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The Oklahoma Register

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Office of Administrative Rules

Kevin Stitt, Governor
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Secretary of State
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THE OKLAHOMA REGISTER is an official publication of the State of Oklahoma. It is published semi-monthly on the first working day of the month and on the first working day following the 14th day of the month under the authority of 75 O.S., Sections 250 et seq. and OAC 655:10-15-1. The rules of the State of Oklahoma are codified and published in the *Oklahoma Administrative Code.*

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Agency/Title Index

[Assigned as of 9-6-24]

Prior to adoption and gubernatorial/legislative review of a proposed PERMANENT rulemaking action, an agency must publish a Notice of Rulemaking Intent in the *Register*. In addition, an agency may publish a Notice of Rulemaking Intent in the *Register* prior to adoption of a proposed EMERGENCY or PREEMPTIVE rulemaking action.

A Notice of Rulemaking Intent announces a comment period, or a comment period and public hearing, and provides other information about the intended rulemaking action as required by law, including where copies of proposed rules may be obtained.

For additional information on Notices of Rulemaking Intent, see 75 O.S., Section 303.

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 205. HAZARDOUS WASTE MANAGEMENT

[OAR Docket #24-927]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Incorporation by Reference

252:205-3-1. Reference to 40 CFR [AMENDED]

SUMMARY:

The gist of this rulemaking is to make DEQ's hazardous waste rules consistent with the federal regulations by incorporating by reference the regulations found in Title 40 of the Code of Federal Regulations Parts 124 and 260-279, revised as of July 1, 2024. The rule change for this incorporation by reference makes technical corrections that correct or clarify specific provisions in the existing hazardous waste regulations that were promulgated in the Hazardous Waste Generator Improvements rule, Hazardous Waste Pharmaceuticals rule, and Definition of Solid Waste rule in addition to minor corrections to hazardous waste regulations independent of those three rules. Corrections and clarifications include, but are not limited to, correcting typographical errors as well as incorrect or outdated citations, making minor clarifications, and updating addresses. This rule change will not have a major impact on Oklahoma facilities.

AUTHORITY:

Environmental Quality Board; 27A O.S. §§ 2-2-101 and 2-2-104; Hazardous Waste Management Advisory Council; § 2-2-201; Oklahoma Hazardous Waste Management Act; §§ 2-7-105, and 2-7-106.

COMMENT PERIOD:

Written comments on the proposed rules may be submitted to the contact person from September 16, 2024, through October 24, 2024.

PUBLIC HEARING:

Oral or written comments may be submitted during the Hazardous Waste Management Advisory Council meeting held on Thursday, October 24, 2024, at 10:00 a.m. at the Department of Environmental Quality, first floor, 707 N. Robinson, Oklahoma City, OK 73101.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Department of Environmental Quality requests that business entities or any other members affected by these modifications submit to DEQ, within the comment period and in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules.

COPIES OF PROPOSED RULES:

A copy of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, OK 73102, or reviewed online at https://www.deq.ok.gov/land-protection-division/land-protection-division-proposed-rules/.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a rule impact statement for the proposed rules will be on file at the DEQ and may be requested from the contact person listed below.

CONTACT PERSON:

Mike Edwards, Hazardous Waste Compliance and Enforcement Section, Department of Environmental Quality, P.O. Box 1677, Oklahoma City, OK 73101 - 1677, e-mail at mike.edwards@deq.ok.gov, phone 405-702-5226, or fax 405-702-5101.

[OAR Docket #24-927; filed 8-23-24]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH
CHAPTER 233. BODY PIERCING AND TATTOOING

[OAR Docket #24-912]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Body Piercing Artist and Tattoo Artist standards

310:233-3-5.2. Public notification requirements [NEW]

Subchapter 11. Enforcement

310:233-11-3.1. Investigation and enforcement [AMENDED]

SUMMARY:

During the 2024 Legislative session, HB3428 passed and was signed into law, resulting in an update to 21 O.S. § 30-842.3. Chapter 233 is being updated to align with these changes which include the elimination of certain distance requirements and surety bond requirements as well as updates to the publication requirements prior to licensure. The rule is also being updated to align penalties with designated statutory amounts.

AUTHORITY:

Commissioner of Health, 63 O.S. § 1-104; 21 O.S. § 30-842.3

COMMENT PERIOD:

September 16, 2024 through the close of the Department's normal business hours, 5 PM, on October 17, 2024. Interested persons may informally discuss the proposed rules with the contact person identified below; or may, through the close of the Department's normal business hours, 5 PM, on October 17, 2024 you may submit written comment to the contact person identified below, or may, at the hearing, ask to present written or oral views.

PUBLIC HEARING:

Pursuant to 75 O.S. § 303(A), the public hearing for the proposed rulemaking in this chapter shall be on October 18, 2024 at the Oklahoma State Department of Health Auditorium, 123 Robert S. Kerr Avenue, Oklahoma City, Oklahoma 73102 from 9:30 AM to 12:30 PM. The meeting may adjourn earlier if all attendees who signed up to comment have completed giving their comments. The alternate date and time in the event of an office closure due to inclement weather is October 23, 2024 in the Auditorium, from 9:30 AM to 12:30 PM. Those wishing to present oral comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice. Validated parking will be provided for the parking lot located at the east corner of Broadway and Robert S. Kerr Avenue, subject to availability.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing through October 17, 2024, to the contact person identified below.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from the contact person identified below or via the agency website at www.ok.gov/health.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a rule impact statement is available through the contact person identified below or via the agency website at www.ok.gov/health.

CONTACT PERSON:

Audrey C. Talley, Agency Rule Liaison, Oklahoma State Department of Health, 123 Robert S. Kerr Avenue, Oklahoma City, OK 73102, phone (405) 426-8563, e-mail AudreyT@health.ok.gov.

[OAR Docket #24-912; filed 8-15-24]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH
CHAPTER 250. FEE SCHEDULE FOR CONSUMER HEALTH SERVICE

[OAR Docket #24-913]

RULEMAKING ACTION:
Notice of proposed PERMANENT rulemaking
PROPOSED RULES:
Subchapter 3. License Classifications and Associated Fees for Consumer Health Services
310:250-3-6. Public bathing places [REVOKED]
SUMMARY:
Fee requirements for pools are being moved out of Chapter 250 to a new, centralized chapter of rule containing all regulation for public pools and spas. This new chapter of rule will align with 63 O.S. § 1-1022, a new statute effective 11-1-24, prompted by HB4035 of the 2024 legislative session.
AUTHORITY:
Commissioner of Health; Title 63 O.S. § 1-104; HB4035
COMMENT PERIOD:
September 16, 2024 through the close of the Department's normal business hours, 5 PM, on October 17, 2024. Interested persons may informally discuss the proposed rules with the contact person identified below; or may, through the close of the Department's normal business hours, 5 PM, on October 17, 2024 submit written comment to the contact person identified below, or may, at the hearing, ask to present written or oral views.
PUBLIC HEARING:
Pursuant to 75 O.S. § 303(A), the public hearing for the proposed rulemaking in this chapter shall be on October 18, 2024 at the Oklahoma State Department of Health Auditorium, 123 Robert S. Kerr Avenue, Oklahoma City, Oklahoma 73102 from 9:30 AM to 12:30 PM. The meeting may adjourn earlier if all attendees who signed up to comment have completed giving their comments. The alternate date and time in the event of an office closure due to inclement weather is October 22, 2024 in the Auditorium, from 9:30 AM to 12:30 PM. Those wishing to present oral comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice. Validated parking will be provided for the parking lot located at the east corner of Broadway and Robert S. Kerr Avenue, subject to availability.
REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:
Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing through October 17, 2024, to the contact person identified below.
COPIES OF PROPOSED RULES:
The proposed rules may be obtained for review from the contact person identified below or via the agency website at www.ok.gov/health.
RULE IMPACT STATEMENT:
Pursuant to 75 O.S., § 303(D), a rule impact statement is available through the contact person identified below or via the agency website at www.ok.gov/health.
CONTACT PERSON:
Audrey C. Talley, Agency Rule Liaison, Oklahoma State Department of Health, 123 Robert S. Kerr Avenue, Oklahoma City, OK 73102, phone (405) 426-8563, e-mail AudreyT@health.ok.gov.

[OAR Docket #24-913; filed 8-15-24]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH
CHAPTER 315. PUBLIC BATHING PLACE FACILITY STANDARDS [REVOKED]

[OAR Docket #24-914]

RULEMAKING ACTION:
Notice of proposed PERMANENT rulemaking
PROPOSED RULES:
Subchapter 1. General Provisions [REVOKED]
310:315-1-1. Purpose [REVOKED]
310:315-1-2. Definitions [REVOKED]

Subchapter 3. Plan Documents [REVOKED]
310:315-3-1. Plans and specifications [REVOKED]
Subchapter 5. Water and Sewer Facilities [REVOKED]
310:315-5-1. Water supply [REVOKED]
310:315-5-2. Sewer [REVOKED]
Subchapter 7. Construction and Operation [REVOKED]
310:315-7-1. Pool construction, materials, and finish [REVOKED]
310:315-7-2. Pool layout [REVOKED]
310:315-7-3. Pool size and bathing load [REVOKED]
310:315-7-4. Pool features [REVOKED]
310:315-7-5. Ladders, recessed treads, stairs, and decorative fountains [REVOKED]
310:315-7-6. Walkways or decks [REVOKED]
310:315-7-7. Bathhouse [REVOKED]
310:315-7-8. Ventilation [REVOKED]
310:315-7-9. Wading pools [REVOKED]
310:315-7-11. Public spas [REVOKED]
310:315-7-12. Water recreation attractions [REVOKED]
310:315-7-13. Chemicals and chemical storage [REVOKED]
310:315-7-14. Recirculation system [REVOKED]
310:315-7-15. Filters [REVOKED]
310:315-7-16. Disinfection and pH control [REVOKED]
310:315-7-17. Testing equipment [REVOKED]
310:315-7-18. Lighting [REVOKED]
310:315-7-19. Electrical requirements [REVOKED]
Appendix A. Diving Area [REVOKED]
Appendix B. Minimum Dimensions [REVOKED]
Appendix C. Pool Design [REVOKED]
Appendix D. Computing Capacity Requirements for Indoor Public Swimming Pools and Outdoor Swimming Pools [REVOKED]

SUMMARY:

Chapter 315 is being revoked to consolidate all provisions pool and spa regulation into one, centralized location. The new pool and spa chapter of rule will align with 63 O.S. § 1-1022, new statute effective 11-1-24, prompted by HB4035 of the 2024 legislative session.

AUTHORITY:

Commissioner of Health; Title 63 O.S. §§ 1-104, 1-1022 et seq., HB4035

COMMENT PERIOD:

September 16, 2024 through the close of the Department's normal business hours, 5 PM, on October 17, 2024. Interested persons may informally discuss the proposed rules with the contact person identified below; or may, through the close of the Department's normal business hours, 5 PM, on October 17, 2024 you may submit written comment to the contact person identified below, or may, at the hearing, ask to present written or oral views.

PUBLIC HEARING:

Pursuant to 75 O.S. § 303(A), the public hearing for the proposed rulemaking in this chapter shall be on October 18, 2024 at the Oklahoma State Department of Health Auditorium, 123 Robert S. Kerr Avenue, Oklahoma City, Oklahoma 73102 from 9:30 AM to 12:30 PM. The meeting may adjourn earlier if all attendees who signed up to comment have completed giving their comments. The alternate date and time in the event of an office closure due to inclement weather is October 23, 2024 in the Auditorium, from 9:30 AM to 12:30 PM. Those wishing to present oral comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice. Validated parking will be provided for the parking lot located at the east corner of Broadway and Robert S. Kerr Avenue, subject to availability.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing through October 17, 2024, to the contact person identified below.

COPIES OF PROPOSED RULES:
The proposed rules may be obtained for review from the contact person identified below or via the agency website at www.ok.gov/health.
RULE IMPACT STATEMENT:
Pursuant to 75 O.S., § 303(D), a rule impact statement is available through the contact person identified below or via the agency website at www.ok.gov/health.
CONTACT PERSON:
Audrey C. Talley, Agency Rule Liaison, Oklahoma State Department of Health, 123 Robert S. Kerr Avenue, Oklahoma City, OK 73102, phone (405) 426-8563, e-mail AudreyT@health.ok.gov.

[OAR Docket #24-914; filed 8-15-24]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH
CHAPTER 320. PUBLIC BATHING PLACE OPERATIONS [REVOKED]

[OAR Docket #24-915]

RULEMAKING ACTION:
Notice of proposed PERMANENT rulemaking
PROPOSED RULES:
Subchapter 1. General Provisions [REVOKED]
310:320-1-1. Purpose [REVOKED]
310:320-1-2. Definitions [REVOKED]
310:320-1-3. Operational license [REVOKED]
Subchapter 3. Operational Provisions [REVOKED]
310:320-3-1. Life saving equipment [REVOKED]
310:320-3-2. Personnel [REVOKED]
310:320-3-3. Rules and precautions for patrons [REVOKED]
310:320-3-4. Safety provisions [REVOKED]
310:320-3-5. Swimming suits and towels furnished by management [REVOKED]
310:320-3-6. Wading pool operation [REVOKED]
310:320-3-7. Quality of Bathing Water [REVOKED]
310:320-3-8. Table [REVOKED]
310:320-3-9. Sampling and testing procedures [REVOKED]
310:320-3-10. Satisfactory compliance of records [REVOKED]
310:320-3-11. Winterizing and securing outdoor pools [REVOKED]
310:320-3-12. Special conditions [REVOKED]
310:320-3-13. Subsequent examination, investigation, and inspection [REVOKED]
Subchapter 5. Forms and Tables [REVOKED]
310:320-5-1. Portable pools [REVOKED]
310:320-5-2. Water balance and water balance tables [REVOKED]
310:320-5-5.1. Application for license [REVOKED]
310:320-5-6.1. Application guidelines for licenses to operate public bathing places [REVOKED]
Appendix A. Pool Water Sampling and Testing [REVOKED]
Appendix B. Variable Temperature Water Balance Chart [REVOKED]
SUMMARY:
Chapter 320 is being revoked to consolidate all provisions pool and spa regulation into one, centralized location. The new pool and spa chapter of rule will align with 63 O.S. § 1-1022, new statute effective 11-1-24, prompted by HB4035 of the 2024 legislative session.
AUTHORITY:
Commissioner of Health; Title 63 O.S. §§ 1-104, 1-1022 et seq., HB4035
COMMENT PERIOD:

September 16, 2024 through the close of the Department's normal business hours, 5 PM, on October 17, 2024. Interested persons may informally discuss the proposed rules with the contact person identified below; or may, through the close of the Department's normal business hours, 5 PM, on October 17, 2024 you may submit written comment to the contact person identified below, or may, at the hearing, ask to present written or oral views.

PUBLIC HEARING:

Pursuant to 75 O.S. § 303(A), the public hearing for the proposed rulemaking in this chapter shall be on October 18, 2024 at the Oklahoma State Department of Health Auditorium, 123 Robert S. Kerr Avenue, Oklahoma City, Oklahoma 73102 from 9:30 AM to 12:30 PM. The meeting may adjourn earlier if all attendees who signed up to comment have completed giving their comments. The alternate date and time in the event of an office closure due to inclement weather is October 23, 2024 in the Auditorium, from 9:30 AM to 12:30 PM. Those wishing to present oral comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice. Validated parking will be provided for the parking lot located at the east corner of Broadway and Robert S. Kerr Avenue, subject to availability.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing through October 17, 2024, to the contact person identified below.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from the contact person identified below or via the agency website at www.ok.gov/health.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a rule impact statement is available through the contact person identified below or via the agency website at www.ok.gov/health.

CONTACT PERSON:

Audrey C. Talley, Agency Rule Liaison, Oklahoma State Department of Health, 123 Robert S. Kerr Avenue, Oklahoma City, OK 73102, phone (405) 426-8563, e-mail AudreyT@health.ok.gov.

[OAR Docket #24-915; filed 8-15-24]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH
CHAPTER 321. PUBLIC BATHING PLACE FACILITY STANDARDS AND OPERATIONS

[OAR Docket #24-916]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. GENERAL PROVISIONS [NEW]
310:321-1-1. Purpose [NEW]
310:321-1-2. General [NEW]
310:321-1-3. Definitions [NEW]
Subchapter 2. PERMITS AND DESIGNS [NEW]
310:321-2-1. Permit requirement [NEW]
310:321-2-2. Application for permit [NEW]
310:321-2-3. Time limitation of application [NEW]
310:321-2-4. Permit issuance [NEW]
310:321-2-5. Approved construction documents [NEW]
310:321-2-6. Validity [NEW]
310:321-2-7. Expiration [NEW]
310:321-2-8. Extensions [NEW]
310:321-2-9. Suspension or revocation of permit [NEW]
310:321-2-10. Approval [NEW]

310:321-9-1. General [NEW]
310:321-9-2. Outside diving envelope [NEW]
310:321-9-3. Ladders [NEW]
310:321-9-4. Wall clearance [NEW]
310:321-9-5. Handrails and handholds [NEW]
310:321-9-6. Recessed treads [NEW]
310:321-9-7. Vertical spacing
310:321-9-7. Vertical spacing [NEW]
310:321-9-8. Drainage [NEW]
310:321-9-9. Handrails and grab rails [NEW]
Subchapter 10. EQUIPMENT ROOMS [NEW]
310:321-10-1. General [NEW]
310:321-10-2. Requirements [NEW]
310:321-10-3. Construction [NEW]
310:321-10-4. Electrical [NEW]
310:321-10-5. Ventilation [NEW]
310:321-10-6. Markings [NEW]
310:321-10-7. Separation from chemical storage spaces [NEW]
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310:321-11-3. Air blower and air induction system [NEW]
310:321-11-4. Air blower and air induction system [NEW]
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310:321-12-2. Protection of potable water supply [NEW]
310:321-12-3. Over-the-rim spouts [NEW]
310:321-12-4. Sanitizing Equipment and Chemical Feeders [NEW]
310:321-12-5. Waste water disposal
310:321-12-5. Waste water disposal [NEW]
Subchapter 13. PUBLIC SPAS AND EXERCISE SPAS [NEW]
310:321-13-1. Scope [NEW]
310:321-13-2. Heater and temperature requirements [NEW]
310:321-13-3. Water supply [NEW]
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310:321-14-2. Markings and indicators [NEW]
310:321-14-3. Circulation systems general [NEW]
310:321-14-4. Handholds and ropes [NEW]
310:321-14-5. Depths [NEW]
310:321-14-6. Barriers [NEW]
Subchapter 15. NUMBER OF OCCUPANTS [NEW]
310:321-15-1. Occupant load [NEW]
310:321-15-2. General dressing and sanitary facilities [NEW]
310:321-15-3. Special features [NEW]
310:321-15-4. Signage [NEW]
310:321-15-5. Interactive water play features [NEW]

SUMMARY:

Chapter 321 will be the centralized location for all pool and spa regulation including fees, facility standards, pool and spa construction requirements, and operational standards. Chapter 321 will align with 63 O.S. § 1-1022, new statute effective 11-1-24, prompted by HB4035 of the 2024 legislative session. This includes the new statutory requirement regarding alignment with the International Swimming Pool and Spa Code (ISPSC).

AUTHORITY:

Commissioner of Health; Title 63 O.S. §§ 1-104, HB4035

COMMENT PERIOD:

September 16, 2024 through the close of the Department's normal business hours, 5 PM, on October 17, 2024. Interested persons may informally discuss the proposed rules with the contact person identified below; or may, through the close of the Department's normal business hours, 5 PM, on October 17, 2024 you may submit written comment to the contact person identified below, or may, at the hearing, ask to present written or oral views.

PUBLIC HEARING:

Pursuant to 75 O.S. § 303(A), the public hearing for the proposed rulemaking in this chapter shall be on October 18, 2024 at the Oklahoma State Department of Health Auditorium, 123 Robert S. Kerr Avenue, Oklahoma City, Oklahoma 73102 from 9:30 AM to 12:30 PM. The meeting may adjourn earlier if all attendees who signed up to comment have completed giving their comments. The alternate date and time in the event of an office closure due to inclement weather is October 23, 2024 in the Auditorium, from 9:30 AM to 12:30 PM. Those wishing to present oral comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice. Validated parking will be provided for the parking lot located at the east corner of Broadway and Robert S. Kerr Avenue, subject to availability.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing through October 17, 2024, to the contact person identified below.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from the contact person identified below or via the agency website at www.ok.gov/health.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a rule impact statement is available through the contact person identified below or via the agency website at www.ok.gov/health.

CONTACT PERSON:

Audrey C. Talley, Agency Rule Liaison, Oklahoma State Department of Health, 123 Robert S. Kerr Avenue, Oklahoma City, OK 73102, phone (405) 426-8563, e-mail AudreyT@health.ok.gov.

[OAR Docket #24-916; filed 8-15-24]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH
CHAPTER 605. ADULT DAY CARE CENTERS

[OAR Docket #24-917]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

310:605-1-2. Definitions [AMENDED]

SUMMARY:

The purposed rule language updates the definition of Adult Day Care Center, adding an exemption for PACE organizations (programs of all-inclusive care for the elderly), to align with changes made to 63 O.S. § 1.872 during the 2024 legislative session.

AUTHORITY:

Commissioner of Health; Title 63 O.S. § 1-104, Title 63 O.S. § 1.872

COMMENT PERIOD:

September 16, 2024 through the close of the Department's normal business hours, 5 PM, on October 17, 2024. Interested persons may informally discuss the proposed rules with the contact person identified below; or may, through the close of the Department's normal business hours, 5 PM, on October 17, 2024 you may submit written comment to the contact person identified below, or may, at the hearing, ask to present written or oral views.

PUBLIC HEARING:

Pursuant to 75 O.S. § 303(A), the public hearing for the proposed rulemaking in this chapter shall be on October 18, 2024 at the Oklahoma State Department of Health Auditorium, 123 Robert S. Kerr Avenue, Oklahoma City, Oklahoma 73102 from 9:30 AM to 12:30 PM. The meeting may adjourn earlier if all attendees who signed up to comment have completed giving their comments. The alternate date and time in the event of an office closure due to inclement weather is October 23, 2024 in the Auditorium, from 9:30 AM to 12:30 PM. Those wishing to present oral comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice. Validated parking will be provided for the parking lot located at the east corner of Broadway and Robert S. Kerr Avenue, subject to availability.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing through October 17, 2024, to the contact person identified below.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from the contact person identified below or via the agency website at www.ok.gov/health.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a rule impact statement is available through the contact person identified below or via the agency website at www.ok.gov/health.

CONTACT PERSON:

Audrey C. Talley, Agency Rule Liaison, Oklahoma State Department of Health, 123 Robert S. Kerr Avenue, Oklahoma City, OK 73102, phone (405) 426-8563, e-mail AudreyT@health.ok.gov.

[OAR Docket #24-917; filed 8-15-24]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH
CHAPTER 616. BIRTHING CENTERS REGULATIONS [REVOKED]

[OAR Docket #24-918]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions [REVOKED]
310:616-1-1. Purpose [REVOKED]
310:616-1-2. Definitions [REVOKED]
Subchapter 3. Administration [REVOKED]
310:616-3-1. Licensure [REVOKED]
310:616-3-2. Organization [REVOKED]
310:616-3-3. Reports and records [REVOKED]
310:616-3-4. Confidentiality [REVOKED]
Subchapter 5. Minimum Standards [REVOKED]
310:616-5-1. Admission [REVOKED]
310:616-5-2. Quality assurance [REVOKED]
310:616-5-3. Life Safety Code [REVOKED]
310:616-5-4. Construction [REVOKED]
Subchapter 7. Enforcement [REVOKED]
310:616-7-1. Inspections [REVOKED]
310:616-7-2. Complaints and investigations [REVOKED]
310:616-7-3. Penalties [REVOKED]
310:616-7-4. Appeals [REVOKED]

SUMMARY:

SB1739 removed licensure requirements for birthing centers and Department authority to license birthing centers. This legislation did not remove hospital licensure requirements, under 63 O.S. §1-701 et seq.

AUTHORITY:

Commissioner of Health; Title 63 O.S. § 1-104; SB1739

COMMENT PERIOD:

September 16, 2024 through the close of the Department's normal business hours, 5 PM, on October 17, 2024. Interested persons may informally discuss the proposed rules with the contact person identified below; or may, through the close of the Department's normal business hours, 5 PM, on October 17, 2024 you may submit written comment to the contact person identified below, or may, at the hearing, ask to present written or oral views.

PUBLIC HEARING:

Pursuant to 75 O.S. § 303(A), the public hearing for the proposed rulemaking in this chapter shall be on October 18, 2024 at the Oklahoma State Department of Health Auditorium, 123 Robert S. Kerr Avenue, Oklahoma City, Oklahoma 73102 from 9:30 AM to 12:30 PM. The meeting may adjourn earlier if all attendees who signed up to comment have completed giving their comments. The alternate date and time in the event of an office closure due to inclement weather is October 23, 2024 in the Auditorium, from 9:30 AM to 12:30 PM. Those wishing to present oral comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice. Validated parking will be provided for the parking lot located at the east corner of Broadway and Robert S. Kerr Avenue, subject to availability.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing through October 17, 2024, to the contact person identified below.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from the contact person identified below or via the agency website at www.ok.gov/health.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a rule impact statement is available through the contact person identified below or via the agency website at www.ok.gov/health.

CONTACT PERSON:

Audrey C. Talley, Agency Rule Liaison, Oklahoma State Department of Health, 123 Robert S. Kerr Avenue, Oklahoma City, OK 73102, phone (405) 426-8563, e-mail AudreyT@health.ok.gov.

[OAR Docket #24-918; filed 8-15-24]

TITLE 445. BOARD OF MEDICOLEGAL INVESTIGATIONS
CHAPTER 10. MEDICAL EXAMINER CASES

[OAR Docket #24-919]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

445:10-1-11. Fees for Forensic Science and Laboratory Services [AMENDED]

SUMMARY:

The proposed rule will make the rule consistent with the statutes effective November 1, 2024, increasing fees for cremation permits, transportation out of state permits, interrogatories, toxicology laboratory fees for alcohol, alkaline drug screen, acid neutral drug testing, and targeted drug screens. Additionally, renumbering the schedule of fees of toxicology laboratory services.

AUTHORITY:

Medicolegal Board of Investigations; 63 O.S. § 932, 948.1

COMMENT PERIOD:

Written comments on the proposed rule may be mailed or delivered to Kari Learned at the Office of the Chief Medical Examiner, 921 N.E. 23rd Street, Oklahoma City, OK, 73105, on or before October 16, 2024.

PUBLIC HEARING:

A public hearing will be held on October 22, 2024, at 10:00 a.m., in the Meeting Room of the Office of the Chief Medical Examiner, 921 N.E. 23rd Street, Oklahoma City, Oklahoma 73105. All attendees wishing to speak must be signed in no later than 10:15 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OCME requests that business entities affected by the proposed rule provide the Office of the Chief Medical Examiner, within the comment period, in dollar amounts, if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs due to compliance with the proposed rules. Business entities may submit this information in writing to Kari Learned, at the address above, before the close of the comment period on October 16, 2024.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Office of the Chief Medical Examiner, 921 N.E. 23rd Street, Oklahoma City, OK 73105 beginning September 16, 2024.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(0), a rule impact statement will be on file and a copy may be obtained from the Office of the Chief Medical Examiner 921 N.E. 23rd Street, Oklahoma City, OK 73105 beginning September 16, 2024.

CONTACT PERSON:

Kari Learned Director of Operations Office of the Chief Medical Examiner 921 NE 23rd Street (405) 239-7141

[OAR Docket #24-919; filed 8-19-24]

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

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

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

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

TITLE 145. OKLAHOMA DEPARTMENT OF EMERGENCY MANAGEMENT
CHAPTER 10. GUBERNATORIAL DECLARATIONS FOR DISASTER ASSISTANCE

[OAR Docket #24-925]

RULEMAKING ACTION:
EMERGENCY adoption
RULES:
Subchapter 11. Advanced Financial Liquidity for Local Economies Impacted by Federally Declared Disasters [NEW]
145:10-11-1. Purpose, authority and applicability [NEW]
145:10-11-2. Definitions [NEW]
145:10-11-3. Permissible uses of advanced financial liquidity [NEW]
145:10-11-4. Applications for advanced financial liquidity [NEW]
145:10-11-5. Qualifying repayment agreement [NEW]
145:10-11-6. Administration of funding [NEW]
145:10-11-7. Repayment [NEW]
AUTHORITY:
Oklahoma Department of Emergency Management; 63 O.S., §§ 690.10
COMMENT PERIOD:
N/A
PUBLIC HEARING:
N/A
ADOPTION:
July 22, 2024
EFFECTIVE:
August 16, 2024
APPROVED BY GOVERNOR:
August 16, 2024
EXPIRATION:
Effective through September 14, 2025, unless superseded by another rule or disapproved by the Legislature
SUPERSEDED EMERGENCY ACTIONS:
SUPERSEDED RULES:
N/A
GUBERNATORIAL APPROVAL:
N/A
REGISTER PUBLICATION:
N/A
DOCKET NUMBER:
N/A
INCORPORATIONS BY REFERENCE:
INCORPORATED STANDARDS:
N/A

INCORPORATING RULES:
N/A
AVAILABILITY:
N/A
FINDING OF EMERGENCY:
The Oklahoma Department of Emergency Management (OEM) finds that the adoption and implementation of these rules is a necessary emergency measure to both protect the public health, safety, and welfare and avoid causing serious prejudice to the public interest. 63 O.S. § 690.10 delegates OEM the responsibility of providing localities within Oklahoma with necessary advanced financial funding in the event of federally declared disasters, which when applying for federal assistance is not immediately available. Within 2024 already, there are already inquiries about this program by local communities seeking to rebuild from major federal disasters. These rules are necessary as they set baseline procedure which would allow OEM to begin effectively and transparently administering state funds.
GIST/ANALYIS:
The subchapter, 11, and rules are responsive to a recently implemented aid program through the Oklahoma Department of Emergency Management. These rules are seen to set basic procedure and expectations for the program that will provide for a more effective and transparent administration of state funds to local governmental divisions seeking to apply upon impact from a federally declared disaster or emergency. Such rules will ensure this new program's integrity to both the Oklahoma legislature's intent and appropriate FEMA/federal funding programs requirements.
CONTACT PERSON:
Annie Mack Vest, State Director of the Oklahoma Department of Emergency Management at (405) 919-3523 or annie.vest@oem.ok.gov; For all legal questions: Mackenzie Hill, Assistant Attorney General at (405) 522-4393 or Mackenzie.Hill@oag.ok.gov

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253(F):

SUBCHAPTER 11. ADVANCED FINANCIAL LIQUIDITY FOR LOCAL ECONOMIES IMPACTED BY FEDERALLY DECLARED DISASTERS [NEW]

145:10-11-1. Purpose, authority and applicability [NEW]

(a) **Purpose.** The Purpose of this Subchapter is to implement procedures for the Oklahoma Department of Emergency Management's (OEM) advancement of funding through the "State Assistance Dedicated for Disaster-impacted Local Economies Revolving Fund" to State governmental subdivisions with funding gaps stemming from Federal Emergency Management Agency (FEMA) declared major disasters or emergencies.
(b) **Authority.** This Subchapter is adopted pursuant to Section 690.10 of Title 63 of the Oklahoma Statutes.
(c) **Applicability.** The rules in this Subchapter apply to any eligible applicant within the State of Oklahoma seeking to use advanced financial liquidity upon the declaration of a federal emergency or disaster.

145:10-11-2. Definitions [NEW]

The following words and terms, when used in this Subchapter, shall have the following meaning unless the context clearly indicates otherwise:
"Declared county" means a county in the State of Oklahoma that is subject to an ongoing federally declared disaster or emergency.
"Eligible applicant" means all governmental subdivisions that qualify for aid under FEMA's Public Assistance Program that apply for assistance under the "State Assistance Dedicated for Disaster-impacted Local Economies Revolving Fund."
"Federally declared emergency" means the President's declaration of an emergency for any occasion or instance when the President determines federal assistance is needed. Emergency declarations supplement state, local, and tribal government efforts in providing emergency services, such as the protection of lives, property, public health, and safety, or to lessen or avert the threat of a catastrophe in any part of the United States.
"Federally declared disaster" means the President's declaration of a major disaster for events such as tornadoes, straight-line winds, severe storms, floods, snowstorms, ice storms, wildfires, or earthquakes that the President determines has caused damage beyond the combined capabilities of state, local, and tribal governments to respond. A major disaster declaration provides a wide range of federal assistance programs for eligible applicants including funds for both

emergency and permanent work.

"Federal Emergency Management Agency (FEMA) Hazard Mitigation Assistance" means the United States government provision of federal grants at a 75 percent federal and 25 percent non-federal cost share to eligible applicants for actions taken to prevent or reduce long term risk to life and property from natural hazards.

"Federal Emergency Management Agency (FEMA) Public Assistance" means the United States government provision of federal project funding at a 75 percent federal and 25 percent non-federal cost share to eligible applicants so communities can quickly respond to and recover from major disasters or emergencies.

145:10-11-3. Permissible uses of advanced financial liquidity [NEW]

Eligible applicants may only use advanced financial liquidity for the following purposes:

(1) Costs allowable for FEMA Public Assistance, including emergency work for emergency protective measures and debris removal, and permanent work including repair or replacement of roads and bridges, repair or replacement of water control facilities, repair or replacement of public buildings and contents, repair or replacement of utility lines or infrastructure, and repair and replacement of parks, recreation, and other facilities; and

(2) Costs allowable for FEMA Hazard Mitigation Assistance, including the Hazard Mitigation Grant Program, Flood Mitigation Assistance, and Building Resilient Infrastructure and Communities.

145:10-11-4. Applications for advanced financial liquidity [NEW]

(a) All eligible applicants must submit the pertinent application, created and made available by OEM, to be considered for advanced financial liquidity.

(1) A complete application for advanced financial liquidity will demonstrate a basis for financial need, a proposed eligible use of the advance funding, copies the pertinent requests made for federal funding through FEMA's Public Assistance Program or FEMA's Hazard Mitigation Assistance Program, and any other information requested by OEM.

(2) OEM maintains the discretion to deny any application for advanced financial liquidity which is deemed incomplete.

(b) Funding requests per eligible applicant must not surpass 75 percent of the federal cost share estimated for the eligible Public Assistance project or Hazard Mitigation Assistance grant which the applicant applied for.

(c) Funding requests per eligible applicant cannot surpass $5 million per qualifying event without further justification.

(d) Approval of any application shall remain dependent on the availability of sufficient funds in the State Assistance Dedicated for Disaster-impacted Local Economies Revolving Fund at the time an application is received.

145:10-11-5. Qualifying repayment agreement [NEW]

(a) Upon approval of an application but prior to any distribution of advancement funds, approved recipients will be required to sign an agreement with the OEM.

(b) Approved recipients must agree to meet and remain compliant with all federal guidelines and requirements set for receiving funding through FEMA Public Assistance or FEMA Hazard Mitigation Assistance.

(c) Approved recipients must agree to pay the 25 percent non-federal share of the project or grant.

(d) Approved recipients must agree to adhere to all federal procurement requirements.

145:10-11-6. Administration of funding [NEW]

(a) The OEM will provide a maximum advance of 75 percent of the estimated amount of eligible FEMA Public Assistance projects and Hazard Mitigation Assistance grants.

(b) The OEM will distribute funds to approved recipients based on project or grant estimates, understanding any amount exceeding the 75 percent federal cost share must be reimbursed by the recipient to the state.

(c) An approved recipient's failure to make timely and complete reimbursement may be considered by OEM when evaluating future applications for advanced financial liquidity.

145:10-11-7. Repayment [NEW]

Repayment of the advanced funding must be done in a manner consistent with the agreement signed by the applicant and OEM.

[OAR Docket #24-925; filed 8-21-24]

Emergency Adoptions

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

[OAR Docket #24-924]

RULEMAKING ACTION:
EMERGENCY adoption
RULES:
Subchapter 1. General Provisions
442:10-1-4. Definitions [AMENDED]
Subchapter 3. Transporter License
442:10-3-1. License for transportation of medical marijuana [AMENDED]
Subchapter 4. Research Facilities and Education Facilities
442:10-4-2. Licenses [AMENDED]
442:10-4-3. Applications [AMENDED]
442:10-4-5. Inventory tracking, records, reports, and audits [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]
442:10-5-5. Processing medical marijuana on behalf of a patient or caregiver [AMENDED]
442:10-5-6. Inventory tracking, records, reports, and audits [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]
Subchapter 9. Waste Disposal Facilities
442:10-9-2. Licenses and permits [AMENDED]
442:10-9-3. License applications [AMENDED]
442:10-9-7. Audits and inventory [AMENDED]
Subchapter 11. Process Validation
442:10-11-1. Standards and requirements to achieve process validation [AMENDED]
AUTHORITY:
Executive Director of the Oklahoma Medical Marijuana Authority; 63 O.S. § 426.1, 63 O.S. § 427.14, 63 O.S. § 427.14b, 63 O.S. § 427.14c, and 63 O.S. § 427.17.
COMMENT PERIOD:
N/A
PUBLIC HEARING:
N/A
ADOPTION:
August 6, 2024
EFFECTIVE:
August 16, 2024
APPROVED BY GOVERNOR:
August 16, 2024
EXPIRATION:
Effective through September 14, 2025, unless superseded by another rule or disapproved by the Legislature.
SUPERSEDED EMERGENCY ACTIONS:
SUPERSEDED RULES:
N/A
GUBERNATORIAL APPROVAL:
N/A
REGISTER PUBLICATION:
N/A
DOCKET NUMBER:

N/A
INCORPORATIONS BY REFERENCE:
INCORPORATED STANDARDS:
N/A
INCORPORATING RULES:
N/A
AVAILABILITY:
N/A
FINDING OF EMERGENCY:
The emergency rules implement legislative changes mandated by SB 758, SB 1635, SB1939 and address changes in statute under 63 O.S. § 422, 426.1, 427.2, 427.14, 427.14b, 427.14c and 427.17. The emergency rules are intended to provide a structure for the implementation of these legislative requirements. Permanent rules implementing the requirements set forth in the new legislation cannot be promulgated until 2025.
GIST/ANALYIS:
The emergency rules are required pursuant to the effect of SB 758, SB 1635, and SB 1939. Changes to required application materials are added to OAC 442:10-3-1(c-e), OAC 442:10-4-2(c)(2); OAC 442:10-4-2(e)(A)(i); OAC 442:10-4-3(e-f); OAC 442:10-5-2(c); OAC 442:10-5-2(e); OAC 442:10-5-3(E)(8-9); and OAC 442:10-9-3(e)(9). Adjustments to late renewal applications occur at OAC 442:10-4-2(c)(6) and OAC 442:10-5-2(c)(5). Specific location prohibitions regarding multiple licenses of the same type are added to OAC 442:10-5-2(b)(2). Amendments regarding ownership transfers occur at OAC 442:10-4-2(e); OAC 442:10-5-2(e); and OAC 442:10-9-2(e)(2). Language regarding the possession, sale, or transfer of medical marijuana upon expiration of a license are added to OAC 442:10-4-2(d); OAC 442:10-5-2(d); and OAC 442:10-9-2(d)(1). The requirement that employees wear or display their employee credential is added at OAC 442:10-5-1.1(13)(C). Changes to laboratory testing requirements occur at OAC 442:10-4-5(d)(2)(D); OAC 442:10-5-5(f); OAC 442:10-5-6(d)(2)(D); OAC 442:10-8-1; OAC 442:10-8-2; OAC 442:10-8-3; OAC 442:10-8-4; OAC 442:10-9-7(b)(2)(D); OAC 442:10-11-1(g)(2)(C). Definitions for "decontamination", "final product", "production batch", and "remediation" are amended and new definitions for "final harvest batch", "final production batch", and "medical marijuana infused product" are added at OAC 442:10-1-4.
CONTACT PERSON:
Ashley Crall, Director of Government Affairs, Oklahoma Medical Marijuana Authority, 2501 N. Lincoln Blvd., OK 73105, 405-568-5766. Ashley.Crall@omma.ok.gov.

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253(F):

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 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 without changing or altering the medical marijuana form ~~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 harvest batch"means a specifically identified quantity of medical marijuana that is:

(A) uniform in strain;

(B) cultivated utilizing the same cultivation practices;

(C) harvested at the same time from the same location;

(D) cured under uniform conditions; and

(E) completed and ready for consumption prior to transfer to a licensed medical marijuana dispensary.

"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~~ the finished product that is available for transport to licensed medical marijuana dispensaries and ready for consumption by licensed medical marijuana patients.

"Final production batch" means:

(A) any amount of medical marijuana finished product of the same category and produced using the same extraction methods, standard operating procedures, meeting all applicable law, rules, and regulations required by the Oklahoma Medical Marijuana and Patient Protection Act prior to transfer to a licensed medical marijuana dispensary, licensed medical marijuana patient, or licensed medical marijuana caregiver; or

(B) any amount of medical marijuana finished product of the same exact type, produced using the same ingredients, standard operating procedures, and the same production batch of medical marijuana concentrate.

"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 infused product" means a product infused with medical marijuana including, but not limited to, edible products, ointments, tinctures and infused pre-rolls.

"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~~ or

(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~~medical marijuana flower or trim, which has failed testing, is processed into solvent-based medical marijuana concentrate and the final product is tested 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.

"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 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 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.

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~~all building permits and/or certificate(s) of occupancy issued by the Oklahoma State Fire Marshal or by the political subdivision ~~where the licensed premises is to be located~~with an authority having a jurisdiction agreement on file with the Oklahoma State Fire Marshal certifying compliance with the categories listed in 63 O.S. § 426.1(E) for the construction or alteration of any buildings or structures classified as occupancies under the building codes adopted by the Oklahoma Uniform Building Code Commission, 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.~~ Once a certificate of occupancy is issued by the Oklahoma State Fire Marshal or by the political subdivision with an authority having a jurisdiction agreement on file with the Oklahoma State Fire Marshal and such certificate of occupancy has been submitted to the Authority showing full compliance, a licensee shall only need to submit an affidavit for license renewal stating the premises continues to comply with zoning classifications, applicable municipal ordinances, and all applicable safety, electrical, fire, plumbing, waste, construction, and building specification codes. An additional certificate of occupancy along with an affidavit shall be submitted if a change of use or occupancy occurs, or there is any change concerning the facility or location that would, by law, require additional inspection, licensure or permitting by the state or municipality. Licensees are responsible for compliance with applicable state fire, building, and electrical codes and may be liable for all damage that results from noncompliance with state fire, building, and electrical codes to the extent authorized by law.

(e) For all commercial license applications submitted on or after June 14, 2024 that require a building permit and/or certificate of occupancy for licensure, applicants who submitted a full and complete application for a building permit and/or certificate of occupancy issued by the Oklahoma State Fire Marshal or the political subdivision with an authority having a jurisdiction agreement on file with the Oklahoma State Fire Marshal prior to February 1, 2024 and while the same application remains under review by the State Fire Marshal or political subdivision, the applicant may submit an attestation on a form and in a manner prescribed by the Authority certifying that the applicant submitted a full and complete application for a building permit and/or certificate of occupancy prior to February 1, 2024, and that the same application remains under review by the Oklahoma State Fire Marshal or the political subdivision.

(f) A commercial transporter applicant or licensee must have each warehouse location inspected and approved by the Authority prior to its use.

~~(f)~~(g) A commercial transporter shall be responsible for any and all medical marijuana and medical marijuana products within its custody, control, or possession.
~~(g)~~(h) 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

442:10-4-2. Licenses [AMENDED]
(a) **Timeframe.** Research facility and education facility licenses 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.** Research facility and education facility licenses shall only be valid for a single location at the address listed on the application. If a single research project will occur in multiple locations, a separate research facility or education facility license shall be required for each location.
(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 442:10-4-3.
(2) Before renewing a license, the Authority may require further information and documentation 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) If the research conducted by a research facility licensee includes a public institution or public money, the Authority shall review any reports made by the licensee to determine if the research continues to meet qualifications in state law and these Rules.
(4) The Authority may refuse to renew a license of a research or education facility 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.
(5) 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.
(6) 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~~. A~~ and a license that has been expired for more than ninety (90) days shall not be renewed. Beginning November 1, 2024, a commercial licensee that attempts to renew its license after the expiration date of the license shall pay a nonrefundable late renewal fee of five hundred dollars ($500.00) per week that the license is expired and a license that has been expired for more than sixty (60) calendar days shall not be renewed. Only license renewal applications submitted at least sixty (60) calendar days prior to the expiration date shall be considered timely submitted and subject to the requirement that applications be reviewed within ninety (90) business days of receipt of the application in accordance with Subsection F of Section 427.14 of Title 63 of the Oklahoma Statutes. A medical marijuana business license shall remain unexpired during the pendency of the application for renewal provided that such application was timely submitted. The Authority shall allow renewal applications to be submitted at least one hundred twenty (120) calendar days prior to the expiration date of a medical marijuana business license.
(d) **Liquidation of products.** A research facility or education facility 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 liquidate or dispose of all medical marijuana and medical marijuana products in accordance with OAC 442:10-5-2(d). Except as provided by Section 427.14 of Title 63 of the Oklahoma Statutes, immediately upon expiration of a license, any medical marijuana research facility or medical marijuana education facility shall cease all possession, transfer, or sale of medical marijuana or medical marijuana products. Any continued possession, sale, or transfer shall subject the business owners and operators to felony prosecution pursuant to the Uniform Controlled Dangerous Substances Act.
(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~~ without written approval of an application by the Authority. 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 and one ownership change request per year of licensure.~~

(A) Medical marijuana research and education licensees submitting a location change must provide a $500.00 nonrefundable application fee and the information and documentation required in OAC 442:10-4-3 relating to locations, including but not limited to the following:

(i) ~~A certificate of compliance as~~ As required in OAC 442:10-4-3(e)(1), all building permits and/or certificate(s) of occupancy issued by the Oklahoma State Fire Marshal or by the political subdivision with an authority having a jurisdiction agreement on file with the Oklahoma State Fire Marshal ~~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) for the construction or alteration of any buildings or structures classified as occupancies under the building codes adopted by the Oklahoma Uniform Building Code Commission; and

(ii) 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.

(B) Medical marijuana research and education licensees submitting an ownership change request must provide the nonrefundable application fee listed below and the information and documentation required in OAC 442:10-4-3 relating to owners, including but not limited to the following:

(i) If applicable, a list of all owners and principal officers of the applicant and supporting documentation as set forth in OAC 442:10-4-3(e)(3);

(ii) Documents required under OAC 442:10-4-3(e)(4) establishing that the applicant; and the members, managers, and board members if applicable; and seventy-five percent (75%) of the research facility's or education facility's ownership interests are Oklahoma residents as required in the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 et seq.;

(iii) For public institutions seeking a research facility license, a background check for each principal investigator and co-principal investigator; ~~and~~

(iv) Applications submitted prior to November 1, 2024 shall provide a nonrefundable application fee of $500.00. Applications submitted on or after November 1, 2024, shall provide a nonrefundable application fee that is the annual license or application fee established under Section 427.14 of Title 63 of the Oklahoma Statutes for the medical marijuana business license type; 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.

(3) Licensees shall notify the Authority prior to any changes that affect the initial research project and/or curriculum, including funding, in a manner prescribed by the Authority. If the research will be conducted with a public institution or public money, the licensee shall supply any documentation or information the Authority determines is necessary to determine whether any change to the research project and/or curriculum constitutes a material change. If there is a material change, the Authority may deny the change and require the licensee to submit a new application.

(f) **Transfer of license.**

(1) Licenses shall not be changed from one license type to another.
(2) Licenses are limited to the research project(s) approved by the Authority and shall not be transferred to any other research project, research, or curriculum.

(g) **Surrender of license.** A research facility or education facility licensee may voluntarily surrender a license to the Authority at any time in accordance with OAC 442:10-5-2(g).

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.** 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~~ All building permits and/or certificate(s) of occupancy issued by the Oklahoma State Fire Marshal or by the political subdivision ~~where the licensed premises is to be located~~with an authority having a jurisdiction agreement on file with the Oklahoma State Fire Marshal certifying compliance with the categories listed in 63 O.S. § 426.1(E) for the construction or alteration of any buildings or structures classified as occupancies under the building codes adopted by the Oklahoma Uniform Building Code Commission.

(A) Once a certificate of occupancy is issued by the Oklahoma State Fire Marshal or by the political subdivision with an authority having a jurisdiction agreement on file with the Oklahoma State Fire Marshal and such certificate of occupancy has been submitted to the Authority showing full compliance, a licensee shall only need to submit an affidavit for license renewal stating the premises

continues to comply with zoning classifications, applicable municipal ordinances, and all applicable safety, electrical, fire, plumbing, waste, construction, and building specification codes. An additional certificate of occupancy along with an affidavit shall be submitted if a change of use or occupancy occurs, or there is any change concerning the facility or location that would, by law, require additional inspection, licensure or permitting by the state or municipality. Licensees are responsible for compliance with applicable state fire, building, and electrical codes and may be liable for all damage that results from noncompliance with state fire, building, and electrical codes to the extent authorized by law.

(B) For all commercial license applications submitted on or after June 14, 2024 that require a building permit and/or certificate of occupancy for licensure, applicants who submitted a full and complete application for a building permit and/or certificate of occupancy issued by the Oklahoma State Fire Marshal or the political subdivision with an authority having a jurisdiction agreement on file with the Oklahoma State Fire Marshal prior to February 1, 2024 and while the same application remains under review by the State Fire Marshal or political subdivision, the applicant may submit an attestation on a form and in a manner prescribed by the Authority certifying that the applicant submitted a full and complete application for a building permit and/or certificate of occupancy prior to February 1, 2024, and that the same application remains under review by the Oklahoma State Fire Marshal or the political subdivision.

(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);

(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~~

~~(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~~ All building permits and/or certificate(s) of occupancy issued by the Oklahoma State Fire Marshal or by the political subdivision ~~where the licensed premises is to be located~~with an authority having a jurisdiction agreement on file with the Oklahoma State Fire Marshal certifying compliance with the categories listed in 63 O.S. § 426.1(E) for the construction or alteration of any buildings or structures classified as occupancies under the building codes adopted by the Oklahoma Uniform Building Code Commission.

(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.

442:10-4-5. 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)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 inventory tracking system tags from an Authority-approved supplier for the State inventory tracking system. Each Licensee is responsible for the cost of all inventory tracking system tags and any associated vendor fees.

(A) A commercial licensee shall ensure its inventories are properly tagged and that 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 inventory tracking system tags at all times. If a commercial licensee is unable to account for unused 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) 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 inventory tracking system tags.
(D) 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 reaches twelve (12) inches in height, the inventory tracking system tag shall be securely fastened to a lower supporting branch. The 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 an inventory tracking system tag gets destroyed, stolen, or falls off of a medical marijuana plant, the licensee must ensure a new inventory tracking system tag is placed on the medical marijuana plant and the change of the inventory tracking system tag is properly reflected in the State inventory tracking system.
(H) Commercial licensees shall not reuse any 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 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 inventory tracking system tag if the plant was not previously tagged in accordance with these Rules.
(6) Commercial licensees' inventory must have 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 an inventory tracking system tag; or
(B) Medical marijuana products may only be combined in a single wholesale package using one 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 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.

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. Each approved applicant shall be issued a credential, which shall act as proof of his or her approved status, to be worn or displayed on their person during the employee's hours of work.

(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. Beginning November 1, 2024, no medical marijuana business premises is permitted to have multiple licenses of the same type, excluding the following:
(A) a commercial grower with a combination of an indoor or outdoor growing facility on one (1) parcel of land, For the purposes of this section, a "parcel of land" means the specific portion of land that is identified by a legal description, which is considered as a single unit for the purpose of ownership, and upon which the licensed premises is located.
(B) a licensed medical marijuana processor used by multiple licensees, and
(C) a licensed medical marijuana business that has an approved application by the Authority while the new business seeks registration from the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control (OBNDD).
(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~~and a license that has been expired for more than ninety (90) days shall not be renewed. Beginning November 1, 2024, a commercial licensee that attempts to renew its license after the expiration date of the license shall pay a nonrefundable late renewal fee of five hundred dollars ($500.00) per week that the license is expired and a license that has been expired for more than sixty (60) calendar days shall not be renewed. Only license renewal applications submitted at least sixty (60) calendar days prior to the expiration date shall be considered timely submitted and subject to the requirement that applications be reviewed within ninety (90) business days of receipt of the application in accordance with Subsection F of Section 427.14 of Title 63 of the Oklahoma Statutes. A medical marijuana business license shall remain unexpired during the pendency of the application for renewal provided that such application was timely submitted. The Authority shall allow renewal applications to be submitted at least one hundred twenty (120) calendar days prior to the expiration date of a medical marijuana business license.

(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. Except as provided by Section 427.14 of Title 63 of the Oklahoma Statutes, immediately upon expiration of a license, any medical marijuana business shall cease all possession, transfer, or sale of medical marijuana or medical marijuana products. Any continued possession, sale, or transfer shall subject the business owners and operators to felony prosecution pursuant to the Uniform Controlled Dangerous Substances Act.

(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~~ without written approval of an application by the Authority. 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 a $500.00 nonrefundable application fee and 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~~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~~ , all building permits and/or certificate(s) of occupancy issued by the Oklahoma State Fire Marshal or by the political subdivision with an authority having a jurisdiction agreement on file with the Oklahoma State Fire Marshal certifying compliance with the categories listed in 63 O.S. § 426.1(E) for the construction or alteration of any buildings or structures classified as occupancies under the building codes adopted by the Oklahoma Uniform Building Code Commission;

(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)~~(iv) 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.

~~(vi)~~(v) 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 nonrefundable application fee listed below and 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;

(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) Applications submitted prior to November 1, 2024 shall provide a nonrefundable application fee of $500.00. Applications submitted on or after November 1, 2024, shall provide a nonrefundable application fee that is the annual license or application fee established under Section 427.14 of Title 63 of the Oklahoma Statutes for the medical marijuana business license type; 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.

(C) A medical marijuana business licensee submitting a name change request must provide a $500.00 nonrefundable application fee and 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);

(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**. 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~~ all building permits and/or certificate(s) of occupancy issued by the Oklahoma State Fire Marshal or by the political subdivision ~~where the licensed premises is to be located~~with an authority having a jurisdiction agreement on file with the Oklahoma State Fire Marshal certifying compliance with the categories listed in 63 O.S. § 426.1(E) for the construction or alteration of any buildings or structures classified as occupancies under the building codes adopted by the Oklahoma Uniform Building Code Commission.

(A) Once a certificate of occupancy is issued by the Oklahoma State Fire Marshal or by the political subdivision with an authority having a jurisdiction agreement on file with the Oklahoma State Fire Marshal and such certificate of occupancy has been submitted to the Authority showing full compliance, a licensee shall only need to submit an affidavit for license renewal stating the premises continues to comply with zoning classifications, applicable municipal ordinances, and all applicable safety, electrical, fire, plumbing, waste, construction, and building specification codes. An additional certificate of occupancy along with an affidavit shall be submitted if a change of use or occupancy occurs, or there is any change concerning the facility or location that would, by law, require additional inspection, licensure or permitting by the state or municipality. Licensees are responsible for compliance with applicable state fire, building, and electrical codes and may be liable for all damage that results from noncompliance with state fire, building, and electrical codes to the extent authorized by law.
(B) For all commercial license applications submitted on or after June 14, 2024 that require a building permit and/or certificate of occupancy for licensure, applicants who submitted a full and complete application for a building permit and/or certificate of occupancy issued by the Oklahoma State Fire Marshal or the political subdivision with an authority having a jurisdiction agreement on file with the Oklahoma State Fire Marshal prior to February 1, 2024 and while the same application remains under

review by the State Fire Marshal or political subdivision, the applicant may submit an attestation on a form and in a manner prescribed by the Authority certifying that the applicant submitted a full and complete application for a building permit and/or certificate of occupancy prior to February 1, 2024, and that the same application remains under review by the Oklahoma State Fire Marshal or the political subdivision.

(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;~~

~~(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);

~~(11)~~(10) 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;

~~(12)~~(11) If applicable, a list of all chemicals a processor will utilize to process marijuana;

~~(13)~~(12) If applicable, safety data sheets for every chemical a processor will utilize to process marijuana;

~~(14)~~(13) If applicable, a bond or attestation as required under OAC 442:10-5-3.3 certifying compliance with 63 O.S. § 427.26;

~~(15)~~(14) 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)~~(15) 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 26, 2022, and ending August 1, 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 26, 2022. The Executive Director of the Authority may terminate the moratorium prior to August 1, 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.

442:10-5-5. Processing medical marijuana on behalf of a patient or caregiver [AMENDED]

(a) A licensed processor shall not sell or otherwise transfer medical marijuana or medical marijuana products to a patient or caregiver, except that a licensed processor may process medical marijuana into medical marijuana concentrate on behalf of a licensed patient or caregiver in exchange for a fee.

(b) For each occasion in which medical marijuana is processed in accordance with this subsection, a processor shall enter all information required by OAC 442:10-5-6(b)(4) into a log, which shall be maintained on the licensed premises.

(c) Processors shall only use medical marijuana provided by the licensed patient or caregiver when processing on behalf of a patient or caregiver and shall not add, mix in, or otherwise incorporate any medical marijuana or medical marijuana concentrate obtained from a separate source. A processor shall return any excess medical marijuana to the licensed patient. Plant material and any waste generated from processing shall be disposed of in accordance with OAC 442:10-5-10.

(d) The medical marijuana concentrate shall be labeled, and the label shall contain, at a minimum, the following information:

(1) Patient and, if applicable, caregiver license number;
(2) Processor name and license number;
(3) Date processed; and
(4) The Oklahoma uniform symbol.

(e) All medical marijuana and processed concentrate must be maintained on the premises in a manner that protects it from contamination, including, but not limited to, filth, mold, pests, and other contaminants.

(f) ~~Concentrate processed directly on behalf of a patient or caregiver pursuant to this section is not subject to the testing requirements set forth in 63 O.S. § 427.17 and these Rules. However, a~~A patient or caregiver may submit any medical marijuana and medical marijuana products to a licensed laboratory for testing pursuant to 63 O.S. § 427.17(J).

(g) Any transaction not in accordance with this Section shall constitute an unlawful sale.

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 accurately reported to the Authority in the State inventory tracking system for all

transactions to ensure compliance and protect public health 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;

(D) The weight, quantity, or other metric required by the Authority, of the medical marijuana or medical marijuana product(s) involved in the transaction;

(E) The batch number of the medical marijuana or medical marijuana product(s);

(F) The total amount spent in dollars;

(G) All point-of-sale records as applicable;

(H) Transportation information documenting the transport of medical marijuana or medical marijuana product(s) as required under OAC 442:10-3-6(b);

(I) Testing results and information;

(J) Waste records and information;

(K) Marijuana excise tax records, if applicable;

(L) 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 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 inventory tracking system tags from an Authority-approved supplier for the State Inventory Tracking System. Each Licensee is responsible for the cost of all inventory tracking system tags and any associated vendor fees.

(A) A commercial licensee shall ensure its inventories are properly tagged and that 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 inventory tracking system tags at all times. If a commercial licensee is unable to account for unused 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) 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 inventory tracking system tags.

(D) 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 reaches twelve (12) inches in height, the inventory tracking system tag shall be securely fastened to a lower supporting branch. The 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 an inventory tracking system tag gets destroyed, stolen, or falls off of a medical marijuana plant, the licensee must ensure a new inventory tracking system tag is placed on the medical marijuana plant and the change of the inventory tracking system tag is properly reflected in the State inventory tracking system.

(H) Commercial licensees shall not reuse any 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 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 inventory tracking system tag if the plant was not previously tagged in accordance with these Rules.

(6) Commercial licensees' inventory must have 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 an inventory tracking system tag; or

(B) Medical marijuana products may only be combined in a single wholesale package using one 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 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.

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 that weigh less than or equal to fifteen (≤ 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 that weigh less than or equal to fifty (≤ 50) pounds. Processors shall separate all medical marijuana product into production batches that contain a volume that is less than or equal to four (≤ 4) liters of liquid medical marijuana concentrate or that weigh less than or equal to nine (≤ 9) pounds for nonliquid medical marijuana products, and ~~for final~~ medical marijuana infused final products shall contain less than or equal to one-thousand (≤ 1,000) grams of 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)~~this Subchapter;

(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 final harvest batch and final 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.**Growers, processors, and dispensaries shall not sell or otherwise transfer any final harvest batch or final product to a dispensary until the product has undergone final product testing. For the purposes of this section, "final product" means the finished product that is available for transport to a licensed medical marijuana dispensary and ready for consumption by licensed medical marijuana patients. Final product testing shall only be required when the final product is completed and prior to transfer to a licensed medical marijuana dispensary, licensed medical marijuana patient, or licensed medical marijuana caregiver.

~~(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 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.** If any medical marijuana or medical marijuana products test above allowable thresholds, are the subject of an embargo, are otherwise determined to be unsafe, or that otherwise fail to meet standards set forth in this Subchapter, 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**. Prior to accepting any sale or transfer of any medical marijuana or medical marijuana products, commercial licensees shall obtain copies of any and all COAs for every test conducted on the harvest batch(es), production batch(es), final harvest batch(es), or final production batch(es). Commercial licensees shall maintain copies of any and all COAs for at least seven (7) years and all records shall be kept on-site and readily accessible. Commercial licensees shall immediately, 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, and such notification shall include copies of the applicable COAs. 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.

~~(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**~~**Analyte testing requirements.** 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) **Microbial testing**. ~~Harvest~~ Final harvest batch samples and final production batch samples shall be tested for microbial 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~~Upon operational status of the Authority's Quality Assurance Laboratory, 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~~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 and 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). For non-quantitative testing, a ~~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.

(F) **Remediation.** A final harvest batch of medical marijuana flower or of medical marijuana trim that fails microbial testing may be remediated into a solvent-based concentrate. All other types of final harvest batches and final production batches that fail microbial testing shall not be remediated. A final harvest batch, that is remediated into a final production batch, must be fully tested and successfully pass all the analytes required under this Subsection. If that batch fails to pass these testing requirements, it must be disposed of in accordance with the Waste Management Act, 63 O.S. § 427a et seq. and these Rules.

(G) **Decontamination.**

(i) A final harvest batch that has failed microbial testing may be decontaminated and returned to the grower, provided that the harvest batch remains in its original form and was not processed into a solvent-based medical marijuana concentrate.

(ii) A final production batch of a cannabinoid concentrate or cannabinoid extract that has failed microbial testing may be decontaminated.

(iii) A final harvest batch or a final production batch that is decontaminated, in accordance with this Subsection, must be fully tested and successfully pass all the analytes required under this Subchapter. A decontaminated final harvest batch or final production batch that fails to pass these testing requirements must be disposed of in accordance with the Waste Management Act, 63 O.S. § 427a et seq. and these Rules, except that, a final harvest batch of medical marijuana flower or of medical marijuana trim may be remediated in accordance with Subsection (F).

(2) **Mycotoxins**. ~~Production~~Final production batch samples shall be tested for 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~~Upon operational status of the Authority's Quality Assurance Laboratory, 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)~~(iv) Five (5) levels of linear or weighted linear regression, or six (6) levels of quadradic regression, using an average response factor;
~~(vi)~~(v) 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)~~(vi) 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).
(H) **Remediation and decontamination**. If a final production batch fails mycotoxin testing, that batch shall 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.

(3) **Residual solvents.**~~Production~~Final production batch samples shall be tested for residual 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~~Upon operational status of the Authority's Quality Assurance Laboratory, 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)~~(≥ 0.02 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)~~this subsection. 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)~~(iv) 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)~~(v) 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.

(H) **Remediation.** If a final production batch fails residual solvent testing, that batch shall not be remediated and must be disposed of in accordance with the Oklahoma Medical Marijuana Waste Management Act, 63 O.S. § 427a et seq., and these Rules.

(I) **Decontamination.** A final production batch that has failed residual solvent testing may be decontaminated. A final production batch that is decontaminated, in accordance with this Subsection, must be fully tested and successfully pass all the analytes required under this Subchapter. A decontaminated final production batch that fails to pass these testing requirements must be disposed of in accordance with the Waste Management Act, 63 O.S. § 427a et seq. and these Rules.

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

(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~~Upon operational status of the Authority's Quality Assurance Laboratory, 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)~~(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.** 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).

(H) **Remediation and decontamination.** If a final harvest batch or final production batch fails heavy metal testing, that batch shall 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. The Authority may report to the Oklahoma Department of Environmental Quality all test results showing samples failing heavy metals testing.

(5) **Pesticide residue**. ~~Harvest~~ Final harvest batch samples and final production batch samples shall be tested for pesticide analytes in accordance with the following:

(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~~Upon operational status of the Authority's Quality Assurance Laboratory, 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)~~(iv) 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)~~(v) Five (5) levels of linear or weighted linear regression, or six (6) levels of quadratic regression;
~~(vii)~~(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
~~(viii)~~(vii) 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.

(I) **Remediation and decontamination**. If a final harvest batch or final production batch fails pesticide testing, that batch shall 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. The Authority may report to the Oklahoma Department of Environmental Quality all test results showing samples failing pesticide testing.

(6)**THC and cannabinoid concentration.** ~~Harvest~~Final harvest batch samples and final production batch samples shall be tested for THC and cannabinoid concentration in accordance with the following:

(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 multiplied by eight hundred and seventy-seven thousandths 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~~]0.877) + 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~~the conversion factor listed in the subsections below 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~~[conversion factor listed below]) + decarboxylated form [cannabinoid] concentration (mg/g) = total [cannabinoid] concentration (mg/g)].

(I) For CBD and CBDA use a conversion factor of eight hundred and seventy-seven thousandths (0.877).
(II) For CBG 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).

(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~~Upon operational status of the Authority's Quality Assurance Laboratory, 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)~~(iv) 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~~Upon operational status of the Authority's Quality Assurance Laboratory, a result that is 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~~Upon operational status of the Authority's Quality Assurance Laboratory, a result that is 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~~Final harvest batch samples and final 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~~Upon operational status of the Authority's Quality Assurance Laboratory, 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)~~(iv) A coefficient of determination that is greater than or equal to ninety-eight hundredths ($R2 \geq 0.98$) for linear regression. For quadratic regression, a coefficient of determination that is greater than or equal to ninety-nine hundredths ($R^2 \geq 0.99$) is required; and

~~(iv)~~(v) 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.

(8) **Foreign materials and filth**. ~~Harvest~~ Final harvest batch samples and final production batch samples shall be tested for foreign materials and filth in accordance with the following:

(A) **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) **Methodologies.** The method employed by a testing laboratory must pass a matrix proficiency test as required by the Authority. ~~The~~Upon operational status of the Authority's Quality Assurance Laboratory, 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) **Reporting results.** Results shall be reported as passing or failing.

(D) **Remediation.**A final harvest batch of medical marijuana flower or of medical marijuana trim that fails foreign materials and filth testing may be remediated into a solvent-based concentrate. All other types of final harvest batches and final production batches that fail foreign materials and filth testing shall not be remediated. A final harvest batch, that is remediated into a final production batch, must be fully tested and successfully pass all the analytes required under this Subsection. If that batch fails to pass these testing requirements, it must be disposed of in accordance with the Waste Management Act, 63 O.S. § 427a et seq. and these Rules.

(E) **Decontamination.** If a final harvest batch or final production batch fails foreign materials and filth testing, that batch may decontaminated. A final harvest batch or final production batch that is decontaminated in accordance with this Subsection must be fully tested and successfully pass all the analytes required under this Subchapter. A decontaminated final harvest batch or production batch that

fails to pass these testing requirements must be disposed of in accordance with the Waste Management Act, 63 O.S. § 427a et seq. and these Rules.

(9) **Water activity and moisture content.** ~~Harvest~~ Final 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) **Sample preparation.** Sample must weigh greater than or equal to five tenths of a gram (≥ 0.5 g).

(B) **Water activity.** Samples shall be tested to determine the level of water activity in accordance with the following:

(i) **Allowable thresholds.** A final 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~~Upon operational status of the Authority's Quality Assurance Laboratory, 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) **Moisture content.** Samples shall be tested to determine the percentage (%) of moisture content in accordance with the following:

(i) **Allowable thresholds.** A final 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~~Upon operational status of the Authority's Quality Assurance Laboratory, 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.

(D) **Remediation.**A final harvest batch of medical marijuana flower or of medical marijuana trim that fails water activity or moisture content testing may be remediated into a solvent-based concentrate. All other types of final harvest batches that fail moisture content testing shall not be remediated. A final harvest batch, that is remediated into a final production batch, must be fully tested and successfully pass all the analytes required under this Subsection. If that batch fails to pass these testing requirements, it must be disposed of in accordance with the Waste Management Act, 63 O.S. § 427a et seq. and these Rules.

(E) **Decontamination.** A final harvest batch that fails water activity or moisture content testing may be further dried and cured by the grower. A final harvest batch that is decontaminated as described in this section must be fully tested and successfully pass all the analytes required under this Subchapter. A decontaminated final harvest batch that fails to pass these testing requirements must be disposed of in accordance with the Waste Management Act, 63 O.S. § 427a et seq. and these Rules.

(j) **Retesting.** If a final harvest batch or final production batch fails any analyte testing, the final harvest batch or final 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 final harvest batch or final 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 final 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 final harvest batch or final 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 final harvest batch or final production batch fails testing for an analyte that passed initial testing, the final harvest batch or final production batch must pass testing for that analyte during the second retest.

(6) Any final harvest batch or final 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.

(7) 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.

(k) **Remediation, decontamination, and retesting, general**. Growers and processors must, as applicable:

(1) ~~If a sample fails testing under this Subchapter, the harvest batch or production batch from which the sample was taken:~~ Have detailed procedures for remediation and decontamination processes.

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

~~(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.~~ Prior to samples being taken, inform the laboratory that the final harvest batch or final production batch has failed testing and is being re-tested after undergoing remediation or decontamination.

(4) ~~Growers and processers must, as applicable:~~ Prior to retesting, provide to the testing laboratory a document specifying how the final product was remediated or decontaminated. This document shall be retained by the laboratory together with other testing documentation.

~~(A) Have detailed procedures for remediation and decontamination processes to remove 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 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, microbial testing.**

~~(1) If a sample from a harvest batch or production batch fails 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 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 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, and must be tested for pesticide residue, foreign material and filth, and water activity and moisture content if not previously tested .~~

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

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

~~(5) A batch that fails 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 testing.~~**

~~(1) If a sample from a batch fails residual solventtesting, 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 this section must be sampled and retested for residual solvents in accordance with these Rules.~~

~~(3) A batch that fails residual solvent 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 this section must be sampled and tested in accordance with these Rules.~~

~~(o)~~ **~~Remediation, decontamination and retesting, 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 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 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) **Pre-rolls.** Pre-rolls may be created in accordance with 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 plant material must be homogenized into a new batch that weighs less than or equal to fifteen (≤ 15) pounds. ~~Multiple harvest batch noninfused~~Noninfused pre-rolls created by a grower, processor or dispensary are subject to the same testing requirements of a final harvest batch under ~~OAC 442:10-8-1(i)~~this subsection and must successfully pass all the analytes required under this subsection prior to transfer to a licensed medical marijuana dispensary, licensed medical marijuana patient, or licensed medical marijuana caregiver. ~~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) **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 those harvest batches have passed all testing requirements under this Subchapter~~. The kief must be homogenized into a new batch that weighs less than or equal to fifteen (≤ 15) pounds. Kief collected by a grower or processor is subject to the same testing requirements of a final harvest batch under ~~OAC 442:10-8-1(i)~~this subsection.

(3) **Shake and trim.** Growers and processors may collect shake and trim from multiple harvest batches ~~provided those harvest batches have passed all testing requirements under this Subchapter~~. The shake and trim must be homogenized into a new batch that weighs less than or equal to fifty (≤ 50) pounds. Shake and trim collected by a grower or processor is subject to the same testing requirements of a final harvest batch under ~~OAC 442:10-8-1(i)~~this subsection.

(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~~Upon operational status of the Authority's Quality Assurance Laboratory, testing laboratories 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~~Authority or its designee 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~~its designee 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 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 two (2) out of 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 an in sample Limit of Quantification (LOQ) capable of detecting quantities at or below fifty percent (50%) of the analyte thresholds listed in ~~OAC 442:10-8-1(i)~~this subchapter.
(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, 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.

(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 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 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 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 following:~~ Final product samples must be collected and tested before being transferred, or sold, to a dispensary. For the purposes of this Subsection “final product” means the following:

(A) For all medical marijuana and medical marijuana products excluding medical marijuana products that are administered via inhalation, "final ~~form~~product" 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~~product" 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 final harvest batch and final 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 final harvest batch or final 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 final harvest batch or the final product composed of non-infused pre-rolls, a total of 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 well mixed and aliquoted into a primary sample and reserve sample. The primary sample and the reserve sample shall 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 final production batch that is a well mixed 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) To obtain a representative sample of infused pre-rolls or a non-liquid final production batch, 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 well mixed and aliquoted into a primary sample and reserve sample, which

shall be equal in amount. The primary sample and reserve sample shall each weigh greater than or equal to five grams (≥ 5 g). Any amount left over after aliquoting may be returned to the final production batch.

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

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

(2) 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 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;

(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.

(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.

(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~~ originating licensee 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~~ notify the Authority and shall submit a copy of the COA. 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, 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 as required by ~~OAC 442:10-8-1(i)~~ this subchapter.
(2) The laboratory shall analyze LQC samples in the same manner as the laboratory analyzes samples of medical marijuana and medical marijuana products.
(3) If the result of the analyses is outside the specified acceptance criteria in ~~OAC 442:10-8-1(i)~~ this subchapter, 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.
(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 ~~OAC 442:10-8-1(i)~~ this subchapter.

(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.

SUBCHAPTER 9. WASTE DISPOSAL FACILITIES

442:10-9-2. Licenses and permits [AMENDED]

(a) **Timeframe.** Waste disposal facility licenses and permits shall be issued for a twelve (12) month period expiring one (1) year from the date of issuance. The license or permit 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.** Waste disposal facility licenses and permits shall only be valid for a single location at the address listed on the application.

(c) **Renewal of license or permit**

(1) It is the responsibility of the license holder to renew the license and any associated permits, with all applicable documentation, prior to the date of expiration of the license or permit by following the procedures provided in OAC 442:10-9-3 and OAC 442:10-9-4.

(2) Before renewing a license or permit, the Authority may require further information and documentation to determine if the licensee continues to meet the requirements set forth in Oklahoma law and these Rules.

(3) The Authority may refuse to renew a license or permit of a medical marijuana waste facility for the following:

(A) Failure to meet the requirements for licensure or permits set forth in the Oklahoma Medical Marijuana Waste Management Act, 63 O.S. § 427a 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.

(d) **Disposal of waste upon termination of license/permit.**

(1) A waste disposal facility licensee whose license is not renewed, or whose license is revoked, suspended, or voluntarily surrendered, shall immediately cease all operations at all licensed and permitted locations upon expiration of the license and shall immediately either dispose of any medical marijuana waste remaining in its possession or transfer such medical marijuana waste to another licensed medical marijuana waste disposal facility licensee. Except as provided by Section 427.14 of Title 63 of the Oklahoma Statutes, immediately upon expiration of a license, any medical marijuana waste disposal facility shall cease all possession, transfer, or sale of medical marijuana or medical marijuana products. Any continued possession, sale, or transfer shall subject the business owners and operators to felony prosecution pursuant to the Uniform Controlled Dangerous Substances Act.

(2) A waste disposal facility licensee whose permit is not renewed, or whose permit is revoked, suspended, or voluntarily surrendered, shall cease all operations at the permitted location immediately upon expiration of the permit and shall immediately take one of the following actions:

(A) Dispose of any medical marijuana waste remaining in its possession at the permitted location;

(B) Transfer such medical marijuana waste to another permitted location belonging to the same licensed medical marijuana waste disposal facility licensee; or

(C) Transfer such medical marijuana waste to another licensed medical marijuana waste disposal facility licensee.

(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~~ without written approval of an application by the Authority. 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 now 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 ownership change request, and one name change request per year of licensure.~~

(A) Medical marijuana waste licensees submitting a location change for any licensed or permitted location must provide a $500.00 nonrefundable application fee and the information and documentation required in OAC 442:10-9-4 relating to locations, including but not limited to the following:

(i) Proof as required in OAC 442:10-9-4(c)(1) that the location of the waste facility is at least one thousand (1,000) feet from any public or private school; and

(ii) As required in OAC 442:10-9-3(e)(9), all building permits and/or certificate(s) of occupancy issued by the Oklahoma State Fire Marshal or by the political subdivision with an authority having a jurisdiction agreement on file with the Oklahoma State Fire Marshal certifying compliance with the categories listed in 63 O.S. § 426.1(E) for the construction or alteration of any buildings or structures classified as occupancies under the building codes adopted by the Oklahoma Uniform Building Code Commission; and

(iii) 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.

(B) Medical marijuana business licensees submitting an ownership change request must provide the nonrefundable application fee listed below and the information and documentation required in OAC 442:10-9-3 relating to owners, including but not limited to the following:

(i) An list of all owners and principal officers of the commercial applicant and supporting documentation as set forth in OAC 442:10-9-3(e)(1);

(ii) An affidavit of lawful presence for each new owner;

(iii) Documents required under OAC 442:10-9-3(e)(5) 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) Background checks in accordance with OAC 442:10-1-5; ~~and~~

(v) Applications submitted prior to November 1, 2024 shall provide a nonrefundable application fee of $500.00. Applications submitted on or after November 1, 2024, shall provide a nonrefundable application fee that is the annual license or application fee established under Section 427.14 of Title 63 of the Oklahoma Statutes for the medical marijuana business license type; 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 a $500.00 nonrefundable application fee and 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 as required under OAC 442:10-5-3(e)(2);

(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)(6); 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.

(f) **Transfer of license or permit.** Licenses may not be changed from one license type to another.

(g) **Surrender of license or permit.** A waste disposal facility licensee may voluntarily surrender a license or permit to the Authority at any time in accordance with OAC 442:10-5-2(g). If a waste disposal facility license is surrendered, all associated permitted locations will be surrendered.

(h) **Revocation of license or permit.** If a waste disposal facility license is revoked, all associated permitted locations will be revoked.

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.** 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;
(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~~ All building permits and/or certificate(s) of occupancy issued by the Oklahoma State Fire Marshal or by the political subdivision with an authority having a jurisdiction agreement on file with the Oklahoma State Fire Marshal certifying compliance with the categories listed in 63 O.S. § 426.1(E) for the construction or alteration of any buildings or structures classified as occupancies under the building codes adopted by the Oklahoma Uniform Building Code Commission.

(A) Once a certificate of occupancy is issued by the Oklahoma State Fire Marshal or by the political subdivision with an authority having a jurisdiction agreement on file with the Oklahoma State Fire Marshal and such certificate of occupancy has been submitted to the Authority showing full compliance, a licensee shall only need to submit an affidavit for license renewal stating the premises

continues to comply with zoning classifications, applicable municipal ordinances, and all applicable safety, electrical, fire, plumbing, waste, construction, and building specification codes. An additional certificate of occupancy along with an affidavit shall be submitted if a change of use or occupancy occurs, or there is any change concerning the facility or location that would, by law, require additional inspection, licensure or permitting by the state or municipality. Licensees are responsible for compliance with applicable state fire, building, and electrical codes and may be liable for all damage that results from noncompliance with state fire, building, and electrical codes to the extent authorized by law.

(B) For all commercial license applications submitted on or after June 14, 2024 that require a building permit and/or certificate of occupancy for licensure, applicants who submitted a full and complete application for a building permit and/or certificate of occupancy issued by the Oklahoma State Fire Marshal or the political subdivision with an authority having a jurisdiction agreement on file with the Oklahoma State Fire Marshal prior to February 1, 2024 and while the same application remains under review by the State Fire Marshal or political subdivision, the applicant may submit an attestation on a form and in a manner prescribed by the Authority certifying that the applicant submitted a full and complete application for a building permit and/or certificate of occupancy prior to February 1, 2024, and that the same application remains under review by the Oklahoma State Fire Marshal or the political subdivision.

(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) 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 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 inventory tracking system tags from an Authority-approved supplier for the State Inventory Tracking System. Each Licensee is responsible for the cost of all 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 inventory tracking system tags at all times. If a commercial licensee is unable to account for unused 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) 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 inventory tracking system tags.
(D) 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 reaches twelve (12) inches in height, the inventory tracking system tag shall be securely fastened to a lower supporting branch. The 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 an inventory tracking system tag gets destroyed, stolen, or falls off of a medical marijuana plant, the licensee must ensure a new inventory tracking system tag is placed on the medical marijuana plant and the change of the inventory tracking system tag is properly reflected in the State inventory tracking system.
(H) Commercial licensees shall not reuse any 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 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 inventory tracking system tag if the plant was not previously tagged in accordance with these Rules.
(6) Commercial licensees' inventory must have 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 an inventory tracking system tag; or
(B) Marijuana products may only be combined in a single wholesale package using one 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 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

442:10-11-1. Standards and requirements to achieve process validation [AMENDED]

(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~~ Upon operational status of the Authority's Quality Assurance Laboratory, 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~~Upon operational status of the Authority's Quality Assurance Laboratory, 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)~~(1) 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)~~(2) 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)~~(3) 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.

[OAR Docket #24-924; filed 8-21-24]

TITLE 475. OKLAHOMA STATE BUREAU OF NARCOTICS AND DANGEROUS DRUGS CONTROL
CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #24-890]

RULEMAKING ACTION:
EMERGENCY adoption
RULES:
Subchapter 1. General Provisions
475:1-1-2. Definitions [AMENDED]
475:1-1-3. Requests for declaratory rulings [NEW]
Subchapter 5. Administrative Actions
475:1-5-1. Purpose [AMENDED]
475:1-5-2. ~~Burden of proof~~Purpose of hearing and burden of proof [AMENDED]
475:1-5-4. Prehearing conference [AMENDED]
475:1-5-6. Submission and receipt of evidence [AMENDED]
475:1-5-11. Surrender of Registration in Lieu of Administrative Action [AMENDED]
475:1-5-12. Service in administrative proceedings [AMENDED]
475:1-5-13. Request for hearing and default [AMENDED]
AUTHORITY:
Oklahoma Bureau of Narcotics and Dangerous Drugs Control; 63 O.S. Sections 2-301 and 2-309H
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N/A
AVAILABILITY:
N/A
FINDING OF EMERGENCY:
The emergency rule changes will not subject OBNDD or other State agencies to any additional costs. The emergency rule changes will benefit OBNDD by eliminating conflict and confusion between what is specified in statute versus what is in rule. OBNDD will also benefit from the changes by creating a more efficient way of providing service to the registrant and for registrants to request a hearing. The emergency rules have no environmental impact. The rules will reduce the risk to public health and safety by making show cause hearings more efficient, eliminating conflict between rules and statutes, and providing more clarity to registrants. This will allow registrants to follow rules and regulations more easily and reduce non-compliance. In the absence of these rules, public health and safety would be at risk because registrants currently in violation of the Uniform Controlled Dangerous Substances Act would be able to continue to operate for even longer even if they tried to manipulate the system to say they did not receive service or they sent in a request for hearing even though OBNDD never received it. Additionally, registrants and the public would be confused by inconsistencies between rules and statutes.

GIST/ANALYIS:

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 how the agency provides notice to a registrant of an administrative hearing, how the registrant is required to request a hearing, and who is able to request a hearing. 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 EMERGENCY RULES ARE CONSIDERED PROMULGATED AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253(F):

SUBCHAPTER 1. GENERAL PROVISIONS

475:1-1-2. Definitions [AMENDED]

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.

"Defective application" means any application with information that does not match exactly the professional or occupational license, does not contain all required information and/or documentation, or is fundamentally flawed as determined by the Director.

"New application" means any application for a person or entity that has never been registered, or an application that purports to make such substantive changes to an existing registration as to consider it a new registration, or an application for a registrant that is ineligible to renew an expired registration. Examples of substantive changes specifically include a change of ownership, a change of name, a change of address, a change of license or registration type, a change of business type, and any other substantive change as identified and determined by the Director.

"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~~.

"Renewal application" means any timely and sufficient application submitted on behalf of an existing registrant where no substantive changes are being made that fundamentally alter the registration in a way that creates a new registration. The timeliness of any renewal application is determined by the date a full and complete application is submitted to the Bureau and accepted for filing.

475:1-1-3. Requests for declaratory rulings [NEW]

(a) The Director or duly authorized agent may issue declaratory rulings as to the applicability of any rule or order of the Bureau, which is requested by or on behalf of a person directly affected thereby, subject to the terms and conditions set forth in this section.

(b) A declaratory ruling petition must be in writing to the Bureau and must include the following information:

(1) The name, address, and telephone number of the person making the request;
(2) The name, address, and telephone number of the organization the person represents, if applicable;
(3) The date of the request;
(4) The issue(s) on which a declaratory ruling is requested, stated clearly and concisely;
(5) A complete, clear, and concise statement of all relevant facts on which the declaratory ruling is requested;
(6) The petitioner's desired result and the legal basis for that result, including reference to the applicable statutes, rules, regulations, and case law; and
(7) The signature of the petitioner or the authorized agent of the petitioner.

(c) The Director may deny the request if it is repetitive, concerns a matter that in the Director's judgment is inappropriate for a declaratory ruling, or concerns a matter beyond the Director's authority.
(d) The Director may request additional information from the petitioner as deemed necessary to issue a declaratory ruling. Failure to provide the requested information shall result in denial of the petition to issue the declaratory ruling.
(e) 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 the Bureau, its duly authorized agents, and their successors only prospectively;
(4) The declaratory ruling shall bind the Bureau, its duly authorized agents and their successors as to transactions of the petition that occur within three (3) years after the date of the issuance of the declaratory ruling; and
(5) The declaratory ruling may be revoked, altered, or amended by the Bureau at any time.
(f) The declaratory ruling shall cease to be binding if:
(1) A pertinent change is made in the applicable law by the Legislature;
(2) A pertinent change is made in the Bureau'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) The actual facts are determined to be materially different from the facts set out in the petitioner's declaratory ruling petition.
(g) The Bureau will make a good faith effort to issue a declaratory ruling within ninety (90) days from the date of receipt of a complete and proper petition unless, in the Director's discretion, the issue is of such complexity or novelty that additional time is required.
(h) The Bureau may, in its discretion, deny a petition for declaratory ruling for good cause. In this instance, the Bureau will indicate in a letter the reason(s) for refusing to issue the declaratory ruling.
(i) The petitioner may withdraw the petition for a declaratory ruling in writing prior to the issuance of the declaratory ruling.

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, annul, revoke or deny the renewal of an OBN registration and/or impose a fine.

475:1-5-2. ~~Burden of proof~~Purpose of hearing and burden of proof [AMENDED]

(a) If requested by a person entitled to a hearing, the Bureau shall hold a hearing for the purpose of receiving factual evidence regarding the contested factual issues involved in the limitation, condition, annulment, fine, denial of renewal, revocation, or suspension of any registration. Extensive argument should not be offered into evidence but rather presented in opening or closing statements of counsel or in memoranda or proposed findings of fact and conclusions of law.
(b) At any hearing for the limitation, conditioning, denial of renewal application, suspension, annulment, 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.
(c) At any hearing for the immediate suspension of a registration, the Director retains exclusive authority to issue an Order of Immediate Suspension pending further administrative proceedings pursuant to the Uniform Controlled Dangerous Substances Act. Rules of evidence shall not apply at such hearing. The Bureau shall bear the burden to show that substantial evidence exists to support the Director's finding of an emergency necessitating an immediate suspension of the

registration.
(d) If there is no genuine dispute as to any material fact requiring a hearing and the movant is entitled to judgment as a matter of law, the hearing officer shall grant a preliminary recommendation of summary judgment. The recommendation of summary judgment shall contain the findings of fact and proposed conclusions of law along with reasons for granting or denying the motion. The Director may accept, amend, or reject the findings of fact and proposed conclusions of law or remand for further proceedings as necessary.

475:1-5-4. Prehearing conference [AMENDED]
(a) The hearing officer for a hearing on the limitation, conditioning, denial, suspension or revocation of a registration, and/or the assessment of a fine on his/her own motion or on the motion of any party for good cause shown, may direct all parties to appear at a specified time and place for a conference for
(1) The simplification of issues.
(2) The possibility of obtaining stipulations, admission of facts and documents.
(3) The possibility of limiting the number of expert witnesses.
(4) The identification and, if practicable, the scheduling of all witnesses to be called.
(5) The advance submission at the prehearing conferences of all documentary evidence and affidavits to be marked for identification.
(6) Such other matters as may aid in the expeditious disposition of the hearing.
(b) Any contemplated motion shall be filed at least five business days prior to the event to which it pertains or addresses, unless an emergency exists, with the other party given a reasonable opportunity to respond either in writing or in person. All motions shall generally be limited in scope and frequency given the limited scope and nature of all individual proceedings. Abuse of discovery or pretrial process to delay any individual proceeding may subject the registrant to immediate suspension or sanction pending the conclusion of the individual proceeding including any appeal arising therefrom.
(c) The Office of the General Counsel shall have authority to schedule all hearings and pre-trial matters before the hearing officer with reasonable notice provided to each party to an individual proceeding.
(d) Prior to requesting a prehearing conference before the hearing officer, the parties shall be required to meet and confer with the Bureau to attempt to resolve issues and obtain stipulations.

475:1-5-6. Submission and receipt of evidence [AMENDED]
(a) The hearing officer may allow evidence at a hearing or pre-hearing conference that is competent, relevant, material and not unduly repetitious.
(b) Opinion testimony shall be admitted when the hearing officer is satisfied that the witness is properly qualified.
(c) Authenticity of all documents submitted in advance shall be deemed admitted unless objection thereto is filed with the hearing officer, except that a party will be permitted to challenge such authenticity at a later time upon showing of good cause for failure to have filed such written objection.
(d) Samples, if otherwise admissible into evidence, may be displayed at the hearing and may be described for purposes of the record or may be admitted into evidence as exhibits.
(e) Where official notice is taken or is to be taken of a material fact not appearing in the evidence of record, any party, on timely request, shall be afforded opportunity to controvert such fact.
(f) The hearing officer shall file as exhibits copies of the following documents:
(1) The order to show cause or notice of hearing.
(2) Any waiver of hearing.
(3) The prehearing ruling, if any.
(4) Any other document necessary to show the basis for the hearing.
(g) The registration record shall be admitted in every individual proceeding. Relevant and material records maintained by any government entity shall be admitted without testimony when done in substantial compliance with 12 O.S. § 2902. With regard to the absence of a record of any government entity, an affidavit by the records custodian of the government entity attesting to the non-existence of the requested record shall be deemed sufficient for admission without testimony.

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 annulled, 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~~shall be considered ~~an~~ unlawful dispensation, administration, distribution, manufacturing, and/or prescription of a controlled dangerous substance as set forth under Title 63 of the Oklahoma Statutes. This provision shall apply specifically to all individual registrants and beneficial owners of any entity that is annulled, revoked, or suspended. Any individual registrant and beneficial owner subject to this provision shall be prohibited from holding any other registration either as an individual or a beneficial owner.
(c) ~~For registered businesses,~~Only the registrant ~~OBN only recognizes surrenders submitted by a beneficial owner,~~or the registrant's legal ~~counsel, or court-appointed~~ representative ~~on~~may surrender the registration on behalf of the ~~registered business~~registrant. 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. Any person not recorded in the registration record as an individual registrant or beneficial owner of a registered entity lacks standing to contest any issue.

475:1-5-12. Service in administrative proceedings [AMENDED]
(a) ~~Notice of any~~Any written order or notice of hearing~~initiating administrative proceedings~~, other than an immediate suspension order, shall be ~~given according to~~primarily served by one of the following methods:

(1) ~~Upon the respondent by personal service~~Personal delivery to the respondent at the last known registered address provided to the Bureau or to the registered agent of the respondent or to the attorney of record of the respondent, in any manner authorized by the law of this State for the personal service of summons. Personal service to registered entities may be accomplished by leaving a copy of the written order or notice at the registered location or by taping a copy of the written order or notice to the front entrance of the registered location.

(2) ~~Upon the respondent by mailing a copy of the notice by certified~~Certified mail, return receipt requested, ~~to the last known mailing address of the respondent or~~ to the registered agent of the respondent or to the registered address if no registered agent exists.Respondent shall be deemed to have refused receipt of certified mail if it is returned to the Bureau and tracking information provided by the postal service shows delivery was attempted and notice was left for the respondent to retrieve the certified mail prior to being returned.

(3) Any notice of violation issued to a registrant by an OBN agent may be served personally, by mail, or by electronic mail upon contact with the registrant or an authorized employee of a registered entity.

(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.

(3) Any written order or notice of hearing that is properly directed to the respondent and shown by affidavit to have been put into the post office or delivered to the postman is presumed to have reached its destination at the regular time and received by the person to whom it was addressed unless returned to the Bureau for failure to deliver.

(4) If a registrant cannot be reached by mail, electronic mail, or refuses to accept service, the registration shall be deemed abandoned and inactivated. The registrant shall have ten (10) days to request the inactivation be set aside by the Director upon good cause shown. Personal service is not required if the written order is mailed, emailed, and published to the OBN Registrant Verification website.

~~(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 [AMENDED]

(a) A request for a hearing or any other filing in an administrative action shall be submitted ~~in writing, on a form prescribed by the OBN~~using the dedicated link on the Bureau's public website. The link provides an exact date and time of each submission which shall be controlling on any determination in the timeliness of any submission.~~This 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~~made in any other manner shall not be accepted. Hearing requests must be made by 5:00pm 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~~submitted after the deadline for requesting a hearing ~~will~~shall not be granted. T~~he 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~~The registrant shall file a verified answer ~~responding~~as to each alleged violation ~~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~~to any alleged violation by the deadline to request a hearing shall be deemed an admission of the alleged violation. The verified answer must be received by the Bureau on or before the deadline to request a hearing. The registrant shall be responsible for all submissions made to the Bureau including, ensuring the timeliness of any request for hearing or verified answer. Any person not recorded in the registration record as the individual registrant, or a beneficial owner of a registered entity, cannot verify any answer and lacks standing to contest any issue.

(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.~~ Any person not recorded in the registration record as an individual registrant or beneficial owner of a registered entity lacks standing to contest any issue

(f) Any notice of violation issued by an OBN agent to a registrant for alleged violations shall include a statement of the legal authority and jurisdiction, reference the particular statutes or rules involved, and state the time and place for the registrant to appear and answer to the alleged violations. The registrant or other authorized individual shall sign any such notice of violation acknowledging receipt without admitting guilt. All such notices shall be submitted to the Bureau's Legal Division for filing and initiation of an individual proceeding in accordance with the Uniform Controlled Dangerous Substances Act if approved.

(g) The individual registrant or beneficial owners of a registered entity shall be required to attend the final hearing of an individual proceeding and may be called as a witness to testify.

[OAR Docket #24-890; filed 8-22-24]

TITLE 475. OKLAHOMA STATE BUREAU OF NARCOTICS AND DANGEROUS DRUGS CONTROL
CHAPTER 10. REQUIREMENTS FOR REGISTRATION

[OAR Docket #24-891]

RULEMAKING ACTION:
EMERGENCY adoption
RULES:
475:10-1-4. Separate registration [AMENDED]
475:10-1-9. Application for registration pursuant to Title 63 Okl. St.Ann § 2-302 [AMENDED]
475:10-1-15. Amendments to and withdrawal of applications [AMENDED]

475:10-1-20. Modification of registration [AMENDED]
475:10-1-22. Termination of registration [AMENDED]

AUTHORITY:
Oklahoma Bureau of Narcotics and Dangerous Drugs Control; 63 O.S. Sections 2-301 and 2-309H

COMMENT PERIOD:
N/A

PUBLIC HEARING:
N/A

ADOPTION:
July 25, 2024

EFFECTIVE:
August 16, 2024

APPROVED BY GOVERNOR:
August 16, 2024

EXPIRATION:
Effective through September 14, 2025, unless superseded by another rule or disapprove by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

SUPERSEDED RULES:
N/A

GUBERNATORIAL APPROVAL:
N/A

REGISTER PUBLICATION:
N/A

DOCKET NUMBER:
N/A

INCORPORATIONS BY REFERENCE:

INCORPORATED STANDARDS:
N/A

INCORPORATING RULES:
N/A

AVAILABILITY:
N/A

FINDING OF EMERGENCY:
The emergency rule changes will not subject OBNDD or other State agencies to any additional costs. OBNDD will benefit from the rules by creating a more succinct process for applying for a registration, updating a current registration, and expanding the renewal period. OBNDD will also benefit by eliminating conflict between rule and statute. The emergency rules have no environmental impact. The rules clarify when a person has to apply for a new registration. This will benefit public health and safety because it will provide more scrutiny to registrants that continue to sell their businesses to try to avoid criminal and/or administrative violations. Finally, the changes will eliminate conflict between rule and statute and help ensure registrants are compliant with relevant rules and laws. In the absence of the rule amendments, OBNDD rules conflict with state statute causing more confusion. Additionally, public health and safety will be impacted because innocent owners that sell their business could be held administratively and criminally liable for actions of the new owners if we do not clarify that old owners cannot operate under any existing registration and must stop operating if the old owners are no longer involved.

GIST/ANALYIS:
The emergency rules make changes to the registration requirements including who is required to disclose ownership; updating when and how registrations can be applied for; and clarifying when and how to update a registration. The addition to and modification of some rules provides more clarity changes to the registration 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 as well as when renewals must be submitted by to be considered timely and sufficient.

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253(F):

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 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.~~ No business premises shall be permitted to have multiple registrations of the same type, excluding the following:

(1) practitioners and mid-level practitioners.

(2) canine trainers and handlers.

(3) any business within its permitted transition period to a new business name, new address, or new ownership immediately prior to inactivation of the original registration occupying the business premises.

(4) hospitals with associated clinics and pharmacies.

(5) teaching institutions and scientific researchers.

(d) Business premises is defined as the entire parcel except where the context otherwise requires as determined exclusively by the Director. Where a business premises has been divided into suites, units, or other distinct areas, a separate registration shall be required for each unit that the registrant occupies pursuant to 63 O.S. § 2-302(J). Separate registrations shall not be required if the registrant owns or leases the entire business premises including all suites, units, or other distinct areas contained within the premises or where multiple units have been combined into a single larger unit with multiple rooms.

(1) Any single larger unit made up of a combination of multiple units must have restricted access so that the singular larger unit cannot be easily returned to separate units. If the rooms or smaller units can be easily returned to separate units, each unit shall require its own registration.

(2) Where a single larger unit registration is requested, an agent of the OBN may conduct a preregistration inspection to determine if it may be registered as a single unit and that the smaller units cannot be easily returned to separate units. Registrant operations must be clearly separate and distinct from other persons or operations.

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~~New 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.~~

(e) Renewal applications shall open on July 1st of each year. Renewal applications shall be considered timely if submitted by September 1st of each year. Registrations not renewed by December 31st of the expiration year shall be ineligible for renewal and shall require a new registration upon return to the Bureau. With notice provided prior to expiration, the Director may waive the requirement of a new registration.

(1) Registrations shall expire on October 31st of each year. Applicants that fail to submit a timely renewal application shall cease all operations and activities involving controlled dangerous substances on or before the expiration date, including possession of controlled dangerous substances, until such time as the applicant is once again registered. Applicants that submit a late renewal shall remain inactive until the application is finally decided by the Director.

(2) Administrative fines shall begin accumulating immediately upon expiration of the registration where the registrant continues to engage in operations and activities with controlled dangerous substances in addition to being subject to criminal violations of the Uniform Controlled Dangerous Substances Act.

(f) New applications with substantive changes to an existing registration are deemed new registrations and shall not extend any authority conferred by the original registration beyond the expiration date of the original registration to the original registrant. A registrant may only continue authorized activities beyond the expiration date of the registration if a renewal application was timely submitted and the renewal application submitted remains pending and has not been rejected, denied, or otherwise withdrawn.

(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.~~Registrants subject to administrative action shall be required to timely submit the renewal fee each year. Failure to timely submit the required renewal fee shall result in the administrative action being rendered moot on September 1st with the expiration of the registration on October 31st. The registrant shall not be permitted to apply for registration again as a new applicant until after October 31st of the following year.

(h) Any registrant or applicant subject to administrative action that is lawfully assessed an administrative fine or penalty, to include beneficial owners thereof, shall have thirty (30) days to pay such fine or penalty following the conclusion of proceedings. Failure to satisfy such fine or penalty in full shall result in the suspension of registration for the remaining period if not otherwise revoked or annulled. The registrant or applicant shall be ineligible to hold registration again until such fines or penalties are satisfied in full. The Director may extend the deadline for payment upon good cause shown.

475:10-1-15. Amendments to and withdrawal of applications [AMENDED]

(a) An application may be 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~~.

(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.

(1) Official correspondence from the Bureau shall be directed to the contact electronic mail address provided by the applicant or first-class mail to the registered location.

(2) If an issue is identified with the application after it has been accepted for filing, the Registration Division will promptly notify the applicant through official correspondence.

(3) The applicant shall have thirty (30) days to address all issues identified with the application. Failure to correct the issues identified shall be deemed a withdrawal of the application.

(4) If substantive information in the professional or occupational license is approved for changes by the professional or occupational licensing board or authority during the pendency of a renewal application with OBN, the applicant shall immediately submit a new application with the new information and inform the Registration Division to cease processing the renewal application.

(c) If an application is withdrawn after the application and payment have been submitted, no refund shall be given.

(d) ~~For registered businesses~~Only the applicant or the applicant's~~, OBN only recognizes withdrawals submitted by a beneficial owner,~~ legal ~~counsel, or court-appointed~~ representative may withdraw an application on behalf of the ~~business~~applicant. Any person not recorded on the application as an individual applicant or beneficial owner of an applying entity lacks standing to contest any issue.

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 request to the Registration Division of the OBN. The 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 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, address, 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~~using the online registration portal at the same time changes are submitted to the professional or occupational licensing board or authority. Failure to notify the Bureau of pending changes or making changes prior to approval by the Bureau may result in the automatic termination of the original registration pursuant to 63 O.S. § 2-302(L) in addition to other administrative or criminal penalty.

(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~~structure of a registered ~~business~~entity shall be reported to the OBN Registration Division within one (1) business day~~, if ownership disclosure is a legal requirement or condition to any licensing or registration~~. Publicly traded entities shall report any change to the Board of Directors, Officers, or other similar controlling body or persons, but shall only require a new registration when the ownership of an individually registered location changes inside the lowest two levels of the publicly traded entity.

(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.

475:10-1-22. 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 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 as a matter of law. Substantive changes made to any corresponding professional or occupational license without prior notice to the OBN and without submission of a new application will result in automatic termination of the existing OBN registration as a matter of law. Examples of substantive changes specifically include a change of ownership, a change of name, a change of address, a change of license or registration type, or a change of business type.

(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.~~If a registrant dies or is otherwise incapacitated, the estate of the registrant or legal representative of the registrant shall immediately notify the OBN and make all efforts to secure and account for all controlled dangerous substances of the registrant.

(1) If the registrant is a legal entity with more than one direct beneficial owner and one of the direct beneficial owners dies or is otherwise incapacitated, it is presumed that the remaining ownership will assume control of the legal entity so long as the remaining ownership meets eligibility requirements. The OBN shall be notified immediately, and the legal entity may remain operational with the remaining eligible ownership.

(2) If the registrant is a legal entity with a single owner, or the remaining ownership is ineligible to assume complete ownership and control of the legal entity, the estate of the registrant and remaining ownership shall immediately obtain written authorization from the professional or occupational licensing board or authority granting a designated representative a reasonable period of time, not to exceed sixty (60) days, for the orderly disposition of assets of the legal entity and immediately notify the OBN. The OBN registration shall terminate upon the disposition of all assets or after sixty (60) days, whichever is first.

[OAR Docket #24-891; filed 8-22-24]

TITLE 475. OKLAHOMA STATE BUREAU OF NARCOTICS AND DANGEROUS DRUGS CONTROL
CHAPTER 15. IMMINENT DANGER SUSPENSION

[OAR Docket #24-892]

RULEMAKING ACTION:
EMERGENCY adoption
RULES:
475:15-1-3. ~~Hearing~~Process following immediate suspension [AMENDED]
AUTHORITY:
Oklahoma Bureau of Narcotics and Dangerous Drugs Control; 63 O.S. Sections 2-301 and 2-309H
COMMENT PERIOD:
N/A
PUBLIC HEARING:
N/A
ADOPTION:
July 29, 2024
EFFECTIVE:
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EXPIRATION:
Effective through September 14, 2025, unless superseded by another rule or disapproved by the Legislature.
SUPERSEDED EMERGENCY ACTIONS:
SUPERSEDED RULES:
N/A
GUBERNATORIAL APPROVAL:
N/A
REGISTER PUBLICATION:
N/A
DOCKET NUMBER:
N/A
INCORPORATIONS BY REFERENCE:
INCORPORATED STANDARDS:
N/A
INCORPORATING RULES:
N/A
AVAILABILITY:
N/A
FINDING OF EMERGENCY:
The rule will benefit public health and safety by eliminating the conflict between rule and statute. In the absence of the rule, public health and safety could be impacted if administrative rules were not consistent with statute and the impacted parties were unsure how to proceed.
GIST/ANALYIS:
The emergency 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.
CONTACT PERSON:
Jessica McGuire, jmcguire@obn.ok.gov, 405-521-2885

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253(F):

475:15-1-3. ~~Hearing~~Process following immediate suspension [AMENDED]

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 on the immediate suspension, ~~the Director shall serve formal notice of~~ a hearing on the immediate suspension shall ~~to~~ be held within thirty (30) days of ~~the formal notice~~receipt of the request, unless waived by the parties. If the registrant does not make a request for hearing on the immediate suspension or otherwise waives a hearing on the immediate suspension, the immediate suspension shall remain in effect until the conclusion of proceedings including any appeals therefrom.

[OAR Docket #24-892; filed 8-22-24]

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 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 15. CURRICULUM AND INSTRUCTION

[OAR Docket #24-910]

RULEMAKING ACTION:
PERMANENT final adoption
RULES:
Subchapter 3. Oklahoma Academic Standards
Part 21. Information Literacy
210:15-3-173. Information literacy [AMENDED]
Part 26. PERSONAL FINANCIAL LITERACY
210:15-3-198. Overview of Personal Financial Literacy for Grades ~~7~~10-12 [AMENDED]
210:15-3-199. Personal Financial Literacy for Grades ~~7~~10-12 [AMENDED]
AUTHORITY:
State Board of Education; Okla. Const. art. XIII, § 5; 70 O.S. § 3-104; 70 O.S. § 11-103.6(a); 70 O.S. § 11-103.6(a-1).
SUBMISSION OF PROPOSED RULES TO GOVERNOR AND CABINET SECRETARY:
March 7, 2024
COMMENT PERIOD:
March 7, 2024 through April 8, 2024
PUBLIC HEARING:
N/A
ADOPTION:
February 22, 2024
SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:
March 7, 2024
LEGISLATIVE APPROVAL:
The Legislature did not adopt a joint resolution approving or disapproving the standards within thirty (30) legislative days after submission for review. As a result, the standards were deemed approved pursuant to Title 70 O.S. § 11-103.6(a-1)(C) as of April 8, 2024.
LEGISLATIVE DISAPPROVAL:
N/A
APPROVED BY GOVERNORS DECLARATION:
N/A
FINAL ADOPTION:
February 22, 2024
EFFECTIVE:
September 26, 2024
SUPERSEDED EMERGENCY ACTIONS:
SUPERSEDED RULES:
N/A
GUBERNATORIAL APPROVAL:
N/A
REGISTER PUBLICATION:
N/A
DOCKET NUMBER:

N/A
INCORPORATIONS BY REFERENCE:
INCORPORATED STANDARDS:
N/A
INCORPORATING RULES:
N/A
AVAILABILITY:
N/A
GIST/ANALYSIS:
The new rules set forth the updated Oklahoma Academic Standards for Personal Financial Literacy and Information Literacy, as approved by the State Board of Education and the Oklahoma Legislature.
CONTACT PERSON:
Victoria A. Carrasco, Policy and Legislative Attorney, Office of Legal Services, Oklahoma State Department of Education, Oliver Hodge Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599. Telephone number: (405) 227-6812.

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 26, 2024:

SUBCHAPTER 3. OKLAHOMA ACADEMIC STANDARDS

PART 21. INFORMATION LITERACY

210:15-3-173. Information literacy [AMENDED]
~~(a)~~ **~~Standard 1: Inquire, think critically, and gain knowledge.~~** ~~(American Association of School Librarians [AASL], STANDARDS FOR THE 21ST-CENTURY LEARNER)~~

~~(1)~~ **~~Skills.~~**

~~(A) Follow an inquiry-based process in seeking knowledge in curricular subjects, and make the real world connection for using this process in own life.~~
~~(B) Use prior and background knowledge as context for new learning.~~
~~(C) Develop and refine a range of questions to frame the search for new understanding.~~
~~(D) Find, evaluate, and select appropriate sources to answer questions.~~
~~(E) Evaluate information found in selected sources on the basis of accuracy, validity, appropriateness for needs, importance, and social and cultural context.~~
~~(F) Read, view, and listen for information presented in any format (e.g., textual, visual, media, digital) in order to make inferences and gather meaning.~~
~~(G) Make sense of information gathered from diverse sources by identifying misconceptions, main and supporting ideas, conflicting information, and point of view or bias.~~
~~(H) Demonstrate mastery of technology tools for accessing information and pursuing inquiry.~~
~~(I) Collaborate with others to broaden and deepen understanding.~~

~~(2)~~ **~~Dispositions.~~**

~~(A) Display initiative and engagement by posing questions and investigating the answers beyond the collection of superficial facts.~~
~~(B) Demonstrate confidence and self-direction by making independent choices in the selection of resources and information.~~
~~(C) Demonstrate creativity by using multiple resources and formats.~~
~~(D) Maintain a critical stance by questioning the validity and accuracy of all information.~~
~~(E) Demonstrate adaptability by changing the inquiry focus, questions, resources, or strategies when necessary to achieve success.~~
~~(F) Display emotional resilience by persisting in information searching despite challenges.~~
~~(G) Display persistence by continuing to pursue information to gain a broad perspective.~~

~~(3)~~ **~~Responsibilities.~~**

~~(A) Respect copyright/ intellectual property rights of creators and producers.~~
~~(B) Seek divergent perspectives during information gathering and assessment.~~

~~(C) Follow ethical and legal guidelines in gathering and using information.~~
~~(D) Contribute to the exchange of ideas within the learning community.~~
~~(E) Use information technology responsibly.~~

~~(4) **Self-Assessment Strategies.**~~
~~(A) Monitor own information-seeking processes for effectiveness and progress, and adapt as necessary.~~
~~(B) Use interaction with and feedback from teachers and peers to guide own inquiry process.~~
~~(C) Monitor gathered information, and assess for gaps or weaknesses.~~
~~(D) Seek appropriate help when it is needed.~~

(a) **Grades PK-2.**

(1) **Read & Grow.** Consume a variety of texts and resources, and plan for future reading.
(A) Visit the school library, in person or virtually, to access resources.
(B) Read literary and informational texts suited to ability and interest.
(C)Listen to or view resources for enjoyment and/or information.
(D)Listen to and read award-winning works by authors, illustrators, and creators.
(E) With guidance, set and monitor goals to expand or continue volume or variety of titles, authors, and genres consumed.

(2) **Question & Plan.** Set research goals, form research plans, and compose questions.
(A) With guidance, discuss reasons and ways to locate information.
(B) Brainstorm and choose a topic.
(C) With guidance, generate and discuss possible research questions.
(D) With guidance, list questions to expand and narrow a research topic.

(3) **Research & Explore.** Use resources to search for and evaluate information in context.
(A) With guidance, use internet search engines to locate information.
(B) Identify the author or creator of a work or source.
(C) With guidance, determine facts related to a topic.

(4) **Collect & Organize.** Record, classify, and use information and resources in meaningful and ethical ways.
(A) With guidance, discuss the importance of locating information from multiple resources.
(B) Identify or read for key ideas related to an identified topic.
(C) With guidance, discuss and classify key ideas into groups or categories orally or with graphic organizers.

(5) **Share & Reflect.** Create and distribute information with others. Reflect on the inquiry process.
(A) Cooperate with group members to answer questions or solve problems.
(B) With guidance, create products to share learning with an intended audience.
(C) With guidance, seek and provide constructive feedback, revising products as needed.
(D) With guidance, use multiple communication tools and methods to share information.

~~(b) **Standard 2: Draw conclusions, make informed decisions, apply knowledge to new situations, and create new knowledge.** (American Association of School Librarians [AASL], STANDARDS FOR THE 21ST-CENTURY LEARNER)~~

~~(1) **Skills.**~~
~~(A) Continue an inquiry-based research process by applying critical-thinking skills (analysis, synthesis, evaluation, organization) to information and knowledge in order to construct new understandings, draw conclusions, and create new knowledge.~~
~~(B) Organize knowledge so that it is useful.~~
~~(C) Use strategies to draw conclusions from information and apply knowledge to curricular areas, real-world situations, and further investigations.~~
~~(D) Use technology and other information tools to analyze and organize information.~~
~~(E) Collaborate with others to exchange ideas, develop new understandings, make decisions, and solve problems.~~
~~(F) Use the writing process, media and visual literacy, and technology skills to create products that express new understandings.~~

~~(2) **Dispositions.**~~
~~(A) Demonstrate flexibility in the use of resources by adapting information strategies to each specific resource and by seeking additional resources when clear conclusions cannot be drawn.~~
~~(B) Use both divergent and convergent thinking to formulate alternative conclusions and test them against the evidence.~~

~~(C) Employ a critical stance in drawing conclusions by demonstrating that the pattern of evidence leads to a decision or conclusion.~~

~~(D) Demonstrate personal productivity by completing products to express learning.~~

~~(3) **Responsibilities.**~~

~~(A) Connect understanding to the real world.~~

~~(B) Consider diverse and global perspectives in drawing conclusions.~~

~~(C) Use valid information and reasoned conclusions to make ethical decisions.~~

~~(4) **Self-Assessment Strategies.**~~

~~(A) Determine how to act on information (accept, reject, modify).~~

~~(B) Reflect on systematic process, and assess for completeness of investigation.~~

~~(C) Recognize new knowledge and understanding.~~

~~(D) Develop directions for future investigations.~~

(b) **Grades 3-5.**

(1) **Read & Grow.** Consume a variety of texts and resources, and plan for future reading.

(A) Use the school library catalog system to locate and access resources in person or virtually.

(B) Select and read literary and informational texts suited to ability and interest.

(C) Select and listen to or view resources for enjoyment and/or information.

(D) Identify and read or listen to award-winning works by authors, illustrators, and creators.

(E) Set and monitor weekly goals to expand or continue volume or variety of titles, authors, and genres consumed.

(2) **Question & Plan.** Set research goals, form research plans, and compose questions.

(A) Discuss the inquiry process and how it works.

(B) Explain why a research topic or problem is important or relevant.

(C) Choose which parts of a topic or problem will be researched.

(D) Determine if sample research questions are too broad, too narrow, or viable.

(E) Compose viable research questions about a topic or problem.

(3) **Research & Explore.** Use resources to search for and evaluate information in context.

(A) Conduct a short research project using a research process model.

(B) Identify strategies to narrow or broaden a search.

(C) Determine the relevance of the information gathered.

(D) Determine facts and opinions related to the topic.

(E) Comprehend and summarize a variety of sources.

(F) Reflect on prior knowledge to add context to research findings.

(4) **Collect & Organize.** Record, classify, and use information and resources in meaningful and ethical ways.

(A) Read for key ideas and text evidence related to a chosen topic.

(B) With guidance, select text evidence from sources to answer questions and support claims.

(C) Examine different methods to collect and sort information.

(D) Categorize information using grade-appropriate skills.

(E) Brainstorm and discuss how to effectively use information from selected print and digital resources.

(F) Cite and list sources used in research, following a modified citation style.

(5) **Share & Reflect.** Create and distribute information with others. Reflect on the inquiry process.

(A) Contribute to a group by answering questions or solving problems together.

(B) Select and use multiple communication tools and/or resources.

(C) Create products based on research for an intended audience.

(D) Seek and provide constructive feedback, revising products as needed.

(E) Identify the knowledge of a topic gained through the inquiry process, including what others think.

(F) Reflect on the research process, the topic of inquiry, and/or product with guided questions from the librarian.

~~(c) **Standard 3: Share knowledge and participate ethically and productively as members of our democratic society.** (American Association of School Librarians [AASL], STANDARDS FOR THE 21ST-CENTURY LEARNER)~~

~~(1) **Skills.**~~

~~(A) Conclude an inquiry-based research process by sharing new understandings and reflecting on the learning.~~

~~(B) Participate and collaborate as members of a social and intellectual network of learners.~~

~~(C) Use writing and speaking skills to communicate new understandings effectively.~~

~~(D) Use technology and other information tools to organize and display knowledge and understanding in ways that others can view, use, and assess.~~
~~(E) Connect learning to community issues.~~
~~(F) Use information and technology ethically and responsibly.~~

~~(2) **Dispositions.**~~
~~(A) Demonstrate leadership and confidence by presenting ideas to others in both formal and informal situations.~~
~~(B) Show social responsibility by participating actively with others in learning situations and by contributing questions and ideas during group discussions.~~
~~(C) Demonstrate teamwork by working productively with others.~~

~~(3) **Responsibilities.**~~
~~(A) Solicit and respect diverse perspectives while searching for information, collaborating with others, and participating as a member of the community.~~
~~(B) Respect the differing interests and experiences of others, and seek a variety of viewpoints.~~
~~(C) Use knowledge and information skills and dispositions to engage in public conversation and debate around issues of common concern.~~
~~(D) Create products that apply to authentic, real-world contexts.~~
~~(E) Contribute to the exchange of ideas within and beyond the learning community.~~
~~(F) Use information and knowledge in the service of democratic values.~~
~~(G) Respect the principles of intellectual freedom.~~

~~(4) **Self-Assessment Strategies.**~~
~~(A) Assess the processes by which learning was achieved in order to revise strategies and learn more effectively in the future.~~
~~(B) Assess the quality and effectiveness of the learning product.~~
~~(C) Assess own ability to work with others in a group setting by evaluating varied roles, leadership, and demonstrations of respect for other viewpoints.~~

(c) **Grades 6-8.**

(1) **Read & Grow.** Consume a variety of texts and resources, and plan for future reading.
(A) Access physical and digital school library resources independently.
(B) Explore, select, and read literary and informational texts suited to ability and interest.
(C) Explore, select, and listen to or view resources for enjoyment and/or information.
(D) Select and read or listen to award-winning works by authors, illustrators, and creators.
(E) Set and monitor goals to expand or continue volume or variety of titles, authors, and genres consumed.

(2) **Question & Plan.** Set research goals, form research plans, and compose questions.
(A) Determine research goals.
(B) Generate and discuss if sample research questions are too broad, too narrow, or viable.
(C) Compose open-ended, viable questions about a relevant topic or problem.
(D) Identify research steps needed to achieve research goals.

(3) **Research & Explore.**Use resources to search for and evaluate information in context.
(A) Conduct focused research projects using a research process model.
(B) Apply search strategies to narrow or broaden a search, and use keywords to locate a variety of primary and secondary sources.
(C) Determine the relevance and reliability of the information gathered.
(D) Summarize and paraphrase a variety of sources.
(E) Distinguish between facts, opinions, and misinformation about a topic.
(F) Discuss and explore appropriate uses of generative artificial intelligence.
(G) Reflect on prior knowledge and/or previous experience to add context to research findings.

(4) **Collect & Organize.**Record, classify, and use information and resources in meaningful and ethical ways.
(A) Read closely to determine if text evidence supports or refutes current knowledge, assumptions, and research.
(B) Select and evaluate text evidence from multiple sources to answer questions and support claims.
(C) Use a physical or digital method for collecting information from digital and print resources.
(D) Categorize information to answer research questions, and organize information using digital or print platforms.
(E) Document sources using a standard format for citation to avoid plagiarism.

(5) **Share & Reflect.** Create and distribute information with others. Reflect on the inquiry process.

(A) Collaborate in groups to ask and answer questions and problem-solve.

(B) Select the most appropriate communication tool(s) and resource(s) for the task.

(C) Use information to create products for an intended audience.

(D) Seek and provide constructive feedback, revising products as needed.

(E) Reflect on the knowledge of a topic gained through the inquiry process, considering what experts think.

(F) Analyze the research process, the topic of inquiry, product, and/or learner understanding with guided questionsfrom the librarian.

~~(d) **Standard 4: Pursue personal and aesthetic growth.** (American Association of School Librarians [AASL], STANDARDS FOR THE 21ST-CENTURY LEARNER)~~

~~(1) **Skills.**~~

~~(A) Read, view, and listen for pleasure and personal growth.~~

~~(B) Read widely and fluently to make connections with self, the world, and previous reading.~~

~~(C) Respond to literature and creative expressions of ideas in various formats and genres.~~

~~(D) Seek information for personal learning in a variety of formats and genres.~~

~~(E) Connect ideas to own interests and previous knowledge and experience.~~

~~(F) Organize personal knowledge in a way that can be called upon easily.~~

~~(G) Use social networks and information tools to gather and share information.~~

~~(H) Use creative and artistic formats to express personal learning.~~

~~(2) **Dispositions.**~~

~~(A) Demonstrate curiosity by pursuing interests through multiple resources.~~

~~(B) Demonstrate motivation by seeking information to answer personal questions and interests, trying a variety of formats and genres, and displaying a willingness to go beyond academic requirements.~~

~~(C) Maintain openness to new ideas by considering divergent opinions, changing opinions or conclusions when evidence supports the change, and seeking information about new ideas encountered through academic or personal experiences.~~

~~(D) Show an appreciation for literature by electing to read for pleasure and expressing an interest in various literary genres.~~

~~(3) **Responsibilities.**~~

~~(A) Participate in the social exchange of ideas, both electronically and in person.~~

~~(B) Recognize that resources are created for a variety of purposes.~~

~~(C) Seek opportunities for pursuing personal and aesthetic growth.~~

~~(D) Practice safe and ethical behaviors in personal electronic communication and interaction.~~

~~(4) **Self-Assessment Strategies.**~~

~~(A) Identify own areas of interest.~~

~~(B) Recognize the limits of own personal knowledge.~~

~~(C) Recognize how to focus efforts in personal learning.~~

~~(D) Interpret new information based on cultural and social context.~~

~~(E) Develop personal criteria for gauging how effectively own ideas are expressed.~~

~~(F) Evaluate own ability to select resources that are engaging and appropriate for personal interests and needs.~~

(d) **Grades 9-12.**

(1) **Read & Grow.** Consume a variety of texts and resources, and plan for future reading.

(A) Access and share physical and digital school library resources independently and effectively.

(B) Explore, select, and read literary and informational texts suited to ability and interest.

(C) Explore, select, and listen to or view resources for enjoyment and/or information.

(D) Select, read or listen to, and evaluate award-winning works by authors, illustrators, and creators.

(E) Set and monitor goals to expand or continue volume or variety of titles, authors, and genres consumed.

(2) **Question & Plan.** Set research goals, form research plans, and compose questions.

(A) Set research goals, consider the research process, and determine next steps.

(B) Evaluate the qualities of effective research questions.

(C) Compose effective research questions about a topic or problem.

(3) **Research & Explore.**Use resources to search for and evaluate information in context.

(A) Conduct focused and extended research projects using a research process model.

(B) Apply search strategies to narrow or broaden a search, and use keywords to locate a variety of sources in databases, online catalogs, and web sources.
(C) Determine the relevance, reliability, and validity of the information gathered.
(D) Summarize, paraphrase, and synthesize a variety of primary and/or secondary sources.
(E) Identify, analyze, and counter misinformation related to the topic.
(F) Identify and employ ethical uses of generative artificial intelligence in the inquiry process.
(G) Reflect on prior knowledge and previous experience to add context to research findings.

(4) **Collect & Organize.** Record, classify, and use information and resources in meaningful and ethical ways.
(A) Read closely to determine how text evidence supports or refutes claims and counterclaims.
(B) Evaluate and select text evidence to answer questions and support claims.
(C) Use an appropriate method for collecting information from digital and/or print resources.
(D) Use or create an effective method or platform to collect, organize, and present information.
(E) Document sources using a standard format for citation to avoid plagiarism.

(5) **Share & Reflect.**Create and distribute information with others. Reflect on the inquiry process.
(A) Incorporate multiple viewpoints in a group to solve problems and ask and answer questions.
(B) Select the communication tool(s) and resource(s) most appropriate for the task.
(C) Use information to create products for publication and/or discourse.
(D) Seek and provide constructive feedback, revising products as needed.
(E) Analyze the depth of understanding of a topic gained through the inquiry process, considering what experts and others think locally, nationally, and/or globally.
(F) Evaluate the inquiry process, including questions, sources, searches, and collection and organization strategies, and determine if and how the inquiry process should change in the future.

PART 26. PERSONAL FINANCIAL LITERACY

210:15-3-198. Overview of Personal Financial Literacy for Grades ~~7~~10-12 [AMENDED]

(a) Personal Financial Literacy is designed for students in grades ~~7-12~~10-12. These standards of learning are priority, essential, and necessary for all Oklahoma students. Learning the ideas, concepts, knowledge, and skills will enable students to implement personal financial decision-making skills; to become wise and knowledgeable consumers, savers, investors, users of credit, money managers, and to be participating members of a global workforce and society.

(b) The intent of personal financial literacy education is to inform students how individual choices directly influence occupational goals and future earnings potential. Effective money management is a disciplined behavior and much easier when learned earlier in life. The fourteen areas of instruction designated in the PASSPORT TO FINANCIAL LITERACY ACT OF 2007 (70 O.S. § 11-103.6h) are designed to provide students with the basic skills and knowledge needed to effectively manage their personal finances. Basic economic concepts of scarcity, choice, opportunity cost, and cost/benefit analysis are interwoven throughout the standards and objectives. This systematic way of making personal financial decisions will provide students a foundational understanding for making informed personal financial decisions.

(c) Real world topics covered by these standards include the following:
(1) Earning an income;
(2) Understanding state and federal taxes;
(3) Banking and financial institutions;
(4) Balancing a ~~checkbook~~bank account;
(5) Savings and investing;
(6) Planning for retirement;
(7) Understanding loans and borrowing money, including predatory lending and payday loans;
(8) Understanding interest, credit card debt, and online commerce;
(9) Identify fraud and identity theft;
(10) Rights and responsibilities of renting or buying a home;
(11) Understanding insurance;
(12) Understanding the financial impact and consequences of gambling;
(13) Bankruptcy; and
(14) Charitable giving.

(d) The examples in parentheses (e.g., the relationship between interest rates and credit scores) are provided in various places within ~~the standards and~~ objectives in order to explain more clearly, what is intended to be taught in regards to that ~~standard or~~ objective. The examples are ~~only~~ suggestions of what specific content should be used to help teach the concept, knowledge, and/or skill. The examples are not all inclusive. Classroom instruction should include the suggested

examples but should not be limited to just those specific suggestions.
(e) All personal financial literacy standards and objectives must be taught and assessed by the local district.
~~(f) Book icons identify Information Literacy skills. Students are best served when these are taught in collaboration and cooperation between the classroom teacher and the library media specialist.~~
~~(g) Included in this publication is a suggested list of basic academic personal financial literacy terms. This suggested list is provided in order to help students continue building their basic academic vocabulary.~~
~~(h) Personal finance terms used here appear with appropriate definitions and examples at the end of this section of PASS in the glossary.~~

210:15-3-199. Personal Financial Literacy for Grades ~~7~~10-12 [AMENDED]
(a) **Standard 1.** The student will describe the importance of earning an income and explain how to manage personal income ~~using~~through the use of a budget.

(1) ~~Evaluate how career choices, educational/vocational preparation, skills, and entrepreneurship affect income and standard of living (e.g., postsecondary degree/certification, needs versus wants, and ability to live on less than you earn).~~Describe the value of work and how individuals are responsible for their own financial decisions, as well as subsequent consequences.
(A) Explain how costs and benefits determine the achievement of personal financial goals.
(B) Analyze howincome, career choice, andentrepreneurship impact an individual's financial plan and goals.
(C) Evaluate the relationship between a person's human capital (e.g., education, skills, training, interests, initiative) and their earning potential.
(2) Identify the ~~components of a personal/family budget (e.g., income, savings/investments, taxes, emergency fund, expenses, and charitable giving) based on short, medium, and long-term goals (e.g., financial, personal, educational, and career).~~purpose of the Free Application for Federal Student Aid (FAFSA) in determining eligibility for grants, scholarships, and loans, as well asthe essential information needed to apply.
(3) Explain how ~~taxes, employee benefits, and payroll deductions affect income.~~to manage personal income and expenses to be a financially responsible citizen.
(A) Identify factors that can affect income by describing the basic components of a paystub, including gross pay, net pay, and deductions (e.g., federal and state income tax, FICA, and voluntary deductions).
(B) Differentiate between needs and wants in order to develop short, medium, and long-term goals that are specific, measurable, attainable, realistic, and time-based.
(4) Identify the components of a personal/family budget (e.g., income, savings/investments, taxes, emergency fund, expenses, and charitable giving) based on specific goals (e.g., financial, personal, educational, and career).
(5) Explain how fiscally responsible individuals use various strategies and spending plans for tracking their income and expenses, both anticipated and unanticipated.
(b) **Standard 2.** The student will identify and describe the impact of local, state, and federal taxes ~~upon~~ on income and standard of living.
(1) ~~Identify and explain types of taxes (e.g., personal income, sales, and property taxes) and explain the reasons for taxation at the local, state, and federal levels (e.g., roads, water/sanitation services, social services, schools, and law enforcement).~~Analyze the obligation of paying taxes and how individuals, as well as communities, might benefit from taxes.
(A) Identify and explain various types of taxes, including income, payroll, sales, and property taxes, and when these types of taxes are due.
(B) Describe some of the uses for taxation at the local, state, and federal levels (e.g., infrastructure, public safety, and courts of law).
(2) ~~Explain the importance of meeting tax obligations and describe possible consequences of failing to meet those obligations (e.g., fees, penalties, interest, garnishment of wages, and imprisonment).~~Describe the individual importance of meeting one's tax obligations.
(A) Explain the requirements to file taxes and compare basic tax forms, such as W2, W4, and 1040.
(B) Identify possible consequences of failing to meet tax obligations (e.g., fees, penalties, interest, garnishment of wages, and imprisonment).
(c) **Standard 3.** The student will describe the functions and uses of banks and other financial service providers.
(1) ~~Identify and compare the basic types of financial institutions (e.g., banks, mortgage companies, credit unions, brokerage firms, and finance companies).~~ Compare financial products and services offered to consumers, including their risks and protections.

(A) Identify common financial products (e.g., checking, contactless payment systems, credit cards, savings, loans, investments, and insurance).
(B) Describe available consumer banking technologies (e.g., Automated Teller Machines, mobile apps, digital wallets, and online banking).
(C) Explain the risks and protections associated with checks, debit cards, credit cards, online and mobile payment systems.
(D) Describe the role of the Federal Deposit Insurance Corporation (FDIC) and the National Credit Union Administration (NCUA) to protect consumers' assets to a specified amount in commercial banks, savings banks, and credit unions.

(2) ~~Describe and compare the most common financial products and services (e.g., checking, credit cards, Automated Teller Machines (ATMs), savings, loans, investments, and insurance).~~Explain the difference between banked and unbanked individuals, including the consequences of being "unbanked" (e.g., financial insecurity and access to credit.)

(d) **Standard 4.** The student will demonstrate the ability to ~~balance a checkbook~~manage a bank account and reconcile financial accounts.

(1) ~~Explain the reasons for balancing a checkbook and reconciling an account statement.~~Analyze the purpose of maintaining accurate financial accounts.
(A) Identify the steps necessary for opening and maintaining a checking and savings account.
(B) Explain the reasons for balancing personal records and reconciling an account statement.

(2) Develop ~~and apply banking account management skills (e.g., correctly write, endorse, and deposit checks; balance a checkbook, including debit withdrawals and fees; and reconcile and monitor checking and savings account statements).~~useful account management skills.
(A) Describe how funds can be added and withdrawn from financial accounts (e.g., direct deposit, mobile deposit, teller deposit, debit withdrawals, and ATMs).
(B) Demonstrate the ability to perform basic account management skills, including correctly writing, endorsing, and depositing checks.
(C) Explain how to manage financial accounts. (e.g., reading and reconciling statements, navigating online platforms and apps).
(D) Describe the potential consequences of account mismanagement, such as non-sufficient funds, overdraft processing, and associated fees.

(e) **Standard 5.** The student will analyze the costs and benefits of saving and investing.

(1) Explain reasons for saving and investing (e.g., major purchases, education, and emergencies) ~~to meet~~ as strategies used for meeting financial goals and ~~build~~building wealth over the short or long term. ~~(e.g., opportunity cost, return on investment, emergencies, major purchases, down payments, and education).~~

(2) ~~Identify and compare the costs and benefits of various investment strategies (e.g., compound interest, tax implications, account liquidity, and investment diversification) and how inflation affects investment growth.~~Compare various strategies used to protect income and wealth.
(A) Describe the costs and benefits of various savings options, such as bank savings accounts, certificates of deposit, and money market mutual funds.
(B) Identify the risk, return, and liquidity aspects of various investment options, such asstocks, bonds, mutual funds, and precious metals, including howdiversification can help manage risk.
(C) Explain how various financial investments align with financial goals, risk tolerance, and personal needs at different life stages, including how inflation affects investment growth.
(D) Compare simple and compound interest.
(E) Explain and give examples of the power of compound interest over time, including why saving and investing at an earlier age leads to far greater financial outcomes later in life, on average.

(f) **Standard 6.** The student will explain and evaluate the importance of planning for retirement.

(1) ~~Describe the necessity of accumulating financial resources needed for specific retirement goals, activities, and lifestyles, based on life expectancy.~~Analyze the necessity of planning and saving for retirement.
(A) Identify costs of retirement such as living expenses, health care, and long-term care, based on life expectancy.
(B) Explain how beginning to save or invest at different stages of life or over different periods of time significantly impact financial preparedness for retirement.

(2) ~~Explain the roles of Social Security, employer retirement plans, and personal investments (e.g., annuities, IRAs, real estate, stocks, and bonds) as sources of retirement income.~~Evaluate various sources of income for retirement.

(A) Compare government and employer-sponsored retirement plans, such as Social Security and 401(k) accounts.
(B) Identify various personal investments, such as IRAs, and describe how they can provide financial resources for retirement.
(C) Explain that entrepreneurs and self-employed individuals may be responsible for generating their own retirement income, as opposed to government or employer-sponsored plans.

(g) **Standard 7.** The student will identify the ~~procedures~~ process and analyze the responsibilities of borrowing money.

(1) ~~Identify and analyze sources of credit (e.g., financial institutions, private lenders, and retail businesses) and credit products (e.g., student loans, credit cards, and car loans).~~Compare sources and products related to borrowing money.

(A) Identify sources of credit (e.g., banks, credit unions, retail businesses, private lenders, and the federal government).
(B) Describe various credit products (e.g., credit cards, car loans, and mortgages).
(C) Compare sources of student loans (U.S. Department of Education versus private banks and credit unions) regarding eligibility, interest rates,and terms of repayment.

(2) ~~Identify standard loan practices, predatory lending practices (e.g., rapid tax return, rapid access loans, and payday loans), and legal debt collection practices.~~Analyze how one's credit history impacts borrowing money and maintaining credit.

(A) Explain the importance of establishing a positive credit history (e.g., favorable interest rates, employment, and financial opportunities).
(B) Describe how credit reports compiled by credit bureaus are used to determine creditworthiness.
(C) Identify the information contained in a credit report and how to access a free credit report.
(D) Explain that a credit score is a numeric rating assessing an individual's credit risk based on information from their credit report.
(E) Identity factors that affect a credit score,such as payment history, credit utilization, amount owed, length of credit history, debt owed, and types of credit used.

(3) ~~Explain the importance of establishing a positive credit history (e.g., maintaining a reasonable debt to income ratio), describe information contained in a credit report, and explain the factors that affect a credit score (e.g., the relationship between interest rates and credit scores).~~Describethe process of borrowing money.

(A) Identify factors involved in borrowing (e.g., credit history, credit report, debt to income ratio, loan to value ratio, and length of employment).
(B) Explain how the terms of borrowing (e.g., interest rates, APR, fees, repayment schedules, terms, and conditions) affect the cost of borrowing.
(C) Compare types of credit, including revolving and installment credit, and collateralized loans versus unsecured loans.
(D) Differentiate between standard loan practices and predatory lending practices, such as rapid tax return and payday loans.

(4) ~~Explain how the terms of a loan (e.g., interest rates, fees, and repayment schedules) affect the cost of credit.~~Analyze the responsibilities and consequences of borrowing money

(A) Identify consumer responsibilities, rights, and remedies, including fair debt collection practices protected by law.
(B) Explain why responsible borrowers monitor their credit reports and how errors can be corrected.
(C) Describe the impact of non-repayment of debt on individuals, families, businesses, and thebroader economic system.

(h) **Standard 8.** The student will describe and explain interest, credit cards, and online commerce.

(1) ~~Compare costs and benefits of using credit cards and making online purchases (e.g., interest rates, fees, repayment schedules, and personal information protection).~~Evaluate the costs and benefits of using credit cards for purchasing goods and services.

(A) Explain how interest rates and fees impact the cost of using credit cards.
(B) Describe options for payment on credit cards, such as minimum payment, delayed payment, and payment in full.

(2) ~~Evaluate options for payments on credit cards (e.g., minimum payment, delayed payments, or payment in full).~~Analyze the advantages and disadvantages of online commerce, including how to conduct transactions safely.

(i) **Standard 9.** The student will identify and explain consumer fraud and identify theft.

(1) ~~Describe unfair, deceptive, or fraudulent business practices (e.g., pyramid schemes, bait and switch, and phishing).~~Analyze how consumers can become victims of deceptive practices that significantly impact their financial well-being.

(A) Identify various types of consumer fraud, such as medical fraud, imposter schemes, forgery, pyramid schemes, and false billing.

(B) Describe common methods used by criminalsto commit fraud (e.g., bait and switch, skimming, changing address, and phishing).

(C) Differentiate between consumer fraud and identity theft, including common methods used to steal one's identity, such as dumpster diving, hacking, and socialmedia.

(2) Describe ways to ~~recognize and avoid identity theft (e.g., review monthly financial statements and annual credit reports; and protect personal information and online passwords).~~protect yourself from identity theft and fraudulent practices (e.g., monitor monthly financial statements and annual credit reports; protect personal information and passwords).

(3) ~~Describe methods to correct problems arising from identity theft and fraudulent business practices (e.g., contact national credit bureaus and local/state law enforcement agencies).~~Explain necessary responses if victimized by fraudulent business practices or identity theft (e.g., alert appropriate law enforcement agencies and credit bureaus, freeze credit histories, and change passwords).

(j) **Standard 10.** The student will explain and compare the ~~responsibilities~~ costs and benefits of renting versus buying a home.

(1) ~~Compare the costs and benefits of renting versus buying a home.~~Explainthe advantages and disadvantages of renting versus buying a home by comparing how various housing options meet different needs and wants.

(2) ~~Explain~~ Describe the elements and terms of a standard lease agreement (e.g., deposit, due date, grace period, late fees, and utilities).

(3) Explain~~ the elements of a mortgage (e.g., down payment, escrow account, due date, late fees, and amortization table); types of lenders; and fixed or adjustable rate mortgage loans.~~necessary responses if victimized by fraudulent business practices or identity theft (e.g., alert appropriate law enforcement agencies and credit bureaus, freeze credit histories, and change passwords).

(k) **Standard 11.** The student will describe and explain how various types of insurance can be used to manage risk.

(1) ~~Identify common risks to life and property (e.g., illness, death, natural catastrophe, and accident).~~Describe common risks to individuals, their property and investments, caused by situations such as illness, accidents, and natural catastrophes.

(2) Explain the ~~purpose and~~ importance of insurance ~~protection~~ as a risk management strategy ~~(e.g., life, health, property, liability, disability, and automobile).~~used by financially responsible individuals.

(A) Describe common types of insurance purchased by consumers, such as health, property, life, disability, automobile, and renter's insurance.

(B) Identify different methods for obtaining health insurance, including employer-provided plans, government plans, and private purchase.

(3) ~~Examine~~ Evaluate appropriate amounts of insurance to meet one's needs and budget including ~~and~~ how insurance deductibles work.

(l) **Standard 12.** The student will explain and evaluate the financial impact and consequences of gambling.

(1) ~~Analyze the probabilities involved in winning at games of chance.~~Identify common types of gambling available to consumers and explain the probabilities of winning at games of chance.

(2) Evaluate ~~costs and benefits of gambling to individuals and society (e.g., family budget; addictive behaviors; and the local and state economy).~~the impact of gambling on the economic development of local, tribal, and state communities, including revenue, employment, and tourism.

(3) Analyze the costs of gambling on individuals and society (e.g., financial situation, addictive behavior, and missed work).

(m) **Standard 13.** The student will evaluate the consequences of bankruptcy.

(1) ~~Assess~~ Analyze the costs and benefits of bankruptcy as a last resort ~~to individuals, families, and society.~~for individuals and families facing financial challenges.

(2) ~~Examine~~ Explain ways to ~~prevent~~avoid bankruptcy and identify alternatives to bankruptcy (e.g., budget management, debt management, refinancing, and financial counseling).

(3) ~~Explain~~ Describe the importance of re-establishing a positive credit history and ~~steps to improve~~reccommend steps for improving a credit score after bankruptcy.

(n) **Standard 14.** The student will explain the costs and benefits of charitable giving.

(1) ~~Identify types of charitable giving (e.g., monetary gifts, gifts-in-kind, and volunteer service).~~Explain civic responsibilities and opportunities related to charitable giving.

(A) Describe reasons why individuals engage in charitable giving, such as personal reward, community improvement, and tax deduction.

(B) Compare different ways in which individuals can donate to charity, including monetary gifts, gifts-in-kind, and volunteer service.

(C) Describe how charitable giving can fit into one's spending plan.

(2) ~~Describe the impact of charitable giving on the individual (e.g., budget, time, personal satisfaction, and tax benefits) and the community.~~Analyze the importance of charitable giving.

(A) Describe the impact of charitable giving on the entity receiving the gift, such as improved quality of life and emergency relief.

(B) Analyze the impact of charitable giving on the community at large, including local development and improved standard of living.

(3) ~~Identify tools to research a charitable organization's mission/purpose, activities, and recipients (e.g., specific organizations' Web sites, Guidestar®, and regulatory agencies). 70 O.S. § 11-103.6h~~Describe how to evaluate the authenticity of charitable organizations by identifying recipients, allocation of resources, and activities, based on information from watchdog organizations and regulatory agencies.

[OAR Docket #24-910; filed 8-15-24]

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

1:2024-20.

EXECUTIVE ORDER 2024-20

I, J. Kevin Stitt, Governor of the State of Oklahoma, hereby direct the appropriate steps be taken to fly all American and Oklahoma flags on State property at half-staff from 8:00 a.m. to 5:00 p.m. on Wednesday, August 21, 2024, in recognition of National Fentanyl Prevention and Awareness Day.

Fentanyl is the leading cause of overdose deaths across the United States, claiming countless lives and leaving lasting impacts on American communities. The State of Oklahoma is committed to supporting efforts to combat the deadly fentanyl crisis, including through education, awareness, and prevention. As numerous governors coordinate to observe National Fentanyl Prevention and Awareness Day, the State of Oklahoma is proud to help increase awareness about the risks of fentanyl and support grieving families.

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

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, on this 19th day of August, 2024.

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

ATTEST:
Josh Cockroft
Secretary of State

[OAR Docket #24-920; filed 8-19-24]