

Volume 37
Number 2
October 1, 2019
Pages 11 - 46

The Oklahoma Register

Oklahoma
Secretary of State
Office of Administrative Rules



Kevin Stitt, Governor
Michael Rogers,
Secretary of State
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INFORMATION ABOUT THIS PUBLICATION may be obtained by contacting the OAR by mail at Oklahoma Secretary of State, Office of Administrative Rules, 421 NW 13th Street, Suite 210, Oklahoma City, OK 73103, by email at oar@sos.ok.gov, or by phone at (405) 521-4911. Information may also be obtained by visiting the OAR's office, located in Suite 220, Colcord Center, 421 NW 13th Street, Oklahoma City, between 8:00 a.m. and 5:00 p.m., Monday through Friday.

This publication is issued and printed by the Secretary of State as authorized by 75 O.S., Section 255. 41 copies have been prepared and distributed at a cost of \$122.74. Copies have been deposited with the Oklahoma Department of Libraries, Publications Clearinghouse.

ISSN 0030-1728

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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 540. PHYSICIAN MANPOWER TRAINING COMMISSION CHAPTER 35. COMMUNITY MATCH INTERN RESIDENT PROGRAM

[OAR Docket #19-740]

RULEMAKING ACTION:

Notice of proposed EMERGENCY rulemaking

PROPOSED RULES:

540:35-1-3 [AMENDED]

SUMMARY:

The Board of Commissioners of the Physician Manpower Training Commission, has adopted the proposed changes to the approved rural obligated practice locations, provided by the Commission, for the Community Match Intern Resident Program.

The proposed changes would define the obligated rural practice location for the Community Match Intern Resident Program to be consistent with other PMTC programs and meet the current provider needs across all of rural Oklahoma. This change has no fiscal impact to the agency.

The proposed changes are in an effort to align PMTC programs providing consistent practices in providing assistance in recruiting providers across rural Oklahoma.

AUTHORITY:

Physician Manpower Training Commission; 2018 Okla. Sess. Laws ch. 286, (H.B. 2987); 63 O.S., §§ 1-2721 - 1-2723.

COMMENT PERIOD:

Written comments will be accepted through November 4, 2019, at the Physician Manpower Training Commission, 5500 N. Western Avenue, Suite 201, Oklahoma City, OK 73118-4022, Attn: Janie Thompson, or by email to Janie.Thompson@PMTTC.ok.gov

PUBLIC HEARING:

A Public hearing will be held to provide an opportunity for person to orally present their views. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door. Public hearings will be held as follows:

Wednesday, November 6th, 2019, at 2:00 p.m. in the office of the PMTC, 2nd floor, Suite 201, center conference room, 5500 North Western Avenue, Suite 201, Oklahoma City, Oklahoma, 73118-4022.

<http://pmtc.publishpath.com/default.aspx> and copies of the proposed changes may be obtained from the Physician Manpower Training Commission office located at 5500 North Western Avenue, Suite 201, Oklahoma City, Oklahoma 73118-4022 or email to Janie.Thompson@PMTTC.ok.gov.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The PMTC requests that business entities affected by these proposed rules provide the PMTC, within the comment period a written statement in regard to health workforce, community impact and sponsor contributions, and indirect costs associated with potential recordkeeping and reporting. Business entities may submit this information in writing to Janie S. Thompson, 5500 North Western Avenue, Suite 201, Oklahoma City, Oklahoma, 73118-4022.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Physician Manpower Training Commission, 5500 North Western Avenue, Suite 201, Oklahoma City, Oklahoma, 73118-4022.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. 1991 Section 303(D), a rule impact statement has been prepared and may be obtained from the Physician Manpower Training Commission at the above address.

CONTACT PERSON:

Janie Thompson, Deputy Director, (405) 843-5667, janie.thompson@pmtc.ok.gov or for legal questions: Joe Ashbaker, Assistant Attorney General, (405) 522-2974, Joe.Ashbaker@oag.ok.gov.

[OAR Docket #19-740; filed 9-6-19]

TITLE 540. PHYSICIAN MANPOWER TRAINING COMMISSION CHAPTER 45. PHYSICIAN ASSISTANT SCHOLARSHIP PROGRAM

[OAR Docket #19-741]

RULEMAKING ACTION:

Notice of proposed EMERGENCY rulemaking

PROPOSED RULES:

540:45-1-4 [AMENDED]

SUMMARY:

The Board of Commissioners of the Physician Manpower Training Commission, has adopted the proposed changes to the approved rural obligated practice locations, provided by the Commission, for the Physician Assistant Scholarship Program.

The proposed changes would define the obligated rural practice location for the Physician Assistant Program to be consistent with other PMTC programs and meet the current

Notices of Rulemaking Intent

provider needs across all of rural Oklahoma. This change has no fiscal impact to the agency.

The proposed changes are in an effort to align PMTC programs, providing consistent practices in providing assistance in recruiting providers across rural Oklahoma and meeting the changes in demand for rural providers.

AUTHORITY:

Physician Manpower Training Commission; 2018 Okla. Sess. Laws ch. 286, (H.B. 2987); 70 O.S., § 697.21.

COMMENT PERIOD:

Written comments will be accepted through November 4, 2019, at the Physician Manpower Training Commission, 5500 N. Western Avenue, Suite 201, Oklahoma City, OK 73118-4022, Attn: Janie Thompson, or by email to Janie.Thompson@PMTC.ok.gov

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Janie Thompson, Deputy Director, (405) 843-5667, janie.thompson@pmtc.ok.gov or for legal questions: Joe Ashbaker, Assistant Attorney General, (405) 522-2974, Joe.Ashbaker@oag.ok.gov.

[OAR Docket #19-741; filed 9-6-19]

Emergency Adoptions

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

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

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

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

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

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

[OAR Docket #19-731]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

- Subchapter 1. General Provisions [AMENDED]
- Subchapter 2. Medical Marijuana Licenses [AMENDED]
- Subchapter 3. ~~Transportation~~Transporter License [AMENDED]
- Subchapter 5. Commercial Establishments [AMENDED]
- Subchapter 7. Packaging and Labeling, and Advertising [AMENDED]
- Subchapter 8. Laboratory Testing [NEW]

AUTHORITY:

Oklahoma State Commissioner of Health; Title 63 O.S. Section 1-104, and Title 63 O.S. § 420 *et seq.*

ADOPTION:

August 20, 2019

APPROVED BY GOVERNOR:

August 21, 2019

EFFECTIVE:

Immediately upon Governor's approval or September 14, 2019, whichever is later.

EXPIRATION:

Effective through September 14, 2020, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

"n/a"

INCORPORATIONS BY REFERENCE:

Incorporated standards:

Title 21, part 101 of the Code of Federal Regulations ("CFR"), as of August 22, 2018

Incorporating rules:

310:681-5-8.1

Availability:

8:00 a.m. to 5:00 p.m., Monday through Friday, Oklahoma State Department of Health, 1000 NE 10th St., Oklahoma City, OK 73117.

FINDING OF EMERGENCY:

Pursuant to Title 75 O.S. Section 253, the Department seeks Emergency adoption of the proposed rules. Emergency rulemaking is sought pursuant to the passage of, SB162, HB2612, HB2601, SB882, HB2613, and SB1030 and as codified at 63 O.S. § 420 *et seq.*

This Emergency rulemaking action is necessary to promulgate rules to implement the provisions in the new law pertaining to regulations on medical marijuana products, and individual and commercial licensees.

GIST/ANALYSIS:

The proposed emergency rules were prepared to provide procedures and processes necessary to implement legislative changes mandated by SB162, HB2612, HB2601, SB882, HB2613, and SB1030. The Oklahoma Medical

Marijuana Authority (OMMA) patient license changes include the removal of board certification as a requirement for physicians recommending medical marijuana, as well as the addition of physicians licensed by the Board of Podiatric Medical Examiners as physicians that can provide recommendations. The processing time for patient licenses changed from 14 calendar days to 14 business days, and a reduced application fee for 100% disabled veterans is established. Medical marijuana business changes that are addressed in the proposed emergency rules include the increased application processing timeline, renewal application process, new residency documentation requirements, and approved waste disposal method to destroy root balls, stems, fan leaves, and seeds. Additionally, medical marijuana businesses will need to provide a certificate of compliance with zoning classifications, municipal ordinances, and all applicable safety, electrical, fire, plumbing, waste, construction, and building specification codes. The definition of school is modified to now include preschools for the purposes of the 1,000 feet requirement for dispensaries. The proposed set of emergency rules establish new business compliance components that include the authority for certain business types to sell to other business types, the requirement to participate in a seed to sale inventory tracking system, to test harvest and product batches, and to comply with packaging and labeling requirements. Finally, the proposed emergency rules address three new license categories: transporter, transporter agent, and short-term patient.

CONTACT PERSON:

Ashley Scott, Rules Liaison, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207; phone (405) 271-4200, e-mail: ashleyds@health.ok.gov.

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253(F), AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR OR SEPTEMBER 14, 2019, WHICHEVER IS LATER:

SUBCHAPTER 1. GENERAL PROVISIONS

310:681-1-1. Purpose

The purpose of this Chapter is to ensure the health and safety of all Oklahomans and provide reasonable and orderly regulation of medical marijuana as authorized by the lawful passage of State Question 788, codified as 63 O.S. § 420 *et seq.*; 63 O.S. § 427; the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 *et seq.*; and the Oklahoma Medical Marijuana Waste Management Act, 63 O.S. § 427a *et seq.* This regulatory authority shall be known

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as the "Oklahoma Medical Marijuana Authority" ("OMMA") and shall be a division of the Oklahoma State Department of Health.

310:681-1-2. Regulatory program established

(a) Pursuant to ~~63 O.S. § 420A(C)~~, a regulatory program is hereby established under the Oklahoma State Department of Health in the OMMA, and the initiation, administration, regulation, and enforcement of such program shall be the responsibility of the OMMA or its designee.

(b) All license applications, inquiries, and other correspondence shall be directly electronically submitted to and received and processed by the Oklahoma State Department of Health by the OMMA division or its designee, except as is otherwise required by law or expressly permitted in writing by the Department.

(c) All applications and forms provided for under this Chapter are available on the Oklahoma State Department of Health's Oklahoma Medical Marijuana Authority website at <http://omma.ok.gov/>.

(d) The Oklahoma State Department of Health is located at 1000 N.E. 10 Street, Oklahoma City, Oklahoma, 73117. ~~All approval and rejection letters shall be sent to the applicant through U.S. Mail.~~

310:681-1-3. Limitations of licenses

All medical marijuana licenses and rights granted under Oklahoma law and this Chapter ~~and under 63 O.S. § 420A et seq.~~ shall only be valid in the State of Oklahoma, excluding any tribal trust or tribal restricted land or federal lands in the state.

310:681-1-4. Definitions

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

"Advertising" means the act of providing consideration for the publication, dissemination, solicitation, or circulation of visual, oral, or written communication to induce directly or indirectly any person to patronize a particular medical marijuana business or to purchase any particular medical marijuana or medical marijuana products. "Advertising" includes marketing but does not include packaging and labeling.

"Applicant" means the natural person or entity in whose name a license would be issued.

"Application status" means the status of a submitted application and includes the following:

(A) ~~"Pending—Submitted"~~ means the application has been submitted but a review is not yet complete;

(B) "Rejected" means the application has been reviewed but contains one or more errors requiring correction by the applicant at no additional fee before a final determination on the application can be made. "Rejected" does not mean the application is denied. ~~OMMA has 14 days to review the submission of any corrections to a rejected application;~~

(C) "Approved" means the application has been approved and that a license will be issued and mailed to the applicant; and

(D) "Denied" means the applicant does not meet the qualifications under ~~63 O.S. § 420A~~ Oklahoma law and this Chapter for a license.

"Batch" means a specifically identified quantity of marijuana, ~~no greater than ten (10) pounds, that is uniform in strain, cultivated using the same growing practices, and harvested at the same time at the same location, and dried or cured under uniform conditions; and with regard to medical marijuana concentrate and medical marijuana products, means an identified quantity that is uniform, that is intended to meet specifications for identity, strength, and composition, and that is processed, packaged, and labeled during a specified time period according to a single manufacturing, packaging, and labeling protocol.~~

"Authority" or "OMMA" means the Oklahoma Medical Marijuana Authority, a division of the Oklahoma State Department of Health.

"Batch number" means a unique numeric or alphanumeric identifier assigned prior to any testing ~~or sale~~ to allow for inventory tracking and traceability.

"Cannabinoid" means any of the diverse chemical compounds that can act on cannabinoid receptors in cells and alter neurotransmitter release in the brain, including phytocannabinoids that are produced naturally by marijuana and some other plants ~~are active principles of marijuana.~~

"Caregiver" means a family member or assistant who regularly looks after a licensed patient whom a physician certifies is homebound or needs assistance.

"Child-resistant" means packaging that is:

(A) Designed or constructed to be significantly difficult for children under five (5) years of age to open and not difficult for normal adults to use properly as defined by 16 C.F.R. 1700.15 (1995) and 16 C.F.R. 1700.20 (1995);

(B) Opaque so that the outermost packaging does not allow the product to be seen without opening the packaging material; and

(C) Resealable to maintain its child-resistant effectiveness for multiple openings for any product intended for more than a single use or containing multiple servings.

"Clone" means a non-flowering plant cut from a mother plant that ~~is no taller than eight inches and~~ is capable of developing into a new plant ~~and has shown no signs of flowering.~~

"Commercial establishment" ("Establishment"), "Commercial licensee", or "Medical Marijuana Business" means an individual or entity licensed ~~under this Chapter~~ by the Department as a medical marijuana dispensary, grower, processor, or ~~researcher~~ transporter.

"Commercial license" or "Business license" means a license issued by the department to a medical marijuana dispensary, grower, processor, or ~~researcher~~ transporter.

"Commissioner" means the Commissioner of Health of the Oklahoma State Department of Health.

"Complete(d) application" means a document prepared in accordance with ~~63 O.S. § 420A et seq.~~ Oklahoma law,

these Rules, and the forms and instructions provided by the Department, including any supporting documentation required by the Department and the license fee.

"Department" means the Oklahoma State Department of Health or its agent or designee.

"Dispense" means the retail ~~saleselling~~ of medical marijuana, ~~medical marijuana concentrate,~~ or a medical marijuana product that are packaged and labeled in accordance with the law to a qualified licensed patient, the qualified licensed patient's parent(s) or legal guardian(s) if qualified licensed patient is a minor, and/or a licensed caregiver.

"Dispensary" or "Commercial dispensary" means an individual or entity that has been issued a medical marijuana commercial licensed license by the Department pursuant to 63 O.S. § 421A and this Chapter, which allows the dispensary to purchase medical marijuana or medical marijuana products from a licensed processor, or grower, or dispensary; and to sell medical marijuana and medical marijuana products only to a qualified licensed patient, to the qualified licensed patient's parent(s) or legal guardian(s) if qualified licensed patient is a minor, and a licensed caregiver; and to sell, transfer, and transport or contract with a commercial transporter to transport medical marijuana or medical marijuana products to another licensed dispensary.

"Dispose" or "Disposal" means the final disposition of medical marijuana waste by either a process which renders the waste unusable through physical destruction or a recycling process

"Disqualifying criminal conviction" means:

- (A) Any non-violent felony conviction within last two (2) years of submitting an application to the Department;
- (B) Any violent felony conviction for an offense listed in 57 O.S. § 571(2) within last five (5) years of submitting an application to the Department; or
- (C) Incarceration for any reason during submission of application to the Department.

"Entity" means ~~an~~ an individual, sole proprietorship, a general partnership, a limited partnership, a limited liability company, a trust, an estate, an association, a corporation, or any other legal or commercial entity.

"Entrance to a private or public school" means an opening, such as a door, passage, or gate, that allows access to any public or private schools, including school buildings, facilities, or other indoor and outdoor properties utilized for classes or school activities.

"Flower" means the reproductive organs of the marijuana or cannabis plant referred to as the bud or parts of the plant that are harvested and used to consume in a variety of medical marijuana products.

"Flowering" means the reproductive state of the marijuana or cannabis plant in which there are physical signs of flower or budding out of the nodes of the stem.

"Food" has the same meaning as set forth in 63 O.S. § 1-1101 and the Oklahoma Administrative Code ("OAC") 310:257-1-3 ("food" means (1) articles used for food or drink for man, (2) chewing gum, and (3) articles used for components of any such article") and set forth in OAC 310:260-1-6 ("food"

means any raw, cooked, or processed edible substance, ice, beverage or ingredient used or intended for use or for sale in whole or in part for human consumption").

"Grower" or "Commercial grower" means an individual or entity that has been issued a medical marijuana commercial licensed license by the Department pursuant to 63 O.S. § 422A, which allows the grower to grow, harvest, dry, cure, ~~and package, sell, transfer, and transport or contract with a commercial transporter for the transport of medical marijuana in accordance with Oklahoma law and to this Chapter for the purpose of selling to a dispensary, or processor, grower or testing laboratory.~~

"Harvest batch" means a specifically identified quantity of usable medical marijuana, no greater than ten (10) pounds, that is uniform in strain, cultivated utilizing the same cultivation practices, harvested at the same time from the same location, and dried or cured under uniform conditions.

"Immature plant" means a nonflowering marijuana plant that has not demonstrated signs of flowering.

"Inventory tracking system" means a required tracking system that accounts for the entire life span of medical marijuana, from either the seed or immature plant stage until the medical marijuana or medical marijuana product is consumed, used, disposed of or otherwise destroyed.

"Information panel" has the same definition as set forth in 21 CFR § 101.2 and means "that part of the label immediately contiguous and to the right of the principal display panel as observed by an individual facing the principal display panel."

"Label" carries the same definition as set forth in 63 O.S. § 1-1101 and *"means a display of written, printed, or graphic matter upon the immediate container of any article; and a requirement made by or under authority of this article that any word, statement, or other information appearing on the label shall not be considered to be complied with unless such word, statement, or other information also appears on the outside container or wrapper, if there be any, of the retail package of such article, or is easily legible through the outside container or wrapper."*

"License" means a state issued license or other state issued documentation proving the holder of such license is a member of a state-regulated medical marijuana program.

"License number" means the unique multi-character identifier issued and printed upon each license.

"Licensee" means any natural born person or entity that holds a medical marijuana license provided for in this Chapter, excluding inmates of any local, county, state, or federal correctional facility or jail.

"Licensed Packager" means as used in 63 O.S. § 422A(C) a processor.

"Licensed premises" means the premises specified in an application for a medical marijuana commercial establishment that is owned or in lawful possession of the licensee and within which the licensee is authorized to operate.

"Lot" means the food produced during a period of time indicated by a specific code.

"Marijuana" means ~~all parts of a plant of the genus eannabis, whether growing or not; the seeds of a plant of that~~

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type; the resin extracted from a part of a plant of that type; and every compound, manufacture, salt, derivative, mixture, or preparation of a plant of that type or of its seeds or resin. "Marijuana" does not include the mature stalks of the plant or fiber produced from the stalks; oil or cake made from the seeds of the plant; or any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from the mature stalks, fiber, oil or cake; the sterilized seed of the plant that is incapable of germination; or industrial hemp, from the plant *Cannabis sativa L.* and any part of such plant, whether growing or not, with a delta 9 tetrahydrocannabinol concentration of not more than three tenths of one percent (0.3%) on a dry weight basis the same as the term that is defined in 63 O.S. § 2-101.

"Mature plant" means harvestable female marijuana plant that is flowering.

"Medicaid" means the federal program that is also commonly known in Oklahoma as "SoonerCare."

"Medical marijuana" means marijuana that is grown, processed, dispensed, tested, possessed, or used for a medical purpose, and includes medical marijuana concentrate and medical marijuana products.

"Medical marijuana concentrate" ("Concentrate") means a substance obtained by separating cannabinoids from any part of the marijuana plant by physical or chemical means, so as to deliver a product with a cannabinoid concentration greater than the raw plant material from which it is derived. Categories of concentrate include water-based medical marijuana concentrate, food-based medical marijuana concentrate, solvent-based concentrate, and heat- or pressure-based medical marijuana concentrate as those terms are defined in the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 et seq.

"Medical marijuana product" means a product that contains cannabinoids that have been extracted from plant material or the resin therefrom by physical or chemical means and is intended for administration to a qualified licensed patient, including but not limited to concentrates, oils, tinctures, edibles, pills, topical forms, gels, creams, and other derivative forms, except that this term does not include live plant forms.

"Medical marijuana waste" means unused, surplus, returned or out-of-date marijuana; recalled marijuana; unused marijuana; plant debris of the plant of the genus *cannabis*, including dead plants and all unused plant parts, except the term shall not include roots, stems, stalks and fan leaves and roots; and any wastewater generated during growing and processing.

"Minor" means any natural person younger than eighteen (18) years of age.

"Mother plant" means a marijuana plant that is grown or maintained for the purpose of generating clones, and that will not be used to produce plant material for sale to a processor or dispensary.

"Municipality" means the same definition as set forth in the Oklahoma Municipal Code, 11 O.S. § 1-102, and "means any incorporated city or town."

"Officer of a corporate entity" or "Principal officer" means an officer identified in the corporate bylaws, articles of

organization or other organizational documents, or in a resolution of the governing body.

"Officer of a municipality" means the same definition as set forth in the Oklahoma Municipal Code, 11 O.S. § 1-102, and "means any person who is elected to an office in municipal government or is appointed to fill an unexpired term of an elected office, and the clerk and the treasurer whether elected or appointed."

"Oklahoma resident" or "Resident" means an individual who resides in the State of Oklahoma and can provide proof of residency as required by 63 O.S. § 420A et seq. and OAC 310:681-1-6 (relating to proof of residency) or OAC 310:681-5-3.1 (relating to proof of residency for commercial licensees).

"Oklahoma uniform symbol" or "Universal symbol" means the image, established by the Department and made available to commercial licensees through the OMMA website, which ~~indicating~~ indicates the package contains medical marijuana or medical marijuana products with THC and must be printed at least one-half inch in size by one-half inch in size in color.

"Out-of-Statestate Medical medical Marijuana marijuana Patient patient License license" means an unexpired medical marijuana patient license issued by another U.S. state, which is the substantial equivalent of the Oklahoma medical marijuana patient license issued pursuant to OAC 310:681-2-1 and OAC 310:681-2-2.

"Owner" means, except where the context otherwise requires, a direct beneficial owner, including, but not limited to, all persons or entities as follows:

- (A) All shareholders owning an interest of a corporate entity and all officers of a corporate entity;
- (B) All partners of a general partnership;
- (C) All general partners and all limited partners that own an interest in a limited partnership;
- (D) All members that own an interest in a limited liability company;
- (E) All beneficiaries that hold a beneficial interest in a trust and all trustees of a trust;
- (F) All persons or entities that own interest in a joint venture;
- (G) All persons or entities that own an interest in an association;
- (H) The owners of any other type of legal entity; and
- (I) Any other person holding an interest or convertible note in any entity which owns, operates, or manages a licensed medical marijuana facility.

"Package" or "Packaging" means any container or wrapper that a ~~grower or processor~~ commercial establishment may use for enclosing or containing medical marijuana or medical marijuana products, except that "package" or "packaging" shall not include any carry-out bag or other similar container.

"Patient" or "Qualified Licensed patient" means a person that has been properly issued a medical marijuana license pursuant to 63 O.S. § 420A et seq. ~~Oklahoma law and these rules.~~

"Pesticide" means

(A) any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, or

(B) any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant. "Pesticide" shall not include any article that is a "new animal drug" as designated by the United States Food and Drug Administration.

"Physician" or "Oklahoma Physician" means a doctor of medicine, ~~or a doctor of osteopathic medicine, or a doctor of podiatric medicine~~ who holds a valid, unrestricted and existing license to practice in the State of Oklahoma ~~and meets the definition of "board certified" under rules established by either the Oklahoma Board of Medical Licensure or the Oklahoma Board of Osteopathic Examiners.~~

"Plant material" means the leaves, stems, buds, and flowers of the marijuana plant, and does not include seedlings, seeds, clones, stalks, or roots of the plant or the weight of any non-marijuana ingredients combined with marijuana.

"Political subdivision" means any county or municipal governments.

"Preschool" means a public early childhood education program offered under 70 O.S. §§11-103.7 and 1-114 (B) or similar program offered by a private school whose primary purpose is to offer educational (or academic) instruction. Preschool does not include a homeschool, daycare, or child care facility licensed under the Oklahoma Child Care Facilities Licensing Act, 10 O.S. § 401 et seq.

"Principal display panel" means the same definition as set forth in 21 CFR § 101.1 and "means the part of a label that is most likely to be displayed, presented, shown, or examined under customary conditions of display for retail sale."

"Private school" means ~~ana~~ preschool, elementary, middle, or high school maintained by private individuals, religious organizations, or corporations, funded, at least in part, by fees or tuition, and open only to pupils selected and admitted based on religious affiliations or other particular qualifications. "Private school" shall not include a homeschool, daycare, or childcare facility licensed under the Oklahoma Child Care Facilities Licensing Act, 10 O.S. § 401 et seq.

"Process" means to distill, extract, manufacture, prepare, or otherwise produce a medical marijuana product ~~medical marijuana concentrate.~~

"Processor" or "Commercial Processor" means an individual or entity that has been issued a medical marijuana commercial license by the Department ~~pursuant to 63 O.S. § 423A~~, which allows the processor to: purchase medical marijuana or medical marijuana products from a grower or processor; process, package, and sell, transfer, transport or contract with a commercial transporter to transport medical marijuana or medical marijuana products that they processed to a licensed dispensary, or processor, or testing laboratory in accordance with Oklahoma law and this Chapter; and ~~may~~ process medical marijuana received from a qualified licensed patient into a medical marijuana concentrate, for a fee.

"Production batch" means

(A) Any amount of medical marijuana concentrate, not to exceed ten (10) pounds, of the same category

and produced using the same extraction methods, standard operating procedures, and an identical group of harvest batch of medical marijuana; and

(B) Any amount of finished medical marijuana product, not to exceed ten (10) pounds, of the same exact type, produced using the same ingredients, standard operating procedures, and same production batch of medical marijuana concentrate or same harvest batch of medical marijuana.

"Public school" means ~~ana~~ preschool, elementary, middle, or high school established under state law, regulated by the local state authorities in the various political subdivisions, funded and maintained by public taxation, and open and free to all children of the particular district where the school is located.

"Registered to conduct business" means any individual or entity that is required under Oklahoma law to register with the Oklahoma Secretary of State and/or the Oklahoma Tax Commission and has provided sufficient proof to the Department of its good standing with such.

"Retailer" or "Retail marijuana establishment" means as used in 63 O.S. § 420A-420 et seq. ~~an~~ entity licensed by the State Department of Health as a medical marijuana dispensary.

"Revocation" means the Department's final decision in accordance with the Oklahoma Administrative Procedures Act, 75 O.S. § 250 et seq., that any license issued by the Department pursuant to 63 O.S. § 420A et seq. Oklahoma law and this Chapter is rescinded.

"Rules" means, unless otherwise indicated, the rules as adopted and set forth in OAC 310:681.

"Seedling" means a marijuana plant that has no flowers.

"Shipping container" means a hard-sided container with a lid or other enclosure that can be secured into place. A shipping container is used solely for the transport of medical marijuana, medical marijuana concentrate, or medical marijuana products between medical marijuana businesses, a medical marijuana research facility, or a medical marijuana education facility.

"Strain" means the classification of marijuana or cannabis plants in either pure sativa, indica, afghanica, ruderalis, or hybrid varieties.

"State question" means Oklahoma State Question No. 788 and Initiative Petition Number 412.

"Terpenoids" means isoprenes that are the aromatic compounds found in cannabis, including, but not limited to: limonene, myrcene, pinene, linalool, eucalyptol, Δ -terpinene, β -caryophyllene, caryophyllene oxide, nerolidol and phytol.

"THC" means tetrahydrocannabinol, which is the primary psychotropic cannabinoid formed by decarboxylation of naturally tetrahydrocannabinolic acid, which generally occurs by exposure to heat.

"Transporter" or "Commercial Transporter" means an individual or entity issued a medical marijuana commercial license by the Department, which allows the transporter to transport, store, and distribute medical marijuana and medical marijuana products to and from the licensed premises of commercial establishments and testing laboratories. As used in this Chapter, "Transporter" or "Commercial Transporter" does

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not mean licensed commercial growers, processors, and dispensaries who are automatic holders of transporter licenses.

"Transporter Agent" means an agent, employee, officer, or owner of commercial transporter, grower, processor, or dispensary who has been issued a transporter agent license by the Department to transport medical marijuana and medical marijuana products on behalf of the said commercial transporter, grower, processor, or dispensary.

"Transportation-Transporter license" means a medical marijuana commercial license issued by the Department either (A) automatically to commercial licensees growers, processors, and dispensaries upon approval of a commercial license, or (B) to commercial transporters solely for the transportation, storage, and distribution of medical marijuana and medical marijuana products which allows growers, processors, or dispensaries, or their authorized agent(s), to deliver medical marijuana from their licensed locations to the licensed locations of other growers, processors, or dispensaries.

"Usable medical marijuana" means the dried leaves, flowers, oils, vapors, waxes, and other portions of the marijuana plant and any mixture or preparation thereof, excluding seed, roots, stems, stalks, and fan leaves.

310:681-1-5. Criminal history screening

(a) **Parties subject to screening.** Prior to issuance of any dispensary, grower, processor, ~~transportation-transporter, or transporter agent license~~ ~~researcher license authorized by 63 O.S. § 420A et seq. and this Chapter,~~ the following shall undergo an Oklahoma state criminal history background check within thirty (30) days prior to the application for the license:

- (1) Individual applicants applying on their own behalf;
- (2) ~~All owners of any applicant for a dispensary, grower, processor, or transportation license; and~~ Individuals applying on behalf of an entity;
- (3) ~~For research license applicants, all principal investigators involved in the research project. All principal officers of an entity;~~
- (4) All owners of an entity; and
- (5) For corporations seeking a commercial license, all officers, directors, and stockholders.

(b) **Disqualifying Criminal Conviction.** Any commercial applicant with a disqualifying criminal conviction is not qualified to receive or renew a commercial license.

(c) **OBND D Registration.** Any ~~dispensary, grower, processor, or researcher~~ commercial licensee issued a license authorized by this Chapter, is required to obtain an Oklahoma State Bureau of Narcotics and Dangerous Drugs Control ("OBND D") registration prior to possessing or handling any marijuana or marijuana product pursuant to 63 O.S. §§ 2-302 & 2-303, 63 O.S. § 2-101, and OAC 475:10-1-10.

(d) **Fees.** All applicable fees, including those charged by the Oklahoma State Bureau of Investigation vendor or OBND D, are the responsibility of the applicant.

310:681-1-6. Proof of residency

(a) Applicants shall establish their current Oklahoma residency through submission of an electronic copy or digital image in color of one of the following unexpired documents:

- (1) An Oklahoma issued driver's license;
- (2) An Oklahoma Identification Card;
- (3) An Oklahoma voter identification card;
- (4) A utility bill for the calendar month preceding the date of application, excluding cellular telephone, television, and internet bills;
- (5) A residential property deed to property in the State of Oklahoma;
- (6) A current rental agreement for residential property located in the State of Oklahoma; or
- (7) Other documentation that the Department deems sufficient to establish residency.

(b) Documents submitted should provide a valid residential address. Documents listing addresses of P.O. Boxes are not sufficient proof of residency and will be rejected.

310:681-1-7. Proof of identity

(a) All Applicants for non-commercial licenses shall establish their identity through submission of an electronic copy or digital image in color of one of the following unexpired documents:

- (1) An Oklahoma issued driver's license;
- (2) An Oklahoma Identification Card;
- (3) A United States Passport or other photo identification issued by the United States government;
- (4) A tribal identification card approved for identification purposes by the Oklahoma Department of Public Safety; or
- (5) Other documentation that the Department deems sufficient to establish identity.

(b) All commercial license applicants shall establish their identity through submission of an electronic copy or digital image in color of one of the following unexpired documents:

- (1) Front and back of an Oklahoma issued driver's license;
- (2) Front and back of an Oklahoma Identification Card;
- (3) A United States Passport or other photo identification issued by the United States government;
- (4) A tribal identification card approved for identification purposes by the Oklahoma Department of Public Safety; or
- (5) Other documentation that the Department deems sufficient to establish identity.

310:681-1-9. Recommending physician registration

(a) A physician may file a registration with the Department as a recommending physician on a form prescribed by the Department if the physician holds a valid, unrestricted and existing license to practice in the State of Oklahoma ~~and meets the definition of "board certified" under rule established by either the Oklahoma Board of Medical Licensure or the Oklahoma Board of Osteopathic Examiners.~~

- (b) If a physician chooses to register with the Department, a registration must include, at a minimum, all of the following:
 - (1) The physician's full name, business address, professional email address, telephone numbers and, if the physician owns or is affiliated with a medical practice, the name of the medical practice;
 - ~~(2) The physician's area of board certification and sufficient documentation proving the physician's unexpired board certification;~~
 - (3) The physician's medical license number; and
 - (4) A certification by the physician that states that the physician's Oklahoma license to practice medicine is active and in good standing.

310:681-1-9.1. Recommending physician standards

- (a) Any Physician, before making a recommendation for medical marijuana under these provisions, shall be in "good standing" with their licensure board. Physicians in residency or other graduate medical training do not meet the definition of Physician under this Subchapter and any recommendation for a patient medical marijuana license will be rejected by the Department.
- (b) When recommending a medical marijuana license, a physician shall use the accepted standards a reasonable and prudent physician would follow when recommending any medication to a patient.
- (c) A physician shall not be located at the same physical address of a dispensary.

SUBCHAPTER 2. MEDICAL MARIJUANA LICENSES

310:681-2-1. Application for patient license

- (a) The application for a patient license shall be on the Department issued form and shall include at a minimum:
 - (1) The applicant's first name, middle name, last name and suffix, if applicable;
 - (2) The applicant's valid mailing address;
 - (3) The applicant's date of birth;
 - (4) The applicant's telephone number and email address;
 - (5) The signature of the applicant attesting the information provided by the applicant is true and correct; and
 - (6) The date the application was signed.
- (b) An application must be submitted within thirty (30) days of signature or it will be rejected by the Department.
- (c) A complete application shall include the following documentation or the application will be rejected:
 - (1) Documents establishing the applicant is an Oklahoma resident as established in OAC 310:681-1-6 (relating to proof of residency).
 - (2) Documents establishing proof of identity as established in OAC 310:681-1-7 (relating to proof of identity).
 - (3) A digital photograph as established in OAC 310:681-1-8 (relating to applicant photograph).

- (4) A certification and recommendation from an Oklahoma ~~Board-Certified~~ Physician dated within thirty (30) days of the date of submission of the application to the Department, on the form provided by the Department, which includes the following:
 - (A) The physician's name and medical license ~~or board certification~~ number including an identification of the physician's license type and ~~area of board certification~~;
 - (B) Office address on file with the physician's licensing board;
 - (C) Telephone number on file with the physician's licensing board;
 - (D) The patient/applicant's date of birth;
 - (E) The physician's signed and dated attestation of the following:
 - (i) The physician has established a medical record and has a bona fide physician-patient relationship;
 - (ii) The physician has determined the presence of a medical condition(s) for which the patient/applicant is likely to receive therapeutic or palliative benefit from use of medical marijuana;
 - (iii) The patient/applicant is recommended a medical marijuana license according to the accepted standards a reasonable and prudent physician would follow for recommending or approving any medication as described at OAC 310:681-1-9.1 (relating to recommending physician standards);
 - (iv) If applicable, the patient/applicant is homebound and unable to ambulate sufficiently to allow them to regularly leave their residence; and the physician believes the patient/applicant would benefit from having a caregiver with a caregiver's license designated to manage the patient's medical marijuana on the patient's behalf;
 - (v) The information provided by the physician in the certification is true and correct; and
 - (vi) Stating the method by which the physician verified the patient's identity as provided in OAC 310:681-1-7 (relating to proof of identity).
- (d) Payment of the application fee as established in 63 O.S. ~~§420A-420~~ et seq. is required unless the applicant is insured by Medicaid or Medicare.
 - (1) If the applicant is insured by Medicaid or Medicare, the applicant must provide a copy of their insurance card or other acceptable verification.
 - (2) Upon receipt of this verification the Department may attempt to verify the applicant is currently insured by the insuring agency.
 - (3) If the Department is unable to verify the insurance, the application shall be rejected until verification is obtained.
 - (4) All applicants who are verified as being insured by Medicaid or Medicare shall pay a reduced application fee as established in 63 O.S. ~~§420A-420~~ et seq.
 - (5) Application fees are nonrefundable.

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(e) An applicant who can demonstrate his or her status as a one-hundred-percent-disabled veteran shall pay a reduced application fee of \$20.00 and shall have the opportunity to submit the license application and payment by means other than solely online and in a manner approved by the Department. In order to qualify, an applicant must submit with his or her application a letter or other official documentation from the U.S. Department of Veteran Affairs or an agency of the U.S. Department of Defense, signed within six (6) months of submission of the application, establishing that the applicant is a veteran with a service disability and stating the percent of the disability is one-hundred percent.

(f) An applicant who can meet the requirements for a patient license established in OAC 310:681-2-1 but whose physician recommendation for medical marijuana is only valid for sixty (60) days shall be issued a short-term medical marijuana license. A short-term medical marijuana license shall be valid for sixty (60) days. The initial license and renewal fee shall be \$100.00, unless the applicant can prove he or she is insured by Medicaid or Medicare in accordance with OAC 310:681-2-1(d) or is a one-hundred-percent-disabled veteran in accordance with OAC 310:681-2-1(e), in which case applicant shall pay a reduced fee of \$20.00.

310:681-2-2. Application for patient license for persons under age eighteen (18)

(a) The application for a patient license for persons under the age of eighteen (18) shall be on the Department issued form and shall include at a minimum:

- (1) The first name, middle name, last name and suffix, if applicable, of the applicant and of the applicant's parent(s) or legal guardian(s);
- (2) The mailing address of the applicant and of the applicant's parent(s) or legal guardian(s);
- (3) The date of birth of the applicant and of the applicant's parent(s) or legal guardian(s);
- (4) The telephone number and email address of the applicant and/or the applicant's parent(s) or legal guardian(s);
- (5) If the person submitting the application on behalf of a minor is the minor's legal guardian, a copy of documentation establishing the individual as the minor's legal guardian;
- (6) The signature and attestation by the parent(s) or legal guardian(s) that the information provided in the application is true and correct; and
- (7) The date the application was signed.

(b) An application must be submitted within thirty (30) days of signature or it will be rejected by the Department.

(c) A complete application shall include the following documentation or the application will be rejected:

- (1) Documents establishing the applicant's parent(s) or legal guardian(s) is an Oklahoma resident as established in OAC 310:681-1-6 (relating to proof of residency).
- (2) Documents establishing proof of identity as set forth in OAC 310:681-1-7 (relating to proof of identity) for the applicant and the applicant's parent(s) or legal guardian(s).

(3) A digital photograph, as established in OAC 310:681-1-8 (relating to applicant photograph), of the applicant and the applicant's parent(s) or legal guardian(s).

(4) Certifications and recommendations from two Oklahoma ~~Board-Certified~~ physicians dated within thirty (30) days of the date of submission of the application to the Department, on the forms provided by the Department, and including the information required under OAC 310:681-2-1(c)(4).

(d) Minor Patient Licenses are valid for a term of two (2) years, or until the minor turns age eighteen (18), whichever occurs first.

(e) Under no circumstances shall a minor patient license holder be authorized to smoke or vaporize any medical marijuana or medical marijuana products, unless both recommending physicians agree it is medically necessary. This Subsection does not prohibit minors from using nebulizers or other aerosolized medical devices.

(f) Payment of the application fee as established in 63 O.S. §420A-420 et seq. is required unless the applicant is insured by Medicaid or Medicare.

(1) If the applicant is insured by Medicaid or Medicare, the applicant must provide a copy of their insurance card or other acceptable verification.

(2) Upon receipt of this verification the Department may attempt to verify the applicant is currently insured by the insuring agency.

(3) If the Department is unable to verify the insurance, the application shall be rejected until verification is obtained.

(4) All applicants who are verified as being insured by Medicaid or Medicare shall pay a reduced application fee as established in 63 O.S. §420A-420 et seq.

(5) Application fees are nonrefundable.

(g) An applicant who can meet the requirements for a minor patient license as established in OAC 310:681-2-2 but whose physician recommendations for medical marijuana are only valid for sixty (60) days shall be issued a short-term medical marijuana license. A short-term medical marijuana license shall be valid for sixty (60) days. The initial license and renewal fee shall be \$100.00, unless the applicant can prove he or she is insured by Medicaid or Medicare in accordance with OAC 310:681-2-2(f), in which case applicant shall pay a reduced fee of \$20.00.

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

(a) Applications for a caregiver's license for caregivers of a licensed patient may be made at any time during the term of the patient license.

(b) Only one caregiver's license shall be issued for each patient license, except in the case of a licensed patient under the age of eighteen (18) whereby two (2) parents and/or legal guardians may be recognized as the minor's caregivers, if such minor is homebound.

(c) A caregiver's application will be accepted for a patient who has a physician's attestation that the patient is homebound or does not have the capability to self-administer or purchase medical marijuana due to developmental disability or physical

or cognitive impairment and would benefit by having a designated caregiver to manage medical marijuana on the behalf of the patient as provided in OAC 310:681-2-1(c)(4)(E)(iv).

(d) The caregiver's application shall be made on a form provided by the Department and shall include the following:

(1) All information and documentation for the caregiver provided for ~~in~~ OAC 310:681-2-1(a) and (c) except there shall be no medical certification from an Oklahoma ~~Board-Certified~~ Physician nor fee assessed for a caregiver's license;

(2) A signed and dated attestation from the patient license holder or patient applicant, or the patient's parent(s) or legal guardian(s) if patient is under eighteen (18) years of age, appointing the caregiver as their designee under this provision. If the patient license holder is incapacitated or subject to legal guardianship, a durable medical power of attorney or a court order for guardianship may be submitted and the person appointed to act under that document may execute the notarized statement; and

(3) The patient license number shall be included in the application.

(e) A caregiver issued and in possession of a valid, unexpired OMMA caregiver license may exercise the same rights as the medical marijuana patient license holder for whom he or she is designated caregiver, except that:

(1) A caregiver may not use medical marijuana or medical marijuana products; and

(2) A caregiver may only exercise cultivation rights on behalf of up to five (5) medical marijuana patient license holders.

(f) A caregiver shall immediately notify the Department in a manner prescribed by the Department if the marijuana patient license holder for whom he or she is designated caregiver is deceased.

310:681-2-3.1. Withdrawal of a caregiver's authorization

(a) A medical marijuana patient license holder may withdraw ~~A~~ a caregiver's license shall be withdrawn for any patient that at any time by ~~provides~~ providing written or electronic notification to the Department, on the Department provided form, and the Department shall immediately withdraw the license of their wish to withdraw the caregiver's authorization. This withdrawal shall not be subject to appeal.

(b) Upon notice from the Department that the caregiver's license has been withdrawn, the caregiver shall immediately return his or her license to the Department.

310:681-2-4. Application for temporary patient license

(a) Temporary patient license application shall be made on a form provided by the Department and shall include the following:

(1) All information provided for in OAC 310:681-2-1(a) (relating to patient license application);

(2) Electronic copy or digital image in color of applicant's unexpired out-of-state medical marijuana patient license;

(3) Electronic copy or digital image in color of one of the following unexpired documents:

- (A) A valid state issued driver's license;
- (B) A valid state issued Identification Card;
- (C) A United States Passport or other photo identification issued by the United States government; or
- (D) Other documentation that the Department deems sufficient to establish identity;

(4) A digital photograph as established in OAC 310:681-1-8 (relating to applicant photograph); and

(5) If a temporary patient applicant is under the age of eighteen (18), in addition to complying with paragraphs (1), (2), and (3) of this subsection, applicant shall also comply with OAC 310:681-2-2(a)(1)-(7).

(b) Digital images of the records required in this Section shall be of sufficient clarity that all text is legible. See the requirements specified in OAC 310:681-1-8 (relating to applicant photograph) for resolution guidance.

(c) The fee for a temporary patient license shall be the fee established in statute at 63 O.S. ~~§420A~~420 et seq.

(d) Application fees are nonrefundable.

310:681-2-5. Term and renewal of medical marijuana license

(a) Patient License Term. Medical marijuana patient licenses issued under OAC 310:681-2-1 and OAC 310:681-2-2 shall be for a term of two (2) years from the date of issuance, unless the physician recommendation is terminated by the physician, the medical marijuana patient license holder is deceased, or the license is revoked by the Department or voluntarily surrendered by the patient.

(b) Short-Term Patient License Term. Short-term medical marijuana patient licenses issued under OAC 310:681-2-1(f) and OAC 310:681-2-2(g) shall be for a term of sixty (60) days from the date of issuance, unless the physician recommendation is terminated by the physician, the short-term patient license holder is deceased, or the license is revoked by the Department or voluntarily surrendered by the patient.

(c) Caregiver License Term. Caregiver's licenses may not extend beyond the expiration date of the underlying patient license regardless of the issue date.

(d) Temporary Patient License Term. Temporary patient licenses issued under OAC 310:681-2-4 shall be for a term of thirty (30) days from the date of issuance, unless the temporary patient license holder is deceased or the license is revoked by the Department or voluntarily surrendered by the patient; however, temporary patient licenses may not extend beyond the expiration date of the underlying out-of-state medical marijuana patient license.

(e) Change in information. ~~It is the responsibility of the license holder to notify the Department in writing within thirty (30) days of any changes in contact information.~~ All patient and caregiver licensees shall ensure that all information and records maintained in the licensee's online OMMA license account are complete, accurate, and updated in a timely manner.

(f) Renewal. It is the responsibility of the license holder to renew the license, with all applicable documentation, prior to the date of expiration of the license by following the

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procedures provided in OAC 310:681-2-1, 310:681- 2-2, 310:681-2-3, and/or 310:681-2-4.

(fg) **Renewal Fee.** The fee for renewal shall be the fee established in statute or under this Chapter for the licensee ~~at 63 O.S. § 420A et seq.~~ Application fees are nonrefundable.

(gh) **Surrender of license.**

(1) A licensed patient or caregiver may voluntarily surrender a license to the Department at any time.

(2) If a licensee voluntarily surrenders a license, the licensee shall:

(A) Return the license to the Department; ~~and~~

(B) Submit a surrender license form provided by the Department; ~~and~~

(C) Submit proof of the licensee's identity through submission of documentation identified in OAC 310:681-1-7 (relating to Proof of Identity).

(i) **Physician Termination.**

(1) A physician who determines the continued use of medical marijuana by the patient no longer meets the requirements for possession of a license may notify the Department of the physician's intent to terminate the physician recommendation by submitting a physician termination form provided by the Department signed within 30 days of submission.

(2) The Department shall then immediately terminate the patient license. If the physician fails to comply with any further requests for information or documentation that the Department deems necessary to validate the physician termination, the Department may refuse to terminate the patient license.

(3) The Department shall not terminate a minor patient license unless both recommending physicians have submitted a physician termination form.

(4) Notice and a right to hearing shall be provided to the patient in accordance with the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 et seq., and the Oklahoma Administrative Procedures Act, 75 O.S. § 250 et seq.

(hj) **License revocation and suspension.** Except as otherwise provided in applicable Oklahoma law and these Rules, ~~Procedures~~ procedures for revocation and suspension of licenses are stated in the Oklahoma Administrative Procedures Act, 75 O.S. § 250 et seq. These procedures provide for the licensee to be receive notified notice of alleged violation(s) of the Department rules and applicable law. These procedures also provide for the licensee and to have the opportunity to be present at a hearing and to present evidence in his or her defense. The Commissioner of Health or his or her designee may promulgate an administrative ~~compliance~~ order revoking or suspending the license, dismissing the matter, or providing for other relief as allowed by law. At any time after the action is filed against the ~~commercial~~ licensee, the Department and the licensee may dispose of the matter by consent order or stipulation. Orders are appealable in accordance with the Oklahoma Administrative Procedures Act, 75 O.S. § 250 et seq.

310:681-2-8. Possession limits

(a) A patient who has been issued and is in possession of an OMMA medical marijuana license is legally authorized to:

(1) Consume marijuana legally;

(2) Legally possess up to three (3) ounces (84.9 grams) of marijuana on their person;

(3) Legally possess six mature marijuana plants;

(4) Legally possess six seedling plants;

(5) Legally possess (1) ounce (28.3 grams) of concentrated marijuana;

(6) Legally possess seventy-two (72) ounces (2,037.6 grams) of edible marijuana; and

(7) Legally possess up to eight (8) ounces (226.4 grams) of marijuana in their residence.

(b) These possession limits are cumulative and a licensed patient or caregiver may possess at one time the totality of the items listed in this Section.

310:681-2-9. Prohibited acts and penalties

(a) A licensed patient shall not sell or otherwise transfer any medical marijuana or medical marijuana products to another individual or entity. Intentional and impermissible diversion of medical marijuana or medical marijuana products by a licensed patient may result in, for a first offense, a fine of \$200.00, and for a second offense, a fine of \$500.00 and revocation of license upon a showing that the violation was willful or grossly negligent.

(b) A licensed caregiver shall not sell or otherwise transfer any medical marijuana or medical marijuana products to any individual other than the licensed patient on whose behalf the caregiver is lawfully authorized to grow, possess, purchase or otherwise obtain said medical marijuana or medical marijuana products. Intentional and impermissible diversion of medical marijuana or medical marijuana products by a licensed caregiver may result in, for a first offense, a fine of \$200.00, and for a second offense, a fine of \$500.00 and revocation of license upon a showing that the violation was willful or grossly negligent.

(c) All medical marijuana grown by medical marijuana patient license holders or caregivers may only be grown on real property owned by the patient license holder or on real property for which the patient license holder has the property owner's written permission to grow medical marijuana on the property. The growth of medical marijuana in locations not permitted under this Subsection is prohibited.

(d) Any and all medical marijuana grown by licensed patients or caregivers shall not be accessible to a member of the general public.

(e) Any and all medical marijuana grown by licensed patients or caregivers shall not be visible from any street adjacent to the property. Medical marijuana is "visible" if it is viewable by a normal person with 20/20 eyesight without the use of any device to assist in improving viewing distance or vantage point.

(f) No licensed patient or caregiver shall operate or otherwise use any extraction equipment or processes utilizing butane, propane, carbon dioxide or any potentially hazardous material in residential property.

**SUBCHAPTER 3.
TRANSPORTATION TRANSPORTER LICENSE**

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

(a) A medical marijuana ~~transportation~~ transporter license ~~will~~ shall be issued to qualifying applicants for a ~~commercial grower, processor, or dispensary~~ licenses at the time of approval. This license shall enable licensed growers, processors, and dispensaries through their licensed transporter agents to transport medical marijuana or medical marijuana products to other commercial licensees and testing laboratories. This license shall not authorize licensed growers, processors, or dispensaries to transport, store, or distribute medical marijuana or medical marijuana products on behalf of other medical marijuana licensees.

(b) A medical marijuana commercial transporter license shall be issued as an independent commercial license to applicants meeting the requirements set forth in OAC 310:681-5-3, OAC 310:681-5-3.1, and OAC 310:681-5-3.2. This license shall be subject to the same restrictions and obligations as any commercial licensee and shall enable the commercial transporter to:

- (1) transport, store, and distribute medical marijuana and medical marijuana products on behalf of other commercial licensees;
- (2) contract with multiple commercial licensees; and
- (3) maintain multiple warehouses at licensed premises that are approved by the Department for the purpose of temporarily storing and distributing medical marijuana and medical marijuana products.

(c) A commercial transporter applicant or licensee must obtain and submit to the Department for each warehouse location a certificate of compliance issued by the political subdivision where the licensed premises is to be located certifying compliance with zoning classifications; applicable municipal ordinances; and applicable safety, electrical, fire, plumbing, waste, construction, and building specification codes, and the licensed premises shall meet security requirements applicable to a medical marijuana business.

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

(e) No person or entity shall transport or otherwise transfer any medical marijuana or medical marijuana products without both a valid transporter license and a valid transporter agent license.

(b) ~~A transportation license shall enable the holder to transport marijuana from an Oklahoma dispensary, grower, or processor, to an Oklahoma dispensary, grower, or processor.~~

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

(a) All medical marijuana and medical marijuana products shall be transported:

(1) In ~~in~~ a locked shipping container, shielded from public view, and clearly labeled "Medical Marijuana or Derivative-"; and

(2) In a secured area of the vehicle that is not accessible by the driver during transit;

(b) All vehicles used to transport medical marijuana and medical marijuana products shall be:

(1) Equipped with active Global Positioning System (GPS) trackers, which shall not be mobile cellular devices and which shall be capable of storing and transmitting GPS data; and

(2) Insured at or above the legal requirements in Oklahoma.

(c) Commercial transporters, growers, processors, and dispensaries shall maintain updated and accurate records and information on all vehicles engaged in the transport of medical marijuana or medical marijuana products, including GPS data and records. Such records and information shall be kept at the licensed premises and shall be readily accessible.

(~~b~~d) ~~Commercial licensees or their authorized agents or employees shall~~ licensed transporter agents shall carry a copy of the commercial transporter license or the grower, processor, or dispensary transportation only license, and the transporter agent's license ~~and transportation license~~ while transporting medical marijuana.

(~~e~~e) Commercial licensees and transporter agents shall implement appropriate security measures to deter and prevent the theft and diversion of marijuana during transportation.

(f) Commercial transporters and transporter agents shall comply with all applicable motor vehicle laws.

(g) In addition to any other penalties established by law, the Department may revoke the transporter agent license of any transporter agent who knowingly violates any provision of 63 O.S. § 427.16.

(h) In addition to any other penalties established by law, the Department may revoke or suspend the transporter license of any commercial transporter who knowingly aids or facilitates a transporter agent in the violation of any provision of 63 O.S. § 427.16.

310:681-3-3. Transporter agent license

(a) **License required.** Only agents, employees, officers, or owners of commercial transporters, growers, processors, or dispensaries who are issued a transporter agent license by the Department shall be qualified to transport medical marijuana or medical marijuana products.

(b) **Application fee.** Either the individual applicant for a transporter agent license or the commercial licensee employing the applicant shall submit the transporter agent license application or any renewal application to the Department on a form and in a manner prescribed by the Department, along with the annual application fee of \$100.00 as established in the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 et seq.

(c) **Submission.** The application for a transporter agent license shall be on the Department prescribed form and shall include at a minimum:

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- (1) The applicant's first name, middle name, last name, and suffix, if applicable;
 - (2) The applicant's residential address and valid mailing address;
 - (3) The applicant's date of birth;
 - (4) The applicant's telephone number and email address;
 - (5) The applicant's Oklahoma driver license number and expiration date;
 - (6) An affidavit of lawful presence signed by the transporter agent applicant;
 - (7) An attestation that the transporter agent applicant shall not divert medical marijuana or medical marijuana products to any entity or individual that is not lawfully entitled to possess;
 - (8) An attestation that the transporter agent understands and/or has been notified that the commercial licensee identified as the employer in the application may terminate the transporter agent license at any time; and
 - (9) An attestation that the information provided in the application is true and correct.
- (d) **Supporting Documentation.** A complete application shall include the following documentation:
- (1) A copy of the applicant's valid, unexpired Oklahoma driver license;
 - (2) Documents establishing the applicant is an Oklahoma resident as established in OAC 310:681-5-3.1 (relating to proof of residency for commercial licensees);
 - (3) A digital photograph as established in OAC 310:681-1-8 (relating to applicant photograph).
 - (4) An employment verification form prescribed by the Department verifying the applicant's employment with a commercial transporter, grower, processor, or dispensary; and
 - (5) A criminal background check conducted by the Oklahoma State Bureau of Investigation establishing that the applicant does not have a disqualifying criminal conviction.
- (e) **License Term.** A transporter agent license shall be valid for one year, unless the license is deactivated by the commercial licensee employing the transporter agent, voluntarily surrendered, or revoked by the Department.

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

- (a) Commercial transporters, growers, processors, or dispensaries employing a transporter agent shall notify the Department within fourteen (14) days in the manner and on the form prescribed by the Department when a transporter agent ceases to work as a transporter, and the transporter agent license shall be deactivated. This deactivation shall not be subject to appeal.
- (b) The commercial transporter, grower, processor, or dispensary is responsible for destroying or returning to the Department any deactivated transporter agent license.

310:681-3-5. Information contained on a transporter agent license

- (a) A qualifying applicant for a transporter agent license shall be issued a registry identification card, otherwise referred to as a transporter agent license.
- (b) The transporter agent shall carry the transporter agent license and a copy of his or her employer's transporter license at all times during transportation of medical marijuana or medical marijuana products.
- (c) The transporter agent license shall at a minimum contain the following information:
 - (1) The digital photograph of the license holder;
 - (2) The name and date of birth of the license holder;
 - (3) The type of license;
 - (4) The date the license expires; and
 - (5) The unique license number assigned to the license holder.
- (d) Licensees shall not accept any medical marijuana or medical marijuana products from a transporter agent who is not in possession of a transporter agent license.

310:681-3-6. Inventory manifests

- (a) Commercial transporters, growers, processors, and dispensaries shall utilize an electronic inventory management system to create and maintain shipping manifests documenting all transport of medical marijuana and medical marijuana products throughout the State of Oklahoma.
- (b) When transporting medical marijuana or medical marijuana products, commercial transporters, growers, processors, and dispensaries shall provide copies of the inventory manifests to each originating and receiving licensee at the time the product changes hands.
 - (1) The copy of the inventory manifest to be left with the originating licensee shall include, at a minimum:
 - (A) The license number, business name, address, and contact information of the originating licensee;
 - (B) The license number, business name, address, and contact information of the commercial transporter, grower, processor, or dispensary transporting the medical marijuana if such licensee is not the originating licensee;
 - (C) A complete inventory of the medical marijuana and medical marijuana products to be transported, including the quantities by weight or unit of each type of medical marijuana and medical marijuana products and the batch number(s);
 - (D) The date of transportation and the approximate time of departure;
 - (E) Printed names, signatures, and transporter agent license numbers of personnel accompanying the transport;
 - (F) Notation of the commercial transporter, grower, processor, or dispensary authorizing the transport; and
 - (G) The license number(s), business name(s), address(es), and contact information for all end point recipients.

(2) The copy of the inventory manifest to be left with the receiving licensee shall include, at a minimum:

(A) The license number, business name, address, and contact information for the receiving licensee;

(B) The license number, business name, address, and contact information of the originating licensee;

(C) The license number, business name, address, and contact information of the commercial transporter, grower, processor, or dispensary transporting the medical marijuana if such licensee is not the originating licensee;

(D) A complete inventory of the medical marijuana and medical marijuana products delivered to the receiving licensee, including the quantities by weight or unit of each type of medical marijuana and medical marijuana products and the batch number(s);

(E) The date and estimated time of arrival;

(F) The printed names, signatures, and transporter agent license numbers of the personnel accompanying the transport; and

(G) The printed names, titles, and signatures of any personnel accepting delivery on behalf of the receiving licensee.

(c) A separate inventory manifest shall be prepared for each licensee receiving the medical marijuana or medical marijuana products.

(d) Commercial transporters, processors, growers, and dispensaries shall also maintain copies of all inventory manifests in accordance with OAC 310:681-5-6(b).

(e) Inventory manifests should reflect a complete chain of custody of any and all medical marijuana and medical marijuana products being transported, including all instances in which the medical marijuana and medical marijuana products are stored at a commercial transporter warehouse.

(f) Originating and receiving licensees shall maintain copies of inventory manifests and inventory records logging the quantity of medical marijuana or medical marijuana products received for at least three (3) years from the date of receipt.

(g) An inventory manifest shall not be altered after departing from the originating licensee's premises, except for the addition of the printed names, titles, and signatures of any personnel accepting delivery on behalf of the receiving licensee.

(h) A receiving licensee shall refuse to accept any medical marijuana or medical marijuana products that are not accompanied by an inventory manifest.

(i) If a receiving licensee refuses to accept delivery of any medical marijuana and/or medical marijuana product or if delivery of the medical marijuana or medical marijuana is impossible:

(1) The medical marijuana and/or medical marijuana products shall be immediately returned to originating licensee who retains legal ownership of the products; and

(2) The refusal shall be fully documented in the inventory manifests, which should include, at a minimum:

(A) The license number, business name, address, and contact information of the licensee to which the medical marijuana or medical marijuana products were to be delivered;

(B) A complete inventory of the medical marijuana or medical marijuana products being returned, including batch number;

(C) The date and time of the refusal; and

(D) Documentation establishing the medical marijuana or medical marijuana products were returned in accordance with OAC 310:681-3-6(i)(1).

SUBCHAPTER 5. COMMERCIAL ESTABLISHMENTS

310:681-5-1. License required

(a) No person or entity shall operate a medical marijuana dispensary, grower operation, processor, or research project business without first obtaining a license from the Department pursuant to 63 O.S. §420A-420 et seq., the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 et seq., other applicable Oklahoma law, and the Rules in this Chapter. Only a person who is in compliance with the requirements of 63 O.S. § 420A et seq. Oklahoma law and these Rules shall be entitled to receive or retain such a license.

(b) All commercial license applications shall be complete and accurate in every detail, shall include all attachments or supplemental information required by the forms supplied by the Department, and shall be accompanied by full remittance of the entire application fee. Any misstatements, omissions, misrepresentations, or untruths made in the application shall be grounds for administrative action against the licensee by the Department.

(c) All commercial licenses shall be on forms prescribed by the Department.

(ed) Application fees are nonrefundable.

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

Upon acceptance of the license issued by the Department, the license holder in order to retain the license shall:

(1) Post the license or permit in a location in the commercial establishment licensed premises that is conspicuous to consumers;

(2) Comply with the provisions in this Chapter;

(3) Allow representatives of the Department access to the commercial establishment as specified under OAC 310:681-5-4 and OAC 310:681-5-(4)6 (e);

(4) Comply with directives of the Department including time frames for corrective actions specified in inspection reports, audit reports, notices, orders, warnings, and other directives issued by the Department in regard to the license holder's commercial establishment or in response to community emergencies;

(5) Accept notices issued and served by the Department according to law;

(6) Be subject to the administrative, civil, injunctive, and criminal remedies authorized in law for failure to comply with this Chapter or a directive of the Department, including time frames for corrective actions specified in

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inspection reports, audit reports, notices, orders, warnings, and other directives; ~~and~~

~~(7) Ensure that all information and records maintained in the licensee's online OMMA license account-including the hours of operation for all licensed premises and a valid mailing address, if applicable-are complete, accurate, and updated in a timely manner in accordance with these Rules; and~~

~~(78) If applicable, submit the annual renewal application and pay all renewal license and late fees, if any.~~

310:681-5-2. Licenses

(a) **Timeframe.** A commercial establishment license shall be issued for a twelve (12) month period expiring one (1) year from the date of issuance. The license may be issued upon receipt of a completed application, payment of application fee, and verification by the Department the individual or entity complies with the requirements of ~~63 O.S. § 420A et seq.set forth in Oklahoma law~~ and this Chapter.

(b) **Location.** A ~~business establishment~~commercial license issued to a grower, processor, or dispensary shall only be valid for a single location at the address listed on the application. A transporter license shall only be valid at the physical locations that have been submitted to and approved by the Department and are listed on the application.

(c) **Renewal of license.**

(1) It is the responsibility of the license holder to renew the license, with all applicable documentation, prior to the date of expiration of the license by following the procedures provided in OAC 310:681-5-3.

(2) Before renewing a license, the Department may require further information and documentation and may require additional background checks to determine the licensee continues to meet the requirements of ~~63 O.S. § 420A et seq.set forth in Oklahoma law~~ and these ~~rules~~Rules.

~~(3) Upon the determination that a licensee has not met the requirements for renewal, the Department shall provide written notice to the licensee. The notice shall provide an explanation for the denial of the renewal application.~~

~~(d3)~~ **Liquidation of products:** A commercial establishment licensee whose license is not renewed, or whose license is revoked, suspended, or voluntarily surrendered, shall cease all operations immediately upon expiration of the license.

~~(1A)~~ A commercial establishment has thirty (30) days from date of expiration, revocation, suspension, or surrender of a commercial license to liquidate and transfer all medical marijuana or medical marijuana products to another commercial establishment that (1) the commercial establishment may lawfully sell to and (2) is licensed to possess such medical marijuana or medical marijuana products.

~~(2B)~~ Any medical marijuana or medical marijuana products not liquidated in accordance with OAC 310:681-5-

2(d)(1) still in possession after date of expiration, revocation, suspension, or surrender, or medical marijuana products not liquidated after thirty (30) days, shall be disposed of as specified under OAC 310:681-5-10.

~~(4) Upon the determination that a licensee has not met the requirements for renewal, the Department shall provide written notice to the licensee. The notice shall provide an explanation for the denial of the renewal application.~~

~~(de)~~ **Change in information.**

~~(1) The commercial licensee~~Licensees shall notify the Department in writing within fourteen (14) days of any changes in contact information by electronically submitting a change request in accordance with the Department's instructions.

~~(2) Licensees shall obtain Department approval prior to any changes that effect the licensee's qualifications for licensure. The licensee~~Licensees shall notify the Department in writing ~~no less than fourteen (14) days~~ in advance of any change that may affect the licensee's qualifications for licensure by electronically submitting a change request, along with any relevant documentation, in accordance with the Department's instructions. Except as is otherwise authorized by the Department, licensees are limited to one location change request and one ownership change request per year of licensure.

~~(3) In the event of a change for which a licensee does not have prior notice that may affect the licensee's qualifications for licensure, the licensee shall notify the Department immediately upon learning of the change.~~

~~(ef)~~ **Transfer of license.**

(1) Commercial licenses may not be assigned or otherwise transferred from one person to another person, from one commercial establishment to another, or from one legal entity to another.

(2) Licenses may not be changed from one ~~business~~license type to another.

~~(fg)~~ **Surrender of license.**

(1) A licensee may voluntarily surrender a license to the Department at any time.

(2) If a licensee voluntarily surrenders a license, the licensee shall:

(A) Return the license to the Department;

(B) Submit on a form prescribed by the Department a report to the Department including the reason for surrendering the license; contact information following the close of business; the person or persons responsible for the close of the business; and where business records will be retained; ~~and~~

(C) Submit proof of the licensee's identity through submission of documentation identified in OAC 310:681-1-7 (relating to Proof of Identity); and

~~(GD)~~ Liquidate or dispose of Any any medical marijuana or medical marijuana products remaining in the possession of the licensee shall be disposed of in accordance with OAC 310:681-5-2(d) and OAC 310:681-5-10.

310:681-5-3. Applications

(a) **Application fee.** An applicant for a commercial establishment license, or renewal thereof, shall submit to the Department a completed application on a form and in a manner prescribed by the Department, along with the application fee as established in 63 O.S. §~~420A~~420 et seq. and the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 et seq.

(b) **Submission.** Applications for a commercial license will be accepted by the Department no earlier than sixty (60) days from the date that the State Question is approved by the voters of the State of Oklahoma. The application shall be on the Department prescribed form and shall include the following information about the establishment:

- (1) Name of the establishment;
- (2) Physical address of the establishment, including the county in which any licensed premises will be located;
- (3) GPS coordinates of the establishment; ~~and~~
- (4) Phone number and email of the establishment;
- (5) Hours of operation for any licensed premises.

(c) **Individual applicant.** The application for a commercial license made by an individual on ~~their~~ his or her own behalf shall be on the Department prescribed form and shall include at a minimum:

- (1) The applicant's first name, middle name, last name and suffix if applicable;
- (2) The applicant's residence address and valid mailing address;
- (3) The applicant's date of birth;
- (4) The applicant's telephone number and email address;
- (5) An attestation that the information provided by the applicant is true and correct; ~~and~~
- (6) An attestation that any licensed premises shall not be located on tribal lands;
- (7) An attestation that the business has obtained all applicable local licenses and permits for all licensed premises;
- (8) An attestation that no individual with ownership interest in the business is a sheriff, deputy sheriff, police officer, prosecuting officer, an officer or employee of OMMA, or an officer or employee of a municipality in which the commercial entity is located; and
- (69) A statement signed by the applicant pledging not to divert marijuana to any individual or entity that is not lawfully entitled to possess marijuana.

(d) **Application on behalf of an entity.** In addition to requirements of Subsection (c), an application for a commercial license made by an individual on behalf of an entity shall include:

- (1) An attestation that applicant is authorized to make application on behalf of the entity;
- (2) Full name of organization;
- (3) Trade name, if applicable;
- (4) Type of business organization;
- (5) Mailing address;
- (6) ~~An attestation that the commercial entity will not be located on tribal lands;~~

- (76) Telephone number and email address; and
- (87) The name, residence address, and date of birth of each owner and each member, manager, and board member, if applicable.

(e) **Supporting documentation.** ~~For a determination that a commercial applicant meets the requirements of 63 O.S. § 420A et seq., each~~ Each application shall be accompanied by the following documentation:

(1) ~~A list of all persons and/or entities that have an ownership interest in the owners and principal officers of the commercial applicant and supporting documentation, including, but not limited to: certificate of incorporation, bylaws, articles of organization, operating agreement, certificate of limited partnership, resolution of a board of directors, or other similar documents;~~

(2) If applicable, A certificate of good standing from the Oklahoma Secretary of State issued within thirty(30)days of submission of the application, if applicable;

(3) If applicable, an electronic copy or digital image in color of a sales tax permit issued by the Oklahoma Tax Commission;

(34) An Affidavit of Lawful Presence for each owner;

(45) If a licensed dispensary, proof that the location of the dispensary is ~~a~~ at least one thousand (1,000) feet from a public or private school. The distance specified shall be measured in a straight line from any entrance of any public and private school to the nearest point of the location of the dispensary; and

(56) Documents establishing the applicant; and the members, managers, and board members if applicable; and seventy-five percent (75%) of the commercial applicant's ownership interests are Oklahoma residents as ~~established~~ required in 63 O.S. § 420A et seq. the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 et seq. and OAC 310:681-1-6 (relating to proof of residency); and

(A) Applicants seeking to renew a commercial license issued prior to the enactment of the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 et seq., shall submit documentation establishing proof of residency in accordance with OAC 310:681-1-6 (relating to Proof of residency);

(B) All other applicants shall submit documentation establishing proof of residency in accordance with OAC 310:681-5-3.1.

(7) A certificate of compliance on a form prescribed or otherwise authorized by the Department that is issued by the political subdivision where the licensed premises is to be located certifying compliance with zoning classifications; applicable municipal ordinances; and applicable safety, electrical, fire, plumbing, waste, construction, and building specification codes;

(68) Any further documentation the Department determines is necessary to ensure the commercial applicant is qualified under ~~63 O.S. § 420A et seq.~~ Oklahoma law and this Chapter to obtain a commercial license.

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(f) **Incomplete application.** Failure to submit a complete application with all required information and documentation shall result in a rejection of the application. The Department shall notify the applicant via email through the electronic application account of the reasons for the rejection, and the applicant shall have thirty (30) days from the date of notification to correct and complete the application without an additional fee. If the applicant fails to correct and complete the application within the thirty (30) day period, the application shall expire.

(g) **Status update letter.** If a delay in processing has occurred, the Department shall notify the applicant via email of the delay and the reason for the delay.

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

(a) Applicants shall provide sufficient documentation establishing either:

- (1) Oklahoma residency for at least two (2) years immediately preceding the application submission date; or
- (2) five (5) years continuous Oklahoma residency during the twenty-five (25) years immediately preceding the application submission date.

(b) Applicants shall establish residency through submission of electronic copies or digital images in color of a combination of the following documents establishing residency for the entire span of the applicable time period:

- (1) An unexpired Oklahoma-issued driver license;
- (2) An Oklahoma identification card;
- (2) An Oklahoma voter identification card;
- (3) Utility bills, excluding cellular telephone and Internet bills;
- (4) Residential property deeds or other official documentation establishing proof of ownership of Oklahoma residential property;
- (5) Rental agreements for residential property located in the State of Oklahoma; and
- (6) Other documentation the Department deems necessary and/or sufficient to establish residency.

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

(a) A medical marijuana commercial license shall not be issued to or held by:

- (1) An applicant who has failed to pay the required application or renewal fee;
- (2) A corporation, if the criminal history of any its officers, directors, or stockholders has a disqualifying criminal conviction;
- (3) An owner under twenty-five (25) years of age;
- (4) An owner of any commercial licensee who, during a period of licensure or at the time of any commercial license application, has failed to:
 - (A) File any taxes, interest, or penalties due related to a medical marijuana business; or
 - (B) Pay any taxes, interest, or penalties due related to a medical marijuana business.

(5) A sheriff, deputy sheriff, police officer, prosecuting officer, officer or employee OMMA, or officer or employee of a municipality in which the commercial licensee is located; and

(6) A person whose authority to be a caregiver as defined in this Chapter is revoked by the Department for violations of Oklahoma law or these Rules. For purposes of this Subsection, revoked by the Department shall not include termination of a caregiver license based solely on a patient's withdrawal of caregiver designation.

(b) Any license issued to an individual or entity listed above shall be subject to revocation.

310:681-5-4. Inspections

(a) Submission of an application for a medical marijuana ~~processing commercial~~ license constitutes permission for entry to and inspection of ~~the processing licensee's premises~~ any licensed premises and any vehicles on the licensed premises used for the transportation of medical marijuana and medical marijuana products during hours of operation and other reasonable times. Refusal to permit or impeding such entry or inspection shall constitute grounds for the nonrenewal, suspension, or revocation of a license.

(b) The Department may perform ~~two~~ ~~an annual unannounced~~ on-site ~~inspection~~ inspections per calendar year of a ~~licensed processor's operations~~ the licensed premises to determine, assess, and monitor compliance with ~~63 O.S. § 420A et seq.~~ applicable Oklahoma law and these Rules ~~and, if applicable, food safety/preparation standards.~~

(c) The Department may conduct additional inspections to ensure correction of or investigate violations of applicable Oklahoma law and these Rules. Such inspections may be unannounced if the Department believes notice will result in the destruction of evidence. ~~If the Department receives a complaint concerning a licensed processor's noncompliance with 63 O.S. § 420A et seq. and this Chapter, the Department may conduct additional unannounced, on-site inspections beyond an annual inspection.~~

(d) The Department ~~may~~ shall refer all complaints alleging criminal activity or other violations of Oklahoma law that are made against a ~~licensed processor~~ licensee to appropriate Oklahoma state or local law enforcement or regulatory authorities.

~~(e)~~ If the Department discovers what it reasonably believes to be criminal activity or other violations of Oklahoma law during an inspection, the Department may refer the matter to appropriate Oklahoma state or local law enforcement or regulatory authorities for further investigation.

~~(e)~~ The Department may review any and all records of a ~~licensed processor~~ licensee and may require and conduct interviews with such persons or entities and persons affiliated with such entities, for the purpose of determining compliance with Department rules and applicable laws. Licensees shall be afforded at least twenty-four hours' notice to secure legal representation prior to any interviews. Failure to make documents or other requested information available to the Department and/or refusal to appear or cooperate with an interview shall constitute grounds for nonrenewal, suspension, or revocation.

of a license, or any other remedy or relief available under law. All records shall be kept on-site and readily accessible.

(f) ~~All commercial licensees shall provide the Department access to any material and information necessary in a reasonable amount of time not to exceed fifteen (15) days for determining compliance with 63 O.S. § 420A et seq. and this Chapter.~~

(g) ~~If the Department identifies a violation of 63 O.S. § 420A-420 et seq., the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 et seq.; and these Rules or this Chapter during an inspection of the licensed processor, the Department shall take administrative action in accordance with 63 O.S. § 423A and the Oklahoma law, including the Oklahoma Administrative Procedures Act, 75 O.S. §§ 250 et seq.~~

(h) ~~Except as otherwise provided in Oklahoma law or these Rules, correctable Violations~~ violation identified during an inspection shall be corrected within thirty (30) days of receipt of a written notice of deficiencies-violations.

(i) ~~If processor a licensee fails to correct the violations within thirty (30) days, the processor licensee will be subject to a fine of \$500.00 for each deficiency and any other administrative action and penalty authorized by law.~~

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

(a) ~~Monthly reports. Each commercial licensee shall utilize an inventory management system to maintain records and~~ Licensed growers, processors, and dispensaries shall complete a monthly report on a form and in a manner prescribed by the Department. These reports shall be deemed untimely if not received by the Department by the fifteenth (15th) of each month for the preceding month.

- (1) Dispensary reports shall include:
 - (A) ~~The amount of marijuana purchased from a licensed processor in pounds;~~
 - (B) ~~The amount of marijuana purchased from a licensed grower in pounds;~~
 - (C) ~~The amount of marijuana sold or otherwise transferred to licensees and the type of licensee in pounds;~~
 - (D) ~~The amount of marijuana waste in pounds;~~
 - (E) ~~If necessary, a detailed explanation of why any medical marijuana product purchased by the licensee cannot be accounted for as having been sold or still remaining in inventory;~~
 - (F) ~~Total dollar amount of all sales to medical marijuana patients and caregivers;~~
 - (G) ~~Total dollar amount of all taxes collected from sales to medical marijuana patients and caregivers; and~~
 - (H) ~~Any information the Department determines is necessary to ensure that all marijuana grown in Oklahoma is accounted for as required under 63 O.S. § 420A-420 et seq. and the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 et seq.~~
- (2) Grower reports shall include:
 - (A) The amount of marijuana harvested in pounds;

(B) ~~The amount of marijuana purchased in pounds;~~
(C) ~~The amount of marijuana sold or otherwise transferred to processor licensees in pounds;~~

(D) ~~The amount of marijuana sold to researcher, dispensary, and processor licensees in pounds;~~

(E) ~~The amount of drying or dried marijuana on hand;~~

(F) ~~The amount of marijuana waste in pounds;~~

(G) ~~If necessary, a detailed explanation of why any marijuana cannot be accounted for as having been sold, disposed of, or maintained in current inventory;~~

(H) ~~Total dollar amount of all sales to processor, dispensary, and researcher licensees; and~~

(I) ~~Any information the Department determines is necessary to ensure that all marijuana grown in Oklahoma is accounted for as required under 63 O.S. § 420A-420 et seq. and the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 et seq.~~

(3) Processor reports shall include:

(A) ~~The amount of marijuana purchased from grower licensees in pounds;~~

(B) ~~The amount of marijuana sold or otherwise transferred to dispensary, processor, and researcher licensees in pounds;~~

(C) ~~The amount of medical marijuana manufactured or processed in pounds;~~

(D) ~~If necessary, a detailed explanation of why any marijuana cannot be accounted for as having been purchased, sold, processed, or maintained in current inventory;~~

(E) ~~The amount of marijuana waste in pounds; and~~

(F) ~~Any information the Department determines is necessary to ensure that all marijuana grown in Oklahoma is accounted for as required under 63 O.S. § 420A-420 et seq. and the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 et seq.~~

(4) Researcher reports shall include:

(A) ~~The amount of marijuana purchased from commercial establishments in pounds;~~

(B) ~~The amount of medical marijuana used for research;~~

(C) ~~The amount of marijuana waste in pounds;~~

(D) ~~If necessary, a detailed explanation of why any marijuana cannot be accounted for as having been purchased, used for research, or maintained in current inventory; and~~

(E) ~~Any information the Department determines is necessary to ensure that all marijuana grown in Oklahoma is accounted for as required under 63 O.S. § 420A et seq.~~

(b) **Records.** Pursuant to the Department's audit and inspection responsibilities, commercial establishments shall keep on-site and readily accessible, either in paper or electronic form, a copy of the following records, for at least seven (7) years from the date of creation:

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- (1) Business records, which may include but ~~is~~ are not limited to employee records, organizational documents or other records relating to the governance and structure of the licensee, manual or computerized records of assets and liabilities, monetary transactions, tax records, journals, ledgers, and supporting documents, including agreements, checks, invoices, receipts, and vouchers.
- (2) ~~If~~ As applicable, documents relating to the processing and preparation of medical marijuana products, which may include but is not limited to any documents related to the processing, preparation, and/or testing of medical marijuana and medical marijuana products, including but not limited to lab reports, testing records, equipment inspections, training materials, and standard operating procedures.
- (3) Documentation of every instance in which medical marijuana was sold or otherwise transferred to or purchased or otherwise obtained from another licensee, which shall include, but is not limited to:
- (A) ~~The identification number associated with the receiving license~~ The name, license number, address, and phone number of all licensees involved in each transaction; and
 - (B) The quantity and type of medical marijuana or medical marijuana products involved in each transaction;~~and~~
 - (C) The batch number of the medical marijuana or medical marijuana products involved in each transaction;
 - (D) The date of each transaction;
 - (E) The monetary value of the medical marijuana or medical marijuana products involved in each transaction, including the total sale or purchase amounts;
 - (F) All point-of-sale and tax records; and
 - (G) All inventory manifests and other documentation relating to the transport of medical marijuana and medical marijuana products.
- (4) Any and all documents relating to the disposal or destruction of medical marijuana, medical marijuana products, and medical marijuana waste. Except as otherwise specifically provided in Oklahoma law and this Chapter, all records shall be maintained for at least seven (7) years from the date of creation. Documentation of every instance in which marijuana was purchased, which shall include:
- (A) ~~The license number of the selling commercial establishment; and~~
 - (B) ~~The quantity and type of medical marijuana purchased.~~
- (5) ~~If researcher, documentation of every instance in which medical marijuana was used for research, including the quantity and type of medical marijuana used.~~
- (c) **Patient Information.** Records containing private patient information shall not be retained by a commercial establishment for more than sixty (60) days without the patient's or caregiver's consent. "Private patient information" means personally identifiable information, such as the patient name, address, date of birth, social security number, telephone number, email address, photograph, and financial information. This term does not include the patient's medical marijuana license number, which shall be retained by the business and provided to the Department upon request for compliance and public health purposes, including the verification of lawful sales or patient traceability in the event of product recall.
- (ed) **Inventory.** Each commercial licensee shall obtain and maintain an electronic inventory management system that:
- (1) Documents the chain of custody of all medical marijuana and medical marijuana products, including every transaction with another commercial licensee, patient, or caregiver;
 - (2) Establishes ongoing inventory controls and procedures for the conduct of inventory reviews and comprehensive inventories of medical marijuana and medical marijuana products for traceability which shall enable the licensee to detect any diversion, theft, or loss in a timely manner;
 - (3) Identifies and ~~allows for tracking~~ allows for tracking and documentation of the entire life span of a licensee's stock of medical marijuana and medical marijuana products, from the time the medical marijuana is propagated at the time it is sold to a patient or caregiver; including, at a minimum:
 - (A) when medical marijuana seeds are planted;
 - (B) when medical marijuana plants are harvested and/or destroyed;
 - (C) when medical marijuana is transported, sold, stolen, diverted, or lost;
 - (D) a complete inventory of all medical marijuana: seeds; plant tissue; clones; usable marijuana; trim; leaves; other plant matter; and medical marijuana products;
 - (E) all samples sent to a testing laboratory or used for internal quality testing or other purposes;
 - (4) In event of a serious adverse event or recall, is capable of tracking medical marijuana or medical marijuana product from a patient back to the source of the medical marijuana or medical marijuana product; and
 - (5) Tracks medical marijuana using an assigned batch number and bar code.
- (de) **Audits.** The Department may perform on-site audits of all commercial licensees to ensure the accuracy of the monthly reports and to ensure that all marijuana grown in Oklahoma is accounted for. Submission of an application for a medical marijuana commercial license constitutes permission for entry to any licensed premises and auditing of the commercial licensee during hours of operation and other reasonable times. Refusal to permit the Department entry or refusal to permit the Department to inspect all books and records shall constitute grounds for the nonrenewal, suspension, or revocation of a license.
- (1) The Department may review any and all records and information of a commercial licensee and may require and conduct interviews with such persons or entities and persons affiliated with such licensees, for the purpose of determining compliance with Department rules and applicable laws. Failure to make documents or other requested information available to the Department and/or refusal

to appear or cooperate with an interview shall constitute grounds for nonrenewal, suspension, or revocation of a license or any other remedy or relief provided under law. All records shall be kept on-site and readily accessible.

(2) Commercial licensees shall comply with all written requests from the Department to produce or provide access to records and information within ten (10) business days.

~~(2) All commercial licensees shall provide the Department access to any material and information necessary in a reasonable amount of time not to exceed fifteen (15) days for determining compliance with 63 O.S. § 420A et seq. and this Chapter.~~

(3) If the Department identifies a violation of 63 O.S. §420A420 et seq., the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 et seq.; or these rulesRules during an audit of the commercial licensee, the Department shall take administrative action against the licensee in accordance with the Oklahoma law, including the Oklahoma Administrative Procedures Act, 75 O.S. § 250 et seq.

~~(4) If the Department receives a complaint concerning a commercial license holder's noncompliance with 63 O.S. § 420A et seq. or these rules, the Department may conduct additional unannounced, on site audits. The Department may refer all complaints alleging criminal activity or other violations of Oklahoma law that are made against a commercial licensee to appropriate Oklahoma state or local law enforcement or regulatory authorities.~~

(5) If the Department discovers what it reasonably believes to be criminal activity or other violations of Oklahoma law during an audit, the Department may refer the matter to appropriate Oklahoma state or local law enforcement or regulatory authorities for further investigation.

(6) Except as is otherwise provided in Oklahoma law or these Rules, correctable violations identified during an audit shall be corrected within thirty (30) days of receipt of a written notice of violation.

(7) If a licensee fails to correct violations within thirty (30) days, the licensee will be subject to a fine of \$500.00 for each violation and any other administrative action and penalty authorized by law.

310:681-5-6.1. Penalties

(a) **Failure to file timely reports.** If a commercial licensee wholly fails to submit a required monthly report and fails to correct such deficiency within thirty (30) days of the Department's written notice, the ~~licensee~~ licensee shall be subject to a fine of \$500.00 and any other administrative action and penalty authorized by law~~revoked subject to Subsection (d).~~

(b) **Inaccurate reports.** Within any two (2) year period of time, if the ~~Department makes a finding the~~ licensee has submitted one (1) or more reports containing gross errors that cannot reasonably be attributed to normal human error, the following penalties shall be imposed:

(1) ~~First finding of~~ inaccurate report(s): Five thousand dollar (\$5,000.000) fine. If said fine is not paid to the Department within thirty (30) calendar days of licensee receiving notice of the fine, the license shall be revoked.

(2) Any additional ~~finding by the Department of~~ inaccurate report(s): Revocation of license.

(c) **Unlawful purchase and sale.** Within any two year period of time, if ~~the Department makes a finding that~~ the licensee has made an unlawful purchase or sale of medical marijuana, the following penalties shall be imposed:

(1) ~~First finding of~~ unlawful purchase(s) or sale(s): ~~Five~~One thousand dollar (\$5,000.0001,000.00) fine. If said fine is not paid to the Department within thirty (30) calendar days after licensee receives notice of the fine, the license shall be revoked.

(2) Any additional ~~finding by the Department of~~ unlawful purchase(s) or sale(s): ~~Revocation of license~~ Five thousand dollar (\$5,000.00) fine.

(3) The Department may revoke the license at any time regardless of the number of the offense upon a showing that the violation was willful or grossly negligent.

(d) **Noncompliance and criminal activity.** Commercial licenses and transporter agent licenses mayshall be subject to revocation, ~~or suspension, monetary penalties, and any other penalty authorized by law~~ upon a determination by the Department that the ~~commercial establishment~~ licensee has not complied with ~~63 O.S. § 420A et seq.~~ applicable Oklahoma law or this Chapter, or upon official notification to the Department that the ~~commercial establishment~~ licensee has engaged in criminal activity in violation of Oklahoma law.

(e) ~~License revocation and suspension~~ **Administrative penalties.** Procedures for ~~revocation and suspension of licenses~~ administrative penalties against a licensee are stated in the Oklahoma Administrative Procedures Act, 75 O.S. § 250 et seq. These procedures provide for the licensee to ~~be notified~~ receive notice of alleged violation(s) of the Department rules and applicable law. ~~These procedures also provide for the licensee and~~ to have the opportunity to be present at a hearing and to present evidence in his or her defense. The Commissioner of Health or his or her designee may promulgate an administrative ~~compliance~~ order revoking or suspending the license, dismissing the matter, or providing for other relief as allowed by law. At any time after the action is filed against the commercial licensee, the Department and the licensee may dispose of the matter by consent order or stipulation. Orders are appealable in accordance with the Oklahoma Administrative Procedures Act, 75 O.S. § 250 et seq.

310:681-5-8. Composition of ~~medical marijuana industry expert board/~~ food safety standards board

(a) ~~The Medical Marijuana Industry Expert Board/Food Safety Standards Board~~ shall be comprised of 12 Oklahoma residents appointed by the Commissioner of Health and shall serve at the pleasure of the Commissioner of Health. Each member should be a marijuana industry expert with unique qualifications related to food safety standards for processing and handling of medical marijuana and may be appointed from areas including, but not limited to, the following:

- (1) State marijuana industry association representation;
- (2) Laboratory scientist or representative;

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- (3) Director or designee of the Oklahoma Department of Mental Health and Substance Abuse Services;
 - (4) Director or designee of the Oklahoma Department of Agriculture, Food and Forestry;
 - (5) Director or designee of Oklahoma Center for Poison and Drug Information;
 - (6) Director or designee of the Oklahoma ABLE Commission;
 - (7) Director or designee of the Oklahoma Board of Pharmacy;
 - (8) Director or designee of the Oklahoma State Medical Association or Physician;
 - (9) Director or designee of the Oklahoma Board of Osteopathic Physicians;
 - (10) Director or designee of the Department of Environmental Quality;
 - (11) Director or designee Oklahoma Bureau of Narcotics and Dangerous Drugs;
 - (12) Director or designee of the Oklahoma Board of Medical Licensure;
 - (13) Designee of any Oklahoma public health agency; or
 - (14) Food processor/manufacturer.
- (b) ~~The Medical Marijuana Industry Expert Board~~/Food Safety Standards Board (the "Board") shall by August 27, 2018 submit, and the Department shall make available, standards related to the handling and processing of medical marijuana and medical marijuana products. ~~By every July 1 thereafter, the~~The Board shall review, and submit if necessary, recommendations regarding rule promulgation and standards related to the handling and processing of medical marijuana and medical marijuana products and all aspects of the cultivation and manufacture of medical marijuana products.

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

- (a) **Purpose.** This Section sets forth the food safety standards that processors must comply with in the preparation, production, manufacturing, processing, handling, packaging, and labeling of edible medical marijuana products.
- (b) **Existing law.** This Section does not relieve licensed processors of any obligations under existing laws, rules, and regulations, including 63 O.S. § 1-1101 et seq., OAC 310:257, and OAC 310:260, to the extent they are applicable and do not conflict with 63 O.S. § ~~420A420~~ et. seq.
- (1) The sale, offer to sell, dispense or release into commerce of any food or confection under a name, label, or brand when the name, label, or brand either precisely or by slang term or popular usage, is the name, label, or brand of marijuana is not prohibited.
 - (2) Marijuana used in food shall be considered an additive, a component, and/or an edible substance.
 - (3) Marijuana shall not be considered a deleterious, poisonous, or nonnutritive substance, and the use of marijuana, alone, in food shall not make such food adulterated or misbranded.
- (c) **Updated law.** In the event the Oklahoma Board of Health or the Commissioner of Health amends OAC 310:257 or OAC 310:260, adopts new food safety rules, or incorporates into Oklahoma law updated federal food safety standards,

including Title 21 of the Code of Federal Regulations, licensed processors shall comply with such rules to the extent they are applicable and do not conflict with 63 O.S. § ~~420A420~~ et seq. or these rules.

(d) **Board meetings.** ~~The Medical Marijuana Industry Expert Board~~/Food Safety Standards Board shall meet as regularly as its members deem necessary to review Oklahoma food safety laws and these rules and to take action, including amending and/or adding recommended standards to the Oklahoma Board of Health or the Commissioner of Health.

(e) **Labeling and packaging.** Labels and packages for food containing marijuana shall comply with all applicable requirements in existing Oklahoma law, rules, and regulations, and any laws incorporated therein by reference, to the extent they do not conflict with 63 O.S. § ~~420A420~~.

(1) Title 21, part 101 of the Code of Federal Regulations ("CFR"), as of August 22, 2018, is hereby incorporated by reference into this Section to the extent it is applicable and does not conflict with 63 O.S. § ~~420A420~~ et seq.

(2) Existing requirements for principal display panels or information panels include:

- (A) Name and address of the business;
- (B) Name of the food;
- (C) Net quantity or weight of contents;
- (D) Ingredients list;
- (E) Food allergen information; and
- (F) Nutrition labeling, if required under 21 CFR § 101.9.

(3) In addition, principal display panels or information panels must contain:

- (A) List of cannabis ingredients;
- (B) The batch of marijuana;
- (C) The strain of marijuana (optional);
- (D) THC dosage in milligrams per unit; and
- (E) The lot code.

(4) Nutrient content, health, qualified health and structure/function claims must comply with the Food and Drug Administration ("FDA") Food Labeling Guide.

(5) Packaging must contain the statement, "For accidental ingestion call 1-800-222-1222."

(6) All packages and individually-packaged product units, including but not limited to those from bulk packaging, must contain the Oklahoma uniform symbol in clear and plain sight. The Oklahoma uniform symbol must be printed at least one-half inch by one-half inch in size in color.

(7) In order to comply with OAC 310:681-7-1(d)(4) and this Section, a label must contain a warning that states, "Women should not use marijuana or medical marijuana products during pregnancy because of the risk of birth defects or while breastfeeding."

(f) **Recommended HACCP.** A Hazard Analysis and Critical Control Plan ("HACCP"), as set forth under Title 21, Part 120 of the Code of Federal Regulations, shall be recognized as a standardized best practice to ensure that food is suitable for human consumption and that food-packaging materials are safe and suitable. Processors are encouraged to adopt a

HACCP to help ensure compliance with existing Oklahoma food safety laws, particularly OAC 310:260-3-6.

(g) **Required testing procedures.** In light of the medical nature of marijuana authorized under 63 O.S. § 420A et seq. and to ensure the suitability and safety for human consumption of food products containing medical marijuana, processors are required to test food products containing medical marijuana for microbial, solvent and chemical residue, metals, pesticide residue, potency, and contaminants and filth in accordance with the following standards and thresholds:

(1) **Frequency.** Processors shall on a quarterly basis test one lot of each type of edible medical marijuana product.

(2) **Allowable thresholds.** Products that fail to meet the thresholds as set forth below must be rejected and/or recalled immediately. In the event of recall, processors shall immediately notify the Department and all commercial establishments to which the recalled product was or may have been sold or transferred of the recall. Upon notification of the recall, the Department should work with dispensaries to notify patients who received the recalled product.

(3) **Retention of test results and records.** Processors shall retain all test results and related records for three (3) years.

(4) **Microbiological testing.**

(A) All products shall be tested for aerobic plate count.

(B) Product test results shall validate that less than one colony forming unit (CFU) per gram of tested material is present for *E. coli* or *Salmonella* species or the product shall be rejected and/or recalled.

(C) Products shall be tested for the presence of yeast and molds. Product test results shall validate less than 10⁴ CFU or the product shall be rejected and/or recalled.

(D) Test reports shall include method reference.

(5) **Solvent and chemical residue.**

(A) Food products containing medical marijuana shall be tested for the following solvents to the maximum extent practical:

- (i) Acetone < 1,000 ppm
- (ii) Benzene < 2 ppm
- (iii) Butanes/Heptanes < 1,000 ppm
- (iv) Hexane < 60 ppm
- (v) Isopropyl Alcohol < 1,000 ppm
- (vi) Pentane < 1,000 ppm
- (vii) Propane < 1,000 ppm
- (viii) Toluene < 180 ppm
- (ix) Total Xylenes (m, p, o xylenes) < 430 ppm

(B) Test reports shall provide specific data for all listed and detected solvents.

(C) The test report shall list any solvents listed above that could not be tested for.

(D) If the test equipment's Limit of Detection (lowest possible detection limit) is above the specified

limit for a solvent, the equipment's Limit of Detection amount will be considered sufficient to exceed safe contamination limits.

(E) If the cannabis concentrate used to make an infused product was tested for solvents and chemical residue and test results indicate the lot was within established limits, then the infused product does not require additional testing for solvents and chemical residue.

(6) **Metals.**

(A) Testing for heavy metals shall include but is not limited to lead, arsenic, cadmium, and mercury.

(B) Test results shall meet the following thresholds:

- (i) Lead—max limit < 1ppm
- (ii) Arsenic—max limit < 0.4 ppm
- (iii) Cadmium—max limit < 0.44 ppm
- (iv) Mercury—max limit < 0.2 ppm

(C) If the cannabis concentrate used to make an infused product was tested for metals and test results indicate the lot was within established limits, then the infused product does not require additional testing for metals.

(7) **Pesticide residue.**

(A) Processors shall test all product batches for pesticides; 0.1 ppm or a positive result at the Limit of Detection (equipment's lowest possible detection amount) will be considered to exceed safe residue limits.

(B) Pesticide residue testing shall analyze samples for the presence of chlorinated hydrocarbons, organophosphates, carbamates, pyrethroids, neonicotinoids, acaricides, fungicides, and bactericides to the maximum extent practical.

(C) If the cannabis concentrate used to make an infused product was tested for pesticides and test results indicate the lot was within established limits, then the infused product does not require additional testing for pesticides.

(8) **Potency.** Processors shall test products for and provide results for levels of total THC.

(9) **Contaminants and filth.** Processors shall inspect all products for contaminants and filth.

(A) Contaminants include any biological or chemical agent, foreign matter, or other substances not intentionally added to products that may compromise food safety or suitability.

(B) Processors shall document allowable thresholds for physical contaminants as part of the product test plan. Inspection requirements should be included in the operation's product test plan for third party testing, if applicable.

(C) Inspection records shall indicate a continual process of physical inspection has taken place for all batches.

(hg) **Private homes; living or sleeping quarters.**

(1) A private home, a room used as living or sleeping quarters, or an area directly opening into a room used as

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living or sleeping quarters may not be used for conducting processing operations.

(2) Living or sleeping quarters located on the premises of a processor such as those provided for lodging registration clerks or resident managers shall be separated from rooms and areas used for food establishment operations by complete partitioning and solid self-closing doors.

310:681-5-9. Standards for handling and processing medical marijuana and medical marijuana products

These rules do not relieve commercial licensees of any obligations under Oklahoma law, statutes, and rules, including 63 O.S. § 1-1101 et seq., 63 O.S. § 1-1401 et seq., the Oklahoma Administrative Code ("OAC") 310:257, and OAC 310:260, to the extent they are applicable and do not conflict with 63 O.S. § ~~420A420~~ et seq.

310:681-5-10. Medical marijuana waste disposal

(a) All medical marijuana plant material and waste generated during the cultivation, production, processing, handling, and testing of medical marijuana and medical marijuana products must be stored, managed, and disposed of in accordance with these ~~rules~~ Rules, the Oklahoma Medical Marijuana Waste Management Act, 63 O.S. § 427a et seq., and any other applicable Oklahoma statutes and rules, except that medical marijuana waste shall not be subject to the provisions of the Uniform Controlled Dangerous Substances Act, 63 O.S. § 2-101 et seq., including but not limited to the waste and disposal standards set forth under the Uniform Controlled and Dangerous Substances Act, 63 O.S. § 2-101 et seq., and the Department of Environmental Quality rules, OAC Title 252.

(b) Licensees may dispose of root balls, stems, fan leaves, seeds, and the mature stalks or fiber produced from such stalks at the license premises by open burning, incineration, burying, mulching, composting or any other technique approved by the Department of Environmental Quality.

310:681-5-12. Marijuana transaction limitations

(a) A single transaction by a dispensary with a patient, or the parent(s) or legal guardian(s) if patient is under eighteen (18) years of age, or caregiver shall be limited to three (3) ounces of marijuana, one (1) ounce of marijuana concentrate, seventy-two (72) ounces of edible medical marijuana products, six (6) mature plants, and/or six (6) seedling plants.

(b) A single transaction between a processor and patient, or the parent(s) or legal guardian(s) if patient is younger than eighteen (18) years of age, for the processing of medical marijuana concentrate shall be limited to one (1) ounce of medical marijuana concentrate.

(c) Commercial establishments shall verify and ensure that all medical marijuana transactions are conducted with medical marijuana patient, caregiver, or commercial license holders and shall take all reasonable steps necessary to prevent the sale or other transfer of medical marijuana to a person or entity who does not hold a valid, unexpired license issued by the Department under 63 O.S. § ~~420A420~~ et seq. and this Chapter.

(1) Verification of all licenses shall include, at a minimum: name; valid, unexpired license number; and expiration date.

(2) Verification of individual licenses, in addition to the items required in Subsection (c)(1) above, shall include photo of the licensee.

(d) Any transaction not in accordance with this Section will constitute an unlawful purchase and sale as set forth in OAC 310:681-5-6.1 (relating to penalties).

310:681-5-18. Prohibited acts

(a) No commercial establishment shall allow the consumption of alcohol or the smoking or vaping of medical marijuana, or medical marijuana products on the premises.

(b) No commercial establishment shall employ any person under the age of eighteen (18).

(c) No dispensary shall allow for or provide the delivery of medical marijuana or medical marijuana products to licensed patients patient license holders or caregivers-caregiver's license holders.

(d) No dispensary shall allow any physician to be located, maintain an office, write recommendations, or otherwise provide medical services to patients at the same physical address as a dispensary.

(~~e~~) No commercial establishment shall engage in false advertising, as prohibited under 63 O.S. §§ 1-1102 & 1-1402.

(~~f~~) No commercial establishment shall sell or offer to sell medical marijuana products by means of any advertisement or promotion that includes ~~including~~ any statement, representation, symbol, depiction, or reference, directly or indirectly, which would reasonably be expected to induce minors to purchase or consume marijuana or medical marijuana products.

(g) No commercial establishment shall falsify or misrepresent any documents, forms, or other materials or information submitted to the Department.

(h) No commercial establishment shall threaten or harm a patient, medical practitioner, or an employee of the Department.

(i) No commercial establishment shall fail to adhere to any acknowledgment, verification, or other representation made to the Department.

(j) No licensee shall operate or otherwise use any extraction equipment or processes utilizing butane, propane, carbon dioxide or any potentially hazardous material in residential property.

(k) Licensees shall only purchase, obtain, or otherwise accept the transfer of medical marijuana or medical marijuana products from an Oklahoma-licensed medical marijuana business. No licensee shall purchase medical marijuana or medical marijuana products from any unlicensed or out-of-state individual or entity.

SUBCHAPTER 7. PACKAGING, AND LABELING, AND ADVERTISING

310:681-7-1. Labeling and packaging

(a) **Prohibition on sale or transfer.** Commercial licensees shall not sell, distribute, or otherwise transfer medical marijuana and medical marijuana products that are not packaged and labeled in accordance with the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 et seq., and these Rules.

(b) **Nonacceptance or Return.** A dispensary shall refuse to accept or shall return to the licensee transferring medical marijuana or medical marijuana products to the dispensary, any medical marijuana or medical marijuana products that are not packaged and labeled in accordance with the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 et seq., and these Rules. The commercial licensee who sold or otherwise transferred the nonconforming medical marijuana or medical marijuana products shall accept such return. If circumstances are such that the dispensary cannot return or refuse to accept the nonconforming medical marijuana or medical marijuana products, the dispensary shall dispose of the nonconforming medical marijuana and medical marijuana products in accordance with the Oklahoma Medical Marijuana Waste Management Act, 63 O.S. § 427a et seq., and these Rules.

(c) **Documentation.** A dispensary shall document any such return, nonacceptance, or disposal, and such documentation shall include at a minimum:

- (1) The license number, name, contact information, and address of the licensee who sold or otherwise transferred the nonconforming medical marijuana or medical marijuana products to the dispensary;
- (2) A complete inventory of the medical marijuana and medical marijuana products to be returned or disposed, including the batch number;
- (3) The reason for the nonacceptance, return, or disposal; and
- (4) The date of the nonacceptance, return, or disposal.

(d) **General requirements.** The following general label and packaging requirements, prohibitions, and exceptions shall apply to all medical marijuana and medical marijuana products:

- (1) Labels, and packages, and containers shall not be attractive to minors and shall not contain any content that reasonably appears to target children, including toys, cartoon characters, and similar images. Packages should be designed to minimize appeal to children and shall not depict images other than the business name logo of the medical marijuana producer and image of the product.
- (2) Packaging must contain a label that reads: "Keep out of reach of children."
- (3) All medical marijuana and medical marijuana products must be packaged in child-resistant packages containers at the point of sale or other transfer to a patient, a patient's parent or legal guardian if patient is a minor, or a caregiver.
- (4) Label must contain a warning that states "Women should not use marijuana or medical marijuana products during pregnancy because of the risk of birth defects."
- (5) Packages and labels shall not contain any false or misleading statements.

(6) No medical marijuana or medical marijuana products shall be intentionally or knowingly packaged or labeled so as to cause a reasonable patient confusion as to whether the medical marijuana or medical marijuana product is a trademarked product.

(7) No medical marijuana or medical marijuana products shall be packaged or labeled in a manner that violates any federal trademark law or regulation.

(8) Packages and labels shall not shall not make any claims or statements that the medical marijuana or medical marijuana products provide health or physical benefits to the patient.

(e) **Label requirements.** Medical marijuana and medical marijuana product labels shall contain, at a minimum, the following information:

- (1) The Oklahoma Uniform Symbol in the manner and form prescribed by the Department;
- (2) THC potency;
- (3) Terpenoid potency; and
- (4) The statement, "This product has been tested for contaminants."
- (5) Labels for edible medical marijuana products shall also meet the requirements set forth in OAC 310:681-5-8.1.

310:681-7-2. Prohibited products

(a) No commercial establishment shall manufacture, process, or offer for sale or consumption any medical marijuana product intended to be attractive to children or minors.

(b) No commercial establishment, other than a licensed dispensary, shall offer for retail sale any marijuana seedlings or mature plants. No mature plants are authorized in the possession of either a commercial establishment licensee or patient license holder until 60 days after August 27, 2018. No seedlings are authorized in the possession of a commercial establishment license holder until 7 days after August 27, 2018.

310:681-7-3. Advertising

(a) Commercial licensees shall not engage in, circulate, or otherwise cause the dissemination of advertising that contains any materials prohibited under Oklahoma law and these rules.

(b) Advertising for medical marijuana and medical marijuana products shall not contain any statements, illustrations, or other material that:

- (1) Is deceptive, false, or misleading;
- (2) Promotes overconsumption;
- (3) Represents that the use of marijuana has curative or therapeutic effects;
- (4) Depicts a child or other person under legal age to consume marijuana;
- (5) Depicts objects such as toys, cartoons, cartoon characters, or similar images, which suggest the presence of a child, or any other depiction designed in any manner to be especially appealing to children or other persons under legal age to consumer marijuana;

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(6) Has any manner or design that would be especially appealing to children or other persons under eighteen (18) years of age.

SUBCHAPTER 8. LABORATORY TESTING

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

(a) **Purpose.** To ensure the suitability and safety for human consumption of medical marijuana and medical marijuana products, growers and processors are required to test medical marijuana and medical marijuana products for microbials, mycotoxins, residual solvents, pesticides, THC and cannabinoid potency, terpenoid potency, heavy metals, and contaminants and filth in accordance with the following standards and thresholds.

(b) **Batches.** Growers shall separate all harvested medical marijuana into ten-pound harvest batches. Processors shall separate all medical marijuana product lots into ten-pound production batches.

(c) **Frequency.** Growers and processors shall ensure samples from each harvest batch and production batch are tested in accordance with the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 et seq., and these Rules. Growers shall not sell or otherwise transfer any medical marijuana from any medical marijuana harvest batch until samples of the harvest batch have passed all tests in accordance with this Subchapter. Processors shall not process, sell, or otherwise transfer any medical marijuana products from any medical marijuana production batch until samples of the production batch have passed all tests in accordance with this Subchapter.

(d) **Prohibited transfers.** Growers and processors shall dispose of and shall not use, sell, or otherwise transfer any medical marijuana or medical marijuana products that exceed any testing thresholds or fail to meet any other standards set forth in this Subchapter.

(e) **Recall.** In the event that any medical marijuana or medical marijuana products that exceed allowable testing thresholds or that otherwise fail to meet standards set forth in this Subchapter are sold or otherwise transferred, the following shall occur:

(1) Any commercial licensee with knowledge of such event shall immediately notify the Department;

(2) All such medical marijuana and medical marijuana products shall be immediately recalled; and

(3) Every commercial licensee who is in possession or has ever had possession of such medical marijuana or medical marijuana products shall assist in the immediate recall.

(f) **Retention of test results and records.** Processors and growers shall retain all test results and related records for three (3) years.

(g) **Allowable thresholds.**

(1) **Microbiological testing.**

(A) All production batch Samples shall be tested for aerobic plate count.

(B) Sample test results shall validate that less than one colony forming unit (CFU) per gram of tested material is present for E. coli or Salmonella species.

(C) Samples shall be tested for the presence of yeast and molds. Sample test results shall validate less than 10 to the fourth power CFU per gram.

(D) Test reports shall include method reference.

(2) **Mycotoxins.**

(A) All production batch samples of concentrate shall be tested for aflatoxins (B1, B2, G1, and G2) and Ochratoxin A.

(B) The total of aflatoxins B1, B2, G1, and G2, and the level of ochratoxin A cannot exceed 20 parts per billion (ppb).

(3) **Residual solvents and chemical residue.**

(A) Production batch samples shall be tested for the following solvents to the maximum extent practical:

(i) Acetone < 1,000 ppm

(ii) Benzene < 2 ppm

(iii) Butanes/ Heptanes < 1,000 ppm

(iv) Hexane < 60 ppm

(v) Isopropyl Alcohol < 1,000 ppm

(vi) Pentane < 1,000 ppm

(vii) Propane < 1,000 ppm

(viii) Toluene < 180 ppm

(ix) Total Xylenes (m, p, o-xylenes) < 430 ppm

(B) Sample test reports shall provide specific data for all listed and detected solvents.

(C) Sample test reports shall list any solvents listed above that could not be tested for.

(D) If the test equipment's Limit of Detection (lowest possible detection limit) is above the specified limit for a solvent, the equipment's Limit of Detection amount will be considered sufficient to exceed safe contamination limits.

(E) If the cannabis concentrate used to make an infused product was tested for solvents and chemical residue and test results indicate the lot was within established limits, then the infused product does not require additional testing for solvents and chemical residue.

(4) **Metals.**

(A) All harvest batch and production batch samples shall be tested for heavy metals, which shall include but is not limited to lead, arsenic, cadmium, and mercury.

(B) Test results shall meet the following thresholds:

(i) Lead - max limit < 1 ppm

(ii) Arsenic - max limit < 0.4 ppm

(iii) Cadmium - max limit < 0.44 ppm

(iv) Mercury - max limit < 0.2 ppm

(C) If the cannabis concentrate used to make an infused product was tested for metals and test results indicate the lot was within established limits, then the infused product does not require additional testing for metals.

(5) **Pesticide residue.** All harvest batch samples shall be tested for the following pesticides, and shall not exceed the associated limits:

- (A) Spiromesifen < 0.5 ppm
(B) Spirotetramat < 0.5 ppm
(C) Tebuconazole < 0.5 ppm
(D) Etoazole < 0.5 ppm
(E) Imazalil < 0.5 ppm
(F) Imidacloprid < 0.5 ppm
(G) Malathion < 0.5 ppm
(H) Myclobutanil < 0.5 ppm
(I) Azoxystrobin < 0.5 ppm
(J) Bifenazate < 0.5 ppm
(K) Abamectin (Avermectins: B1a & B1b) < 0.5 ppm
(L) Permethrin (mix of isomers) < 0.5 ppm
(M) Spinosad (Mixture of A and D) < 0.5 ppm

(6) **Potency.** Processors and growers shall test harvest batch and production batch samples for levels of total THC and terpenoid potency.

(7) **Contaminants and filth.** Growers and processors shall inspect all medical marijuana and medical marijuana products for contaminants and filth.

- (A) Contaminants include any biological or chemical agent, foreign matter, or other substances not intentionally added to medical marijuana or medical marijuana products that may compromise safety or suitability.
(B) Growers and processors shall document allowable thresholds for physical contaminants as part of the product test plan. Inspection requirements should be included in the operation's product test plan for third party testing, if applicable.
(C) Inspection records shall indicate a continual process of physical inspection has taken place for all batches.

[OAR Docket #19-731; filed 8-28-19]

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

[OAR Docket #19-738]

RULEMAKING ACTION: EMERGENCY adoption

RULES:

715:1-1-5. Executive Director [AMENDED]

AUTHORITY:

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

COMMENT PERIOD:

None

PUBLIC HEARING:

None

ADOPTION:

July 24, 2019

APPROVED BY GOVERNOR:

September 3, 2019

EFFECTIVE:

Immediately upon Governor's approval

EXPIRATION:

Effective through September 14, 2020, unless superseded by another rule or disapproved by the Legislature

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

FINDING OF EMERGENCY:

These emergency rule promulgations are necessary to provide a process and clarity regarding recent statutory changes. Without providing a clear process there would be a serious prejudice to the public interest.

GIST/ANALYSIS:

715:1-1-15 is being amended per 2019 legislation to remove an out-of-date reference to the position of "Secretary-Treasurer" and to also remove references to non-existent agency positions of "Comptroller" and "Assistant Executive Director."

CONTACT PERSON:

Phyllis Bennett (405) 521-4745, Phyllis.Bennett@trs.ok.gov

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

715:1-1-5. Executive Director

The Executive Director shall be the administrative officer for the Board of Trustees and shall be responsible for the general administration of the Teachers' Retirement System.

(1) All employees shall be under the direct supervision of the Executive Director, and shall be recommended by the Executive Director with approval by the Board of Trustees.

(2) The Secretary Treasurer shall be an employee of TRS.

(3) All vouchers drawn against TRS shall be signed by two members of the administrative staff: the Executive Director, the Assistant Deputy Executive Director of Operations, Chief Financial Officer, the Secretary Treasurer, or the Comptroller Assistant Chief Financial Officer.

(4) The Executive Director shall make reports to the Board of Trustees at its regular monthly regularly scheduled meetings in regard to administrative matters, funds and budgetary matters, and present statements showing the general condition of the System's finances.

[OAR Docket #19-738; filed 9-4-19]

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

[OAR Docket #19-739]

RULEMAKING ACTION: EMERGENCY adoption

RULES:

Subchapter 9. Survivor Benefits

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

Subchapter 13. Contributions for Membership Service

Emergency Adoptions

715:10-13-15. Board waiver of employer late fees [AMENDED]
Subchapter 15. Service Retirement
715:10-15-3. Date of retirement; making application [AMENDED]
Subchapter 17. Post-Retirement Employment
715-10-17-5. Permissible employment [AMENDED]
715:10-17-16. Post retirement employment with the State Department of Education [NEW]

AUTHORITY:

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

COMMENT PERIOD:

None

PUBLIC HEARING:

None

ADOPTION:

July 24, 2019

APPROVED BY GOVERNOR:

September 3, 2019

EFFECTIVE:

Immediately upon Governor's approval

EXPIRATION:

Effective through September 14, 2020, unless superseded by another rule or disapproved by the Legislature

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

FINDING OF EMERGENCY:

These emergency rule promulgations are necessary to provide a process and clarity regarding recent statutory changes. Without providing a clear process there would be a serious prejudice to the public interest.

GIST/ANALYSIS:

715:10-9-3 is being amended for consistency with 70 O.S. §17-105 in providing that a member's spouse, another person, or the beneficiary of a Special Needs Trust may select Option 2 retirement in lieu of death benefits under certain specific circumstances.

715:10-13-15 is being amended pursuant to 70 O.S. §17-120 which now allows the System, rather than the Board of Trustees, to waive employer late fees for good cause shown.

715:10-15-3 is being amended to reflect the first retirement benefit payment is to be made on the first day of the month following the effective retirement date to be consistent with all companion rules and statutes.

715:10-17-5 is being amended to reflect an exception to post retirement earnings limitations for retired members who become State Department of Education employees on or after November 1, 2019, granted by an amendment to 70 O.S. § 17-103 in the 2019 legislative session.

715:10-17-16 is being added to establish guidelines for the application of the exception to post retirement earnings limitations for retired members who become State Department of Education employees on or after November 1, 2019, granted by an amendment to 70 O.S. § 17-103 in the 2019 legislative session.

CONTACT PERSON:

Phyllis Bennett (405) 521-4745, Phyllis.Bennett@trs.ok.gov

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

SUBCHAPTER 9. SURVIVOR BENEFITS

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

The designated beneficiary of an ~~active contributing in-service~~ member, who qualified for service retirement, may elect to receive in lieu of the return of contributions and the \$18,000 death benefit the retirement benefit to which the deceased member would have been entitled at the time of death under

the Option 2 retirement plan. To qualify for this option, the designated beneficiary must have been named as the primary beneficiary at the time of the member's death (see OAC 715:10-15-1 and 10-15-2). This option is only available when the member has designated one individual as the designated beneficiary, and the beneficiary is the member's spouse, ~~an other person, or the beneficiary of a Discretionary and Special Needs Trust or someone who is not more than 10 years younger than the member.~~ If the designated beneficiary is not the member's spouse, IRS Regulations require that the adjusted member/beneficiary age difference cannot be more than ten (10) years. [See OAC 715:10-15-10, to determine the adjusted member/beneficiary age difference]. [See also OAC 715:10-9-7, if the member and beneficiary were divorced before death].

SUBCHAPTER 13. CONTRIBUTIONS FOR MEMBERSHIP SERVICE

715:10-13-15. ~~Board waiver~~Waiver of employer late fees

(a) TRS statutes provide that all employer and employee contributions must be remitted to TRS within 30 days after the end of the month in which the work was performed. If they are remitted after the deadline they are assessed a 1 ½% late charge, compounding monthly. The Board of Trustees may waive the late fee for good cause shown but may delegate this authority to staff. The Executive Director is authorized to waive these late fees. Good cause is generally shown in cases of an unforeseen circumstance such as a death or illness, acts of nature, or other unforeseen and unavoidable circumstance rendering the timely payment of ~~late fees~~ contributions impossible.

(b) ~~The Board of Trustees~~ System will automatically waive, ~~without presentation to the Board,~~ late fees assessed for any contributions received late due to the late receipt of federal funds or workers' compensation payments.

(c) ~~The Board of Trustees~~ System will automatically waive, ~~without presentation to the Board,~~ any late fees assessed in the amount of \$50 or less, provided the requesting employer has had one or less late remittances in the past 12 months.

(d) All other requests for waiver of late fees shall be presented to the ~~Board~~ System for review and determination of good cause shown for waiver at their next regularly scheduled meeting, provided that the waiver request is received by TRS at least 7 days in advance of the Board meeting. All waiver requests must be made on district/employer letterhead and signed by the Superintendent, CEO, or CFO.

SUBCHAPTER 15. SERVICE RETIREMENT

715:10-15-3. Date of retirement; making application

The earliest effective date of retirement for any eligible member is the first day of the month following the one in which employment ceases, with the first annuity payment ~~due the last day of that month~~ to be paid on the first day of the month following the effective date of retirement.

- (1) It is the member's responsibility to notify, by filing a retirement contract as outlined in paragraphs 4 and 5 of this section, the TRS Board of Trustees of the date on which retirement is to begin.
- (2) Payments for all years of service, for which a member wants to receive credit, must be made no less than 90 days prior to the date of retirement.
- (3) State law does not permit TRS to make retroactive retirement payments. Members should ensure that their creditable service record is up-to-date and accurate before they retire.
- (4) Not less than ninety (90) days prior to retirement, the member must submit to TRS a Pre-Retirement Information Verification, copy of the member's proof of birth, copy of marriage certificate or license if married to joint annuitant, and verification of 120 days of accrued/unused sick leave for calculation of sick leave credit. The Pre-Retirement Information Verification and support pre-retirement documentation must be on file with TRS to enable TRS to prepare a complete Application to Retire.
- (5) After submitting all required pre-retirement documentation, the member will receive an Application to Retire. This form must be returned to TRS no less than sixty (60) days prior to the effective date of retirement. Upon receipt of the completed Application to Retire the member will receive a final contract for retirement.
- (6) The Final Contract for Retirement, properly executed before a notary, is required by statutes to be filed with TRS no less than thirty (30) days before the date of retirement. Therefore, the final contract for retirement must be completed and on file with TRS by the first day of the month immediately preceding the retirement date. The first retirement benefit payment will be made on the first day of the month following the effective date of retirement.
- (7) For example, a retirement contract must be on file by May 1, for a retirement date of June 1, in order to process the first retirement benefit payment on July 1.

SUBCHAPTER 17. POST-RETIREMENT EMPLOYMENT

715:10-17-5. Permissible employment

Post-retirement employment in the public schools, institutions, and agencies covered by TRS is allowed after the break in employment outlined in OAC 715:10-17-2 has been met. Employment subject to this section shall include any services performed by a retired member, as defined in this subchapter, except for payments received as an employee of the State Department of Education pursuant to 70 O.S. § 17-103(7) or as an independent contractor or consultant, pursuant to a lawful contract that complies with the requirements of 70 O.S. § 6-101.2(B). ~~The Teachers' Retirement System~~ TRS will follow guidelines in subsection B of Section 6-101.2 of Title 70 and federal guidelines from the Department of Labor and the Internal Revenue Service in determining when a retired person qualifies as an independent contractor or consultant.

715:10-17-16. Post retirement employment with the State Department of Education

A retired member of TRS who becomes employed by the State Department of Education (SDE) for the first time on or after November 1, 2019 ("eligible employee"), shall have the option to remain a member of TRS subject to any applicable post retirement limitations placed on retired members returning to work or may choose to participate in the Oklahoma Public Employees Retirement System (OPERS) as an active member with such eligible employee's participation in OPERS being subject to the laws governing OPERS.

- (1) An eligible employee shall have thirty (30) days from such eligible employee's initial date of hire with SDE to make a one-time irrevocable written election to remain a member of TRS subject to post retirement limitations or to participate in OPERS as an active member. If an eligible employee fails to make an election within the thirty-day period such eligible employee shall be subject to post retirement earnings limitations prescribed by laws governing TRS. If an eligible employee elects to participate in TRS, then SDE shall pay both the employee and employer contributions to TRS as required by law.
- (2) If an eligible employee makes the election to participate in OPERS such eligible employee shall not participate in TRS as an active member nor make employee contributions to TRS. In addition, SDE shall not make employer contributions to TRS. The eligible employee and SDE shall pay the applicable contribution rates as provided by the laws governing OPERS.
- (3) An eligible employee who elects to participate in OPERS shall be ineligible for participation in TRS so long as such eligible employee remains employed by SDE. If such eligible employee assumes a different position, which is governed by a state retirement system other than OPERS or TRS, the eligible employee shall be subject to the retirement system rules applicable to that new position. However, such eligible employee shall not be eligible for service credit in TRS for service performed while participating in OPERS.

[OAR Docket #19-739; filed 9-4-19]

**TITLE 800. DEPARTMENT OF WILDLIFE CONSERVATION
CHAPTER 10. SPORT FISHING RULES**

[OAR Docket #19-734]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 1. Harvest and Possession Limits
800:10-1-5. Bag limits on fish [AMENDED]

AUTHORITY:

Title 29 O.S., Sections 3-103, 5-401 and 6-302; Article XXVI, Section 1 and 3 of the Constitution of Oklahoma; Department of Wildlife Conservation Commission.

ADOPTION:

June 10, 2019

Emergency Adoptions

APPROVED BY GOVERNOR:

August 30, 2019

EFFECTIVE:

August 1, 2019

EXPIRATION:

Effective through September 14, 2020, unless superseded by another rule or disapproved by the legislature.

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

FINDING OF EMERGENCY:

Lake Texoma is home to the largest Alligator Gar population in Oklahoma. Current fisheries research and law enforcement efforts have identified a lack of harvest reporting because reporting procedures for Alligator Gar harvest are not well defined in Title 800. Accurate and timely reporting of Alligator Gar harvest is necessary for enforcement of regulations and population assessments. Current rules do not define the method of timeline required for reporting the harvest of Alligator Gar. More timely reporting of harvest and tagged individuals will assist with ongoing Alligator gar population assessments. Alligator Gar are classified as a Category II species of special concern.

GIST/ANALYSIS:

This proposed rule defines the reporting requirements for the harvest of Alligator Gar. Defining the reporting requirements for Alligator Gar should result in increased compliance and better data regarding the harvest of Alligator Gar, classified as a Category II species of special concern.

CONTACT PERSON:

Barry Bolton, Chief of Fisheries Division, Oklahoma Department of Wildlife Conservation, PO Box 53465, Oklahoma City, Ok 73152. Phone: 405/521-3721 or Rhonda Hurst, APA Liaison, phone: 405/522-6279.

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253(F), WITH A LATER EFFECTIVE DATE OF AUGUST 1, 2019:

SUBCHAPTER 1. HARVEST AND POSSESSION LIMITS

800:10-1-5. Bag limits on fish

No person shall, during any one day, take, attempt to take, kill, or harvest from waters of this state more than:

- (1) Six (6) largemouth or smallmouth bass or six in aggregate, except in "Close To Home" fishing water and Doc Hollis Lake where all largemouth bass caught must be returned to the water unharmed immediately after being taken (no harvest allowed), at Texoma Reservoir where the limit is five (5), largemouth, smallmouth or spotted bass or five in aggregate, at Lake Konawa, McGee Creek Lake, Dripping Springs Lake and Crowder Lake (Washita County) where the limit is six (6) of which only one (1) may be twenty-two (22) inches or longer and rivers and streams including the Illinois River upstream from the Horseshoe Bend boat ramp, and from Glover River from the confluence with the Little River upstream to the "Forks of the Glover River" where the limit is six (6) black bass aggregate of which only one may be a smallmouth bass, which must be fourteen (14) inches or longer.
- (2) Fifteen (15) channel and/or blue catfish, or fifteen (15) in aggregate, of which only one (1) blue catfish may

be 30 inches in length or larger; except at all U.S. Forest Service and State Park lakes (not including Lake Murray) and Department of Wildlife Management Area ponds and all Department of Wildlife Conservation fishing areas, in "Close To Home" fishing waters and all waters within the Wichita Mountains National Wildlife Refuge, where the limit is six (6). Five (5) flathead catfish.

(3) Thirty-seven (37) crappie (*Pomoxis* sp.) except at Blue River Public Fishing and Hunting Area where the limit is six (6) and at lakes Arbuckle, Tenkiller, Hudson, Ft. Gibson including all tributaries and upstream to Markham Ferry Dam and Grand Lake including all tributaries to state line where the limit is fifteen (15).

(4) Six (6) rainbow trout - possession limit of twelve (12) after first day, except in the lower Mountain Fork River trout stream below Broken Bow dam from the first Highway Bridge below the Spillway downstream to the second Highway Bridge below the Spillway, including the Evening Hole stream channel, and from the State Park Dam downstream to the mouth of Rough Branch Creek, and in the lower Illinois River trout stream from the USGS stream gauge downstream to the gravel pit county road where the limit is one (1) rainbow trout per day twenty (20) inches or longer in total length (no culling); and in the Blue River from its entry onto the Plaster Wildlife Management Unit/Landrum Wilderness downstream approximately $\frac{1}{2}$ mile to a marker cable where all trout caught must be released immediately from November 1 to March 1 (thereafter, statewide trout bag limit applies).

(5) Six (6) brown trout, except in the lower Mountain Fork River trout stream below Broken Bow dam downstream to the U. S. Highway 70 bridge, and in the lower Illinois River trout stream from Tenkiller Dam downstream to US Highway 64 bridge where the limit is one (1) fish per day twenty (20) inches or longer in total length.

(6) Six (6) walleye, sauger and/or saugeye, or six (6) in aggregate.

(7) Five (5) striped bass except as designated in 800:10-1-5(8).

(8) Ten (10) striped bass and/or striped bass hybrids or ten (10) in aggregate of which only two (2) may be twenty (20) inches or longer in Texoma Reservoir.

(9) Twenty (20) striped bass hybrids of which only five (5) may be twenty (20) inches or longer, except as designated in 800:10-1-5(8) and (10).

(10) Five (5) striped bass and/or striped bass hybrids, in aggregate, of which only two (2) may be 20 inches or longer in Arcadia Lake and Skiatook Lake.

(11) Twenty-five (25) white bass in Lake Texoma.

(12) One (1) paddlefish (*Polyodon spathula*) per day on Sunday, Tuesday, Wednesday, Thursday, and Saturday, statewide. Catch and release of paddlefish only (no harvest) is permitted on Monday and Friday, statewide. Possession of paddlefish in the field is prohibited on Monday and Friday, statewide. The catch and release of paddlefish is permitted by use of rod and reel, trotline and throwlines. Paddlefish must be released immediately

unless kept for the daily limit. Paddlefish taken by bow and arrow, gigs, spears or spearguns shall not be released.

(A) Individual annual harvest limit- An individual harvest limit for paddlefish may be set or amended annually by the Wildlife Conservation Commission and will be listed in the Oklahoma Department of Wildlife Conservation Fishing Guide. Special area (or management unit) paddlefish harvest caps, a general statewide paddlefish harvest cap, and the total number of paddlefish permits issued may be set or amended annually by the Wildlife Conservation Commission for use in determining the individual annual harvest limit. Once an individual angler has reached their annual harvest limit, continued catch and release is permitted.

(B) Paddlefish permit- It shall be unlawful for any person, regardless of residency, age or disability, to fish for paddlefish or be in possession of paddlefish parts without having first secured from the Department of Wildlife Conservation, an annual paddlefish permit. This permit must be carried on their person while fishing and/or in possession of paddlefish or parts and be produced for inspection upon the demand of any Oklahoma citizen or game warden. This permit shall be valid for paddlefish catch and release fishing in all waters of the state and at any time unless otherwise prohibited.

(C) Harvest Tagging- Paddlefish caught and placed on a stringer or otherwise held in possession must be plainly labeled (tagged) immediately with the angler's paddlefish permit number. Paddlefish taken into possession cannot be released (no culling). Each person must keep their own paddlefish distinctly separate from paddlefish taken by other anglers. Each cleaned paddlefish, or its meat, eggs, or carcass, must be kept separate from all other cleaned paddlefish or its parts. Paddlefish or their parts must remain tagged until the person in possession of the paddlefish or paddlefish parts has reached their residence. All paddlefish must have all viscera (internal organs) removed from the paddlefish before leaving the state. Persons fishing trotlines or throwlines must release all paddlefish on their lines, except the one (1) paddlefish held in possession for their daily limit, before leaving the trotline or throwline. Anglers must cease snagging for the day when they have taken their daily limit of paddlefish into possession.

(D) Reporting- Harvest of paddlefish must be reported by the harvesting angler to Oklahoma Department of Wildlife within 24 hours of harvest. Instructions for reporting harvest will be provided in the Oklahoma Department of Wildlife Fishing Guide and on the Oklahoma Department of Wildlife website.

(13) Release of striped bass and/or striped bass hybrids caught and placed on a stringer, in a live well or otherwise held in possession is prohibited statewide (no culling).

(14) One (1) alligator gar (*Atractosteus spatula*) per day, statewide, except during the period of May 1 through May 31 when angling for alligator gar by all angling methods is prohibited on Lake Texoma between the Highway 99 bridge upstream to the I-35 bridge. The catch and release of alligator gar is permitted year round, except during the closure referenced above, by use of rod and reel, trotline and throwlines. Alligator gar must be released immediately unless kept for the daily limit. Persons fishing trotlines or throwlines must release all alligator gar on their lines except the one alligator gar held in possession for their daily limit, before leaving the trotline or throwline. Alligator gar taken by bow and arrow, gigs, spears or spearguns shall not be released. Alligator gar caught and placed on a stringer or otherwise held in possession cannot be released (no culling). Anglers must cease snagging when they have taken their daily limit of alligator gar into possession. Reporting - Harvest of alligator gar must be reported by the harvesting angler to Oklahoma Department of Wildlife Conservation within 24 hours of harvest. Instructions for reporting harvest will be provided in the Oklahoma Department of Wildlife Conservation Fishing Guide and on the Oklahoma Department of Wildlife Conservation website.

(15) One (1) of any fish species classified as those of Special Concern Category I or Category II (as identified in 800:25-19-6). Such harvest must be reported to ODWC.

(16) All tiger muskie (*Esox masquinongy* x *Esox lucius*) caught must be returned to the water unharmed immediately after being taken (no harvest allowed).

(17) Other fish do not have bag or possession limits. Notwithstanding the foregoing fish bag limits, any bag limits for fish can be superseded and set by Commission resolution as authorized by Section 6-302(B) of Title 29 of the Oklahoma Statutes.

[OAR Docket #19-734; filed 8-30-19]

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

[OAR Docket #19-735]

RULEMAKING ACTION:
EMERGENCY adoption

RULES:

Subchapter 7. General Hunting Seasons

Part 19. Season on Areas Owned or Managed by the Oklahoma Department of Wildlife Conservation and the U.S. Fish and Wildlife Service

800:25-7-140.1. Sans Bois WMA [NEW]

AUTHORITY:

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

ADOPTION:

June 10, 2019

APPROVED BY GOVERNOR:

July 23, 2019

EFFECTIVE:

August 1, 2019

Emergency Adoptions

EXPIRATION:

Effective through September 14, 2020, unless superseded by another rule or disapproved by the legislature.

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

FINDING OF EMERGENCY:

The Department recently purchased approximately 7,602 acres in southeast Haskell County. Without passage of emergency rules, the public will not be able to access and utilize this property and the natural resources found there until the fall of 2020.

GIST/ANALYSIS:

These rules will establish hunting season dates on the newly acquired Sans Bois Wildlife Management Area so that the public can utilize this property and the natural resources beginning this fall.

CONTACT PERSON:

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

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253(F), WITH A LATER EFFECTIVE DATE OF AUGUST 1, 2019:

SUBCHAPTER 7. GENERAL HUNTING SEASONS

PART 19. SEASONS ON AREAS OWNED OR MANAGED BY THE OKLAHOMA DEPARTMENT OF WILDLIFE CONSERVATION AND THE U.S. FISH AND WILDLIFE SERVICE

800:25-7-140.1. Sans Bois WMA

The following hunting and trapping seasons apply to the Sans Bois WMA:

- (1) Quail: Same as statewide dates, except closed during first nine days of deer gun season.
- (2) Pheasant: Closed season.
- (3) Prairie chicken: Closed season.
- (4) Turkey - Fall:
 - (A) Archery: Same as statewide season dates, except closed during first nine days of deer gun season.
 - (B) Gun: Closed season.
- (5) Turkey - Spring: Same as statewide season dates, 1 tom limit.
- (6) Squirrel: Same as statewide dates, except closed from opening day of archery season through the first nine days of deer gun season.
- (7) Rabbit: Same as statewide dates, except closed from opening day of archery season through the first nine days of deer gun season.
- (8) Crow: Same as statewide dates, except closed from opening day of archery season through the first nine days of deer gun season.
- (9) Dove: Same as statewide season dates.

(10) Rail and gallinule: Same as statewide dates, except closed from opening day of archery season through the first nine days of deer gun season.

(11) Common snipe: Same as statewide dates, except closed from opening day of archery season through the first nine days of deer gun season.

(12) Woodcock: Same as statewide dates, except closed from opening day of archery season through the first nine days of deer gun season.

(13) Deer - archery: Same as statewide season dates, except closed during first nine days of deer gun season.

(14) Deer - primitive firearms: Controlled hunts only.

(15) Deer - gun: Controlled hunts only.

(16) Trapping: Same as statewide season dates, except closed during first nine days of deer gun season.

(17) Pursuit with hounds: Same as statewide dates, except closed from opening day of archery season through the first nine days of deer gun season.

(18) Predator/furbearer calling: Same as statewide dates, except closed from opening day of archery season through the first nine days of deer gun season.

(19) Waterfowl: Same as statewide dates, except closed from opening day of archery season through the first nine days of deer gun season.

[OAR Docket #19-735; filed 8-30-19]

TITLE 800. DEPARTMENT OF WILDLIFE CONSERVATION CHAPTER 30. DEPARTMENT OF WILDLIFE LANDS MANAGEMENT

[OAR Docket #19-736]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

- Subchapter 1. Use of Department Managed Lands
800:30-1-4. Camping [AMENDED]
800:30-1-20. Restricted public use areas [AMENDED]

AUTHORITY:

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

ADOPTION:

June 10, 2019

APPROVED BY GOVERNOR:

July 23, 2019

EFFECTIVE:

August 1, 2019

EXPIRATION:

Effective through September 14, 2020, unless superseded by another rule or disapproved by the legislature.

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

FINDING OF EMERGENCY:

The Department recently purchased approximately 7,602 acres in southeast Haskell County. Without passage of emergency rules, the public will not be able to access and utilize this property and the natural resources found there until the fall of 2020.

GIST/ANALYSIS:

These rules will establish hunting camping and restricted use period regulations on the newly acquired Sans Bois Wildlife Management Area so

that the public can utilize this property and the natural resources beginning this fall.

CONTACT PERSON:

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

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253(F), WITH A LATER EFFECTIVE DATE OF AUGUST 1, 2019:

SUBCHAPTER 1. USE OF DEPARTMENT MANAGED LANDS

800:30-1-4. Camping

(a) Camping is limited to a maximum of 14 days, except at areas open only to hunter camping for special season(s). Camping on these areas is limited to 2 days longer than the period which the camper (hunter) is authorized to hunt.

(b) Quiet shall be maintained in all camping areas between the hours of 11:00 p.m. and 7:00 a.m. Excessive noise during such times which unreasonably disturbs persons is prohibited.

(c) All dogs or other pets must be kept on a leash or otherwise confined while in a camping area.

(d) No overnight camping is permitted at the following areas unless otherwise authorized by the Department:

- (1) Altus-Lugert WMA.
- (2) Arcadia Conservation Education Area - Any authorized camping must have education or conservation purpose.
- (3) Broken Bow WMA.
- (4) Canton WMA (waterfowl refuge portion).
- (5) Cherokee (GMA portion).
- (6) Dewey County WMA.
- (7) Drummond Flats WMA.
- (8) Eufaula WMA
- (9) Fort Gibson WMA.
- (10) Gist WMA.
- (11) Grady County WMA
- (12) Grassy Slough WMA.
- (13) Hackberry Flat (waterfowl refuge portion).
- (14) Hugo WMA (waterfowl refuge portion).
- (15) Major County Lands.
- (16) McClellan-Kerr WMA (includes waterfowl refuge portion).
- (17) McCurtain County Wilderness.
- (18) Okmulgee WMA (GMA portion).
- (19) Osage WMA (Western Wall Unit).
- (20) Ozark Plateau WMA.
- (21) Red Slough WMA.
- (22) Sparrow Hawk WMA.
- (23) Tenkiller WMA.
- (24) Thomas A. Bamberger Sr WMA
- (25) Van Osdol WMA.

- (26) Washita County WMA.
 - (27) Whitegrass Flats WMA.
 - (28) Wister WMA (waterfowl refuge portion).
- (e) Hunter and fishermen camping is permitted only in designated camping areas at:

- (1) Arbuckle Springs WMA
- (2) Atoka WMA (includes PHA portion).
- (3) Beaver River WMA including McFarland Unit.
- (4) Candy Creek WMA
- (5) Canton WMA (except waterfowl refuge portion).
- (6) Cherokee WMA (PHA portion).
- (7) Chickasaw NRA (Arbuckle).
- (8) Cimarron Bluff WMA.
- (9) Cimarron Hills WMA
- (10) Cooper WMA.
- (11) Copan WMA.
- (12) Cross Timbers WMA
- (13) Ellis County WMA.
- (14) Fobb Bottom WMA.
- (15) Fort Cobb WMA.
- (16) Fort Supply WMA.
- (17) Hackberry Flat WMA (except waterfowl refuge portion).
- (18) Heyburn WMA .
- (19) Hickory Creek WMA.
- (20) Hugo WMA (except waterfowl refuge portion).
- (21) Hulah WMA.
- (22) James Collins WMA.
- (23) Kaw WMA.
- (24) Lexington WMA.
- (25) Mountain Park WMA.
- (26) Okmulgee WMA (PHA portion, i.e., the area north and east of the Deep Fork River).
- (27) Oologah WMA
- (28) Optima WMA.
- (29) Osage WMA (Rock Creek Unit).
- (30) Pushmataha WMA.
- (31) Sandy Sanders WMA.
- (32) Sans Bois WMA
- ~~(3233)~~ Stringtown WMA
- ~~(3334)~~ Schultz WMA.
- ~~(3435)~~ Skiatook WMA.
- ~~(3536)~~ Texoma-Washita Arm WMA.
- ~~(3637)~~ Tishomingo WMU.
- ~~(3738)~~ Waurika WMA.
- ~~(3839)~~ Yourman WMA.

(f) Hunter camping is permitted only in designated camping areas and only during specified hunting seasons at:

- (1) Cookson Hills WMA, only during open hunting seasons on the area.
- (2) Ouachita WMA (Homer L. Johnston portion), only during deer and turkey seasons.
- (3) John Dahl WMA, only during hunting seasons.
- (4) Packsaddle WMA, only during open hunting seasons.
- (5) Robbers Cave WMA, only during open deer and turkey seasons.

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- (6) Spavinaw Hills WMA, only during open hunting seasons on the area.
- (g) Hunter and fishermen camping is permitted only within 50 yards of roads designated as open for public use at:
 - (1) Deep Fork WMA.
 - (2) Gary Sherrer WMA, only during open hunting seasons on the area.
 - (3) Keystone WMA.
 - (4) Love Valley WMA.
 - (5) Pine Creek WMA.
 - (6) Wister WMA, (except waterfowl refuge portion).
- (h) Camping is permitted in accordance with U.S. Forest Service regulations at:
 - (1) Ouachita WMA - Le Flore Unit (Ouachita National Forest), except Homer L. Johnston Unit.
 - (2) Ouachita WMA - McCurtain Unit (Ouachita National Forest).
 - (3) Black Kettle WMA (Cibola National Forest) - Black Kettle National Grasslands.
 - (4) Rita Blanca WMA (Cibola National Forest) - Rita Blanca National Grasslands.
- (i) Camping is permitted in designated camping areas only at McGee Creek WMA.

800:30-1-20. Restricted public use areas

- (a) The following Wildlife Management Areas are closed to all non-hunting activities except hunter camping (areas where camping is allowed) during the period October 1 - February 15: Beaver River, Beaver River - McFarland Unit, Canton,

and Okmulgee. The following Wildlife Management Areas are closed to all non-hunting activities except for hunter and/or angler camping (areas where camping is allowed) and fishing during the period of October 1 - February 15: Arbuckle Springs, Ellis County (Lake Vincent), Fort Supply, Lexington (Lake Dahlgren), and Sandy Sanders.

(b) The following Wildlife Management Areas are closed to all non-hunting activities except hunter camping (on areas where camping is allowed) during the period October 1 - January 31 and spring turkey season: Atoka, Cherokee, Cookson, Cross Timbers, James Collins, McGee Creek, Osage, Pushmataha, Sans Bois and Spavinaw.

(c) Lake Dahlgren shall be closed to all other activities during Lexington Wildlife Management Area designated controlled hunt dates.

(d) The following Conservation Education Areas are closed to all non-hunting and non-fishing activities during the period of October 1 - January 15 unless authorized by ODWC; camping and fires of any kind are not permitted unless authorized by ODWC: Arcadia Conservation Education Area.

(e) The following Wildlife Management Areas are closed to the possession of a dog(s) from 1 hour before official sunrise to 1 hour after official sunset during the deer firearms, primitive, and youth seasons, except under the provision of the Americans with Disabilities Act: Honobia Creek WMA, Pine Creek WMA, and Three Rivers WMA.

[OAR Docket #19-736; filed 8-30-19]

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

1:2019-32A.

AMENDED EXECUTIVE ORDER 2019-32

WHEREAS, the United States Constitution requires an enumeration of all persons in the United States every ten years in order to reapportion the membership of the U.S. House of Representatives among the states and for other purposes;

WHEREAS, the next decennial census will be conducted on April 1, 2020;

WHEREAS, a complete and accurate count of Oklahoma's population is essential for the fair representation of the citizenry, as the census determines congressional representation and redistricting;

WHEREAS, individuals, businesses, local governments, and nonprofit organizations will rely on census data for planning and decision-making;

WHEREAS, it is well established that certain households, special populations, and hard-to-enumerate areas are at risk of being under-counted and under-represented, including young children, who are at the heart of the future success of our State;

WHEREAS, the State and federal governments will use aggregate information gained through the census, including population counts, housing and other data, to distribute billions of dollars in funding to essential programs, including education, health care and human services;

WHEREAS, the State and its local governments utilize census data to provide descriptions of the social and economic characteristics of geographic areas and population groups to determine those areas' and groups' funding needs for infrastructure projects, economic development programs, job training, schools, and other activities;

WHEREAS, to achieve a complete and accurate census count, it is important to involve representatives of the private and public sectors, Oklahoma's local governments, State agencies, Indian Tribes, and other important stakeholders;

NOW THEREFORE, I, J. Kevin Stitt, Governor of the State of Oklahoma, by the authority vested in me pursuant to

Sections 1 and 2 of Article VI of the Oklahoma Constitution, hereby direct that:

1. The Oklahoma Census 2020 Complete Count Committee (the "Committee") is hereby established and shall develop recommendations and assist in the administration of the decennial census to facilitate the most complete and accurate census count in the year 2020, including implementing strategies to reach hard-to-count populations and hard-to-enumerate areas.
2. The Committee shall consist of up to 20 individuals, all of whom will be appointed by the Governor and will serve at the Governor's pleasure. The Committee shall consist of one member of the majority party and one member of the minority party nominated by the Speaker of the Oklahoma House of Representatives, one member of the majority party and one member of the minority party nominated by the President Pro Tempore of the Oklahoma Senate, and representatives from State government, all levels of local government, Oklahoma's Indian Tribes, business, academia, community and nonprofit organizations, ethnic and faith-based communities, elected and appointed officials, so that there will be representatives of all gender, racial, economic, and geographic communities of our state (both urban and rural) to reflect its diversity
3. The Governor designates Oklahoma Department of Commerce Executive Director, Brent Kislring, as the Chairperson of the Committee.
4. Members of the Committee shall serve without compensation.
5. All Cabinet Agencies, Boards and Committees shall cooperate and provide assistance as needed to the Committee in performing its functions. The Committee will receive administrative services and assistance from the Department of Commerce.
6. No later than December 1, 2019, the Committee will submit written, actionable recommendations to the Governor and each Cabinet Secretary on how the State can receive the most complete and accurate census count in the year 2020.
7. Upon completion of these recommendations, the Committee shall meet no less than quarterly to access and provide guidance to the work to carry out the recommendations. No later than December 1, 2021, the Committee will submit a written report analyzing the 2020 Census process and recommending improvements in advance of the 2030 Census.

Executive Orders

Copies of this Executive Order shall be distributed to each Cabinet Secretary, the Speaker of the Oklahoma House of Representatives, the President Pro Tempore of the Oklahoma Senate, and the chief executives of every State agency, board, and commission for immediate implementation.

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 3rd day of September, 2019.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

J. Kevin Stitt

ATTEST:
Michael Rogers
Secretary of State

[OAR Docket #19-737; filed 9-3-19]

1:2019-36.

EXECUTIVE ORDER 2019-36

I, J. Kevin Stitt, Governor of the State of Oklahoma, hereby direct the appropriate steps be taken to fly all American and Oklahoma flags on State property at half-staff from 8:00 a.m. to 5:00 p.m. on Wednesday, September 11, 2019, to honor

the victims of the September 11, 2001, terrorist attacks on America.

On the 18th anniversary of September 11, we continue to remember those who perished and we honor the heroic sacrifices and deeds of service from our nation's firefighters, law enforcement, military service members, rescue teams, and other Americans, who showed great courage and love of country that fateful September morning.

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 9th day of September, 2019.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

J. Kevin Stitt

ATTEST:
Michael Rogers
Secretary of State

[OAR Docket #19-743; filed 9-9-19]
