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Kevin Stitt, Governor
Josh Cockroft,
Secretary of State
Chris Coffman, Editor-in-Chief

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For additional information on submissions to the Governor/Legislature, see 75 O.S., Section 303.1 and 308.

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[OAR Docket #24-608]

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June 17, 2024

[OAR Docket #24-608; filed 6-17-24]

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
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[OAR Docket #24-609]

RULEMAKING ACTION:
Submission to Governor and Legislature

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SUBMISION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:
June 17, 2024

[OAR Docket #24-609; filed 6-17-24]

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
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[OAR Docket #24-610]

RULEMAKING ACTION:
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SUBMISION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

June 17, 2024

[OAR Docket #24-610; filed 6-17-24]

Governor's Declarations

"If a proposed permanent rule is disapproved by an omnibus joint resolution of the Legislature, as set forth in 75 O.S., Section 308.3, the Governor may issue a Governor's Declaration declaring the rule to be approved and finally adopted if, after receiving a petition from the issuing agency, the Governor determines that the rule is necessary and that the agency has the authority to make the rule.
The Governor may also issue a Governor's Declaration approving and finally adopting rules if:

- the Legislature fails to pass an omnibus joint resolution during the legislative session; or
- the Governor finds that an omnibus joint resolution has "a technical legal defect preventing approval of administrative rules intended to be approved by the Legislature" [75 O.S., Section 308.3(D)(4)].

A Governor's Declaration must be published in the Register on or before July 17 following that legislative session.

GOVERNOR'S DECLARATION REGARDING SUBMITTED AGENCY RULES

On May 30, 2024, the Oklahoma Legislature adjourned sine die without passing a joint resolution either approving or disapproving administrative rules.

Pursuant to Section 308.3 of Title 75 of the Oklahoma Statutes, rules received on or before April 1 and not subject to a joint resolution passed by both houses of the Legislature (i.e., rules that were neither approved nor disapproved by a joint resolution) may be declared approved or disapproved and finally adopted by the Governor by publishing a declaration in the Oklahoma Register.

Pursuant to the foregoing, I hereby approve all rules submitted on or before April 1, 2024, except:

260:60-3-3 [AMENDED]	260:60-3-12 [AMENDED]	265:50-1-2 [AMENDED]
265:50-3-1 [AMENDED]	265:50-3-2 [AMENDED]	265:50-3-3 [AMENDED]
265:50-3-4 [AMENDED]	265:50-3-4.1 [NEW]	265:50-3-5 [AMENDED]
265:50-5-2 [AMENDED]	265:50-5-2.1 [NEW]	385:30-1-3 [AMENDED]
450:17-1-6 [AMENDED]	575:1-1-3 [AMENDED]	710:1-5-112 [AMENDED]
710:10-17-1 [NEW]	785:25-9-1 [AMENDED]	

Executed this 21st day of June, 2024.

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

ATTEST:
Josh Cockroft
SECRETARY OF STATE

[OAR Docket #24-616; filed 6-21-24]

Permanent Final Adoptions

An agency may promulgate rules on a permanent basis upon "final adoption," as defined in 75 O.S., Section 250.3(5), of the proposed rules.
Permanent rules are effective ten days after publication in the Register, or on a later date specified by the agency in the preamble of the permanent rule document.
Permanent rules are published in the Oklahoma Administrative Code, along with a source note entry that cites the Register publication of the finally adopted rules in the permanent rule document.
For additional information on the permanent rulemaking process, see 75 O.S., Sections 303, 303.1, 308, 308.1 and 308.3.

TITLE 75. ATTORNEY GENERAL
CHAPTER 30. STANDARDS AND CRITERIA FOR ADULT VICTIMS OF HUMAN SEX TRAFFICKING PROGRAMS

[OAR Docket #24-635]

RULEMAKING ACTION:
PERMANENT final adoption
RULES:
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75:30-1-1. Purpose [AMENDED]
75:30-1-1.1. ~~Mission and underlying philosophy~~Application of Chapter 30 to Minors [AMENDED]
75:30-1-1.2. Mission and underlying philosophy [NEW]
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75:30-3-2. ~~Shelter program~~Program facilities [AMENDED]
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75:30-5-4. Client confidentiality [AMENDED]
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75:30-7-7. Program environment, ~~shelter~~residential services programs [AMENDED]
Subchapter 11. Personnel and Volunteers
Part 5. TRAINING
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75:30-11-12.1. In-service and ongoing training for personnel and volunteers [AMENDED]
Subchapter 13. Governing Authority
75:30-13-2. Duties of the governing authority [AMENDED]
Subchapter 15. Client Rights, for Adult Victims of Human Sex Trafficking Programs
75:30-15-3. Client grievance policy and procedures [AMENDED]
AUTHORITY:
Attorney General; 74 O.S.2021, § 18p-6, 74 O.S.Supp.2022, § 18r
SUBMISSION OF PROPOSED RULES TO GOVERNOR AND CABINET SECRETARY:
December 22, 2023
COMMENT PERIOD:
January 17, 2024 through February 16, 2024
PUBLIC HEARING:
February 16, 2024
ADOPTION:
February 29, 2024

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:
February 29, 2024
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Approved by Governor's declaration on June 21, 2024
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June 21, 2024
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INCORPORATED STANDARDS:
N/A
INCORPORATING RULES:
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GIST/ANALYSIS:
The proposed rule amendments must be implemented as the current rules are outdated and do not focus on the multiple ways human trafficking is perpetrated. The amendments offer updates for best practices and recognize the multiple methods of human trafficking. The rules are also inconsistent with how human trafficking response programs operate in the State.
CONTACT PERSON:
Thomas Schneider, Deputy General Counsel, thomas.schneider@oag.ok.gov or rules@oag.ok.gov

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(7) AND 308(E), WITH AN EFFECTIVE DATE OF JULY 25, 2024:

SUBCHAPTER 1. GENERAL PROVISIONS

75:30-1-1. Purpose [AMENDED]

This chapter sets forth the rules, including standards and criteria, used in certifying ~~sexual assault~~ programs and shelters for adult victims/survivors of ~~sexual violence as a result of~~ human sex trafficking pursuant to 74 O.S. § 18p-6. ~~Human sex trafficking occurs when a person uses force, fraud, or coercion to get a victim to perform sexual acts for commercial reasons. The victim is recruited, transferred, harbored, obtained or moved by a person. The person uses force, fraud, coercion, abduction, threat, deception or the abuse of power to gain control over the victim. The victim is exploited for forced labor, involuntary servitude, slavery, and/or debt bondage of commercial sex acts.~~ Human sex trafficking occurs when:

(1) Recruiting, enticing, harboring, maintaining, transporting, providing or obtaining, by any means, another person through deception, force, fraud, threat or coercion for purposes of engaging the person in a commercial sex act,
(2) Recruiting, enticing, harboring, maintaining, transporting, providing, purchasing or obtaining, by any means, a minor in a commercial sex act, or

(3) Benefiting, financially or by receiving anything of value, from participating in a venture that has engaged in an act of trafficking for commercial sex.

~~Under state and federal law, the use of minors for commercial sexual activity is a severe form of trafficking, even if there is no force, fraud or coercion. Minors are intended to be served under a different program. However, minors may still need immediate medical care, housing, food, clothing and other services to assure safety until they can be transferred. Although similarities exist between services provided to victims of domestic or sexual violence and victims of human sex trafficking, there are also important differences between the two groups of victims. International victims of human sex trafficking are often eligible for special benefits including housing, legal assistance and refugee services that differ from the types of services that are available to domestic human sex trafficking or sexual violence victims. These standards serve as guidance in understanding, providing and advocating for the needs of victims of human sex trafficking. The rules regarding factors relating to the process to determine status as a certified program including, but not necessarily limited to, applications, fees, requirements for and administrative sanctions, are found in OAC Title 75, Chapter 1.~~

75:30-1-1.1. ~~Mission and underlying philosophy~~Application of Chapter 30 to Minors [AMENDED]

~~(a) The mission of the standards and criteria for programs serving adult victims of sexual assault is to eliminate human sex trafficking in the State of Oklahoma.~~

~~(b) The philosophy underlying the standards and criteria for victims of human sex trafficking is that:~~

~~(1) All persons have the right to live without fear, abuse, oppression and violence;~~

~~(2) No one deserves to be victimized by assaultive or abusive behavior;~~

~~(3) Survivors should be treated with dignity and respect;~~

~~(4) All people involved in violent crimes are affected, including victims, children, families, partners, friends, the community, and perpetrators;~~

~~(5) Perpetrators must be held accountable for their behavior;~~

~~(6) A coordinated community response is the best approach to eliminating human sex trafficking in Oklahoma;~~

~~(7) Safety for the victims/survivors and their dependents is the primary focus of intervention and services;~~

~~(8) Intervention and services shall be based upon the safety and well-being of individuals and communities. Services to victims are provided in a non-judgmental, non-coercive, trauma-informed environment; and~~

~~(9) Participation in victim/survivor services is voluntary and based on self-determined needs, preferences and values.~~

Under state and federal law, the use of minors for commercial sexual activity is a severe form of trafficking, even if there is no force, fraud or coercion. Minors are intended to be served under a different program. However, minors may still need immediate medical care, housing, food, clothing and other services to assure safety until they can be transferred. These standards serve as guidance in understanding, providing and advocating for the needs of victims of human sex trafficking. The rules regarding factors relating to the process to determine status as a certified program including, but not necessarily limited to, applications, fees, requirements for and administrative sanctions, are found in OAC Title 75, Chapter 1.

75:30-1-1.2. Mission and underlying philosophy [NEW]

(a) The mission of the standards and criteria for programs serving adult victims of human sex trafficking is to eliminate the crime in the State of Oklahoma.

(b) The philosophy underlying the standards and criteria for victims of human sex trafficking is that:

(1) All persons have the right to live without fear, abuse, oppression and violence;

(2) No one deserves to be victimized by assaultive or abusive behavior;

(3) Survivors should be treated with dignity and respect;

(4) All people involved in violent crimes are affected, including victims, children, families, partners, friends, the community, and perpetrators;

(5) Perpetrators must be held accountable for their behavior;

(6) A coordinated community response is the best approach to eliminating human sex trafficking in Oklahoma;

(7) Safety for the victims/survivors and their dependents is the primary focus of intervention and services;

(8) Intervention and services shall be based upon the safety and well-being of individuals and communities. Services to victims are provided in a non-judgmental, non-coercive, trauma-informed environment; and

(9) Participation in victim/survivor services is voluntary and based on self-determined needs, preferences and values.

75:30-1-2. Definitions [AMENDED]

The following words or terms, when used in this chapter, shall have the defined meaning, unless the context clearly indicates otherwise:

"Admission" means to accept a client for services or treatment.

"Advocacy" means the assistance provided which supports, supplements, intervenes and/or links the client and their dependents with the appropriate service components to encourage self-determination, autonomy, physical and emotional safety, and to offer information that will support independence. This can be viewed as a combination of active listening and facilitating personal problem solving along with researching options of action, safety planning, community outreach and education; it may include medical, dental, financial, employment, legal and housing assistance.

"Advocate" means a person, who offers clients appropriate services.

"Assessment" means an appropriate course of assistance based on a face-to-face formal screening.

"Behavioral Health Professional" means either licensed or under supervision for licensure as a Licensed Professional Counselor, Licensed Marriage and Family Therapist, Licensed Behavioral Practitioner, Licensed Clinical Social Worker, psychiatrist or psychologist with clients in individual, group or family settings to promote positive emotional or behavioral change. A practicum student or intern in an accredited graduate program in preparation for one of the above licenses may provide counseling to victims of domestic violence, sexual assault, human sex trafficking or stalking and their dependents.

"Business day" shall mean a calendar day other than a Saturday, Sunday, or state holiday. In computing any period of time where the last day would fall on a Saturday, Sunday, or state holiday, the period shall run until 5:00 P.M. of the next business day.

"Case consultation" means review of a client's case by the primary service provider and other program personnel, consultants or both.

"Case management" means a professional practice in which the service recipient is a partner, to the greatest extent possible, in assessing needs, defining desired outcomes, obtaining services, treatments, and supports, and in preventing and managing crisis. Case management is a central service that includes: explanation of social services, service system advocacy, basic case coordination, assessments, and service plan development. It may also include transportation, translation, emotional support and counseling depending upon the training and resources of the case manager.

"Case manager" means someone with experience serving victims of crime, human sex trafficking victims, refugees, immigrants, crime victims or other related populations. Ideally, they will have received specific training to serve trafficking victims. The Case Manager will ensure that victims receive the services they need and facilitate access to community services.

"Certification" means a process that the Department of Health and Human Services, Office of Refugee Resettlement (HHS or ORR) uses to officially say that a person is a victim of a severe form of human sex trafficking. Advocates assisting victims of human sex trafficking can assist in the certification process by informing victims of their rights generally, and working with law enforcement and attorneys to ensure that they understand and advocate for the victim's individual needs once certified.

~~**"Certified Domestic and Sexual Violence Response Professional"** means a professional certified by the Oklahoma Coalition Against Domestic Violence and Sexual Assault.~~

"Certified adult victims of human sex trafficking program" means a status which is granted to an entity by the Oklahoma Attorney General, and indicates approval to offer ~~shelter~~program facilities and/or services pursuant to 74 O.S. § 18p-6. In accordance with the Administrative Procedures Act, 75 O.S. § 250.3(8), certification is defined as a "license."

"Child" or **"Children"** means any unmarried individual from birth to eighteen years of age.

"Children's Activities" means direct child contact that is temporary in nature and is not intended to address the effects of human sex trafficking, sexual assault/abuse and trauma on children i.e. special events such as Christmas parties, Easter egg hunts, that is supervised by program personnel or volunteers.

"Children's Services" means direct child contact that is intended to address the effects of human sex trafficking, sexual assault/abuse and trauma on children including but not limited to intake, needs assessment, groups, advocacy and any other service related to human sex trafficking, sexual assault/abuse and trauma.

"Client" means an adult individual who has applied for, is receiving or has received assistance or services of a certified sexual assault program for adult victims of human sex trafficking.

"Client record" includes, but is not limited to, all communication, records and information on an individual client.

"Coercion" means compelling, forcing, or intimidating a person to act by:

(A) Threats of harm or physical restraining against any person

(B) Any act, scheme, plan, or pattern intended to cause a person to believe that performing or failing to perform, an act would result in serious physical, financial, or emotional harm or distress to or physical restraint against any person,

(C) The abuse or threatened abuse of the law or legal process,
(D) Knowingly destroying, concealing, removing, confiscating or possessing any actual or purported passport, labor or immigration document, including but no limited to a driver license or birth certificate, of another person.
(E) Facilitating or controlling a person's access to any addictive or controlled substance other than for legal medical purposes
(F) Blackmail,
(G) Demanding or claiming money, goods, or any other thing of value from or on behalf of a prostituted person where such demand or claim arises from or is directly related to the act of prostitution
(H) Determining, dictating or setting the times at which another person will be available to engage in an act of prostitution with a third party
(I) Determining, dictating, or setting the places at which another person will be available for solicitation of, or to engage in prostitution with a third party
(J) Determining, dictating or setting the places at which another person will reside for purposes of making such person available to engage in an act of prostitution with a third party.

"Commercial sex" means any form of commercial sexual activity such as sexually explicit performances, prostitution, participation in the production of pornography, performance in a strip club, or exotic dancing or display.

"Community" means the people, groups, agencies or other facilities within the locality served by the program.

"Contract" means a formal document adopted by the governing authority of the program and any other organization, agency, or individual that specifies services, personnel or space to be provided to the program and the monies to be expended in exchange.

"Court advocate" means a qualified, trained staff or volunteer whose duties are to offer assistance to victims and any dependents in legal matters relevant to their situation. A Court Advocate provides court advocacy through support, information, assistance, safety planning, accompaniment and intervention with any aspect of the civil or criminal legal system on behalf of a victim of human sex trafficking. Court Advocates shall not act as licensed attorneys and are not permitted to give legal advice, unless such person is a licensed attorney in the state of Oklahoma.

"Counseling" means face-to-face or virtual therapeutic session with one-on-one interaction between a licensed behavioral health professional and an individual to promote emotional and/or behavioral change focused on victim safety and perpetrator accountability. Those individuals providing professional therapy to adult/child victims/survivors of human sex trafficking as a result of sexual violence understand that victims of trafficking may exhibit depression, post-traumatic stress disorder, memory problems, fear, suspicion, rape trauma syndrome and physical distress as a result of the psychological stress, such as headaches, stomach aches, chest pain and numbing of parts of the body. Interviews requiring them to recount their experiences can trigger these behaviors. Initially, many victims may be more comfortable with less formal, supportive counseling or "conversations" (not counseling) geared toward immediate problem solving, adjusting to life at the center and coping with loneliness and isolation from their communities.

"Crisis intervention" means short-term, immediate assistance and advocacy given by phone, virtually, or in person to adult victims of human sex trafficking. Crisis intervention services include but are not limited to assessing dangerousness, safety planning, information about available legal remedies, establishing rapport and communication, identifying major problems, exploring feelings and providing support, exploring possible alternatives, and/or formulating an action plan and follow-up measures.

"Critical incident" means an occurrence or set of events inconsistent with the routine operation of the facility, or the routine care of a client. Critical incidents specifically include but are not necessarily limited to the following: adverse drug events; self-destructive behavior; deaths and injuries to clients, personnel, volunteers and visitors; incidents involving medication; neglect or abuse of a client; fire; unauthorized disclosure of information; damage to or theft of property belonging to a client or the facility; other unexpected occurrences; or events potentially subject to litigation. A critical incident may involve multiple individuals or results.

"Cultural diversity" means the spectrum of differences that exists among groups of people with definable and unique cultural backgrounds.

"Danger assessment" or **"Threat assessment"** means, for the purposes of human trafficking, a tool to determine the level and immediacy of threat posed to a victim or at risk person who may be currently or threat in the future of being labor or sex trafficked. There is currently no single tool prescribed in Oklahoma for assessing danger or threat in regards to human trafficking specifically. Certified service providers in Oklahoma have leeway to determine the best tool to use specifically with the victim at the time of the assessment. The OAG or other governing body may, in the future, prescribe an assessment protocol specifically for human trafficking.

"Debt bondage" means the status or condition of a debtor arising from a pledge by the debtor of his or her personal services or of those of a person under his or her control as a security for debt if the value of those services as reasonably assesses is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined.

"Direct services" means services delivered by a qualified staff member or volunteer, in direct contact with a client including telephone or other electronic contact.

"Director" means the person hired by the governing authority to direct all the activities of the organization.

"Documentation" means the provision of written, dated and authenticated evidence to substantiate compliance with standards, e.g., minutes of meetings, memoranda, schedules, notices, logs, records, policies, procedures, announcements, correspondence, services, and photographs.

"Education" means the dissemination of relevant information specifically focused on increasing the awareness of the community and the receptivity and sensitivity to human sex trafficking problems and services and may include a systematic presentation of selected information to impart knowledge or instructions, to increase understanding of specific issues or programs, to examine attitude or behaviors and stimulate social action or community support of the program and its clients.

"Emergency services" or **"crisis services"** means a twenty-four (24) hour capability for danger assessment, intervention and resolution of a client crisis or emergency that is provided in response to unanticipated, unscheduled emergencies requiring prompt intervention.

"Emergency transportation" means transportation for a victim of human sex trafficking to a secured identified location at which emergency services or crisis services can be offered.

"Executive director" or **"Chief Executive Officer"** or **"CEO"** means the person in charge of a facility as defined in this section.

"Facility" means the physical location(s) of a certified program governed by this chapter of Title 75.

"Family" means the children, spouse, parents, brothers, sisters, other relatives, foster parents, guardians and others who perform the roles and functions of family members in the lives of clients.

"Governing authority" means a group of persons having the legal authority, and final responsibility for the operations and functions of the entire certified adult victims of human sex trafficking program, or ~~shelter~~program facilities, in and of all geographical locations and administrative divisions.

"Group counseling" means a face-to-face or virtual therapeutic session with a group of adult/child victims/survivors to promote emotional or behavioral change. Those individuals providing professional therapy to victims/survivors of human sex trafficking must be prepared to provide education and information about:

(A) Physical and emotional safety;

(B) How perpetrators maintain control and dominance over their victims;

(C) The need to hold perpetrators accountable for their actions; and

(D) The recognition that individuals victimized are not responsible for a perpetrator's violent behavior, and the role of society in perpetuating violence against women and the social change necessary to eliminate violence against women, including the elimination of discrimination based on race, color, gender, sexual orientation, age, disabilities, economic or educational status, religion or national origin.

"Guardian" means an individual who has been given the legal authority for managing the affairs of another individual.

"Indirect services" means services delivered by a staff member or volunteer, that does not involve direct services with a client or client's child.

"Initial contact" means a person's first contact with the program or facility requesting information or service by telephone or in person.

"Intake" means an interaction intended to discover what has happened, determine what the crisis is, assess dangerousness indicators, do safety planning, and/or establish the immediate needs of adult victims and any dependents of human sex trafficking to determine appropriate services and referrals. This includes interaction with an individual determined to be appropriate for ongoing service in order to obtain basic demographic information, gather vital information on the adult and the children, orient the victim/survivor to the program, program rules, and, if applicable, the facilities. Cultural needs should also be identified at this time.

"Language Interpretation" means activities that involve a client who is deaf or hearing impaired or has limited English proficiency requiring an interpreter for a staff member or volunteers to offer services.

"Licensure" means the official or legal permission to persons or health facilities meeting qualifications to engage in a given occupation or use a particular title.

"Medical care" means those diagnostic and treatment services which can only be provided or supervised by a licensed physician.

"Medication" means any drug that is legally in the possession of the client, his/her children, or a person seeking admittance to the ~~shelter~~program facilities or his/her children; this definition includes prescription medications and medications available for legal purchase without a prescription.

"Mental health services" means a range of diagnostic, therapeutic, and rehabilitative services used in treating mental illness or emotional disorders, including substance abuse.

"Neglect" means failing to provide adequate personal care or maintenance, or access to medical care which results or may result in physical or mental injury or harm to a client.

"OAG" means the Office of the Oklahoma Attorney General.

"Objectives" means a specific statement of planned accomplishments or results which are quantitative, qualitative, time-limited and realistic.

"Oklahoma Administrative Code" or **"OAC"** means the publication authorized by 75 O.S. § 256 known as The Oklahoma Administrative Code, or, prior to its publication, the compilation of codified rules authorized by 75 O.S. § 256(A)(1)(a) and maintained in the Office of Administrative Rules.

"Operation" means that clients are receiving services offered by the program.

"Personnel record" means a file containing the employment history and actions relevant to individual personnel and volunteer activities within an organization such as application, evaluation, salary data, job description, citations, credentials, etc.

"Persons with special needs" means persons with a condition which is considered a disability or impairment under the "American with Disabilities Act of 1990" including, but not limited to the deaf and hard of hearing, blind, physically disabled, developmentally disabled, persons with disabling illness, persons with mental illness. See "Americans with Disabilities Handbook," published by U.S. Equal Employment Opportunity Commission and U.S. Department of Justice.

"Policies" means statements of program intent, strategy, principle, or rules for providing effective and ethical services.

"Primary Victim" means a client who has experienced human sex trafficking or the consequences of the crimes first hand.

"Procedures" means the standard methods by which policies are implemented.

"Program" means a set of activities designed and structured to achieve specific objectives relative to the needs of the clients.

"Program evaluation" means the documented assessment activities, performed internally or externally, of a program or a service and its governing authority, staff, volunteers, activities and planning process to determine whether program goals are met, staff, volunteers, and activities are effective, and what effect, if any a program or service has on the problem which it was created to address or on the population which it was created to serve.

"Program goals" means broad general statements of purpose or intent.

"Qualified staff" means someone who has met the criteria for provision of direct services as defined in 75:30-11-12.

"Release" or **"Waiver"** means consent that is informed, written and reasonably time-limited. The terms may be used interchangeably to mean the same thing. 'Release' implies that confidential information is released (despite confidentiality or privilege protection), and 'Waiver' implies waiving the right (to maintain privilege). If release of information is compelled by statutory or court mandate, the program shall make reasonable attempts to provide notice to victims affected by the disclosure of information and take steps necessary to protect the privacy and safety of the persons affected by the release of the information.

"Referral" means information disseminated and/or coordinated access to agency and community services to meet victim's/survivor's and their dependents identified needs.

"Safety Planning" means the process of working with the victim/survivor to develop tools in advance of potential abuse or violence for the immediate and long term safety of the victim/survivor. The plans should be based on the individual's ~~dangerousness indicators~~situation and should include the safety needs of dependents. In some cases, ~~H~~human sex trafficking victims may face danger from organized crime, and the levels of danger depend on a host of factors including how much a victim's testimony can harm the perpetrators and how violent and extensive a human sex trafficking organization may be. Additional risks may include isolation due to inability to speak English and distrust of law enforcement and the criminal justice system and unfamiliarity with ways to seek help and safety.

"Screening" means the process of determining, preliminarily, the nature and extent of an individual's problem in order to establish the service needs. At a minimum, a screening shall include a brief personal history related to ~~abuse~~victimization, a review of the individual's strengths and resources, risk factors and referral needs.

"Secondary Victim" means a person with a relationship with the primary victim.

"Self Determination" means the right to make one's own choices.

"Service agreement" means a written agreement between two or more service agencies and individual service providers defining the roles and responsibilities of each party. The purpose of service agreements is to promote coordination and integration of service programs for the purpose of curbing fragmentation and unnecessary service duplication in order to assure a continuation of services.

"Service note" means the documentation of the time, date, location and description of services offered or provided, and signature, including electronic signature of staff or volunteer offering or providing the services.

"Service plan" means a plan of action developed and agreed upon by the client and service provider that contains service appropriate goals and objectives for the client.

"Sexual Assault" means a range of behaviors, including but not limited to rape, attempted rape, sexual battery, human sex trafficking, sexual abuse of children, sodomy and sexual harassment.

"Sexual assault services" means personal advocacy and support services provided to adult victims of human sex trafficking in settings such as law enforcement, medical settings or program offices.

"Sex trafficking" also known as **"Human ~~Sex~~ Trafficking for Commercial Sex"** means recruiting, enticing, harboring, maintaining, transporting, providing or obtaining, by any means, another person through deception, force, fraud, threat or coercion for purposes of engaging the person in a commercial sex act, or benefiting, financially or by receiving anything of value, from participating in a venture that has engaged in an act of human sex trafficking for commercial sex.

"~~Shelter~~Residential Program services" means a certified residential living arrangement in a secure setting with support and advocacy services provided by qualified staff, for adult victims of sexual assault as a result of human sex trafficking and their dependents.

"Staff" means personnel who function with a defined role within the program whether full-time, part-time or contracted.

"Substance Abuse Services" means the assessment and treatment of diagnosable substance abuse and dependence disorders, as defined by current DSM criteria, by qualified alcohol and drug treatment professionals.

"Support" or **"Supportive Services"** means the provision of direct services to victims and their dependents for the purposes of preventing further violence, helping such victims to gain access to civil and criminal courts and other community services, facilitating the efforts of such victims to make decisions concerning their lives in the interest of safety, and assisting such victims in healing from the effects of human sex trafficking.

"Transitional living services" means temporary, independent living programs with support services provided by the staff or volunteers of the sponsoring human sex trafficking program. These services are extensions of human sex trafficking shelter services to victims of human sex trafficking and their dependents. These services permit victims to develop their financial capacity and other means to live independently.

"Trauma-informed services" means a service approach that recognizes the impact of trauma and acknowledges the role of trauma in the lives of victims/survivors and their dependents.

"Universal precautions for transmission of infectious diseases" means those guidelines promulgated by the U.S. Occupational Health and Safety Administration which are designed to prevent the transmission of Human Immunodeficiency Virus, hepatitis and other infectious diseases.

"Update" means a dated and signed review of a report, plan or program with or without revision.

"Voluntary Services" means a program shall not mandate participation in supportive services as a condition of ~~shelter~~program facility residency or emergency services (Family Violence Prevention and Services Act (42 U.S.C. 10408)

"Volunteer" means any person who is not on the program's payroll, but provides either indirect or direct services and fulfills a defined role within the program and includes interns and practicum students.

SUBCHAPTER 3. ~~SEXUAL ASSAULT PROGRAMS FOR ADULT VICTIMS/ SURVIVORS OF SEXUAL VIOLENCE AS A RESULT OF~~ PROGRAMS FOR ADULT VICTIMS/ SURVIVORS OF HUMAN SEX TRAFFICKING [AMENDED]

75:30-3-1. Service programs core services [AMENDED]

(a) Programs serving victims of sexual violence as a result of human sex trafficking and their dependents or family members should consider special service needs when developing a plan to offer services.

(b) All certified programs shall provide safe, accessible, and trauma-informed services for victims of human sex trafficking and their dependents or non-offending family members.

(c) The program shall develop a philosophy of trauma-informed service provision based upon voluntary services and individual self-determination. The written statement of the philosophy of services shall be approved by the governing authority and made available to the community, staff, volunteers and clients.

(d) The program shall have policies and protocols for accepting victims of human sex trafficking and develop procedures to maintain facilities, staffing, and operational methods, including a policy on the recruitment of board members, staff and volunteers who are representative of the diversity in the local community and the diversity of their clients.
(e) All certified programs shall ensure ~~shelter~~program facilities or temporary emergency housing is provided and be able to respond to special needs which may include:

(1) Length of stay shall be based on the needs of the client.
(2) Safety planning should be designed to meet individual, unique needs. Safety planning can be complex due to danger created by an extensive human sex trafficking organization. Perpetrators often threaten the trafficked person's family in the country of origin as well, and such threats impact decisions made by a human sex trafficking victims.
(3) Human sex trafficking victims may never have assimilated into the local community or U.S. culture. Such lack of assimilation, in addition to language barriers and lack of family or community support may make it difficult to meet ~~shelter~~program facility requirements such as communal meals, support groups and roommates of different ethnic, cultural or religious backgrounds.
(4) Human sex trafficking victims may have language interpretation needs. The program shall provide access to an interpreter. It may be necessary for the program to provide translations of written consent forms and other documents.
(5) Human sex trafficking victims may need intensive case management and advocacy for extended periods of time.
~~(6) A victim of human sex trafficking may feel that she has to babysit for free, cook meals or do more than her fair share of the chores. Programs should be aware of this dynamic and ensure that staff, volunteers and other residents do not unwittingly allow this dynamic to occur.~~
(6) In trafficking situation, victims of human sex trafficking are often compelled to provide their services without any compensation. Programs should be cognizant of this dynamic, especially as it relates to the assignment of chores.
(7) Programs should ensure victims are educated about the value of participating in the legal prosecution of offenders and that an appropriate release or waiver may be necessary. It is the human sex trafficking victim's choice to cooperate with law enforcement. Programs may have to educate law enforcement about certain policies, confidentiality and privilege laws, victim issues, including safety concerns, and whether or not law enforcement may enter the shelter. Programs shall also inform law enforcement that victims cannot be restricted from leaving the ~~shelter~~program facility. An organization's cooperation with law enforcement for the purpose of identification and prosecution of known traffickers is permissible as long as the victim's identification does not have to be revealed without their consent if the trafficker is retaliating against the victim or is otherwise putting the program, program staff, the victim, or other program participants in danger. Programs shall provide alternate, secure locations for interviews.
(8) Victims of human sex trafficking may often have complex legal needs and be charged with federal or state crimes. ~~Shelters~~Programs should develop relationships with qualified criminal defense and civil ~~lawyers~~attorneys, including the federal and state public defender offices that can assist them.
(9) Establishing networks with additional service providers: Because of the unique needs of human sex trafficking victims, ~~shelters~~programs may have to identify and establish relationships with service providers such as those who do refugee settlement, with whom they have no previous relationship, and assess the providers as potential referral sources.

(f) All certified programs shall provide services free from all forms of unlawful discrimination based on race, sex, color, age, national origin, genetic information, religion, disability (i.e., physical, mental illness and substance abuse), and/or economic or educational status, including a policy that services to will not be denied or diminished on the basis of immigration status.
(g) Compliance with 75:30-3-1 shall be determined by a review of the program's policies and procedures, service agreements, on-site observation, client and staff interviews and/or other supporting documentation.

75:30-3-1.1. Crisis intervention services [AMENDED]

(a) All certified human sex trafficking programs shall offer crisis intervention services including, but not limited to:

(1) Twenty-four (24) hour crisis telephone services either operated solely by the program or in colloaboration with other certified programs, and shall be staffed by trained staff or volunteers, and provide 24-hour immediate, direct access to crisis advocates. Pagers, answering machines or answering services that do not offer immediate access to a crisis advocate shall not be sufficient to meet this requirement;

(2) Provide access to services or providers who can conduct ~~S~~screenings for immediate needs including safety; medical including screening for tuberculosis, sexually transmitted diseases, HIV, Hepatitis B and Hepatitis C, vaccinations/immunizations, medical treatment for physical injuries, and dental care; mental health; substance abuse; and status including eligibility for other services and HHS or ORR certification;
(3) Emergency housing such as hotel or motel available for victim and any dependent(s);
(4) Arrangement for safe ~~shelter~~program facilities, food, clothing, and incidentals needed by victim and any dependent(s) as soon as practical;
(5) Provide protection if the safety of the victim is at risk or if there is a danger of additional harm by recapture of the victim by a perpetrator, including: taking measures to protect human sex trafficking victims and their family members from intimidation and threats of reprisals and ensuring that the names and identifying information of human sex trafficking victims and their family members are not disclosed to the public;
(6) The program shall provide transportation or access to transportation for necessary or emergency services. This shall not require service providers to be placed in a situation that could result in injury;
(7) Assignment or referral to Case Manager or program equivalent, e.g., advocate, lead advocate, etc.;
(8) Provision of advocacy and referral to assist the victims in obtaining needed services or resources;
(9) Follow-up services shall be offered to all victims if victim safety is not compromised;
(10) Crisis intervention or support services, case management or referral for case management, advocacy, and victim recovery services. These programs shall minimally either directly provide or make provision for the following services:
(11) Life and job skills training;
(12) Establishment of contact with families of victims if appropriate and desired by the client;
(13) Advocacy services, both in person and by telephone or other electronic means, either in the locations of other community services and systems, or in the program's offices to assist with obtaining certification and public benefits;
(14) A resource document of local, area, or state resources to facilitate referrals for clients for longer term counseling and housing and legal services, particularly ~~immediate~~time-sensitive legal assistance from an attorney;
(15) The agency shall maintain an updated list of identified behavioral health professionals in the community who treat clients with trauma related to human sex trafficking as well as victims who need additional mental health or substance abuse services; and
(16) Provide referral to legal assistance, information about their rights and translation services as necessary.

(b) Compliance with 75:30-3-1.1 shall be determined by a review of the program's policies and procedures, service agreements, on-site observation, client and staff interviews and/or other supporting documentation.

75:30-3-2. ~~Shelter program~~Program facilities [AMENDED]

(a) All ~~shelters~~program facilities shall comply with section 75:30-3-1. Each ~~shelter~~ program facility shall provide long-term ~~shelter~~program facility services and staffing twenty-four (24) hours per day, seven (7) days per week and offer the following services:

(1) ~~Shelter programs~~Program facilities shall provide room, food, bathing and laundry facilities, necessary clothing and toiletries for victims and their children free of charge. Programs shall not ask clients to use their nutrition assistance benefits to supplement food for the facility;
(2) ~~Shelters~~Program facilities shall be staffed at all times when clients are in residence. When there are no clients in residence, each shelter program must assure availability for immediate contact or services;
(3) ~~Shelter programs~~Programs shall offer screening, referral and linkage to clients and callers to appropriate community resources, to include assistance in making initial contact;
(4) ~~Each shelter program~~Programs must ensure to the best of its ability the physical and emotional safety, security, and confidentiality of clients and the location of the shelter;
(5) The ~~shelter~~program shall establish~~ed~~ and maintain involuntary exit criteria;
(6) The ~~shelter's~~program's policy shall have written procedures regarding the supervision of children; and
(7) The ~~shelter~~program shall offer services to clients with dependent boys over the age of twelve.

(b) Compliance with 75:30-3-2 shall be determined by a review of policies and procedures, service agreements, on-site observation, and/or other supporting documentation.

SUBCHAPTER 5. CLIENT RECORDS AND CONFIDENTIALITY

75:30-5-2. Client records [AMENDED]

(a) A certified program shall have and maintain a master client index system containing the client's name, and the program's discreet numerical or letter identifier. No identifying information such as initials, age, year of birth or gender shall be part of the client ID. ~~That same discreet identifier shall be the client ID that is entered into the OAG data base without further encryption.~~

(b) A certified program shall have written policies and procedures for correcting errors on record material by lining through, initialing the error, and inserting the correct material either above the error or at the end of the entry. Further, the policies and procedures shall forbid the use of "white-out" or any action which obliterates the error.

(c) Compliance with 75:30-5-2 shall be determined by on-site observation, client records and any other supporting program documentation.

75:30-5-3.1. Record content - service specific [AMENDED]

(a) Client records for specific services shall conform to the following:

(1) **Shelter Program Facility Services:**

(A) On a client's entry to the ~~shelter~~program facility, staff or volunteers shall record the client's name, emergency contact person(s), if applicable, known allergies, and any referrals for medical or emergency services. This information may be a part of the full intake interview if the full intake is done on entering the ~~shelter~~program facility. Assessing client's ~~lethality and danger risks and~~ safety planning shall also be done at the time of the full intake;

(B) ~~Shelter~~Program clients shall have the full intake interview and screening completed within fourteen (14) days of entry into the ~~shelter~~program facilities;

(C) Service plans shall be offered within thirty (30) business days of client's entry to the ~~shelter~~program facilities and at the client's discretion;

(D) The service plan shall be reviewed and updated at least every two (2) weeks;

(E) The client's service plan shall include components which address the needs of each child accompanying the client;

(F) The service plan shall include safety issues for the client and children; and

(G) A daily note.

(2) **Crisis Intervention Services:**

(A) All face-to-face and virtual contacts with clients are documented and contacts with persons not receiving additional services shall be offered and documented. Documentation shall minimally include the following:

(i) Staff/Volunteer Name and signature;

(ii) Date, time, length, and location of intervention;

(iii) Safety Planning based on risk;

(iv) Client's name, age, race, county of residence, and contact number if given;

(v) Protective order information, if applicable;

(vi) Personnel involved such as police, hospital, etc;

(vii) Summary of contact including visible injuries, treatment and services requested; and

(viii) Follow up services shall be offered to all victims, if victim safety is not compromised; and

(ix) Outcome.

(B) All telephone contacts shall be documented. Documentation shall minimally include the following:

(i) Staff/Volunteer name;

(ii) Date, time and length of call;

(iii) Safety planning based on risk;

(iv) Caller's name and contact number, if given; However, no caller shall be required to give a name, phone number or any other identifying information as a condition to receive information about human sex trafficking services;

(v) Summary of the call including services needed; and

(vi) Outcome.

(C) Contact information is kept by the program.

(D) Clients to be transported to ~~shelter~~program facilities shall be screened before the shelter referral is made. ~~If the client is in immediate danger, or no safe housing is available, this screening may be initially waived.~~ If the client is in immediate danger, no safe housing is available, or appropriate screenings are conducted by other parties which the certified program has approved to do screenings,

this screening may be initially waived. If the screening is waived, documentation shall reflect the reason(s) and the notification of such to the ~~shelter~~progam facility.

(3) **Counseling, Support and Advocacy Services:**

(A) An assessment of the client's needs, including culturally specific needs shall be completed by the third (3rd) counseling or advocacy session;

(B) A service plan shall be completed by the fifth (5th) advocacy or counseling session; and

(C) A service plan review and update shall be completed at a minimum of once every six (6) months.

(4) **Transitional Living Services:** A service plan including safety issues for the client and dependents shall be developed within five (5) business days of the client moving in.

(b) Where required information is not obtained, efforts to comply with the requirements of this subsection shall be documented in the client record.

(c) Compliance with this 75:30-5-3.1 shall be determined by a review of client records, policies and procedures, call logs, and/or other supporting documentation.

75:30-5-4. Client confidentiality [AMENDED]

(a) Protecting the confidentiality of human sex trafficking victims is critical to protecting their safety and establishing trust. Case or client records, files or notes, of a certified ~~sexual assault~~ program for adult victims of human sex trafficking ~~program~~ shall be confidential and shall only be released under certain prescribed conditions pursuant to Oklahoma law (74 O.S. § 18p-3).

(b) The program shall have written policies and procedures to ensure confidentiality of client information and identity of the ~~shelter~~program's location and govern the disclosure of information including verbal disclosure contained in client records. When a client record is established, the program shall discuss the confidentiality requirements and limitations with each client and maintain documentation in the client record that they have reviewed the circumstances under which confidential information may be revealed. Assisting human sex trafficking victims requires the release of confidential information more often, and to more organizations, than when assisting non-trafficked victims. This is particularly true if the victim is seeking certification from HHS or ORR. Staff or volunteers should always obtain the informed, written consent of the victim when relaying confidential information to any person, including law enforcement, federal prosecutors, state attorneys, victim advocates and social services agencies. The written consent forms must be translated into the victim's native language, state the name of the person or organization receiving the information, and contain an expiration date.

(c) The human sex trafficking program must comply with both the state and federal laws that govern confidentiality and any exceptions to those laws.

(1) **State Law:** Case or client records, files or notes, of a human sex trafficking program shall be confidential and shall only be released under certain prescribed conditions (74 O.S. § 18p-3):

(A) The case records, case files, case notes, client records, or similar records of a human sex trafficking program certified by the Attorney General or of any employee or trained volunteer of a program regarding an individual who is residing or has resided in such program or who has otherwise utilized or is utilizing the services of any human sex trafficking program or counselor shall be confidential and shall not be disclosed;

(B) For purposes of this subsection, the term "client records" shall include, but not be limited to, all communications, records, and information regarding clients of human sex trafficking programs; and

(C) The case records, case files, or case notes of programs specified in paragraph 1 of this subsection shall be confidential and shall not be disclosed except with the written consent of the individual, or in the case of the individual's death or disability, of the individual's personal representative or other person authorized to sue on the individual's behalf or by court order for good cause shown by the judge in camera.

(2) **Federal Law:**

(A) The Violence Against Women Act universal grant conditions regarding confidentiality, Section 3 of VAWA, 34 USC §12291(b)(2) provides, in part: In order to ensure the safety of adult, youth, and child victims of domestic violence, dating violence, sexual assault, or stalking, and their families, grantees and subgrantees shall protect the confidentiality and privacy of persons receiving services. Grantees and subgrantees shall not: disclose, reveal, or release any personally identifying information or individual information collected in connection with services requested, utilized, or denied through grantee and subgrantee programs, regardless of whether the information has been encoded, encrypted, hashed or otherwise protected; or disclose, reveal, or release individual client information without the informed, written, reasonably time-limited consent of the person (or in the case of an unemancipated minor, the

minor and the parent or guardian or in the case of legal incapacity, a court-appointed guardian) about whom information is sought, whether for this program or any other Federal, State, tribal, or territorial grant program, except that consent for release may not be given by the abuser of the minor, incapacitated person, or the abuser of the other parent of the minor. If a minor or a person with a legally appointed guardian is permitted by law to receive services without the parent's or guardian's consent, the minor or person with a guardian may release information without additional consent. If release of information is compelled by statutory or court mandate, grantees and subgrantees shall make reasonable attempts to provide notice to victims affected by the disclosure of information and take steps necessary to protect the privacy and safety of the persons affected by the release of the information. In no circumstances may an adult, youth, or child victim of domestic violence, dating violence, sexual assault, or stalking be required to provide a consent to release identifying information as a condition of eligibility for the services provided.

(B) The Family Violence Prevention and Services Act universal grant conditions on confidentiality, 42 USC 10401 et seq. provides, in part: Personally identifying information. The term personally identifying information has the meaning given the term in the Violence Against Women Act. In order to ensure the safety of adult, youth, and child victims of family violence, domestic violence, or dating violence, and their families, grantees and subgrantees under this title shall protect the confidentiality and privacy of such victims and their families. Subgrantees shall not disclose any personally identifying information collected in connection with services requested (including services utilized or denied), through grantee and subgrantee programs; or reveal personally identifying information without informed, written, reasonably time-limited consent by the person about whom information is sought, whether for this program or any other Federal or State grant program, which consent shall be given by the person, except in the case of an unemancipated minor, the minor and the minor's parent or guardian; or in the case of an individual with a guardian, the individual's guardian; and may not be given by the abuser or suspected abuser of the minor or individual with a guardian, or the abuser or suspected abuser of the other parent of the minor. If release of information is compelled by statutory or court mandate grantees and subgrantees shall make reasonable attempts to provide notice to victims affected by the release of the information; and grantees and subgrantees shall take steps necessary to protect the privacy and safety of the persons affected by the release of the information.

(C) Victims of Crime Act regulations on confidentiality applying to grantees, 28 CFR §94.115 provides in part: Sub-recipients of VOCA funds shall, to the extent permitted by law, reasonably protect the confidentiality and privacy of persons receiving services under this program and shall not disclose, reveal,or release any personally identifying information or individual information collected in connection with VOCA-funded services requested, utilized, or denied, regardless of whether such information has been encoded, encrypted, hashed, or otherwise protected; or individual client information, without the informed, written, reasonably time limited consent of the person about whom information is sought, except that consent for release may not be given by the abuser of a minor, incapacitated person, or the abuser of the other parent of the minor. If a minor or a person with a legally appointed guardian is permitted by law to receive services without a parent's (or the guardian's) consent, the minor or person with a guardian may consent to release of information without additional consent from the parent or guardian. If release of information is compelled by statutory or court mandate, SAAs or sub-recipients of VOCA funds shall make reasonable attempts to provide notice to victims affected by the disclosure of the information, and take reasonable steps necessary to protect the privacy and safety of the persons affected by the release of the information.

(D) Housing Assistance Emergency Solutions Grants, at 42 U.S.C. § 11375 (c)(5), require recipients to develop and implement procedures to ensure confidentiality of records pertaining to any individual provided family violence prevention or treatment services under this part and that the address or location of the family violence ~~shelter~~program facilities project assisted under this part will not be made public without written authorization of the person or persons responsible for the operation of such ~~shelter~~program facilities; and

(E) Stewart B. McKinney Homeless Assistance Act, at 42 U.S.C.§ 1130163, mandates that any victim service provider that is a recipient or subgrantee shall not disclose for purposes of the Homeless Management Information System (HMIS) any personally identifying information about any client. Subgrantees may be required to disclose for purposes of HMIS non-personally identifying information that has been de-identified, encrypted, or otherwise encoded. The Violence Against Women Act also contains a provision that specifies a domestic violence program provider shall not disclose any

personally identifying information about any client to the Homeless Management Information System (HMIS).

(d) Compliance with 75:30-5-4 shall be determined by a review of the program's policies and procedures; and on-site observation of the handling and review of client records.

75:30-5-7. ~~Shelter~~Residential Program Policy on Medications [AMENDED]

(a) The ~~shelter~~program shall seek to afford ~~shelter~~program residents with the greatest possible privacy and autonomy in regard to their medication, while also providing a safe shelter environment as follows:

(1) Staff and volunteers will not dispense medication;

(2) The ~~shelter~~program will provide every resident with an individual locking box, locker, or locking cabinet ("locked space") for storage of medications and valuables or lock the clients' medication in a safe but accessible location;

(3) The ~~shelter~~program will not limit or monitor the survivor's access to her medication;

(4) If a client indicates that she needs access to refrigerated storage space, the ~~shelter~~program will provide refrigerated storage space in the manner that provides the greatest possible privacy and autonomy; and

(5) The ~~shelter~~program shall have a policy for the disposal of unused or abandoned medication or other substances.

(b) Safety Agreement: During a resident's stay at shelter, the client shall be asked to make sure that any medications the client has are safely secured.

(1) The ~~shelter~~program will ask every resident to sign an agreement that the client will store any medications in the client's individual locking box, locker, or locking cabinet provided, or if it is one requiring refrigeration, as otherwise provided. The agreement will provide that residents who have medications that must be taken in the event of a medical emergency may carry them on their person (e.g., in a fanny pack).

(c) Compliance with 75:30-5-7 shall be determined by a review of the program's policies and procedures, and on-site observation.

SUBCHAPTER 7. PHYSICAL ENVIRONMENTS

75:30-7-1. Physical plant, primary role [AMENDED]

(a) The primary role of programs is to provide safety; and they must also protect the confidentiality and privacy of victims of sexual violence as a result of human sex trafficking and their dependent family members. The physical plants of programs shall not be utilized in any manner which fails to guarantee the confidentiality, safety, and protection of the victims, their dependents and staff and volunteers.

(b) Facilities that serve both victims of human sex trafficking as well as domestic violence victims in the same facility shall have written procedures to ensure that its services do not jeopardize the safety and psychological well-being of either victim~~s~~.

(c) Compliance with 75:30-7-1 shall be determined by a review of program policies and procedures and a tour of the facility.

75:30-7-2. Fire and safety codes and inspections [AMENDED]

(a) The physical environments of ~~shelter~~program facilities, housing options and all office space shall meet safety, zoning, and building code regulations required by local, state, and federal authorities, and shall obtain and maintain an annual fire and safety inspection from local or state authorities.

(b) Compliance with 75:30-7-2 shall be determined by a review of the annual fire and safety inspection report.

75:30-7-7. Program environment, ~~shelter~~residential services programs [AMENDED]

(a) All certified ~~shelters~~residential programs shall comply with section 75:30-7-6 and the following:

(1) The facility shall have access to outdoor recreational space and playground equipment located, installed, and maintained as to ensure the safety of the clients and their children. The grounds and access thereto shall be maintained in a manner that shall ensure the area is free of any hazard to health or safety;

(2) Kitchens used for meal preparation in the residential facility shall be provided with the necessary equipment for the preparation, storage, serving, and clean-up of all meals. All equipment shall be maintained in working order;

(3) Provisions shall be made to assist or make food available for meal preparation that accommodates special diets;

(4) The facility shall have, at minimum, a commode, lavatory, and bathing facility at a ratio of one (1) to twelve (12) resident, including infants and children. The privacy of individuals or families shall be assured while using these facilities;
(5) Residents' rooms shall be so arranged that the client has direct access to a hallway or common area without having to pass through other resident's rooms or areas;
(6) There shall be written policies and procedures for laundry and linens, addressing frequency of changing linens, and laundry arrangements within the facility;
(7) Laundry equipment shall be provided within the residential facility, and shall be kept clean, well-maintained, and properly ventilated;
(8) Reasonable space shall be provided for storage of clients' personal belongings;
(9) Written policies and procedures shall address secure storage of client valuables;
(10) Written policies and procedures shall address the secure handling and storage of client medications, including policy to document client access to medication;
(11) The facility shall be secured by double locks or locking devices such as chains, bolts, etc. on ground floor doors. However, documentation that the locking system meets state and local fire code inspection shall be accepted. When key-locked deadbolts are used, the location of the keys must be identified and readily accessible;
(12) All outdoor openings such as windows shall be covered for privacy;
(13) Provision shall be made for cleaning the facility minimally once per week. A written work schedule or other form of notification shall be posted, which clearly delineates each individual's responsibility for various tasks;
(14) Safe and adequate internal play space for children, including outlet protectors and gated stairwells; and
(15) Baby beds and high chairs that ensure children's safety and comfort shall be available for infants and small children.

(b) Compliance with 75:30-7-7 shall be determined by a review of program policies and procedures; ~~shelter~~program facility rules, staff, volunteer and client interviews where appropriate, and on-site observation.

SUBCHAPTER 11. PERSONNEL AND VOLUNTEERS

PART 5. TRAINING

75:30-11-12. Orientation - general, personnel and volunteers [AMENDED]

(a) Personnel and volunteers must receive specific training to understand the unique needs of human sex trafficking victims.
(b) A certified program shall provide a minimum of forty (40) hours of orientation training that incorporates the use of adult learning techniques (i.e., scenarios, role playing) to familiarize new personnel and volunteers providing direct services with the program which includes, but is not limited to:

(1) Program goals and services of each service component;
(2) Program policy and procedures;
(3) Confidentiality, to include verbal confidentiality whether inside or outside the facility and client records;
(4) Facility safety and disaster plans;
(5) First aid kits and fire extinguishers, their location, contents and use;
(6) Universal precautions;
(7) Learning interviewing skills and techniques for working with victims of human sex trafficking including:
  (A) Hotline calls from trafficking victims and active and empathetic listening techniques; and
  (B) Safety planning for human sex trafficking victims;~~ and~~
  ~~(C) Dynamics involved in the prosecution of persons who commit human sex trafficking.~~
(8) Vicarious trauma and self-care;
(9) Client rights;
(10) Power and control tactics ~~of~~in human sex trafficking;
(11) Dynamics and impact of sexual assault;
(12) Dynamics and impact of ~~captivity and~~ human sex trafficking;
(13) Behavioral health issues related to human sex trafficking including but not limited to:
  (A) Cultural information about victims coming from the world of human sex trafficking to a "normal" world;
  (B) Effects of trauma, including high risk behaviors, adaptive survival strategies and coping skills; and
  (C) Trauma triggers.

(14) Documentation of services;
(15) Sexual abuse within the family (i.e., incest, sibling abuse, marital and domestic relationship rapes);
(16) Sexual assault outside the family (stranger, non-stranger, abuse by professionals, sexual harassment and bullying);
(17) Commercial sexual exploitation (i.e., prostitution, trafficking, pornography, escort services, and massage parlors);
(18) ~~Non-traditional~~Underserved client populations (i.e., males, victims of the same gender, bisexual or transgender, non-English speaking, undocumented immigrants, victims with cognitive disabilities, or who are deaf or hard of hearing) or other disability as defined by the Americans with Disabilities Act; and
(19) Topics to increase skills to identify Post-traumatic Stress Disorder (PTSD) as it relates to rape trauma,, self injury and alcohol and substance use.
(20) Training on professional ethics and boundaries necessary for working with trauma survivors.
(21) Understanding legal needs of human sex trafficking victims, including dynamics involved in the prosecution of persons who commit human sex trafficking.
(22) Labor trafficking.
(23) Trauma informed care and special considerations for victims of sex trafficking.

(c) Staff and volunteers providing indirect services and children's activities are required to complete orientation as prescribed by the Executive Director or CEO which shall include training on confidentiality and facility safety and disaster plans.
(d) Orientation for personnel must take place within thirty (30) days of employment or prior to unsupervised direct client contact and services. Volunteer orientation must occur within six (6) months or prior to unsupervised, direct client contact and services. The Executive Director or CEO of a facility may waive orientation training if it is documented that the staff or volunteer has completed the requisite program training within the past year.
(e) Compliance with 75:30-11-12 shall be determined by a review of the written policies and procedures, and personnel and volunteer training manuals and records.

75:30-11-12.1. In-service and ongoing training for personnel and volunteers [AMENDED]

(a) A certified program shall have policies and procedures mandating, at the minimum, twenty-four (24) hours of annual training of all staff which shall include:
(1) Confidentiality, to include verbal confidentiality whether inside or outside the facility and client records;
(2) Facility safety and disaster plans;
(3) First aid kits and fire extinguishers, their location, contents and use;
(4) Universal precautions,
(5) Client rights;
(6) Legal and ethical issues;
(7) Trauma; and
(8) The remaining hours of annual training shall be related to human sex trafficking and administration as prescribed and approved by the Executive Director.

(b) A certified program shall have policies and procedures mandating a minimum of twenty-four (24) hours annual training of all volunteers providing direct services, related to human sex trafficking as prescribed and approved by the Executive Director.
(c) Staff and volunteers who provide indirect services and do not meet the requirements for staff and volunteers providing direct services as defined in OAC 75:30-1-2 shall receive annual training as prescribed by the Executive Director, but do not have a minimum number of training hours required.
(d) Documentation of training must include the topic of the training, the name of the trainer(s), the date of the training, the length of the training session, the sponsor of the training, and approval of the training by the Executive Director of the agency.
~~(c) A Certified Domestic and Sexual Violence Response Professional in good standing with the Oklahoma Coalition Against Domestic Violence and Sexual Assault (OCADVSA) shall be deemed to be current with annual training requirements upon completion of required annual training set forth in subsection (a) above. A copy of the current certification card issued by the OCADVSA shall be evidence of good standing.~~
~~(f)~~(e) Compliance with 75:30-11-12.1 shall be determined by a review of policies and procedures; review of training records and other provided documentation of personnel training; and a review of personnel or volunteer records.

SUBCHAPTER 13. GOVERNING AUTHORITY

75:30-13-2. Duties of the governing authority [AMENDED]

(a) The duties of the governing authority shall include, but are not limited to:

(1) Approving all policies for the operation of the agency, and ensuring procedures for the implementation of policies are in place and enforced;

(2) Ensuring the agency operates in compliance with established agency policy, applicable state and federal law and administrative rules;

(3) Compliance with the by-laws of the governing authority;

(4) Ensuring all financial transactions and events requiring the approval of the governing authority are reviewed and authorized by the governing authority prior to any commitment by agency personnel;

(5) The selection, annual evaluation and continuance of retention of the Executive Director;

(6) Review and approve ~~all~~ contractual agreements that exceed financial thresholds as determined by the governing authority;

(7) Review the program audit and certification reports from the VSU and approve all plans of correction; and

(8) Oversee the financial administration of the program, including review and approval of financial audits.

(b) Compliance with 75:30-13-2 shall be determined by a review of:

(1) By-laws and minutes of the meetings of the governing authority;

(2) Posted, or otherwise distributed written materials regarding decisions, and other notifications of the governing authority;

(3) Personnel meeting minutes of the program and its various divisions or geographical locations where applicable; and

(4) Written evaluation and any other documentation regarding the retention or selection or hiring of the Executive Director.

SUBCHAPTER 15. CLIENT RIGHTS, FOR ADULT VICTIMS OF HUMAN SEX TRAFFICKING PROGRAMS

75:30-15-3. Client grievance policy and procedures [AMENDED]

(a) Each program shall have a written client grievance policy providing for, but not limited to, the following:

(1) Written notice of the grievance and appeal procedure provided to the client; and, if involved with the client, to family members or significant others;

(2) Time frames for the grievance policy's procedures, which allow for an expedient resolution of client grievances;

(A) Transitional living, and ~~shelter~~program facility services timeframes for resolution of grievances by program staff or volunteers shall be seven (7) days unless appealed;

(B) Non-transitional living and non-~~shelter~~program facility services' timeframes for resolution of grievances by program staff or volunteers shall be fourteen (14) days unless appealed;

(3) Name(s) of the individual(s) who are responsible for coordinating the grievance policy and the individual responsible for or authority to make decision(s) for resolution of the grievance and the individual responsible for or authorized to make decisions for resolution of grievance. In the instance where the decision maker is the subject of a grievance, decision-making authority shall be delegated;

(4) Provide for notice to the client that he or she has a right to make a complaint to the OAG Victims Services Unit;

(5) Clients shall be given a copy of the grievance policy, including the right to make a complaint to the OAG, and the provision of such shall be documented in the client record, including the phone number, mailing address, and email address of the VSU of the OAG;

(6) Mechanism to monitor the grievance process and improve performance based on outcomes; and

(7) Annual review of the grievance policies and procedures, with revisions as needed.

(b) Compliance with 75:30-15-3 shall be determined by a review of program policies and procedures, client records, on-site observation, written agreements, and/or other program documentation.

[OAR Docket #24-635; filed 6-21-24]

TITLE 75. ATTORNEY GENERAL

CHAPTER 45. ~~PBM~~PHARMACY BENEFIT MANAGEMENT COMPLIANCE AND ENFORCEMENT [NEW]

[OAR Docket #24-633]

RULEMAKING ACTION:
PERMANENT final adoption
RULES:
Subchapter 1. General Provisions [NEW]
75:45-1-1. Purpose [NEW]
75:45-1-2. Definitions [NEW]
Subchapter 2. Rules of Procedure [NEW]
75:45-2-1. General Provisions [NEW]
75:45-2-2. Administrative Hearings Division and Administrative Law Judges [NEW]
75:45-2-3. Commencement of Proceeding and Service of Notice [NEW]
75:45-2-4. Legal Representation and Appearances [NEW]
75:45-2-5. Pleadings [NEW]
75:45-2-6. Discovery [NEW]
75:45-2-7. Subpoenas [NEW]
75:45-2-8. Evidence [NEW]
75:45-2-9. Protective Orders [NEW]
75:45-2-10. Motion for Summary Disposition [NEW]
75:45-2-11. Hearings [NEW]
75:45-2-12. Pre-hearing Procedure [NEW]
75:45-2-13. Continuances [NEW]
75:45-2-14. Default [NEW]
75:45-2-15. Sanctions for Noncompliance [NEW]
75:45-2-16. Findings, Conclusions, and Recommendations [NEW]
75:45-2-17. Motion for Rehearing, Reopening, or Reconsideration [NEW]
75:45-2-18. Appeal ~~venue~~Venue [NEW]
75:45-2-19. Settlement Agreements and Consent Orders [NEW]
75:45-2-20. Record [NEW]
75:45-2-21. Access to Hearing Records Pursuant to the Open Records Act [NEW]
Subchapter 3. Pharmacy Benefit Managers [NEW]
75:45-3-1. Purpose [NEW]
75:45-3-2. Definitions [NEW]
75:45-3-3. Power and Authority To Examine and Investigate [NEW]
75:45-3-4. Contractual Requirements [NEW]
75:45-3-5. Retail Pharmacy Network Access - Audit [NEW]
75:45-3-6. Penalties for Enforcement, Noncompliance, and Recovery of Costs [NEW]
75:45-3-7. Reports on Rebates and Costs [NEW]
AUTHORITY:
Attorney General; HB 3376, 2024 Okla. Sess. Laws ch. 306, SB 1670, 2024 Okla. Sess. Laws ch. 332, 59 O.S.Supp.2024, § 356.1(D), 59 O.S.Supp.2024, § 358(F), 36 O.S.Supp.2024, § 6962(F), 36 O.S.Supp.2024, § 6966.1(H)(3)
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The rules set forth definitions; implement rules of procedure for hearings; and regulations governing examinations and investigations by the Attorney General of pharmacy benefit managers ("PBMs") and retail network access audits; provides for restitution, enforcement, recovery of fees, and other forms of enforcement; and establish reporting requirements for rebates and costs. The rules implement procedures and processes for the office to fulfill its obligations required by the passage of H.B. 1843, 2023 Okla. Sess. Laws ch. 293, amending the Patient's Right to Pharmacy Choice Act, 36 O.S.Supp.2023, §§ 6958–6971. In light of amendments to the Patient's Right to Pharmacy Choice Act, 36 O.S.Supp.2023, §§ 6958–6971, as amended (House Bill 1843, eff. November 1, 2023), the Attorney General needs rules of procedure to conduct hearings and to provide guidance and procedures for investigations and reporting to the Office as required under the Act. The Oklahoma Supreme Court has held that agencies should have established rules of procedure for matters coming within its jurisdiction. Adams v. Pro. Pracs. Comm'n, 1974 OK 88, ¶ 11, 524 P.2d 932, 934. Lacking rules, the Attorney General can neither initiate nor try cases against pharmacy benefit managers consistent with the Legislature's mandate from 2023. Furthermore, section 302(A)(2) permits agencies to "promulgate rules of practice." 75 O.S.2021, § 302(A)(2).
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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(7) AND 308(E), WITH AN EFFECTIVE DATE OF JULY 25, 2024:

SUBCHAPTER 1. GENERAL PROVISIONS [NEW]

75:45-1-1. Purpose [NEW]
This chapter sets forth definitions, rules of procedure, and for hearings governed by the Attorney General for pharmacy benefit management enforcement compliance and enforcement.

75:45-1-2. Definitions [NEW]
The following words or terms, when used in this chapter, shall have the following meaning, unless the context clearly indicates otherwise:
"Administrative law judge" means a licensed Oklahoma attorney who has been appointed as an administrative law judge by the Attorney General to oversee and conduct administrative hearings.

"Attorney General" means the Attorney General of the State of Oklahoma who serves as the chief law officer of the state pursuant to 74 O.S. § 18.

"Administrative Hearings Division" means the administrative judicial forum where administrative law judges appointed by the Attorney General to hear cases where the Office of the Attorney General has jurisdictional authority.

"Office of the Attorney General" means the state agency where the Attorney General serves as the agency head.

"Supreme Court" means the Supreme Court of the State of Oklahoma.

SUBCHAPTER 2. RULES OF PROCEDURE [NEW]

75:45-2-1. General Provisions [NEW]

(a) **Confidentiality.** All parties and the Administrative Law Judge shall have a duty to preserve the confidentiality of protected health information of patients as required under federal or state law.

(b) **Public hearings.** All hearings conducted by the Office of the Attorney General shall be public and held in accordance with the Administrative Procedures Act. The use of cameras or other audio-visual recording equipment shall comply with Rule 39.1 of the Oklahoma County District Court Rules.

(c) **Computation of time.** When filing documents in the proceeding, the following provisions apply:

(1) **Filing deadlines.** In computing any period of time, begin on the day after the act or event, and conclude on the last day of the computed period, unless it be a Saturday, Sunday, or legal holiday, in which the period runs until the end of the next day which is neither a Saturday, Sunday, nor a legal holiday.

(2) **Filing and evidence of filing.** Documents required to be filed are considered filed on the date of personal service of such documents or upon the date of the postmark showing date mailed on the envelope containing such documents and must show a date on or before the last day of filing as defined above.

(3) **Use of certified or registered mail.** If the document is sent by United States registered mail, the date of registration of the document shall be treated as the postmarked date. If the document is sent by United States certified mail and the sender's receipt is postmarked by the postal employee, the date of the United States postmark on such receipt shall be treated as the postmark date of the document. Thus, the risk that the document will not be postmarked on the day that it is deposited in the mail may be overcome by the use of registered mail or certified mail.

75:45-2-2. Administrative Hearings Division and Administrative Law Judges [NEW]

(a) **Appointments.** The Attorney General may appoint administrative law judges as needed.

(b) **Administrative Hearings Division.** The court setting for all hearings and matters considered by administrative law judges appointed by the Attorney General shall be conducted in a forum known as the Administrative Hearings Division.

(c) **Session hours.** Unless otherwise ordered by the assigned administrative law judge, the morning sessions shall begin at 9:00 a.m. and close at 12:00 noon, and the afternoon sessions shall begin at 1:30 p.m. and close at 4:30 p.m.

(d) **Assigned administrative law judge.** An administrative law judge shall have complete authority to conduct the proceedings and may take any action not inconsistent with the provisions of the rules of this Chapter or of the APA for the maintenance of order at hearings and for the expeditious, fair, and impartial conduct of the proceedings. The assigned administrative law judge has the discretion to waive, supplement, or modify any requirement of the applicable law or rule of procedure where permitted by law and when the administration of justice requires. The assigned administrative law judge may also:

(1) arrange and issue notice of the date, time and place of hearings and conferences;

(2) establish the methods and procedures to be used in the presentation of the evidence;

(3) hold conferences to settle, simplify, determine, or strike any of the issues in a hearing, or to consider other matters that may facilitate the expeditious disposition of the hearing;

(4) administer oaths and affirmations;

(5) regulate the course of the hearing and govern the conduct of participants;

(6) examine witnesses;

(7) rule on, admit, exclude and limit evidence;

(8) establish the time for filing motions, testimony, and other written evidence, briefs, findings, and other submissions, and hold the record open for such purposes;

(9) rule on motions and other pending procedural matters; and

(10) divide the hearing into stages or combine interests of parties whenever the number of parties is large or the issues are numerous and complex.

(e) **Hearing Clerk.** The Hearing Clerk is the person designated by the Attorney General to assist the Chief Administrative Law Judge and maintain the administrative hearing files and dockets within the Office of Administrative Hearings.
(f) **Ex parte communications.** Communication with the assigned administrative law judge or their office regarding scheduling and procedural matters is permitted. A lawyer shall have no ex parte communication on the substance of a pending matter or proceeding with the assigned administrative law judge.
(g) **Disqualification of Administrative Law Judge.**

(1) The administrative law judge shall withdraw from any proceeding in which they cannot accord a fair and impartial hearing or consideration, stating on the record the reasons therefore, and shall immediately notify all parties of the withdrawal.
(2) Any party may file a motion requesting the administrative law judge withdraw on the basis of personal bias or other disqualification and specifically setting forth the reasons for the request. This motion shall be filed as soon as the party has reason to believe there is a basis for the disqualification. The administrative law judge shall rule on the motion and make a recommendation to the Attorney General. The Attorney General shall review the recommendation of the administrative law judge and make a final determination on disqualification.

75:45-2-3. Commencement of Proceeding and Service of Notice [NEW]
(a) **Petition & Notice.** A petition and notice of hearing shall comply with the notice requirements under the Administrative Procedures Act. At any time following the filing of a petition and notice of hearing, any party may request the administrative law judge hold a scheduling conference to set hearing dates and discovery deadlines. The administrative law judge shall hold a scheduling conferencing within thirty (30) days of a party's request.
(b) **Service of Notice.** Service of notice shall be complete upon personal service, upon receipt of a return of service card showing receipt of certified mail by the addressee, or upon the posting of notice or last publication thereof.

75:45-2-4. Legal Representation and Appearances [NEW]
(a) **Legal Representation.** All parties must appear through counsel licensed by the Oklahoma Supreme Court and in good standing with the Oklahoma Bar Association. Counsel not licensed by the Oklahoma Supreme Court who has complied with the requirements of Article II, Section 5 of the Oklahoma Bar Association Rules may appear on behalf of a party with leave of the administrative law judge.
(b) **Entry of Appearance.** Attorneys who appear on behalf of a party shall notify the Office of Administrative Hearings of their appearance by filing an entry of appearance.

75:45-2-5. Pleadings [NEW]
(a) **Filings.** All filings shall be made with the Office of Administrative Hearings. Staff with the Office of Administrative Hearings will be responsible for placing a date-stamp on any pleadings filed by a party.
(b) **Initiating a Proceeding.** Proceedings may be initiated before the Office of Administrative Hearings by the Oklahoma Attorney General's Office by filing with the Office of Administrative Hearings a Petition or other instrument that seeks any relief authorized by law. Each Petition shall name the Respondent and include a statement of the legal authority and jurisdiction under which the proceeding is to be held, a reference to the particular sections of the statutes and rules involved, a short and plain statement of the matters asserted giving a right to relief, the relief requested, and, unless provided in a separate written Notice of Hearing, the time, place and nature of the hearing. If the Office of the Attorney General is unable to give a short and plain statement of the matters asserted at the time the notice is served, the initial notice may be limited to a statement of the issues involved.
(c) **Motions, Applications, and Briefs.** When filing motions and/or briefs in a proceeding, the following provisions apply:

(1) **Margins and page length.** All written submissions shall be typewritten in clear type not less than 12-point, with single-spaced lines of quoted matter and double-spaced lines of unquoted matter. The margins of the printed page shall be one and one-quarter (1 1/4) inches on the left side and one (1) inch on the other three sides.
(2) **Accompanied by proposed order.** Motions and applications are to be accompanied by a proposed order.
(3) **Length.** All motions, applications and responses thereto, including briefs, shall not exceed twenty (20) pages in length, excluding exhibits, without prior permission of the assigned administrative law judge. A request for enlargement of page length may accompany the written instrument filed. Reply briefs shall be limited to five (5) pages in length. Page limitations herein exclude only the cover, if used, index, appendix, signature line and accompanying information identifying attorneys and parties, and certificate of service. No further briefs shall be filed without prior permission of the assigned administrative law judge. Exceptions to this requirement are not favored. This limitation on page limits does not apply to initial filings.

(4) **When responses are due.** Unless otherwise ordered by the assigned administrative law judge, objections to motions or responses to written submissions are due within fifteen (15) days of receipt. Replies to objections or to responses to written submissions are due within ten (10) days of receipt. Exceptions to this requirement may be granted upon application and for good cause shown.

(5) **Hearings upon motions or applications.** The assigned administrative law judge shall decide any motion or application without hearing based upon the written submissions of the parties unless the assigned administrative law judge determines that an evidentiary hearing is necessary for a proper resolution of the issue(s) submitted.

(6) **Disposition of unopposed motions.** Dispositive motions that are unopposed may be deemed to be confessed and, where appropriate, may result in the summary disposition of a claim or defense as applicable.

(7) **Motions filed close to hearing.** Motions may not be filed within ten (10) days of the hearing unless based upon a sudden emergency of facts that could not have been previously known. Copies of such motions must be hand-delivered to all parties of record.

(8) **Motions will not stay discovery.** Motions to Dismiss or for Summary Disposition will not stay any discovery deadline unless by a written agreement of the parties that has been communicated to the assigned administrative law judge.

(9) **Citations of authority.** Legal citations are to be made in accordance with Rule 1.200 the Oklahoma Supreme Court Rules. If an unpublished case or a case cited by a special reporter is cited as persuasive authority a copy must be attached to the document citing the case.

(d) **Service of pleadings.** Service of pleadings shall comply with the provisions of the Oklahoma Pleading Code.

(1) **Service of Initial Pleading.** Any instruments initiating an administrative proceeding must be served on every named Respondent by either personal service, certified mail, return receipt requested, restricted delivery, or issuing a report by hand-delivery. If service is being sent by certified mail, return receipt requested, and the intended Respondent refuses to sign the return receipt or otherwise does not sign or is unavailable to sign and accept service through the certified mail at the address identified on records from the Office of the Attorney General, then Respondent is deemed to have been served. If service is by personal service, the person serving the instrument initiating an administrative proceeding shall file proof of service with the Hearing Clerk within seven (7) days of service or before the date of the first hearing, whichever is sooner. Acknowledgment in writing by the Respondent, or their legal counsel, or by appearing at the hearing without objection to service is equivalent to service.

(2) **Service of Other Papers and Documents.** Service of all other documents and papers connected with a proceeding shall be served on the parties or their counsel by delivering a copy or mailing a copy by first class mail, postage prepaid.

(3) **Service of Responsive Pleadings.** Any party served with a petition, an application for an administrative fine, an administrative order or other instrument providing notice of a claim or defense to a claim initiating a proceeding before the Attorney General shall file a written response or answer within twenty (20) days of receipt of the petition, application, order or other instrument initiating a proceeding. The response or answer must be filed with the Hearing Clerk of the Office of Administrative Hearings and a copy must be delivered or mailed to all other parties by 5:00 p.m., on the 20th day. Delivery to other parties must be made in person, by process server, or may be sent by certified mail, return receipt requested, or restricted delivery. Every defense, in law or fact, to a claim for relief in any petition, application or administrative order initiating an administrative proceeding shall be asserted in the responsive pleading.

(e) **Signature block.** All pleadings shall be signed and include the signature block for the counsel submitting the pleading. The signature block shall include the name of the attorney, bar number, firm name (if applicable), address, telephone number, and email address for all attorneys of record.

75:45-2-6. Discovery [NEW]

(a) **Discovery Code.** The Attorney General hereby adopts the Oklahoma Discovery Code, 12 O.S. §§ 3224–3237, to govern discovery under the Act.

(b) **Record.** Unless ordered by the Administrative Law Judge, discovery shall not be filed in the record.

(c) **Timing.** Discovery shall be open for a minimum of ninety (90) days. Unless good cause is shown or by agreement of the parties, no discovery shall not exceed one hundred eighty (180) days.

75:45-2-7. Subpoenas [NEW]

(a) **Issuance.** The Attorney General hereby adopts the Oklahoma Pleading Code, 12 O.S. § 2001-2100, to govern subpoenas under the Act. All parties shall have the authority to issue subpoenas under the Oklahoma Pleading Code.

(b) **Failure to obey.** The party issuing the subpoena may seek an appropriate judicial proceeding to compel compliance by persons who fail to obey a subpoena, who refuse to be sworn or make an affirmation at a hearing or who refuse to answer a proper question during a hearing. The hearing shall proceed despite any such refusal but the assigned administrative law judge may, in their discretion at any time, continue the proceedings as necessary to secure a court ruling.
(c) **Motions to quash.** Motions to quash subpoenas may be filed with the Office of Administrative Hearings and may be decided by the assigned administrative law judge. The assigned administrative law judge shall not quash a subpoena if any party objects.

75:45-2-8. Evidence [NEW]

The Attorney General hereby adopts the Oklahoma Evidence Code, 12 O.S. §§ 2101–2611.2, to govern proceedings under the Act.

75:45-2-9. Protective Orders [NEW]

(a) **Automatic Protective Order.** At the time that a matter has been filed with the Office of Administrative Hearings all personal health information of any party or witness that comes into the possession of a party to pending matter is subject to an automatic protective order. The automatic protective order generally limits any party in possession of such information from publishing the information to any third party without first making application to the assigned administrative law judge supported by good cause. Third parties shall not include any person employed or affiliated with an attorney or their office who is representing a party to the proceeding. Third parties also do not include consultants or expert witnesses retained by an attorney or their office.
(b) **General Protective Orders.** Unless provided in subsection (a) of this subchapter of rules, all other protective orders shall be governed by the Oklahoma Discovery Code, 12 O.S. §§ 3224–3237, and 51 O.S. § 24A.29. It is the responsibility of the attorney to ensure all consultants and/or expert witnesses comply with the provisions of the rules governing automatic protective orders.

75:45-2-10. Motion for Summary Disposition [NEW]

Following the close of discovery, a party may file a motion for summary disposition on any or all issues on the ground that there is no genuine dispute as to any material fact. The procedures for such a motion are as follows:

(1) The motion for summary disposition shall be accompanied by a concise written statement of the material facts as to which the movant contends no genuine issue exists and a statement of argument and authority demonstrating that summary disposition of any or all issues should be granted. The moving party shall verify the facts to which such party contends no genuine controversy exists with affidavits and evidentiary material attached to the statement of material facts.

(2) If the case has been set for a hearing on the merits, a motion for summary disposition shall be served at least twenty (20) days before the hearing date unless an applicable scheduling order issued by the administrative law judge establishes an earlier deadline. The motion shall be served on all parties and filed with the Office of Administrative Hearings.

(3) Any party opposing summary disposition of issues shall file with the administrative law judge within fifteen (15) days after service of the motion a concise written statement of the material facts as to which a genuine issue exists and the reasons for denying the motion. The adverse party shall attach to the statement evidentiary material justifying the opposition to the motion but may incorporate by reference material attached to the papers of the moving party. All material facts set forth in the statement of the movant that is supported by acceptable evidentiary material shall be deemed admitted for the purpose of summary disposition unless specifically controverted by the statement of the adverse party which is supported by acceptable evidentiary material.

(4) The affidavits that are filed by either party shall be made on personal knowledge, shall show that the affiant is competent to testify as to the matters stated therein and shall set forth matters that would be admissible in evidence at a hearing. A party challenging the admissibility of any evidentiary material submitted by another party may raise the issue expressly by written objection or motion to strike such material.

(5) If a party has requested a hearing, the administrative law judge will issue a notice to the parties scheduling the motion for a hearing limited to oral argument. If the party has not requested a hearing, the administrative law judge will rule on the motion based on the submission of the parties, including the motion, opposition to the motion, and attachments thereto.

(6) If the administrative law judge finds that there is no substantial controversy as to the material facts and that one of the parties is entitled to a decision in its favor as a matter of law, the administrative law judge will grant summary disposition by issuing Findings of Fact, Conclusions of Law, and Recommendations. Such Findings of Fact, Conclusions of Law, and Recommendations are subject to review by the Attorney General under OAC 75:45-2-16. If a motion for summary disposition is denied, the administrative law judge will issue an order

denying such motion. The Attorney General is not required to review a denial of a motion for summary disposition.

(7) If the administrative law judge finds that there is no substantial controversy as to certain facts or issues, the administrative law judge may grant partial summary disposition by issuing an order within twenty (20) business days of the hearing that specifies the facts or issues that are not in controversy and directing that the action proceed for a determination of the remaining facts or issues. If a hearing of factual issues is required, evidentiary rulings in the context of the summary procedure shall be treated as rulings in limine. Any ruling on partial summary disposition shall be incorporated into the Findings of Fact, Conclusions of Law, and Recommendations issued at the conclusion of the proceedings before the administrative law judge. Such Findings of Fact, Conclusions of Law, and Recommendations are subject to review by the Attorney General under OAC 75:45-2-16.

75:45-2-11. Hearings [NEW]

(a) **Conflict between APA and Rules.** Unless in conflict with the Administrative Procedures Act ("APA"), the order of procedure in all proceedings shall be governed by this Chapter. In the event of a conflict between the APA and this Chapter, the APA controls. To the extent that this Chapter is more specific than the APA, the Attorney General intends for the rules in this Chapter to control.

(b) **Notice of Hearings.** The Attorney General, the Chief Administrative Law Judge, or the assigned administrative law judge, shall schedule the date, time, and place of any hearing in accordance with these rules. The Hearing Clerk shall notify the parties. The initial hearing shall be scheduled at least thirty (30) days after the date of service of the initial filing. If a specific law requires a hearing in fewer days, that statute shall be followed.

(c) **Hearing Proceedings.** At the hearing, each party may make a brief opening statement; present witnesses, documents, and exhibits on its behalf; and cross-examine adverse witnesses. The right to make a closing statement or argument shall be at the discretion of the assigned administrative law judge. At the discretion of the assigned administrative law judge, any party may reopen the case in chief, even after the adverse party has rested. Parties may stipulate to any lawful matter.

(d) **Recording.** All pre-hearing proceedings and hearings shall be electronically recorded as required by section 309 of the Administrative Procedures Act.

(e) **Court reporter.** Upon written request to the Office of Administrative Hearings, a hearing will be electronically recorded and transcribed by a certified court reporter. The requesting party must make necessary arrangements with the Office of Administrative Hearings, bear the cost of the reporter's attendance, and bear the cost of the transcription of the proceeding. The requesting party shall furnish the administrative law judge an original and all counsel of record in a case a copy of the transcript.

(f) **Testimony under oath.** The testimony of witnesses shall be under oath or affirmation, and the making of false statements may subject a witness to the penalties of perjury.

(g) **Standards of proof.** The standard of proof in all proceedings affecting or prejudicing a license, registration, permit, certification, or other authorization to engage in a given livelihood or occupation shall be clear and convincing evidence. In all other matters the standard of proof shall be a preponderance of the evidence.

(h) **Rulings.** The assigned administrative law judge shall rule on the admissibility of evidence and objections to evidence, and on motions or objections raised during hearings. All objections shall be made promptly or be deemed waived. Parties shall be deemed to have taken exception to any adverse ruling.

(i) **Fees.** The ordinary fees and costs of a hearing may be assessed by an administrative law judge against the respondent unless the respondent is the prevailing party. No fees shall be assessed against the Attorney General or Office of the Attorney General.

75:45-2-12. Pre-hearing Procedure [NEW]

(a) **Purpose.** All matters pending before the Office of Administrative Hearings are subject to pre-hearing procedures determined by the assigned administrative law judge to be appropriate for a prompt and efficient resolution to matter. At least one pre-hearing conference will routinely be ordered unless the assigned administrative law judge determines the same to be unnecessary.

(b) **Pre-hearing Conference Procedure.**

(1) The pre-hearing conference shall be used to resolve any dispute or matter the resolution of which would promote the orderly and prompt conduct of the pre-hearing process or a hearing on the merits. The assigned administrative law judge may hold more than one prehearing conference, convert a pre-hearing conference into a scheduling conference, or hold a final pre-hearing conference to formulate the plan to streamline the hearing on the merits. The conference shall be informal, structured by the assigned administrative law judge and not open to the public. No witnesses shall appear or present evidence.

(2) The assigned administrative law judge shall notify the parties of the date, time, and place of any pre-hearing conference at least ten (10) days before the scheduled date. A pre-hearing conference may be held by electronic or virtual means.
(3) If a record is requested by the parties, the conference may be recorded by audio tape and/or transcribed by a court reporter at the requesting party's expense.
(4) If a final pre-hearing conference is ordered, the attorneys and/or any unrepresented parties shall confer prior to the final pre-hearing conference and prepare a single suggested Pre-hearing Conference Order for use during the conference and the hearing on the merits. Any party unable to secure the cooperation of another party may submit their own proposed Pre-hearing Conference Order and, if the other party's cooperation is shown to be without cause, request that the other party's Proposed Pre-hearing Conference Order be stricken. A Pre-hearing Conference Order must follow substantially the form provided in Rule 5 of the Rules for District Court, 12, O.S., Ch.2, App.
(5) The administrative law judge shall issue an order within ten (10) business days of a pre-hearing conference. Such order, when entered, controls the subsequent course of the proceeding, unless modified by the administrative law judge.

75:45-2-13. Continuances [NEW]

Each party is entitled to a single continuance of the hearing on the merits upon request submitted at least three (3) days in advance of the hearing unless exigent circumstances make such notice impractical. Additional continuances may be granted only upon good cause. Motions for a continuance based upon cause shall be in writing and filed with the Office of Administrative Hearings with a copy to the parties and the assigned administrative law judge. A motion for a continuance shall state the reason(s) for the request and specify the length of time requested.

75:45-2-14. Default [NEW]

Any Respondent who fails to appear as directed, after service of the instrument initiating an administrative proceeding as provided by these rules, may be determined to have waived the right to appear and present a defense to the allegations contained in the instrument that initiates a proceeding. A default judgment order in such proceeding may be issued by the assigned administrative law judge and reviewed by the Attorney General under OAC 75:45-2-16, granting by default the relief prayed for in the petition.

75:45-2-15. Sanctions for Noncompliance [NEW]

The assigned administrative law judge may take any action allowed by law against any party as a sanction for any non-compliance with the rules in this chapter, including, but not limited to, imposition of costs and fees, including attorney's fees, monetary sanctions not to exceed $10,000, and/or by granting default.

75:45-2-16. Findings, Conclusions, and Recommendations [NEW]

(a) **The Attorney General.** The Attorney General shall be the ultimate authority in approving all final orders, conclusions, and recommendations of an administrative law judge.
(b) **Issuance.** After the record in an administrative proceeding is closed and submitted, the administrative law judge shall issue Findings, Conclusions, and Recommendations to the Attorney General for final consideration. The Findings, Conclusions, and Recommendations will include a statement of facts, the issues and contentions, conclusions based on the findings of fact and applicable law, and recommendations by the administrative law judge to the Attorney General who can make a binding recommendation to the Insurance Commissioner, if applicable. The parties to the proceeding will be mailed copies of the administrative law judge's Findings, Conclusions, and Recommendations. The assigned administrative law judge may take the cause of action under advisement and shall issue an order within twenty (20) business days.
(c) **No appeal.** No appeal may be based upon the Findings, Conclusions, and Recommendations issued by the administrative law judge until a final review and decision has been made by the Attorney General.

75:45-2-17. Motion for Rehearing, Reopening, or Reconsideration [NEW]

Motions for rehearing, reopening, or reconsideration shall comply with section 317 of the Administrative Procedures Act and must be submitted in writing. Oral motions for rehearing, reopening, or reconsideration will not be heard.

75:45-2-18. Appeal ~~venue~~Venue [NEW]

Appeals shall be taken pursuant to section 318 of the Administrative Procedures Act in the District Court of Oklahoma County.

75:45-2-19. Settlement Agreements and Consent Orders [NEW]

Unless precluded by law, a proceeding may be resolved by a settlement or consent order. A settlement or consent order shall be approved by the Attorney General. Consent orders shall first be approved by the assigned administrative law judge prior to obtaining the approval of the Attorney General.

75:45-2-20. Record [NEW]

(a) **Records maintained.** The record of a proceeding and the file containing the notices and the pleadings will be maintained in a location designated by the Office of Administrative Hearings. All pleadings, motions, orders and other papers submitted for filing in such a proceeding shall be date/file-stamped by the Office of Administrative Hearings upon receipt. The burden of showing substantial prejudice by any failure to correctly file-stamp any submission shall be upon the party asserting the same.

(b) **Designation on appeal.** On appeal, the parties may designate and counter-designate portions of the record pursuant to the Administrative Procedures Act.

75:45-2-21. Access to Hearing Records Pursuant to the Open Records Act [NEW]

(a) **Official records.** For purposes of this section, "official records" means any record that was created as a result of a public hearing by the Office of Administrative Hearings.

(b) **Access to official records.** Requestors may request records pertaining pharmacy benefit management compliance and enforcement in writing to the Office of the Attorney General, either electronically or by mail.

SUBCHAPTER 3. PHARMACY BENEFIT MANAGERS [NEW]

75:45-3-1. Purpose [NEW]

This subchapter sets forth definitions and procedures for Pharmacy Benefit Managers as governed by the Attorney General.

75:45-3-2. Definitions [NEW]

The following words or terms, when used in this subchapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Act" means the Patient's Right to Pharmacy Choice Act.

"Pharmacy benefits management" means the administration and/or management of prescription drug benefits provided by a covered entity under the terms and conditions of the contract between the pharmacy benefits manager and the covered entity.

"Pharmacy benefits manager" or **"PBM"** means a person who performs pharmacy benefits management activities and any other person acting for such person under a contractual or employment relationship in the performance of pharmacy benefits management for a covered entity.

"Workers Compensation Pharmacy Benefits Manager" or **"WCPBM"** means a pharmacy benefit manager providing managed pharmacy care to workers' compensation claimants.

75:45-3-3. Power and Authority To Examine and Investigate [NEW]

(a) **Power and Authority of the Attorney General.**The Attorney General shall have the power and authority under 36 O.S. § 6965 to examine and investigate the affairs of every pharmacy benefits manager (PBM) engaged in pharmacy benefits management in this state in order to determine whether such entity is in compliance with 59 O.S §§ 357-360 and 36 O.S. §§ 6958-6968.

(b) **Timing of the Attorney General to Examine a PBM.** The Attorney General may examine the PBM at any time under 36 O.S. § 6965 in which the Attorney General believes it reasonably necessary to ensure compliance with 59 O.S §§ 356-360 and 36 O.S. §§ 6958-6968 or provisions of this subchapter.

(c) **Examination of PBM Files and Records.** All PBM files and records shall be subject to examination by the Attorney General or by duly appointed designees. The Attorney General, or any authorized employees and examiners, shall have access to any of a PBM's files and records that may relate to a particular complaint under investigation or to an inquiry or examination by the Attorney General.

(d) **Duty to Respond to an Inquiry.** Every officer, director, employee or agent of the PBM, upon receipt of any inquiry from the Attorney General, shall, within twenty (20) days from the date the inquiry is sent, furnish the Attorney General with an adequate response to an inquiry from the Attorney General's Office.
(e) **Subject Matter Experts and Investigative Costs.** When making an examination under 36 O.S. § 6965, the Attorney General may retain subject matter experts, attorneys, appraisers, independent actuaries, independent certified public accountants or an accounting firm or individual holding a permit to practice public accounting, certified financial examiners or other professionals and specialists as examiners, the cost of which shall be borne by the PBM that is the subject of the examination. Nothing requires that a formal action be filed against the PBM to recover costs associated with an examination under 36 O.S. § 6965.

75:45-3-4. Contractual Requirements [NEW]
(a) **Maximum Allowable Cost.**
(1) **Contracts.** Contracts between a PBM and a provider shall conform to the following requirements:
(A) Identify sources of information utilized by the PBM to create and modify the PBM's maximum allowable cost price specific to the pharmacy;
(B) The PBM shall provide an electronic process, including but not limited to e-mail, for its pharmacy providers to readily access the MAC list specific to that provider. Upon a provider's written request, a PBM shall furnish its MAC list to the provider in paper form or other agreed format;
(C) If a provider is unable to obtain a drug from a regional or national wholesaler at a price equal to or less than the PBM's multisource drug product reimbursement, the PBM shall provide a reasonable appeals procedure to contest the multisource drug product reimbursement amount; under this section, a "reasonable appeals procedure" means a process which permits a provider or a provider's representative to contest a multisource drug product reimbursement amount based on the provider's contention that the drug is not generally available for purchase by Oklahoma pharmacies in the state at or below the PBM's multisource drug product reimbursement;
(D) A provider's appeal shall contain information including but not limited to the date of claim, National Drug Code number, and the identity of the national or regional wholesalers from which the drug was found to be unavailable for purchase by the provider, at or below the PBM's multisource drug product reimbursement;
(E) Appeals filed under this subsection shall be presented to the PBM within ten (10) business days following the final adjusted payment date. The PBM must respond to a provider within ten (10) business days following the receipt by the PBM of the notice that the provider is contesting the multisource drug product reimbursement amount;
(F) If a provider's appeal is denied, the PBM shall provide the reason for the denial, including the National Drug Code number and the identity of the national or regional wholesalers from whom the drug was generally available for purchase by providers in the state at or below the PBM's multisource drug product reimbursement;
(G) If a provider's appeal is found to be justified, the PBM shall make a change in the multisource drug product reimbursement amount, permit the provider to reverse and re-bill the claim in question, and make the multisource drug product reimbursement amount change applicable prospectively for all similarly contracted Oklahoma providers.
(2) **Submitting an Appeal.** A PBM shall permit the submission of either paper or electronic documentation to perfect an appeal. A PBM shall not require the submission of appeals on an individual claim (non-batch) basis or refuse to accept appeals from a provider's designated representative or require procedures that have the effect of obstructing or delaying the appeal process. All multisource drug product reimbursement appeals shall be properly documented.
(3) **Required Certificate from PBM.** Before beginning business, and as contracts are amended thereafter, each PBM shall submit to the Office of the Attorney General a certificate signed by an executive officer of the PBM attesting that the Oklahoma provider contracts utilized by such PBM satisfy the requirements of the act.
(b) **Relationship of PBM.** The relationship between a PBM and an insurer or other payor is controlled by contract whereby the PBM acts on behalf of the payor to facilitate the delivery of prescription medication benefits provided by such payor. Requirements and limitations contained within the act and applicable to such payors must be understood within this payor-contractor relationship.
(c) **Interaction Between PBM and Retail Pharmacy Network Providers.** The act requires or limits certain conduct in the interaction between the PBM and retail pharmacy network providers. Consequently, the Attorney General's Office hereby requires that every insurer utilizing the services of a pharmacy benefit manager shall be responsible, as follows:

(1) for approving all contractual documents utilized by its contracted PBMs and its retail pharmacy network to ensure compliance with the act;
(2) for conducting an annual audit of transactions and practices utilized by its contracted PBMs and members of its retail pharmacy network to ensure compliance with the act; and
(3) any exceptions found shall be reported to the Attorney General's Office pursuant to the Attorney General's examination authority.

75:45-3-5. Retail Pharmacy Network Access - Audit [NEW]

(a) **Authority.** The Attorney General shall review and approve retail pharmacy network access for all pharmacy benefits managers (PBMs) to ensure compliance with 36 O.S. § 6961.

(b) **Standards.**

(1) 36 O.S. § 6960 defines a member of a "retail pharmacy network" as meaning retail pharmacy providers contracted with a PBM on behalf of a payor in which the pharmacy primarily fills and sells prescription medicine via retail storefront location.
(2) Pursuant to 36 O.S. § 6961(B), mail-order pharmacies shall not be used to meet access standards for retail pharmacy networks.
(3) Pursuant to 36 O.S. § 6961(C), PBMs shall not require patients to use pharmacies that are directly or indirectly owned by a PBM, including all regular prescriptions, refills, or specialty drugs regardless of the day supply.
(4) Pursuant to 36 O.S. § 6961(D), PBMs shall not in any manner on any material, including but not limited to mail and ID cards, include the name of any pharmacy, hospital, or other providers unless it specifically lists all pharmacies, hospitals, and providers.

(c) **Required Monitoring by PBM.** A PBM's retail pharmacy network access shall be monitored for compliance with this act by those insurers that utilize the services of such PBM. Health insurers are required to maintain retail pharmacy network access in conformity with the requirements set forth in 36 O.S. § 6961.

(d) **Required Annual Audit by PBM.** Every PBM shall conduct a network adequacy audit on an annual basis. If the audit reveals the percentage of covered individuals is less than one hundred and five percent (105%) above any of the required percentages in 36 O.S. § 6961, the PBM shall conduct semi-annual network adequacy audits until such time that an audit indicates that the percentage of covered individuals is more than five percent 5% above the required percentage. A PBM shall submit all audit reports on network adequacy, including any semi-annual network adequacy audits, to the Attorney General.

(e) **Timing to Submit Audit Findings and Reports.** The audits must be completed within ninety (90) days of the effective date of 36 O.S. § 6958-6968 and annually each year thereafter. The results of any audits shall be reported to the Attorney General within thirty (30) days of the completion of the audit. All mailed documents must be directed to the attention of the "PBM Enforcement and Compliance Unit." The PBM Enforcement and Compliance Unit may issue further guidance to PBMs on the process for submitting required reports to the Attorney General's Office.

75:45-3-6. Penalties for Enforcement, Noncompliance, and Recovery of Costs [NEW]

(a) **Recommendations to the Insurance Commissioner by the Attorney General.**After notice and opportunity for hearing before an administrative law judge, and upon an order of the administrative law judge that has been approved by the Attorney General that a PBM has violated any of the provisions of 36 O.S. §§ 6958-6968 of the Oklahoma Statutes or the administrative rules set out in Title 75 of the Oklahoma Administrative Code, the Attorney General may make a recommendation to the Insurance Commissioner that a PBM's license be suspended or revoked and/or that fines, of not less than One Hundred Dollars ($100.00) and no greater than Ten Thousand Dollars ($10,000.00), for each count, be levied against any PBM that has violated the provisions of 36 O.S. §§ 6958-6971. The Insurance Commissioner shall accept and adopt any recommendation of the Attorney General pursuant to 36 O.S. § 6966.1.

(b) **Final Order of the Attorney General.** In addition to the remedies in subsection (a), and after notice and opportunity for hearing before an administrative law judge, a PBM may be subject to a civil fine of not less than One Hundred Dollars ($100.00) and not greater than Ten Thousand Dollars ($10,000.00) for each violation of the provisions of the Patient's Right to Pharmacy Choice Act, the Pharmacy Audit Integrity Act or the provisions of Sections 357 through 360 of Title 59 of the Oklahoma Statues. Any order issued under this subsection shall be approved by the Attorney General.

(c) **Closer Supervision Related to a General Business Practice.** If the Attorney General determines, based upon an investigation of complaints, that a PBM has engaged in violations of the provisions of the Patient's Right to Pharmacy Choice Act with such frequency as to indicate a general business practice, and that the PBM should be subjected to closer supervision with respect to those practices, the Attorney General may require the PBM to file a report at any periodic interval the Attorney General deems necessary.

(d) **Failure to Respond to an Inquiry.** Failure to respond timely to an inquiry from the Attorney General's Office shall be grounds for sanctions pursuant to this section, including, but not limited to, fines of at least One Hundred Dollars ($100) and shall not exceed Ten Thousand Dollars ($10,000), for each violation, and/or a binding recommendation from the Attorney General to the Insurance Commissioner that a PBM's license be censured, suspended, or revoked. The payment of expenses incurred by the Attorney General's Office for any legal fees and costs including, but not limited to, staff time, salary and travel expenses, witness fees, and attorney fees, may be levied as part of any non-compliance with this section.
(e) **Penalty for Failure to Timely Submit Audit or Report Findings.** Failure to respond timely to the deadline to file an audit or examination report shall be considered a violation of OAC: 75:45-3-4 and/or 36 O.S. § 6962. Unless an agreement by a PBM and the Attorney General has been entered into regarding the timing to submit an audit or examination report, a PBM shall be subjected to an administrative fine of at least five hundred dollars ($500) per day for each day the PBM fails to comply with the reporting requirements.
(f) **Restitution and Cost Recovery.**Restitution may be levied as part of any disciplinary action against a PBM to be paid to the provider or patient involved. In addition to restitution, the cost of recovery related to the disciplinary action may be levied against a PBM for expenses incurred by the Attorney General's Office for any legal fees and costs including, but not limited to, staff time, salary, and travel expense, witness fees, and attorney fees.
(g) **Investigative Costs.** When making an examination under 36 O.S. § 6965, the Attorney General may retain subject matter experts, attorneys, appraisers, independent actuaries, independent certified public accountants or an accounting firm or individual holding a permit to practice public accounting, certified financial examiners or other professionals and specialists as examiners, the cost of which shall be borne by the PBM that is the subject of the examination. Nothing requires that a formal action be filed against the PBM to recover costs associated with an examination under 36 O.S. § 6965.
(h) **Enforcement.** The payment of any penalty issued pursuant to these rules may be enforced in the same manner as civil judgments may be enforced.

75:45-3-7. Reports on Rebates and Costs [NEW]
(a) PBMs shall report rebate and cost-related data to the Attorney General as required under section 6692(D)(5) of title 36 of the Oklahoma Statutes on a quarterly basis.
(b) The required reports shall be submitted using the template provided on the Office of the Attorney General's website and sent to the email address provided on the website.
(c) Required reports shall be submitted no later than the first day of the month three months following the end of the quarter for which the PBM or WCPBM is reporting.
(d) WCPBMs shall report the same data to the Attorney General on an annual basis instead of a quarterly basis no later than July 1 of each year.

[OAR Docket #24-633; filed 6-21-24]

TITLE 75. ATTORNEY GENERAL
CHAPTER 50. OPIOID SETTLEMENT PAYMENTS AND ABATEMENT GRANTS [NEW]

[OAR Docket #24-634]

RULEMAKING ACTION:
PERMANENT final adoption
RULES:
Subchapter 1. General Provisions [NEW]
75:50-1-1. Purpose [NEW]
75:50-1-2. Definitions [NEW]
Subchapter 2. Opioid Settlement Payments [NEW]
75:50-2-1. Distributors and retailers & Allergan settlement payment disbursement process for non-litigating political subdivisions [NEW]
Subchapter 3. Opioid Abatement Grants [NEW]
75:50-3-1. Opioid grant application process [NEW]
75:50-3-2. Opioid grant award restrictions and requirements [NEW]
75:50-3-3. Maximum grant awards [NEW]
75:50-3-4. Application review and disbursement process; allowable costs [NEW]

75:50-3-5. Grant award appeals [NEW]
75:50-3-6. Remaining unencumbered balance [NEW]
75:50-3-7. Grant award quarterly reporting, oversight, and compliance [NEW]
Appendix A. OPIOID DISTRIBUTION CALCULATION TABLE [NEW]
Appendix B. COUNTY TIERS [NEW]
Appendix C. MUNICIPALITY TIERS [NEW]
Appendix D. COMMON EDUCATION SCHOOL DISTRICT TIERS [NEW]
Appendix E. TECHNOLOGY SCHOOL DISTRICT TIERS [NEW]
Appendix F. COLLABORATIVE MULTI-APPLICANT TIERS [NEW]
Appendix G. SCORING RUBRIC [NEW]

AUTHORITY:
Oklahoma Opioid Abatement Board, by the Office of the Attorney General; 74 O.S.2021, § 30.7(G)

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SUPERSEDED RULES:
Subchapter 1. General Provisions [NEW]
75:50-1-1. Purpose [NEW]
75:50-1-2. Definitions [NEW]
Subchapter 2. Opioid Settlement Payments [NEW]
75:50-2-1. Distributors and retailers & Allergan settlement payment disbursement process for non-litigating political subdivisions [NEW]
Subchapter 3. Opioid Abatement Grants [NEW]
75:50-3-1. Opioid grant application process [NEW]
75:50-3-2. Opioid grant award restrictions and requirements [NEW]
75:50-3-3. Maximum grant awards [NEW]
75:50-3-4. Application review and disbursement process; allowable costs [NEW]
75:50-3-5. Grant award appeals [NEW]
75:50-3-6. Remaining unencumbered balance [NEW]
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The proposed permanent rules will allow the Opioid Abatement Board to fulfill its legislative mandate under the Political Subdivisions Opioid Abatement Grants Act, 74 O.S. 2021, §§ 30.1–30.8. First, the rules set forth general provisions such as definitions and the rules' purpose. Second, the rules establish a table for weighing statutory factors for the distribution of opioid funds to non-litigating political subdivisions in the opioid distributors and retailers & Allergan settlements. Third, the rules create the process by which political subdivisions apply for and receive opioid grant awards. The rules also specify what required documentation that political subdivisions must submit to demonstrate governing body approval for seeking opioid funds from the Board; an appeals process with certain and exclusive grounds for appeal; requirements for merger or dissolution; reporting requirements and processes; subsequent applications for grant money; and procedures for recipients that spend the opioid grant awards on or for non-approved purposes. Finally, the rules provide for a tier-based awards for maximum available funding by political subdivision type and population or enrollment.
CONTACT PERSON:
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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(7) AND 308(E), WITH AN EFFECTIVE DATE OF JULY 25, 2024:

SUBCHAPTER 1. GENERAL PROVISIONS [NEW]

75:50-1-1. Purpose [NEW]

This chapter sets forth rules, including standards and criteria, for, and operations and distributions of, the Opioid Abatement Board created by the Political Subdivisions Opioid Abatement Grants Act (74 O.S. §§ 30.3–30.8).

75:50-1-2. Definitions [NEW]

The following words or terms, when used in this chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Act" means the Political Subdivisions Opioid Abatement Grants Act, codified at 74 O.S. §§ 30.3–30.8.

"Applicant" means any eligible participant that has submitted an application for an opioid grant award to the Board.

"Application" means the Opioid Abatement Grant Application approved by the Board.

"Approved Purpose" or **"Approved Purposes"** means the same as 74 O.S. § 30.5(1) and uses of funds that are reasonable and necessary for the proper and efficient performance and administration of the grant project, and allocable to the grant project.

"Board" means the Oklahoma Opioid Abatement Board established by 74 O.S. § 30.7.

"Contract" means the agreement between the Board and a Recipient setting forth responsibilities of Recipients regarding the use of opioid grant award funds.

"Eligible participant" means the same as 74 O.S. § 30.5(3).

"Form" means Opioid Abatement Grant Award Quarterly Reporting Form approved by the Board.

"Nonapproved purpose" or **"Nonapproved purposes"** means the same as 74 O.S. § 30.5(4).

"Opioid funds" means the same as 74 O.S. § 30.5(5).

"Opioid grant awards" means the same as 74 O.S. § 30.5(6).

"Political subdivision" means the same as 74 O.S. § 30.5(9).

"Recipient" means any eligible participant that has applied for and received an opioid grant award.
"Revolving Fund" means the Oklahoma Opioid Abatement Revolving Fund established under 74 O.S. § 30.6.

SUBCHAPTER 2. OPIOID SETTLEMENT PAYMENTS [NEW]

75:50-2-1. Distributors and retailers & Allergan settlement payment disbursement process for non-litigating political subdivisions [NEW]

(a) This section shall only apply to non-litigating political subdivisions that elected to participate in the opioid distributors and retailers & Allergan settlements and submitted a participation form waiving any future claims against the named defendants, Allergan, AmerisourceBergen, Cardinal Health, CVS, McKesson Corp., Walgreens, and Walmart.
(b) The Board shall conduct disbursement of opioid grant awards from the Revolving Fund.
(c) Such opioid grant awards shall be awarded amongst the different Applicants based on the following criteria:
(1) the number of people per capita suffering from opioid use disorder in the participating political subdivision, or in the absence of such information, the opioid prescription rate in the political subdivision compared to the national average opioid prescription rate;
(2) the number of opioid overdose deaths in the participating political subdivision;
(3) the amount of opioids distributed within the participating political subdivision; and
(4) the amount of attorney fees and allowable expenses associated with legal services agreements directly related to opioid litigation incurred as part of legal services agreements entered into before May 21, 2020.
(d) Disbursements from the Revolving Fund shall be computed using the table set forth in Appendix A to these rules, factoring in the above criteria, to compute the final grant award amounts for applicants. To the extent that any of the criteria are allocated by another manner or process, Appendix A is deemed satisfactory for determining the weight of each criterion.

SUBCHAPTER 3. OPIOID ABATEMENT GRANTS [NEW]

75:50-3-1. Opioid grant application process [NEW]

(a) The Board shall provide the Application on the Office of the Attorney General's website. The Attorney General may, acting on behalf of the board, digitize the entire application process.
(b) Applications will be reviewed by the Board, which will allocate funds consistent with the requirements under the Act and subchapter 2, section 1, subsection c of this chapter.
(c) The Board may delegate review of completed applications to the Office of the Attorney General and to whomever it finds qualified, capable, and possessing necessary capacity.
(d) Applicants shall sign and return to their completed applications to the Office of the Attorney General via mail or by electronic means as determined by the Office of the Attorney General.
(e) Public trusts shall submit the most recent copy of their declaration of trust or trust indenture with their application.
(f) Applicants must submit data correlating to any criteria requested by the Board, including the criteria set forth subchapter 2, section 1, subsection c.
(g) Grant applicants must apply for a grant award using the procedures, forms, and certifications prescribed by the Board. Any incomplete applications or applications lacking in sufficient detail may be returned to the applicant for completion, corrections, or supplementation. In the event an application remains incomplete or lacking in sufficient detail, the Attorney General may deny the application on the Board's behalf. The applicant submitting the denied application may then appeal the decision to the Board pursuant to section 5 of this subchapter.
(h) Each grant applicant must designate an authorized official and must submit to the Board or its designee, the following:
(1) a resolution from the grant applicant's governing body that, at a minimum, designates an authorized official to act on the grant applicant's behalf and authorizes the authorized official to submit a grant application;
(2) the authorized official's title, mailing address, telephone number, and email address; and
(3) the grant applicant's physical address.
(i) A grant applicant or grant recipient must notify the director as soon as practicable of any change in the information provided under subsection (a) of this section. If there is a change of authorized official, a grant applicant or grant recipient must also submit to the director a new resolution from the grant applicant's governing body that, at a minimum, designates an authorized official to act on the grant applicant's behalf.
(j) Multiple (two or more) applicants may submit a joint application reflecting a collaborative and coordinated effort or project and will be eligible for a joint grant award as described in section 3, subsection f of this subchapter and Appendix F.

75:50-3-2. Opioid grant award restrictions and requirements [NEW]

(a) Upon submitting an application, an applicant must also submit a memorialized plan for the utilization or expenditure of opioid funds. Such plan may be in the form in a resolution or equivalent government action adopted by the political subdivision and submitted to the Board with the application. Documentation evincing such government action may include, but is not limited to, the following:

(1) A resolution, as allowed by law, adopted through a publicly cast and recorded vote;

(2) An ordinance, or its equivalent, that has been approved through a publicly cast and recorded vote; or

(3) An abatement plan or budget that has been approved through a publicly cast and recorded vote.

(b) When submitting an application under section 1 of this subchapter, an applicant may not rely on a resolution or other general delegation of authority to a chief executive officer or equivalent position for seeking grants.

(c) All approved purposes listed in an Applicant's Application and Form shall relate to strategies, programming and services occurred on or after January 1, 2015, to be eligible for opioid grant award funding.

(d) For an Applicant to receive a grant award, the Board may, subject to terms under any settlement agreement related to the opioid pharmaceutical supply chain, require an applicant to execute a release of claims on a form created and approved by the Attorney General. The release form may be included in the Application. The release shall only apply to and release claims against any opioid supply chain participants or consultants for which the State of Oklahoma has joined a multi-party settlement or reached a settlement agreement with, including Purdue Pharmaceuticals, Teva Pharmaceutical Industries Ltd., Endo Pharmaceuticals, AmerisourceBergen, Cardinal Health, McKesson Corp., McKinsey & Company, CVS, Allergan, Walmart, and Walgreens.

(e) To the extent that any recipient remains in litigation, it may elect to delay receipt of any disbursements of its opioid grant award on a form developed by the Office of the Attorney General staff.

(f) A recipient may contract or partner with a nonprofit organization or other applicant for the purpose of using its grant award for approved purposes; however, the grantee shall remain responsible for complying with all grant requirements. Any contract entered into by a grantee shall be done in compliance with applicable purchasing laws and guidelines.

(g) A recipient is not permitted to subgrant its grant award to a subgrantee. For the purposes of this chapter, "subgrant" means the provision of a grant award and whereby all the regulations and requirements that apply to the grantee are passed on to the subgrantee, making the grantee a pass-through entity. "Subgrantee" means any entity receiving the grant award through a subgrant from a grantee.

(h) In the event a recipient merges, dissolves or ceases to exist as described under 74 O.S. § 30.8(C), the recipient must give prompt notice to the Board and the Office of the Attorney General, including the following information:

(1) The amount of any remaining allocations of an awarded opioid grant award in excess of Five Hundred Dollars ($500.00);

(2) The name of the proposed successor recipient, if any;

(3) Point of contact information for the proposed successor recipient, if any; and

(4) Utilize the Political Subdivision Opioid Abatement Grant Award Quarterly Reporting Form to submit a final report of expenditures prior to the merger, dissolution, or permanent closure.

(i) In its discretion, the Board shall determine whether any of the Recipient's remaining allocations shall be made to the proposed successor recipient, or returned to the Board. Any successor recipient shall meet the requirements to be a recipient prior to receiving the balance of the grant award disbursement. In addition, prior to receiving grant funds, the successor recipient must submit documentation requested by the Board and execute any and all documents required by the Board.

(j) All grant funding is contingent upon the availability of funds and upon approval of a grant application by the Board. Neither this subsection nor a grant agreement creates any entitlement or right to grant funds by a grant applicant.

75:50-3-3. Maximum grant awards [NEW]

(a) The amount of a grant award is determined solely in the discretion of the Board. The Board is not required to fund a grant in the amount requested by the Applicant. Maximum grant awards are based on an applicant's population or enrollment and will fall into one of three respective tiers, with Tier 1 being for the smallest in population or enrollment and Tier 3 being the largest in population or enrollment.

(b) Applicant counties shall be eligible for grant award amounts as set forth in Appendix B.

(c) Applicant municipalities shall be eligible for grant award amounts as set forth in Appendix C.

(d) Applicant common education school districts shall be eligible for grant award amounts as set forth in Appendix D.

(e) Applicant technology school districts shall be eligible for grant award amounts as set forth in Appendix E.

(f) If two or more applicants submit a joint application as a collaborative effort or project, the joint effort or project(s) shall be eligible for grant award amounts as set forth in Appendix F.

(g) The total population or enrollment for applicants that are public trusts solely benefiting one or more eligible participants shall be eligible based on the subdivision(s) they benefit. If a public trust benefits more than one type of political subdivision, the public trust will be eligible for maximum available funding under the tier appendix for which the majority of its beneficiary-political subdivisions are.
(h) A public trust's population or enrollment will be limited to the population or enrollment of the subdivision(s) that the public trust benefits as set forth in the declaration of trust or trust indenture.
(i) An interlocal cooperative formed under title 70 of the Oklahoma Statutes that is determined to be a local educational agency will be considered a school district, as that term is defined in 51 O.S. § 152.
(j) The Board reserves its discretion to award an amount greater than the proposed maximum available funding amounts in Appendices B-F under the following circumstances:

(1) An applicant demonstrates extraordinary need for opioid abatement funding resources, warranting a reasonable increase; or
(2) sufficient funds remain available for increasing award amounts as may be determined by the Board, subject to the Board's due diligence in evaluating applications.

75:50-3-4. Application review and disbursement process; allowable costs [NEW]

(a) Grant applications may be reviewed according to the following process: (1) initial screening, (2) peer review, and (3) Board review and approval. Applications submitted to the Board shall be scored using the scoring rubric in Appendix G.
(b) The Board shall conduct disbursement of opioid grant awards from the Revolving Fund.
(c) In awarding opioid abatement grants, the Board shall determine grant awards based the criteria set forth in subchapter 2, section 1, subsection c of this chapter and any other criteria it deems necessary and appropriate for the proper and wise use of opioid funds. This criteria may be included in the scoring rubric or in the Board-approved application.
(d) Following approval of grant amounts, all recipients shall receive a copy of the Contract, which they must complete and return to the Office of the Attorney General prior to receiving a disbursement of funds. The Contract can be returned by mail or electronic means as determined by the Office.
(e) Recipients shall receive their grant award in the form of equal quarterly distributions.
(f) Applicants may request the first two payments be combined in their application submission to provide start-up funding for their project or abatement plan. The remaining balance of the grant award will disbursed in the same manner set forth in subsection e of this section.
(g) The Board shall set the grant term in a public cast and recorded vote at a properly noticed meeting.
(h) For good cause shown, Recipients in good fiscal and programmatic standing may request the Board to authorize a one-time carryover of up to forty percent (40%) of their grant award distributions following the expiration of the initial grant term. To be considered for a carryover authorization, the Recipient must submit a written request no later than 120 calendar days prior to expiration of the initial grant term, which must include:

(1) a timeline of events beginning on the date of grant award;
(2) a detailed explanation why the grant project is not expected to be completed within the grant term; and
(3) if applicable, supporting documentation demonstrating good cause.

(i) Grant funds may not be used for costs that will be reimbursed by another funding source. The Board may require a grant recipient to demonstrate through accounting records that funds received from another funding source are not used for costs that will be reimbursed by the Board.

75:50-3-5. Grant award appeals [NEW]

(a) If an applicant wishes to appeal a grant award decision of the Board, the applicant may submit an appeal in writing to the Board within twenty (20) days of notification of a grant award decision.
(b) Appeals are limited to the following Board decisions:

(1) Denial of funding for projects,
(2) Denial of specific fund use requests, and
(3) Denials of an application.

(c) Partial funding of projects are not to be deemed as denials and thus are non-appealable.
(d) An applicant will be granted a hearing in front of the Board. The Board may limit the amount of time for argument from both the appealing applicant and the Board staff. The hearing shall be recorded and any oral or written testimony must be given under oath. After the hearing, the Board may amend or affirm their original decision in writing.
(e) The decision of the Board following the hearing will be final and non-reviewable.

75:50-3-6. Remaining unencumbered balance [NEW]

Following disbursement, any remaining unencumbered balance in the Revolving Fund shall be available for the Board to award as supplemental grants to eligible Participants, provided such awards shall only be utilized by eligible Participants for Approved Purposes.

75:50-3-7. Grant award quarterly reporting, oversight, and compliance [NEW]

(a) The grant recipient is responsible for managing the day-to-day operations and activities supported by the grant agreement and is accountable to the Board for the performance of the grant agreement, including the appropriate expenditure of grant award funds and all other obligations of the grant recipient. The grant recipient must maintain a sound financial management system that provides appropriate fiscal controls and accounting procedures to ensure accurate preparation of reports required by the grant agreement and adequate identification of the source and application of grant funds awarded to the grant recipient. Grant recipients must comply with:

(1) the terms and conditions of the grant agreement;

(2) all applicable state or federal statutes, rules, regulations, or guidance applicable to the grant award. A grant recipient is the entity legally and financially responsible for compliance with the grant agreement, and state and federal laws, rules, regulations, and guidance applicable to the grant award.

(b)The Attorney General will, on behalf of the Board, maintain oversight and monitor compliance of expenditures by Recipients to ensure that any use complies with approved purposes as defined under the Act. As a part of the oversight and monitoring, the Attorney General and Board may conduct desktop or on-site reviews. During an on-site review, a grant recipient must provide the Board or Attorney General with access to all records, information, and assets that the Board or Attorney General determines are reasonably relevant to the scope of the on-site review.

(c) At a minimum, Recipients will be monitored through a quarterly reporting process.

(d) The Board shall utilize the Political Subdivision Opioid Abatement Grant Award Quarterly Reporting Form ("Form") to maintain oversight and confirm compliance with the Act. All Recipients must submit quarterly reports using the Form in order to continue receiving or using opioid grant award proceeds. The Form shall be provided on the website of the Oklahoma Office of the Attorney General. Completed quarterly reports shall be returned to the Office of the Attorney General via mail or by electronic means as determined by the Office of the Attorney General. Quarterly reports shall be due on the last day of the month immediately following the conclusion of a quarter. If an opioid grant award is received during a quarter, a recipient is not required to submit a report for the remainder of the initial quarter until the conclusion of the next quarter for which reports for the initial quarter and the first full quarter shall be due.

(e) For the purposes of this chapter, quarters shall run by calendar year. January, February, and March shall be Quarter 1; April, May, and June shall be Quarter 2; July, August, and September shall be Quarter 3; and October, November, and December shall be Quarter 4.

(f) At the Board's discretion and at any time, the Board, may request any additional data and reporting information that the Board deems necessary to substantiate that grant funds are being used for the intended purpose and that the grant recipient has complied with the terms, conditions, and requirements of the grant agreement. Further, at the Board's discretion and at any time, the Board may request any records from or audit the books and records of a grant recipient or conduct an on-site review at a grant recipient's location to verify that the grant recipient has complied with the terms, conditions, and requirements of the grant agreement, and any applicable laws, rules, regulations, or guidance relating to the grant award. If it is determined that a Recipient is using opioid grant award proceeds out of compliance with Board procedures or has utilized such proceeds for non-approved purposes, the Board authorizes the Attorney General to immediately suspend the Recipient's use of the grant award proceeds and notify the Recipient.

(g) The Board may resume disbursements to the non-compliant recipient once it has determined the recipient has adequately remedied the cause of such suspension.

(h) For the purposes of the Act, an adequate remedy may include, but not be limited to the following:

(1) refunding an amount equal to the amount spent on nonapproved purposes or a reduction to future disbursements in the amount equal to the amount spent on nonapproved purposes.

(2) reducing or terminating a grant when the Recipient is found to be noncompliant, the Recipient and Board agree to the reduction or termination of a grant award, when grant funds are no longer available to the Board, or if conditions exist that make it unlikely that objectives of the grant award will be accomplished; or

(3) other remedies available under applicable laws, rules or regulations.

(i) The Board authorizes the Attorney General to negotiate adequate remedies with non-compliant recipients for presentation and approval by the Board.

APPENDIX A. OPIOID DISTRIBUTION CALCULATION TABLE [NEW]

Criteria Number	Description of Criteria	Weight of Criteria
1	Number of people per capita suffering from opioid use disorder in the participating subdivision, or in the absence of such information, the opioid prescription rate in the political subdivision compared to the national average opioid prescription rate	20%
2	Number of opioid overdose deaths in the participating political subdivision	40%
3	Amount of opioids distributed within the participating political subdivision	40%

APPENDIX B. COUNTY TIERS [NEW]

Tier Number	Population range	Proposed maximum available funding
1	Up to 25,000	$75,000.00
2	25,001-75,000	$150,000.00
3	75,001 or more	$300,000.00

APPENDIX C. MUNICIPALITY TIERS [NEW]

Tier Number	Population range	Proposed maximum available funding
1	Up to 15,000	$60,000.00
2	15,001-100,000	$125,000.00
3	100,001 or more	$300,000.00

APPENDIX D. COMMON EDUCATION SCHOOL DISTRICT TIERS [NEW]

Tier Number	Population range	Proposed maximum available funding
1	Up to 2,000	$35,000.00
2	2,001-15,000	$75,000.00
3	15,001 or more	$150,000.00

APPENDIX E. TECHNOLOGY SCHOOL DISTRICT TIERS [NEW]

Tier Number	Population range	Proposed maximum available funding
1	Up to 5,000	$35,000.00
2	5,001-15,000	$75,000.00
3	15,001 or more	$150,000.00

APPENDIX F. COLLABORATIVE MULTI-APPLICANT TIERS [NEW]

Tier Number	Population range	Proposed maximum available funding
1	Up to 100,000	$175,000.00
2	100,001-500,000	$350,000.00
3	500,001 or more	$750,000.00

APPENDIX G. SCORING RUBRIC [NEW]

Applications should be scored based on their demonstration of evidence provided in each of the criteria. Reviewers should look for evidence that the application will support abatement of the opioid epidemic within the political subdivision. Reviewers should ensure that the proposed use of funds aligns with both the statutorily-approved purposes and the need as expressed in the application. Applications should demonstrate a clear need for opioid abatement, provide a compliment to any existing programs within the community and a plan for ensuring funds are managed, spent and reported transparently and efficiently in accordance with the grant terms and restrictions.

Criteria	Total Points Available	Point Values			
Use of Funds (Question 11)	20 points	**0** Narrative shows no use of funds for abatement	**10** Weak use of funds for abatement	**15** Good use of funds for abatement	**20** Strong use of funds for abatement
Demonstrated Need for Funds (Question 12)	25 points	**0** No justification	**10** Limited justification	**18** Adequate justification	**25** Strong justification
Capacity for Implementation (Question 13)	15 points	**0** No capacity for project management	**5** Weak capacity for project management	**10** Good capacity for project management	**15** Strong capacity for project management
Evidence Base for Proposed Projects (Question 14)	25 points	**0** No evidence of future success	**10** Weak evidence of future success	**15** Good evidence of future success (evidence-informed)	**25** Strong evidence of future suggess (evidence-based)
Community Partnership and Support (Question 15)	15 points	**0** No alignment with existing community efforts	**5** Weak alignment with community efforts	**10** Moderate alignment with community efforts	**15** Strong alignment with community efforts
Subtotal points	100 points				

Bonus Points Criteria	Total Points Available	Point Values
Applicant has received $0 in opioid settlements or opioid-related litigation (checked "No"		

on questions 7-10)	5 points	0	5
Applicant proposes a new project (checked first box on question 11b)	15 points	0	15
Applicant has secured 50% or more of maximum available funding in matching funds from other sources	10 points	0	10

Total Points	**130 points**

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TITLE 86. STATE BOARD OF BEHAVIORAL HEALTH LICENSURE
CHAPTER 10. LICENSED PROFESSIONAL COUNSELORS

[OAR Docket #24-630]

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86:10-1-2. Definitions [AMENDED]
Subchapter 7. Application Procedures
86:10-7-2. Application materials and forms [AMENDED]
86:10-7-6. Application for voided application for failure to provide a passing score on examinations [AMENDED]
86:10-7-7.1. Application procedures for voided application for inactivity [AMENDED]
Subchapter 11. Supervised Experience Requirement
86:10-11-5. Duration of supervision [AMENDED]
86:10-11-6. Documentation of supervised experience [AMENDED]
Subchapter 15. Licensure Examinations
86:10-15-1. Eligibility [AMENDED]
Subchapter 17. Continuing Education Requirements
86:10-17-2. Number of hours required [AMENDED]
86:10-17-3. Acceptable continuing education [AMENDED]
Subchapter 19. Issuance of License
86:10-19-1. License [AMENDED]
86:10-19-4. Notification [AMENDED]
86:10-19-5. Replacement [REVOKED]

Subchapter 21. License and Specialty Renewal
86:10-21-6. Display of verification card [REVOKED]
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86:10-23-2. Failure to renew [AMENDED]
86:10-23-3. Return of license [REVOKED]
Subchapter 27. Consumer Information
86:10-27-1. Directory [AMENDED]
86:10-27-2. Brochure [REVOKED]

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(7) AND 308(E), WITH AN EFFECTIVE DATE OF JULY 25, 2024:

SUBCHAPTER 1. GENERAL PROVISIONS

86:10-1-2. Definitions [AMENDED]

When used in this Chapter, the following words and/or terms shall have the following meaning unless the context clearly requires otherwise:

"Act" means the Licensed Professional Counselors Act, 59 O.S. §§ 1901 et seq., as amended.

"Administrative Procedures Act" ("APA") means Article I and/or Article II of the Administrative Procedures Act, 75 O.S. §§ 250 et seq.

"Applicant" means a person who has made a formal application with the Board.

"Approved LPC Supervisor" ("Supervisor") means an individual who meets the qualifications to become an approved supervisor and is approved by the Board pursuant to Section 86:10-11-4 of this Chapter.

"Board" means the State Board of Behavioral Health Licensure.

"Complainant" means any person who files a Request for Inquiry against a LPC, Candidate, or a person who delivers licensed professional counseling services without a license.

"Complaint Committee" means one Board member who is a LPC, the Executive Director, the Assistant Attorney General and may include other appropriate individuals as determined by the Committee.

"Direct Client Contact Hours" means the performance of therapeutic or clinical functions that includes diagnosis, assessment and treatment of mental, emotional and behavioral disorders based primarily on verbal communications and intervention with, and in the presence of, one or more clients.

"Dual relationship" means a familial, social, financial, business, professional, close personal, sexual or other non-therapeutic relationship with a client, or engaging in any activity with another person that interferes or conflicts with the LPC's or LPC Candidate's professional obligation to a client.

"Employee" means in accordance with 26 U.S.C. § 3121 (d):

(A) Any officer of a corporation; or

(B) Any individual who, under the usual common law rules applicable in determining the employer-employee relationship, has the status of employee.

"Face-to-face learning" means the delivery of graduate coursework or continuing education through instruction that is designed to deliver education to learners who are in the direct physical presence of the educator or designed to deliver education to learners through synchronous instructional delivery methods.

"Face-to-face supervision" means the Supervisor and the Candidate shall be in the physical presence of the other during individual or group supervision.

"Forensic services" means the application of knowledge, training and experience from the mental health field to the establishment of facts and/or the establishment of evidence in a court of law or ordered by a court of law.

"Formal Complaint" means a written statement of alleged violation(s) of the Act and/or Rules which is filed by the Assistant Attorney General. The Formal Complaint schedules an Individual Proceeding before the Board in accordance with 75 O.S. §309.

"Full time" means at least ~~twenty (20)~~five (5) hours of on-the-job experience per week.

"Group supervision" means an assemblage of two (2) to six (6) Candidates.

"Home-study" or **"technology-assisted distance learning"** means the delivery of graduate coursework or continuing education through mailed correspondence or other distance learning technologies, which focuses on using asynchronous instructional delivery methods.

"Licensed Professional Counselor" ("LPC") means a person holding a current license issued pursuant to the provision of the Professional Counselor Licensure Act.

"Licensed Professional Counselor Candidate" ("Candidate") means a person whose application for licensure has been accepted and who is under supervision for licensure as provided in 59 O.S. §1906.

"Licensure Committee" means two LPC Board members, the Executive Director, and may include other appropriate individuals as determined by the Committee.

"OAC" means the Oklahoma Administrative Code.

"On-the-job experience" means the performance of counseling activities as described in Section 1902 of the Act and 86:10-11-3 of the OAC and includes the application of mental health and developmental principles in order to facilitate human development and adjustment throughout the life span, prevent, diagnose or treat mental, emotional or behavioral disorders or associated distress which interfere with mental health; conduct assessments or diagnoses for the purpose of establishing treatment goals and objectives; plan, implement or evaluate treatment plans using counseling treatment interventions; the application of cognitive, affective, behavioral and systemic counseling strategies which include principles of development, wellness, and pathology that reflect a pluralistic society. Such interventions are specifically implemented in the context of a professional counseling relationship; interpreting or reporting scientific fact or theory in counseling to provide assistance in solving current or potential problems of individuals, groups or organizations; the evaluating of data to identify problems and to determine the advisability of referral to other specialists; and reporting, designing, conducting or consulting on research in counseling, planning, designing, conducting, and reporting research only in a manner as published in Section G., Research and Publication, of the American Counseling Association (ACA) Code of Ethics, approved by the ACA Governing Council, 2005. (OAC 86: 10-3-2(e)).

"On-site supervisor" means a person who may not be an approved LPC supervisor but is licensed by the state of Oklahoma as a Licensed Marital and Family Therapist, Licensed Professional Counselor, Licensed Behavioral Practitioner, Psychologist, Clinical Social Worker, Psychiatrist, or Licensed Alcohol and Drug Counselor employed by the agency employing the LPC Candidate whose assigned job duties include acting as the immediate supervisor to the LPC Candidate and who is available to the candidate at all times when counseling services are being rendered by the LPC Candidate.

"Request for Inquiry" ("RFI") means a written or oral statement of complaint from any person alleging possible violation(s) of the Act and/or Rules.

"Respondent" means the person against whom an Individual Proceeding is initiated.

"Semi-Annual" means every six (6) months.

"Staff" means the personnel of the Board.

"Technology-assisted supervision" refers to supervision that occurs through video teleconferencing, over secure internet connections, wherein a Supervisor and a Candidate are in separate physical locations.

SUBCHAPTER 7. APPLICATION PROCEDURES

86:10-7-2. Application materials and forms [AMENDED]

(a) Each application shall include the following documents:

(1) Application form,

(2) Official transcript(s),

(3) Internship/Practicum Documentation Form,

(4) Completed criminal background check, and
(5) Fees.
(b) The Application Form requires the following:
(1) Identifying information;
(2) Possession of other credentials;
(3) Previous misconduct;
(4) Education; and
(5) Proposed professional practice.
(c) The Internship/Practicum Documentation form requires the following:
(1) Identifying information; and
(2) Time, place, location of practicum.
(d) The Supervision Agreement requires identifying information of supervisee and supervisor as follows:
(1) Name of candidate;
(2) Name of candidate's place of employment;
(3) Location supervised experience hours are being accrued;
(4) Candidate's contact information;
(5) Signature of Candidate;
(6) Name of Approved LPC Supervisor;
(7) Name of Approved LPC Supervisor's place of employment;
(8) LPC Approved Supervisor's contact information;
(9) Signature of LPC Approved Supervisor;
(10) Name of On-Site Supervisor;
(11) On-Site Supervisor's licensure information;
(12) Name of On-Site Supervisor's place of employment;
(13) On-Site Supervisor's contact information;
(14) Signature of On-Site Supervisor.
(e) ~~The Out-of-State Licensure Verification Form requires the following information:~~The Verification of Academic Standing requires the following information:
(1) Name of applicant;
(2) Name of university;
(3) Name of graduate program;
(4) Name of degree;
(5) Total number of graduate coursework hours required to receive diploma;
(6) Date of graduation;
(7) Signature and signature date of applicant;
(8) Name of administrator and/or school official;
(9) Title/position of administrator and/or school official;
(10) Telephone number of administrator and/or school official;
(11) Email address of administrator and/or school official;
(12) Signature and signature date of administrator and/or school official.
~~(1) Identifying information;~~
~~(2) Type of credential held in other state;~~
~~(3) License number;~~
~~(4) Issue and expiration date of license;~~
~~(5) Current standing of license;~~
~~(6) Past complaints or sanctions;~~
~~(7) Exam information;~~
~~(8) Supervision information;~~
~~(9) Graduate education;~~

~~(10) Internship documentation; and~~
~~(11) Signature and identifying information of person verifying from out-of-state.~~
~~(f) The Termination of Supervision Agreement requires the following information:~~
~~(1) name of candidate;~~
~~(2) current place of employment of candidate;~~
~~(3) address of current place of employment of candidate;~~
~~(4) phone number of candidate;~~
~~(5) email address of candidate;~~
~~(6) signature and signature date of candidate, (if available);~~
~~(7) name of supervisor;~~
~~(8) license number of supervisor;~~
~~(9) current place of employment of supervisor;~~
~~(10) phone number of supervisor;~~
~~(11) email address of supervisor;~~
~~(12) signature and signature date of supervisor, (if available); and~~
~~(13) effective date of termination of supervision agreement.~~

86:10-7-6. Application for voided application for failure to provide a passing score on examinations [AMENDED]

(a) Application after application is voided for failure to provide a passing score on examinations shall include the following documents:
(1) Application form,
(2) Official transcript(s),
(3) Application Fee, and
(4) Completed criminal background check.

(b) Applicant shall take and pass two examinations:
(1) The National Counselor Examination or another equivalent examination as determined by the Board; and
(2) The Oklahoma Legal and Ethical Responsibilities Examination.

(c) Exam results accrued prior to date of application shall not be considered.

(~~c~~d) The Internship/Practicum Documentation Form on file shall carry over to a new application.

(~~d~~e) All previously submitted and approved Supervised Experience shall not carry over to a new application.

86:10-7-7.1. Application procedures for voided application for inactivity [AMENDED]

(a) Application after application is voided for remaining inactive for 24 months, in accordance with 86:10-7-2.2, shall include the following documents:
(1) Application form,
(2) Official transcript(s),
(3) Supervision Agreement,
(4) Application Fee, and
(5) Completed criminal background check.

(b) Applicant shall take and pass two examinations:
(1) The National Counselor Examination or another equivalent examination as determined by the Board; and
(2) The Oklahoma Legal and Ethical Responsibilities Examination.

(c) Exam results accrued prior to date of application shall not be considered.

(~~c~~d) The Internship/Practicum Documentation Form on file shall carry over to a new application.

(~~d~~e) All previously submitted and approved Supervised Experience shall be voided with prior application and shall not carry over to a new application.

SUBCHAPTER 11. SUPERVISED EXPERIENCE REQUIREMENT

86:10-11-5. Duration of supervision [AMENDED]

(a) Three (3) years or three-thousand (3000) clock hours of full time, on-the-job experience, which is supervised by an approved LPC supervisor, shall be completed. Included in the three-thousand (3000) clock hours of full time, on-the-job experience, a minimum of one-thousand (1000) hours shall be from direct client contact and one-hundred (100) hours shall be from face-to-face or technology-assisted supervision.

~~(b) For each one-thousand (1000) clock hours of full time, on-the-job experience, three hundred fifty (350) hours shall be direct client contact hours.~~

(~~e~~b) "Full time" means at least ~~twenty (20)~~five (5) hours per week.

(~~d~~c) Weekly, face-to-face supervision or technology-assisted supervision shall be accrued under ~~an~~ a Board approved LPC supervisor at ~~the ratio~~a minimum of forty-five (45) minutes of supervision ~~for~~ every ~~twenty (20) hours of on-the-job experience~~week.

(~~e~~d) "Group supervision" means an assemblage of counseling supervisees consisting of ~~from~~ two (2) to six (6) members ~~and no more than one-half (½) of the required supervision hours may be received in group supervision~~.

(~~f~~e) One (1) or two (2) years of supervised experience may be gained at the rate of one (1) year for each thirty (30) graduate semester credit hours or forty-five (45) graduate quarter credit hours in counseling-related course work earned beyond the master's degree, provided that such hours are clearly related to the field of counseling and are acceptable to the Board. ~~(Minimal educational requirements are a master's degree [at least forty-five (45) hours] or doctorate with the first forty-five (45) hours meeting the minimal educational requirements. As of January 1, 2000, minimal educational requirements are a master's degree [at least sixty (60) semester credit hours or ninety (90) quarter credit hours] or a doctorate with the first sixty (60) semester credit hours or ninety (90) quarter credit hours meeting the minimal educational requirements.)~~

(~~g~~f) Regardless of the number of hours earned beyond the master's degree, the LPC supervisee shall receive at least one (1) year or one-thousand (1000) clock hours of supervision ~~in the ratio~~as described in subchapter 11, section 86:10-11-5(~~b~~a-d).

(~~h~~g) If an applicant completes the supervised experience requirement, the applicant shall continue to practice under LPC supervision as described in this subchapter, unless exempted by the Act, until licensed. ~~Failure to do so constitutes a violation of the Act and may be subject to prosecution under the District Attorney and sanction by the Board.~~

(~~i~~h) Applicants shall complete supervised experience requirements within sixty (60) months of the date of the approval of the first supervision agreement or the application shall be voided.

(~~j~~i) Approved supervisors shall perform at least two (2) observations (live or tape) per each six (6) month evaluation period for each supervisee.

(~~k~~j) Approved supervisors shall consult with on-site supervisor at least once during each six (6) month evaluation period for each supervisee.

86:10-11-6. Documentation of supervised experience [AMENDED]

~~(a) A supervision agreement form between the supervisor and supervisee, shall be received by the LPC Board prior to beginning the accrual of supervised hours.~~

~~(b) Supervisor and supervisee shall agree to terms set forth for the accrual of supervised experience.~~

(~~e~~a) The supervisor and supervisee shall sign and submit the "Evaluation of Supervised Experience," including documentation of observations and date of consultation between approved supervisor and on-site supervisor, semi-annually beginning as of the date of the approval of the first supervision agreement.

(~~d~~b) Evaluation of Supervised Experience document shall include the following:

(1) Identifying information;
(2) Time, place and duration of supervised experience;
(3) Percentage of time spent in different counseling activities;
(4) Supervisor's rating of professional activity;
(5) Supervisor's comment section; and
(6) Record of supervised experience.

(~~e~~c) Any Evaluation of Supervised Experience form submitted beyond 60 days of the semi-annual due date will not be credited towards the duration of supervision as described in 86:10-11-5.

(d) Supervised experience shall be reported in quarter credit hours.

SUBCHAPTER 15. LICENSURE EXAMINATIONS

86:10-15-1. Eligibility [AMENDED]

An LPC applicant may be eligible to sit for the licensing examination following the submission of:

(1) Application fee and form;
(2) Practicum/Internship Documentation Form;
(3) Official transcript(s) showing completion of all academic requirements listed in subchapter 9, section 86:10-9-2~~; and~~ or a Board approved Verification of Academic Standing from the administrator of the student's degree program indicating that the student is expected to fulfill all degree requirements by the expected graduation date. Verification of Academic Standing shall not be signed and dated or submitted to the Board more than 60 days prior to the expected date graduation; and
(4) Completed criminal background check.

SUBCHAPTER 17. CONTINUING EDUCATION REQUIREMENTS

86:10-17-2. Number of hours required [AMENDED]

(a) Licensees shall complete and furnish documentation to the Board of twenty (20) clock hours of continuing education per year. One (1) graduate academic semester credit hour is equal to fifteen (15) clock hours. One (1) graduate academic quarter credit hour is equal to ten (10) clock hours. Current LPC License Committee members shall receive clock hours of acceptable continuing education for attendance and participation in Board or Committee meetings.

(b) A minimum of three (3) clock hours of continuing education hours must be in counseling ethics ~~from programs pre-approved by the Board or its designee~~. Continuing education in counseling ethics is acceptable as meeting the ~~pre-approval~~ requirements by the Board when the continuing education program:

(1) Addresses ethics issues, as the sole focus and specifically pertains to the practice of counseling, as defined in Title 59 of the Oklahoma Statutes, Section 1902(6), counseling treatment interventions, consulting, referral activities, or research activities as defined in Title 59 of the Oklahoma Statutes, Section 1902.
(2) Addresses regulations as promulgated in Subchapter 3 of this Chapter.
(3) Meets all requirements of sections 2-5 of OAC 86:10-17-3.
(4) Current LPC Board members shall receive clock hours of acceptable continuing education for attendance and participation in Board or Committee meetings.

(c) Approved LPC Supervisors must complete a minimum of three (3) clock hours of continuing education in counseling supervision ~~from programs pre-approved by the Board of its designee~~. Continuing education in Counseling Supervision is acceptable as meeting the ~~pre-approval~~ requirements by the Board when the continuing education program:

(1) Addresses issues specifically related to the practice of clinical supervision, as the sole focus, pursuant to regulations promulgated in Subchapter 11 of this Chapter.
(2) Contains content in one or more of the following knowledge areas:
(A) Ethical and legal considerations in the practice of clinical supervision;
(B) Theoretical models of clinical supervision;
(C) Clinical supervision intervention methods and modalities;
(D) Research in clinical supervision; and
(3) Meets all requirements of sections 2-5 of OAC 86:10-17-3 of this Chapter.

86:10-17-3. Acceptable continuing education [AMENDED]

Continuing education (C.E.) is acceptable to the Board when it:
(1) Approximates the content of any of the academic areas listed under OAC 86:10-9-2 of this chapter and;
(2) Is presented by a person who:
(A) is licensed or certified by counseling related professions;
(B) is a licensed or certified member of a non-counseling field, i.e. medicine, law if the content of the presentation is counselor related and falls within the presenter's area of training; or
(C) has experience teaching, at the graduate level, in a regionally accredited college or university from any of the knowledge areas listed in OAC 86:10-9-2 ; or
(D) the person is presenting or has presented at a national mental health conference provided by the American Counseling Association (ACA), or any of its divisions, American Psychological Association (APA), Association for Marriage and Family Therapy (AAMFT), National Association for Social Workers (NASW), the Association for Addiction Professionals (NAADAC), or other nationally recognized professional organization in the mental health field; or
(E) is presenting in a program sponsored or provided by a state or federal government agency with responsibility for mental health and substance abuse services; and
(3) Takes place in the context of:
(A) a college course, in-service training, institute, seminar, workshop, conference or a ~~Board pre-approved~~ home-study or technology-assisted distance learning course;
(B) takes place in the context of a national mental health conference provided by the American Counseling Association (ACA), or any of its divisions, American Psychological Association (APA), American Association for Marriage and Family Therapy (AAMFT), National Association for Social Workers (NASW), the Association for Addiction Professionals (NAADAC), or other nationally recognized professional organization in the mental health field; or
(C) a program approved or offered by a state or federal government agency with responsibility for mental health and substance abuse services; or
(D) Current LPC Board members shall receive clock hours of acceptable continuing education for attendance and participation in Board or Committee meetings.
(4) Is accrued during the twelve (12) months preceding the renewal deadline or, in the case of the first licensing period, twenty-four (24) months preceding.

SUBCHAPTER 19. ISSUANCE OF LICENSE

86:10-19-1. License [AMENDED]

The Board shall issue a license certificate which contains the licensee's name, license number, ~~specialty designation, if any, highest accredited counseling-related academic degree~~ and date of issuance.

86:10-19-4. Notification [AMENDED]

After having fulfilled all requirements for licensure the Board shall ~~mail~~send notification to the licensee~~, at last known address,~~ of qualification for licensure; and when the license fee is received and the Board approves the candidate for licensure, the license ~~will be mailed to the licensee~~ certificate shall be issued.

86:10-19-5. Replacement [REVOKED]

~~The Board shall replace a license that is lost, damaged, or is in need of revision upon written request and payment of the license replacement fee. Requests must include the LPCs original license or be accompanied by the damaged license, if available.~~

SUBCHAPTER 21. LICENSE AND SPECIALTY RENEWAL

86:10-21-6. Display of verification card [REVOKED]

~~(a) A current license verification card shall be displayed on the original or replaced license.~~
~~(b) A current license verification card shall be readily available on the LPC's person at any time counseling services are being~~

86:10-21-7. Inactive status [AMENDED]

(a) An active license may be placed on inactive status by written request and payment of a one-time twenty-five dollar ($25.00) fee. An inactive license forfeits all rights and privileges granted by the license.
~~(b) When a license is placed on inactive status, the license and active verification cards shall be returned to the Board.~~
(~~c~~b) A license that has remained inactive for at least one (1) year may be reactivated upon payment of a prorated renewal fee and submission of prorated continuing education hours required during the renewal year, in accordance with this Chapter, if there are no impediments to licensure.
(~~d~~c) A license placed on inactive status may be reactivated within one (1) year when submitted with the required renewal fee and continuing education, in accordance with this Chapter, if there are no impediments to licensure.

SUBCHAPTER 23. LICENSE AND SPECIALTY LATE RENEWAL AND EXPIRATION

86:10-23-1. Renewal notification [AMENDED]

The Board shall ~~mail~~send ~~to licensee's last known address~~licensee, at least forty-five (45) days prior to the expiration date of the LPCs license, a notice of expiration.

86:10-23-2. Failure to renew [AMENDED]

If the licensee fails to renew the license by the expiration date, the Board shall ~~mail~~send a notification ~~to the last known address~~ which shall include:

(1) Suspension of the license and forfeiture of rights and privileges granted by the license, and,

(2) The LPC has the right to renew the license by payment of the renewal fee and the late renewal fee and fulfillment of all other renewal requirements for up to one (1) year following the suspension of the license.

86:10-23-3. Return of license [REVOKED]

~~Licenses not renewed within the one (1) year renewal period shall be permanently expired and shall not be reinstated. The license shall be returned to the Board.~~

SUBCHAPTER 27. CONSUMER INFORMATION

86:10-27-1. Directory [AMENDED]

(a) The Board shall provide a directory of Licensed Professional Counselors (LPC's).

(b) ~~The directory of LPCs shall include but not be limited to the name, academic degree under which the license is held, preferred mailing address, telephone number, and license number of current licensees.~~ The Board shall provide information of consumer interest which describes the regulatory functions of the Board and its procedures to handle and resolve consumer complaints.

86:10-27-2. Brochure [REVOKED]

~~The Board shall provide information of consumer interest which describes the regulatory functions of the Board and its procedures to handle and resolve consumer complaints.~~

[OAR Docket #24-630; filed 6-21-24]

TITLE 86. STATE BOARD OF BEHAVIORAL HEALTH LICENSURE
CHAPTER 15. LICENSED MARITAL AND FAMILY THERAPISTS

[OAR Docket #24-631]

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86:15-5-2.1. Application procedures [AMENDED]
86:15-5-4. Additional forms [AMENDED]
Subchapter 7. Licensure Examinations
86:15-7-1. Eligibility [AMENDED]
86:15-7-4. Application [AMENDED]
Subchapter 9. Supervised Experience Requirements
86:15-9-2. Acceptable supervised experience [AMENDED]
86:15-9-4. Duration of supervised experience [AMENDED]
86:15-9-5. Documentation of supervised experience [AMENDED]
Subchapter 13. Issuance and Maintenance of License
86:15-13-1. Issuance of license [AMENDED]
86:15-13-2. Replacement of certificate [REVOKED]
86:15-13-3. License renewal [AMENDED]
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86:15-13-5. Inactive status [AMENDED]
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The following permanent rules interpret the Oklahoma Marital and Family Therapy Licensure Act, (59 O.S. 1991, Sections 1901 et seq.)
CONTACT PERSON:
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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(7) AND 308(E), WITH AN EFFECTIVE DATE OF JULY 25, 2024:

SUBCHAPTER 1. GENERAL PROVISIONS

86:15-1-2. Consumer information [AMENDED]

(a) **Directory.** The Board shall provide a directory of Licensed Marital and Family Therapists (LMFTs). ~~The directory of LMFT's shall include but not be limited to the name, academic degree under which the license is held, preferred mailing address, telephone number and license number.~~ The Board shall prepare information of consumer interest which describes the regulatory functions of the Board and Board procedures to handle and resolve consumer complaints.

~~(b) **Brochure.** The Board shall prepare information of consumer interest which describes the regulatory functions of the Board and Board procedures to handle and resolve consumer complaints.~~

(~~e~~b) **Request for promulgation, amendment or repeal of a rule.**

(1) Any person may request the Board adopt, amend or repeal a rule in this chapter. The request shall be made in writing and shall include an explanation to support the request. A request shall also include:

(A) the name, address and telephone number of the person making the request;
(B) the name, address and telephone number of the agency or organization the person represents, if any;
(C) the number used to identify the rule if the request is to amend or repeal an existing rule; and
(D) the proposed language if the request is to amend an existing rule or adopt a new rule.

(2) It is the Board's policy to respond to such requests within 30 calendar days.

86:15-1-3. Definitions [AMENDED]

When used in this Chapter, the following words or terms shall have the following meaning unless the context of the sentence requires another meaning:

"Act" means the Marital and Family Therapist Licensure Act, 59 O.S. §§ 1925.1 et seq., as amended.

"Approved LMFT supervisor" ("Supervisor") means an individual who meets the qualifications to become an approved supervisor and is approved by the Board as set forth in Section 86:15-9-3 of this Chapter.

"Board" means the State Board of Behavioral Health Licensure.

"Complainant" means any person who files a Request for Inquiry against a LMFT, Candidate, or a person who delivers marital and/or family therapy without a license.

"Complaint Committee" means one Board member who is a LMFT, the Executive Director, the Assistant Attorney General and may include other appropriate individuals as determined by the Committee.

"Direct Client Contact Hours" means the performance of therapeutic or clinical functions that includes diagnosis, assessment and treatment of mental, emotional and behavioral disorders based primarily on verbal communications and intervention with, and in the presence of, one or more clients.

"Employee" means in accordance with 26 U.S.C. § 3121 (d),:

(A) Any officer of a corporation; or
(B) Any individual who, under the usual common law rules applicable in determining the employer-employee relationship, has the status of employee.

"Extra therapeutic relationship" means a familial, social, financial, business, professional, close personal, sexual or other non therapeutic relationship with a client, or engaging in any activity with another person that interferes or conflicts with the LMFT's or LMFT Candidate's professional obligation to a client.

"Face-to-Face learning" means the delivery of graduate coursework or continuing education through instruction that is designed to deliver education to learners who are in the direct physical presence of the educator or designed to deliver education to learners through synchronous instructional delivery methods.

"Face-to-face supervision" means the Supervisor and the Candidate shall be in the physical presence of the other during individual or group supervision.

"Forensic services" means the application of knowledge, training and experience from the mental health field to the establishment of facts and/or the establishment of evidence in a court of law or ordered by a court of law.

"Formal Complaint" means a written statement of alleged violation(s) of the Act and/or Rules which is filed by the Assistant Attorney General. The Formal Complaint schedules an Individual Proceeding before the Board in accordance with 75 O.S. §309.

"Full time" means at least ~~twenty (20)~~five (5) hours of on-the-job experience per week.

"Group supervision" means an assemblage of three (3) to six (6) Candidates.

"Home-study" or **"technology-assisted distance learning"** refers to means the delivery of graduate coursework or continuing education through mailed correspondence or other distance learning technologies, which focuses on asynchronous instructional delivery methods.

"Licensed marital and family therapist" or **"LMFT"** or **"Licensee"** means a person holding a current license issued pursuant to the provisions of the Marital and Family Therapist Licensure Act;

"Licensed marital and family therapist candidate" ("Candidate") means a person whose application for licensure has been accepted and who is under supervision for licensure as provided in 59 O.S. §1925.6;

"Licensure Committee" means two LMFT Board members, the Executive Director, and may include other appropriate individuals as determined by the Committee.

"OAC" means the Oklahoma Administrative Code.

"On-site supervisor" means a person who may not be an approved LMFT supervisor but is licensed in the State of Oklahoma as a Licensed Marital and Family Therapist, Licensed Professional Counselor, Licensed Behavioral Practitioner, Psychologist, Clinical Social Worker, Psychiatrist, or Licensed Alcohol and Drug Counselor employed by the agency employing the LMFT Candidate whose assigned job duties include acting as the immediate supervisor to the LMFT Candidate and who is available to the candidate at all times when counseling services are being rendered by the LMFT Candidate.

"On-the-job experience" means the performance of marital and family therapy as described in Section 1925.2 of the Act and includes the application of assessment, diagnosis and treatment of disorders, whether cognitive, affective, or behavioral, within the context of marital and family systems. Marital and family therapy involves the professional application of family systems theories and techniques in the delivery of services to individuals, marital pairs, and families for the purpose of treating such disorders

"Request for Inquiry" ("RFI") means a written or oral statement of complaint from any person alleging possible violation(s) of the Act and/or Rules.

"Respondent" means the person against whom an Individual Proceeding is initiated.

"Semi-Annual" means every six (6) months.

"Staff" means the personnel of the Board.

"Supervised relational contact" means clinical contact with two or more members of the relational system present in the session.

"Technology-assisted supervision" refers to supervision that occurs through video teleconferencing, over secure internet connections, wherein a Supervisor and a Candidate are in separate physical locations.

SUBCHAPTER 5. APPLICATION FOR LICENSURE

86:15-5-2.1. Application procedures [AMENDED]

(a) **Application for permanently expired license.**

(1) Application after license expires for non-renewal shall include the following documents:

(A) Application form,

(B) Application Fee, and

(C) Completed criminal background check.

(2) Applicant shall provide a passing score on:

(A) The Licensing Examination in Marital and Family Therapy (Professional Testing Center) or another equivalent examination as determined by the Board, and

(B) An oral and/or written examination covering the LMFT law and regulations as approved by the Board.

(3) Exam results accrued prior to date of this application shall not be considered.

(4) The Internship/Practicum Documentation Form on file shall carry over.
(5) All previously submitted and approved Supervised Experience shall carry over to a new application.

(b) **Application for revoked license.**

(1) No Application for a revoked license will be considered for a period of 5 years following the revocation. Application after license is revoked as a result of administrative action shall include the following documents:
(A) Application form,
(B) Official transcript(s),
(C) Internship/Practicum Documentation form,
(D) Application Fee, and
(E) Completed criminal background check.
(2) Applicant shall provide a passing score on:
(A) The Licensing Examination in Marital and Family Therapy (Professional Testing Center) or another equivalent examination as determined by the Board, and
(B) An oral and/or written examination covering the LMFT law and regulations as approved by the Board.
(3) All previously submitted and approved Supervised Experience shall not carry over to a new application.
(4) Application materials shall be reviewed by the License Committee.
(5) At the time of application, applicant must provide additional documentation to demonstrate rehabilitation relating to the cause of the revocation of licensure.
(6) The Board may impose reasonable practice limitations that are in addition to the requirements for completion of approved supervised experience.

(c) **Application for voided application for failure to provide a passing score on examinations.**

(1) Application after application is voided for failure to provide a passing score onexaminations shall include the following documents:
(A) Application form,
(B) Official transcript(s),
(C) Application Fee, and
(D) Completed criminal background check.
(2) Applicant shall provide a passing score on:
(A) The Licensing Examination in Marital and Family Therapy (Professional Testing Center) or another equivalent examination as determined by the Board, and
(B) An oral and/or written examination covering the LMFT law and regulations as approved by the Board.
(3) Exam results accrued prior to date of application shall not be considered.
(~~3~~4) The Internship/Practicum Documentation Form on file shall carry over to a new application.
(~~4~~5) All previously submitted and approved Supervised Experience shall be voided with prior application and shall not carry over to a new application.

(d) **Application procedures for voided application for inactivity.**

(1) Application after application is voided for remaining inactive for 24 months, in accordance with 86:15-5-2.3, shall include the following documents:
(A) Application form,
(B) Official transcript(s),
(C) Application Fee, and
(D) Completed criminal background check.
(2) Applicant shall take and pass two examinations:

(A) The National Examination in Marriage and Family Therapy or another equivalent examination as determined by the Board; and
(B) The Oklahoma LMFT Examination (OLMFTE).
(3) Exam results accrued prior to date of application shall not be considered.
(~~3~~4) The Internship/Practicum Documentation Form on file shall carry over.
(5) All previously submitted and approved Supervised Expirence shall be voided with prior application and shall not carry over to a new application.

(e) **Application for denied application.**
(1) Application after application has been denied as prescribed in Section 1925.15 of the Act shall include the following documents:
(A) Application form,
(B) Official transcript(s),
(C) Internship/Practicum Documentation form,
(D) Application Fee, and
(E) Completed criminal background check.
(2) Application materials shall be reviewed by the LMFT License Committee.
(3) Applicant shall provide a passing score on:
(A) The National Examination in Marital and Family Therapy (Professional Testing Corporation) or another equivalent examination as determined by the Board, and
(B) An oral and/or written examination covering the LMFT law and regulations as approved by the Board.
(4) Exam results accrued prior to date of this application shall not be considered.
(5) Applicant shall be required to accrue an additional 500 hours of supervised experience.
(6) Internship/Practicum Documentation Form on file shall carry over to a new application.
(7) All previously submitted and approved Supervised Experience shall carry over to a new application.
(8) At the time of application, applicant must provide additional documentation to demonstrate rehabilitation relating to the cause of denial of licensure application.
(9) The Board may impose reasonable practice limitations that are in addition to the requirements for completion of approved supervised experience.

(f) **Application for voided application for failure to complete supervised experience**
(1) Application after application is voided for failure to complete the supervised experience requirement within sixty (60) months as described in OAC Rule 86:15-9-4(e) shall include the following documents:
(A) Application form
(B) Official transcripts,
(C) Application fee, and
(D) Completed criminal background check.
(2) Applicant shall provide a passing score on:
(A) The Licensing Examination in Marital and Family Therapy or another equivalent examination as determined by the Board; and
(B) The Oklahoma LMFT Examination (OLMFTE).
(3) Exam results accrued prior to date of this application shall not be considered.
(4) The Internship/Practicum Documentation Form on file shall carry over to a new application.
(5) All previously submitted and approved Supervised Expirence shall be voided with prior application and shall not carry over to a new application.

86:15-5-4. Additional forms [AMENDED]

~~(a) Out-of-State License Verification Form - identifying information; type of credential held in other state; license number; issue and expiration date of license; current standing of license; past complaints or sanctions; exam information; supervision information; graduate education; internship documentation; signature and identifying information of person verifying from out-of-state.~~The Verification of Academic Standing requires the following information:

~~(b) The Termination of Supervision Agreement requires the following information:~~

~~(1) name of candidate;~~
~~(2) current place of employment of candidate;~~
~~(3) address of current place of employment of candidate;~~
~~(4) phone number of candidate;~~
~~(5) email address of candidate;~~
~~(6) signature and signature date of candidate, (if available);~~
~~(7) name of supervisor;~~
~~(8) license number of supervisor;~~
~~(9) current place of employment of supervisor;~~
~~(10) phone number of supervisor;~~
~~(11) email address of supervisor;~~
~~(12) signature and signature date of supervisor, (if available); and~~
~~(13) effective date of termination of supervision agreement.~~
(1) Name of applicant;
(2) Name of university;
(3) Name of graduate program;
(4) Name of degree;
(5) Total number of graduate coursework hours required to receive diploma;
(6) Date of graduation;
(7) Signature and signature date of applicant;
(8) Name of administrator and/or school official;
(9) Title/position of administrator and/or school official;
(10) Telephone number of administrator and/or school official;
(11) Email address of administrator and/or school official;
(12) Signature and signature date of administrator and/or school official.

SUBCHAPTER 7. LICENSURE EXAMINATIONS

86:15-7-1. Eligibility [AMENDED]

An LMFT applicant ~~is~~may be eligible to sit for the licensing ~~examination~~examination(s) following the submission and approval of:

(1) Application Form and fee
(2) Practicum/Internship Documentation Form
(3) Official transcript(s) showing completion of all academic requirements listed in Subchapter 5 of this Chapter or a Board approved Verification of Academic Standing from the administrator of the student's degree program indicating that the student is expected to fulfill all degree requirements by the expected graduation date. Verification of Academic Standing shall not be signed and dated or submitted more than 60 days prior to the expected date graduation; and
(4) Completed criminal background check.

86:15-7-4. Application [AMENDED]

(a) The Board shall ~~mail~~send notification of eligibility to sit for examination(s) to the last known address of applicant no later than sixty (60) days after receiving the required and completed application materials.
~~(b) An applicant's eligibility to sit for the Oklahoma LMFT Examination shall be valid once the application has been Board approved.~~
(~~e~~b) An applicant's eligibility to sit for the ~~national examination~~examination(s) shall be valid for three years, at which time if the applicant has failed to provide a passing score for the Licensing Examination in Marital and Family Therapy and the Oklahoma LMFT Examination, the licensure application shall be voided and the applicant shall be ~~mailed notification at last known address~~notified. ~~An applicant may apply with an additional requirement of a plan of remediation acceptable to the License Committee.~~

SUBCHAPTER 9. SUPERVISED EXPERIENCE REQUIREMENTS

86:15-9-2. Acceptable supervised experience [AMENDED]

Supervised experience is acceptable when:
(1) it begins after all applicable academic requirements as stated in Subchapter 5 have been completed, verification of Oklahoma LMFT Examination passing score and National Examination passing score has been received by the Board, and supervision agreement has been approved by the Board.
(2) official application for licensure has been made. This includes Application, application fee, Internship/Practicum Documentation Form, official graduate transcript, completed criminal background check,, and Supervision Agreement. Applicants who have met part or all of supervision experience requirements for clinical membership in AAMFT will be considered to have met part or all of the supervision requirements for licensure in Oklahoma.
(3) it consists of the performance of therapy activities as described in Section 1925.2, subsection 7 and 9 of the LMFT Act and contains the following characteristics:
(A) supervision focuses on the raw data from a supervisee's continuing clinical practice, which may be available to the supervisor through a combination of direct observation, co-therapy, written clinical notes, and audio and video recordings and the LMFT Act and Regulations.
(B) supervision is a process clearly distinguishable from personal psychotherapy, and is contracted in order to serve professional/vocational goals.
(C) individual supervision or technology-assisted supervision shall be face-to-face with one (1) supervisor and one (1) or two (2) supervisees.
(D) group supervision or technology-assisted supervision may include three (3) to six (6) supervisees and a supervisor.
(E) technology-assisted supervision must be approved by the Board prior to the accrual of hours. Factors to be considered by the Board include: distance between approved supervisor and candidate; financial hardship on approved supervisor or candidate; physical hardship on approved supervisor or candidate; specialty credentials; and other pertinent factors.
(4) supervised experience hours may be accrued in academic, governmental, or private practice settings.
(5) the supervised experience is accrued in a private for-profit or private not-for-profit therapy setting, only if:
(A) The LMFT Candidate is an employee, as defined by 86:15-1-3, of the same facility as a person licensed in the state of Oklahoma as a Licensed Professional Counselor, a Licensed Marital and Family Therapist, a Licensed Behavioral Practitioner, a Psychologist, a Psychiatrist, a Clinical Social Worker, or a Licensed

Alcohol and Drug Counselor, whose assigned job duties include being immediately available to the LMFT Candidate for supervision at any time the LMFT Candidate is engaging in the practice of therapy or therapy-related services.
(B) The LMFT Candidate is receiving supervision for licensure from an approved LMFT supervisor who is not required to work at the same location as the LMFT Candidate.

86:15-9-4. Duration of supervised experience [AMENDED]

(a) Three thousand (3000) clock hours of on-the-job experience, which is supervised by an approved LMFT supervisor, shall be completed. Work experience under supervision must extend over a minimum of 24 months. ~~This marital and family therapy related experience must include a minimum of 1000 hours of direct client contact. The candidate must have a minimum of 250 relational hours with two or more members of the relational system present in the session.~~ Included in the three thousand (3000) clock hours of on-the-job experience, a minimum of one thousand (1000) hours shall be from direct client contact, two hundred and fifty (250) hours shall be from supervised relational contact, one hundred (100) hours must be face-to-face or technology-assisted supervision.

(b) ~~Supervision sessions:~~Weekly, face-to-face supervision or technology-assisted supervision shall be accrued under a Board approved LMFT supervisor at a minimum of forty-five (45) minutes of supervision every week.

~~(1) should be scheduled weekly and shall be no less than 6.25 hours of supervision for each 42 hours of direct client contact. No more than 42 hours of direct client contact can be counted in a four week period of time, or~~

~~(2) may be arranged on a different schedule upon:~~

~~(A) written request of the supervisor and supervisee in advance, and~~

~~(B) approval of the schedule by the Board.~~

~~(c)Total number of face-to-face supervision hours must be at least 150. Supervision in group sessions shall equal no more than 75 hours of the total requirement.~~

~~(d) Approved LMFT Supervisors shall meet with LMFT candidate(s) in person at least once every six month evaluation period when performing technology-assisted supervision.~~

(~~e~~c) Supervisors shall perform at least two (2) observations, (live or tape) per each six (6) month evaluation period for each supervisee.

(~~f~~d) Approved supervisors shall consult with on-site supervisor at least once per supervisee during each reporting period.

(e) Candidates shall complete supervised experience requirements within sixty (60) months of the date of the approval of the first supervision agreement or the application shall be voided.

86:15-9-5. Documentation of supervised experience [AMENDED]

(a) An LMFT Supervision Agreement between supervisor and supervisee must be received and approved by the Board prior to the accrual of supervision hours.

(b) ~~Semi-annual documentation of supervision hours, evaluation of competence, date of observations (live or tape), and date of consultation between approved supervisor and on-site supervisor must be submitted by the supervisor and co-signed by the supervisee on official Supervision Evaluation Forms. Incomplete evaluations will not be accepted by the Board until all requirements for the semi-annual evaluation period have been completed.~~ The supervisor and supervisee shall sign and submit the "Evaluation of Supervised Experience," including documentation of observations and date of consultation between approved supervisor and on-site supervisor, semi-annually beginning as of the date of the approval of the first supervision agreement.

(c) Any Evaluation of Supervised Experience form submitted beyond 60 days of the semi-annual due date will not be credited towards the duration of supervision as described in 86:15-9-5(b).

(d) ~~Upon completing the supervision requirement, the supervisee must complete and submit the Final Evaluation of Supervision Experience by Supervisee form for each supervisor. The Final Evaluation of Supervision Experience by Supervisee Form shall include the name of the supervisee and supervisor; period covered by supervision; ratings of supervision; recommendation of supervisor to other supervisees.~~ Supervised experience shall be reported in quarter credit hours.
(e) Supervisors shall maintain supervision records for at least seven (7) years beyond termination of supervision.

SUBCHAPTER 13. ISSUANCE AND MAINTENANCE OF LICENSE

86:15-13-1. Issuance of license [AMENDED]

(a) **Certificate.** The license issued by the Board shall contain the licensee's name, license number, ~~highest accredited therapy-related academic degree~~ and date of issuance.
(b) **Signature.** Official licenses shall be signed by the Chair of the Board and be affixed with the seal of the Board.
(c) **Property of the Board.** All licenses issued by the Board shall remain the property of the Board and must be surrendered on demand.
(d) **Notification.** After having fulfilled all requirements for licensure, the Board shall ~~mail~~send notification to the licensee~~, at last known address,~~ of qualification for licensure; and when the license fee is received and the Board approves the candidate for licensure, the ~~license will be mailed to the licensee~~license certificate shall be issued.

86:15-13-2. Replacement of certificate [REVOKED]

~~The Board will replace a license certificate that is lost, damaged, or is in need of revision upon written request from the LMFT and payment of the license replacement fee. Requests must include the LMFT's original license or be accompanied by the damaged certificate, if available.~~

86:15-13-3. License renewal [AMENDED]

(a) **Responsibility.** Each LMFT is responsible for renewing his/her license before the expiration date.
(b) **Initial licensing period.** The renewal date of the original license shall be two (2) years from the last day of the month in which the license was originally issued.
(c) **Annual renewal.** Subsequent renewals will be yearly, on or before January 1. License fees will be prorated on a quarterly basis for the first renewal.
(d) **Interim renewal.** The notice for the initial renewal shall solicit the required continuing education documentation and invoice the LMFT for the interim period between the original renewal date and the following December 31 so that subsequent renewals shall be on a calendar year basis. The renewal notice shall inform the licensee of the number of continuing education hours required by December 31. Fees and continuing education hours shall be prorated according to the schedule below.

(1) For a license expiring during January, February or March the following shall apply:
  (A) The renewal fee shall be $100.00; and
  (B) Continuing education of 20 hours shall be due by December 31.
(2) For a license expiring during April, May or June the following shall apply:
  (A) The renewal fee shall be $75.00; and
  (B) Continuing education of 15 hours shall be due by December 31.
(3) For a license expiring during July, August or September the following shall apply:
  (A) The renewal fee shall be $50.00; and
  (B) Continuing education of 10 hours shall be due by December 31.
(4) For a license expiring during October or November, the following shall apply:
  (A) The renewal fee shall be $25.00; and
  (B) Continuing education of 5 hours shall be due by December 31.

(5) Licenses expiring in December are not prorated.

(e) **Requirements for renewal.** Requirements for renewal are:

(1) Compliance with the Act and Board rules.

(2) Documentation of the required continuing education. (See 86:15-13-4 for information regarding C.E.).

(3) Payment of the renewal fee(s).

~~(f) **Display of renewal certificate.**~~

~~(1) License renewal verification cards shall be displayed on the original (or replaced) license certificate.~~

~~(2) A current license verification card shall be readily available on the LMFTs person at any time marital and therapy services are being provided.~~

86:15-13-4. Continuing education [AMENDED]

(a) **Purpose.** The purpose of the requirements in this Section is to establish the continuing education requirements necessary for license renewal.

(b) **Number of hours required.**

(1) Licensees shall complete and furnish documentation to the Board of twenty (20) clock hours of acceptable continuing education per year. One college credit hour is equal to fifteen (15) clock hours.

(2) A minimum of three (3) clock hours of continuing education hours must be in mental health ethics from programs approved by the Board or its designee. Continuing education in mental health ethics is acceptable as meeting the approved requirements by the Board when the continuing education program:

(A) Addresses ethics issues specifically pertaining to the practice of therapy, as defined in Section 1925.2(7) of this Act;

(B) Addresses regulations as promulgated in Subchapter 3 of this Chapter; and

(C) Meets all requirements of subsections (b) through (e) of OAC 86:15-13-4 of this Chapter.

(D) Current LMFT Board members shall receive clock hours of acceptable continuing education in mental health ethics for attendance and participation in Board or Committee meetings.

(3) Approved LMFT Supervisors are required to complete a minimum of three (3) clock hours of continuing education in therapy supervision specific to Oklahoma law provided by the Board or its designee. Continuing education in Therapy Supervision is acceptable as meeting the approved requirements by the Board when the continuing education program:

(A) Addresses issues specifically related to the practice of therapy supervision pursuant to regulations promulgated in Subchapter 9 of this Chapter; and

(B) Contains content in one or more of the following knowledge areas:

(i) Overview of a supervision model;

(ii) Supervisors' areas of focus and roles in supervision;

(iii) Supervisors' process and practical application;

(iv) Ethical dilemmas involved in therapy supervision;

(v) Methods of effectively addressing and preventing ethical dilemmas in therapy supervision;

(vi) Overview of AAMFT standards of supervision; or

(vii) Overview of Oklahoma LMFT Rules and Regulations regarding therapy supervision; and

(C) Meets all requirements of subsections (b) through (e) of OAC 86:15-13-4 of this Chapter.

(c) **Acceptable continuing education.** Continuing education is acceptable to the Board when it:

(1) approximates the content of any of the academic areas listed under Subchapter 5 of this Chapter and;
(2) is presented by a person who meets one of the following qualifications:
(A) is licensed or certified by therapy related professions;
(B) is a licensed or certified member of a non-therapy field (i.e. medicine, law) if the content of the presentation is therapy related and falls within the presenter's area of training;
(C) has experience teaching, at the graduate level, in a regionally accredited college or university from any of the knowledge areas listed in OAC 86:15-5-3 of this Chapter;
(D) the person is presenting or has presented at a national mental health conference provided by the American Association for Marriage and Family Therapy (AAMFT), American Psychological Association (APA), American Counseling Association (ACA), or any of its divisions, National Association for Social Workers (NASW), the Association for Addiction Professionals (NAADAC), or other nationally recognized professional organization in the mental health field;
(E) is presenting in a program sponsored or provided by a state or federal government agency with responsibility for mental health and substance abuse services; and
(3) takes place in the context of one of the following:
(A) a college course, in-service training, institute, seminar, workshop, conference or a ~~Board pre-approved~~ technology-assisted distance learning or home-study course;
(B) a national mental health conference provided by the American Association for Marriage and Family Therapy (AAMFT), American Psychological Association (APA), American Counseling Association (ACA), or any of its divisions, National Association for Social Workers (NASW), the Association for Addiction Professionals (NAADAC), or other nationally recognized professional organization in the mental health field;
(C) a program approved or offered by a state or federal government agency with responsibility for mental health and substance abuse services; or
(D) Board or Committee meetings, for current Board members.

(d) **Continuing education accrual from teaching.** Continuing education may also be accrued when the LMFT teaches in programs such as institutes, seminars, workshops, and conferences, when the content conforms to OAC 86:15-13-4(c) of this subchapter, provided that such teaching is not required as part of the LMFT's regular employment. Two hours of C.E. is credited for each hour taught.

(e) **Continuing education accrual from technology-assisted distance learning or home-study courses.** Continuing education may be accrued when the LMFT completes technology-assisted distance learning or home-study programs that are approved by the Board.

(f) **Professional audience.** Continuing education, whether received or presented by the LMFT must be targeted toward a professional audience.

(g) **Documentation of attendance.** LMFT's shall retain verification of attendance documents for all C.E. hours claimed for a period of two (2) years. Acceptable C.E. verification of attendance documents are:
(1) an official continuing education validation form furnished by the presenter, or,
(2) a letter on the sponsoring presenter's letterhead giving the name of the program, location, dates, subjects taught, total number of hours attended, participant's name and presenter's name and credentials, or,
(3) an official college transcript showing courses or audit credit, or
(4) For teaching a letter on sponsoring agency's letterhead giving the name of the program, location, dates, subject taught and total number of hours taught.

(h) **Submission of continuing education.** Only C.E. accrued in the preceding license renewal period is acceptable.

(i) **Audit of continuing education submissions.** In November of each year, the Board will randomly select from two (2) to twenty-five (25) percent of the number of LMFT's on active status the previous year for an audit of their claimed Continuing Education credits. These selected LMFT's must then provide the Board with verification of all credits claimed on their Continuing Education Roster on or before the renewal deadline. The Board may, at its discretion, audit and require verification of any credits claimed which it may consider questionable or fraudulent.
(j) **Penalty for failure to submit continuing education.** Failure to fulfill the C.E. requirement by the renewal date renders the license in suspension. All rights granted by the license are null and void until the requirement is fulfilled and a late renewal fee is paid. The LMFT has 12 months from the date of suspension to become reinstated. If not reinstated, the license shall be revoked.
(k) **Submission of fraudulent continuing education.** The submission of fraudulent C.E. hours will be reviewed by the License Committee for disciplinary action and may result in suspension or revocation of license.
(l) **Responsibility.** The licensee is ultimately responsible for providing or arranging for sponsors to provide the information necessary for the Board to make a determination of the suitability of the program for continuing education requirements.
(m) **Continuing Education for LMFT Approved Supervisors.**

(1) Effective January 1,2020, approved LMFT Supervisors are required to complete a minimum of three (3) clock hours of continuing education in therapy supervision each renewal period. Approved Supervisor designation will not be renewed until the continuing education requirement for each missed renewal period is met.
(2) If continuing education requirement is not met within five
(3) years of expiration, approved supervisor status will be permanently expired and the LMFT must apply and meet the requirements in Subchapter 9, including the retaking of 86:15-9-3(a)(2)(B) to become an approved supervisor.

86:15-13-5. Inactive status [AMENDED]

(a) An active license may be placed on inactive status by written request and payment of a one-time twenty-five dollar ($25.00) fee. An inactive license forfeits all rights and privileges granted by the license.
~~(b) When a license is placed on inactive status, the license and active verification cards shall be returned to the Board.~~
(~~e~~b) A license that has remained inactive for at least one (1) year may be reactivated upon payment of a prorated renewal fee and submission of prorated continuing education hours required during the renewal year, in accordance with this Chapter, if there are no impediments to licensure.
(~~d~~c) A license placed on inactive status may be reactivated within one (1) year when submitted with the required renewal fee and continuing education, in accordance with this Chapter, if there are no impediments to licensure.

86:15-13-6. Late license renewal; reapplication [AMENDED]

(a) **Renewal notification.** The Board shall ~~mail~~send a notice of expiration to ~~licensee's~~the licensee ~~last known address,~~ 45 days prior to the expiration date of the LMFT's license.
(b) **Failure to renew.** If the licensee fails to renew his/her license by the expiration date:

(1) the license will expire and the rights and privileges granted by the license will be forfeited.
(2) the LMFT has the right to reinstate the license by payment of the renewal fee and the late renewal fee and fulfillment of all other renewal requirements for up to one year following the expiration of the license.
(3) licenses not renewed within the 1 year renewal period shall not be reinstated and shall be permanently expired. ~~The license must be returned to the Board.~~

(c) **Reapplication.** It shall be the responsibility of the former licensee to reapply for licensure. Reapplication means making application, payment of all fees, taking and passing the exam and fulfillment of all requirements for licensure in effect at the time of reapplication. No contact will be initiated by the Board.
(d) **Retirement of license.** An LMFT whose license is current and in good standing, who wishes to retire the license, may do so by informing the Board in writing and returning the license to the LMFT office. A license so retired shall not be reinstated but does not prevent a person from applying for a license at a future date.

[OAR Docket #24-631; filed 6-21-24]

TITLE 86. STATE BOARD OF BEHAVIORAL HEALTH LICENSURE
CHAPTER 20. LICENSED BEHAVIORAL PRACTITIONERS

[OAR Docket #24-632]

RULEMAKING ACTION:
PERMANENT final adoption
RULES:
Subchapter 1. General Provisions
86:20-1-2. Definitions [AMENDED]
Subchapter 3. Forms
86:20-3-2. Description of forms [AMENDED]
Subchapter 9. Application Procedures
86:20-9-8. Application for voided application for failure to provide a passing score on examinations [AMENDED]
86:20-9-9.1. Application procedures for voided application for inactivity [AMENDED]
Subchapter 13. Supervised Experience Requirement
86:20-13-2. Duration of supervision [AMENDED]
86:20-13-7. Documentation of supervised experience [AMENDED]
Subchapter 17. Licensure Examination
86:20-17-1.1. Eligibility [AMENDED]
Subchapter 21. Issuance of License
86:20-21-1. License [AMENDED]
86:20-21-4. Notification [AMENDED]
86:20-21-5. Replacement [REVOKED]
Subchapter 23. License and Specialty Renewal
86:20-23-3. Renewal notification [AMENDED]
86:20-23-8. Display of verification card [REVOKED]
86:20-23-9. Inactive status [AMENDED]
86:20-23-10. Failure to renew [AMENDED]
86:20-23-11. Return of license [REVOKED]
Subchapter 27. Consumer Information
86:20-27-1. Directory [AMENDED]
86:20-27-2. Brochure [REVOKED]
AUTHORITY:
State Board of Behavioral Health Licensure; 59 O.S. 2011; 59 O.S. 2001, Section 1901 et. seq.
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AVAILABILITY:
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GIST/ANALYSIS:
The following permanent rules interpret the Oklahoma Behavioral Practitioner Licensure Act, (59 O.S. 1991, Sections 1901 et seq.)
CONTACT PERSON:
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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(7) AND 308(E), WITH AN EFFECTIVE DATE OF JULY 25, 2024:

SUBCHAPTER 1. GENERAL PROVISIONS

86:20-1-2. Definitions [AMENDED]

When used in this Chapter, the following words or terms shall have the following meaning unless the context of the sentence requires another meaning:

"Act" means the Behavioral Practitioner Act, 59 O.S. §§ 1930 et seq., as amended.

"Administrative Procedures Act" ("APA") means Article I and/or Article II of the Administrative Procedures Act, 75 O.S. §§ 250 et seq.

"Board" means the State Board of Behavioral Health Licensure.

"Complainant" means any person who files a Request for Inquiry against a LBP, Candidate, or a person who delivers behavioral health services without a license.

"Complaint Committee" means one Board member who is a LBP, the Executive Director, the Assistant Attorney General and may include other appropriate individuals as determined by the Committee.

"Direct Client Contact Hours" means the performance of therapeutic or clinical functions that includes diagnosis, assessment and treatment of mental, emotional and behavioral disorders based primarily on verbal communications and intervention with, and in the presence of, one or more clients.

"Dual relationship" means a familial, social, financial, business, professional, close personal, sexual or other non-therapeutic relationship with a client, or engaging in any activity with another person that interferes or conflicts with the LBP's professional obligation to a client.

"Employee" means in accordance with 26 U.S.C. § 3121 (d),:

(A) Any officer of a corporation; or

(B) Any individual who, under the usual common law rules applicable in determining the employer-employee relationship, has the status of employee.

"Face-to-Face learning" means the delivery of graduate coursework or continuing education through instruction that is designed to deliver education to learners who are in the direct physical presence of the educator or designed to deliver education to learners through synchronous instructional delivery methods.

"Face-to-face supervision" means the supervisor and the supervisee shall be in the physical presence of the other during supervision.

"Formal Complaint" means a written statement of alleged violation(s) of the Act and/or Rules which is filed by the Assistant Attorney General. The Formal Complaint schedules an Individual Proceeding before the Board in accordance with 75 O.S. §309.

"Full time practice" means working at least ~~20~~five (5) hours per week.

"Group supervision" means an assemblage of two (2) to six (6) Candidates.

"Hearing" means the process followed by the Board to provide Due Process to a licensee respondent in an individual proceeding.

"Home-study" or **"technology-assisted distance learning"** means the delivery of graduate coursework or continuing education through mailed correspondence or other distance learning technologies, which focuses on using asynchronous instructional delivery methods.

"Individual Proceeding" means the formal process by which the Board takes administrative action against a person licensed or certified by the Board in accordance with the APA and the Act.

"Licensed behavioral practitioner" or **"LBP"** or **"Licensee"** means any person who offers professional behavioral health services to any person and is licensed pursuant to the provisions of the Licensed Behavioral Practitioner Act. The term shall not include those professions exempted by Section 1932 of this title;

"Licensed behavioral practitioner candidate" or **"LBP Candidate"** or **"Candidate"** means a person whose application for licensure has been accepted and who is under supervision for licensure as provided in Section 1935 of this title;

"Licensure Committee" means two LBP Board members, the Executive Director, and may include other appropriate individuals as determined by the Committee.

"OAC" means the Oklahoma Administrative Code.

"On-site supervisor" means a person who may not be an approved LBP supervisor but is licensed by the state of Oklahoma as a Licensed Marital and Family Therapist, Licensed Professional Counselor, Psychologist, Clinical Social Worker, Psychiatrist, or Licensed Alcohol and Drug Counselor employed by the agency employing the LBP Candidate whose assigned job duties include acting as the immediate supervisor to the LBP Candidate and who is available to the candidate at all times when behavioral health services are being rendered by the LBP Candidate.

"On-the-job experience" means the performance of behavioral health services as described in Section 1931 of the Act and includes the application of the scientific components of psychological and mental health principles in order to facilitate human development and adjustment throughout the life span, prevent, diagnose, or treat mental, emotional, or behavioral disorders or associated distress which interfere with mental health, conduct assessments or diagnoses for the purpose of establishing

treatment goals and objectives, plan, implement, or evaluate treatment plans using behavioral treatment interventions, the application of empirically validated treatment modalities, including, but not limited to, operant and classical conditioning techniques, adherence/compliance methods, habit reversal procedures, cognitive behavior therapy, biofeedback procedures and parent training. Such interventions are specifically implemented in the context of a professional therapeutic relationship, interpreting or reporting scientific fact or theory in behavioral health to provide assistance in solving current or potential problems of individuals, groups, or organizations; means reporting, designing, conducting, or consulting on research in behavioral health services

"Request for Inquiry" ("RFI") means a written or oral statement of complaint from any person alleging possible violation(s) of the Act and/or Rules.

"Respondent" means the person against whom an individual proceeding is initiated.

"Semi-Annual" means every six (6) months.

"Staff" means the personnel of the Board.

"Technology-assisted supervision" refers to supervision that occurs through video teleconferencing, over secure internet connections, wherein a Supervisor and a Candidate are in separate physical locations.

SUBCHAPTER 3. FORMS

86:20-3-2. Description of forms [AMENDED]

(a) The Application Form requires the following:
- (1) Identifying information of applicant;
- (2) Possession of other credentials;
- (3) Previous misconduct;
- (4) Education;
- (5) References; and
- (6) Proposed professional Practice.

(b) The Internship/Practicum Documentation Form requires the following:
- (1) Identifying information of applicant;
- (2) Place, time, duration and nature of supervised experience;
- (3) School arranging supervision and name of supervisor; and,
- (4) Signature and title of supervisor.

(c) The Supervision Agreement requires identifying information of supervisee and supervisor as follows:
- (1) Name of candidate;
- (2) Name of candidate's place of employment;
- (3) Location supervised experience hours are being accrued;
- (4) Candidate's contact information;
- (5) Signature of Candidate;
- (6) Name of Approved LBP Supervisor;
- (7) Name of Approved LBP Supervisor's place of employment;
- (8) LBP Approved Supervisor's contact information;
- (9) Signature of LBP Approved Supervisor;
- (10) Name of On-Site Supervisor;
- (11) On-Site Supervisor's licensure information;
- (12) Name of On-Site Supervisor's place of employment;
- (13) On-Site Supervisor's contact information;
- (14) Signature of On-Site Supervisor.

(d) The Evaluation of Supervised Experience Form requires the following:
- (1) Names of supervisee and supervisor;

(2) Name and location of supervision site;
(3) Duration of work experience and supervision;
(4) Types of professional activities and clients seen;
(5) Rating of quality of professional activities;
(6) Supervisor and supervisee comments; and
(7) Signatures of supervisee and supervisor.

(e) ~~The Out-of-State Licensure Verification Form requires the following information:~~The Verification of Academic Standing requires the following information:

(1) Name of applicant;
(2) Name of university;
(3) Name of graduate program;
(4) Name of degree;
(5) Total number of graduate coursework hours required to receive diploma;
(6) Date of graduation;
(7) Signature and signature date of applicant;
(8) Name of administrator and/or school official;
(9) Title/position of administrator and/or school official;
(10) Telephone number of administrator and/or school official;
(11) Email address of administrator and/or school official;
(12) Signature and signature date of administrator and/or school official.

~~(1) Identifying information;~~
~~(2) Type of credential held in other state;~~
~~(3) License number;~~
~~(4) Issue and expiration date of license;~~
~~(5) Current standing of license;~~
~~(6) Past complaints or sanctions;~~
~~(7) Exam information;~~
~~(8) Supervision information;~~
~~(9) Graduate education;~~
~~(10) Internship documentation;~~
~~(11) Signature and identifying information of person verifying from out-of-state.~~

~~(f) The Termination of Supervision Agreement requires the following information:~~

~~(1) name of candidate;~~
~~(2) current place of employment of candidate;~~
~~(3) address of current place of employment of candidate;~~
~~(4) phone number of candidate;~~
~~(5) email address of candidate;~~
~~(6) signature and signature date of candidate, (if available);~~
~~(7) name of supervisor;~~
~~(8) license number of supervisor;~~
~~(9) current place of employment of supervisor;~~
~~(10) phone number of supervisor;~~
~~(11) email address of supervisor;~~
~~(12) signature and signature date of supervisor, (if available); and~~
~~(13) effective date of termination of supervision agreement.~~

SUBCHAPTER 9. APPLICATION PROCEDURES

86:20-9-8. Application for voided application for failure to provide a passing score on examinations [AMENDED]

(a) Application after application is voided for failure to provide a passing score on examinations shall include the following documents:
(1) Application form,
(2) Official transcript(s),
(3) Application Fee,
(4) Completed criminal background check.
(b) Applicant shall provide a passing score on two examinations:
(1) The Practitioner's Examination of Psychological Knowledge or another equivalent examination as determined by the Board; and
(2) The LBP State Standards Test.
(c) Exam results accrued prior to date of application shall not be considered.
(~~c~~d) The Internship/Practicum Documentation Form on file shall carry over to a new application.
(~~d~~e) All previously submitted and approved Supervised Experience shall be voided with prior application and shall not carry over to a new application.

86:20-9-9.1. Application procedures for voided application for inactivity [AMENDED]
(a) Application after application is voided for remaining inactive for 24 months, in accordance with 86:20-10-9.4, shall include the following documents:
(1) Application form,
(2) Official transcript(s),
(3) Application Fee, and
(4) Completed criminal background check.
(b) Applicant shall take and pass two examinations:
(1) The Practitioner's Examination of Psychological Knowledge or another equivalent examination as determined by the Board; and
(2) The LBP State Standards Test.
(c) Exam results accrued prior to date of application shall not be considered.
(~~c~~d) The Internship/Practicum Documentation Form on file shall carry over.
(e) All previously submitted and approved Supervised Experience shall be voided with prior application and shall not carry over to a new application.

SUBCHAPTER 13. SUPERVISED EXPERIENCE REQUIREMENT

86:20-13-2. Duration of supervision [AMENDED]
(a) Each applicant shall complete three (3) years or three-thousand (3000) clock hours of full time, on-the-job experience, which is supervised by an approved LBP supervisor. Included in the three-thousand (3000) clock hours of full time, on-the-job experience, a minimum of one-thousand (1000) hours shall be from direct client contact and one hundred (100) hours shall be from face-to-face or technology-assisted supervision.
~~(b) For each one thousand (1000) clock hours of full time, on-the-job experience, three hundred fifty (350) hours shall be direct client contact.~~
(~~c~~b) Weekly, face-to-face supervision or technology-assisted supervision shall be accrued under a Board approved LBP supervisor at ~~the ratio~~a minimum of forty-five (45) minutes of supervision ~~for~~ every ~~twenty (20) hours of on-the-job experience~~week.
~~(d) No more than one-half (½) of the required supervision hours may be received in group supervision.~~
(~~e~~c) One (1) or two (2) years of supervised experience may be gained at the rate of one (1) year for each thirty (30) graduate hours in behavioral health services-related course work earned beyond the minimum number of required graduate semester hours, provided that such hours are clearly related to the field of psychology or behavioral sciences and are acceptable to the Board.

(1) Regardless of the number of hours earned beyond the minimum number of required graduate semester hours, the LBP Candidate shall receive at least one (1) year or one thousand (1000) clock hours of supervision ~~in the ratio~~ as described in ~~this rule~~subchapter 13, section 86:20-13-2 (a-b).
(2) If an LBP Candidate completes the supervised experience requirement before passing the licensure examination, the LBP Candidate shall continue to practice under LBP supervision as described in this subchapter, unless exempted by the Act, until licensed.
(3) LBP Candidates shall complete supervised experience requirements within sixty (60) months of the date of the approval of the first supervision agreement or the license application shall be voided.

(~~f~~d) Approved supervisors shall perform at least two (2) observations (live or tape) per each six (6) month evaluation period for each supervisee.
(~~g~~e) Approved supervisors shall consult with supervisor at least once during each six (6) month evaluation period for each supervisee.

86:20-13-7. Documentation of supervised experience [AMENDED]

(a) A Supervision Agreement Form between the supervisor and supervisee shall be received and approved by the Board prior to beginning the accrual of supervised hours.
(b) The supervisor and LBP Candidate shall sign and submit an "Evaluation of Supervised Experience," including documentation of observations, date of consultation between approved supervisor and on-site supervisor, and the Record of Supervised Experience on a semi-annual basis beginning as of the date of the approval of the first supervision agreement. Incomplete evaluations will not be accepted by the Board until all requirements for the semi-annual evaluation period have been completed.
(c)Any Evaluation of Supervised Experience form submitted beyond 60 days of the semi-annual due date will not be credited towards the duration of supervision as described in 86:20-13-7(b).
(d) Supervised experience shall be reported in quarter credit hours.

SUBCHAPTER 17. LICENSURE EXAMINATION

86:20-17-1.1. Eligibility [AMENDED]

An LBP applicant ~~is~~may be eligible to take the licensing examination following the submission of:
(1) Application form and fee;
(2) Practicum/Internship Documentation Form;
(3) Official transcript(s),showing completion of all academic requirements listed in Subchapter 11, Section 86:20-11-2~~; and~~ or a Board approved Verification of Academic Standing from the administrator of the student's degree program indicating that the student is expected to fulfill all degree requirements by the expected graduation date. Verification of Academic Standing shall not be signed and dated or submitted more than 60 days prior to the expected date graduation; and
(4) Completed criminal background check.

SUBCHAPTER 21. ISSUANCE OF LICENSE

86:20-21-1. License [AMENDED]

The license issued by the Board shall contain the LBP's name, license number, ~~specialty designation, if any, highest accredited behavioral health services-related academic degree~~ and date of issuance.

86:20-21-4. Notification [AMENDED]

After having fulfilled all requirements for licensure, the Board shall ~~mail~~send notification to the licensee~~, at last known address,~~ of qualification for licensure; and when the license fee is received and the Board approves the candidate for licensure, the ~~license will be mailed to the licensee~~license certificate shall be issued.

86:20-21-5. Replacement [REVOKED]

~~The Board shall replace a license that is lost, damaged, or is in need of revision upon written request and payment of the license replacement fee. Requests must include the LBPs original license or be accompanied by the damaged license, if available.~~

SUBCHAPTER 23. LICENSE AND SPECIALTY RENEWAL

86:20-23-3. Renewal notification [AMENDED]

The Board shall ~~mail~~send to the LBP at least forty-five (45) days prior to the expiration date of the LBP's license, a notice of expiration.

86:20-23-8. Display of verification card [REVOKED]

~~(a) LBPs shall display a current license verification card on the original or replaced license.~~
~~(b) A current license verification card shall be readily available on the LBPs person at any time behavioral health services are being provided.~~

86:20-23-9. Inactive status [AMENDED]

(a) An active license may be placed on inactive status by written request and payment of a one-time twenty-five dollar ($25.00) fee. An inactive license forfeits all rights and privileges granted by the license.
~~(b) When a license is placed on inactive status, the license and active verification cards shall be returned to the Board.~~
(~~e~~b) A license that has remained inactive for at least one (1) year may be reactivated upon payment of a prorated renewal fee and submission of prorated continuing education hours required during the renewal year, in accordance with this Chapter, if there are no impediments to licensure.
(~~d~~c) A license placed on inactive status may be reactivated within one (1) year when submitted with the required renewal fee and continuing education, in accordance with this Chapter, if there are no impediments to licensure.

86:20-23-10. Failure to renew [AMENDED]

If the LBP fails to renew the license by the expiration date, the Board shall ~~mail~~send the LBP a notice ~~to the last known address~~, which shall include:

(1) Expiration of the license and forfeiture of rights and privileges granted by the license, and,
(2) The LBP's right to reinstate the license by payment of the renewal fee and the late renewal fee and fulfillment of all other renewal requirements for up to one (1) year following the expiration of the license.

86:20-23-11. Return of license [REVOKED]

~~Licenses not reinstated within the one (1) year late renewal period shall be permanently expired and not be reinstated. The license shall be returned to the Board.~~

SUBCHAPTER 27. CONSUMER INFORMATION

86:20-27-1. Directory [AMENDED]

(a) The Board shall provide a directory of Licensed Behavioral Practitioners.
(b) ~~The directory of LBPs shall include but not be limited to the name, academic degree under which the license is held, preferred mailing address, telephone number, and license number of current licensees.~~ The Board shall prepare information of consumer interest, which describes the regulatory functions of the Board and its procedures to handle and resolve consumer complaints.

86:20-27-2. Brochure [REVOKED]
~~The Board shall prepare information of consumer interest, which describes the regulatory functions of the Board and its procedures to handle and resolve consumer complaints.~~

[OAR Docket #24-632; filed 6-21-24]

TITLE 230. STATE ELECTION BOARD
CHAPTER 10. THE COUNTY ELECTION BOARD

[OAR Docket #24-580]

RULEMAKING ACTION:
PERMANENT final adoption
RULES:
Subchapter 3. Election Personnel
Part 3. THE PRECINCT ELECTION BOARD
230:10-3-27.1. Substitute Precinct Officials [AMENDED]
230:10-3-28.1. Special-purpose precinct workers [AMENDED]
230:10-3-32. Nepotism prohibited [REVOKED]
230:10-3-35. No double compensation [AMENDED]
Subchapter 5. Election Training
Part 1. THE COUNTY ELECTION BOARD
230:10-5-1. Statewide and regional workshops [AMENDED]
230:10-5-7. Inspections [AMENDED]
Part 3. ~~THE PRECINCT ELECTION BOARD~~PRECINCT ELECTION OFFICIALS [AMENDED]
230:10-5-13. Reimbursement for training [AMENDED]
Subchapter 7. General Administration of the County Election Board Office
Part 1. MEETINGS OF THE BOARD
230:10-7-2. Scheduling meetings [AMENDED]
230:10-7-12. Chairman presides [AMENDED]
230:10-7-16. Retention of minutes [AMENDED]
Part 15. POLLING PLACES
230:10-7-108. Number and location of polling places [AMENDED]
230:10-7-109. Changes in polling place [AMENDED]
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The proposed amendments to the rules in Chapter 10 relate to outdated or unnecessary rules, processes, or procedures, many of which are due to more recent Legislative changes. For example, there is no longer a Chief Clerk position within the County Election Board nor are there Precinct Election Boards. Further, the compensation amounts are being increased for precinct officials in 2024 pursuant to Senate Bill 290 from the 2023 Legislative session. The revocation of the rule related to nepotism is already prescribed in state law.
CONTACT PERSON:
Rachel A. Rogers, Director of Policy and Legal Affairs, State Election Board. (405) 521-6962. rachel.rogers@elections.ok.gov

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(7) AND 308(E), WITH AN EFFECTIVE DATE OF JULY 25, 2024:

SUBCHAPTER 3. ELECTION PERSONNEL

PART 3. THE PRECINCT ELECTION BOARD

230:10-3-27.1. Substitute Precinct Officials [AMENDED]
~~(a)~~ In the event that an appointed Inspector, Judge or Clerk is unable to work in a specific election due to illness or conflicting plans, the Secretary shall be authorized to name a substitute for that position for the affected election. This substitute Precinct Official shall be a registered voter in the same political party and shall be trained in the duties of the position in the same manner as the appointed official.
~~(b) On election night, the Secretary shall provide to the County Election Board members for their approval a list of any substitute Precinct Officials named for the election. The list should include each substitute Precinct Official's name, address, political affiliation and the precinct in which he or she served. The minutes of the Board meeting shall include the list of substitute Precinct Officials who served in the election.~~

230:10-3-28.1. Special-purpose precinct workers [AMENDED]

(a) The County Election Board Secretary is authorized to employ special-purpose precinct workers as needed for any county, school district, municipal, or other local election. [26:2-128.2] The County Election Board Secretary may employ special-purpose precinct workers to assist the Inspector, Judge, and Clerk with specific tasks, but they are not members of the Precinct Election Board and shall not perform any other duties assigned to the Inspector, Judge, or Clerk. Employment of special-purpose precinct workers usually shall be reserved for elections at which a large turnout is anticipated or at which an unusually large number of voters may need to update their voter registrations or vote provisionally. Only one special-purpose precinct worker may be assigned to a precinct, but that person may serve as both a Registration Official and as a Provisional Voting Officer. Special-purpose precinct workers may be employed for the following purposes only.

~~(1) **Registration Officials.** A Registration Official is a special-purpose precinct worker employed to help voters fill out new Oklahoma Voter Registration Application forms needed to correct certain deficiencies in their voter registration records. The specific duties of a Registration Official are outlined in 230:35-5-60. When a Registration Official is not employed, the duties are performed by the Judge as part of the regular election duties without additional compensation.~~

~~(2)~~ Provisional Voting Officers. A Provisional Voting Officer is a special-purpose precinct worker employed to help voters cast provisional ballots. The specific duties of the Provisional Voting Officer are outlined in 230:35-5-177. When a Provisional Voting Officer is not employed, the duties are performed by the Inspector as part of the regular election duties without additional compensation.

(b) Special-purpose precinct workers shall be compensated at the same rate as the Judge and Clerk. [26:2-128.2] Compensation for special-purpose precinct workers shall be included on the Pre-Election Expense Claim for the election. The State Election Board shall pay for the compensation of special-purpose precinct workers only when such payment is authorized by the Secretary of the State Election Board in advance of the election. The Secretary of the State Election Board may establish a maximum number of special-purpose precinct workers in each county for which the State Election Board shall pay. The maximum number of state-funded special-purpose precinct workers per county shall be based on a percentage of the number of precincts in each county. The percentage used may change from election to election depending upon the availability of state funds for this purpose. The Secretary of the State Election Board shall notify the County Election Board Secretary of the maximum number of state-funded special-purpose precinct workers authorized for the county prior to the election. The County Election Board Secretary may employ other special-purpose precinct workers in addition to those funded by the State Election Board if sufficient funds are available to cover the expense.

230:10-3-32. Nepotism prohibited [REVOKED]

~~The County Election Board is prohibited by law from appointing as Inspector, Judge or Clerk any person related to any member of the County Election Board within the third degree by either consanguinity or affinity (terms defined in 230:10-3-30).~~

230:10-3-35. No double compensation [AMENDED]

In no event may compensation for an Inspector ~~exceed $97 plus mileage, nor may compensation for a~~, Judge or Clerk exceed ~~$87~~the amount allowed by law for any election or elections conducted on a single day plus mileage. The foregoing applies to Inspectors, Judges and Clerks who serve both a precinct and a subprecinct.

SUBCHAPTER 5. ELECTION TRAINING

PART 1. THE COUNTY ELECTION BOARD

230:10-5-1. Statewide and regional workshops [AMENDED]

(a) At least once every two years, the State Election Board will conduct either a statewide or regional workshop for the County Election Board Secretary and employees. Such workshops are designed to acquaint participants with effective office administration techniques and current developments in election administration. The workshops are scheduled at times which are convenient for election officials, and attendance by the Secretary and the Assistant Secretary ~~or Chief Clerk~~ is mandatory.

(b) ~~At least once every four~~Every two years, the State Election Board will provide training for the County Election Board Chairman and Vice Chairman and for the alternate members. ~~Attendance at~~Participation in such training is mandatory.

230:10-5-7. Inspections [AMENDED]

From time to time, representatives of the State Election Board will visit the County Election Board office. The purpose of these visits is to inform and assist, in an effort to achieve uniformity in the administration of election laws. [26:3-109] The representative may be a member of the State Election Board staff or may be a Regional Coordinator. Regional Coordinators are County Election Board Secretaries, Assistant Secretaries ~~or Chief Clerks~~ under contract with the State Election Board to perform such services.

PART 3. ~~THE PRECINCT ELECTION BOARD~~PRECINCT ELECTION OFFICIALS [AMENDED]

230:10-5-13. Reimbursement for training [AMENDED]

(a) Each Inspector, Judge and Clerk who attends a required training session conducted by the County Election Board Secretary is entitled to receive ~~a~~ payment and mileage reimbursement in the amount provided by law. ~~In addition, each Precinct Official required to drive to a training session may be reimbursed for round trip mileage from his or her home to the training site at the rate currently allowed by the Internal Revenue Service for a business expense deduction. However, a Precinct Official who lives in the same town where a training session is held may not receive mileage reimbursement.~~ [26:3-111]

(b) The State Election Board pays the amount provided by law for each Precinct Official who attends a required training session. Required training is defined as the training conducted every two years prior to statewide elections, training conducted at other times for Precinct Officials appointed to fill vacancies, and any additional training mandated by the Secretary of the State Election Board~~-~~. A Precinct Official who voluntarily chooses to attend additional training sessions for the purpose of review is not entitled to be paid for such review sessions by the State Election Board. Upon completion of a required Precinct Official training session, the County Election Board Secretary shall follow these steps to prepare a claim to submit to the State Election Board.

(1) Enter training credit in MESA for each person who attended a required training session. Indicate the position or positions for which the person was trained. The system automatically flags the individual to be paid. If a Precinct Official is not entitled to payment as outlined above, override the payment flag.

(2) Request and print the Precinct Official Training Expense Claim. Send the first page of the claim to the State Election Board. Keep the list of Precinct Officials' names as documentation of the claim.

(3) Deposit the warrant received from the State Election Board for Precinct Official training expenses in the Special Depository Account and create vouchers for each Precinct Official who attended training.

(c) The mileage reimbursement for Precinct Officials who attend required training is paid by the county from the County Election Board's budget account. The County Election Board Secretary shall follow the procedure established by the County Clerk to ensure that mileage reimbursement is paid.

(d) The mileage reimbursement for Precinct Officials who attend an additional training session required by the Secretary of the State Election Board may be paid by the State Election Board.

SUBCHAPTER 7. GENERAL ADMINISTRATION OF THE COUNTY ELECTION BOARD OFFICE

PART 1. MEETINGS OF THE BOARD

230:10-7-2. Scheduling meetings [AMENDED]

The Secretary of the County Election Board is responsible for the day-to-day administration of the office and will know when meetings of the Board are necessary. When the Secretary determines that a meeting should be called, the Secretary shall instruct the Assistant Secretary ~~or Chief Clerk~~ to contact the Chairman and Vice Chairman to arrange the time of the meeting. Ordinarily, meetings shall be held in the County Election Board office. Time and date of the meeting shall be as convenient as possible for all three members. A written notice may be sent to the Chairman and Vice Chairman when a meeting is scheduled, as a supplement to oral communication. However, electronic mail or text messages used to communicate with County Election Board members or alternate members should be sent and received only by the Assistant Secretary or ~~Chief Clerk~~designated staff member.

230:10-7-12. Chairman presides [AMENDED]

The Chairman of the County Election Board shall preside at meetings of the Board. In ~~his~~the Chairman's absence, the Vice Chairman shall preside. In the absence of both the Chairman and Vice Chairman, the Secretary shall preside. An alternate Board member shall not be required to preside at a County Election Board meeting unless all three regular Board members - the Chairman, the Vice Chairman, and the Secretary - are absent. After calling the meeting to order, the Chairman may delegate the presiding duties to the Secretary.

230:10-7-16. Retention of minutes [AMENDED]

The Secretary of the County Election Board shall be responsible for ~~typing of~~preparing the minutes of each meeting of the Board. The minutes shall be approved by the Board at its next meeting. Upon approval, the minutes, together with a copy of the written notice, a copy of the agenda and any other pertinent documents, shall be retained permanently in a bound book.

PART 15. POLLING PLACES

230:10-7-108. Number and location of polling places [AMENDED]

There must be one polling place for each precinct, and that polling place must be located within the geographical boundaries of the precinct. [26:3-120] The State Election Board is authorized to make exceptions to this requirement. However, exceptions will be granted only in those instances in which it can be shown that compliance is ~~impossible~~not practicable. In order to obtain such an exception, the County Election Board Secretary must make written application to the State Election Board setting forth the reasons why compliance is not ~~possible~~practicable and detailing the actions which have been taken to locate a polling place within the boundaries of the affected precinct. The State Election Board will notify the County Election Board Secretary, in writing, of the decision regarding the request.

230:10-7-109. Changes in polling place [AMENDED]

No change shall be made in the location of a polling place fewer than 30 days before an election. When such a change is made, notice shall be posted on the door of the former polling place on the day of the election. The Secretary should contact the news media ~~should be requested~~ to announce the change in the polling place several days prior to the election. Enter a change of polling place location in the information about the precinct that is maintained in ~~OEMS~~the election management system.

[OAR Docket #24-580; filed 6-24-24]

TITLE 230. STATE ELECTION BOARD
CHAPTER 15. VOTER REGISTRATION

[OAR Docket #24-581]

RULEMAKING ACTION:
PERMANENT final adoption
RULES:
Subchapter 3. Voter Outreach
Part 1. RESPONSIBILITIES FOR VOTER OUTREACH
230:15-3-1. Responsibility for voter outreach [AMENDED]
Subchapter 5. Application for Voter Registration
Part 1. QUALIFICATIONS FOR REGISTRATION
230:15-5-1. Persons eligible to register to vote [AMENDED]
230:15-5-3. Felons ineligible to register to vote [AMENDED]
230:15-5-4. Exceptions for felony convictions [AMENDED]
Part 27. ONLINE VOTER REGISTRATION APPLICATION SERVICES
230:15-5-140. Online submission of applications for voter registration authorized [AMENDED]
Subchapter 9. Receiving and Processing Voter Registration Applications
Part 1. RESPONSIBILITIES OF THE STATE ELECTION BOARD FOR VOTER REGISTRATION
230:15-9-6. Notification of new voter registration to prior state [NEW]
Part 5. PROCESSING VOTER REGISTRATION APPLICATIONS
230:15-9-18.1. Assigning voter registration addresses in the Street Guide [AMENDED]
230:15-9-20. Processing applications for name change [AMENDED]
230:15-9-21. Processing applications for change of residence address or mailing address [AMENDED]
230:15-9-22. Processing applications for change of political affiliation [AMENDED]
230:15-9-23. Processing duplicate application for voter registration [AMENDED]
230:15-9-25. Processing applications for restricted records status [AMENDED]

Part 7. ACKNOWLEDGMENT OF VOTER REGISTRATION APPLICATIONS
230:15-9-30. Processing voter identification cards returned undelivered by post office [AMENDED]
Subchapter 11. Voter Registration List Maintenance
Part 1. CANCELLATION OF VOTER REGISTRATION
230:15-11-4. Processing cancellations of registration [AMENDED]
230:15-11-8. Cancellation for felony conviction [AMENDED]

AUTHORITY:
State Election Board; Title 26 O.S., Section 2-107

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Many of the proposed amendments in Chapter 15 are part of an ongoing effort to update the title due to the implementation of online voter registration. Proposed amendments in Part 1 of Subchapter 5 were necessary to conform the language with state statute. The State Election Board is proposing a new rule in Subchapter 9. This would allow the agency to provide notice to a voter's previous state of residence when the voter submits a new Oklahoma Voter Registration Application indicating such previous residence information. The updates in Part 1 of Subchapter 11 relate to new legislation from 2023 (Senate Bill 377), which added additional reasons for canceling a voter's registration, such as when the court clerk excuses a registered voter from jury duty for being a non-citizen.

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(7) AND 308(E), WITH AN EFFECTIVE DATE OF JULY 25, 2024:

SUBCHAPTER 3. VOTER OUTREACH

PART 1. RESPONSIBILITIES FOR VOTER OUTREACH

230:15-3-1. Responsibility for voter outreach [AMENDED]

The Secretary of the Country Election Board shall be authorized to organize and to conduct voter outreach programs in the ~~country~~county.

SUBCHAPTER 5. APPLICATION FOR VOTER REGISTRATION

PART 1. QUALIFICATIONS FOR REGISTRATION

230:15-5-1. Persons eligible to register to vote [AMENDED]

(a) Persons who are citizens of the United States and residents of the State of Oklahoma who are eighteen years of age or older may register to vote at their address of residence. [Okla. Const. Art. 3, Sect. 1; 26:4-101] Persons living on federal property, such as a military base, who are residents of Oklahoma and otherwise qualified, are eligible to register at an address located on such property.

(b) Persons eligible to register to vote may apply for voter registration by mail, online, in person at any voter registration agency identified in 230:15-5-122 and 230:15-5-123~~ or~~, at a motor license agency, or any other method authorized by law. See 230:15-5-83, 230:15-5-100, and 230:15-5-125.

230:15-5-3. Felons ineligible to register to vote [AMENDED]

(a) Persons who have been convicted of a felony ~~may not become registered voters for a period of time equal to the tiem prescribed in the judgment and sentence~~shall be eligible to register to vote when they have fully served their sentence of court-mandated calendar days, including any term of incarceration, parole or supervision, or completed a period of probation ordered by any court. [26:4-101]

(b) To aid in determining eligibility, the following example is offered. A person convicted of a felony and sentenced to five years, with the sentence suspended, may not register for five years. A person convicted of a felony and sentenced to ten years and who is paroled after serving only three years may not become a registered voter for ten years.

230:15-5-4. Exceptions for felony convictions [AMENDED]

~~Persons who have been convicted of a felony, but who have received a deferred sentence, may become registered voters. Such persons may apply to register at any time, provided they are otherwise qualified.~~(a) A deferred sentence is not considered a conviction under Oklahoma law.

(b) Persons who have been convicted of a felony, but who have received a full pardon and thus have been restored to full citizenship, may become registered voters provided they are otherwise qualified.

(c) A convicted felon whose sentence is commuted is eligible to register to vote so long as the commutation results in the sentence being "fully served."

PART 27. ONLINE VOTER REGISTRATION APPLICATION SERVICES

230:15-5-140. Online submission of applications for voter registration authorized [AMENDED]

(a) ~~The Secretary of the State Election Board, in compliance with the intent of legislation passed and signed into law in 2015, 2016, and 2017, has authorized development of a system to allow the submission of applications for voter registration online. [26:4-109] The development and implementation of the online voter registration application system shall occur in two phases as outlined in this Section.~~Online voter registration services are provided through the State Election Board's Voter Portal as authorized by state law. [26:4-109.4]

~~(1) **Phase 1.** Phase 1 of the system will allow currently registered voters to submit applications for change of voter registration through a secure portal accessible from the State Election Board's website. Currently registered voters will be able to change their residence address, mailing address, or political affiliation within the same county where they are registered by submitting an application online.~~
~~(2) **Phase 2.** Phase 2 of the system will include the services provided by Phase 1 and also will allow submission of applications for voter registration from currently registered voters who have moved to another county in Oklahoma and from voters who are not currently registered to vote in Oklahoma.~~
(b) No other method, source, or system for online voter registration is authorized. Voter registration application forms shall not be accepted through e-mail, fax, or any other means of electronic delivery.
(c) All voter registration applications submitted through the secure portal on the State Election Board website will be delivered to the appropriate County Election Board through the State Election Board's ~~proprietary software~~election management system ~~known as MESA (Modern Election Support Application)~~. The County Election Board Secretary in each county shall cause all such electronically submitted applications to be reviewed, processed, and to be either approved or rejected according to procedures outlined in 230:15-9-18 through 230:15-9-36.
(d) Applications for voter registration submitted through the secure portal on the State Election Board's website shall be subject to the same deadlines preceding elections and the same restrictions concerning party affiliation change in even-numbered years as are all applications for voter registration submitted in person at a County Election Board office, by mail, through a public assistance agency, ~~the Department of Public Safety~~Servie Oklahoma, or a motor license agency. See 230:15-5-86(b) and 230:15-5-87.

SUBCHAPTER 9. RECEIVING AND PROCESSING VOTER REGISTRATION APPLICATIONS

PART 1. RESPONSIBILITIES OF THE STATE ELECTION BOARD FOR VOTER REGISTRATION

230:15-9-6. Notification of new voter registration to prior state [NEW]
The State Election Board staff shall monthly generate a report through the election management system indicating the data received regarding new voter registration applications which included information about a voter's previous voter registration in another state. The State Election Board staff shall provide such information regarding those voters identified above to the prior state.

PART 5. PROCESSING VOTER REGISTRATION APPLICATIONS

230:15-9-18.1. Assigning voter registration addresses in the Street Guide [AMENDED]
(a) An applicant for voter registration is required to provide election officials with a residence address for voting purposes. In situations where there is no street address consisting of a street name and house number for the residence, the applicant is required to provide a physical description of the residence address that is sufficient to locate said residence on a map for the purpose of determining the applicant's correct precinct, correct school district, and, where necessary, correct municipality. Applications for voter registration shall not be approved and activated unless the residence address can be assigned to a record in the Street Guide. This shall apply to applications for new registration and to applications for change of registration. For more information about residence addresses, see 230:15-5-84.
(b) When an applicant's residence address cannot be assigned to a record in the Street Guide, County Election Board personnel shall take the following actions before rejecting the voter registration application for insufficient residence address.
(1) If the street address provided by the applicant does not match a Street Guide record, County Election Board personnel shall take the following actions before rejecting the application.
(A) Determine whether the given street address may represent a new street or a new extension of an existing street using sources approved by the State Election Board. Create a new Street Guide entry if necessary.
(B) Determine whether the voter has used a variation of the correct street name. For example, if the voter has given the street name "Elm Street" but the correct name of the street is "Elm Tree Street," enter the applicant's residence address using the correct street name. Do not create a new Street Guide entry for the incorrect variation of the street name.
(2) If the applicant has provided a physical description of the location of the residence that is sufficiently detailed to locate the residence on a map, assign the address in the Street Guide.

(3) If the applicant has provided a physical description of the location of the residence that is not sufficient to assign the address in the Street Guide, County Election Board personnel are authorized to attempt to obtain information from the County Assessor's office to identify the correct section-township-range description of the voter's residence and to use that information to assign the voter to a section-township-range geographical location in the Street Guide as outlined below.

(A) An exact match between the applicant's full name and full route and box number, as provided on the voter registration application form, is found in the County Assessor's records. By comparing the physical description given by the applicant with the legal description obtained from the Assessor's records, the applicant's residence address can be assigned to a section-township-range geographical location in the Street Guide.

(B) An exact match between the applicant's name and route and box number and a record in the County Assessor's office is not found, but there is sufficient information to indicate that the voter registration applicant may be a family member of a property owner who has a route and box number. The applicant may be assigned in the Street Guide and the voter registration application may be approved and activated. Prepare an STR Confirmation Notice to inform the voter of the section-township-range geographical location to which he or she has been assigned. This notice offers the voter the opportunity to provide additional information if the assignment is not correct. Mail the STR Confirmation Notice to the voter with the voter identification card.

(c) If the residence address on a voter registration application cannot be assigned in the Street Guide exactly as it is provided by the voter, but the location of the address can be accurately determined, County Election Board personnel shall format the address in MESA to match the appropriate Street Guide record in order to assign the address or shall assign the address to a section-township-range location. If an address is either formatted to match an existing Street Guide record or assigned to a section-township-range location, a note shall be added to the voter registration application in MESA to identify the source used to identify the location of the residence. A notation concerning the source and the formatted address or section-township-range location may be made on the original voter registration application form concerning the source used to assign the address. The formatted address or section-township-range location may be written on the back of the form along with identification of the source used.

(d) If the residence address provided on a voter registration application cannot be assigned in the Street Guide even after taking the actions listed in (b) and (c) of this Section, the application shall be rejected. Enter a rejection code in the voter registration software to generate the appropriate rejection notice for the voter. Follow the software instructions to enter an explanation to the voter of the specific information needed in order to assign the residence address in the Street Guide and to approve the application.

230:15-9-20. Processing applications for name change [AMENDED]

(a) A registered voter may apply to change his or her name by completing and submitting a paper voter registration application form. An applicant for name change is instructed to provide his or her former name in the appropriate space in ~~Section 9 of~~ the Oklahoma Voter Registration Application form or ~~in Box A of~~ the federal voter registration application. Process applications for name change according to the following procedure.

(1) Enter the applicant's former last name, date of birth, and either the Oklahoma driver license number or the last four digits of the Social Security number to locate the current voter registration information.

(2) Change the applicant's name on the screen. Carefully compare the information displayed on screen with the information provided on the application for any other information that may need to be changed. Enter all other changes indicated on the application form.

(3) Follow the appropriate software instructions to complete the application.

(4) After the voter identification card has been printed, remove the voter's old registration form from the Central File and retain as outlined in 230:10-7-43.

(5) File the voter's new voter registration application form in alphabetical order in the Central File.

(b) A voter may submit a name change for a driver license at a motor license agency or on the ~~Department of Public Safety~~Service Oklahoma website and, unless the voter opts not to provide the name change for voter registration purposes, the change will be submitted to the State Election Board electronically by ~~DPS. However, the Secretary of the State Election Board does not authorize the acceptance of electronic name changes for voter registration purposes. A name change shall be made on a paper application form bearing the voter's original, handwritten signature or mark. When names changes are included in an electronic submission from DPS, the name change shall be flagged to ensure that a letter is created for the voter that provided name change instructions. The letter and a copy of the Oklahoma Voter Registration Application form shall be mailed to the voter. See 230:15-9-26. Submission of name changes also shall not be authorized~~

~~through the secure portal for voter registration changes on the State Election Board website until Phase 2 of online voter registration is implemented. See 230:15-5-140~~Service Oklahoma.

230:15-9-21. Processing applications for change of residence address or mailing address [AMENDED]

(a) A registered voter in the county may apply to change his or her residence address within the county by completing and submitting a ~~paper~~ voter registration application form. An applicant for change of residence address is instructed to provide his or her former residence address in the appropriate space ~~in Section 9~~ of the Oklahoma Voter Registration Application form or ~~in Box B of~~ the federal voter registration application form. Applications for change of residence address shall be processed according to the following procedure.

(1) Enter the applicant's name, date of birth, and driver license number or the last four digits of the Social Security number to locate the current voter registration information.

(2) Change the applicant's residence address as indicated on the application form. Carefully compare the information displayed on screen with the information provided on the application form for any other information that may have changed. Enter all other changes indicated on the application form.

(3) Follow the appropriate software instructions to complete the application.

(4) After the voter identification card has been printed, remove the voter's old registration form from the Central File and retain as outlined in 230:10-7-43.

(5) File the voter's new voter registration application form in alphabetical order in the Central File.

(b) A registered voter in the county may apply to change his or her mailing address by completing and submitting a paper or electronic voter registration application form. An applicant for change of mailing address is instructed to provide his or her former address in the appropriate space ~~in Section 9~~ of the Oklahoma Voter Registration Application form or ~~in Box B of~~ the federal voter registration application form. Applications for change of mailing address shall be processed according to the same procedure outlined in (a) of this Section.

(c) A registered voter who submits a change of residence address or mailing address for a driver license in person at a motor license agency or through the DPS website is simultaneously making a change for voter registration purposes unless the voter opts out of using the new address for voter registration. Such address changes received by DPS are subsequently submitted electronically to the State Election Board. Electronic address changes from ~~DPS~~Service Oklahoma that can be matched to an existing registered voter in MESA are processed as outlined in 230:15-9-26. Electronic address changes from DPS that cannot be matched to an existing voter registration are not retained and are not processed in MESA.

(d) A registered voter who submits an online change of residence address within the same county or a change of mailing address through the secure portal on the State Election Board website is required by the system to match their address to an existing Street Guide address in order to submit said application. If no match is available, the online submission cannot be made. In such a circumstance, the voter will be directed to a fillable PDF version of the Oklahoma Voter Registration Application form on the State Election Board website.

230:15-9-22. Processing applications for change of political affiliation [AMENDED]

(a) A registered voter in the county may apply to change his or her political affiliation by completing and submitting a ~~paper~~ voter registration application form. An applicant for change of political affiliation is instructed to indicate his or her former political affiliation in the appropriate space in ~~Section 9 of~~ the Oklahoma Voter Registration Application form. Applications for change of political affiliation shall be processed according to the following procedure.

(1) Enter the applicant's name, date of birth, Oklahoma driver license number or the last four digits of the Social Security number to locate the applicant's current voter registration information.

(2) Change the applicant's political affiliation as indicated on the application form. Carefully examine the information displayed on screen with the information provided on the application form for any other information that may be changed. Enter all other changes indicated on the application form.

(3) Follow the appropriate software instructions to complete the application information in MESA.

(4) After the voter identification card has been printed, remove the voter's old registration form from the Central File and retain as outlined in 230:10-7-43.

(5) File the voter's new voter registration application form in alphabetical order in the Central File.

(b) Voters are prohibited by law from changing political affiliation during the period from April 1 through August 31, inclusive, in even-numbered years. See 230:15-5-30. Applications for change of political affiliation received during this period shall be held and activated on or after September 1. See 230:15-9-22.1.

(c) Voters who were designated Independent by County Election Board personnel as provided in 230:15-5-84 may declare a political affiliation at any time by submitting a new voter registration application form, which shall be subject to the same election-related deadlines and even-numbered year party changes as all other applications described in (b) of this Section.

(d) The political affiliations of voters who are registered as members of a political party that loses recognition under Oklahoma law and becomes a political organization as described in 230:15-5-79 shall be changed to Independent in the voter registration database by the State Election Board. [26:1-110] Such voters subsequently shall be entitled to apply to change their political affiliation to that of the political organization. Such applications shall be processed as outlined in (a) of this Section and shall be subject to the deadline for voter registration applications prior to an election and to the political affiliation change prohibition period in even-numbered years. See (b) of this Section and 230:15-5-86.

230:15-9-23. Processing duplicate application for voter registration [AMENDED]

(a) When a voter registration application is entered into MESA, the system will search all existing voter registrations in the state for potential matches. The voter registration software will display on screen a list of all such potential matches. In the event that potential matches are detected, County Election Board personnel shall examine the information for each match and shall compare the existing information in the voter registration database with the information on the voter registration application form that is being processed. A registered voter's registration form from the Central File may be examined, if necessary, to determine whether the application is a duplicate in the county. If a positive identification of the voter or applicant can be made, the following procedure shall be observed:

(1) Examine the information provided on the voter registration application form and carefully compare it to the information on screen and in the Central File, if necessary. If the application being processed appears to be an exact duplicate of an existing registration in your county, the Secretary may choose one of the following actions.

(A) The application shall be rejected. See 230:15-9-31. The system automatically applies a rejection code for duplicate applications.

(B) The duplicate rejection code may be overridden and the application processed to replace the existing voter registration record. See 230:15-9-31.

(2) If the application being processed indicates any change of name, address or political affiliation, the application shall be processed accordingly. See 230:15-9-19 through 230:15-9-21.

(b) If a positive identification of the voter or applicant cannot be made, the application shall be processed as an application for new registration in the county. See 230:15-9-18.

230:15-9-25. Processing applications for restricted records status [AMENDED]

(a) Members of ~~the judiciary, district attorneys, assistant district attorneys, law enforcement personnel, the~~certain classes ~~immediate family members of law enforcement personnel, corrections officers, and persons covered by victim's protection orders~~ are entitled by law to apply to the Secretary of the County Election Board for restricted records status. [26:4-115.2] ~~The law defines "immediate family of law enforcement personnel" as a spouse, child by birth or adoption, stepchild or parent living in the same residence as the law enforcement personnel. [26:4-115.2]~~ The spouse and/or dependent of a voter entitled to apply for restricted records status also may apply for restricted records status. Restricted records status shall apply to the voter registration form in the Central File, to registration information in the voter registration database, to materials used to request and cast absentee ballots, and if specifically requested by the voter, any Declaration of Candidacy filed by the voter. Voter registration information for a restricted records voter shall be available only to authorized County Election Board personnel for administrative purposes, with the exception that it may be provided to a candidate or a candidate's representative or other lawful authority in connection with a contest of candidacy, contest of election, or a petition challenge as provided by law. [26:4-115.2]

(b) A voter who is eligible for restricted records status may apply for such status by ~~writing a letter to the Secretary of the County Election Board setting forth the~~submitting the request form prescirbed by the Secretary of the State Election Board which contains the following information.

(1) Voter's name as it appears on the voter registration form.

(2) Voter's date of birth.

(3) Last four digits of the voter's Social Security number and Oklahoma driver license number.

(4) Reason for application for restricted records status. (If voter is covered by victim's protection order, include case number, date of issue and the expiration date of the order.)

(5) A request also to keep a Declaration of Candidacy confidential, if applicable.

(6) Voter's signature.

(7) Date.

(c) Upon receipt of an application for restricted records status, the Secretary of the County Election Board shall follow the appropriate MESA software instructions to enter the restricted records status voter's name, political affiliation, precinct number, school district, and municipality. This will cause the voter's name and district information to print in the appropriate Precinct Registry without the voter's residence address.

(1) Make a placeholder for the Central File. Write only the voter's name, date of birth, and political affiliation on a blank voter registration application form. Write the words "Restricted Records" in the space for item 6, "Street address or directions to your home."
(2) Remove the voter's original voter registration application form from the Central File and replace it with the placeholder form.
(3) Check the Additional Information file. Remove any documentation of the voter's registration and attach it to the original voter registration application form.
(4) Remove the voter's absentee ballot application from the appropriate file and attach it to the voter registration form.
(5) Locate the voter's registration information in MESA and follow the appropriate software instructions to delete the registration information.
(6) Attach the voter's application for restricted records status to the voter's original registration form and other materials and file in the restricted records status file.

(d) The Secretary of the County Election Board shall designate a file cabinet with a lock or any other appropriate container with a lock as the restricted records status file. Access to the restricted records status file shall be restricted to the Secretary, Assistant Secretary ~~or Chief Clerk~~, and other County Election Board employees authorized by the Secretary.
(e) Restricted records status shall be effective immediately upon receipt of an application from a qualified voter, and it shall remain in effect until the voter chooses to end it. The voter's registration information may be removed from restricted records status only upon receipt of written instruction from the voter or until the voter registers in another county.
(f) Any subsequent application for change of voter registration initiated by a restricted records voter shall be processed routinely, with the exception that the voter registration application information shall not be entered in MESA and the form shall be filed in the restricted records status file instead of the Central File. If necessary, however, the voter's information shall be modified in the Restricted Records Maintenance area of MESA. Any application for absentee ballots from such a voter also shall be processed manually. The application for absentee ballots shall be filed in the restricted records status file.
(g) A restricted records status voter who votes in person at his or her precinct polling place shall sign the Precinct Registry beside his or her own name. The Secretary shall instruct Precinct Officials in precincts with restricted records status voters that no address confirmation is required for these voters.
(h) The Secretary shall print the Restricted Records List from MESA and provide it to the in-person Absentee Voting Board on each day of in-person absentee voting. A restricted records status voter who votes at the in-person absentee polling place shall sign the Absentee Voting Board Record.
(i) An ACP Absentee Ballot Application form and ACP Voter History Record form received from the State Election Board shall be filed immediately in the restricted records status file. All existing information in MESA about an ACP voter already has been permanently deleted from the database. No entry shall be made in MESA concerning ACP voters and the name, address, and precinct number of an ACP voter shall not appear on any list or report.

PART 7. ACKNOWLEDGMENT OF VOTER REGISTRATION APPLICATIONS

230:15-9-30. Processing voter identification cards returned undelivered by post office [AMENDED]

In the event that a voter identification card mailed to a voter is returned undelivered by the post office, the Secretary of the County Election Board shall cause the following procedure to be observed.

(1) The date the voter identification card was returned to the County Election Board shall be indicated on the voter identification card and also shall be entered into MESA.
(2) The returned voter identification card shall be filed in alphabetical order in the Returned Voter ID File. Such returned voter identification cards shall be retained for 24 months. However, if a voter registration card is mailed to the voter's physical address and is returned to the election board by the postal service due to "No Mail Receptacle", the voter registration card may be resent to the mailing address provided on the voter registration application. A person whose voter identification card was returned pursuant to this reason may appear in person to request and be provided the returned voter registration card at the county election board by presenting proof of identity. [26:4-113]. Upon determination that a voter's physical address of residence cannot receive mail as described in 26:4-113, the Secretary of the County Election Board may make a notation of such information in the election management system, and any future mailings under the voter's current voter registration may be mailed to the voter's mailing address.

SUBCHAPTER 11. VOTER REGISTRATION LIST MAINTENANCE

PART 1. CANCELLATION OF VOTER REGISTRATION

230:15-11-4. Processing cancellations of registration [AMENDED]

(a) Upon receipt of proper notice, and upon positive identification of the voter, the Secretary of the County Election Board shall cancel a voter's registration. Cancellations shall be processed immediately after the receipt of proper notice. Proper notice shall include the following:

(1) Potential Deletion Report. See 230:15-11-5.
(2) Request to Cancel Registration of Deceased Voter form submitted by any person authorized by law to make such a request. See 230:15-11-6 and 230:15-11-6.1.
(3) Judgment of Incapacitation Report form. See 230:15-11-7.
(4) Potential Duplicate Registration Report. See 230:15-11-9.
(5) Notice of registration in another state.
(6) Notice of state or federal felony conviction. See 230:15-11-8.
(7) Written notice from the voter pursuant to 26 O.S. Section 4-120.1 or any other reasons listed in 26 O.S. Section 4-120.
(8) True Duplicates Deleted Report. See 230:15-11-10.
(9) Address confirmation return card returned by the voter indicating that the voter has moved out of the county. See 230:15-11-24.
(10) A certified copy of a death certificate.
(11) The surrendering of the voter's Oklahoma driver license to Service Oklahoma upon being issued a driver license in another state.
(12) Being excused from jury duty for not being a citizen of the United States.
(13) Death records received pursuant to 26 O.S. § 4-120.3.
(14) Any other reason set forth in 26 O.S. § 4-120.

(b) Cancellations of registration shall be processed according to the following procedure:

(1) Delete the voter's registration information from MESA.
(2) Remove the voter's registration form from the Central File, note the date and reason for cancelling the registration, and place the registration form in the Cancellation File. Also remove any documentation from the Additional Information File and attach it to the original registration form in the Cancellation File. Retain as outlined in 230:10-7-40.
(3) Retain the notice document used to cancel a registration for 24 months after the cancellation.

230:15-11-8. Cancellation for felony conviction [AMENDED]

(a) The court clerk in each county shall prepare a list monthly of all persons convicted in the county of a felony and those excused from jury duty for not being a citizen of the United States. The court clerk~~and~~ shall transmit ~~the list~~ such lists to the secretary of the County Election Board. [26:4-120.4(B), 26:4-120.5] The list shall include information necessary to identify a person on the list as a registered voter prescribed by the Secretary of the State Election Board. [26:4-120.4(B)] The list prepared by the Court Clerk shall include the person's name, full date of birth which shall include the month, day, and year, and, if known, the last four digits of the person's Social Security number, driver license number, and residence address of each person ~~convicted of a felony in the county~~. The Secretary of the County Election Board shall cancel a voter's registration as outlined in (c) of this Section upon receipt of a list of ~~felony convictions~~such persons from the Court Clerk.

(b) The Secretary of the County Election Board shall be authorized to cancel a voter's registration as outlined in (c) of this Section upon receiving a notice of felony conviction from a federal court. [26:4-120.4(A)]

(c) Upon receipt of the monthly ~~felony conviction~~ list from the county Court Clerk, County Election Board personnel shall follow appropriate software instructions to enter information from the list into MESA. All information on the list shall be entered in MESA, even if it appears the ~~convicted~~ person may be a resident of another county. Immediately upon entering ~~felony conviction~~the information, MESA searches the county's voter registration information for potential matches. Any potential matches are brought to the screen and the information in the voter registration record of each potential

match can be compared with other information provided on the list by the Court Clerk. If County Election Board personnel are able to make a positive match between a voter registration record and a name on the ~~felony conviction~~ list, the voter registration shall be cancelled. After all the information has been entered, the information is automatically transferred to the State Election Board. MESA then searches voter registration records statewide for potential matches, and if found, reports them to the appropriate County Election Board on the Potential Deletion Report. Potential ~~felony conviction~~ matches appear on the Potential Deletion Report in the county where the voter registration record is maintained. County Election Board personnel in that county must examine the information on the Potential Deletion Report and compare it to the identified voter registration record or records to make a positive match. See 230:15-11-2. If a positive match is found, the voter registration shall be cancelled. Following cancellation of a voter registration ~~for felony conviction~~ in MESA, County Election Board personnel shall remove the original voter registration form from the Central File and any documentation in the Additional Information file, note the date the registration was cancelled and the reason for the cancellation. The original registration form and any documentation of Additional Information shall be retained in the Cancellation File for 24 months.

(d) ~~*The Secretary of the State Election Board, secretaries of county election boards, and their agents and employees shall not be held civilly liable for any action taken based upon information concerning felony convictions received from a United States Attorney or a county court clerk pursuant to subsections A and B of this section if a reasonable effort was made to make an accurate match of the information provided with voter registration records before cancelling any voter's registration.*~~ [~~26:4-120.4~~] The Secretary shall report the persons to the District Attorney and the United States Attorney who were cancelled for being excused for non-citizens. [26:4-120.5]

(e) The Secretary of the County Election Board shall cause the Potential Deletions Report to be printed each month. A copy of the Potential Deletions Report shall be retained for 24 months.

[OAR Docket #24-581; filed 6-24-24]

TITLE 230. STATE ELECTION BOARD
CHAPTER 20. CANDIDATE FILING

[OAR Docket #24-582]

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RULES:
Subchapter 3. Filing Candidacy for Federal, state, county, and Other Elective Office
Part 1. WHEN, WHERE, AND HOW TO FILE CANDIDACY FOR ELECTIVE OFFICE
230:20-3-4. Forms for filing Declaration of Candidacy for federal, state, county, school district, and statutory municipal offices prescribed by Secretary of the State Election Board [AMENDED]
Part 7. STATE AND COUNTY ELECTION BOARD PROCEDURES FOR RECEIVING, REVIEWING, AND ACCEPTING DECLARATIONS OF CANDIDACY
230:20-3-33. Filing fees and petitions for federal, state, and county offices [AMENDED]
230:20-3-37. Receiving, reviewing, and accepting Declarations of Candidacy [AMENDED]
Subchapter 5. Contests of Candidacy
230:20-5-5. Date for hearing contest [AMENDED]
230:20-5-6. Notice to contestee [AMENDED]
230:20-5-7. Contest of candidacy hearing [AMENDED]
230:20-5-10. Contestee may answer [AMENDED]
230:20-5-11. Burden of proof on petitioner [NEW]
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Proposed amendments to this Chapter are the result of new legislation requiring a Voter Registration Verification Form to be made part of Declarations of Candidacy. Additionally, the burden of proof for contests of candidacy has been added back to the rules consistent with the legal advice from the Attorney General's Office on the required burden for these evidentiary hearings.
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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(7) AND 308(E), WITH AN EFFECTIVE DATE OF JULY 25, 2024:

SUBCHAPTER 3. FILING CANDIDACY FOR FEDERAL, STATE, COUNTY, AND OTHER ELECTIVE OFFICE

PART 1. WHEN, WHERE, AND HOW TO FILE CANDIDACY FOR ELECTIVE OFFICE

230:20-3-4. Forms for filing Declaration of Candidacy for federal, state, county, school district, and statutory municipal offices prescribed by Secretary of the State Election Board [AMENDED]

(a) The Secretary of the State Election Board shall prescribe forms to be used by candidates for federal, state, legislative, district, and nonpartisan judicial offices to declare their candidacy in Oklahoma. The Secretary of the State Election Board shall prescribe forms to be used by candidates to declare their candidacy for county offices, for Board of Education offices, and for municipal offices in statutory municipalities. The Secretary of the State Election Board also shall prescribe forms to be used by candidates to declare their candidacy in the Oklahoma Presidential Preferential Primary Election. The forms prescribed by the Secretary for the purpose of declaring candidacy for office shall request all the information listed in Title 26, Section 5-111 and may request any additional information the Secretary deems necessary.
(b) A Declaration of Candidacy for any office listed in (a) of this Section may include the following individual forms.

(1) **Candidate Information and Oath.** The Candidate Information and Oath form shall include all information required by state law about a candidate and the candidate's eligibility for the office being sought.
(2) **Criminal History Disclosure.** A candidate who indicates a criminal history involving charges or conviction for misdemeanor involving embezzlement or a felony on the Candidate Information and Oath page is required to provide details on the Criminal History Disclosure form.
(3) **Candidate Qualifications.** A candidate is required to read, sign, and date a page listing all qualifications set forth in federal or state law as appropriate to the office sought.
(4) **Voter Registration Verification Form.**

(c) The forms required to be included in a Declaration of Candidacy are available on the State Election Board website ~~(https://www.ok.gov/elections/Candidate_Info/Candidate_Filing)~~. The forms may be filled out online, but they must be downloaded and printed and must be signed in writing, personally by the candidate in the presence of a Notary Public or other person authorized by law to administer oaths. [26:5-111-1] See 230:20-3-35.

PART 7. STATE AND COUNTY ELECTION BOARD PROCEDURES FOR RECEIVING, REVIEWING, AND ACCEPTING DECLARATIONS OF CANDIDACY

230:20-3-33. Filing fees and petitions for federal, state, and county offices [AMENDED]

(a) A Declaration of Candidacy as defined in 230:20-3-4 shall be accompanied by one of the following:

(1) **Cashier's check or a certified check.** A cashier's check or certified check in the amount established by state law for the specific office sought may be submitted with a Declaration of Candidacy. [26:5-112] Said cashier's or certified check shall be made payable to "Secretary of State Election Board" for all offices for which candidates file at the State Election Board, or to "Secretary of County Election Board" for all offices for which candidates file with a County Election Board. Cashier's checks shall include money orders issued by banks or credit unions that have been signed by an officer of the institution.
(2) **Petition.** A petition supporting the candidate's Declaration of Candidacy signed by not fewer than two percent (2%) of the registered voters in the district, county, or state, as appropriate for the specific office sought. [26:5-112] The number of signatures required on a petition supporting a candidate's Declaration of Candidacy shall be based upon the number of registered voters in the district, county, or state on November 1 in the year preceding the filing period. See Subchapter 9 of this Chapter for more information about petitions supporting candidacy.

(b) The filing fees for federal, state, nonpartisan judicial, and county elective offices are established in Title 26 O.S., Section 5-112.
(c) Neither filing fees nor petitions are required in support of Declarations of Candidacy filed by school district, technology center district, and statutory municipal candidates. Candidates for municipal offices in some home rule charter cities may be required to submit a filing fee or petition if required by said charter.

230:20-3-37. Receiving, reviewing, and accepting Declarations of Candidacy [AMENDED]

(a) The Secretary of the Election Board or a designee of the Secretary shall scrutinize all information included on each page of the Declaration of Candidacy. Specifically, the Secretary or designee shall confirm the following facts regarding the Declaration:

(1) Determine whether the person who brings a Declaration of Candidacy to file is the candidate in person or an agent acting on behalf of the candidate. If the Declaration of Candidacy is brought in by an agent, check the NIP box ("not in person") at the bottom left of the Candidate Information and Oath page. Also check the NIP box if a Declaration of Candidacy is received by mail.
(2) Verify that all required pages of the Declaration of Candidacy are present. All candidates are required to file the Candidate Information and Oath page and the appropriate Candidate Qualifications page for the office sought. A candidate who checks YES to either question in the Criminal Disclosure section of the Candidate Information and Oath page is required to complete and file the Criminal History Disclosure form. Review the

information contained on the voter registration verification form to ensure it matches the information provided on the Declaration of Candidacy.

(3) Verify that the candidate's signature on the Candidate Information and Oath page is notarized or witnessed by an appropriate authority. Check to see that both the Notary Public's signature and an impression of the Notary's seal are present on the Candidate Information and Oath page. See 230:20-3-35.

(4) If the candidate presents a petition in support of the Declaration of Candidacy, verify that it contains, at minimum, the number of signatures required for the office sought. See 230:20-3-33.

(A) Count the total number of signatures on the petition.

(B) Check the PET box at the bottom right of the Candidate Information and Oath page and record the total number of submitted signatures in the space provided.

(5) If the candidate presents a cashier's check or certified check, verify that the check is in the proper amount for the office sought and is in the proper form. See 230:20-3-33.

~~(6) After verifying that the Declaration of Candidacy presented includes all necessary pages and supporting items, the Secretary or Secretary's designee shall read aloud the information entered on each line of the Candidate Information and Oath page to the candidate to give the candidate opportunity to verify that it is correct.~~

~~(A) Read the candidate's name as it appears on the first line and verify that is the way the candidate intends his or her name to be printed on the ballot. Spell the candidate's name aloud.~~

~~(B) Read the candidate's full legal name.~~

~~(C) Read the title of the office for which the candidate is filing, including the district number, if applicable.~~

~~(D) Read the candidate's residence address, including the ZIP code.~~

~~(E) Read the candidate's mailing address, including the ZIP code.~~

~~(F) Read the candidate's precinct number and county name.~~

~~(G) Indicate aloud whether the candidate checked Yes or No in the Criminal Disclosure section. If the candidate checked Yes, verify that the Criminal History Disclosure form is included, completed and signed by the candidate.~~

~~(H) Verify that the appropriate Candidate Qualifications page for the office sought is included and signed.~~

(b) After conducting the review of the contents of a Declaration of Candidacy as described in (a) of this Section, the Secretary shall accept a Declaration of Candidacy unless the Declaration of Candidacy, as defined in 230:20-3-4, shows on its face that the candidate does not meet the qualifications to become a candidate for the office as such qualifications are set forth in the Oklahoma Constitution, statutes, or the resolution calling the election, or in the case of a home rule charter city, in the city charter. [26:5-117]

(1) If the candidate's date of birth shows that an age qualification for the office sought is not met, the Declaration of Candidacy shall be rejected.

(2) If the date of conviction and length of original sentence on a Criminal History Disclosure form shows the candidate to be ineligible to file for or hold the office being sought, the Secretary immediately shall attempt to contact the District Attorney or the Assistant District Attorney assigned to the county or to contact the State Election Board office for advice before accepting or rejecting the Declaration.

(3) If any other information provided in a Declaration of Candidacy appears to show the candidate is ineligible to file for or to hold the office being sought, the Secretary immediately shall attempt to contact the District Attorney or Assistant District Attorney or the State Election Board office for advice before accepting or rejecting the Declaration.

(c) If there are errors on any part of a Declaration of Candidacy, the Secretary shall point out such errors to the candidate. The candidate then shall correct the errors and sign his or her initials beside the correction. Only the candidate may make corrections on any part of a Declaration of Candidacy.

(d) If it is determined there are inconsistencies contained on the candidate's voter registration verification form which are solely related to a clerical or data entry error in the voter registration database, the Secretary or designee is authorized to correct such error.

SUBCHAPTER 5. CONTESTS OF CANDIDACY

230:20-5-5. Date for hearing contest [AMENDED]

When a contest of candidacy petition is filed, the Secretary of the Election Board who receives the contest petition shall set a date and hour for a hearing. The County Election Board Secretary shall direct the Assistant Secretary ~~or Chief Clerk~~ to notify the other County Election Board members and alternate members of the hearing. The Secretary shall make a written Notice of Hearing, setting out the date, hour and subject of the hearing. The contest shall be heard as quickly as possible. However, the hearing may not be held earlier than the fourth day after the petition is filed. In addition to issuing the written Notice of Hearing, the Secretary shall prepare and file with the County Clerk a Notice of Special Meeting for the purpose of the County Election Board conducting the contest of candidacy. See 230:10-7-1 through 230:10-7-7.

230:20-5-6. Notice to contestee [AMENDED]

Once a contest of candidacy petition is filed and the hearing is scheduled, it is the duty of the petitioner to notify the contestee within 24 hours as required by 26 O.S. Sections 5-123 through 5-125. The petitioner delivers to the County Sheriff a copy of the petition and a copy of the Notice of Hearing. If the contest involves a candidate for County Sheriff, the petitioner delivers to the County Clerk a copy of the petition and a copy of the Notice of Hearing. The Sheriff (or County Clerk) then serves the materials on the contestee. If the Sheriff cannot serve the contestee within the 24-hour period after the petition is filed with the Secretary, he must notify the petitioner in writing that he is unable to perform service. The petitioner then must serve the Secretary of the County Election Board with evidence that the contestee could not be served. Such evidence shall be presented to the Secretary at the time the hearing begins.

230:20-5-7. Contest of candidacy hearing [AMENDED]

(a) **Conducting the hearing.** When the time for the hearing described in 230:20-5-5 arrives, the County Election Board shall convene. The Secretary shall request the presence of the District Attorney or his/her representative. The Board shall follow the advice of the District Attorney in receiving evidence, hearing testimony and conducting the hearing. The Secretary can administer oaths to witnesses.

(b) **Decision of Board.** At the conclusion of the hearing, the Board must make its decision by means of a roll call vote taken in compliance with 230:10-7-9, 230:10-7-14 and 230:10-7-15. The Board then must issue a written decision which reflects the individual vote of each member. [26:5-126] A copy of the written decision shall be attached to the Board's minutes of the meeting.

230:20-5-10. Contestee may answer [AMENDED]

(a) If the contestee desires to appear in opposition to the petition, he/she may file a written answer, or he/she may appear in person at the hearing. [26:5-129] In the event that occurs, the contestee must post a deposit of $250 in cashier's or certified check at the time he/she either files the written answer or appears in person. [26:5-129]

(b) Neither the State Election Board nor any County Election Board shall hear any contestee's answer unless the appropriate deposit is provided prior to the hearing.

(c) In the event that a more than one contest of candidacy is filed against a contestee, said contestee shall be required to post only one deposit to answer any or all such petitions.

230:20-5-11. Burden of proof on petitioner [NEW]

In order to sustain his or her burden of proof, the petitioner must prove the allegations set forth in the Petition by the greater weight of the evidence.

[OAR Docket #24-582; filed 6-24-24]

TITLE 230. STATE ELECTION BOARD
CHAPTER 25. BALLOT PRINTING

[OAR Docket #24-587]

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PERMANENT final adoption

RULES:

Subchapter 11. Absentee Ballots

230:25-11-1. Order of names for absentee ballots for Primary [AMENDED]

Subchapter 13. Placing Parties, Candidates, Propositions on Ballot

230:25-13-1.1. Separate ballots for entities [AMENDED]
230:25-13-1.3. Using color to designate ballots for parties or entities [AMENDED]

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The minor amendments to this Chapter are intended to conform the rule to the statutory language related to color designation utilized on ballots.

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(7) AND 308(E), WITH AN EFFECTIVE DATE OF JULY 25, 2024:

SUBCHAPTER 11. ABSENTEE BALLOTS

230:25-11-1. Order of names for absentee ballots for Primary [AMENDED]

(a) ~~Immediately following~~Following the close of the filing period, the County Election Board shall determine the order in which the name of each candidate for each county office shall appear on the absentee ballots and/or the first order of rotation for the Primary Election. [26:6-107] The determination shall be made by drawing the names of all candidates for each office of each political party one at a time from a receptacle as described in (b) of this Section. [26:6-107] The Secretary of the County Election Board shall be authorized to conduct the drawing for the order of names, and an official meeting of the County Election Board shall not be required. However, the drawing shall be conducted publicly with witnesses, such as representatives of the local news media or representatives of the Democratic or Republican county central committees, in attendance.
(b) The drawing for the order of names for absentee ballots for the Primary Election shall be conducted according to the following procedure.

(1) The Secretary of the County Election Board shall type or write the name of each candidate of a particular party for a particular office on a slip of paper.
(2) All the names for that party and that office shall be placed in the receptacle and the receptacle shall be shaken to mix the slips of paper.
(3) The Secretary shall designate a person to draw out the slips of paper.
(4) The slips of paper shall be drawn out, one at a time, and the names shall not be visible to the person who draws them.
(5) The Secretary shall record the names of the candidates in the order they are drawn. The name of the candidate selected first shall appear first on the absentee ballots for the Primary Election; the name of the candidate selected second shall appear second and so on.
(6) This procedure shall be repeated for each office for each political party.

(c) The Secretary of the State Election Board shall be authorized to determine the order of names of candidates for absentee ballots to be printed by the State Election Board for the Primary Election at the same time and according to the same procedure outlined in Subsections (a) and (b) of this Section. [26:6-107]

SUBCHAPTER 13. PLACING PARTIES, CANDIDATES, PROPOSITIONS ON BALLOT

230:25-13-1.1. Separate ballots for entities [AMENDED]

(a) County offices at the Primary, Runoff Primary, and General Elections shall appear on the same ballot with federal and state offices and state questions. The ballot for county questions also shall appear on the state ballot if space allows. If there is not enough space on the state ballot to accommodate the county question or questions, such questions shall appear on a separate ballot. The cost to print the separate county question ballot, if needed, shall be paid by the county.
(b) The ballots for school districts, municipalities, and other entities, with the exception of a county question as outlined in (a) of this Section, shall appear on separate ballots. The ballots for each entity involved in an election shall be designated by color as outlined in 230:25-13-1.3.

230:25-13-1.3. Using color to designate ballots for parties or entities [AMENDED]

(a) ~~Ballots for the various recognized political parties with candidates in Primary and Runoff Primary Elections are required by state law to be different colors. The Secretary of the State Election Board shall designate the colors to be used for ballots of each recognized political Primary or Runoff Primary Elections.~~*The names of candidates of the several political parties shall be printed on separate ballots for the Primary and Runoff Primary Elections, and each party's ballot shall be differentiated by color or by other conspicuous means determined by the Secretary of the State Election Board.* [26:6-110] The designation of color for party ballots shall be in effect until changed by the Secretary. These colors shall not be used for any other entity holding elections on the same date as a federal, state, or county Primary or Runoff Primary Election.
(b) The County Election Board Secretary may choose to use different colors for the various entities holding elections on the same date. There are two options for using color to designate ballots for political parties or for entities holding elections on the same date.

(1) Ballots may be printed on paper of different colors.
(2) Ballots may be printed with a colored bar imposed on the ballot stub.

(c) The decision to use paper of different colors or a colored bar shall be made by the Secretary of the County Election Board in consultation with the printer to whom the county's ballot printing contract is awarded. Only colored paper that has been tested and approved by the State Election Board for use in ballot printing may be used. Only ink colors that have been tested and approved by the State Election Board for use in ballot printing may be used. The list of approved colored papers and inks is included in the specifications for ballot printing.

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TITLE 230. STATE ELECTION BOARD
CHAPTER 30. ABSENTEE VOTING

[OAR Docket #24-588]

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RULES:
Subchapter 5. Applications for Absentee Ballots
230:30-5-8.2. Validity of applications for absentee ballots for all elections [AMENDED]
230:30-5-9. Rejected applications [AMENDED]
Subchapter 7. Absentee Voting Boards
230:30-7-4. Appointments shall be made promptly [REVOKED]
230:30-7-6.2. Designation of in-person absentee polling place [AMENDED]
230:30-7-11.1. Preparation of polling place and voting device for in-person absentee voting [AMENDED]
230:30-7-12. Processing applications for in-person absentee ballots in MESA [AMENDED]
230:30-7-14. Verifying voter registration information and status of in-person absentee voters [AMENDED]
Subchapter 9. Processing Applications
230:30-9-2. Forms needed for processing [AMENDED]
230:30-9-4. Applications from persons not registered to vote [AMENDED]
230:30-9-9. Obtaining absentee ballot applications submitted online [AMENDED]
Subchapter 11. Receiving and Processing Absentee Ballots
230:30-11-1.1. Receiving hand-delivered absentee ballots from voters [AMENDED]
AUTHORITY:
State Election Board; Title 26 O.S., Section 2-107
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Amendments to the rules in this Chapter are related to processing and receiving absentee ballots consistent with state statute. These proposed amendments remove the word "internet" when it should more appropriately state "secure network" in reference to early voting procedure.
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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(7) AND 308(E), WITH AN EFFECTIVE DATE OF JULY 25, 2024:

SUBCHAPTER 5. APPLICATIONS FOR ABSENTEE BALLOTS

230:30-5-8.2. Validity of applications for absentee ballots for all elections [AMENDED]
(a) Absent voters, nursing home voters, physically incapacitated voters, voters charged with the care of physically incapacitated persons, and veteran center voters may apply for absentee ballots for all elections in which they are eligible to vote. Such approved applications for all elections shall be considered valid through December 31 of the calendar year in which they are received. Absentee voters who apply for all elections shall be required to submit a new application for absentee ballots for each calendar year.
(b) ~~Applications~~Approved applications for absentee ballots received from uniformed services voters and overseas voters shall be considered applications for all elections in which the voter is eligible to vote. ~~Applications~~Approved applications for absentee ballots received from uniformed services voters and overseas voters shall be considered valid through the next two regularly scheduled federal General Elections. For example, an application for absentee ballots from a uniformed services or overseas voter received in February, 2004, shall be considered valid through the federal General Election in November, 2006. An application received in December, 2004, shall be considered valid through the federal General Election in November, 2008.
(c) If absentee ballots mailed to the address provided by the voter on an application for absentee ballots that requests ballots for all elections are returned undelivered to the County Election Board by the postal service, the Secretary of the County Election Board shall deactivate the application in MESA as instructed in 230:30-11-7. (See 230:30-11-7(a) for instructions to retain such undeliverable absentee ballots.)

230:30-5-9. Rejected applications [AMENDED]
(a) **Reasons for rejection.** An application for absentee ballots shall be rejected if any one of the following conditions, or ~~combination of the following conditions~~other reasons prescribed in 26 O.S. Section 14-105, occurs.
(1) The applicant is not a registered voter in the county.
(2) The application is not properly signed, except as provided in (d) of this Section.
(3) The applicant is not eligible to vote in the election for which ballots are requested.
(4) The application does not contain sufficient information to determine which ballots to send.
(5) The application is received after the deadline prescribed in 26 O.S. Section 14-103.
(6) The application is illegible.

(b) **Processing rejected application.** In the event that a voter's application for absentee ballots must be rejected, the application shall be entered into MESA and the reason for the rejection shall be noted on the screen. MESA will create a Notice of Rejection of Absentee Ballot Application for the voter which will detail the reason the application was rejected. If an Application for In-Person Absentee Ballots has been rejected, the application shall not be entered into MESA and, therefore, no Notice of Rejection will be created.
(c) **Form of rejection.** In the event that a voter's application for regular mail absentee ballots must be rejected for any reason, the Secretary shall print the Notice of Rejection of Absentee Ballot Application created by MESA and mail it to the voter. [26:14-133] If there is sufficient time for the voter to return a corrected application, a new application form shall be enclosed with the notice. In the event that an emergency incapacitated voter's application for absentee ballots must be rejected, the Secretary shall so advise the voter's agent and shall provide the agent with a Notice of Rejection of Absentee Ballot Application form, which shall be completed by the Secretary.
(d) **Exception to signature requirements for some absentee ballot applications.** Generally, absentee ballot applications must be signed by the applicant. However, some exceptions to this requirement shall be granted to some applicants who submit their applications through certain electronic methods.

(1) Applications submitted by uniformed services and overseas voters on the Federal Post Card Application that are received by electronic mail may be accepted and processed without a physical, hand-written signature.
(2) Applications submitted with the online absentee ballot application on the State Election Board website may be signed digitally and a physical, handwritten signature is not required.

SUBCHAPTER 7. ABSENTEE VOTING BOARDS

230:30-7-4. Appointments shall be made promptly [REVOKED]

~~(a) As soon after June 1 as possible, the Secretary of the County Election Board shall appoint an Absentee Voting Board and shall consult with the two members to make certain that both are willing and able to serve. The Chairman and Vice Chairman of the County Election Board may be appointed, if necessary, to an Absentee Voting Board if their names appear on the lists described in 230:30-7-2. It may be necessary to appoint more than one Absentee Voting Board.~~
~~(b) In the event it is necessary to appoint a County Election Board member or alternate member to an Absentee Voting Board, the Secretary shall follow the rules outlined in 230:10-7-11(b) to ensure that no violation of the Open Meeting Act occurs.~~

230:30-7-6.2. Designation of in-person absentee polling place [AMENDED]

(a) The Secretary of the County Election Board shall designate the location of the in-person absentee polling place. The in-person absentee polling place shall not be required to be located within the physical confines of the County Election Board office. However, it shall be located as near the County Election Board office as is practicable. The in-person Absentee Voting Board members must have access either to the Central File or to a computer with access to the ~~Internet~~secure network and the MESA software to verify that applicants for in-person absentee ballots are registered voters. The in-person absentee polling place shall be subject to the same requirements for accessibility as a regular precinct polling place. Only one in-person absentee polling place shall be designated for an election, except that the Secretary of a County Election Board in a county with 25,000 or more registered voters or with an area in excess of 1,500 square miles may designate more than one in-person absentee polling place as outlined in (b) of this Section. More than one in-person Absentee Voting Board may be on duty at an in-person absentee polling place during the hours of voting.
(b) The Secretary of the County Election Board in any county with 25,000 or more registered voters or having a total area of 1,500 square miles or more may, with the approval of the Secretary of the State Election Board, designate additional in-person absentee polling places within the county. The Secretary of the County Election Board in such county shall submit a written request for the approval of the State Election Board Secretary for one or more additional in-person absentee polling places for one or more specific election dates.

230:30-7-11.1. Preparation of polling place and voting device for in-person absentee voting [AMENDED]

(a) **Receiving supplies and setting up polling place on first day.** On each in-person absentee voting day, the Absentee Voting Board members meet in the County Election Board office at the time set by the County Election Board Secretary to receive their supplies for the day. The Absentee Voting Board members then go together to the in-person absentee polling place. A table and chairs, one or more voting devices, voting booths, and a computer with access to the ~~Internet~~secure network and the MESA software or the Central File should already be in place at the in-person absentee polling place when the Absentee Voting Board members arrive. The Absentee Voting Board members unpack the supplies and prepare

each voting device as outlined in (b) of this Section. The Absentee Voting Board members must be ready to receive applications from in-person absentee voters at 8 a.m.
(b) **Preparing voting device on first day.** The Absentee Voting Board shall turn on the voting device and prepare it to accept ballots as outlined in the voting device instructions section of the Precinct Official Notebook.
(c) **Receiving supplies and setting up polling place on subsequent days.** Onsubsequent days of in-person absentee voting, the members of the Absentee Voting Board meet at the County Election Board office at the time specified by the Secretary to receive their supplies for the day. The Absentee Voting Board members also must receive the election results storage device for each voting device from the Sheriff no later than 7:45 a.m. [25:14-115.4] The Absentee Voting Board members then follow the instructions in the voting device instruction section of the Precinct Official Notebook and in (d) of this Section to prepare each voting device.
(d) **Preparing voting device on subsequent days.** On subsequent days of in-person absentee voting, the Absentee Voting Board receives the election results storage device from the Sheriff and prepares the voting device as follows. Follow the procedure provided by the Secretary of the County Election Board to open the polls on each voting device designated for in-person absentee voting.
(e) **Supplies and voting devices for additional in-person absentee polling places.** In the event that in-person absentee polling places have been designated in the county in addition to the polling place located at the County Election Board office, all necessary supplies and materials may be delivered to the additional locations by County Election Board personnel and the in-person Absentee Voting Board members shall meet at the polling place location no later than thirty minutes prior to the start of voting to prepare the polling location and be ready to receive applications from voters at the appropriate time.

230:30-7-12. Processing applications for in-person absentee ballots in MESA [AMENDED]
(a) The Secretary shall be responsible for entering the application and credit for voting for in-person absentee voters in MESA. The Secretary may choose any one of the following options for processing applications from in-person absentee voters and giving credit for voting during in-person absentee voting.

(1) A County Election Board employee may use the employee's own MESA account to verify voter registration, determine the ballots the voter is eligible to receive, and to give credit for voting.
(2) The Secretary of the County Election Board may allow an in-person Absentee Voting Board member to give credit for voting to each in-person absentee voter in MESA. A feature in MESA must be enabled by the State Election Board for the county in order for this option to be used. See (b) of this section for more information.
(3) An Absentee Voting Board member may use the MESA Absentee Voting Board account to verify voter registration and determine the ballots the voter is eligible to receive. The member prints an application label and affixes it to the voter's green Application for In-Person Absentee Ballot form. A barcode on the application label will be scanned by a County Election Board employee at a later time to give credit for voting. (A single-label printer loaded with 1½-inch by 3 ½-inch labels must be attached to the computer used by the Absentee Voting Board to print the application label.
(4) An Absentee Voting Board member may use the MESA Absentee Voting Board account to verify voter registration and to determine the ballots the voter is eligible to receive. The member does not print an application label. One of the Absentee Voting Board members writes the appropriate ballot information one each voter's green Application for In-Person Absentee Ballot form. County Election Board personnel gives credit for voting manually at a later time. The option is not recommended for routine use, but only when MESA is unavailable to the Absentee Voting Board members due to lack of power or secure ~~internet~~network connectivity.

(b) The Secretary of the County Election Board may make a written request to the State Election Board Help Desk to activate a feature that enables an Absentee Voting Board member to give credit for voting during in-person absentee voting at the same time a voter's registration is verified.

230:30-7-14. Verifying voter registration information and status of in-person absentee voters [AMENDED]
(a) The Absentee Voting Board members are required to verify the registration information of each voter who applies for an in-person absentee ballot. The County Election Board Secretary shall instruct the Absentee Voting Board members to use a computer with access to ~~the Internet and~~ the MESA software to verify voter registration information and status.
(b) County Election Board personnel shall place a computer with access to the Internet and MESA the software at the in-person absentee polling place location and shall prepare the terminal for use. County Election Board personnel shall teach the Absentee Voting Board members to use MESA to find voter registration information about each applicant for in-person absentee ballots. In the event that a voter's registration information cannot be found in MESA, the Absentee Voting Board members may refer to the Central File to verify voter registration. The Absentee Voting Board member shall locate the voter's original registration form in the Central File. If an applicant's eligibility is confirmed in the Central File, ask a

County Election Board staff member for assistance to determine the correct ballot style to issue. If the applicant's voter registration cannot be verified either in MESA or the Central File, issue a provisional ballot as outlined in 230:30-7-15 and 230:35-5-177.

SUBCHAPTER 9. PROCESSING APPLICATIONS

230:30-9-2. Forms needed for processing [AMENDED]

The ~~following materials are~~packets necessary for processing the various types of absentee ballot applications ~~and~~ shall be maintained ~~in packets:~~according to the written procedures provided by the Secretary of the State Election Board to the county election boards.

~~(1) Absentee voter packet~~
- ~~(A) Mailing envelope~~
- ~~(B) Outer envelope~~
- ~~(C) Yellow affidavit envelope~~
- ~~(D) White ballots envelope~~
- ~~(E) Yellow Instructions for Voting by Absentee Ballot (Absentee Voter)~~

~~(2) Incapacitated voter packet~~
- ~~(A) Mailing envelope~~
- ~~(B) Outer envelope~~
- ~~(C) Pink affidavit envelope~~
- ~~(D) White ballots envelope~~
- ~~(E) Pink Instructions for Voting by Absentee Ballot (Incapacitated Voter)~~

~~(3) Uniformed services/overseas voter packet~~
- ~~(A) Red and white mailing envelope~~
- ~~(B) Red and white outer envelope~~
- ~~(C) Red and white affidavit envelope~~
- ~~(D) White ballots envelope~~
- ~~(E) Red and white Instructions for Voting by Absentee Ballot (Uniformed Services or Overseas)~~

~~(4) Uniformed services/overseas voter packet for fax ballots~~
- ~~(A) Fax cover sheet and letter to voter~~
- ~~(B) Instructions for Voting by Write-In Absentee Ballot~~
- ~~(C) Instructions for Faxing Voted Ballot to State Election Board or County Election Board~~
- ~~(D) Return fax cover sheet~~

~~(5) Uniformed services/overseas voter packet for electronic mail ballots~~
- ~~(A) PDF of appropriate state or federal absentee ballot style~~
- ~~(B) PDF of the affidavit~~
- ~~(C) PDF of Instructions for Voter~~
- ~~(D) PDF of return fax cover sheet~~

230:30-9-4. Applications from persons not registered to vote [AMENDED]

~~Yellow, pink or green~~ Applications for Absentee Ballots received from persons who are not registered to vote in the county must be forwarded immediately to the appropriate County Election Board. If the appropriate County Election Board cannot be determined, or if there is no evidence that the voter is registered to vote in any county, the application shall be rejected. If such an application is received, some information must be entered into MESA to create a letter to the voter rejecting the application. [26:14-133] The information which must be entered includes the person's name, address and the election or elections for which ballots were requested. If the rejected application is from an in-person absentee voter, MESA will not create a letter.

230:30-9-9. Obtaining absentee ballot applications submitted online [AMENDED]

(a) The online absentee application tool on the State Election Board website delivers the submitted applications to the appropriate County Election Board through MESA. These applications submitted online must be printed and entered into MESA like any other absentee ballot application. Absentee ballot applications may be submitted online at any time. The Secretary of the County Election Board shall be responsible for printing online absentee ballot applications on a daily basis and entering them into MESA as required by 230:30-9-1.

(b) The online absentee application tool formats an Oklahoma Absentee Ballot Application form and populates it with the information entered by an applicant. Based upon the information entered by the applicant, the forms produced by the system may be printed by ~~type:~~the types provided for in state law.

~~(1) CI-B voter charged with the care of an incapacitated person;~~
~~(2) PI-B physically incapacitated voter;~~
~~(3) NV-B nursing home/veteran center voter; and~~
~~(4) ST-B standard (all other voters).~~

(c) Reports are available both at the County Election Board and the State Election Board to allow monitoring of applications submitted through the online absentee application tool. You must request and examine these reports daily to be sure that all applications received are being printed and processed in a timely manner.

(1) The Online Absentee Application Statistics report lists by type the number of absentee ballot applications submitted to the county in a specified date range.

(2) The Online Absentee Application Statistics Log report lists information about each application submitted online to the county. It may be sorted and printed by voter's name or by application type.

(d) The online absentee ballot application tool directs uniformed services and overseas voters to the Federal Voting Assistance Program website to complete and submit a Federal Post Card Application. However, a uniformed services or overseas voter is not prevented from using the application tool on the State Election Board website. In the event an applicant enters an APO or FPO address or an address located outside the United States as the "mail ballots to" address on an application, it should be entered as a uniformed services or overseas application.

SUBCHAPTER 11. RECEIVING AND PROCESSING ABSENTEE BALLOTS

230:30-11-1.1. Receiving hand-delivered absentee ballots from voters [AMENDED]

(a) ~~Beginning January 1, 2017, voters who submit standard (no excuse) absentee ballot applications and receive standard (yellow) affidavits~~Voters who are authorized by law to hand deliver their own absentee ballots are entitled to return ~~their own voted absentee ballots~~them to the County Election Board office in person through the end of regular office hours on the day preceding the election. [26:14-108]

(1) The absentee ballot and materials must be sealed inside the Return Envelope provided in the voter's absentee ballot packet. ~~The printed return address label on the envelope must indicate "Type: S."~~

(2) The voter must provide proof of identity that meets the same requirements as the proof of identity required during in-person absentee voting and at the precinct polling place on election day. See 230:35-5-55(a)(2)(A). A voter who does not have or who declines to provide appropriate proof of identity shall be instructed to mail the envelope to the County Election Board.

(b) County Election Board personnel shall follow these steps to receive a hand-delivered absentee ballot. Do not take the absentee envelope from the voter until you have seen proof of identity.

(1) Verify with the proof of identity document that the person is the voter whose name is on the printed return address label on the Return Envelope.

(2) Write or stamp the received date on the front of the Return Envelope. Note on the front of the envelope that the ballot was delivered in person by the voter.

(3) Record receipt of the absentee ballot in MESA by scanning the barcode on the return address label, by entering the ballot ID number printed on the return address label, or by manually locating the voter's absentee ballot information.

(4) Immediately place the sealed return envelope in the same locked ballot box used to secure absentee ballots returned by mail.

(c) ~~Absentee ballots cannot be hand-delivered to the County Election Board office by a voter who applied as a physically incapacitated voter (PI) or as a caregiver for an incapacitated person (CI) voter.~~ Absentee ballots cannot be hand-delivered to the County Election Board office by a voter who applied as a uniformed services (US) or overseas voter (OV). Absentee ballots cannot be hand-delivered to the County Election Board office when the office is not open. Any absentee ballot left at the County Election Board office when the office is not open shall be rejected and shall not be counted.

(d) In the event that a voter ~~who submitted a standard application for absentee ballots appears at the County Election Board office~~attempts to hand-deliver an absentee ballot that is not properly sealed inside the envelope set mailed to the voter with the absentee ballot, the Secretary may provide a new set of envelopes - a ballot secrecy envelope, ~~a standard (yellow)~~an affidavit envelope, and a Return Envelope - and a new return address label to the voter. If only the outer envelope is missing, provide an outer envelope and either print a new ballot return label or write the appropriate ballot identification number listed in MESA on the new outer envelope. If a new envelope set is provided, instruct the voter to

have the voter's signature on the affidavit envelope notarized and to return the properly sealed envelope set in person or to mail it.

[OAR Docket #24-588; filed 6-24-24]

TITLE 230. STATE ELECTION BOARD
CHAPTER 35. ELECTION CONDUCT

[OAR Docket #24-589]

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Subchapter 3. County Election Board Responsibilities
Part 5. PRECINCT OFFICIAL PAYROLL
230:35-3-30. Pre-Election Expense Claim [AMENDED]
230:35-3-33. Funds for Precinct Official compensation [AMENDED]
230:35-3-35. Prepare and register vouchers for Precinct Officials and Absentee Voting Board members [AMENDED]
230:35-3-36. Inspector receives vouchers [REVOKED]
230:35-3-36.1. Absentee Voting Board members receive vouchers [AMENDED]
230:35-3-37. Inspector distributes vouchers [REVOKED]
230:35-3-38. Inspector ~~receives compensation~~returns Precinct Expense Claim [AMENDED]
230:35-3-39. ~~Alternative procedure~~Procedure for distribution of vouchers [AMENDED]
230:35-3-40. Vouchers for substitutes [AMENDED]
Part 7. FINAL PREPARATIONS
230:35-3-58. Wednesday preparations [AMENDED]
Part 9. DISTRIBUTING SUPPLIES AND BALLOTS
230:35-3-65. Notifying Inspectors [AMENDED]
230:35-3-66. Issuing supplies and ballots [AMENDED]
Part 11. ELECTION DAY
230:35-3-75. Precinct procedures in ~~Election Day Reference and Problem Solver section of Precinct Official Notebook~~Precinct Official Manual [AMENDED]
230:35-3-76. Familiarity with procedure necessary [AMENDED]
230:35-3-77. Arrival at County Election Board office [AMENDED]
230:35-3-78. Availability [AMENDED]
Subchapter 5. Instructions for Precinct Officials
Part 1. PRECINCT ~~ELECTION BOARD~~OFFICIALS [AMENDED]
230:35-5-1. Purpose [AMENDED]
230:35-5-2. Publication of ~~Election Day Reference and Problem Solver~~the Precinct Official Manual [AMENDED]
230:35-5-8. Authority of Inspector [AMENDED]
Part 3. PREPARATIONS FOR ELECTION DAY
230:35-5-16. Inspection of polling place [AMENDED]
Part 7. GENERAL GUIDELINES
230:35-5-39. Violations of the law [AMENDED]
230:35-5-40. Problems [AMENDED]
Part 11. PROCESSING THE VOTER
230:35-5-55. Routine for Judge [AMENDED]
230:35-5-57. Routine for Inspector [AMENDED]
230:35-5-59. Voter assistance [AMENDED]
Part 15. AFTER THE POLLS CLOSE
230:35-5-75.1. Obtaining Detail and Tally Report [AMENDED]
Part 29. VIOLATIONS OF THE LAW
230:35-5-146. Action when laws are violated [AMENDED]
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Amendments to this Chapter were necessary due to the upcoming statutory increase in compensation for precinct officials (Senate Bill 290). Further, there have been updates to the procedure for how vouchers for precinct officials are handled. Lastly, there is a change in the title of the publication precinct officials must utilize – it is now entitled Precinct Official Manual (also known as "Notebook").
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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(7) AND 308(E), WITH AN EFFECTIVE DATE OF JULY 25, 2024:

SUBCHAPTER 3. COUNTY ELECTION BOARD RESPONSIBILITIES

PART 5. PRECINCT OFFICIAL PAYROLL

230:35-3-30. Pre-Election Expense Claim [AMENDED]

(a) When the state, the county, a school district, a municipality, or any other governmental entity calls an election to be conducted by the County Election Board, the Secretary of the County Election Board shall prepare an estimate of the number of Precinct Officials, Absentee Voting Board members, and any authorized special-purpose precinct workers required for the election, and the amount of compensation for all Precinct Officials, Absentee Voting Board members, and any special-purpose precinct workers. [26:3-105.1(A)] The estimate also shall include mileage reimbursement for Inspectors to pick up and return election supplies and materials; for Precinct Officials, and special-purpose precinct workers assigned to polling places located ten miles or more from their homes; for any Absentee Voting Board member who travels 10 miles or more from home to the County Election Board office or in-person absentee polling place to report for duty; and for one member of each nursing home Absentee Voting Board. The Secretary shall prepare the estimate, which shall be known as a Pre-Election Expense Claim, in MESA. The Pre-Election Expense Claim shall be submitted to the entity not less than 35 days prior to the election. [26:3-105.1(A)]

(b) The compensation for Precinct Officials, Absentee Voting Board members, and any authorized special-purpose precinct workers shall be billed ~~as follows~~for and paid according to the amount authorized by state law. [26:2-129]~~.~~

~~(1) **Inspector.** The Inspector shall receive a total of $97 for an election. The Inspector also shall be reimbursed for mileage for two round trips from his home to the County Election Board office at the rate currently allowed by the Internal Revenue Service for a business expense deduction. An Inspector assigned to a polling place located ten miles or more from his or her home also may be reimbursed for one-way mileage from home to the assigned polling place. See 230:35-3-31.1.~~

~~(A) **Statewide elections.** For a statewide election, the State Election Board shall be billed $95 per Inspector. The State Election Board also shall be billed for the total amount of mileage reimbursement for the Inspectors. The county shall be billed $2 per Inspector for a statewide election.~~

~~(B) **Other elections.** For a county election, a school district election, a municipal election or any other election, the entity authorizing the election shall be billed $97 per Inspector, plus the total amount of mileage reimbursement for the Inspectors.~~

~~(2) **Judge and Clerk.** The Judge and Clerk each shall receive a total of $87 for an election. In addition, a Judge or Clerk assigned to a polling place located ten miles or more from his or her home may be reimbursed for round-trip mileage from home to the assigned polling place. See 230:35-3-31.1.~~

~~(A) **Statewide elections.** For a statewide election, the State Election Board shall be billed $85 per Judge and $85 per Clerk. The county shall be billed $2 per Judge and $2 per Clerk. The State Election Board also shall be billed for any mileage paid to Judges and Clerks.~~

~~(B) **Other elections.** For a county election, a school district election, a municipal election or any other election, the entity authorizing the election shall be billed $87 per Judge and $87 per Clerk. The entity also shall be billed for any mileage paid to Judges and Clerks.~~

~~(3) **Absentee Voting Board members.** Absentee Voting Board members each shall receive $87 for each day they serve for an election. An Absentee Voting Board member who travels ten miles or more from home to the County Election Board office or to a remote in-person absentee polling place to report for duty may receive round trip mileage reimbursement. In addition, one member of each nursing home Absentee Voting Board shall receive mileage reimbursement for the round trip from the County Election Board office to the nursing home or homes.~~

~~(A) **Statewide elections.** For a statewide election, the State Election Board shall be billed for the total amount of $87 per Absentee Voting Board member plus appropriate mileage reimbursement.~~

~~(B) **Other elections.** For a county election, a school election, a municipal election, or any other election, the entity authorizing the election shall be billed $87 for each Absentee Voting Board member for each day served plus appropriate mileage reimbursement.~~

~~(4) **Special-purpose precinct workers.** Special-purpose precinct workers, such as Provisional Voting Officers or Registration Officials, shall receive $87 for an election. In addition, a special-purpose precinct worker assigned to a polling place ten miles or more from his or her home may be reimbursed for round-trip mileage from home to the assigned polling place.~~

~~(A) **Statewide elections.** For a statewide election, the State Election Board shall be billed $85 per special-purpose precinct worker. The county shall be billed $2 per special-purpose precinct worker. The State Election Board also shall be billed for any mileage paid to special-purpose precinct workers.~~

~~(B) **Other elections.** For a county election, a school district election, a municipal election or any other election, the entity authorizing the election shall be billed $87 per special-purpose precinct worker. The entity also shall be billed for any mileage paid to special-purpose precinct workers.~~

~~(5) **Mileage.** Mileage is reimbursed at the rate currently allowed by the Internal Revenue Service for a business expense deduction.~~

(c) When two or more entities hold elections on the same date and two or more of the entities are involved in the same precinct, the cost of Precinct Official, Absentee Voting Board member, and special-purpose precinct worker compensation and mileage reimbursement shall be divided equally among the entities involved in each precinct. However, if a school district election is held on the same date as a county election, the county shall assume the school district's share of Precinct Official, special-purpose precinct worker, and Absentee Voting Board compensation and mileage.

230:35-3-33. Funds for Precinct Official compensation [AMENDED]

(a) **Funds to be submitted to County Election Board.** Not less than 15 days before the election, the entity authorizing an election shall submit funds equal to the estimated amount of compensation for Precinct Officials, special-purpose precinct workers, and Absentee Voting Board members to the County Election Board Secretary. [26:3-105.1(B)] If the entity fails to submit the funds, the Secretary shall call the entity to make arrangements for payment and explain that no work can be done on the election until payment is received. If payment is still not received, the Secretary shall contact the State Election Board as soon as possible. No further action shall be taken until directed by the State Election Board.

(b) **Deposit funds in Special Depository Account.** Upon receipt of the funds, the Secretary shall deposit them in the County Election Board Special Depository Account. [26:3-105.1(B)]

230:35-3-35. Prepare and register vouchers for Precinct Officials and Absentee Voting Board members [AMENDED]

(a) **Vouchers for Precinct Officials.** The Secretary shall prepare and register one voucher from the Special Depository Account for compensation and mileage for each Inspector and one voucher for compensation for each Judge, Clerk, and special-purpose precinct worker who will work in the election. ~~The vouchers shall be registered with the County Treasurer with sufficient time allowed for the completion of this process before the Inspector picks up the election supplies.~~

(b) **Vouchers for Absentee Voting Board members.** The Secretary shall prepare and register one voucher from the Special Depository Account for compensation for each Absentee Voting Board member who will work in the election. The vouchers shall be registered with the County Treasurer.

230:35-3-36. Inspector receives vouchers [REVOKED]

~~On the day the Inspectors are scheduled to pick up election supplies, the Secretary shall place the appropriate vouchers for Judges, Clerks, and any special-purpose precinct workers inside the Precinct Expense Claim Envelope for each precinct. The envelope shall be sealed. The sealed envelope shall be placed inside the election supply container for each precinct.~~

230:35-3-36.1. Absentee Voting Board members receive vouchers [AMENDED]

The Secretary may distribute vouchers to each member of the Absentee Voting Board who served for the election. The vouchers may be ~~given to the Absentee Voting Board members in person at the conclusion of their duties for the election or the vouchers may be~~ mailed within seven days after the election. Under no circumstances shall vouchers be distributed to Absentee Voting Board members before their services are concluded for the election. The Secretary shall require Absentee Voting Board members to sign the Absentee Voting Board Member claim form when their service is concluded for the election.

230:35-3-37. Inspector distributes vouchers [REVOKED]

~~After the polls have closed on election day, the Judge, the Clerk, and any special-purpose precinct workers shall sign the Precinct Expense Claim Envelope and receive their vouchers from the Inspector. In no case shall compensation be made until after services have been rendered. [26:3-105.1(C)]~~

230:35-3-38. Inspector ~~receives compensation~~returns Precinct Expense Claim [AMENDED]

The Inspector shall return the signed Precinct Expense Claim ~~Envelope and any unclaimed vouchers~~, together with the election returns and supplies, to the County Election Board office. [26:3-105.1(C)] ~~If all vouchers are accounted for, the Inspector shall sign the Precinct Expense Claim Envelope and receive his voucher for compensation and mileage from the Secretary. [26:3-105.1(C)] If any vouchers are unaccounted for, the Inspector shall be responsible for obtaining all necessary signatures of Precinct Officials or special-purpose precinct workers on the Precinct Expense Claim Envelope or for returning all unclaimed vouchers before receiving his own voucher.~~

230:35-3-39. ~~Alternative procedure~~Procedure for distribution of vouchers [AMENDED]

The Secretary may distribute vouchers to Precinct Officials and special-purpose precinct workers by United States Mail instead of by the procedure set forth in 230:35-3-36 through 230:35-3-38. [26:3-105.2] When distributing vouchers to Precinct Officials and special-purpose precinct workers by mail, the voucher shall be mailed no earlier than the day of the election and no later than the Tuesday following the election. [26:3-105.2]

230:35-3-40. Vouchers for substitutes [AMENDED]

Within seven days following the election, the Secretary shall prepare vouchers for compensation of substitute Precinct Officials or substitute special-purpose precinct workers~~, who were not paid on election night or for substitute Absentee Voting Board members who were not paid at the conclusion of their service. The Secretary shall cancel the unclaimed vouchers, and register the new vouchers with the County Treasurer~~. The Secretary immediately shall mail the vouchers to the substitute Precinct Officials, special-purpose precinct workers, or Absentee Voting Board members. No substitute voucher shall be distributed to a Precinct Official, Absentee Voting Board member, or a special purpose precinct worker until the person's signature has been obtained on a Precinct Expense Claim or an Absentee Voting Board Member Claim form.

PART 7. FINAL PREPARATIONS

230:35-3-58. Wednesday preparations [AMENDED]

~~On Wednesday preceding the election, the~~ The Secretary shall place at least three of each type of sample ballot inside the election supply container. The Secretary also shall place the Precinct Expense Claim ~~Envelope~~ inside the election supply container. The Secretary shall make appropriate entries on the Precinct Check List.

PART 9. DISTRIBUTING SUPPLIES AND BALLOTS

230:35-3-65. Notifying Inspectors [AMENDED]

At least ten days prior to an election, the Secretary shall notify each Inspector of the time and place that supplies and ballots will be issued to that Inspector. The time shall be either on Friday, Saturday or Monday preceding the election. ~~The Secretary also may schedule Inspectors to pick up supplies on Thursday preceding the election if Precinct Registries are printed by that time.~~

230:35-3-66. Issuing supplies and ballots [AMENDED]

On ~~Thursday,~~ Friday, Saturday or Monday preceding the election, the Secretary shall issue supplies and ballots for the election to each Inspector.

PART 11. ELECTION DAY

230:35-3-75. Precinct procedures in ~~Election Day Reference and Problem Solver section of Precinct Official Notebook~~Precinct Official Manual [AMENDED]

Procedures for conduct of elections at the precinct level are contained in the ~~Election Day Reference and Problem Solver section of the~~ Precinct Official ~~Notebook (Subchapter 5 of this Chapter)~~Manual. Every Inspector, Judge and Clerk is required to observe these procedures.

230:35-3-76. Familiarity with procedure necessary [AMENDED]

The Secretary and Assistant Secretary ~~or Chief Clerk~~ of the County Election Board shall be thoroughly familiar with the procedures outlined in the ~~Election Day Reference and Problem Solver section of the~~ Precinct Official ~~Notebook (Subchapter 5 of this Chapter)~~Manual.

230:35-3-77. Arrival at County Election Board office [AMENDED]

Either the Secretary or the Assistant Secretary ~~or Chief Clerk~~ shall arrive at the County Election Board office no later than ~~6:30~~6:00 a.m. on election day.

230:35-3-78. Availability [AMENDED]

Continually during the day of the election, either the Secretary, Assistant Secretary ~~or Chief Clerk shall~~ be available at the County Election Board office.

SUBCHAPTER 5. INSTRUCTIONS FOR PRECINCT OFFICIALS

PART 1. PRECINCT ~~ELECTION BOARD~~OFFICIALS [AMENDED]

230:35-5-1. Purpose [AMENDED]

The rules in this Subchapter establish policies and procedures to be observed by Precinct Officials during elections. These rules detail the organization of the Precinct ~~Election Board~~Officials, preparations for the election, conduct of election day duties and the return of election results and supplies to the County Election Board office. The rules contained in this Subchapter are published for distribution to County Election Board personnel and Precinct Officials as the~~ Election Day Reference and Problem Solver section of the~~ Precinct Official ~~Notebook~~Manual~~. The Election Day Reference and Problem Solver~~, which is an essential part of Oklahoma's uniform statewide election system.

230:35-5-2. Publication of ~~Election Day Reference and Problem Solver~~the Precinct Official Manual [AMENDED]

Prepared by the staff of the State Election Board for use by County Election Board Secretaries, Precinct Officials and other election personnel, the ~~Election Day Reference and~~ Problem Solver is published as a section within the Precinct Official ~~Notebook~~Manual and is intended to complement other publications of the State Election Board.~~ The Election Day Reference and Problem Solver includes the rules contained in this Subchapter.~~

230:35-5-8. Authority of Inspector [AMENDED]

The Inspector is the administrative officer of the Precinct~~ Election Board~~ and is in charge of the operations of the polling place on election day. It is the Inspector's duty to receive election materials from the Secretary of the County Election Board and to ensure that the procedures contained in the ~~Election Day Reference and Problem Solver section of the~~ Precinct Official ~~Notebook~~Manual are followed correctly on election day. At times, the Inspector also may be responsible for relaying special instructions or new information from the County Election Board Secretary to the Judge and the Clerk.

PART 3. PREPARATIONS FOR ELECTION DAY

230:35-5-16. Inspection of polling place [AMENDED]

The Inspector conducts an inspection of the polling place before picking up the supplies and ballots for the election. The purpose of the inspection is to find out what fixtures and furnishings are available for the Precinct ~~Election Board~~Officials to use and also to locate and make arrangements to use the nearest telephone on election day. The Inspector must report any potential problems with the polling place to the County Election Board Secretary.

PART 7. GENERAL GUIDELINES

230:35-5-39. Violations of the law [AMENDED]

If ~~members of the~~ Precinct ~~Election Board~~Officials observe an election law being violated, it would be proper for the Inspector to inform the violator that his action is against the law. However, under no circumstances shall the Precinct ~~Election Board~~Officials be involved in enforcement of the violations. If violators persist in their actions, the Inspector immediately shall notify the Secretary of the County Election Board.

230:35-5-40. Problems [AMENDED]

When questions arise during the day, consult The ~~Election Day Reference and Problem Solver section of the~~ Precinct Official ~~Notebook~~Manual for solutions. If the answer cannot be found in this publication, or if the Precinct Officials are uncertain how to apply the information in these publications to the situation at hand, the Inspector should call the County Election Board office for advice.

PART 11. PROCESSING THE VOTER

230:35-5-55. Routine for Judge [AMENDED]

(a) The Judge follows these routine steps to process voters. Refer to the Judge's section of the ~~Election Day Reference and Problem Solver in the~~ Precinct Official ~~Notebook~~Manual for instructions in non-routine situations.

(1) Greet the voter and ask the voter's name. If this is a Primary or Runoff Primary, also ask the voter's political party.

(2) Ask to see the voter's proof of identity.

(A) The voter may present any one of the following documents as proof of identity:

(i) An Oklahoma driver license

(ii) A voter identification card issued by the County Election Board

(iii) A temporary voter identification document issued by the County Election Board

(iv) A state identification card

(v) A United States passport

(vi) A United States military identification, including retired military identifications

(vii) Any other such document issued by the state of Oklahoma, the United States government, or a federally recognized tribal government which includes the person's name, a photograph of the person, and, if the document has an expiration date, that expiration date is later than election day. A document that does not bear an expiration date, and is therefore valid indefinitely, shall be valid proof of identity.

(B) Use the voter's proof of identity document to find the voter's name in the Precinct Registry. The person's name on the proof of identity must substantially conform to the name listed in the Precinct Registry.

(C) If the voter does not provide proof of identity, the voter must be offered the opportunity to vote by provisional ballot. The provisional ballot affidavit, once verified by the County Election Board after election day, shall be valid proof of identity.

(3) If there is a message printed in the "Signature of Voter" column, follow the instructions in 230:35-5-113 or 230:35-5-113.1.

(4) Tell the voter to sign the Precinct Registry. [26:7-114; 26:7-117]

(5) Carefully check the following information in the Precinct Registry to determine the ballots the voter is eligible to receive.

(A) For a Primary Election, check the political affiliation listed in the Precinct Registry.

(i) Persons registered with a specific political party affiliation are allowed to receive only the Primary or Runoff Primary ballot for that party.

(ii) Persons registered as Independent (or "no party") voters may be eligible to choose a party ballot if the party has allowed Independent voters to vote in its primary elections. Tell Independent voters to read the Information for Independent Voters card, if applicable.

(B) If this is a school district, technology center district, or municipal election, look in the "School," "TC," and "Muni" columns. A voter is eligible to receive ballots for the entities listed in these columns.

(6) Refer to the Ballot Codes List provided by the County Election Board and write the code for each ballot the voter will receive in the "Ballots Issued" column of the Precinct Registry.

(7) Tell the Clerk which ballots the voter is eligible to receive.

(b) If the voter's name is not in the Precinct Registry, if the voter does not have or refuses to provide proof of identity, or if the voter disputes the political affiliation or district information listed in the Precinct Registry, the voter is entitled by both state and federal law to cast a provisional ballot. Refer the voter to the Inspector or to the Provisional Voting Officer. See 230:35-5-171. If a voter who is eligible to cast a provisional ballot refuses the offer of the provisional ballot and leaves the polling place without voting, record the incident on the Provisional Ballot Refusal form.

230:35-5-57. Routine for Inspector [AMENDED]

The Inspector follows these routine steps to process voters. Refer to the ~~Election Day Reference and Problem Solver in the~~ Precinct Official ~~Notebook~~Manual for instructions in non-routine situations.

(1) Give the voter a ballpoint pen.

(2) Direct the voter to a vacant voting booth and ask the voter to read the Attention Voter poster in the voting booth.

(3) Tell the voter that after marking the ballots in the privacy of the voting booth, he should place the voted ballot inside a secrecy folder, if used, and return to the voting device. [26:7-120]

(4) When the voter returns to the voting device, tell the voter to feed the ballot into the voting device. Either end of the ballot may be fed first and the ballot may face up or down.

(5) Retrieve the ballpoint pen and secrecy folder, if used, from the voter.
(6) If the voting device returns a ballot, the voter may be able to resolve the problem himself by following the instructions on the voting device console screen and pressing the appropriate buttons. However, the Inspector should always be prepared to answer questions and to assist the voter if necessary.
(7) If the voting device console screen displays an error code and a message indicating that the ballot has already been counted, follow the instructions in the ~~Election Day Reference and Problem Solver in the~~ Precinct Official ~~Notebook~~Manual to resolve the problem.
(8) In the event a voter inserts a ballot into the voting device, immediately leaves the voting enclosure, and the device rejects and returns the ballot, the Inspector shall leave the abandoned ballot in the device and press the Cast Ballot button on the device console to accept the ballot unchanged.

230:35-5-59. Voter assistance [AMENDED]

Some voters are entitled to special assistance while voting. Procedures for assisting these voters are located in "Assistance outside polling place for disabled voter" and the "Blind, physically disabled, or illiterate voter" in the~~ Election Day Reference and Problem Solver in the~~ Precinct Official ~~Notebook~~Manual (230:35-5-119 and 230:35-5-120.1). A physically or visually disabled voter may vote privately and independently by using the audio tactile interface (ATI) for the voting device. Any voter may ask to use the ATI. The ATI provides an audio version of the ballot and a mechanical method to navigate the ballot, make selections, and cast the ballot. See the ~~Election Day Reference and Problem Solver~~Precinct Official Manual for instructions to activate the ATI for a voter to use it.

PART 15. AFTER THE POLLS CLOSE

230:35-5-75.1. Obtaining Detail and Tally Report [AMENDED]

After all voters who are in line at 7 p.m. have finished voting and have fed their ballots into the voting device, the Inspector unlocks the emergency compartment of the ballot box, takes out any ballots deposited there during the day, and feeds them into the voting device. See 230:35-5-154. The Inspector then follows the voting device instructions in the ~~Election Day Manual and Problem Solver section of the~~ Precinct Official ~~Notebook~~Manual to obtain the required number of copies of the Detail and Tally Report.

(1) Tear the tape off the voting device when it finishes printing the first Detail and Tally Report.
(2) The Inspector, Judge, and Clerk sign the first Detail and Tally Report in the spaces provided at the end of the tape.
(3) Print at least two more copies of the Detail and Tally Report. In the event that the Secretary of the County Election Board has instructed the Inspector to print additional copies of the Detail and Tally Report, print the number of additional copies as instructed.
(4) Tear each additional copy of the Detail and Tally Report off the device as it finishes printing and sign each copy in the spaces provided at the end of each report tape.

PART 29. VIOLATIONS OF THE LAW

230:35-5-146. Action when laws are violated [AMENDED]

If a Precinct Official sees or suspects an election law violation, the Inspector takes only the following steps. The Inspector never attempts to enforce the law under any circumstances.

(1) If the suspected violation is described in the ~~Election Day Reference and Problem Solver in the~~ Precinct Official ~~Notebook~~Manual, take only these steps.
  (A) Tell the person involved that the action is against the law.
  (B) Read what ~~Election Day Reference and Problem Solver in~~ the Precinct Official ~~Notebook~~Manual says about the violation, if necessary. Tell the person that this is the law.
  (C) Call the Secretary of the County Election Board immediately if the person continues the action that violates the law.
(2) If the ~~Election Day Reference and Problem Solver~~Precinct Official Manual does not describe the possible violation, the Inspector calls the Secretary of the County Election Board immediately.

[OAR Docket #24-589; filed 6-24-24]

TITLE 265. STATE FIRE MARSHAL COMMISSION
CHAPTER 60. FEE SCHEDULE

[OAR Docket #24-642]

RULEMAKING ACTION:
PERMANENT final adoption
RULES:
265:60-1-2. Fees [AMENDED]
AUTHORITY:
State Fire Marshal Commission; OK Open Records Act 51 Sec 24A/1-24A.201, 74 Sec 324
SUBMISSION OF PROPOSED RULES TO GOVERNOR AND CABINET SECRETARY:
February 10, 2023
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Approved by Governor's Declaration on June 21, 2024
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July 25, 2024
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INCORPORATED STANDARDS:
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N/A
AVAILABILITY:
N/A
GIST/ANALYSIS:
265:60-1-2 increases fees from $.03 to $.06 for building permits, $50 to $100 per set of access control points and from $40 to $100 for field inspections
CONTACT PERSON:
Susie Cain, Executive Secretary to the State Fire Marshal, 2501 N Lincoln Blvd, Suite 219, OKC, OK 73105, 405.522.5009

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(7) AND 308(E), WITH AN EFFECTIVE DATE OF JULY 25, 2024:

265:60-1-2. Fees [AMENDED]

(a) In accordance with the Oklahoma Open Records Act [Oklahoma Statutes Title 51 Section 24A.1-24A.201] and Oklahoma State Statute Title 74 Section 324, the State Fire Marshal's Office shall charge the following fees for reproduction of records:

(1) Copying fee - $.25 per page

(2) Certified copying fee - $1.00 per page

(b) In accordance with the Oklahoma Open Records Act [Oklahoma Statutes Title 51 Section 24A.1-24A.201] and Oklahoma State Statute Title 74 Section 324, the State Fire Marshal's Office shall charge the following fees for reproduction of records when the request is solely for commercial purpose, or clearly would cause excessive disruption of the State Fire Marshal's Office essential functions. The State Fire Marshal's Office may charge a reasonable fee to recover the direct cost of document search [Oklahoma Statute Title 51 Section 24A.5(3)]. Payment with cash, credit card, check or money order shall be for exact amount. Office hours are 8:00 a.m. through 4:30 p.m. Monday through Friday. Upon the submission of the request accompanied by the appropriate fee, the State Fire Marshal's Office will forward within ten (10) working days, via First Class Mail, the requested information.

(1) Non-Certified "Origin and Cause" Fire Investigation Report - $1.00 per page.

(2) Certified "Origin and Cause" Fire Investigation Report - $2.00 per page.

(3) Evidence photographs - $20.00 per electronic copy.

(4) Roster of all Fire Departments - $20.00 per hard copy or electronic copy.

(5) Computer search or excessive disruption of office functions - $75.00 per employee.

(c) In accordance with Oklahoma Statutes Title 28 Section 91, the State Fire Marshal's Office shall charge the following fees for expert witness fees:

(1) Expert Witness Fee - $150.00 per 4 hours (4 hour minimum).

(2) Deposition Fee - $150.00 per 4 hours (4 hour minimum).

(3) Court Testimony Fee - $150.00 per 4 hours (4 hour minimum).

(d) Pursuant to the International Building Code®, Section 109.2: A fee for each plan examination, building permit, and inspection shall be paid in accordance with the fee schedule outlined in this chapter:

(1) Exemptions: Detention centers that require an annual inspection are exempt from annual inspection fees. Duly constituted Fire Departments meeting the reporting requirements of the State Fire Marshal's Office are exempt from plan reviews, permits and inspection fees.

(2) Review of plans submitted with an application for a building permit. Total permit fee is due at the time of submittal. Fees may be waived or reduced when in the opinion of the State Fire Marshal the reduction of fees is in the best interest of both parties.

(3) Permit fees include the cost of a 50% and 100% on-site inspection and occupancy permit. Additional on-site inspections caused by failure to comply with applicable codes or deviation from approved plans will be billed at ~~$40.00~~100.00 per ~~hour the actual cost to the State Fire Marshal's Office~~inspection.

(4) Minimum permit fee - ~~$50.00.~~100.00

(5) Rates where total exceeds the minimum:

(A) Industrial buildings: per square foot - ~~$.10~~.20

(B) Sprinkler plan review only: per square foot - ~~$.03~~.06

(C) Fire alarm plan review only: per square foot - ~~$.03~~.06

(D) Fire Suppression plan review only: per square foot - ~~$.03~~.06

(E) Carbon monoxide system plan review: per square foot - ~~$.03~~.06

(F) Electrical smoke detection system (fire alarm) plan review: per square foot - ~~$.03~~.06

(G) Smoke control system plan review: per square foot - ~~$.03~~.06

(H) Access control system plan review: ~~$50.00~~100.00 per set of access points

(I) Carbon dioxide system plan review (more than 100 pounds of accumulative CO2, including those used in beverage dispensing applications): per square foot - ~~$.03~~.06

(6) Above Ground Fuel Storage: inspection and permit fee - $125.00

(7) Fireworks:

(A) Class B (1.3G) Fireworks display inspection and permit - $125.00

(B) Class C (1.4G) pyrotechnic display inspection and permit - $250.00

(8) Field Inspections - $~~40.00~~100.00 per ~~hour (one hour minimum)~~inspection
(9) Explosive Storage Facility - inspection and permit fee - $108.00 per magazine

[OAR Docket #24-642; filed 6-24-24]

TITLE 442. OKLAHOMA MEDICAL MARIJUANA AUTHORITY
CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #24-649]

RULEMAKING ACTION:
PERMANENT final adoption
RULES:
442:1-1-7. Summary suspension of licensee [AMENDED]
442:1-1-12. Summary order for destruction [NEW]
442:1-1-13. Appeal of adverse credential determination [NEW]
442:1-1-14. Declaratory rulings [NEW]
442:1-1-15. Emergency cease and desist [NEW]
AUTHORITY:
Executive Director of the Oklahoma Medical Marijuana Authority; 63 O.S. § 420-430
SUBMISSION OF PROPOSED RULES TO GOVERNOR AND CABINET SECRETARY:
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Approved by Governor's declaration on June 21, 2024
FINAL ADOPTION:
June 21, 2024
EFFECTIVE:
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SUPERSEDED EMERGENCY ACTIONS:
SUPERSEDED RULES:
442:1-1-7. Summary suspension of licensee [AMENDED]
442:1-1-12. Summary order for destruction [NEW]
442:1-1-13. Appeal of adverse credential determination [NEW]
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INCORPORATING RULES:

N/A

AVAILABILITY:

N/A

GIST/ANALYSIS:

The amendments establish administrative rules governing proceedings before the agency, including provisions regarding proper notice, pleadings, disclosure requirements, and appearance by parties. The amendments establish administrative rules required for the implementation of SB 1704 governing proceedings before the agency, including provisions regarding appeal of adverse credential determinations. The rules are intended to ensure consistent process is afforded to both the Agency as well as commercial licensees subject to administrative actions, penalties, fines, and adverse agency orders affecting licenses. In exigent circumstances that require emergency action, the Executive Director of the Authority may summarily suspend a license, while providing a hearing right to the licensee. In exigent circumstances that require emergency action, the Executive Director of the Authority or assigned administrative law judge may summarily order for destruction any marijuana or marijuana product, and licensees that own or possess the marijuana or marijuana product are afforded a hearing.

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 RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(7) AND 308(E), WITH AN EFFECTIVE DATE OF JULY 25, 2024:

442:1-1-7. Summary suspension of licensee [AMENDED]

(a) If the Executive Director or assigned administrative law judge finds that the public health, safety, or welfare requires emergency action and incorporates such finding to that effect in any Order, summary suspension of any licensee may be ordered pending proceedings for revocation or other action, which proceedings shall be promptly initiated and held as provided in the Administrative Procedures Act, 75 O.S., §§ 301 through 326.

(b) A licensee whose license has been summarily suspended may make a written request for a hearing on the summary suspension not later than ten (10) days after the license was summarily suspended.

(c) The Executive Director or assigned administrative law judge shall conduct a hearing on the summary suspension promptly and in the same manner as other disciplinary hearings. At a hearing on a summary suspension, the sole issue is whether the licensee's license should remain suspended pending a final disciplinary hearing and ruling with the burden on the licensee to show good cause why the suspension should be set aside.

442:1-1-12. Summary order for destruction [NEW]

(a) Any marijuana or marijuana product not properly logged in the inventory tracking system or untraceable product required to be in the system, altered or improperly packaged, or illegally held in violation of the Oklahoma Medical Marijuana and Patient Protection Act, any other laws of this state, or any rules promulgated by the Executive Director may be seized, destroyed, confiscated, embargoed, or placed on an administrative hold.

(b) If the Executive Director or assigned administrative law judge finds that the public health, safety, or welfare requires emergency action and incorporates such finding to that effect in any Order, a summary Order for destruction of marijuana or marijuana products may be issued.

(c) A licensee who owns or possesses marijuana or marijuana product that is the subject of a summary Order for destruction may make a written request for a hearing on the summary Order for destruction not later than ten (10) days after the Order is served.

(d) The Executive Director or assigned administrative law judge shall conduct a hearing on the summary Order for destruction promptly and in the same manner as other disciplinary hearings. At a hearing on a summary Order for destruction, the sole issue is whether the licensee's marijuana or marijuana product that is the subject of the Order should be destroyed with the burden on the licensee to show good cause why the summary Order should be set aside.

442:1-1-13. Appeal of adverse credential determination [NEW]

(a) If the third-party vendor determines that an employee of a medical marijuana business does not meet the minimum statutory requirements for a credential, the applicant or employee shall have no recourse against the third-party vendor but may appeal such adverse determination to the Authority.

(b) An applicant for an employee credential whose application has been denied may make a written request for a hearing on appeal not later than thirty (30) days after the Authority provided notice to the applicant of the adverse determination.

(c) Notice of an adverse determination shall be sent to the applicant in the same method the application was submitted to the Authority.
(d) At a hearing on the appeal of an adverse credential determination, the sole issue is whether the application submitted by the applicant for an employee credential met the minimum statutory requirements for a credential at the time of submission.
(e) No evidence, other than what is contained in the application for an employee credential, shall be introduced, offered, or referenced by any party.

442:1-1-14. Declaratory rulings [NEW]
(a) Pursuant to 75 O.S. § 307, the OMMA Executive Director or their duly authorized agent may issue declaratory rulings, as to the applicability of any rule, principle of law, and/or order of OMMA. OMMA licensees and the OMMA shall be the only parties with standing to seek a declaratory ruling.
(b) A petition for a declaratory ruling must be made in writing and filed with the OMMA pursuant to OAC 442:1-1-8.
(c) A petition for a declaratory ruling must specifically state:
(1) That a "declaratory ruling is requested pursuant to OAC 442:1-1-14";
(2) The name of the licensee to whom the facts presented in the petition for declaratory ruling applies;
(3) The physical address of the licensee to whom the facts presented in the petition for declaratory ruling applies;
(4) The mailing address of the licensee to whom the facts presented in the petition for declaratory ruling applies;
(5) The license number of the licensee to whom the facts present in the petition for declaratory ruling applies;
(6) The physical address of the licensee;
(7) The issue(s) on which declaratory ruling is requested, stated clearly, concisely, and with particularity;
(8) A complete, clear, and concise statement of all relevant facts on which the declaratory ruling is requested;
(9) Whether the issue, as it regards the petitioner, is presently the subject of administrative action before OMMA;
(10) The petitioner's desired result and the legal basis for that result, including reference to all applicable statutes, rules, regulations, and case law;
(11) The signature of the individual appearing on the petitioner's behalf pursuant to OAC 442:1-1-5.
(d) In conjunction with the submission of the petition for declaratory relief, the petitioner may submit a proposed declaratory ruling granting the relief sought in the declaratory petition.
(e) OMMA may require additional information from the petition as deemed necessary to issue a declaratory ruling. Failure by petition to provide the requested information shall result in denial of the petition to issue the declaratory ruling.
(f) A declaratory ruling shall have the following effect:
(1) The declaratory ruling shall apply only to the particular fact situation stated in the declaratory ruling petition;
(2) The declaratory ruling shall apply only to the petitioner;
(3) The declaratory ruling shall bind OMMA, its duly authorized agents, and representatives as to the petitioner only prospectively;
(4) The declaratory ruling may be revoked, altered, or amended by OMMA at any time.
(g) The declaratory ruling shall cease to be binding if:
(1) A pertinent change is made in the applicable law;
(2) A pertinent change is made in the OMMA's rules;
(3) A pertinent change in the interpretation of the law is made by a court of law or by an administrative tribunal; or
(4) OMMA determines the actual facts are materially different from the facts set out in the petitioner's declaratory ruling petition;
(h) OMMA may in its sole discretion decline to issue a declaratory ruling for the following reasons:
(1) The petition does not comply with the information required by this Section;
(2) The petition involves hypothetical situations or alternatives;
(3) The petition requests OMMA make a determination as to whether a statute or rule, or application thereof, is constitutional under the Oklahoma Constitution or the United States Constitution;
(4) The fact(s) or issue(s) presented in the petition are unclear, overbroad, insufficient or otherwise inappropriate as a basis upon which to issue a declaratory ruling;
(5) The issue(s) about which the declaratory ruling is requested is primary one of fact;
(6) The issue is presently being considered in the rulemaking proceeding or the issue is the subject of investigation, audit, administrative proceedings, or litigation;
(7) The issue cannot be reasonably resolved without additional legislative changes or rulemaking;

(8) The petitioner is the subject of an investigation, audit, or administrative proceeding or litigation as it relates to the issue(s).
(9) The petitioner is not identified or is anonymous;
(10) In the opinion of the OMMA, the issue(s) are not ripe or fit for declaratory ruling.
(i) The petitioner may withdraw its petition for a declaratory ruling, in writing, prior to the issuance of the declaratory ruling. Where the petitioner's license expires or is surrendered during the pendency of the declaratory proceeding, the declaratory petition shall be dismissed as moot.
(j) A petition for declaratory ruling shall not be utilized to appeal, reopen, or reconsider an administrative matter in which a final agency order has been issued.

442:1-1-15. Emergency cease and desist [NEW]

If the Authority finds that an emergency exists requiring immediate action in order to protect the health or welfare of the public, the Authority may issue an order, without providing notice or hearing, stating the existence of said emergency and requiring that action be taken by the commercial licensee as the Authority deems necessary to meet the emergency. Such action may include, but is not limited to, ordering the commercial licensee to immediately cease and desist operations. The order shall be effective immediately upon issuance and commercial licensees shall immediately comply with the provisions of the order. The Authority may assess a penalty not to exceed ten thousand dollars ($10,000.00) per day of noncompliance with the order. In assessing such penalty, the Authority shall consider the seriousness of the violation and efforts taken by the commercial licensee to comply with applicable requirements. Upon application to the Authority, the licensee shall be offered a hearing within ten (10) days of issuance of the order.

[OAR Docket #24-649; filed 6-24-24]

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

[OAR Docket #24-650]

RULEMAKING ACTION:
PERMANENT final adoption
RULES:
Subchapter 1. General Provisions
442:10-1-4. Definitions [AMENDED]
442:10-1-5. Criminal history screening [AMENDED]
Subchapter 3. Transporter License
442:10-3-1. License for transportation of medical marijuana [AMENDED]
Subchapter 4. Research Facilities and Education Facilities
442:10-4-3. Applications [AMENDED]
442:10-4-4. Inspections [AMENDED]
442:10-4-5. Inventory tracking, records, reports, and audits [AMENDED]
442:10-4-6. Penalties [AMENDED]
Subchapter 5. Medical Marijuana Businesses
442:10-5-1.1. Responsibilities of the license holder [AMENDED]
442:10-5-2. Licenses [AMENDED]
442:10-5-3. Applications [AMENDED]
442:10-5-3.3. Commercial grower bond required [NEW]
442:10-5-4. Inspections [AMENDED]
442:10-5-6. Inventory tracking, records, reports, and audits [AMENDED]
442:10-5-6.1. Penalties [AMENDED]
442:10-5-7. Tax on retail medical marijuana sales [AMENDED]
442:10-5-16. Prohibited acts [AMENDED]
Subchapter 7. Packaging, Labeling, and Advertising
442:10-7-1. Labeling and packaging [AMENDED]
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]
Subchapter 9. Waste Disposal Facilities
442:10-9-3. License applications [AMENDED]
442:10-9-7. Audits and inventory [AMENDED]
Subchapter 11. Process Validation [NEW]
442:10-11-1. Standards and requirements to achieve process validation [NEW]
Appendix A. Testing Thresholds [REVOKED]
Appendix B. LQC Results [REVOKED]
Appendix C. Schedule of Fines [AMENDED]
Appendix D. Sample Collection for Final Medical Marijuana Products [REVOKED]
Appendix E. Sample Collection for Pre-Rolls [REVOKED]
Appendix F. Required Testing by Batch Type [REVOKED]

AUTHORITY:
Executive Director of the Oklahoma Medical Marijuana Authority; 63 O.S. § 420-430

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SUPERSEDED RULES:
Subchapter 1. General Provisions
442:10-1-4 [AMENDED]
442:10-1-5 [AMENDED]
Subchapter 3. Transporter License
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442:10-4-3 [AMENDED]
442:10-4-4 [AMENDED]
442:10-4-6 [AMENDED]
Subchapter 5. Medical Marijuana Businesses
442:10-5-1.1 [AMENDED]
442:10-5-2 [AMENDED]
442:10-5-3 [AMENDED]
442:10-5-3.3 [NEW]
442:10-5-4 [AMENDED]
442:10-5-6. [AMENDED]

442:10-5-6.1 [AMENDED]
442:10-5-7 [AMENDED]
442:10-5-16 [AMENDED]
Subchapter 8. Laboratory Testing
442:10-8-1 [AMENDED]
442:10-8-2 [AMENDED]
442:10-8-3 [AMENDED]
442:10-8-4 [AMENDED]
442:10-8-5 [AMENDED]
442:10-8-6 [NEW]
442:10-8-6.1 [NEW]
442:10-8-6.2 [NEW]
442:10-8-6.3 [NEW]
442:10-8-6.4 [NEW]
Subchapter 9. Waste Disposal Facilities
442:10-9-3 [AMENDED]

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GIST/ANALYSIS:
The proposed permanent rules implement legislative changes mandated by SB 18X, HB 3929, HB 4056, SB 813, SB 1704, SB 913, and HB 2095; address changes in statute under 63 O.S. § 426, 63 O.S. § 427.6, 63 O.S. § 427.14, 63 O.S. § 427.14a, 63 O.S. § 427.17, 63 O.S. § 427.19, 63 O.S. § 427.20, 63 O.S. § 427.25, and new requirements in 63 O.S. § 427.14b, 63 O.S. § 427.17a, and 63 O.S. § 427.26. The permanent rules are intended to provide a structure for the implementation of these legislative requirements. The proposed permanent rules also seek to address the risk to public health and safety posed by increasing occurrences of fires and explosions at licensed medical marijuana businesses. Further, the proposed permanent rules provide clarity on tagging, storing, testing, and retesting medical marijuana and medical marijuana products. 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. Amendments to OAC 442:10-5-4(l) allow the Authority to employ secret shoppers to inspect licensed commercial medical marijuana businesses. Amendments to OAC 442:10-8-5 allow the Authority to operate a quality assurance laboratory or to contract with a private laboratory. Amendments to OAC 442:10-5-1.1(f) and OAC 442:10-5-16(v) require employees of a medical marijuana business to apply for and receive a credential authorizing the employee to work in a licensed medical marijuana business. The requirement that the Legislature receive all monies from sales tax proceeds collected on medical marijuana and all monies collected from fines and fees is added to OAC 442:10-5-7(h). Amendments implementing changes to commercial licensing fees occur in OAC 442:10-1-4, OAC 442:10-5-2(b), OAC 442:10-5-3(e)(15), and OAC 442:10-5-6(b)(6)(A). Amendments to supplemental materials required to be submitted by licensees occur in OAC 442:10-3-1(d); OAC 442:10-4-3(e)(6); OAC 442:10-5-2(e)(2)(A)(iii); OAC 442:10-5-3(e)(9); and OAC 442:10-9-3(e)(9). OAC 442:10-1-5(a) is amended to include the national fingerprint-based background check requirement. Amendments to OAC 442:10-4-4 allow the Authority to perform unannounced, on-site inspections. OAC 442:10-5-2(b) is amended to include language regarding one medical marijuana commercial grower license issued for any one property. OAC 442:10-5-3(h) is amended to extend the dates of the current moratorium on processing and issuing new medical marijuana business licenses. OAC 442:10-5-6.1(h) is amended to include penalties for medical marijuana business licensees intentionally not remitting taxes. The prohibition that commercial growers shall not hire or employ undocumented immigrants is included in OAC 442:10-5-16(u). The amendments require applicants for a commercial grower license to submit to the Authority a bond covering the permit area upon which the business licensee will initiate and conduct commercial growing operations or an attestation

that the permit area on which the licensee operates the commercial growing operation has been owned by the licensee for at least a five (5) year period prior to submission of application. OAC 442:10-5-1.1 is amended to include the required bond or attestation and requires that information be updated. OAC 442:10-5-2(e) requires business licensees submitting material change requests to include information regarding the bond or attestation and requires licensees notify the Authority in writing of any change to or cancellation of a bond. OAC 442:10-5-3(e)(13) adds the required grower bond or attestation to the list of supporting documentation required to be submitted by licensees. OAC 442:10-5-3.3 is a new section governing the required commercial grower bond and includes specific bond requirements and application materials required to be submitted by licensees. The prohibition that growers shall not engage in any commercial growing operations without a bond or attestation is added to OAC 442:10-5-16(t). Subchapter 11 and OAC 442:10-11-1 establish a voluntary process validation program for commercial licensees. Proposed permanent rule changes to clarify existing requirements for licensees regarding tagging, storing, testing, and retesting medical marijuana and medical marijuana products occur in OAC 442:10-1-4, OAC 442:10-4-5(f)(3), OAC 442:10-4-5(d)(2)(D), OAC 442:10-5-4(c), OAC 442:10-5-6(d)(2)(D), OAC 442:10-5-6(f)(3), OAC 442:10-7-1(g), OAC 442:10-9-7(b)(2)(D), and OAC 442:10-9-7(d)(3). Amendments to 442:10-5-6(c) and 442:10-5-6(d) clarify patient information required to be reported in the inventory tracking system.

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(7) AND 308(E), WITH AN EFFECTIVE DATE OF JULY 25, 2024:

SUBCHAPTER 1. GENERAL PROVISIONS

442:10-1-4. Definitions [AMENDED]

The following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Actively operating" or **"Actively conducting business operations"** means a commercial licensee that possesses, sells, purchases or transfers medical marijuana and/or medical marijuana products to or from its licensed premises in a regular or seasonal capacity.

"Advertising" means the act of providing consideration for the publication, dissemination, solicitation, or circulation of visual, oral, or written communication to induce directly or indirectly any person to patronize a particular medical marijuana business or to purchase any particular medical marijuana or medical marijuana products. "Advertising" includes marketing but does not include packaging and labeling.

"Alcoholic beverage" means *alcohol, spirits, beer and wine and also includes every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed as a beverage by human beings* [37A O.S. § 1-103].

"Applicant" means the natural person or entity in whose name a license would be issued.

"Application status" means the status of a submitted application and includes the following:

(A) **"Submitted"** means the application has been submitted but a review is not yet complete;

(B) **"Rejected"** means the application has been reviewed but contains one or more errors requiring correction by the applicant ~~at no additional fee~~ before a final determination on the application can be made. "Rejected" does not mean the application is denied;

(C) **"Approved"** means the application has been approved and that a license will be issue and mailed to the applicant; and

(D) **"Denied"** means the applicant does not meet the qualifications under Oklahoma law and this Chapter for a license.

"Authority" or **"OMMA"** means the Oklahoma Medical Marijuana Authority.

"Batch number" means a unique numeric or alphanumeric identifier assigned prior to any testing to allow for inventory tracking and traceability.

"Business license" means a license issued by the Authority to a medical marijuana dispensary, grower, processor, testing laboratory, or transporter.

"Cannabinoid" means any of the chemical compounds that are active principles of marijuana.

"Canopy" means the total surface area within a cultivation area that is dedicated to the cultivation of flowering marijuana plants.

"Caregiver" means a family member or assistant who regularly looks after a licensed medical marijuana patient license holder whom a physician attests needs assistance.

"CFR" means the Code of Federal Regulations, the compilation of the general and permanent rules published in the Federal Register by the executive departments and agencies of the federal government which is published by the U.S. Government Printing Office. Citations in this Chapter to the CFR refer sequentially to the Title, Part and Section numbers.

"Child-resistant" means packaging that is:

(A) Designed or constructed to be significantly difficult for children under five (5) years of age to open and not difficult for normal adults to use properly as defined by 16 CFR § 1700.15 (1995) and 16 CFR § 1700.20 (1995); and

(B) Resealable to maintain its child-resistant effectiveness for multiple openings for any product intended for more than a single use or containing multiple servings.

"Clone" means a non-flowering plant cut from a mother plant that is capable of developing into a new plant and has shown no signs of flowering.

"COA" means certificate of analysis.

"Commercial license" means any license issued to an individual or entity that is not a patient, caregiver, or transporter agent.

"Commercial licensee" means an individual or entity issued a commercial license and does not mean a patient, caregiver, or transporter agent.

"Complete(d) application" means a document prepared in accordance with Oklahoma law, these Rules, and the forms and instructions provided by the Authority, including any supporting documentation required by the Authority and the license fee.

"Decontamination" means a type of remediation process that attempts to remove or reduce to an acceptable level a contaminant exceeding an allowable threshold set forth in these Rules in a harvest batch, provided it is not processed into a solvent-based concentrate.

"Director" or **"Executive Director"** means the Executive Director of the Oklahoma Medical Marijuana Authority.

"Dispense" means the retail selling of medical marijuana or medical marijuana products that are packaged and labeled in accordance with the law to a licensed patient, the licensed patient's parent(s) or legal guardian(s) if licensed patient is a minor, or a licensed caregiver.

"Dispensary" or **"Commercial dispensary"** means an individual or entity that has been issued a medical marijuana business license by the Authority, which allows the dispensary to purchase medical marijuana or medical marijuana products from a licensed processor, grower, or dispensary; to sell medical marijuana and medical marijuana products to a licensed patient, to a licensed caregiver, and to the licensed patient's parent(s) or legal guardian(s) if licensed patient is a minor; to prepare and package noninfused pre-rolled medical marijuana with a net weight that does not exceed one (1) gram to sell to medical marijuana patients and caregivers; and to sell, transfer, and transport or contract with a commercial transporter to transport medical marijuana or medical marijuana products to another licensed dispensary, a research facility, and an educational facility; and to transfer samples to testing laboratories.

"Dispose" or **"Disposal"** means the disposition of medical marijuana waste by either a process which renders the waste unusable and unrecognizable through physical destruction or a recycling process.

"Disqualifying criminal conviction" means:

(A) Any non-violent felony conviction within last two (2) years of submitting an application to the Authority;

(B) Any violent felony conviction for an offense listed in 57 O.S. § 571(2) within last five (5) years of submitting an application to the Authority; or

(C) Incarceration for any reason during submission of application to the Authority.

"Education facility" means an individual or entity that has been issued a license by the Authority to operate a facility providing training and education to individuals involving the cultivation, growing, harvesting, curing, preparing, packaging, or testing of medical marijuana, or the production, manufacture, extraction, processing, packaging, or creation of medical-marijuana-infused products or medical marijuana products for the limited education and research purposes permitted under state and federal law and these Rules; to transfer, by sale or donation, medical marijuana grown within its operation to licensed research licensees; and to transfer samples to licensed testing laboratories.

"Entity" means an individual, sole proprietorship, a general partnership, a limited partnership, a limited liability company, a trust, an estate, an association, a corporation, or any other legal or commercial entity.

"Entrance to a private or public school" means an opening, such as a door, passage, or gate, that allows access to any public or private schools, including school buildings, facilities, or other indoor and outdoor properties utilized for classes or school activities.

"Error in measurement" means a mistake made by the Authority or a municipality in the setback measurement process where either the distance between a medical marijuana dispensary and a school is miscalculated due to mathematical error or the methods used to measure the setback distance is inconsistent with 63 O.S. § 425(G).

"Error in measurement allowance" means an allowance of an error in measurements of the distance between a medical marijuana dispensary and a school up to and including five hundred (500) feet when remeasured after an original license has been issued.

"Exit package" means an opaque bag that is provided at the point of sale in which pre-packaged medical marijuana is placed.

"Final product" or **"Final medical marijuana product"** means any finished medical marijuana product that has been infused with a concentrate or that has been further processed and is in the form in which it will be sold to medical marijuana patients and caregivers, meaning no other ingredients or additives will be infused or otherwise added into the product. ~~Examples may include topicals, tinctures, cookies, brownies, candies, gummies, beverages, or chocolate.~~

"Flower" means the reproductive organs of the marijuana or cannabis plant referred to as the bud or parts of the plant that are harvested and used for consumption in a variety of medical marijuana products.

"Flowering" means the reproductive state of the marijuana or cannabis plant in which there are physical signs of flower or budding out of the nodes of the stem.

"Food" means *articles used for food or drink for man, (2) chewing gum, and (3) articles used for components of any such article* [63 O.S. § 1-1101] and *any raw, cooked, or processed edible substance, ice, beverage or ingredient used or intended for use or for sale in whole or in part for human consumption* [OAC 310:257-1-2 and OAC 310:260-1-6].

"Grower" or **"Commercial grower"** means an individual or entity that has been issued a medical marijuana business license by the Authority, which allows the grower to grow, harvest, dry, cure, package medical marijuana and noninfused pre-rolled medical marijuana with a net weight that does not exceed one (1) gram, to sell, transfer, and transport or contract with a commercial transporter for the transport of medical marijuana in accordance with Oklahoma law and this Chapter to a dispensary, processor, grower, research facility, education facility, or samples to a testing laboratory, and includes the following:

(A) **"Indoor grow"** means an indoor, greenhouse, or light deprivation medical marijuana grow facility;

(B) **"Greenhouse"** means a structure located outdoors that is completely covered by a material that allows a controlled level of light transmission;

(C) **"Light deprivation"** means a structure that has concrete floors and the ability to manipulate natural light; and

(D) **"Outdoor grow"** means an outdoor medical marijuana grow facility that does not include any indoor, greenhouse, or light deprivation medical marijuana grow facilities.

"Harvest batch" means a specifically identified quantity of usable medical marijuana, not to exceed harvest batch sizes allowable under OAC 442:10-8-1(b), that is uniform in strain, cultivated utilizing the same cultivation practices, harvested at the same time from the same location, and dried or cured under uniform conditions. For purposes of this Chapter, "harvested at the same time" refers to medical marijuana harvested during a single continuous harvest process that may exceed one (1) day.

"Hazardous processor license" means a license issued to a medical marijuana processor that performs an extraction method that utilizes chemicals considered hazardous by the OSHA Hazard Communication Standard under 29 CFR § 1910.1200.

"Immature plant" means a nonflowering marijuana plant that has not demonstrated signs of flowering.

"Indirect beneficial owner" means an individual or entity who indirectly, through any contract, arrangement, understanding, relationship or otherwise, owns ten percent (10%) or more of the equity interests of a grower, processor, or dispensary.

"Information panel" means the same definition as set forth in 21 CFR § 101.2 and means "that part of the label immediately contiguous and to the right of the principal display panel as observed by an individual facing the principal display panel."

"Infused pre-roll" means pre-rolled medical marijuana into which cannabis concentrate, extracts, derivatives, or other ingredients have been incorporated.

"Integration" or **"Integrated"** means a third-party vendor's software application or a software service that has been fully validated to share inventory tracking or other data directly with the State inventory tracking system via a secure Application Programming Interface ("API").

"Inventory tracking system" or **"State inventory tracking system"** means the required tracking system established by the Authority that accounts for medical marijuana from either the seed or immature plant stage until the medical marijuana or medical marijuana product is sold to a patient at a medical marijuana dispensary, disposed of in accordance with these Rules, or used in a research project by a medical marijuana research facility, meaning that the

State's inventory tracking system accounts for the entire life span of medical marijuana and medical marijuana products, including any testing samples thereof and medical marijuana waste.

"Kief" means the resinous trichomes of marijuana that have been separated from the marijuana plant.

"Label" means the same definition as set forth in 63 O.S. § 1-1101 and *means a display of written, printed, or graphic matter upon the immediate container of any article; and a requirement made by or under authority of this article that any word, statement, or other information appearing on the label shall not be considered to be complied with unless such word, statement, or other information also appears on the outside container or wrapper, if there be any, of the retail package of such article, or is easily legible through the outside container or wrapper.*

"License" means a state issued license or other state issued documentation proving the holder of such license is a member of a state-regulated medical marijuana program.

"License number" means the unique multi-character identifier issued and printed upon each license.

"Licensee" means any natural born person or entity that holds a medical marijuana license provided for in this Chapter, excluding inmates of any local, county, state, or federal correctional facility or jail.

"Licensed packager" means as used in 63 O.S. § 422(C) a processor.

"Licensed premises" means the premises specified in an application for a medical marijuana business, research facility, education facility, or waste disposal facility that is owned or in lawful possession of the licensee and within which the licensee is authorized to operate.

"Lot" means the food produced during a period of time indicated by a specific code.

"Marijuana" means the same as the term that is defined in 63 O.S. § 2-101 and shall not include any plant or material containing delta-8 or delta-10 tetrahydrocannabinol which is grown, processed or sold pursuant to the provisions of the Oklahoma Industrial Hemp Program.

"Material change" means any change that would affect the qualifications for licensure of an applicant or licensee.

"Mature plant" means harvestable female marijuana plant that is flowering.

"Medicaid" means the program that is also commonly known in Oklahoma as "SoonerCare."

"Medical marijuana" means marijuana that is grown, processed, dispensed, tested, possessed, or used for a medical purpose.

"Medical marijuana business" means an individual or entity licensed by the Authority as a medical marijuana dispensary, grower, processor, testing laboratory, or transporter.

"Medical marijuana concentrate" or **"Concentrate"** means a substance obtained by separating cannabinoids from any part of the marijuana plant by physical or chemical means, so as to deliver a product with a cannabinoid concentration greater than the raw plant material from which it is derived. Categories of concentrate include water-based medical marijuana concentrate, food-based medical marijuana concentrate, solvent-based concentrate, and heat- or pressure-based medical marijuana concentrate as those terms are defined in the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 et seq.

"Medical marijuana product" means a product that contains cannabinoids that have been extracted from plant material or the resin therefrom by physical or chemical means and is intended for administration to a licensed patient, including but not limited to concentrates, oils, tinctures, edibles, pills, topical forms, gels, creams, and other derivative forms, except that this term does not include live plant forms.

"Medical marijuana research" means research on medical marijuana and medical marijuana products for public purposes, including the advancement of (A) Public health policy and public safety policy, (B) Agronomic and horticultural best practices, and (C) Medical and pharmacopoeia best practices. For purposes of this Chapter, this term does not include biomedical and clinical research that is subject to federal regulations and institutional oversight and shall not be subject to Authority oversight.

"Medical marijuana waste" means

(A) unused, surplus, returned or out-of-date marijuana; recalled marijuana; unused marijuana; plant debris of the plant of the genus cannabis, including dead plants and all unused plant parts, except the term shall not include seeds, roots, stems, stalks and fan leaves,

(B) all product which is deemed to fail laboratory testing and cannot be remediated or decontaminated, or

(C) all products and inventory from commercial licensees that:

(i) have gone out of business;

(ii) are not subject to the provisions of Section 1560 of Title 12 of the Oklahoma Statute; and

(iii) are unable to lawfully transfer or sell the product and inventory to another commercial licensee.

"Minor" means any natural person younger than eighteen (18) years of age.

"Mother plant" means a marijuana plant that is grown or maintained for the purpose of generating clones, and that will not be used to produce plant material for sale to a processor or dispensary.

"Municipality" means the same definition as set forth in the Oklahoma Municipal Code, 11 O.S. § 1-102, and "*means any incorporated city or town*."

"Nonhazardous processor license" means a license issued by the Authority to a processor that will not perform any processing or extraction methods that utilize a chemical considered hazardous by the OSHA Hazard Communication Standard under 29 CFR § 1910.1200.

"Noninfused pre-roll" means pre-rolled medical marijuana that consist only of flower, shake, or trim, and may include unflavored paper, a filter, tip, or cone. This product shall not include marijuana concentrates, extracts, derivatives, or any other ingredients.

"Nonliquid medical marijuana product" means a substance obtained by separating cannabinoids that have been extracted from plant material by physical or chemical means and is not a liquid, meaning that it does not conform to a container in which it is placed. Examples include wax, budder, shatter, and hash.

"Nonoperational" means a commercial licensee that cannot provide proof that it is actively operating or working towards operational status.

"Officer of a corporate entity" or **"Principal officer"** means an officer identified in the corporate bylaws, articles of organization or other organizational documents, or in a resolution of the governing body.

"Officer of a municipality" means *any person who is elected to an office in municipal government or is appointed to fill an unexpired term of an elected office, and the clerk and the treasurer whether elected or appointed* [11 O.S. § 1-102].

"Oklahoma resident" or **"Resident"** means an individual who can provide proof of residency as required by OAC 442:10-1-6 (relating to proof of residency) or OAC 442:10-5-3.1 (relating to proof of residency for commercial business licensees).

"Oklahoma uniform symbol" or **"Universal symbol"** means the image, established by the Authority and made available to commercial licensees through the OMMA website, which indicates the package contains medical marijuana or medical marijuana products with THC and must be printed at least one-half inch in size by one-half inch in size in the color designated by the Authority.

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

"Organic" means the same as the term defined in the National Organic Program codified at 7 CFR § 205.2. This includes the terms "organically produced" as set forth in 7 U.S.C. § 6502(15) and "100 percent organic" and "made with organic (specified ingredients or food group(s))" as set forth in 7 CFR § 205.102.

"Out-of-state medical marijuana patient license" means an unexpired medical marijuana patient license issued by another U.S. state, which is the substantial equivalent of the Oklahoma medical marijuana patient license issued pursuant to OAC 442:10-2-1 and OAC 442:10-2-2.

"Owner" means, except where the context otherwise requires, a direct beneficial owner, including, but not limited to, all persons or entities as follows:

(A) All shareholders owning an interest of a corporate entity and all officers of a corporate entity;
(B) All partners of a general partnership;
(C) All general partners and all limited partners that own an interest in a limited partnership;
(D) All members that own an interest in a limited liability company;
(E) All beneficiaries that hold a beneficial interest in a trust and all trustees of a trust;
(F) All persons or entities that own interest in a joint venture;
(G) All persons or entities that own an interest in an association;
(H) The owners of any other type of legal entity; and
(I) Any other person holding an interest or convertible note in any entity which owns, operates, or manages a licensed medical marijuana facility.

"Package" or **"Packaging"** means any container or wrapper that a medical marijuana business may use for enclosing or containing medical marijuana or medical marijuana products, except that "package" or "packaging" shall not include any carry-out bag or other similar container.

"Patient" or **"Licensed patient"** means a person that has been properly issued a medical marijuana license pursuant to Oklahoma law and these Rules.

"Pesticide" means

(A) any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, or

(B) any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant. "Pesticide" shall not include any article that is a "new animal drug" as designated by the United States Food and Drug Administration.

"Physician" or **"Oklahoma Physician"** means a doctor of medicine, a doctor of osteopathic medicine, or a doctor of podiatric medicine who holds a valid, unrestricted and existing license to practice in the State of Oklahoma.

"Plant material" means the leaves, stems, buds, and flowers of the marijuana plant, and does not include seedlings, seeds, clones, stalks, or roots of the plant or the weight of any non-marijuana ingredients combined with marijuana.

"Political subdivision" means any county or municipal governments.

"Preschool" means a public early childhood education program offered under 70 O.S. §§ 11-103.7 and 1-114 (B) or similar program offered by a private school whose primary purpose is to offer educational (or academic) instruction. Preschool does not include a homeschool, daycare, or child care facility licensed under the Oklahoma Child Care Facilities Licensing Act, 10 O.S. § 401 et seq.

"Principal display panel" has the same definition as set forth in 21 CFR § 101.1 and "means the part of a label that is most likely to be displayed, presented, shown, or examined under customary conditions of display for retail sale."

"Private school" means an elementary, middle, or high school maintained by private individuals, religious organizations, or corporations, funded, at least in part, by fees or tuition, and open only to pupils selected and admitted based on religious affiliations or other particular qualifications. "Private school" shall not include a homeschool, daycare, or child care facility licensed under the Oklahoma Child Care Facilities Licensing Act, 10 O.S. § 401 et seq.

"Process" means to distill, extract, manufacture, prepare, or otherwise produce a medical marijuana product.

"Processor" or **"Commercial processor"** means an individual or entity that has been issued a medical marijuana business license by the Authority, which allows the processor to: purchase medical marijuana or medical marijuana products from a grower or processor; process, package, sell, transfer, and transport or contract with a commercial transporter to transport medical marijuana and medical marijuana products that they processed to a licensed dispensary, processor, or samples to a testing laboratory in accordance with Oklahoma law and this Chapter; and process medical marijuana received from a licensed patient into a medical marijuana concentrate, for a fee. Processors will receive either a hazardous processor license or a non-hazardous processor license based on the type of chemicals the processor will be utilizing in the extraction process in accordance with these Rules.

"Production batch" means

(A) Any amount of medical marijuana concentrate or nonliquid medical marijuana products, not to exceed production batch sizes allowable under OAC 442:10-8-1(b), of the same category and produced using the same extraction methods, standard operating procedures, and an identical group of harvest batch of medical marijuana; and

(B) Any amount of finished medical marijuana product, not to exceed production batch sizes allowable under OAC 442:10-8-1(b), of the same exact type, produced using the same ingredients, standard operating procedures, and same production batch of medical marijuana concentrate or same harvest batch of medical marijuana.

"Public institution" means any entity established or controlled by the federal government, state government, or a local government or municipality, including, but not limited, institutions of higher education and related research institutions.

"Publicly traded company" means a business entity organized under the laws of the United States or Canada where the domicile for the business entity permits the sale of marijuana and such business entity has a class of securities that are registered and traded for investment pursuant to the Securities Exchange Act of 1934 or listed and traded for investment on a reputable recognized foreign stock exchange or foreign market.

"Public money" means any funds or money obtained from any governmental entity, including, but not limited to, research grants.

"Public school" means an elementary, middle, high school, or technology center school established under state law, regulated by the local state authorities in the various political subdivisions, funded and maintained by public taxation, and open and free to all children of the particular district where the school is located.

"Quality assurance laboratory" means a laboratory designated by the Authority to conduct surveillance of testing laboratories for compliance purposes.

"Readily accessible" means that a licensee can immediately produce the documentation upon the Authority's request.

"Registered to conduct business" means any individual or entity that is required under Oklahoma law to register with the Oklahoma Secretary of State and has provided sufficient proof to the Authority of its good standing with such.

"Remediation" means the process by which a harvest batch or production batch that fails testing undergoes a procedure to remedy the harvest batch or production batch failure and is retested in accordance with Oklahoma law and these Rules.

"Research project" means a discrete scientific endeavor to answer a research question or a set of research questions related to medical marijuana and is required for a medical marijuana research license.

"Research facility" means an individual or entity that has been issued a license by the Authority to grow, cultivate, possess, and transfer samples to testing laboratories, and to transfer by sale or donation to other licensed research facilities, medical marijuana for the limited research purposes permitted under state and federal law and these Rules.

"Retailer" or **"Retail marijuana establishment"** as used in 63 O.S. § 420 et seq. means an entity licensed by the Oklahoma Medical Marijuana Authority as a medical marijuana dispensary.

"Revocation" means the Authority's final decision in accordance with the Oklahoma Administrative Procedures Act, 75 O.S. § 250 et seq., that any license issued by the Authority pursuant to Oklahoma law and this Chapter is rescinded.

~~**"RFID"** means Radio Frequency Identification.~~

"Rules" means, unless otherwise indicated, the rules as adopted and set forth in OAC 442:10.

"Sampler" means a person who is employed by or is an owner of a licensed laboratory, dispensary, grower, or processor and is authorized by that employer to collect samples in accordance with the testing laboratory's standard operating procedures and these Rules.

"Seedling" means a marijuana plant that has no flowers.

"Seed-to-sale tracking system" means an electronic inventory tracking system utilized by a commercial licensee to track inventory, any steps through the process of cultivating or manufacturing medical marijuana and/or medical products, transactions with other licensees, testing, and other required information for the purpose of reporting that information to the Authority in accordance with Oklahoma law, rules, and regulations.

"Shipping container" means a hard-sided container with a lid or other enclosure that can be secured into place. A shipping container is used solely for the transport of medical marijuana, medical marijuana concentrate, or medical marijuana products between medical marijuana businesses, a medical marijuana research facility, or a medical marijuana education facility.

"State question" means Oklahoma State Question No. 788 and Initiative Petition Number 412.

"Strain" means the name given to a particular variety of medical marijuana that is based on a combination of factors which may include, but is not limited to, botanical lineage, appearance, chemical profile, and accompanying effects. An example of a "strain" would be "OG Kush" or "Pineapple Express".

"Terpenoids" means isoprenes that are the aromatic compounds found in cannabis, including, but not limited to~~: limonene, myrcene, pinene, linalool, eucalyptol, delta-terpinene (Δ-terpinene), beta-caryophyllene (ß-caryophyllene), caryophyllene oxide, nerolidol and phytol~~ those listed at OAC 442:10-8-1(i)(7)(A).

"Testing laboratory" or **"Laboratory"** means a public or private laboratory licensed pursuant to state law and these Rules to conduct testing and research on samples of medical marijuana and medical marijuana products.

"THC" means tetrahydrocannabinol, which is the primary psychotropic cannabinoid formed by decarboxylation of naturally occurring tetrahydrocannabinolic acid, which generally occurs by exposure to heat.

"Transporter" or **"Commercial transporter"** means an individual or entity issued a medical marijuana commercial license by the Authority, which allows the transporter to transport, store, and distribute, but not take ownership of, medical marijuana and medical marijuana products to and from the licensed premises of commercial licensees. As used in this Chapter, "Transporter" or "Commercial Transporter" does not mean licensed commercial growers, processors, dispensaries, laboratories, research facilities, and education facilities who are automatic holders of transporter licenses.

"Transporter agent" means an agent, employee, officer, or owner of commercial transporter, grower, processor, dispensary, laboratory, research facility, or education facility who has been issued a transporter agent license by the Authority to transport medical marijuana and medical marijuana products on behalf of the said commercial transporter, grower, processor, dispensary, laboratory, research facility, and education facility.

"Transporter license" means a medical marijuana business license issued by the Authority either (A) automatically to commercial growers, processors, dispensaries, laboratories, research facilities, and education facilities upon approval of a business license, or (B) to commercial transporters solely for the transportation, storage, and distribution of medical marijuana and medical marijuana products.

"Usable medical marijuana" means the dried leaves, flowers, oils, vapors, waxes, and other portions of the marijuana plant and any mixture or preparation thereof, excluding seed, roots, stems, stalks, and fan leaves.

"Waste disposal facility" means an individual or entity that has been issued a medical marijuana waste disposal facility license by the Authority to dispose of medical marijuana waste as authorized in Oklahoma law and these Rules.

"Waste disposal facility license" means a license issued by the Authority to possess, transport, and dispose of medical marijuana waste. The waste disposal facility license shall be issued to the location submitted by the applicant that is first approved by the Authority.

"Waste disposal facility permit" means a permit issued by the Authority to a waste disposal licensee to possess, transport, and dispose of medical marijuana waste at the location submitted on the permit application. Waste disposal facility permits shall be required for each approved facility operated by a waste disposal facility licensee.

"Wholesale package" means medical marijuana from the same harvest batch or multiple units of medical marijuana product from the same production batch that are combined together as a single unit for the purpose of ~~RFID~~ inventory tracking system tagging and are transported to a single commercial licensee.

"Working towards operational status" means a commercial licensee that:

(A) Has applied for any additional permits, registrations, or licenses required by the Authority or another Oklahoma agency, organization, or political subdivision to lawfully conduct operations at the licensed premises and is awaiting issuance of such permit(s), registration(s), or other license(s);

(B) Is performing construction or other material changes to the licensed premises in preparation of operations at the licenses premises;

(C) Is onboarding or training initial staff in preparation of operations at the licensed premises;

(D) Is in the process of purchasing or is awaiting receipt of delivery of physical materials essential to operations at the licensed premises, such as furniture or equipment; or

(E) Any additional actions determined to be sufficient by the Authority.

442:10-1-5. Criminal history screening [AMENDED]

(a) **Parties subject to screening.** Prior to issuance of any commercial license or transporter agent license, the following shall undergo ~~an Oklahoma state criminal history~~a national fingerprint-based background check within thirty (30) days prior to the application for the license:

(1) Individual applicants applying on their own behalf;

(2) Individuals applying on behalf of an entity;

(3) All principal officers of an entity;

(4) All owners of an entity;

(5) For corporations seeking a business license, all officers, directors, and stockholders; and

(6) For public institutions seeking a research facility license, all principal investigators and co-principal investigators.

(b) **Disqualifying Criminal Conviction.** Any commercial applicant with a disqualifying criminal conviction is not qualified to receive or renew a commercial license.

(c) **OBNDD Registration.** Any commercial licensee issued a license authorized by this Chapter that is required under Oklahoma law to obtain an Oklahoma State Bureau of Narcotics and Dangerous Drugs Control ("OBNDD") registration shall do so prior to possessing or handling any marijuana or marijuana product.

(d) **Fees.** All applicable fees, including those charged by the Oklahoma State Bureau of Investigation vendor or OBNDD, are the responsibility of the applicant.

SUBCHAPTER 3. TRANSPORTER LICENSE

442:10-3-1. License for transportation of medical marijuana [AMENDED]

(a) A medical marijuana transporter license shall be issued to qualifying applicants for grower, processor, dispensary, laboratory, research facility, or education facility licenses at the time of approval. This license shall enable licensed growers, processors, dispensaries, laboratories, research facilities, and education facilities to apply for and receive individual transporter agent licenses for agents, employees, officers or owners of the commercial licensed facility. Through their licensed transporter agents, licensed growers, processors, dispensaries, laboratories, research facilities, and education facilities may transport medical marijuana or medical marijuana products to other commercial licensees. This license shall not authorize licensed growers, processors, dispensaries, laboratories, research facilities, or education facilities to transport, store, or distribute medical marijuana or medical marijuana products on behalf of other medical marijuana licensees.

(b) A medical marijuana commercial transporter license shall be issued as an independent business license to applicants meeting the requirements set forth in OAC 442:10-5-3, OAC 442:10-5-3.1, and OAC 442:10-5-3.2. This license shall be subject to the same restrictions and obligations as any commercial licensee and shall enable the commercial transporter to:

(1) transport, store, and distribute medical marijuana and medical marijuana products on behalf of other commercial licensees;

(2) contract with multiple commercial licensees; and

(3) maintain multiple warehouses at licensed premises that are approved by the Authority for the purpose of temporarily storing and distributing medical marijuana and medical marijuana products.

(c) A commercial transporter applicant or licensee must obtain and submit to the Authority for each warehouse location a certificate of compliance issued by the political subdivision where the licensed premises is to be located certifying compliance with the categories listed in 63 O.S. § 426.1(E), and the licensed premises shall meet security requirements applicable to a medical marijuana business.

(d) Pursuant to 63 O.S. § 427.3(D)(11), 63 O.S. § 427.14(L), 63 O.S. § 427.14(G)(2), and 63 O.S. § 427.14(J), for each warehouse location, a commercial transporter applicant or licensee must submit all Certificate(s) of Occupancy, Final Inspection Report(s), and Site Plan(s), issued from or approved by the organization, political subdivision, office, or individual responsible for enforcing the requirements of all building and fire codes adopted by the Oklahoma Uniform Building Code Commission pursuant to OAC 748:20. Pursuant to 74 O.S. § 324.11, in all geographical areas where the applicable Certificate(s) of Occupancy, Final Inspection Report(s), Site Plan(s) and/or permit(s) are not issued from and/or approved by local authorities, such documentation must be obtained from the Oklahoma Office of the State Fire Marshal.

~~(d)~~(e) A commercial transporter applicant or licensee must have each warehouse location inspected and approved by the Authority prior to its use.

~~(e)~~(f) A commercial transporter shall be responsible for any and all medical marijuana and medical marijuana products within its custody, control, or possession.

~~(f)~~(g) No person or entity shall transport or otherwise transfer any medical marijuana or medical marijuana products without both a valid transporter license and a valid transporter agent license.

SUBCHAPTER 4. RESEARCH FACILITIES AND EDUCATION FACILITIES

442:10-4-3. Applications [AMENDED]

(a) **Application fee.** An applicant for a research facility or education facility license, or renewal thereof, shall submit to the Authority a completed application on a form and in a manner prescribed by the Authority, along with the application fee as established in 63 O.S. § 420 et seq. and the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 et seq.

(b) **Submission.** The application shall be on the Authority prescribed form and shall include the following information about the establishment:

(1) Name of the establishment;

(2) Physical address of the establishment, including the county in which any licensed premises will be located;

(3) GPS coordinates of the establishment;

(4) Phone number and email of the establishment; and

(5) Hours of operation for any licensed premises.

(c) **Individual applicant.** The application for a research facility or education facility license made by an individual on his or her own behalf shall be on the Authority prescribed form and shall include at a minimum:

(1) The applicant's first name, middle name, last name, and suffix if applicable;

(2) The applicant's residence address and valid mailing address;

(3) The applicant's date of birth;

(4) The applicant's telephone number and email address;

(5) Indication of the type of research to be conducted;

(6) Indication of any public money involved in the research and/or curriculum, if applicable;

(7) An attestation that the information provided by the applicant is true and correct;

(8) An attestation that any licensed premises shall not be located on tribal lands;

(9) An attestation that the research project does not involve biomedical or clinical research subject to federal regulations and institutional oversight, which is exempt from Authority regulations, and that research facility and education facility licenses granted by the Authority are only issued for the research and/or curriculum described and approved in the application;

(10) An attestation that the use of any public funds or involvement of any public institution for research purposes must be disclosed at the time of application and that additional information and documentation regarding the research and/or curriculum may be required to be submitted during and after the application submission;
(11) An attestation that the applicant adheres to 45 CFR § 46 (Protection of Human Subjects under United States Law) regulations; and
(12) A statement signed by the applicant pledging not to divert marijuana to any individual or entity that is not lawfully entitled to possess marijuana.

(d) **Application on behalf of an entity.** In addition to requirements of Subsection (c), an application for a research facility or education facility license made by an individual on behalf of an entity shall include:
(1) An attestation that applicant is authorized to make application on behalf of the entity;
(2) Full name of organization;
(3) Trade name, if applicable;
(4) Type of business organization;
(5) Mailing address;
(6) Telephone number and email address;
(7) The name, residence address, and date of birth of each owner, if applicable; and
(8) The name and residence address of each principal investigator or principal officer, if applicable.

(e) **Supporting documentation for research facility applicants.** ~~Each~~ Pursuant to 63 O.S. § 427.3(D)(11), 63 O.S. § 427.14(L), 63 O.S. § 427.14(G)(2), and 63 O.S. § 427.14(J), each application for a research facility shall be accompanied by the following documentation:
(1) A certificate of compliance on a form prescribed or otherwise authorized by the Authority that is issued by the political subdivision where the licensed premises is to be located certifying compliance with the categories listed in 63 O.S. § 426.1(E);
(2) If applicable, official documentation from the Secretary of State establishing the applicant's trade name;
(3) If applicable, a list of all owners and principal officers of the applicant and supporting documentation, including, but not limited to: certificate of incorporation, bylaws, articles of organization, operating agreement, certificate of limited partnership, resolution of a board of directors, or other similar documents;
(4) If applicable, documents establishing the applicant; and the members, managers, and board members; and seventy-five percent (75%) of the applicant's ownership interests are Oklahoma residents as required in accordance with OAC 442:10-1-6. This requirement shall not apply to research facility applicants that are public institutions or Oklahoma non-profit entities registered with the Oklahoma Secretary of State;
(5) The applicant shall submit a full description of the research including the following:
(A) Defined protocol;
(B) Clearly articulated goals;
(C) Defined methods and outputs;
(D) Defined start and end date; and
(E) Funding source(s); ~~and~~
(6) If applicable, all Certificate(s) of Occupancy, Final Inspection Report(s), and Site Plan(s), issued from or approved by the organization, political subdivision, office, or individual responsible for enforcing the requirements of all building and fire codes adopted by the Oklahoma Uniform Building Code Commission pursuant to OAC 748:20. Pursuant to 74 O.S. § 324.11, in all geographical areas where the applicable Certificate(s) of Occupancy, Final Inspection Report(s), Site Plan(s) and/or permit(s) are not issued from and/or approved by local authorities, such documentation must be obtained from the Oklahoma Office of the State Fire Marshal; and
~~(6)~~ (7) Any further documentation or information the Authority determines is necessary to ensure the applicant is qualified under Oklahoma law and these Rules to obtain a research facility license.

(f) **Supporting documentation for education facility applicants.** Each application for an education facility license shall be accompanied by the following documentation:
(1) A certificate of compliance on a form prescribed or otherwise authorized by the Authority that is issued by the political subdivision where the licensed premises is to be located certifying compliance with the categories listed in 63 O.S. § 426.1(E);
(2) An application for an education facility must include non-profit registration with the Oklahoma Secretary of State;
(3) If applicable, official documentation from the Secretary of State establishing the applicant's trade name;
(4) If research is being conducted the applicant shall submit a full description of the research including the following:

(A) Defined protocol;
(B) Clearly articulated goals;
(C) Defined methods and outputs;
(D) Defined start and end date; and
(E) Funding source(s)

(5) If applicable, the education facility applicant must submit the curriculum and/or a description of the curricula that will be used; and

(6) Any further documentation or information the Authority determines is necessary to ensure the applicant is qualified under Oklahoma law and these Rules to obtain an education facility license.

(g) **Supporting documentation for public research or education.**

(1) Research facility and education facility licensees may contract to perform research and/or education in conjunction with a public higher education research institution. If the research will be conducted with a public institution or public money, the Authority shall review the research project and/or curriculum of the applicant to determine if it meets additional requirements in accordance with the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 et seq. The applicant shall supply all relevant information and documentation to establish that the research or education meets these additional requirements. The Authority shall review the research or education project to assess:

(A) The quality, study design, value, or impact of the project;
(B) Whether the applicant has the appropriate personnel, expertise, facilities, infrastructure, funding, and human, animal, or other approvals in place to successfully conduct the project; and
(C) Whether the amount of marijuana to be grown by the applicant is consistent with the scope and goals of the project.

(2) To assess these criteria, research facility and education facility applications for research or education involving public institutions or public money shall include:

(A) A description of how public institutions and public funds will be utilized in the research or education;
(B) A full description of the research project to include:
(i) Abstract;
(ii) Study problem or curriculum;
(iii) Rationale, including identification of the need, gaps, benefits, advance best practices, public policy or safety
(iv) Literature review, including a bibliography of all referenced materials;
(v) Study or curriculum objectives;
(vi) Research method; and
(vii) Ethical considerations.
(C) An overview of the amount of marijuana to be purchased, grown, or cultivated, and an explanation for the amount to be purchased or grown;
(D) Contract(s) and agreement(s) with public institutions involved in the research and sources of public funds supporting the research;
(E) Documentation of applicant's ability to successfully implement the research project and/or curriculum to include:
(i) Curriculum vitae or resumes for all principal investigators and co-principal investigators;
(ii) Organizational chart; and
(iii) Description of the funding source(s).
(F) Any further documentation or information the Authority determines is necessary to ensure the applicant is qualified under Oklahoma law and these Rules.

(h) **Incomplete application.** Failure to submit a complete application with all required information and documentation shall result in a rejection of the application. The Authority shall notify the applicant via email through the electronic application account of the reasons for the rejection, and the applicant shall have thirty (30) days from the date of notification to correct and complete the application without an additional fee. If the applicant fails to correct and complete the application within the thirty (30) day period, the application shall expire. Unless the Authority determines otherwise, an application that has been resubmitted but is still incomplete or contains errors that are not clerical or typographical in nature shall be denied.

(i) **Review process.** Research facility and education facility license approval shall be assessed by a procedural review process as determined by the Authority.

(j) **Application denial.** If the Authority determines that the research or education project does not meet the requirements of state law or these Rules, the application shall be denied.

442:10-4-4. Inspections [AMENDED]

(a) Submission of an application for a medical marijuana research license and educational facility license constitutes permission for entry to and inspection of any licensed premises during hours of operation and other reasonable times. Refusal to permit or impeding such entry or inspection shall constitute grounds for administrative penalties, which may include but are not limited to fines as set forth in Appendix C and the denial, nonrenewal, suspension, ~~and/or~~ or revocation of a license.

(b) The Authority may perform two on-site inspections per calendar year of the licensed research facility or education facility to determine, assess, and monitor compliance with applicable Oklahoma law and these Rules or ensure qualifications for licensure. The Authority may perform an unannounced, on-site inspection of the operations and any facility of the medical marijuana research licensee or medical marijuana educational facility licensee.

(c) The Authority may conduct additional inspections to ensure correction of or investigate violations of applicable Oklahoma law and these Rules. If the Authority receives a complaint concerning noncompliance by a medical marijuana research licensee or a medical marijuana education facility licensee, the Authority may conduct additional unannounced, on-site inspections.

(d) The Authority shall refer all complaints alleging criminal activity or other violations of Oklahoma law that are made against a licensee to appropriate Oklahoma state or local law enforcement or regulatory authorities. Except for license information concerning licensed patients, the Authority may share confidential information to assist other agencies in ensuring compliance with applicable laws, rules and regulations.

(e) If the Authority discovers what it reasonably believes to be criminal activity or other violations of Oklahoma law during an inspection, the Authority may refer the matter to appropriate Oklahoma state or local law enforcement or regulatory authorities for further investigation.

(f) The Authority may review any and all records of a licensee and may require and conduct interviews with such persons or entities and persons affiliated with such entities, for the purpose of determining compliance with Authority rules and applicable laws. Failure to make documents or other requested information available to the Authority and/or refusal to appear or cooperate with an interview shall constitute grounds for administrative penalties, which may include but are not limited to fines as set forth in Appendix C and the denial, nonrenewal, suspension, and/or revocation of a license. All records shall be kept on-site and readily accessible.

(g) If the Authority identifies a violation of 63 O.S. § 420 et seq., the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 et seq.; or these Rules during an inspection of the licensee, the Authority shall take administrative action in accordance with Oklahoma law, including the Oklahoma Administrative Procedures Act, 75 O.S. §§ 250 et seq.

(h) Except as otherwise provided in Oklahoma law or these Rules, correctable violations identified during an inspection shall be corrected within thirty (30) days of receipt of a written notice of violations. If a licensee fails to correct violations within thirty (30) days, the licensee will be subject to a fine in the amount set forth in Appendix C for each violation and any other administrative action and penalty authorized by law.

(i) The Authority may assess fines in the amounts set forth in Appendix C and seek any other administrative penalties authorized by law against a licensee without providing opportunity to correct when the violation is not capable of being corrected.

442:10-4-5. Inventory tracking, records, reports, and audits [AMENDED]

(a) **Monthly reports**. Research facility licensees shall submit monthly reports to the Authority, which shall include:

(1) The amount of marijuana purchased from medical marijuana businesses and research facilities in pounds;

(2) The amount of medical marijuana grown and used for research in pounds;

(3) The amount of marijuana waste in pounds;

(4) If necessary, a detailed explanation of why any marijuana cannot be accounted for as having been purchased, used for research, or maintained in current inventory; and

(5) Any information the Authority determines is necessary to ensure that all marijuana grown in Oklahoma is accounted for as required under 63 O.S. § 420 et seq. the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 et seq.

(6) Upon implementation, submission of information and data to the Authority through the State inventory tracking system will be required in accordance with the Oklahoma Medical Marijuana Protection Act, 63 O.S. § 427.1 et seq., and these Rules, and submission of information and data to the Authority through the State inventory tracking system shall be sufficient to satisfy monthly reporting requirements.

(b) **Transfer or sale**. A research facility licensee and an educational facility licensee may only transfer, by sale or donation, marijuana grown within its operation to medical marijuana research licensees. Research facility and education facility licensees shall keep records for every transaction related to the donation or sale of marijuana. Records related to the donation or sale shall include at a minimum the following:

(1) The name and license number of the medical marijuana researcher licensee that purchased or received the medical marijuana;
(2) The address and phone number of each recipient;
(3) The type of marijuana donated or sold;
(4) The amount of marijuana donated or sold in pounds; and
(5) The date of the donation or sale.

(c) **Records**. Pursuant to the Authority's audit and inspection responsibilities, research facility and education facility licensees shall keep onsite and readily accessible, either in paper or electronic form, a copy of the records listed below. Except as otherwise specifically provided in Oklahoma law and this Chapter, all records shall be maintained for at least seven (7) years from the date of creation.

(1) Business records, which may include but are not limited to employee records, organizational documents or other records relating to the governance and structure of the licensee, manual
or computerized records of assets and liabilities, monetary transactions, tax records, journals, ledgers, and supporting documents, including agreements, checks, invoices, receipts, and vouchers.
(2) As applicable, any documents related to the processing, preparation, transportation, sampling, and/or testing of medical marijuana and medical marijuana products, including but not limited to sample filed logs, lab reports, testing records, equipment inspections, training materials, and standard operating procedures.
(3) Documentation of every instance in which medical marijuana was sold or otherwise transferred to or purchased or otherwise obtained from another licensee, which shall include, but is not limited to:

(A) The name, license number, address, and phone number of all licensees involved in each transaction; and
(B) The quantity and type of medical marijuana or medical marijuana products involved in each transaction;
(C) The batch number of the medical marijuana or medical marijuana products involved in each transaction;
(D) The date of each transaction;
(E) The monetary value of the medical marijuana or medical marijuana products involved in each transaction, including the total sale or purchase amounts;
(F) All point-of-sale and tax records; and
(G) All inventory manifests and other documentation relating to the transport of medical marijuana and medical marijuana products.

(4) Any and all documents relating to the disposal or destruction of medical marijuana, medical marijuana products, and medical marijuana waste.

(d) **Inventory tracking system**. Pursuant to 63 O.S. § 427.3(D)(8) and 63 O.S. § 427.13(B), each commercial licensee shall use the State inventory tracking system by inputting inventory tracking data required to be reported to the Authority directly into the State inventory tracking system or by utilizing a seed-to-sale tracking system that integrates with the State inventory tracking system. All commercial licensees must have an inventory tracking system account activated to lawfully operate and must ensure all information is reported to the Authority accurately and in real time or after each individual sale in accordance with 63 O.S. § 427.13(B)(1) and these Rules. All commercial licensees shall ensure the following information and data are accurately tracked and timely reported to the Authority through the State inventory tracking system:

(1) The chain of custody of all medical marijuana and medical marijuana products, including every transaction with another licensee, patient, or caregiver including, but not limited to:

(A) The name address, license number, and phone number of the medical marijuana business that cultivated, manufactured, sold, purchased, or otherwise transferred the medical marijuana or medical marijuana product(s);
(B) The type, item, strain, and category of medical marijuana or medical marijuana product(s) involved in the transaction;
(C) The weight, quantity, or other metric required by the Authority, of the medical marijuana or medical marijuana product(s) involved in the transaction;
(D) The batch number of the medical marijuana or medical marijuana product(s);
(E) The total amount spent in dollars;

(F) All point-of-sale records as applicable;
(G) Transportation information documenting the transport of medical marijuana or medical marijuana product(s) as required under OAC 442:10-3-6(b);
(H) Testing results and information;
(I) Waste records and information;
(J) Marijuana excise tax records, if applicable;
(K) ~~RFID~~ Inventory tracking system tag number(s);

(2) The entire life span of a licensee's stock of medical marijuana and medical marijuana products, including, at a minimum:
(A) When medical marijuana seeds or clones are planted;
(B) When medical marijuana plants are harvested and/or destroyed;
(C) When medical marijuana is transported, or otherwise transferred, sold, stolen, diverted, or lost;
(D) When medical marijuana changes form, including, but not limited to, when it is planted, cultivated, processed, and infused or otherwise processed into a final product or final form;
(E) A complete inventory of all medical marijuana; seeds; plant tissue; clones; useable marijuana; trim; shake; leaves; other plant matter; and medical marijuana products;
(F) All samples sent to a testing laboratory or used for internal quality testing or other purposes;

(3) Any further information the Authority determines is necessary to ensure all medical marijuana and medical marijuana products are accurately and fully tracked throughout the entirety of the lifespan of the plant and product.

(e) **Seed-to-sale tracking system.** A commercial licensee shall use a seed-to-sale tracking system or integrate its own seed-to-sale tracking system with the State inventory tracking system established by the Authority. If a commercial licensee uses a seed-to-sale tracking system that does not integrate with the State inventory tracking system, or does integrate but does not share all required information, the commercial licensee shall ensure all required information is reported directly into the State inventory tracking system.

(f) **Inventory tracking system requirements.**

(1) At a minimum, commercial licensees shall track, update, and report inventory after each individual sale to the Authority in the State inventory tracking system.

(2) All commercial licensees must ensure all on-premises and in-transit medical marijuana and medical marijuana product inventories are reconciled each day in the State inventory tracking system at the close of business, if not already done.

(3) Commercial licensees are required to use ~~RFID~~ inventory tracking system tags from an Authority-approved supplier for the State inventory tracking system. Each Licensee is responsible for the cost of all ~~RFID~~inventory tracking system tags and any associated vendor fees.

(A) A commercial licensee shall ensure its inventories are properly tagged and that ~~a RFID~~an inventory tracking system tag is properly assigned to medical marijuana, medical marijuana products, and medical marijuana waste as required by the Authority.

(B) A commercial licensee shall ensure it has an adequate supply of ~~RFID~~inventory tracking system tags at all times. If a commercial licensee is unable to account for unused ~~RFID~~inventory tracking system tags, the commercial licensee must report to the Authority and the State inventory tracking system vendor within forty-eight (48) hours.

(C) ~~RFID~~ Inventory tracking system tags must contain the legal name and correct license number of the commercial licensee that ordered them. Commercial licensees are prohibited from using another licensee's ~~RFID~~inventory tracking system tags.

(D) ~~Prior to a plant reaching a point where it is able to support the weight of the RFID tag and attachment strap, the RFID tag may be securely fastened to the stalk or other similarly situated position approved by the Authority.~~ The inventory tracking system tag shall be placed on the container holding the medical marijuana plant and must remain physically near and clearly associated with the medical marijuana plant until the plant reaches twelve (12) inches in height. Clones must be tracked in the state seed-to-sale system and must be associated with a wholesale package tag, whether cut from a mother plant or transferred from another licensee, prior to reaching twelve (12) inches in height.

(E) When the plant ~~becomes able to support the weight of the RFID tag, the RFID~~reaches twelve (12) inches in height, the inventory tracking system tag shall be securely fastened to a lower supporting branch. The ~~RFID~~inventory tracking system tag shall remain affixed for the entire life of the plant until disposal. If the plant changes forms, is removed from the original planting location after harvest, or is being trimmed, dried, or cured by the grower, the inventory tracking system tag shall be placed on the

container holding the medical marijuana plants and/or must remain physically near and clearly associated with the medical marijuana plants until the plant is placed into a package in both the seed-to-sale tracking system and physically packaged and affixed with the inventory tracking system tag.

(F) Mother plants must be tagged before any cuttings or clones are generated therefrom.

(G) If ~~a RFID~~an inventory tracking system tag gets destroyed, stolen, or falls off of a medical marijuana plant, the licensee must ensure a new ~~RFID~~inventory tracking system tag is placed on the medical marijuana plant and the change of the ~~RFID~~inventory tracking system tag is properly reflected in the State inventory tracking system.

(H) Commercial licensees shall not reuse any ~~RFID~~inventory tracking system tag that has already been affixed to any regulated medical marijuana or medical marijuana products.

(4) Each wholesale package of medical marijuana must have ~~a RFID~~an inventory tracking system tag during storage and transfer and may only contain one harvest batch of medical marijuana.

(5) Prior to transfer, commercial licensees shall ensure that each immature plant is properly affixed with an ~~RFID~~ inventory tracking system tag if the plant was not previously tagged in accordance with these Rules.

(6) Commercial licensees' inventory must have ~~a RFID~~an inventory tracking system tag properly affixed to all medical marijuana products during storage and transfer in one of the following manners:

(A) Individual units of medical marijuana products shall be individually affixed with ~~a RFID~~an inventory tracking system tag; or

(B) Medical marijuana products may only be combined in a single wholesale package using one ~~RFID~~inventory tracking system tag if all units are from the same production batch.

(7) If any medical marijuana or medical marijuana products are removed from a wholesale package, each individual unit or new wholesale package must be separately tagged.

(8) All packages of medical marijuana waste shall have ~~a RFID~~an inventory tracking system tag affixed and the contents of the waste package shall be reported in the State inventory tracking system.

(g) **Inventory tracking system administrators and users.**

(1) A commercial licensee must have at least one owner, or manager, who is an inventory tracking system administrator.

(2) The inventory tracking system administrator must attend and complete all required inventory tracking system training.

(3) If at any point, the inventory tracking system administrator for a licensee changes, the commercial licensee shall change or assign a new inventory tracking system administrator within thirty (30) business days.

(4) Commercial licensees shall maintain an accurate and complete list of all inventory tracking system administrators and employee users.

(5) Commercial licensees shall ensure that all owners and employees that are granted inventory tracking system account access for the purpose of conducting inventory tracking functions are trained and authorized before the owners or employees may access the State inventory tracking system.

(6) All inventory tracking system users shall be assigned an individual account in the State inventory tracking system.

(7) Any individual entering data into the State inventory tracking system shall only use the inventory tracking system account assigned specifically to that individual. Each inventory tracking system administrator and inventory tracking system user must have unique log-in credentials that shall not be used by any other person.

(8) Within three (3) business days, commercial licensees must remove access for any inventory tracking system administrator or user from their accounts if any such individual no longer utilizes the State inventory tracking system or is no longer employed by the commercial licensee.

(h) **Loss access to State inventory tracking system.** If at any time a commercial licensee loses access to the State inventory tracking system due to circumstances beyond the commercial licensee's control, the commercial licensee shall keep and maintain records detailing all inventory tracking activities that were conducted during the loss of access. Once access is restored, all inventory tracking activities that occurred during the loss of access must be immediately entered into the State inventory tracking system. If a commercial licensee loses access to the State inventory tracking system due to circumstances within its control, the commercial licensee may not perform any business activities that would be required to be reported into the State inventory tracking system until access is restored and reporting is resumed; any transfer, sale, or purchase of medical marijuana or medical marijuana products shall be an unlawful sale.

(i) **Audits**. The Authority may perform on-site audits of all research facility and education facility licensees to ensure the accuracy of information and data reported to the Authority and to ensure that all marijuana grown in Oklahoma is accounted for. Submission of an application for a research facility or education facility license constitutes permission for entry to any licensed premises and auditing of the licensee during hours of operation and other reasonable times. Refusal

to permit the Authority entry or refusal to permit the Authority to inspect all books and records shall constitute grounds for and administrative penalties, which may include, but are not limited to, fines as set forth in Appendix C and the denial, nonrenewal, suspension, and/or revocation of a license.

(1) The Authority may review any and all records and information of a research facility or education facility licensee and may require and conduct interviews with such persons or entities and persons affiliated with such licensees, for the purpose of determining compliance with Authority Rules and applicable laws. Failure to make documents or other requested information available to the Authority and/or refusal to appear or cooperate with an interview shall constitute grounds for administrative penalties, which may include, but are not limited to, fines as set forth in Appendix C and the denial, nonrenewal, suspension, and/or revocation of a license, or any other remedy or relief provided under law. All records shall be kept on-site and readily accessible.

(2) Licensees shall comply with all written requests from the Authority to produce or provide access to records and information within ten (10) business days.

(3) If the Authority identifies a violation of 63 O.S. § 420 et seq., the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 et seq.; or these Rules during an audit of the licensee, the Authority shall take administrative action against the licensee in accordance with Oklahoma law, including the Oklahoma Administrative Procedures Act, 75 O.S. § 250 et seq.

(4) The Authority may refer all complaints alleging criminal activity or other violations of Oklahoma law that are made against a licensee to appropriate Oklahoma state or local law enforcement or regulatory authorities.

(5) If the Authority discovers what it reasonably believes to be criminal activity or other violations of Oklahoma law during an audit, the Authority may refer the matter to appropriate Oklahoma state or local law enforcement or regulatory authorities for further investigation.

(6) Except as is otherwise provided in Oklahoma law or these Rules, correctable violations identified during an audit shall be corrected within thirty (30) days of receipt of a written notice of violation.

(7) If a licensee fails to correct violations within thirty (30) days, the licensee will be subject to a fine in the amount set forth in Appendix C for each violation and any other administrative action and penalty authorized by law.

(8) The Authority may assess fines in the amounts set forth in Appendix C and seek any other administrative penalties authorized by law against a licensee without providing opportunity to correct when the violation is not capable of being corrected.

442:10-4-6. Penalties [AMENDED]

(a) **Failure to file timely reports.** If a research facility licensee fails to submit a timely, complete, and accurate required monthly report and fails to correct such deficiency within thirty (30) days of the Authority's written notice, the licensee shall be subject to a fine in the amount set forth in Appendix C for each violation and any other administrative action and penalty authorized by law.

(b) **Fraudulent reports.** Within any one (1) year period of time, if the licensee has submitted one (1) or more reports containing gross errors that cannot reasonably be attributed to normal human error, the licensee shall be subject to a fine in the amount set forth in Appendix C for each violation and any other administrative action and penalty authorized by law.

(c) **Unlawful purchase, ~~and~~ sale, or transfer**. Within any one (1) year period of time, if the licensee has made an unlawful purchase, ~~or~~ sale, or transfer of medical marijuana, the licensee shall be subject to a fine in the amount set forth in Appendix C for each violation and any other administrative action and penalty authorized by law.

(d) **Noncompliance and criminal activity.** A research facility or education facility ~~licenses~~ license shall be subject to revocation, suspension, monetary penalties, and any other penalty authorized by law upon a determination by the Authority that the licensee has not complied with applicable Oklahoma law or this Chapter, or upon official notification to the Authority that the licensee has engaged in criminal activity in violation of Oklahoma law.

(e) **Administrative penalties.** Procedures for administrative penalties against a licensee are stated in the Oklahoma Administrative Procedures Act, 75 O.S. § 250 et seq. These procedures provide for the licensee to receive notice and to have the opportunity to be present at a hearing and to present evidence in his or her defense. The Executive Director or his or her designee may promulgate an administrative order revoking or suspending the license, dismissing the matter, or providing for other relief as allowed by law. At any time after the action is filed against the research facility or education facility licensee, the Authority and the licensee may dispose of the matter by consent order or stipulation. Orders are appealable in accordance with the Oklahoma Administrative Procedures Act, 75 O.S. § 250 et seq.

(f) **Fines.** Monetary penalties shall be assessed in the amounts set forth in Appendix C. Failure to pay any fine within thirty (30) days of assessment of the fine shall result in nonrenewal, suspension, and/or revocation of the license.

SUBCHAPTER 5. MEDICAL MARIJUANA BUSINESSES

442:10-5-1.1. Responsibilities of the license holder [AMENDED]

Upon acceptance of the license issued by the Authority, the license holder in order to retain the license shall:

(1) Post the license or permit in a location in the licensed premises that is conspicuous;

(2) Comply with the provisions in this Chapter;

(3) Allow representatives of the Authority access to the medical marijuana business as specified under OAC 442:10-5-4 and OAC 442:10-5-6(i);

(4) Comply with directives of the Authority including time frames for corrective actions specified in inspection reports, audit reports, notices, orders, warnings, and other directives issued by the Authority in regard to the license holder's medical marijuana business or in response to community emergencies;

(5) Accept notices issued and served by the Authority according to law;

(6) Be subject to the administrative, civil, injunctive, and criminal remedies authorized in law for failure to comply with this Chapter or a directive of the Authority, including time frames for corrective actions specified in inspection reports, audit reports, notices, orders, warnings, and other directives;

(7) Ensure that all information and records maintained in the licensee's online OMMA license account-including the hours of operation for all licensed premises, trade name, and a valid mailing address, if applicable-are complete, accurate, and updated in a timely manner in accordance with these Rules;

(8) If applicable, submit the annual renewal application and pay all renewal license and late fees, if any;

(9) Bear the financial responsibility for all compliance and inventory tracking obligations and responsibilities set forth in Oklahoma statutes and these Rules. The Authority will not contribute to, fund, or subsidize any commercial licensee's compliance or tracking expenses. Nothing herein shall be construed to require the Authority to contribute to, subsidize, or fund in any way a commercial licensee's compliance or tracking expenses; and

(10) If multiple commercial licensees are located at the same location, each commercial license must ensure that all inventory is separately and properly tracked, accounted for, and physically and distinctly separated from the inventory of any other commercial licensee such that licensees and the Authority are readily able to distinguish as to which licensee each item of medical marijuana and medical marijuana products belongs.

(11) All medical marijuana commercial grower licensees who operate an outdoor medical marijuana production facility shall be required to register with the Oklahoma Department of Agriculture, Food, and Forestry as an environmentally sensitive crop owner. Registration shall provide notice to commercial and private pesticide applicators of the locations of medical marijuana crops and help minimize the potential for damaging pesticide drift. Medical marijuana commercial grower licensees shall provide their business name, address, Global Positioning System (GPS) coordinates for all outdoor medical marijuana production facilities, and any other information required by the Department when registering with the Environmentally Sensitive Area Registry.

(12) All medical marijuana commercial grower licensees shall file with the Authority a bond or attestation as required under OAC 442:10-5-3.3 and ensure that all information and records are complete, accurate, and updated in a timely manner in accordance with OAC 442:10-5-2(e)(3)

(13) Beginning January 1, 2024, the Authority shall require employees of a medical marijuana business licensee to apply for and receive a credential authorizing the employee to work in a licensed medical marijuana business.

(A) For purposes of this Section, "employee" means any natural person who:

(i) Grows, harvests, dries, cures, purchases, sells, transfers, transports, processes, produces, manufactures, creates, or packages medical marijuana, medical marijuana products, and/or medical marijuana waste on behalf of or for a medical marijuana licensed commercial grower, processor, or dispensary;

(ii) Samples, trains, or educates on behalf of or for a medical marijuana licensed education or research facility;

(iii) Disposes of or transports medical marijuana, medical marijuana products, and/or medical marijuana waste on behalf of a medical marijuana waste disposal facility licensee;

(iv) Tests and/or conducts research on medical marijuana and/or medical marijuana products on behalf of a medical marijuana licensed testing laboratory;

(v) Transports, stores, distributes, but does not take ownership of, medical marijuana and/or medical marijuana products on behalf of a medical marijuana licensed commercial transporter;

(vi) Tracks, traces, reports, and/or inputs any information into the State inventory tracking system on behalf of a medical marijuana commercial licensee; or

(vii) Conducts any other additional business for the benefit of a medical marijuana commercial licensee authorized under OAC 442:10, with the exception of professional services not involved in the handling of medical marijuana, medical marijuana concentrates, or medical marijuana products.

(B) A credential will be issued to an individual employee and can be associated with multiple medical marijuana businesses or employers.

(C) A medical marijuana business license holder shall require all individuals employed under their license to have an active, unexpired credential prior to employment and must associate all employee credentials with the corresponding commercial license in a manner prescribed by the Authority.

(D) Employee credentials shall be valid from the date of issuance until January 31st of the following year.

(E) An employee may voluntarily surrender a credential to the Authority at any time.

(i) If an employee voluntarily surrenders a credential, the employee shall:

(I) Destroy or return the credential to the Authority;

(II) Submit a surrender employee credential form provided by the Authority; and

(III) Submit proof of the employee's identity through submission of documentation identified in OAC 442:10-1-7 (relating to Proof of Identity).

(ii) The surrender of a credential is effective upon written acceptance by the Authority.

(iii) Employee credential surrender forms and any other documentation or information submitted by an employee shall be confidential.

442:10-5-2. Licenses [AMENDED]

(a) **Timeframe**. A medical marijuana business license shall be issued for a twelve (12) month period expiring one (1) year from the date of issuance. The license may be issued upon receipt of a completed application, payment of application fee, and verification by the Authority the individual or entity complies with the requirements set forth in Oklahoma law and this Chapter.

(b) **Location**. A business license issued to a grower, processor, dispensary, or testing laboratory shall only be valid for a single location at the address listed on the application. A transporter license shall only be valid at the physical locations that have been submitted to and approved by the Authority and are listed on the application.

(1) For a medical marijuana commercial grower that has a combination of both indoor and outdoor growing facilities at one (1) location, the medical marijuana commercial grower shall be required to obtain a separate license from the Authority for each type of grow operation and shall be subject to the licensing fees provided in 63 O.S. 427.14 and these Rules.

(2) Beginning June 1, 2023, no more than one (1) medical marijuana commercial grower license shall be issued for any one (1) property; a medical marijuana commercial grower holding a combination of both indoor and outdoor licenses at one (1) location shall be exempt from this requirement.

(c) **Renewal of license**.

(1) It is the responsibility of the license holder to renew the license, with all applicable documentation, prior to the date of expiration of the license by following the procedures provided in OAC 442:10-5-3.

(2) Before renewing a license, the Authority may require further information and documentation and may require additional background checks to determine the licensee continues to meet the requirements set forth in Oklahoma law and these Rules. Once a certificate of compliance is properly submitted showing full compliance, no additional certificate of compliance will be required for license renewal unless a change of use or occupancy occurs, or other change that would require additional inspection, licensure, or permitting by the state or municipality.

(3) The Authority may refuse to renew a license of a medical marijuana business for the following:

(A) Failure to meet the requirements for licensure set forth in 63 O.S. § 420 et seq; the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 et seq.; or OAC 442:10.

(B) Noncompliance with 63 O.S. § 420 et seq.; the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 et seq.; the Oklahoma Medical Marijuana Waste Management Act, 63 O.S. § 427a et seq.; or OAC 442:10.

(4) Upon the determination that a licensee has not met the requirements for renewal, the Authority shall provide written notice to the licensee. The notice shall provide an explanation for the denial of the renewal application.

(5) A commercial licensee that attempts to renew its license after the expiration date of the license shall pay a nonrefundable late renewal fee in the amount of $500.00 to reinstate the license once processed and approved by the Authority. A license that has been expired for more than ninety (90) days shall not be renewed.

(d) **Liquidation of products.** A medical marijuana business licensee whose license is not renewed, or whose license is revoked, suspended, or voluntarily surrendered, shall cease all operations immediately upon expiration of the license and shall dispose of any medical marijuana or medical marijuana products in accordance with OAC 442:10-5-10 that were not liquidated prior to licensure expiration in accordance with Oklahoma law and these Rules.

(e) **Change in information**.

(1) Licensees shall notify the Authority in writing within fourteen (14) days of any changes in contact information by electronically submitting a change request in accordance with the Authority's instructions.

(2) Licensees shall obtain Authority approval for any material changes that affect the licensee's qualifications for licensure. No licensee shall operate under the conditions of a material change unless and until the Authority has approved in writing the material change. Licensees shall submit a material change request to the Authority in writing in advance of any material change that may affect the licensee's qualifications for licensure by electronically submitting a change request, along with any relevant documentation and fees, in accordance with the Authority's instructions. When submitting a material change request, the licensee will be required to pay a $500.00 nonrefundable fee. Except as is otherwise authorized by the Authority, licensees are limited to one location change request, one name change request, and one ownership change request per year of licensure.

(A) Medical marijuana business licensees submitting a location change must provide the information and documentation required in OAC 442:10-5-3 relating to locations, including but not limited to the following:

(i) If applicable, proof as required in OAC 442:10-5-3(e)(6) that the location of the dispensary or grower is at least one thousand (1,000) feet from any public and private school;

(ii) A certificate of compliance as required in OAC 442:10-5-3(e)(8) on a form prescribed or otherwise authorized by the Authority that is issued by the political subdivision where the licensed premises is to be located certifying compliance with the categories listed in 63 O.S. § 426.1(E); ~~and~~

(iii) If applicable, all Certificate(s) of Occupancy, Final Inspection Report(s), and Site Plan(s), issued from or approved by the organization, political subdivision, office, or individual responsible for enforcing the requirements of all building and fire codes adopted by the Oklahoma Uniform Building Code Commission pursuant to OAC 748:20. Pursuant to 74 O.S. § 324.11, in all geographical areas where the applicable Certificate(s) of Occupancy, Final Inspection Report(s), Site Plan(s) and/or permit(s) are not issued from and/or approved by local authorities, such documentation must be obtained from the Oklahoma Office of the State Fire Marshal;

(iv) If applicable, a bond or attestation as required under OAC 442:10-5-3.3 certifying compliance with 63 O.S. § 427.26; and

(v) Any further documentation the Authority determines is necessary to ensure the business licensee is still qualified under Oklahoma law and this Chapter to obtain a business license.

~~(iv)~~(vi) Upon written acceptance of a location change by the Authority, commercial licensees must carry a physical copy of the written location change approval while transporting medical marijuana products from location to location.

(B) Medical marijuana business licensees submitting an ownership change request must provide the information and documentation required in OAC 442:10-5-3 relating to owners, including but not limited to the following:

(i) A list of all owners and principal officers of the commercial applicant and supporting documentation as set forth in OAC 442:10-5-3(e)(1);

(ii) An affidavit of lawful presence for each new owner;

(iii) Documents required under OAC 442:10-5-3(e)(7) establishing that the applicant; and the members, managers, and board members if applicable; and seventy-five percent (75%) of the commercial applicant's ownership interests are Oklahoma residents as required in the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 et seq.;

(iv) A background check in accordance with OAC 442:10-1-5; ~~and~~

(v) If applicable, a bond or attestation as required under OAC 442:10-5-3.3 certifying compliance with 63 O.S. § 427.26; and

(vi) Any further documentation the Authority determines is necessary to ensure the business licensee is still qualified under Oklahoma law and this Chapter to obtain a business license.

(C) A medical marijuana business licensee submitting a name change request must provide the information and documentation required in OAC 442:10-5-3 relating to the business name, including, but not limited to, the following:

(i) A certificate of good standing from the Oklahoma Secretary of State issued within thirty (30) days of submission of the application;

(ii) If applicable, official documentation from the Secretary of State establishing the applicant's trade name;

(iii) If applicable, an electronic copy or digital image in color of a sales tax permit issued by the Oklahoma Tax Commission;

(iv) A list of all owners and principal officers of the licensee under the new name and supporting documentation as set forth in OAC 442:10-5-3(e)(1);

(v) Documents establishing that seventy-five (75%) of the ownership of the licensee under the new name are Oklahoma residents in accordance with OAC 442:10-5-3(e)(7); ~~and~~

(vi) If applicable, a bond or attestation as required under OAC 442:10-5-3.3 certifying compliance with 63 O.S. § 427.26; and

(vii) Any further documentation the Authority determines is necessary to ensure the business licensee is still qualified under Oklahoma law and this Chapter to obtain a business license.

(D) Medical marijuana growers, processors, or commercial transporters that have held a valid medical marijuana business license for at least eighteen (18) months and are operating in good standing may submit an ownership change request to add a publicly traded company as an owner. The publicly traded company shall not own more than forty percent (40%) of the equity in the existing medical marijuana grower, processor, or commercial transporter. The following documentation must be provided:

(i) If applicable, a certificate of good standing from the Oklahoma Secretary of State issued within thirty (30) days of submission of the application.

(ii) A list of all owners, excluding all shareholders of the publicly traded company, and principal officers of the commercial applicant and supporting documentation as set forth in OAC 442:10-5-3(e)(1);

(iii) Documents required under OAC 442:10-5-3(e)(7) establishing that the applicant; and the members, managers, and board members if applicable; and seventy-five percent (75%) of the grower, processor, or transporter applicant's ownership interests, excluding the publicly traded company, are Oklahoma residents as required in the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 et seq.

(3) Upon cancellation or expiration of a bond, commercial grower licensees shall provide proof to the Authority on forms and in a manner prescribed by the Authority of a new alternate bond or attestation and accompanying documentation meeting the requirements of OAC 442:10-5-3.3 before the date of cancellation or expiration of the previous bond. Any grower that fails to comply with this section shall be subject to disciplinary action including, but not limited to, revocation, nonrenewal, or monetary penalties.

(f) **Transfer of license**. Licenses may not be changed from one license type to another.

(g) **Surrender of license**.

(1) A licensee may voluntarily surrender a license to the Authority at any time.

(2) If a licensee voluntarily surrenders a license, the licensee shall:

(A) Return the license to the Authority;

(B) Submit on a form prescribed by the Authority a report to the Authority including the reason for surrendering the license; contact information following the close of business; the person or persons responsible for the close of the business; and where business records will be retained;

(C) Submit proof of the licensee's identity through submission of documentation identified in OAC 442:10-1-7 (relating to Proof of Identity); and

(D) Liquidate or dispose of any medical marijuana or medical marijuana products remaining in the possession of the licensee in accordance with OAC 442:10-5-2(d) and OAC 442:10-5-10.

442:10-5-3. Applications [AMENDED]

(a) **Application fee.** An applicant for a medical marijuana business, or renewal thereof, shall submit to the Authority a completed application on a form and in a manner prescribed by the Authority, along with the application fee as established in 63 O.S. § 420 et seq. and the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 et seq.

(b) **Submission.** Applications for a business license will be accepted by the Authority no earlier than sixty (60) days from the date that the State Question is approved by the voters of the State of Oklahoma. The application shall be on the Authority prescribed form and shall include the following information about the establishment:

(1) Name of the establishment;
(2) Physical address of the establishment, including the county in which any licensed premises will be located;
(3) GPS coordinates of the establishment;
(4) Phone number and email of the establishment; and
(5) Hours of operation for any licensed premises.

(c) **Individual applicant.** The application for a business license made by an individual on his or her own behalf shall be on the Authority prescribed form and shall include at a minimum:

(1) The applicant's first name, middle name, last name and suffix if applicable;
(2) The applicant's residence address and valid mailing address;
(3) The applicant's date of birth;
(4) The applicant's telephone number and email address;
(5) An attestation that the information provided by the applicant is true and correct;
(6) An attestation that any licensed premises shall not be located on tribal lands;
(7) An attestation that the business has obtained all applicable local licenses and permits for all licensed premises;
(8) An attestation that no individual with ownership interest in the business is a sheriff, deputy sheriff, police officer, prosecuting officer, an officer or employee of OMMA, or an officer or employee of a municipality in which the commercial entity is located; and
(9) A statement signed by the applicant pledging not to divert marijuana to any individual or entity that is not lawfully entitled to possess marijuana.

(d) **Application on behalf of an entity.** In addition to requirements of Subsection (c), an application for a business license made by an individual on behalf of an entity shall include:

(1) An attestation that applicant is authorized to make application on behalf of the entity:
(2) Full name of organization;
(3) Trade name, if applicable;
(4) Type of business organization;
(5) Mailing address;
(6) Telephone number and email address; and
(7) The name, residence address, and date of birth of each owner and each member, manager, and board member, if applicable.

(e) **Supporting documentation**. ~~Each~~ Pursuant to 63 O.S. § 427.3(D)(11), 63 O.S. § 427.14(L), 63 O.S. § 427.14(G)(2), and 63 O.S. § 427.14(J), each application shall be accompanied by the following documentation:

(1) A list of all owners and principal officers of the business applicant and supporting documentation, including, but not limited to: certificate of incorporation, bylaws, articles of organization, operating agreement, certificate of limited partnership, resolution of a board of directors, or other similar documents;
(2) If applicable, a certificate of good standing from the Oklahoma Secretary of State issued within thirty (30) days of submission of the application;
(3) If applicable, official documentation from the Secretary of State establishing the applicant's trade name;
(4) If applicable, an electronic copy or digital image in color of a sales tax permit issued by the Oklahoma Tax Commission;
(5) An Affidavit of Lawful Presence for each owner;
(6) If a licensed dispensary or grower, proof that the location of the facility is at least one thousand (1,000) feet from a public or private school. For a dispensary, the distance specified shall be measured in a straight line from the nearest property line of such public school or private school to the nearest perimeter wall of the licensed premise of such medical marijuana dispensary. For a grower, the distance specified shall be measured in a straight line from the nearest property line of such public school or private school to the nearest property line of the licensed premises of such medical marijuana commercial grower. For the purposes of this subsection, a school shall not include a property owned, used, or operated by a public or private school that is not used for classroom instruction on core curriculum, such as an administrative building, athletic facility, ballpark, field, or stadium, unless such property is located on the same campus as a building used for classroom instruction on core curriculum;

(7) Documents establishing the applicant; and the members, managers, and board members if applicable; and seventy-five percent (75%) of the commercial applicant's ownership interests are Oklahoma residents as required in the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 et seq.

(A) Applicants seeking to renew a commercial license issued prior to the enactment of the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 et seq., shall submit documentation establishing proof of residency in accordance with OAC 442:10-1-6 (relating to proof of residency);

(B) All other applicants shall submit documentation establishing proof of residency in accordance with OAC 442:10-5-3.1 (relating to proof of residency for business licenses).

(8) If applicable, a certificate of compliance on a form prescribed or otherwise authorized by the Authority that is issued by the political subdivision where the licensed premises is to be located certifying compliance with the categories listed in 63 O.S. § 426.1(E);

(9) If applicable, all Certificate(s) of Occupancy, Final Inspection Report(s), and Site Plan(s), issued from or approved by the organization, political subdivision, office, or individual responsible for enforcing the requirements of all building and fire codes adopted by the Oklahoma Uniform Building Code Commission pursuant to OAC 748:20. Pursuant to 74 O.S. § 324.11, in all geographical areas where the applicable Certificate(s) of Occupancy, Final Inspection Report(s), Site Plan(s) and/or permit(s) are not issued from and/or approved by local authorities, such documentation must be obtained from the Oklahoma Office of the State Fire Marshal;

~~(9)~~(10) If applicable, accreditation documentation, including documentation of enrollment in analyte-specific proficiency testing results, showing applicants meet requirements stated in OAC 442:10-8-2(a);

~~(10)~~(11) If a licensed grower, processor or transporter has added or is seeking to add a publicly traded company as an owner, additional documentation as required under OAC 442:10-5-2(e)(2)(C) to show the grower, processor, or transporter applicants meet the requirements stated in 63 O.S. § 427.15a;

~~(11)~~(12) If applicable, a list of all chemicals a processor will utilize to process marijuana;

~~(12)~~(13) If applicable, safety data sheets for every chemical a processor will utilize to process marijuana; ~~and~~

~~(13)~~(14) If applicable, a bond or attestation as required under OAC 442:10-5-3.3 certifying compliance with 63 O.S. § 427.26;

(15) Supplemental application materials to be submitted by the applicant and utilized by the Authority to determine medical marijuana business licensing fees pursuant to 63 O.S. 427.14; and

(16) Any further documentation the Authority determines is necessary to ensure the commercial applicant is qualified under Oklahoma law and this Chapter to obtain a commercial license.

(f) **Incomplete application**. Failure to submit a complete application with all required information and documentation shall result in a rejection of the application. The Authority shall notify the applicant via email through the electronic application account of the reasons for the rejection, and the applicant shall have thirty (30) days from the date of notification to correct and complete the application without an additional fee. If the applicant fails to correct and complete the application within the thirty (30) day period, the application shall expire. Unless the Authority determines otherwise, an application that has been resubmitted but is still incomplete or contains errors that are not clerical or typographical in nature shall be denied.

(g) **Status update letter**. If a delay in processing has occurred, the Authority shall notify the applicant via email of the delay and the reason for the delay.

(h) **Moratorium.** Beginning August ~~1,~~ 26, 2022, and ending August 1, ~~2024~~2026, there shall be a moratorium on processing and issuing new medical marijuana business licenses for dispensaries, processors, and growers. The Authority will review and process applications received on or before August ~~1,~~ 26, 2022. The Executive Director of the Authority may terminate the moratorium prior to August 1, ~~2024~~2026, upon a determination that all pending license reviews, inspections, or investigations have been completed. The moratorium shall not apply to:

(1) The renewal of a medical marijuana business license for dispensaries, processors, or growers;

(2) The issuance of a medical marijuana business license necessitated by a change in the ownership or location of a dispensary, processor, or grower; or

(3) The issuance or renewal of a testing laboratory, transporter, education facility, research, or waste disposal license.

442:10-5-3.3. Commercial grower bond required [NEW]

All medical marijuana commercial grower licensees shall file with the Authority either a bond covering the permit area upon which the business licensee will initiate and conduct commercial growing operations or an attestation that the permit area on which the licensee operates the commercial growing operation has been owned by the licensee for at least a five (5) year period prior to submission of application. For the purposes of this section, "permit area" means the "licensed

premises" as defined in OAC 442:10-1-4:

(1) All commercial grower license applicants shall submit on forms prescribed by the Authority:

(A) a bond covering the area of land within the permit area upon which the business licensee will initiate and conduct commercial growing operations, or

(B) an attestation and accompanying documentation showing that the permit area on which the licensee will initiate or conduct commercial growing operations has been owned by the licensee for at least a five (5) year period prior to submission of application.

(2) The bond shall be in an amount no less than fifty thousand dollars ($50,000.00) for each license sought or held and shall be issued by a surety company qualified to do business in the State of Oklahoma as a surety. For purposes of this section, "qualified" means a business that has a Certificate of Authority, License, or other formal authorization from the Oklahoma Insurance Department authorizing the surety to transact business in Oklahoma. The Authority may require a higher amount depending on the reclamation requirements to assure the completion of the reclamation plan or to defray the cost of restoration of the property including removing equipment, destruction of waste, remediation of environmental hazards, prohibiting public access, addressing improperly coded buildings, or determination of the final disposition of any seized property.

(3) Bonds that expire shall be renewed prior to thirty (30) days before the expiration date of the bond. Upon expiration of a bond, commercial grower licensees shall provide proof to the Authority on forms and in a manner prescribed by the Authority of a new alternate bond or attestation and accompanying documentation meeting the requirements of OAC 442:10-5-3.3 before the date of expiration of the previous bond.

(4) A surety may cancel the bond prior to expiration of the bond by providing written notice to the Authority on forms and in a manner prescribed by the Authority thirty (30) days prior to the date of cancellation. Upon cancellation of a bond, the commercial grower shall provide proof to the Authority of a new, alternate bond or attestation and accompanying documentation meeting the requirements of 63 O.S. § 427.26 and this section on forms and in a manner prescribed by the Authority before the date of cancellation of the previous bond.

(5) The Authority may recall the bond up to one (1) year after revocation or surrender of the license or cancellation or expiration of the bond.

(6) Any grower that fails to comply with this section shall be subject to disciplinary action including, but not limited to, revocation, nonrenewal, or monetary penalties.

442:10-5-4. Inspections [AMENDED]

(a) Submission of an application for a medical marijuana commercial license constitutes permission for entry to and inspection of any licensed premises and any vehicles on the licensed premises used for the transportation of medical marijuana and medical marijuana products during hours of operation and other reasonable times. Refusal to permit or impeding such entry or inspection shall constitute grounds for administrative penalties, which may include but are not limited to fines as set forth in Appendix C and the denial, nonrenewal, suspension, and/or revocation of a license.

(b) The Authority may perform two on-site inspections per calendar year of each licensed grower, processor, dispensary, or commercial transporter to determine, assess, and monitor compliance with applicable Oklahoma law and these Rules or ensure qualifications for licensure.

(c) The Authority shall conduct one on-site inspection of a testing laboratory applicant prior to licensure and up to two (2) on-site inspection annually thereafter. The inspection prior to initial licensure may include proficiency testing, and shall be conducted to ensure all application materials are accurate and the applicant meets all requirements in 63 O.S. § 427.17 and these Rules. The inspection prior to initial licensure may include verification that applicant can achieve analyte-specific testing thresholds showing applicants meet requirements stated in OAC 442:10-8-2.

(d) The Authority shall conduct one (1) on-site inspection of each warehouse location of a medical marijuana transporter applicant or licensee prior to approving the location for use to ensure all information and documentation is true and correct and to determine if the proposed warehouse location meets all requirements of 63 O.S. § 427.16 and these Rules.

(e) The Authority may conduct additional inspections to ensure correction of or investigate violations of applicable Oklahoma law and these Rules.

(f) The Authority shall refer all complaints alleging criminal activity or other violations of Oklahoma law that are made against a licensee to appropriate Oklahoma state or local law enforcement or regulatory authorities.

(g) If the Authority discovers what it reasonably believes to be criminal activity or other violations of Oklahoma law during an inspection, the Authority may refer the matter to appropriate Oklahoma state or local law enforcement or regulatory authorities for further investigation. Except for license information concerning licensed patients, the Authority may share confidential information to assist other agencies in ensuring compliance with applicable laws, Rules, and regulations.

(h) The Authority may review any and all records of a licensee and may require and conduct interviews with such persons or entities and persons affiliated with such entities, for the purpose of determining compliance with Authority Rules and applicable laws. Failure to make documents or other requested information available to the Authority and/or refusal to appear or cooperate with an interview shall constitute grounds for administrative penalties, which may include, but are not limited to, fines as set forth in Appendix C and the denial, nonrenewal, suspension, and/or revocation of a license. All records shall be kept on-site and readily available.
(i) If the Authority identifies a violation of 63 O.S. § 420 et seq., the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 et seq., and these Rules during an inspection of the licensed business, the Authority shall take administrative action in accordance with Oklahoma law, including the Oklahoma Administrative Procedures Act, 75 O.S. § 250 et seq.
(j) The Authority may assess fines in the amounts set forth in Appendix C and seek any other administrative penalties authorized by law against a licensee without providing opportunity to correct when the violation is not capable of being corrected. The Authority may suspend or revoke a license for failure to pay any fine or monetary penalty lawfully assessed by the Authority against the licensee.
(k) Except as otherwise provided in Oklahoma law or these Rules, correctable violations identified during an inspection shall be corrected within thirty (30) days of receipt of a written notice of violations. If a licensee fails to correct violations within thirty (30) days, the licensee will be subject to a fine in the amount set forth Appendix C for each violation and any other administrative action and penalty authorized by law.
(l) The Authority may employ secret shoppers to inspect licensed commercial medical marijuana businesses. Secret shoppers may purchase medical marijuana or medical marijuana products for compliance testing or attempt to purchase medical marijuana or marijuana products in order to prove compliance with the Oklahoma Medical Marijuana and Patient Protection Act or any rule determined by the Authority. In the absence of unanimous confirmation of test results with safety failures for contaminants, the Authority may investigate, embargo, or recall any medical marijuana or medical marijuana products. Nothing in this section otherwise prohibits the Authority from conducting investigations resulting from a secret shopper inspection.

442:10-5-6. Inventory tracking, records, reports, and audits [AMENDED]
(a) **Monthly reports.** Licensed growers, processors, and dispensaries shall complete a monthly report on a form and in a manner prescribed by the Authority. These reports shall be deemed untimely if not received by the Authority by the fifteenth (15th) of each month for the preceding month.
(1) Dispensary reports shall include:
(A) The amount of marijuana purchased in pounds;
(B) The amount of marijuana sold or otherwise transferred in pounds;
(C) The amount of marijuana waste in pounds;
(D) If necessary, a detailed explanation of why any medical marijuana product purchased by the licensee cannot be accounted for as having been sold or still remaining in inventory;
(E) Total dollar amount of all sales to medical marijuana patients and caregivers;
(F) Total dollar amount of all taxes collected from sales to medical marijuana patients and caregivers; and
(G) Any information the Authority determines is necessary to ensure that all marijuana grown in Oklahoma is accounted for as required under 63 O.S. § 420 et seq. and the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 et seq.
(2) Grower reports shall include:
(A) The amount of marijuana harvested in pounds;
(B) The amount of marijuana purchased in pounds;
(C) The amount of marijuana sold or otherwise transferred in pounds;
(D) The amount of drying or dried marijuana on hand;
(E) The amount of marijuana waste in pounds;
(F) If necessary, a detailed explanation of why any marijuana cannot be accounted for as having been sold, disposed of, or maintained in current inventory;
(G) Total dollar amount of all sales; and
(H) Any information the Authority determines is necessary to ensure that all marijuana grown in Oklahoma is accounted for as required under 63 O.S. § 420 et seq. and the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 et seq.
(3) Processor reports shall include:
(A) The amount of marijuana purchased in pounds;

(B) The amount of marijuana sold or otherwise transferred in pounds;
(C) The amount of medical marijuana manufactured or processed in pounds;
(D) If necessary, a detailed explanation of why any marijuana cannot be accounted for as having been purchased, sold, processed, or maintained in current inventory;
(E) The amount of marijuana waste in pounds; and
(F) Any information the Authority determines is necessary to ensure that all marijuana grown in Oklahoma is accounted for as required under 63 O.S. § 420 et seq. and the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 et seq.

(4) Upon implementation, submission of information and data to the Authority through the State inventory tracking system will be required in accordance with the Oklahoma Medical Marijuana Protection Act, 63 O.S. § 427.1 et seq., and these Rules, and submission of the information and data to the Authority through the State inventory tracking system shall be sufficient to satisfy monthly reporting requirements.

(b) **Records.** Pursuant to the Authority's audit and inspection responsibilities, medical marijuana business shall keep onsite and readily accessible, either in paper or electronic form, a copy of the records listed below. Except as otherwise specifically provided in Oklahoma law and this Chapter, all records shall be maintained for at least seven (7) years from the date of creation.

(1) Business records, which may include but are not limited to employee records, organizational documents or other records relating to the governance and structure of the licensee, manual or computerized records of assets and liabilities, monetary transactions, tax records, journals, ledgers, and supporting documents, including agreements, checks, invoices, receipts, and vouchers.
(2) As applicable, any documents related to the cultivation, processing, preparation, transportation, sampling, and/or testing of medical marijuana and medical marijuana products, including but not limited to sample field logs, patient processing logs, safety data sheets and inventory for each chemical utilized by a processor, inventory manifests, transporter agent licenses, COAs, testing records, equipment inspections, training materials, and standard operating procedures.
(3) Except as otherwise provided in this Subsection, documentation of every instance in which medical marijuana was sold or otherwise transferred to or purchased or otherwise obtained from another licensee, which shall include, but is not limited to:
(A) The name, license number, address, and phone number of all commercial licensees involved in each transaction, and the name and license number of all patient licensees involved in each transaction;
(B) The quantity and type of medical marijuana or medical marijuana products involved in each transaction;
(C) The batch number of the medical marijuana or medical marijuana products involved in each transaction;
(D) The date of each transaction;
(E) The monetary value of the medical marijuana or medical marijuana products involved in each transaction, including the total sale or purchase amounts;
(F) All point-of-sale and tax records; and
(G) All inventory manifests and other documentation relating to the transport of medical marijuana and medical marijuana products.
(4) For processors processing medical marijuana directly on behalf of a patient or caregiver, a log documenting each instance in which the processor processed medical marijuana received from a licensed patient into a concentrate form on behalf of the licensed patient, which shall include, but is not limited to, the following information:
(A) The patient and, if applicable, caregiver license number;
(B) The date the processor received the medical marijuana from the patient or caregiver;
(C) The weight of medical marijuana received from the patient;
(D) The weight or amount of concentrate produced, along with the weight of any excess medical marijuana, if applicable; and
(E) The date the concentrate was returned to the patient or caregiver.
(5) Any and all documents relating to the disposal or destruction of medical marijuana, medical marijuana products, and medical marijuana waste.
(6) Commercial licensees must also have the following documentation readily available on the licensed premise:
(A) the square footage or total acres of the licensed premises;
(B) a diagram of the licensed premises;
(C) if applicable, the number and type of lights at the licensed premise of a commercial grower;

(D) if applicable, the number, type and production capacity of equipment located at the licensed premise of a commercial processor;
(E) the names, addresses and telephone numbers of employees or agents of a medical marijuana business;
(F) employment manuals and standard operating procedures for the medical marijuana business; and
(G) any other information the Authority deems reasonably necessary.

(c) **Patient information.** Records containing private patient or caregiver information retained by a commercial licensee shall comply with all relevant state and federal laws. "Private patient information" means personally identifiable information, such as the patient name, address, date of birth, social security number, telephone number, email address, photograph, and financial information. This term does not include the patient's medical marijuana license number, which shall be retained by the business and ~~provided~~ accurately reported to the Authority ~~upon request~~in the State inventory tracking system for all transactions to ensure compliance and protect public health ~~purposes~~ and safety, including the verification of lawful sales or patient traceability in the event of product recall.

(d) **Inventory tracking system**. Pursuant to 63 O.S. § 427.3(D)(8) and 63 O.S. § 427.13(B), each commercial licensee shall use the State inventory tracking system by inputting inventory tracking data required to be reported to the Authority directly into the State inventory tracking system or by utilizing a seed-to-sale tracking system that integrates with the State inventory tracking system All commercial licensees must have an inventory tracking system account activated to lawfully operate and must ensure all information is reported to the Authority accurately and in real time or after each individual sale in accordance with 63 O.S. § 427.13(B)(1) and these Rules. All commercial licensees shall ensure the following information and data are accurately tracked and timely reported to the Authority though the State inventory tracking system:

(1) The chain of custody of all medical marijuana and medical marijuana products, including every transaction with another commercial licensee, patient, or caregiver, including but not limited to:
(A) The name, address, license number, and phone number of the medical marijuana business that cultivated, manufactured, sold, purchased, or otherwise transferred the medical marijuana or medical marijuana product(s);
(B) The complete, accurate, and valid patient or caregiver license number of all patient or caregiver licensees involved in each transaction;
(C) The type, item, strain, and category of medical marijuana or medical marijuana product(s) involved in the transaction;
~~(C)~~(D) The weight, quantity, or other metric required by the Authority, of the medical marijuana or medical marijuana product(s) involved in the transaction;
~~(D)~~(E) The batch number of the medical marijuana or medical marijuana product(s);
~~(E)~~(F) The total amount spent in dollars;
~~(F)~~(G) All point-of-sale records as applicable;
~~(G)~~(H) Transportation information documenting the transport of medical marijuana or medical marijuana product(s) as required under OAC 442:10-3-6(b);
~~(H)~~(I) Testing results and information;
~~(I)~~(J) Waste records and information;
~~(J)~~(K) Marijuana excise tax records, if applicable;
~~(K)~~(L) ~~RFID~~Inventory tracking system tag number(s);

(2) The entire life span of a licensee's stock of medical marijuana and medical marijuana products, including, at a minimum, notifying the Authority:
(A) When medical marijuana seeds or clones are planted;
(B) When medical marijuana plants are harvested and/or destroyed;
(C) When medical marijuana is transported, or otherwise transferred, sold, stolen, diverted, or lost;
(D) When medical marijuana changes form, including, but not limited to, when it is planted, cultivated, processed, and infused or otherwise processed into a final ~~form~~ product or final form;
(E) A complete inventory of all medical marijuana; seeds; plant tissue; clones; usable marijuana; trim; shake; leaves; other plant matter; and medical marijuana products;
(F) All samples sent to a testing laboratory or used for internal quality and testing or other purposes;

(3) Any further information the Authority determines is necessary to ensure all medical marijuana and medical marijuana products are accurately and fully tracked throughout the entirety of the lifespan of the plant and product.

(e) **Seed-to-sale tracking system**. A commercial licensee shall use a seed-to-sale tracking system or integrate its own seed-to-sale tracking system with the State inventory tracking system established by the Authority. If a commercial licensee uses a seed-to-sale tracking system that does not integrate with the State inventory tracking system, or does integrate but does not share all required information, the commercial licensee shall ensure all required information is reported directly into the State inventory tracking system.

(f) **Inventory tracking system requirements.**

(1) At a minimum, commercial licensees shall track, update, and report inventory after each individual sale to the Authority in the State inventory tracking system.

(2) All commercial licensees must ensure all on-premises and in-transit medical marijuana and medical marijuana product inventories are reconciled each day in the State inventory tracking system at the close of business, if not already done.

(3) Commercial licensees are required to use ~~RFID~~ inventory tracking system tags from an Authority-approved supplier for the State Inventory Tracking System. Each Licensee is responsible for the cost of all ~~RFID~~inventory tracking system tags and any associated vendor fees.

(A) A commercial licensee shall ensure its inventories are properly tagged and that ~~a RFID~~an inventory tracking system tag is properly assigned to medical marijuana, medical marijuana products, and medical marijuana waste as required by the Authority.

(B) A commercial licensee shall ensure it has an adequate supply of ~~RFID~~ inventory tracking system tags at all times. If a commercial licensee is unable to account for unused ~~RFID~~inventory tracking system tags, the commercial licensee must report to the Authority and the State inventory tracking system vendor within forty-eight (48) hours.

(C) ~~RFID~~Inventory tracking system tags must contain the legal name and correct license number of the commercial licensee that ordered them. Commercial licensees are prohibited from using another licensee's ~~RFID~~inventory tracking system tags.

(D) ~~Prior to a plant reaching a point where it is able to support the weight of the RFID tag and attachment strap, the RFID tag may be securely fastened to the stalk or other similarly situated position approved by the Authority.~~ The inventory tracking system tag shall be placed on the container holding the medical marijuana plant and must remain physically near and clearly associated with the medical marijuana plant until the plant reaches twelve (12) inches in height. Clones must be tracked in the state seed-to-sale system and must be associated with a wholesale package tag, whether cut from a mother plant or transferred from another licensee, prior to reaching twelve (12) inches in height.

(E) When the plant ~~becomes able to support the weight of the RFID tag, the RFID~~reaches twelve (12) inches in height, the inventory tracking system tag shall be securely fastened to a lower supporting branch. The ~~RFID~~inventory tracking system tag shall remain affixed for the entire life of the plant until disposal. If the plant changes forms, is removed from the original planting location after harvest, or is being trimmed, dried, or cured by the grower, the inventory tracking system tag shall be placed on the container holding the medical marijuana plants and/or must remain physically near and clearly associated with the medical marijuana plants until the plant is placed into a package in both the seed-to-sale tracking system and physically packaged and affixed with the inventory tracking system tag.

(F) Mother plants must be tagged before any cuttings or clones are generated therefrom.

(G) If ~~a RFID~~an inventory tracking system tag gets destroyed, stolen, or falls off of a medical marijuana plant, the licensee must ensure a new ~~RFID~~inventory tracking system tag is placed on the medical marijuana plant and the change of the ~~RFID~~ inventory tracking system tag is properly reflected in the State inventory tracking system.

(H) Commercial licensees shall not reuse any ~~RFID~~ inventory tracking system tag that has already been affixed to any regulated medical marijuana or medical marijuana products.

(4) Each wholesale package of medical marijuana must have ~~a RFID~~an inventory tracking system tag during storage and transfer and may only contain one harvest batch of medical marijuana.

(5) Prior to transfer, commercial licensees shall ensure that each immature plant is properly affixed with an ~~RFID~~ inventory tracking system tag if the plant was not previously tagged in accordance with these Rules.

(6) Commercial licensees' inventory must have ~~a RFID~~an inventory tracking system tag properly affixed to all medical marijuana products during storage and transfer in one of the following manners:

(A) Individual units of medical marijuana products shall be individually affixed with ~~a RFID~~an inventory tracking system tag; or

(B) Medical marijuana products may only be combined in a single wholesale package using one ~~RFID~~inventory tracking system tag if all units are from the same production batch.

(7) If any medical marijuana or medical marijuana products are removed from a wholesale package, each individual unit or new wholesale package must be separately tagged.
(8) All packages of medical marijuana waste shall have ~~a RFID~~an inventory tracking system tag affixed and the contents of the waste package shall be reported in the State inventory tracking system.

(g) **Inventory tracking system administrators and users.**

(1) A commercial licensee must have at least one owner, or manager, who is an inventory tracking system administrator.
(2) The inventory tracking system administrator must attend and complete all required inventory tracking system training.
(3) If at any point, the inventory tracking system administrator for a commercial licensee changes, the commercial licensee shall change or assign a new inventory tracking system administrator within thirty (30) business days.
(4) Commercial licensees shall maintain an accurate and complete list of all inventory tracking system administrators and employee users.
(5) Commercial licensees shall ensure that all owners and employees that are granted inventory tracking system account access for the purpose of conducting inventory tracking functions are trained and authorized before the owners or employees may access the State inventory tracking system.
(6) All inventory tracking system users shall be assigned an individual account in the State inventory tracking system.
(7) Any individual entering data into the State inventory tracking system shall only use the inventory tracking system account assigned specifically to that individual. Each inventory tracking system administrator and inventory tracking system user must have unique log-in credentials that shall not be used by any other person.
(8) Within three (3) business days, commercial licensees must remove access for any inventory tracking system administrator or user from their accounts if any such individual no longer utilizes the State inventory tracking system or is no longer employed by the commercial licensee.

(h) **Loss of use of the State inventory tracking system.** If at any time a commercial licensee loses access to the State inventory tracking system due to circumstances beyond the commercial licensee's control, the commercial licensee shall keep and maintain records detailing all inventory tracking activities that were conducted during the loss of access. Once access is restored, all inventory tracking activities that occurred during the loss of access must be immediately entered into the State inventory tracking system. If a commercial licensee loses access to the State inventory tracking system due to circumstances within its control, the commercial licensee may not perform any business activities that would be required to be reported into the State inventory tracking system until access is restored and reporting is resumed; any transfer, sale, or purchase of medical marijuana or medical marijuana products shall be an unlawful sale.

(i) **Audits**. The Authority shall perform on-site audits of all commercial licensees to ensure the accuracy of information and data reported to the Authority and to ensure that all marijuana grown in Oklahoma is accounted for. Submission of an application for a medical marijuana commercial license constitutes permission for entry to any licensed premises and auditing of the commercial licensee during hours of operation and other reasonable times. Refusal to permit the Authority entry or refusal to permit the Authority to inspect all books and records shall constitute grounds for and administrative penalties, which may include, but are not limited to, fines as set forth in Appendix C and the denial, nonrenewal, suspension, and/or revocation of a license.

(1) The Authority may review any and all records and information of a commercial licensee and may require and conduct interviews with such persons or entities and persons affiliated with such licensees, for the purpose of determining compliance with Authority Rules and applicable laws. Failure to make documents or other requested information available to the Authority and/or refusal to appear or cooperate with an interview shall constitute grounds for nonrenewal, suspension, or revocation of a license or any other remedy or relief provided under law. All records shall be kept onsite and readily accessible.
(2) Commercial licensees shall comply with all written requests from the Authority to produce or provide access to records and information within ten (10) business days.
(3) If the Authority identifies a violation of 63 O.S. § 420 et seq., the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 et seq., or these Rules during an audit of the commercial licensee, the Authority shall take administrative action against the licensee in accordance with the Oklahoma law, including the Oklahoma Administrative Procedures Act, 75 O.S. § 250 et seq.
(4) The Authority may refer all complaints alleging criminal activity or other violations of Oklahoma law that are made against a commercial licensee to appropriate Oklahoma state or local law enforcement or regulatory authorities.

(5) If the Authority discovers what it reasonably believes to be criminal activity or other violations of Oklahoma law during an audit, the Authority may refer the matter to appropriate Oklahoma state or local law enforcement or regulatory authorities for further investigation. Except for license information concerning licensed patients, the Authority may share confidential information to assist other agencies in ensuring compliance with applicable laws, Rules and regulations.
(6) Except as is otherwise provided in Oklahoma law or these Rules, correctable violations identified during an audit shall be corrected within thirty (30) days of receipt of a written notice of violation.
(7) If a licensee fails to correct violations within thirty (30) days, the licensee will be subject to a fine of $500.00 for each violation and any other administrative action and penalty authorized by law.

(j) **Confidential records.** All monthly report, inventory tracking and seed-to-sale information, data, and records submitted to the Authority are treated as confidential records and are exempt from the Oklahoma Open Records Act.

442:10-5-6.1. Penalties [AMENDED]

(a) **Failure to file timely reports.** If a commercial licensee fails to submit a timely, complete, and accurate required monthly report and fails to correct such deficiency within thirty (30) days of the Authority's written notice, the licensee shall be subject to a fine in the amount set forth in Appendix C for each violation and any other administrative action and penalty authorized by law.
(b) **Inaccurate reports.** Within any two (2) year period of time, if a licensee has submitted one (1) or more reports containing gross errors that cannot reasonably be attributed to normal human error, licensee shall be subject to a fine in the amount set forth in Appendix C for each violation and any other administrative action and penalty authorized by law.
(c) **Unlawful purchase, ~~and~~ sale, or transfer**.
(1) Within any one (1) year period of time, if the licensee has made an unlawful purchase, ~~or~~ sale, or transfer of medical marijuana, the licensee shall be subject to a fine in the amount set forth in Appendix C for each violation and any other administrative action and penalty authorized by law.
(2) The Authority may revoke the license at any time regardless of the number of the offense upon a showing that the violation was willful or grossly negligent.
(d) **Noncompliance and criminal activity.** Commercial licenses and transporter agent licenses shall be subject to nonrenewal, revocation, suspension, monetary penalties, and any other penalty authorized by law upon a determination by the Authority that the licensee has not complied with applicable Oklahoma law or this Chapter, or upon official notification to the Authority that the licensee has engaged in criminal activity in violation of Oklahoma law.
(e) **Administrative penalties.** Procedures for administrative penalties against a licensee are stated in the Oklahoma Administrative Procedures Act, 75 O.S. § 250 et seq. These procedures provide for the licensee to receive notice and to have the opportunity to be present at a hearing and to present evidence in his or her defense. The Executive Director or his or her designee may promulgate an administrative order revoking or suspending the license, dismissing the matter, or providing for other relief as allowed by law. At any time after the action is filed against the commercial licensee, the Authority and the licensee may dispose of the matter by consent order or stipulation. Orders are appealable in accordance with the Oklahoma Administrative Procedures Act, 75 O.S. § 250 et seq.
(f) **Fines.** Monetary penalties shall be assessed in the amounts set forth in Appendix C. Failure to pay any fine within thirty (30) days of assessment of the fine shall result in nonrenewal, suspension, and/or revocation of the license.
(g) **Administrative Order.** In addition to any other remedies provided by law, the Authority may issue a written order to any licensee the Authority has reason to believe has violated Oklahoma law or these regulations, and to whom the Authority has served, not less than thirty (30) days previously, a written notice of violation of such statutes or rules.
(1) The written order shall state with specificity the nature of the violation. The Authority may impose any disciplinary action authorized under by law including, but not limited, nonrenewal, suspension, revocation and the assessment of monetary penalties.
(2) Any order issued pursuant to the provisions of this section shall become a final order unless, not more than thirty (30) days after the order is served to the licensee, the licensee requests an administrative hearing in accordance with these Rules. Upon such request, the Authority shall promptly initiate administrative proceedings.
(h) ~~**Emergency Cease and Desist.** If the Authority finds that an emergency exists requiring immediate action in order to protect the health or welfare of the public, the Authority may issue an order, without providing notice or hearing, stating the existence of said emergency and requiring that action be taken by the commercial licensee as the Authority deems necessary to meet the emergency. Such action may include, but is not limited to, ordering the commercial licensee to immediately cease and desist operations. The order shall be effective immediately upon issuance and commercial licensees shall immediately comply with the provisions of the order. The Authority may assess a penalty not to exceed ten thousand~~

~~dollars ($10,000.00) per day of noncompliance with the order. In assessing such penalty, the Authority shall consider the seriousness of the violation and efforts taken by the commercial licensee to comply with applicable requirements. Upon application to the Authority, the licensee shall be offered a hearing within ten (10) days of issuance of the order.~~ **Remitting taxes.** If any medical marijuana business licensee intentionally does not remit the taxes as required by 68 O.S. § 1354 of Oklahoma Statutes, the Authority shall permanently revoke the medical marijuana business license of the business licensee and the business licensee shall be permanently ineligible to receive any other type of medical marijuana business license issued by the Authority, including licenses for a dispensary, commercial grower operation, processing facility, transporter, research, education facility, and waste disposal facility.

442:10-5-7. Tax on retail medical marijuana sales [AMENDED]

(a) The tax on retail medical marijuana sales by a dispensary is established at seven percent (7%) of the gross dollar amount received by the dispensary for the sale of any medical marijuana or medical marijuana product. This tax will be collected by the dispensary from the customer who must be a licensed medical marijuana patient or caregiver.
(b) A dispensary shall either hold or obtain an Oklahoma sales tax permit from the Oklahoma Tax Commission in compliance with OAC 710:65-19-216.
(c) Reports and payments on gross sales, tax collected, and tax due shall be remitted to the Oklahoma Tax Commission by every dispensary on a monthly basis. No additional reporting regarding gross sales, tax collected, and tax due shall be made to the Authority.
(d) Dispensary reporting and remittance shall be made to the Oklahoma Tax Commission on a monthly basis. Reports and remittances are due to the Oklahoma Tax Commission no later than the 20th day of the month following the month for which the report and remittances are made.
(e) All dispensaries required to report and remit medical marijuana tax shall remit the tax and file their monthly tax report in accordance with the manner prescribed by the Tax Commission.
(f) The report shall contain the following information:
(1) Dispensary name, address, telephone number and dispensary license number;
(2) Reporting month and year;
(3) Total gross receipts for the preceding month from sales of medical marijuana or any medical marijuana product;
(4) The amount of tax due as described in (a) of this Section; and
(5) Such other reasonable information as the Tax Commission may require.
(g) If a due date for the tax reporting and remittance falls on a Saturday, Sunday, a holiday, or dates when the Federal Reserve Banks are closed, such due date shall be considered to be the next business date.
(h) Pursuant to 63 O.S. § 426, the Legislature receives all monies from sales tax proceeds collected on medical marijuana to be appropriated at the discretion of the Legislature to fund substance abuse programs and common education, including redbud school grants. The Legislature receives all monies collected from fines and fees to be appropriated at the discretion of the Legislature to fund the Oklahoma Medical Marijuana Authority. ~~proceeds from the sales tax levied shall first be distributed to the Oklahoma Medical Marijuana Authority for the annual budgeted amount for administration of the Oklahoma Medical Marijuana Authority Program. All distributions will be made monthly to the Authority until full reimbursement is reached for the annual budgeted cost of the program. If tax levies are not sufficient to reimburse the Authority for the full annual budgeted cost, then all tax levies collected during the fiscal shall be remitted to the Authority.~~

442:10-5-16. Prohibited acts [AMENDED]

(a) No commercial licensee shall allow the consumption of alcohol or the smoking or vaping of medical marijuana or medical marijuana products on the licensed premises, except that if the licensed premises is a residence, a commercial licensee shall only be prohibited from consuming alcohol or the smoking or vaping of medical marijuana in areas of the licensed premises where operations of the business are conducted.
(b) No commercial licensee shall employ any person under the age of eighteen (18).
(c) No commercial licensee shall allow for or provide the delivery of medical marijuana or medical marijuana products to licensed patients or caregivers.
(d) No dispensary shall allow any physician to be located, maintain an office, write recommendations, or otherwise provide medical services to patients at the same physical address as a dispensary.
(e) No commercial licensee shall engage in advertising prohibited under OAC 442:10-7-3.
(f) No commercial licensee shall sell or offer to sell medical marijuana or medical marijuana product by means of any advertisement or promotion that includes any statement, representation, symbol, depiction, or reference, directly or indirectly, which would reasonably be expected to induce minors to purchase or consume marijuana or medical marijuana products.

(g) No commercial licensee shall falsify or misrepresent any documents, forms, or other materials or information submitted to the Authority.
(h) No commercial licensee shall threaten or harm a patient, medical practitioner, or an employee of the Authority.
(i) No commercial licensee shall fail to adhere to any acknowledgment, verification, or other representation made to the Authority.
(j) No licensed grower shall possess, sell or otherwise transfer, or offer to sell or otherwise transfer medical marijuana products.
(k) No licensee shall operate or otherwise use any extraction equipment or processes utilizing butane, propane, carbon dioxide or any potentially hazardous material in residential property.
(l) Licensees shall not sell or otherwise transfer, purchase, obtain, or otherwise accept the transfer of medical marijuana or medical marijuana products from an any individual or entity that is not an Oklahoma-licensed medical marijuana business, except that licensed dispensaries may sell medical marijuana and medical marijuana products to licensed patients and caregivers and a processor may process medical marijuana directly on behalf of a licensed patient or caregiver in accordance with OAC 442:10-5-5. No licensee shall purchase or sell medical marijuana or medical marijuana products to or from any unlicensed individual or entity.
(m) After implementation of the State inventory tracking system, no licensee shall sell or otherwise transfer, purchase, obtain or otherwise accept the transfer of medical marijuana or otherwise accept the transfer of medical marijuana or medical marijuana products that are not properly inputted and tracked in the State inventory tracking system in accordance with Oklahoma law and regulations.
(n) Medical marijuana growers and dispensaries shall not make or package infused pre-rolls.
(o) Medical marijuana growers and dispensaries shall not make or package pre-rolls that exceed one (1) gram in net weight.
(p) Licensees shall not allow any other entity or person to use their OMMA license number who is not an owner, employee, or authorized contractor of the commercial licensee while conducting business on behalf of that commercial licensee.
(q) No commercial licensee shall make, sell, transfer, or offer to sell any alcoholic beverage that has been infused with medical marijuana or medical marijuana products.
(r) Growers shall not purchase, make, sell, transfer, or otherwise obtain any medical marijuana products except growers may package and sell noninfused pre-rolls and kief in accordance with these Rules.
(s) Dispensaries shall not package or alter packaging or labeling of medical marijuana or medical marijuana products except for the following reasons:

(1) Dispensaries are authorized to package and sell noninfused pre-rolled marijuana;
(2) Dispensaries, or employees thereof, may handle loose or nonpackaged medical marijuana to be placed in packaging for retail sale consistent with Oklahoma law and these Rules, including packaging and labeling requirements in OAC 442:10-7-1(d)-(e);
(3) Dispensaries may apply barcodes, qr codes, or other inventory tracking tags and labels. These items shall not obscure required label and packaging requirements; and
(4) Dispensaries must place medical marijuana or medical marijuana products into a child-resistant exit package at the point of transfer to a patient or caregiver if those items are not already in child-resistant packaging.

(t) Growers shall not engage in any commercial growing operations without a bond or attestation as required under OAC 442:10-5-3.3 certifying compliance with 63 O.S. § 427.26.
(u) No licensed medical marijuana commercial grower shall knowingly hire or employ undocumented immigrants to perform work inside a medical marijuana commercial grow facility or anywhere on the property of the medical marijuana commercial grower operation. A licensed medical marijuana commercial grower that violates the provisions of this subsection shall be subject to penalties including but not limited to, license revocation and denial of future license applications.
(v) No commercial licensee shall employ any employee without a credential issued pursuant to OAC 442:10-5-1.1(13). For purposes of this Section, "employee" shall have the same meaning as OAC 442:10-5-1.1(13).

SUBCHAPTER 7. PACKAGING, LABELING, AND ADVERTISING

442:10-7-1. Labeling and packaging [AMENDED]

(a) **Prohibition on sale or transfer.** Commercial licensees shall not sell, distribute, or otherwise transfer medical marijuana and medical marijuana products that are not packaged and labeled in accordance with the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 et seq., and these Rules.

(b) **Nonacceptance or return.** A dispensary shall refuse to accept or shall return to the licensee transferring medical marijuana or medical marijuana products to the dispensary, any medical marijuana or medical marijuana products that are not packaged and labeled in accordance with the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 et seq., and these Rules. The business licensee who sold or otherwise transferred the nonconforming medical marijuana or medical marijuana products shall accept such return. If circumstances are such that the dispensary cannot return or refuse to accept the nonconforming medical marijuana or medical marijuana products, the dispensary shall dispose of the nonconforming medical marijuana and medical marijuana products in accordance with the Oklahoma Medical Marijuana Waste Management Act, 63 O.S. § 427a et seq., and these Rules.

(c) **Documentation.** A dispensary shall document any such return, nonacceptance, or disposal, and such documentation shall include at a minimum:

(1) The license number, name, contact information, and address of the licensee who sold or otherwise transferred the nonconforming medical marijuana or medical marijuana products to the dispensary;

(2) A complete inventory of the medical marijuana and medical marijuana products to be returned or disposed, including the batch number;

(3) The reason for the nonacceptance, return, or disposal; and

(4) The date of the nonacceptance, return, or disposal.

(d) **General requirements.** The following general label and packaging requirements, prohibitions, and exceptions shall apply to all medical marijuana and medical marijuana products being transferred or sold to a dispensary or by a dispensary:

(1) Labels, packages, and containers shall not be attractive to minors and shall not contain any content that reasonably appears to target children, including toys, cartoon characters, and similar images. Packages should be designed to minimize appeal to children and shall not depict images other than the business name logo of the medical marijuana producer and image of the product.

(2) Packaging must contain a label that reads: "Keep out of reach of children." and "For use by licensed medical marijuana patients only. "

(3) All medical marijuana and medical marijuana products must be packaged in child-resistant containers, although the containers may be clear in order to allow licensed medical marijuana patient and licensed medical marijuana caregivers the ability to view the product inside the container, and placed into an exit package at the point of sale or other transfer to a patient, a patient's parent or legal guardian if patient is a minor, or a caregiver.

(4) Label must contain a warning that states "Women should not use marijuana or medical marijuana products during pregnancy because of the risk of birth defects."

(5) Packages and labels shall not contain any deceptive, false or misleading statements. For purposes of this section, information that is deceptive, false, or misleading includes:

(A) Any indication that the medical marijuana or medical marijuana product is organic, unless the National Organic Program (Section 6517 of the federal Organic Foods Production Act of 1990 (7 U.S.C. Section 6501 et seq.)) authorizes organic certification and designation for marijuana and marijuana products. This includes variants of the word "organic" such as "organix" and "organique."

(B) Any indication that the medical marijuana or medical marijuana product is "Pesticide-free," unless the medical marijuana or a medical-marijuana product was grown, harvested, processed, and dispensed without any pesticide.

(6) No medical marijuana or medical marijuana products shall be intentionally or knowingly packaged or labeled so as to cause a reasonable patient confusion as to whether the medical marijuana or medical marijuana product is a trademarked product.

(7) No medical marijuana or medical marijuana products shall be packaged or labeled in a manner that violates any federal trademark law or regulation.

(8) Packages and labels shall not make any claims or statements that the medical marijuana or medical marijuana products provide health or physical benefits to the patient.

(9) Packages and labels shall not contain the logo of the Oklahoma Medical Marijuana Authority.

(10) Packages and labels shall not contain any universal symbols from another state, any statements that the medical marijuana was grown in another state, or any depictions, symbols, or other information that could cause a reasonable patient to be confused as to the state of origin of the medical marijuana or medical marijuana product.

(11) Labels shall be designed and applied in a manner that does not cause patient confusion regarding the package's contents, potency, or other required information. In the event that any package or immediate container of medical marijuana or medical marijuana product is relabeled, all prior labels must be removed in entirety prior to the new label being applied. Covering an initial label with an updated label is prohibited.

(12) All packaging and labeling must contain current and accurate information on file with the Authority, including, but not limited to, the licensee's legal name, trade name, and license number.
(13) Packages and labels shall be considered inaccurate if the difference in percentage of the cannabinoid and/or total THC claimed to be present on a package or label is plus or minus fifteen percent (15%) of the percentage on the COA. For example, bulk order packaging that identifies a THC amount as 100mg would be inaccurate if the COA for that production batch indicated a THC content of less than 85mg or more than 115mg.

(e) **Label requirements for sales to dispensaries or by dispensaries.**
(1) Labels on medical marijuana and medical marijuana products being transferred or sold to a dispensary or by a dispensary shall contain, at a minimum, the following information:
(A) The name and license number of the grower, dispensary, or processor who is selling or otherwise transferring the medical marijuana or medical marijuana products to the dispensary;
(B) Name of the medical marijuana or medical marijuana product;
(C) The batch number of the medical marijuana or medical marijuana product;
(D) Net quantity or weight of contents;
(E) Ingredients list;
(F) The Oklahoma Uniform Symbol in the manner and form prescribed by the Authority;
(G) THC potency on the COA for that batch;
(H) Total terpenoid content in the manner prescribed by the Authority; and
(I) The statement, "This product has been tested for contaminants."
(2) Labels for edible medical marijuana products shall also meet the requirements set forth in OAC 442:10-5-8.
(3) As applicable, ~~RFID~~inventory tracking system tags shall not obscure required label and packaging requirements.

(f) **Label requirements for sales between growers and/or processors.** All medical marijuana and medical marijuana products sold or otherwise transferred between growers and/or processors shall be labeled and the label shall contain, at a minimum, the following information:
(1) Name and license number of the grower or processor who is selling or otherwise transferring the medical marijuana or medical marijuana product;
(2) The batch number of the medical marijuana or medical marijuana product;
(3) Date of harvest or production; and
(4) A statement that the medical marijuana or medical marijuana products have passed testing or statement that the medical marijuana failed testing and is being transferred to a processor for purposes of remediation.

(g) **Storage requirements for growers, ~~and~~ processors, and dispensaries.**
(1) Growers, ~~and~~ processors, and dispensaries shall store medical marijuana and medical marijuana products under conditions and in a manner that protects the medical marijuana and medical marijuana products from physical and microbial contamination and deterioration.
(2) When not in use, medical marijuana and medical marijuana products shall be tagged and stored in receptacles that are capable of being fully closed and sealed and are kept fully closed and sealed.
(3) When any storage receptacle is in use and contains medical marijuana or medical marijuana products, commercial licensees shall identify the batch number and tag on the storage receptacle of all medical marijuana and medical marijuana products so that an inspector can easily identify to which batch the medical marijuana and medical marijuana products belong.

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 ($R^2 \geq 0.99$) 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 ≥ 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 (≤ 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 (±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.

~~(B)~~ (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.

SUBCHAPTER 9. WASTE DISPOSAL FACILITIES

442:10-9-3. License applications [AMENDED]

(a) **Application fee.** An applicant for a waste disposal facility license, or renewal thereof, shall submit to the Authority a completed application on a form and in a manner prescribed by the Authority, along with the application fee as established in 63 O.S. § 420 et seq. and the Oklahoma Medical Marijuana Waste Management Act, 63 O.S. § 427a et seq.
(b) **Submission.** The application shall be on the Authority prescribed form and shall include the following information about the establishment:
(1) Name of the establishment;
(2) Physical address of the establishment, including the county in which any licensed premises will be located;
(3) GPS coordinates of the establishment;
(4) Phone number and email of the establishment;
(5) Hours of operation for any licensed premises;
(6) Type of waste facility; and
(7) Proposed number and location of additional waste disposal facilities associated with the applicant.
(c) **Individual applicant.** The application for a waste disposal facility license made by an individual on his or her own behalf shall be on the Authority prescribed form and shall include at a minimum:
(1) The applicant's first name, middle name, last name, and suffix if applicable;
(2) The applicant's residence address and valid mailing address;
(3) The applicant's date of birth;
(4) The applicant's telephone number and email address;
(5) An attestation that the information provided by the applicant is true and correct;
(6) An attestation that any licensed premises shall not be located on tribal lands; and
(7) A statement signed by the applicant pledging not to divert marijuana to any individual or entity that is not lawfully entitled to possess marijuana.
(d) **Application on behalf of an entity.** In addition to requirements of Subsection (c), an application for a waste facility license made by an individual on behalf of an entity shall include:
(1) An attestation that applicant is authorized to make application on behalf of the entity;
(2) Full name of organization;
(3) Trade name, if applicable;
(4) Type of business organization;
(5) Mailing address;
(6) Telephone number and email address; and
(7) The name, residence address, and date of birth of each owner and each member, manager, and board member, if applicable.
(e) **Supporting documentation.** ~~Each~~ Pursuant to 63 O.S. § 427.3(D)(11), 63 O.S. § 427.14(L), 63 O.S. § 427.14(G)(2), and 63 O.S. § 427.14(J), each application shall be accompanied by the following documentation:
(1) A list of all persons and/or entities that have an ownership interest in the entity;
(2) If applicable, a certificate of good standing from the Oklahoma Secretary of State;
(3) If applicable, official documentation from the Secretary of State establishing the applicant's trade name;
(4) An Affidavit of Lawful Presence for each owner;
(5) Proof that the proposed location of the waste disposal facility is a least one thousand (1,000) feet from a public or private school. The distance specified shall be measured from any entrance of the school to the nearest front entrance of the facility;
(6) Documents establishing the applicant, the members, managers, and board members, if applicable, and seventy-five percent (75%) of the ownership interests are Oklahoma residents as established in 63 O.S. § 420 et seq., and OAC 442:10-1-6 (relating to proof of residency);

(7) Proof of sufficient liability insurance. Liability insurance or a letter of insurability from the insurance company shall be provided by the applicant and shall apply to sudden and nonsudden bodily injury and property damage on, below, and above the surface of the facility. Such insurance shall be maintained for the period of operation of the facility during operation and after closing. Sufficient liability insurance means that the licensee shall maintain at all times insurance coverage with at least the following minimum limits:

(A) Commercial General Liability: $5,000,000.00 each occurrence;

(B) Pollution Legal Liability: $5,000,000.00 each occurrence;

(8) Relevant waste permit(s) from the Oklahoma Department of Environmental Quality or the Oklahoma Department of Agriculture; ~~and~~

(9) If applicable, all Certificate(s) of Occupancy, Final Inspection Report(s), and Site Plan(s), issued from or approved by the organization, political subdivision, office, or individual responsible for enforcing the requirements of all building and fire codes adopted by the Oklahoma Uniform Building Code Commission pursuant to OAC 748:20. Pursuant to 74 O.S. § 324.11, in all geographical areas where the applicable Certificate(s) of Occupancy, Final Inspection Report(s), Site Plan(s) and/or permit(s) are not issued from and/or approved by local authorities, such documentation must be obtained from the Oklahoma Office of the State Fire Marshal; and

~~(9)~~ (10) Any further documentation the Authority determines is necessary to ensure the applicant is qualified under Oklahoma law and this Chapter to obtain a waste disposal facility license.

(f) **Incomplete application.** Failure to submit a complete application with all required information and documentation shall result in a rejection of the application. The Authority shall notify the applicant via email through the electronic application account of the reasons for the rejection.

442:10-9-7. Audits and inventory [AMENDED]

(a) **Audits.** The Authority may perform on-site audits of all waste disposal facility licensees and permitted locations to ensure that all marijuana grown in Oklahoma is accounted for. Submission of an application for a medical marijuana waste disposal facility license constitutes permission for entry to any licensed premises and auditing of the licensee during hours of operation and other reasonable times. Refusal to permit the Authority entry or refusal to permit the Authority to inspect all books and records shall constitute grounds for administrative penalties, which may include, but is not limited to, fines as set forth in Appendix C and the denial, nonrenewal, suspension, and/or revocation of a license or permit.

(1) The Authority may review any and all records and information of a waste disposal facility licensee and may require and conduct interviews with such persons or entities and persons affiliated with such licensees, for the purpose of determining compliance with Authority rules and applicable laws. Failure to make documents or other requested information available to the Authority and/or refusal to appear or cooperate with an interview shall constitute grounds for administrative penalties, which may include, but are not limited to, fines as set forth in Appendix C and the denial, nonrenewal, suspension, and/or revocation of a license or any other remedy or relief provided under law. All records shall be kept on-site and readily accessible.

(2) Waste disposal facility licensees shall comply with all written requests from the Authority to produce or provide access to records and information within ten (10) business days.

(3) If the Authority identifies a violation of the Oklahoma Medical Marijuana Waste Management Act, 63 O.S. § 427a et seq., other applicable Oklahoma law, or these Rules during an audit of the licensee, the Authority shall take administrative action against the licensee in accordance with the Oklahoma law, including the Oklahoma Administrative Procedures Act, 75 O.S. § 250 et seq.

(4) The Authority may refer all complaints alleging criminal activity or other violations of Oklahoma law that are made against a waste disposal licensee to appropriate Oklahoma state or local law enforcement or regulatory authorities.

(5) If the Authority discovers what it reasonably believes to be criminal activity or other violations of Oklahoma law during an audit, the Authority may refer the matter to appropriate Oklahoma state or local law enforcement or regulatory authorities for further investigation.

(6) Except as is otherwise provided in Oklahoma law or these Rules, correctable violations identified during an audit shall be corrected within thirty (30) days of receipt of a written notice of violation.

(7) If a licensee fails to correct violations within thirty (30) days, the licensee will be subject to a fine in the amount set forth in Appendix C for each violation and any other administrative action and penalty authorized by law.

(8) The Authority may assess fines in the amounts set forth in Appendix C and seek any other administrative penalties authorized by law against a licensee without providing opportunity to correct when the violation is not capable of being corrected.

(b) **Inventory tracking system.** Pursuant to 63 O.S. § 427.3(D)(8) and 63 O.S. § 427.13(B), each commercial licensee shall use the State inventory tracking system by inputting inventory tracking data required to be reported to the Authority directly into the State inventory tracking system or by utilizing a seed-to-sale tracking system that integrates with the State inventory tracking system. All commercial licensees must have an inventory tracking system account activated to lawfully operate and must ensure all information is reported to the Authority accurately and in real time or after each individual sale in accordance with 63 O.S. § 427.13(B)(1) and these Rules. All commercial licensees shall ensure the following information and data are accurately tracked and timely reported to the Authority through the State inventory tracking system

(1) The chain of custody of all medical marijuana and medical marijuana products, including every transaction with another commercial licensee, patient or caregiver, including but not limited to:

(A) The name, address, license number and phone number of the medical marijuana business that cultivated, manufactured, sold, purchased, or otherwise transferred the medical marijuana or medical marijuana product(s);

(B) The type, item, strain, and category of medical marijuana or medical marijuana product(s) involved in the transaction;

(C) The weight, quantity, or other metric required by the Authority, of the medical marijuana or medical marijuana product(s) involved in the transaction;

(D) The batch number of the medical marijuana or medical marijuana product(s);

(E) The total amount spent in dollars;

(F) All point-of-sale records as applicable;

(G) Transportation information documenting the transport of medical marijuana or medical marijuana product(s) as required under OAC 442:10-3-6(b);

(H) Testing results and information;

(I) Waste records and information;

(J) Marijuana excise tax records, if applicable;

(K) ~~RFID~~ Inventory tracking system tag number(s);

(2) The entire life span of a licensee's stock of medical marijuana and medical marijuana products, including, at a minimum, notifying the Authority:

(A) When medical marijuana seeds or clones are planted;

(B) When medical marijuana plants are harvested and/or destroyed;

(C) When medical marijuana is transported, or otherwise transferred sold, stolen, diverted, or lost;

(D) When medical marijuana changes form, including, but not limited to, when it is planted, cultivated, processed, and infused or otherwise processed into a final ~~form~~ product or final form;

(E) A complete inventory of all medical marijuana; seeds; plant tissue; clones; usable marijuana; trim; shake; leaves; other plant matter; and medical marijuana products; and

(3) Any further information the Authority determines is necessary to ensure all medical marijuana and medical marijuana products are accurately and fully tracked throughout the entirety of the life span of the plant and product.

(c) **Seed-to-sale tracking system.** A commercial licensee shall use a seed-to-sale tracking system or integrate its own seed-to-sale tracking system with the State inventory tracking system established by the Authority. If a commercial licensee uses a seed-to-sale tracking system that does not integrate with the State inventory tracking system, or does integrate but does not share all required information, the commercial licensee shall ensure all required information is reported directly into the State inventory tracking system.

(d) **Inventory tracking system requirements.**

(1) At a minimum, commercial licensees shall track, update and report its inventory after each individual sale to the Authority in the State inventory tracking system.

(2) All commercial licensees must ensure all on-premises and in-transit medical marijuana and medical marijuana product inventories are reconciled each day in the State inventory tracking system at the close of business, if not already done.

(3) Commercial licensees are required to use ~~RFID~~inventory tracking system tags from an Authority-approved supplier for the State Inventory Tracking System. Each Licensee is responsible for the cost of all ~~RFID~~inventory tracking system tags and any associated vendor fees.

(A) A commercial licensee shall ensure its inventories are properly assigned to medical marijuana, medical marijuana products, and medical marijuana waste as required by the Authority.

(B) A commercial licensee shall ensure it has an adequate supply of ~~RFID~~inventory tracking system tags at all times. If a commercial licensee is unable to account for unused ~~RFID~~inventory tracking system tags, the commercial licensee must report to the Authority and the State inventory tracking system vendor within forty-eight (48) hours.

(C)~~ RFID~~ Inventory tracking system tags must contain the legal name and correct license number of the commercial licensee that ordered them. Commercial licensees are prohibited from using another licensee's ~~RFID~~ inventory tracking system tags.

(D) ~~Prior to a plant reaching a point where it is able to support the weight of the RFID tag and attachment strap, the RFID tag may be securely fastened to the stalk or other similarly situated position approved by the Authority.~~ The inventory tracking system tag shall be placed on the container holding the medical marijuana plant and must remain physically near and clearly associated with the medical marijuana plant until the plant reaches twelve (12) inches in height. Clones must be tracked in the state seed-to-sale system and must be associated with a wholesale package tag, whether cut from a mother plant or transferred from another licensee, prior to reaching twelve (12) inches in height.

(E) When the plant ~~becomes able to support the weight of the RFID tag, the RFID~~reaches twelve (12) inches in height, the inventory tracking system tag shall be securely fastened to a lower supporting branch. The ~~RFID~~inventory tracking system tag shall remain affixed for the entire life of the plant until disposal. If the plant changes forms, is removed from the original planting location after harvest, or is being trimmed, dried, or cured by the grower, the inventory tracking system tag shall be placed on the container holding the medical marijuana plants and/or must remain physically near and clearly associated with the medical marijuana plants until the plant is placed into a package in both the seed-to-sale tracking system and physically packaged and affixed with the inventory tracking system tag.

(F) Mother plants must be tagged before any cuttings or clones are generated therefrom.

(G) If ~~a RFID~~an inventory tracking system tag gets destroyed, stolen, or falls off of a medical marijuana plant, the licensee must ensure a new ~~RFID~~inventory tracking system tag is placed on the medical marijuana plant and the change of the ~~RFID~~inventory tracking system tag is properly reflected in the State inventory tracking system.

(H) Commercial licensees shall not reuse any ~~RFID~~inventory tracking system tag that has already been affixed to any regulated medical marijuana or medical marijuana products.

(4) Each wholesale package of medical marijuana must have~~ a RFID~~an inventory tracking system tag during storage and transfer and may only contain one harvest batch of medical marijuana.

(5) Prior to transfer, commercial licensees shall ensure that each immature plant is properly affixed with an ~~RFID~~ inventory tracking system tag if the plant was not previously tagged in accordance with these Rules.

(6) Commercial licensees' inventory must have ~~a RFID~~an inventory tracking system tag properly affixed to all medical marijuana products during storage and transfer in one of the following manners:

(A) Individual units of medical marijuana products shall be individually affixed with ~~a RFID~~an inventory tracking system tag; or

(B) Marijuana products may only be combined in a single wholesale package using one ~~RFID~~inventory tracking system tag if all units are from the same production batch.

(7) If any medical marijuana or medical marijuana products are removed from a wholesale package, each individual unit or new wholesale package must be separately tagged.

(8) All packages of medical marijuana waste shall have~~ a RFID~~an inventory tracking system tag affixed and the contents of the waste package shall be reported in the State inventory tracking system.

(e) **Inventory tracking system administrators and users.**

(1) The inventory tracking system administrator must attend and complete all required inventory tracking system training.

(2) If at any point, the inventory tracking system administrator for a licensee changes, the commercial licensee shall change or assign a new inventory tracking system administrator within thirty (30) business days.

(3) Commercial licensees shall maintain an accurate and complete list of all inventory tracking system administrators and employee users.

(4) Commercial Licensees shall ensure that all owners and employees that are granted inventory tracking system account access for the purpose of conducting inventory tracking functions are trained and authorized before the owners or employees may access the State inventory tracking system.

(5) All inventory tracking system users shall be assigned an individual account in the State inventory tracking system.

(6) Any individual entering data into the State inventory tracking system shall only use the inventory tracking system account assigned specifically to that individual. Each inventory tracking system administrator and inventory tracking system user must have unique log-in credentials that shall not be used by any other person.
(7) Within three (3) business days, commercial licensees must remove access for any inventory tracking system administrator or user from their accounts if any such individual no longer utilizes the State inventory tracking system or is no longer employed by the commercial licensee.

(f) **Loss of access to State inventory tracking system**. If at any time a commercial licensee loses access to the State inventory tracking system due to circumstances beyond the commercial licensee's control, the commercial licensee shall keep and maintain records detailing all inventory tracking activities that were conducted during the loss of access. Once access is restored, all inventory tracking activities that occurred during the loss of access must be immediately entered into the State inventory tracking system. If a commercial licensee loses access to the inventory tracking system due to circumstances within its control, the commercial licensee may not perform any business activities that would be required to be reported into the State inventory tracking system until access is restored and reporting is resumed; any transfer, sale, or purchase of medical marijuana or medical marijuana products would be an unlawful sale.

SUBCHAPTER 11. PROCESS VALIDATION [NEW]

442:10-11-1. Standards and requirements to achieve process validation [NEW]

(a) **Purpose.** The Authority is authorized to establish process validation requirements. Process validation shall be voluntary, and no licensee shall be required to validate their process.

(b) **Definitions.** The following words and terms, when used in this Subchapter, shall have the following meaning, unless the context clearly indicates otherwise:

(1) **"Certified Process Validation Testing Laboratory"** means a testing laboratory certified by the Authority to conduct testing and research on samples of medical marijuana and medical marijuana products for medical marijuana businesses pursuing or operating under process validation.

(2) **"Process change"** means any alteration or modification to a process that previously underwent process validation and has the potential to affect the quality, safety, or integrity of a final product. This includes, but is not limited to, changes in raw material sources or suppliers, alterations in equipment type, scale, or location, modifications in process parameters, methods, or procedures, implementation of new technologies or techniques, changes in the facility or environment where the process occurs, or alterations in the sequence, duration, or conditions of process steps.

(3) **"Process validated"** means a licensed medical marijuana business operating in accordance with this Subchapter.

(4) **"Process validation"** means the documented data and objective evidence that a particular process, when operated according to standard operating procedures, will consistently produce medical marijuana and medical marijuana products that meet predetermined quality attributes and specifications and are adequate for an intended use.

(5) **"Process Validation Report"** means a document that provides a detailed account of the approach, intentions, and activities to be conducted during a validation activity and the results and findings from a validation activity.

(6) **"Process validation self-assessment"** means a systematic evaluation tool provided by the Authority, designed to allow medical marijuana businesses to assess and quantify their adherence to the requirements in this Subchapter.

(7) **"Process verification"** means the continual and documented monitoring, evaluation, and/or assessment of whether or not a particular process complies with these Rules and a medical marijuana licensee's standard operating procedures.

(8) **"Standard operating procedures"** or **"SOPs"** means written procedures produced by a medical marijuana licensee that provides detailed instructions on how to perform activities to ensure consistency, quality, and safety of medical marijuana and medical marijuana products and demonstrates compliance with Oklahoma law and these Rules.

(c) **General requirements.** Licensees seeking to achieve process validation and licensees maintaining process validation must meet the ongoing requirements listed below.

(1) **Applicable laws apply.** Licensees must comply with all requirements of Oklahoma law and these Rules in addition to any additional requirements to operate under process validation.

(2) **Seed to sale tracking system.** All licensees must track their marijuana and marijuana product inventory with the Authority's designated seed-to-sale system. This requirement for compliance with the seed-to-sale system shall be mandatory for licensees seeking to achieve process validation whether or not compliance with a seed-to-sale system is mandatory for all licensees.
(3) **Initial requirements to achieve process validation.** Licensees seeking to achieve process validation must submit every harvest batch or production batch for testing to a Certified Process Validation Testing Laboratory and must successfully pass all required testing with no failures over a three (3) month period.
(4) **Ongoing requirements to maintain process validation.** Licensees maintaining process validation must continue to submit every harvest batch or production batch for testing to a Certified Process Validation Testing Laboratory and must successfully pass all required testing with no failures. Any testing failures under process validation will require the licensee to revalidate the process. Licensees 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. Further, the licensee must perform and document a corrective action and preventative action (CAPA) investigation to determine the root cause of the failure. The report shall be made available to the Authority upon request.
(5) **Process validated laboratory.** Licensees seeking to achieve process validation and licensees maintaining process validation must use and report results from a laboratory that is certified as a Certified Process Validation Testing Laboratory.
(6) **Required programs and standard operating procedures.** Licensees must utilize a Quality Management System (QMS) based on consensus standards generated by entities such as ASTM International or the International Organization for Standardization (ISO) relevant to this process validation program. Licensees seeking to achieve process validation and licensees maintaining process validation shall implement, document, and adhere to the following programs as part of the licensee's standard operating procedures:

(A) Implement and maintain a Quality Management System (QMS) documented in a quality manual that outlines the medical marijuana licensee's commitment to quality and serves as a reference guide for all quality-related activities focused on ensuring consistency in medical marijuana and medical marijuana product quality.

(i) A formal quality policy statement expressing the organizational commitment to quality;
(ii) Specific, measurable quality objectives aligned with the quality policy, aiming to ensure continuous improvement in product quality and operational efficiency;
(iii) A clear depiction of the organizational hierarchy, detailing roles and responsibilities related to quality management and process validation;
(iv) Procedures for an annual management review meeting to assess the effectiveness of the quality management system, discuss any non-conformities, and set directions for future improvements; and
(v) Mechanisms for identifying opportunities for improvements, implementing changes, and monitoring their effectiveness.

(B) Employee training program, including, but not limited to:

(i) A structured program that ensures all employees are adequately trained on their specific roles, quality principles, hygiene and sanitation practices, and any other relevant topics;
(ii) Initial and annual ongoing training requirements for all employees that at a minimum, include training on specific job responsibilities, emergency response and safety protocols, all the programs described in these Rules, and any other training required by these Rules;
(iii) Procedures for evaluating training to gauge the effectiveness of the training, including, but not limited to, training quizzes and shadowing by trained employees; and
(iv) Documentation of all training sessions, including attendees, trainers, topics covered, and date of training.

(C) Recordkeeping, record retention, and document control program including, but not limited to:

(i) A master list of documents related to process validation, including, but not limited to, document titles, version numbers, and dates of revision for all documents;
(ii) Procedures for accurately maintaining all records and documents related to product quality and compliance with these Rules, ensuring they are easily retrievable, and protected from unauthorized alterations;
(iii) Procedures for approving documents;
(iv) Defined retention periods for record retention for each type of record, indicating compliance with Oklahoma law and these Rules;

(v) Protocols and naming conventions for naming documents to ensure consistency and ease of identification; and
(vi) Procedures for document revisions and tracking document versions, ensuring that only the latest and approved version is in use.
(D) Disease and foreign material control program, including, but not limited to:
(i) Detailed policies on personal hygiene, including but not limited to, handwashing, grooming, and attire for employees and visitors;
(ii) Procedures for the use of personal protective equipment for employees and visitors;
(iii) Protocols for employees to report illnesses, ensuring they are relieved from duties that might risk contamination; and
(iv) Implemented measures to prevent contamination from foreign materials, including, but not limited to, regular inspections, use of sieves/filters, and metal detectors.
(E) Equipment program, including, but not limited to:
(i) A master list of equipment;
(ii) A defined system for equipment identification;
(iii) Equipment calibration protocols, including frequency of calibrations;
(iv) Equipment installation protocols, including documented procedures and appropriate records for verifying the equipment against the manufacturer's specifications including, but not limited to, model, capacity, checking for the presence and completeness of all equipment components and accessories, ensuring the equipment is installed in an appropriate environment including, but not limited to, clean and temperature-controlled, confirming that all necessary utility connections including, but not limited to, electrical and water are available and correctly set up, reviewing and storing equipment manuals, schematics, and installation instructions, and documenting any deviations or issues identified during installation and their resolutions;
(v) Operational check protocols, including procedures and appropriate records for verifying that all safety features and alarms are functional, testing the equipment under different settings to ensure it operates within the defined limits, confirming that the equipment can achieve and maintain required operational parameters including, but not limited to, temperature and pressure, documenting the equipment's response to potential failures or interruptions including, but not limited to, power outage, and recording any deviations or inconsistencies in operation and their resolutions;
(vi) Performance verification protocols, including procedures and appropriate records for running the equipment using actual or simulated materials to mimic real production scenarios, monitor and document key output parameters to ensure they meet the required specifications including, but not limited to, weight, conducting repeated runs to verify the consistency of the equipment's performance over time, and documenting any deviations in performance and their resolutions;
(vii) Equipment preventive maintenance and repair protocols with a preventive maintenance schedule; and
(viii) Documentation of all equipment-related activities.
(F) Sanitation program, including but not limited to:
(i)The cleaning and sanitation procedures for all equipment, tools, and facilities to ensure that all areas are free from potential contaminants and operate under hygienic conditions;
(ii) A defined frequency for cleaning and sanitation tasks;
(iii) A list of approved cleaning agents and sanitizers; and
(iv) Protocols for cleaning verification and validation.
(G) Environmental monitoring program that describes a system to regularly monitor and document environmental conditions to ensure conditions remain appropriate and consistent, including, but not limited to:
(i) Procedures for regular monitoring of environmental conditions such as temperature, humidity, and potential contaminants, including frequency of monitoring;
(ii) Use of calibrated instruments for monitoring, with defined frequency for calibration;

(iii) Defined environmental monitoring alert limits and environmental monitoring action limits to indicate there may be something going wrong within the environment that are based on trend analysis, risk assessment, standards, and/or regulatory requirements in these Rules. For the purposes of this section, "environmental monitoring action limit" means a predetermined threshold that signifies a process has deviated from its accepted operating range and corrective action(s) must be taken and documented to restore the process to its normal state. For the purposes of this section, "environmental monitoring alert limit" means a predetermined threshold that serves as an early indication of a drift from normal environmental conditions, which, when exceeded, results in increased attention;
(iv) Procedures for corrective actions when alert or action limits are exceeded; and
(v) Documentation and trending of environmental monitoring data.

(H) Supplier qualification program, including, but not limited to:
(i) Procedures for initial assessment and approval of suppliers, including, but not limited to, audits, sample testing, and regular reviews of supplier performance, to meet the medical marijuana business's quality specifications and comply with these Rules;
(ii) Defined criteria and frequency for evaluating suppliers' quality systems and historical performance; and
(iii) Documentation of supplier performance and any corrective actions taken when supplier issues arise.

(I) Raw materials, ingredients, and final product qualification program, including, but not limited to:
(i) Protocols for inspecting and testing raw materials and ingredients upon receipt, as well as the final product before transfer;
(ii) Defined quality attributes and specifications for raw materials, ingredients, and final products;
(iii) Procedures for quarantine, approval, or rejection of raw materials, ingredients, and final products; and
(iv) Documentation of all inspections, tests, and decisions.

(J) Corrective and preventive action (CAPA) program that provides a systematic approach to investigate, address, and prevent issues related to product quality or safety, including, but not limited to:
(i) Procedures to identify, document, and address quality or safety issues;
(ii) Description of root cause analysis techniques that may be used to determine underlying causes of issues;
(iii) Defined procedures for implementing corrective actions and verifying their effectiveness to ensure that corrective actions prevent recurrence; and
(iv) Documentation and trending of all CAPA activities.

(K) Batch records program, including, but not limited to:
(i) Procedures for each stage of production or processing;
(ii)Traceability records for raw materials and ingredients used in each batch;
(iii) Procedures for reviewing and approving batch records; and
(iv) Procedures for archiving and retrieving batch records.

(L) Packaging and labeling program, including, but not limited to:
(i) Detailed step-by-step procedures for packaging and labeling and verifying packaging and labeling to ensure that final products are packaged under sanitary conditions and the labels provide accurate, compliant information that adheres to these Rules; and
(ii) Procedures for label control, including but not limited to storage, issuance, and reconciliation.

(M) Waste program, including, but not limited to:
(i) Defined categories of waste, including but not limited to waste disposal requirements of Oklahoma law and these Rules;
(ii) Protocols for segregating, storing, and disposing of waste, minimizing contamination risks, and ensuring compliance with these Rules;
(iii) Procedures for treating or decontaminating waste, if applicable; and
(iv) Documentation of all waste disposal including but not limited to documents from licensed medical marijuana waste disposal facilities, disposal logs required under OAC 442:10-5-10, and authorized industrial waste disposal entities.

(N) Storage program, including, but not limited to:

(i) Protocols for ensuring compliance with these Rules and the proper storage of raw materials, chemicals, ingredients, in-process products, final products, and retained samples. This shall include temperature and humidity controls, where appropriate, approaches to protect stored materials and products from contaminants, and approaches to minimize safety hazards;
(ii) Protocols for stock rotation, such as First In, First Out (FIFO) and First Expired, First Out (FEFO); and
(iii) Measures to protect stored items from contamination, pests, and theft.

(O) Transport and shipping program, including, but not limited to:
(i) Procedures to ensure products are transported under conditions that maintain their quality, safety, and compliance with these Rules. This shall include considerations for temperature control, protection from contamination, and secure packaging;
(ii) Use of validated shipping containers or systems; and
(iii) Documentation of transport and shipping, including any deviations or issues.

(7) **Process Validation Report.** Licensees shall annually submit to the Authority a detailed Process Validation Report outlining the approach, intentions, and activities conducted during process validation and any results and findings. The Process Validation Report shall include, but is not limited to, the following:

(A) Introduction, including, but not limited to, the purpose of the process validation, a brief description of the processes being validated, and the scope of the process validation;
(B) Process validation team, including the list of employees involved in the process validation and their roles and responsibilities;
(C) Equipment, including, but not limited to, a list of equipment and instruments used and calibration and maintenance records for equipment;
(D) Process descriptions, including, but not limited to, detailed step-by-step description of each process that is required to produce final products. This includes, but is not limited to, all the processes within the programs described in this subchapter;
(E) Protocol, including, but not limited to, pre-defined criteria and methods for conducting process validation, sampling plans, including sample size, sampling points, and frequency, and acceptance criteria for each validation activity, prescribed by these Rules and the medical marijuana business's standard operating procedures;
(F) Results, including, but not limited to, detailed results from each validation activity, data, graphs, charts, and/or other relevant evidence, comparison of results against acceptance criteria;
(G) Deviations and corrective actions, including, but not limited to, a list of deviations, nonconformances, or anomalies observed during validation activities, root cause analysis for each deviation, corrective actions taken, and their outcomes;
(H) Risk assessment, including, but not limited to, a list of identified sources of potential risks from equipment, chemicals, work processes, human behaviors, or other sources, an evaluation of the likelihood each risk will lead to harm and the severity of the impact if the risk could lead to harm, a list of implemented measures to eliminate or reduce the risk, and procedures for how these measures will be monitored, recorded, and reviewed for continuous improvement;
(I) Quality attributes and specifications, including, but not limited to, references to where the medical marijuana business's quality attributes and specifications are listed in their standard operating procedures and examples of actual results from approved raw materials, ingredients, and final products compared with specifications. Specifications serve as the criteria that describe the acceptable limits for the quality attributes. For the purposes of this section, "quality attributes" means the desired physical, chemical, biological, or microbiological properties or characteristics medical marijuana and medical marijuana products should have to ensure quality. For the purposes of this section, "specification" means any requirement with which a process, ingredient, medical marijuana, or medical marijuana product must conform, including but not limited to, the requirements set forth in these Rules and those written in a medical marijuana licensee's standard operating procedures;
(J) Process verification, including, but not limited to, procedures for how the medical marijuana business will conduct process verification activities along with their frequency, monitoring parameters, and acceptance criteria;
(K) Conclusion, including, but not limited to, a summary of the process validation results, a statement on whether the processes were successfully validated, and plans for any improvements or changes, if applicable;

(L) Attachments, including, but not limited to, raw data, calibration certificates, equipment manuals, testing results, and other relevant documents that supply information and evidence of process validation; and

(M) Approval and sign-off, including signatures of the validation team and management with dates confirming the accuracy and completeness of the report.

(8) **Process validation self-assessment or third-party good manufacturing practices certification.** Licensees must submit annually to the Authority at least one of the following:

(A) A process validation self-assessment, provided by the Authority, to determine the licensee's compliance with process validation requirements. For successful completion of the process validation self-assessment, licensees must achieve a score indicating eighty percent (80%) adherence or higher, in addition to adhering to the other requirements in this subchapter. The process validation self-assessment shall be submitted with any new or renewal process validation applications and must detail any corrective and preventive action taken or planned and any areas of non-compliance, if identified

(B) A Good Manufacturing Practices certification document from a certification body that is ISO 17021-1:2015 or ISO 17065:2012 accredited, recognized by the International Accreditation Forum (IAF), and approved by the Authority. The certification document shall be submitted with the audit report, the medical marijuana licensee's responses to deficiencies, and associated corrective and preventive action documentation, if applicable.

(d) **Application.**

(1) **Application fee.** The nonrefundable, annual registration fee of Five Thousand Dollars ($5,000.00) per licensee is in addition to any other fees due by the licensee.

(2) **Submission.** Applications for a licensee to achieve process validation shall be on the Authority prescribed form and shall include the following information about the licensee:

(A) Name of the establishment;

(B) Physical address of the establishment, including the county in which any licensed premises will be located;

(C) GPS coordinates of the establishment;

(D) Phone number and email of the establishment; and

(E) Hours of operation for any licensed premises.

(3) **Supporting documentation.** Each application for process validation shall be accompanied by the following documentation:

(A) Accreditation documentation, including documentation of enrollment in analyte specific proficiency testing results, showing applicants meet requirements stated in these Rules;

(B) Standard operating procedures, policies, protocol or procedures for receipt, handling, and disposition of samples of usable marijuana, as well as documented proof of required programs and standard operating procedures required by this subchapter;

(C) Documented compliance with required programs and standard operating procedures pursuant to OAC 10-11-1(c)(6);

(D) Process Validation report;

(E) Process validation self-assessment or third-party good manufacturing practices certification;

(F) If applicable, reference standards, sample analysis procedures, and documentation demonstrating that the analytical methods used by the laboratory are appropriate for their intended purpose;

(G) Policies for data recording, review, storage, and reporting and record retention requirements; and

(H) Any further documentation or information the Authority determines is necessary to ensure the applicant is qualified under Oklahoma law and these Rules.

(4) **Incomplete application.** Failure to submit a complete application with all required information and documentation shall result in a rejection of the application. The Authority shall notify the applicant via email through the electronic application account of the reasons for the rejection.

(e) **Record retention requirements.** Licensees must establish document retention policies and shall keep all records and documents related to their process validation ready and accessible at the address listed on their marijuana business license for inspection or audit by the Authority.

(1) Records shall be maintained by the licensee for as long as the licensee is continuing to operate under that validated process.

(2) Licensees shall retain all such documents and records for at least four (4) years after the licensee has stopped using the validated process or after the licensee has made a significant process change to a validated process. Any significant process change to the validated processes of a licensee is subject to the same document retention requirements and shall be retained for as long as the significant process change is part of an ongoing validated process, and for at least four (4) years after the licensee has stopped using the validated process or after the licensee has made a subsequent significant process change to the validated process.

(3) 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.

(f) **Biannual inspections.**

(1) Submission of an application to operate under process validation constitutes permission for entry to and inspection of any licensed premises and any vehicles on the licensed premises used for the transportation of medical marijuana and medical marijuana products during hours of operation and other reasonable times. Refusal to permit or impeding such entry or inspection shall constitute grounds for administrative penalties, which may include but are not limited to fines as set forth in Appendix C and the nonrenewal, suspension, and/or revocation of a license.

(2) Licensees shall be subject to biannual inspections by the Authority that include random testing of products being produced under process validation. The Authority shall obtain the random sample during the biannual inspections and take samples to the quality assurance laboratory. The Authority shall have access to all products being produced or grown under process validation.

(3) The Authority may review any and all records of a licensee and may require and conduct interviews with such persons or entities and persons affiliated with such entities, for the purpose of determining compliance with Authority Rules and applicable laws. Failure to make documents or other requested information available to the Authority and/or refusal to appear or cooperate with an interview shall constitute grounds for administrative penalties, which may include, but are not limited to, fines as set forth in Appendix C and the denial, nonrenewal, suspension, and/or revocation of a license. All records shall be kept on-site and readily available.

(g) **Certified Process Validation Testing Laboratory.** A testing laboratory may apply to be certified as a Certified Process Validation Testing Laboratory to conduct testing for licensees pursuing or operating under process validation.

(1) Accreditation. Testing laboratories seeking to be a Certified Process Validation Testing 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.

(2) Laboratories seeking to become a certified Process Validation Testing Laboratory must, in addition to all other requirements to achieve and maintain process validation required under this subchapter, Oklahoma law and these Rules:

(A) Conform to ASTM International Standard D8244-21a: Standard Guide for Analytical Laboratory Operations Supporting the Cannabis/Hemp Industry and demonstrate conformance by submitting at least one of the following:

(i) A Certified Process Validation Testing Laboratory self-assessment, provided by the Authority, to determine the licensee's percentage of compliance with ASTM International Standard D8244-21a. For successful completion of the self-assessment, a testing laboratory must achieve a score indicating eighty percent (80%) adherence or higher, in addition to adhering to the other requirements in Oklahoma law and these rules. The self-assessment shall be submitted with associated documentation detailing any corrective and preventive action taken or planned, if areas of non-compliance are identified.

(ii) A certification document demonstrating conformance to ASTM International Standard D8244-21a from a certification body that is ISO 17021-1:2015 accredited and approved by the Authority. The certification document shall be submitted with the audit report, the testing laboratory's responses to deficiencies, and associated corrective and preventive action documentation, if applicable.

(B) Follow ASTM International's D8282-19: Standard Practice for Laboratory Test Method Validation and Method Development to validate test methods that will be used to test samples of final products produced under process validation.

(C) At a minimum, pass five (5) consecutive blind proficiency tests administered by the quality assurance laboratory without a failure over the course of six (6) months.

(h) **Revocation of process validation certification.** The Authority may revoke the certification of licensees to operate under process validation or revoke the certification of a testing laboratory that is seeking to operate or operating as a Certified Process Validation Testing Laboratory.

(i) **Surrender of process validation certification.** A licensee operating under process validation may voluntarily surrender their authority to operate under process validation to the Authority at any time. If a licensee voluntarily surrenders their certification to operate under process validation, the licensee shall:

(A) Submit on a form prescribed by the Authority a report to the Authority including the reason for surrendering their certification to operate under process validation; the effective date of surrendering their certification to operate under process validation; and where all records required under this subsection will be retained;

(B) Submit proof of the licensee's identity through submission of documentation identified in OAC 442:10-1-7 (relating to Proof of Identity); and

(C) Comply with all appliable requirements of Oklahoma law and these Rules as it relates to medical marijuana businesses not seeking or operating under process validation.

(j) **Penalties.** A 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, in addition to any other penalties established by Oklahoma law and these Rules.

(1) Punishment for violations of process validation that, at a minimum, would prohibit a licensee from operating under process validation for five (5) years and the assessment of a fine not to exceed Fifty Thousand Dollars ($50,000.00). Any such fine levied against a licensee found to have violated the laws or rules of process validation shall be remitted to the Department of Mental Health and Substance Abuse Services,

(2) If an adulterated product that was produced under process validation fails testing and the batch or lot has been sold to a dispensary,

(A) A first violation shall be the assessment of a fine not to exceed Ten Thousand Dollars ($10,000.00) and a public recall of the product. The licensee shall further be required to revalidate the process.

(B) A second violation within two (2) years of a previous violation shall be the assessment of a fine not to exceed Seventy-five Thousand Dollars ($75,000.00) and a public recall of the product. The licensee shall further be prohibited from utilizing process validation for a minimum of five (5) years.

(C) A third violation within two (2) years of a previous violation shall be the assessment of a fine of Two Hundred Fifty Thousand Dollars ($250,000.00) and a public recall of the product. The licensee shall further be prohibited from utilizing process validation,

(3) Any willful violation of process validation shall result in:

(A) A first willful violation of process validation shall result in the assessment of a fine of Two Hundred Fifty Thousand Dollars ($250,000.00) and a license revocation hearing.

(B) A second willful violation of process validation shall result in the assessment of a fine of One Million Dollars ($1,000,000.00) and a hearing to permanently revoke the license.

(4) Punishment for violations by a Certified Process Validation Testing Laboratory that has been found to have been falsifying data, providing misinformation, or any unethical practices related to process validation at a minimum shall prohibit a licensee from operating under process validation for up to twenty- five (25) years and the assessment of a fine not to exceed One Million Dollars ($1,000,000.00). Any such fine levied against a licensee shall be remitted to the Authority for deposit into the Oklahoma Medical Marijuana Authority Revolving Fund. In addition to this fine, in response to a finding of a willful violation of process validation by the Authority, the Authority shall also be authorized to collect, levy, or impose any other fee, fine, penalty, or action as allowed by law.

APPENDIX A. TESTING THRESHOLDS [REVOKED]

APPENDIX B. LQC RESULTS [REVOKED]

APPENDIX C. SCHEDULE OF FINES [AMENDED]

APPENDIX C. SCHEDULE OF FINES [REVOKED]
APPENDIX C. SCHEDULE OF FINES [NEW]

OFFENSE	FINE AMOUNT	Citation
Failure to carry copy of both transporter license and transporter agent license while transporting medical marijuana or medical marijuana products	$50 per violation – transporter agent $500 per violation – commercial transporter, grower, processor, or dispensary	OAC 442:10-3-1(e)-(f); 63 O.S. § 427.16(E)
Unauthorized individual in vehicle transporting marijuana	$1,000 per violation	OAC 442:10-3-1(e)-(f)
Recordkeeping violations	$500 per violation	OAC 442:10-3-2(c); OAC 442:10-3-6; OAC 442:10-4-5; OAC 442:10-5-5(b); OAC 442:10-5-6; OAC 442:10-5-10(b); OAC 442:10-7-1(c); OAC 442:10-8-1(h); OAC 442:10-8-1(i)(7)(D); OAC 442:10-8-1(k)(4)(C); OAC 442:10-8-2(g); OAC 442:10-8-2(h); OAC 442:10-8-2(i); OAC 442:10-8-3(a); OAC 442:10-8-3(c)(5); OAC 442:10-9-6(c); OAC 442:10-9-6(d); OAC 442:10-9-6(e)

Failure to ensure information and records in OMMA online account are complete, accurate, and updated in timely manner	$500 per violation	OAC 442:10-4-1.1(7); OAC 442:10-4-2(e); OAC 442:10-5-1.1(7); OAC 442:10-5-2(e)
Refusal to permit Authority access to licensed premises	$5,000 per violation	OAC 442:10-4-4(a); OAC 442:10-5-4(a); OAC 442:10-9-5(a); 63 O.S. § 427.6(E)(7)
Failure to make documents or other requested information available to the Authority	$500 per violation	OAC 442:10-4-5(c)&(e); OAC 442:10-5-4(g); OAC 442:10-5-6(b)&(e); OAC 442:10-9-5(g); OAC 442:10-9-7(a); 63 O.S. § 427.6(E)(7)
Failure to appear for or cooperate with an interview	$500 per violation	OAC 442:10-4-4(f); OAC 442:10-4-5(e); OAC 442:10-5-4(g); OAC 442:10-5-6(e)(1); OAC 442:10-9-5(g)(1); OAC 442:10-9-7(a)(1)
Failure to maintain documents onsite and readily accessible	$500 per violation	OAC 442:10-4-4(f); OAC 442:10-4-5(c); OAC 442:10-4-5(e)(1); OAC 442:10-5-4(g); OAC 442:10-5-6(b); OAC 442:10-5-6(e)(1); OAC 442:10-9-5(g); OAC 442:10-9-7(a)(1); 63 O.S. § 427.6(B)(3)
Inventory tracking violations	$500 per violation	OAC 442:10-4-5; OAC 442:10-5-6; OAC 442:10-9-7(b); 63 O.S. § 427.13.

Unlawful purchase, sale, or transfer	$5,000 – First violation $15,000 – Each subsequent violation	OAC 442:10-4-6(c); OAC 442:10-5-6.1(c); 63 O.S. § 427.6(G).
Monthly report violations	$500 per violation	OAC 442:10-5-6.1(a); 63 O.S. §§ 421-423
Inaccurate reporting	$5,000 - first violation $10,000 – Each subsequent violation	OAC 442:10-5-6.1(b); 63 O.S. § 427.6(G)
Packaging & labeling violations	$500 per violation	OAC 442:10-5-8(d); OAC 442:10-7-1; OAC 442:10-7-2; 63 O.S. § 427.18
Failure to notify the Authority of actual loss, theft, and/or diversion	$1,000 per violation	OAC 442:10-5-13; 63 O.S. § 427.6(E)(5)
Prohibited onsite consumption of alcohol	$500 per violation	OAC 442:10-5-16(a)
Prohibited onsite smoking/vaping of medical marijuana	$500 per violation	OAC 442:10-5-16(a)
Employment of persons younger than 18	$500 per violation	OAC 442:10-5-16(b)

Delivery of medical marijuana or medical marijuana products to patients	$1,000 per violation	OAC 442:10-5-16(c)
Physician located in or providing medical services to patients at the same physical address of dispensary	$1,000 per violation	OAC 442:10-5-16(d)
Falsification or misrepresentations on any documents, forms, or other materials or information submitted to the Authority	$5,000 per violation	OAC 442:10-5-16(g)
Threatening or harming a patient, medical practitioner, or employee of the Authority	$5,000 per violation	OAC 442:10-5-16(h)
Failure to adhere to acknowledgment, verification, or other representation made to Authority	$1,000 per violation	OAC 442:10-5-16(i)
Possession, sale, or transfer of medical marijuana products by a grower	$1,000 – First violation $5,000 – Each subsequent violation	OAC 442:10-5-16(j)
Use of extraction equipment or processing utilizing butane, propane, carbon dioxide, or other potentially hazardous material in residential property	$5,000 per violation	OAC 442:10-5-16(k)

Acceptance, purchase, sale, or transfer of improperly packaged or labeled medical marijuana or medical marijuana product by a business licensee	$500 per violation	OAC 442:10-7-1 (b); 63 O.S. § 427.18(B)
Advertising violations	$500 per violation	OAC 442:10-7-3; 63 O.S. § 427.21
Use or sale or other transfer of medical marijuana or medical marijuana products exceeding allowable testing thresholds	$1,000 – First violation $5,000 – Each subsequent violation	OAC 442:10-8-1(d); 63 O.S. § 427.17(V)
Failure to assist Authority in a recall	$5,000 per violation	OAC 442:10-8-1(g)
Reporting test result for testing outside scope of accreditation	$1,000 per violation	OAC 442:10-8-2(b)
Improper influencing of testing process, improper manipulation of data, or improper benefit by a testing laboratory employee, owner, or agent	$5,000 per violation	OAC 442:10-8-2(d); 63 O.S. § 427.17(M)
Improper manipulation of test systems, including but not limited to, quality control, calibration data, and test validation.	$5,000 per violation	OAC 442:10-8-2(d); 63 O.S. § 427.17(M)

Testing performed by unqualified personnel	$1,000 per violation	OAC 442:10-8-2(f); 63 O.S. § 427.17(N)(10)
Operation of licensed testing laboratory without medical laboratory director onsite	$1,000 per violation	OAC 442:10-8-2(f)
Any inspection or audit violation not specifically listed above	$500 per violation	63 O.S. § 427.6(E)-(F)
Diversion to an unauthorized minor	$2,500 – First violation $5,000 and termination of license – Each subsequent violation	63 O.S. § 427.6(I)
Any other violation not listed above for which disciplinary action can be taken under 63 O.S. § 427.6(E)	$500 per violation	63 O.S. § 427.6(E)-(F)
Diversion for value by a patient or caregiver to an unauthorized person	$400 – First violation $1,000 and revocation of license – Each subsequent violation	OAC 442:10-2-9(a); OAC 442:10-2-9(b); 63 O.S. § 427.6(H)
Sharing less than three (3) grams of medical marijuana with an unauthorized person without transfer for value	$400	OAC 442:10-2-9(a); OAC 442:10-2-9(b); 63 O.S. § 427.6(H)(3)
Violations of process validation laws or rules	$50,000 per violation	OAC 442:10-11-1(j)(1); 63 O.S. § 427.17(N)(2)(h)

Adulterated product produced under process validation fails testing and the batch or lot has been sold to a dispensary	$10,000 – first violation $75,000 – second violation within two (2) years $250,000 – third violation within two (2) years	OAC 442:10-11-1(j)(2); 63 O.S. § 427.17(N)(2)(i)
Willful violation of process validation	$250,000 – first violation $1,000,000 – second violation	OAC 442:10-11-1(j)(3); 63 O.S. § 427.17(N)(2)(j)
Falsifying data, providing misinformation, or any unethical practices related to process validation by a Certified Process Validation Testing Laboratory	$1,000,000	OAC 442:10-11-1(j)(4); 63 O.S. § 427.17(N)(2)(m)

OFFENSE	FINE AMOUNT	Citation
Failure to carry copy of both transporter license and transporter agent license while transporting medical marijuana or medical marijuana products	$50 per violation – transporter agent $500 per violation – commercial transporter, grower, processor, or dispensary	OAC 442:10-3-1(e)-(f); 63 O.S. § 427.16(E)
Unauthorized individual in vehicle transporting marijuana	$1,000 per violation	OAC 442:10-3-1(e)-(f)
Recordkeeping violations	$500 per violation	OAC 442:10-3-2(c); OAC 442:10-3-6; OAC 442:10-4-5; OAC 442:10-5-5(b); OAC 442:10-5-6; OAC 442:10-5-10(b); OAC 442:10-7-1(c); OAC 442:10-8-1(h); OAC 442:10-8-1(i)(7)(D); OAC 442:10-8-1(k)(4)(C); OAC 442:10-8-2(g); OAC 442:10-8-2(h); OAC 442:10-8-2(i); OAC 442:10-8-3(a); OAC 442:10-8-3(c)(5); OAC 442:10-9-6(c); OAC 442:10-9-6(d); OAC 442:10-9-6(e)
Failure to ensure information and records in OMMA online account are complete, accurate, and updated in timely manner	$500 per violation	OAC 442:10-4-1.1(7); OAC 442:10-4-2(e); OAC 442:10-5-1.1(7); OAC 442:10-5-2(e)

OFFENSE	FINE AMOUNT	Citation
Failure to carry copy of both transporter license and transporter agent license while transporting medical marijuana or medical marijuana products	$50 per violation – transporter agent $500 per violation – commercial transporter, grower, processor, or dispensary	OAC 442:10-3-1(e)-(f); 63 O.S. § 427.16(E)
Unauthorized individual in vehicle transporting marijuana	$1,000 per violation	OAC 442:10-3-1(e)-(f)
Recordkeeping violations	$500 per violation	OAC 442:10-3-2(c); OAC 442:10-3-6; OAC 442:10-4-5; OAC 442:10-5-5(b); OAC 442:10-5-6; OAC 442:10-5-10(b); OAC 442:10-7-1(c); OAC 442:10-8-1(h); OAC 442:10-8-1(i)(7)(D); OAC 442:10-8-1(k)(4)(C); OAC 442:10-8-2(g); OAC 442:10-8-2(h); OAC 442:10-8-2(i); OAC 442:10-8-3(a); OAC 442:10-8-3(c)(5); OAC 442:10-9-6(c); OAC 442:10-9-6(d); OAC 442:10-9-6(e)

APPENDIX D. SAMPLE COLLECTION FOR FINAL MEDICAL MARIJUANA PRODUCTS [REVOKED]

APPENDIX E. SAMPLE COLLECTION FOR PRE-ROLLS [REVOKED]

APPENDIX F. REQUIRED TESTING BY BATCH TYPE [REVOKED]

[OAR Docket #24-650; filed 6-24-24]

TITLE 475. OKLAHOMA STATE BUREAU OF NARCOTICS AND DANGEROUS DRUGS CONTROL
CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #24-565]

RULEMAKING ACTION:
PERMANENT final adoption
RULES:
Subchapter 1. General Provisions
475:1-1-2. Definitions [NEW]
Subchapter 5. Administrative Actions
475:1-5-1. Purpose [AMENDED]
475:1-5-2. Burden of proof [AMENDED]
475:1-5-9. Report and record [AMENDED]
475:1-5-10. Final order [AMENDED]
475:1-5-11. Surrender of Registration in Lieu of Administrative Action [AMENDED]
475:1-5-12. Service in administrative proceedings [NEW]
475:1-5-13. Request for hearing and default [NEW]
475:1-5-14. Discovery in administrative proceedings [NEW]
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Subchapter 1. General Provisions
475:1-1-2. Definitions [NEW]
Subchapter 5. Administrative Actions
475:1-5-1. Purpose [AMENDED]
475:1-5-2. Burden of proof [AMENDED]

475:1-5-9. Report and record [AMENDED]
475:1-5-11. Surrender of Registration in Lieu of Administrative Action [AMENDED]
475:1-5-12. Service in Administrative Procedures [NEW]
475:1-5-13. Request for Hearing and Default [NEW]
475:1-5-14. Discovery in Administrative Hearings [NEW]

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The adopted rules adopt changes made to statute that conflict with current existing rules. It was found necessary to make changes to existing rules to match statute. Additionally, confusion about administrative procedures exists. There was confusion on how service is to be provided to entities because some rural businesses do not receive mail at the location of the business. Furthermore, we did not have a discovery procedure outlined so registrants and their legal counsel were unsure what could be considered discoverable in administrative hearings. These changes should address all those and without these changes, administrative rules would be in conflict with statute as well as the administrative procedures would be inefficient and confusing. The additions to subchapter 1 provide clarity to the registrants by adding definitions and clarifying existing definitions. The changes in subchapter 5 make the administrative rules match the statutory changes that were made during the most recent legislative session. An addition to the rules details what happens when a registrant does not make an appearance for a show cause. The agency will consider the failure to appear as a default. Another modification clarifies who has the ability to surrender a registration. A final addition to subchapter 5 is a procedure for discovery during administrative hearings.
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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(7) AND 308(E), WITH AN EFFECTIVE DATE OF AUGUST 4, 2024:

SUBCHAPTER 1. GENERAL PROVISIONS

475:1-1-2. Definitions [NEW]

The following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Agent" means a peace officer appointed by and who acts on behalf of the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control or an authorized person who acts on behalf of or at the direction of a person who manufactures, distributes, dispenses, prescribes, administers or uses for scientific purposes controlled dangerous substances but does not include a common or contract carrier, public warehouser or employee thereof, or a person required to register under the Uniform Controlled Dangerous Substances Act. With regard to an authorized person who acts on behalf of or at the direction of a person who manufactures, distributes, dispenses, prescribes, administers, or uses for scientific purposes controlled dangerous substances, the term "agent" does not include contractors, subcontractors, or their employees.

"Applicant" means the person(s) seeking registration with the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control and includes all beneficial owners of any legal entity where ownership disclosure is a legal requirement or condition to any licensing or registration.

"Beneficial Owner" means the natural person(s) who ultimately own or control a legal entity, as well as the natural person(s) on whose behalf a business is conducted including those natural persons who exercise ultimate effective control over a legal entity or arrangement.

"Registrant" means a person, persons, corporation or other entity who has been issued by the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control a registration pursuant to Section 2-302 of Title 63 of the Oklahoma Statutes and includes all beneficial owners of any legal entity where ownership disclosure is a legal requirement or condition to any licensing or registration.

SUBCHAPTER 5. ADMINISTRATIVE ACTIONS

475:1-5-1. Purpose [AMENDED]

The rules of this Subchapter explain the administrative hearing process at the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control when said agency seeks to limit, condition, suspend, revoke or deny the renewal of an OBN registration and/or impose a fine.

475:1-5-2. Burden of proof [AMENDED]

At any hearing for the limitation, conditioning, denial of renewal application, suspension or revocation of a registration, or the assessing of a fine the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control shall have the burden of proving by clear and convincing evidence, except where statute has expressly provided for a different burden of proof, that the requirements for such registration are not satisfied pursuant to Title 63 O.S. §§ 2-302 through 2-304.

475:1-5-9. Report and record [AMENDED]

(a) As soon as practicable after the time for the parties to file proposed findings of fact and conclusions of law has expired, the hearing officer shall prepare a report containing the following:

(1) His/Her findings of fact and conclusions of law with the reasons therefor.

(2) His/Her recommendation.

(b) The hearing officer shall certify to the Director the record, which shall contain the recording of the testimony, exhibits, the findings of fact and conclusions of law proposed by the parties, and his/her report. Upon receipt of the certified record, the Director shall cause one (1) copy of the report of the hearing officer to be delivered to each party to the hearing.

(c) The hearing officer may announce his/her decision orally at the close of the hearing without requesting that the parties file proposed findings of fact and conclusions of law. The hearing officer shall prepare a written report containing his/her findings and recommendation to the Director in the same manner as above.

475:1-5-10. Final order [AMENDED]

(a) As soon as practicable after the hearing officer has certified the record to the Director, as required in 475:1-5-9, the Director shall issue his/her order in the proceeding, which shall set forth the final rule or decision and the findings of fact and conclusions of law upon which the rule or decision is based. This order shall specify the date on which it shall take effect, which shall not be less than thirty (30) days from the date of the order unless the Director finds that emergency conditions exist necessitating an earlier effective date, in which event the Director shall specify in the order his/her findings as to such conditions. Any reportable action taken as the result of a Final Order from a hearing or an Agreed Order shall be reported to the National Practitioner Data Bank pursuant to *45 CFR §60.1 et seq*.

(b) Any respondent who fails to request a hearing, after notice of a written order, or who fails to appear after requesting a hearing, may be determined to have waived the right to appear and present a defense. Failure to request a hearing shall result in the written order becoming the Final Order of the agency. If a hearing is requested, the Director may enter a default judgment against any party who fails to participate in the administrative hearing.

475:1-5-11. Surrender of Registration in Lieu of Administrative Action [AMENDED]

(a) Any registrant of the OBN may surrender the registration in lieu of or in addition to administrative action at any time before such action is taken. In such a case, the registrant will waive the right to reapply for an OBN registration for a period of six (6) months from the effective date of the surrender. In such case, the OBN Director may approve or deny any application from the registrant following this six (6) month period based on the impact issuing the requested registration may have on the general public safety. A surrender of an OBN registration made in lieu of further administrative action shall be reported to the National Practitioner Data Bank pursuant to *45 CFR §60.1 et seq*, if required.

(b) In the event a registration is revoked, suspended, or surrendered, either voluntarily or following administrative action, the registrant may not, at any time, utilize the registration of another individual and/or institution. Any effort to utilize the registration of another may be considered an unlawful dispensation, administration, distribution, and/or prescription of a controlled dangerous substance as set forth under Title 63 of the Oklahoma Statutes.
(c) For registered businesses, OBN only recognizes surrenders submitted by a beneficial owner, legal counsel, or court-appointed representative on behalf of the registered business. Nothing in this provision shall be construed to grant OBN authority to accept or reject an authorized surrender; only to execute it in a timely manner on the applicable registration

475:1-5-12. Service in administrative proceedings [NEW]

(a) Notice of any written order initiating administrative proceedings, other than an immediate suspension order, shall be given according to one of the following methods:

(1) Upon the respondent by personal service in any manner authorized by the law of this State for the personal service of summons.

(2) Upon the respondent by mailing a copy of the notice by certified mail to the last known mailing address of the respondent or to the registered agent of the respondent.

(b) In addition to one of the above methods, the OBN may give notice by electronic mail to the respondent at the last known electronic mail address provided to the Bureau or by publication to the Bureau's public website or by publication to the public OBN Registrant Verification website.
(c) Service shall be deemed effective either on the date of personal service or on the date of receipt of certified mail or if refused, on the date of refusal.

(1) Registrants are required to keep information current and up to date with the Bureau. If either personal service or service by certified mail fails, service shall be deemed effective when the Bureau gives notice via both electronic mail and publication to one of the online sites above.

(2) Service of notice shall be reasonably calculated, under all circumstances, to apprise the interested parties of the pendency of the action and to afford them an opportunity to present their objections.

(d) Service of subsequent pleadings, as prescribed herein, upon a respondent shall be deemed adequate upon mailing, by regular mail, postage prepaid, to the address provided by the party or registered address of the party or to the attorney of record of the party or by electronic mail when the party has consented to service by electronic mail.

475:1-5-13. Request for hearing and default [NEW]

form is available at the Bureau's principal place of business located at 419 NE 38th Terrace, Oklahoma City, OK 73105 or online at www.obndd.ok.gov. Hearing requests may only be submitted in person or by mail to the Bureau's principal place of business. Hearing requests submitted other than in person or by mail on the prescribed form shall not be accepted. Hearing requests must be made within thirty (30) calendar days of the date of issuance of the written order, not inclusive of the day of issuance of the written order. Hearing requests made or postmarked after the deadline for requesting a hearing will not be granted. The Request for Hearing Form shall be addressed to the Oklahoma Bureau of Narcotics, Legal Division, 419 NE 38th Terrace, Oklahoma City, OK 73105.
(b) Respondent shall file a verified answer responding to each allegation of fact contained within the written order. Failure to file a verified answer refuting an allegation of fact shall be deemed an admission of the allegation of fact.
(c) Any respondent who fails to appear, after requesting a hearing, will be determined to have waived the right to appear and present a defense. All allegations of fact shall be deemed admitted and the written order providing notice of the violations shall become the Final Order by default. Notice of taking default shall not be required.
(d) Respondents who are entities must appear in any administrative proceeding through an attorney licensed to practice law in the State of Oklahoma. Any timely request for hearing by an entity shall be accompanied by an Entry of Appearance by a licensed attorney of the State of Oklahoma. If no attorney enters their appearance in the administrative proceeding within ten (10) business days following the request for hearing, the respondent will be determined to have waived the right to a hearing and present a defense. Any respondent who fails to appear, after requesting a hearing, will be determined to have waived the right to appear and present a defense. All allegations of fact shall be deemed admitted and the written order providing notice of the violations shall become the Final Order by default. Notice of taking default shall not be required.
(e) Only the registrant or the registrant's legal representative may request a hearing on behalf of the registrant. For registered businesses, only a beneficial owner, legal counsel, or court-appointed representative may request a hearing on behalf of the registered business.

475:1-5-14. Discovery in administrative proceedings [NEW]

(a) Disclosure of Evidence by the Bureau. Upon written request of the respondent, the Bureau shall disclose the following:

(1) The name and addresses of witnesses which the prosecuting attorney intends to call at the hearing, together with a statement identifying which allegations of fact each witness may possess relevant knowledge.

(2) Any books, papers, documents, photographs, or tangible objects which the prosecuting attorney intends to use in the hearing.

(3) Administrative reports made for the enforcement of regulatory functions. The Bureau, in its discretion, may not include criminal investigative reports associated with the administrative action.

(b) Disclosure of Evidence by the Respondent. Upon written request of the Bureau, the respondent shall disclose the following:

(1) The name and addresses of witnesses which the respondent intends to call at the hearing, together with a statement identifying which allegations of fact of which each witness may possess relevant knowledge.

(2) Any books, papers, documents, photographs, or tangible objects which the respondent intends to use in the hearing.

(c) Continuing Duty to Disclose.

(1) If, prior to or during the hearing, a party discovers additional evidence or material previously requested or ordered, such party shall promptly notify the other party, and the hearing officer of the existence of the additional evidence or material.

(2) The hearing officer may determine what evidence is necessary and proper for the purposes of the proceeding.

(d) Time of Discovery.

(1) Any request of motions for discovery may be made at any time after the respondent has filed a Request for Hearing, including an Entry of Appearance for any entity, in the case and requested a hearing provided that the Bureau may request discovery in the Order to Show Cause. The hearing officer may specify the time, place, and manner of taking the discovery and may prescribe such terms and conditions as are just.

(2) All discovery shall be completed no less than three (3) business days prior to the scheduled hearing unless otherwise ordered by the hearing officer. Any exhibit or discovery not turned over shall not be admitted at the hearing without compelling reason. This provision does not apply to any hearing on immediate suspension resulting in revocation.

(e) Subpoenas:

(1) The Bureau may require the furnishing of such information, the attendance of such witnesses, and the production of such books, records, papers or other objects as may be necessary and proper for the purposes of the proceeding or investigation. The Hearing Officer does not have authority to quash any subpoena or subpoena duces tecum issued by the Director.

(2) The Bureau, or any party to a proceeding before it, may take the depositions of witnesses in the same manner as is provided by law for the taking of depositions in civil actions in courts of record.

(A) Witnesses must have knowledge of the facts necessary and proper for adjudication of the proceeding, or be designated as an expert witness, to be deposed. The hearing officer shall determine whether a witness is necessary and proper.

(B) Any requested depositions of Bureau personnel shall take place at an OBN designated location by non-video means unless the hearing officer finds a compelling reason to order otherwise. This shall be construed strictly to protect the health, safety, and welfare of Bureau personnel and their identities.

(C) Any witness, other than a named party, may testify in the administrative hearing via telephone or videoconference at the discretion of the hearing officer with notice provided to all parties at least three (3) business days prior to the scheduled hearing.

(3) At the request of the respondent, or any other party, the hearing officer shall:

(A) Issue subpoenas for the attendance of witnesses with knowledge of facts necessary and proper for adjudication.

(B) Issue subpoenas duces tecum to compel the production of books, records, papers, or other things necessary and proper for adjudication.

(C) Quash a subpoena or subpoena duces tecum so issued with notice to all parties. The hearing officer may not quash a subpoena or subpoena duces tecum if any party objects. This does not limit the hearing officer's authority to exclude or deny requests for irrelevant, immaterial, or unduly repetitious evidence considering the scope of the administrative hearing and the seriousness of the violations.

(D) All witnesses and evidence sought must be necessary and proper for the purposes of the proceeding. The hearing officer shall determine what is necessary and proper and will receive, admit, limit, or exclude evidence accordingly. All evidence which is irrelevant, immaterial, or unduly repetitious may not be admitted.

(f) Regulation of Discovery:

(1) Upon motion of either party, the hearing officer may at any time order that specified disclosures be restricted or make any other protective order. If the hearing officer enters an order restricting specified disclosures, the entire text of the material restricted shall be sealed and preserved in the records of the Bureau to be made available to the appellate court in the event of an appeal.

(2) If at any time during the course of the proceedings it is brought to the attention of the hearing officer that a party has failed to comply with discovery, the court may order such party to permit the discovery or inspection, grant continuance, or it may enter such other order as it deems just under the circumstances including admission or denial of the evidence.

(3) Any discovery order shall not include discovery of legal work product of either attorney which is deemed to include legal research or those portions of records, correspondence, reports, or memoranda which are only the opinions, theories, or conclusions of the attorney or the attorney's legal staff.

[OAR Docket #24-565; filed 6-24-24]

TITLE 475. OKLAHOMA STATE BUREAU OF NARCOTICS AND DANGEROUS DRUGS CONTROL
CHAPTER 10. REQUIREMENTS FOR REGISTRATION

[OAR Docket #24-617]

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RULES:
475:10-1-4. Separate registration [AMENDED]
475:10-1-5. Exemptions of agents and employees [AMENDED]
475:10-1-9. Application for registration pursuant to Title 63 Okl. St.Ann § 2-302 [AMENDED]
475:10-1-10. Application notices for registration and re-registration [AMENDED]
475:10-1-12. Filing of application [AMENDED]
475:10-1-13. Acceptance for filing [AMENDED]
475:10-1-14. Additional information [AMENDED]
475:10-1-15. Amendments to and withdrawal of applications [AMENDED]
475:10-1-17. Applications for scientific research in Schedule I substances [AMENDED]
475:10-1-18. Certificate of Registration [AMENDED]
475:10-1-19. Surrender of certificate of registration [REVOKED]
475:10-1-20. Modification of registration [AMENDED]
475:10-1-21. Change to registrant details [AMENDED]
475:10-1-22. Termination of registration [AMENDED]
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475:10-1-12. Filing of application
475:10-1-13. Acceptance of filing
475:10-1-14. Additional information
475:10-1-15. Amendments to and withdrawal of applications
475:10-1-17. Applications for scientific research in Schedule I substances
475:10-1-18. Certificate of Registration
475:10-1-19. Surrender of certificate of registration
475:10-1-20. Modification of registration
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The adopted rules make changes to the registration requirements including removing staff physicians from the list of exempted agents and employees; updating how registrations can be applied for; and clarifying when and how to update a registration. The changes also remove the requirement to surrender the certificate. The addition to and modification of some rules provides more clarity on warehousing requirements and ownership changes. Finally, there are changes that update rules to match statute due to statutory changes that occurred during the most recent legislative session. Some of those changes include limiting the number of medical marijuana grows that can exist at one location and what steps to take upon an ownership or business name change. 7. The adopted rules are needed to keep the statutory references and language accurate and in the absence of these rules, OBNDD rules do not require certain people to be registered with OBNDD. This puts public health and safety at risk because OBNDD would have no administrative authority over them. OBNDD would be unable to enforce many of the controlled substance rules on those prescribing, administering, or dispensing controlled substances. Without the changes, registrants could also be confused about how to comply with rules and statutes because of the conflict that currently exists.
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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(7) AND 308(E), WITH AN EFFECTIVE DATE OF AUGUST 4, 2024:

475:10-1-4. Separate registration [AMENDED]

(a) Every person or entity who engages in, or who proposes to engage in, more than one group of independent activities shall obtain a separate registration for each group of activities, except as provided by this subsection. Any person or entity, when registered to engage in the group of activities described in each paragraph of this subsection, shall be authorized to engage in the coincident activities described in that subparagraph without obtaining a registration to engage in such coincident activities; provided that, unless specifically exempted, the registrant complies with all requirements and duties prescribed by law for persons or entities registered to engage in such coincident activities.

(1) A person or entity registered to manufacture any controlled dangerous substance or basic class of controlled dangerous substances shall be authorized to distribute that substance or class, but is not authorized to distribute any substance or class which the registrant is not registered to manufacture.

(2) A person or entity registered to manufacture any controlled dangerous substance listed in Schedules I through V shall be authorized to conduct chemical analysis and preclinical research (including quality control analysis) with narcotic and non-narcotic controlled dangerous substances listed in those schedules which the registrant is authorized to manufacture.

(3) A registrant authorized to conduct analytical laboratory activities with controlled dangerous substances shall be authorized to manufacture such substances for analytical or instructional purposes, to distribute such substances to other registrants authorized to conduct analytical laboratory activities, institutional instructional activities, or scientific research with such substances and to persons or entities exempted from registration provided such distribution is made in conformance with state law.

(4) A person registered or authorized to conduct scientific research with controlled dangerous substances listed in Schedules I through V shall be authorized to conduct analytical laboratory activities with controlled dangerous substances listed in those schedules in which he/she is authorized to conduct scientific research, to manufacture such substances if and to the extent that such manufacturing is set forth in the protocol filed with the application for registration, to distribute such substances to other persons or entities registered or authorized to conduct analytical laboratory activities, institutional instructional activities, or scientific research with such substances, and to persons or entities exempted from registration provided such distribution is made in conformance with state law, and to conduct instructional activities with controlled dangerous substances.

(5) Physicians, dentists, podiatrists, veterinarians, optometrists and other qualified persons who are authorized to carry on their respective activities under the laws of the State of Oklahoma and who are registered with the OBN to dispense, prescribe, and/or administer controlled dangerous substances shall be authorized to conduct instructional activities with those substances. Practitioners authorized to administer and/or dispense controlled dangerous substances are authorized to order the controlled dangerous substances for dispensation and administration.

(6) Trainers or handlers of a canine controlled dangerous substance detector who, in the ordinary course of their profession, desire to possess any controlled dangerous substance for training said canine.

(7) A single registration to engage in any group of independent activities may include one or more controlled dangerous substances listed in the schedules authorized in that group of independent activities. A person registered to conduct scientific research with controlled dangerous substances listed in Schedule I may conduct scientific research with any substance listed in Schedule I for which the registrant has filed and had approved a scientific research protocol.

(b) The following locations shall not be deemed to be principal places where controlled dangerous substances are manufactured, distributed, dispensed, and/or prescribed:

(1) A warehouse where controlled dangerous substances are stored by or on behalf of a ~~registered person, unless such substances are distributed directly from such warehouse to registered locations, other than the registered location from which the substances were delivered, or to persons~~registrant, but not used as a distribution point, does not require a separate registration. The warehouse location shall be included on the registration application but may be fee exempt at the discretion of the Director. If a warehouse location is added at any later time after the application has been submitted, the registrant shall notify OBN of such location within one (1) business day. Warehouse locations shall meet all applicable state and local laws and have the same physical security requirements as specified in Chapter 20 of this Title.

(2) An office used by agents of a registrant where sales of controlled dangerous substances are solicited, made, or supervised but which neither contain such substances (other than substances for display purposes or lawful distribution as samples only) nor serves as a distribution point for filling sales orders.

(3) An office used by a practitioner (who is registered at another location) where controlled dangerous substances are prescribed but neither administered nor otherwise dispensed as a regular part of the professional practice of the practitioner at such office, and where no supplies of controlled dangerous substances are maintained.

(c) No more than one medical marijuana manufacturing registration for growing medical marijuana shall be issued per location. Location is the entire real property identified by the parcel identification number and any corresponding address on file with the County Assessor. A registrant or applicant may, in writing, request that the OBN waive the above requirement, by submitting on a form provided by the OBN for OBN approval. The OBN may in its discretion and on a case- by-case basis, approve the waiver if it finds that the safeguard proposed by the registrant meets the goals of the security requirements. Registrant grow operations must be clearly separate and distinct from other registrant grow operations. Approved waivers expire at the same time as the underlying registration. The approved waiver shall be displayed in a conspicuous manner near the associated Certificate of Registration.

475:10-1-5. Exemptions of agents and employees [AMENDED]

The following persons shall not be required to register and may lawfully possess controlled dangerous substances in the performance of their official duties under the provisions of the Act:

(1) An agent, or employee thereof, of any registered manufacturer, distributor, dispenser and/or user for scientific purposes of any controlled dangerous substances if such agent is acting in the usual course of his/her business or employment.

~~(2) An individual physician who is a resident or staff physician of a licensed or otherwise-authorized hospital shall not be required to register in order to administer, prescribe, or dispense controlled dangerous substances in the usual course of his/her professional practice, while acting within the scope of his/her employment in the hospital, provided that:~~

~~(A) Such resident or staff physician is authorized to carry on the respective activities under the laws of the State of Oklahoma by their appropriate State of Oklahoma licensing board.~~

~~(B) The hospital by whom he/she is employed has verified that the individual physician is so licensed by the appropriate State of Oklahoma licensing board.~~

~~(C) Such administering, prescribing, and/or dispensing is confined solely to inpatients or outpatients of the hospital by which the individual physician is employed.~~

~~(D) All prescriptions and records relating to controlled dangerous substances administered, dispensed, or prescribed to inpatients or outpatients shall reflect the designated specific internal hospital code number given to each resident or staff physician so authorized by the hospital pursuant to 475:25-1-18 and Title 21 Code of Federal Regulations, § 1301.22(C)(5) and (6).~~

~~(3)~~(2) Interns or residents of teaching hospitals shall not be required to register and may administer, dispense, and/or prescribe controlled dangerous substances ~~in accordance with paragraph (2) of this Section,~~ provided that:

(A) All prescriptions issued by such interns or residents for outpatients shall be countersigned by a physician licensed by the physician's appropriate State of Oklahoma licensing board and shall bear such physician's personal designated hospital code number.

(B) Such intern or resident is so authorized by the hospital and is acting only within the scope of his/her employment within the teaching hospital.

~~(4)~~(3) An individual physician, dentist, podiatrist, or veterinarian, as defined in 63 Okl.St.Ann. § 2-101, who is a resident or foreign-trained, whose practice is, for any reason, limited solely to federal, state, or local government institutions, shall dispense, administer and/or prescribe controlled dangerous substances under the authority of the license of the institutional hospital by whom he/she is employed in lieu of being registered himself/herself, provided that:

(A) Such dispensing, administering, and/or prescribing is done in the usual course of his/her professional practice.

(B) Such individual practitioner is authorized to carry on the respective activities under the laws of the State of Oklahoma by the appropriate State of Oklahoma licensing board.

(C) The hospital or other institution by which he/she is employed has verified that the individual practitioner is so permitted to dispense, administer, and/or prescribe drugs within the jurisdiction.

(D) Such individual practitioner is acting only within the scope of his/her employment in the hospital or institution.

(E) Records relating to controlled dangerous substances that are prescribed by such residents, foreign-trained physicians, or physicians limited to federal, state, or local government institutions, shall be kept pursuant to Title 21 Code of Federal Regulations §1304.04 and 475:25-1-18.

~~(5)~~(4) An individual practitioner, as defined in ~~(4)~~(3) of this Section, who is limited solely to federal, state, or local government institutional practice, may obtain individual fee-exempt registration in the event that such institution by which he/she is employed does not maintain a hospital as defined by the appropriate State of Oklahoma licensing authority and the institution is not so registered with the OBN.

(A) Such limited practitioners shall be required to maintain records of all controlled dangerous substances administered, dispensed, and prescribed by such practitioner.

(B) Such limited practitioners shall be authorized to dispense, administer, and/or prescribe controlled dangerous substances in the course of their professional practice only within such institution as designated by their appropriate State of Oklahoma licensing boards.

(C) Prior to being authorized to dispense, administer, and/or prescribe controlled dangerous substances at any new or additional location, such limited practitioners shall be required to report to the OBN each change of location or addition of institutional employment.

(D) Such limited practitioners shall be held individually responsible for safeguards, record keeping, inventories, transferring, and disposing of controlled dangerous substances in accordance with this Chapter.

475:10-1-9. Application for registration pursuant to Title 63 Okl. St.Ann § 2-302 [AMENDED]

(a) Any person or entity who is required to be registered and who is not so registered may apply for registration at any time unless otherwise provided in this Title. No person or entity required to be registered shall engage in any activity for which registration is required until the application for registration is granted and a Certificate of Registration is issued by the Director to such person or entity.

(b) After any person or entity is first registered, the person or entity shall thereafter be required to be registered no later than the first day of November of each year.

(c) Any person or entity who fails to register shall be in violation of the Uniform Controlled Dangerous Substances Act and subject to penalties as provided therein.

(d) Applications for registration of new principal places of business and new personal registration requests received after July 1st of each year will, if accepted for registration, be registered for the forthcoming registration period and, therefore, will not be required to pay the registration fee for the remaining four (4) months of the registration period in which the application is made.

(e) A thirty (30) day grace period from the registration expiration date may be given before a registration is inactivated.

(f) All medical marijuana applicants and registrants, and all medical facilities required to register under 63 O.S. § 2-302(C), shall disclose to OBN all beneficial owners and all other entities or natural persons that have an ownership interest in the business.

(g) No natural person or persons may perform any service in an attempt to become a beneficial owner that would otherwise violate, circumvent, bypass, or render meaningless, any statute of the State of Oklahoma or of the United States.

475:10-1-10. Application notices for registration and re-registration [AMENDED]

(a) Any person or entity required to be registered under Title 63 may register by ~~contacting the OBN to obtain the registration application, downloading the registration application on the official OBN website, or~~ applying on the official OBN website.

(b) Any person or entity desiring to professionally handle controlled dangerous substances for the purpose of canine drug detector handling and/or training, manufacturing, distributing, conducting scientific research, or performing analytical laboratory activities of controlled dangerous substances listed in the Uniform Controlled Dangerous Substances Act, Schedules I through V, shall apply for registration as follows:

(1) A canine drug detector handler/trainer or scientific researcher shall be registered with the OBN as an individual.

(2) Applicants for scientific research, analytical laboratory activities, or institutional instructional activities shall attach one (1) copy of the proposed operational protocol to the application.

(3) A detailed description, diagram, and/or photographs of all security measures proposed for the safe storage of all controlled dangerous substances shall be attached to the application.

(c) Any person or entity licensed by the appropriate State of Oklahoma licensing authority who desires to professionally handle controlled dangerous substances in their practice of medicine, retail pharmacy, hospital, teaching institution, or institutional drug department shall apply for registration.

(d) Registrants will be notified by renewal notice approximately ninety (90) days before the expiration date of October 31 of each year; if any registrant does not receive such notice within thirty (30) days prior to the expiration date of the registration, the registrant must give notice of such omission and request such notice either by personal contact with, or in writing to, the OBN. It shall be the registrant's responsibility to maintain a valid registration.
(e) Each application shall include all information called for in the application, unless the item is not applicable, in which case this fact shall be indicated, and the application with comments shall be required to be returned to the OBN. The address of the registrant shall be the business address. A post office box will not be considered a sufficient business address. If the business address contains no physical street address, then a PO Box or route number may be listed, however, directions to the registrant's business location must be included with the application.
(f) Each application, attachment, or other document filed as a part of any application shall be signed by the applicant or by an officer or official of the applicant. Those applications with questions left unanswered or without proper signature will not be accepted.

475:10-1-12. Filing of application [AMENDED]
(a) All applications for registration shall be submitted for filing with the OBN and shall be accompanied by the appropriate registration fee and any required attachments.
(b) Any person or entity required to obtain more than one registration ~~may~~shall submit all applications ~~in one (1) package~~individually. Each application must be complete and should not refer to any accompanying application for required information.

475:10-1-13. Acceptance for filing [AMENDED]
(a) Applications submitted for filing are dated upon receipt. If found to be complete, the application will be accepted for filing. Applications failing to comply with the requirements of this Chapter will not generally be accepted for filing. A defective application will be rejected and returned to the applicant with a statement of the reason for not accepting the application for filing. ~~A defective application shall be corrected and re-submitted for filing prior to acceptance of application.~~
(b) Accepting an application for filing does not preclude any subsequent request for additional information and has no bearing on whether the application will be granted.
(c) All information requested within the application, as well as any requests for additional or supplemental information, are deemed material information for purposes of the application and enforcement of the Uniform Controlled Dangerous Substances Act.

475:10-1-14. Additional information [AMENDED]
The Director may require an applicant to submit such documents or written statements of fact relevant to the application as he/she deems necessary to determine whether the application should be granted. The failure of the applicant to provide such documents or statements within a reasonable time after being requested to do so shall be deemed to be a waiver by the applicant of an opportunity to present such documents or facts for consideration by the Director in granting or denying the application and may result in an application being rejected as incomplete.

475:10-1-15. Amendments to and withdrawal of applications [AMENDED]
(a) An application may be ~~amended or~~ withdrawn without permission of the Director at any time before the date on which the applicant receives an order to show cause why the registration should not be denied, revoked or suspended pursuant to Title 63 Okl.St.Ann. § 2-305. ~~An application may be amended with permission of the Director at any time where good cause is shown by the applicant or where the amendment is in the public interest.~~
(b) After an application has been accepted for filing, the request by the applicant that it be returned or the failure of the applicant to respond to official correspondence regarding the application shall be deemed to be a withdrawal of the application.
(c) If an application is withdrawn after the application and payment have been submitted, no refund shall be given.
(d) For registered businesses, OBN only recognizes withdrawals submitted by a beneficial owner, legal counsel, or court-appointed representative on behalf of the business.

475:10-1-17. Applications for scientific research in Schedule I substances [AMENDED]

(a) In the case of an application to conduct scientific research with controlled dangerous substances listed in Schedule I, the Director may process the application and protocol and forward a copy of each to an independent expert selected by the Director within seven (7) days after receipt. The independent expert shall promptly advise the Director concerning the qualification of the applicant.
(b) An applicant whose protocol is defective shall be notified by the Director within seven (7) days after receipt of such protocol from the independent expert, and he/she shall be required to correct the existing defects before consideration shall be given to his/her submission.
(c) After the independent expert finds that the applicant is qualified and competent and the protocol meritorious, the Director shall be notified. The Director shall issue a Certificate of Registration within ten (10) days after receipt of this notification unless he/she determines that the application should be denied pursuant to the Uniform Controlled Dangerous Substances Act or OAC 475.
(d) If the independent expert finds that the protocol is not meritorious and/or the applicant is not qualified or competent, said designated authority shall notify the Director. The Director shall notify the applicant of said findings and his/her final decision~~, after which time the applicant may submit written request to the Director within thirty (30) days for a hearing to show cause why the application should not be denied~~.
(e) Except, Schedule I medical marijuana researchers shall submit the documentation, with their application, as required by 63 O.S. §427.19 et seq and 63 O.S. § 427.20 et seq.

475:10-1-18. Certificate of Registration [AMENDED]
(a) The Certificate of Registration shall contain the name, business address, and registration number of the registrant, the schedules of controlled dangerous substances which the registrant is authorized to handle, any limitation or condition placed on the registration, and the expiration date of the registration. The registrant shall maintain the Certificate of Registration at the registered location, displayed in a conspicuous manner, and shall permit inspection of the Certificate by a peace officer or agency official in the enforcement of laws relating to controlled dangerous substances.
(b) Medical marijuana manufacturers shall post a sign at the entrance of the medical marijuana manufacturing location. The sign shall include, at a minimum, business name, business address, contact phone number, and OBN registration number. This information may be placed on other existing signs of a similar nature if otherwise allowed by law.

475:10-1-19. Surrender of certificate of registration [REVOKED]
~~(a) Upon the revocation, suspension, or retirement of the registrant's Certificate of Registration, the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control shall require that the registrant immediately deliver the assigned Certificate of Registration to an officer of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control and shall further require the registrant to surrender, destroy, or provide the security deemed necessary by the Director for all stocks of controlled dangerous substances in control of the registrant.~~
~~(b) In the event of limitation of a registrant's authority to handle controlled dangerous substances ordered by the Director or the authorized appropriate State of Oklahoma professional licensing board which may limit the registrant's professional services regarding controlled dangerous substances, the registrant shall be issued a new Certificate of Registration. No fee shall be required to be paid for the new Certificate of Registration.~~

475:10-1-20. Modification of registration [AMENDED]
(a) Any registrant may apply to modify the registration to authorize the handling of additional controlled dangerous substances by submitting a ~~letter of~~ request to the Registration Division of the OBN. The ~~letter~~request shall contain the registrant's name, address, state and federal registration numbers as printed on the registrant's State of Oklahoma and Federal Certificates of Registration, the substances and/or schedules to be added to the registration, and shall be ~~signed~~certified by the registrant. If the registrant is seeking to handle additional controlled dangerous substances listed in Schedule I of the Uniform Controlled Dangerous Substances Act for the purpose of analytical laboratory activities, scientific research, or institutional instructional activities, the registrant shall attach one (1) copy of the protocol describing each anticipated activity involved with the additional substances or, in the event of institutional instructional activities, a statement describing the nature, extent, and duration of such institutional instructional activity, as appropriate. No fee shall be required to be paid for the modification.
(b) Change of name or ownership shall require a new registration for all businesses. Notice shall be submitted in writing on a form prescribed by OBN at least fourteen (14) days prior to the proposed change being submitted to the appropriate licensing board or authority.
(1) A change of ownership occurs when:
(A) Any new beneficial owner, not previously recorded on the registration, is added to the business; or

(B) A change in the form of ownership occurs (for example, from a sole proprietor ownership to a partnership, limited liability company, or corporation).

(2) For publicly traded corporations, a routine sale of stock is not a change of ownership. (Note: a publicly traded corporation is a corporation owned by stockholders who are members of the general public and who trade shares publicly, often through a listing on a stock exchange. Publicly traded corporations do not include any entity engaged in activities involving federally prohibited substances.)

(3) A change to the registered business name as a result of government entities making changes to the name or to correct typographical errors does not require a new registration.

(c) Any change in the existing ownership percentage of a registered business shall be reported to the OBN within one (1) business day, if ownership disclosure is a legal requirement or condition to any licensing or registration.

(d) OBN registrations are only valid for the individual or entity to which the registration is issued including all beneficial owners of a registered entity or business. An OBN registration shall never be utilized by another individual or entity unless specifically authorized to do so by this Title or the Uniform Controlled Dangerous Substances Act. This provision shall be strictly construed to guard against theft and diversion of controlled dangerous substances.

475:10-1-21. Change to registrant details [AMENDED]

The registrant shall notify the Registration Division of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, ~~in writing, sent via U.S. certified mail, return receipt requested, or~~ through the registrant's online account, within ~~fourteen (14) calendar days~~one (1) business day of any change to information on the current registration. This includes, but is not limited to, changes in contact information, ownership information, or changes to the registered premises where physical security controls are impacted such as the addition of, expansion of, or destruction of structures on the registered premises.

475:10-1-22. Termination of registration [AMENDED]

(a) The registration of any person or entity shall terminate if and when such registrant dies, ceases legal existence, or discontinues business or professional practice including, but not limited to, full retirement. Any registrant who discontinues business or professional practice and/or no longer holds a valid Oklahoma license of the profession or occupation shall notify the ~~Director within fourteen (14) calendar days~~ OBN within one (1) business day of such fact.

(b) Pursuant to 63 O.S. § 2-302(L), failure to maintain an active, valid professional or occupational license, will result in automatic termination of the OBN registration.

(c) For registered businesses, OBN only recognizes a request for termination submitted by a beneficial owner, legal counsel, or court-appointed representative on behalf of the registered business.

[OAR Docket #24-617; filed 6-24-24]

TITLE 475. OKLAHOMA STATE BUREAU OF NARCOTICS AND DANGEROUS DRUGS CONTROL
CHAPTER 15. IMMINENT DANGER SUSPENSION

[OAR Docket #24-622]

RULEMAKING ACTION:
PERMANENT final adoption
RULES:
475:15-1-2. Immediate suspension of registration [AMENDED]
475:15-1-3. Hearing following immediate suspension [AMENDED]
AUTHORITY:
Oklahoma Bureau of Narcotics and Dangerous Drugs Control; 63 O.S. §§2-301 and 2-309H.
SUBMISSION OF PROPOSED RULES TO GOVERNOR AND CABINET SECRETARY:
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The adopted rules adopt changes to statute that now conflict exists in administrative rules. It was found that changes need to be adopted to eliminate the conflict quickly and reduce the amount of confusions that exists because of the conflict. The rule changes modify when the hearing must be held after an immediate suspension of a registration. The change now puts rule in alignment with statute.The adopted rules are needed to keep the statutory references and language accurate and in the absence of these rules, public health and safety could be impacted if administrative rules were not consistent with statute and the impacted parties were unsure how to proceed.
CONTACT PERSON:
Jessica McGuire jmcguire@obn.ok.gov

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(7) AND 308(E), WITH AN EFFECTIVE DATE OF AUGUST 4, 2024:

475:15-1-2. Immediate suspension of registration [AMENDED]
If the Director finds there is imminent danger to the public health or safety, he/she may immediately suspend any registration ~~simultaneously with the institution of show cause proceedings~~.

(1) **Method**. The registrant shall be notified of such suspension through an ~~imminent danger letter~~immediate suspension order identifying an imminent danger to the public health or safety signed by the Director.

(2) **Notice and surrender of controlled dangerous substances**. The ~~imminent danger letter~~immediate suspension order shall be personally served on the registrant by an Agent of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control at which time the registrant shall be required to surrender to the Agent all controlled dangerous substances in his/her possession. In the event the registrant cannot be located by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control Agent, the Agent shall deliver the ~~imminent danger letter~~immediate suspension order to the ~~address listed on the registrant's most current registration~~

~~application~~registered address on file with the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control at which time the Agent shall take possession of all controlled dangerous substances located at such address.

(3) **Additional violations**. Where there is a reasonable belief that a registrant has committed a new violation of OBN's rules or applicable law while serving a term of probation with OBN, the registrant's OBN registration may be immediately suspended ~~until a hearing can be had, which shall be within fourteen (14) calendar days, unless otherwise agreed to by the parties~~.

475:15-1-3. Hearing following immediate suspension [AMENDED]

~~A show cause hearing shall be held within fourteen (14) calendar days, unless waived by the parties, following the suspension of a registration suspended without a hearing.~~An immediate suspension order takes effect upon the Director's signature and shall be governed by the administrative proceeding process outlined by the Uniform Controlled Dangerous Substances Act. Failure to comply with the immediate suspension order may result in administrative penalties not to exceed Ten Thousand Dollars ($10,000.00) per day of noncompliance. If the registrant makes a timely request for hearing, the Director shall serve formal notice of a hearing to be held within thirty (30) days of the formal notice, unless waived by the parties.

[OAR Docket #24-622; filed 6-24-24]

TITLE 475. OKLAHOMA STATE BUREAU OF NARCOTICS AND DANGEROUS DRUGS CONTROL
CHAPTER 20. SECURITY REQUIREMENTS

[OAR Docket #24-623]

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PERMANENT final adoption
RULES:
475:20-1-3. Physical security controls for nonpractitioners; storage areas [AMENDED]
475:20-1-4. Physical security controls for nonpractitioners; manufacturing areas [AMENDED]
475:20-1-5. Other security controls for nonpractitioner registrants [AMENDED]
475:20-1-8. Other security controls for registrants [AMENDED]
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The adopted rules adopt changes to the security requirements for storing medical marijuana. The rule amendments provide more information on security requirements to help guard against theft and diversion. It also adds more information on how registrants can ensure they are adhering to the criminal history requirements of themselves and their employees. The adopted rules are needed to keep the statutory references and language accurate and in the absence of these rules, public's health and safety will benefit from the rule changes making it very clear what is required of those in the pharmaceutical industry versus the medical marijuana industry. Additionally, public health and safety will benefit by adding and clarifying security requirements to help guard against theft and diversion.
CONTACT PERSON:
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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(7) AND 308(E), WITH AN EFFECTIVE DATE OF AUGUST 4, 2024:

475:20-1-3. Physical security controls for nonpractitioners; storage areas [AMENDED]
(a) Physical security controls for nonpractitioners and storage areas shall comply with Title 21 Code of Federal Regulations §1301.72., ~~except physical security controls for medical marijuana retailers shall, at a minimum, meet the following requirements for each retail storage area:~~
(b) Physical security controls for all medical marijuana businesses (dispensaries, growers, processors, etc.) shall, at a minimum, meet the following requirements for each medical marijuana storage area:

(1) Each registered premise shall have a security alarm system which upon unauthorized entry shall transmit a signal directly to a central station protection agency or a local or state police agency, each having a legal duty to respond, or to a 24-hour control station operated by the registrant, or to such other source of protection as the Director may approve.

(2) All ~~retail~~controlled dangerous substance storage areas shall be equipped with self-closing, self-locking doors constructed of substantial material commensurate with the type of building construction, provided, however, a door which is kept closed and locked at all times when not in use and when in use is kept under direct observation of a responsible employee or agent of the registrant is permitted in lieu of a self-closing, self-locking door. Doors may be sliding or hinged. If door hinges are mounted on the outside, such hinges shall be sealed, welded or otherwise constructed to inhibit removal. Locking devices for such doors shall be either of the multiple-position combination, keyless entry, or key lock type and;

(A) In the case of key locks, shall require key control which limits access to a limited number of employees, or;

(B) In the case of multiple-position combination or keyless entry systems, the system shall be limited to a minimum number of employees and can be changed upon termination of employment of an employee having knowledge of the combination.

(3) The ~~retail~~controlled dangerous substance storage areas shall be accessible only to an absolute minimum number of authorized employees. When it is necessary for employee maintenance personnel, nonemployee maintenance personnel, business guests, or visitors to be present in or pass through a controlled dangerous substance storage area, the registrant shall provide for adequate observation of the area by an employee specifically authorized in writing.

(c) All finished, processed, or packaged medical marijuana must be stored in a secure, locked storage area, such as a closet, cabinet, safe, or vault, and in such a manner as to prevent diversion, theft, or loss. All safes and cabinets must be made of substantially constructed steel. If the safe or cabinet weighs less than 750 pounds, it must be bolted or cemented to the floor in such a way that it cannot be removed. Hinges and locks on the cabinets and safes must meet the requirements set forth in subsection (b) of this section.

475:20-1-4. Physical security controls for nonpractitioners; manufacturing areas [AMENDED]

(a) Physical security controls for nonpractitioners and manufacturing areas shall be in compliance with Title 21 Code of Federal Regulations §1301.73.~~, except physical security controls for medical marijuana commercial growers, processors, packagers, and manufacturers shall, at a minimum, meet the following requirements:~~

(b) Physical security controls for medical marijuana commercial growers, processors, packagers, and manufacturers shall, at a minimum, meet the following requirements:

(1) All in-process medical marijuana shall be returned to the storage area at the termination of the process. If the process is not terminated at the end of a workday (except where a continuous process or other normal manufacturing operation should not be interrupted), the processing area or tanks, vessels, bins or bulk containers containing medical marijuana shall be securely locked, with adequate security for the area or building.

(2) Each building shall require a security alarm system, that upon unauthorized entry, shall transmit a signal directly to a central station protection company, or local or state police agency that has a legal duty to respond, or a 24-hour control station operated by the registrant, or to such other source of protection as the Director may approve.

(3) Each building shall be equipped with self-closing, self-locking doors constructed of substantial material commensurate with the type of building construction, provided, however, a door which is kept closed and locked at all times when not in use and when in use is kept under direct observation of a responsible employee or agent of the registrant is permitted in lieu of a self-closing, self-locking door. Doors may be sliding or hinged. If doors hinges are mounted on the outside, such hinges shall be sealed, welded or otherwise constructed to inhibit removal. Locking devices for such doors shall be either of the multiple-position combination, keyless entry, or key lock type and;

(A) In the case of key locks, shall require key control which limits access to a limited number of employees, or;

(B) In the case of multiple-position combination or keyless entry systems, the system shall be limited to a minimum number of employees and can be changed upon termination of employment of an employee having knowledge of the combination.

(4) Any outdoor or greenhouse facilities shall provide adequate security measures for the area or building including the following:

(A) The entire outdoor or greenhouse facility shall be surrounded by a fence and entry gates. Acceptable fencing shall be a metal chain link fence with a wire diameter at least nine (9) gauge or larger, or another similarly secure material or wood. The fence shall measure at least eight (8) feet from the ground to the top of the fence. The fence may be at least six (6) feet of acceptable fencing with a top guard of fencing wire with sharp edges or points, such as barbed wire, to enhance the overall height of the fence to the minimum of eight (8) feet. All support posts shall be steel and securely anchored.

(B) All entry gates shall measure at least eight (8) feet from the ground to the top of the entry gate and shall be constructed of acceptable fencing. The entry gate may be at least six (6) feet of acceptable fencing with a top guard of fencing wire with sharp edges or points, such as barbed wire, to enhance the overall height of the entry gate to the minimum of eight (8) feet. All entry gates shall be kept closed and securely locked at all times when not in use and when in use shall be kept under direct observation of a responsible employee or agent of the registrant.

(C) The fence and entry gates shall be in good repair and obscure the outdoor or greenhouse facility so that it is not easily viewed from outside the fence or entry gates.

(5) The medical marijuana commercial growing, processing, packaging, and manufacturing areas shall be accessible only to an absolute minimum number of authorized employees. When it is necessary for employee maintenance personnel, nonemployee maintenance personnel, business guests, or visitors to be present in or pass through areas where controlled dangerous substances are present, the registrant shall provide for adequate observation of the area by an employee specifically authorized in writing.

(6) A registrant may, in writing, request that the OBN waive one or more of the security requirements described in subsection (4) of this rule, by submitting on a form provided by the OBN a security waiver request for OBN approval. The OBN may in its discretion and on a case- by-case basis, approve the security waiver if it finds that the alternative safeguard proposed by the registrant meets the goals of the above security requirements. Approved security waivers expire at the same time as the underlying registration. The registrants request for a waiver shall include:

(A) The specific portion(s) of subsection (4) that is requested to be waived;

(B) The reason for the waiver; and,

(C) A description of an alternative safeguard the registrant will implement in lieu of the requirement that is the subject of the waiver.

475:20-1-5. Other security controls for nonpractitioner registrants [AMENDED]

(a) Before distributing a controlled dangerous substance to any person whom the registrant does not know to be registered to possess the controlled dangerous substance, the registrant shall make a good-faith inquiry either with the OBN ~~or~~and with the Federal Drug Enforcement Administration, or when applicable, the Oklahoma Medical Marijuana Authority, to determine that the person is registered to possess the controlled dangerous substance.

(b) The registrant shall design and operate a system to disclose to the registrant suspicious orders of controlled dangerous substances. The registrant shall inform the OBN of suspicious orders when discovered by the registrant. Suspicious orders include orders of unusual size, orders deviating substantially from a normal pattern, and orders of unusual frequency.

(c) All registrants shall notify the OBN of any theft or significant loss of any controlled dangerous substances upon discovery of such theft or loss. Notification shall be made in writing and shall contain a list of the substances stolen or diverted by their trade name, quantities, descriptions, amount lost or stolen, and any cost code marks utilized. Thefts must be reported whether or not the controlled dangerous substances are subsequently recovered and/or the responsible parties are identified and action taken against them.

(d) No person acting as an agent of a registered controlled dangerous substances manufacturer or distributor (i.e., detailman, salesman, etc.) shall distribute samples of controlled dangerous substances to a practitioner without first having been registered (no fee required) with the OBN.

(1) To register with the OBN to distribute samples of controlled dangerous substances a form must be completed and submitted to the Registration Division. Such forms may be obtained ~~through the OBN website or~~ by calling the Registration Division.

(2) A new form shall be completed and submitted to the Registration Division each time the list of items to be distributed changes.

(3) A copy of the form submitted to the OBN shall be retained by the distributor.

(4) The practitioner receiving the samples shall keep a record each time he/she receives or distributes samples of controlled dangerous substances.

(e) When shipping controlled dangerous substances, a registrant is responsible for selecting common or contract carriers which provide adequate security to guard against in-transit losses. When storing controlled dangerous substances in a public warehouse, a registrant is responsible for selecting a warehouseman who will provide adequate security to guard against storage losses; wherever possible, the registrant shall store controlled dangerous substances in a public warehouse which complies with the requirements set forth in this Chapter. In addition, the registrant shall employ precautions (e.g., assuring that shipping containers do not indicate that contents are controlled dangerous substances except in the case of medical marijuana) to guard against storage or in-transit losses and comply with all current Federal regulations, except medical marijuana transit shall comply with rules set forth ~~in OAC 310:681-3~~by the OMMA. Reporting the loss of in-transit shipments is the responsibility of the registrant shipping the controlled dangerous substances.

(f) When distributing controlled dangerous substances through agents (e.g., detailmen), a registrant is responsible for providing and requiring adequate security to guard against theft and diversion while the controlled dangerous substances are being stored or handled by the agent(s).

(g) No registrant shall knowingly employ, as an agent or employee, any person who will have access to controlled dangerous substances if such person has been convicted, pled guilty, or nolo contendere, or otherwise ordered to complete a period of probation or supervision for a misdemeanor or felony relating to any controlled dangerous substances as defined by the Uniform Controlled Dangerous Substances Act in this state, any other state, or the United States, or any person convicted, pled guilty, or nolo contendere, or otherwise ordered to complete a period of probation or supervision for any felony of this state, any other state, or the United States, unless, after full review of the circumstances, the Director waives this requirement in writing with respect to each person on a case-by-case basis. Except Schedule I medical marijuana registrants, employees, and agents shall be subject to the criminal history requirements pursuant to Title 63 Okl.St.Ann. §420A et seq., unless, after full review of the circumstances, the Director waives this requirement in writing with respect to each person on a case-by-case basis.
(h) The registrant shall immediately notify OBN and seek authorization to employ any individual as specified above.

475:20-1-8. Other security controls for registrants [AMENDED]
(a) All registrants shall immediately notify the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control of any theft or significant loss of any state or federal registration certificates, D.E.A. Form 222 order blanks, prescription blanks or other materials used in purchasing, distributing, prescribing or transferring controlled dangerous substances.
(b) All registrants shall immediately notify the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control ~~or~~and the local law enforcement agency having jurisdiction of any information the registrant receives concerning any violations of the Oklahoma Controlled Dangerous Substances Act and/or federal statutes and regulations related to controlled dangerous substances.
(c) All registrants shall ensure that every person, with access to controlled dangerous substances, keeps and maintains a valid government-issued photo identification card on their person at all times when on the registered premises.
(d) All registrants shall notify the OBN within one (1) business day of the discovery of any charge, arrest, or conviction of any beneficial owner, agent, employee, contractor, or subcontractor.

[OAR Docket #24-623; filed 6-24-24]

TITLE 475. OKLAHOMA STATE BUREAU OF NARCOTICS AND DANGEROUS DRUGS CONTROL
CHAPTER 25. RECORDS AND REPORTS OF REGISTRANTS

[OAR Docket #24-625]

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RULES:
475:25-1-2. General information [AMENDED]
475:25-1-3. Persons required to keep records and file reports [AMENDED]
475:25-1-5. General requirements for inventories [AMENDED]
475:25-1-9. Inventories of manufacturers [AMENDED]
475:25-1-10. Inventories of distributors [AMENDED]
475:25-1-20. Reports for manufacturers and distributors [AMENDED]
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The adopted rules adopt amendments change references to the administrative code for medical marijuana registrants. The OMMA administrative code changed title numbers and places that refer to their rules were no longer correct. The changes also specify which employment records need to be kept onsite. The adopted rules are needed to keep the statutory references and language accurate and in the absence of these rules, Schedule I medical marijuana retailers, growers, processors, packagers, and manufacturers could be confused about which rules are applicable.
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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(7) AND 308(E), WITH AN EFFECTIVE DATE OF AUGUST 4, 2024:

475:25-1-2. General information [AMENDED]

Registrants shall be required to maintain records, reports, and inventory in accordance with this Chapter and pursuant to Title 21 Code of Federal Regulations, and Title 63 Okl.St.Ann. §2-307, except Schedule I medical marijuana registrants shall be required to maintain readily-retrievable inventory tracking, records, and reports in the format set forth ~~in OAC 310:681-5-6~~by the OMMA.

475:25-1-3. Persons required to keep records and file reports [AMENDED]

(a) Each registrant shall maintain the readily-retrievable records and inventories and shall file the reports required by this Chapter, except as exempted by this Section. Any registrant who is authorized to conduct other activities without being registered to conduct those activities pursuant to 475:10-1-7 shall maintain the records and inventories and shall file the reports required for persons registered to conduct such activities. This latter requirement should not be construed as requiring stocks of controlled dangerous substances being used in various activities under one registration to be stored separately, nor that separate records are required for each activity. The intent of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control (OBN) is to permit the registrant to keep one set of records which are adapted by the

registrant to account for controlled dangerous substances used in any activity. Also, the Director does not wish to require separate stocks of the same substance to be purchased and stored for separate activities. Otherwise, there is no advantage gained by permitting several activities under one registration. Thus, when a researcher manufactures a controlled dangerous substance, he/she must keep a record of the quantity manufactured; when he/she distributes a quantity of the item, he/she must use and keep invoices or order forms as required by Title 21 Code of Federal Regulations, to document the transfer. When substances are used in chemical analysis, he/she need not keep a record of this because such record would not be required of him/her under a registration to do chemical analysis. All of these records may be maintained in one consolidated record system. Similarly, the researcher may store all of his/her controlled dangerous substances in one place and every two (2) years take inventory of all items on hand, regardless of whether the substances were manufactured by him/her, purchased domestically by him/her, or whether the substances will be administered to subjects, distributed to other researchers, or destroyed during chemical analysis. This may be accomplished by keeping a log for administering similar to that kept for dispensing.
(b) A registered individual practitioner is required to keep readily-retrievable records with respect to all controlled dangerous substances listed in Schedules II through V which he/she prescribes, administers, or dispenses in the lawful course of his/her professional practice. Practitioners shall keep a suitable book, file, or record in which information pertaining to controlled dangerous substances dispensed by the practitioner shall be preserved for a period of at least two (2) years and be available to designated law enforcement officers for their inspection and copying. These records will be maintained separate and apart from all other records.
(c) A registered individual practitioner is required to maintain patient records for any individual receiving controlled dangerous substances whether by prescribing, administering, or dispensing. Such record will contain as a minimum the patient's full legal name, date of birth, residence address, last physician seen and when, chief complaint, and notations of date, amount, and type of controlled dangerous substance for each occasion the patient receives a controlled dangerous substance, and diagnostic and medical procedure reports. Such records should contain additional identifying information when possible, including, but not limited to, social security number or driver's license number, telephone number, next-of-kin, and general physical description of the patient. This includes authorization of refills and the number of refills authorized on the original prescription.
(d) A registered person using any controlled dangerous substance in preclinical research or in teaching at a registered establishment which maintains records with respect to such substances is not required to keep records, unless so ordered by the Director for cause, if he/she notifies the OBN of the name, address, and registration number of the establishment maintaining such records.
(e) Schedule I medical marijuana registrants shall be required to maintain readily-retrievable, on-site, inventory tracking, records, and reports in the format set forth by the OMMA.

475:25-1-5. General requirements for inventories [AMENDED]
(a) Each inventory shall contain a complete accurate record of all controlled dangerous substances on hand on the date the inventory is taken. Controlled dangerous substances shall be deemed to be "on hand" if they are in the possession of or under the control of the registrant, including substances returned by a customer, substances ordered by a customer but not yet invoiced, substances stored in a warehouse on behalf of the registrant, and substances in the possession of employees of the registrant and intended for distribution as complimentary samples.
(b) A separate inventory shall be made by a registrant for each registered location. In the event controlled dangerous substances in the possession or under the control of the registrant are at a location for which he/she is not registered, the substances shall be included in the inventory of the registered location to which they are subject to control or to which the person possessing the substance is responsible. Each inventory for a registered location shall be kept at the registered location.
(c) A separate inventory shall be made by a registrant for each independent activity for which he/she is registered.
(d) A registrant may take an inventory on a date that is within four (4) days of this biennial inventory date pursuant to 475:25-1-7 if he/she notifies in advance the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control of the date on which he/she will take the inventory. A registrant may take an inventory either as of the opening of business or as of the close of business on the inventory date. The registrant shall indicate on the inventory records whether the inventory is taken as of the opening or as of the close of business and the date the inventory is taken. The inventory shall be signed by the person taking said inventory.
(e) An inventory must be maintained in a written, typewritten or printed form. An inventory taken by use of an oral recording device must be promptly transcribed.
(f) Schedule I medical marijuana registrants shall take an inventory and maintain the inventory pursuant to the format set forth by the OMMA.

475:25-1-9. Inventories of manufacturers [AMENDED]

Except for Schedule I medical marijuana registrants, inventories of manufacturers of controlled dangerous substances shall conform to Title 21 Code of Federal Regulations, §1304.11. Schedule I medical marijuana registrants required to register pursuant to Title 63 Okla.St.Ann §2-302 shall report in the format set forth by the OMMA.

475:25-1-10. Inventories of distributors [AMENDED]

Except for Schedule I medical marijuana registrants, each person registered or otherwise authorized to distribute controlled dangerous substances shall include in his/her inventory the same information required of a manufacturer pursuant to Title 21 Code of Federal Regulations, §1304.11. Schedule I medical marijuana registrants required to register pursuant to Title 63 Okla.St.Ann §2-302 shall report in the format set forth by the OMMA.

475:25-1-20. Reports for manufacturers and distributors [AMENDED]

(a) Except Schedule I medical marijuana registrants, manufacturers required to register pursuant to Title 63 Okla.St.Ann §2-302 shall provide the following data on every sale of any controlled dangerous substance in Schedules I, II, III, IV, and V.

(1) The manufacturer's or distributor's name, address, phone number, DEA registration number and controlled dangerous substance registration number issued by the Bureau;
(2) The name, address and DEA registration number of the entity to whom the controlled dangerous substance was sold;
(3) The date of the sale of the controlled dangerous substance
(4) The name and National Drug Code of the controlled dangerous substance sold; and
(5) The number of containers and the strength and quantity of controlled dangerous substances in each container sold.

(b) Except for Schedule I medical marijuana registrants, distributors required to register pursuant to Title 63 Okla.St.Ann §2-302 shall provide the following data on every sale of any controlled dangerous substance in Schedules I, II, III, IV, and V.

(1) The manufacturer's or distributor's name, address, phone number, DEA registration number and controlled dangerous substance registration number issued by the Bureau;
(2) The name, address and DEA registration number of the entity to whom the controlled dangerous substance was sold;
(3) The date of the sale of the controlled dangerous substance
(4) The name and National Drug Code of the controlled dangerous substance sold; and
(5) The number of containers and the strength and quantity of controlled dangerous substances in each container sold.

(c) Schedule I medical marijuana registrants required to register pursuant to Title 63 Okla.St.Ann §2-302 shall report in the format set forth ~~in OAC310:681-5-6~~by the OMMA or as required by the Director.

(d) Registrants shall maintain at the registered location a readily-retrievable, on-site, employment record for all employees or agents, or contract(s) with identifying information of each independent contractor or subcontractor, of the registrant that have access to controlled dangerous substances which include, at a minimum, the name, date of birth, address, phone number, hire date, and title/duties.

[OAR Docket #24-625; filed 6-24-24]

TITLE 475. OKLAHOMA STATE BUREAU OF NARCOTICS AND DANGEROUS DRUGS CONTROL
CHAPTER 30. LABELING REQUIREMENTS

[OAR Docket #24-626]

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PERMANENT final adoption

RULES:

475:30-1-1. Purpose [AMENDED]
475:30-1-2. Persons entitled to issue prescriptions [AMENDED]

475:30-1-4. Manner of issuance of prescriptions [AMENDED]
475:30-1-10. Requirements of prescriptions for controlled dangerous substances listed in Schedules III and IV [AMENDED]
475:30-1-13. Requirements of prescriptions for controlled dangerous substances listed in Schedule V [AMENDED]

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The adopted rules clarify how practitioners exempted from registration are required to issue prescriptions. The adopted rules are needed to keep the statutory references and language accurate and in the absence of these rules, the public's health and safety will benefit from the rule change by clarifying how a prescription needs to be issued for exempted practitioners.

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(7) AND 308(E), WITH AN EFFECTIVE DATE OF AUGUST 4, 2024:

475:30-1-1. Purpose [AMENDED]

The rules of this Chapter describe the procedures to be followed for issuance of a valid prescription, and the information required to be placed on labels for controlled dangerous substances. Labeling for Schedule I medical marijuana shall be in accordance with ~~OAC 310:681-7-1~~the requirements set forth by the OMMA.

475:30-1-2. Persons entitled to issue prescriptions [AMENDED]

Only a registered individual practitioner may issue a prescription for a Schedule II, III, IV and V controlled dangerous substance. ~~Except as otherwise prohibited by law or rule~~As authorized by Title 63 Okl.St.Ann.§ 2-309(A)(1), an individual practitioner, an authorized employee of the practitioner, or an authorized employee of the facility at which the practitioner works may communicate by telephone an oral prescription for any controlled dangerous substance in Schedules ~~III, IV or V~~II being prescribed by the individual practitioner. It remains the responsibility of the practitioner to guard against the diversion of CDS by employees authorized by him/her to call in such prescriptions.

475:30-1-4. Manner of issuance of prescriptions [AMENDED]

(a) The practitioner shall sign a prescription in the same manner he/she would sign a check or legal document and shall also type, stamp, or print the practitioner's name on the face of each prescription. Where an oral order is not permitted or an electronic prescription is not utilized, prescriptions shall be written with ink. All written prescriptions shall be manually signed by the practitioner. The prescriptions may be prepared by an agent for the signature of a practitioner, but the prescribing practitioner is responsible in the event the prescription does not conform in all essential respects to the Uniform Controlled Dangerous Substances Act and this Chapter.

(b) A ~~resident or staff practitioner, an intern of a teaching hospital, or a limited institutional practitioner of a federal, state, or local government hospital or institution,~~practitioner exempted from registration or registered in fee-exempt status with the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control (OBN), shall include on all prescriptions issued by him/her the hospital or institutional Federal Drug Enforcement Administration (DEA) registration number with the special internal code number assigned by the hospital or other institution; or include on all prescriptions he/she issues his/her personal DEA registration number. Such prescriptions issued by interns of a teaching hospital, if for outpatients, must be countersigned by a practitioner licensed by the practitioner's appropriate State of Oklahoma licensing board.

(c) A practitioner must state on a prescription for any controlled dangerous substance the name, address, and DEA registration number of the practitioner; the date of delivery of the prescription; the name, dosage, and strength per dosage unit of the controlled dangerous substance; the name and address of the patient, or if it is a veterinary prescription, the species of the animal and the name and address of the owner; the directions for use and any cautionary statements required; and if allowable, the number of times to be refilled.

(1) The face of a prescription must not be materially altered; if an error is made in filling out the prescription, a new prescription must be issued by the prescribing practitioner.

(A) A pharmacist may add to the prescription the patient's address or age, the prescribing practitioner's DEA registration number, or the generic drug name if used.

(B) After confirming with the prescribing practitioner, the pharmacist may add information indicating the strength, whether tablet or capsule form, and whether it is compounded if such additions would not materially alter the prescription.

(C) If omitted, the directions (Sig) or the quantity, may be added by the pharmacist after confirming with the prescribing practitioner.

(D) Documentation of contacting the prescribing practitioner will be noted on the back of the prescription regarding (B) and (C) above.

(2) A prescription for a controlled dangerous substance in Schedule II becomes invalid thirty (30) days after the earliest date on which a pharmacy may fill the prescription, with day one (1) of the thirty (30) day period being the first day after the earliest date on which a pharmacy may fill the prescription. After issuing an initial prescription pursuant to Section 2-309I of Title 63, an individual practitioner may issue one (1) subsequent prescription for an immediate-release opioid drug in Schedule II in a quantity not to exceed seven (7) days if:

(A) The subsequent prescription is due to a major surgical procedure and/or "confined to home" status as defined in 42 U.S.C. 1395n(a);

(B) The practitioner provides the subsequent prescription on the same day as the initial prescription;

(C) The practitioner provides written instruction on the subsequent prescription indicating the earliest date on which the prescription may be filled (i.e. "do not fill until" date); and,

(D) The subsequent prescription is dispensed no more than five (5) days after the "do not fill until" date indicated on the prescription.

(3) Each scheduled drug shall be written on a single prescription form, and no other prescriptions (controlled or non-controlled) shall be written on the same prescription form.

(d) Upon receiving an oral prescription, pursuant to Title 63 Okl.St.Ann.§ 2-309(A)(1), the pharmacist must reduce the oral prescription to the form specified in (c) of this Section, including the typewritten name of the prescribing practitioner. The pharmacist filling any prescription for any controlled dangerous substance must enter the date of filling and handwrite the initials of the pharmacist on the prescription. If the practitioner is not known to the pharmacist, he/she must make a reasonable effort to determine that the oral authorization came from a registered practitioner.
(e) Upon receiving an oral prescription, pursuant to Title 63 Okl.St.Ann.§ 2-309(A)(1), the pharmacist may use a computer printout label if the label meets all requirements for a prescription as set out by the Uniform Controlled Dangerous Substances Act and this Chapter. On computer labeling for oral prescriptions, it is not necessary that the DEA registration number be on the label used as an oral prescription, but it must be recorded on the document prepared by the pharmacist.
(f) Written prescriptions may be transmitted by a practitioner to a dispensing pharmacy by facsimile. In such cases, the prescribing practitioner shall print "FAXED" on the face of the prescription, and the facsimile received must be on non-fading standard paper. Thermographic paper is not acceptable for any prescriptions for drugs in any Schedule.

(1) For drugs in Schedules III, IV, and V, a facsimile of a written, signed prescription transmitted directly by the prescribing practitioner to the pharmacy can serve as an original prescription.
(2) For drugs in Schedule II, the original written prescription must still be presented and verified against the facsimile at the time the substance is actually dispensed and the original document must be properly annotated and retained for filing subject to the exceptions listed in (3) below.
(3) Exception to (2): A facsimile copy of a prescription for a Schedule II drug when sent by facsimile by the prescribing practitioner:
(A) To a Home Infusion Pharmacy.
(B) When the prescription is for a patient in a Long Term Care Facility (LTCF).
(C) When the prescription is for a patient in a Hospice program certified by Medicare under Title XVIII or licensed by the state.
(D) If the facsimile is sent from a LTCF or hospice instead of the prescribing practitioner's office, the original must be presented at the time any controlled dangerous substance is dispensed.

(g) The pharmacist still bears the responsibility for ensuring that prescriptions for controlled dangerous substances have been issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his/her professional practice. This responsibility applies equally to an order transmitted by facsimile. Measures to be considered in authenticating prescriptions sent by facsimile equipment would include maintenance of a practitioner's facsimile number reference file, verification of the telephone number of the originating facsimile equipment, and/or telephone verification with the practitioner's office that the prescription was both written by the practitioner and transmitted by the practitioner or the practitioner's agent.
(h) Electronic prescriptions are permitted as provided by 21 CFR §§ 1311 et. seq.

475:30-1-10. Requirements of prescriptions for controlled dangerous substances listed in Schedules III and IV [AMENDED]

(a) A pharmacy may dispense controlled dangerous substances listed in Schedules III or IV only pursuant to either a prescription signed by a registered or otherwise authorized individual practitioner, except as otherwise prohibited by law or rule, ~~an oral prescription made by a prescribing registered or otherwise authorized individual practitioner and promptly reduced to writing by the pharmacist,~~ containing all the information required by Title 63 Okl.St.Ann.§ § 2-309 and 2-314, and this Chapter, or pursuant to an electronic prescription in compliance with the terms of 21 CFR §§ 1311 et. seq. Computer labels meeting these requirements are acceptable.
(b) A registered or otherwise authorized individual practitioner may administer or dispense directly a controlled dangerous substance listed in Schedule III or IV in the course of his/her professional practice without a prescription, subject to 475:30-1-5.
(c) An institutional practitioner limited in practice by the individual's appropriate State of Oklahoma professional licensing board, other than those registered as fee-exempt by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, may administer or dispense directly (but not prescribe) a controlled dangerous substance listed in Schedule III or IV pursuant to a prescription signed by the "Limited Institutional Practitioner's" supervising chief medical practitioner, or, ~~except as otherwise prohibited by law or rule, pursuant to oral prescription made by the "Limited Institutional Practitioner's" supervising chief medical practitioner and promptly reduced to writing by the pharmacist containing all information required by 475:30-1-4, except for the signature of the "Limited Institutional Practitioner's" supervising chief medical practitioner or pursuant to an order for medication made by an individual supervising chief medical practitioner which is dispensed for immediate administration to the ultimate user, subject to 475:30-1-5~~pursuant to an electronic prescription in compliance with the terms of 21 CFR §§ 1311 et. seq.

475:30-1-13. Requirements of prescriptions for controlled dangerous substances listed in Schedule V [AMENDED]

(a) A pharmacist of a registered or otherwise authorized pharmacy may dispense directly a controlled dangerous substance listed in Schedule V pursuant to a prescription as required for controlled dangerous substances listed in Schedules III and IV. A prescription for a controlled dangerous substance listed in Schedule V may be refilled only the number of times expressly authorized by the prescribing registered individual practitioner on the face of the prescription, and such prescription may not be refilled more than six (6) months after the date of issuance. If no such authorization is given, the prescription may not be refilled. A pharmacist dispensing such substance pursuant to a prescription shall label the substance and file the prescription.

(b) A registered individual practitioner may administer or dispense directly a controlled dangerous substance listed in Schedule V, in the course of his/her professional practice, without a prescription.

(c) An institutional physician limited in practice by the individual's appropriate State of Oklahoma professional licensing board, other than those registered as fee-exempt with the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, may administer or dispense directly (but not prescribe) a controlled dangerous substance listed in Schedule V only pursuant to a written prescription signed by the "Limited Institutional Practitioner's" supervising chief medical practitioner, or pursuant to an ~~oral prescription made by a "Limited Institutional Practitioner's" supervising chief medical practitioner and promptly reduced to writing by the pharmacist (containing all information required in 475:30-1-4, except for the signature of the "Limited Institutional Practitioner's" supervising practitioner)~~electronic prescription in compliance with the terms of 21 CFR §§ 1311 et. seq, or pursuant to an order for medication made by a "Limited Institutional Practitioner's" supervising chief medical practitioner which is dispensed for immediate administration to the ultimate user.

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TITLE 475. OKLAHOMA STATE BUREAU OF NARCOTICS AND DANGEROUS DRUGS CONTROL
CHAPTER 35. TRANSFER AND DISPOSAL OF CONTROLLED DANGEROUS DRUGS

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The adopted rule makes changes to aligns rule with statute. It updates the administrative fine from $2,000 to $5,000 per violation as specified in statute. The adopted rules are needed to keep the statutory references and language accurate and in the absence of these rules, public health and safety will benefit from the rule change by knowing what the administrative penalties are.
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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(7) AND 308(E), WITH AN EFFECTIVE DATE OF AUGUST 4, 2024:

475:35-1-3. Distribution upon discontinuance or transfer of business [AMENDED]
(a) Any registrant desiring to discontinue business activities altogether or with respect to controlled dangerous substances (without transferring such business activities to another person) shall ~~return for cancellation of his/her Certificate of Registration~~notify the OBN. Any controlled dangerous substances in his/her possession shall be disposed of in accordance with Title 21 Code of Federal Regulations, part 1317. Schedule I medical marijuana shall be disposed pursuant to standards set forth in 63 Okla.St.Ann. §429.
(b) Any registrant desiring to discontinue business activities altogether or with respect to controlled dangerous substances (by transferring such business activities to another person) shall submit ~~in person or by registered or certified mail, return receipt requested,~~ to the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control (OBN) at least fourteen (14) days in advance of the date of the proposed transfer (unless the Director waives this time limitation in individual instances), the following information:
(1) The name, address, registration number, and authorized business activity of the registrant discontinuing the business (registrant-transferor).
(2) The name, address, registration number, and authorized business activity of the person acquiring the business (registrant-transferee).
(3) Whether the business activities will be continued at the location registered by the person discontinuing the business or moved to another location (if the latter, the address of the new location should be listed).
(4) Whether the registrant-transferor has a quota to manufacture or procure any controlled dangerous substance listed in Schedule I or II (if so, the basic class or classes of the substance should be indicated).
(5) The date on which the transfer of controlled dangerous substances will occur.
(c) Unless the registrant-transferor is informed by the OBN, before the date on which the transfer was stated to occur, that the transfer may not occur, the registrant-transferor may distribute (without being registered to distribute) controlled dangerous substances in his/her possession to the registrant-transferee in accordance with the following:
(1) On the date of transfer of the controlled dangerous substances, a complete inventory of all controlled dangerous substances being transferred shall be taken in accordance with 475:25-1-5 through 475:25-1-12, and OMMA rules where applicable. This inventory shall serve as the final inventory of the registrant-transferor and the initial inventory of the registrant-transferee, and a copy of the inventory shall be included in the records of each person. It shall be necessary to file a copy of the inventory with the OBN unless waived by the Director.

Except for Schedule I medical marijuana, transfers of any substances listed in Schedule I or II require the use of order forms in accordance with Title 21 Code of Federal Regulations, § 1305.

(2) On the date of transfer of the controlled dangerous substances, all records required to be kept by the registrant-transferor with reference to the controlled dangerous substances being transferred, pursuant to this Chapter and Title 21 Code of Federal Regulations, § 1304, or ~~OAC 310:681-5-6~~OMMA rules where applicable, shall be transferred to the registrant-transferee. Responsibility for the accuracy of records prior to the date of transfer remains with the transferor, but responsibility for custody and maintenance shall be upon the transferee.

(d) OBN registrations are non-transferable and cannot be purchased, sold, or otherwise given to or utilized by any other person. The transferee must have a unique, active OBN registration prior to the transfer occurring. The transferor cannot transfer the OBN registration with the controlled dangerous substances and cannot transfer controlled dangerous substances to anyone lacking an active OBN registration. Change of name or ownership require a new OBN registration for all businesses. For any proposed transfer of controlled dangerous substances, the registrant-transferor shall remain in full control of all controlled dangerous substances unless and until the registrant-transferee's new OBN registration is approved and activated; after which, the registrant-transferor's OBN registration shall be inactivated.

[OAR Docket #24-627; filed 6-24-24]

TITLE 475. OKLAHOMA STATE BUREAU OF NARCOTICS AND DANGEROUS DRUGS CONTROL
CHAPTER 40. ENFORCEMENT AND ADMINISTRATIVE INSPECTIONS

[OAR Docket #24-628]

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PERMANENT final adoption
RULES:
475:40-1-2. Authority to make inspections [AMENDED]
AUTHORITY:
Oklahoma Bureau of Narcotics and Dangerous Drugs Control; 63 O.S. §§2-301 and 2-309H
SUBMISSION OF PROPOSED RULES TO GOVERNOR AND CABINET SECRETARY:
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The adopted rule updates the administrative reference for medical marijuana registrants due to the Oklahoma Medical Marijuana Authority changing its administrative code title. It also provides further clarity on what additional documents can be inspected. The adopted rules are needed to keep the statutory references and language accurate and in the absence of these rules, public health and safety will benefit from the rule change by knowing which administrative code applies to them.
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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(7) AND 308(E), WITH AN EFFECTIVE DATE OF AUGUST 4, 2024:

475:40-1-2. Authority to make inspections [AMENDED]
Administrative inspections of OBN registrants shall include, but not be limited to, the following:

(1) Inspecting, copying, and verifying the correctness of records, reports, or other documents required to be kept or made, including, but not limited to, inventory, patient records, and other records required to be kept pursuant to the Uniform Controlled Dangerous Substances Act, this Title, the Code of Federal Regulations governing controlled dangerous substances, or ~~OAC 310:681-5-6~~OMMA; order form records required to be kept pursuant to Title 63 Okl.St.Ann. § 2-308 and other applicable state statutes and rules; prescriptions and distribution records required to be kept pursuant to Title 63 Okl.St.Ann. § 2-307 and other applicable state statutes and rules; shipping records identifying the name of each carrier used; and the date and quantity of each storage.

(2) Inspecting within reasonable limits and in a reasonable manner all pertinent equipment, finished and unfinished controlled dangerous substances, and other substances or materials, containers, and labeling found at the controlled premises relating to the Uniform Controlled Dangerous Substances Act and this Title.

(3) Making a physical inventory of all controlled dangerous substances on hand at the premises.

(4) Collecting samples of controlled dangerous substances or precursors (in the event any samples are collected during an inspection, the peace officer or officer so authorized shall issue a receipt for such samples to the owner, operator or agent in charge of the premises).

(5) Inspecting within reasonable limits and in a reasonable manner records containing the contact information all employees, agents, contractors, or subcontractors to include the name, address, and phone number of each.

[OAR Docket #24-628; filed 6-24-24]

TITLE 475. OKLAHOMA STATE BUREAU OF NARCOTICS AND DANGEROUS DRUGS CONTROL
CHAPTER 45. OKLAHOMA CONTROL REPORTING REQUIREMENTS

[OAR Docket #24-629]

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RULES:
475:45-1-6. Failure to report [AMENDED]

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The adopted rule updates the administrative reference for medical marijuana registrants due to the Oklahoma Medical Marijuana Authority changing its administrative code title. It also provides further clarity on what additional documents can be inspected. The adopted rules are needed to keep the statutory references and language accurate and in the absence of these rules, public health and safety will benefit from the rule change by knowing which administrative code applies to them.
CONTACT PERSON:
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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(7) AND 308(E), WITH AN EFFECTIVE DATE OF AUGUST 4, 2024:

475:45-1-6. Failure to report [AMENDED]
Failure to accurately report the required information, or correct inaccuracies within reported information, according to the rules set forth in this Chapter may result in administrative action against the registration of the pharmacy or dispensing practitioner, including, but not limited to, fines not to exceed ~~Two~~Five Thousand Dollars ~~($2000)~~($5000) per violation.

[OAR Docket #24-629; filed 6-24-24]

TITLE 505. BOARD OF EXAMINERS IN OPTOMETRY
CHAPTER 10. LICENSURE AND REGULATION OF OPTOMETRISTS

[OAR Docket #24-651]

RULEMAKING ACTION:
PERMANENT final adoption
RULES:
Subchapter 5. Regulation of Licensees
505:10-5-18. Dispensing medications by Optometrists [NEW]
505:10-5-19. Telemedicine in Optometry [NEW]
AUTHORITY:
Board of Examiners in Optometry; 59 O.S. Sections 583, 587
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The gist of the rule on Dispensing Medications by Optometrists, 505:10-5-18 informs optometrists of existing legal requirements for dispensing medications to their end user, including for dispensing hydrocodone or hydrocodone-containing drugs. The gist of the rule on Telemedicine in optometry, 505:10-5-19, is to give guidance to optometrists in fulfilling their legal and professional responsibilities to patients while practicing optometry by telemedicine. The gist of Telemedicine in optometry, 505:10-5-19, is to instruct optometrists how to use telemedicine consistent with the single standard of care for optometry.

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(7) AND 308(E), WITH AN EFFECTIVE DATE OF JULY 25, 2024:

SUBCHAPTER 5. REGULATION OF LICENSEES

505:10-5-18. Dispensing medications by Optometrists [NEW]

(a) **Grant of authority to dispense drugs.** Pursuant to 75 O.S. § 250.3(17), this Rule interprets and prescribes law and policy for registered Optometrists licensed by the Board. Effective November 1, 2020, 59 O.S. 581(B) was amended to include in the definition of the practice of optometry the dispensing of drugs and may include the dispensing of professional samples to patients. This new statutory grant of authority to dispense drugs comes with it a duty to comply with a number of pre-existing laws governing dispensing drugs. Foremost among these is the Board rule on unprofessional conduct. It is considered unprofessional conduct to "[v]iolate any state or federal regulation relating to controlled substances." OAC 505:10-5-13. It is the responsibility of any Oklahoma licensed Optometrist wishing to dispense drugs as part of his or her practice to be fully informed of all the applicable laws pertinent to dispensing and to comply with them. The laws pertinent to dispensing include, but are not limited to, the following.

(b) **The Uniform Controlled Dangerous Substances Act. The Act,** 63 O.S. **Section 2-101(11) defines "dispense" as follows:** "Dispense" means to deliver a controlled dangerous substance to an ultimate user or human research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling or compounding necessary to prepare the substance for such distribution. "Dispenser" is a practitioner who delivers a controlled dangerous substance to an ultimate user or human research subject. (emphasis added). The Board interprets this provision to mean that an Optometrist can only "dispense" a drug for which he or she has lawfully issued a prescription to the patient.

(c) **The existing scope of practice of Optometrists to prescribe drugs. The scope of practice to prescribe drugs is found in 59 O.S. § 581(B) states** that the practice of optometry also includes the prescribing of dangerous drugs and controlled dangerous substances for all schedules specified in the Uniform Controlled Dangerous Substances Act except Schedules I and II but allowing for the prescribing of hydrocodone or hydrocodone-containing drugs regardless of schedule for a period not exceeding five (5) days of supply, and the issuance of refills for such prescriptions following sufficient physical examination of the patient for the purpose of diagnosis and treatment of ocular abnormalities.Thus, by statute, Oklahoma licensed Optometrists cannot prescribe Controlled Dangerous Substances from Schedules 1 and 2 except for hydrocodone or hydrocodone-containing drugs and only as authorized above.

(d) **Registration with the Oklahoma Bureau of Narcotics.** Pursuant to 63 O.S. §2-302, every person who dispenses drugs will first register with the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control. Further, 63 O.S. § 309C calls for dispensers of Schedule II, III, IV or V controlled dangerous substances to electronically report certain information to the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control (OBN). Willful failure to transmit the information called for is a misdemeanor. Similar information is called for by OAC 475:45-1-2 (Reporting of certain information called for) for dispensing practitioners filling any Schedule II, III, IV, or V prescriptions who are called for to provide certain information to a central repository maintained by the (OBN) for each prescription dispensed. *Any optometric practitioner registering with the Director of the OBNDD will promptly provide a copy to the Board of Examiners in Optometry with the application for registration and will promptly inform the Board of any circumstance and provide all documentation from the OBNDD concerning any disciplinary proceeding by the OBN against the registrant, regardless of its final disposition.*

(e) **Registration with the Oklahoma Board of Examiners in Optometry.** In addition, Board Rule OAC 505:10-5-6 (Provision for registering intent to dispense dangerous drugs and controlled dangerous substances) provides that "[a]ny certified licensed practitioner of Optometry desiring to dispense dangerous drugs, pursuant to 59 OS Supp. 1987 Section 355.1 will register such intent with the Oklahoma Board of Examiners in Optometry and meet annual continuing education provisions as set by the Board. Any certified licensed professional Optometrist desiring to dispense controlled dangerous

substances will first obtain a registration number from the United States Drug Enforcement Agency." The pharmacy statute, 59 O.S. § 355.1, also contains substantive duties for licensed practitioners like Optometrists to dispense dangerous drugs.

(f) **All applicants and registrants will provide effective controls and procedures to guard against theft and diversion.** Pursuant to OAC 475:20-1-2 (General security provisions) all applicants and registrants will provide effective controls and procedures to guard against theft and diversion of controlled dangerous substances. Though 475:20-1-5 (Other security controls for nonpractitioner registrants) by its title appears not to apply to practitioner registrants, in its text certain provisions for practitioner registrants appear and registrants need to be familiar with and comply with these. Because hydrocodone is now a Schedule 2 drug, OAC 475:20-1-6 (Physical security controls for practitioners) provides security provisions for its storage.

(g) **Practitioners have a duty to become and stay informed.** The foregoing provisions are only some of the presently existing legal provisions for those who dispense drugs. It is the responsibility of the optometric practitioner to inform himself or herself of all applicable provisions, as they presently exist and as they may exist in the future, and to comply with those provisions while dispensing drugs as part of the practice of optometry.

505:10-5-19. Telemedicine in Optometry [NEW]

(a) **Introduction.**

(1) **Definition of optometry.** The practice of optometry is defined to be the science and art of examining the human eye and measurement of the powers of vision and measurement of the powers of vision by the employment of any means. This includes asynchronous and synchronous technologies including the use of videoconferencing, internet-based services, store-and-forward imaging, streaming media, and terrestrial and wireless communications. The scope of delivery of care as defined in subsections A and B of 59 OS § 581 to an individual who is physically located in this state when the care is delivered shall constitute the practice of optometry. 59 O.S. § 581(c).

(2) **The comprehensive visual examination.** The prescribing for spectacles or contacts lenses by an optometrist requires a comprehensive visual examination conducted by a physician holding a license to practice optometry in this state. Board Rule 505:10-5-9 establishes the tests and measurements that require findings on the comprehensive examination of a patient when an optometrist intends to sign a prescription for ophthalmic lenses or contact lenses. Some of these required findings must be based on an examination made in person by an optometrist physically present with the patient. Therefore, a comprehensive visual examination shall be in-person by an eye doctor with a face-to-face encounter. In the absence of an existing doctor patient relationship, a prescription for glasses or contact lenses can only be derived through the completion of a comprehensive eye examination. While technology has advanced and continues to advance, in-person care, provided by a doctor of optometry, is the criterion standard for the delivery of a comprehensive eye exam. Direct-to-patient eye and vision-related applications, based on current technologies and uses, cannot replace or replicate a comprehensive eye exam provided by a doctor of optometry who is physically present with the patient. Direct-to-patient eye and vision-related applications may provide data related to elements of a comprehensive eye exam, but do not constitute patient care and fragmentation of a comprehensive eye exam into components delivered independently is deleterious and deceptive to patients. Telemedicine encounters in this state shall not be used to establish a valid physician-patient relationship for prescribing contact lenses and or spectacles because it is not on par with the same service delivered in person. The relationship for prescribing shall include a medically appropriate and timely scheduled face to face encounter between the patient and a physician. The prescribing physician must provide the patient with the treating physicians' identity and professional credentials. Screenings cannot be used to diagnosis or treat conditions. Screenings cannot be used to replace in person comprehensive eye examination. Refractive tests, including online vision tests and other mobile vision related applications, cannot be, based on current technologies and uses, used to provide a refractive diagnosis and/or an eyeglass or contact lens prescription.

(3) **Confidentiality and the standard of care.** Telemedicine encounters shall comply with the Health Insurance Portability and Accountability Act 1996 and OAC 435:10-7-13 and ensure that all patient communication and records are secure and confidential. Doctors may not waive their obligation or require patients to waive their right to receive the standard of care. Payors may not require either doctor to perform less than the standard of care or patient to waive right to receive the standard of care. The doctor must establish and maintain fundamental elements of the doctor-patient relationship. Board approval of telemedicine: In the event a specific telemedicine program is outside the parameters of these rules, the Board reserves the right upon application of an Oklahoma licensed optometrist, to approve or reject such program or any part or parts of it, pending a formal rulemaking proceeding pursuant to the Administrative Procedure Act.

(b) **Telemedicine in Optometry Encounters.** Physicians treating patients in Oklahoma through telemedicine in optometry must be fully licensed to practice optometry in Oklahoma and must proceed as follows. Physicians cannot establish a doctor-patient relationship via telehealth alone. During telemedicine encounters, the distant site physician performs an exam of a patient at a separate, remote originating site location which shall be registered with the Board of Examiners in optometry by the distant site physician as a primary or branch practice location pursuant to Rule OAC 505:10-5-7. If the distant site physician deems it to be medically necessary, or if Oklahoma law requires manual procedures at the near site in order to meet legal definitions of procedures which meet the standard of care, a licensed optometrist in this state trained in the use of the equipment shall be utilized at the originating site to "present" the patient, manage the camera, and perform any physical activities to successfully complete the exam. The on-site optometrist must obtain or review all aspects of the patient's medical history and any available medical records. A medical record must be kept and be accessible at both the distant and originating sites; preferably a shared Electronic Medical Record, that is full and complete and meets the standards as a valid medical record. There should be provisions for appropriate follow up care equivalent to that available to face-to-face patients and be on par with the same service delivered in person. The information available to the distant site physician for the medical problem to be addressed must be equivalent in scope and quality to what would be obtained with an original or follow-up face-to-face encounter and must meet all applicable standards of care for that medical problem including the documentation of a history, a physical exam, the ordering of any diagnostic tests, making a diagnosis and initiating a treatment plan with appropriate discussion and informed consent.

(c) **Informed consent and patient evaluation.** Informed consent for a telemedicine in optometry encounter will include:

(1) Determining how physician will respond to electronic messages.
(2) Determining how to use alternate communications means in emergencies.
(3) Determining who has access to electronic communications.
(4) Determining how electronic messages delivered to specific physician.
(5) Determining how electronic communications are stored.
(6) Determining when/how physician will discontinue providing telehealth services.

During a telemedicine in optometry encounter the physician must also evaluate the following aspects of the patient.

(7) The physician must verify the patient's identity.
(8) The physician must establish a medical history and permanent patient record.
(9) The physician must have and share contact methods other than electronic only – such as phone, mailing address and physician emergency contact information.
(10) The physician must assess and document that patient is capable of electronic visits.
(11) All physicians will disclose their identity and credentials, including informing the patient that the optometrist is licensed to practice in the jurisdiction in which the patient is located.
(12) The physician must attach a photograph (head shot) attached to the optometrist's license and displayed prominently in the examination room so that the patient can identify and match the doctor on the telemedicine prompter to the doctor's license.
(13) The physician must place the welfare of the patient first; protect patient confidentiality; maintain acceptable standards of practice; and properly supervise and oversee any technicians participating in the telemedicine process, thus maintaining appropriate control over the practice.

(d) **One single standard of care.** The Board believes that telemedicine is a tool and not a separate field of optometry, nor does telemedicine alter the scope of practice of Oklahoma-licensed optometrists. Accordingly, the Board cautions those subject to its jurisdiction and control that there is no separate or different scope of practice or standard of care applicable to those who practice optometry via telemedicine within this state or to those optometrists located outside Oklahoma who diagnose and treat via telemedicine patients located within this state. A failure to conform to the appropriate standard of care,
whether that care is rendered in person or via telemedicine, may subject the licensee to investigation and potentially discipline by the Board. On-line refractions do NOT meet acceptable standards of care. Physicians cannot prescribe controlled substances via telehealth. Physicians cannot split fees for care. The optometrist who utilizes telemedicine in Oklahoma should be mindful of certain requirements and challenges inherent in practice via remote means, among them the following.

(e) **Examination, evaluation, and diagnosis.** The optometrist must conduct an appropriate evaluation prior to diagnosing or treating the patient, including prior to rendering a prescription for pharmaceuticals, spectacles, or contact lenses. Physical remoteness of the patient does not change the need for a proper patient identification, appropriate intake procedures, adequate patient history, examination, and, where indicated, testing. An optometrist is not excused from performing an appropriate examination, evaluation, and assessment of the patient's condition by virtue of the patient's

physical remoteness from the optometrist. Any technician involved in the telemedicine patient encounter should be trained in the use of all equipment utilized in the telemedicine encounter and competent in the operation of such equipment.
(f) **Patient records.** The optometrist treating via telemedicine must create and maintain a complete record of the patient's intake, diagnosis, and treatment, no different than for an in-person patient encounter. The optometrist must have access to those records at all times so that the optometrist can address and communicate with the patient about any issue the patient brings to the optometrist's attention. Maintaining these records electronically so that they can be accessed from any of the optometrist's practice locations and after normal business hours meets the standard of care.
(g) **Prescribing.** Prior to prescribing any medication or ophthalmic device (such as spectacles, contact lenses, or low vision devices) the optometrist must conduct an appropriate assessment of the ocular health and visual status of the patient. It is the position of this Board that the standard of care does not permit an examination consisting solely of objective refractive data or information generated by an automated testing device such as an autorefractor in order to establish a medical diagnosis or to establish refractive error. Likewise, issuing a prescription based solely on a patient's responses to a written or online questionnaire does not meet the standard of care in Oklahoma.
(h) **Where the practice of optometry occurs.** The Board considers that the practice of optometry occurs both where the patient is located and where the optometrist providing professional services is located. In order for an optometrist to provide professional optometric services to a person located in Oklahoma that optometrist must be licensed by the Oklahoma Board of Examiners in Optometry.
(i) **Laws and regulations governing the practice of optometry in Oklahoma.** As indicated previously, there is no separate standard of care for telemedicine in the practice of optometry in Oklahoma. Accordingly, the optometrist who seeks to use telemedicine in his or her practice should be familiar with the requirements of the Oklahoma Board of Optometry subsections A and B of 59 O.S. § 581 and all other applicable laws and regulations, whether state or federal. By way of example and not limitation, Board Rule OAC 505:10-5-9 Oklahoma establishes the tests and measurements that require findings on the comprehensive examination of a patient for which an optometrist will sign a prescription for ophthalmic lenses or contact lenses. The optometrist should have an established and appropriate procedure for the provision of eye care to his/her patients outside of normal practice hours, and should inform patients of those procedures
(j) **Deal appropriately and respectfully with other licensing bodies that may also have oversight.** Oklahoma licensees who wish to treat patients located outside Oklahoma by utilizing telemedicine should know both that this Board has oversight of such practice and that other states' boards of optometry may take the position that such constitutes the practice of optometry in their respective states, and accordingly such boards also may require licensure in their states as a prerequisite. Optometrists intending to practice in such manner should therefore check with the optometry boards in all states in which they intend to treat patients for those states' licensure requirements to determine whether or not such practice is permitted in those jurisdictions and whether separate licensure in those states is required.
(k) **Displaying license and current certificate of renewal; branch office licenses:** Title 505:10-5-7(2) requires display of a copy of the optometrist's license at each of no more than two offices. The licensee must display his/her license and current certificate of renewal in a conspicuous place in each of the optometrist's offices. As noted above, a head shot photograph of the doctor should be attached to the license so as to be visible to a near site patient consulting with a remote site physician. A licensee who practices in more than one office location must obtain a duplicate license for each such branch office, with such branch office licenses to be displayed in like manner.
(l) **Equipment and technical standards.** Telemedicine technology must be sufficient to provide the same information to the provider as if the exam has been performed face-to-face. Telemedicine encounters must comply with HIPAA (Health Insurance Portability and Accountability Act of 1996) security measures to ensure that all patient communications and records are secure and remain confidential. Audio and video equipment must permit interactive, real-time communications, or may be a store and forward system allowing the distant site optometrist to review the results of a near site examination at a later time.
(m) **Unprofessional Conduct.** Unprofessional conduct includes prescribing for treatment without sufficient examination as provided in Board Rule 505:10-5-9, proceeding without the establishment of a valid physician-patient relationship, violations of this telemedicine rule under the authority of 59 O.S. § 585(A). and not prescribing in a safe, medically accepted manner.
(n) **Applicability and scope.** The purpose of this Section is to implement telemedicine policy that increases access to optometric services, while complying with all applicable state and federal laws and regulations. Telemedicine services are not an expansion of the scope of practice of Optometry, but an option for the delivery of certain services within that scope of practice. However, if there are technological difficulties in performing an objective, thorough medical assessment, or problems in the patient's understanding of telemedicine, hands-on-assessment and/or in-person care must be provided for the patient. Any service delivered using telemedicine technology will be appropriate for telemedicine delivery and be of the same quality and otherwise on par with the same service delivered in person. A telemedicine encounter will maintain the confidentiality and security of protected health information in accordance with applicable state and federal law. For

purposes of the scope and practice of optometry, telemedicine is deemed to be "the use of any computerized or automatic refracting device, including applications designed to be used on a computer or video conferencing via an Internet device either in person or in remote locations," within the meaning of 59 O.S. § 581(A).

[OAR Docket #24-651; filed 6-24-24]

TITLE 610. STATE REGENTS FOR HIGHER EDUCATION
CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #24-620]

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During the process of reviewing and amending Chapter 2 (Administrative Operations) of the OSRHE Policy and Procedures Manual, three rules from the Oklahoma Administrative Code (OAC) were identified that either do not reflect current practices of the State Regents or that do not reflect current best practices in the opinion of Legal Counsel. These rules are OAC 610:1-7-13 ("Items for consideration at meeting"); OAC 610:1-7-15 ("Disposition of business"); and OAC 610:1-7-16 ("Record of proceedings"). The permanent rule amendments to OAC 610:1-7-13 remove the requirement to list the New Business agenda item, delete a requirement to provide notice for hearings on proposed policy adoptions/changes at State Regents meetings and allow hearings to be conducted in any manner deemed fit by the State Regents so long as adequate due process is provided. The permanent rule amendments to OAC 610:1-7-15 modify adherence to Robert's Rules of Order at State Regents meetings and delete a required roll call voting order. The permanent rule amendments to OAC 610:1-7-16 delete the requirement that executive session minutes be "transmitted" to the State Regents for their review and transfer the maintenance of executive session notes to the General Counsel.

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(7) AND 308(E), WITH AN EFFECTIVE DATE OF JULY 25, 2024:

SUBCHAPTER 7. RULES OF OPERATION

610:1-7-13. Items for consideration at meeting [AMENDED]

All matters to be considered at a State Regents' meeting shall appear on the agenda and may include:

(1) **New business.** An item called New Business ~~shall~~ may be listed on each regular meeting agenda under which only matters not known about or which could not have been reasonably foreseen prior to the time of posting may be considered.

(2) **Executive session.** A proposal for an Executive Session must be listed on the agenda and must contain sufficient information to advise the public that an executive session will be proposed, what matters are proposed to be discussed in the executive session, and what action, if any, is contemplated to be taken on matters proposed for discussion in an executive session. State Regents may hold executive sessions only as provided by the Open Meeting Act. Any vote or action taken thereon will be taken in public meeting with the vote of each member publicly cast and recorded.

(3) **Hearings.**

(A) The State Regents will provide notice at the time of their public meeting of~~:~~

~~(i) hearings on proposed policy adoptions or changes to be considered at the next regular meeting and~~

~~(ii)~~ appeals of State Regents' actions which will be scheduled on the following regular agenda for further review.

(B) The proceedings described in (A)~~(i) and (A)(ii)~~ of this paragraph ~~will~~ may be conducted in any manner ~~analogous to those of the Administrative Procedures Act~~ deemed fit by the State Regents so long as adequate due process is provided.

610:1-7-15. Disposition of business [AMENDED]

(a) **General guidelines.** Unless otherwise specified in their operations policy or unless contrary to state law, the State Regents will ~~adhere to~~ generally follow "Robert's Rules of Order"~~, Newly Revised Edition"~~ (current edition), but strict adherence is not required.

(b) **Quorum.** Meetings of the State Regents will be conducted only with a majority quorum of members present.

(c) **Voting guidelines.** Guidelines for voting are as follows:

(1) The vote of each member will be publicly cast and recorded.

(2) Aye votes may be made by group acclamation.

(3) Any nay votes will necessitate an individual roll call. ~~The roll will commence with Position No. 1 and alternate through Position No. 9.~~

(4) A simple majority vote of those present for the meeting is required for action on an agenda item.

~~(5) Items on the agenda may be advanced by unanimous consent. If objection is voiced, the Chairman will call for a vote on the advancement motion which will require a two-thirds majority for passage.~~
~~(6)~~(5) A majority vote of the quorum present is required to go into executive session. No vote or action may be taken in executive session; and action, if any, must be taken after returning to open meeting in the usual manner.

610:1-7-16. Record of proceedings [AMENDED]

(a) **Regular meetings.**

(1) The proceedings of State Regents' meetings will be kept by a designated record keeper in the form of written minutes which shall be an official summary of the proceedings showing clearly those members present and absent, all matters considered and all actions taken by the State Regents.

(2) The minutes of each meeting will be open to public inspection and will reflect the manner and time of notice required by the Oklahoma Open Meeting Act [25 O.S., § 301 et seq.].

(b) **Emergency meetings.** In the written minutes of an emergency meeting, the nature of the emergency and the proceedings occurring at such meeting, including reasons for declaring such emergency meeting, shall be included.

(c) **Committee meetings.** A record of committee meetings will be kept by a designated record keeper and made available to all State Regents. The Chair~~man~~ of the Committee will attest to the accuracy of the record.

(d) **Executive sessions.**

(1) Written minutes shall be kept of all executive sessions held by the State Regents.

(2) Such minutes shall be prepared by the designated record keeper, ordinarily the OSRHE General Counsel ~~and transmitted in confidence to the State Regents for their review~~.

(3) ~~Minutes of executive sessions shall be approved in the same manner as the minutes of open sessions of the State Regents, except that minutes of executive sessions shall not be made available for general public review.~~
~~(4)~~ Written minutes of executive sessions are not public records and will not be made available for public review except as specifically authorized by the State Regents through the adoption of a formal resolution approving of such disclosure, or as ordered by a court of competent jurisdiction.

~~(5)~~(4) Written minutes of the State Regents executive sessions shall be maintained by the ~~Chancellor~~OSRHE General Counsel in a separate location from the minutes of the open sessions of the State Regents and in such manner so as to ensure their security and confidentiality.

[OAR Docket #24-620; filed 6-21-24]

TITLE 610. STATE REGENTS FOR HIGHER EDUCATION
CHAPTER 10. ACADEMIC AFFAIRS [NEW]

[OAR Docket #24-619]

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PERMANENT final adoption
RULES:
Subchapter 1. Private and Out-of-State Public Institutions [NEW]
610:10-1-1. Purpose [NEW]
610:10-1-2. Definitions [NEW]
610:10-1-3. Authorization according to OSRHE policies and procedures [NEW]
610:10-1-4. Fees for application and authorization [NEW]
610:10-1-5. Tuition Recovery Revolving Fund [NEW]
610:10-1-6. Non-approval or revocation of authorization [NEW]
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In Spring 2023, Senator Ally Seifried introduced Senate Bill 550 during the 2023 Oklahoma legislative session to create additional safeguards for Oklahoma students at all non-exempt private and out-of-state public institutions. Signed by the Governor on April 28, 2023, the legislation revised 70 O.S. § 4103 by modifying standards for all non-exempt private and out-of-state public institutions that offer distance education degree courses and programs to students in Oklahoma to be authorized by the Oklahoma State Regents for Higher Education (OSRHE). The bill also requires all non-exempt private and out-of-state public institutions to pay an annual authorization fee to offset the administrative costs of authorization and to make payments into a student tuition recovery fund to protect students from financial loss in the event of a sudden closure. Additionally, the legislation expands the scope of OSRHE responsibilities and authority to ensure that all non-exempt private and out-of-state public institutions operating in Oklahoma meet the same standards of academic quality and fiscal responsibility required for institutions in the state system, and to deny, not renew, or revoke the authorization of institutions that do not. Finally, SB 550 directs the State Regents to promulgate rules to implement the new requirements. The rules set authorization fees and establish the formula to calculate payments into the Tuition Recovery Revolving Fund, and require the State Regents to establish policies and procedures to assess and administer the fees and payments as well as policies and procedures to ensure that non-exempt private and out-of-state public institutions operating in Oklahoma by any modality meet the same standards of academic quality and fiscal responsibility required for institutions in the state system. The proposed permanent rules are necessary to comply with 70 O.S. § 4103, and to ensure that Oklahoma citizens are appropriately protected from academic and/or financial loss in the event of a sudden closure of a non-exempt private or out-of-state public institution.
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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(7) AND 308(E), WITH AN EFFECTIVE DATE OF JULY 25, 2024:

SUBCHAPTER 1. PRIVATE AND OUT-OF-STATE PUBLIC INSTITUTIONS [NEW]

610:10-1-1. Purpose [NEW]

The purpose of this policy is to protect Oklahoma citizens by ensuring that all (nonexempt) private and out-of-state public degree-granting institutions of higher education that operate in this state by any modality meet statutory and policy requirements regarding academic quality and fiscal responsibility.

610:10-1-2. Definitions [NEW]

The following words and terms, when used in this Subchapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Degree-granting institution" means an institution that offers education leading to an associate's degree or higher.

"Institution" means a private institution or out-of-state public institution.

"Non-degree granting activity" means offering post-secondary education or training that does not lead to an associate's degree or higher.

"OSRHE" means the Oklahoma State Regents for Higher Education.

"Out-of-state public institution" means any nonexempt public institution that is established, operated, and governed by another state or any of its political subdivisions.

"Private institution" means a nonexempt educational institution which is controlled by a private individual(s) or by a nongovernmental agency, usually supported primarily by other than public funds, and operated by other than publicly elected or appointed officials. These institutions may be either for-profit or non-profit.

"State authorization reciprocity agreement" means an agreement among states, districts, and territories that establishes comparable standards for providing distance education from their degree-granting postsecondary educational institutions to out-of-state students.

610:10-1-3. Authorization according to OSRHE policies and procedures [NEW]

All private and out-of-state public degree-granting institutions that operate in this state shall be authorized according to the policies and procedures established by OSRHE. *These policies and procedures shall be limited to the minimum necessary to ensure that private and out-of-state degree-granting institutions that operate in this state by any modality meet the same standards of academic quality and fiscal responsibility required for institutions of higher education within The Oklahoma State System of Higher Education.* [70 O.S. §4103(B)] OSRHE's policy on private institutions and out-of-state public institutions can be found in the Policy and Procedures Manual, Chapter 3: Academic Affairs located on OSRHE's website.

610:10-1-4. Fees for application and authorization [NEW]

(a) Unauthorized nonexempt private and out-of-state public institutions shall pay an application and an initial authorization fee to be authorized to operate as a degree-granting institution in Oklahoma, as follows:

(1) Application fee: $500

(2) Initial Authorization fee: $2,500

(b) Authorized institutions shall pay annually an application and a re-authorization fee to be re-authorized to operate as a degree-granting institution in Oklahoma as follows:

(1) Application Fee: $500

(2) Annual Re-authorization fee: $2,000

(c) Out-of-state private institutions and out-of-state public institutions shall pay additional location fees to establish and operate one or more locations in Oklahoma for students to receive synchronous or asynchronous instruction. The fee shall be $1,000 per location for both initial and annual re-authorization of the location.

(d) Institutions applying for provisional re-authorization shall be assessed a non-refundable provisional application fee and provisional authorization fee in addition to the standard application fee and authorization fee. The provisional application fee shall be $250 and the provisional authorization fee shall be $1,000. Applications will not be reviewed until all required application fees have been received.

(e) The collection and processing of fees shall be according to policies and procedures set by OSRHE.

610:10-1-5. Tuition Recovery Revolving Fund [NEW]

(a) Each private institution authorized by OSRHE to operate as a degree-granting institution in Oklahoma shall pay to OSRHE a sum annually to be maintained in the Tuition Recovery Revolving Fund. This payment is in addition to the application and authorization fees established in 610:10-1-4. The payment for initial authorization shall be $2,500.
(b) Each private institution authorized by OSRHE shall make payments to the Tuition Recovery Revolving Fund for annual re-authorization as follows:

(1) Each private institution shall pay 0.25 percent (.0025) of its annual gross tuition revenue received from students living in Oklahoma at the time of their enrollment.
(2) A minimum payment of $250 shall be due annually regardless of the private institution's enrollment or tuition revenue during the applicable year.
(3) Private institutions whose payment is not received by the due date will be subject to non-approval of authorization, provisional authorization or revocation of authorization according to the policies and procedures set by OSRHE.
(4) The Student Tuition Recovery Fund will be maintained between a minimum and maximum funding level to be determined by OSRHE.
(5) Institutions will be assessed annually until the maximum funding level is reached. If the Fund amount is reduced below the minimum funding level, assessments will begin again until the maximum level is regained. If the monies in the fund are insufficient to satisfy all duly authorized claims, OSRHE may reassess authorized institutions as necessary, in addition to the annual assessment, and the authorized institutions shall pay the additional amounts assessed.

(c) The assessment, administration, and disbursement of funds from the Tuition Recovery Revolving Fund shall occur according to policies and procedures set by OSRHE.

610:10-1-6. Non-approval or revocation of authorization [NEW]
(a) Upon non-approval or revocation of authorization for an institution or an institution's location, the institution will be notified in writing; the notification will include the reasons for the revocation or non-approval.
(b) Institutions that wish to appeal the revocation or non-approval must submit to the OSRHE office, within 20 calendar days of receipt of notification, written documentation detailing why they believe the revocation or non-renewal is not warranted by state statute or OSRHE policy. Upon receipt of the documentation, OSRHE staff will review it to determine whether the additional information demonstrates compliance with state statute and OSRHE policy. If it is determined that the response satisfactorily indicates full compliance, the application will be submitted to OSRHE at their next regularly scheduled meeting.
(c) The schedule for the appeal process and how it affects the institution's implementation of closure will be determined and communicated to the institution on receipt and analysis of the appeal. During the period of time from receipt of the appeal documentation to final determination of compliance, the institution will retain whatever authorization status it held prior to the non-approval or revocation.
(d) If it is determined that the appeal documentation does not demonstrate compliance with state statute and OSRHE policy, the institution will be notified of the determination in writing, including the reasons why, and the institution will begin or resume closure procedures according to the policies and procedures set by OSRHE.
(e) Determination that the appeal documentation does not demonstrate compliance with state statute and OSRHE policy is final and no further appeal will be accepted.
(f) Institutions whose authorization has been revoked or not approved may be considered again for authorization after reestablishing compliance with state statute and OSRHE policy.

[OAR Docket #24-619; filed 6-21-24]

TITLE 610. STATE REGENTS FOR HIGHER EDUCATION
CHAPTER 25. STUDENT FINANCIAL AID AND SCHOLARSHIPS

[OAR Docket #24-618]

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RULES:
Subchapter 41. ~~Oklahoma Future Teacher Scholarship and Employment Incentive Program ("Inspired to Teach")~~Inspired to Teach Program [AMENDED]

610:25-41-1. Purpose [AMENDED]
610:25-41-2. Definitions [AMENDED]
610:25-41-3. Eligibility requirements [AMENDED]
610:25-41-4. Application procedure [AMENDED]
610:25-41-5. Certifications of compliance [AMENDED]
610:25-41-6. Disqualification [AMENDED]
610:25-41-7. Participant eligibility for scholarship payments [AMENDED]
610:25-41-8. Participant eligibility for employment incentive payments [AMENDED]
610:25-41-9. Incentive benefits to be disbursed under the program [AMENDED]
610:25-41-10. Fiscal limitations of the program [AMENDED]
610:25-41-11. Verification and notification requirements [AMENDED]

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610:25-41-2. Definitions [AMENDED]
610:25-41-3. Eligibility requirements [AMENDED]
610:25-41-4. Application procedure [AMENDED]
610:25-41-5. Certifications of compliance [AMENDED]
610:25-41-6. Disqualification [AMENDED]
610:25-41-7. Participant eligibility for scholarship payments [AMENDED]
610:25-41-8. Participant eligibility for employment incentive payments [AMENDED]
610:25-41-9. Incentive benefits to be disbursed under the program [AMENDED]
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The Oklahoma Future Teacher Scholarship and Employment Incentive Program ("Inspired to Teach") is a program to support the teacher pipeline and the preparation of public-school teachers for prekindergarten through 12th grade. As legislatively appropriated funding is available, the Program provides a scholarship to eligible students majoring in teacher education at an accredited teacher preparation program at an Oklahoma public or private university OR a student majoring in a pre-teacher education program at an Oklahoma public community college that has an approved "Inspired to Teach" Program articulation agreement with an accredited Oklahoma university teacher preparation program, and incentivizes those individuals to enter the workforce as Oklahoma public school teachers for at least five (5) consecutive years upon graduation. The permanent rules: update the name of the program; remove the requirement that an applicant have graduated from an Oklahoma high school; allow home-schooled students to apply; allow applicants who completed their GED requirements to apply; and require scholarship participants to maintain a 2.5 grade point average throughout matriculation.
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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(7) AND 308(E), WITH AN EFFECTIVE DATE OF JULY 25, 2024:

SUBCHAPTER 41. ~~OKLAHOMA FUTURE TEACHER SCHOLARSHIP AND EMPLOYMENT INCENTIVE PROGRAM ("INSPIRED TO TEACH")~~INSPIRED TO TEACH PROGRAM [AMENDED]

610:25-41-1. Purpose [AMENDED]
(a) The ~~Oklahoma Future Teacher Scholarship and Employment Incentive Program (also known as "Inspired to Teach")~~ Inspired to Teach Program was created by House Bill 3564 during the 2022 legislative session.
(b) "Inspired to Teach" is a program to support the teacher pipeline and the preparation of public school teachers for prekindergarten through 12th grade. As legislatively appropriated funding is available, the program provides a scholarship to eligible students majoring in teacher education at an accredited teacher preparation program at an Oklahoma public or private university OR a student majoring in a pre-teacher education program at an Oklahoma public community college that has an approved "Inspired to Teach" program articulation agreement with an accredited Oklahoma university teacher preparation program, and incentivizes those individuals to enter the workforce as Oklahoma public school teachers for at least five (5) consecutive years upon graduation.
(c) The bill requires that the Oklahoma State Regents for Higher Education (OSRHE) establish and maintain an incentive scholarship program and teacher employment incentive program, as funding is available. [70 O.S §698.1 (A)].
(d) The purpose of the "Inspired to Teach" program is to address teacher shortages in Oklahoma by making scholarships available to undergraduate students and providing employment incentives for participants who meet eligibility criteria and major in teacher education, obtain a traditional teaching certificate, and serve as teachers in the public schools of this state for at least five (5) consecutive years.
(e) The scholarship will help defray the cost of obtaining a baccalaureate degree and the incentive will assist graduates as they enter the workforce as teachers in this state.

610:25-41-2. Definitions [AMENDED]
The following words and terms, when used in this Subchapter, shall have the following meaning, unless the context clearly indicates otherwise:
"Full-time student" means:
(A) an undergraduate student enrolled in 12 or more semester credits toward teacher education degree requirements;
(B) an undergraduate student who is a teacher education major who is enrolled in or has completed an internship or student teaching credit hours in order to complete their degree program prior to certification and who has been approved by the institution to take less than twelve credit hours; or

(C) an undergraduate student who is a teacher education major with an approved reasonable accommodation from Student Accessibility Services at the institution due to a documented disability and who has been approved to take less than twelve credit hours.

~~**"Inspired to Teach"** means the Oklahoma Future Teacher Scholarship and Employment Incentive Program created by House Bill 3564 during the 2022 legislative session.~~

"Internship" or **"Student teaching"** means: A minimum of 12 weeks or 360 hours of full-time student teaching or its equivalent completed by all initial candidates prior to teacher education program completion. The student teaching internship must be completed in an accredited Oklahoma PK-12 school to fulfill the mandatory requirement for a teacher education degree at an accredited Oklahoma institution.

"OSRHE" means the Oklahoma State Regents for Higher Education.

"SAP" means satisfactory academic progress according to the standards of the Oklahoma educational institution in which the student is enrolled.

610:25-41-3. Eligibility requirements [AMENDED]

(a) In order to participate in the "Inspired to Teach" program and be eligible for a scholarship, prospective teachers must meet the following requirements:

(1) Graduate from ~~an Oklahoma~~ high school, complete high school level instruction at home or complete General Educational Development (GED) test requirements;

(2) Meet higher education admission standards at 1) a public or private Oklahoma university with an accredited Oklahoma teacher education program or 2) a public community college with an approved articulation agreement with an accredited Oklahoma university teacher education program;

(3) Declare a major at an accredited Oklahoma university teacher education program in a degree leading to a standard teaching certificate or declare a major at a community college with an approved "Inspired to Teach" Program articulation agreement with an accredited Oklahoma teacher education program leading to a standard Oklahoma teaching certificate;

(4) Maintain enrollment as a full-time student at a participating higher education institution during each semester of scholarship eligibility until a baccalaureate degree for teaching is obtained;

(5) Maintain SAP and a minimum 2.5 GPA throughout matriculation; and

(6) Prior to entry into the "Inspired to Teach" Program, agree to complete the program and to teach in an Oklahoma public prekindergarten through 12th grade (PK-12) school for a minimum of five (5) consecutive years upon graduation and certification as a teacher.

(b) Traditionally certified teachers who graduated from a teacher education program without participating in the "Inspired to Teach" program during undergraduate study are not eligible for the "Inspired to Teach" program.

610:25-41-4. Application procedure [AMENDED]

(a) OSRHE will distribute "Inspired to Teach" Participation Agreement forms to postsecondary institutions in Oklahoma that are eligible to participate in state and federal financial aid programs and have an approved program of professional teacher preparation or an approved articulation agreement on file with a state institution that has a professional teacher preparation program.

(b) Participation Agreement forms may be obtained from the "Inspired to Teach" coordinator at each postsecondary institution or from OSRHE.

(c) A Participation Agreement must be signed by the student while enrolled in a major course of study in teacher education at the undergraduate level.

(d) The completed Participation Agreement must be submitted to the "Inspired to Teach" coordinator upon declaring teacher education as a major or, at the latest, before beginning the final semester prior to graduation; however, a student who has declared teacher education as a major at least one semester before the final semester will be allowed to submit a completed Participation Agreement and be considered for the "Inspired to Teach" Program the final semester.

(e) "Inspired to Teach" coordinators at postsecondary institutions will submit copies of the Participation Agreements to OSRHE within 10 days of submission by the student.

(f) OSRHE will notify each applicant of the receipt of his/her application to the "Inspired to Teach" program, the requirements for ongoing eligibility, and the disbursement benefits under "Inspired to Teach."

610:25-41-5. Certifications of compliance [AMENDED]

(a) Participants must apply for entry into the "Inspired to Teach" program during their matriculation as an undergraduate student using the Participation Agreement Form which can be obtained from the eligible Oklahoma higher education institution in which they are enrolled or the OSRHE website.
(b) OSRHE will be responsible for determining participant eligibility at each stage following "Inspired to Teach" program entry.
(c) Institutions will supply OSRHE with verification and certification of student eligibility each semester for the "Inspired to Teach" Program scholarship.
(d) After graduation, as participants transition to their teaching assignments in Oklahoma public schools, "Inspired to Teach" Program participants will provide compliance documentation to OSRHE as set forth in 610:25-41-9 and 610:25-41-11.

610:25-41-6. Disqualification [AMENDED]

The following conditions shall subject the participant to disqualification from the "Inspired to Teach" program:
(1) Failing to maintain a 2.5 grade point average throughout matriculation;
(2) Changing major to an ineligible area of study;
(3) Failing to meet and maintain SAP in an academic program leading to an eligible undergraduate degree in an Oklahoma accredited teacher education program;
(4) Failing to maintain enrollment as a full-time student, withdrawing completely from enrollment, or otherwise leaving the higher education institution;
(5) Failing to complete the teacher education baccalaureate degree and training necessary to obtain a traditional Oklahoma teaching certificate from an approved and accredited Oklahoma program of professional teacher preparation, including student teaching or internship;
(6) Failing to meet requirements for traditional certification to teach as established by Oklahoma state law;
(7) Failing to teach for five (5) consecutive years in an Oklahoma public school upon graduation and certification as a teacher; or
(8) Failing to provide documentation as requested by OSRHE within the time indicated.

610:25-41-7. Participant eligibility for scholarship payments [AMENDED]

(a) To the extent legislatively appropriated funding is available, the following scholarships will be awarded to eligible participants in the "Inspired to Teach" program:
(1) One thousand dollars ($1,000) per academic year for up to three (3) academic years for full-time students who have earned less than 90 credit hours; and
(2) Two thousand five hundred dollars ($2,500) for the final academic year for full-time students who have earned 90 or more credit hours.
(b) To the extent legislatively appropriated funding is available, the following scholarships will be awarded to eligible full-time students participating in "Inspired to Teach" according to the following tiers based on enrolled credit hours towards degree requirements if the student is entering the first year of undergraduate study, or earned credit hours towards degree requirements for all other students:
(1) Tier 1, requiring a minimum of 12 hours enrolled: $1,000
(2) Tier 2, requiring a minimum of 24 and a maximum of 47 hours earned: $1,000
(3) Tier 3, requiring a minimum of 48 and a maximum of 89 hours earned: $1,000
(4) Tier 4, requiring a minimum of 90 hours earned: $2,500
(c) Participants can receive a maximum of Five Thousand Five Hundred Dollars ($5,500) in total scholarship awards. Students will not be eligible for multiple awards in an academic year. If a participant will become eligible for a Tier 3 award and a Tier 4 award in the same academic year, which is also the participant's final academic year, and the participant has yet to receive an award from either tier, then the participant may choose which award to receive. Scholarship award disbursements will only be made for fall and spring semesters of the academic year. There will be no summer semester scholarship disbursements.
(d) Participants who have earned less than ninety (90) credit hours towards degree requirements, but have received Three Thousand Dollars ($3,000) in scholarship funding, will not be eligible for the final scholarship allotment of Two Thousand Five Hundred Dollars ($2,500) until their final academic year of study.
(e) Participants who have earned 90 or more credit hours towards degree requirements but still have more than one academic year remaining to complete the teacher education degree requirements, may receive the Two Thousand Five Hundred Dollar ($2,500) award in the final academic year during a semester (fall and/or spring disbursement) designated by, and at the discretion of, the institution. Participants, upon receiving the Two Thousand Five Hundred Dollar ($2,500)

award, will not be eligible for any of the scholarship awards granted to participants who have earned less than 90 credit hours towards degree requirements.
(f) Participants may utilize no more than one of the following provisions to become re-eligible for the "Inspired to Teach" program:

(1) Participants whose GPA falls below a 2.5, or who fail to maintain SAP, will have one academic semester (fall or spring) to re-establish a 2.5 GPA (or above) and SAP in order to have the scholarship benefit reinstated. Failure to meet the GPA and/or SAP requirements will result in the participant's withdrawal from the "Inspired to Teach" program.
(2) Participants who change majors to an ineligible area of study, fail to meet GPA and/or SAP requirements for two semesters, fail to maintain enrollment as a full-time student for one semester or completely withdraw from enrollment, will be allowed to reapply within one year of that occurrence as long as the participant does not graduate the same semester in which the participant reapplies.
(3) Participants who fail to meet the GPA or SAP requirement during the 2nd to last semester of their final year of matriculation, will not receive the scholarship benefit in the final semester; however, under the provisions of (1) of this subsection, if the participant re-establishes a 2.5 GPA (or above) and SAP within the final academic semester (before graduation), upon graduation, the participant's eligibility will be reinstated for employment incentive payments.
(4) Participants may obtain from the institution in which they are enrolled, an official letter reflecting a leave of absence or withdrawal when a serious illness, pregnancy, or other natural cause prevents the participant from continuing the coursework requirements or from fulfilling the provisions outlined under the eligibility requirements.

(A) College/ university withdrawals or leaves of absence may not exceed more than one academic year but will not be counted against the participant for the purposes of scholarship eligibility as long as the following criteria are met:
(B) Participants must present official college/university documentation to OSRHE at the time the withdrawal or leave of absence was granted which meets the requirements of this rule. Reapplication into the "Inspired to Teach" program must be received thirty (30) days prior to the participant resuming classes full-time or the participant may be withdrawn from the program.

(g) Participants who have been disqualified from the "Inspired to Teach" program but later become re-eligible pursuant to 610:25-41-7(f) shall be considered to have maintained program eligibility throughout matriculation for the purposes of 610:25-41-8(a)(1) if, following re-eligibility, the participant maintains "Inspired to Teach" program eligibility through graduation.

610:25-41-8. Participant eligibility for employment incentive payments [AMENDED]
(a) In order to qualify to receive the employment incentive disbursement benefits under the "Inspired to Teach" program, program participants who are employed as traditionally prepared and certified teachers in Oklahoma public prekindergarten through 12th grade schools must:

(1) After being accepted into the "Inspired to Teach" program, maintain program eligibility pursuant to 610:25-41-3 throughout matriculation and receive at least one scholarship award;
(2) Graduate from an accredited Oklahoma teacher preparation degree program;
(3) Obtain a traditional teacher certification and provide eligible full-time teaching service under a regular teaching contract at an Oklahoma public school in the area of certification or qualified subject area; and
(4) Begin the first year of eligible full-time teaching service, as described above, within thirteen (13) months from the date of graduation from a four-year institution in Oklahoma.

(b) Employment incentive payments may be awarded following each consecutive year of satisfactory service as documented by the employing school district for up to five (5) years of service to "Inspired to Teach" program scholarship recipients upon graduation from an accredited Oklahoma teacher preparation degree program and traditional certification to teach in Oklahoma.
(c) The maximum amount of employment incentive payments for any qualified participant shall be Four Thousand Dollars ($4,000) per year for up to five (5) years, not to exceed a total of Twenty Thousand Dollars ($20,000) per participant.
(d) If sufficient funds are not available for employment incentive payment to qualified participants during any fiscal year, the Chancellor may make reductions in the payments made to qualified participants.
(e) Participants may apply to the employing school for a leave of absence when a serious illness, pregnancy, or other natural cause prevents the participant from providing consecutive full-time teaching service. Participants must present official school documentation to OSRHE that a leave of absence was granted which meets the requirements of this rule. Official notification must be given within one year that the teacher has resumed the teaching duties or participant may be

withdrawn from the "Inspired to Teach" program.
(f) Leaves of absence may not exceed more than one academic year. Leaves of absence will not be included for the purpose of calculating the required consecutive five (5) years of teaching service.
(g) A Reduction in Force will not disqualify a participant based on the consecutive five-year obligation if the following requirements are met:

(1) Participant must provide to OSRHE official documentation of the Reduction in Force; and
(2) Participant must resume teaching at an Oklahoma public school within eighteen (18) months after the Reduction in Force.

610:25-41-9. Incentive benefits to be disbursed under the program [AMENDED]
(a) Under the provisions of the "Inspired to Teach" program, OSRHE is authorized to make the employment incentive payments each year, up to five consecutive years for full-time teaching service, to Oklahoma public school districts for participants eligible pursuant to 610:25-41-8.
(b) An Employment Compliance Form must be submitted to OSRHE upon completion of each year of eligible teaching service. An authorized school official must complete the form.
(c) Each year, if all program requirements are satisfied, and contingent upon the availability of funds, OSRHE will issue disbursements of "Inspired to Teach" program benefits to school districts employing the qualifying participants for payment to participants.
(d) The total annual amount of employment incentive payments for any qualified participant shall not exceed Four Thousand Dollars ($4,000).
(e) If OSRHE determines that any "Inspired to Teach" program disbursement was authorized based on misleading or incorrect information supplied by the participant, the participant must reimburse such payment to OSRHE.

610:25-41-10. Fiscal limitations of the program [AMENDED]
(a) If insufficient funds are available for scholarship and/or employment incentive payments to qualified persons during any fiscal year, the Chancellor may make reductions in the payments made to those qualifying. [70 O.S. §698.1(F)].
(b) On or before June 30 of each year, the amount of employment incentive payments for all teachers eligible to receive payments for the upcoming school year will be determined. If in any given year funds are not available for employment incentive payments at the determined amount due to a reduction in employment incentive payments as determined by the Chancellor, the amount to be disbursed to all eligible participants will be reduced uniformly. Upon distribution of this reduced amount, the obligation of the "Inspired to Teach" program to those eligible teachers shall be satisfied for that academic year. The foregoing is true even if no funds are available for disbursement.

610:25-41-11. Verification and notification requirements [AMENDED]
(a) Verification requirements which must be satisfied prior to disbursement of "Inspired to Teach" program benefits include:

(1) A copy of the participant's traditional teaching certificate from the Oklahoma State Department of Education submitted to OSRHE. Additionally, a new copy of the traditional teaching certificate must be submitted for all new subsequent certification competencies or credentials;
(2) A copy of the participant's official college or university transcript reflecting GPA, coursework, and graduation confirmation submitted to OSRHE; and
(3) An Employment Compliance Form submitted to OSRHE after each year of eligible teaching service. An authorized school district official must complete the form including the participant's signature. This form must be notarized prior to submission to OSRHE.

(b) The participant is responsible for ensuring that all documentation requested for verification requirements is provided within the time indicated.
(c) Until all mutual obligations of the Participation Agreement are satisfied, the participant must respond to all communications and requests from OSRHE within the time indicated.
(d) Until all mutual obligations of the Participation Agreement are satisfied, the participant must provide written notification to OSRHE of any change in legal name or address and of any change in status, which affects "Inspired to Teach" program eligibility.

[OAR Docket #24-618; filed 6-21-24]

TITLE 610. STATE REGENTS FOR HIGHER EDUCATION
CHAPTER 25. STUDENT FINANCIAL AID AND SCHOLARSHIPS

[OAR Docket #24-621]

RULEMAKING ACTION:
PERMANENT final adoption
RULES:
Subchapter 29. Tulsa Reconciliation Education and Scholarship Act
610:25-29-4. Principles for awards, continuation of awards, disbursements, refunds, and applications [AMENDED]
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Oklahoma State Regents for Higher Education; 70 Okl.St.Ann. Section 3206
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In 2001, the Oklahoma Legislature passed HB 1178 (now 70 O.S. § 2620, et seq.), the "1921 Tulsa Race Riot Reconciliation Act of 2001," which created the Tulsa Reconciliation Education and Scholarship Program (TRESP). The permanent rule revisions would allow the State Regents to designate Langston University – Tulsa (LU-Tulsa) administrators to coordinate the application process for the TRESP. The revisions would authorize the President of Langston University, or designee, to organize an advisory committee of Tulsa community representatives to review applications and recommend scholarship recipients to the State Regents. The changes to the use of lineal descendance changes it to a preference factor required for consideration when two conditions are met: 1) the applicant is eligible for the

scholarship according to the requirements already present at OAC 610:25-29-4(b)(3)(A) & (B), and 2) when the requirements at OAC 610:25-29-4(b)(3)(A) & (B) prove inadequate to narrow the pool of applicants sufficiently.

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(7) AND 308(E), WITH AN EFFECTIVE DATE OF JULY 25, 2024:

SUBCHAPTER 29. TULSA RECONCILIATION EDUCATION AND SCHOLARSHIP ACT

610:25-29-4. Principles for awards, continuation of awards, disbursements, refunds, and applications [AMENDED]

(a) **Award amounts.** Subject to the availability of funds, the State Regents shall award:

(1) For participants enrolled in an institution in the Oklahoma State System of Higher Education, an amount not to exceed the equivalent of the average dollar amount of undergraduate resident tuition that the eligible Program participant is obligated to pay.

(2) For participants enrolled in a private institution of higher education, an amount not to exceed the equivalent of the average dollar amount of undergraduate resident tuition that the eligible Program participant would receive if enrolled in a school within the Oklahoma State System of Higher Education.

(3) For participants enrolled in a postsecondary career technology education program, an amount not to exceed the equivalent of the dollar amount that the eligible program participant is obligated to pay, which amount shall not exceed the amount the participant would have received for comparable enrollment at a two-year institution within the Oklahoma State System of Higher Education. An award to an eligible participant who is enrolled in a postsecondary vocational-technical program may be used to pay for both vocational-technical and college work if both are required by the academic program.

(b) **Award limitations.**

(1) Program benefits will not be awarded for courses or other postsecondary units taken by the participant:

(A) That are in excess of the requirements for completion of a baccalaureate program.

(B) That are taken more than five (5) years after the student's first semester of participation in the program, except in hardship circumstances as determined by the State Regents. Even when such a hardship is found to exist, in no event shall the participant receive benefits after the participant has been enrolled for a five (5) year cumulative time period.

(2) Program benefits shall be awarded to *not more than 300 eligible participants annually, subject to the amount of funds available for the program and the number of eligible participants.* [70 O.S. §2625(E)]

(3) If sufficient funds to provide awards to the maximum number of eligible participants are not available, the State Regents shall make awards based upon need.

(A) For all academic years, participants who have previously received awards shall be given an absolute priority for continued financial support by the Program, superior to any residents who are applying for such benefits for the first time.

(B) Thereafter, the order of preference of the applicants for awards based upon need shall be determined by the State Regents using the following factors:

(i) the family income of the applicant from taxable sources is not more than Seventy Thousand Dollars ($70,000.00 per year),

(ii) the applicant attended a Tulsa public school where seventy-five percent (75%) or more of the students enrolled in school qualify for the free and reduced lunch program, and

(iii) the applicant resides in a census block area within the Tulsa School District where thirty percent (30%) or more of the residents are at or below the poverty level established by the United States Bureau of the Census. [70 O.S. §2623]

(C) When the factors listed above prove inadequate to narrow the pool of applicants sufficiently, the State Regents ~~may~~ shall consider, as an additional order of preference factor, applied to applicants otherwise deemed eligible pursuant to the provisions of this subchapter, whether the applicant is a direct lineal descendant of a person who resided in the Greenwood Area in the City of Tulsa between April 30, 1921 and June 1, 1921.

(i) Except for the absolute priority given to eligible participants who have already received an award(s) under the Program, this factor shall be applied to all applicants regardless of race when utilized by the State Regents.

(ii) The Oklahoma Historical Society shall verify all applicant claims of lineal descent.

(D) When making awards, the State Regents shall take other grants and scholarships received by the eligible participant into consideration. In such cases, the Program benefit may be used to cover additional educational costs not covered by the other grants and scholarships.

(4) The award for the high school scholarships *shall be limited to a one-year full-time-equivalent period. Following successful completion of such award, recipients who meet the criteria provided in* 610:25-29-4(b)(3) (B) *shall be eligible to apply and be considered for continued participation in the full Tulsa Reconciliation Education and Scholarship Program. Any student subsequently awarded such scholarship shall have the duration of the* high school scholarship deducted from five-year limit on scholarship eligibility. [70 O.S. 2623]

(c) **Disbursement.** Funds will be disbursed from the Tulsa Reconciliation Education and Scholarship Trust Fund to the institution at which the student is enrolled. The high school scholarship *award may only be funded with state funds appropriated to the Tulsa Reconciliation Education and Scholarship Trust Fund and income therefrom, and shall be made subject to the availability of such funds.* [70 O.S. 2623]

(d) **Refunds.** Refunds resulting from student withdrawal will be remitted to the State Regents.

(e) **Application.**

(1) Students must fully complete an application form provided by the State Regents.

(2) Applications will be processed by the State Regents according to deadlines established annually.

(3) Any falsified or incomplete information on the application form may result in disqualification from the Program.

(4) The State Regents shall designate Langston University administrators to assist with coordinating the application process. The coordination shall include the following:

(A) Distribution of the application form and collection of completed application forms, and

(B) Organization of an advisory committee of Tulsa community members with a connection to the Greenwood Area to review the applications and make recommendations to the State Regents for scholarship recipients who meet all applicable eligibility requirements.

(i) The advisory committee shall consist of seven members, appointed by the Chancellor for Higher Education, including the President of Langston University, or designee; the Superintendent of Tulsa Public Schools, or designee; two members of the Oklahoma Legislature representing the Greenwood Area in the City of Tulsa, or their designees; and three members of the Tulsa community with a connection to the Greenwood Area. At least two of the members of the advisory committee shall be descendants of a person who resided in the Greenwood Area in the City of Tulsa between April 30, 1921 and June 1, 1921.

(ii) The President of Langston University, or designee, shall be responsible for coordinating the advisory committee and shall submit to the Chancellor for Higher Education a list of proposed committee members for review and approval.

[OAR Docket #24-621; filed 6-21-24]

TITLE 730. DEPARTMENT OF TRANSPORTATION
CHAPTER 25. HIGHWAY CONTRACTORS

[OAR Docket #24-596]

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 3. Contractor ~~Prequalificaiton~~Prequalification and Proposals [AMENDED]

730:25-3-1. Prequalification [AMENDED]

Subchapter 5. Construction Contracts [AMENDED]

730:25-5-7. Highway Construction Materials Technician Certification [NEW]

AUTHORITY:

Oklahoma Department of Transportation; 69 O.S. §§ 301, 303, 304, 312, 622, 1101, 4006; 75 O.S., §§ 302, and 309 et seq.; 69 O.S. §§ 301, 303, 304; SB 1229; 69 O.S. § 1963

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Summary for: Subchapter 3: Contractor Prequalification and Proposals The amendments revise the prequalification specifications for fully prequalified contractors and authorizes conditionally prequalified contractors who are unable to fully complete qualification specifications relating to their submission of audited financial statements in the allotted time to bid at a decreased capacity for a reduced time period. Summary for: Subchapter 5: Construction Contracts In 2022 the Legislature passed SB 1229, which repealed most of the Highway Construction Materials Technician Certification Board and likewise transferred authority to ODOT to appropriate all monies accruing in the Highway Construction Material Certification Revolving Fund to be budgeted and expended by ODOT to conduct training or certification of individuals seeking to register as a Highway Construction Materials Technician. When the Highway Construction Materials Technician Certification Board was disestablished, the fees which were meant to accrue in the revolving fund, pursuant to 69 O.S. § 1963, were not reestablished. The new amendment would reestablish the fees paid into the revolving fund to enable ODOT to conduct training and certification of Highway Construction Materials Technicians.
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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(7) AND 308(E), WITH AN EFFECTIVE DATE OF JULY 26, 2024:

SUBCHAPTER 3. CONTRACTOR ~~PREQUALIFICAITON~~PREQUALIFICATION AND PROPOSALS [AMENDED]

730:25-3-1. Prequalification [AMENDED]

(a) The purpose of contractor qualification is to make an initial determination if a contractor has adequate financial resources, integrity, experience, and proven performance to maintain progress on Oklahoma Department of Transportation projects and to make timely payments to sub-contractors and material suppliers. Prequalification is the method of qualification which has been adopted by the Oklahoma Transportation Commission and the Department pursuant to the Public Competitive Bidding Act at Title 61 OS § 118. Prequalification provides a method by which the Department may review a contractor's financial resources and technical expertise before a contractor is allowed to bid on projects which have not been exempted from the prequalification requirement. Prequalification is not a license, but is rather a procedure used by the Department to evaluate prospective bidders' ability to perform. Prospective bidders must ensure that their prequalification application is accurate and complete in all aspects, and fully discloses all information requested in the application form. Prospective bidders will be allowed to submit one application in a twelve month period. The Department may request additional information for clarification of a prospective bidder's application. The owners and officers who comprise a company will be the determinative factor as to the existence of prior prequalification applications not an alteration or change of an organization name. The prequalification application and all financial information submitted to the Department by a contractor for the purpose of prequalification shall be held in confidence by the Department and shall not be an open record pursuant to the Oklahoma Open Records Act at Title 51 OS §24A.3(1)(d).

(b) Except as provided in this subchapter, only prequalified contractors will be permitted to bid on construction and maintenance contracts to be awarded by the Commission on the recommendation of the Department. When projects do not encompass highway construction maintenance, the Department may waive prequalification when it is in the best interest of the State and to increase competition on individual projects of a special nature including, but not limited to:

(1) Right-of-Way Clearance
(2) Landscaping
(3) Wetland creation
(4) Repair or maintenance of railroad facilities
(5) Environmental cleanup or mitigation
(6) Transportation enhancement projects

(c) A prospective bidder may obtain a "sample" copy of the bidding documents for use in preparing bid computations after official advertisement of a project, but must submit an application for prequalification not less than twenty-one days prior to the announced bid opening date to the Office Engineer Division and obtain a Certificate of Qualification in order to submit a bid proposal to the Department. The submitted application for prequalification will be considered by a prequalification committee composed of the Office Engineer, along with representatives from the Comptroller Division, the Construction Division, Director of Operations, and the General Counsel's Office. Contractors prequalified by the committee may be approved for the classes of work specified by the applicant on the prequalification application, dependent on personnel, equipment, capital and experience in highway construction.

(d) A prospective bidder must submit as part of their Prequalification Application, an Audited Financial Statement in which a Certified Public Accountant has expressed an opinion. The prospective bidder's fiscal year end Audited Financial Statement shall not be dated more than 180 days prior to the date of receipt by the Department of the Prequalification Application. Based upon these statements and other materials submitted or subsequently requested by the Department, the Department may, at its discretion, grant the prospective bidder a conditional prequalification. The Department shall impose such additional requirements on a conditionally prequalified contractor as the Department deems necessary and in the best interests of the public. <u>If a prospective bidder cannot provide a current Audited Financial Statement with their Prequalification Application, then the prospective bidder may provide their most recent Audited Financial Statement.</u> If a conditional prequalification is granted, it is valid only for the remainder of the prospective bidder's fiscal year in which the conditional prequalification is granted, plus an additional period not to exceed 180 days.

(e) No prospective bidder will be qualified unless the prospective bidder's Prequalification Application and the Department's review of that Application determines that the prospective bidder possesses working capital, equipment, experience and personnel sufficient in the judgment of the Department, to indicate that the prospective bidder can satisfactorily perform its contract and meet all obligations incurred therein. The Audited Financial Statement must show all liabilities (current, deferred and contingent). The prospective bidder will not be qualified for more than two and one-half times its current working capital as computed by the Department, based on an evaluation of the contractor's Audited Financial Statement. When a conditionally prequalified contractor receives a notice of project completion on a project, that notice may be submitted to the Department for removal of that project from its bidding limit.

(f) If the prospective bidder submits cash value of life insurance as an asset, the applicant will support the submission with a letter from the insurance company, showing that the prospective bidder absolutely controls the cash value and that there are no legal encumbrances, preexisting loans or any other impediment which would prevent or interfere with the access of the prospective bidder to that cash value.
(g) When a partnership is being considered, an Audited Financial Statement of the partnership, which will include all the assets and liabilities of each member, will be required.
(h) Prospective bidders will furnish an itemized list of all Secondary Cash Resource items such as marketable securities, stocks and bonds.
(i) Prospective bidders will sign, under oath, all forms submitted to the Department.
(j) The Department will make such investigation of the information submitted as it deems necessary.
(k) The Department will qualify, or refuse to qualify, any prospective bidder for paving, grade and drain, bridge or other Department construction work in accordance with such prospective bidder's experience and financial condition.
(l) Prospective bidders who are conditionally prequalified will not be permitted to bid on individual projects that, in aggregate, exceed maximum bidding limits. Proposals may be "taken out" without limitation as to aggregate total. Should a conditionally prequalified contractor be low bidder on contracts totaling, in aggregate, more than the amount for which the contractor is conditionally prequalified, the Commission reserves the right to:

(1) Reject any or all of the contractor's bids and re-advertise for new bids as required in the best interests of the state; or,

(2) Award contract(s) on which the conditionally prequalified contractor would otherwise be the low bidder to the second lowest bidder; or

(3) Waive the maximum bidding limit and award all or any of such contracts to the conditionally prequalified contractor if the Department, in the exercise of sound discretion, shall determine that the contractor has the apparent ability to successfully perform the contract(s) and it is in the best interest of the Department for the award to be made.

(m) Any prospective bidder not satisfied with a rejection of its application for prequalification may appeal to the Department's Executive Director or the Executive Director's designated representative by giving notice of the applicant's objection by certified mail addressed to the Executive Director. The applicant's objection must be mailed within fourteen (14) calendar days after the date such prospective bidder received written notice of the Department's action. The Executive Director, or his designee, shall review the prequalification file and make an independent determination concerning the applicant's prequalification.
(n) Upon being conditionally prequalified a minimum of one (1) year from the date of the initial prequalification, and satisfactory final completion of either:

(1) A minimum of three (3) projects and not less than Five Million Dollars ($5,000,000) of Department projects requiring prequalification as a prime contractor, ~~OR,~~ or

(2) A single project in excess of Ten Million Dollars ($10,000,000.00) as a prime contractor, ~~the contractor will be considered by the prequalification committee~~ the prequalification committee will consider upgrading the contractor's status from conditionally prequalified to fully prequalified. If found fully qualified, the Contractor's Certificate of Qualification will be reissued to allow the contractor to bid on and be awarded projects to the extent of their bonding capacity as a fully prequalified contractor. A conditionally prequalified contractor that completes a project as a joint venture with a fully prequalified contractor shall receive credit for its proportional share of the project and contract amount, limited to its bidding capacity.

(o) ~~Prequalification~~ A conditionally prequalified contractor's certificate shall expire after a two year term at the completion of the contractor's fiscal years following issue of the contractor's Certificate of Qualification. After the expiration date of the contractor's Certificate of Qualification, the contractor shall have a period of 180 days to submit audited financial statements, or a financial review of the contractor's business operations. During this 180-day period the contractor shall remain prequalified under its current Certificate of Qualification. If ~~the contractor~~ a conditionally prequalified contractor does not submit audited financial statements or a financial review of its operations within the ~~180 day~~ 180-day period following the expiration date of the contractor's Certificate of Qualification, ~~the contractor's prequalification status will cease and the contractor will not be eligible to submit bid proposals to the Department at that date~~ the Department shall limit the potential bidder's bidding capacity to an amount not to exceed the company's working capital as determined by the contractor's most recent audited financial statement or financial review until such time that the contractor can provide the Department with a current audited financial statement or financial review. ~~The contractor's audited financial statement or financial review of its operations must demonstrate that the contractor has a positive amount of working capital that is sufficient to satisfactorily perform its contract in the judgment of the Department. The Department will renew the contractor's Certificate of Qualification if the contractor's working capital is sufficient in the opinion of the Department. If~~

~~the Department's review determines that the contractor has insufficient working capital, the contractor's Certificate of Qualification will not be renewed and will expire at that time.~~

(p) When a previously fully prequalified contractor re-applies for prequalification within two years of the expiration of their prequalification, upon approval the Department may, at its sole discretion, reinstate the contractor to fully prequalified status, provided that:

(1) the contractor was in good standing with the Department at the time that the contractor's prequalification expired,

(2) the contractor submits current audited financial statements that indicate financial resources equal to or greater than its last financial statements submitted to the Department, and

(3) it is demonstrated that such reinstatement of the contractor to fully prequalified status is in the best interests of the Department.

(q) The Department will consider a contractor to be in good standing if:

(1) The contractor was demonstrating satisfactory performance on contracts which the contractor was awarded by the Department;

(2) The contractor had settled all debts and obligations owed to the Department;

(3) The contractor had made all necessary payments to subcontractors in accordance with its subcontract agreements;

(4) The contractor had made all necessary payments to suppliers for materials to be used on Department contracts;

(5) The contractor had settled all claims against the contractor;

(6) The contractor was not in the process of being suspended or debarred by the Department, or any other government entity, and the action and/or decision was later upheld;

(7) The contractor was not party to any criminal suit against the contractor in which the contractor was later convicted.

(r) The Department may request a fully prequalified contractor's audited financial statement or financial review at any time for the purpose of evaluating the contractor’s working capital. If the contractor fails or refuses to provide the requested document(s) to the Department within 30 days of its request, the Department may reimpose a bidding limit upon the contractor of an amount not to exceed two and one-half times its working capital as computed by the Department, based on an evaluation of the contractor's most recent audited financial statement on file with the Department. The Department shall impose such additional requirements on a fully prequalified contractor as the Department deems necessary and for the best interest of the public.

(s) The contractor's audited financial statement or financial review of its operations must demonstrate that the contractor has a positive amount of working capital that is sufficient to satisfactorily perform its contract in the judgment of the Department. The Department will renew the contractor's Certificate of Qualification if the contractor's working capital is sufficient in the judgment of the Department. If the Department's review determines that the contractor has insufficient or negative working capital, the contractor's bidding capacity will be limited to the company's working capital as determined by the contractor's most recent audited financial statement or financial review until such time that the contractor can demonstrate to the Department that either:

(1)The contractor has sufficient working capital, or

(2)The contractor, in the judgment of the Department, has a viable financial recovery strategy to develop positive working capital which can be determined from the contractor's next year-end audited financial statement. The contractor's anticipation of obtaining future construction contracts with the Department will not be considered as part of the contractor's financial recovery strategy.

(t) If the Department determines the contractor's working capital is sufficient or the contractor's recovery strategy is approved, the contractor will have one and one-half years from the contractor's expiration date to demonstrate the company's positive working capital. If the contractor cannot demonstrate the company's positive working capital within the one and one-half year period, the contractor's prequalification status will cease and the contractor will not be eligible to submit bid proposals to the Department at that date.

SUBCHAPTER 5. CONSTRUCTION CONTRACTS [AMENDED]

730:25-5-7. Highway Construction Materials Technician Certification [NEW]

Applicants seeking certification as a construction materials technician shall pay the required fees set forth below. Fees are established and administered through the Department of Transportation.

(1) Applicants shall pay the following training fees (when applicable):

(A) No more than $450.00 for modules with a duration of five (5) days or less.

(B) Fees for modules with a duration exceeding five days shall be based upon a rate of not more than $90.00 per day.

(2) Applicants shall pay the following certification fees (when applicable):

(A) Three-Day Certification Examinations in Sampling and Testing of Asphalt: $975.00 each

(B) Two-Day Certification Examinations in Sampling and Testing of Soils: $650.00

(C) One-Day Certification Examinations in Sampling and Testing of Concrete: $325.00

(D) One-Day Certification Examinations in Sampling and Testing of Aggregates: $325.00

(E) One-Day Certification Examinations in Profilograph Operation: $375.00

(F) One-Day Certification Examinations to Supplement American Concrete Institute Certification: $325.00

(G) Three-Day Certification Examination in Field Testing of Concrete and Sampling of Soils, Aggregates, Asphalt, and Concrete: $975.00

(H) One-Day Certification Examination in Sampling Only of Asphalt: $325.00

(I) Re-Certification Examinations: Same as the Applicable Certification Fee except the Fee shall be $100.00 when the practical examination is omitted.

(J) Temporary Certification: Same as applicable certification fee (to be applied toward full certification fee if applicant is certified at the next available certification module.)

(K) Apprentice Certification: $100.00 in each area (to be applied toward full certification fee(s) if applicant is certified within one year after beginning each apprenticeship.)

(L) Fees for applicants seeking certification through reciprocity shall be one-half (1/2) the applicable certification examination fee(s).

(M) Fees for new or modified certifications will be based on a rate not to exceed $325.00 per day.

(3) Administrative Fee for returned checks: $25.00

(4) Duplicate certificate fee: $15.00

[OAR Docket #24-596; filed 6-24-24]

TITLE 730. DEPARTMENT OF TRANSPORTATION
CHAPTER 35. MAINTENANCE AND CONTROL OF STATE HIGHWAY SYSTEM

[OAR Docket #24-600]

RULEMAKING ACTION:
PERMANENT final adoption
RULES:
Subchapter 7. Traffic Control Devices [AMENDED]
730:35-7-3. Traffic control responsibilities [AMENDED]
AUTHORITY:
Oklahoma Transportation Commission; 69 O.S. 2021, §§ 301, 303, 304, 1502; HB 3243 effective Nov. 1, 2022, repealing 74 O.S. §§ 2284, 2285
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Approved by Governor's Declaration on June 21, 2024
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INCORPORATED STANDARDS:
N/A
INCORPORATING RULES:
N/A
AVAILABILITY:
N/A
GIST/ANALYSIS:
The amendments bring the rules into compliance with existing law regarding directional signs and removes outdated language that prevents ODOT's authority to perform certain maintenance and traffic control responsibilities allowed by statute and form agreements with local governments to install traffic control signals.
CONTACT PERSON:
Sydney Collins, (405) 521-2635 or sbcollins@odot.org

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(7) AND 308(E), WITH AN EFFECTIVE DATE OF JULY 26, 2024:

SUBCHAPTER 7. TRAFFIC CONTROL DEVICES [AMENDED]

730:35-7-3. Traffic control responsibilities [AMENDED]
(a) On the state highway system within cities and towns, the Department shall pay for the erection and maintenance of all traffic control signs, pavement markings, and traffic control devices, except as noted in 730:35-1-11.
(b) Following written approval by the Director, time parking restriction signs, parking space limit markings, crosswalks, and stop lines shall be purchased, installed, and maintained in a satisfactory condition by the individual governing body or school district involved. All such devices shall be in conformance with 730:35-7-2(a). This section shall not be construed to prohibit the Department from installing these or other special or supplemental signs or pavement markings ~~where~~ when deemed necessary for proper operation and safety.
(c) The construction and maintenance of all traffic signs and markings on the interstate highway system shall be the responsibility of the Oklahoma Department of Transportation or the Oklahoma Transportation Authority.
(d) When Federal Funds are not available, the ~~Oklahoma Transportation Commission~~ Department shall participate in the cost of construction of warranted traffic control signals ~~in cities, towns, or communities~~ inside the jurisdiction of a local government, without regard to population, ~~on a 50-50 ratio of total cost~~ in such ratio as outlined in either a resolution or MOU between the Department and the local government where such traffic control signals are installed or erected on the state highway system. ~~The city's or town's share of the Engineer's Estimate, or low bid, shall be on deposit with the Department's Comptroller prior to actual award of the contract.~~
(e) When Federal Funds are utilized, the local government shall participate in the cost based on the funding ratio designated by the Federal-aid program requirements. When it can be shown that the traffic control signal installation can be done more economically and quickly by the ~~city~~ local government concerned, the ~~Director~~ Department may enter into an agreement with the ~~city~~ local government to provide the project engineering in accordance with Transportation Department Policies and Standards.

(f) Prior to the installation of traffic control signals, the ~~city or town where the signal is to be installed~~ Department shall execute an agreement whereby the ~~city or town~~ local government who has the jurisdictional authority where the signal is to be installed, shall furnish all maintenance and pay all power and electricity costs~~.~~, unless otherwise specified by formal written agreement.
(g) Traffic control devices erected on the state highway system shall become the permanent property of the Oklahoma Department of Transportation, except, ~~where by~~whereby formal agreement, they become joint property of the ~~city-county~~local government~~,~~ and state~~,~~ or the sole property of the ~~city-county~~local government.

[OAR Docket #24-600; filed 6-24-24]

TITLE 748. OKLAHOMA UNIFORM BUILDING CODE COMMISSION
CHAPTER 20. ADOPTED CODES

[OAR Docket #24-624]

RULEMAKING ACTION:
PERMANENT final adoption
RULES:
Subchapter 2. IBC® 2018
748:20-2-40. IBC® 2018 Chapter 35 Referenced Standards [AMENDED]
Subchapter 4. ~~Ifc~~IFC® 2018 [AMENDED]
748:20-4-85. IFC® 2018 Chapter 80 Referenced Standards [AMENDED]
Subchapter 6. IRC® 2018
748:20-6-49. IRC® 2018 Chapter 44 Referenced Standards
Subchapter 8. IEBC® 2018
748:20-8-21. IEBC® 2018 Chapter 16 Referenced Standards [AMENDED]
Subchapter 10. NEC®~~2020~~ 2023 [AMENDED]
748:20-10-1. Adoption of the National Electrical Code®, ~~2020 Edition (NEC®2020~~2023 Edition (NEC® 2023) [AMENDED]
748:20-10-2. Effect of Adoption [AMENDED]
748:20-10-3. NEC®~~2020~~ 2023 Informative Annexes [AMENDED]
748:20-10-4. NEC®~~2020~~ 2023 Provisions Adopted and Modified [AMENDED]
748:20-10-6. ~~NEC®2020Article~~ NEC® 2023 Article 90 Introduction [AMENDED]
748:20-10-7. NEC®2020 Chapter 1 General [REVOKED]
748:20-10-8. NEC®~~2020~~ 2023 Chapter 2 Wiring and Protection [AMENDED]
748:20-10-10. NEC®~~2020~~ 2023 Chapter 4 Equipment for General Use [AMENDED]
748:20-10-11. NEC®2020 Chapter 5 Special Occupancies [REVOKED]
748:20-10-12. NEC®2020 Chapter 6 Special Equipment [REVOKED]
748:20-10-13. NEC®2020 Chapter 7 Special Conditions [REVOKED]
Subchapter 12. IFGC® 2018
748:20-12-13. IFGC® 2018 Chapter 8 Referenced Standards [AMENDED]
Subchapter 14. IMC® 2018
748:20-14-20. IMC® 2018 Chapter 15 Referenced Standards [AMENDED]
Subchapter 16. IPC® 2018
748:20-16-20. IPC® 2018 Chapter 15 Referenced Standards [AMENDED]
AUTHORITY:
Oklahoma Uniform Building Code Commission; Title 59 O.S. Sections 1000.23 and 1000.24
SUBMISSION OF PROPOSED RULES TO GOVERNOR AND CABINET SECRETARY:
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DOCKET NUMBER:
N/A
INCORPORATIONS BY REFERENCE:
INCORPORATED STANDARDS:
International Code Council, International Building Code, 2018 Edition International Code Council, International Fire Code, 2018 Edition International Code Council, International Residential Code, 2018 Edition International Code Council, International Existing Building Code, 2018 Edition National Fire Protection Association, National Electrical Code, 2023 Edition International Code Council, International Fuel Gas Code, 2018 Edition International Code Council, International Mechanical Code, 2018 Edition International Code Council, International Plumbing Code, 2018 Edition
INCORPORATING RULES:
748:20-2-40, 748:20-4-85, 748:20-6-49, 748:20-8-21, 748:20-10-1, 748:20-10-2, 748:20-10-3, 748:20-10-4, 748:20-10-6, 748:20-10-8, 748:20-10-10, 748:20-12-13, 748:20-14-20, and 748:20-16-20
AVAILABILITY:
8:00 a.m. to 4:30 p.m. Monday through Friday at the Oklahoma Uniform Building Code Commission, 2401 NW 23rd St., Suite 82, Oklahoma City, OK 73104, 405-521-6501.
GIST/ANALYSIS:
748:20-2-40., 748:20-4-85., 748:20-6-49., and 748:20-8-21., modify the adoptions of the 2018 editions of the International Building Code® (IBC®), International Fire Code® (IFC®), International Residential Code® (IRC®), and International Existing Building Code® (IEBC®) to update references in the applicable "referenced standards" chapter of each code to change the edition year of the National Electrical Code ® (NEC®) to the 2023 edition, and where applicable, the edition year of the IRC® to the 2018 edition that was adopted and went into effect on September 14, 2022. 748:20-10-1., 748:20-10.2., 748:20-10-3., and 748:20-10-4., adopt the NEC® 2023 edition, without Annexes and establishes the NEC® 2023 as the statewide minimum code for electrical construction in the State of Oklahoma. 748:20-10-6. modifies the adoption of Article 90 of the NEC® 2023 only to the extent its provisions are not inconsistent with other laws or lawfully established code administration and enforcement policies. 748:20-10-8., and 748:20-10-10., set forth the OUBCC's adoption of Oklahoma modifications to the provisions of the NEC® 2023 in Chapters 2 and 4, respectively. 748:20-10-7, 748:20-10-11, 748:20-10-12., and 748:20-10-13., have been revoked. 748:20-12-13., 748:20-14-20., and 748:20-16-20., modify the adoptions of the 2018 editions of the International Fuel Gas Code® (IFGC®), International Mechanical Code® (IMC®),and International Plumbing Code® (IPC®) to update references in the applicable "referenced standards" chapter of each code to change the edition year of the National Electrical Code ® (NEC®) to the 2023 edition, and where applicable, the edition year of the IRC® to the 2018 edition that was adopted and went into effect on September 14, 2022.
CONTACT PERSON:
David Adcock, Chief Executive Officer, OUBCC, 2401 NW 23rd St., Suite 82, Oklahoma City, OK 73107, 405-521-6501

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(7) AND 308(E), WITH AN EFFECTIVE DATE OF SEPTEMBER 14, 2024:

SUBCHAPTER 2. IBC® 2018

748:20-2-40. IBC® 2018 Chapter 35 Referenced Standards [AMENDED]

Chapter 35 of the Oklahoma adopted IBC® 2018 is adopted with the following modifications:

(1) The reference to ICC 500® has been modified to change the sections to be referenced. This section has been modified to read: ICC 500®-14 ICC/NSSA Standard on the Design and Construction of Storm Shelters, Code reference sections: 202, 423.5, 423.5.1, 423.5.2, 423.5.2.1, 423.5.3, 423.5.4, 423.5.5, 423.5.6, 423.5.6.1, 423.5.7, 423.5.8, 423.5.9, 423.5.10, and 423.5.11.

(2) The reference to the International Existing Building Code® has been modified to include after the title the words "as adopted and modified by the State of Oklahoma through the OUBCC." This section has been modified to read: IEBC®-18 International Existing Building Code® as adopted and modified by the State of Oklahoma through the OUBCC.

(3) The reference to the International Energy Conservation Code® has been modified to change the edition year to 2006. This section has been modified to read: IECC®-06 International Energy Conservation Code®.

(4) The reference to the International Fire Code® has been modified to include after the title the words "as adopted and modified by the State of Oklahoma through the OUBCC." This section has been modified to read: IFC®-18 International Fire Code® as adopted and modified by the State of Oklahoma through the OUBCC.

(5) The reference to the International Fuel Gas Code® has been modified to include after the title the words "as adopted and modified by the State of Oklahoma through the OUBCC." This section has been modified to read: IFGC®-18 International Fuel Gas Code® as adopted and modified by the State of Oklahoma through the OUBCC.

(6) The reference to the International Mechanical Code® has been modified to include after the title the words "as adopted and modified by the State of Oklahoma through the OUBCC." This section has been modified to read: IMC®-18 International Mechanical Code® as adopted and modified by the State of Oklahoma through the OUBCC.

(7) The reference to the International Plumbing Code® has been modified to include after the title the words "as adopted and modified by the State of Oklahoma through the OUBCC." This section has been modified to read: IPC®-18 International Plumbing Code® as adopted and modified by the State of Oklahoma through the OUBCC.

(8) The reference to the International Residential Code® has been modified to change the edition year to ~~2015~~ 2018 and include after the title the words "as adopted and modified by the State of Oklahoma through the OUBCC." This section has been modified to read: ~~IRC®-15~~ IRC®-18 International Residential Code® as adopted and modified by the State of Oklahoma through the OUBCC.

(9) The referenced standard for NFPA® 70 National Electrical Code® has been modified to change the edition year to 2023 and add after the title the words "as adopted and modified by the State of Oklahoma through the OUBCC." This section has been modified to read: ~~70-17~~ 70-23 National Electrical Code® as adopted and modified by the State of Oklahoma through the OUBCC.

(10) The referenced standard ISO 668 - 2013 Series 1 Freight Containers - Classifications, Dimensions and Ratings has been added to the referenced standards. This standard has been added to read: ISO 668 - 2013 Series 1 Freight Containers - Classifications, Dimensions and Ratings. Code reference sections: Table 3114.8.5.3.

(11) The referenced standard ISO 1496-1 - 2013 Series 1 Freight Containers - Specification and Testing - Part 1: General Cargo Containers for General Purposes has been added to the referenced standards. This standard has been added to read: ISO1496-1 - 2013 Series 1 Freight Containers - Specification and Testing - Part 1: General Cargo Containers for General Purposes. Code reference sections: 3114.8, Table 3114.8.5.3.

(12) The referenced standard ISO 6346 - 1995 with Amendment 3 - 2012 Freight Containers - Coding, Identification and Marking has been added to the referenced standards. This standard has been added to read: ISO 6346 - 1995 with Amendment 3 - 2012 Freight Containers - Coding, Identification and Marking. Code reference section: 3114.3.

(13) The referenced standard NFPA® 780 - 17 Standard for the Installation of Lightning Protection Systems has been added to the referenced standards. This standard has been added to read: NFPA® 780 - 17 Standard for the Installation of Lighting Protection Systems. Code reference section: 2703.2.

(14) The referenced standard UL 96A - 2016 Standard for Installation Requirements for Lightning Protection Systems has been added to the referenced standards. This standard has been added to read: UL 96A - 2016 Standard for Installation Requirements for Lightning Protection Systems. Code reference section: 2703.2
(15) The referenced standard UL 1489-2016 Fire Resistant Piping Protection Systems Carrying Combustible Liquids has been added to the referenced standards. This standard has been added to read: UL 1489-2016 Fire Resistant Piping Protection Systems Carrying Combustible Liquids. Code reference sections: 403.4.8.2, 2702.1.2.

SUBCHAPTER 4. ~~IFC~~IFC® 2018 [AMENDED]

748:20-4-85. IFC® 2018 Chapter 80 Referenced Standards [AMENDED]

Chapter 80 of the Oklahoma adopted IFC® 2018 is adopted with the following modifications:
(1) The reference standard ICC 500® 2014 ICC/NSSA Standard for the Design and Construction of Storm Shelters has been added to the list of referenced standards. The referenced standard has been added to read: ICC 500® 2014 ICC/NSSA Standard for the Design and Construction of Storm Shelters. Code section references: 320.1, 320.2, 320.3
(2) The reference to the International Building Code® has been modified to include after the title the words "as adopted and modified by the State of Oklahoma through the OUBCC." This section has been modified to read: IBC®-18 International Building Code® as adopted and modified by the State of Oklahoma through the OUBCC.
(3) The reference to the International Existing Building Code® has been modified to include after the title the words "as adopted and modified by the State of Oklahoma through the OUBCC." This section has been modified to read: IEBC®-18 International Existing Building Code® as adopted and modified by the State of Oklahoma through the OUBCC.
(4) The reference to the International Fuel Gas Code® has been modified to include after the title the words "as adopted and modified by the State of Oklahoma through the OUBCC." This section has been modified to read: IFGC®-18 International Fuel Gas Code® as adopted and modified by the State of Oklahoma through the OUBCC.
(5) The reference to the International Mechanical Code® has been modified to include after the title the words "as adopted and modified by the State of Oklahoma through the OUBCC." This section has been modified to read: IMC®-18 International Mechanical Code® as adopted and modified by the State of Oklahoma through the OUBCC.
(6) The reference to the International Plumbing Code® has been modified to include after the title the words "as adopted and modified by the State of Oklahoma through OUBCC." This section has been modified to read: IPC®-18 International Plumbing Code® as adopted and modified by the State of Oklahoma through the OUBCC.
(7) The reference to the International Residential Code® has been modified to change the edition year to ~~2015~~ 2018 and include after the title the words "as adopted and modified by the State of Oklahoma through the OUBCC." This section has been modified to read: ~~IRC®-15~~ IRC®-18 International Residential Code® as adopted and modified by the State of Oklahoma through the OUBCC
(8) The referenced standard for NFPA® 70® National Electrical Code® has been modified to change the edition year to 2023 and include after the title the words "as adopted and modified by the State of Oklahoma through the OUBCC." This section has been modified to read: ~~70-17~~ 70-23 National Electrical Code® as adopted and modified by the State of Oklahoma through the OUBCC.
(9) The referenced standard NFPA® 76 Standard for the Fire Protection of Telecommunications Facilities, 2016 edition has been added to the code to reference sections in Chapter 12. This standard has been added to read: 76-16 Standard for the Fire Protection of Telecommunication Facilities, with the following section references: 1206.1.2.1, 1206.2.1, 1206.3.1, 1206.3.7.1, 1206.4.1, 1206.5.1, 1206.5.2, 1206.5.3, 1206.5.5, Table 1206.6, 1206.6.2.3, and Table 1206.7.
(10) The referenced standard for NFPA® 260 Methods of Tests and Classification Systems for Cigarette Ignition Resistance of Components of Upholstered Furniture has been modified to address errata published by the ICC and changes the edition year from 2018 to 2013. This section has been modified to read: 260-13 Methods of Tests and Classification Systems for Cigarette Ignition Resistance of Components of Upholstered Furniture.
(11) The referenced standard for NFPA® 289 Standard Method of Fire Test for Individual Fuel Packages has been modified to address errata published by the ICC and changes the edition year from 2018 to 2013. This section has been modified to read: 289-13 Standard Method of Fire Test for Individual Fuel Packages.

(12) The referenced standard UL 1974-18 Evaluation for Repurposing Batteries has been added to the code. This referenced standard has been added to read: 1974-18 Evaluation for repurposing Batteries, referenced in code section number: 1206.3.9.
(13) The referenced standard UL 9540A-18 Test Method for Evaluating Thermal Runaway Fire Propagation in Battery Energy Storage Systems, has been added to the code. This reference as has been added to read: 9540A-18 Test Method for Evaluating Thermal Runaway Fire Propagation in Battery Energy Storage Systems, Referenced in code section number: 1206.1.5, 1206.6.3

SUBCHAPTER 6. IRC® 2018

748:20-6-49. IRC® 2018 Chapter 44 Referenced Standards

Chapter 44 of the IRC® 2018 has been adopted with the following modifications:
(1) The reference for the standard ANCE NMX-J-521/2-40-ANCE-2014/CAN/CSA-22.2 No. 60335-2-40-12/UL 60335-2-40: Safety of Household and Similar Electric Appliances, Part 2-40: Particular Requirements for Heat Pumps, Air Conditioners and Dehumidifiers along with the associated referenced sections has been stricken from the code.
(2) A reference for the standard ANSI/APSP/ICC 7-20 has been added to the chapter. This section has been added to read: ANSI/APSP/ICC 7-20 American National Standard for Suction Entrapment Avoidance in Swimming Pools, Wading Pools, Spas, Hot Tubs, and Catch Basins®. Referenced in code section number R326.5.
(3) A reference for the standard ANSI/APSP/ICC 16-17 has been added to the chapter. This section has been added to read: ANSI/APSP/1CC 16-17 American National Standard for Suction Fittings for Use in Swimming Pools, Wading Pools, Spas and Hot Tubs®. Referenced in code section number R326.4.
(4) The reference to the ASHRAE Standard 34-2016: Design and Safety Classification of Refrigerants has been modified to update the publication year from 2016 to 2019. The reference has been modified to read: 34-2019: Design and Safety Classification of Refrigerants.
(5) A reference for the standard CSA C22.2 No. 218.1-17 has been added to the chapter. This section has been added to read: CSA C22.2 No. 218.1-17. Spas, Hot Tubs and Associated Equipment®. Referenced in code section number R326.5.
(6) The reference to the CSA standard CAN/CSA/C22.2 No. 60335-2-40-2012 has been modified to change the title and update the edition year of the reference from 2016 to 2019. This section has been modified to read: CSA C22.2 No. 60335-20-40 - 2019 Safety of Household and Similar Electrical Appliances, Part 2-40: Particular Requirements for Electrical Heat Pumps, Air-Conditioners and Dehumidifiers.
(7) The reference to the ICC 500® has been modified to update the code section references. This section has been modified to read: ICC 500-14 ICC/NSSA Standard on the Design and Construction of Storm Shelters®. Referenced in code section number R323.1, R323.2, R323.2.1, R323.2.2, R323.2.3 and R323.2.4.
(8) The reference to the International Building Code® has been modified to update the edition year to 2018 and include after the title the words "as adopted and modified by the State of Oklahoma through the OUBCC." This section has been modified to read: IBC®-18 International Building Code® as adopted and modified by the State of Oklahoma through the OUBCC.
(9) The reference to the International Fire Code® has been modified to update the edition year to 2018 and include after the title the words "as adopted and modified by the State of Oklahoma through the OUBCC." This section has been modified to read: IFC®-18 International Fire Code® as adopted and modified by the State of Oklahoma through the OUBCC.
(10) The reference to the International Fuel Gas Code® has been modified to update the edition year to 2018 and include after the title the words "as adopted and modified by the State of Oklahoma through the OUBCC." This section has been modified to read: IFGC®-18 International Fuel Gas Code® as adopted and modified by the State of Oklahoma through the OUBCC.
(11) The reference to the International Mechanical Code® has been modified to update the edition year to 2018 and include after the title the words "as adopted and modified by the State of Oklahoma through the OUBCC." This section has been modified to read: IMC®-18 International Mechanical Code® as adopted and modified by the State of Oklahoma through the OUBCC.
(12) The reference to the International Plumbing Code® has been modified to update the edition year to 2018 include after the title the words "as adopted and modified by the State of Oklahoma through the OUBCC." This section has been modified to read: IPC®-18 International Plumbing Code® as adopted and modified by the State of Oklahoma through the OUBCC.

(13) The referenced standard for NFPA® 70 National Electrical Code® has been modified to update the edition year to ~~2020~~ 2023 and include after the title the words "as adopted and modified by the State of Oklahoma through the OUBCC." This section has been modified to read: NFPA® ~~70-20~~ 70-23 National Electrical Code® as adopted and modified by the State of Oklahoma through the OUBCC.
(14) A reference for the standard UL 1563 has been added to the chapter. This section has been added to read: UL 1563-2009: Standard for Electric Hot Tubs, Spas and Associated Equipment®, with revisions through September 2020. Referenced in code section number R326.5.
(15) The referenced standard UL 1995-2011 Heating and Cooling Equipment - with revisions through July 2015 has been modified to update the edition year and remove the reference to revisions. The standard has bene modified to read: 1995-2015 Heating and Cooling Equipment.
(16) The reference standard UL/CSA/ANCE 60335-2-40-2012: Standard for Household and Similar Electrical Appliances, Part 2: Particular Requirements for Motor-compressors has been modified to update the edition year and the title and add a section reference. This reference has been modified to read: UL/CSA 60335-2-40-2019: Standard for Household and Similar Electrical Appliances, Part 2: Particular Requirements for Electrical Heat Pumps, Air-Conditioners and Dehumidifiers. Referenced Sections M1402.1, M1403.1, M1412.1 and M1413.1.

SUBCHAPTER 8. IEBC® 2018

748:20-8-21. IEBC® 2018 Chapter 16 Referenced Standards [AMENDED]

Chapter 16 of the Oklahoma adopted IEBC® 2018 is adopted with the following modifications:
(1) The reference to the International Building Code® has been modified to include after the title the words "as adopted and modified by the State of Oklahoma through the OUBCC." This section has been modified to read: IBC®-18 International Building Code® as adopted and modified by the State of Oklahoma through the OUBCC.
(2) The reference to the International Energy Conservation Code® has been modified to change the edition year to 2006. This section has been modified to read: IECC®-06 International Energy Conservation Code®.
(3) The reference to the International Fire Code® has been modified to include after the title the words "as adopted and modified by the State of Oklahoma through the OUBCC." This section has been modified to read: IFC®-18 International Fire Code® as adopted and modified by the State of Oklahoma through the OUBCC.
(4) The reference to the International Fuel Gas Code® has been modified to include after the title the words "as adopted and modified by the State of Oklahoma through the OUBCC." This section has been modified to read: IFGC®-18 International Fuel Gas Code® as adopted and modified by the State of Oklahoma through the OUBCC.
(5) The reference to the International Mechanical Code® has been modified to include after the title the words "as adopted and modified by the State of Oklahoma through the OUBCC." This section has been modified to read: IMC®-18 International Mechanical Code® as adopted and modified by the State of Oklahoma through the OUBCC.
(6) The reference to the International Plumbing Code® has been modified to include after the title the words "as adopted and modified by the State of Oklahoma through the OUBCC." This section has been modified to read: IPC®-18 International Plumbing Code® as adopted and modified by the State of Oklahoma through the OUBCC.
(7) The reference to the International Residential Code® has been modified to change the edition year to ~~2015~~ 2018 and include after the title the words "as adopted and modified by the State of Oklahoma through the OUBCC." This section has been modified to read: ~~IRC®-15~~ IRC®-18 International Residential Code® as adopted and modified by the State of Oklahoma through the OUBCC.
(8) The referenced standard for NFPA® 70 National Electrical Code® has been modified to change the edition year to 2023 and include after the title the words "as adopted and modified by the State of Oklahoma through the OUBCC." This section has been modified to read: ~~70-17~~ 70-23 National Electrical Code® as adopted and modified by the State of Oklahoma through the OUBCC.

SUBCHAPTER 10. NEC®~~2020~~ 2023 [AMENDED]

748:20-10-1. Adoption of the National Electrical Code®, ~~2020 Edition (NEC®2020~~2023 Edition (NEC® 2023) [AMENDED]

(a) The Oklahoma Uniform Building Code Commission (the "OUBCC") hereby adopts the National Electrical Code®, ~~2020~~ 2023 Edition - NFPA 70® (~~NEC®2020~~ NEC® 2023), as amended and modified in this subchapter as the statewide minimum code for commercial electrical construction in the State of Oklahoma pursuant to 59 O.S. § 1000.23.
(b) The OUBCC through formal action expressly chose to adopt the ~~NEC®2020~~ NEC® 2023 as amended and modified in this subchapter as the statewide minimum code for commercial electrical construction in the State of Oklahoma.
(c) The OUBCC has not pulled, reviewed or incorporated into thes rules ~~from the National Fire Protection Association (NFPA) website,~~ published errata and Temporary Interim Amendments (TIA's) to the ~~NEC®2020~~ NEC® 2023 ~~through April 21, 2020~~ from the National Fire Protection Association (NFPA) website. ~~Any errata or TIA's published after that date have not been reviewed or incorporated into these rules.~~
(d) This material contains information which is proprietary to and copyrighted by the National Fire Protection Association. The acronym "NFPA" and the NFPA logo are trademarks and service marks of NFPA. ALL RIGHTS RESERVED.

748:20-10-2. Effect of Adoption [AMENDED]

The ~~NEC®2020~~ NEC® 2023 as amended and revised by these rules, is hereby established and adopted as the statewide minimum code for commercial electrical construction in Oklahoma pursuant to 59 O.S. § 1000.23, and may only be amended or altered by other jurisdictions pursuant to Oklahoma law.

748:20-10-3. NEC®~~2020~~ 2023 Informative Annexes [AMENDED]

(a) None of the informative annexes of the ~~NEC®2020~~ NEC® 2023 have been adopted by the OUBCC for inclusion in the statewide minimum code for commercial electrical construction in the State of Oklahoma.
(b) Informative Annexes A through ~~J~~ K are not adopted as the statewide minimum code for commercial electrical construction within the State of Oklahoma. However, other jurisdictions within the State of Oklahoma may adopt any or all of said annexes in accordance with 59 O.S. § 1000.29.
(c) Issuance of annual permits. Annual permit requirements are located in Informative Annex H, Section 80.19 (D) and while the OUBCC is not adopting the informative annexes, issuance of annual permits has been authorized and the annual permits section modified to provide the following requirements:

(1) 80.19 (D) Annual permit. This section has been modified to clarify an annual permit is a yearly permit which represents a group of individual permits for each alteration to an already approved electric, gas, mechanical or plumbing installation. This section has been modified to read: 80.19(D) Annual permit. An annual permit is a yearly permit which represents a group of individual permits for each alteration to an already approved electrical, gas, mechanical or plumbing installation. The building official is authorized to issue an annual permit upon application therefore to any person, firm or corporation regularly employing one or more qualified tradespersons in the building, structure or on the premises owned or operated by the applicant for the permit.
(2) 80.19 (D)(1) Annual permit records. This section has been added to require the building official to collect the OUBCC permit fee for each individual permit that is part of the annual permit at the completion of the annual permit term. This section has been added to read: 80.19 (D)(1) Annual permit records. The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The building official shall have access to such detailed records of alterations at all times. At the completion of the entity's annual permit term, the applicant shall file such detailed records of alterations with the building official. Pursuant to the authority of 59 O.S. § 1000.25, the building official shall collect fees for each individual permit which is part of the annual permit once the detailed records are submitted and remit such fees to the OUBCC.

748:20-10-4. NEC®~~2020~~ 2023 Provisions Adopted and Modified [AMENDED]

All chapters and provisions within chapters, including exceptions, of the ~~NEC®2020~~ NEC® 2023 not specifically addressed within these rules as being modified, deleted, moved or removed are hereby adopted without modification as the statewide minimum code for commercial electrical construction within the State of Oklahoma pursuant to 59 O.S. § 1000.23. Chapters and provisions within chapters, including exceptions adopted with modifications are specifically addressed in these rules.

748:20-10-6. ~~NEC®2020Article~~ NEC® 2023 Article 90 Introduction [AMENDED]

Article 90 of the Oklahoma adopted ~~NEC®2020~~ NEC® 2023, includes the following Preamble at the very beginning of the chapter:

(1) Pursuant to 59 O.S. § 1000.23, the OUBCC has adopted the ~~NEC®2020~~ NEC® 2023 as amended and revised by the OUBCC, as the minimum code to be used by all entities for commercial electrical construction in jurisdictions throughout the State of Oklahoma. However, the OUBCC's adoption of Article 90 "Introduction" of the ~~NEC ®2020~~ NEC® 2023 is for continuity purposes and the OUBCC's adoption of Article 90 recognizes the methods of best practice in fully implementing the statewide minimum code for commercial electrical construction.
(2) All provisions of the adopted ~~NEC®2020~~ NEC® 2023, including Article 90, as amended and revised by the OUBCC, are hereby established and adopted as the statewide minimum code for commercial electrical construction in Oklahoma pursuant to 59 O.S. § 1000.23, which may only be amended or altered pursuant to Oklahoma law. However, the provisions of Article 90 adopted herein are only intended to be in force and effect to the extent that the respective provisions do not conflict with State law or the lawful exercise of code administration and enforcement jurisdiction by entities empowered to do so pursuant to applicable law.
(3) The OUBCC's adoption of Article 90 in this manner is made with the recognition that the legal authority granting state and local code administration and enforcement jurisdictions the power and discretion to administer and enforce codes arises from Oklahoma laws governing those jurisdictions. Furthermore, the OUBCC also recognizes that many state and local code administration and enforcement jurisdictions have already created, or have the lawful authority to create, departments, offices and administrative policies pursuant to various applicable laws and other adopted model codes with "Introduction" provisions similar to Article 90 of the adopted ~~NEC®2020~~ NEC® 2023.
(4) This limited adoption of Article 90 is made in recognition of the authority and discretion possessed by jurisdictions to administer and enforce building codes. Exercising such authority and jurisdiction in a manner inconsistent with Article 90 must be supported by Oklahoma law. Code administration and enforcement jurisdictions shall not use the OUBCC's limited adoption of Article 90 to circumvent the remainder of the requirements established by the Oklahoma adopted ~~NEC®2020~~ NEC® 2023 and the OUBCC will strongly oppose any such practice.

748:20-10-7. NEC®2020 Chapter 1 General [REVOKED]

~~Chapter 1 of the Oklahoma adopted NEC®2020 is adopted with the following modifications:~~
~~(1) Article 100 Definitions. This section has been modified to include a definition of a nationally recognized testing laboratory and a definition of a plaque. This section has been modified to read:~~
~~(A) Nationally Recognized Testing Laboratory. A testing facility given this designation from the United States Occupational Safety and Health Administration (OSHA) that provides product safety testing and certification services to manufacturers.~~
~~(B) Plaque. A flat, thin piece of metal, wood, or non-conductive, UV, rain, corrosion, and ice resistant material with a sustainable temperature rating from negative 20 degrees Fahrenheit to 130 degrees Fahrenheit or better. For the ambient temperature of the environment to which it is installed, with engraved writing on it that is used especially as a reminder or warning of something. A plaque shall be designed to be installed by adhesive means or mechanical fasteners, as determined by the environment where to be permanently installed. A plaque shall also be known as a Permanent Plaque, Directory, or substitute for a label, excluding circuit directories.~~
~~(2) Section 110.12 (B) Integrity of Electrical Equipment and Connections. This section has been modified to allow for the reuse of existing electrical equipment, rather than requiring new replacements when certain conditions are met. This section has been modified to read: 110.12 (B) Integrity of Electrical Equipment and Connections. Internal parts of electrical equipment, including busbars, wiring terminals, insulators, and other surfaces, shall not be damaged or contaminated by foreign materials such as paint, plaster, cleaners, abrasives, or corrosive residues. There shall be no damaged parts that may adversely affect safe operation or mechanical strength of the equipment such as parts that are broken; bent; cut; or deteriorated by corrosion, chemical action or overheating. Damaged materials, equipment, appliances, and devices shall not be reused unless such elements have been reconditioned, tested, and placed in good and proper working condition and approved by a nationally recognized testing laboratory, or by the manufacturer of the equipment. Electrical equipment damaged by natural or man-made events shall be reused only as recommended by the manufacturer of such equipment.~~

748:20-10-8. NEC®~~2020~~ 2023 Chapter 2 Wiring and Protection [AMENDED]

Chapter 2 of the Oklahoma adopted ~~NEC®2020~~ NEC® 2023 is adopted with the following modification:

(1) Section 210.08 (F) Outdoor Outlets. This section has been modified to ~~include mini-split-type heating/ventilating/air-conditioning equipment and other HVAC units employing power converstion equiement as a means to control compressor speed~~ delete an excepiration date for exception No. 2.. This section has been modified to read: 210.08 (F) Outdoor Outlets. ~~All~~ For dwellings, all outdoor outlets ~~for dwellings~~, other than those covered in 210.8 (A) ~~(3)~~, Exception ~~to (3), and for mini-split-type heating/ventilating/air-conditioning (HVAC) equipment and other HVAC units employing power conversion equipment as a means to control compressor speed, that are~~ No 1, including outlets installed in the following locations, and supplied by single-phase branch circuits rated 150 volts or less to ground ~~or less~~, 50 amperes or less, shall h~~ave ground-fault circuit-interrupter protection for personnel. Informational Note: Power conversion equipment is the term used to describe the components used in HVAC equipment that is commonly referred to as a variable speed drive. The use of power conversion equipment to control compressor speed differs from multistatage compressor speed control. Exception: Ground-fault circuit-interruputer protection shall not be required on lighting outlets other than those covered in 210.8 (C).~~ be supplied with GFCI protection:

(A) Item 1: Garages that have floors located at or below grade level

(B) Item 2: Accessory buildings

(C) Item 3: Boathouses

(2) If equipment supplied by an outlet covered under the requirements of this section is replaced, the outlet shall be provided with GFCI protection.

(3) Exceptions:

(A) Exception No. 1. GFCI protection shall not be required on lighting outlets other than those covered by 210.8(C).

(B) Exception No. 2. GFCI protection shall not be required for listed HVACequipment.

748:20-10-10. NEC®~~2020~~ 2023 Chapter 4 Equipment for General Use [AMENDED]

Chapter 4 of the Oklahoma adopted ~~NEC®2020~~ NEC® 2023 is adopted with the following modification: Section 422.16(B)(5) Gas-fired central furnaces. This section has been added to allow flexible cord-and-plug connections in dwelling units as an alternative means of temporarily supplying the gas-fired furnace by a portable generator for heating purposes. The change also specifies the maximum length of the cord. This section has been added to read: 422.16(B)(5) Gas-fired central furnaces. Gas-fired furnaces supplying dwelling units shall be permitted to be connected by a flexible cord-and-plug. The flexible cord shall have an equipment grounding conductor and be terminated into a grounding-type attachment plug. The cord and attachment plug shall have sufficient ampacity for the load, and shall be routed or otherwise protected to prevent physical damage to the cord or attachment plug. The cord length shall not be greater than 9 feet.

748:20-10-11. NEC®2020 Chapter 5 Special Occupancies [REVOKED]

~~Chapter 5 of the Oklahoma adopted NEC®2020 is adopted with the following modifications:~~

~~(1) Section 505.7 (A) Implementation of zone classification system. This section has been modified to require a registered professional engineer to engineer and design, and select the equipment and wiring methods for classification areas. It allows for the installation of the equipment, wiring methods and inspections to be performed by qualified persons. This section has been modified to read: 505.7 (A) Implementation of zone classification system. Classification of areas, engineering and design, selection of equipment and wiring methods shall be performed by a Registered Professional Engineer with expertise in Hazardous (Classified) Locations and Zone Systems. The installation of equipment and wiring methods, and inspections shall be performed by qualified persons.~~

~~(2) Section 506.7 (A) Implementation of zone classification system. This section has been modified to require a registered professional engineer to engineer and design, and select the equipment and wiring methods for classification areas. It allows for the installation of the equipment, wiring methods and inspections to be performed by qualified persons. This section has been modified to read: 506.7 (A) Implementation of zone classification system. Classification of areas, engineering and design, selection of equipment and wiring methods, shall be performed by a Registered Professional Engineer with expertise in Hazardous (Classified) Locations and Zone Systems. The installation of equipment and wiring methods and inspection shall be performed by qualified persons.~~

~~(3) Section 555.30 (D) Luminaires and other electrical equipment. This section has been added to require the location of luminaires and other electrical equipment to be located not less than 5 feet horizontally from the nearest normal edge of the water. However, if the luminaire or other electrical equipment is within the 5 feet horizontal zone it must be 12 feet vertically from the nearest normal edge of the water. This section has been added to read: 555.30 (D) Luminaires and other electrical equipment. Luminaires and electrical connections to~~

~~luminaires or other electrical equipment shall be located not less than 5 feet horizontally from the nearest normal edge of the water. If a luminaire is within the 5 foot horizontal zone it must be 12 feet vertically.~~

748:20-10-12. NEC®2020 Chapter 6 Special Equipment [REVOKED]

~~Chapter 6 of the Oklahoma adopted NEC®2020 is adopted with the following modifications:~~

~~(1) Section 680.23 (A)(4) Voltage Limitations. This section has been modified to prohibit the use of underwater luminaries if they operate above the low voltage contact limit as defined in Section 680.2 and limit the use of luminaires or other electrical connections while standing in either a natural or man-made body of water. This section has been modified to read: 680.23 (A)(4) Voltage Limitations. No luminaries shall operate above the low voltage contact limit as defined in Section 680.2. This requirement shall apply to new installations, repair, replacement and modification of underwater luminaires. This section shall not apply to relamping if the line-voltage luminaire is protected by a Class A ground-fault circuit- interrupter.~~

~~(2) Section 682.10 Electrical Equipment and Transformers. This section has been modified to require luminaires or other electrical connections to be located at least 5 feet horizontally from the nearest normal edge of the water or if closer than 5 feet horizontally, it must be 12 foot vertical from the nearest normal edge of the water. This section has been modified to read: 682.10 Electrical Equipment and Transformers. Electrical equipment and transformers, including their enclosures, shall be specifically approved for the intended location. No portion of an enclosure for electrical equipment not identified for operation while submerged shall be located below the electrical datum plane. Luminaires or other electrical connections shall be located at least 5 feet (1524 mm) horizontally from the nearest edge of the water. If the luminaire is within 5 feet horizontally of the water edge it must be 12 foot vertically above the nearest edge of the water.~~

748:20-10-13. NEC®2020 Chapter 7 Special Conditions [REVOKED]

~~Chapter 7 of the Oklahoma adopted NEC®2020 is adopted with the following modification: Section 700.16 (B) System Reliability. This section has been modified to address errata to change the reference for listed equipment to be in accordance with 700.12(F) to 700.12(I). This section has been modified to read: 700.16 (B) System Reliability. Emergency lighting systems shall be designed and installed so that the failure of any illumination source cannot leave in total darkness any space that requires emergency illumination. Control devices in the emergency lighting system shall be listed for use in emergency systems. Listed unit equipment in accordance with 700.12(I) shall be considered as meeting the provisions of this section.~~

SUBCHAPTER 12. IFGC® 2018

748:20-12-13. IFGC® 2018 Chapter 8 Referenced Standards [AMENDED]

Chapter 8 of the Oklahoma adopted IFGC® 2018 is adopted with the following modifications:

(1) The reference to the International Building Code® has been modified to include after the title the words "as adopted and modified by the State of Oklahoma through the OUBCC." This section has been modified to read: IBC®-18 International Building Code® as adopted and modified by the State of Oklahoma through the OUBCC.

(2) The reference to the International Energy Conservation Code® has been modified to change the edition year to 2006. This section has been modified to read: IECC®-06 International Energy Conservation Code®.

(3) The reference to the International Fire Code® has been modified to include after the title the words "as adopted and modified by the State of Oklahoma through the OUBCC." This section has been modified to read: IFC®-18 International Fire Code® as adopted and modified by the State of Oklahoma through the OUBCC.

(4) The reference to the International Mechanical Code® has been modified to include after the title the words "as adopted and modified by the State of Oklahoma through the OUBCC." This section has been modified to read: IMC®-18 International Mechanical Code® as adopted and modified by the State of Oklahoma through the OUBCC.

(5) The reference to the International Plumbing Code® has been modified to include after the title the words "as adopted and modified by the State of Oklahoma through the OUBCC." This section has been modified to read: IPC®-18 International Plumbing Code® as adopted and modified by the State of Oklahoma through the OUBCC.

(6) The reference to the International Residential Code® has been modified to change the edition year to ~~2015~~ 2018 and include after the title the words "as adopted and modified by the State of Oklahoma through the OUBCC." This section has been modified to read: ~~IRC®-15~~ IRC®-18 International Residential Code® as adopted and modified by the State of Oklahoma through the OUBCC.

(7) The referenced standard for NFPA 70® National Electrical Code® has been modified to change the edition year to 2023 and include after the title the words "as adopted and modified by the State of Oklahoma through the OUBCC." This section has been modified to read: ~~70-17~~ 70-23 National Electrical Code® as adopted and modified by the State of Oklahoma through the OUBCC.

SUBCHAPTER 14. IMC® 2018

748:20-14-20. IMC® 2018 Chapter 15 Referenced Standards [AMENDED]

Chapter 15 of the Oklahoma adopted IMC® 2018 is adopted with the following modifications:

(1) The reference to the International Building Code® has been modified to include after the title the words "as adopted and modified by the State of Oklahoma through the OUBCC." This section has been modified to read: IBC®-2018 International Building Code® as adopted and modified by the State of Oklahoma through the OUBCC.

(2) The reference to the International Energy Conservation Code® has been modified to change the edition year to 2006. This section has been modified to read: IECC®-06 International Energy Conservation Code®.

(3) The reference to the International Fire Code® has been modified to include after the title the words "as adopted and modified by the State of Oklahoma through the OUBCC." This section has been modified to read: IFC®-2018 International Fire Code® as adopted and modified by the State of Oklahoma through the OUBCC.

(4) The reference to the International Fuel Gas Code® has been modified to include after the title the words "as adopted and modified by the State of Oklahoma through the OUBCC." This section has been modified to read: IFGC®-2018 International Fuel Gas Code® as adopted and modified by the State of Oklahoma through the OUBCC.

(5) The reference to the International Plumbing Code® has been modified to include after the title the words "as adopted and modified by the State of Oklahoma through the OUBCC." This section has been modified to read: IPC®-2018 International Plumbing Code® as adopted and modified by the State of Oklahoma through the OUBCC.

(6) The reference to the International Residential Code® has been modified to change the edition year to ~~2015~~ 2018 and include after the title the words "as adopted and modified by the State of Oklahoma through the OUBCC." This section has been modified to read: ~~IRC®-15~~ IRC®-18 International Residential Code® as adopted and modified by the State of Oklahoma through the OUBCC.

(7) The referenced standard for NFPA® 70 National Electrical Code® has been modified to chagne the edition year to 2023 and include after the title the words "as adopted and modified by the State of Oklahoma through the OUBCC." This section has been modified to read: ~~70-17~~ 70-23 National Electrical Code® as adopted and modified by the State of Oklahoma through the OUBCC.

(8) The referenced standard "UL 300A 2006 edition, Outline of Investigation for Extinguishing System Units for Residential Range Top Cooking Surfaces, has been added to the code. This reference has been added to read: 300A-06 Outline of Investigation for Extinguishing System Units for Residential Range Top Cooking Surfaces: 507.2.

SUBCHAPTER 16. IPC® 2018

748:20-16-20. IPC® 2018 Chapter 15 Referenced Standards [AMENDED]

Chapter 15 of the Oklahoma adopted IPC® 2018 is adopted with the following modifications:

(1) A reference to ANSI A118.10-99 Specifications for Load Bearing, Bonded, Waterproofed Membranes for Thin Set Ceramic Tile and Dimension Stone Installation referenced in Sections 421.5.2.5 and 421.5.2.6 has been added to the code. This reference has been added to read: ANSI A118.10-99 Specifications for Load Bearing, Bonded, Waterproof Membranes for Thin Set Ceramic Tile and Dimension Stone Installation. 421.5.2.5, 421.5.2.6.

(2) The reference to the International Building Code® has been modified to include after the title the words "as adopted and modified by the State of Oklahoma through the OUBCC." This section has been modified to read: IBC®-18 International Building Code® as adopted and modified by the State of Oklahoma through the OUBCC.

(3) The reference to the International Energy Conservation Code® has been modified to change the edition year to 2006. This section has been modified to read: IECC-06 International Energy Conservation Code®.

(4) The reference to the International Fire Code® has been modified to include after the title the words "as adopted and modified by the State of Oklahoma through the OUBCC." This section has been modified to read: IFC®-18 International Fire Code® as adopted and modified by the State of Oklahoma through the OUBCC.
(5) The reference to the International Fuel Gas Code® has been modified to include after the title the words "as adopted and modified by the State of Oklahoma through the OUBCC." This section has been modified to read: IFGC®-18 International Fuel Gas Code® as adopted and modified by the State of Oklahoma through the OUBCC.
(6) The reference to the International Mechanical Code® has been modified to include after the title the words "as adopted and modified by the State of Oklahoma through the OUBCC." This section has been modified to read: IMC®-18 International Mechanical Code® as adopted and modified by the State of Oklahoma through the OUBCC.
(7) The reference to the International Residential Code® has been modified to change the edition year to ~~2015~~ 2018 and include after the title the words "as adopted and modified by the State of Oklahoma through the OUBCC." This section has been modified to read: ~~IRC®-15~~ IRC® 2018 International Residential Code® as adopted and modified by the State of Oklahoma through the OUBCC.
(8) The referenced standard for NFPA® 70 National Electrical Code® has been modified to change the edition year to 2023 and include the words after the title "as adopted and modified by the State of Oklahoma through the OUBCC." This section has been modified to read: ~~70-17~~ 70-23 National Electrical Code® as adopted and modified by the State of Oklahoma through the OUBCC.
(9) The reference standard for TCNA/ANSI A118.10-99: Specifications for Load Bearing, Bonded, Waterproof Membranes for Thin Set Ceramic Tile and Dimension Stone Installation referenced in Sections 421.5.2.5 and 421.5.2.6 has been stricken from the ~~code~~ IPC.

[OAR Docket #24-624; filed 6-21-24]

TITLE 780. OKLAHOMA DEPARTMENT OF CAREER AND TECHNOLOGY EDUCATION
CHAPTER 1. GENERAL

[OAR Docket #24-640]

RULEMAKING ACTION:
PERMANENT final adoption
RULES:
Subchapter 5. Organizational Description [AMENDED]
780:1-5-1. State Board; staffing; Director [AMENDED]
Subchapter 8. COMPLAINTS AND GRIEVANCES [NEW]
780:1-8-1. Department Complaints and Grievances [NEW]
780:1-8-2. Technology Center Complaints and Grievances [NEW]
AUTHORITY:
State Board of Career and Technology Education; 70 O.S. § 14-104
SUBMISSION OF PROPOSED RULES TO GOVERNOR AND CABINET SECRETARY:
November 21, 2023
COMMENT PERIOD:
December 15, 2023 through January 16, 2024
PUBLIC HEARING:
January 18, 2024
ADOPTION:
February 15, 2024
SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:
February 23, 2024
LEGISLATIVE APPROVAL:
N/A
LEGISLATIVE DISAPPROVAL:
N/A
APPROVED BY GOVERNORS DECLARATION:

Approved by Governor's declaration on June 21, 2024
FINAL ADOPTION:
June 21, 2024
EFFECTIVE:
July 25, 2024
SUPERSEDED EMERGENCY ACTIONS:
SUPERSEDED RULES:
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REGISTER PUBLICATION:
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DOCKET NUMBER:
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INCORPORATIONS BY REFERENCE:
INCORPORATED STANDARDS:
N/A
INCORPORATING RULES:
N/A
AVAILABILITY:
N/A
GIST/ANALYSIS:
The rule amendment to Subchapter 5 allows the State Director to approve the appointment and compensation of all employees other than senior leadership, which is determined by the State Board. In addition, this amendment outlines the complaints and grievances process for technology centers and the ODCTE.
CONTACT PERSON:
Gina Hubbard, Director of Statewide Outreach, Oklahoma Department of Career and Technology Education, 1500 W. 7th Ave., Stillwater, OK, 74074, 405-743-5167, gina.hubard@careertech.ok.gov

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(7) AND 308(E), WITH AN EFFECTIVE DATE OF JULY 25, 2024:

SUBCHAPTER 5. ORGANIZATIONAL DESCRIPTION [AMENDED]

780:1-5-1. State Board; staffing; Director [AMENDED]
(a) This agency was created as the Oklahoma Department of Career and Technology Education and consists of such divisions, units, and positions as are established by the State Board of Career and Technology Education (hereinafter referred to as the "State Board"). The Department shall be under the control of the State Board, which shall formulate policies and adopt rules and regulations for the administration and operation of the Department ~~[70 O.S. 1991, §14-104 as amended]~~.
(b) The State Board shall provide sufficient staff to perform the functions and responsibilities for career and technology education under state and federal laws.
(c) The State Director of the Department (hereinafter referred to as the "State Director") shall determine the duties of all employees of the Department and shall recommend the appointment and compensation of ~~the~~ senior leadership employees of the Department to the State Board in accordance with state laws. The State Director shall approve the appointment and compensation of all other employees of the Department.

SUBCHAPTER 8. COMPLAINTS AND GRIEVANCES [NEW]

780:1-8-1. Department Complaints and Grievances [NEW]
(a) **Standard.** All complaints and grievances received by the Oklahoma Department of Career and Technology Education ("Department") shall be dealt with in a fair and equitable manner.
(b) **Procedure.** The Department shall use the following procedure when the Department receives a complaint or grievance (hereinafter referred to collectively as “complaint”) concerning the Department:

(1) All complaints concerning the Department shall be in writing and signed by the complainant and shall be referred within five (5) working days of receipt to the employee of the Department designated to receive complaints (hereinafter referred to as the "complaints designee").
(2) The complaints designee shall contact the complainant within five (5) working days to ascertain the nature of the complaint. The complainant shall be afforded the opportunity to meet with the complaints designee and to present the complaint.
(3) If the complaint cannot be resolved to the satisfaction of the complainant, the complainant may request a meeting with the State Director. Such requests shall be submitted in writing, singed by the complainant, and contain a summary of the complaint. The State Director may or may not grant the request for a meeting. The complainant shall be notified of a denial of a request to meet in writing within five (5) working days of the request.
(4) If the complaint cannot be resolved to the satisfaction of the complainant by the complaints designee or the State Director, the complainant may request to appear before the State Board of Career and Technology Education ("State Board"). The request must be received in writing, signed by the complainant, and containing a summary of the complaint at least ten (10) working days in advance of the next regularly scheduled board meeting. The State Board has the sole discretion to grant or deny the request to appear before the State Board. A denial of a request to appear shall be sent to the complainant in writing within five (5) working days with the reason for denying the request.
(5) Within thirty (30) days of appearing before the State Board, the State Board will render a final decision and notify the complainant and all other interested parties in writing.

780:1-8-2. Technology Center Complaints and Grievances [NEW]

(a) **Standard**. All complaints and grievances received by the Oklahoma Department of Career and Technology Education, "Department" shall be addressed in a fair and equitable manner.
(b) **Procedure**. The Department shall use the following procedure when the Department receives a complaint or grievance (hereinafter referred to collectively as "complaint") concerning a technology center school district or program:

(1) All complaints concerning a technology center school district or program shall be in writing and shall be referred within five (5) working days of receipt to the superintendent or their designee, of the technology center school district or program for which the complaint has been registered.
(2) The superintendent or their designee shall contact the complainant within five (5) working days to ascertain the nature of the complaint. The complainant shall be afforded the opportunity to meet with the institutional representative(s) and to present the complaint. All communication must be documented and kept on file.
(3) If the complaint cannot be resolved to the satisfaction of the complainant, the complainant may request to appear before the institution's governing board according to the technology center's policy and procedures. Such requests should be submitted in writing, signed by the complainant, and containing a summary of the compliant at least ten (10) working days in advance of a regularly scheduled board meeting. A denial of a request to appear shall be sent to the complainant in writing within five (5) working days.
(4) After exhausting all avenues for a resolution for the complaint, if the complaint cannot be resolved to the satisfaction of the complainant, the complainant may request a meeting with the employee of the Department designated to receive complaints (hereinafter referred to as the "complaints designee"). Such requests shall be submitted in writing, singed by the complainant, and contain a summary of the complaint. The complaints designee may request from the local institution the final resolution that was offered to the complainant. The complaints designee may or may not grant the request to meet at the sole discretion of the complaints designee. The complainant shall be notified of a denial of a request to meet in writing within five (5) working days of the request.
(5) If the complaint cannot be resolved to the satisfaction of the complainant by the complaints designee, the complainant may request to appear before the State Board of Career and Technology Education (State Board). The request must be received in writing, signed by the complainant, and containing a summary of the complaint and any resolution offered by the local institution at least ten (10) working days in advance of the next regularly scheduled board meeting. The State Board has the sole discretion to grant or deny the request to appear before the State Board. A denial of a request to appear shall be sent to the complainant in writing within five (5) working days from the date the complaint was received with the reason for denying the request.
(6) Within thirty (30) days of appearing before the State Board, the State Board will render a final decision and notify the complainant and all other interested parties in writing.

[OAR Docket #24-640; filed 6-24-24]

TITLE 780. OKLAHOMA DEPARTMENT OF CAREER AND TECHNOLOGY EDUCATION
CHAPTER 10. ADMINISTRATION AND SUPERVISION

[OAR Docket #24-641]

RULEMAKING ACTION:
PERMANENT final adoption
RULES:
Subchapter 3. State Technical Assistance, Supervision, and Services [AMENDED]
780:10-3-3. Instructional materials development and dissemination [AMENDED]
AUTHORITY:
State Board of Career and Technology Education; 70 O.S. § 14-104
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The rule amendment to Subchapter 3 is to clarify the entity that sets pricing for student guides and assessments, outlines the process for orders, correct contacts, and credits. The rule amendment also updates return policy for on demand print materials.
CONTACT PERSON:
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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(7) AND 308(E), WITH AN EFFECTIVE DATE OF JULY 25, 2024:

SUBCHAPTER 3. STATE TECHNICAL ASSISTANCE, SUPERVISION, AND SERVICES [AMENDED]

780:10-3-3. Instructional materials development and dissemination [AMENDED]

(a) **Purpose.** The Curriculum and Instructional Materials Center (CIMC) and the CareerTech Testing Center (CTTC) shall develop and distribute instructional materials and assessments in print and digital formats.

(b) **Product pricing.** Prices for assessments~~,~~and study guides~~,~~ shall be determined using pricing formulas established or adopted by the CTTC. ~~print~~ Print products and online courses shall be determined using pricing formulas established or adopted by the CIMC. Prices will be the same for both Oklahoma and non-Oklahoma customers, with the exception of assessments. Assessments shall be provided free of charge to Oklahoma CareerTech students. The End User License Agreement describes bulk seat purchases of CIMC online courses.

(c) **Order processing.** Orders for assessments~~,~~and study guides~~,~~ shall be made using the CTTC online catalog or by contacting the designated CTTC customer service staff by phone. ~~print~~ Print products and online courses shall be made by using the online catalog or by transmitting a completed order form by email or fax, or by contacting the designated CIMC customer service staff by phone.

(1) **Required order information.** Orders shall include the following basic information ~~in order~~ to be processed, regardless of order method:

(A) Product ID#

(B) Title/Description

(C) Quantity ordered

(D) Item price

(E) Additional information may be required to process/deliver orders for web-based products (i.e. assessments online courses).

(2) **Shipping charges.** Shipping charges shall apply to all products that are not web-based. Domestic shipping charges are 10% for orders up to $200 and 8% for orders over $200. International shipping charges are 20% of the value of products ordered. ~~The minimum shipping charge is $9.00.~~ A minimum shipping and handling charge shall be established by the CIMC and applied to all orders.

(3) **Sales tax.** Sales tax shall be charges on all products sold for personal use and to non-governmental entities except for assessments.

(4) **Payments.** Payment for products shall be made at the time of purchase. Acceptable methods of payment are purchase order, check, and credit card (VISA, MasterCard, or Discover). Checks for ~~orders~~ print products or online course orders must be made payable to CIMC. Checks for online assessments or study guides must be made payable to CTTC. Payment for international orders must be remitted in U.S. dollars drawn on a U.S. bank or world money order.

(5) **Returns, restocking fee and refunds.** Unless otherwise specified below, all returns must be preauthorized by contacting CIMC Customer Service at (800) 654-4502. No returns will be authorized after 30 days from the date of invoice (90 days for Oklahoma customers). Unless a backorder is pending, refunds on authorized returns will be issued within 120 days of the original date of invoice.

(A) **Printed materials.**~~Print material must be returned in its original form and in salable condition~~. No returns for print on demand materials. A restocking fee of 20% of the returned product value will be applied to all returns. All returns must include the packing slip and/or invoice number.

(B) **Multimedia products.** Multimedia products (videos, DVDs, software) cannot be returned.

(C) **Online courses.** The End User License Agreement describes the refund policy that applies to CIMC online courses.

(D) **Assessments.** Assessments may not be returned for refund~~; however, testing credits will be issued for unneeded/unused assessments~~. All testing credits expire on June 30th of the academic year issued.

(6) **Shipping address.** Returned materials must be shipped to the following address: CIMC/Instructional Materials Warehouse, Oklahoma Department of Career & Technology Education, 1201 N. Western Road, Stillwater, OK 74075-2723.

(d) **Defective or damaged materials.**

(1) **Defective materials.** The CIMC must receive notification of print materials shipped in defective condition within five (5) days of customer's receipt of the materials. Credit for materials in defective condition shall be 100% of invoice price or free product replacement, as appropriate.
(2) **Damage In-Transit.** The CIMC is not responsible for damage to CIMC products incurred in transit. In such event, the customer must follow the carrier's claims process.

[OAR Docket #24-641; filed 6-24-24]

TITLE 780. OKLAHOMA DEPARTMENT OF CAREER AND TECHNOLOGY EDUCATION
CHAPTER 15. TECHNOLOGY CENTERS

[OAR Docket #24-643]

RULEMAKING ACTION:
PERMANENT final adoption
RULES:
Subchapter 3. Technology Centers Education [AMENDED]
780:15-3-2. Establishment/Sustainment of a technology center district; sites and buildings [AMENDED]
780:15-3-5. Changes in districts' status [AMENDED]
780:15-3-6. Technology center students [AMENDED]
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The rule amendments to Subchapter 3 would provide the procedure for zoning technology center school districts that serve seventy or more public school districts and technology center school districts having a population of more than two hundred twenty-five thousand (225,000) electors to follow the statutory requirements set forth in Section 14-108 of Title 70 of the Oklahoma Statutes. This amendment also provides technology center program definitions for clarification and data collection purposes.

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(7) AND 308(E), WITH AN EFFECTIVE DATE OF JULY 25, 2024:

SUBCHAPTER 3. TECHNOLOGY CENTERS EDUCATION [AMENDED]

780:15-3-2. Establishment/Sustainment of a technology center district; sites and buildings [AMENDED]

(a) **Establishment.** A technology center district shall be established in accordance with the steps outlined in this section.

(b) **State Board study of proposed technology center district.**

(1) **Proposed district study.** The State Board, upon request of the public school(s) within a proposed district, board of county commissioners, or citizens within a proposed district, shall make a study of the proposed district in regard to the following factors:

(A) Size;
(B) Total population;
(C) Assessed valuation;
(D) Current school enrollments;
(E) Estimated secondary school enrollments;
(F) Estimated full-time adult enrollments;
(G) Other information pertinent to determining the feasibility of a technology center district.

(2) **Costs.** The study shall also include building and equipment costs, as well as estimated annual operating costs.

(3) **Sharing of study information.** The information compiled as a result of the study shall be shared with the local schools and/or county commissioners and other interested persons within the proposed technology center district.

(c) **State Board determination of technology center feasibility.**

(1) **Decision by State Board.** After a study of the proposed technology center district has been completed and reviewed by the interested and affected schools and/or county commissioners, a decision will be reached as to the course of action to be taken. The State Board shall finally determine if the proposed technology center district meets the criteria and requirements prescribed, if there is a need for the district, and if the operation of the district can be adequately funded.

(2) **Valuation of district; waivers.** A proposed technology center district shall have a minimum valuation of $100,000,000 after homestead exemptions. In situations involving low valuations and/or sparsely populated areas where this requirement is not feasible, the State Board, upon presentation of sufficient justification, may give special permission to waive the minimum criteria.

(d) **Presentation of resolutions.**

(1) **Resolutions signees.** If the State Board determines the proposed technology center district is feasible and needed, resolutions shall be presented to the State Board signed by:

(A) Local boards of education of districts desiring to become a part of a technology center district,
(B) A majority of the membership of a board of county commissioners, or
(C) A combination of (A) and (B) of this subsection where there exists a county and school districts outside that county desiring to become a part of the same technology center district.

(2) **Cooperation.** The State Board shall work with the area in order to establish a district that is feasible and will fit into its state plan.

(3) **Established school districts.** The State Board shall protect the attendance area of established technology centers and not approve any part of an existing technology center district for inclusion into a new area district unless that area cannot be served adequately by the existing technology center (Deannexation proceedings may have to be followed first.)

(e) **Technology center district formation election.**

(1) **Call for election.** The State Board shall call an election in each district submitting a resolution, or in each district within a county submitting the resolution, if a technology center district is found to be feasible and needed.

(2) **Election.** An election will be held in each independent and elementary school district, and/or entire county, having territory that would be included in the proposed technology center district, for the purpose of permitting electors of the district to vote on the question of whether the territory comprising the independent or elementary school district, and/or entire county, shall be included in the proposed technology center district.

(f) **Elections relative to the creation of new technology center district (general rules).** The rules of this subsection shall be used for conducting elections relative to the creation of a technology center district, electing the initial board of education, voting the initial operating levy, and for annexation of an independent or elementary school district to an existing technology center district.

(1) **Election date.** The State Board with advice and counsel of local boards of independent and elementary school districts and/or county commissioners shall designate the date on which an election shall be conducted.

(2) **Responsibilities of county election board; State Board.** The State Board shall cooperate with the county election board designated to conduct the election. The county election board shall receive notice from the State Board and shall conduct the elections in the school district at the time specified by the State Board. The State Board shall prepare the publication notice and submit it to at least one newspaper of general circulation in each county officially calling the election, stating the purpose of the election and listing the polling places in the county. The State Board shall assume the cost of such publication.

(3) **Forms.** All forms to be used in technology center district elections will be provided by the County Election Board.

(4) **Hours.** The polls for election shall be open from 7 a.m. until 7 p.m.

(5) **Certification of results.** The county election boards shall, when appropriate, certify to the local school boards the results of an election. The county election boards shall certify to the State Board, also, the results of any election pertaining to the creation of a new technology center district, the initial board of education election, and the initial operating levy election.

(6) **Costs of elections.** When holding the election for the creation of a technology center district, the election of the original board of education, and the election for the first operation levy, the cost for these elections will be borne by the State Board.

(7) **Annexation election costs.** Annexation election costs of individual independent and elementary school districts will be borne by the State Board.

(g) **Formation election results determination.**

(1) **Election results.** Results of the election for the formation of a technology center district shall be submitted to the State Board and each school district involved. If the results of the election satisfy the criteria for the formation of a technology center district, the State Board may declare the district formed.

(2) **Election results from resolutions from school districts.**

(A) **Inclusion in the proposed district.** The territory comprising an independent or elementary school district shall be included in the proposed technology center district if a majority of the electors who voted cast ballots in favor of the question.

(B) **Establishment after an unfavorable vote.** Notwithstanding an unfavorable vote in an independent or elementary school district(s), a technology center district may be established and the territory comprising other independent and elementary school districts in which the votes have been favorable may be included in the technology center district, if criteria prescribed by the State Board can be met.

(i) **Study of election results.** The State Board shall study the results of the elections to determine if a sufficient number of the school districts voted in favor of becoming a part of a technology center district. If the area is deemed sufficient, the State Board shall form the district.

(ii) **Valuation; reconsideration of districts.** If the valuation of the area that voted in favor of the proposition is not sufficient to form the district, the State Board hall continue to work with the proposed area; and if the school districts that were opposed to becoming a part of the technology center district wish to vote again on the proposition, they may do so by presenting

another resolution to the State Board.

(C) **District establishment suspension; second election.** If the criteria cannot be met because of unfavorable votes in one or more independent or elementary school districts, the State Board may hold establishment of the proposed technology center district in suspension for a period not to exceed one year, and in the meantime may, but no sooner than after ninety (90) days, at the request of the local board of education where the election failed, call another election on the same question.

(3) **Election results from resolutions by a majority of a board of commissioners.**

(A) **Voters.** The majority of the votes cast in the county shall determine whether the territory of the county becomes a part of a technology center district. The electors residing in any portion of a county that is already a part of an existing technology center district shall not be allowed to participate in this election.

(B) **Electors in adjoining county.** A local school district that has its main buildings within the county calling the election but has electors residing in an adjoining county should pass a resolution for that part and present it to the State Board, which shall call an election as provided in these rules and regulations.

(C) **Addition of adjoining county electors to the technology center district.** If the majority of the voting electors in the county vote to establish a technology center district, then that part of the local district located in the adjoining county shall become part of the new district, provided a majority of those voting cast ballots in the affirmative, and they shall be entitled to the rights and privileges and be subject to the assessments as are all other patrons in the district.

(D) **Second election.** If the election fails, the State Board may call another election in the county at the request of the county commissioners after a period of three months or 90 days has elapsed since the previous election.

(4) **Declaration; number designation.** Whenever there has been a compliance with these rules and regulations, the State Board may issue an order declaring the technology center district to be established and designating its number.

(5) **Validation period.** Results of school districts and/or counties that voted to become a part of a technology center district shall be held valid for a period of 12 months, or one year, to allow time for the passage of an operational mill levy election.

(6) **State Board approval of sites and additional campuses.** The State Board shall approve the location of a site for an official campus of a technology center district. If the campus employs a minimum of five full-time instructors who are teaching programs that have been approved by the Department, then it may be recognized as an official campus and will be eligible for funding under a formula approved by the State Board. Branch campuses may be established by the technology center board of education to serve special needs or remote areas of the district. In the event the local board elects to pursue an additional campus at a site other than the existing pre-approved campus, prior approval must be granted by the State Board. Factors that will be used in determining approval will include, but not be limited to, student travel time to the nearest available technology center campus, district valuation, student enumeration, and local industry needs.

(h) **Zoning of the new technology center district.**

(1) **Advisement.** When the State Board forms a technology center district, it shall then divide the district into board districts with the advice and counsel of the local school districts.

(2) **Five board districts.** After consultation with the local school officials, the State Board will divide each technology center district into five numbered board districts of approximately equal population.

(3) **District Zones**.

(A) **Districts serving seventy or more schools.** When forming technology center school districts that serve seventy or more public school districts, the State Board of Career and Technology Education shall divide school districts into district zones as required by 70 O.S. § 14-108(D).

(B) **Districts with certain large populations.** When forming technology center school districts having a population of more than two hundred twenty-five thousand (225,000) electors, the State Board of Career and Technology Education shall divide the technology center school district into district zones as required by 70 O.S. § 14-108(E).

(i) **Election of members to the board of education of the new technology center district.**

(1) **Call to elect members.** When a technology center district is established, the State Board shall call, and the appropriate county election board(s) shall conduct an election to choose a board of education, which shall consist of five (5) members except as hereinafter provided, elected by all of the school district electors of the technology center district.

(2) **Composition of board.**

(A) Candidates for board district offices of the board shall be residents of the board district. Electors shall vote on all candidates in board elections.
(B) Candidates for district zone offices of the board shall be a resident of the district zone. The electors of each district zone shall elect a candidate, who is a resident of that district zone, to represent the district zone on the school board.

(3) **Terms.** The newly elected board members will serve initial terms as follows:
(A) Office Number 1, Board District or District Zone 1: One year
(B) Office Number 2, Board District or District Zone 2: Two years
(C) Office Number 3, Board District or District Zone 3: Three years
(D) Office Number 4, Board District or District Zone 4: Four years
(E) Office Number 5, Board District or District Zone 5: Five years

(4) **Cycle of elections; terms; vacancies.** At the first regular school election, as prescribed by the state statutes, after the technology center district has become operative for one year, an election shall be held to fill the office that expires in one year. The terms of other offices shall expire in the sequence noted in the schedule above. After the initial terms of offices expire, each school board member shall be elected for a five-year term. If during the term of office to which a person was elected to a district zone, that member ceases to be a resident of the district zone for which the person was elected, the office shall become vacant and the vacancy shall be filled as provided in Section 13A-110 of Title 26 of the Oklahoma Statutes.

(5) **Notification and declaration of intent.** Each candidate shall file a written notification and declaration of intent to be a candidate for the board district or district zone in which he/she resides or as a candidate-at-large. The notification and declaration of intent shall be filed with the county election board within the time prescribed by the election board.

(6) **Seven-member board.** In the event the total area of five or more counties is involved, a seven (7) member board of education may be elected to serve the technology center district.

(7) **Seven-member terms.** When there are seven board members, they shall be elected in the same manner as board of education members of other technology center districts. The terms of office of members shall be staggered so that the term of office of only one member shall expire each year. Offices shall be numbered one through seven.

(8) **Relations with State Board.** Representatives of the State Board shall meet with the elected board and administer the oath of office, which shall be the same as for boards of independent school districts. The State Board shall provide guidance, direction, and technical assistance to the newly elected board members.

(j) **Operational tax levy election for a new technology center.**

(1) **Call for election.** As soon as practical, and when it can legally do so, after members of the board of education of a technology center district are first elected following the establishment of the district, the board of education shall call an election to vote on an operational tax levy for the district.

(2) **Educational plan.** The elected board of the technology center district shall make a study utilizing the services of the State Board and all other agencies that may be at its disposal to determine an educational plan for the district.

(3) **Tax levy.** No technology center district shall begin operations until the electors have approved a tax levy as provided by Section 9B, Article 10, Oklahoma Constitution and 70 O.S § 14-108, as amended, and the county excise board has approved an "Estimate of Needs" for the district or in compliance with the School District Budget Act in 70 O.S. §5-150, et.seq., as amended.

(4) **Second election.** If an election for an operational levy is held and the proposed levy fails to receive a majority of the votes cast, a second election will be held within 180 days after the original election for the purpose of voting again on an operational levy. A second election must be requested by the technology center board and approved by the State Board.

(5) **Dissolution of district; board.** The State Board has the authority to disband a newly formed technology center district, release the board of education of its obligations, and release all public school districts from any obligation in the new technology center district when an operational levy is rejected by the voters a second time. Disbanding or dissolving a newly created technology center district will be done only after consultation with the local school districts involved.

(6) **School planning.** After passage of a successful operational levy, the technology center board shall employ professional help, engage the services of an architect to plan buildings, and take such action as necessary to establish the technology center.

(k) **Selection of the technology center superintendent.**

(1) **Choice of superintendent.** Following passage of a successful operational tax levy, the local board of education shall employ a technology center district superintendent.
(2) **Duties; qualifications.** The duties and minimum qualifications of technology center superintendents shall be as follows:

(A) **Duties.** The technology center superintendent shall be the principal administrative officer of the technology center. They shall be responsible for the organization, curriculum development, evaluation, and improvement of instruction. The technology center superintendent shall maintain close contact with the employment services, advisory committees, potential employers, and all agencies and institutions relative to employment needs and job opportunities in order that career and technology education instruction may be closely coordinated with current needs and anticipated employment opportunities. They shall evaluate instruction continuously and bring about changes and improvements that will ensure that students will obtain the skills and knowledge for which instruction is being provided. The technology center superintendent shall be responsible for assigning appropriate administrative personnel to evaluate the technology center's certified faculty and determining that such persons have a technology center administrator's credential or the minimum requirement in accordance with 70 O.S. §6-101.10 (6), as amended. In accordance with state law, evaluation duties may be assigned to the principal, assistant principal, designee of the principal, supervisor, content expert, department chair, peer committee or other trained persons or groups designated by the technology center school district board of education. The technology center superintendent shall be responsible for maintaining a system of complete and accurate records and shall make such financial, statistical, and descriptive reports as may be required by the State Board.
(B) **Qualifications.** First, the technology center superintendent shall have a superintendent's certificate as defined by the State Department of Education. Second, the technology center superintendent shall have had at least five years of experience as a Career Tech teacher, supervisor, or administrator. Third, the technology center superintendent shall have a Technology Center Administrator's Credential.

(3) **Issuance of Credential.** The Oklahoma Department of Career and Technology Education shall be responsible for the issuance of the technology center administrator's credential.
(4) **Technology Center Administrator's Credential.** Other school administrators who are responsible for supervision and administration of Department-approved program(s) shall also be required to have a standard or a provisional Technology Center Administrator's Credential as provided for above in 780:15-3- 2(k)(2) & (3) of the rules and regulations governing technology centers.

(A) **Standard technology center administrator's credential.** A person who has superintendent's certificate or a secondary principal's certificate and at least five years of experience as a CareerTech teacher, supervisor, or administrator of Oklahoma Department of Career & Technology Education (ODCTE) approved programs shall be issued a standard technology center administrator's credential.
(B) **Provisional technology center administrator's credential, five year.** Applicant shall have a superintendent's or secondary principal's certificate as defined by the Oklahoma State Department of Education. In addition, the applicant must meet at least one of the following experience requirements:

(i) Three (3) years of experience as a Career and Technology Education teacher of an approved ODCTE programs(s) or
(ii) Three (3) years of experience as an administrator supervising and evaluating teachers of an approved ODCTE programs(s) or
(iii) Three (3) years of experience in an Oklahoma technology center and a letter of endorsement from the current technology center superintendent or
(iv) Three (3) years of experience at the Oklahoma Department of Career and Technology Education and a letter of endorsement from the current ODCTE State Director.
(v) Once the above criteria is met, the candidate shall be issued a provisional technology center administrator's credential and be given five years from the date of issuance to complete the following:
(vi) Nine (9) college semester hours and/or 135 ODCTE approved professional development clock hours from the following areas below:

(I) History and Philosophy of Career and Technology Education;
(II) Technology Center Finance;
(III) Career and Technology Education Curriculum; and

(IV) Career and Technology Education Program Planning and Development. A combination of college semester hours and professional development hours can be utilized to fulfill the requirements. One college semester hour will equal 15 professional development clock hours.

(5) **Requirements for first-year technology center superintendents.** The State Board of Career and Technology Education reaffirms its commitment to provide support and services to new technology center superintendents in Oklahoma. To assist first-year technology center superintendents in the state in providing their respective districts with maximum leadership, effective management, and strong educational programs, the following professional development requirements shall be met by each technology center superintendent employed for the first time in the state of Oklahoma as a technology center superintendent:

(A) Meet qualifications for the Provisional or Standard School Superintendent Certificate.

(B) Meet qualifications for the Provisional or Standard Technology Center Administrator's Credential.

(C) Attend professional development workshops or training seminars equal to eleven days (66 hours) of training:

(i) 1 day: Attend a meeting of the State Board of Career and Technology Education and a board meeting at a technology center where the first-year technology center superintendent is not currently employed.

(ii) 2 days: Attend the Annual CareerTech Summer Conference.

(iii) 2 days: Attend the Annual Technology Center Superintendents June Workshop.

(iv) 6 days: Attend professional development workshops or training in the following general areas:

(I) Superintendent/Board of Education Relationships

(II) Legal Issues/School Law/Open Meeting Laws

(III) Staff Relationships/Due Process

(IV) Community and Industry Relationships

(V) Technology Center Finance

(VI) Plant Management/School Facilities

(VII) Setting School District Site Goals/Strategic Planning/Planning and Implementing Continuous Improvement Strategies for Schools

(VIII) Individuals with Disabilities Act (IDEA)

(v) If a first-year technology center superintendent can provide evidence that within eighteen months prior to being employed as a technology center superintendent, that they have completed one of the training requirements listed above in (iv), the Department will review the documentation and determine if credit should be given for training previously completed.

(D) The Department will provide and/or coordinate, approve and document professional development workshops and/or training seminars for first-year technology center superintendents. If content and method of delivery is approved by the Department prior to a first-year technology center superintendent participating in training, a first-year technology center superintendent may complete some of the training requirements by IETV, on-line training, webinars, or similar methods of delivery. The Department will issue a certificate to each new superintendent who has successfully completed the training requirements for first-year technology center superintendents. A copy of this certificate will be retained at the Oklahoma Department of Career and Technology Education. To maintain certificate validity for second-year technology center superintendents, the Department will provide to first-year technology center superintendents a report showing training completed by first-year technology center superintendents. The Department will continue to collaborate with the Oklahoma State Department of Education regarding emerging issues that in the future may need to be integrated into first-year technology center superintendent training.

(l) **Other actions necessary to establish a new technology center.**

(1) **Funding for buildings and equipment.** The elected board may submit a building fund levy proposal or a capital outlay bond proposal to finance new buildings and equipment after a study has been made and professional help has been employed.

(2) **Election guidelines.** The building fund levy election or capital outlay bond election shall be conducted in accordance with the prescribed election rules and regulations.

(m) **Approval of capital improvement projects.** After local board approval, all plans and specifications for technology center buildings, additions, including parking lots and modifications designed for CareerTech instruction and/or services shall be reviewed by and approved by appropriate staff of the Oklahoma Department of Career and Technology Education. In addition all capital improvement projects must comply with local building codes and be reviewed by the local and/or state fire marshal. The State Board must grant prior approval of all plans and specifications for technology center school buildings, additions, and modifications to school buildings that are designed to provide for the offering of CareerTech education and services when the cost of the building project is to be paid with state appropriated funds, which includes projects funded with monies from the Educational Lottery Trust Fund, or both local levies and state appropriated funds. (70 O.S. Section 14-108, as amended.)
(n) **Ownership of instructional equipment.** Instructional equipment purchased or reimbursed with state and/or federal funds will remain the property of the State Board except equipment purchased with equipment grants. When instruction can no longer be justified, the State Board may remove the equipment and transfer it to another technology center, skills center, or place it in the Department service center.
(o) **Insurance and equipment maintenance.** The technology center district shall be responsible for insurance and maintenance and repair of state-owned equipment while it is being utilized in instruction conducted by the district.
(p) **Architect involvement.** Technology center buildings that are to be remodeled, repaired, or constructed shall have an architect engaged in the planning of such building as provided in 59 O.S. §46.3.
(q) **Accommodations for individuals with disabilities.** It shall be the responsibility of the board of education of a technology center district to follow the provisions of the Americans with Disabilities Act accessibility standards when constructing new facilities or altering existing structures.

780:15-3-5. Changes in districts' status [AMENDED]
(a) **Rezoning of existing technology center districts.**

(1) **Review of board district population.** In order to comply with the federal and state rules of equal representation in all units of government, it will be necessary from time to time to review the population of the board districts as originally designed to see that reasonably equal board districts exist as far as population is concerned. In addition, between July 1 and December 1 of the year following the submission of the official Federal Decennial Census, the board of education will reapportion the school district into board districts. The local technology center will formulate the rezoning plan that must be submitted to the State Board for approval.
(2) **Board of education; board district size.**

(A) **Five members.** The board of education shall consist of five (5) members, except as provided in 70 O.S., §5-107A, 70 O.S., §14-110, 70 O.S., §4419, 780:15-3-2(I)(6) rules and regulations governing technology center districts, and 780:15-3-5(a)(2)(E) of this section.
(B) **Size of board districts.** Internal boundaries of board districts shall follow clearly visible, definable, and observable physical boundaries that are based upon criteria established and recognized by the Bureau of the Census of the United States Department of Commerce for the purposes of defining census blocks for its decennial census and shall follow, as much as is possible, precinct boundaries. Board districts shall be compact, contiguous and shall be as equal in population as practical with not more than a ten percent (10%) variance between the most populous and least populous board districts.
(C) **Restructure of noncontiguous board districts.** Technology center districts that are not contiguous shall structure their board districts where there are no intervening board districts between the noncontiguous portion of the district and the remainder of the same board district that contains the noncontiguous portion of said technology center district.
(D) **Board district residency.** All members shall reside in the board district that they represent.
(E) **Seven-member board districts; annexation.** Any technology center district that consisted of a seven (7) member school board on July 1, 1987, and later has added or will add more geographical territory by annexation, shall continue to have a seven (7) member school board whose terms of office shall be the same as previously served.

(3) **Review of district zones**.

(A) **Rezoning districts serving seventy or more schools.** In a technology center school district that serves seventy or more public school districts, the State Board shall divide the technology center school district into district zones. Between August 1 and December 31 of the year following the submission by the United States Department of Commerce to the President of the United States of the official Federal Decennial Census, the State Board shall reapportion the territory of the technology center school district into district zones as required by 70 O.S. § 14-108(D).

(B) **Rezoning districts with certain large populations; optional election**. In technology center school districts having a population of more than two hundred twenty-five thousand (225,000) electors, the State Board shall divide the technology center school district into board zones as required by 70 O.S. § 14-108(E). Beginning July 1, 2024, the board of education shall have the option upon approval of a board resolution of requiring that the electors of each district zone shall elect a person who is a resident of the district zone to represent the district zone on the school board and to not elect all board members at large. If the board of education does not elect that option, the technology center school district shall continue to vote for the board members at large.

(b) **Annexations.**

(1) **Proposed annexations.**

(A) **Annexation, as proposed by a board of education.** Boards of education of a public school district desiring their district or a part of their district to annex to an existing technology center district shall submit a resolution to the State Board requesting an election be called for that purpose. Territory shall not be annexed to a technology center district without the approval of the State Board. No territory may be included in a petition for annexation within one (1) year from the date of an unsuccessful election for annexation where that territory was a part of the territory seeking to annex. A study of the proposed annexation will be conducted by the Department to ascertain whether the annexation would unlawfully exclude students on the basis of race, color, national origin, or disability. If the board of education of the technology center district approves the annexation resolution, the State Board after counseling with the local school district board will set the election date and shall request the county election board to conduct the aforementioned annexation election. If a majority of the electors voting at such election vote in favor of the proposition, as certified by the county election board, the State Board shall declare the public school district, or that portion designated, annexed to the local technology center.

(B) **Annexation, as proposed by patrons/electors.** In the event the patrons of any designated territory comprising all or part of a local public school district desire to have such designated territory annexed to a technology center district, a petition may be submitted to the State Board calling for an election on the desired annexation. The petition shall be signed by at least 50 percent of the number of school district electors who voted in the last school board election in the territory proposed to be annexed, as determined by the secretary of the county election board, who shall certify the adequacy of the number of signatures on the petition. The State Board, after obtaining approval of the technology center district to which the territory is sought for annexation, shall request the county election board to conduct the requested annexation election-provided the period of time from which the petition was initiated to its time of filing with the State Board did not exceed 90 days. All qualified voters within the local school district shall be entitled to vote at such election. If a majority of the electors voting at such election vote in favor of the proposition, as certified by the county election board, the designated territory shall thereupon be declared by the State Board to be annexed to the respective technology center districts.

(C) **Petition.** A petition form shall be developed by the Oklahoma Department of Career and Technology Education. Any petition to be circulated must be on that form or must incorporate the exact language of the form. To effect the annexing of territory, a petition requesting the annexation must be:

(i) submitted to the technology center board of education, and

(ii) filed with the State Board.

(D) **Petition content.** The petition shall be signed by at least 50 percent of the number of school district electors who voted in the last school board election in the territory proposed to be annexed, as determined by the secretary of the county election board, who shall certify the adequacy of the number of signatures on the petition. Each page of the petition shall contain the exact language except for signatures and addresses of school district electors. Electors must personally sign their own name to any petition and must swear of affirm that they have read the contents of the petition and are signing the document as a free and voluntary act.

(E) **Annexation, as proposed by a board of county commissioners.** When a large area such as a county, or portions thereof, desires to be annexed to an established technology center district, the board of county commissioners may submit a resolution to the State Board requesting the State Board to call an annexation election for the area so designated. If a majority of the electors voting at such election vote in favor of the proposition, as certified by the county election board, the State Board shall declare the area annexed.

(F) **Annexations or transfers of independent and elementary school districts, or portions thereof.** Technology center district membership resulting from annexation or transfers of territory shall be determined by the following:

(i) When an elementary or independent school district, whose territory is a part of a technology center district, is annexed to another elementary or independent school district whose territory is not a part of a technology center district, the annexation shall not affect the status of the annexing district with respect to the technology center district.

(ii) When an elementary or independent school district, or a portion thereof, whose territory is not a part of a technology center district, is annexed or transferred to another elementary or independent school district whose territory is a part of a technology center district, the territory of the annexed or transferred elementary or independent school district shall become a part of the technology center district.

(iii) When an elementary or independent school district or a portion thereof, whose territory is already a part of a technology center district is annexed or transferred to another elementary or independent school district whose territory is a part of a second technology center district, the territory of the annexed or transferred elementary or independent school district shall become a part of the second technology center district.

(2) **Liability of annexed territory for bonded indebtedness of technology center district.** If the territory is annexed to a technology center district, the assessed valuation of property in the territory will be subject to taxes thereafter levied to pay existing bonded indebtedness that was incurred by the technology center district before the territory was annexed.

(3) **Benefits of annexed territory.** When a public school district or a part of a public school district is annexed to a technology center district, the people residing in the newly annexed district or part of a district shall immediately become eligible to all the rights and privileges as those residing in the technology center district and shall be subject to the tax levies of the technology center district provided by Section 9B Article 10 of the Oklahoma Constitution except as outlined in section (4) below.

(4) **Newly annexed territory tax collection.** The ad valorem tax rate shall be set by the technology center school district board.

(c) **Deannexation.**

(1) **Proposed deannexation.**

(A) **Approval of State Board.** Territory shall not be deannexed from a technology center district without the approval of the State Board. No territory may be included in a petition for deannexation within one (1) year from the date of an unsuccessful election for deannexation where that territory was a part of the territory seeking to deannex. A study of the proposed deannexation will be conducted by the Department to ascertain whether deannexation would unlawfully exclude students on the basis of race, color, national origin, or disability. All deannexations shall become effective December 31 of the calendar year in which the deannexation was approved by the voters. Annexations for territory deannexed from a technology center district shall not become effective until the deannexation shall have been effective.

(B) **Petition.** A petition form shall be developed by the Oklahoma Department of Career and Technology Education. Any petition to be circulated must be on that form or must incorporate the exact language of the form, in addition to the reason for deannexing. To effect the deannexing of territory, a petition requesting the deannexation must be:

(i) submitted to the technology center board of education, and

(ii) filed with the State Board.

(C) **Petition content.** The petition shall state the reason for deannexing and shall be signed by at least 50 percent of the number of school district electors who voted in the last school board election in the territory proposed to be deannexed. Each page of the petition shall contain the same information except for signatures of school district electors. Electors must personally sign their own name to any petition and must swear or affirm that they have read the contents of the petition and are signing the document as a free and voluntary act.

(D) **Order and Notice of Election.** If the State Board determines that there is a valid reason for the deannexation, it will issue an "Order and Notice of Election," and the election will be held and conducted by the County Election Board at some public place in the technology center district. Copies of the "Order and Notice of Election" will be published in one issue of a newspaper of general circulation in the technology center district.

(E) **Eligible electors.** If, prior to the issuance of the "Order and Notice of Election," the board of education of the technology center district shall have given written notice of approval of the deannexation to the State Board, only those school district electors who reside in the territory proposed to be deannexed shall be eligible to vote at the election. In the event the board of education of the technology center district will not give written approval of the deannexation, then school district electors of the entire technology center district shall be eligible to vote on the deannexation question.
(F) **Exceptions.** In situations where the reason for deannexation is because an approved consolidation has resulted in a sending school district with membership in two or more technology center districts, approval from the local technology center board is not necessary and upon approval from the State Board, only those school district electors who reside in the territory proposed to be deannexed shall be eligible to vote at the election.
(G) **Deannexation approval.** If a majority of the eligible school district electors voting at the election approve the deannexation, the State Board shall issue an order deannexing the territory from the technology center district and will transmit copies thereof to the county clerk, county assessor, and county treasurer of each county in which any of the deannexed area lies.
(H) **Property valuation; taxation.** If the territory is deannexed from a technology center district, the assessed valuation of property in the deannexed territory will be subject to taxes thereafter levied to pay bonded indebtedness that was incurred by the technology center district while the deannexed territory was a part of the technology center district.
(I) For all successful deannexation elections occurring after January 1, 2005, the ad valorem tax rate shall be set by the technology center school district.

(d) **School consolidation.**

(1) **Nondiscrimination study.** When consolidation of school districts is being considered, the Oklahoma Department of Career and Technology Education will conduct a study to ascertain whether or not consolidation would unlawfully exclude students on the basis of race, color, national origin, or disability.
(2) **Consolidation of technology center member district and nonmember district.** When two common school districts consolidate to form a new district and one of the school districts has a majority of its territory located in a technology center district, then the State Board shall call a separate election to be held on the same day as the consolidation election, in that part of the new district that is not already a part of the technology center district, for membership in the technology center district.
(3) **Consolidation of districts with membership in different technology center districts.** When two or more common school districts consolidate to form a new district and each district already is included in a different technology center district, the location of the high school shall determine the technology center membership for the entire consolidated district. When more than one high school will be located within the new consolidated district, a feasibility study will be performed by the State Board. After consideration of the feasibility study and such other information as may be deemed relevant, the State Board shall determine the technology center membership for the entire consolidated district.
(4) **Consolidation of three or more districts.** When three or more common school districts consolidate to form a new district and at least one of the school districts has a majority of its territory located in a technology center district and one or more of the other districts to be merged is not a part of any technology center district, a feasibility study performed by the State Board shall include a recommendation for membership in a technology center district and, on the same date as the consolidation election, the State Board shall call a separate election in that part of the newly formed district, that is not already a part of a technology center district, for membership in the recommended technology center district.

780:15-3-6. Technology center students [AMENDED]

(a) **Student eligibility.**

(1) **High school students.** For students currently enrolled in high school, the technology center is an extension of the student's high school and shall be subject to the regulations thereof. The student's home high school shall transcript the units of instruction earned by high school students attending the technology center. High school students who successfully complete their career plans of study shall be awarded a competency/completion certificate by the technology center. The technology center is a separate entity in that it also serves adult students.
(2) **Enrollment procedures.** High school students shall meet the enrollment criteria established by the technology center for the specific program plan of study in which they wish to enroll, regardless of lawful immigration status. All high school students shall be enrolled through a cooperative effort of the sending comprehensive high school and the technology center, except in cases where the student's parent or guardian has

provided sufficient evidence that he/she is participating in a home-schooled education plan in accordance with 70 O.S. §10-105, as amended.

(3) **Approval to withdraw and withdrawal procedures.** Students from a sending comprehensive school who wish to withdraw from a technology center must have approval of both the technology center and the comprehensive school. Specific procedures for withdrawal are established cooperatively by the technology center and the sending comprehensive school.

(4) **Student discipline.** High school students' discipline and control shall be a cooperative effort between the comprehensive school and the technology center. Each institution shall enforce rules and regulations in accordance with their board-approved policies. Both institutions shall recognize the students' rights to "due process."

(A) **Qualified Students with Disabilities under IDEA.** Discipline for students with disabilities who have an IEP shall be in accordance with current federal and state legislation and rule of law.

(B) **Qualified Students with Disabilities under Section 504/ADA.** Qualified students with disabilities under Section 504 of the Rehabilitation Act of 1973 as amended or the Americans with Disabilities Act of 1990 as amended who are disabled by drug addiction or alcoholism may be disciplined to the same extent as other students. However, a student who is disabled by some other condition in addition to drug addiction or alcoholism must be evaluated and afforded due process prior to disciplinary action that would constitute a significant change in placement. Denial of access, and/or a significant change in placement, should not occur when there is a definable relationship between the misconduct and the disability. The student's 504/ADA team should meet and make this determination. There is no requirement in Section 504 or the ADA for the continuation of educational services following the expulsion of a student for behavior unrelated to the student's disability.

(5) **Certified coursework.** Units of coursework earned by a student in a technology center in Oklahoma shall be certified by the technology center to the sending school in which the student is regularly enrolled. These units of coursework shall be counted toward meeting local and state requirements for graduation. The technology center is ~~considered to be~~ an extension of the sending school curriculum and shall be subject to the regulations thereof. Program definitions are as follows:

(A) **Occupational programs**. Must lead to an occupational outcome meeting the criteria approved for accreditation through the US Department of Education and the ODCTE.

(i) **Full Time Enrollment.** Must be approved through the appropriate ODCTE occupational division to meet the state program standards.

(ii) **Secondary Course.** A course tied to an occupational outcome that meets a minimum of 120 hours. The course may be tied to Oklahoma's Promise and/or academic credits but are not a portion of the same full-time program. Scheduling and CESI reports are required to be submitted to ODCTE for each course.

(B) **Pre-Occupational**. Enrollments that provide engagement and exposure to careers but do not result in an industry credential or are under the minimum hour requirements of occupational programs.

(6) **Hours of attendance.** High school students may attend a technology center up to one-half day pursuing a high school diploma or high school equivalency and up to one-half day completing a CareerTech program in the technology center. The students are counted as attending a full day at the sending school.

(7) **Secondary Students.** Programs in the technology centers may be offered to secondary students. Students who are on an Individualized Education Program may attend a technology center up to four years.

(8) **Postsecondary/adult students.** The technology center functions as a separate postsecondary-level educational institution for adult students who are beyond the age of compulsory school attendance and/or are not enrolled in high school. Postsecondary/adult students may attend courses at the technology center which may be held any time during the day or night on or off campus. Postsecondary/adult students are subject to the policies and procedures established for adult students by the technology center and shall be afforded all benefits and services for which they qualify, regardless of lawful immigration status. Units of coursework completed at a technology center by a postsecondary/adult student are transcripted by the technology center as postsecondary level credit. Postsecondary/adult students who successfully complete their plan of study shall be awarded a competency/completion certification by the technology center. Units of instruction and/or credits earned by postsecondary/adult students may also be applied toward a college degree, in accordance with the cooperative agreements and cooperative alliance agreements developed by each technology center with a higher education institution.

(9) **Residency.** Students that meet the residency requirements of 70 O.S. Section 1-113, as amended, shall have the same opportunity to access technology center courses, regardless of lawful immigration status, as any other in-district student. These students may enroll in an appropriate program following the same admission and enrollment procedures as other students.

(10) **Cooperative Alliances Between Higher Education Institutions and Technology Centers.**

(A) **Purpose.** The purpose of Cooperative Alliances is to expand student access to Oklahoma's educational opportunities with resource-sharing partnerships between institutions of the State System and CareerTech technology centers for the benefit of Oklahoma citizens, business, industry, and students. Cooperative Alliances are student-centered partnerships organized to encourage and facilitate progress toward college graduation and designed to ensure that students obtain the technical and academic skills that will allow them to succeed in today's dynamic knowledge-based, technology-driven global economy.

(B) **Formation and Operation.** Cooperative Alliances may be formed and operated between Oklahoma technology center school district(s), and public colleges or universities that offer the Associate in Applied Science (AAS) degree.

(b) **Tuition.**

(1) **Resident high school students.** High school students who are residents of the technology center district attend on a tuition-free basis, regardless of lawful immigration status.

(2) **Tuition charge.** Technology centers are authorized to charge tuition to postsecondary students. Amounts charged by a technology center district for tuition are subject to the approval of the State Board.

(3) **Out of District Tuition.** Technology center districts shall charge a tuition to any secondary student who does not reside in the technology center district. The fee for tuition shall be not less than twice the amount of the local cost of providing instruction and services for the student. The State Board may waive this requirement in situations where the technology center district has shown evidence that such requirement will be detrimental to the mission of the local technology center district. Reciprocity agreements to benefit in-district students may be made between technology centers and approved by the Oklahoma Department of Career and Technology Education.

(c) **Transportation.**

(1) **Responsibility.** The technology center is responsible for providing transportation of daytime secondary students to and from in-district, sending schools for those students who are enrolled in a three-period block of instruction. Transportation for students requesting alternative schedules shall be determined by an agreement between the comprehensive school and the technology center.

(2) **Operation under Oklahoma school laws.** All technology centers owning or leasing and operating school buses that transport students to and from points being served by the technology center shall operate under the current school laws of Oklahoma.

(3) **Adult transportation.** Upon approval of the technology center board of education, postsecondary students enrolled in a technology center may be transported, as space is available, on established bus routes and related auxiliary activities.

(d) **Student accounting.** Student Accounting information shall be submitted to the Information Management Division as outlined in OAC 780:10-7-2.

[OAR Docket #24-643; filed 6-24-24]

TITLE 780. OKLAHOMA DEPARTMENT OF CAREER AND TECHNOLOGY EDUCATION
CHAPTER 20. PROGRAMS AND SERVICES

[OAR Docket #24-647]

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 3. Secondary, Full-Time and Short-Term Adult Careertech Programs [AMENDED]

780:20-3-2. Programs: admissions, operations, enrollment, and length [AMENDED]

780:20-3-4. Instructors [AMENDED]

AUTHORITY:

State Board of Career and Technology Education; 70 O.S. § 14-103.2
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The rule amendments to Subchapter 3 clarify the organization, structure, and program requirements of programs and services provided by CareerTech. The rule amendment clarifies approved Family and Consumer Sciences teacher contracts and approved classes. In addition, it would modify the requirements for Science Technology Engineering and Mathematics (STEM) programs to allow more students to participate in such programs. The rule amendments would clarify which student organization BMITE programs align with as well as the minimum requirements associated with the student organization. The rule amendments would clarify the organization and structure of health career education programs. Adjunct teacher requirements for K-12 programs are also defined in this rule amendment for Subchapter 4.
CONTACT PERSON:
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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(7) AND 308(E), WITH AN EFFECTIVE DATE OF JULY 25, 2024:

SUBCHAPTER 3. SECONDARY, FULL-TIME AND SHORT-TERM ADULT CAREERTECH PROGRAMS [AMENDED]

780:20-3-2. Programs: admissions, operations, enrollment, and length [AMENDED]

(a) **Nondiscrimination; admission guidelines.** Students shall be provided access to CareerTech programs and facilities without regard to race, color, national origin, sex, or disability.

(1) **Agricultural Education.** Agricultural Education programs are designed for junior high and high school grades eight through twelve and shall be provided by comprehensive school districts. Technology center school districts shall be prohibited from operating Agricultural Education programs or FFA chapters in any location. Each student enrolled in an agricultural education program shall participate in a supervised agricultural experience project. For each agricultural education program which is funded by the Oklahoma Department of Career and Technology Education, the local school district shall provide transportation services, for the agricultural education program and FFA program related duties and activities. (FFA is an integral part of the agricultural education program.)

(2) **Business, Marketing and Information Technology Education.** Business, Marketing and Information Technology Education programs are designed to prepare students in grades 6 through 12 and adults for pathways to careers in business, marketing and information technology.

(3) **Family and Consumer Sciences Education.**

(A) **Comprehensive Family and Consumer Sciences Education.** Family and Consumer Sciences programs are designed for students grades 6 through 12 to experience hands-on experiential and problem based learning to explore opportunities for careers, post-secondary transitions and pathways in family and consumer sciences related areas.

(B) **Occupational Family and Consumer Sciences Education.** Occupational Family and Consumer Sciences programs are designed to prepare students in grades 11 and 12 and/or adults for careers in specific family and consumer sciences occupations. Approved CTE program teacher contracts will align to school district contract dates.

(4) **Health Careers Education.**

(A) **CareerTech health careers.** Health Careers Education programs are designed to prepare ~~junior high~~ middle school students, high school students and adults for employment in a health career of their choice.

(B) **Requirements for applicants.** Applicants for admission to Health Careers Education programs must meet requirements as set by the individual program, state statutes, and any other requirements of the appropriate licensing or accrediting agency.

(5) **Science Technology Engineering and Mathematics (STEM).**

(A) Science Technology Engineering and Mathematics programs are designed to prepare students grades 5-12 for hands-on and problem-based curriculum that allows students to explore opportunities for careers, post-secondary transitions and pathways in Science, Technology, Engineering and Mathematics (STEM).

(B) Science Technology Engineering and Mathematics academy programs in technology centers are designed for grades ten through twelve. ~~A Focus Field of Study must be submitted, approved by the Oklahoma State Department of Education and kept on file with the occupational division for technology center programs that includes tenth grade.~~ If required by 70 O.S. 11-103.6, the program shall obtain approval from the State Department of Education.

(C) An Active Technology Student Association (TSA)/CTSO is an integral part of the STEM education program. An active TSA chapter includes but is not limited to the elections of an officer team, a program of work that is planned and executed yearly by the TSA chapter, chapter students attend TSA Fall Leadership Conference, and chapter students compete in TSA competitive events at the TSA State Leadership Conference. Full-time STEM instructors shall have no other extracurricular duties or responsibilities other than those required through the TSA student organization and normal school supervisory duties.

(6) **Trade and Industrial Education/TechConnect.** Trade and Industrial Education/TechConnect programs in comprehensive schools are designed for students in grades 6 through 10 for hands-on experience and problem-based learning that allows students to explore opportunities for careers, post-secondary transitions and pathways in Trade and Industrial Education. The state program administrator must approve exceptions. Trade and Industrial Education programs in technology centers are designed for students in grades 11 and 12 and/or adults. In technology center programs, tenth-grade students, or over-age students in a grade lower than the eleventh, may be enrolled upon approval of the sending school.

(b) **Program operations.**

(1) **Recommendation for program approval.** The appropriate CareerTech program manager shall recommend approval of a program when criteria for the approval of new programs are met, and funds are available.
(2) **Program composition.** Programs shall offer hands-on experience or supervised occupational experiences in the laboratory or clinical setting as well as classroom instruction to provide opportunities for students to achieve career objectives.
(3) **Course titles.** CareerTech course offerings must be in agreement with the course titles listed in the current ***Standards for Accreditation of Oklahoma Schools***, published by the State Department of Education. These same course titles (or abbreviated titles) should be the class titles entered on the student's transcript.
(4) **Units of credit.** The units of credit shall be determined by the number of periods the student is in class plus on-the-job training, clinical training, or internship served. (Refer to the ***Standards for Accreditation of Oklahoma Schools***.)
(5) **Full-time programs.** A full-time program in a comprehensive school shall consist of five CareerTech instruction class periods and one planning period for a six-period day, and six CareerTech instruction class periods and one planning period for a seven-period day. Exceptions to this rule shall include the following:

(A) **Two planning periods.** Teachers who supervise students' agricultural experience programs shall have a minimum of two periods to plan, supervise, and coordinate the activities of student learners (see 780:20-3-1(e) and 780:20-3-2(b)(7)(A)). For schools on non-traditional schedules, teachers shall have the equivalent of a minimum of 90 minutes per day for planning and supervision of students. It is recommended that the last hour of the school day be utilized as one of the planning periods. Schools offering Agricultural Education courses the final period of the day must provide a written explanation to the program administrator.
(B) **Teaching of related courses.** Full-time program teachers of Marketing Education, Career Transitions Education, Science Technology Engineering and Mathematics, and TechConnect may be allowed to teach one related course, subject to the approval of the appropriate ODCTE state program manager.
(C) **Trade and Industrial Education/TechConnect.** Two three-hour block courses shall constitute a full-time program in Trade and Industrial Education in a Technology Center.
(D) **Health Careers Education.** Teachers of Health Careers may be allowed to teach one or two related courses with at least one conference period (if the school is on a standard six or seven-period teaching day), subject to the approval of the Health Careers Education program administrator.
(E) **Science Technology Engineering and Mathematics.** Teachers of Science Technology Engineering and Mathematics may be allowed to teach one related course, subject to approval of the STEM division program manager.

(6) **Adult Training and Development.** Adult Training and Development (short-term adult) programs in comprehensive schools may be organized under the supervision of the CareerTech teacher and must be occupationally specific. These programs are organized on request or as the need indicates. They may vary in length.
(7) **Program operations by occupational division.**

(A) **Agricultural Education.**

(i) **Secondary programs.** The agricultural education instructor is a full-time, 12-month employee and shall teach only approved agricultural education courses. Agricultural education instructor shall have no other extra curricular duties or responsibilities other than those required through the FFA student organization and normal school supervisory duties. Coaching, administration, or other similar full-time duties will not be approved. In the case of a non-funded agriculture education program, the program must follow state policy and guidelines to remain in good standing and be able to utilize the CareerTech student organization, FFA.
(ii) **Summer program.** The agricultural education instructor shall formulate a summer program of work and a calendar of activities, which are to be submitted to the local education agency at the completion of the school year.
(iii) **Activities.** Summer activities shall include supervision of students' activities; educational field days and tours; in-service and professional development activities; and, working with adults, agricultural organizations, and industries.

(iv) **Summer leave.** Agricultural Education teachers are entitled to two weeks of summer leave. In lieu of these two weeks of vacation, three weeks each year may be allowed for professional improvement. Summer leave should be coordinated with the local administration. If there is a question in regard to summer leave, the program administrator should be contacted for approval.

(v) **Full-time adult programs.** Full-time adult Agricultural Business Management programs vary in length and are designated for and intended to meet the needs of adults engaged in agriculture and agricultural business operations.

(B) **Business, Marketing and Information Technology Education.**

(i) **Full-time programs in comprehensive schools.** A full-time program in comprehensive school shall consist of five instructional class periods (five credits) and one planning period for a six-period day or six instructional class periods (six credits) and one planning period for a seven-period day that is offered to students in grades 6 through 12. Block schedules, including trimesters, will be approved if they provide one full unit/credit per course and offer a full schedule of approved courses with one planning period. Instructors shall teach only approved business, marketing and information technology education courses that are aligned with an approved occupational outcome. State-approved syllabi identify the required length of courses - one-half or full unit of credit. All comprehensive programs are required to participate in the student organization that aligns with their approved program area (BPA – Business and IT programs; DECA – Marketing) and meet the minimum requirements associated with these student organizations as determined by the state program administrator. Business, Marketing and Information Technology Education instructors shall have no other extracurricular duties or responsibilities other than those required through the BPA or DECA student organizations and normal school supervisory duties.

(ii) **Full-time programs in technology centers.** A full-time program in a technology center shall consist of instruction for students in grades 10-12 and adults, have an occupational outcome, and include a work-based learning component.

(iii) **Technology/equipment.** Business, Marketing and Information Technology Education programs shall provide technology that is appropriate for the defined occupational objectives and is reflective of a modern business environment. A written program plan integrating curriculum, training materials, and technology shall be maintained to guide program development and maintain relevance to the marketplace.

(iv) **Part-time comprehensive school programs.** Comprehensive school Business, Marketing and Information Technology Education programs that are less than full-time will be funded as a half-time program and will be approved by permission of the state program administrator. A part-time program shall include a minimum of three approved business, marketing or information technology education courses with one planning period.

(v) **Unfunded programs.** Non-funded Business, Marketing and Information Technology Education programs must follow state policies and guidelines and maintain an active BPA or DECA student organization chapter in order to remain in good standing.

(C) **Comprehensive Family and Consumer Sciences Education.**

(i) **Full-time programs.** A full-time program shall consist of only approved family and consumer sciences classes with one planning period in the daily schedule. Family and consumer sciences instructors shall have no other extra curricular duties or responsibilities other than those required through the FCCLA student organization and normal school supervisory duties. Each single teacher program shall offer at least two complete programs of study in a three-year period. A multi-teacher district shall offer one more program of study than the number of teachers per building. Coaching, administration, or other similar full-time duties must be approved by the state program manager in writing prior to implementation.

(ii) **Part-time programs.** Programs that are less than full-time will be funded as a half-time program and will be approved only through permission of the program administrator. A part-time program shall include a minimum of two approved family and consumer sciences classes and a conference period for a six period day and three approved family and consumer sciences classes and a conference period for a seven or eight period day.

(iii) **Unfunded programs.** In the case of an approved unfunded family and consumer sciences program, the program must follow state policy and guidelines to remain in good standing. Only approved programs shall have a Family, Career and Community Leaders of America chapter.

(D) **Occupational Family and Consumer Sciences Education.**

(i) **Full-time occupational programs in comprehensive schools.** A full-time occupational family and consumer sciences education program in the comprehensive school will include two or more classes, two to three periods in length for 11th- and 12th-grade students.

(ii) **Full-time occupational programs in technology centers.** A full-time occupational family and consumer sciences education program in a technology center will include two classes, three periods in length for 11th- and 12th-grade students and adults.

(iii) **Length; order.** Two years of occupational training may be offered.

(E) **Health Careers Education.**

(i) **Comprehensive Schools.** ~~Programs in 7th, 8th, and 9th grade or high~~ High schools vary in length and may be offered in one, two or three blocks of time. ~~Secondary programs in technology centers may be one or two academic years in length and vary in hours per day.~~

(ii) **Technology Centers.** Programs vary in length and in hours per day according to accrediting bodies and program requirements. Secondary programs in technology centers may be one or two academic years in length and vary in hours per day.

(F) **Science, Technology, Engineering and Mathematics (STEM).**

(i) **Full-time program.** In a six-period day, instructor shall teach five approved CareerTech STEM courses and/or one approved related course. In a seven-period day, instructor shall teach six approved CareerTech STEM courses and/or one approved related course. In an eight-period day, instructor shall teach seven approved CareerTech STEM courses and/or one approved related course. Block schedules, including trimesters, will be approved if they provide one full unit/credit per course and offer a full schedule of approved courses with one planning period.

(ii) **Part-time comprehensive school programs.** Comprehensive school CareerTech STEM education programs that are less than full-time will be funded as a half-time program and will be approved only through the permission of the state program manager. A part-time program shall include a minimum of three approved CareerTech STEM education 8000 level courses.

(iii) **Unfunded programs.** Non-funded Science, Technology, Engineering and Math Education programs must follow state policies and guidelines and maintain an active CareerTech student organization chapter in order to remain in good standing.

(iv) **Technology Center.** A full-time program shall consist of two three/four-hour block courses in STEM Education.

(G) **Trade and Industrial Education.** TechConnect (grades 6-10): The appropriate approved courses need to be taught from one of the following career pathways: Tech Connect Agriculture, Food and Natural Resources; Tech Connect Architecture & Construction; Tech Connect Arts; A/V Technology and Communications; Tech Connect Information Technology; Tech Connect Law, Public Safety and Security; Tech Connect Manufacturing; Tech Connect Transportation, Distribution and Logistics; Tech Connect Diversified Programs.

(H) **Integrated Academics.** Academics taught in the technology center shall be delivered in the context of the program in which each student is enrolled. If academic instruction is offered for credit through the sending school, it shall be structured so as to meet current legislation and State Department of Education guidelines. Students must meet, within the structure of the academic class, the attendance requirements of their comprehensive schools in order to receive academic credit. Further, the legislated limit of 10 days of absence from the academic class for school-related activities applies.

(c) **Enrollment for full-time programs.**

(1) **Guidelines compliance.** Program enrollments shall comply with the established guidelines of the appropriate occupational division. Exceptions must have written approval by the appropriate program manager prior to the second week of class. Consideration shall be given to the availability of work stations, clinical experiences and individual student needs.

(2) **Enrollments specific to occupational divisions and programs.**

(A) **Agricultural Education.**

(i) **Student enrollment limits.** If a department has adequate space, equipment, and laboratory sites, a maximum of 25 students may be enrolled in each agricultural education class with the exception of lab classes, such as Horticulture and Ag Mechanics, and they shall be limited to 15 per class. Exceptions to these numbers must have written approval by the appropriate program administrator.

(ii) **Maximum class enrollment.** The maximum enrollment in each agricultural mechanics and horticulture class shall be 15 students per class period.

(iii) **Course prerequisite.** Introduction to Agricultural Science is the prerequisite for all other agricultural education courses with the exception of eighth-grade Agricultural Orientation.

(iv) **Employment in Agribusiness.** The Agricultural Education course, Employment in Agribusiness, is considered a Cooperative Program in which students can earn scholastic credit if the course meets all requirements listed under section (780:20-3-1 section e). It must be taught and supervised by the agricultural education instructor. Note: The work-site experience must be directly related to the curriculum offered in the program.

(B) **Business, Marketing and Information Technology Education.**

(i) **Programs in comprehensive schools.** Business, Marketing and Information Technology Education courses may enroll a maximum of 25 students at a ratio of one work station per student. A maximum of 25 students per teacher-coordinator shall be enrolled in a capstone course or internship course. Only two sections of internship will be allowed per program. Students enrolling in an internship program must have completed a minimum of 120 hours or be concurrently in an approved business, marketing, and information technology education program.

(ii) **Programs in technology centers.** Business, Marketing and Information Technology Education courses may enroll a maximum of 25 students at a ratio of one work station per student. Consideration should be given to the size of the facility and access to appropriate training stations.

(C) **Family and Consumer Sciences Education.**

(i) **Comprehensive Family and Consumer Sciences programs.** If a department has adequate space, equipment and laboratory sites, maximum enrollment for the following courses shall be:

(I) Non-laboratory courses-30 students

(II) Laboratory courses-24 students

(III) Work-based learning - The School and Community Partnership course is a work-based course in which students gain work-site experience and elective credit. The work-site experience must relate directly to an Oklahoma family and consumer sciences career cluster. Enrollment in this course is limited to 24 students. Additional rules in 780:20-3-1(e) and (h) may apply.

(ii) **Occupational Family and Consumer Sciences Education.** A minimum of 10 and a maximum of 20 students shall be enrolled in each section of occupational family and consumer sciences education.

(D) **Health Careers Education.**

(i) **Comprehensive Schools.** A minimum of ten and a maximum of eighteen students, per instructor, shall be enrolled in each course/section of a comprehensive school health careers education program.

(ii) **Technology Centers.**

(I) **Full time high school health careers programs.** A minimum of ten and a maximum of eighteen students per instructor shall be enrolled in a Health Careers Education program. Those programs utilizing student-centered learning as the primary method of instruction shall have a maximum of fifteen students per instructor. Technology center ~~Program~~program enrollment may also be limited by ~~national~~state and/or national ~~state~~ accrediting bodies, by equipment, classroom and/or laboratory facilities and by clinical site availability. If the program is typically an adult program (such as LPN) then the enrollment shall be the same as the adult program.

(II) **Full-time adult-only health careers programs.** A minimum of eight and a maximum of twelve students per instructor shall be enrolled in a full-time adult-only Health Careers Education program. Technology center ~~Program~~ program enrollment may also be limited by ~~national~~state and/or national ~~state~~ accrediting bodies, by equipment, classroom and/or laboratory facilities and by clinical site availability.
(III) **Blended adult and high school health careers programs.** A minimum of ten and a maximum of fifteen students per instructor shall be enrolled in a Health Careers Education Program.

(E) **Science, Technology, Engineering and Mathematics. Student Enrollment Limits.** The maximum enrollment for each period of a STEM program shall be 24 students. Consideration should be given to the size of the facility.

(F) **Trade and Industrial Education and TechConnect.**

(i) **Maximum enrollment.** The maximum enrollment for each Trade and Industrial Education, TechConnect program section shall be 20 students, with the exceptions of cosmetology, which may have a maximum of 22 students, and Industrial Cooperative Education (ICE) programs, which may have 50 students per career transitions teacher. Consideration should be given to the size of the facility.

(ii) **Alternate program enrollment.** The Trade and Industrial Education Division shall establish a reduced maximum enrollment for any program not meeting adequate size or layout of teaching facilities, number of training stations, appropriate quality and quantity of tools, and equipment and supplies. Individual student needs, student safety and supervision shall also be considered when determining maximum student enrollment.

(iii) **Inclusion of on-the-job students.** Students involved in on-the-job training shall be included in the maximum enrollment for the program unless each school has an on-the-job training coordinator.

(d) **Length of programs.** CareerTech programs shall be 10 or 12 calendar months as approved by the appropriate program manager. Exceptions must be approved by the Department.

780:20-3-4. Instructors [AMENDED]

(a) **Certification on file.**

(1) All CareerTech secondary teachers shall have (on file in the local education agency) an appropriate teaching certificate issued by the Certification Section of the State Department of Education.

(2) Technology Center Standard Certification for Teachers and Instructors in Technology Centers School Districts, not otherwise certified under paragraphs 210 O.A.C. 20-9-91 (1-4). Consistent with the provisions of 70 O.S. 2011, § 6-189, as amended, to be eligible for consideration for a technology center standard teaching certificate under this provision, an applicant must submit documentation to the Oklahoma Department of Career and Technology Education verifying that the individual has received an associate's college degree (2-year degree) or above, an industry recognized credential for an occupation that includes the subject matter to be taught at the technology center, and appropriate professional development. The State Board of Education, upon recommendation of the Oklahoma Department of Career and Technology Education, may issue a technology center standard teaching certificate to an applicant who submits a completed application for certification containing the requirements listed herein along with the applicable certification fee, and has on file with the State Department of Education a current criminal history record check. The applicant shall be responsible for the costs of the criminal history record checks. The technology center standard teaching certificate shall be valid only for the subject area(s) aligned to the applicant's degree, credential and/or work experience. For purposes of this provision, the term "industry recognized credential" shall have its ordinary and usual meaning and shall reflect industry-based skills, standards and certifications.

(b) **Administrative responsibility.** It shall be the responsibility of school administration to assure that a CareerTech teacher applicant meets CareerTech certification requirements before placing the applicant under contract. Certification requirements are found in the ***Teacher Certification Guide for School Staff Assignments*** on the Oklahoma State Department of Education website.

(1) **Occupational division approval.** All CareerTech teachers must have the CareerTech certification application approved by the ODCTE certification specialist.

(2) **Occupational division renewal of certification.** All CareerTech teachers must complete the specific occupational division's requirements for CareerTech certification renewal and be approved by Oklahoma Department of CareerTech certifications specialist.

(c) **Health Careers Education.**

(1) **Faculty requirements.** Faculty shall hold current credentials as a licensed, certified and/or registered health care professional and must meet the requirements of the local education agency, Health Careers Education Division, and the respective accrediting agency.

(A) **Technology Centers: High School Health Careers Programs.** Faculty holding a baccalaureate degree will be required to have additional coursework specific to Career and Technology teacher education. These requirements will be posted on the Health Careers Education website. Faculty shall have a degree plan on file with the Health Careers Education division and provide documentation in the form of transcripts demonstrating yearly progress toward obtaining required coursework.

(B) **Technology Centers: Adult Only Health Careers Programs.** Faculty shall hold a minimum of an Associates' degree or be on a degree plan making yearly progress toward completion. State and national accreditation standards may indicate additional faculty requirements towards advanced degrees. Faculty hired before 2010 will be exempt from this rule.

(2) **On-file applications.** Faculty shall have an application on file in the Health Careers Education office, including a Statement of Qualifications form, all current transcripts and, a copy of professional credential or credential verification, and, if appropriate, current teaching certificate or application for teaching certificate.

(3) **Clinical experience.** Faculty must have a minimum of two years' work experience in a clinical setting within the last five years prior to their first teaching experience. The Health Careers Education Program Manager must approve any variations.

(d) **Science Technology Engineering and Mathematics (STEM). Faculty requirements for Teachers Teaching Math and/or Science Academic Courses.** Must meet the requirements of the Oklahoma State Department of Education for that specific academic course/area. All related courses must meet the Oklahoma State Department of Education and/or ODCTE requirements for the course/area.

(e) **Professional development.** New instructors shall participate in preservice professional development activities as required by the appropriate divisions. All secondary and full-time adult CareerTech instructors and staff shall participate in professional in-service as required by the appropriate divisions.

(f) **Adjunct Teachers for CareerTech K-12 Programs.**

(1) **Qualifications**. To be eligible to be an adjunct teacher for an approved CareerTech K-12 Program, a person must:

(A) be twenty-one (21) years old or older; and

(B) have at least two (2) years of industry or occupational experience in the subject area the adjunct teacher would be hired to teach; and

(C) successfully pass a background check.

(2) **Hiring Adjunct Teachers.**

(A) To be eligible to hire an adjunct teacher for an approved CareerTech K-12 Program, the school district superintendent must attest to the Department it could not locate a viable candidate to hire as a fulltime teacher for that academic year and that it will continue to search for a fulltime teacher for the following academic year.

(B) After the attestation is submitted to the Department, the school district may start the process to hire an adjunct teacher. The employment of persons to serve as adjunct teachers shall be approved by the local school board. Once a person is approved by the local school board to be hired as an adjunct teacher, the person's name and qualifications shall be submitted to the Department for final approval. Final approval by the Department shall permit the person to be an adjunct teacher for one academic year.

(C) The employment of persons to serve as adjunct teachers shall be approved annually by the local school board and the Department.

(3) **Salaries Paid byThird Parties**. If the adjunct teacher's salary is being paid by a third-party, a Memorandum of Understanding (MOU) must be completed between the third-party and the school board. Notice of the Memorandum of Understanding (MOU) shall be provided to the adjunct teacher.

(4) **Professional Development**. To remain eligible to be an adjunct teacher, the person must complete:

(A) the CareerTech New Teacher Academy within two (2) years of being hired; and

(B) any annual professional development required by CareerTech.

[OAR Docket #24-647; filed 6-24-24]

TITLE 780. OKLAHOMA DEPARTMENT OF CAREER AND TECHNOLOGY EDUCATION
CHAPTER 35. ADULT EDUCATION AND FAMILY LITERACY [AMENDED]

[OAR Docket #24-648]

RULEMAKING ACTION:
PERMANENT final adoption
RULES:
780:35-1-2. Adult Education and Family Literacy [AMENDED]
AUTHORITY:
State Board of Career and Technology Education; 70 O.S. § 14-131
SUBMISSION OF PROPOSED RULES TO GOVERNOR AND CABINET SECRETARY:
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The amendment to Subchapter 2 revises language to reflect the current practice of monitoring grant recipients based on federal and state requirements and the AEFL handbook.
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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(7) AND 308(E), WITH AN EFFECTIVE DATE OF JULY 25, 2024:

780:35-1-2. Adult Education and Family Literacy [AMENDED]

(a) Programs, services and activities funded in accordance with uses specified in this Act are designed to expand or improve the quality of adult education programs, including priority programs for eligible individuals.

(b) Adult education programs governed by the Act shall make every effort to provide free classes to students. Adult education programs may charge necessary and reasonable fees for consumable materials and work-based classes. Adult education programs that wish to implement fees must develop a fee policy that has been approved by the adult education program's local governing board. The fee policy must be reasonable and may not restrict access to services.

(c) The Act permits local adult education programs to generate income. The purpose of income is not to make a profit, but rather to expand services. Income and donations received must be reinvested in the adult education program. Any income must be accounted for in records and reported to the state Adult Education and Family Literacy office for National Reporting System Financial Reports.

(d) Adult education programs governed by the Act must follow the state adult education Assessment Policy per federal guidelines.

(e) For each year covered by the plan, the fiscal effort per student from nonfederal sources available for expenditure by the state for adult education, during the second preceding fiscal year must not be less than the fiscal effort per student from nonfederal sources during the third preceding fiscal year to meet the maintenance of effort requirement.

(f) Teachers of adult education and family literacy activities located in the adult education programs funded by the state under the Act, shall have a valid Oklahoma Teacher's Certificate or a minimum of a Master's degree. Directors of adult education located in the adult learning centers shall have a valid Oklahoma Teacher's Certificate or a minimum of a Master's degree. Prior to employing a Teacher or Director who does not meet the above criteria, the Adult Education Program must seek written approval from the ODCTE.

(g) For fiscal control, the obligation basis of accounting is used.Expenditures will be supported by copies of paid claims and invoices and will be audited following accepted auditing procedures.

(h) Federal funds for adult education programs operating under a grant extension will be allocated according to, the funding formula described in Oklahoma's AEFLA State Plan.

(i) State funds for adult education programs operating under a grant extension will be allocated according to the funding formula described in Oklahoma's AEFLA State Plan.

(j) The ODCTE and the adult education programs participating in the plan shall enter into cooperative arrangements, when feasible and appropriate, with such entities as other state agencies, community-based organizations, community action agencies, career technology schools, churches, businesses, etc. in order to carry out the general purpose of the Act.

(k) The adult education programs will expend 95% of the funding for adult education activities and 5% can be used for administrative costs.However, if the administrative cost limits would be insufficient for adequate planning and administration of the program, the ODCTE may negotiate with the local grant recipient in order to determine an adequate level of funds to be used for noninstructional purposes. Negotiated administrative cost limits are indicated in the Adult Education and Family Literacy State Plan/State Plan Amendments.

(l) The ODCTE will provide direct and equitable access to and will review grant proposal applications during open grant competition. The adult education program will demonstrate that the thirteen considerations outlined in Section 231 of the Act are being met in order to be considered for a grant award. The adult education program must assure that the services are coordinated with and are not duplicated services under other Federal, State and local programs. The comments of the adult education program and responses thereto shall be attached to the application when it is forwarded to the state.

(m) Federal funds for new grantees shall be allocated on the basis of an application, budget, and census data. State funds will be matched on the ratio specified by the Act's regulations in existence for the current fiscal program year.

(n) The ODCTE will ~~evaluate~~ monitor grant recipients based on ~~the and~~ federal and state requirements ~~for program evaluation~~.

(o) Adult education programs will follow all requirements set forth in the ODCTE Adult Education State Plan, State Plan Amendments, and ~~ODCTE~~ AEFL handbook.

(p) Adult education programs will meet the state performance measures of pre-and post-assessing 60% of their students and increasing the average number of student contact hours each fiscal year.

(q) Adult education programs will use theODCTE-approved management system to document student enrollment, attendance, measurable skill gains, and other information as required by the National Reporting System (NRS). At a minimum, programswill update data monthly.

[OAR Docket #24-648; filed 6-24-24]

Permanent Final Adoptions

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

1:2024-11.

EXECUTIVE ORDER 2024-11

WHEREAS, U.S. Department of Homeland Security's Cybersecurity and Infrastructure Security Agency Executive Director Brandon Wales stated "Chinese attempts to compromise U.S. critical infrastructure are in part to pre-position themselves to be able to disrupt or destroy that critical infrastructure in the event of a conflict" on December 11, 2023; and

WHEREAS, the Office of the Director of National Intelligence stated, in 2022, that "China presents the broadest, most active, and persistent cyber espionage threat to U.S. Government and private sector networks"; and

WHEREAS, the U.S. Department of Commerce promulgated an interim final rule in January 2021 that contained a list of "foreign adversaries," including China, Iran, North Korea, Russia, Cuba and Venezuelan dictator Nicolas Maduro because "they have engaged in a long-term pattern or serious instances of conduct significantly adverse to the national security of the United States or the security and safety of United States persons." Securing the Information and Communications Technology and Services Supply Chain, 86 Fed. Reg. 4914 (Mar. 22, 2021); and

WHEREAS, the technology products and services most vulnerable to malicious foreign exploitation are sold by companies that the Chinese government influences through whole or partial ownership, direct funding, or members planted in high-ranking company positions; and

WHEREAS, U.S. officials have confirmed that at least some of these technology products and services contain serious vulnerabilities, including malicious codes, capability to store critical network credentials and other sensitive information, and preinstalled hidden hardware and software that are used by the Chinese government for espionage activities; and

WHEREAS, the Chinese government already uses backdoor access to technology products including communications devices, DNA sequencing devices, drones, internet connectivity devices, laser detection and ranging devices, software applications to surveil, track, harass, and victimize their own citizens; and

WHEREAS, the Chinese people are the first and greatest victims of the Communist Party of China, which actively harasses and represses Asians, Chinese dissidents within America, and American citizens and residents, and that these Asians, Chinese dissidents within America, and American citizens and residents deserve the utmost respect, security and protection that can be
afforded to them within the United States and by the State of Oklahoma; and

WHEREAS, procurement for critical technologies and supplies, from transformers to key source materials (KSMs) for antibiotic medication, is single sourced from China and will become unavailable in the event of a Indo-Pacific conflict; and

WHEREAS, the Select Committee on the CCP noted that "never before has the United States faced a geopolitical adversary with which it is so economically interconnected."; and

WHEREAS, there is a high likelihood that foreign adversaries would use any benefits derived from the State's retirement system funds to further nefarious purposes, posing a danger to all Oklahomans.

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, and to the fullest extent permitted by law, hereby order as follows:

Section 1. It is the policy of my administration that the State under my direction:

Supports the civilian and military command of the United States of America and its efforts to promote and maintain prosperity, peace and security for America and her allies; and

Enhances the defensive posture of the State so as to protect State citizens and assets and to contribute to the broader defensive posture of the United States of America by reducing security vulnerabilities within the State; and

Exercises foresight and makes reasonable preparations for a potential regional or global conflict centered on the Indo-Pacific which could involve attacks upon the United States and her allies, asymmetrical attacks on the American homeland, and the disruption or complete severing of supply chains between the State and its vendors and the People's Republic of China, the Republic of China, or other countries in the Indo-Pacific; and

Protects Asians, Chinese dissidents within Oklahoma, and other Oklahomans, particularly those who are targeted by China's communist regime; and

Proactively protects against all forms of Chinese Communist Party malign influences.

Section 2. I direct the Executive Director of the Office of Management and Enterprise Services ("OMES") to administer an annual state risk assessment so long as I am Governor of this State. This assessment shall include all substantial risks to state or national security, including but not limited to vulnerability to cybersecurity attacks; state or national economic security; and state or national public health, including but not limited to grid and water infrastructure security, or any combination thereof, occurring within and threatening the State.

Section 3. I direct the Executive Director of OMES to conduct an audit of all critical procurements purchased or supplied to the State through a state supply chain or state vendor supply chain.

Section 4. I direct all employees and officers managing funds in my administration, including the state's retirement systems, to notify the Treasurer no later than ninety (90) days from the date of this Executive Order of all state assets at risk of substantially losing value or being frozen, seized, or appropriated by foreign adversaries in the event of an Indo-Pacific conflict. I further direct the state's retirement systems to review their portfolios to determine any exposure to, or investment in, countries considered foreign adversaries. For any assets so identified, the retirement systems shall, in coordination with
the Treasurer, develop divestment plans and electronically submit them to the Governor, the Speaker of the Oklahoma House of Representatives, and the President Pro Tempore of the Oklahoma Senate within ninety (90) days of the notification regarding state assets at risk of substantially losing value or being frozen, seized, or appropriated by foreign adversaries in the event of an Indo-Pacific conflict.

Section 5. I direct the Executive Director of OMES to administer a study identifying and assessing areas of state vulnerability related to the security, economic stability, and public health and safety of this State which would come under threat in the event of a potential Indo-Pacific conflict. This shall include an assessment of vulnerabilities in state critical
infrastructure, telecommunications infrastructure, military installations, supply chains, cybersecurity, public safety and security, and public health, and any other areas of concern identified by the Executive Director of OMES.

Section 6. On or before February 1, 2025, and on or before each February 1 annually thereafter, three reports—(1) the state risk assessment administered by the Executive Director of OMES, (2) the audit of funds conducted by the State Treasurer, and (3) the vulnerability and security assessment conducted by the Executive Director of OMES shall be electronically submitted to the Governor, the Speaker of the Oklahoma House of Representatives, and the President Pro Tempore of the Oklahoma Senate.

Section 7. All Executive departments, officers, agencies, and employees of the State shall cooperate with OMES, the State Treasurer's Office, and/or the state's retirement systems, including providing any information, data, records, and reports as may be requested.

Section 8. If any provision of this Executive Order, or the application of any provision to any person or circumstance, is held to be invalid, the remainder of the Order and the applicability of its other provisions to any other persons or circumstances shall not be affected thereby.

Section 9. This Executive Order shall be distributed to the Director of OMES, the State Treasurer, the chairs of the boards of the state's retirement systems, and all cabinet secretaries.

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 13th day of June, 2024.

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

ATTEST:
Josh Cockroft
SECRETARY OF STATE

[OAR Docket #24-602; filed 6-14-24]

TITLE 1. EXECUTIVE ORDERS

1:2024-12.

EXECUTIVE ORDER 2024-12

WHEREAS, it is a practice of good governance to steward taxpayer dollars well; and

WHEREAS, the taxpayers should never foot the bill for the political ambition of an individual, regardless of his or her position in state government; and

WHEREAS, the use of taxpayer funds for campaign purposes is already a violation of state law; and

WHEREAS, any communications distributed by state agencies, state agency directors, and/or state employees should be in service to the people of Oklahoma and the State's interest; and

WHEREAS, any contract with a public relations firm should keep the Oklahoma taxpayer as the top priority; and

WHEREAS, public relations contracts should not be used as fronts for lobbying or advocacy campaigns against state efforts.

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, and to the fullest extent permitted by law, hereby order as follows:

1. "State agencies"[1] are hereby prohibited from entering into sole source contracts with PR/marketing/communications Vendors (hereinafter "PR Vendor" or "PR Vendors"). Instead, notwithstanding any statutory exemption or directive to the contrary, all contracts with PR Vendors shall be procured only through a minimum 30-day request for proposal ("RFP") process.

a. Any PR Vendor agreement currently in place that was secured via sole source shall not be renewed and shall terminate at the end of the current contractual term. If the service of the PR Vendor is necessary to continue, then such service must be procured via the process outlined in Section 1 above.

Further, if the sole source contract provides for early termination, notice of termination should be given by the state agency no later than ninety (90) days from the date of this Executive Order.

2. No PR vendor shall have an active contract related to any campaign-related matter (i.e., candidates or issues/questions that will appear on a ballot), state question initiative, or policy-based 501(c)(4) at the time of their bid submission to an RFP for PR/marketing/communications nor during the term of any resulting contract.

3. Any evidence of unregistered lobbying shall be reported to the Ethics Commission for review and resolution.

a. If a PR Vendor is caught participating in unregistered lobbying, as defined by the Ethics Commission, the contract shall be immediately terminated by the government agency.

b. OMES must immediately include language in all new PR Vendor contracts to allow agencies to immediately vacate contracts, with no more than ten (10) days' notice if the reason is for a PR Vendor or a PR Vendor employee, in an unofficial capacity, being caught violating the lobbying clause.

4. No state agency shall contract with PR Vendors that also employ registered lobbyists.

5. PR Vendors shall be contracted to execute clearly defined objectives only, as outlined in the RFP. All such objectives shall advance the mission and service delivery of the state agency for the State of Oklahoma.

6. No state agency, director of a state agency, or any state employee shall use any tax dollars, spent in- or outside the state, for the purpose of self-promotion or for the promotion of any matter outside the scope of the state agency.

7. If any provision of this Executive Order, or the application of any provision to any person or circumstance, is held to be invalid, the remainder of the Executive Order and the applicability of its other provisions to any other persons or circumstances shall not be affected thereby.

8. This Executive Order shall be distributed to the Director of OMES, the directors of all state agencies, and Cabinet Secretaries.

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 14th day of June, 2024.

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

ATTEST:
Josh Cockroft
SECRETARY OF STATE

[1] In this Executive Order, "state agency" means, as it does in 61 O.S. § 327(A), "any department, board, commission, institution, or agency or entity of state government."

[OAR Docket #24-603; filed 6-14-24]

TITLE 1. EXECUTIVE ORDERS

1:2024-13.

EXECUTIVE ORDER 2024-13

WHEREAS, eliminating barriers to economic development, breaking the red tape that hinders job creation, and expanding professional opportunities remain priorities for my administration; and

WHEREAS, increasing the efficiency in the processing and approval of state-issued permits will remove unnecessary barriers for those seeking to do business in Oklahoma.

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, and to the fullest extent permitted by law, hereby order as follows:

1. Each "state agency"[1] (hereinafter "Agency") that issues permits shall compile an electronic catalog[2] of the types of permits it issues and electronically submit that catalog to the Executive Director of the Office of Management and Enterprise Services ("OMES") within ninety (90) days of the effective date of this Executive Order. At minimum, the catalog shall include:

a. A description of each type of permit issued by the Agency, the term thereof, and the statutory, regulatory, or other basis therefor;

b. The method by which the Agency receives applications for each type of permit (e.g., paper, electronic, etc.) and when that method was last significantly updated;

c. The statutory, regulatory, or other basis governing the length of time within which the Agency must process applications for each type of permit;

d. Any fee charged by the Agency for each type of permit and the statutory, regulatory, or other basis therefor;

e. For Calendar Year 2023, (1) the average number of days to process each type of permit application and (2) the total number of each type of permit submitted to the Agency; and, for Calendar Year 2024 YTD, the same; and

f. The Agency's recommendation of the appropriate length of time to promptly process "completed" applications for each type of permit issued by the Agency. Except as explicitly provided by law otherwise, an application shall be deemed completed for purposes of calculating appropriate processing times at the time the applicant submits all information required by the Agency to act upon the application.

2. Following receipt and review of an Agency's catalogs, historical analyses, and recommendations, the Director of OMES, in conjunction with the Office of the Governor, the State Chief Transformation and Information Officers, and all cabinet
secretaries and chief advisors[3] shall:

a. Establish recommended, efficient application processing times for each Agency's various types of permits;

b. Review existing methods used to apply for permits and offer recommendations on specific digital services to expedite application processing times; and

c. Within one hundred twenty (120) days of the receipt of an Agency's catalogs, historical analyses, and recommendations, the Director of OMES shall transmit and publish for public viewing an electronic catalog of (1) recommended application processing times and (2) specific digital services that would better serve the Agency and all those seeking to do business in Oklahoma.

3. Beginning thirty (30) days after the Director of OMES transmits and publishes the electronic catalog described in Section 2(c) above, each Agency shall, to the fullest extent permitted by law, comply with the recommended application processing times for each type of permit issued by the Agency. If an Agency exceeds the recommended application processing time, the Agency shall, unless otherwise prohibited by law, refund the full

amount of the application fee to the applicant. The refund shall have no bearing on the disposition of the underlying application.

4. Nothing in this Executive Order shall be construed to impair or otherwise affect the authority granted to an Agency by the Oklahoma Constitution, the Oklahoma Statutes, or the Oklahoma Administrative Code. Further, this Executive Order does not create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the State, its Agencies or agents, or any other person.

5. If any provision of this Executive Order, or the application of any provision to any person or circumstance, is held to be invalid, the remainder of this Executive Order and the applicability of its other provisions to any other persons or circumstances shall not be affected thereby.

6. This Executive Order shall be distributed to the Director of OMES, the State Chief Transformation and Information Officers, and all cabinet secretaries.

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 17th day of June, 2024.

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

ATTEST:
Josh Cockroft
SECRETARY OF STATE

[1] In this Executive Order, "state agency" means, as it does in 61 O.S. § 327(A), "any department, board, commission, institution, or agency or entity of state government."
[2] An electronic catalog template will be distributed to Agency heads along with a copy of this Order.
[3] Cabinet secretaries and chief advisors to the Governor shall serve in an advisory capacity.

[OAR Docket #24-611; filed 6-18-24]

TITLE 1. EXECUTIVE ORDERS

1:2024-14.

EXECUTIVE ORDER 2024-14

WHEREAS, breaking the red tape that hinders job creation and eliminating barriers to professional opportunities remain priorities for my administration; and

WHEREAS, simplifying state-issued licenses processes and lowering costs will remove unnecessary barriers for those seeking to enter the workforce in Oklahoma.

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, and to the fullest extent permitted by law, hereby order as follows:

1. Each "state agency"[1] (hereinafter "Agency") that issues licenses shall compile an electronic catalog[2] of the types of licenses it issues and electronically submit that catalog to the Executive Director of the Office of Management and Enterprise Services ("OMES") within sixty (60) days of the effective date of this Executive Order. At minimum, the catalog shall include:

a. A description of each type of license issued by the Agency, the term thereof, and the statutory, regulatory, or other basis therefor;

b. The fee charged by the Agency for each type of license and the statutory, regulatory, or other basis therefor;

c. The method by which the Agency receives applications for each type of license (e.g., paper, electronic, etc.) and when that method was last significantly updated;

d. The Agency's analysis of and arguments justifying the need for each type of license issued by the Agency.

2. The Efficiency in Licensing Task Force (the "Task Force") is hereby created. An organizational meeting of the Task Force shall be held not later than sixty (60) days after the effective date of this Executive Order. Using the catalogs generated pursuant to Section 1 above, the Task Force shall study evaluate, and make recommendations regarding policies and programs and propose legislation that will:

a. Simplify the process of securing state-issued licenses, including but not limited to through the consolidation of the State's agencies, boards, and commissions;

b. Eliminate barriers to professional opportunities; and

c. Lower the costs associated with securing a state-issued license to work.

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

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

a. The Executive Director of OMES or designee;
b. The Secretary of Licensing and Regulation or designee;
c. The Secretary of State or designee;
d. The Commissioner of Labor or designee;
e. The Chief Executive Officer of Service Oklahoma or designee;
f. The State Chief Transformation Officer or designee;
g. The State Chief Information Officer or designee;
h. Two (2) members to be appointed by the President Pro Tempore of the Senate; and
i. Two (2) members to be appointed by the Speaker of the House of Representatives.

The Governor shall designate from among the appointees a Chair of the Task Force. The Chair 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.

OMES 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.

3. Nothing in this Executive Order shall be construed to impair or otherwise affect the authority granted to an Agency by the Oklahoma Constitution, the Oklahoma Statutes, or the Oklahoma Administrative Code. Further, this Executive Order does not create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the State, its Agencies or agents, or any other person.

4. If any provision of this Executive Order, or the application of any provision to any person or circumstance, is held to be invalid, the remainder of this Executive Order and the applicability of its other provisions to any other persons or circumstances shall not be affected thereby.

5. 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.

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 17th day of June, 2024.

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

ATTEST:
Josh Cockroft
SECRETARY OF STATE

[1] In this Executive Order, "state agency" means, as it does in 61 O.S. § 327(A), "any department, board, commission, institution, or agency or entity of state government."
[2] An electronic catalog template will be distributed to Agency heads along with a copy of this Order.

[OAR Docket #24-612; filed 6-18-24]

TITLE 1. EXECUTIVE ORDERS

1:2024-10A.

EXECUTIVE ORDER 2024-10A

To the Honorable Members of the Oklahoma State Senate:

I, J. Kevin Stitt, Governor of the State of Oklahoma, pursuant to the authority vested in me by Article VI, § 7 of the Oklahoma Constitution, hereby convoke the Senate only to convene for an Extraordinary Session of the Fifty-Ninth Legislature to occur at the State Capitol on June 12, 2024, and amend the call for only the following purpose to be acted upon:

To provide the Senate's advice and consent for the Governor's appointment of Jennifer Callahan as a member of the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges, to serve an eight-year term, succeeding Rick Davis, pursuant to Article VI, Section 31a of the Oklahoma Constitution.

Copies of this Executive Order shall be distributed to every member of the Oklahoma State Senate and the Secretary of the Senate.

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 18th day of June, 2024.

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

ATTEST:
Josh Cockroft
SECRETARY OF STATE

[OAR Docket #24-613; filed 6-18-24]

TITLE 1. EXECUTIVE ORDERS

1:2024-15.

EXECUTIVE ORDER 2024-15

I, J. Kevin Stitt, Governor of the State of Oklahoma, pursuant to the powers vested in me by 25 O.S. § 82.1, hereby order the following dates be observed as holidays by the State of Oklahoma in 2025:

Wednesday	January 1, 2025	New Year's Day
Monday	January 20, 2025	Martin Luther King, Jr. Day
Monday	February 17, 2025	Presidents' Day
Monday	May 26, 2025	Memorial Day
Friday	July 4, 2025	Independence Day
Monday	September 1, 2025	Labor Day
Tuesday	November 11, 2025	Veterans Day
Thursday & Friday	November 27 & 28, 2025	Thanksgiving
Wednesday & Thursday	December 24 & 25, 2025	Christmas

This Executive Order shall be forwarded to the Director of the Office of Management and Enterprise Services and all chief executives 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 18th day of June, 2024.

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

ATTEST:
Josh Cockroft
SECRETARY OF STATE

[OAR Docket #24-614; filed 6-18-24]

TITLE 1. EXECUTIVE ORDERS

1:2024-16.

EXECUTIVE ORDER 2024-16

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. Heavy rain and flooding beginning June 18, 2024 and continuing has 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 heavy rain and flooding that threatens the lives and property of the people of this State and the public's peace, health, and safety in Texas county.

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.

5. State agencies, in responding to this disaster emergency, may make necessary emergency acquisitions to fulfill the purposes of this proclamation without regard to limitations or bidding requirements on such acquisitions.

6. This Executive Order shall terminate at the end of thirty (30) days.

Copies of this Executive Order shall be distributed to the Director of Emergency Management 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 20th day of June, 2024.

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

ATTEST:
Josh Cockroft
SECRETARY OF STATE

[OAR Docket #24-615; filed 6-20-24]

TITLE 1. EXECUTIVE ORDERS

1:2024-10.

EXECUTIVE ORDER 2024-10

To the Honorable Members of the Oklahoma State Senate:

I, J. Kevin Stitt, Governor of the State of Oklahoma, pursuant to the authority vested in me by Article VI, § 7 of the Oklahoma Constitution, hereby convoke the Senate only to convene for an Extraordinary Session of the Fifty-Ninth Legislature to occur at the State Capitol on June 12, 2024, solely for the following purpose:

To provide the Senate's advice and consent for the Governor's appointment of James Michael Holder as a member of the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges, to serve an eight-year term, succeeding Rick Davis, pursuant to Article VI, Section 31a of the Oklahoma Constitution.

Copies of this Executive Order shall be distributed to every member of the Oklahoma State Senate and the Secretary of the Senate.

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 10th day of June, 2024.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

J. KEVIN STITT

ATTEST:
Josh Cockroft
SECRETARY OF STATE

[OAR Docket #24-599; filed 6-10-24]