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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 85. STATE BANKING DEPARTMENT CHAPTER 1. REQUIRED RULES

[OAR Docket #21-865]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

85:1-1-5. Communication with the Board and Commissioner [AMENDED]

Subchapter 3. Procedural Rules

85:1-3-2. Service of pleadings [AMENDED]

85:1-3-7. Production of documents [AMENDED]

85:1-3-11. Pre-hearing conference [AMENDED]

SUMMARY:

The proposed rule changes are a result of the Governor's Executive Order 2020-03. The amendments are a product of a comprehensive review of the State Banking Department's rules to identify costly, ineffective, duplicative, and outdated regulations. The intended effect of the amended rules is to clarify the rules, eliminate obsolete language, and to relieve regulatory burden associated with communications with the State Banking Department.

Subchapter 1. Proposed amendments to Subchapter 1 remove the requirement that documents filed with the Banking Department be sent by physical mail. The amendments allow electronic delivery as an alternative.

Subchapter 3. Proposed amendments to Subchapter 3 remove the requirement that documents filed with the Banking Department be sent by physical mail. The amendments allow electronic delivery as an alternative.

AUTHORITY:

State Banking Board; 6 O.S., § 203

COMMENT PERIOD:

Interested persons may submit written comments during the period from January 3, 2022, through February 11, 2022, at: Oklahoma State Banking Department, 2900 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105, Attn: Matt Mowdy

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on Wednesday, February 16, 2022, at the State Banking Department, 2900 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105. Anyone who wishes to speak will be allowed a maximum of 5 minutes and must sign in at the door by 10:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rule amendments are requested to provide the Banking Department 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 during the period from January 3, 2022, through February 11, 2022, at: Oklahoma State Banking Department, 2900 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105, Attn: Matt Mowdy.

COPIES OF PROPOSED RULES:

The proposed rule amendments may be viewed on the Banking Department's website at <http://banking.ok.gov> and copies of the proposed rules may be obtained by contacting Angela Morris at the State Banking Department, 2900 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105, (405) 521-2782.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a rule impact statement will be prepared and available at the State Banking Department office at the above address on and after January 18, 2022.

CONTACT PERSON:

Matt Mowdy, Legal Counsel, State Banking Department, (405) 521-2782 or matt.mowdy@banking.ok.gov.

[OAR Docket #21-865; filed 12-7-21]

TITLE 85. STATE BANKING DEPARTMENT CHAPTER 10. SUPERVISION, REGULATION AND ADMINISTRATION OF BANKS, TRUST COMPANIES, AND THE OKLAHOMA BANKING CODE

[OAR Docket #21-866]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Departmental Requirements

85:10-3-10. Increase/decrease in capital stock [AMENDED]

85:10-3-12. Change in name - procedures and requirements [AMENDED]

85:10-3-16. Issuance of debentures or capital notes [AMENDED]

85:10-3-21. Fees [AMENDED]

Notices of Rulemaking Intent

Subchapter 5. Requirements, Standards and Procedures for an Internal Control Program

85:10-5-3.1. Internal control program for fiduciary activities of trust departments and trust companies [AMENDED]

Subchapter 9. New Banks, Branches, and Other Facilities

85:10-9-6. Branch closing [AMENDED]

SUMMARY:

The proposed rule amendments are a response to the Governor's Executive Order 2020-03. The amendments are a product of a comprehensive review of the State Banking Department's rules to identify costly, ineffective, duplicative, and outdated regulations. The intended effect of the amended rules is to clarify the rules, eliminate obsolete language, and to eliminate unnecessary fees.

Subchapter 3. Proposed amendments to Subchapter 3 remove the fees associated with the following applications: (1) an increase or decrease in a bank or trust company's capital stock; (2) a change in a bank or trust company's name; (3) issuance of debentures or capital notes; and (4) establishment of a detached facility.

Subchapter 5. Proposed amendments to rule 85:10-5-3.1 are intended to strengthen the internal control requirements for trust departments and trust companies. The amendments will update the rule to make all reports to the board of directors due quarterly and recognize electronic transfers among the types of disbursements for which the institution must appoint an authorized individual.

Subchapter 9. The proposed amendment to subchapter 9 removes the requirement for a bank to follow branch closing requirements when the bank maintains a device at a former branch location by which customers may interact with bank personnel by video and/or audio equipment.

AUTHORITY:

State Banking Board; 6 O.S., § 203

COMMENT PERIOD:

Interested persons may submit written comments during the period from January 3, 2022, through February 11, 2022, at: Oklahoma State Banking Department, 2900 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105, Attn: Matt Mowdy

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on Wednesday, February 16, 2022, at the State Banking Department, 2900 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105. Anyone who wishes to speak will be allowed a maximum of 5 minutes and must sign in at the door by 10:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rule amendments are requested to provide the Banking Department 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 during the period from January 3, 2022, through February 11, 2022, at: Oklahoma

State Banking Department, 2900 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105, Attn: Matt Mowdy.

COPIES OF PROPOSED RULES:

The proposed rule amendments may be viewed on the Banking Department's website at <http://banking.ok.gov> and copies of the proposed rules may be obtained by contacting Angela Morris at the State Banking Department, 2900 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105, (405) 521-2782.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a rule impact statement will be prepared and available at the State Banking Department office at the above address on and after January 18, 2022.

CONTACT PERSON:

Matt Mowdy, Legal Counsel, State Banking Department, (405) 521-2782 or matt.mowdy@banking.ok.gov.

[OAR Docket #21-866; filed 12-7-21]

TITLE 185. CRIME VICTIMS COMPENSATION BOARD CHAPTER 10. CRIME VICTIMS COMPENSATION PROGRAM

[OAR Docket #21-859]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 10. Crime Victims Compensation Program [AMENDED]

SUMMARY:

The proposed revisions are mostly nonsubstantive and should have little, if any, impact on the regulatory agencies. The rules affected by the changes relate to Oklahoma Crime Victims Compensation Act 21 O.S. 142.1. The rule changes will add language for outlining administrative decisions and will remove outdated or restrictive language.

AUTHORITY:

Oklahoma District Attorneys Council; Oklahoma Crime Victims Compensation Act, 21 O.S. 142.1.

COMMENT PERIOD:

Persons wishing to submit written comments must do so by February 3, 2022 by 5:00 P.M. to Tina Harman at the District Attorneys Council, 421 N.W. 13th St., Ste. 290, Oklahoma City, OK 73103.

PUBLIC HEARING:

A hearing is not scheduled. Interested parties may demand a hearing by submitting written comments to the Oklahoma Crime Victims Compensation Board by February 3, 2022 by 5:00 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be requested or obtained for review at the District Attorneys Council, Victim Services Division, 421 N.W. 13th, Ste. 290, OKC, OK, 73103, 405-264-5006 or by email at Tina.Harman@dac.state.ok.us.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., section 303(D), a rule impact statement will be available January 18, 2022 and may be obtained from the District Attorneys Council, Victim Services Division at the above address or by email at Tina.Harman@dac.state.ok.us.

CONTACT PERSON:

Tina Harman, Public Information Officer, 405-264-5006. Tina.Harman@dac.state.ok.us

[OAR Docket #21-859; filed 12-3-21]

**TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 10. SCHOOL ADMINISTRATION AND INSTRUCTIONAL SERVICES**

[OAR Docket #21-871]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions
210:10-1-23. Prohibition of Race and Sex Discrimination
[NEW]

SUMMARY:

House Bill 1775 (2021) was signed into law on May 7, 2021, with an emergency clause making it effective on July 1, 2021, and now codified at 70 O.S. § 24-157. This law requires the State Board of Education to promulgate rules, approved by the Legislature, to implement the requirements and prohibitions identified in the law. On Sept. 10, 2021, the State Board of Education adopted rules pursuant to these statutory requirements, including in the rule definitions of key terms of what and who is subject to the provisions of the law and rules, and included a process for individuals and entities to file complaints for an alleged violation of the law. The adopted process for complaints models the statutory process for allegations of noncompliance with accreditation standards and general laws and rules relating to Oklahoma public schools and individuals employed by them. This rule adopted by the State Board of Education on Sept. 10, 2021, was approved by Governor Stitt on September 23, 2021, remains in effect and is now proposed for permanent adoption.

AUTHORITY:

State Board of Education; 70 O.S. § 24-157

COMMENT PERIOD:

Written comments on the proposed rule(s) will be accepted from January 3, 2022 until 4:30 p.m. on February

2, 2022. Written comments in electronic form will be accepted during the open public comment period via email at rules@sde.ok.gov. During the open public comment period, written comments may also be hand delivered to the agency during regular business hours or via regular mail to the individual at the address shown below under "Contact Person." Oral comments may be submitted for the record at the public hearing at the time, date, and place shown below.

PUBLIC HEARING:

A public hearing is scheduled for 2:00 p.m. on February 2, 2022, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Persons wishing to speak must sign in at the door of the State Board Room prior to the start of the hearing. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so. Social distancing and other public health precautions may apply to the public hearing if appropriate at that time under established guidance and recommendations regarding COVID-19.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rule(s) may be obtained for review by the public from the Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Electronic copies of proposed rules are also available for review thirty (30) days prior to the hearing on the State Department of Education Legal Services website at: <http://ok.gov/sde/administrative-rules>

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a Rule Impact Statement will be prepared and available for review at the Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma on and after the date of publication of this Notice of Rulemaking Intent. A copy of the RIS will also be available on the State Department of Education Legal Services website at:

<http://ok.gov/sde/administrative-rules>

CONTACT PERSON:

Brad Clark, General Counsel, Office of Legal Services, State Department of Education, 5th Floor, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599. Telephone number: (405) 522-3274.

[OAR Docket #21-871; filed 12-8-21]

Notices of Rulemaking Intent

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

[OAR Docket #21-886]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Educator Preparation Program Accreditation
218:10-5-3 [AMENDED]

Subchapter 7. Educator Assessment Regulations
218:10-7-1 [AMENDED]

SUMMARY:

The proposed Educator Preparation Program Accreditation amendments reflects changes in statute. The proposed Educator Assessment Regulations amendment reflects changes 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 February 8, 2022 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 Wednesday, February 9, 2022 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 January 18, 2022.

CONTACT PERSON:

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

[OAR Docket #21-886; filed 12-8-21]

TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES CHAPTER 1. ADMINISTRATION

[OAR Docket #21-872]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 1. Administration [AMENDED]

SUMMARY:

The proposed rule revisions to Chapter 1 make changes and clarifications to provider certification processes and criteria, including Commissioner approval scope, definitions of and thresholds for critical and necessary standards, clarifications to certain general program standards, and procedures for Permits for Temporary Operations, Probationary Certification, and the addition of new programs. Revisions also add new references to rule language newly added through HB 2006 and other clean-up language.

AUTHORITY:

Oklahoma Board of Mental Health and Substance Abuse Services; 43A O.S. §§ 2-101, 3-110, 3-306, 3-306.1, 3-314.1, 3-315, 3-317, 3-318, 3-319 and 3-415; 74 O.S. § 85.9G.

COMMENT PERIOD:

Persons wishing to submit written comments may do so from January 3, 2022 until 5:00 p.m. on February 2, 2022. Written comments may be mailed to the Oklahoma Department of Mental Health and Substance Abuse Services, Attn: Melissa Miller, 2000 N Classen Blvd., Suite 2-600, Oklahoma City, OK 73106 or by email at publiccomment@odmhsas.org.

PUBLIC HEARING:

The Department will conduct a public hearing on February 3, 2022 at 10:00 a.m. Meeting information will be provided on the ODMHSAS website at <https://www.ok.gov/odmhsas>

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, 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 Melissa Miller by email at Melissa.Miller@odmhsas.org before the close of the comment period on February 2, 2022 at 5:00 pm.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the ODMHSAS website at <https://www.ok.gov/odmhsas>, and copies may be obtained by written request emailed to Melissa.Miller@odmhsas.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) a rule impact statement will be prepared and will be available at the ODMHSAS website at <https://www.ok.gov/odmhsas> on and after publication of this notice on January 3, 2022.

CONTACT PERSON:

Melissa Miller, Policy Director and Administrative Rules Liaison, Melissa.Miller@odmhsas.org or (405) 248-9345

[OAR Docket #21-872; filed 12-8-21]

**TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES
CHAPTER 15. CONSUMER RIGHTS**

[OAR Docket #21-873]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 15. Consumer Rights [AMENDED]

SUMMARY:

The proposed rule revisions to Chapter 15 make clarifications regarding consumer grievance procedures.

AUTHORITY:

Oklahoma Board of Mental Health and Substance Abuse Services; 43A O.S. §§ 2-101, 2-108 and 2-109.

COMMENT PERIOD:

Persons wishing to submit written comments may do so from January 3, 2022 until 5:00 p.m. on February 2, 2022. Written comments may be mailed to the Oklahoma Department of Mental Health and Substance Abuse Services, Attn: Melissa Miller, 2000 N Classen Blvd., Suite 2-600, Oklahoma City, OK 73106 or by email at publiccomment@odmhsas.org.

PUBLIC HEARING:

The Department will conduct a public hearing on February 3, 2022 at 10:00 a.m. Meeting information will be provided on the ODMHSAS website at <https://www.ok.gov/odmhsas>

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, 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 Melissa Miller by email at Melissa.Miller@odmhsas.org before the close of the comment period on February 2, 2022 at 5:00 pm.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the ODMHSAS website at <https://www.ok.gov/odmhsas>, and copies may be obtained by written request emailed to Melissa.Miller@odmhsas.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) a rule impact statement will be prepared and will be available at the ODMHSAS website at <https://www.ok.gov/odmhsas> on and after publication of this notice on January 3, 2022.

CONTACT PERSON:

Melissa Miller, Policy Director and Administrative Rules Liaison, Melissa.Miller@odmhsas.org or (405) 248-9345

[OAR Docket #21-873; filed 12-8-21]

**TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES
CHAPTER 17. STANDARDS AND CRITERIA FOR COMMUNITY MENTAL HEALTH CENTERS**

[OAR Docket #21-874]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 17. Standards and Criteria for Community Mental Health Centers [AMENDED]

SUMMARY:

The proposed rule revisions to Chapter 17 remove language that duplicates rules in Chapter 1, remove language regarding compliance with open meetings laws, and revise language regarding documentation requirements and medication clinic services. Language regarding specific housing programs is removed. Revisions also add language regarding required CCBHC and CMHC services and new requirements regarding CCBHC service locations.

AUTHORITY:

Oklahoma Board of Mental Health and Substance Abuse Services; 43A O.S. §§ 2-101, 3-306, 3-306.1 and 3-315

COMMENT PERIOD:

Persons wishing to submit written comments may do so from January 3, 2022 until 5:00 p.m. on February 2, 2022. Written comments may be mailed to the Oklahoma Department of Mental Health and Substance Abuse Services, Attn: Melissa Miller, 2000 N Classen Blvd., Suite 2-600, Oklahoma City, OK 73106 or by email at publiccomment@odmhsas.org.

PUBLIC HEARING:

The Department will conduct a public hearing on February 3, 2022 at 10:00 a.m. Meeting information will be provided on the ODMHSAS website at <https://www.ok.gov/odmhsas>

Notices of Rulemaking Intent

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, 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 Melissa Miller by email at Melissa.Miller@odmhsas.org before the close of the comment period on February 2, 2022 at 5:00 pm.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the ODMHSAS website at <https://www.ok.gov/odmhsas>, and copies may be obtained by written request emailed to Melissa.Miller@odmhsas.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) a rule impact statement will be prepared and will be available at the ODMHSAS website at <https://www.ok.gov/odmhsas> on and after publication of this notice on January 3, 2022.

CONTACT PERSON:

Melissa Miller, Policy Director and Administrative Rules Liaison, Melissa.Miller@odmhsas.org or (405) 248-9345

[OAR Docket #21-874; filed 12-8-21]

TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES CHAPTER 18. STANDARDS AND CRITERIA FOR SUBSTANCE RELATED AND ADDICTIVE DISORDER TREATMENT SERVICES

[OAR Docket #21-875]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 18. Standards and Criteria for Substance Related and Addictive Disorder Treatment Services [AMENDED]

SUMMARY:

The proposed rule revisions to Chapter 18 remove language that is addressed elsewhere or is otherwise unnecessary, including discharge and admission criteria, outreach requirements, weekly required treatment hours, group size limitations, and timeframes for assessments and service plans. Language regarding intensive levels of care are removed and standards are simplified to address American Society of Addiction Medicine (ASAM) level of care and population-specific standards.

AUTHORITY:

Oklahoma Board of Mental Health and Substance Abuse Services; 43A O.S. §§ 2-101, 3-306, 3-317, 3-403(1), 3-404, 3-406, 3-415 and 3-416

COMMENT PERIOD:

Persons wishing to submit written comments may do so from January 3, 2022 until 5:00 p.m. on February 2, 2022. Written comments may be mailed to the Oklahoma Department of Mental Health and Substance Abuse Services, Attn: Melissa Miller, 2000 N Classen Blvd., Suite 2-600, Oklahoma City, OK 73106 or by email at publiccomment@odmhsas.org.

PUBLIC HEARING:

The Department will conduct a public hearing on February 3, 2022 at 10:00 a.m. Meeting information will be provided on the ODMHSAS website at <https://www.ok.gov/odmhsas>

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, 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 Melissa Miller by email at Melissa.Miller@odmhsas.org before the close of the comment period on February 2, 2022 at 5:00 pm.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the ODMHSAS website at <https://www.ok.gov/odmhsas>, and copies may be obtained by written request emailed to Melissa.Miller@odmhsas.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) a rule impact statement will be prepared and will be available at the ODMHSAS website at <https://www.ok.gov/odmhsas> on and after publication of this notice on January 3, 2022.

CONTACT PERSON:

Melissa Miller, Policy Director and Administrative Rules Liaison, Melissa.Miller@odmhsas.org or (405) 248-9345

[OAR Docket #21-875; filed 12-8-21]

TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES CHAPTER 21. ALCOHOL AND DRUG SUBSTANCE ABUSE COURSES (ADSAC) AND ASSESSMENTS

[OAR Docket #21-876]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 21. Alcohol and Drug Substance Abuse Courses (ADSAC) and Assessments [AMENDED]

SUMMARY:

The proposed rule revisions to Chapter 21 clarify and amend requirements for photograph and background check submissions, participant data entry, assessments, and evaluation instruments.

AUTHORITY:

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 2-101, 3-451 through 3-453.1, and 3-460; 47 O.S. §§ 6-212.2, 11-902 and 761(D); 22 O.S. §§ 991a and 991c.

COMMENT PERIOD:

Persons wishing to submit written comments may do so from January 3, 2022 until 5:00 p.m. on February 2, 2022. Written comments may be mailed to the Oklahoma Department of Mental Health and Substance Abuse Services, Attn: Melissa Miller, 2000 N Classen Blvd., Suite 2-600, Oklahoma City, OK 73106 or by email at publiccomment@odmhsas.org.

PUBLIC HEARING:

The Department will conduct a public hearing on February 3, 2022 at 10:00 a.m. Meeting information will be provided on the ODMHSAS website at <https://www.ok.gov/odmhsas>

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, 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 Melissa Miller by email at Melissa.Miller@odmhsas.org before the close of the comment period on February 2, 2022 at 5:00 pm.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the ODMHSAS website at <https://www.ok.gov/odmhsas>, and copies may be obtained by written request emailed to Melissa.Miller@odmhsas.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) a rule impact statement will be prepared and will be available at the ODMHSAS website at <https://www.ok.gov/odmhsas> on and after publication of this notice on January 3, 2022.

CONTACT PERSON:

Melissa Miller, Policy Director and Administrative Rules Liaison, Melissa.Miller@odmhsas.org or (405) 248-9345

[OAR Docket #21-876; filed 12-8-21]

**TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES
CHAPTER 23. STANDARDS AND CRITERIA FOR COMMUNITY-BASED STRUCTURED CRISIS CENTERS**

[OAR Docket #21-877]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 23. Standards and Criteria for Community-Based Structured Crisis Centers [AMENDED]

SUMMARY:

The proposed rule revisions to Chapter 23 remove language regarding documentation requirements, clarify assessment requirements, and include other clean up language.

AUTHORITY:

Oklahoma Board of Mental Health and Substance Abuse Services; 43A O.S. § 3-317

COMMENT PERIOD:

Persons wishing to submit written comments may do so from January 3, 2022 until 5:00 p.m. on February 2, 2022. Written comments may be mailed to the Oklahoma Department of Mental Health and Substance Abuse Services, Attn: Melissa Miller, 2000 N Classen Blvd., Suite 2-600, Oklahoma City, OK 73106 or by email at publiccomment@odmhsas.org.

PUBLIC HEARING:

The Department will conduct a public hearing on February 3, 2022 at 10:00 a.m. Meeting information will be provided on the ODMHSAS website at <https://www.ok.gov/odmhsas>

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, 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 Melissa Miller by email at Melissa.Miller@odmhsas.org before the close of the comment period on February 2, 2022 at 5:00 pm.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the ODMHSAS website at <https://www.ok.gov/odmhsas>, and copies may be obtained by written request emailed to Melissa.Miller@odmhsas.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) a rule impact statement will be prepared and will be available at the ODMHSAS website at <https://www.ok.gov/odmhsas> on and after publication of this notice on January 3, 2022.

Notices of Rulemaking Intent

CONTACT PERSON:

Melissa Miller, Policy Director and Administrative Rules Liaison, Melissa.Miller@odmhsas.org or (405) 248-9345

[OAR Docket #21-877; filed 12-8-21]

**TITLE 450. DEPARTMENT OF MENTAL
HEALTH AND SUBSTANCE ABUSE
SERVICES
CHAPTER 24. STANDARDS AND CRITERIA
FOR COMPREHENSIVE COMMUNITY
ADDICTION RECOVERY CENTERS**

[OAR Docket #21-878]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 24. Standards and Criteria for Comprehensive Community Addiction Recovery Centers [AMENDED]

SUMMARY:

The proposed rule revisions to Chapter 24 remove language regarding documentation requirements for assessments, progress notes, and discharge plans. Other clean up language is also included.

AUTHORITY:

Oklahoma Board of Mental Health and Substance Abuse Services; 43A O.S. §§ 2-101, and 3-415

COMMENT PERIOD:

Persons wishing to submit written comments may do so from January 3, 2022 until 5:00 p.m. on February 2, 2022. Written comments may be mailed to the Oklahoma Department of Mental Health and Substance Abuse Services, Attn: Melissa Miller, 2000 N Classen Blvd., Suite 2-600, Oklahoma City, OK 73106 or by email at publiccomment@odmhsas.org.

PUBLIC HEARING:

The Department will conduct a public hearing on February 3, 2022 at 10:00 a.m. Meeting information will be provided on the ODMHSAS website at <https://www.ok.gov/odmhsas>

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, 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 Melissa Miller by email at Melissa.Miller@odmhsas.org before the close of the comment period on February 2, 2022 at 5:00 pm.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the ODMHSAS website at <https://www.ok.gov/odmhsas>, and copies may be obtained by written request emailed to Melissa.Miller@odmhsas.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) a rule impact statement will be prepared and will be available at the ODMHSAS website at <https://www.ok.gov/odmhsas> on and after publication of this notice on January 3, 2022.

CONTACT PERSON:

Melissa Miller, Policy Director and Administrative Rules Liaison, Melissa.Miller@odmhsas.org or (405) 248-9345

[OAR Docket #21-878; filed 12-8-21]

**TITLE 450. DEPARTMENT OF MENTAL
HEALTH AND SUBSTANCE ABUSE
SERVICES
CHAPTER 27. STANDARDS AND CRITERIA
FOR MENTAL ILLNESS SERVICE
PROGRAMS**

[OAR Docket #21-879]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 27. Standards and Criteria for Mental Illness Service Programs [AMENDED]

SUMMARY:

The proposed rule revisions to Chapter 27 remove language regarding hygiene and sanitation, clinical documentation, assessments, progress notes, and service plans that is addressed elsewhere or is otherwise unnecessary. Other clean up language is also included.

AUTHORITY:

Oklahoma Board of Mental Health and Substance Abuse Services; 43A O.S. §§ 2-101, and 3-323A

COMMENT PERIOD:

Persons wishing to submit written comments may do so from January 3, 2022 until 5:00 p.m. on February 2, 2022. Written comments may be mailed to the Oklahoma Department of Mental Health and Substance Abuse Services, Attn: Melissa Miller, 2000 N Classen Blvd., Suite 2-600, Oklahoma City, OK 73106 or by email at publiccomment@odmhsas.org.

PUBLIC HEARING:

The Department will conduct a public hearing on February 3, 2022 at 10:00 a.m. Meeting information will be provided on the ODMHSAS website at <https://www.ok.gov/odmhsas>

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, 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 Melissa Miller by email at Melissa.Miller@odmhsas.org before the close of the comment period on February 2, 2022 at 5:00 pm.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the ODMHSAS website at <https://www.ok.gov/odmhsas>, and copies may be obtained by written request emailed to Melissa.Miller@odmhsas.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) a rule impact statement will be prepared and will be available at the ODMHSAS website at <https://www.ok.gov/odmhsas> on and after publication of this notice on January 3, 2022.

CONTACT PERSON:

Melissa Miller, Policy Director and Administrative Rules Liaison, Melissa.Miller@odmhsas.org or (405) 248-9345

[OAR Docket #21-879; filed 12-8-21]

**TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES
CHAPTER 53. STANDARDS AND CRITERIA FOR CERTIFIED PEER RECOVERY SUPPORT SPECIALISTS**

[OAR Docket #21-880]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 53. Standards and Criteria for Certified Peer Recovery Support Specialists [AMENDED]

SUMMARY:

The proposed rule revisions to Chapter 53 clarify employment documentation requirements, change language regarding education requirements, and add language which requires criminal history reports to be submitted. Language addressing criteria for criminal convictions is also added.

AUTHORITY:

Oklahoma Board of Mental Health and Substance Abuse Services; 43A O.S. §§ 2-101, and 3-326

COMMENT PERIOD:

Persons wishing to submit written comments may do so from January 3, 2022 until 5:00 p.m. on February 2, 2022. Written comments may be mailed to the Oklahoma Department of Mental Health and Substance Abuse Services, Attn: Melissa Miller, 2000 N Classen Blvd., Suite 2-600, Oklahoma City, OK 73106 or by email at publiccomment@odmhsas.org.

PUBLIC HEARING:

The Department will conduct a public hearing on February 3, 2022 at 10:00 a.m. Meeting information will be provided on the ODMHSAS website at <https://www.ok.gov/odmhsas>

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, 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 Melissa Miller by email at Melissa.Miller@odmhsas.org before the close of the comment period on February 2, 2022 at 5:00 pm.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the ODMHSAS website at <https://www.ok.gov/odmhsas>, and copies may be obtained by written request emailed to Melissa.Miller@odmhsas.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) a rule impact statement will be prepared and will be available at the ODMHSAS website at <https://www.ok.gov/odmhsas> on and after publication of this notice on January 3, 2022.

CONTACT PERSON:

Melissa Miller, Policy Director and Administrative Rules Liaison, Melissa.Miller@odmhsas.org or (405) 248-9345

[OAR Docket #21-880; filed 12-8-21]

**TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES
CHAPTER 55. STANDARDS AND CRITERIA FOR PROGRAMS OF ASSERTIVE COMMUNITY TREATMENT**

[OAR Docket #21-881]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 55. Standards and Criteria for Programs of Assertive Community Treatment [AMENDED]

SUMMARY:

The proposed rule revisions to Chapter 55 remove language regarding consumer records, progress notes, assessments, and service plans that is addressed elsewhere or is otherwise unnecessary. Other clean up language is also included.

AUTHORITY:

Oklahoma Board of Mental Health and Substance Abuse Services; 43A O.S. §§ 2-101, 3-306 and 3-319

COMMENT PERIOD:

Persons wishing to submit written comments may do so from January 3, 2022 until 5:00 p.m. on February 2, 2022. Written comments may be mailed to the Oklahoma Department of Mental Health and Substance Abuse Services, Attn: Melissa Miller, 2000 N Classen Blvd., Suite 2-600, Oklahoma City, OK 73106 or by email at publiccomment@odmhsas.org.

PUBLIC HEARING:

The Department will conduct a public hearing on February 3, 2022 at 10:00 a.m. Meeting information will be provided on the ODMHSAS website at <https://www.ok.gov/odmhsas>

Notices of Rulemaking Intent

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, 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 Melissa Miller by email at Melissa.Miller@odmhsas.org before the close of the comment period on February 2, 2022 at 5:00 pm.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the ODMHSAS website at <https://www.ok.gov/odmhsas>, and copies may be obtained by written request emailed to Melissa.Miller@odmhsas.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) a rule impact statement will be prepared and will be available at the ODMHSAS website at <https://www.ok.gov/odmhsas> on and after publication of this notice on January 3, 2022.

CONTACT PERSON:

Melissa Miller, Policy Director and Administrative Rules Liaison, Melissa.Miller@odmhsas.org or (405) 248-9345

[OAR Docket #21-881; filed 12-8-21]

TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES CHAPTER 60. STANDARDS AND CRITERIA FOR CERTIFIED EATING DISORDER TREATMENT PROGRAMS

[OAR Docket #21-882]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 60. Standards and Criteria for Certified Eating Disorder Treatment Programs [AMENDED]

SUMMARY:

The proposed rule revisions to Chapter 60 clarify and remove language regarding consumer records, progress notes, assessments, and service plans that is addressed elsewhere or is otherwise unnecessary. Other clean up language is also included.

AUTHORITY:

Oklahoma Board of Mental Health and Substance Abuse Services; 43A O.S. § 3-320.

COMMENT PERIOD:

Persons wishing to submit written comments may do so from January 3, 2022 until 5:00 p.m. on February 2, 2022. Written comments may be mailed to the Oklahoma Department of Mental Health and Substance Abuse Services, Attn: Melissa

Miller, 2000 N Classen Blvd., Suite 2-600, Oklahoma City, OK 73106 or by email at publiccomment@odmhsas.org.

PUBLIC HEARING:

The Department will conduct a public hearing on February 3, 2022 at 10:00 a.m. Meeting information will be provided on the ODMHSAS website at <https://www.ok.gov/odmhsas>

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, 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 Melissa Miller by email at Melissa.Miller@odmhsas.org before the close of the comment period on February 2, 2022 at 5:00 pm.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the ODMHSAS website at <https://www.ok.gov/odmhsas>, and copies may be obtained by written request emailed to Melissa.Miller@odmhsas.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) a rule impact statement will be prepared and will be available at the ODMHSAS website at <https://www.ok.gov/odmhsas> on and after publication of this notice on January 3, 2022.

CONTACT PERSON:

Melissa Miller, Policy Director and Administrative Rules Liaison, Melissa.Miller@odmhsas.org or (405) 248-9345

[OAR Docket #21-882; filed 12-8-21]

TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES CHAPTER 65. STANDARDS AND CRITERIA FOR GAMBLING TREATMENT PROGRAMS

[OAR Docket #21-883]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 65. Standards and Criteria for Gambling Treatment Programs [AMENDED]

SUMMARY:

The proposed rule revisions to Chapter 65 amend language regarding service plans, case management services, and continuing care plans. Language regarding consumer records and outreach that is addressed elsewhere or is otherwise unnecessary is removed. Language regarding requirements for progress notes is added. Other clean up language is also included.

AUTHORITY:

Oklahoma Board of Mental Health and Substance Abuse Services; 43A O.S. §§ 2-101, 3-306, 3-317, 3-403(1), 3-404, 3-406, 3-415 and 3-416

COMMENT PERIOD:

Persons wishing to submit written comments may do so from January 3, 2022 until 5:00 p.m. on February 2, 2022. Written comments may be mailed to the Oklahoma Department of Mental Health and Substance Abuse Services, Attn: Melissa Miller, 2000 N Classen Blvd., Suite 2-600, Oklahoma City, OK 73106 or by email at publiccomment@odmhsas.org.

PUBLIC HEARING:

The Department will conduct a public hearing on February 3, 2022 at 10:00 a.m. Meeting information will be provided on the ODMHSAS website at <https://www.ok.gov/odmhsas>

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, 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 Melissa Miller by email at Melissa.Miller@odmhsas.org before the close of the comment period on February 2, 2022 at 5:00 pm.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the ODMHSAS website at <https://www.ok.gov/odmhsas>, and copies may be obtained by written request emailed to Melissa.Miller@odmhsas.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) a rule impact statement will be prepared and will be available at the ODMHSAS website at <https://www.ok.gov/odmhsas> on and after publication of this notice on January 3, 2022.

CONTACT PERSON:

Melissa Miller, Policy Director and Administrative Rules Liaison, Melissa.Miller@odmhsas.org or (405) 248-9345

[OAR Docket #21-883; filed 12-8-21]

**TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES
CHAPTER 70. STANDARDS AND CRITERIA FOR OPIOID TREATMENT PROGRAMS**

[OAR Docket #21-884]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 70. Standards and Criteria for Opioid Treatment Programs [AMENDED]

SUMMARY:

The proposed rule revisions to Chapter 70 removes language regarding patient records, service planning, progress notes, and outreach that is addressed elsewhere or is otherwise unnecessary. Requirements regarding treatment hours and services for each phase of treatment are amended. Other clarifying and clean up language is also included.

AUTHORITY:

Oklahoma Board of Mental Health and Substance Abuse Services; 43A O.S. § 3-601 et. seq.

COMMENT PERIOD:

Persons wishing to submit written comments may do so from January 3, 2022 until 5:00 p.m. on February 2, 2022. Written comments may be mailed to the Oklahoma Department of Mental Health and Substance Abuse Services, Attn: Melissa Miller, 2000 N Classen Blvd., Suite 2-600, Oklahoma City, OK 73106 or by email at publiccomment@odmhsas.org.

PUBLIC HEARING:

The Department will conduct a public hearing on February 3, 2022 at 10:00 a.m. Meeting information will be provided on the ODMHSAS website at <https://www.ok.gov/odmhsas>

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, 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 Melissa Miller by email at Melissa.Miller@odmhsas.org before the close of the comment period on February 2, 2022 at 5:00 pm.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the ODMHSAS website at <https://www.ok.gov/odmhsas>, and copies may be obtained by written request emailed to Melissa.Miller@odmhsas.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) a rule impact statement will be prepared and will be available at the ODMHSAS website at <https://www.ok.gov/odmhsas> on and after publication of this notice on January 3, 2022.

CONTACT PERSON:

Melissa Miller, Policy Director and Administrative Rules Liaison, Melissa.Miller@odmhsas.org or (405) 248-9345

[OAR Docket #21-884; filed 12-8-21]

Notices of Rulemaking Intent

**TITLE 450. DEPARTMENT OF MENTAL
HEALTH AND SUBSTANCE ABUSE
SERVICES
CHAPTER 75. STANDARDS AND CRITERIA
FOR CERTIFIED PROBLEM GAMBLING
TREATMENT COUNSELORS**

[OAR Docket #21-885]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 75. Standards and Criteria for Certified Problem Gambling Treatment Counselors [NEW]

SUMMARY:

The proposed rules establish standards and procedures for certification of Problem Gambling Treatment Counselors, including criteria for certification and renewal, fees, application requirements, education and training requirements, continuing education requirements, and rules of professional conduct.

AUTHORITY:

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 2-101, 3-322a

COMMENT PERIOD:

Persons wishing to submit written comments may do so from January 3, 2022 until 5:00 p.m. on February 2, 2022. Written comments may be mailed to the Oklahoma Department of Mental Health and Substance Abuse Services, Attn: Melissa Miller, 2000 N Classen Blvd., Suite 2-600, Oklahoma City, OK 73106 or by email at publiccomment@odmhsas.org.

PUBLIC HEARING:

The Department will conduct a public hearing on February 3, 2022 at 10:00 a.m. Meeting information will be provided on the ODMHSAS website at <https://www.ok.gov/odmhsas>

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, 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 Melissa Miller by email at Melissa.Miller@odmhsas.org before the close of the comment period on February 2, 2022 at 5:00 pm.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the ODMHSAS website at <https://www.ok.gov/odmhsas>, and copies may be obtained by written request emailed to Melissa.Miller@odmhsas.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) a rule impact statement will be prepared and will be available at the ODMHSAS website at <https://www.ok.gov/odmhsas> on and after publication of this notice on January 3, 2022.

CONTACT PERSON:

Melissa Miller, Policy Director and Administrative Rules Liaison, Melissa.Miller@odmhsas.org or (405) 248-9345

[OAR Docket #21-885; filed 12-8-21]

**TITLE 590. OKLAHOMA PUBLIC
EMPLOYEES RETIREMENT SYSTEM
CHAPTER 25. DEFERRED
COMPENSATION**

[OAR Docket #21-861]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 7. Investment of Deferred Amounts
590:25-7-1 [AMENDED]

Subchapter 9. Benefits
590:25-9-5 [AMENDED]

590:25-9-8 [AMENDED]

590:25-9-17 [AMENDED]

590:25-9-22 [NEW]

590:25-9-23 [NEW]

SUMMARY:

Additions, revocations and amendments are proposed necessitating permanent rulemaking action. The agency is considering proposals which are designed to make the administration of the Deferred Compensation Plan more efficient and member service oriented.

The amendment to 590:25-7-1 facilitates a potential change to the investment options the Board of Trustees previously approved. 590:25-9-8 changes the required minimum distribution age from 70 $\frac{1}{2}$ to 72 to comply with federal legislation. 590:25-9-8 is amended to only address deaths prior to January 1, 2022. 590:25-9-17 adds SIMPLE IRAs to the list of plan types that can accept rollovers from SoonerSave. 590:25-9-22 is required for compliance with the SECURE Act and designates how distributions shall be made for deaths after December 31, 2021. 590:25-9-23 addresses 2020 RMD payments which were suspended by the CARES Act.

AUTHORITY:

Oklahoma Public Employees Retirement System Board of Trustees; pursuant to 74 O.S. Section 1701.

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 4:30 p.m. on February 16, 2022, by mail, fax or email, to the offices of Oklahoma Public Employees Retirement System, 5400 N. Grand Boulevard, Suite 400, Oklahoma City, Oklahoma 73112.

PUBLIC HEARING:

A Public Hearing will be held to provide an opportunity for persons to present their views orally at 1:30 p.m., Thursday, February 17, 2022 in the Board Room of the Oklahoma Public

Employees Retirement System, 5400 N. Grand Boulevard, Suite 135, Oklahoma City, Oklahoma 73112.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review by the public between 8:00 a.m. and 4:30 p.m., Monday through Friday, (excluding legal holidays) by contacting Kristi Ice, General Counsel, at the offices of the Oklahoma Public Employees Retirement System, at kice@opers.ok.gov, (405) 858-6737, or on the OPERS website at www.opers.ok.gov.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared as required by 75 O.S. Section 303(D), and will be available on and after January 14, 2022, on the OPERS website at www.opers.ok.gov or by contacting Kristi Ice at (405) 858-6737 or kice@opers.ok.gov .

CONTACT PERSON:

Kristi Ice, General Counsel (405) 858-6737.

[OAR Docket #21-861; filed 12-6-21]

**TITLE 590. OKLAHOMA PUBLIC EMPLOYEES RETIREMENT SYSTEM
CHAPTER 35. DEFERRED SAVINGS INCENTIVE PLAN**

[OAR Docket #21-862]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 13. Benefits and Distributions
- 590:35-13-5 [AMENDED]
- 590:35-13-8 [AMENDED]
- 590:35-13-9 [AMENDED]
- 590:35-13-13 [NEW]
- 590:35-13-14 [NEW]

SUMMARY:

Additions, revocations and amendments are proposed necessitating permanent rulemaking action. The agency is considering proposals which are designed to make the administration of the Deferred Savings Incentive Plan more efficient and member service oriented.

590:25-13-5 is amended to only address deaths prior to January 1, 2022. 590:35-13-8 removes language that requires the Board to take action on plan-to-plan transfers in SoonerSave. 590:35-13-9 adds SIMPLE IRAs to the list of plan types that can accept rollovers from SoonerSave. 590:35-13-13 is required for compliance with the SECURE Act and designates how distributions shall be made for deaths after December 31, 2021. 590:35-13-14 addresses 2020 RMD payments which were suspended by the CARES Act.

AUTHORITY:

Oklahoma Public Employees Retirement System Board of Trustees; pursuant to 74 O.S. Section 1707.

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 4:30 p.m. on February 16, 2022, by mail, fax or email, to the offices of Oklahoma Public Employees Retirement System, 5400 N. Grand Boulevard, Suite 400, Oklahoma City, Oklahoma 73112.

PUBLIC HEARING:

A Public Hearing will be held to provide an opportunity for persons to present their views orally at 1:30 p.m., Thursday, February 17, 2022 in the Board Room of the Oklahoma Public Employees Retirement System, 5400 N. Grand Boulevard, Suite 135, Oklahoma City, Oklahoma 73112.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review by the public between 8:00 a.m. and 4:30 p.m., Monday through Friday, (excluding legal holidays) by contacting Kristi Ice, General Counsel, at the offices of the Oklahoma Public Employees Retirement System, at kice@opers.ok.gov, (405) 858-6737, or on the OPERS website at www.opers.ok.gov.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared as required by 75 O.S. Section 303(D), and will be available on and after January 14, 2022, on the OPERS website at www.opers.ok.gov or by contacting Kristi Ice at (405) 858-6737 or kice@opers.ok.gov .

CONTACT PERSON:

Kristi Ice, General Counsel (405) 858-6737.

[OAR Docket #21-862; filed 12-6-21]

**TITLE 590. OKLAHOMA PUBLIC EMPLOYEES RETIREMENT SYSTEM
CHAPTER 40. DEFINED CONTRIBUTION SYSTEM**

[OAR Docket #21-863]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 7. Defined Contribution 401(A) Plan
- Part 7. Investments
- 590:40-7-25 [AMENDED]
- Part 9. Benefits and Distributions
- 590:40-7-34 [AMENDED]
- 590:40-7-36 [AMENDED]
- 590:40-7-39 [NEW]
- 590:40-7-40 [NEW]
- 590:40-7-41 [NEW]
- Subchapter 9. Defined Contribution 457(B) Plan
- Part 5. Investments
- 590:40-9-20 [AMENDED]
- Part 7. Benefits
- 590:40-9-28 [AMENDED]

Notices of Rulemaking Intent

590:40-9-31 [AMENDED]

590:40-9-39 [AMENDED]

590:40-9-43 [NEW]

590:40-9-44 [NEW]

SUMMARY:

Additions, revocations and amendments are proposed necessitating permanent rulemaking action. The agency is considering proposals which are designed to make the administration of the Defined Contribution System more efficient and member service oriented.

The amendment to 590:40-7-25 facilitates a potential change to the investment options the Board of Trustees previously approved. 590:40-7-34 is amended to only address deaths prior to January 1, 2022. 590:40-7-36 adds SIMPLE IRAs to the list of plan types that can accept rollovers. 590:40-7-39 is required for compliance with the SECURE Act and designates how distributions shall be made for deaths after December 31, 2021. 590:40-7-40 addresses 2020 RMD payments which were suspended by the CARES Act. 590:40-7-41 allows plan-to-plan transfers in the Pathfinder 401(a) Plan. The amendment to 590:40-9-20 facilitates a potential change to the investment options the Board of Trustees previously approved. 590:40-9-28 changes the required minimum distribution age from 70 $\frac{1}{2}$ to 72 to comply with federal legislation. 590:40-9-31 is amended to only address deaths prior to January 1, 2022. 590:40-9-39 adds SIMPLE IRAs to the list of plan types that can accept rollovers. 590:40-9-43 is required for compliance with the SECURE Act and designates how distributions shall be made for deaths after December 31, 2021. 590:40-9-44 addresses 2020 RMD payments which were suspended by the CARES Act.

AUTHORITY:

Oklahoma Public Employees Retirement System Board of Trustees; pursuant to 74 O.S. Section 909.

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 4:30 p.m. on February 16, 2022, by mail, fax or email, to the offices of Oklahoma Public Employees Retirement System, 5400 N. Grand Boulevard, Suite 400, Oklahoma City, Oklahoma 73112.

PUBLIC HEARING:

A Public Hearing will be held to provide an opportunity for persons to present their views orally at 1:30 p.m., Thursday, February 17, 2022 in the Board Room of the Oklahoma Public Employees Retirement System, 5400 N. Grand Boulevard, Suite 135, Oklahoma City, Oklahoma 73112.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review by the public between 8:00 a.m. and 4:30 p.m., Monday through Friday, (excluding legal holidays) by contacting Kristi Ice, General Counsel, at the offices of the Oklahoma Public Employees Retirement System, at kice@opers.ok.gov, (405) 858-6737, or on the OPERS website at www.opers.ok.gov.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared as required by 75 O.S. Section 303(D), and will be available on and after January 14, 2022, on the OPERS website at www.opers.ok.gov or by contacting Kristi Ice at (405) 858-6737 or kice@opers.ok.gov.

CONTACT PERSON:

Kristi Ice, General Counsel (405) 858-6737.

[OAR Docket #21-863; filed 12-6-21]

TITLE 612. STATE DEPARTMENT OF REHABILITATION SERVICES CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #21-854]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 15. Department Manual, Rules, and Declaratory Rulings

612:1-15-3. Petitions for rule changes and declaratory rulings [AMENDED]

SUMMARY:

Revisions to Chapter 1 consist of revisions to comply with the APA.

AUTHORITY:

Commission for Rehabilitation Services; 74 O.S. § 166.2

COMMENT PERIOD:

Written and oral comments will be accepted December 2, 2021 through February 7, 2022 during regular business hours by contacting Tina Calloway, Rulemaking Liaison, Department of Rehabilitation Services, 3535 NW 58th Street, Suite 500, Oklahoma City, Oklahoma 73112, Telephone 405-951-3552 - Toll free 1-800-845-8476, tcalloway@okdrs.gov.

PUBLIC HEARING:

Monday, February 7, 2022

2:00 P.M. - 3:00 P.M.

Public Hearing for Administrative Rules

Department of Rehabilitation Services

3535 NW 58th Street, 2nd floor conference room

Oklahoma City, Oklahoma 73112

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Department of Rehabilitation Services (DRS) requests that business entities affected by these rules provide the DRS, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with 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.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from: the DRS Web Site www.okdrs.gov, by e-mail policycomment@okdrs.gov, by letter to the Policy Administration and Development Section, attention Tina Calloway, Department of Rehabilitation Services, 3535 N.W. 58th, Suite 500, Oklahoma City, Oklahoma 73112 or by calling (405) 951-3552 - Toll free 1-800-845-8476.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303 (D), a rule impact statement will be issued and made available after January 5, 2022, at the Department of Rehabilitation Services office at the above address.

CONTACT PERSON:

Tina Calloway, Rulemaking Liaison, (405) 951-3552

[OAR Docket #21-854; filed 12-2-21]

**TITLE 612. STATE DEPARTMENT OF REHABILITATION SERVICES
CHAPTER 10. VOCATIONAL REHABILITATION AND SERVICES FOR THE BLIND AND VISUALLY IMPAIRED**

[OAR Docket #21-855]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
 - 612:10-1-2. Definitions [AMENDED]
- Subchapter 3. Client Participation in Cost of Services
 - 612:10-3-3. Participation of individuals in cost of services based on financial need [AMENDED]
- Subchapter 7. Vocational Rehabilitation and Services for the Blind and Visually Impaired
 - Part 3. Case Processing Requirements
 - 612:10-7-22.1. Processing referrals and applications [AMENDED]
 - 612:10-7-24.1. Basic eligibility requirements for vocational rehabilitation services [AMENDED]
 - 612:10-7-24.2. Assessment for determining eligibility [AMENDED]
 - Part 5. Case Status and Classification System
 - 612:10-7-51. Individualized Plan for Employment [AMENDED]
 - 612:10-7-57. ~~Status 24~~ ~~services~~ Services interrupted, Service-I [NEW]
 - 612:10-7-58. Closed Rehabilitated [AMENDED]
 - 612:10-7-62. Post-Employment services [AMENDED]
 - Part 11. Physical and Mental Restoration Services
 - 612:10-7-98. General guidelines for physical and mental restoration services [AMENDED]
 - Part 13. Supportive Services
 - 612:10-7-130. Maintenance [AMENDED]
 - Part 15. Training

- 612:10-7-142. General guidelines for training services [AMENDED]
- 612:10-7-150. Continued eligibility for college or university training [AMENDED]
- 612:10-7-164. Personal and work adjustment training [AMENDED]
- 612:10-7-171. Credential Attainment and Measurable Skill Gains for Post-Secondary Training Programs [NEW]
- Part 19. Special Services for Individuals Who Are Blind, Deaf, or Have Other Significant Disabilities
 - 612:10-7-196. Interpreter services [AMENDED]
 - 612:10-7-205. Services to persons who are deaf-blind [AMENDED]
- Part 21. Purchase of Equipment, Occupational Licenses and Certifications
 - 612:10-7-216. Tools, occupational equipment, initial stocks and supplies [AMENDED]
 - 612:10-7-220. Vehicle modification services [AMENDED]
 - 612:10-7-221. Housing Modification [AMENDED]
- Part 23. Self-Employment Programs and Other Services
 - 612:10-7-230. Self-employment programs [AMENDED]
 - 612:10-7-230.2. Self-Employment Guidelines [REVOKED]
 - 612:10-7-230.3. Self-Employment/Business Plans [REVOKED]
 - 612:10-7-230.4. Agency financial contribution to self-employment/purchasing [REVOKED]
 - 612:10-7-230.5. DRS Monitoring [REVOKED]
- Part 25. Transition from School to Work Program
 - 612:10-7-245. Definitions [AMENDED]
 - 612:10-7-249. Reporting Credential Attainment and Skill Gains for High School Transition Students ~~Counselor responsibilities in the Transition from School to Work Program~~ [NEW]
- Subchapter 9. Rehabilitation Teaching Services
 - Part 5. Services
 - 612:10-9-34.3. Other adaptive skills [REVOKED]
- Subchapter 13. Special Services for the Deaf and Hard of Hearing
 - Part 3. Certification of Interpreters
 - 612:10-13-22. Grievance procedures [AMENDED]
 - 612:10-13-23. Formal hearing [AMENDED]

SUMMARY:

Revisions to Chapter 10 consist of language revisions to comply with Workforce Innovation and Opportunity Act (WIOA).

AUTHORITY:

Commission for Rehabilitation Services; 74 O.S. § 166.2

COMMENT PERIOD:

Written and oral comments will be accepted December 2, 2021 through February 7, 2022 during regular business hours by contacting Tina Calloway, Rulemaking Liaison, Department of Rehabilitation Services, 3535 NW 58th Street, Suite 500, Oklahoma City, Oklahoma 73112, Telephone 405-951-3552 - Toll free 1-800-845-8476, tcalloway@okdrs.gov.

Notices of Rulemaking Intent

PUBLIC HEARING:

Monday, February 7, 2022

2:00 P.M. - 3:00 P.M.

Public Hearing for Administrative Rules

Department of Rehabilitation Services

3535 NW 58th Street, 2nd floor conference room

Oklahoma City, Oklahoma 73112

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Department of Rehabilitation Services (DRS) requests that business entities affected by these rules provide the DRS, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with 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.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from: the DRS Web Site www.okdrs.gov, by e-mail policycomment@okdrs.gov, by letter to the Policy Administration and Development Section, attention Tina Calloway, Department of Rehabilitation Services, 3535 N.W. 58th Street, Suite 500, Oklahoma City, Oklahoma 73112 or by calling (405) 951-3552 - Toll free 1-800-845-8476.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303 (D), a rule impact statement will be issued and made available after January 5, 2022, at the Department of Rehabilitation Services office at the above address.

CONTACT PERSON:

Tina Calloway, Rulemaking Liaison, (405) 951-3552

[OAR Docket #21-855; filed 12-2-21]

TITLE 612. STATE DEPARTMENT OF REHABILITATION SERVICES CHAPTER 25. BUSINESS ENTERPRISE PROGRAM

[OAR Docket #21-856]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 2. General Provisions

612:25-2-5. Definitions [AMENDED]

612:25-2-7. State and Federal Assurances Policy of non-discrimination [AMENDED]

612:25-2-8. Accessibility of written materials [AMENDED]

Subchapter 4. The State Licensing Agency

Part 1. Organization and General Operation Standards

612:25-4-1. Organization of the State Licensing Agency [AMENDED]

Part 3. Business Enterprise Program Training

612:25-4-14. Training for new or potential licensed managers [AMENDED]

Part 5. State Licensing Agency Responsibility for Business Enterprise Operations

612:25-4-25. Management of BEP equipment and fixtures [AMENDED]

612:25-4-27. Initial inventory and supplies [AMENDED]

Part 9. Assignment of Licensed Managers

612:25-4-53. Assignment, and transfer [AMENDED]

612:25-4-55. Qualifications [AMENDED]

612:25-4-57. Applicant Selection Committee [AMENDED]

612:25-4-58. Annual and Performance Evaluations [AMENDED]

612:25-4-59. Interview, Selection Process and Scoring [AMENDED]

612:25-4-61. Satellite business enterprise locations [AMENDED]

Part 11. Business Enterprise Program Auditing and Due Process

612:25-4-73. Due process [AMENDED]

612:25-4-75. Arbitration of complaints after the evidentiary hearing [AMENDED]

612:25-4-76. Arbitration of SLA complaints against federal agencies [AMENDED]

Subchapter 6. Licensed Managers and Business Enterprise Operation

Part 1. Licensed Managers

612:25-6-1. Licensing requirements for managing a business enterprise [AMENDED]

612:25-6-2. Standards for licensed managers [AMENDED]

612:25-6-2.1. Probation [AMENDED]

612:25-6-3. Grounds for suspension or termination of a license [AMENDED]

612:25-6-4. Use of service animals [AMENDED]

612:25-6-5. Motor vehicle operation [REVOKED]

Part 3. Business Enterprises

612:25-6-15. Setting aside of funds [AMENDED]

612:25-6-16. Criteria to establish a business enterprise [AMENDED]

612:25-6-18. Establishing ~~new~~ licensed managers in business enterprises [AMENDED]

612:25-6-19. Employees of the licensed manager [AMENDED]

612:25-6-20. Closing a business enterprise [AMENDED]

612:25-6-22. Monthly reports [AMENDED]

Part 5. The Elected Committee of Licensed Managers

612:25-6-32. The Elected Committee of Licensed Managers [AMENDED]

612:25-6-33. Organization and operation of the Elected Committee of Licensed Managers [AMENDED]

SUMMARY:

Due to state and federal audits, revision to the Business Enterprise Program rules must be made as well as updating language.

AUTHORITY:

Commission for Rehabilitation Services; 74 O.S. § 166.2

COMMENT PERIOD:

Written and oral comments will be accepted December 2, 2021 through February 7, 2022 during regular business hours by contacting Tina Calloway, Rulemaking Liaison, Department of Rehabilitation Services, 3535 NW 58th Street, Suite 500, Oklahoma City, Oklahoma 73112, Telephone 405-951-3552 - Toll free 1-800-845-8476, tcalloway@okdrs.gov.

PUBLIC HEARING:

Monday, February 7, 2022
2:00 P.M. - 3:00 P.M.

Public Hearing for Administrative Rules
Department of Rehabilitation Services
3535 NW 58th Street, 2nd floor conference room
Oklahoma City, Oklahoma 73112

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Department of Rehabilitation Services (DRS) requests that business entities affected by these rules provide the DRS, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with 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.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from: the DRS Web Site www.okdrs.gov, by e-mail policycomment@okdrs.gov, by letter to the Policy Administration and Development Section, attention Tina Calloway, Department of Rehabilitation Services, 3535 N.W. 58th Street, Suite 500, Oklahoma City, Oklahoma 73112 or by calling (405) 951-3552 - Toll free 1-800-845-8476.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303 (D), a rule impact statement will be issued and made available after January 5, 2022, at the Department of Rehabilitation Services office at the above address.

CONTACT PERSON:

Tina Calloway, Rulemaking Liaison, (405) 951-3552

[OAR Docket #21-856; filed 12-2-21]

**TITLE 655. SECRETARY OF STATE
CHAPTER 1. ADMINISTRATIVE
OPERATIONS**

[OAR Docket #21-867]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

655:1-1-5 [AMENDED]

655:1-1-6.1 [AMENDED]

655:1-1-8 [AMENDED]

655:1-1-9 [AMENDED]

655:1-1-16 [REVOKED]

SUMMARY:

Amendments to Chapter 1 of the Secretary of State's administrative rules [OAC 655:1] are proposed to remove outdated and unnecessary language, as required by Executive Order 2020-03, and provide current information regarding agency operations.

AUTHORITY:

Secretary of State; 75 O.S., Section 302; Executive Order 2020-03

COMMENT PERIOD:

Persons wishing to submit written comments must do so by February 2, 2022. Written comments should be submitted to Chris Coffman at 421 NW 13th St., Suite 210, Oklahoma City, OK 73103 (postal) or to chris.coffman@sos.ok.gov (email).

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 Chris Coffman at (405) 521-4911 or chris.coffman@sos.ok.gov no later than 5:00 p.m. on February 2, 2022.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the Secretary of State 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 Chris Coffman at the above address during the comment period.

COPIES OF PROPOSED RULES:

The proposed rules are available on the Secretary of State's website at <https://www.sos.ok.gov/home/rulesProposed.aspx>. Copies of the proposed rules may also be obtained by contacting Chris Coffman at 405-521-4911, chris.coffman@sos.ok.gov (email), or 421 NW 13th St., Suite 210, Oklahoma City, OK 73103 (postal).

RULE IMPACT STATEMENT:

As required by 75 O.S., Section 303(D), a rule impact statement has been prepared. The rule impact statement is available on the Secretary of State's website at <https://www.sos.ok.gov/home/rulesProposed.aspx>, or from Chris Coffman at 421 NW 13th St., Suite 210, Oklahoma City, OK 73103 (postal) or chris.coffman@sos.ok.gov (email).

CONTACT PERSON:

Chris Coffman, Rules Liaison, 405-521-4911 or chris.coffman@sos.ok.gov.

[OAR Docket #21-867; filed 12-8-21]

Notices of Rulemaking Intent

TITLE 655. SECRETARY OF STATE CHAPTER 10. ADMINISTRATIVE RULES ON RULEMAKING

[OAR Docket #21-868]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 10. Administrative Rules on Rulemaking
[AMENDED]

SUMMARY:

Amendments and additions to Chapter 10 of the Secretary of State's administrative rules [OAC 655:10] are proposed to implement changes made to the Administrative Procedures Act (APA) in SB 913 (2021). These include the following:

Provisions are added to implement the new expedited rule repeal process.

All references to omnibus resolutions as an option for legislative approval/disapproval of permanent rules have been removed from the rules, as this option was eliminated in the legislation.

Provisions related to Governor's Declarations have been amended to reflect changes in the legislation.

Provisions are added or amended to include the requirement to file proposed rules with the newly-created Joint Committee on Administrative Rules.

Outdated provisions related to filing paper copies of documents with the Office of Administrative Rules (OAR) have been amended to require email filings, or web transmissions when available.

The requirement to email notices of rulemaking intent and proposed rules to the agency's cabinet secretary and the Governor, as set forth in EO 2019-11, has been added to the rules, to reflect the Legislature's codification of this requirement in the APA.

Statutory references in the rules are updated to reflect amendments made to the APA in the legislation.

Cross references in the rules are updated to reflect other amendments made in the proposed rules.

These permanent rules will supersede the emergency rules that were approved by the Governor on September 10, 2021.

AUTHORITY:

Secretary of State; 75 O.S., Sections 250 et seq; SB 913 (2021)

COMMENT PERIOD:

Persons wishing to submit written comments must do so by February 2, 2022. Written comments should be submitted to Chris Coffman at 421 NW 13th St., Suite 210, Oklahoma City, OK 73103 (postal) or to chris.coffman@sos.ok.gov (email).

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 Chris Coffman at (405) 521-4911 or chris.coffman@sos.ok.gov no later than 5:00 p.m. on February 2, 2022.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the Secretary of State 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 Chris Coffman at the above address during the comment period.

COPIES OF PROPOSED RULES:

The proposed rules are available on the Secretary of State's website at <https://www.sos.ok.gov/home/rulesProposed.aspx>. Copies of the proposed rules may also be obtained by contacting Chris Coffman at 405-521-4911, chris.coffman@sos.ok.gov (email), or 421 NW 13th St., Suite 210, Oklahoma City, OK 73103 (postal).

RULE IMPACT STATEMENT:

As required by 75 O.S., Section 303(D), a rule impact statement has been prepared. The rule impact statement is available on the Secretary of State's website at <https://www.sos.ok.gov/home/rulesProposed.aspx>, or from Chris Coffman at 421 NW 13th St., Suite 210, Oklahoma City, OK 73103 (postal) or chris.coffman@sos.ok.gov (email).

CONTACT PERSON:

Chris Coffman, Rules Liaison, 405-521-4911 or chris.coffman@sos.ok.gov.

[OAR Docket #21-868; filed 12-8-21]

TITLE 655. SECRETARY OF STATE CHAPTER 15. CENTRAL FILING SYSTEM FOR AGRICULTURAL LIENS

[OAR Docket #21-869]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

655:15-1-4 [AMENDED]

655:15-1-6 [AMENDED]

655:15-1-12 [AMENDED]

Subchapter 3. Effective Financing Statement (EFS)

655:15-3-2 [AMENDED]

Subchapter 5. Master List and Buyer Registration

655:15-5-2 [AMENDED]

Subchapter 7. Disclosure of Information

655:15-7-1 [AMENDED]

SUMMARY:

Amendments to Chapter 15 of the Secretary of State's administrative rules [OAC 655:15] are proposed to remove outdated and unnecessary language, as required by Executive Order 2020-03, and provide current information regarding division operations.

Amendments to 655:15-1-4 update language to include existing fee required under 28 O.S., § 111.

Amendments to 655:15-1-6 remove outdated language regarding Effective Financing Statements (EFS) forms. EFS forms are provided through the Secretary of State's Website.

Amendments to 655:15-1-12 remove outdated language regarding product code availability from third party companies. Current product codes are available from the Secretary of State's website.

Amendments to 655:15-3-2 update an outdated statutory citation.

Amendments to 655:15-5-2 remove outdated language that is no longer included in Buyer Registration forms.

Amendments to 655:15-7-1 remove outdated language regarding confirmation of records being requested via fax.

AUTHORITY:

Secretary of State; 12A O.S., § 1-9-320.6; Executive Order 2020-03

COMMENT PERIOD:

Persons wishing to submit written comments must do so by February 2, 2022. Written comments should be submitted to Chris Coffman at 421 NW 13th St., Suite 210, Oklahoma City, OK 73103 (postal) or to chris.coffman@sos.ok.gov (email).

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 Chris Coffman at (405) 521-4911 or chris.coffman@sos.ok.gov no later than 5:00 p.m. on February 2, 2022.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the Secretary of State 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 Chris Coffman at the above address during the comment period.

COPIES OF PROPOSED RULES:

The proposed rules are available on the Secretary of State's website at <https://www.sos.ok.gov/home/rulesProposed.aspx>. Copies of the proposed rules may also be obtained by contacting Chris Coffman at 405-521-4911, chris.coffman@sos.ok.gov (email), or 421 NW 13th St., Suite 210, Oklahoma City, OK 73103 (postal).

RULE IMPACT STATEMENT:

As required by 75 O.S., Section 303(D), a rule impact statement has been prepared. The rule impact statement is available on the Secretary of State's website at <https://www.sos.ok.gov/home/rulesProposed.aspx>, or from Chris Coffman at 421 NW 13th St., Suite 210, Oklahoma City, OK 73103 (postal) or chris.coffman@sos.ok.gov (email).

CONTACT PERSON:

Chris Coffman, Rules Liaison, 405-521-4911 or chris.coffman@sos.ok.gov.

[OAR Docket #21-869; filed 12-8-21]

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 150. OKLAHOMA DEPARTMENT OF COMMERCE CHAPTER 155. OKLAHOMA SUPPLIER DIVERSITY INITIATIVE

[OAR Docket #21-857]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

- 150:155-1-1. Purpose and authority [NEW]
- 150:155-1-2. Definitions [NEW]
- 150:155-1-3. Eligible entities [NEW]
- 150:155-1-4. Applications; contents [NEW]
- 150:155-1-5. Length of certification; renewal and revocation [NEW]
- 150:155-1-6. Administrative hearings [NEW]
- 150:155-1-7. Additional information; on-site inspections [NEW]
- 150:155-1-8. List of certified entities [NEW]

AUTHORITY:

74 O.S. §85.45j.11; The legislation establishing the Oklahoma Department of Commerce 74 O.S. §5001 et. seq.

ADOPTION:

November 1, 2021

EFFECTIVE:

Immediately upon Governor's approval

APPROVED BY GOVERNOR:

November 30, 2021

EXPIRATION:

Effective through September 14, 2022, unless superseded by another rule or disapproved by the Legislature

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

FINDING OF EMERGENCY:

This rule is necessary because a compelling public interest requires an emergency rule and imminent peril exists to the preservation of public welfare. Adoption of these rules provides the mechanism for diverse business enterprises to register with the Oklahoma Department of Commerce as a Diverse Business Enterprise. This allows these Oklahoma businesses to become more visible for economic opportunities involving state and private contracting opportunities. As this is a new program, if these emergency rules were not enacted, Oklahoma businesses could not take advantage of this new statutory program until permanent rules were enacted in the Spring of 2022.

GIST/ANALYSIS:

This action establishes the application process for the Oklahoma Supplier Diversity Initiative located at 74 O.S. §85.45j.11. It also clarifies criteria for participation in the program.

CONTACT PERSON:

B. Joshua McGoldrick, General Counsel and Chief of Staff, Oklahoma Department of Commerce, 900 N. Stiles Avenue, Oklahoma City, OK, 73104, 405-815-5153, josh.mcgoldrick@okcommerce.gov

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

150:155-1-1. Purpose and authority

(a) These rules implement the Oklahoma Supplier Diversity Initiative as set forth in Section 85.45j.11 of Title 74 of the Oklahoma Statutes.

(b) The Oklahoma Department of Commerce has the authority to qualify and certify diverse business enterprises for the State.

150:155-1-2. Definitions

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

"African American" means a US Citizen or lawful resident who has origins in any of the African racial groups of Africa.

"Asian American" means a US Citizen or lawful resident whose heritage is from Asia or the Indian subcontinent including, but not limited to Japan, China, Taiwan, Korea, Burma, Vietnam, Laos, Cambodia, Thailand, Malaysia, Indonesia, the Philippines, Brunei, Samoa, Guam, The U.S. Trust Territories of the Pacific Islands, The Commonwealth of the Northern Mariana Islands, Macao, Fiji, Tonga, Kiribati, Juvalu, Nauru, Federated States of Micronesia, Hong Kong, India, Pakistan or Bangladesh.

"Controlled" means having a sufficient amount of voting shares of a company to make all business decisions.

"Department" means the Oklahoma Department of Commerce

"Hispanic American" means a US Citizen or lawful resident of Spanish Heritage from any of the following countries or regions: Mexico, Puerto Rico, Cuba, Central or South America.

"Military veteran" means a US Citizen or lawful resident who has either served in the active military, naval or air service

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and who has been discharged in a manner other than dishonorably or a US Citizen or lawful resident who served in the National Guard and has been deployed on federal active-duty orders for at least 180 days and who has been discharged in a manner other than dishonorably.

"Native American" means a US Citizen or lawful resident who has a blood degree from and is recognized as an enrolled citizen of a federally recognized tribe and/or who has a Certificate of Degree of Indian Blood (CDIB) issued by the United States Bureau of Indian Affairs.

"Oklahoma owned" means that at least fifty one percent (51%) of the ownership group maintains a primary residence in the State of Oklahoma and have filed personal state income tax returns for the previous two years.

"Racial minority" means a citizen of the United States or other lawful resident who is African American, Hispanic American, or Asian American.

150:155-1-3. Eligible entities

To be certified by the Department as a Diverse Business Enterprise, a business will meet all of the following criteria:

- (1) Have less than Five Hundred (500) total employees.
- (2) Have an annual revenue equal to or less than Twenty-Five Million Dollars (\$25,000,000).
- (3) Be Oklahoma Owned and Operated.
- (4) Be registered to do business with the Oklahoma Secretary of State, if applicable.
- (5) Not be a publicly traded company.
- (6) Meet one or more of the following criteria:

(A) Certified by the United States Small Business Administration as one or more of the following types of entities:

- (i) Woman-Owned Small Business
- (ii) Minority-Business Enterprise
- (iii) Small Disadvantaged Business
- (iv) Service-disabled Veteran-Owned Small Business
- (v) HUBZone Small Business Concern
- (vi) 8(a) Business Development Program member.

(B) Fifty-one percent (51%) or more owned and controlled by a member of one of the following diverse groups:

- (i) Native Americans,
- (ii) United States Military Veterans,
- (iii) Women,
- (iv) Racial Minorities.

(C) An Oklahoma Department of Transportation Disadvantaged Business Enterprise.

150:155-1-4. Applications; contents

(a) Any business seeking certification as a Diverse Business Enterprise may submit an application to the Department on forms or otherwise in a format furnished by the Department.

(b) The application may request the following information:

- (1) A complete business history of the enterprise. This may include, as applicable, copies of organizational

documents such as the minutes of the first organizational meeting, partnership agreements, articles of incorporation, stock certificates and corporate bylaws or business statement of sole proprietor.

(2) A listing of all principals and the percentages of ownerships and resumes of all principals, key managers and key personnel.

(3) Current financial statements of the business, latest business income tax returns, proof of investment by principals, bank resolution on all company accounts, loan agreements, lease/rental agreements and other information as may be necessary to verify control or ownership.

(4) Any additional information reasonably necessary for the Department to determine whether the business qualifies for certification under the rules of this chapter.

(c) As part of the application, the Department may demand that an applicant to provide any documentation the Department deems reasonable to determine if a business is an Eligible Entity.

(d) Along with the application form, applicants will include photocopies of all necessary documentation as well as a signed, notarized affidavit stating that the business is an Eligible Entity.

(e) Incomplete or improperly completed applications may be returned to the applicant without further consideration.

(f) Within a reasonable time of having received a qualifying application and all supporting documents, the Department may issue a letter to a qualifying company notifying them that they are certified as a Diverse Business Enterprise and informing them of the length of their certification.

150:155-1-5. Length of certification; renewal and revocation

(a) The Department will certify a business which meets the eligibility criteria of this chapter as a Diverse Business Enterprise. This certification will remain in place for up to five (5) years unless any one or more of the following conditions occur:

(1) There is a change in ownership or daily management to persons other than those upon whom certification was based.

(2) The business has a change in yearly revenues or number of employees that exceeds the size limitations for Eligible Entities.

(3) The business ceases to exist as an independent operation.

(4) There is a change which, had it occurred before certification, would have prevented the business from being certified by the Department.

(b) If a business has an event that causes them to no longer meet the criteria of an Eligible Entity, they are to notify the Department in writing of this change in status and relinquish their certification within thirty (30) days of the event. The business may reapply for certification at any time, should they once again become an Eligible Entity.

(c) Renewal of Certification

(1) Prior to expiration of the certification, if an entity has experienced no change in ownership and otherwise meets all criteria of an Eligible Entity, the Eligible Entity

may submit an affidavit confirming that no changes affecting ownership or the Eligible Entity's ability to meet the program's qualifications have occurred.

(2) If an Eligible Entity has experienced a change in ownership, but still meets the criteria of an Eligible Entity, the Entity may submit a renewal application to the Department along with any documentation requested by the Department if they seek to remain in the program.

(3) If the affidavit or renewal application is approved, the certification of the business may be extended for up to five years from the date the certification was set to expire.

(4) The affidavit form and/or renewal application to be submitted to the Department will be made available to businesses by the Department upon request or otherwise through the Department website.

(d) Expiration of Certification

(1) If the Department has not received an affidavit or renewal application from the business affirming that the business still meets the criteria of an Eligible Entity along with all requested documentation prior to expiration of their current certification, the business will no longer be certified as a Diverse Business Enterprise.

(2) If the affidavit or renewal application is received from the business by the Department prior to expiration of the certification, the Department may grant an extension to the business to provide documentation establishing that the business is still an Eligible Entity.

(3) The Department will notify the Office of Management and Enterprise Services (OMES) of any business whose certification has expired.

(e) Revocation of Certification

(1) A business may have its certification revoked if the business does not meet the criteria of an Eligible Entity as set forth in these rules or by statute.

(2) The Department will send a letter to the business at the address on the Business's application notifying the business that they are having their certification revoked at least thirty (30) days before the revocation is effective.

(3) A business may object to revocation of their certification by mailing a written objection to the Department via certified mail at least ten (10) days prior to the effective date of the revocation. If this letter is not received by the Department prior to the date of revocation, the certification will be revoked.

(4) The Department will notify OMES of any business whose certification is revoked.

(f) A business that has its certification revoked or whose certification expires may reapply for certification whenever that business becomes eligible for certification as an Eligible Entity.

150:155-1-6. Administrative hearings

(a) Any applicant who believes that it has been aggrieved by the denial of a request for certification by the Department may request an administrative hearing pursuant to the provisions regarding Individual Proceedings found in 150:1-11-1 et. seq. of the Department's General Rules of Practice and Procedures.

(b) Any business that loses certification through revocation who timely mails or delivers a notice of objection to the Department as set forth within these rules will be presented an opportunity for hearing pursuant to 150:1-15-1 et. seq. of the Department's General Rules of Practice and Procedures.

150:155-1-7. Additional information; on-site inspections

(a) The Department may request additional information from program applicants or participants as deemed reasonably necessary by the Department at any time. Failure to provide such information may be grounds for denial of certification or revocation of certification.

(b) The Department may conduct on-site evaluations as deemed necessary by the Department.

150:155-1-8. List of certified entities

The Department will compile a list of all entities certified through the Diversity Initiative and will provide this list to the Central Purchasing Division of the Office of Management and Enterprise Services, or any successor entity, within a reasonable time.

[OAR Docket #21-857; filed 12-2-21]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 681. MEDICAL MARIJUANA REGULATIONS

[OAR Docket #21-858]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

- Subchapter 1. General Provisions
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]
Subchapter 2. Medical Marijuana Licenses
310:681-2-3 [AMENDED]
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]
310:681-3-4 [AMENDED]
310:681-3-6 [AMENDED]
Subchapter 4. Research Facilities and Education Facilities
310:681-4-2 [AMENDED]
310:681-4-3 [AMENDED]
310:681-4-4 [AMENDED]
310:681-4-5 [AMENDED]
Subchapter 5. Medical Marijuana Businesses
310:681-5-1.1 [AMENDED]
310:681-5-2 [AMENDED]
310:681-5-2.1 [NEW]
310:681-5-3 [AMENDED]
310:681-5-3.1 [AMENDED]
310:681-5-3.2 [AMENDED]

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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]
Subchapter 7. Packaging, Labeling, and Advertising
310:681-7-1 [AMENDED]
Subchapter 8. Laboratory Testing
310:681-8-1 [AMENDED]
310:681-8-2 [AMENDED]
310:681-8-3 [AMENDED]
Subchapter 9. Waste Disposal Facilities
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]
310:681-9-7 [AMENDED]
Appendix C [REVOKED]
Appendix C [NEW]
Appendix D [NEW]
Appendix E [NEW]

AUTHORITY:

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

ADOPTION:

October 25, 2021

EFFECTIVE:

Immediately upon Governor's approval

APPROVED BY GOVERNOR:

November 23, 2021

EXPIRATION:

Effective through September 14, 2022, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

Superseded rules:

Subchapter 1. General Provisions
310:681-1-4 [AMENDED]
Subchapter 2. Medical Marijuana Licenses
310:681-2-3 [AMENDED]
Subchapter 3. Transporter License
310:681-3-1 [AMENDED]
310:681-3-6 [AMENDED]
Subchapter 4. Research Facilities and Education Facilities
310:681-4-2 [AMENDED]
310:681-4-5 [AMENDED]
Subchapter 5. Medical Marijuana Businesses
310:681-5-1.1 [AMENDED]
310:681-5-2 [AMENDED]
310:691-5-2.1 [NEW]
310:681-5-3 [AMENDED]
310:681-5-4 [AMENDED]
310:681-5-4.1 [NEW]
310:681-5-6 [AMENDED]
310:681-5-11 [NEW]
310:681-5-18 [AMENDED]
Subchapter 7. Packaging, Labeling, and Advertising
310:681-7-1 [AMENDED]
Subchapter 8. Laboratory Testing
310:681-8-3 [AMENDED]
Subchapter 9. Waste Disposal Facilities
310:681-9-1 [AMENDED]
310:681-9-2 [AMENDED]
310:681-9-3 [AMENDED]
310:681-9-7 [AMENDED]

Gubernatorial approval:

September 16, 2021

Register publication:

39 Ok Reg 63

Docket number:

21-731

INCORPORATIONS BY REFERENCE:

n/a

FINDING OF EMERGENCY:

The proposed emergency rules implement legislative changes mandated by SB 1033, HB 2646 and HB 2272. Permanent rules implementing the requirements set forth in SB 1033, HB 2646 and HB 2272 cannot be promulgated until 2022.

GIST/ANALYSIS:

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):

OAC 310:681-1-2. Regulatory program established

Subsection (d): Revises the address of the Oklahoma State Department of Health

OAC 310:681-1-4. Definitions

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

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

Revises definition of "dispose" or "disposal."

Adds definition of "error in measurement."

Adds definition of "error in measurement allowance."

Adds definition of "final product" or "final medical marijuana product".

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

Revises definition of "grower" or "commercial grower" to reflect changes made in 63 O.S. § 422.

Revises definition of "harvest batch."

Adds definition of "hazardous medical marijuana processor license."

Adds definition of "infused pre-roll."

Adds definition of "integration" or "integrated." Revises definition of "inventory tracking system" to reflect the changes made in 63 O.S. § 427.2.

Adds definition of "kief."

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

Adds definition of "material change."

Revises definition of "medical marijuana waste."

Adds definition of "nonhazardous medical marijuana processor license."

Adds definition of "noninfused pre-roll."

Adds definition of "nonliquid medical marijuana product."

Adds definition of "nonoperational."

Adds definition of "openly in existence."

Revises definition of "private school" to reflect changes made in 63 O.S. § 427.2.

Revises definition of "processor" or "commercial processor" to reflect changes made in 63 O.S. § 423.

Adds definition of "publicly traded company."

Revises definition of "public school" to reflect changes made in 63 O.S. § 427.2.

Revises definition of "registered to conduct business" to reflect changes made in 63 O.S. § 427.2.

Revises definition of "remediation" to be consistent with the definition in 63 O.S. § 427.2.

Adds definition of "RFID."

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

Revises definition of "strain" to be consistent with the definition in 63 O.S. § 427.2.

Revises definition of "transporter" or "commercial transporter" to reflect changes made in 63 O.S. §§ 427.2 and 427.16.

Revises definition of "transporter agent" to reflect changes made in 63 O.S. §§ 427.2 and 427.16.

Revises "transporter license" to reflect changes made in 63 O.S. §§ 427.2 and 427.16.

Adds definition of "wholesale package."

Adds definition of "working towards operational status."

OAC 310:681-1-6. Proof of residency

Subsection (a)(3): Removes "an Oklahoma voter identification card" as an acceptable form of proof to show Oklahoma residency for a patient license to be consistent with the acceptable residency documents for commercial licensees set forth in 63 O.S. § 427.14(E)(11) and OAC 310:681-5-3.1.

OAC 310:681-1-7. Proof of identity

Subsection (b)(1): Removes language requiring commercial license applicants submit the back of a driver's license for proof of identity documentation.

Subsection (b)(2): Removes language requiring commercial license applicants submit the back of an identification card for proof of identity documentation.

OAC 310:681-1-9.1. Recommending physician standards

Subsection (a): Replaces "their licensure board" with "the State Board of Medical Licensure and Supervision or the State Board of Osteopathic Examiners" to be consistent with 63 O.S. § 420(M).

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

Subsection (d)(1): Removes language referring to a physician as Board Certified.

Subsection (e)(2): Adds language prohibiting caregivers from charging the patient licensee amounts in excess of the actual costs incurred in cultivating medical marijuana pursuant to 63 O.S. § 420(K).

OAC 310:681-2-5. Term and renewal of medical marijuana patient and caregiver licenses

Subsection (i)(1): Adds new language making a patient license "immediately null and void without the right to an individual proceeding" when the recommendation is terminated by the recommending physician pursuant to 63 O.S. § 427.10(E).

Subsection (i)(4): Removes language requiring notice and a right to a hearing for patients that have had their recommendation terminated by the recommending physician to be in accordance with 63 O.S. § 427.10(E).

Subsection (k): Creates new requirement that a patient will be charged a fee of \$20.00 for a license reprint pursuant to 63 O.S. § 420(D).

OAC 310:681-2-8. Possession Limits

Subsection (a)(3): Clarifies that a patient license holder may legally possess "six marijuana plants and the harvested marijuana therefrom" in accordance with 63 O.S. § 420(A).

Subsection (a)(8): Adds new language allowing a patient license holder to legally possess "seventy-two (72) ounces of topical marijuana" in accordance with 63 O.S. § 420(A).

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

Subsection (a): Adds language providing that transporter licenses will also be issued to laboratory, research facility, or education facility licensees.

Subsection (d): Adds new language requiring a commercial transporter's warehouse location to be inspected and approved by the Department prior to its use pursuant to 63 O.S. § 426.16(I).

Subsection (d) and (e): Renumbered subsection (d) and (e) to be (e) and (f), respectively.

OAC 310:681-3-2. Requirements for transportation of marijuana

Subsection (a): Adds language excepting lawful transfers between medical marijuana businesses located at the same physical address from the transportation requirements outlined in OAC 310:681-3-2(a)(1)-(2) pursuant to 63 O.S. § 427.16(J).

Subsection (d): Adds language requiring transportation agents of laboratories, research facilities, and education facilities to carry a copy of the business licensee's transportation license when transporting medical marijuana.

OAC 310:681-3-3. Transporter agent license

Subsection (a): Adds language to include agents, employees, officers, or owners of a laboratory, research facility, or education facility as persons qualified to be issued a transport agent license.

Subsection (d)(4): Adds language to include laboratories, research facilities, or education facilities as an employer that may submit an employment verification form for a transporter agent application.

Subsection (e): Adds language to include that a transporter agent license shall not last beyond the expiration, surrender, or revocation of a laboratory, research facility, or education facility license.

Subsection (g): Creates new requirement that a transporter agent will be charged a fee of \$20.00 for a license reprint pursuant to 63 O.S. § 427.16(M).

OAC 310:681-3-4. Employer deactivation of transporter agent license

Subsection (a): Adds language requiring a laboratory, research facility, or education facility to notify the Department within fourteen (14) days when a transporter agent ceases to work as a transporter.

Subsection (b): Adds language directing that a laboratory, research facility, or education facility is responsible for destroying or returning a deactivated transporter agent license.

OAC 310:681-3-6. Inventory manifests

Subsection (a): Replaces "an electronic inventory management system" with "the State inventory tracking system in accordance with OAC 310:681-5-6(d)." Replaces "inventory" with "shipping." Adds language that requires dispensaries, laboratories, research facilities, and education facilities to create and maintain shipping manifests.

Subsection (b)(1)(B) and (F): Adds language requiring a laboratory, research facility, or education facility to be on an inventory manifest left with the originating licensee or notate an inventory manifest left with the originating licensee if the laboratory, research facility, or education facility is transporting or authorized the transport.

Subsection (b)(2)(C): Adds language requiring a laboratory, research facility, or education facility to be on an inventory manifest left with the

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receiving licensee if the laboratory, research facility, or education facility transporting the medical marijuana is not the originating licensee.

Subsection (d): Adds language requiring dispensaries, laboratories, research facilities, and education facilities to maintain copies of inventory manifests.

Subsection (f): Replaces "three (3)" years with "seven (7)" years for the amount of time originating and receiving licensees shall maintain inventory manifests pursuant to 63 O.S. § 427.16(U).

Subsection (g)(1)-(2): Adds language specifying when an inventory manifest can be altered after departing the originating licensee.

Subsection (i): Removes language regarding documentation requirements when medical marijuana is refused by a receiving licensee as this language was added in subsection (g).

OAC 310:681-4-2. Licenses

Subsection (c)(2): Adds that no new certificate of compliance is necessary during submission of a renewal application unless there is a change in use or occupancy, or a change that would require additional inspection, licensure, or permitting pursuant to 63 O.S. § 426.1(E).

Subsection (c)(6) Adds new language allowing a commercial licensee to renew an expired license that is less than ninety (90) days expired for a fee of \$500.00 pursuant to 63 O.S. § 427.14(N).

Subsection (e)(2): Clarifies that a licensee shall obtain Department approval prior to making a "material change" and adds language creating a fee of \$500.00 for a material change request pursuant to 63 O.S. § 427.3(D).

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

OAC 310:681-4-3. Applications

Subsection (h): Adds 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 application shall be denied pursuant to 63 O.S. § 427.14(G).

OAC 310:681-4-4. Inspections

Subsection (b): Adds language permitting the Department to perform on-site inspections to ensure qualifications for licensure pursuant to 63 O.S. § 427.6(B).

Subsection (d): Adds language permitting the Department to share confidential information about non-patient licensees with other agencies pursuant to 63 O.S. § 427.22(G).

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

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)(2): Adds language requiring transportation, sampling, and sample field log documentation to be retained by research and education facilities for seven (7) years.

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 (c)(2): Adds that no new certificate of compliance is necessary during submission of a renewal application unless there is a change in use or occupancy, or a change that would require additional inspection, licensure, or permitting pursuant to 63 O.S. § 426.1(E).

Subsection (c)(5): Adds new language allowing a commercial licensee to renew an expired license that is less than ninety (90) days expired for a fee of \$500.00 pursuant to 63 O.S. § 427.14(N).

Subsection (d): removes the 30 day liquidation period and clarifies that a business licensee that did not liquidate shall dispose of medical marijuana and medical marijuana products in accordance with OAC 310:681-5-10.

Subsection (e)(2): Clarifies that a licensee shall obtain Department approval prior to making a "material change" and adds language creating a fee of \$500 for a material change request pursuant to 63 O.S. § 427.3(D).

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 dispensary and a school pursuant to 63 O.S. § 425(G).

Subsection (e)(8): Clarifies that a certificate of compliance may not be necessary for certain applications pursuant to 426.1(E).

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.

Subsection (e)(11)-(12): Adds new language that a list of chemicals and safety data sheets for each chemical used by a processor may be required during the application process.

Subsection (f): Adds language that a resubmitted application with errors not clerical or typographical in nature shall be denied pursuant to 63 O.S. § 427.14(G).

OAC 310:681-5-3.1. Proof of residency for commercial licenses

Subsection (b)(3): Removes language that allowed commercial license applicants to submit an identification card for proof of residency documentation.

OAC 310:681-5-3.2. Persons prohibited from holding a commercial license

Subsection (a)(7)(A)-(H): Adds new language prohibiting a commercial license from being issued to or held by a person involved in a separate commercial license that was revoked, not-renewed, or surrendered after disciplinary proceedings pursuant to 63 O.S. § 427.14(H)(8).

OAC 310:681-5-4. Inspections

Subsection (b): Adds language permitting the Department to perform on-site inspections to ensure qualifications for licensure pursuant to 63 O.S. § 427.6(B).

Subsection (c): Adds language permitting the Department to conduct up to two laboratory site visits per year after licensure.

Subsection (d): Adds new language requiring the Department to conduct one on-site inspection of each warehouse before granting a transporter license.

Subsection (e): Removes language only permitting the Department to conduct unannounced inspections to prevent destruction of evidence.

Subsection (g): Adds language permitting the Department to share confidential information about non-patient licensees with other agencies pursuant to 63 O.S. § 427.22(G).

Subsection (h): Removes language requiring twenty-four hour notice before the Department reviews records of a licensee so a licensee may secure legal representation pursuant to 63 O.S. § 427.6(B).

Subsection (j): Adds language permitting the Department to suspend or revoke a license for failure to pay any fine or monetary penalty assessed by the Department pursuant to 63 O.S. § 427.6(G).

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)(2): Adds language requiring processor safety data sheets and chemical inventory lists to be retained by a processor for seven (7) years.

Subsection (b)(6): Adds new language requiring commercial licensees to keep documentation about specifications of the licensed premises, what is inside the licensed premises, information about employees, employment manuals, and standard operating procedures readily available on the licensed premises and maintain such documentation for seven (7) years pursuant to 63 O.S. § 427.3(D).

Subsection (c): Removes language permitting a commercial licensee to only retain private patient information for sixty (60) days and adds new language requiring the retention of private patient information to comply with relevant state and federal laws.

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 310:681-5-6.1. Penalties

Subsection (g)(1)-(2): Adds new language permitting the Department to serve a written order imposing disciplinary action on a licensee after thirty (30) days written notice of such violation and that the order becomes final if a hearing is not requested by the licensee within thirty (30) days of the licensee being served with the order pursuant to 63 O.S. § 427.6(K).

Subsection (h): Adds new language permitting the Department to issue an order requiring a licensee to take a specific action without notice of a hearing in order to protect the health or welfare of the public in an emergency situation. Adds new language that the Department may order a commercial licensee in an emergency situation to cease and desist operation and that the Department may assess a penalty not to exceed ten thousand dollars (\$10,000.00) per day for noncompliance. Adds new language that a hearing shall be offered within ten (10) days of issuance of the order if requested.

OAC 310:681-5-8. Composition of medical marijuana advisory council

Subsection (a): Removes "Food Safety Standards Board" and replaces it with the "Medical Marijuana Advisory Council." Adds new language permitting the Department to appoint up to eight additional members to the Council.

Subsection (b): Adds new language clarifying that the "Board" refers to the Medical Marijuana Advisory Council.

OAC 310:681-5-8.1. Food safety standards for processors

Subsection (d): Removes "Food Safety Standards Board" and replaces it with the "Medical Marijuana Advisory Council." Adds new language permitting the Medical Marijuana Advisory Council to recommend rules relating to the safe cultivation and manufacturing of medical marijuana products.

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

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 310:681-5-12. Marijuana transaction limitations

Subsection (a): Clarifies that three (3) ounces means eighty-four and nine-tenths (84.9) grams, one (1) ounce means twenty-eight and three-tenths (28.3) grams, and seventy-two (72) ounces means two thousand thirty-seven and six-tenths (2,037.6) grams.

OAC 310:681-5-14. Handling of medical marijuana by dispensary.

Subsection (a)-(b): Adds new language requiring marijuana displayed for smelling and handling by patients and caregivers to be contained in separate containers of no more than three (3) grams each. Adds new language that the sample containers be kept separate from the marijuana to be sold to patients and caregivers and that the sample containers are labeled to include the strain and batch number of the sample in the jar, the license number of the grower of the marijuana in the jar, and a statement indicating the marijuana in the jar is a sample not for sale.

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.

Subsection (n): Adds new language prohibiting growers and dispensaries from making or packaging infused pre-rolls.

Subsection (o): Adds new language prohibiting growers and dispensaries from making or packaging, pre-rolls exceeding one (1) gram.

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

Subsection (e)(1)(A): Adds a "dispensary" as a commercial licensee that may be required to be listed on a label as a transferring licensee.

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

OAC 310:681-8-1. Testing standards and thresholds

Subsection (a): Changes required testing of terpenoid "potency" to terpenoid "type and concentration."

Subsection (b)(1): Changes harvest batch size from "ten (10)" to "fifteen (15)" pounds and adds new language creating an exception allowing for a "fifty (50)" pound harvest batch if the plant material will be produced into a concentrate. Adds new language that a production batch of liquid marijuana concentrate is "four (4)" liters and a production batch of nonliquid marijuana products is "nine (9)" pounds, as well as 1000 mg of THC for final medical marijuana products.

Subsection (d)(1): Clarifies that growers may transfer a harvest batch that has failed testing to a processor for decontamination or remediation and once remediated or decontaminated, the marijuana may only be returned to the originating grower.

Subsection (d)(3): Adds new language prohibiting a dispensary from transferring medical marijuana or medical marijuana products that have not passed all tests.

Subsection (e): Clarifies the demand of the Department for a commercial business to submit a sample to a laboratory should occur when the Department has reason to believe the marijuana is unsafe for consumption, unsafe for inhalation, or has not been tested according to law. Removes language making the licensee responsible for the cost of testing. Adds language permitting the Department to require submission of samples for quality assurance purposes up to twice per year.

Subsection (g)(1)(A)-(F): Adds new embargo language requiring cooperation and tracking by any licensee(s) in possession of or that has had possession of marijuana or a marijuana product that exceeds allowable testing thresholds, is poisonous or deleterious to health, or the marijuana or marijuana product is in violation of laws and regulations. Adds language requiring recall of transferred medical marijuana or medical marijuana that was embargoed.

Subsection (g)(2)(A)-(D): Adds new language requiring medical marijuana or medical marijuana products that are subject to embargo, or a derivative of such, or that otherwise fail to meet testing standards to be recalled. Adds new language prohibiting the sale or transfer of medical marijuana and medical marijuana products. Adds new language requiring commercial licensees

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in possession of or that have had possession of the recalled marijuana or marijuana product to participate in the recall and provide steps of what assistance is required. Adds language requiring the licensee where the harvest or production batch originated to cover the cost of waste disposal. Adds language that provides for disciplinary action for failure to comply with a recall.

Subsection (h)(5): Removes requirement that commercial licensees retain copies of COAs for "two (2)" years and replaces it with a retention requirement of "seven (7)" years.

Subsection (h)(8): Adds new language making submission of a COA into the State's inventory tracking system sufficient compliance with the requirement of reporting and maintaining records.

Subsection (i)(6): Removes requirement that growers and processors test batch samples for terpenoid "potency" and replaces with the requirement to test for terpenoid "type and concentration."

Subsection (l)(2): Adds language permitting a grower to transfer a harvest batch that has failed microbial testing to a processor for decontamination.

Subsection (s)(1)(A): Adds new language requiring medical marijuana from multiple harvest batches to be used for noninfused pre-rolls to be homogenized into a new batch and tested as a harvest batch under OAC 310:681-8-1(I).

Subsection (s)(1)(B): Adds new language requiring noninfused pre-rolls created from flower, shake, or trim from a single harvest batch that has passed full compliance testing to be additionally tested for heavy metals, filth and contaminants, and potency.

Subsection (s)(2): Adds new language allowing grower and processors to collect kief and requires kief collected from multiple harvest batches to be homogenized as a new batch not exceeding fifteen (15) pounds and tested under OAC 310:681-8-1(I).

OAC 310:681-8-2. General operating requirements and procedures

Subsection (a): Removes language requiring a laboratory license applicant to be accredited by "ANSI/ASQ National Accreditation Board, American Association for Laboratory Accreditation (A2LA), Perry Johnson Laboratory Accreditation (PJLA), or any other accrediting entity using the ISO/IEC Standard 17025" and replaces it with the requirement that a laboratory license applicant be accredited "by any accrediting entity approved by the Department and subscribing to the International Laboratory Accreditation Cooperation ("ILAC")" and that the accreditation must be in "both chemistry and biology, or cannabis." Adds new language making renewal of a license contingent upon maintaining accreditation.

Subsection (c)(1)-(2) and (6): Removes language referring to "proficiency testing" and replaces it with "external quality control."

Subsection (d): Removes language prohibiting a person who is an "indirect beneficial owner" of a dispensary, grower, or processor from owning a licensed laboratory. Adds language prohibiting a laboratory from testing samples of a business when an owner, employee, or agent of the laboratory has any form of ownership or financial interest in the business requesting the test.

Subsection (h)(1): Removes the "two (2)" year requirement that a laboratory retain raw data, documentation, protocols, and final reports from all analysis for and replaces it with "seven (7)" years.

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

Subsection (a)(12): Removes the "two (2)" year requirement that licensees retain documentation and replaces it with "seven (7)" years.

Subsection (b)(3)-(4): Adds language clarifying how samples of a production batch and samples of noninfused pre-rolls are to be collected to ensure a representative sample is taken.

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

Subsection (e)(5): Clarifies the cost to produce additional samples the Department requires a processor, grower, or dispensary to submit for additional testing is an expense of the licensee, but the licensee is not responsible for the cost of testing.

Subsection (e)(6): Replaces "seed-to-sale tracking system" with "State's inventory tracking system."

OAC 310:681-9-1. License or permit required

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 (e)(2): Clarifies that a licensee shall obtain Department approval for making a "material change" and adds language creating a fee of \$500 for a material change request.

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 310:681-9-4. Permit applications

Subsection (c)(1): 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 permit.

OAC 310:681-9-6. Security requirements

Subsection (e): Changes the record retention period from "two (2)" years to "seven (7)" years.

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.

Appendix C:

changes the fine amounts for inaccurate reporting to be consistent with 63 O.S. § 427.6(G), and adds fine amounts for diversion to an unauthorized minor consistent with 63 O.S. § 427.6(I).

Appendix D:

creates sample collection requirements for medical marijuana products.

Appendix E:

creates sample collection requirements for pre-rolls.

[OAR Docket #21-858; filed 12-3-21]

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

1:2021-27.

EXECUTIVE ORDER 2021-27

I, J. Kevin Stitt, Governor of the State of Oklahoma, by virtue of the Oklahoma Constitution and the laws of the State of Oklahoma, hereby deny clemency to Bigler Jobe Stouffer, II.

On November 17, 2021, the Oklahoma Pardon and Parole Board recommended, by a vote of 3-2, that the Governor should grant clemency to Bigler Stouffer, II and commute his sentence of death to a sentence of life without the possibility of parole. I have thoroughly reviewed the arguments and evidence presented in this case and have determined that clemency should be denied. The sentence of death shall be carried out as scheduled on December 9, 2021.

This Executive Order shall be forwarded to the Director of the Oklahoma Department of Corrections and the Oklahoma Attorney General 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 cause the Great Seal of the State of Oklahoma to be affixed at Oklahoma City this 3rd day of December, 2021.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

J. Kevin Stitt

ATTEST:

Brian Bingman
Secretary of State

[OAR Docket #21-860; filed 12-3-21]

1:2021-28.

EXECUTIVE ORDER 2021-28

I, J. Kevin Stitt, Governor of the State of Oklahoma, pursuant to the authority vested in me by Section 90.10 of Title 25 of the Oklahoma Statutes, in recognition of Pearl Harbor

Remembrance Day, hereby direct the appropriate steps be taken to fly all American and Oklahoma flags on State property at half-staff on Tuesday, December 7, 2021, to honor the many United States citizens who died or were injured on December 7, 1941, as a result of the Japanese attack on Pearl Harbor. On this poignant 80th anniversary of the attack, Oklahomans remember anew that fateful day and the resultant courage America's brave crewmen and soldiers showed in the face of grave danger.

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 6th day of December, 2021.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

J. Kevin Stitt

ATTEST:

Brian Bingman
Secretary of State

[OAR Docket #21-864; filed 12-6-21]

1:2021-29.

EXECUTIVE ORDER 2021-29

I, J. Kevin Stitt, Governor of the State of Oklahoma, pursuant to the power vested in me by Section 2 of Article VI of the Oklahoma Constitution, in order to take advantage of the federal government providing the State with the opportunity to receive funds for programs which provide early intervention services to infants and toddler with disabilities and their families through the Individuals With Disabilities Education Act do hereby order:

1) The Oklahoma State Department of Education shall be the lead agency for the State of Oklahoma for administration of Part C of the federal Individuals With Disabilities Education Act, 20 U.S.C. § 1400 *et seq.*

Executive Orders

2) There is hereby created within the State Department of Education the Interagency Coordinating Council for Early Childhood Intervention (Council) composed of at least fifteen (15), but not more than twenty-five (25) appointed by the Governor.

The Council shall be composed of:

A. State officials that shall include incumbents or designees of the following named offices, or their successors in office or function:

1. State Superintendent of Public Instruction
2. Commissioner of the State Department of Health
3. Director of the Department of Human Services
4. Commissioner of the Department of Mental Health and Substance Abuse Services
5. Chief Executive Office of the Oklahoma Health Care Authority
6. Insurance Commissioner
7. The Oklahoma Commission on Children and Youth

B. The following members shall be appointed to the Council at the discretion and pleasure of the Governor:

1. At least 20 percent of the members must be parents, including minority parents, of infants or toddlers with disabilities or children with disabilities aged 12 years or younger, with knowledge of, or experience with, programs for infants and toddlers with disabilities.
2. At least one parent member must be a parent of an infant or toddler with a disability or a child with a disability aged six years or younger.
3. At least 20 percent of the members must be public or private providers of early intervention services.
4. At least one member must be from the State legislature.
5. At least one member must be involved in personnel preparation.
6. At least one member must be from a Head Start or Early Head Start agency or program in the state.

Members listed in Section B above shall be appointed by and serve at the pleasure of the Governor. The Governor shall

have the authority to fill any and all vacancies on the Council as those vacancies occur.

The Council shall be administered by the State Department of Education in planning, coordinating, and overseeing services pursuant to this Executive Order and shall perform such other functions as required pursuant to the Individuals With Disabilities Education Act.

The Department of Education, Department of Health, Department of Human Services, Department of Mental Health, and the Commissions on Children and Youth shall continue to provide all services within their respective Constitutional and Statutory responsibilities to children eligible for services pursuant to Part C of the Individuals With Disabilities Education Act.

A. These departments and agencies shall keep the Department of Education and the Interagency Coordinating Council for Early Childhood Intervention timely and fully informed on programs serving eligible children and their families.

B. State and local interagency agreements shall delineate responsibility for local and regional safeguards, provision of service, and related issues.

The Council shall meet at such times and places as it deems appropriate. Members shall serve without compensation. Council members employed by a state agency shall be reimbursed travel expenses related to their service on the Council as authorized by State law by their respective agency. Legislative members of the Council shall be reimbursed by their respective houses for necessary travel expenses incurred in the performance of their duties as authorized by state law. Remaining Council members shall also be reimbursed travel expenses related to their service on the Council by the State Department of Education as authorized by state law. No member of the Council shall profit, directly or indirectly, from any transaction with the Council. The Council may reimburse members for reasonable and necessary expenses for attending council meetings and performing council duties pursuant to 20 U.S.C. § 1441.

This Order shall be effective upon filing of this Order and until further notice.

Copies of this Executive Order shall be distributed to the State Department of Education and the Oklahoma Commission on Children and Youth, who shall cause the provisions of this Order to be implemented by any appropriate agencies of State government.

IN WITNESS WHEREOF, I have set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma this 8th day of December, 2021.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

J. Kevin Stitt

ATTEST:

Brian Bingman
Secretary of State

[OAR Docket #21-870; filed 12-8-21]
