1) **~~Microbiological~~ Microbial testing**. Harvest batch samples and production batch samples shall be tested for microbial ~~limits as set forth in Appendix A.~~analytes in accordance with the following:

(A) **Allowable thresholds.** Samples shall be tested for the following microbial analytes and must be less than (≤) the allowable thresholds, in colony forming units found in one gram (CFU/ g), listed below:

(i) All medical marijuana, medical marijuana products and medical marijuana concentrates, excluding pressurized metered dose inhaler products, metered dose nasal spray products, vaginal administration products or rectal administration products, shall be tested for the following microbial analytes and shall be less than the associated allowable threshold:

(I) Total yeast and mold microbials < 10^4 CFU/g;
(II) Shiga toxin-producing Escherichia coli (STEC) < 1 CFU/g;
(III) Pathogenic Salmonella spp. < 1 CFU/g;
(IV) Aspergillus flavus < 1 CFU/g;
(V) Aspergillus fumigatus < 1 CFU/g;
(VI) Aspergillus niger < 1 CFU/g; and
(VII) Aspergillus terreus < 1 CFU/g.

(ii) Pressurized metered dose inhaler and metered dose nasal spray medical marijuana and medical marijuana products shall be tested for the following microbial analytes and shall be less than the associated allowable threshold:

(I) Total yeast and mold microbials < 10^1 CFU/g;
(II) Total aerobic microbials < 10^2 CFU/g;
(III) Staphylococcus aureus < 1 CFU/g; and
(IV) Bile tolerant gram-negative bacteria < 1 CFU/g.

(iii) Vaginal administration products shall be tested for the following microbial analytes and shall be less than the associated allowable threshold:

(I) Total yeast and mold microbials < 10^1 CFU/g;
(II) Total aerobic microbials < 10^2 CFU/g;
(III) Staphylococcus aureus < 1 CFU/g;
(IV) Pseudomonas aeruginosa < 1 CFU/g; and
(V) Candida albicans < 1 CFU/g.

(iv) Rectal administration products shall be tested for the following microbial analytes and shall be less than the associated allowable threshold;

(I) Total yeast and mold microbials < 10^2 CFU/g; and
(II) Total aerobic microbials < 10^3 CFU/g.

(B) **Instrumentation.** Testing laboratories shall use a genetically based assay or agar plate culture to perform microbial testing. The manufacturer's instructions for use, including recommendations, must be followed, unless otherwise specified by these rules.

(C) **Methodologies**. The method employed by a testing laboratory must pass a matrix proficiency test as required by the Authority. The Authority will conduct the matrix proficiency test and will supply medical marijuana samples with known microbial contamination values. Passing values must demonstrate the expected result.

(D) **Genetically based assay.** Genetically based assay testing requirements are as follows:

(i) **Sample preparation.** Sample must weigh greater than or equal to one gram (≥ 1 g). Methods of microbial sample preparation that reduce or kill the targeted microbes, such as cryogenic grinding or heat introduction, shall not be used. If the manufacturer does not offer instructions or recommendations regarding enrichment and incubation, then the primary sample must be enriched and incubated for at least twenty-four (24) hours using enrichment media suitable for identification of the target organism

(ii) **Laboratory quality control (LQC) samples.** The following LQC samples must be run once every plate in an analytic run and must include:

(I) A positive control, for each targeted organism, that shall result in detection of amplification. If amplification of the target organism is not detected, all samples in the associated batch shall be reanalyzed. A positive control shall be a positive template control that contains the DNA sequence of the targeted analyte or a positive extraction control that contains a sample of the live microbial analyte, that was extracted using the same process as the samples; and

(II) A negative control that shall not result in amplification. If amplification is detected, all samples in the associated batch shall be re-analyzed;
(III) A laboratory replicate sample that demonstrates repeatability of the initial sample; and
(IV) An internal control, in each sample, that contains a non-targeted DNA sequence that is co-amplified with the targeted sequences and results in detection of amplification. If amplification is not detected that sample shall be reprepared and reanalyzed in a different batch. If amplification is not detected a second time, the sample shall be re-extracted and reprepared for new analysis.

(iii) **Reporting results**. Microbial analytes shall be reported to the nearest whole number, in CFU. All results shall include the sample weight in grams (g).

(E) **Agar plate culture.** If using agar plate culture methodologies, the following requirements apply:

(i) **Sample preparation**. The primary sample must weigh greater than or equal to one gram (≥ 1 g). Methods of microbial sample preparation that may reduce or kill targeted microbes, such as cryogenic grinding or heat introduction, shall not be used. For non-quantitative testing, the primary sample must be enriched and incubated for at least twenty-four (24) hours using enrichment media suitable for identification of the target organism. The primary sample must be used for all additional analysis. If the primary sample has been depleted prior to additional analysis, the reserve sample must be enriched and incubated for forty-eight (48) hours, using enrichment media suitable for identification of the target organism.

(ii) **Laboratory quality control(LQC) samples for qualitative agar plating.** Plating techniques shall undergo an initial validation to determine an appropriate dilution factor. The following LQC samples must be run once every day and must include:

(I) A positive control, for each targeted microorganism, that shall result in detectable growth, or a positive reaction if the method uses a reaction to identify an organism;
(II) A negative control that shall not detect the presence of a microbial organism; and
(III) A laboratory replicate sample with results that match the initial sample results, detecting the presence or absence of a microbial organism.

(iii) **Laboratory quality control (LQC) samples for quantitative agar plating.** Plating techniques shall undergo an initial validation to determine an appropriate dilution factor. The following LQC samples must be run once every day and must include:

(I) A positive control, for each targeted microorganism, that shall result in detectable growth; and
(II) A negative control that shall not result in detectable microbial growth.

(iv) **Reporting Results**. Microbial analytes shall be reported to the nearest whole number, in CFU. All results shall include the sample weight in grams (g). A result that exceeds the allowable thresholds for a microbial analyte must be verified in duplicate using the original enrichment from the primary sample. If the primary sample has been depleted prior to additional analysis, the reserve sample must be enriched and incubated for forty-eight (48) hours, using enrichment media suitable for identification of the target organism. Upon re-analysis, any result that exceeds allowable thresholds shall be considered a failure the entire batch.

(2) **Mycotoxins**. Production batch samples shall be tested for ~~mycotoxins as set forth in Appendix A.~~ mycotoxin analytes in accordance with the following:

(A) **Allowable thresholds.** Samples shall be tested for the following mycotoxin analytes and shall be less than (<) the allowable threshold, in parts per billion (ppb), listed below:

(i) [Aflatoxin B1 + Aflatoxin B2 + Aflatoxin G1 + Aflatoxin G2] < 20 ppb; and
(ii) Ochratoxin A < 20 ppb.

(B) **Instrumentation.** For mycotoxin analyte testing, laboratories shall use Liquid Chromatography Tandem Mass Spectrometry (LC-MS/MS) with Electrospray Ionization (ESI), LC-MS/MS with Atmospheric Pressure Chemical Ionization (APCI), or Enzyme Linked Immunosorbent Assay (ELISA).

(C) **Methodologies.** A testing laboratory's method must pass a matrix proficiency test as required by the Authority. The Authority will conduct the matrix proficiency test and will supply medical marijuana samples with known analyte concentration values. Passing values must be within plus or minus two and a half on a standard deviation index (± 2.5 SDI).

(D) **Sample preparation.** Sample must weigh greater than or equal to five tenths of a gram (≥ 0.5 g). Sample preparation solvents must be Liquid Chromatography Mass Spectrometry (LC-MS) grade. Solid form samples shall be homogenized by blending, using a food processor or similar apparatus, or cryogrinding. Liquid form samples shall be homogenized by stirring. Analytes shall be extracted from the sample using the following techniques: solid-liquid extraction or solid phase extraction.

(E) **Laboratory quality control (LQC) requirements.**

(i) **LQC samples.** The following LQC samples must be run with each analytic run, and repeated every twenty (20) samples in an analytic run and must include:

(I) A method blank with a resulting value that is less than or equal to the limit of quantification (≤LOQ);

(II) A laboratory control sample (LCS) shall be spiked at or near the allowable thresholds for all required analytes to be reported and shall be determined with the correction factor applied. The LCS shall be carried through preparation and analysis as if it were a sample. A percent recovery calculation will be performed using the following mathematical formula: the resulting LCS concentration shall be divided by the known analyte concentration, which will then be multiplied by one hundred [(LCS concentration / known analyte concentration) * 100]. If the continuing calibration verification (CCV) and LCS are the same material, then the LCS acceptable limit shall be plus or minus thirty percent (± 30%). If the CCV and LCS are different material, then the laboratory shall establish the ninety-nine percent (99%) confidence interval for control performance for each analyte. If insufficient historical data exists to establish the ninety-nine percent (99%) confidence interval, the laboratory shall use plus or minus forty percent (± 40%) as an interim limit. In no case shall the acceptable limit exceed forty percent (40%). If the LCS results fall outside of the acceptance limits, then a testing laboratory cannot verify that it is able to acceptably perform the analysis in a clean matrix. A failing LCS may be re-analyzed once. If the results of the re-analysis also fall outside of the acceptance limits, then all samples associated with the LCS must be re-prepared and re-analyzed, along with all other appropriate analysis batch QC samples;

(III) A matrix spike with a recovery greater than or equal to seventy percent (≥ 70%) and less than or equal to one hundred and thirty percent (≤ 130%) of expected values;

(IV) A matrix spike duplicate that results in a relative percent difference that is less than or equal to thirty percent (RPD ≤ 30%) for all mycotoxin analytes resulting in concentrations greater than (>) the LOQ; and

(V) Continuing calibration verification (CCV) with a recovery greater than or equal to seventy percent (≥ 70%) and less than or equal to one hundred and thirty percent (≤ 130%) of expected values. A CCV sample is required at the beginning of an analytic run, every twenty (20) samples, and at the end of the run.

(ii) **Instrument QC.** New calibrations must be accurately verified in the lower twenty-five percent (25%) of the calibration curve using second source certified reference materials (CRM) or a second preparation. Recoveries must be greater than or equal to seventy percent (≥ 70%) and less than or equal to one hundred and thirty percent (≤ 130%) of expected values.

(F) **Calibration criteria.** Calibrations shall include the following requirements:

(i) Testing laboratories may use commercially available CRM calibration standards or those prepared by the laboratory. Commercially available calibration standards shall only be used according to the manufacturer's instructions. All calibration standards shall be used before their date of expiration;

(ii) Data that is above the highest retained calibrator shall not be reported without qualification;

(iii) Gravimetric dilution shall be used to determine dilution factors for standards and shall be reported in grams per gram (g/g);

(iv) Matrix matching or surrogate matrix shall be used in calibration standards;

(v) Five (5) levels of linear or weighted linear regression, or six (6) levels of quadradic regression, using an average response factor;

(vi) A coefficient of determination that is greater than or equal to ninety-nine hundredths ($R^2 \geq 0.99$) and a relative standard error that is less than thirty percent (RSE < 30%); and

(vii) The calibration curve shall not be manipulated so that it artificially passes through zero.

(G) **Reporting results.** Mycotoxin analytes shall be reported to three (3) significant figures, using the unit parts per billion (ppb).

(3) **Residual solvents.** Production batch samples shall be tested for residual ~~solvents as set forth in Appendix A. If the cannabis concentrate used to make an infused product was tested for solvents and test results indicate the lot was within established limits, then the infused product does not require additional testing for solvents.~~ solvent analytes in accordance with the following:

(A) **Allowable thresholds.** Samples shall be tested for the following residual solvent analytes and shall be less than (<) the allowable threshold, in parts per million (ppm), listed below. If the cannabis concentrate used to make an infused product was tested for residual solvents and test results indicate the lot was within established limits, then the infused product does not require additional testing for residual solvent analytes.

(i) Acetone < 1000 ppm;
(ii) Benzene < 2 ppm;
(iii) Butane < 1000 ppm;
(iv) Ethanol < 5000 ppm (required for inhaled products only);
(v) Ethyl acetate < 1000 ppm;
(vi) Heptane < 1000 ppm;
(vii) Hexane < 60 ppm;
(viii) Methanol < 600 ppm;
(ix) Pentane < 1000 ppm;
(x) Propane < 1000 ppm;
(xi) Isopropyl Alcohol < 1000 ppm;
(xii) Toluene < 180 ppm; and
(xiii) Total Xylenes (m, p, o-xylenes) < 430 ppm.

(B) **Instrumentation.** For residual solvent testing, laboratories shall use Headspace Gas Chromatography Flame Ionization Detection (GC-FID) or Headspace Gas Chromatography Mass Spectrometry (GC-MS).

(C) **Methodologies**. A testing laboratory's method must pass a matrix proficiency test as required by the Authority. The Authority will conduct the matrix proficiency test and will supply medical marijuana samples with known analyte concentration values. Passing values must be within plus or minus two and a half on a standard deviation index (± 2.5 SDI).

(D) **Sample preparation.** Sample must weigh greater than or equal to two tenths of a gram (≥ 0.2 g). The extraction and/or dilution solvent chosen for preparation of standards and samples shall not be included on the analyte list of residual solvents tested for in OAC 442:10-8-1(i)(3)(A). All analytes shall be soluble in the extraction and/or dilution solvent. Background levels of contamination from laboratory solvents shall be controlled and shall be below the allowable threshold for each solvent.

(E) **Laboratory quality control (LQC) requirements.**

(i) **LQC samples.** The following LQC samples must be run with each analytic run, and repeated every twenty (20) samples in an analytic run and must include:

(I) A method blank with a resulting value that is less than or equal to the limit of quantification (≤ LOQ);

(II) A laboratory control sample (LCS) shall be spiked at or near the allowable thresholds for all required analytes to be reported and shall be determined with the correction factor applied. The LCS shall be carried through preparation and analysis as if it were a sample. A percent recovery calculation will be performed using the following mathematical formula: the resulting LCS concentration shall be divided by the known analyte concentration, which will then be multiplied by one hundred [(LCS concentration / known analyte concentration) * 100]. If the continuing calibration verification (CCV) and LCS are the same material, then the LCS acceptable limit shall be plus or minus thirty percent (± 30%). If the CCV and LCS are different material, then the laboratory shall establish the ninety-nine percent (99%) confidence interval for control performance for each analyte. If insufficient historical data exists to establish the ninety-nine percent (99%) confidence interval,

the laboratory shall use plus or minus forty percent (± 40%) as an interim limit. In no case shall the acceptable limit exceed forty percent (40%). If the LCS results fall outside of the acceptance limits, then a testing laboratory cannot verify that it is able to acceptably perform the analysis in a clean matrix. A failing LCS may be re-analyzed once. If the results of the re-analysis also fall outside of the acceptance limits, then all samples associated with the LCS must be re-prepared and re-analyzed, along with all other appropriate analysis batch QC samples;

(III) A matrix spike with a recovery greater than or equal to seventy percent (≥70%) and less than or equal to one hundred and thirty percent (≤ 130%) of expected values;

(IV) A matrix spike duplicate that results in a relative percent difference that is less than or equal to twenty percent (RPD ≤ 20%) for all residual solvent analytes resulting in concentrations greater than (>) the LOQ; and

(V) Continuing calibration verification (CCV) with a recovery that is greater than or equal to eighty percent (≥ 80%) and less than or equal to one hundred and twenty percent (≤ 120%) of expected values. A CCV sample is required at the beginning of an analytic run, every twenty (20) samples, and at the end of the run.

(ii) **Instrument QC.** New calibrations must be accurately verified using second source certified reference materials (CRM) or a second preparation in the lower twenty-five percent (25%) of the calibration curve. Recoveries must be greater than or equal to eighty percent (≥ 80%) and less than or equal to one hundred and twenty percent (≤ 120%).

(F) **Calibration criteria.** Calibrations shall include the following requirements:

(i) Testing laboratories may use commercially available CRM calibration standards or those prepared by the laboratory. Commercially available calibration standards shall only be used according to the manufacturer's instructions. All calibration standards shall be used before their date of expiration;

(ii) Data that is above the highest retained calibrator shall not be reported without qualification;

(iii) Gravimetric dilution shall be used to determine dilution factors for standards and shall be reported in grams per gram (g/g);

(iv) Five (5) levels of linear or weighted linear regression, or six (6) levels of quadradic regression, using an average response factor;

(v) A coefficient of determination that is greater than or equal to nine hundred and ninety-five thousandths ($R^2 \geq 0.995$) and a relative standard error that is less than twenty-five percent (RSE < 25%); and

(vii) The calibration curve shall not be manipulated so that it artificially passes through zero (0).

(G) **Reporting results.** Residual solvent analytes shall be reported to three (3) significant figures using the unit parts per million (ppm). Integration type and QC integration must correspond to the calibration integration. Peaks shall be integrated from baseline to baseline and non-resolved peaks shall be split peak at the valley minimum.

(4) **Metals**. Harvest batch samples and production batch samples shall be tested for heavy metal analytes in accordance with the following:

~~(A) All harvest batch and production batch samples shall be tested for heavy metals, which shall include but is not limited to lead, arsenic, cadmium, and mercury.~~

~~(B) Test results shall meet thresholds set forth in Appendix A with accepted limits determined by the product form submitted at testing.~~

~~(C) If the cannabis concentrate used to make an infused product was tested for metals and test results indicate the batch was within established limits, then the infused product does not require additional testing for metals. However, noninfused pre-rolls and infused pre-rolls must still undergo additional testing for metals.~~

(A) **Allowable thresholds.** Samples shall be tested for the following heavy metal analytes and shall be less than (<) the allowable threshold, in parts per million (ppm), as determined by the product form listed below:

(i) Inhaled product, administration by metered dose nasal spray, or pressurized metered dose inhaler medical marijuana and medical marijuana products shall be tested for the following heavy metal analytes and shall be less than the associated allowable thresholds:

(I) Arsenic < 0.2 ppm;
(II) Cadmium < 0.2 ppm;
(III) Lead < 0.5 ppm; and
(IV) Mercury < 0.1 ppm.

(ii) Topical and transdermal medical marijuana and medical marijuana products shall be tested for the following heavy metal analytes and shall be less than the associated allowable thresholds:

(I) Arsenic < 3 ppm;
(II) Cadmium < 3 ppm;
(III) Lead < 10 ppm; and
(IV) Mercury < 1 ppm.

(iii) Oral consumption, rectal, or vaginal administration medical marijuana and medical marijuana products shall be tested for the following heavy metal analytes and shall be less than the associated allowable thresholds:

(I) Arsenic < 1.5 ppm;
(II) Cadmium < 0.5 ppm;
(III) Lead < 1 ppm; and
(IV) Mercury < 1.5 ppm.

(B) **Instrumentation.** For heavy metal analyte testing, laboratories shall use Inductively Coupled Plasma Mass Spectrometry (ICP-MS) equipped with Collision/Reaction Cell technology or Coupled Plasma Optical Emission Spectroscopy (ICP-OES). For sample preparation, a closed vessel microwave digestion system capable of reaching two hundred and ten degrees Celsius (210 °C), or a hot plate capable of reaching ninety-five degrees Celsius (95 °C) for one (1) hour, are required.

(C) **Methodologies.** A testing laboratory's method must pass a matrix proficiency test as required by the Authority. The Authority will conduct the matrix proficiency test and will supply medical marijuana samples with known analyte concentration values. Passing values must be within plus or minus two and a half on a standard deviation index (± 2.5 SDI). All internally developed methods shall comply with AOAC Standard Method Performance Requirements (SMPR) 2020.001. For Determination of Heavy Metals in a Variety of Cannabis and Cannabis-Derived Products. (2020);

(D) **Sample preparation.** Samples must weigh greater than or equal to five tenths of a gram (≥ 0.5 g). Internal Standards must be used for all analytes. Recovery of internal standards must be greater than or equal to fifty percent (≥ 50%) and less than or equal to two hundred percent (≤ 200%). A fifteen (15) minute pre-digestion is required to initiate the breakdown of hydrocarbons. Glass vials must be acid washed before use. Concentrated ultrapure, or equivalent nitric acid (HNO_3) shall be used for sample digestion and concentrated ultrapure, or equivalent hydrochloric acid (HCl) shall be used for mercury stabilization. The diluent for sample preparation shall be determined by the following formula: one to five percent volume per volume HNO_3 and five tenths percent volume by volume HCl solution in deionized water with a resistance greater than eighteen megaohms per centimeter [1% - 5% (v/v) HNO_3 / 0.5% (v/v) HCl solution in DI Water (Resistance > 18 MΩ•cm)]. The rinse blank solution shall be prepared on the same day as analysis and shall be determined by the following formula: one to five percent volume per volume HNO_3 and five tenths percent HCl solution in deionized water with a resistance greater than eighteen megaohms per centimeter [1% - 5% (v/v) HNO3 / 0.5% HCl solution in DI Water (Resistance > 18 MΩ•cm)]. When mercury analysis is performed, gold shall be added to the rinse blank, calibrators, samples, and LQC samples to a concentration of a hundred micrograms per liter (100 µg/L).

(E) **Laboratory quality control (LQC) requirements.**

(i) **LQC samples.** The following LQC samples must be run with each analytic run, and repeated every twenty (20) samples in an analytic run and must include:

(I) A method blank with a resulting value that is less than the limit of quantification (< LOQ);

(II) A laboratory control sample (LCS) shall be spiked at or near the allowable thresholds for all required analytes to be reported and shall be determined with the correction factor applied. The LCS shall be carried through preparation and analysis as if it were a sample. A percent recovery calculation will be performed using the following mathematical formula: the resulting LCS concentration shall be divided by the known analyte concentration, which will then be multiplied by one hundred [(LCS concentration / known analyte concentration) * 100]. If the continuing calibration verification (CCV) and LCS are the same material, then the LCS acceptable limit shall be plus or minus thirty percent (± 30%). If the CCV and LCS are different material, then the laboratory shall establish the ninety-nine percent (99%) confidence interval for control performance for each analyte. If insufficient historical data exists to establish the ninety-nine percent (99%) confidence interval, the laboratory shall use plus or minus forty percent (± 40%) as an interim limit. In no case shall the acceptable limit exceed forty percent (40%). If the LCS results fall outside of the acceptance limits, then a testing laboratory cannot verify that it is able to acceptably perform the analysis in a clean matrix. A failing LCS may be re-analyzed once. If the results of the re-analysis also fall outside of the acceptance limits, then all samples associated with the LCS must be re-prepared and re-analyzed, along with all other appropriate analysis batch QC samples;
(III) A matrix spike with a recovery greater than or equal to eighty percent (≥ 80%) and less than or equal to one hundred twenty percent (≤ 120%) of expected values;
(IV) A matrix spike duplicate that results in a relative percent difference that is less than or equal to twenty percent (RPD ≤ 20%) for all heavy metal analytes resulting in concentrations greater than (>) the LOQ; and
(V) Continuing calibration verification (CCV) with a recovery greater than or equal to eighty-five percent (≥ 85%) and less than or equal to one hundred and fifteen percent (≤ 115%) of expected values. A CCV sample is required at the beginning of an analytic run, every twenty (20) samples, and at the end of the run.

(ii) **Instrument QC.** New calibrations must be accurately verified using second source certified reference materials (CRM) or a second preparation targeting the lower twenty-five percent (25%) of the calibration curve. Recoveries must be greater than or equal to eighty-five percent (≥ 85%) and less than or equal to one hundred and fifteen percent (≤ 115%).

(F) **Calibration criteria.** Calibrations shall include the following requirements:

(i) Testing laboratories may use commercially available CRM calibration standards or those prepared by the laboratory. Commercially available calibration standards shall only be used according to the manufacturer's instructions. All calibration standards shall be used before their date of expiration;
(ii) A minimum of three replicate integrations are required for each analyte;
(iii) Data that is above the highest retained calibrator shall not be reported without qualification;
(iv) Gravimetric dilutions shall be used to determine dilution factors for standards and shall be reported in grams per gram (g/g);
(v) Five (5) levels of linear or weighted linear regression; and
(vi) A coefficient of determination that is greater than or equal to nine hundred and ninety-five thousandths ($R^2 \geq 0.995$) and a relative standard error that is less than twenty-five percent (RSE < 25%).

(G) **Reporting results.** Heavy metal analytes shall be reported to three (3) significant figures, using the unit ppm and on a dry weight basis, for samples that require reporting moisture results, as determined by the following equation: the moisture concentration of the sample as it was received, divided by the percent moisture of the sample subtracted from one hundred, multiplied by one hundred, equals the corrected moisture concentration dry weight ([("As received" concentration) / (100 - % moisture)] x 100 = corrected moisture concentration dry weight).

(5) **Pesticide residue**. ~~All harvest~~ Harvest batch samples and production batch samples shall be tested for ~~the following pesticides, and shall not exceed the associated limits:~~ pesticide analytes in accordance with the following:

~~(A) Spiromesifen < 0.2 ppm~~

~~(B) Spirotetramat < 0.2 ppm~~
~~(C) Tebuconazole < 0.4 ppm~~
~~(D) Etoxazole < 0.2 ppm~~
~~(E) Imazalil < 0.2 ppm~~
~~(F) Imidacloprid < 0.4 ppm~~
~~(G) Malathion < 0.2 ppm~~
~~(H) Myclobutanil < 0.2 ppm~~
~~(I) Azoxystrobin < 0.2 ppm~~
~~(J) Bifenazate < 0.2 ppm~~
~~(K) Abamectin (Avermectins: B1a & B1b) < 0.5 ppm~~
~~(L) Permethrin (mix of isomers) < 0.2 ppm~~
~~(M) Spinosad (Mixture of A and D) < 0.2 ppm~~

(A) **Allowable thresholds**. Samples shall be tested for the following pesticide analytes and shall be less than (≤) the allowable threshold, in parts per million (ppm), listed below:

(i) Abamectin (B1a & B1b) < 0.5 ppm;
(ii) Azoxystrobin < 0.2 ppm;
(iii) Bifenazate < 0.2 ppm;
(iv) Etoxazole < 0.2 ppm;
(v) Imazalil < 0.2 ppm;
(vi) Imidacloprid < 0.4 ppm;
(vii) Malathion < 0.2 ppm;
(viii) Myclobutanil < 0.2 ppm;
(ix) Permethrins (cis & trans) < 0.2 ppm;
(x) Spinosad (mixture of A and D) < 0.2 ppm;
(xi) Spiromesifen < 0.2 ppm;
(xii) Spirotetramat < 0.2 ppm; and
(xiii) Tebuconazole < 0.4 ppm.

(B) **Instrumentation.** For pesticide analyte testing, laboratories shall use LC-MS/MS with ESI or LC-MS/MS with APCI.

(C) **Methodologies.** The method employed by a testing laboratory must pass a matrix proficiency test as required by the Authority. The Authority will conduct the matrix proficiency test and will supply medical marijuana samples with known analyte concentration values. Passing values must be within plus or minus two and a half on a standard deviation index (± 2.5 SDI).

(D) **Sample preparation.** Sample must weigh greater than or equal to five tenths of a gram (≥ 0.5 g). Sample preparation solvents must be LC-MS grade. Internal standards must be used for all analytes. Solid form samples shall be homogenized by blending, using a food processor or similar apparatus, or cryogrinding. Liquid form samples shall be homogenized by stirring. Analytes shall be extracted from the sample using the following techniques: solid-liquid extraction or solid phase extraction.

(E) **Laboratory quality control (LQC) requirements.**

(i) **LQC samples.** The following LQC samples must be run with each analytic run, and repeated every twenty (20) samples in an analytic run and must include:

(I) A method blank with a resulting value that is less than or equal to the limit of quantification (≤ LOQ);

(II) A laboratory control sample (LCS) shall be spiked at or near the allowable thresholds for all required analytes to be reported and shall be determined with the correction factor applied. The LCS shall be carried through preparation and analysis as if it were a sample. A percent recovery calculation will be performed using the following mathematical formula: the resulting LCS concentration shall be divided by the known analyte concentration, which will then be multiplied by one hundred [(LCS concentration / known analyte concentration) * 100]. If the continuing calibration verification (CCV) and LCS are the same material, then the LCS acceptable limit shall be plus or minus thirty percent (± 30%). If the CCV and LCS are different material, then the laboratory shall establish the ninety-nine percent (99%) confidence interval for control performance for each analyte. If insufficient historical data exists to establish the ninety-nine percent (99%) confidence interval,

the laboratory shall use plus or minus forty percent (± 40%) as an interim limit. In no case shall the acceptable limit exceed forty percent (40%). If the LCS results fall outside of the acceptance limits, then a testing laboratory cannot verify that it is able to acceptably perform the analysis in a clean matrix. A failing LCS may be re-analyzed once. If the results of the re-analysis also fall outside of the acceptance limits, then all samples associated with the LCS must be re-prepared and re-analyzed, along with all other appropriate analysis batch QC samples;

(III) A matrix spike with a recovery greater than or equal to seventy percent (≥ 70%) and less than or equal to one hundred thirty percent (≤ 130%) of expected values;

(IV) A matrix spike duplicate that results in a relative percent difference that is less than or equal to thirty percent (RPD ≤ 30%) for all pesticide residue analytes resulting in concentrations greater than (>) the LOQ; and

(V) Continuing calibration verification (CCV) with a recovery greater than or equal to seventy percent (≥ 70%) and less than or equal to one hundred and thirty percent (≤ 130%) of expected values. A CCV sample is required at the beginning of an analytic run, every twenty (20) samples, and at the end of the run.

(ii) **Instrument QC.** New calibrations must be accurately verified using second source certified reference materials (CRM) or a second preparation targeting the lower twenty-five percent (25%) of the calibration curve. Recoveries must be greater than or equal to seventy percent (≥ 70%) and less than or equal to one hundred and thirty percent (≤ 130%) of expected values.

(F) **Calibration criteria.** Calibrations shall include the following requirements:

(i) Testing laboratories may use commercially available CRM calibration standards or those prepared by the laboratory. Commercially available calibration standards shall only be used according to the manufacturer's instructions. All calibration standards shall be used before their date of expiration;

(ii) Data that is above the highest retained calibrator shall not be reported without qualification;

(iii) Gravimetric dilution shall be used to determine dilution factors for standards and shall be reported in grams per gram (g/g);

(iv) Matrix matching or a surrogate matrix shall be used in calibration standards; and

(v) Internal standards with a correction factor that is greater than or equal to fifty percent (≥ 50%) and less than or equal to two hundred percent (≤ 200%);

(vi) Five (5) levels of linear or weighted linear regression, or six (6) levels of quadratic regression;

(vii) A coefficient of determination that is greater than or equal to ninety-nine hundredths (R^2 ≥ 0.99) and a relative standard error that is less than thirty percent (RSE < 30%); and

(viii) The calibration curve shall not be manipulated so that it artificially passes through zero (0).

(G) **Reporting results.** Pesticide analytes shall be reported to three (3) significant figures, using the unit parts per million. Samples that require moisture analysis shall be reported on a dry weight basis as determined by the following equation: the moisture concentration of the sample as it was received, divided by the percent moisture of the sample subtracted from one hundred, multiplied by one hundred, equals the corrected moisture concentration dry weight ([("As received" concentration) / (100 - % moisture)] x 100 = corrected moisture concentration dry weight).

(H) **Positive identification**. Positive identification of pesticide analytes using LC-MS/MS shall be deemed accurate only if there is a qualifier ion in transition; and the peak area ratio (quantitation transition/qualification transition) of the samples is within plus or minus fifty percent (± 50%) of the peak area ratio (quantitation transition/qualification transition) of the calibrator.

(6) ~~**Potency**.~~ **THC and cannabinoid concentration.** ~~Processors and growers shall test harvest batch and production batch samples for levels of total THC and terpenoid type and concentration and terpenoid type and concentration, including but not limited to:~~Harvest batch samples and production batch samples shall be tested for THC and cannabinoid concentration in accordance with the following:

~~(A) THC and cannabinoid concentration, including but not limited to:~~

~~(i) Total cannabidiol (CBD)~~

~~(ii) Total cannabinoids~~

~~(iii) Tetrahydrocannabinolic acid (THCa)~~
~~(iv) Delta-9-tetrahydrocannabinol (Delta-9-THC)~~
~~(v) Delta-8-tetrahydrocannabinol (Delta-8-THC)~~
~~(vi) Cannabidiolic acid (CBDA)~~
~~(vii) Cannabidiol (CBD)~~
~~(viii) Cannabinol (CBN)~~
~~(ix) Cannabigerolic acid (CBGa)~~
~~(x) Cannabigerol (CBG)~~
~~(xi) Tetrahydrrocannabivarin (THCV)~~
~~(xii) Cannabichromene (CBC)~~

~~(B) Terpenoid type and concentrate, including but not limited to:~~

~~(i) Limonene~~
~~(ii) Myrcene~~
~~(iii) Pinene~~
~~(iv) Linalool~~
~~(v) Eucalyptol~~
~~(vi) Delta-terpinene (Δ-terpinene)~~
~~(vii) Beta-caryophyllene (ß-caryophyllene)~~
~~(viii) Caryophyllene oxide~~
~~(ix) Nerolidol~~
~~(x) Phytol~~

(A) **Cannabinoid analytes**. Samples shall be tested for cannabinoid analytes including, but not limited to, the following:

(i) Cannabichromene (CBC);
(ii) Cannabidiol (CBD);
(iii) Cannabidiol acid (CBDA);
(iv) Cannabigerol (CBG);
(v) Cannabigerolic acid (CBGA);
(vi) Cannabinol (CBN);
(vii) Delta-8-tetrahydrocannabinol (Δ-8-THC);
(viii) Delta-9-tetrahydrocannabinol (Δ-9-THC);
(ix) Tetrahydrocannabinolic acid (THCA);
(x) Tetrahydrocannabivarin (THCV); and
(xi) Tetrahydrocannabivarinic acid (THCVA).

(B) **Total cannabinoid concentrations**. Samples shall be tested for total cannabinoid analyte concentrations in accordance with the following:

(i) Total Δ-9-THC concentration shall be determined by combining the THCA and Δ-9-THC concentrations using the following calculation: the THCA concentration as expressed in milligrams per gram multiplied by the conversion factor listed in the subsections below plus the Δ-9-THC concentration expressed in milligrams per gram is equal to the total Δ-9-THC concentration as expressed in milligrams per gram [(THCA concentration (mg/g) x [conversion factor]) + Δ-9-THC concentration (mg/g) = total Δ-9-THC concentration (mg/g)]; and

(I) For CBD and CBDA use a conversion factor of eight hundred and seventy-seven thousandths (0.877).
(II) For CBGA and CBGA use a conversion factor of eight hundred and seventy-eight thousandths (0.878).
(III) For THCV and THCVA use a conversion factor of eight hundred and sixty-seven thousandths (0.867).

(ii) When the acidic form and the decarboxylated form of a cannabinoid are both detected, the total concentration for that cannabinoid shall be determined using the following calculation: the concentration of the cannabinoid's acidic form, expressed in milligrams per gram, multiplied by eight hundred and seventy-seven thousandths plus the concentration of the decarboxylated form, expressed in milligrams per gram equals the total concentration, as expressed in milligrams per gram, for that cannabinoid. [(acidic form [cannabinoid]

concentration (mg/g) × 0.877) + decarboxylated form [cannabinoid] concentration (mg/g) = total [cannabinoid] concentration (mg/g)].

(C) **Instrumentation.** For THC and cannabinoid concentration testing, laboratories shall use Liquid Chromatography Diode Array Detection (LC-DAD), LC-MS or Liquid Chromatography Ultraviolet (LC-UV).

(D) **Methodologies.** The method employed by a testing laboratory must pass a matrix proficiency test as required by the Authority. The Authority will conduct the matrix proficiency test and will supply medical marijuana samples with known analyte concentration values. Passing values must be within plus or minus two and a half on a standard deviation index (± 2.5 SDI).

(E) **Laboratory quality control (LQC) requirements.**

(i) **LQC samples.** The following LQC samples must be run with each analytic run, and repeated every twenty (20) samples in an analytic run and must include:

(I) A method blank with a resulting value that is less than or equal to the limit of quantification (≤ LOQ);

(II) A laboratory control sample (LCS) shall be spiked at or near the allowable thresholds for all required analytes to be reported and shall be determined with the correction factor applied. The LCS shall be carried through preparation and analysis as if it were a sample. A percent recovery calculation will be performed using the following mathematical formula: the resulting LCS concentration shall be divided by the known analyte concentration, which will then be multiplied by one hundred [(LCS concentration / known analyte concentration) * 100]. If the continuing calibration verification (CCV) and LCS are the same material, then the LCS acceptable limit shall be plus or minus thirty percent (± 30%). If the CCV and LCS are different material, then the laboratory shall establish the ninety-nine percent (99%) confidence interval for control performance for each analyte. If insufficient historical data exists to establish the ninety-nine percent (99%) confidence interval, the laboratory shall use plus or minus forty percent (± 40%) as an interim limit. In no case shall the acceptable limit exceed forty percent (40%). If the LCS results fall outside of the acceptance limits, then a testing laboratory cannot verify that it is able to acceptably perform the analysis in a clean matrix. A failing LCS may be re-analyzed once. If the results of the re-analysis also fall outside of the acceptance limits, then all samples associated with the LCS must be re-prepared and re-analyzed, along with all other appropriate analysis batch QC samples;

(III) A matrix spike with a recovery greater than or equal to eighty percent (≥ 80%) and less than or equal to one hundred and twenty percent (≤ 120%) of expected values;

(IV) A matrix spike duplicate that results in a relative percent difference that is less than or equal to twenty percent (RPD ≤ 20%) for all cannabinoid analytes resulting in concentrations greater than (>) the LOQ; and

(V) Continuing calibration verification (CCV) with a recovery greater than or equal to eighty-five percent (≥ 85%) and less than or equal to one hundred and fifteen percent (≤ 115%) of expected values. A CCV sample is required at the beginning of an analytic run, every twenty (20) samples, and at the end of the run.

(ii) **Instrument QC**. New calibrations must be accurately verified using second source certified reference materials (CRM) or a second preparation. Recoveries must be greater than or equal to eighty-five percent (≥ 85%) and less than or equal to one hundred and fifteen percent (≤ 115%) of expected values.

(F) **Calibration criteria.** Calibrations shall include the following requirements:

(i) Testing laboratories may use commercially available CRM calibration standards or those prepared by the laboratory. Commercially available calibration standards shall only be used according to the manufacturer's instructions. All calibration standards shall be used before their date of expiration;

(ii) Data that is above the highest retained calibrator shall not be reported without qualification;

(iii) Gravimetric dilution shall be used to determine dilution factors for standards and shall be reported in grams per gram (g/g);

(iv) Five (5) levels of linear or weighted linear regression;
(v) A coefficient of determination that is greater than or equal to nine hundred and ninety-five thousandths ($R^2 \geq 0.995$) and a relative standard error that is less than twenty-five percent (RSE < 25%).

(G) **Reporting results.** Cannabinoid analytes shall be reported to three (3) significant figures. Samples that require moisture analysis shall be reported on a dry weight basis as determined by the following equation: the moisture concentration of the sample as it was received, divided by the percent moisture of the sample subtracted from one hundred, multiplied by one hundred, equals the corrected moisture concentration dry weight ([("As received" concentration) / (100 - % moisture)] x 100 = corrected moisture concentration dry weight).

(H) **Peak integration.** Integration type and QC integration must correspond to the calibration integration. Peaks shall be integrated from baseline to baseline and non-resolved peaks shall be split peak at the valley minimum.

(I) **Total Δ-9-THC concentration acceptance criteria.** If a sample of medical marijuana flower has a total Δ-9-THC concentration of greater than or equal to thirty percent (≥ 30%) or if a distillate sample has a total Δ-9-THC concentration of greater than or equal to ninety percent (≥ 90%), the following requirements shall apply before those results are reported:

(i) For medical marijuana flower with a total Δ-9-THC concentration that is:

(I) Greater than or equal to thirty percent (≥ 30%) total Δ-9-THC concentration, and less than thirty-two and five tenths percent (< 32.5%) total Δ-9-THC concentration, it must be retested using the primary sample. If the retest results are within plus or minus fifteen percent (± 15%) of the original results, the higher of the two results shall be reported. If the retest results are not within plus or minus fifteen percent (± 15%) of the original results, a third test must be performed. A median value of all three (3) test results shall be reported. If retesting under this subsection results in a value greater than or equal to thirty-two and five tenths percent (≥ 32.5%) total Δ-9-THC concentration, results may not be reported under this subunit and (II) of this unit applies; or

(II) Greater than or equal to thirty-two and five tenths percent (≥ 32.5%) Δ-9-THC concentration, the Authority will collect a new primary and reserve sample from the source batch. The Authority will conduct testing for total Δ-9-THC concentration using the original reserve sample and the new primary sample. If both retest results are within plus or minus fifteen percent (± 15%) original results, the original results shall be reported. If the retest on the original reserve sample results in a value that is not within plus or minus fifteen percent (± 15%) of the original concentration, the Authority may refer the matter for further investigation. If the retest on the new primary sample results in a value that is not within plus or minus fifteen percent (± 15%) of the original results, the testing laboratory must retest using the new reserve sample and report those results. Testing values generated by the Authority shall not be reported in place of testing laboratory results.

(ii) For medical marijuana distillate with a total Δ-9-THC concentration that is:

(I) Greater than or equal to ninety percent (≥ 90%) and less than ninety-five percent (< 95%) total Δ-9-THC concentration, it must be retested using the primary sample. If the retest results are within plus or minus ten percent (± 10%) of the original results, the higher of the two results shall be reported. If the retest results are not within plus or minus ten percent (± 10%) of the original results, a third test must be performed. A median value of all three (3) test results shall be reported. If retesting under this subsection results in a value that is greater than or equal to ninety-five percent (≥ 95%) total Δ-9-THC concentration, results may not be reported under this subunit and (II) of this unit applies; or

(II) Greater than or equal to ninety-five percent (≥ 95%) Δ-9-THC concentration, the Authority will collect a new primary and reserve sample from the source batch. The Authority will conduct testing for total THC concentration using the original reserve sample and the new primary sample. If both retest results are within plus or minus ten percent (± 10%) original results, the original results shall be reported. If the retest on the original reserve sample results in a value that is not within plus or minus ten

percent (± 10%) of the original concentration, the Authority may refer the matter for further investigation. If the retest on the new primary sample results in a value that is not within plus or minus ten percent (± 10%) of the original results, the testing laboratory must retest using the new reserve sample and report those results. Testing values generated by the Authority shall not be reported in place of testing laboratory results.

(7) **Terpenoid type and concentration.** Harvest batch samples and production batch samples shall be tested for terpenoid type and concentration in accordance with the following:

(A) **Terpene analytes**. Samples shall be tested for terpene analytes including, but not limited to, the following:

(i) alpha-Bisabolol (α-Bisabolol);
(ii) beta-Caryophyllene (β-Caryophyllene);
(iii) Caryophyllene oxide;
(iv) Eucalyptol;
(v) alpha-Humulene (α-Humulene);
(vi) Limonene;
(vii) Linalool;
(viii) beta-Myrcene (β-Myrcene);
(ix) cis-Nerolidol;
(x) trans-Nerolidol;
(xi) alpha-Pinene (α-Pinene);
(xii) beta-Pinene (β-Pinene); and
(xiii) alpha-Terpinene (α-Terpinene).

(B) **Instrumentation.** For terpene analyte testing, laboratories shall use GC-MS or GC-FID.

(C) **Sample preparation.** Sample must weigh greater than or equal to two tenths of a gram (≥ 0.2 g).

(D) **Methodologies**. The method employed by a testing laboratory must pass a matrix proficiency test as required by the Authority. The Authority will conduct the matrix proficiency test and will supply medical marijuana samples with known analyte concentration values. Passing values must be within plus or minus two and a half on a standard deviation index (± 2.5 SDI).

(E) **Laboratory quality control (LQC) requirements.**

(i) **LQC samples.** The following LQC samples must be run with each analytic run, and repeated every twenty (20) samples in an analytic run and must include:

(I) A method blank with a resulting value that is less than or equal to the limit of quantification (≤ LOQ);

(II) A laboratory control sample (LCS) shall be spiked at or near the allowable thresholds for all required analytes to be reported and shall be determined with the correction factor applied. The LCS shall be carried through preparation and analysis as if it were a sample. A percent recovery calculation will be performed using the following mathematical formula: the resulting LCS concentration shall be divided by the known analyte concentration, which will then be multiplied by one hundred [(LCS concentration / known analyte concentration) * 100]. If the continuing calibration verification (CCV) and LCS are the same material, then the LCS acceptable limit shall be plus or minus thirty percent (± 30%). If the CCV and LCS are different material, then the laboratory shall establish the ninety-nine percent (99%) confidence interval for control performance for each analyte. If insufficient historical data exists to establish the ninety-nine percent (99%) confidence interval, the laboratory shall use plus or minus forty percent (± 40%) as an interim limit. In no case shall the acceptable limit exceed forty percent (40%). If the LCS results fall outside of the acceptance limits, then a testing laboratory cannot verify that it is able to acceptably perform the analysis in a clean matrix. A failing LCS may be re-analyzed once. If the results of the re-analysis also fall outside of the acceptance limits, then all samples associated with the LCS must be re-prepared and re-analyzed, along with all other appropriate analysis batch QC samples;

(III) A matrix spike with a recovery greater than or equal to eighty percent (≥ 80%) and less than or equal to one hundred and twenty percent (≤ 120%) of expected values;

(IV) A matrix spike duplicate that results in a relative percent difference that is less than or equal to twenty percent (RPD ≤ 20%) for all terpenoid analytes resulting in concentrations greater than (>) the LOQ; and

(V) Continuing calibration verification (CCV) with a recovery greater than or equal to eighty-five percent (≥ 85%) and less than or equal to one hundred and fifteen percent (≤ 115%) of expected values. A CCV sample is required at the beginning of an analytic run, every twenty (20) samples, and at the end of the run.

(ii) **Instrument QC**. New calibrations must be accurately verified using second source certified reference materials (CRM) or a second preparation that targets the lower twenty-five percent (25%) of the calibration curve. Recoveries must be greater than or equal to eighty-five percent (≥ 85%) and less than or equal to one hundred and fifteen percent (≤ 115%) of expected values.

(F) **Calibration criteria.** Calibrations shall include the following requirements:

(i) Testing laboratories may use commercially available CRM calibration standards or those prepared by the laboratory. Commercially available calibration standards shall only be used according to the manufacturer's instructions. All calibration standards shall be used before their date of expiration;

(ii) Data that is above the highest retained calibrator shall not be reported without qualification;

(iii) Gravimetric dilution shall be used to determine dilution factors for standards and shall be reported in grams per gram (g/g);

(iv) Five (5) levels of linear regression or six (6) levels of quadratic regression;

(v) A coefficient of determination that is greater than or equal to ninety-eight hundredths ($R2 \geq 0.98$) for linear regression. For quadratic regression, a coefficient of determination that is greater than or equal to ninety-nine hundredths ($R^2 \geq 0.99$) is required; and

(iv) The calibration curve shall not be manipulated so that it artificially passes through zero (0).

(G) **Reporting results.** Terpenoid analytes shall be reported to three (3) significant figures. Samples that require moisture analysis shall be reported on a dry weight basis as determined by the following equation: the moisture concentration of the sample as it was received, divided by the percent moisture of the sample subtracted from one hundred, multiplied by one hundred, equals the corrected moisture concentration dry weight ([("As received" concentration) / (100 - % moisture)] x 100 = corrected moisture concentration dry weight).

(H) **Positive identification.** The standard addition method or analyzing the sample on a secondary column shall be used to demonstrate analyte recovery for GC-FID methods. Positive identification of a terpenoid analyte using GC-MS requires the presence of the target ions and all qualifier ions.

~~(7)~~(8) **Foreign materials and filth**. ~~Growers and processors shall inspect all medical marijuana and medical marijuana products for contaminants and filth.~~ Harvest batch samples and production batch samples shall be tested for foreign materials and filth in accordance with the following:

(A) ~~Contaminants~~ **Allowable thresholds.** Foreign materials and filth are contaminants that include any biological or chemical agent, foreign matter, or other substances not intentionally added to medical marijuana or medical marijuana products that may compromise safety or suitability. Samples shall be tested for foreign material and filth contaminants in accordance with the following:

(i) **Organic contaminants.** Foreign organic material shall be less than or equal to two percent (≤ 2%) by weight of each sample; and

(ii) **Inorganic contaminants.** Inorganic material, including but not limited to plastic, glass, and metal shavings, shall not be present in a sample.

(B) ~~The surface area of each sample shall not contain more than two percent (2%) of foreign organic material.~~ **Methodologies.** The method employed by a testing laboratory must pass a matrix proficiency test as required by the Authority. The Authority will conduct the matrix proficiency test and will supply medical marijuana samples with known analyte concentration values. Passing values must be within plus or minus two and a half on a standard deviation index (± 2.5 SDI).

(C) ~~Samples shall not contain any presence of inorganic material, including but not limited to plastic, glass, and metal shavings.~~ **Reporting results.** Results shall be reported as passing or failing.

~~(8)~~ (9) **Water activity and moisture content.** Harvest batch samples shall be tested to determine the level of water activity and the percentage of moisture content in accordance with this subsection. This subsection shall not apply to harvest batches that are fresh frozen.

(A) ~~All harvest batch samples shall be tested to determine the level of water activity and the percentage of moisture content. This subsection shall not apply to harvest batches that are flash frozen.~~**Sample preparation.** Sample must weigh greater than or equal to five tenths of a gram (≥ 0.5 g).

(B) ~~A harvest batch sample shall be deemed to have passed water activity testing if the water activity does not exceed 0.65 Aw. The laboratory shall report the result of the water activity test, to two significant figures, on the certificate of analysis (COA) and indicate "pass" or "fail" on the COA.~~ **Water activity.** Samples shall be tested to determine the level of water activity in accordance with the following:

(i) **Allowable thresholds.** A harvest batch sample shall be deemed to have passed water activity testing if the water activity is less than or equal to sixty-five hundredths ($\leq 0.65\ a_w$).

(ii) **Instrumentation.** Testing laboratories shall use a water activity calibrated measurement system capable of a measurement resolution of one thousandth water activity ($0.001\ a_w$) with an accuracy of plus or minus five thousandths water activity ($\pm 0.005\ a_w$), with a measurement range of at least four tenths to eight tenths water activity (0.40 to $0.80\ a_w$), and capable of a temperature measurement resolution of one tenth degree Celsius (0.1 °C) with an accuracy of one tenth degree Celsius (0.1 °C).

(iii) **Methodologies.** The method employed by a testing laboratory must pass a matrix proficiency test as required by the Authority. The Authority will conduct the matrix proficiency test and will supply medical marijuana samples with known analyte concentration values. Passing values must be within plus or minus two and a half on a standard deviation index (± 2.5 SDI).

(iv) **Laboratory quality control (LQC) samples.** The following LQC samples must be run once per day in an analytic run and must include:

(I) A sample replicate that results in a relative percent difference that is less than or equal to five percent (RPD ≤ 5%); and

(II) Continuing calibration verification (CCV) with a recovery greater than or equal to ninety-five percent (≥ 95%) and less than or equal to one hundred and five percent (≤ 105%) of expected values.

(v) **Reporting results.** Results shall be reported to two (2) decimal places, using the unit water activity (a_w).

(C) ~~A harvest batch sample shall be deemed to have passed moisture content testing if the moisture content does not exceed fifteen percent (15.0%). The laboratory shall report the result of the moisture content test to the nearest tenth of one percent, by weight, of the dry sample on the COA and indicate "pass" or "fail" on the COA.~~ **Moisture content.** Samples shall be tested to determine the percentage (%) of moisture content in accordance with the following:

(i) **Allowable thresholds.** A harvest batch sample shall be deemed to have passed moisture content testing if the moisture content is less than or equal to fifteen percent (≤ 15.0%) of the dry weight of the sample.

(ii) **Instrumentation.** To test the moisture content of a sample, laboratories shall use an oven for the loss on drying technique, a moisture analyzer, or the Karl Fischer technique.

(iii) **Methodologies.** The method employed by a testing laboratory must pass a matrix proficiency test as required by the Authority. The Authority will conduct the matrix proficiency test and will supply medical marijuana samples with known analyte concentration values. Passing values must be within plus or minus two and a half on a standard deviation index (± 2.5 SDI).

(iv) **Laboratory quality control (LQC) samples when using the loss on drying technique or a moisture analyzer.** The following LQC samples shall be run once per day in an analytic run and shall include:

(I) A laboratory duplicate sample that results in a relative percent difference that is less than or equal to twenty percent (RPD ≤ 20%); and

(II) A continuing calibration verification (CCV) to verify the laboratory balance used by using a calibrated weight set, result must be less than or equal to one tenth percent (≤ 0.1%) difference from assigned mass.

(v) **Laboratory quality control (LQC) sample**s when using the Karl Fischer technique. The following LQC samples shall be run once per day in an analytic run and shall include:

(I) A method blank with a resulting value that is less than or equal to the limit of quantification (≤ LOQ);

(II) A laboratory duplicate sample that results in a relative percent difference that is less than or equal to ten percent (RPD ≤ 10%);

(III) A continuing calibration verification (CCV) that shows that the water standard is within the stated criteria for the standard used; and

(IV) Instrument QC, titer shall be determined following the manufacturer's instructions and recommendations.

(vi) **Reporting results.** Results shall be reported to three (3) significant figures indicating the percentage of moisture content by dry weight in the sample.

(j) **Retesting.** If a harvest or production batch fails any analyte testing, the harvest or production batch may be retested in accordance with the following:

(1) Any retesting of a reserve sample requested by the originating licensee must be requested within thirty (30) days. The reserve sample shall be used first for all retesting. If there is not enough reserve sample for any additional tests required under this Subsection, a new sample may be collected. The new sample must be a representative sample of the batch and shall be gathered in accordance with these Rules.

(2) The retest may be limited to testing for the category of analyte that has failed testing. For example, if a primary sample fails pesticide testing, testing of the reserve sample may be limited to pesticide testing.

(3) If the first retest fails testing for the same analyte that failed the initial test, the harvest or production batch must either be remediated or decontaminated in accordance with the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 et seq., and these Rules, or must be disposed of in accordance with the Oklahoma Medical Marijuana Waste Management Act, 63 O.S. § 427a et seq. and these Rules.

(4) If the first retest(s) passes testing, a second retest shall be conducted to confirm the product does not exceed allowable thresholds and is safe to consume. If the second retest also passes for the same analyte, the batch may be processed, sold, or otherwise transferred. If the second retest fails for the same analyte that failed the initial test, the harvest or production batch must either be remediated or decontaminated in accordance with the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 et seq., and these Rules, or must be disposed of in accordance with the Oklahoma Medical Marijuana Waste Management Act, 63 O.S. § 427a et seq. and these Rules.

(5) If during the first retest, a harvest batch or production batch fails testing for an analyte that passed initial testing, the harvest batch or production batch must pass testing for that analyte during the second retest.

(6) Any harvest batch or production batch that is retested and does not have two (2) successful tests for each analyte must either be remediated or decontaminated in accordance with the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 et seq., and these Rules, or must be disposed of in accordance with the Oklahoma Medical Marijuana Waste Management Act, 63 O.S. § 427a et seq. and these Rules.

(k) **Remediation, decontamination, and retesting, general.**

(1) If a sample fails testing under this Subchapter, the harvest batch or production batch from which the sample was taken:

(A) May be remediated or decontaminated in accordance with these Rules; or

(B) If it is not or cannot be remediated or decontaminated under these Rules, it must be disposed of in accordance with the Medical Marijuana Waste Management Act, 63 O.S. § 427a et seq. and these Rules.

(2) A harvest batch or production batch that has been remediated or decontaminated must be fully tested and successfully pass all the analyses required under this Subchapter and as set forth in Appendix F. If the harvest batch or production batch fails to pass testing after remediation or decontamination, the harvest batch or production batch must be either disposed of in accordance with the Waste Management Act, 63 O.S. § 427a et seq. and these Rules or retested in accordance with OAC 442:10-8-1(j) with the following exceptions:

(A) Any harvest batch that has been decontaminated and fails retesting for microbials must be either remediated or disposed of in accordance with these Rules.

(B) Any production batch that has been decontaminated and fails retesting shall not be further decontaminated.

(3) Growers and processors may remediate failed harvest batches or production batches providing the remediation method does not impart any toxic or deleterious substance to the usable medical marijuana or medical marijuana products. Any remediation methods or remediation solvents used on medical marijuana or medical marijuana products must be disclosed to the testing laboratory.

(4) Growers and processers must, as applicable:

(A) Have detailed procedures for remediation and decontamination processes to remove ~~microbiological~~ microbial contaminants and foreign materials, and for reducing the concentration of solvents.

(B) Prior to retesting, provide to the testing laboratory a document specifying how the product was remediated or ~~decontamination~~ decontaminated. This document shall be retained by the laboratory together with other testing documentation.

(C) Document all re-sampling, re-testing, decontamination, remediation, and/or disposal of marijuana or marijuana-derived products that fail laboratory testing under these Rules.

(5) At the request of the grower or processor, the Authority may authorize a re-test to validate a failed test result on a case-by-case basis. All costs of the re-test will be borne by the grower or the processor requesting the re-test.

(6) Growers and processors must inform a laboratory prior to samples being taken that the harvest batch or production batch has failed testing and is being re-tested after undergoing remediation or decontamination.

(l) **Remediation, decontamination, and retesting, ~~microbiological impurities~~ microbial testing.**

(1) If a sample from a harvest batch or production batch fails ~~microbiological contaminant~~microbial testing, the batch may be used to make a cannabinoid concentrate or extract if the processing method effectively decontaminates the batch.

(2) A grower may only sell or otherwise transfer a harvest batch that has failed ~~microbiological contaminant~~microbial testing to a processor and only for the purpose of remediation. The processor shall either remediate the harvest batch by processing it into a solvent-based concentrate or shall dispose of the batch in accordance with these Rules. Any production batches resulting from the remediation must be tested in accordance with OAC 442:10-8-1(k). Processors shall not sell any medical marijuana from any harvest batch that has failed testing. Harvest batches that have failed microbial testing may be sent to a processor for decontamination of microbial contaminants and returned to the grower, provided the harvest batch was not processed into a solvent-based concentrate.

(3) If a sample from a batch of a cannabinoid concentrate or extract ~~fails microbiological contaminant testing~~exceeds a microbial analyte allowable threshold, the batch may be further processed, if the processing method effectively decontaminates the batch, such as a method using a hydrocarbon-based solvent or a CO2 closed-loop system.

(4) A batch that is remediated or decontaminated in accordance with this Subsection of this section must be sampled and tested in accordance with these rules in the following manner:

(A) A batch that has failed microbial testing at a testing laboratory, that is decontaminated in accordance with this Subsection must be tested for microbials, heavy metals, THC and cannabinoid concentration, terpenoid type and concentration, ~~microbiological contaminants, heavy metals, and residual pesticides~~ and must be tested for pesticide residue, foreign material and filth, and water activity and moisture content if not previously tested ~~prior to decontamination~~.

(B) A batch that has failed for microbials during a grower's inspection, that is decontaminated in accordance with this Subsection must be tested for microbials, heavy metals, pesticide residue, THC and cannabinoid concentration, terpenoid type and concentration, foreign materials and filth, and water activity and moisture content.

(C) A batch that is remediated in accordance with this Subsection by processing into a solvent based concentrate must be tested for THC and cannabinoid concentration, terpenoid type and concentration, ~~microbiological contaminant~~microbials, mycotoxins, residual solvents, heavy metals, and residual pesticides.

(5) A batch that fails ~~microbiological contaminant~~ microbial testing after undergoing a decontamination process in accordance with subsection (1) or (2) of this section must be disposed of in accordance with the Oklahoma Medical Marijuana Waste Management Act, 63 O.S. § 427a et seq., and these Rules.

(m) **Decontamination and retesting, residual solvent ~~and processing chemicals~~ testing.**

(1) If a sample from a batch fails residual solvent ~~and processing chemicals~~ testing, the batch may be decontaminated using procedures that would reduce the concentration of solvents to less than the action level.

(2) A batch that is decontaminated in accordance with ~~subsection (1)~~ this section must be sampled and retested for residual solvents in accordance with these Rules.

(3) A batch that fails residual solvent ~~and processing chemicals~~ testing and is not decontaminated or is decontaminated and fails retesting must be disposed of in accordance with the Oklahoma Medical Marijuana Waste Management Act, 63 O.S. § 427a et seq., and these Rules.

(n) **Decontamination and retesting, foreign materials and filth testing.**

(1) If a sample from a batch of usable marijuana fails foreign materials and filth testing, the batch from which the sample was taken may be remediated to reduce the amount of foreign materials and filth to below action levels.

(2) A batch that undergoes decontamination as described in ~~subsection (1)~~ this section must be sampled and tested in accordance with these Rules.

(o) **Remediation, decontamination and retesting, ~~residual~~ pesticide testing.**

(1) If a sample from a batch fails residual pesticide testing, the batch may not be remediated or decontaminated and must be disposed of in accordance with the Oklahoma Medical Marijuana Waste Management Act, 63 O.S. § 427a et seq., and these Rules.

(2) The Authority may report to the Oklahoma Department of Agriculture all test results showing samples failing ~~residual~~ pesticide testing.

(p) **Remediation, decontamination and retesting, heavy metals testing.**

(1) If a sample from a batch fails heavy metals testing, the batch may not be remediated or decontaminated and must be disposed of in accordance with the Oklahoma Medical Marijuana Waste Management Act, 63 O.S. § 427a et seq., and these Rules.

(2) The Authority may report to the Oklahoma Department of Environmental Quality all test results showing samples failing heavy metals testing.

(q) **Remediation, decontamination and retesting, mycotoxin testing.** If a sample from a batch fails mycotoxins testing, the batch may not be remediated or decontaminated and must be disposed of in accordance with the Oklahoma Medical Marijuana Waste Management Act, 63 O.S. § 427a et seq., and these Rules.

(r) **Decontamination and retesting, water activity and moisture content.**

(1) If a harvest batch sample fails water activity and/or moisture content testing, the harvest batch may be further dried and cured by the grower.

(2) A harvest batch that undergoes decontamination as described in ~~subsection (1)~~ this section must be sampled and tested in accordance with these Rules. If the harvest batch passed initial testing for residual solvents, metals, and/or pesticides, then the harvest batch does not require additional testing for those testing categories.

(3) If a harvest batch that fails microbial testing and water activity and/or moisture content testing, the harvest batch does not need to be further dried and cured by the grower before being transferred to a processor for remediation in accordance with OAC 442:10-8-1(l).

(s) **Testing of pre-rolls, kief, shake and trim.**

(1) ~~**Noninfused** **Pre-rolls.**~~~~Growers, processors and dispensaries~~Pre-rolls may ~~create noninfused pre-rolls~~be created in accordance with ~~Oklahoma law and these Rules.~~ the following:

(A) **Noninfused pre-rolls.** Growers, processors and dispensaries may create noninfused pre-rolls from flower, shake, or trim collected from single harvest or multiple harvest batches. For multiple harvest batches, provided all harvest batches have passed all testing requirements under this ~~Subchapter. The~~ Subchapter, the plant material must be homogenized into a new batch ~~not exceed~~ that weighs less than or equal to fifteen ~~(15)~~ (≤ 15) pounds. ~~Noninfused~~Multiple harvest batch noninfused pre-rolls created by a grower, processor or dispensary are subject to the same testing requirements of a harvest batch under OAC 442:10-8-1(i). For single harvest batch noninfused pre-rolls made from flower, shake or trim that has passed full compliance testing, growers, processors, or dispensaries must conduct additional testing on the pre-rolls only for heavy metals, THC and cannabinoid concentration, and foreign materials and filth.

(B) ~~Growers, processors and dispensaries may create noninfused pre-rolls from flower, shake, or trim collected from a single harvest batch. If the noninfused flower, shake or trim come from a single harvest that has passed full compliance testing, growers, processors or dispensaries must conduct additional testing on the pre-rolls only for heavy metals, filth and contaminants, and THC and cannabinoid concentration.~~ **Infused pre-rolls.** Only processors may create infused pre-rolls. Infused pre-rolls must be tested for microbials, mycotoxins, residual solvents, heavy metals, pesticide residue, THC and cannabinoid concentration, terpenoid type and concentration, foreign material and filth, and water activity and moisture content. If medical marijuana concentrate, that has previously passed residual solvent and pesticide testing, is used to infuse the pre-roll, residual solvent and pesticide testing is not required.

(2) **Kief.** Growers and processors may collect kief from multiple harvest batches, provided ~~all~~ those harvest batches have passed all testing requirements under this Subchapter. The kief must be homogenized into a new batch ~~not exceed~~ that weighs less than or equal to fifteen ~~(15)~~ (≤ 15) pounds. Kief collected by a grower or processor is subject to the same testing requirements of a harvest batch under OAC 442:10-8-1(i).
(3) ~~**Infused Pre-rolls.** Only processors may create infused pre-rolls. Infused pre-rolls shall be tested in the same manner as noninfused pre-rolls in accordance with OAC 442:10-8-1(s)(1).~~
~~(4)~~ **Shake and trim.** Growers and processors may collect shake and trim from multiple harvest batches provided ~~all~~ those harvest batches have passed all testing requirements under this Subchapter. The shake and trim must be homogenized into a new batch ~~not exceed~~ that weighs less than or equal to fifty ~~(50)~~ (≤ 50) pounds. Shake and trim collected by a grower or processor is subject to the same testing requirements of a harvest batch under OAC 442:10-8-1(i).
(4) **Medical marijuana concentrate and medical marijuana infused products.** Medical marijuana concentrate and medical marijuana infused products, excluding infused pre-rolls, must be tested for microbials, mycotoxins, residual solvents, heavy metals, pesticide residue, THC and cannabinoid concentration, terpenoid type and concentration, and foreign material and filth. If the medical marijuana product is made from medical marijuana concentrate that has previously passed pesticides, residual solvents and heavy metals testing then testing for pesticides, residual solvents and heavy metals are not required for that product. If a licensee produces both the medical marijuana concentrate and the medical marijuana infused product from that concentrate, the licensee may forgo testing the medical marijuana concentrate, provided the medical marijuana infused product successfully passes all testing requirements under OAC 442:10-8-1(i).

442:10-8-2. General operating requirements and procedures [AMENDED]
(a) **Laboratory accreditation.** All medical marijuana testing laboratories shall obtain accreditation by any accrediting entity approved by the Authority and subscribing to the International Laboratory Accreditation Cooperation ("ILAC"), prior to applying for and receiving a medical marijuana testing laboratory license. The accreditation must be from one of these entities in both chemistry and biology, or cannabis and must be specific to the procedure used in the laboratory. Renewal of any medical marijuana testing laboratory license shall be contingent upon maintaining accreditation in accordance with these Rules.
(b) **Testing limited to scope of accreditation.** Upon accreditation, a testing laboratory shall only report test results on COAs for the testing of analytes the laboratory conducted that are within the scope of the testing laboratory's accreditation. Laboratories must notify the Authority of any change in scope of the testing laboratory's accreditation and the Authority may verify that the applicant can achieve analyte-specific testing thresholds showing applicants meet requirements stated in this section. A lab may outsource testing and report those results on a COA but must identify the testing laboratory that actually conducted the testing.
(c) **External quality control program testing.** The laboratory shall be subject to an external quality control program administered by the Authority or its designee. Frequency of external quality control testing is to be determined by the Authority or its designee.
(1) The laboratory shall cooperate with the Authority or its designee for purposes of conducting external quality control testing. The Authority or its designee may require submission of samples from the licensed laboratory for purposes of external quality control testing.
(2) The quality assurance laboratory shall obtain reserve samples from licensed laboratories for the purposes of external quality control testing, which shall occur at a minimum of three (3) times per year for regular monitoring. The Authority or the quality assurance laboratory may require additional external quality control tests to ensure correction of or investigate violations of Oklahoma law and these Rules.
(3) A result outside of the target range of any analyte in an external quality control sample event shall be deemed an unsatisfactory result. Each unsatisfactory result shall be evaluated by the licensed laboratory and corrective measure identified. The evaluation and completion of corrective measures shall be documented and signed by the laboratory director. The laboratory must then demonstrate its ability to achieve the target value.
(4) More than ~~20%~~twenty percent (20%) unsatisfactory results in any external quality control testing event shall be deemed unsuccessful participation in the external quality control program. Unsuccessful participation in external quality control testing for two (2) testing events in a row, or ~~2~~ two (2) out of ~~3~~three (3) events, may result in suspension or revocation of a laboratory license.
(5) Failure to participate in any external quality control testing shall be deemed unsuccessful participation in the external quality control program.

(6) If a laboratory fails its external quality control testing for an analyte, the batch testing results since the last external quality control test for that analyte must be re-evaluated. The laboratory director shall assess and implement necessary procedures to ensure risks to public safety are mitigated following failed external quality control testing results.

(d) **Conflict of interest.** A person who is a direct beneficial owner of a licensed dispensary, commercial grower, or processor shall not be an owner of a licensed laboratory. A licensed testing laboratory shall establish policies to prevent the existence of or appearance of undue commercial, financial, or other influences that may diminish the competency, impartiality, and integrity of the testing processes or results of the laboratory. At a minimum, employees, owners, or agents of a licensed laboratory who participate in any aspect of the analysis and results of a sample are prohibited from improperly influencing the testing process, improperly manipulating data, or improperly benefiting from any ongoing financial, employment, personal, or business relationship with the medical marijuana business licensee that provided the sample. A medical marijuana testing laboratory shall not test samples for any medical marijuana business in which an owner, employee or agent of the medical marijuana testing laboratory has any form of ownership or financial interest in the medical marijuana business.

(e) **Safety standards.** Licensed laboratories must comply with Occupational Safety and Health Administration (OSHA) Standard 29 CFR § 1910.1450.

(f) **Personnel.** A licensed laboratory shall not operate unless a medical laboratory director is on site during operational hours; in his or her absence, the medical laboratory director may delegate in writing the duties and responsibilities to a qualified designee that meets all requirements of a laboratory director required by applicable Oklahoma law and these rules. Personnel of a licensed laboratory shall meet the following minimum requirements:

(1) A medical laboratory director must possess a bachelor's degree in the chemical, environmental, biological sciences, physical sciences or engineering, with at least twenty-four (24) college semester credit hours in chemistry and at least two (2) years of experience in the environmental analysis of representative inorganic and organic analytes for which the laboratory will be performing. A master's degree or doctoral degree in one of the above disciplines may be substituted for one (1) year of experience. The medical laboratory director shall be responsible for the development of and adherence to all pre-analytic, analytic, and post-analytic procedures, and the implementation of a quality system that assures reliable test results and regulatory compliance.

(2) Analysts must possess a bachelor's degree applicable to a laboratory testing environment, with a minimum of two (2) years of experience, or an associate's degree and five (5) years of applicable experience.

(3) Ancillary personnel must possess a high school diploma or equivalent.

(4) A licensed laboratory shall notify the Authority within seven (7) business days after any change of the laboratory's director occurs.

(g) **Equipment.**

(1) Equipment used for analysis must have ~~a~~an in sample Limit of ~~Detection (LOD)~~Quantification (LOQ) capable of detecting quantities at or below ~~50%~~ fifty percent (50%) of the thresholds listed in ~~OAC 442:10-8-1(h) and Appendix A~~ OAC 442:10-8-1(i).

(2) Equipment used for the analysis of test samples shall be adequately inspected, cleaned, and maintained. Preventive maintenance shall be carried out in accordance with the requirements and recommendations of the manufacturer. Equipment used for the generation or measurement of data shall be adequately tested and calibrated on an appropriate schedule, as applicable. Any modification or repair of an instrument shall undergo verification that it can meet the quality control requirements of these Rules.

(3) Laboratory operations shall document procedures setting forth in sufficient detail the methods and schedules to be used in the routine inspection, cleaning, maintenance, testing, and calibration of equipment used in preparation or analysis of laboratory samples, storage of samples, reagents, calibrators and controls, and shall specify, as appropriate, remedial action to be taken in the event of failure or malfunction of equipment. The procedures shall designate the personnel responsible for the performance of each operation and shall be readily accessible to all personnel who operate the equipment.

(4) Records shall be maintained of all inspection, maintenance, testing, and calibrating operations. These records shall include the date of the operation, the person who performed it, the written procedure used, and any deviations from the written procedure. All deviations must be reviewed and approved in writing by the medical laboratory director. Records shall be kept of non-routine repairs performed on equipment. Such records shall document the nature of the repair, how and when the need for the repair was discovered, and any remedial action taken in response to the repair to bring the instrument into compliance with the quality control requirements of these Rules. A written assessment of the validity of the results obtained previous to the failure must be made. Documentation of any repeat testing performed must also be maintained.

(5) Computer systems used for the analysis of samples, retention of data, sample tracking, calibration scheduling, management of reference standards, or other critical laboratory management functions shall ensure that electronic records, electronic signatures, and handwritten signatures executed to electronic records are trustworthy, reliable, and generally equivalent to paper records and handwritten signatures executed on paper.

(h) **Data storage.**

(1) The laboratory shall ensure that all raw data, documentation, protocols, and final reports associated with analysis of a test sample are retained for at least seven (7) years from the date of completion of analysis.

(2) The laboratory shall designate an individual as responsible for records maintenance. Only authorized personnel may access the maintained records.

(3) The laboratory shall maintain the records identified in this section:

(A) In a manner that allows retrieval, as needed;

(B) Under conditions of storage that minimize deterioration throughout the retention period; and

(C) In a manner that prevents unauthorized alteration.

(i) **Materials to be maintained on premises.** The laboratory shall maintain on its premises, and shall promptly present to the Authority upon request:

(1) Personnel documentation including, but not limited to employment records, job descriptions, education, and training requirements of the laboratory, and documentation of education and training provided to staff for the purpose of performance of assigned functions;

(2) Policies concerning laboratory operations, business licensing, and security procedures;

(3) Any policies, ~~protocol~~ protocols, or procedures for receipt, handling, and disposition of samples of usable marijuana;

(4) Equipment information detailing the type of equipment used, inspection policies and practices, testing and calibration schedules and records, and standards for cleaning and maintenance of equipment;

(5) Reagents, solutions, and reference policies including, but not limited to standards for labeling, storage, expiration, and re-qualification dates and records including traceability from current container to original container; all reagents must be traceable from current container to original container;

(6) Reference standards, acquired or internally produced, including the certificate of analysis;

(7) Sample analysis procedures including, but not limited to procedures for the use of only primary or secondary standards for quantitative analyses;

(8) Documentation demonstrating that the analytical methods used by the laboratory are appropriate for their intended purpose; that deviations from approved standards of practice do not occur without documented authorization in writing; method performance is verified each time a new analyst performs the test; and that staff is competent in the process; including but not limited to:

(A) Direct observations of routine test performance, including sample preparation, handling, processing and testing as appropriate;

(B) Monitoring recording and reporting of test results;

(C) Review of intermediate test results or worksheets, quality control records, proficiency testing results and preventive maintenance records;

(D) Direct observation of instrument maintenance and function checks;

(E) Test performance using previously analyzed specimens, blind sample testing, and external proficiency testing results;

(F) Assessment of problem-solving skills;

(G) Initial assessment within the first six (6) months of employment, with annual assessments thereafter unless a change in methodology occurs; and

(H) Documentation must be complete before reporting results~~; and~~.

(9) Policies for data recording, review, storage, and reporting that include, but are not limited to standards to ensure that:

(A) Data are recorded in a manner consistent with applicable Oklahoma law and these Rules, and are reviewed to verify that applicable standards of practice, equipment calibration, and reference standards were applied before reporting;

(B) All data, including raw data, documentation, protocols, and reports are retained in accordance with applicable Oklahoma law and these rules; and

(C) Reports are the property of the business or individual who provided the sample, and reports meet the requirements of this rule.

(10) Documentation showing the laboratory complies with OSHA Standard 29 CFR § 1910.1450; and

(11) Such other materials as the Authority may require.

(j) **Authority access to materials and premises.** The laboratory shall promptly provide the Authority or the Authority's designee access to a report of a test, and any underlying data, that is conducted on a sample. The laboratory shall also provide access to the Authority or the Authority's designee to laboratory premises, and to any material or information requested by the Authority, for the purpose of determining compliance with the requirements of applicable Oklahoma law and these rules.
(k) **Reporting of accreditation and proficiency testing results.** The laboratory must submit to the Authority, within thirty (30) days of an accrediting entity's assessment, the results of any proficiency testing or an accrediting entity's audit, including the findings and any corrective action required following the assessment.
(l) **Licensed premises standards.** The laboratory must be constructed, arranged and maintained in a way that ensures the laboratory premises, ventilation and utilities are sufficient for conducting all phases of the testing process:

(1) Work area ~~should~~ shall be arranged to minimize problems in specimen handling, examination and testing, and reporting of test results. Workbench space must be sufficient for the performance of testing, including, but not limited to, adequate lighting, water, gas, vacuum, and electrical outlets. Instruments, equipment, and computer systems ~~should~~ shall be placed in locations where their operation is not affected adversely by physical or chemical factors, such as heat, humidity, direct sunlight, vibrations, power fluctuations, or fumes from acid or alkaline solutions. Equipment tops ~~should~~ shall not be used as a workbench space;
(2) Lighting or backgrounds as appropriate for visual interpretation of test results;
(3) There is a system in place which ensures that the ventilation system properly removes vapors, fumes, and excessive heat as appropriate for the type of testing done in the laboratory;
(4) There is an adequate, stable electrical source maintained at each testing location that meets the power requirements for each piece of equipment;
(5) The Laboratory is designed to minimize contamination of samples, equipment, instruments, reagents and supplies. Laboratories performing molecular amplification procedures must have a mechanism to detect cross-contamination of specimens; and
(6) Reagents must be prepared in an area that is separate, as applicable, from where specimens are processed, prepared, amplified, and detected to prevent contamination.

442:10-8-3. Sampling requirements and procedures [AMENDED]
(a) **General requirements.** Samples must be collected, handled, stored, and disposed of in accordance with this Section. Individuals collecting samples are called "Samplers."

(1) Samplers shall:
(A) Follow the approved standard operating procedures of the laboratory that will be testing the samples collected
(B) Be trained on how to collect samples in accordance with the standard operating procedures of the laboratory(ies) that will be conducting the testing on the samples collected;
(C) Have access to a copy of the laboratory's standard operating procedures while they are collecting the samples; and
(D) Follow inventory manifest requirements set forth in these Rules.
(2) Samplers shall collect samples at the location of the grower, processor or dispensary and must affix the samples with a tamper-proof seal at the time of collection.
(3) All commercial transporters, growers, processors or dispensaries transporting samples to a laboratory shall be prohibited from storing samples at any location other than the laboratory facility. All samples must be delivered the day of collection.
(4) For transfer or sale of harvest batches or production batches, samples must be collected in the final form. For purpose of this Subsection, "final form" means the ~~form medical marijuana or a medical marijuana product is in when sold or transferred.~~ following:
(A) For all medical marijuana and medical marijuana products excluding medical marijuana products that are administered via inhalation, "final form" means the form medical marijuana or a medical marijuana product is in when sold or transferred.
(B) For medical marijuana products that are administered via inhalation, "final form" means the form the medical marijuana product is in after being placed into any physical glass, metal, or plastic cartridge or container used to smoke, vaporize, vape, or e-cigarette the product.
(5) The sampler shall collect both a primary sample and a reserve sample from each harvest batch and production batch. The sample shall be clearly and conspicuously labeled, and the label shall include at least the following information:
(A) Whether the sample is the "Primary Sample" or "Reserve Sample";

(B) The name and license number of grower, processor or dispensary from whom the sample was taken; and

(C) The batch number of the harvest batch or production batch from which the sample was taken.

(6) The primary sample and reserve sample shall be stored separately and analyzed separately. The reserve sample shall only be used for quality control purposes or for retesting in accordance with OAC 442:10-8-1(j).

(7) Samples shall be transported and subsequently stored at the laboratory in a manner that prevents degradation, contamination, and tampering. If the medical marijuana or medical marijuana product specifies on the label how the product shall be stored, the laboratory shall store the sample as indicated on the label.

(8) The sampler shall create and use a sample field log to record the following information for each sample, and copies of the sample field log shall be maintained by both the laboratory and the commercial licensee from which the samples are being collected. The field log shall include, at a minimum, the following information:

(A) Laboratory's name, address, and license number;

(B) Title and version of the laboratory's standard operating procedure(s) followed when collecting the sample;

(C) Sampler's name(s) and title(s);

(D) Date and time sampling started and ended;

(E) Grower's, processor's or dispensary's name, address, and license number;

(F) Batch number of the batch from which the sample was obtained;

(G) Sample matrix;

(H) Total batch size, by weight or unit count;

(I) Total weight or unit count of the primary sample;

(J) Total weight or unit count of the reserve sample;

(K) The unique sample identification number for each sample;

(L) Name, business address, and license number of the person who transports the samples to the laboratory;

(M) Requested analyses;

(N) Sampling conditions, including temperature;

(O) Problems encountered and corrective actions taken during the sampling process, if any; and

(P) Any other observations from sampling, including major inconsistencies in the medical marijuana color, size, or smell.

(9) The laboratory shall maintain inventory manifest documentation listed in OAC 442:10-3-6 and utilize an electronic inventory management system that meets the requirements set forth in OAC 442:10-5-6(d) for each sample that the laboratory collects, transports, and analyzes.

(10) Commercial licensees shall document all employee training on a testing laboratory's standard operating procedures.

(11) Commercial licensees must maintain the documentation required in these rules for at least seven (7) years and must provide that information to the Authority upon request.

(b) **Sample size.**

(1) To obtain a representative sample of a harvest batch or non-infused pre-rolls, a total of ~~0.5%~~ one-half of one percent (0.5%) of the batch shall be collected from different areas of the batch following the laboratory's approved protocol. The sample shall then be ~~homogenized~~well mixed and aliquoted into a primary sample and reserve sample~~, which shall be equal in amounts~~. The primary sample and the reserve sample shall ~~be in the amounts specified in the laboratory's standard operating procedure~~each weigh greater than or equal to five grams (≥ 5 g). Any amounts left over after aliquoting may be returned to the harvest or production batch.

(2) To obtain a representative sample of a ~~processed~~ production batch that is a well mixed ~~or homogeneous by its nature~~ liquid, a sampler shall obtain a primary sample and a reserve sample that shall each weigh greater than or equal to five grams (≥ 5 g) ~~an amount sufficient to be aliquoted into a primary sample and a reserve sample, which shall be equal in amount. If the batch is~~ To obtain a representative sample of infused pre-rolls or a non-liquid production batch, ~~not homogeneous or is of unknown homogeneity, then 0.5%~~ one-half of one percent (0.5%) of the batch shall be collected from different portions of the batch following the laboratory's approved protocol. The sample shall then be ~~homogenized~~well mixed and aliquoted into a primary sample and reserve sample, which shall be equal in amount. The primary sample and reserve sample shall ~~be in the amounts specified in the laboratory's standard operating procedure~~ each weigh greater than or equal to five grams (≥ 5 g). Any amount left over after aliquoting may be returned to the production batch.

~~(3) To obtain a representative sample of a final medical marijuana product batch, samples shall be collected in accordance with the table in Appendix D.~~

~~(4) To obtain a representative sample of pre-rolls, samples shall be collected in accordance with the table in Appendix E.~~

(c) **Sampling standard operating procedures.**

(1) Samples collected must be representative of the entire batch to ensure accurate ~~microbiological~~ microbial analysis and foreign material assessments.

(2) ~~Sample~~ Sampling protocol shall be approved by the laboratory director. The laboratory shall develop and implement written sampling policies and procedures that are appropriate for each test method and each type of matrix to be tested and that are consistent with these regulations. Sampling procedures must describe the laboratory's method for collection, preparation, packaging, labeling, documentation, and transport of samples from each matrix type the laboratory tests.

(3) The sampling standard operating procedures (SOP) shall include at least the following information:

(A) A step-by-step guide for obtaining samples from each matrix type the laboratory samples;

(B) Protocols for ensuring that contaminants are not introduced during sampling, including protocols relating to the sanitizing of equipment and tools, protective garb, and sampling containers;

(C) Accepted test sample types;

(D) Minimum test sample size;

(E) Recommended test sample containers;

(F) Test sample labeling;

(G) Transport and storage conditions, such as refrigeration, as appropriate to protect the physical and chemical integrity of the sample;

(H) Other requirements, such as use of preservatives, inert gas, or other measures designed to protect sample integrity; and

(I) Chain-of-custody documentation for each sample in accordance with OAC 442:10-5-6.

(4) The sampling SOP shall be signed and dated by the medical laboratory director and shall include any revision dates and authors. The laboratory director's signature denotes approval of the plan.

(5) The laboratory shall retain a controlled copy of the sampling SOP on the laboratory premises and ensure that the sampling SOP is accessible to the sampler in the field during sampling.

(d) **Sample handling, storage and disposal.** A laboratory shall establish sample handling procedures for the tracking of test samples through the analytical process (by weight, volume, number, or other appropriate measure) to prevent diversion.

(1) The laboratory shall ~~store each test sample under the appropriate conditions appropriate to protect the physical and chemical integrity of the sample.~~not accept a test sample that is less than the minimum amount listed in OAC 442:10-8-3(b);

(2) The laboratory shall store each test sample under the appropriate conditions appropriate to protect the physical and chemical integrity of the sample;

~~(2)~~(3) Analyzed test samples consisting of medical marijuana or medical marijuana products shall be held in a controlled access area pending destruction or other disposal.

~~(3)~~(4) Reserve samples shall be maintained and properly stored by the laboratory for at least thirty (30) days. Any retesting requested by the originating licensee must be requested within thirty (30) days to ensure the retesting occurs within the required thirty (30) day storage period for reserve samples.

~~(4)~~(5) After the required thirty (30) day storage period, any portion of a medical marijuana or medical marijuana product test sample that is not destroyed during analysis shall be:

(A) Returned to the licensed individual or entity that provided the sample after the required retention period for reserve samples;

(B) Transported to a state or local law enforcement office; or

(C) Disposed of in accordance with OAC 442:10-5-10 (relating to medical marijuana waste disposal).

(e) **Data reporting.**

(1) The laboratory shall generate a certificate of analysis (COA) for each sample that the laboratory analyzes.

(2) The laboratory shall issue the COA to the requester within two (2) business days after technical and administrative review of analysis has been completed. Any amendments to a COA shall include a revision identifier or report number, an explanation of the amendment, and shall identify all changes included in the amendment.

(3) All COAs, whether in paper or electronic form, shall contain, at minimum, the following information:

(A) The name, address, license number, and contact information of the laboratory that conducted the analysis;

(B) If the laboratory sends a sample to another laboratory for testing, the reference laboratory must be identified as having performed that test;
(C) The name, address, and license number of the requester;
(D) The description of the type or form of the test sample (leaf, flower, powder, oil, specific edible product, etc.) and its total primary sample weight in grams, reported to the nearest gram;
(E) The unique sample identifier;
(F) Batch number of the batch from which the sample was obtained;
(G) Sample history, including the date collected, the date received by the laboratory, and the date(s) of sample analyses and corresponding testing results, including units of measure where applicable;
(H) The analytical methods used, including at a minimum identification of the type of analytical equipment used (e.g., GC, HPLC, UV, etc.);
(I) The reporting limit for each analyte tested;
(J) Any compounds detected during the analyses of the sample that are not among the targeted analytes and are unknown, unidentified, tentatively identified or known and injurious to human health if consumed, if any;
(K) The identity of the supervisory or management personnel who reviewed and verified the data and results and ensured that data quality, calibration, and other applicable requirements were met;
(L) Definitions of any abbreviated terms; and
(M) The state inventory tracking system tag number, the sample tag number, and the source package tag number.

(4) The laboratory shall report test results for each primary sample on the COA as follows:
(A) When reporting quantitative results for each analyte, the laboratory shall use the appropriate units of measurement as required under this chapter and indicate "pass" or "fail";
(B) When reporting qualitative results for each analyte, the laboratory shall indicate "pass" or "fail";
(C) "Pass" and "Fail" must be clear, conspicuous, and easily identifiable in a font size no less than the size of 12 pt font in Times New Roman and shall not be in fine print or footnotes;
(D) When reporting results for any analytes that were detected below the analytical method limit of quantitation (LOQ), indicate "<LOQ" and list the results for analytes that were detected above the LOQ but below the allowable limit; and
(E) Indicate "NT" for not tested for any test that the laboratory did not perform.

(5) Upon detection of any compounds during the analyses of the sample that are not among the targeted analytes and are unknown, unidentified, tentatively identified, or known and injurious to human health if consumed, laboratories shall notify the Authority immediately and shall submit to the Authority a copy of the COA containing those compounds as required in OAC 442:10-8-3(e)(3)(I). The Authority may require a processor, grower, or dispensary to submit samples for additional testing, including testing for analytes that are not required by these Rules. The licensee shall provide the samples or units of medical marijuana or medical marijuana products at its own expense but shall not be responsible for the costs of testing.

(6) When a laboratory determines that a harvest batch or production batch has failed any required testing, the laboratory shall immediately notify the Authority in the manner and form prescribed by the Authority on its website and shall submit a copy of the COA to the Authority within two (2) business days. Submission of this information to the Authority through the State's inventory tracking system shall be sufficient to satisfy this reporting requirement.

442:10-8-4. Laboratory quality assurance and quality control [AMENDED]

(a) **Laboratory Quality Assurance (LQA) program.** The medical laboratory director shall develop and implement an LQA program to ensure the reliability and validity of the analytical data produced by the laboratory.

(1) The LQA program shall, at minimum, include a written LQA manual that addresses the following:
(A) Quality control procedures, including remedial actions;
(B) Laboratory organization and employee training and responsibilities;
(C) LQA criteria for acceptable performance;
(D) Traceability of data and analytical results;
(E) Instrument maintenance, calibration procedures, and frequency;
(F) Performance and system audits;
(G) Steps to change processes when necessary;
(H) Record retention;
(I) Test procedure standardization; and

(J) Method validation, including, but not limited to, accuracy, precision, sensitivity, cross-over, ~~LOD~~ Limit of Detection (LOD), Limit of Quantitation (LOQ), linearity, and measurement of uncertainty. For chromatographic methods, accuracy measurements must include statistical determination of an acceptable retention time window for identification of an analyte;
(K) Method verification of all externally validated methods, including but not limited to the laboratory's ability to achieve the validated method's performance criteria, analyst demonstration of competency, and a passing score for sample proficiency testing in an appropriate matrix;
(L) Any material alteration of a validated method, whether developed externally or internally, causes the method to become a laboratory developed method and subject to full validation;
(M) Validation or verification of a method following non-routine maintenance, repair of an instrument, or relocation of an analytical piece of equipment.

(2) The laboratory director shall annually review, amend if necessary, and approve the LQA program and manual when:

(A) The LQA program and manual are created; and
(B) There is a change in methods, laboratory equipment, or the supervisory or management laboratory employee overseeing the LQA program.

(b) **Laboratory quality control samples.**

(1) The laboratory shall use laboratory quality control (LQC) samples in the performance of each analysis ~~according to the specifications in this section~~as required by OAC 442:10-8-1(i).
(2) The laboratory shall analyze LQC samples in the same manner as the laboratory analyzes samples of medical marijuana and medical marijuana products.
(3) ~~The laboratory shall use negative and positive controls for microbial testing.~~
~~(4) The following quality control samples must be run every 20 samples in an analytic run:~~

~~(A) Method blank;~~
~~(B) Continuing calibration verification (CCV);~~
~~(C) Laboratory replicate sample; and~~
~~(D) Matrix spike sample or matrix spike duplicate sample.~~

~~(5)~~ If the result of the analyses is outside the specified acceptance criteria in ~~Appendix B~~ OAC 442:10-8-1(i), the laboratory shall determine the cause and take steps to remedy the problem until the result is within the specified acceptance criteria. Samples after the last acceptable run must be re-tested.
~~(6)~~(4) The laboratory shall generate a LQC sample report for each analytical run that includes LQC parameters, measurements, analysis date, and matrix. The results must fall within the criteria set forth in ~~Appendix B~~OAC 442:10-8-1(i).

(c) **Reagents, solutions, and reference standards.**

(1) Reagents, solutions, and reference standards shall be:

(A) Secured in accordance with the laboratory's storage policies; labeled to indicate identity of the reagent, identity of the preparer, date received or prepared, and expiration or requalification date; and labeled with, where applicable, concentration or purity, storage requirements, lot tracking number, and date opened;
(B) Stored under appropriate conditions to minimize degradation or deterioration of the material; and
(C) Used only within the item's expiration or requalification date.

(2) Deteriorated or outdated reagents and solutions shall be properly disposed of, in compliance with all federal, state and local regulations.
(3) The laboratory may acquire commercial reference standards for cannabinoids and other chemicals or contaminants, for the exclusive purpose of conducting testing for which the laboratory is approved. The laboratory may elect to produce reference standards in-house (internally). When internally produced, the laboratory shall utilize standard analytical techniques to document the purity and concentration of the internally produced reference standards. The laboratory is authorized to obtain marijuana or marijuana-derived product from a licensed non-profit producer for this purpose.
(4) The laboratory shall obtain or, for internally-produced standards, shall create a certificate of analysis (COA) for each lot of reference standard. Each COA shall be kept on-file and the lot number of the reference standard used shall be recorded in the documentation for each analysis, as applicable.

442:10-8-5. Quality assurance laboratory [AMENDED]

(a) Purpose. The Authority is authorized to operate a quality assurance laboratory or to contract with a private laboratory for the purpose of evaluating the day-to-day operations of licensed laboratories. Any such contracted laboratory is prohibited from conducting any other commercial medical marijuana testing in this state.
(b) Accreditation. The quality assurance laboratory must be accredited by or have made application for accreditation to ANSI/ASQ National Accreditation Board, American Association for Laboratory Accreditation (A2LA), Perry Johnson Laboratory Accreditation (PJLA), or any other accrediting entity using the ISO/IEC Standard 17025. Accreditation or application for accreditation must be from one of these entities in both chemistry and biology or cannabis.
(c) Duties. The Authority shall utilize the quality assurance laboratory to: ~~On behalf of the Authority, a contracted private laboratory shall have the authority to:~~

(1) Conduct Inter-Laboratory Control Testing of laboratory licensees and applicants in a manner and frequency approved by the Authority;
(2) Provide recommendations for all equipment and standards to be utilized by licensed medical marijuana testing laboratories when testing samples of medical marijuana, medical marijuana concentrate, and medical marijuana products; ~~Inspect and assess testing equipment of licensed testing laboratories;~~
(3) Provide standardized operating procedures when procuring, collecting, extracting, and testing medical marijuana, medical marijuana concentrate, and medical marijuana products; ~~Access and test LQC samples;~~
(4) Procure, handle, transfer, transport, and test samples taken from medical marijuana licensed businesses; ~~Inspect and obtain copies of all laboratory documents and records, including but not limited to SOPs, COAs, testing reports, policies, and manuals;~~
(5) Implement the secret shopper program pursuant to 63 O.S. 427.25 of the Oklahoma Statutes; ~~Interview laboratory employees, owners, and agents for the purpose of evaluating compliance with Oklahoma law and these Rules; and~~
(6) Detect and analyze any compounds that are not among the targeted analytes and are unknown, unidentified, tentatively identified, or known and injurious to human health if consumed; and
(7) Other actions as deemed appropriate by the Authority to ensure compliance with Oklahoma law and these Rules.

(d) In order to fulfill the duties of the quality assurance laboratory, the Authority may:

(1) Enter into interlocal agreements with any other government agency pursuant to 74 O.S. 1001 et seq of the Oklahoma Statutes;
(2) Select a laboratory information system through a competitive bidding process pursuant to 74 O.S. 85.7 of the Oklahoma Statutes; or
(3) Collect samples from harvest batches that failed testing.

(e) The quality assurance laboratory may transport and transfer medical marijuana, medical marijuana concentrate, and medical marijuana product for testing between the originating medical marijuana business, the quality assurance laboratory, and other licensed medical marijuana testing laboratories pursuant to this section.
(f) The quality assurance laboratory shall comply with the provisions of the Oklahoma Medical Marijuana and Patient Protection Act when transporting samples of medical marijuana, medical marijuana concentrate, and medical marijuana product for testing between the originating medical marijuana business, the quality assurance laboratory, and other licensed medical marijuana testing laboratories pursuant to this section.
(g) Nothing in this section shall require the quality assurance laboratory to apply for and receive a license.
(h) The Authority shall submit an annual report to the Legislature on quality assurance activities and results.

[OAR Docket #24-578; filed 5-7-24]

Executive Orders

As required by 75 O.S., Sections 255 and 256, Executive Orders issued by the Governor of Oklahoma are published in both the *Oklahoma Register* and the *Oklahoma Administrative Code*. Executive Orders are codified in Title 1 of the *Oklahoma Administrative Code*

Pursuant to 75 O.S., Section 256(B)(3), "Executive Orders of previous gubernatorial administrations shall terminate ninety (90) alendar days following the inauguration of the next Governor unless otherwise terminated or continued during that time by Executive Order."

TITLE 1. EXECUTIVE ORDERS

1:2024-7.

EXECUTIVE ORDER 2024-7

I, J. Kevin Stitt, Governor of the State of Oklahoma, pursuant to the power vested in me by Section 2 of Article VI of the Oklahoma Constitution, hereby declare the following:

1. Severe storms, tornadoes, straight-line winds, hail, and flooding beginning Saturday, April 27 and continuing have caused damage to public and private properties within the State of Oklahoma; and said damages have caused an undue hardship on the citizens of this State.

2. It may be necessary to provide for the rendering of mutual assistance among the State and political subdivisions of the State with respect to carrying out disaster emergency functions during the continuance of the State emergency pursuant to the provisions of the Oklahoma Emergency Management Act of 2003.

3. There is hereby declared a disaster emergency caused by the severe storms, tornadoes, straight-line winds, hail, and flooding in the State of Oklahoma that threatens the lives and property of the people of this State and the public's peace, health, and safety. The counties included in this declaration are:

Carter, Cotton, Garfield, Hughes, Kay, Lincoln, Love, Murray, Okfuskee, Oklahoma, Payne, and Pontotoc.

4. The State Emergency Operations Plan has been activated and resources of all State departments and agencies available to meet this emergency are hereby committed to the reasonable extent necessary to protect lives and to prevent, minimize, and repair injury and damage. These efforts shall be coordinated by the Director of the Department of Emergency Management with comparable functions of the federal government and political subdivisions of the State.

Based on the foregoing, pursuant to the power vested in me by Sections 1 and 2 of Article VI of the Oklahoma Constitution and 63 O.S. §§ 683.1 et seq., and pursuant to 49 C.F.R. Part 390.23, I hereby declare that there is a State of Emergency continuing in the State of Oklahoma.

Due to impacts from severe storms, tornadoes, straight-line winds, hail, and flooding beginning April 27, 2024 including extensive damage to power lines and infrastructure, it is necessary to assist and expedite all efforts of relief. In order to accommodate this need and to provide assistance to the residents of the State of Oklahoma in this extraordinary situation, I hereby order the temporary suspension of the following in all 50 states as they apply to vehicles in the support efforts:

1. The requirements for size and weights permits of oversized vehicles under Title 47 of the Oklahoma Statutes whose sole purpose is transportation of materials and supplies used for emergency relief and power restoration;

2. The cost and fees of overweight permits required of carriers whose purpose is the transportation of materials and supplies used for emergency relief and power restoration, which require an overweight permit under Title 47 of Oklahoma statutes;

3. The requirements under Parts 390 through 399 pursuant to part 390.23 of Title 49 of the Federal Motor Carrier Safety Administration Regulations;

4. The requirements for licensing/operating authority as required by the Oklahoma Corporation Commission; and

5. The requirements for licensing/registration authority as required by the Oklahoma Tax Commission.

Nothing contained in this declaration shall be construed as an exemption from the Controlled Substance and Alcohol Use and Testing requirements (49 C.F.R. Part 382), the Commercial Driver License requirements (49 C.F.R. Part 383), the Financial Responsibility requirements (49 C.F.R. Part 387), or any other portion of the regulations not specifically identified herein. Motor carriers that have an Out-Of-Service Order in effect cannot take advantage of the relief from regulation that this declaration provides.

This Executive Order shall be effective for thirty (30) days.

Copies of this Executive Order shall be distributed to the Director of Emergency Management, Oklahoma Corporation Commission, Oklahoma Department of Transportation, Oklahoma Tax Commission, Oklahoma Adjutant General's Office, Office of Management and Enterprise Services, and the Oklahoma Department of Public Safety, who shall cause the provisions of this Order to be implemented by all appropriate agencies of State government.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 28th day of April, 2024.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA
J. Kevin Stitt

ATTEST:
Josh Cockroft
Secretary of State

[OAR Docket #24-566; filed 4-29-24]

TITLE 1. EXECUTIVE ORDERS

1:2024-8.

EXECUTIVE ORDER 2024-8

WHEREAS, I recently signed House Bill 4156 into law as a direct result of the unprecedented border security crisis that has seen more than 52,000 Chinese Nationals along with terror organizations illegally infiltrate and wreak havoc on our great Nation and State due to the Biden administration's complete failure to offer even minimal protections;

WHEREAS, I have been clear that House Bill 4156 is not aimed at the honest, hardworking Hispanic or other international migrant populations here chasing the American dream, enhancing our communities, economies, and way of life, and otherwise significantly contributing to Oklahoma's tapestry;

WHEREAS, the current federal administration has refused to responsibly issue work permits or visas to thousands of immigrants who have long filled gaps in Oklahoma's workforce, and the Biden administration has instead chosen to altogether ignore any and all issues associated with the crisis at the southern border;

WHEREAS, unless and until the federal administration functions as designed, we must do our part to discover and provide pathways for migrant workers to legitimately contribute to our state without fear of being separated from their families and livelihoods and for Oklahoma businesses to hire and retain those valuable workers without unwarranted risk of deportation;

NOW THEREFORE, I, J. Kevin Stitt, Governor of the State of Oklahoma pursuant to the power and authority vested in me by Sections 1 and 2 of Article VI of the Oklahoma Constitution, hereby order the creation of the Oklahoma State Work Permits and Visas (OSWPV) Task Force:

The Task Force shall study, evaluate, and make recommendations regarding policies and programs and propose legislation that will:

1. Allow for immigrants here to pursue the American dream and contribute to our workforce to secure work permits, work visas or similar documentation permitting them, to remain for established timeframes without threat of separation from their families and livelihood and

2. Provide universities, aviation companies, farmers and ranchers, oil and gas companies, and other industries Oklahoma heavily relies upon as its economic engine, the ability to hire and retain immigrants who do not present a threat to communities.

The Task Force shall submit to the Governor, the President Pro Tempore of the Oklahoma Senate, the Speaker of the Oklahoma House of Representatives, the Minority Leader of the Oklahoma Senate, and the Minority Leader of the Oklahoma House of Representatives a report on or before August 31, 2024, detailing its findings and recommendations.

The Task Force shall be composed of eleven (11) members determined as follows:

1. Three (3) community members appointed by the Governor, at least one of whom shall have demonstrated knowledge of the process by which work permits and/or visas may be secured;
2. The Speaker of the House of Representatives or his designee;
3. The President Pro Tempore of the Senate or his designee;
4. The Commissioner of the Department of Public Safety or his designee;
5. The Consul of Mexico in Oklahoma City or her designee;
6. The Executive Director of the Oklahoma Employment Security Commission or his designee;
7. The Executive Director of the Oklahoma Tax Commission or his designee;
8. The Chancellor for the Oklahoma State System of Higher Education or her designee;
9. An appointee of the District Attorneys Council; and

A member appointed by the Governor shall serve as the Chair of the Task Force and shall have the authority to create committees and name committee chairs to facilitate the work of the Task Force and shall have the authority to appoint Task Force members and non-members to serve on committees. The Task Force shall meet as often as deemed necessary by the Chair allowing for timely completion of its work. A majority of the members shall constitute a quorum for the purpose of conducting the business of the Task Force. Members, including those appointed to committees who are not members of the Task Force, shall serve without compensation.

The Office of Management and Enterprise Services shall provide staff and administrative support for the Task Force. All Executive departments, officers, agencies, and employees of the State shall cooperate with the Task Force, including providing any information, data, records, and reports as may be requested.

This Executive Order shall be distributed to each member of the Task Force specifically identified herein and to each person appointed to a Task Force committee and to the Minority Leader of the Oklahoma Senate and the Minority Leader of the Oklahoma House of Representatives.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 30th day of April, 2024.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA
J. Kevin Stitt

ATTEST:
Josh Cockroft
Secretary of State

[OAR Docket #24-567; filed 5-1-24]

TITLE 1. EXECUTIVE ORDERS

1:2024-9.

EXECUTIVE ORDER 2024-9

I, J. Kevin Stitt, Governor of the State of Oklahoma, hereby direct the appropriate steps be taken to fly all American and Oklahoma flags on State property at half-staff from 8:00 a.m. to 5:00 p.m. on Friday, May 3, 2024, to honor the life and service of the former mayor of Moore, Glenn Lewis.

Glenn Lewis served as the mayor of Moore for thirty years and is credited with transforming the city into a bustling hotspot for businesses and families. Lewis led the city as a dedicated public servant, and navigated numerous natural disasters during his tenure, including the notable 1999 and 2013 tornadoes. Lewis is preceded in death by his wife of forty years, Pamela Coulter Lewis, and is survived by their daughter, Laura, her partner Brendan Schulz, and their children, Riley and Daniel, his brother Timothy J. Lewis and his wife, Julie.

This executive order shall be forwarded to the Division of Capital Assets Management, who shall cause the provisions of this order to be implemented by all appropriate agencies of state government.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, on this 1st day of May, 2024.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA
J. Kevin Stitt

ATTEST:
Josh Cockroft
Secretary of State

[OAR Docket #24-577; filed 5-1-24]

TITLE 1. EXECUTIVE ORDERS

1:2024-7B.

EXECUTIVE ORDER 2024-7B

I, J. Kevin Stitt, Governor of the State of Oklahoma, pursuant to the power vested in me by Section 2 of Article VI of the Oklahoma Constitution, hereby declare the following:

1. Severe storms, tornadoes, straight-line winds, hail, and flooding beginning Thursday, April 25 and continuing have caused damage to public and private properties within the State of Oklahoma; and said damages have caused an undue hardship on the citizens of this State.

2. It may be necessary to provide for the rendering of mutual assistance among the State and political subdivisions of the State with respect to carrying out disaster emergency functions during the continuance of the State emergency pursuant to the provisions of the Oklahoma Emergency Management Act of 2003.

3. There is hereby declared a disaster emergency caused by the severe storms, tornadoes, straight-line winds, hail, and flooding in the State of Oklahoma that threatens the lives and property of the people of this State and the public's peace, health, and safety. The counties included in this declaration are:

Blaine, Carter, Cleveland, Comanche, Cotton, Craig, Custer, Garfield, Hughes, Johnston, Kay, Kingfisher, Lincoln, Love, McClain, Murray, Okfuskee, Oklahoma, Okmulgee, Osage, Ottawa, Payne, Pittsburg, Pontotoc, Pottawatomie, Tillman, Wagoner, Washington, and Washita

4. The State Emergency Operations Plan has been activated and resources of all State departments and agencies available to meet this emergency are hereby committed to the reasonable extent necessary to protect lives and to prevent, minimize, and repair injury and damage. These efforts shall be coordinated by the Director of the Department of Emergency Management with comparable functions of the federal government and political subdivisions of the State.

Based on the foregoing, pursuant to the power vested in me by Sections 1 and 2 of Article VI of the Oklahoma Constitution and 63 O.S. §§ 683.1 et seq., and pursuant to 49 C.F.R. Part 390.23, I hereby declare that there is a State of Emergency continuing in the State of Oklahoma.

Due to impacts from severe storms, tornadoes, straight-line winds, hail, and flooding beginning April 25, 2024 including extensive damage to power lines and infrastructure, it is necessary to assist and expedite all efforts of relief. In order to accommodate this need and to provide assistance to the residents of the State of Oklahoma in this extraordinary situation, I hereby order the temporary suspension of the following in all 50 states as they apply to vehicles in the support efforts:

1. The requirements for size and weights permits of oversized vehicles under Title 47 of the Oklahoma Statutes whose sole purpose is transportation of materials and supplies used for emergency relief and power restoration;

2. The cost and fees of overweight permits required of carriers whose purpose is the transportation of materials and supplies used for emergency relief and power restoration, which require an overweight permit under Title 47 of Oklahoma statutes;

3. The requirements under Parts 390 through 399 pursuant to part 390.23 of Title 49 of the Federal Motor Carrier Safety Administration Regulations;

4. The requirements for licensing/operating authority as required by the Oklahoma Corporation Commission; and

5. The requirements for licensing/registration authority as required by the Oklahoma Tax Commission.

Nothing contained in this declaration shall be construed as an exemption from the Controlled Substance and Alcohol Use and Testing requirements (49 C.F.R. Part 382), the Commercial Driver License requirements (49 C.F.R. Part 383), the Financial Responsibility requirements (49 C.F.R. Part 387), or any other portion of the regulations not specifically identified herein. Motor carriers that have an Out-Of-Service Order in effect cannot take advantage of the relief from regulation that this declaration provides.

This Executive Order shall be effective for thirty (30) days.

Copies of this Executive Order shall be distributed to the Director of Emergency Management, Oklahoma Corporation Commission, Oklahoma Department of Transportation, Oklahoma Tax Commission, Oklahoma Adjutant General's Office, Office of Management and Enterprise Services, and the Oklahoma Department of Public Safety, who shall cause the provisions of this Order to be implemented by all appropriate agencies of State government.

IN WITNESS WHEREOF, I have set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, this 7th day of May.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA
J. KEVIN STITT

ATTEST:
Josh Cockroft
SECRETARY OF STATE

[OAR Docket #24-579; filed 5-7-24]

TITLE 1. EXECUTIVE ORDERS

1:2024-7A.

EXECUTIVE ORDER 2024-7A

I, J. Kevin Stitt, Governor of the State of Oklahoma, pursuant to the power vested in me by Section 2 of Article VI of the Oklahoma Constitution, hereby declare the following:

1. Severe storms, tornadoes, straight-line winds, hail, and flooding beginning Thursday, April 25 and continuing have caused damage to public and private properties within the State of Oklahoma; and said damages have caused an undue hardship on the citizens of this State.

2. It may be necessary to provide for the rendering of mutual assistance among the State and political subdivisions of the State with respect to carrying out disaster emergency functions during the continuance of the State emergency pursuant to the provisions of the Oklahoma Emergency Management Act of 2003.

3. There is hereby declared a disaster emergency caused by the severe storms, tornadoes, straight-line winds, hail, and flooding in the State of Oklahoma that threatens the lives and property of the people of this State and the public's peace, health, and safety. The counties included in this declaration are:

Carter, Cotton, Garfield, Hughes, Johnston, Kay, Lincoln, Love, Murray, Okfuskee, Oklahoma, Okmulgee, Payne, Pittsburg, Pontotoc, and Wagoner.

4. The State Emergency Operations Plan has been activated and resources of all State departments and agencies available to meet this emergency are hereby committed to the reasonable extent necessary to protect lives and to prevent, minimize, and repair injury and damage. These efforts shall be coordinated by the Director of the Department of Emergency Management with comparable functions of the federal government and political subdivisions of the State.

Based on the foregoing, pursuant to the power vested in me by Sections 1 and 2 of Article VI of the Oklahoma Constitution and 63 O.S. §§ 683.1 et seq., and pursuant to 49 C.F.R. Part 390.23, I hereby declare that there is a State of Emergency continuing in the State of Oklahoma.

Due to impacts from severe storms, tornadoes, straight-line winds, hail, and flooding beginning April 25, 2024 including extensive damage to power lines and infrastructure, it is necessary to assist and expedite all efforts of relief. In order to accommodate this need and to provide assistance to the residents of the State of Oklahoma in this extraordinary situation, I hereby order the temporary suspension of the following in all 50 states as they apply to vehicles in the support efforts:

1.The requirements for size and weights permits of oversized vehicles under Title 47 of the Oklahoma Statutes whose sole purpose is transportation of materials and supplies used for emergency relief and power restoration;

2. The cost and fees of overweight permits required of carriers whose purpose is the transportation of materials and supplies used for emergency relief and power restoration, which require an overweight permit under Title 47 of Oklahoma statutes;

3. The requirements under Parts 390 through 399 pursuant to part 390.23 of Title 49 of the Federal Motor Carrier Safety Administration Regulations;

4. The requirements for licensing/operating authority as required by the Oklahoma Corporation Commission; and

5. The requirements for licensing/registration authority as required by the Oklahoma Tax Commission.

Nothing contained in this declaration shall be construed as an exemption from the Controlled Substance and Alcohol Use and Testing requirements (49 C.F.R. Part 382), the Commercial Driver License requirements (49 C.F.R. Part 383), the Financial Responsibility requirements (49 C.F.R. Part 387), or any other portion of the regulations not specifically identified herein. Motor carriers that have an Out-Of-Service Order in effect cannot take advantage of the

relief from regulation that this declaration provides.

This Executive Order shall be effective for thirty (30) days.

Copies of this Executive Order shall be distributed to the Director of Emergency Management, Oklahoma Corporation Commission, Oklahoma Department of Transportation, Oklahoma Tax Commission, Oklahoma Adjutant General's Office, Office of Management and Enterprise Services, and the Oklahoma Department of Public Safety, who shall cause the provisions of this Order to be implemented by all appropriate agencies of State government.

IN WITNESS WHEREOF, I have set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, this 29th day of April.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA
J. Kevin Stitt

ATTEST:
Josh Cockroft
Secretary of State

[OAR Docket #24-586; filed 5-8-24]