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Kevin Stitt, Governor
Brian Bingman,
Secretary of State
Chris Coffman, Editor-in-Chief

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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next regular legislative session after its promulgation, or on an earlier date specified by the agency, if not already superseded by a permanent rule or terminated through legislative action as described in 75 O.S., Section 253(H)(2).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 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 681. MEDICAL MARIJUANA REGULATIONS

[OAR Docket #22-718]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

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310:681-1-6 [AMENDED]
310:681-1-7 [AMENDED]
310:681-1-9.1 [AMENDED]
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310:681-5-14 [NEW]
310:681-5-17 [AMENDED]
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310:681-7-1 [AMENDED]

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310:681-8-1 [AMENDED]

310:681-8-2 [AMENDED]

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310:681-9-1 [AMENDED]

310:681-9-2 [AMENDED]

310:681-9-3 [AMENDED]

310:681-9-4 [AMENDED]

310:681-9-6 [AMENDED]

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Appendix C. Schedule of Fines [REVOKED]

Appendix C. Schedule of Fines [NEW]

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

Appendix E. Sample of Collection for Pre-Rolls [NEW]

AUTHORITY:

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

ADOPTION:

July 21, 2022

EFFECTIVE:

Immediately upon Governor's approval

APPROVED BY GOVERNOR:

September 7, 2022

EXPIRATION:

Effective through September 14, 2023, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

Superseded rules:

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310:681-1-2 [AMENDED]

310:681-1-4 [AMENDED]

310:681-1-6 [AMENDED]

310:681-1-7 [AMENDED]

310:681-1-9.1 [AMENDED]

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310:681-2-5 [AMENDED]

310:681-2-8 [AMENDED]

Subchapter 3. Transporter License

310:681-3-1 [AMENDED]

310:681-3-2 [AMENDED]

310:681-3-3 [AMENDED]

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310:681-3-6 [AMENDED]

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310:681-5-3 [AMENDED]

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310:681-5-3.2 [AMENDED]

310:681-5-4 [AMENDED]

310:681-5-4.1 [NEW]

310:681-5-6 [AMENDED]

310:681-5-6.1 [AMENDED]

310:681-5-8 [AMENDED]

310:681-5-8.1 [AMENDED]

310:681-5-11 [AMENDED]

310:681-5-12 [AMENDED]

310:681-5-14 [NEW]

310:681-5-18 [AMENDED]

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310:681-7-1 [AMENDED]

Subchapter 8. Laboratory Testing

310:681-8-1 [AMENDED]

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310:681-9-2 [AMENDED]

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310:681-9-7 [AMENDED]

Appendix C [REVOKED]

Appendix C [NEW]

Appendix D [NEW]

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Gubernatorial approval:

November 23, 2021

Register publication:

39 Ok Reg 271

Docket number:

21-858

INCORPORATIONS BY REFERENCE:

n/a

FINDING OF EMERGENCY:

The proposed emergency rules: implement legislative changes mandated by HB 3208, SB 1511, and SB 1726; implement legislative changes mandated by SB 1033, HB 2646 and HB 2272; add new requirements in statute under 63 O.S. § 425 et seq., 63 O.S. § 427.2 et seq., and 63 O.S. § 427.14b et seq.; and address changes and/or new requirements in statute under 63 O.S. § 420 et seq., 63 O.S. § 427.1 et seq., and 63 O.S. § 427a et seq. The proposed emergency rules also add in new requirements to implement the State inventory tracking system pursuant to 63 O.S. § 427.13. The emergency rules are intended to ensure the safety of medical marijuana and medical marijuana products sold to consumers and to prevent inversion and diversion and unlawful distribution of medical marijuana and medical marijuana products. Permanent rules implementing the requirements set forth in the new legislation cannot be promulgated until 2023.

GIST/ANALYSIS:

The amendments reflect new requirements that commercial growers are prohibited from being within 1,000 feet of a school as required under SB 1511. The distance is measured from the property line of the school to the property line of the commercial grower. The rules amend the Definition section to add technology centers to the definition of public school. Language is also added providing for a moratorium as to the processing and issuing new medical marijuana business licenses for dispensaries, processors, and growers beginning August 1, 2022.

The rules amend the Definitions section to add new terms and corresponding definitions for terms in the new and amended sections of Chapter 681. The rules add and define hazardous and nonhazardous processor license as authorized by HB 2646. Specifically, a processor utilizing any chemical in the extraction process that is defined as hazardous under 29 CFR 1910.1200 is required to obtain a hazardous processor license. Preschools are removed from the definitions of public and private schools, as provided for in HB 2646. The amendments reflect the statutory requirements for the distance between a school and a medical marijuana dispensaries and/or waste facilities that become effective on November 1, 2021 per HB 2646. Most records are now required to be maintained for seven (7) years as provided in

HB 2646. The rules add the following fees as authorized by HB 2646: a \$20 license reprint fee for patient licenses and transporter agent licenses; a \$500 fee for a material change that would affect qualifications for licensure; a \$500 late renewal fee if licensees wish to renew a license that has been expired for no longer than ninety (90) days; and other fines penalties specifically provided for under HB 2646. Possession limits and transaction limits are updated to be consistent with HB 2646. Laboratories, research facilities, and education facilities are now also given a complimentary transportation license, and this language is added throughout the rules reflecting the ability of these commercial licensees to transport medical marijuana and medical marijuana product. The rules provide regulatory requirements for the State inventory tracking system. The rules also require that commercial licensees track inventory, cultivation, manufacturing and transactions for the purpose of reporting the information to the Department. The rules add language that a rejected application shall be corrected within thirty (30) days and that if the application is resubmitted with errors not clerical or typographical in nature the applications shall be denied unless the Department determines otherwise, pursuant to HB 2646. The thirty (30) day grace period for licensees to liquidate marijuana after their license expires, is revoked, suspended or surrendered has been removed per HB 2646. The rules allow for the Department to perform inspections to ensure qualifications for licensure, and they remove the requirement to provide twenty-four (24) hours' notice consistent with HB 2646. The rules allow the Department to issue an Order for Disciplinary Action that will become final within 30 days if a hearing is not requested. Language is added providing for emergency cease and desist authority per HB 2646. The rules allow dispensaries to display samples of medical marijuana in a sample container for patients to smell and handle, and provide requirements on how dispensaries may display and properly label the samples. The amendments also include the addition of the ability for growers and dispensaries to make and package noninfused pre-rolls that do not exceed one (1) gram. In doing so, the rules include: new definitions for "grower", "dispensary", "infused" and "noninfused pre-rolls"; new testing requirements for pre-rolls and kief; new sampling requirements for pre-rolls and final medical marijuana products; changes in batch sizes to be in line with new statutory changes; and changes in the definitions of "final medical marijuana product" and "nonliquid medical marijuana product" to clearly reflect the batch size permissible for all medical marijuana and medical marijuana products. The rules include implementation for embargoing and recalling medical marijuana or medical marijuana products that may be harmful or unsafe for human consumption or tested above allowable thresholds.

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

OAC 310:681-1-4. Definitions

Adds definition of "actively operating" or "actively conducting business operations."

Adds definition of "error in measurement."

Adds definition of "error in measurement allowance." Adds definition of "integration" or "integrated."

Revises definition of "inventory tracking system" or "State inventory tracking system" to be consistent with the definition in 63 O.S. § 427.2.

Revises definition of "marijuana" to reflect changes made to the statutory definition in 63 O.S. § 427.2.

Revises definition of "medical marijuana waste" to reflect changes made to the statutory definition in 63 O.S. § 427.2.

Adds definition of "nonoperational."

Adds definition of "openly in existence."

Revises definition of "Public School" to reflect changes made to the statutory definition in 63 O.S. § 427.2.

Adds definition of "publicly traded company."

Adds definition of "RFID."

Adds definition of "seed-to-sale tracking system."

Adds definition of "wholesale package."

Adds definition of "working towards operation status".

OAC 310:681-2-3. Applications for caregiver's license

Subsection (e)(2): Adds language that caregivers "shall not charge a medical marijuana patient licensee for cultivating medical marijuana in excess of actual costs incurred in cultivating the medical marijuana."

OAC 310:681-3-1. License for transportation of medical marijuana

Subsection (d): Adds language requiring each warehouse location of a commercial transporter applicant or licensee to be inspected and approved by the Department prior to use.

OAC 310:681-3-6. Inventory manifests

Subsection (a): Replaces "an electronic inventory management system" with the "State's inventory tracking system in accordance with OAC 310:681-5-6(d)" to be consistent with 63 O.S. § 427.16(H).

OAC 310:681-4-2. Licenses

Subsection (f)(1): Removes language prohibiting research and education facilities from transferring licenses.

OAC 310:681-4-5. Inventory tracking, records, and reports

Subsection (a)(6): adds language clarifying that data submitted to the Department through the State's inventory tracking system will satisfy monthly reporting requirements.

Subsection (c)(5): adds language requiring commercial licensees to maintain written standard operating procedures.

Subsection (d)(1)-(3): Adds language and requirements for reporting of required data and information into the State's inventory tracking system pursuant to 63 O.S. § 427.3(D)(8) and § 427.13(B).

Subsection (e): Adds language requiring commercial licensees use a seed to sale tracking system or integrate their seed to sale tracking system with the State's inventory tracking system. Clarifies that if the commercial licensee's seed to sale system does not integrate or share all required information with the State's inventory tracking system, the commercial license is required to ensure all required information is reported directly to the State's inventory tracking system.

Subsection (f)(1)-(8): Adds new language for reporting of required data and information into the State's inventory tracking system, including requirements related to the purchase and use of RFID tags in order to track medical marijuana and medical marijuana product through all stages of the life span of the plant and product. Adds requirement relating to the use of RFID tags in the context of wholesale packages.

Subsection (g)(1)-(8): Adds new language and requirements for commercial licensees' inventory tracking system administrators and employee users to access the State's inventory tracking system.

Subsection (h): Creates a new provision governing reporting requirements in the context of loss of access to the State's inventory tracking system both due to circumstances beyond and within commercial licensees' control.

Subsection (i): Clarifies audits conducted by the Department ensure the accuracy of information and data reported to the Department.

OAC 310:681-5-1.1. Responsibilities of the license holder

Subsection (9): Clarifies that commercial licensees are financially responsible for the costs of compliance and inventory tracking and that the Department will not contribute to, fund or subsidize compliance or tracking expenses incurred by commercial licensees.

OAC 310:681-5-2. Licenses

Subsection (e)(2)(D)(i)-(vii) Creates new provision allowing a medical marijuana grower, processor, and commercial transporter to submit a request and required documentation to the Department to add a publicly traded company as an owner of up to forty percent (40%) of the equity interest of an existing medical marijuana grower, processor, or commercial transporter that has been licensed for at least eighteen (18) months and is operating in good standing pursuant to 63 O.S. § 427.15a.

Subsection (f): removes language prohibiting business licensees from transferring licenses.

OAC 310:681-5-2.1. Objection by municipality

Subsection (a)(1)-(2): Creates new provisions allowing municipal governments to object prior to an initial renewal or transfer of ownership of a medical marijuana dispensary that the municipality determines is operating contrary to the required setback distance from a school pursuant to 63 O.S. § 426.1(E)(2)-(5).

OAC 310:681-5-3. Applications

Subsection (e)(6): Adds new language reflecting the change in measurement of the distance between a medical marijuana grow and a school pursuant to 63 O.S. § 425(G)(2).

Subsection (h): Adds the new subsection; adds new language to establish a moratorium on processing and issuing licenses for commercial dispensaries, processors, and grows.

Subsection (e)(6): Adds new language reflecting the change in measurement of the distance between a medical marijuana dispensary and a school pursuant to 63 O.S. § 425(G).

Subsection (e)(10): Adds reference to additional documents required under OAC 310:681-5-2(e)(2)(c) for a medical marijuana grower, processor or transporter to add a publicly traded company as an owner.

OAC 310:681-5-4. Inspections

Subsection (d): Creates new provisions requiring the Department conduct on-site inspections of warehouse locations owned by medical marijuana transporter applicants and licensees prior to use of the warehouse location pursuant to 63 O.S. § 427.16.

OAC 310:681-5-4.1. Operational status visit

Subsection (a)(1)-(3): Creates new provisions requiring the Department conduct on-site visits at licensed growers, processors and dispensaries to verify operational status and providing an 180 day grace period pursuant to 63 O.S. § 427.6(K).

Subsection (b): Creates new provisions requiring the Department to conduct follow up on-site visits at licensed growers, processors and dispensaries to verify operational status if the licensee was not operational at the initial visit pursuant to 63 O.S. § 427.6(K). Adds language allowing discretionary second grace period and requiring the Department move for revocation if licensee is non-operational and second grace period is not granted.

OAC 310:681-5-6. Inventory tracking, records, reports, and audits

Subsection (a)(4): Adds language clarifying that submission of information and data to the State's inventory tracking system is required and will satisfy the monthly reporting requirements upon implementation.

Subsection (b)(6): Creates a new provision adding written standard operating procedures to the list of records commercial licensees are required to keep onsite and maintained for seven (7) years.

Subsection(d)(1)-(3): Adds language and requirements for reporting required data and information into the State's inventory tracking system pursuant to 63 O.S. § 427.3(D)(8) and § 427.13(B).

Subsection(e): Adds language requiring commercial licensees use a seed to sale tracking system or integrate their seed to sale tracking system with the State's inventory tracking system. Clarifies that if the commercial licensee's seed to sale system does not integrate or share all required information with the State's inventory tracking system, the commercial license is required to ensure all required information is reported directly to the State's inventory tracking system.

Subsection(f)(1)-(8): Adds new language and requirements for reporting required data and information into the State's inventory tracking system, including requirements related to the purchase and use of RFID tags in order to track medical marijuana and medical marijuana products through all stages of the life span of the plant and product. Adds requirement relating to the use of RFID tags in the context of wholesale packages.

Subsection (g)(1)-(8): Adds new language and requirements for commercial licensees' inventory tracking system administrators and employee users to access the State's inventory tracking system.

Subsection (h): Creates a new provision governing reporting requirements in the context of loss of access to the State's inventory tracking system both due to circumstances beyond and within commercial licensees' control.

Subsection (i): Clarifies audits conducted by the Department ensure the accuracy of information and data reported to the Department.

OAC 310:681-5-11. Attestation confirming or denying foreign financial interest

Subsection (a)-(c): Creates new requirements for medical marijuana businesses to submit an attestation to the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control disclosing the existence of any foreign financial interests pursuant to 63 O.S. § 427.15.

OAC 310:681-5-18. Prohibited Acts

Subsection (m): Adds prohibition on the transfer, purchase, sale of medical marijuana or medical marijuana products not properly inputted or tracked in the State's inventory tracking system after implementation.

OAC 310:681-7-1. Labeling and Packaging

Subsection (e)(3): Creates new requirement that RFID tags not obscure required label and packaging requirements.

OAC 310:681-8-3. Sampling requirements and procedures

Subsection (d)(3)-(4): Adds requirement that laboratories maintain and properly store reserve samples for at least thirty (30) days.

Emergency Adoptions

OAC 310:681-9-1. Waste disposal

Subsection (b): Adds language reflecting that as of November 1, 2021 there will be no limit to the number of medical marijuana waste disposal licenses pursuant to 63 O.S. §430(A).

OAC 310:681-9-2. Licenses and permits

Subsection (f): Removes prohibition on transfer of waste disposal facility licenses and permits.

OAC 310:681-9-3. License applications

Subsection (e)(5): Changes distance measurement between waste disposal facility and school from "property line" to "front entrance" in the context of supporting documentation that must be submitted with applications for waste disposal facility licenses.

OAC 310:681-9-7. Audits and inventory

Subsection (b)(1)-(3): Creates new requirements for reporting required data and information into the State's inventory tracking system pursuant to 63 O.S. § 427.3(D)(8) and § 427.13(B).

Subsection (c): Adds language requiring commercial licensees use a seed to sale tracking system or integrate their seed to sale tracking system with the State's inventory tracking system. Clarifies that if the commercial licensee's seed to sale system does not integrate or share all required information with the State's inventory tracking system, the commercial license is required to ensure all required information is reported directly to the State's inventory tracking system.

Subsection (d)(1)-(8): Adds new language and requirements for reporting required data and information into the State's inventory tracking system, including requirements related to the purchase and use of RFID tags in order to track medical marijuana and medical marijuana products through all stages of the life span of the plant and product. Adds requirement relating to the use of RFID tags in the context of wholesale packages.

Subsection (e)(1)-(7): Adds new language and requirements for commercial licensees' inventory tracking system administrators and employee users to access the State's inventory tracking system.

Subsection (f): Creates a new provision governing reporting requirements in the context of loss of access to the State's inventory tracking system both due to circumstances beyond and within commercial licensees' control.

[OAR Docket #22-718; filed 9-8-22]

TITLE 800. DEPARTMENT OF WILDLIFE CONSERVATION CHAPTER 25. WILDLIFE RULES

[OAR Docket #22-716]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 7. General Hunting Seasons

Part 1. General Provisions

800:25-7-3. General provisions [AMENDED]

Part 13. Deer

800:25-7-53. Deer-gun [AMENDED]

800:25-7-54. Legal firearms and archery specifications [AMENDED]

AUTHORITY:

Title 29 O.S., Sections 3-103, 5-401; Article XXVI, Section 1 and 3 of the Constitution of Oklahoma; Department of Wildlife Conservation Commission.

ADOPTION:

August 1, 2022

EFFECTIVE:

Immediately upon Governor's approval

APPROVED BY GOVERNOR:

August 22, 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:

These rules are necessary after the state legislature passed and the Governor signed SB1571 allowing arrow rifles to be used in open rifle season. These rules must be in effect before the fall hunting season.

GIST/ANALYSIS:

This rule established the use of air-powered arrow rifles as a legal means of take during open rifle season.

CONTACT PERSON:

Bill Dinkines, Chief of Wildlife Division, Oklahoma Department of Wildlife Conservation, PO Box 53465, Oklahoma City, Ok 73152. Phone: 405/521-2739 or Rhonda Hurst, APA Liaison, phone: 405/522-6279.

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

SUBCHAPTER 7. GENERAL HUNTING SEASONS

PART 1. GENERAL PROVISIONS

800:25-7-3. General provisions

(a) Any person hunting any wildlife in open areas during the youth deer gun, bear muzzleloader, deer muzzleloader, deer gun, holiday antlerless deer gun (in open zones), elk gun (in open counties) or September antelope gun (in open areas) seasons with a shotgun and rifled slug, or any rifle or handgun larger than a .22 caliber long rifle, must possess a valid bear, deer, elk, or antelope license, unless otherwise exempt. Any person hunting feral hogs in open areas during the deer gun, deer primitive, elk, bear or antelope season with a shotgun and rifled slug, or any rifle or handgun larger than a .22 caliber rim-fire, must possess a filled or unfilled deer, elk, bear or antelope license appropriate for that season unless otherwise exempt. Any person hunting any wildlife with an arrow rifle during any open season when rifles are a legal means of take must possess a valid arrow rifle permit.

(b) No person while in the field may possess or attempt to harvest any wildlife, except waterfowl and crane, with a shotgun utilizing shot larger than #4 buckshot.

(c) Any person participating in primitive firearms season, deer gun seasons, elk season, antelope season and bear gun season must conspicuously wear both a head covering and an outer garment above the waistline, both totaling 500 square inches or more of clothing, both consisting of daylight fluorescent orange color totaling not less than 400 square inches [Title 29 O.S., Section 5-205, Part A]. All other hunters, except those hunting waterfowl, dove, crow or crane, or while hunting furbearing animals at night must wear either a head covering or upper garment of fluorescent orange clothing during the deer primitive firearms season, deer gun seasons, elk season, antelope season and bear primitive firearms season, or bear gun season in zones where these seasons are open.

(d) For purposes of pheasant, turkey, deer, elk, bear and antelope regulations, 'final destination' shall be the hunter's residence or place of consumption.

- (e) No person may possess any game bird, animal or other wildlife, or portions thereof that have been taken by another person unless such game bird, animal or other wildlife, contain information giving the taker's name, customer identification number, date taken and the number and kind of game bird, animal or wildlife. In addition, information on deer, elk, antelope, bear and turkey must include the confirmation number as proof that the animal's harvest has been properly reported. The person's name and address receiving said wildlife must also appear on the written information.
- (f) No person shall concentrate, drive, molest, hunt, take, capture or kill; or attempt to take any wildlife by the aid of any fire or smoke whether man-made or natural.
- (g) No person may hunt, chase, capture, shoot at, wound or kill any moose or Rocky Mountain bighorn sheep, except as otherwise provided by statute or Commission rule.
- (h) Private landowner regulations regarding any items covered by these rules may be more restrictive, but not less restrictive than these rules.
- (i) Dogs may be used in taking all game species in these rules except bear, deer, elk, antelope and turkey. Exceptions to this rule would be the use of a leashed dog to track downed game after notification to the game warden of location and having no means of take on person while tracking.
- (j) Except as otherwise provided for by law or Commission rule, nothing shall prohibit the year round pursuit of game, which may be lawfully hunted with the use of hunting dogs, for dog training or sport only. However unless otherwise provided, no person in pursuit of game with hunting dogs outside of the regular harvest season shall have in their possession the means to harvest such game.
- (k) Harvest tagging of game - All persons taking a deer, elk, antelope, bear, or turkey must immediately secure their name, customer identification number, date and time of harvest to the carcass.
- (l) Harvest reporting of game - All deer, elk, antelope, bear, or turkey taken must be reported by the hunter to the Department within 24 hours of leaving the hunt area. Instructions for reporting of harvest will be provided in the Oklahoma Fishing and Hunting Regulations and on the Department's website. Once reported, a carcass tag or online confirmation number will be issued. This tag or confirmation number must remain with the carcass to its final destination or through processing and/or storage at a commercial processing or storage facility. Evidence of sex must remain naturally attached to the carcass until the harvest has been properly reported.

PART 13. DEER

800:25-7-53. Deer - gun

The following hunting dates, bag limits and legal means of taking apply to hunting deer with gun:

- (1) **Dates.** The dates for the deer gun season shall be the Saturday prior to Thanksgiving and run for sixteen (16) consecutive days in management zones as designated by Commission resolution.

- (2) **Bag limit.** Up to six (6) deer including no more than one (1) antlered deer. A separate license is required for each deer to be hunted or harvested. All deer taken are included in the combined season statewide bag limit. Individual Management Zone antlerless bag limits and antlerless days will be determined by resolution and published in the Hunting Guide. An unfilled deer gun antlered license may be used to harvest an antlerless deer in designated areas on the last day of the deer gun season.

- (3) **Legal means of taking.** The legal means of taking deer with gun shall be as follows:

- (A) Rifles (conventional or muzzleloading), handguns, shotguns or bow and arrows, see 800:25-7-54. All public lands within the state are open to rifles, handguns, shotguns or bows unless otherwise specified.
- (B) Muzzleloading firearms that are legal for the primitive (muzzleloading) season shall also be legal in all areas open to rifles, except black powder firearms loaded from the breech are also legal. Metallic and/or optical sights may also be used on muzzleloading firearms during the deer gun season. Muzzleloading pistols (single shot or revolver) with characteristics that are described for rifles are permissible.
- (C) Hunters choosing to hunt with primitive (muzzleloading) firearms must possess appropriate deer gun license and comply with fluorescent clothing and bag limit requirements as set for the Deer Gun Season.
- (D) Laser sights are illegal.
- (E) Arrow rifles shall be legal during any open rifle season. No arrow rifle may be transported in a motorized vehicle unless the projectile has been removed from the barrel assembly and arrow rifle has been decocked.

- (4) **Zone Management Hunts**

- (A) Dates and open areas: The Commission may, by resolution, establish an antlerless deer gun season at any time in designated management zones or on designated Wildlife Management Areas, as published in the current Oklahoma Hunting Guide and Regulations, during any dates as established by the Commission.
- (B) Bag Limit: Zone Management Hunt bag limits will be established by resolution. Antlerless deer taken during a Zone Management Hunt are considered bonus deer and do not count against the statewide deer bag limit. Unfilled deer gun licenses for the deer gun season or controlled hunts are not valid for Zone Management Hunts.
- (C) Legal means of taking: Same as deer gun season.

- (5) **The harvest of antlerless mule deer shall be prohibited during the deer gun seasons.**

800:25-7-54. Legal firearms and archery specifications

The following are the legal firearms specifications for rifles, muzzleloading firearms, shotguns, handguns and bows:

Emergency Adoptions

- (1) **Rifles.** Centerfire rifles only and firing ammunition with a soft-nosed bullet are legal if firing at least a 55 grain weight bullet. Hollow point bullets are legal. Fully automatic firearms are prohibited.
- (2) **Muzzleloading firearms.** Muzzleloading rifles and shotguns that are legal for the muzzleloading season shall also be legal in all areas open to rifles, except black powder firearms loaded from the breech are also legal. Muzzleloading pistols (singleshot or revolver) with characteristics that are described for 40 caliber rifles are permissible as a secondary firearms, but may be used only for killing a downed animal.
- (3) **Shotguns.** Any centerfire shotgun firing a single rifled slug.
- (4) **Handguns.** Any centerfire handgun firing a single bullet with at least a 55 grain weight. Minimum barrel length is four inches. Fully automatic firearms are prohibited.
- (5) **Bows, arrows, and bolts.** A legal bow is defined as any bow of thirty (30) pounds or more draw weight, any recurve, longbow, or self-bow of forty (40) pounds or more draw weight or any crossbow having a draw weight of 100 pounds or more and being equipped with safety devices. Crossbow bolts must be a minimum of 14 inches in

length. Legal arrows and bolts for deer shall be fitted with broadhead hunting type points not less than 7/8 inches wide, including mechanical broadheads meeting these dimensions when fully open. Devices that permit a bow to be held mechanically at full or partial draw are permitted. Laser sights are prohibited. Hand-held releases are permitted.

(6) **Arrow rifles.** A device that fires an arrow or bolt solely by the use of unignited compressed gas as the propellant. Legal arrow rifles will maintain a minimum of 2000psi and have a visible pressure gauge to prove proper pressure. Legal arrows and bolts for deer shall be a minimum of 18 inches in length with fletching for stability and fitted with a broadhead hunting type point not less than 7/8 inches wide, including mechanical broadheads meeting these dimensions when fully open. Arrow rifles are only to be used during open rifle seasons and are not permitted during archery or muzzleloader seasons.

[OAR Docket #22-716; filed 9-1-22]

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

1:2022-22.

EXECUTIVE ORDER 2022-22

I, J. Kevin Stitt, Governor of the State of Oklahoma, hereby direct the appropriate steps be taken to fly all American and Oklahoma flags on State property at half-staff from 5:00 p.m. on Friday, September 9, 2022, through 5:00 p.m. on Sunday, September 11, 2022, to honor the victims of the September 11, 2001, terrorist attacks on America.

On this solemn 21st anniversary of the September 11th attacks, we continue to remember those who perished, and we honor the heroic sacrifices and deeds of service from our nation's firefighters, law enforcement, military service members, rescue teams, and other Americans, who showed great courage and love of country that fateful September morning. With continued gratitude, our nation remembers our armed forces who have made the ultimate sacrifice in defense of our freedom and security, and honor those who continue to serve.

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

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 7th day of September, 2022.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

J. Kevin Stitt

ATTEST:
Brian Bingman
Secretary of State

[OAR Docket #22-717; filed 9-7-22]

1:2022-23.

EXECUTIVE ORDER 2022-23

I, J. Kevin Stitt, Governor of the State of Oklahoma, pursuant to the authority vested in me by Sections 2 and 8 of

Article VI of the Oklahoma Constitution and Title 27A O.S. Section 2250 et seq., do hereby declare the following:

Due to the current, and persistent, emergency drought conditions in all 77 Counties of Oklahoma, I hereby invoke the provisions of Oklahoma law regarding the use of the Emergency Drought Relief Fund.

It is hereby ordered, to the fullest extent permitted by law:

1. An Emergency Drought Commission is to be immediately formed and shall exist until it is determined by the Governor that a drought emergency no longer exists. Upon expiration of its term, the Emergency Drought Commission shall cease to exist subject only to extensions granted by the Governor or a new declaration of Emergency Drought Conditions.

2. The Emergency Drought Commission shall consist of the Executive Director of the Oklahoma Conservation Commission, the Secretary of Agriculture and the Executive Director of the Oklahoma Water Resources Board.

3. The Emergency Drought Commission shall have the authority to consider requests for use of Emergency Drought Relief Funds only from proposed projects to be located, or operating, within one, or more, of Oklahoma's 77 counties. Further, the use of any Emergency Drought Commission funds pursuant to this declaration must be expended solely on efforts to relieve drought conditions.

4. The Emergency Drought Commission shall have full discretion to determine the amount and nature of the expenditures to be made from the Emergency Drought Relief Fund, subject to written concurrence by the Governor. Further, the Emergency Drought Commission shall establish such procedures and requirements as it deems necessary. The Commission shall have the sole power to determine the appropriate agency or entity to receive Emergency Drought Relief Funds.

5. The Chair of the Emergency Drought Commission shall be the Secretary of Agriculture who will have the sole power to call meetings of the Commission, as necessary. The Commission shall be provided support staff from the Oklahoma Department of Agriculture, Food, and Forestry. The Chair of the Emergency Drought Commission shall also have the sole discretionary power to terminate the Commission.

Executive Orders

This declaration may be amended as conditions warrant.

Copies of this Executive Order shall be distributed to the Executive Director of the Oklahoma Conservation Commission, the Secretary of Agriculture, and the Executive Director of the Oklahoma Water Resources Board, 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, this 12th day of September, 2022.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

J. Kevin Stitt

ATTEST:
Brian Bingman
Secretary of State

[OAR Docket #22-719; filed 9-12-22]
