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PARDON and Parole Board	515	Oklahoma TURNPIKE Authority (<i>Name changed to Oklahoma</i> TRANSPORTATION Authority <i>11-1-99 - no rules enacted in this</i> <i>Title - See Title 731</i>)	745
Oklahoma PEANUT Commission	520	Oklahoma UNIFORM Building Code Commission	748
Oklahoma State PENSION Commission	525	Board of Trustees for the UNIVERSITY Center at Tulsa (<i>exempted</i> <i>11-1-98</i>)	750
State Board of Examiners of PERFUSIONISTS	527	UNIVERSITY Hospitals Authority	752
Office of PERSONNEL Management (<i>consolidated under Office</i> <i>of Management and Enterprise Services 8-26-11 - See Title</i> <i>260</i>)	530	UNIVERSITY Hospitals Trust	753
Board of Commercial PET Breeders (<i>abolished 7-1-12 - See Title</i> <i>35</i>)	532	Board of Regents of the UNIVERSITY of Oklahoma (<i>exempted</i> <i>11-1-98</i>)	755
Oklahoma State Board of PHARMACY	535	Board of Regents of the UNIVERSITY of Science and Arts of Oklahoma (<i>exempted 11-1-98</i>)	760
Health Care WORKFORCE Training Commission	540	Oklahoma USED Motor Vehicle, Dismantler, and Manufactured Housing Commission	765
Board of PODIATRIC Medical Examiners	545	Oklahoma Department of VETERANS Affairs	770
Oklahoma POLICE Pension and Retirement System	550	Board of VETERINARY Medical Examiners	775
State Department of POLLUTION Control (<i>abolished 1-1-93</i>)	555	Statewide VIRTUAL Charter School Board	777
POLYGRAPH Examiners Board	560		
Oklahoma Board of PRIVATE Vocational Schools	565		
State Board for PROPERTY and Casualty Rates (<i>abolished 7-1-06; see also Title 365</i>)	570		
State Board of Examiners of PSYCHOLOGISTS	575		
Department of CENTRAL Services (Formerly: Office of PUBLIC Affairs; <i>consolidated under Office of Management and Enterprise</i> <i>Services 8-26-11 - See Title 260</i>)	580		
PUBLIC Employees Relations Board	585		

Agency	Title	Agency	Title
Oklahoma Department of CAREER and Technology Education (Formerly: Oklahoma Department of VOCATIONAL and Technical Education)	780	Oklahoma WHEAT Commission	795
Oklahoma WATER Resources Board	785	Department of WILDLIFE Conservation	800
Board of Regents of WESTERN Oklahoma State College (<i>exempted</i> <i>11-1-98</i>)	790	WILL Rogers and J.M. Davis Memorials Commission	805
		Oklahoma WORKERS' Compensation Commission	810

Notices of Rulemaking Intent

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 5. OKLAHOMA ABSTRACTORS BOARD CHAPTER 2. ADMINISTRATIVE OPERATIONS

[OAR Docket #22-898]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions
5:2-1-2. Definitions

SUMMARY:

The proposed revisions to Chapter 2 to provide needed definitions.

AUTHORITY:

Oklahoma Abstractors Board; 1 § 1-22 B. et. seq.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on February 10, 2023 at the following address: Katherine Smith, Oklahoma Abstractors Board, 421 NW 13th St., Suite 180, Oklahoma City, OK 73103, or Katherine.Smith@abstract.ok.gov.

PUBLIC HEARING:

A public hearing during the regularly scheduled Board Meeting will be held at 10:00 a.m. on Tuesday, February 21, 2023 at the 421 NW 13th Street, OLERS Conference Room, Oklahoma City, Oklahoma. Anyone who wishes to speak must sign in at the door by 9:50 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Oklahoma Abstractors Board requests that business entities affected by these proposed rules provide the Board, 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 such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Katherine Smith, at the above addresses, before the close of the comment period on February 10, 2023.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by visiting www.abstract.ok.gov or contacting the Oklahoma Abstractors Board, 421 NW 13th St., Suite 180, Oklahoma City, OK 73103, 405-522-5019, Fax 405-522-5503 or via electronic mail to Katherine.smith@abstract.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement has been prepared and may be viewed by visiting <http://www.abstract.ok.gov>.

CONTACT PERSON:

Katherine Smith, State Administrator of Abstracting, (405) 522-5019, Katherine.Smith@abstract.ok.gov.

[OAR Docket #22-898; filed 11-22-22]

TITLE 5. OKLAHOMA ABSTRACTORS BOARD CHAPTER 11. ADMINISTRATION OF ABSTRACTORS ACT

[OAR Docket #22-899]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 7. Application for Permit to Develop Abstract Plant
5:11-7-1. Application for permit to develop abstract plant
[AMENDED]

SUMMARY:

The proposed revisions to Chapter 11 to tweak existing language add the requirement that new plants be digitized.

AUTHORITY:

Oklahoma Abstractors Board; 1 § 1-22 B. et. seq.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on February 10, 2023 at the following address: Katherine Smith, Oklahoma Abstractors Board, 421 NW 13th St., Suite 180, Oklahoma City, OK 73103, or Katherine.Smith@abstract.ok.gov.

PUBLIC HEARING:

A public hearing during the regularly scheduled Board Meeting will be held at 10:00 a.m. on Tuesday, February 21, 2023 at the 421 NW 13th Street, OLERS Conference Room, Oklahoma City, Oklahoma. Anyone who wishes to speak must sign in at the door by 9:50 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Oklahoma Abstractors Board requests that business entities affected by these proposed rules provide the Board, 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 such as fees, and the

Notices of Rulemaking Intent

indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Katherine Smith, at the above addresses, before the close of the comment period on February 10, 2023.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by visiting www.abstract.ok.gov or contacting the Oklahoma Abstractors Board, 421 NW 13th St., Suite 180, Oklahoma City, OK 73103, 405-522-5019, Fax 405-522-5503 or via electronic mail to Katherine.smith@abstract.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement has been prepared and may be viewed by visiting <http://www.abstract.ok.gov>.

CONTACT PERSON:

Katherine Smith, State Administrator of Abstracting, (405) 522-5019, Katherine.Smith@abstract.ok.gov.

[OAR Docket #22-899; filed 11-22-22]

TITLE 145. OKLAHOMA DEPARTMENT OF EMERGENCY MANAGEMENT CHAPTER 15. OKLAHOMA 9-1-1 MANAGEMENT AUTHORITY

[OAR Docket #22-901]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULE:

Subchapter 7. Disbursement of 9-1-1 Telephone Fees
145:15-7-3. Eligible Use List of Approved Expenditures for Landline and Wireless 9-1-1 Fee Revenue[NEW]

SUMMARY:

Public agencies may only use funds collected pursuant to the Oklahoma 9-1-1 Management Authority Act for "services, equipment and operations related to 9-1-1 emergency telephone services." 63 O.S., § 2868(A). The 9-1-1 Management Authority is the entity that is authorized to "[e]stablish an eligible use list for 9-1-1 funds." 63 O.S., § 2864(18). The new proposed rule establishes an eligible use list, and in so doing, helps to ensure that public funds are spent appropriately and only for the reasons enumerated in Oklahoma law.

AUTHORITY:

63 O.S., §§ 2864(18) and 2868; Oklahoma 9-1-1 Management Authority

COMMENT PERIOD:

Written and oral comments will be accepted until 4:30 p.m. on January 31, 2023, at: Lance Terry, Statewide 9-1-1 Coordinator, Oklahoma 9-1-1 Management Authority, 2401 N. Lincoln Blvd., Oklahoma City, OK 73105, or Lance.Terry@oem.ok.gov.

PUBLIC HEARING:

A public hearing will be held on Wednesday, February 1, 2023, at the Oklahoma State Capitol, 2300 N. Lincoln Blvd., Rm. 4S.9, Oklahoma City, at 11:00 a.m. Anyone wishing to speak must sign in no later than 11:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rule may be obtained from the Oklahoma 9-1-1 Management Authority, 2401 N. Lincoln Blvd., Oklahoma City, OK 73105. The proposed rule will also be available on the Authority's website at <https://www.ok.gov/911/>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma 9-1-1 Management Authority at the above address. The rule impact statement will also be uploaded to the above website beginning December 15, 2022.

CONTACT PERSON:

Lance Terry, Statewide 9-1-1 Coordinator, Oklahoma 9-1-1 Management Authority, 405-521-3193, Lance.Terry@oem.ok.gov. For legal questions, contact Maria Maule, Assistant Attorney General, (405) 522-0055, Maria.Maule@oag.ok.gov.

[OAR Docket #22-901; filed 11-22-22]

TITLE 218. OFFICE OF EDUCATIONAL QUALITY AND ACCOUNTABILITY CHAPTER 10. EDUCATIONAL QUALITY

[OAR Docket #22-880A]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Educator Preparation Program Accreditation
218:10-5-1 [AMENDED]
218:10-5-2 [AMENDED]
218:10-5-3 [AMENDED]
218:10-5-4 [AMENDED]
Subchapter 7. Educator Assessment Regulations
218:10-7-1 [AMENDED]

SUMMARY:

The proposed Educator Preparation Program Accreditation amendments reflects changes in statute and in accreditation policy and requirements to align with accreditation standards and Oklahoma Regents for Higher Education teacher education policy. The proposed Educator Assessment Regulations amendment reflects changes in statute and in assessing the professional knowledge and skills of candidates for School Counselor certification.

AUTHORITY:

Office of Educational Quality and Accountability; 70 O.S. §6-180 et seq.; 70 O.S. §6-204.2

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 4:30 p.m. on January 17, 2023 at the following address: Office for Educational Quality and Accountability, 840 Research Parkway, Suite 455, Oklahoma City, OK 73104.

PUBLIC HEARING:

A public hearing will be held from 10:30 a.m. to 11:30 a.m. on Tuesday, January 17, 2023 at the Office for Educational Quality and Accountability, 840 Research Parkway, Suite 455, Oklahoma City, OK 73104.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency within the comment period, with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Renee Launey-Rodolf, at the above address, before the close of the comment period.

COPIES OF PROPOSED RULES:

Copies of the proposed rule may be obtained from the Office of Educational Quality and Accountability, 840 Research Parkway, Suite 455, Oklahoma City, OK 73104.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303 (D), a rule impact statement will be prepared and may be obtained from the Office of Educational Quality and Accountability at the above address beginning on December 30, 2022.

CONTACT PERSON:

Renee Launey-Rodolf, Interim Executive Director, 405-522-5399

[OAR Docket #22-880A; filed 11-15-22]

**TITLE 235. OKLAHOMA FUNERAL BOARD
CHAPTER 10. FUNERAL SERVICES
LICENSING**

[OAR Docket #22-880]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Qualification and Requirements for Licensure

235:10-3-1 [AMENDED]

235:10-3-2 [AMENDED]

SUMMARY:

The proposed rule amendments provides for the reduction of education requirements to become licensed as a funeral

director and/or embalmer to mirror Statute requirements and also the mileage requirement for a Funeral Director in-Charge.

AUTHORITY:

Oklahoma Funeral Board
Title 59 O.S. Section 396.2a
Title 59 O.S. Section 396.17
Title 75 O.S. Section 302 (A)(1)
Title 75 O.S. Section 307

COMMENT PERIOD:

Persons wishing to present their views regarding this action may do so by delivering or mailing their written comments to the Oklahoma Funeral Board, 3700 N. Classen Boulevard, Suite 175, Oklahoma City, Oklahoma 73118, from December 26, 2022 to February 16, 2023.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on Thursday, February 16, 2023 in the Oklahoma Funeral Board office, 3700 N. Classen Boulevard, Suite 175, Oklahoma City, Oklahoma 73118.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Oklahoma Funeral Board request that business entities affected by these proposed rules provide the Board, within the comment period, in dollar amounts the level of direct cost, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tyler Stiles at the above address, before the close of the comment period on February 16, 2023.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review at the office of the Oklahoma Funeral Board, 3700 N. Classen Boulevard, Suite 175, Oklahoma City, Oklahoma 73118 or by email request at info@funeral.ok.gov.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and available on and after December 30, 2022, at the office of the Oklahoma Funeral Board.

CONTACT PERSON:

Tyler Stiles, Executive Director, Oklahoma Funeral Board, 3700 N. Classen Blvd., Suite 175, Oklahoma City, Oklahoma 73118, 405-522-1790.

[OAR Docket #22-880; filed 11-15-22]

**TITLE 260. OFFICE OF MANAGEMENT
AND ENTERPRISE SERVICES
CHAPTER 25. PERSONNEL
ADMINISTRATION RULES**

[OAR Docket #22-889]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

Notices of Rulemaking Intent

PROPOSED RULES:

- Subchapter 11. Employee Actions
- Part 14. Agency Transfers [NEW]
- Subchapter 13. Reduction-in-Force [REVOKED]
- Part 1. General Provisions for Reduction-in-Force [REVOKED]
- Subchapter 15. Time and Leave
- Part 5. Miscellaneous Types of Leave [AMENDED]
- Subchapter 25. Oklahoma State Employees' Direct Deposit Rules
- Part 1. General Provisions [AMENDED]

SUMMARY:

The amendments and additions to the rules are necessary to address any changes occurring because the State of Oklahoma's change to a new human resources system, Workday. The revocation in Subchapter 13 is necessary to address changes to the Oklahoma Personnel Act. The change to Subchapter 15. Time and Leave is in response to a statutory change.

AUTHORITY:

The Office of Management and Enterprise Services. The Director of the Office of Management and Enterprise Services. 62 O.S. Section 34.6(8). The Human Capital Management Division of the Office of Management and Enterprise Services. 62 O.S. Section 34.301. The Director of the Office of Management and Enterprise Services. 74 O.S. Section 840-1.6A.

COMMENT PERIOD:

Persons may submit written comments through January 20, 2023, to Tracy Osburn, Deputy General Counsel at Office of Management and Enterprise Services, Human Capital Management Division, 2401 North Lincoln Blvd. Suite 106, Oklahoma City, Oklahoma, 73105.

PUBLIC HEARING:

A public hearing has been scheduled for January 20, 2023, at 1:00 p.m. to 2:30 p.m. at the ODOT Training Center located 5307 NE 122nd St, Oklahoma City, OK 73013. Each person will be allowed a maximum of five (5) minutes to speak. In the event an attendee would like to speak, please notify Tracy Osburn by email at tracy.osburn@omes.ok.gov.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES

N/A

COPIES OF PROPOSED RULES

Tracy Osburn, Deputy General Counsel
Office of Management and Enterprise Services
Human Capital Management
2401 North Lincoln Blvd., Suite 106
Oklahoma City, Oklahoma 73105

RULE IMPACT STATEMENT

As required by 75 O.S. § 303(D), a rule impact statement will be available beginning December 30, 2022. The rule impact statement may be obtained for review by contacting Tracy Osburn of the Office of Management and Enterprise Services Human Capital Management Division.

CONTACT PERSON:

Tracy Osburn, Deputy General Counsel

Office of Management and Enterprise Services
Human Capital Management Division
2401 N. Lincoln Blvd. Suite 106
Oklahoma City, OK 73105
(405)-522-3428

[OAR Docket #22-889; filed 11-21-22]

TITLE 260. OFFICE OF MANAGEMENT AND ENTERPRISE SERVICES CHAPTER 35. COMMITTEE FOR INCENTIVE AWARDS FOR STATE EMPLOYEES [REVOKED]

[OAR Docket #22-890]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 35. Committee for Incentive Awards for State Employees [REVOKED]

SUMMARY:

These rule revocations are done to match the statutes that were repealed.

AUTHORITY:

The Office of Management and Enterprise Services; The Director of the Office of Management and Enterprise Services; 62 O.S. Section 34.6(8); The Office of Management and Enterprise Services; 74 O.S. Section 4115A.

COMMENT PERIOD:

Persons may submit written comments through January 20, 2023, to Tracy Osburn, Deputy General Counsel at Office of Management and Enterprise Services, Human Capital Management Division, 2401 North Lincoln Blvd. Suite 106, Oklahoma City, Oklahoma, 73105.

PUBLIC HEARING:

A public hearing has been scheduled for January 20, 2023, from 2:45 p.m. to 3:30 p.m. at the ODOT Training Center located at 5307 NE 122nd St, Oklahoma City, OK 73013. Each person will be allowed a maximum of five (5) minutes to speak. In the event an attendee would like to speak, please notify Tracy Osburn by email at tracy.osburn@omes.ok.gov.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES

N/A

COPIES OF PROPOSED RULES

Tracy Osburn, Deputy General Counsel
Office of Management and Enterprise Services
Human Capital Management
2401 North Lincoln Blvd., Suite 106
Oklahoma City, Oklahoma 73105

RULE IMPACT STATEMENT

As required by 75 O.S. § 303(D), a rule impact statement will be available beginning December 30, 2022. The rule impact statement may be obtained for review by contacting

Tracy Osburn of the Office of Management and Enterprise Services Human Capital Management Division.

CONTACT PERSON:

Tracy Osburn, Deputy General Counsel
Office of Management and Enterprise Services
Human Capital Management Division
2401 N. Lincoln Blvd. Suite 106
Oklahoma City, OK 73105
(405)-522-3428

[OAR Docket #22-890; filed 11-21-22]

**TITLE 260. OFFICE OF MANAGEMENT
AND ENTERPRISE SERVICES
CHAPTER 50. EMPLOYEES GROUP
INSURANCE DIVISION - HEALTH, DENTAL,
VISION AND LIFE PLANS**

[OAR Docket #22-891]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 50. Employees Group Insurance Division - Health,
Dental, Vision and Life Plans [AMENDED]

SUMMARY:

The rules and regulations are necessary to promote and enhance effective operation of the Employees Group Insurance Division. It is proposed that the rules and regulations be amended. The effect of the amended rules is to provide for the continued efficiency, responsiveness, the correction of citations and scrivener's errors, and changes to improve the clarity of the rules.

AUTHORITY:

74 O.S. Section 1304.1; Office of Management and Enterprise Services Employees Group Insurance Division; 62 O.S. §34.6(8); the Director of the Office of Management and Enterprise Services.

COMMENT PERIOD:

Persons may submit written comments through January 25, 2023 to Byron Knox, Deputy General Counsel at Office of Management and Enterprise Services, Employees Group Insurance Division, 2401 N. Lincoln Suite 300, Oklahoma City, Oklahoma 73105.

PUBLIC HEARING:

A public hearing has been scheduled for January 25, 2023 at 1:30 pm at the offices of the Employees Group Insurance Board, Will Rogers Building, 2401 N. Lincoln Blvd, 3rd Floor, EGID Central Conference Room, Oklahoma City, OK. Each person will be allowed a maximum of 5 minutes to speak. In the event an attendee would like to speak, please notify Byron Knox by email at byron.knox@omes.ok.gov.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Byron Knox, Deputy General Counsel
Office of Management and Enterprise Services
Employees Group Insurance Division
2401 N Lincoln Suite 300
Oklahoma City, OK 73105

RULE IMPACT STATEMENT:

As required by 75 O.S. § 303(D), a rule impact statement will be available beginning November 22, 2022. The rule impact statement may be obtained for review by contacting Byron Knox of the Office of Management and Enterprise Services Employees Group Insurance Division.

CONTACT PERSON:

Byron Knox, Deputy General Counsel, (405) 717-8744

[OAR Docket #22-891; filed 11-21-22]

**TITLE 260. OFFICE OF MANAGEMENT
AND ENTERPRISE SERVICES
CHAPTER 60. FACILITIES MANAGEMENT**

[OAR Docket #22-892]

RULEMAKING ACTION:

Notice of proposed permanent rulemaking

PROPOSED RULES:

Chapter 60. Facilities Management [AMENDED]

SUMMARY:

Amendments are proposed to the rules regarding reservations of space in the Capitol to eliminate the requirement that fees be included with the application. These amendments require the fee to be invoiced by the Office of Management and Enterprise Services once the application is approved. Rules regarding use of the space within the Kerr-Edmondson Building in Tulsa are being revoked because the building has been transferred to the Oklahoma A&M Board of Regents and these rules are no longer necessary. In addition, amendments may be made to correct scrivener's errors, clarify the meaning of the rules, and avoid duplication.

AUTHORITY:

74 O.S. §63(A); Director of the Office of Management and Enterprise Services.

COMMENT PERIOD:

Persons may submit written comments to Kimberlee Williams at the email address listed below during the period from December 15, 2022 through January 20, 2023.

PUBLIC HEARING:

A public hearing has been scheduled for 9:00 a.m., January 19, 2023, at the Office of Management and Enterprise Services in the Will Rogers Building in the State Capitol Complex, 2401 N. Lincoln Blvd., Innovation Conference Room (Room 214), Oklahoma City, OK.

Notices of Rulemaking Intent

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

This proposed rulemaking action is not expected to impose costs on business entities.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by contacting Kimberlee Williams at the email address or telephone number listed below. The proposed rules will also be available on the Office of Management and Enterprise Services website at www.omes.ok.gov

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303, a rule impact statement has been prepared and is available by contacting Kimberlee Williams at the email or telephone number listed below.

CONTACT PERSON:

Kimberlee Williams, Deputy General Counsel, (405) 522-3615 or Kimberlee.Williams@omes.ok.gov.

[OAR Docket #22-892; filed 11-21-22]

TITLE 260. OFFICE OF MANAGEMENT AND ENTERPRISE SERVICES CHAPTER 65. CONSTRUCTION AND PROPERTIES, PLANNING AND REAL ESTATE SERVICES

[OAR Docket #22-893]

RULEMAKING ACTION:

Notice of proposed permanent rulemaking

PROPOSED RULES:

Chapter 65. Construction and Properties, Planning and Real Estate Services [AMENDED]

SUMMARY:

Amendments are necessary to make the rules consistent with changes to statute made by House Bill 1040 (2022), modernize language, streamline processes, correct scrivener's errors, and simplify and clarify the rules.

AUTHORITY:

61 O.S. §§62, 103, 202.1, 204, 209, 211; Director of the Office of Management and Enterprise Services; 62 O.S. Section 34.6(8).

COMMENT PERIOD:

Persons may submit written comments to Kimberlee Williams at the email address listed below during the period from December 15, 2022 through January 20, 2023.

PUBLIC HEARING:

A public hearing has been scheduled for 3 p.m., January 19, 2023, at the Office of Management and Enterprise Services in the Will Rogers Building in the State Capitol Complex, 2401 N. Lincoln Blvd., Create Conference Room (Room 216), Oklahoma City, OK.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

This proposed rulemaking action is not expected to impose costs on business entities.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by contacting Kimberlee Williams at the email address or telephone number listed below. The proposed rules will also be available on the Office of Management and Enterprise Services website at www.omes.ok.gov

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303, a rule impact statement has been prepared and is available by contacting Kimberlee Williams at the email or telephone number listed below.

CONTACT PERSON:

Kimberlee Williams, Deputy General Counsel, (405) 522-3615 or Kimberlee.Williams@omes.ok.gov.

[OAR Docket #22-893; filed 11-21-22]

TITLE 260. OFFICE OF MANAGEMENT AND ENTERPRISE SERVICES CHAPTER 70. RISK MANAGEMENT PROGRAM

[OAR Docket #22-894]

RULEMAKING ACTION:

Notice of proposed permanent rulemaking

PROPOSED RULES:

Chapter 70. Risk Management Program [AMENDED]

SUMMARY:

Amendments are proposed to modernize the language of the rules, modernize and streamline processes, provide agencies and other covered entities more time to complete required reporting, correct scrivener's errors, and simplify and clarify the rules.

AUTHORITY:

74 O.S. §85.58A(G); Director of the Office of Management and Enterprise Services.

COMMENT PERIOD:

Persons may submit written comments to Kimberlee Williams at the email address listed below during the period from December 15, 2022 through January 20, 2023.

PUBLIC HEARING:

A public hearing has been scheduled for 1:30 p.m., January 19, 2023, at the Office of Management and Enterprise Services in the Will Rogers Building in the State Capitol Complex, 2401 N. Lincoln Blvd., Create Conference Room (Room 216), Oklahoma City, OK.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

This proposed rulemaking action is not expected to impose costs on business entities.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by contacting Kimberlee Williams at the email address or telephone number listed below. The proposed rules will also be available on the Office of Management and Enterprise Services website at www.omes.ok.gov

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303, a rule impact statement has been prepared and is available by contacting Kimberlee Williams at the email or telephone number listed below.

CONTACT PERSON:

Kimberlee Williams, Deputy General Counsel, (405) 522-3615 or Kimberlee.Williams@omes.ok.gov.

[OAR Docket #22-894; filed 11-21-22]

**TITLE 260. OFFICE OF MANAGEMENT AND ENTERPRISE SERVICES
CHAPTER 120. STATE USE COMMITTEE OPERATIONAL PROCEDURES**

[OAR Docket #22-895]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 120. State Use Committee Operational Procedures [AMENDED]

SUMMARY:

The purpose of this proposed rulemaking action is to make the rules consistent with statutory changes to update citations and scrivener's errors, and to improve the clarity of the rules. Changes may also be made to reduce administrative burdens on state agencies where possible.

AUTHORITY:

74 O.S. Section 3001.1; Office of Management and Enterprise Services State Use; 62 O.S. §34.6(8); the Director of the Office of Management and Enterprise Services.

COMMENT PERIOD:

Persons may submit written and oral comments to Tim Tuck at Tim.Tuck@omes.ok.gov during the period from December 15, 2022 through January 20, 2023. Comments should be filed in the office of Tim Tuck, Deputy General Counsel, Office of Management and Enterprise Services Central Purchasing Division, located at 2401 N. Lincoln Blvd. Ste. 118, Oklahoma City, Oklahoma 73105.

PUBLIC HEARING:

A public hearing has been scheduled for 2:00 p.m. on January 23, 2023 at the offices of the Central Purchasing Division, 2401 N. Lincoln Blvd (Will Rogers Building) Conference Room 216, Oklahoma City, OK

Each person will be allowed a maximum of 5 minutes to speak. In the event an attendee would like to speak, please notify Tim Tuck by email at tim.tuck@omes.ok.gov

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

This proposed rulemaking action is not intended to impose cost on business entities.

COPIES OF PROPOSED RULES:

Tim Tuck, Deputy General Counsel
Office of Management and Enterprise Services
Central Purchasing Division

2401 N. Lincoln Blvd., Ste. 118
Oklahoma City, OK 73105

RULE IMPACT STATEMENT:

As required by 75 O.S. § 303(D), a rule impact statement will be available beginning December 15, 2022. The rule impact statement may be obtained for review by contacting Tim Tuck of the Office of Management and Enterprise Services Central Purchasing Division.

CONTACT PERSON:

Tim Tuck, Deputy General Counsel, (405) 521-2403 or tim.tuck@omes.ok.gov

[OAR Docket #22-895; filed 11-21-22]

**TITLE 260. OFFICE OF MANAGEMENT AND ENTERPRISE SERVICES
CHAPTER 130. CIVIL SERVICE AND HUMAN CAPITAL MODERNIZATION RULES**

[OAR Docket #22-896]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 130. Civil Service and Human Capital Modernization Rules [AMENDED]

SUMMARY:

These rules changes are necessary to update the process and the program required by the Civil Service and Human Capital Modernization Act codified at 62 O.S. Section 34.301.

AUTHORITY:

The Office of Management and Enterprise Services; The Director of the Office of Management and Enterprise Services; 62 O.S. Section 34.6(8); The Human Capital Management Division of the Office of Management and Enterprise Services; 62 O.S. Section 34.301.

COMMENT PERIOD:

Persons may submit written comments through January 20, 2023, to Tracy Osburn, Deputy General Counsel at Office of Management and Enterprise Services, Human Capital Management Division, 2401 North Lincoln Blvd. Suite 106, Oklahoma City, Oklahoma, 73105.

PUBLIC HEARING:

A public hearing has been scheduled for January 20, 2023, from 9:30 a.m. to 11:30 a.m. at the ODOT Training Center located at 5307 NE 122nd St, Oklahoma City, OK 73013. Each person will be allowed a maximum of five (5) minutes to speak. In the event an attendee would like to speak, please notify Tracy Osburn by email at tracy.osburn@omes.ok.gov.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES

N/A

COPIES OF PROPOSED RULES

Tracy Osburn, Deputy General Counsel
Office of Management and Enterprise Services

Notices of Rulemaking Intent

Human Capital Management
2401 North Lincoln Blvd., Suite 106
Oklahoma City, Oklahoma 73105

RULE IMPACT STATEMENT

As required by 75 O.S. § 303(D), a rule impact statement will be available beginning December 30, 2022. The rule impact statement may be obtained for review by contacting Tracy Osburn of the Office of Management and Enterprise Services Human Capital Management Division.

CONTACT PERSON:

Tracy Osburn, Deputy General Counsel
Office of Management and Enterprise Services
Human Capital Management Division
2401 N. Lincoln Blvd. Suite 106
Oklahoma City, OK 73105
(405)-522-3428

[OAR Docket #22-896; filed 11-21-22]

TITLE 260. OFFICE OF MANAGEMENT AND ENTERPRISE SERVICES CHAPTER 135. SERVICE OKLAHOMA

[OAR Docket #22-897]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 135. Service Oklahoma [AMENDED]

SUMMARY:

These rules create new rules related to the Administrative Operations of Service Oklahoma and amend existing rules that were transferred from the Department of Public Safety and the Oklahoma Tax Commission by HB3419. However, the rules have remaining references to the Department of Public Safety that need to be permanently changed to Service Oklahoma. These proposed rules make the reference changes required by the passage of HB3419 to transfer the applicable powers, duties, and responsibilities exercised by the Driver License Services Division of the Department of Public Safety and the Motor Vehicle Services Division of the Oklahoma Tax Commission to Service Oklahoma.

AUTHORITY:

Service Oklahoma, a division of the Office of Management and Enterprise Services; 47 O.S. Section 3-101; The Director of Service Oklahoma; 47 O.S. Section 3-103; The Director of the Office of Management and Enterprise Services; 62 O.S. §34.3.1; 62 O.S. Section 34.6(8).

COMMENT PERIOD:

Persons may submit written comments through January 23, 2023 to April Kelso, Director of Legal Operations and Policy, Service Oklahoma, P.O. Box 11415, Oklahoma City, OK 73136.

PUBLIC HEARING:

A public hearing has been scheduled for January 24, 2023 at 9:00 am at the Will Rogers Building, 2401 N. Lincoln Blvd, Room 214, Oklahoma City, OK. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door. In the event an attendee would like to speak, please notify April Kelso by email at April.Kelso@service.ok.gov.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

April Kelso
Service Oklahoma
P.O. Box 11415
Oklahoma City, OK 73136-0415

RULE IMPACT STATEMENT:

As required by 75 O.S. § 303(D), a rule impact statement will be available beginning December 1st, 2022. The rule impact statement may be obtained for review by contacting April Kelso of Service Oklahoma.

CONTACT PERSON:

April Kelso, Service Oklahoma, (405) 522-0204

[OAR Docket #22-897; filed 11-21-22]

TITLE 485. OKLAHOMA BOARD OF NURSING CHAPTER 10. LICENSURE OF PRACTICAL AND REGISTERED NURSES

[OAR Docket #22-877]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Minimum Standards for Approved Nursing Education Programs
485:10-5-12. [AMENDED]
Subchapter 7. Requirements for Registration and Licensure as a Registered Nurse and Licensed Practical Nurse
485:10-7-2. [AMENDED]
Subchapter 11. Disciplinary Action
485: 10-11-2 [AMENDED]
485:10-11-4. [AMENDED]
Subchapter 18. Prescriptive Authority for CRNA
485:10-18-2. [AMENDED]

SUMMARY:

Proposed revisions for subchapters 5, 7, 11 and 18 include:
OAC 485:10-5-12 clarifies that individuals with a multistate license as a Registered Nurse or Licensed Practical Nurse from another compact party state meet the intent of having an Oklahoma nursing license at that same level.

OAC 485:10-7-2 provides an additional option for foreign education credential evaluation and increases the options for English language proficiency by adding services

recently approved by the Health Resources and Services Administration.

OAC 485:10-11-2 amends the time for the issuance of a written order in consideration of decisions requiring Attorney General review. OAC 485:10-11-4 amends current rules in consideration of the passage of SB 1691, for which the Board has filed emergency rules specific to amendments in 59 O.S. § 4000.1 effective November 1, 2022.

OAC 485:10-18-2 clarifies APRN-CRNA pharmacology requirements for order, select, obtain and administer authority.

AUTHORITY:

Oklahoma Board of Nursing; 59 O.S. Sections 567.2(A); 567.3a, 567.4(F); 567.5a(B); 567.8; 567.21; 59 O.S. Section 4000.1

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 4:30 p.m. on January 19, 2023 at the following address: Oklahoma Board of Nursing, P.O. Box 52926, Oklahoma City, Oklahoma 73152, Attn: Jackye Ward, MS, RN, NEA-BC, FRE.

PUBLIC HEARING:

A public hearing will be held at 5:30 p.m. on Tuesday, January 24, 2023 at The Sheraton Oklahoma City Downtown, 2nd floor Ballroom, 1 North Broadway Avenue, Oklahoma City, Oklahoma. Anyone who wishes to speak at this public hearing must sign in with the Oklahoma Board of Nursing by 5:00 p.m., January 24, 2023.

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, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by January 19, 2023, at 4:30 p.m., to the Oklahoma Board of Nursing, P.O. Box 52926, Oklahoma City, OK 73152, Attn: Jackye Ward, MS, RN, NEA-BC, FRE.

COPIES OF PROPOSED RULES:

Copies of the proposed *Rules* may be obtained by contacting Jackye Ward, MS, RN, FRE, at the Oklahoma Board of Nursing, physical address: 2501 N. Lincoln Blvd., Ste. 207, Oklahoma City, Oklahoma 73105, mailing address: P.O. Box 52926, Oklahoma City, OK 73152, (405) 962-1809. The proposed amendments may also be viewed on the Oklahoma Board of Nursing web site at <http://www.nursing.ok.gov/rules.html>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. Section 303(D), a rule impact statement has been prepared. The rule impact statement may be obtained by contacting Jackye Ward, MS, RN, FRE, at the Oklahoma Board of Nursing, physical address: 2501 N. Lincoln Blvd., Ste. 207, Oklahoma City, OK 73105, mailing address: P.O. Box 52926, Oklahoma City, OK 73152, (405) 962-1809. The Rule Impact Statement may

also be viewed on the Oklahoma Board of Nursing web site at <http://www.nursing.ok.gov/rules.html>.

CONTACT PERSON:

Jackye Ward, MS, RN, FRE, (405) 962-1809.

[OAR Docket #22-877; filed 11-10-22]

**TITLE 535. OKLAHOMA STATE BOARD OF PHARMACY
CHAPTER 1. ADMINISTRATIVE OPERATIONS**

[OAR Docket #22-884]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 11. Fees

535:1-11-1. Annual licenses, permits and renewals [AMENDED]

SUMMARY:

The revision in 535:1-11-1 (16) - (17) add the fees set in statute for Durable Equipment Suppliers (DME) and for combined Medical Gas Distributors and Durable Medical Equipment Suppliers (DME + MGD) to our fee schedule for customer convenience.

AUTHORITY:

Oklahoma State Board of Pharmacy is the regulatory authority under Title 59 O.S., Sec. 353.3, 353.5 - 353.7, 353.9, 353.11 - 353.20.1, 353.22, 353.24 - 354, 375.1-375.5; Title 75 O.S., Section 302, 305, 307, and 309; Title 63 O.S., Sec 2-201, 2-208 and 2-210; and Title 51 Sec. 24 A.5 (3).

COMMENT PERIOD:

Persons may submit written comments through January 23, 2023, at 3:30 p.m. to Marty Hendrick at 2920 N LINCOLN BLVD STE A, OKLAHOMA CITY OK 73105-4212 or by email to pharmacy@pharmacy.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 1:30 pm on Wednesday, February 1, 2023, at 2920 N LINCOLN BLVD STE A, Board room, OKLAHOMA CITY OK 73105-4212. Anyone who wishes to speak must sign in at the door by 1:35 p.m.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the Board, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees and indirect costs such as record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with the proposed rule(s). Business entities may submit this information in writing to Marty Hendrick at the above addresses, before the close of the comment period at 3:30 pm on January 23, 2023.

Notices of Rulemaking Intent

COPIES OF PROPOSED RULES:

Proposed rules are available for review at 2920 N LINCOLN BLVD STE A, OKLAHOMA CITY OK 73105-4212. Copies may be viewed in our offices or on website www.pharmacy.ok.gov, or provided at a cost of 25 cents per page.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303 (D), a rule impact statement will be prepared and may be obtained from OSBP at the above address beginning December 15, 2022. It may be viewed in our office, on our website, or copies may be obtained for 25 cents per page.

CONTACT PERSON:

Dr. Marty Hendrick, 2920 N LINCOLN BLVD STE A, OKLAHOMA CITY OK 73105-4212, (405) 521-3815, pharmacy@pharmacy.ok.gov.

[OAR Docket #22-884; filed 11-18-22]

TITLE 535. OKLAHOMA STATE BOARD OF PHARMACY CHAPTER 10. PHARMACISTS; AND INTERNS, PRECEPTORS AND TRAINING AREAS

[OAR Docket #22-885]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Pharmacists

535:10-3-4. Uniform pharmacy continuing education
[AMENDED]

Subchapter 7. Pharmacist Licensure

535:10-7-10. Pharmacist reinstatements [AMENDED]

Subchapter 11. Pharmacist Administration of Immunizations

535:10-11-3. D.Ph. administering of immunizations, training and CE~~administering of immunization~~ requirements [AMENDED]

535:10-11-5. D.Ph. training requirements for administration of immunizations [REVOKED]

SUMMARY:

The revisions in 535:10-3-4 update (d) post-graduate school / residency. They add to (f) regarding no job credit for CE. They update (l) for ACPE's name change, they explain that ACPE approved CE is accepted and should not be re-submitted to the Board Continuing Education Committee.

The revisions in 535:10-7.10 regarding pharmacist reinstatement clarify the rule and add process for pharmacists who had immunization permits to reinstate their pharmacist license and immunization permit. They establish a process for pharmacist who do not reinstate their immunization with their pharmacist reinstatement to later add a new immunization later if not done at reinstatement.

The revisions in 535:10-11-3 expand requirements to include training and add "Accredited Council for Pharmacy Education (ACPE)" to pharmacist immunization approved training. They expand the continuing education and require annual CE for immunizing pharmacists.

Section 535:10-11-5 is revoked. Training and CE requirements were simplified and added to 535:10-11-3.

AUTHORITY:

Oklahoma State Board of Pharmacy is the regulatory authority under Title 59 O.S., Sec. 353.7, 353.9, 353.11, 353.16A, 353.18, 353.20, 353.22, 353.24 - 353.26, 353.30 and 364, Title 59 O.S. Sec. 6002 and Title 63 O.S. Section 2-312.25.

COMMENT PERIOD:

Persons may submit written comments through January 23, 2023, at 3:30 p.m. to Marty Hendrick at 2920 N LINCOLN BLVD STE A, OKLAHOMA CITY OK 73105-4212 or by email to pharmacy@pharmacy.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 1:30 pm on Wednesday, February 1, 2023, at 2920 N LINCOLN BLVD STE A, Board room, OKLAHOMA CITY OK 73105-4212. Anyone who wishes to speak must sign in at the door by 1:35 p.m.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the Board, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees and indirect costs such as record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with the proposed rule(s). Business entities may submit this information in writing to Marty Hendrick at the above addresses, before the close of the comment period at 3:30 pm on January 23, 2023.

COPIES OF PROPOSED RULES:

Proposed rules are available for review at 2920 N LINCOLN BLVD STE A, OKLAHOMA CITY OK 73105-4212. Copies may be viewed in our offices or on website www.pharmacy.ok.gov, or provided at a cost of 25 cents per page.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303 (D), a rule impact statement will be prepared and may be obtained from OSBP at the above address beginning December 15, 2022. It may be viewed in our office, on our website, or copies may be obtained for 25 cents per page.

CONTACT PERSON:

Dr. Marty Hendrick, 2920 N LINCOLN BLVD STE A, OKLAHOMA CITY OK 73105-4212, (405) 521-3815, pharmacy@pharmacy.ok.gov.

[OAR Docket #22-885; filed 11-18-22]

**TITLE 535. OKLAHOMA STATE BOARD OF
PHARMACY
CHAPTER 15. PHARMACIES**

[OAR Docket #22-886]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 3. Pharmacies
 - 535:15-3-1.1. Definitions [AMENDED]
 - 535:15-3-4. Physical requirements for pharmacies [AMENDED]
 - 535:15-3-9. Non-resident pharmacies [AMENDED]
 - 535:15-3-11. Prescription drugs [AMENDED]
 - 535:15-3-12. Transfer of prescription refill information [AMENDED]
 - 535:15-3-16. Adequate staffing rules for pharmacists and pharmacies [AMENDED]
- Subchapter 5. Hospital Pharmacies
 - 535:15-5-9. Hospital pharmacy physical requirements [AMENDED]
 - 535:15-5-9.1. Hospital pharmacy library requirements [NEW]
- Subchapter 6. Hospital Drug Room
 - 535:15-6-6. Physical ~~and~~ library requirements [AMENDED]
 - 535:15-6-6.1. Hospital drug room library requirements [NEW]
 - 535:15-6-7. Drug distribution and control [AMENDED]
- Subchapter 10. Good Compounding Practices
 - Part 1. Good Compounding Practices for Non-Sterile Preparations
 - 535:15-10-8.2. Beyond-use dating [AMENDED]
 - 535:15-10-13. Compounding veterinarian preparations [AMENDED]
 - 535:15-10-15. Compounding of non-sterile radiopharmaceuticals [REVOKED]
 - Part 3. Good Compounding Practices for Sterile Preparations
 - 535:15-10-55. Drug compounding facilities [AMENDED]
 - 535:15-10-64.1. Compounding veterinarian sterile preparation [AMENDED]
 - 535:15-10-66. Compounding of sterile radiopharmaceuticals [REVOKED]
- Subchapter 13. Pharmacy Supportive Personnel
 - 535:15-13-4. Pharmacy technician qualifications and training [AMENDED]
 - 535:15-13-6.1. Technician rules for administering immunizations [NEW]
 - 535:15-13-15. Technician reinstatement requirements [NEW]
- Subchapter 17. Nuclear Pharmacy
 - 535:15-17-5. General requirements [AMENDED]
 - 535:15-17-11. Supervision of licensed pharmacy technicians in a licensed nuclear pharmacy [NEW]

SUMMARY:

The revision in 535:15-3-1.1 Definitions adds a definition for "Qualified Packaging System".

Revised in 535:15-3-4. Physical requirements for pharmacies removes (3) for Balances. It renumbers (4) Library to (3), renumbers (5) - (7) to (4) - (6). It deletes (8) filing, (9) containers, and (10) Labels. Lastly it renumbers (11) EPCS to (7) and adds a new (8) security.

The revisions in 535:15-3-9. Non-resident pharmacies correct grammar and punctuation, they update (j) Prescription shipping and add (k) Prescription delivery for changes in how patient's receive their prescription medications to assure safe transport and delivery.

Rule 535:15-3-11 Prescription drugs corrects grammar and punctuation. In 535:15-3-11 (f) Prescription shipping and (k) Prescription delivery similar changes as those made for non-resident pharmacies are made for in-state pharmacies to assure safe transport and delivery.

The revision simplifies documentation in 535:15-3-12 (a) (2) (B) and (a) (2) (B) (i). It also adds "non-CDS" in (i).

Revised in 535:15-3-16 Adequate staffing rules for pharmacists and pharmacies are punctuation changes. This rule brings the old (f) into (e), renumbers (g) to (f), and adds a new (g) that restricts pharmacies from retaliating against an employee who reports suspected violations.

The revisions in 535:15-5-9. Hospital pharmacy physical requirements change insure to ensure. They change (a) (1) (A) to (a) (2) and add Sterile compounds tag line. They remove the library requirements (a) (1) (B) from this section and adds them to 535:15-5-9.1 Hospital pharmacy library requirements. The old (a) (2) - (5) are renumbered to (3) - (6).

Revisions in 535:15-6-6 Physical requirements make the same changes described in 535:15-5-9 except for Hospital drug rooms. They remove the library requirements (a) (1) (B) and (C) from this section and adds them to 535:15-6-6.1. Hospital drug room library requirements. While the old (a) (2) - (5) are renumbered to (3) - (6).

Revised 535:15-6-7 Drug distribution and control (e) adds the missing (1) and (2) back to this rule as well as correcting punctuation and grammar.

Revisions in 535:15-10-8.2. Beyond-use dating remove from (c) USP-NF and replace with Board rules and in (c) (1) removes USP-NF and listed above.

Revised in 535:15-10-13. Compounding veterinary preparations (b) guidances are corrected to guidance for grammar. The old (e) is deleted and replaced with a new (e) and the old (f) is changed to conform with new FDA law and rules.

Rule 535:15-10-15 Compounding of non-sterile radiopharmaceuticals is revoked.

The changes in 535:15-10-55 Drug compounding facilities remove USP reference in (d).

The revision in 535:15-10-64.1 Compounding veterinary sterile preparation (b) guidances are corrected to guidance for grammar. The old (e) is deleted and replaced with a new (e)

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and the old (f) is changed to conform with new FDA law and rules.

Rule 535:15-10-66. Compounding of sterile radiopharmaceuticals is revoked.

The revision in 535:15-13-4 Pharmacy technician qualifications and training (d) corrects the cite from "535.25" to the correct cite "535:25".

Rule 535:15-13-6.1 adds new technician rules for administering immunizations.

Rule 535:15-13-15 adds new technician reinstatement requirements.

The changes in 535:15-17-5 General requirements correct punctuation and grammar. The rule 535:15-17-5 (f) is revised and added are (1) and (2) under (f) to clarify the rule.

New rules in 535:15-17-11 for supervision of licensed pharmacy technicians in a licensed nuclear pharmacy are the same ratios as for hospital pharmacies. Nuclear medications are most often prepared, dispensed and repackaged so they often don't fall within the compounding rule for technician ratios. This establishes the same technician ratio for these tasks.

AUTHORITY:

Oklahoma State Board of Pharmacy is the regulatory authority under Title 59 O.S., Sec. 353.7, 353.11 - 353.20.1, 353.22, 353.24 - 353.26 - 354, and 367.8.

COMMENT PERIOD:

Persons may submit written comments through January 23, 2023, at 3:30 p.m. to Marty Hendrick at 2920 N LINCOLN BLVD STE A, OKLAHOMA CITY OK 73105-4212 or by email to pharmacy@pharmacy.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 1:30 pm on Wednesday, February 1, 2023, at 2920 N LINCOLN BLVD STE A, Board room, OKLAHOMA CITY OK 73105-4212. Anyone who wishes to speak must sign in at the door by 1:35 p.m.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the Board, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees and indirect costs such as record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with the proposed rule(s). Business entities may submit this information in writing to Marty Hendrick at the above addresses, before the close of the comment period at 3:30 pm on January 23, 2023.

COPIES OF PROPOSED RULES:

Proposed rules are available for review at 2920 N LINCOLN BLVD STE A, OKLAHOMA CITY OK 73105-4212. Copies may be viewed in our offices or on website www.pharmacy.ok.gov, or provided at a cost of 25 cents per page.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303 (D), a rule impact statement will be prepared and may be obtained from OSBP

at the above address beginning December 15, 2022. It may be viewed in our office, on our website, or copies may be obtained for 25 cents per page.

CONTACT PERSON:

Dr. Marty Hendrick, 2920 N LINCOLN BLVD STE A, OKLAHOMA CITY OK 73105-4212, (405) 521-3815, pharmacy@pharmacy.ok.gov.

[OAR Docket #22-886; filed 11-18-22]

**TITLE 535. OKLAHOMA STATE BOARD OF
PHARMACY
CHAPTER 20. MANUFACTURERS,
REPACKAGERS, OUTSOURCING
FACILITIES, WHOLESALERS,
THIRD-PARTY LOGISTICS PROVIDERS,
AND MEDICAL GAS SUPPLIERS AND
DISTRIBUTORS, DURABLE MEDICAL
EQUIPMENT SUPPLIERS (DME), AND
COMBINED DME AND MEDICAL GAS
DISTRIBUTORS (MGD)**

[OAR Docket #22-887]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 9. Medical Gas Suppliers and Distributors

535:20-9-3. Medical gas suppliers [AMENDED]

535:20-9-4. Medical gas distributors [AMENDED]

Subchapter 10. Durable medical equipment (DME) suppliers and combined DME suppliers and medical gas distributors [NEW]

535:20-10-1. Purpose [NEW]

535:20-10-2. Definitions [NEW]

535:20-10-3. DME suppliers and combined DME+MGD suppliers [NEW]

535:20-10-4. Violations and penalties [NEW]

535:20-10-5. Prohibited conduct [NEW]

SUMMARY:

The revision in 535:20-9-3 Medical gas suppliers correct punctuation and grammar. They remove the references to manufacturer and replace them with medical gas suppliers. The revision in 535:20-9-3 (i) (6) corrects grammar.

The revision in 535:20-9-4 Medical gas distributors correct punctuation and grammar. They remove the references to manufacturer and replace them with medical gas distributors. The revision in 535:20-9-4 (i) (6) corrects grammar.

The revisions in 535:20-10-1 through 535:20-10-5 implement the Oklahoma Durable Medical Equipment Licensing Act in Title 59 OS Section 375.1 through 375.5.

New 535:20-10-1 describes the purpose of this subchapter. New 535:20-10-2 describes definitions. New 535:20-10-3 DME suppliers and combined DME suppliers and medical gas distributors describe requirements. New 535:20-10-4

describe violations and penalties. New 535:20-10-5 describes prohibited conduct.

AUTHORITY:

Oklahoma State Board of Pharmacy is the regulatory authority under Title 59 O.S., Sec. 353.7, 353.11 - 353.20.1, 353.22, 353.24 - 354, 367.8, 375.1 - 375.5; Title 51 OS 24A et seq.; Title 75 OS, Sec 2-201, 2-208, and 2-210.

COMMENT PERIOD:

Persons may submit written comments through January 23, 2023, at 3:30 p.m. Written comments may be sent to Marty Hendrick at 2920 N Lincoln Boulevard Suite A, Oklahoma City, OK 73105-4212 or by email to pharmacy@pharmacy.ok.gov

PUBLIC HEARING:

A public hearing will be held at 1:30 pm on Wednesday, February 1, 2023, at 2920 N Lincoln Boulevard Suite A, Board Room, Oklahoma City, OK 73105-4212. Anyone who wishes to speak must sign in at the door by 1:35 p.m.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the Board, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees and indirect costs such as record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with the proposed rule(s).

COPIES OF PROPOSED RULES:

Proposed rules are available for review in our office at 2920 N Lincoln Boulevard Suite A, Oklahoma City, OK 73105-4212. Copies may be viewed in our offices or on our website www.pharmacy.ok.gov , or provided at a cost of 25 cents per page.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. Section 303 (D), a rule impact statement will be prepared and may be obtained from OSBP at the above address beginning December 15, 2022. It may be viewed in our office, on our website, or copies may be obtained for 25 cents per page.

CONTACT PERSON:

Dr. Marty Hendrick, 2920 N Lincoln Boulevard Suite A, Oklahoma City, OK 73105-4212. The Board phone number is (405) 521-3815 and email pharmacy@pharmacy.ok.gov.

[OAR Docket #22-887; filed 11-18-22]

**TITLE 715. TEACHERS' RETIREMENT SYSTEM
CHAPTER 1. ADMINISTRATIVE OPERATIONS**

[OAR Docket #22-882]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

715:1-1-13. Change of address, name or district [AMENDED]

SUMMARY:

715:1-1-13 is being amended reflect current data management procedures of TRS.

AUTHORITY:

70 O.S. §17-101, et seq., especially Section 17-106(10); Board of Trustees

COMMENT PERIOD:

Written comments may be made from December 16, 2022, through January 17, 2023, filed and available for inspection in the Office of the Executive Director, Teachers' Retirement System of Oklahoma, 301 NW 63rd Street, Suite 500, Oklahoma City, Oklahoma, 73116, from 8:30 a.m. until 5:00 p.m., Monday through Friday, excluding holidays, or by mailing same to the Executive Director, Teachers' Retirement System of Oklahoma, P.O. Box 53524, Oklahoma City, OK 73152.

PUBLIC HEARING:

A public hearing will be held from 9:00 a.m. to 10:00 a.m. on January 18, 2023, at the offices of the Teachers' Retirement System, 301 NW 63rd Street, Suite 500, Oklahoma City, Oklahoma. Written notice of intent to make oral comments is encouraged. Individuals who file a written notice to comment will be scheduled to speak before comments are accepted from the audience. Written notice may be filed with the Executive Director, Teachers' Retirement System of Oklahoma, 301 NW 63rd Street, Suite 500, Oklahoma City, Oklahoma, 73116, until 5:00 p.m. on January 10, 2023.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review from the Teachers' Retirement System of Oklahoma, 301 NW 63rd Street, Suite 500, Oklahoma City, Oklahoma 73116, and will be available on the TRS website (www.oklahoma.gov/TRS).

RULE IMPACT STATEMENT:

The Teachers' Retirement System will issue a rule impact statement. Copies of the statement will be available on the TRS website (www.oklahoma.gov/TRS) or may be obtained from the Teachers' Retirement System of Oklahoma, 301 NW 63rd Street, Suite 500, Oklahoma City, Oklahoma, 73116, beginning December 16, 2022, between 8:30 a.m. and 5:00 p.m., Monday through Friday, excluding holidays.

CONTACT PERSON:

Phyllis Bennett, Rules Liaison (405) 521-4745.

[OAR Docket #22-882; filed 11-17-22]

Notices of Rulemaking Intent

TITLE 715. TEACHERS' RETIREMENT SYSTEM CHAPTER 10. GENERAL OPERATIONS

[OAR Docket #22-883]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Membership Provisions

715:10-1-5. Ineligible for TRS membership [AMENDED]

Subchapter 5. Establishing Other Service Credits

715:10-5-33. Credit for family leave [NEW]

715:10-5-34. Credit for adjunct service [AMENDED]

Subchapter 9. Survivor Benefits

715:10-9-3. Monthly annuity in lieu of death benefit [AMENDED]

715:10-9-8. Beneficiary designation for death benefit [AMENDED]

Subchapter 11. Withdrawal from Membership and Refund of Deposits

715:10-11-4. Refunds of contributions [AMENDED]

Subchapter 13. Contributions for Membership Service

715:10-13-2. Contributions required on all compensation [AMENDED]

715:10-13-3. Employee contribution rates [AMENDED]

Subchapter 15. Service Retirement

715:10-15-8. Age, creditable service determination [AMENDED]

715:10-15-11. Designation of beneficiaries or joint annuitant for retirement options [AMENDED]

715:10-15-12. Spousal consent [AMENDED]

715:10-15-15. Disability retirement; application; effective date [AMENDED]

715:10-15-22. Reduction of disability benefits for excess earnings [AMENDED]

Subchapter 17. Post-Retirement Employment

715:10-17-5. Permissible employment [AMENDED]

715:10-17-7. Employment by a disabled retiree [AMENDED]

715:10-17-9. Annual W-2P tax statements [AMENDED]

715:10-17-13. Election to return to qualifying employment [AMENDED]

715:10-17-14. Termination and Resumption of Benefit Payments [AMENDED]

715:10-17-15. Salary limitations for certain returning classroom teachers [AMENDED]

SUMMARY:

715:10-1-5 is being amended to comply with amendments to 70 O.S. Section 17-101.

715:10-5-33 is being reenacted to reflect TRS compliance with 70 O.S. §6-104.1.

715:10-5-34 is being amended for clarify who is eligible to earn service credits

715:10-9-3 is being amended to clarify and reflect all statutory requirements for eligibility for a monthly annuity in lieu of the statutory death benefit under 70 O.S. §17-105(11).

715:10-9-8 is being amended to reflect TRS's forthcoming ability to accept beneficiary designations electronically and to set out TRS requirements for a valid beneficiary designation.

715:10-11-4 is being amended to reflect Internal Revenue Service limitations on providing a refund, as opposed to a credit, to employers for excess contributions remitted due to mistake of law or fact.

715:10-13-2 is being amended to clarify that TRS members must remit on all contributions from the date their qualifying TRS employment began and that full service credit will not be awarded until all eligible contributions are remitted.

715:10-13-3 is being amended to comply with 70 O.S. §17-108.2 and accurately reflect the impact of earning state credit will occur to an eligible employee's gross pay, rather than net pay.

715:10-15-8 is being amended to reflect the ability of TRS to grant fractional service credit when calculating service credit at retirement consistent with prior amendments to the 715:10-3-1.

715:10-15-11 is being amended to reflect TRS's forthcoming ability to accept beneficiary designations electronically and to set out TRS requirements for a valid beneficiary designation.

715:10-15-12 is being amended to reflect updated clarified procedures for the Spousal Consent and Internal Revenue Service requirement, as part of a member's retirement.

715:10-15-15 is being amended to reflect that TRS will accept additional sufficient documentation from the Social Security Administration to prove an award of disability benefits. This rule is also being amended to clarify the level of medical evidence necessary to adequately determine disability on behalf of the member.

715:10-15-22 is being amended to reflect that TRS may seek documentation from a disabled retiree regarding earnings in a calendar year if the disabled retiree is under 62 years of age and otherwise clarifying procedures if a retiree is earning excessive earnings or working in a position similar to the one working in when they were medically retired.

715:10-17-5 is being amended to clarify current TRS procedures relative to retired members seeking to work as an independent contractor.

715:10-17-7 is being amended to reflect that TRS may seek documentation from a disabled retiree regarding earnings in a calendar year if the disabled retiree is under 62 years of age and otherwise clarifying procedures if a retiree fails to provide such information.

715:10-17-9 is being amended to correct a typographical error.

715:10-17-13 is being amended to strike the requirement for a Personal Data Form consistent with TRS practice of obtaining such information via the Employer Portal rather than via a paper form and to otherwise clarify application to retired members.

715:10-17-14 is being amended to clarify its application to only those retired members who return to active contributing status and to maintain consistency with the actual timing of retirement benefit payments.

715:10-17-15 is being s being amended to operate to the benefit of eligible teachers when situations of good cause prevent their application for post-retirement employment from being timely and to ensure TRS rules are consistent with the intent of 70 O.S. Section 17-116.10 enacted by Senate Bill 267 in the 2021 legislative session, effective July 1, 2021, i.e., to capture and retain the participation of qualified active teachers in public education despite their prior retirement.

AUTHORITY:

70 O.S. §17-101, et seq., especially Section 17-106(10); Board of Trustees

COMMENT PERIOD:

Written comments may be made from December 16, 2022, through January 17, 2023, filed and available for inspection in the Office of the Executive Director, Teachers' Retirement System of Oklahoma, 301 NW 63rd Street, Suite 500, Oklahoma City, Oklahoma, 73116, from 8:30 a.m. until 5:00 p.m., Monday through Friday, excluding holidays, or by mailing same to the Executive Director, Teachers' Retirement System of Oklahoma, P.O. Box 53524, Oklahoma City, OK 73152.

PUBLIC HEARING:

A public hearing will be held from 9:00 a.m. to 10:00 a.m. on January 18, 2023, at the offices of the Teachers' Retirement System, 301 NW 63rd Street, Suite 500, Oklahoma City, Oklahoma. Written notice of intent to make oral comments is encouraged. Individuals who file a written notice to comment will be scheduled to speak before comments are accepted from the audience. Written notice may be filed with the Executive Director, Teachers' Retirement System of Oklahoma, 301 NW 63rd Street, Suite 500, Oklahoma City, Oklahoma, 73116, until 5:00 p.m. on January 10, 2023.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review from the Teachers' Retirement System of Oklahoma, 301 NW 63rd Street, Suite 500, Oklahoma City, Oklahoma 73116, and will be available on the TRS website (www.oklahoma.gov/TRS).

RULE IMPACT STATEMENT:

The Teachers' Retirement System will issue a rule impact statement. Copies of the statement will be available on the TRS website (www.oklahoma.gov/TRS) or may be obtained from the Teachers' Retirement System of Oklahoma, 301 NW 63rd Street, Suite 500, Oklahoma City, Oklahoma, 73116, beginning December 16, 2022, between 8:30 a.m. and 5:00 p.m., Monday through Friday, excluding holidays.

CONTACT PERSON:

Phyllis Bennett, Rules Liaison (405) 521-4745.

[OAR Docket #22-883; filed 11-17-22]

**TITLE 730. DEPARTMENT OF TRANSPORTATION
CHAPTER 50. SIZE AND WEIGHT PERMITS**

[OAR Docket #22-902]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions [NEW]

730:50-1-1. Purpose [NEW]

730:50-1-2. Applicability; adoption by reference [NEW]

730:50-1-3. Permit parameters [NEW]

Subchapter 3. Size and Weight Permit Definitions, Application Process and Liabilities [NEW]

730:50-3-1. When a permit is required [NEW]

730:50-3-2. A permit is a legal document; permit types [NEW]

730:50-3-3. Requesting, obtaining, and paying for a permit [NEW]

730:50-3-4. Establishing a monthly billing account [NEW]

730:50-3-5 Assumption of liability and responsibility for damages to public facilities by permittee [NEW]

Subchapter 5. Size and Weight Permit Load [NEW]

730:50-5-1. Conditions and restrictions [NEW]

730:50-5-2. Method of placing permit in suspension where conditions exist beyond the control of the permittee [NEW]

730:50-5-3. General conditions and restrictions on permits [NEW]

730:50-5-4. Overweight permits; specific conditions and restrictions [NEW]

730:50-5-5. Special crossing permits [NEW]

730:50-5-6. Oversize permits; specific conditions and restrictions [NEW]

730:50-5-7. Unitized equipment [NEW]

730:50-5-8. Special mobilized machinery, rubber-tired truck cranes and rubber-tired construction vehicles [NEW]

730:50-5-9. Special combination vehicles-permits [NEW]

730:50-5-10. Permits on toll facilities (turnpikes) [NEW]

730:50-5-11. Movements of military oversize and/or overweight vehicles [NEW]

730-50-5-12. Movements of oversize and/or overweight vehicles during a life-threatening emergency [NEW]

730:50-5-13. Annual Envelope Vehicle Permit [NEW]

730:50-5-14. Government agencies [NEW]

730:50-5-15. "Oversize Load" sign and warning flags [NEW]

Notices of Rulemaking Intent

730:50-5-16. Requirements for escort vehicles and escort vehicle operators [NEW]
730:50-5-17. Certification of operators of escort vehicles for hire [NEW]
730:50-5-18. Oversize vehicles and loads [NEW]
730:50-5-19. Manufactured homes and industrialized housing [NEW]
730:50-5-20. Portable buildings [NEW]
730:50-5-21. Industrialized housing, houses, and buildings [NEW]
730:50-5-22. Agricultural permits [NEW]
730:50-5-23. Unitized equipment [NEW]
730:50-5-24. Special mobilized machinery [NEW]
Subchapter 7. Special Combination Vehicles [NEW]
730:50-7-1. General provisions [NEW]
730:50-7-1. Insurance permits [NEW]
730:50-7-3. Denial, modification, suspension, and revocation of permits [NEW]
730:50-7-4. Equipment requirements [NEW]
730:50-7-5. Operation of special combination vehicles [NEW]
730:50-7-6. Stability [NEW]
730:50-7-7. Weight [NEW]
730:50-7-8. Load sequence [NEW]
Subchapter 9. National and Regional Permits [NEW]
730:50-9-1. Regional Permits [NEW]
Appendix A. Dual Lane Axles [NEW]

SUMMARY:

The proposed new rules are needed because 2022 HB 4008 was passed to move the size and weights permit program that appears in 47 O.S. §14-101 to §14-126 from DPS to ODOT. As a result, DPS and ODOT size and weight rules needed to be consolidated and modified to appear only in Title 730. This creates a new Title 730, Chapter 50 Size and Weight Permits, which combines and updates all former size and weights rules that existing in Title 730 and Title 595 and places them in one Title and one Chapter of the OAC. DPS and ODOT have taken action to revoke all older size and weights rules so these rules are needed to carry out the requirements of the updated statutes governing size and weight permits.

AUTHORITY:

69 O.S. 2021, §§ 301, 303, 304, 47 O.S. §§ 14-101 to 14-126; 2022 Legislative HB 4008; Oklahoma Transportation Commission.

COMMENT PERIOD:

Persons wishing to present their comments or view in writing may do so before 5:00 p.m. on January 17, 2023, to Lisa Erickson Endres, ODOT Assistant General Counsel and Administrative Procedures Rulemaking Liaison, 200 N.E. 21st, Oklahoma City, OK 73105 or at lendres@odot.org.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., Section 303(B)(9), "persons may demand a hearing" by contacting Lisa Erickson Endres, ODOT Assistant General Counsel and Administrative Procedures Rulemaking Liaison,

at (405) 521-2681 or lendres@odot.org no later than 5:00 p.m. on January 17, 2023.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma Department of Transportation, Lisa Erickson Endres, Assistant General Counsel, 200 N.E. 21st Street, Oklahoma City, OK 73105 or a request for a copy of the rules can be sent electronically to lendres@odot.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement is being prepared and will be available for review on or before December 30, 2022, at the above address or on the ODOT website beginning on December 30, 2022.

CONTACT PERSON:

Lisa Erickson Endres, (405) 521-2681 or lendres@odot.org

[OAR Docket #22-902; filed 11-23-22]

TITLE 777. STATEWIDE VIRTUAL CHARTER SCHOOL BOARD CHAPTER 10. STATEWIDE VIRTUAL CHARTER SCHOOLS

[OAR Docket #22-875]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Statewide Virtual Charter School Sponsorship

777:10-3-3. [AMENDED]

777:10-3-4. [AMENDED]

SUMMARY:

These proposed rule changes include adding clarification language; adding language regarding tiered school oversight process.

AUTHORITY:

Statewide Virtual Charter School Board; 70 O.S., §§ 3-145 et seq.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 12:00 p.m. on January 18, 2023, at the following address: 2501 N. Lincoln Blvd., Suite 301, Oklahoma City, Oklahoma 73105.

PUBLIC HEARING

A public hearing will be held at 2:00 p.m. on Tuesday, January 24, 2023 at the Oklahoma History Center, 800 Nazih Zuhdi Dr., Oklahoma City, Oklahoma, to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of five (5) minutes to speak.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, indirect cost, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by the conclusion of the comment period on January 18, 2023, at the Statewide Virtual Charter School Board, 2501 N. Lincoln Blvd., Suite 301, Oklahoma City, Oklahoma 73105.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Statewide Virtual Charter School Board, 2501 N. Lincoln Blvd., Suite 301, Oklahoma City, Oklahoma 73105. The proposed rules are also available on the SVCSB website at <http://svcsb.ok.gov>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available for review prior to December 30, 2022.

CONTACT PERSON:

Lynn Stickney 405-522-8849

[OAR Docket #22-875; filed 11-9-22]

**TITLE 777. STATEWIDE VIRTUAL CHARTER SCHOOL BOARD
CHAPTER 15. HORIZON: DIGITALLY ENHANCED CAMPUSOKLAHOMA SUPPLEMENTAL ONLINE COURSE CERTIFICATION**

[OAR Docket #22-876]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. Oklahoma Supplemental Online Course Certification [NEW]
 - 777:15-1-2. [AMENDED]
 - 777:15-1-3. [AMENDED]
 - 777:15-1-5. [AMENDED]
 - 777:15-1-6. [AMENDED]
 - 777:15-1-7. [AMENDED]
- Subchapter 3. Horizon Online Learning Platform and Courses [NEW]
 - 777:15-3-1. [NEW]
 - 777:15-3-2. [NEW]
 - 777:15-3-3. [NEW]
 - 777:15-3-4. [NEW]
- Subchapter 5. Horizon Consortium [NEW]
 - 777:15-5-1. [NEW]
 - 777:15-5-2. [NEW]
 - 777:15-5-3. [NEW]

SUMMARY:

These proposed rule changes include clean-up language; adding definition of receiver district ally; clarification language regarding course review requirements; added subsection regarding horizon online learning platform and courses; adding subsection regarding horizon consortium.

AUTHORITY:

Statewide Virtual Charter School Board; 70 O.S., §§ 3-145 et seq.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 12:00 p.m. on January 18, 2023, at the following address: 2501 N. Lincoln Blvd., Suite 301, Oklahoma City, Oklahoma 73105.

PUBLIC HEARING

A public hearing will be held at 2:00 p.m. on Tuesday, January 24, 2023 at the Oklahoma History Center, 800 Nazih Zuhdi Dr., Oklahoma City, Oklahoma, to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of five (5) minutes to speak.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, indirect cost, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by the conclusion of the comment period on January 18, 2023, at the Statewide Virtual Charter School Board, 2501 N. Lincoln Blvd., Suite 301, Oklahoma City, Oklahoma 73105.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Statewide Virtual Charter School Board, 2501 N. Lincoln Blvd., Suite 301, Oklahoma City, Oklahoma 73105. The proposed rules are also available on the SVCSB website at <http://svcsb.ok.gov>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available for review prior to December 30, 2022.

CONTACT PERSON:

Lynn Stickney 405-522-8849

[OAR Docket #22-876; filed 11-9-22]

**TITLE 785. OKLAHOMA WATER RESOURCES BOARD
CHAPTER 50. FINANCIAL ASSISTANCE**

[OAR Docket #22-900]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

Notices of Rulemaking Intent

PROPOSED RULES:

Subchapter 15. American Rescue Plan Act (ARPA)
Water and Wastewater Infrastructure Grant Program
Requirements [NEW]

785:50-15-1. Program description [NEW]

785:50-15-2. Definitions [NEW]

785:50-15-3. Application review and disposition [NEW]

785:50-15-4. Applicable law; deadline for applications;
eligible project costs [NEW]

785:50-15-5. ARPA grant priority points system [NEW]

785:50-15-6. Disbursement of funds [NEW]

Subchapter 17. Oklahoma Dam Rehabilitation (OKDR)
Grant Program Requirements and Procedures [NEW]

785:50-17-1. Program description [NEW]

785:50-17-2. Definitions [NEW]

785:50-17-3. Application review and disposition [NEW]

785:50-17-4. Applicable law; deadline for applications;
eligible project costs [NEW]

785:50-17-5. Period of performance [NEW]

785:50-17-7. OKDR grant priority system [NEW]

785:50-17-8. Disbursement of funds [NEW]

Subchapter 19. American Rescue Plan Act (ARPA)
Tribal Cooperation Grant Program Requirements and
Procedures [NEW]

785:50-19-1. Program description [NEW]

785:50-19-2. Definitions [NEW]

785:50-19-3. Application review and disposition [NEW]

785:50-19-4. Applicable law; deadline for applications;
eligible project costs [NEW]

785:50-19-5. Project Selection [NEW]

785:50-19-6. Disbursement of funds [NEW]

SUMMARY:

The Oklahoma Water Resources Board proposed to make permanent the emergency rules related to programs authorized by the Legislature under the American Rescue Plan Act ("ARPA").

Subchapter 15 is proposed to add language to implement provisions of Senate Bill 429, and Senate Bill 13xx of the Second Extraordinary Session of the 58th Oklahoma Legislature (2022). This measure allocates funds to OWRB for water and wastewater infrastructure as authorized by the ARPA. The legislation directs OWRB to create a water and wastewater infrastructure grant program for communities 7,000 or less and a water and wastewater infrastructure grant program for communities 7,001 or more from funds available from the ARPA. The intended effect of the emergency rules is to provide a structure for the OWRB to review ARPA water and wastewater infrastructure grant applications, create a priority point system, clarify the approval process, and disburse funds as well as provide necessary information to potential applicants regarding laws, guidelines, and the process.

Subchapter 17 is proposed to add language to implement provisions of Senate Bill 429, and Senate Bill 13xx of the Second Extraordinary Session of the 58th Oklahoma Legislature (2022). This measure allocates funds to OWRB for a publicly owned deficient dams grant program from

funds available from ARPA. The intended effect of the emergency rules is to provide a structure for the OWRB to review Oklahoma Dam Rehabilitation Grant applications, create a priority point system, clarify the approval process, and disburse funds as well as provide necessary information to potential applicants regarding laws, guidelines, and the process.

Subchapter 19 is proposed to add language to implement provisions of Senate Bill 4 and Senate Bill 13xx of the Second Extraordinary Session of the 58th Oklahoma Legislature (2022). This measure allocates funds to OWRB to establish a grant program to match tribal investment in rural water infrastructure projects as authorized by the American Rescue Plan Act ("ARPA"). The funds shall be used as recommended and approved by the Joint Committee on Pandemic Relief Funding on March 10, 2022. The legislation directs OWRB to create rules and establish procedures for evaluation and awarding grant applications. The intended effect of the emergency rules is to provide a structure for the OWRB to review ARPA Tribal Cooperation Grant program requirements, clarify the approval process, disburse funds, and provide necessary information to potential applicants regarding laws, guidelines, and the process. This subchapter has been amended from the emergency rules to add "a federally recognized Indian tribe or authorized Indian tribal organization" to the definition of "Qualified Entity".

AUTHORITY:

Oklahoma Water Resources Board; 82 O.S., § 1085.1; 82 O.S., § 1085.2; Senate Bill 1325 (2022).

COMMENT PERIOD:

Persons wishing to present written comments may do so at 3800 North Classen Blvd., Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 17, 2023. Written comments may also be submitted via e-mail to Cris.Krittenbrink@owrb.ok.gov before 5:00 PM on January 17, 2023. Persons wishing to present oral comments to the Board may do so at the public hearing on January 17, 2023.

PUBLIC HEARING:

A public hearing will be held January 17, 2023, during the monthly meeting of the Board which will begin at 9:30 a.m. in the Board Room of the Board's offices located at 3800 North Classen Blvd., Oklahoma City, Oklahoma, 73118.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Board requests that any business entities affected by these proposed rules provide, within the Comment Period from December 1, 2022 through January 17, 2023, in dollar amounts if possible, 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 rules. Business entities may submit this information in writing to Chrystal Krittenbrink at 3800 North Classen Blvd., Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 17, 2023 or Cris.Krittenbrink@owrb.ok.gov.

COPIES OF PROPOSED RULES:

Copies of the proposed amendments may be reviewed by appointment at the Board's office location at 3800 North Classen Blvd., Oklahoma City, Oklahoma 73118, or may be obtained from the "Contact Person" identified below. The proposed amendments may also be viewed on the Board's web site at <http://www.owrb.ok.gov>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a Rule Impact Statement is available for review by appointment at the OWRB's office,

3800 North Classen Blvd., Oklahoma City, Oklahoma. The Rule Impact Statement may also be viewed on the OWRB web site at <http://www.owrb.ok.gov>.

CONTACT PERSON:

Chrystal Krittenbrink, Legal Secretary, 405-530-8800, Cris.Krittenbrink@owrb.ok.gov.

[OAR Docket #22-900; filed 11-22-22]

Submissions to Governor and Legislature

Within 10 calendar days after adoption by an agency of proposed PERMANENT rules, the agency must submit the rules to the Governor and the Legislature. A "statement" of such submission must subsequently be published by the agency in the *Register*.
For additional information on submissions to the Governor/Legislature, see 75 O.S., Section 303.1 and 308.

**TITLE 252. DEPARTMENT OF
ENVIRONMENTAL QUALITY
CHAPTER 100. AIR POLLUTION CONTROL**

[OAR Docket #22-878]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 2. Incorporation by Reference

252:100-2-3 [AMENDED]

Appendix Q. Incorporation by Reference [REVOKED]

Appendix Q. Incorporation by Reference [NEW]

**SUBMISSION OF ADOPTED RULES TO GOVERNOR
AND LEGISLATURE:**

November 14, 2022

[OAR Docket #22-878; filed 11-14-22]

Emergency Adoptions

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

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

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

Emergency rules are not published in the *Oklahoma Administrative Code*; however, a source note entry, which cites to the *Register* publication of the emergency action, is added to the *Code* upon promulgation of a superseding permanent rule or expiration/termination of the emergency action.

For additional information on the emergency rulemaking process, see 75 O.S., Section 253.

TITLE 175. STATE BOARD OF COSMETOLOGY AND BARBERING CHAPTER 10. LICENSURE OF COSMETOLOGISTS, BARBERS, SCHOOLS AND RELATED ESTABLISHMENTS

[OAR Docket #22-881]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 1. General Provisions

175:10-1-3. Disqualifying criminal history and opportunity for initial determination [AMENDED]

AUTHORITY:

State Board of Cosmetology and Barbering; 59 O.S., §§ 199.3 and 199.6

ADOPTION:

October 17, 2022

EFFECTIVE:

Effective January 16, 2023

APPROVED BY GOVERNOR:

November 14, 2022

EXPIRATION:

Effective through September 14, 2023, unless superseded by another rule or disapproved by the Legislature

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

FINDING OF EMERGENCY:

The rule amendment is necessary pursuant to 75 O.S., § 253(A)(1)(a) and (e) to protect the public health, safety, or welfare and avoid serious prejudice to the public interest by regulating the licensure of individuals with misdemeanor or felony convictions, consistent with recent legislative changes to 59 O.S., § 4000.1 that will become effective on November 1, 2022.

GIST/ANALYSIS:

The Oklahoma State Board of Cosmetology and Barbering ("Board") proposes the rule changes referenced above for individuals who have pleaded guilty, nolo contendere, or have been convicted of a crime, or who have a criminal charge currently pending that is substantially related to the practice of occupations regulated by the Cosmetology and Barbering Act and poses a reasonable threat to public safety, health, or welfare. The changes are needed to make the rule language consistent with the statutory changes that become effective on November 1, 2022.

CONTACT PERSON:

John Funderburk, Oklahoma, State Board of Cosmetology and Barbering. Tel. 405-522-7616, John.Funderburk@cosmo.ok.gov.

**PURSUANT TO THE ACTIONS DESCRIBED HEREIN,
THE FOLLOWING EMERGENCY RULE ARE**

**CONSIDERED PROMULGATED AND EFFECTIVE
UPON APPROVAL BY THE GOVERNOR AS SET
FORTH IN 75 O.S., SECTION 253(F), WITH A LATER
EFFECTIVE DATE OF JANUARY 16, 2023:**

SUBCHAPTER 1. GENERAL PROVISIONS

175:10-1-3. Disqualifying criminal history and opportunity for initial determination

(a) Pursuant to 59 O.S. § 4000.1, the Board of Cosmetology and Barbering shall adopt a list of ~~felony~~ crimes that could disqualify a person from holding a license or certification under the Oklahoma Cosmetology and Barbering Act ("Act") (59 O.S. §§ 199.1 - 199.15). The Board shall adopt the list at its first meeting of the fiscal year and may modify the list as needed to protect public health and safety.

(b) The misdemeanors and felonies in the list could disqualify an individual because they substantially relate to the practice of occupations regulated by the Act and pose a reasonable threat to public safety, health or welfare, as explained below.

(1) Crimes involving fraud, theft, lying, falsification and/or deception. Barbers, cosmetologists, estheticians/facialists/facial operators, hairdressers, manicurists and hairbraiding technicians are allowed to provide services in their customers' private residences, upon request, or may be unsupervised in the salon. In such settings, licensees and certificate holders may have unfettered access to their clients' financial information and valuables, including credit cards, checks, cash and jewelry. They also may have access to personal health information, from clients who disclose relevant health conditions or medications before treatment, including, for example, on intake forms. As a result, crimes involving fraud, theft, lying, falsification and/or deception are highly relevant to an individual's ability to provide safe services under the Act.

(2) Crimes involving violence and/or threatening behavior, including sexual misconduct. Barbers, cosmetologists, estheticians/facialists/facial operators, hairdressers, manicurists and hairbraiding technicians are

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allowed to provide services in their customers' private residences, upon request, or may be unsupervised in the salon. Licensees may also provide certain services to partially clothed or fully undressed clients, including waxing, body sugaring and body wraps; those clients are particularly vulnerable to exploitation. As a result, crimes involving violence and/or threatening behavior, including sexual misconduct, are highly relevant to an individual's ability to provide safe services under the Act.

~~(bc)~~ A person who has pleaded guilty, nolo contendere or been convicted of a crime on the list, or who has a criminal charge currently pending, may at any time, including before obtaining any required education or applying to sit for any necessary examination, request an initial determination as to whether the person's criminal history would potentially disqualify the individual from licensure or certification in Oklahoma. The request shall be in writing and shall include either a copy of the person's criminal history record, or a statement describing each conviction or plea, including the date of conviction or plea, the court of jurisdiction, and the sentence imposed. The person may submit any additional information, including, but not limited to, information relevant to: the person's current circumstances, the length of time since the completion of any sentence, including probation, evidence of rehabilitation, and testimonials or personal reference statements, as well as the person's professional aspirations

- (1) The nature and seriousness of the offense;
- (2) The amount of time that has passed since the offense;
- (3) The age of the person at the time the offense was committed;
- (4) Circumstances of the offense, including aggravating or mitigating circumstances of social conditions surrounding the commission of the offense;
- (5) The nature of the specific duties and responsibilities for which the license or certification is required; and
- (6) Rehabilitation, including, among other things, evidence related to the person's compliance with conditions of community supervision, parole, or mandatory supervision; the conduct and work activity of the person; programming or treatment undertaken by the person; and testimonials or personal reference statements.

~~(ed)~~ Upon receipt of a written request for consideration of a person's criminal history record, the Executive Director and the Chair of the Board of Cosmetology and Barbering, in consultation with Board legal counsel, shall evaluate the request and make an initial determination based upon the information provided. A notice of initial determination shall be issued within sixty (60) days from the date the request was received. If the person is not satisfied with the response, the person may request that the matter be placed on the agenda of the Board's next regularly scheduled meeting set for hearing, consistent with the Board's rules of practice, in OAC 175:1-5.

~~(de)~~ The notice of initial determination shall be in writing and mailed to the requestor at the address provided in the request, and shall contain the following statements:

(1) Whether the person ~~appears~~ is eligible for licensure or certification at the current time based upon the information submitted by the requestor;

(2) Whether there is a disqualifying offense ~~prohibiting that would disqualify the person's licensure or certification~~ person from engaging in occupations regulated by the Act at any the current time and a statement identifying such offense in the criminal history record or information submitted for consideration;

(3) Any actions the person may take to remedy ~~what appears to be a temporary~~ disqualification, if any;

(4) The earliest date the person may submit another request for consideration, if any; and

(5) A statement that the ~~notice of initial determination is only an initial determination for eligibility for licensure or certification based upon the information provided by the requestor~~ may be rescinded if, at the time a full application for a license is submitted, the applicant has subsequently pled guilty or nolo contendere to a crime, has pending criminal charges or has previously undisclosed criminal convictions. Additional information or intervening events may result in a different final determination.

~~(f)~~ A person who has pleaded guilty, nolo contendere or been convicted of a crime on the list adopted by the Board pursuant to this section, or who has a criminal charge currently pending, may not be eligible for licensure for a period of at least five (5) years from the date of conviction, plea, or release from incarceration, whichever is later.

~~(g)~~ The Executive Director is authorized to close a file requesting initial determination of eligibility when the person seeking determination of eligibility for licensure has failed to respond to a written request from the Board for information, within forty-five (45) days of the written request.

[OAR Docket #22-881; filed 11-16-22]

TITLE 260. OFFICE OF MANAGEMENT AND ENTERPRISE SERVICES CHAPTER 135. SERVICE OKLAHOMA

[OAR Docket #22-879]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Chapter 135. Service Oklahoma [AMENDED]

AUTHORITY:

Service Oklahoma, a division of the Office of Management and Enterprise Services; 47 O.S. Section 3-101; The Director of Service Oklahoma; 47 O.S. Section 3-103; The Director of the Office of Management and Enterprise Services; 62 O.S. §34.3.1; 62 O.S. Section 34.6(8).

ADOPTION:

October 14, 2022

EFFECTIVE:

January 1, 2023

APPROVED BY GOVERNOR:

November 1, 2022

EXPIRATION:

Effective through September 15, 2023, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

These rules are necessary to comply with deadlines set forth in Service Oklahoma's governing law. Service Oklahoma was created on May 19, 2022 with the enactment of HB3419. The applicable powers, duties, and responsibilities exercised by the Driver License Services Division of the Department of Public Safety shall be fully transferred to Service Oklahoma on November 1, 2022 and the applicable powers, duties, and responsibilities exercised by the Motor Services Division of the Oklahoma Tax Commission shall be fully transferred to Service Oklahoma on January 1, 2023.

GIST/ANALYSIS:

HB3419 transferred the existing applicable rules from the Oklahoma Tax Commission to Service Oklahoma and those transfers have been completed. However, the rules have remaining references to the Oklahoma Tax Commission that need to be changed to Service Oklahoma. These proposed rules make the reference changes required by the passage of HB3419 to transfer the applicable powers, duties, and responsibilities exercised by the Motor Services Division of the Oklahoma Tax Commission to Service Oklahoma.

CONTACT PERSON:

April Kelso
Service Oklahoma
P.O. Box 11415
Oklahoma City, OK 73136-0415
(405) 522-0204
April.Kelso@service.ok.gov

DUE TO THE EXCESSIVE LENGTH OF THESE RULES (AS DEFINED IN OAC 655:10-7-12), THE FULL TEXT OF THESE RULES WILL NOT BE PUBLISHED. THE RULES ARE AVAILABLE FOR PUBLIC INSPECTION AT SERVICE OKLAHOMA, 6015 N. CLASSEN BLVD., BUILDING FOUR, OKLAHOMA CITY, OK 73118 AND AT THE SECRETARY OF STATE'S OFFICE OF ADMINISTRATIVE RULES. THE FOLLOWING SUMMARY HAS BEEN PREPARED PURSUANT TO 75 O.S., SECTION 255(B):

SUMMARY:

These rules are necessary to comply with deadlines set forth in Service Oklahoma's governing law. Service Oklahoma was created on May 19, 2022 with the enactment of HB3419. The applicable powers, duties, and responsibilities exercised by the Driver License Services Division of the Department of Public Safety shall be fully transferred to Service Oklahoma on November 1, 2022 and the applicable powers, duties, and responsibilities exercised by the Motor Services Division of the Oklahoma Tax Commission shall be fully transferred to Service Oklahoma on January 1, 2023.

[OAR Docket #22-879; filed 11-15-22]

**TITLE 310. OKLAHOMA STATE
DEPARTMENT OF HEALTH
CHAPTER 681. MEDICAL MARIJUANA
REGULATIONS [REVOKED]**

[OAR Docket #22-888]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

- Subchapter 1. General Provisions [REVOKED]
- 310:681-1-1 [REVOKED]
- 310:681-1-2 [REVOKED]
- 310:681-1-3 [REVOKED]
- 310:681-1-4 [REVOKED]
- 310:681-1-5 [REVOKED]
- 310:681-1-6 [REVOKED]
- 310:681-1-7 [REVOKED]

- 310:681-1-8 [REVOKED]
- 310:681-1-9 [REVOKED]
- 310:681-1-9.1 [REVOKED]
- Subchapter 2. Medical Marijuana Licenses [REVOKED]
- 310:681-2-1 [REVOKED]
- 310:681-2-2 [REVOKED]
- 310:681-2-3 [REVOKED]
- 310:681-2-3.1 [REVOKED]
- 310:681-2-4 [REVOKED]
- 310:681-2-5 [REVOKED]
- 310:681-2-6 [REVOKED]
- 310:681-2-7 [REVOKED]
- 310:681-2-8 [REVOKED]
- 310:681-2-9 [REVOKED]
- 310:681-2-10 [REVOKED]
- 310:681-2-11 [REVOKED]
- Subchapter 3. Transporter License [REVOKED]
- 310:681-3-1 [REVOKED]
- 310:681-3-2 [REVOKED]
- 310:681-3-3 [REVOKED]
- 310:681-3-4 [REVOKED]
- 310:681-3-5 [REVOKED]
- 310:681-3-6 [REVOKED]
- Subchapter 4. Research Facilities and Education Facilities [REVOKED]
- 310:681-4-1 [REVOKED]
- 310:681-4-1.1 [REVOKED]
- 310:681-4-2 [REVOKED]
- 310:681-4-3 [REVOKED]
- 310:681-4-4 [REVOKED]
- 310:681-4-5 [REVOKED]
- 310:681-4-6 [REVOKED]
- Subchapter 5. Medical Marijuana Businesses [REVOKED]
- 310:681-5-1 [REVOKED]
- 310:681-5-1.1 [REVOKED]
- 310:681-5-2 [REVOKED]
- 310:681-5-2.1 [REVOKED]
- 310:681-5-3 [REVOKED]
- 310:681-5-3.1 [REVOKED]
- 310:681-5-3.2 [REVOKED]
- 310:681-5-4 [REVOKED]
- 310:681-5-4.1 [REVOKED]
- 310:681-5-5 [REVOKED]
- 310:681-5-6 [REVOKED]
- 310:681-5-6.1 [REVOKED]
- 310:681-5-7 [REVOKED]
- 310:681-5-8 [REVOKED]
- 310:681-5-8.1 [REVOKED]
- 310:681-5-9 [REVOKED]
- 310:681-5-10 [REVOKED]
- 310:681-5-11 [REVOKED]
- 310:681-5-12 [REVOKED]
- 310:681-5-13 [REVOKED]
- 310:681-5-14 [REVOKED]
- 310:681-5-17 [REVOKED]
- 310:681-5-18 [REVOKED]
- Subchapter 6. Commercial Licensees [REVOKED]
- 310:681-6-1 [REVOKED]
- 310:681-6-2 [REVOKED]
- Subchapter 7. Packaging, Labeling, and Advertising [REVOKED]
- 310:681-7-1 [REVOKED]
- 310:681-7-2 [REVOKED]
- 310:681-7-3 [REVOKED]
- Subchapter 8. Laboratory Testing [REVOKED]
- 310:681-8-1 [REVOKED]
- 310:681-8-2 [REVOKED]
- 310:681-8-3 [REVOKED]
- 310:681-8-4 [REVOKED]
- 310:681-8-5 [REVOKED]
- Subchapter 9. Waste Disposal Facilities
- 310:681-9-1 [REVOKED]
- 310:681-9-1.1 [REVOKED]
- 310:681-9-2 [REVOKED]
- 310:681-9-3 [REVOKED]
- 310:681-9-4 [REVOKED]

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310:681-9-5 [REVOKED]

310:681-9-6 [REVOKED]

310:681-9-7 [REVOKED]

310:681-9-8 [REVOKED]

310:681-9-9 [REVOKED]

Subchapter 10. Receivership [REVOKED]

310:681-10-1 [REVOKED]

310:681-10-2 [REVOKED]

310:681-10-3 [REVOKED]

310:681-10-4 [REVOKED]

Appendix A. Testing Thresholds [REVOKED]

Appendix B. LQC Results [REVOKED]

Appendix C. Schedule of Fines [REVOKED]

Appendix D. Sample Collection for Final Medical Marijuana Products [REVOKED]

Appendix E. Sample Collection for Pre-Rolls [REVOKED]

AUTHORITY:

Commissioner of the Oklahoma State Department of Health; 63 O.S. § 1-104

ADOPTION:

October 17, 2022

EFFECTIVE:

Immediately upon Governor's approval or November 1, 2022, whichever is later.

APPROVED BY GOVERNOR:

November 17, 2022

EXPIRATION:

Effective through September 14, 2023, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

FINDING OF EMERGENCY:

The proposed emergency rules revoke OAC 310:681 in its entirety. As of November 1, 2022, the Oklahoma State Department of Health will no longer

be the primary regulator for medical marijuana. On November 1, 2022, the Oklahoma Medical Marijuana Authority will become an independent agency and the primary regulator for medical marijuana in Oklahoma. The revocation of these rules will remove confusion in the public as to which state agency is the primary regulator for medical marijuana.

GIST/ANALYSIS:

OAC 310:681 is revoked in its entirety. As of November 1, 2022, the Oklahoma State Department of Health will no longer be the primary regulator for medical marijuana in the state of Oklahoma. Effective November 1, 2022, the Oklahoma Medical Marijuana Authority will become an independent state agency and the primary regulator for medical marijuana in Oklahoma with its own rules and enforcement authority.

CONTACT PERSON:

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

DUE TO EXCESSIVE LENGTH OF THESE RULES (AS DEFINED IN OAC 655:10-7-12), THE FULL TEXT OF THESE RULES WILL NOT BE PUBLISHED. THE RULES ARE AVAILABLE FOR PUBLIC INSPECTION AT THE OKLAHOMA STATE DEPARTMENT OF HEALTH, 123 ROBERT S. KERR AVENUE, OKLAHOMA CITY, OKLAHOMA 73102 AND AT THE SECRETARY OF STATE'S OFFICE OF ADMINISTRATIVE RULES. THE FOLLOWING SUMMARY HAS BEEN PREPARED PURSUANT TO 75 O.S., SECTION 255(B):

SUMMARY:

The proposed emergency rules revoke OAC 310:681 in its entirety. As of November 1, 2022, the Oklahoma State Department of Health will no longer be the primary state regulator for medical marijuana. On November 1, 2022 the Oklahoma Medical Marijuana will become an independent agency and the primary regulator for medical marijuana in Oklahoma.

[OAR Docket #22-888; filed 11-21-22]

Executive Orders

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

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

TITLE 1. EXECUTIVE ORDERS

1:2022-30.

EXECUTIVE ORDER 2022-30

Whereas, southeast Oklahoma was impacted by tornadoes and severe storms on November 4, 2022, which caused extensive damages in McCurtain County as well as some additional damages in surrounding counties; and

Whereas, storm damage in southeast Oklahoma directly impacted the poultry industry and agriculture feed providers causing disruptions to business and impacts to agriculture producers in the area; and

Whereas, agriculture and poultry production are primary industries in southeast Oklahoma, and many residents depend on these sectors for their livelihood, and Oklahoma and poultry products produced in southeast Oklahoma are consumed across the country therefore extensive disruptions may have a national impact; and

Whereas, the limited suspension of certain hours of service regulations for drivers of commercial motor vehicles transporting feed for poultry producers in our state will ensure adequate supplies, thereby reducing the damaging effects of ongoing impacts from the November 4, 2022, tornadoes and severe storms;

NOW, THEREFORE, I, J. Kevin Stitt, Governor, pursuant to the power vested in me by Sections 1 and 2 of Article VI of the Oklahoma Constitution and 63 O.S. § 683.1 *et seq.*, and pursuant to Part 390.23 of Title 49 of the Code of Federal Regulations, hereby declare that because there is a state of emergency existing in the State of Oklahoma, it is necessary to assist and expedite all efforts of transportation of agriculture feed products throughout Oklahoma. In order to accommodate this need and to provide assistance to the citizens of Oklahoma in this extraordinary situation, I hereby order vehicles used in the support efforts to be exempt from Parts 390 through 399 of Title 49 of the Federal Motor Carrier Safety regulations.

Declaration of this emergency provides relief for 30 days from Sections 390 through 399 of the Federal Motor Carrier Safety regulations for those interstate and intrastate carriers who are providing direct assistance to this emergency. Direct

assistance terminates when a driver or commercial motor vehicle is used in interstate or intrastate commerce to transport cargo not destined for the emergency relief effort, or when a motor carrier dispatches such driver or vehicle to a location outside the relief area.

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

This Order applies only to the transportation of agriculture feed products to provide direct assistance to this emergency. No other products are covered by the exemption and suspension under this Order.

This emergency notice will remain in effect for 30 days.

Copies of this Executive Order shall be distributed to the Director of Emergency Management and Homeland Security, Department of Public Safety, Department of Agriculture, Food, & Forestry, Department of Transportation, Oklahoma Corporation Commission, and the Oklahoma Tax Commission, who shall cause the provisions of this Order to be implemented by all appropriate agencies of State government.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 28th day of November, 2022.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

J. Kevin Stitt

ATTEST:
Brian Bingman
Secretary of State

[OAR Docket #22-907; filed 11-29-22]

Executive Orders

1:2022-31.

EXECUTIVE ORDER 2022-31

I, J. Kevin Stitt, Governor of the State of Oklahoma, pursuant to the authority vested in me by Sections 1 and 2 of Article VI the Oklahoma Constitution and the Oklahoma Homeland Security Act, 74 O.S. § 51, *et. seq.*, hereby direct and order as follows:

Pursuant to Executive Order 2007-41, the Oklahoma Information Fusion Center ("OIFC") was formed in March 2008 to foster and facilitate the sharing of information among Oklahoma's law enforcement agencies and public safety agencies and to further empower those agencies to protect the citizens of Oklahoma. The OIFC was created to serve as the focal point for the collection, assessment, analysis, and dissemination of terrorism intelligence and other criminal activity information that may impact Oklahoma.

The Oklahoma Office of Homeland Security ("OOHS") is charged with establishing a governing board for the OIFC to provide strategic direction and ensure objectives are achieved, risks are managed appropriately, and resources are used responsibly. No later than January 3, 2023, the Department of Public Safety ("DPS") will manage the daily operations of the OIFC, and OIFC resources will be made available to all participating agencies in accordance with the OIFC's policies and procedures. OOHS and DPS will work together to ensure OIFC meets criteria set by the United States Department of Homeland Security for state fusion centers.

No later than March 1, 2023, all records, vehicles, equipment, property, software and software licenses, matters pending, grants, and obligations of the OIFC, as well as all monies due, held, budgeted, assigned, or allocated for OIFC, shall be transferred to DPS pursuant to the provisions of this Order. Further, all state-employed intelligence analysts assigned to OIFC on a full-time basis as of the date of this Order shall be transferred to DPS. All state agencies, boards and commissions are directed to cooperate and comply with OOHS and DPS in transitioning the OIFC to DPS management.

This Executive Order shall be forwarded to all members of the Governor's Cabinet, the Director of the Oklahoma Office of Homeland Security, and the Commissioner of Public Safety who shall cause the provisions of this order to be implemented by all appropriate agencies of state government.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 29th day of November, 2022.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

J. Kevin Stitt

ATTEST:
Brian Bingman
Secretary of State

[OAR Docket #22-910; filed 11-29-22]