

Volume 37
Number 20
July 1, 2020
Pages 777 - 804

The Oklahoma Register

Oklahoma
Secretary of State
Office of Administrative Rules



Kevin Stitt, Governor
Michael Rogers,
Secretary of State
Peggy Coe, Editor-in-Chief

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

The Oklahoma Register and the documents accepted for publication are **AVAILABLE FOR PUBLIC INSPECTION** at the Office of Administrative Rules pursuant to the Oklahoma Open Records Act. Copies of the *Register* are also available for public inspection at many County Clerks' offices in Oklahoma, the Jan Eric Cartwright Memorial Law Library at 200 NE 18th Street in the State Capitol Complex, and the following depository libraries:

Ada - East Central University, Linscheid Library
Bartlesville - Bartlesville Public Library
Claremore - Rogers State University, Stratton Taylor Library
Clinton - Clinton Public Library
Durant - Southeastern Oklahoma State University, H.G. Bennett Memorial Library
Edmond - University of Central Oklahoma, Chambers Library
Enid - Public Library of Enid and Garfield County
Goodwell - Oklahoma Panhandle State University, Marvin E. McKee Library
Lawton - Lawton Public Library

McAlester - McAlester Public Library
Oklahoma City - Metropolitan Library System
Oklahoma City - Publications Clearinghouse, Oklahoma Department of Libraries
Stillwater - Oklahoma State University, Edmon Low Library
Tahlequah - Northeastern State University, John Vaughan Library
Tulsa - Tulsa City/County Library System
Weatherford - Southwestern Oklahoma State University, Al Harris Library

CITE MATERIAL PUBLISHED IN THE OKLAHOMA REGISTER by the volume and the beginning page number of the document in the *Register*. For example: 36 Ok Reg 256.

SUBSCRIPTION RATES for the *Register* are \$500.00 per year for the printed issues and \$300.00 per year for the CD-ROM issues, payable in advance. When available, individual printed issues may be purchased for \$20.00 plus the cost of postage, payable in advance. Make checks payable to "Secretary of State." Send subscription requests, change of address notices, and undelivered copies to: Secretary of State, Office of Administrative Rules, 421 NW 13th Street, Suite 210, Oklahoma City, OK 73103.

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. 38 copies have been prepared and distributed at a cost of \$112.51. Copies have been deposited with the Oklahoma Department of Libraries, Publications Clearinghouse.

ISSN 0030-1728

Table of Contents

| | |
|--|------|
| Agency/Action/Subject Index | iii |
| Rules Affected Index | iv |
| Agency Index (Title numbers assigned) | viii |
| Withdrawn Rules | |
| Education, State Department of (Title 210) | 777 |
| Emergency Adoptions | |
| Agriculture, Food, and Forestry, Oklahoma Department of (Title 35) | 779 |
| Education, State Department of (Title 210) | 787 |
| Human Services, Department of (Title 340) | 788 |
| Executive Orders (Title 1) | 799 |

Agency/Action/Subject Index

AGRICULTURE, Food, and Forestry, Oklahoma Department of (Title 35)

Emergency Adoptions

Consumer Protection (Chapter 30) 779

EDUCATION, State Department of (Title 210)

Withdrawn Rules

School Administration and Instructional Services
(Chapter 10) 777

Emergency Adoptions

Finance (Chapter 25) 787

GOVERNOR

Executive Orders

Amending EO 2020-20, declaring emergency caused
by impending threat of COVID-19 in 77 counties
(20-20A) 799

Effective immediately, Executive Order 2015-11 is hereby
withdrawn and rescinded (20-21) 803

Ordering flags at half-staff to honor former state insurance
commissioner John Presley Crawford (20-22) 803

HUMAN Services, Department of (Title 340)

Emergency Adoptions

Supplemental Nutrition Assistance Program
(Chapter 50) 788

Rules Affected Index

[(E) = Emergency action]

| Rule | Register Page | Rule | Register Page |
|----------------------|-------------------------|---------------------|-------------------------|
| 10:15-27-16. | [NEW] (E) 167 | 310:681-2-3.1. | [AMENDED] (E) 21 |
| 10:15-37-11. | [AMENDED] (E) 167 | 310:681-2-3.1. | [AMENDED] (E) 178 |
| 35:30-24-1. | [AMENDED] (E) 779 | 310:681-2-4. | [AMENDED] (E) 21 |
| 35:30-24-2. | [AMENDED] (E) 780 | 310:681-2-4. | [AMENDED] (E) 178 |
| 35:30-24-3. | [AMENDED] (E) 781 | 310:681-2-5. | [AMENDED] (E) 21 |
| 35:30-24-4. | [AMENDED] (E) 782 | 310:681-2-5. | [AMENDED] (E) 178 |
| 35:30-24-5. | [AMENDED] (E) 782 | 310:681-2-8. | [NEW] (E) 22 |
| 35:30-24-5.1. | [NEW] (E) 783 | 310:681-2-8. | [NEW] (E) 179 |
| 35:30-24-5.2. | [NEW] (E) 783 | 310:681-2-9. | [NEW] (E) 22 |
| 35:30-24-5.3. | [NEW] (E) 783 | 310:681-2-9. | [NEW] (E) 179 |
| 35:30-24-6. | [AMENDED] (E) 783 | 310:681-3-1. | [AMENDED] (E) 23 |
| 35:30-24-6.1. | [NEW] (E) 783 | 310:681-3-1. | [AMENDED] (E) 179 |
| 35:30-24-7. | [AMENDED] (E) 783 | 310:681-3-2. | [AMENDED] (E) 23 |
| 35:30-24-8. | [AMENDED] (E) 784 | 310:681-3-2. | [AMENDED] (E) 180 |
| 35:30-24-9. | [AMENDED] (E) 784 | 310:681-3-3. | [NEW] (E) 23 |
| 35:30-24-10. | [AMENDED] (E) 785 | 310:681-3-3. | [NEW] (E) 180 |
| 35:30-24-11. | [AMENDED] (E) 785 | 310:681-3-4. | [NEW] (E) 24 |
| 35:30-24-12. | [AMENDED] (E) 785 | 310:681-3-4. | [NEW] (E) 181 |
| 35:30-24-13. | [NEW] (E) 786 | 310:681-3-5. | [NEW] (E) 24 |
| 35:30-24-14. | [NEW] (E) 786 | 310:681-3-5. | [NEW] (E) 181 |
| 120:10, App. A. | [REVOKED] (E) 270 | 310:681-3-6. | [NEW] (E) 24 |
| 120:10, App. A. | [NEW] (E) 270 | 310:681-3-6. | [NEW] (E) 181 |
| 165:35-45-2. | [AMENDED] (E) 97 | 310:681-4-1. | [NEW] (E) 182 |
| 165:35-45-4. | [AMENDED] (E) 97 | 310:681-4-1.1. | [NEW] (E) 182 |
| 165:35-45-5. | [AMENDED] (E) 99 | 310:681-4-2. | [NEW] (E) 183 |
| 210:10-13-23. | [AMENDED] (E) 741 | 310:681-4-3. | [NEW] (E) 183 |
| 210:10-13-25. | [NEW] (E) 744 | 310:681-4-4. | [NEW] (E) 185 |
| 210:20-9-94. | [AMENDED] (E) 746 | 310:681-4-5. | [NEW] (E) 185 |
| 210:25-5-4. | [AMENDED] (E) 787 | 310:681-4-6. | [NEW] (E) 187 |
| 260:50-1-2. | [AMENDED] (E) 505 | 310:681-5-1. | [AMENDED] (E) 25 |
| 310:9-1-2. | [AMENDED] (E) 3 | 310:681-5-1. | [AMENDED] (E) 187 |
| 310:9-3-1. | [AMENDED] (E) 4 | 310:681-5-1.1. | [AMENDED] (E) 25 |
| 310:9-3-2. | [AMENDED] (E) 4 | 310:681-5-1.1. | [AMENDED] (E) 187 |
| 310:9-3-3. | [AMENDED] (E) 5 | 310:681-5-2. | [AMENDED] (E) 26 |
| 310:9-5-2.1. | [AMENDED] (E) 5 | 310:681-5-2. | [AMENDED] (E) 188 |
| 310:9-5-3. | [REVOKED] (E) 6 | 310:681-5-3. | [AMENDED] (E) 27 |
| 310:677-1-7. | [NEW] (E) 690 | 310:681-5-3. | [AMENDED] (E) 189 |
| 310:681-1-1. | [AMENDED] (E) 13 | 310:681-5-3.1. | [NEW] (E) 28 |
| 310:681-1-1. | [AMENDED] (E) 169 | 310:681-5-3.1. | [NEW] (E) 190 |
| 310:681-1-2. | [AMENDED] (E) 14 | 310:681-5-3.2. | [NEW] (E) 28 |
| 310:681-1-2. | [AMENDED] (E) 170 | 310:681-5-3.2. | [NEW] (E) 190 |
| 310:681-1-3. | [AMENDED] (E) 14 | 310:681-5-4. | [AMENDED] (E) 28 |
| 310:681-1-3. | [AMENDED] (E) 170 | 310:681-5-4. | [AMENDED] (E) 190 |
| 310:681-1-4. | [AMENDED] (E) 14 | 310:681-5-6. | [AMENDED] (E) 29 |
| 310:681-1-4. | [AMENDED] (E) 170 | 310:681-5-6. | [AMENDED] (E) 191 |
| 310:681-1-5. | [AMENDED] (E) 18 | 310:681-5-6.1. | [AMENDED] (E) 31 |
| 310:681-1-5. | [AMENDED] (E) 174 | 310:681-5-6.1. | [AMENDED] (E) 193 |
| 310:681-1-6. | [AMENDED] (E) 18 | 310:681-5-8. | [AMENDED] (E) 31 |
| 310:681-1-6. | [AMENDED] (E) 175 | 310:681-5-8. | [AMENDED] (E) 194 |
| 310:681-1-7. | [AMENDED] (E) 18 | 310:681-5-8.1. | [AMENDED] (E) 32 |
| 310:681-1-7. | [AMENDED] (E) 175 | 310:681-5-8.1. | [AMENDED] (E) 194 |
| 310:681-1-9. | [AMENDED] (E) 18 | 310:681-5-9. | [AMENDED] (E) 34 |
| 310:681-1-9. | [AMENDED] (E) 175 | 310:681-5-9. | [AMENDED] (E) 196 |
| 310:681-1-9.1. | [AMENDED] (E) 19 | 310:681-5-10. | [AMENDED] (E) 34 |
| 310:681-1-9.1. | [AMENDED] (E) 175 | 310:681-5-10. | [AMENDED] (E) 196 |
| 310:681-2-1. | [AMENDED] (E) 19 | 310:681-5-12. | [AMENDED] (E) 34 |
| 310:681-2-1. | [AMENDED] (E) 175 | 310:681-5-12. | [AMENDED] (E) 196 |
| 310:681-2-2. | [AMENDED] (E) 20 | 310:681-5-18. | [AMENDED] (E) 34 |
| 310:681-2-2. | [AMENDED] (E) 176 | 310:681-5-18. | [AMENDED] (E) 196 |
| 310:681-2-3. | [AMENDED] (E) 20 | 310:681-7-1. | [AMENDED] (E) 35 |
| 310:681-2-3. | [AMENDED] (E) 177 | 310:681-7-1. | [AMENDED] (E) 197 |

| | | | | | |
|-------------------------|-------------------------|-----|---------------------------|-------------------------|-----|
| 310:681-7-2. | [AMENDED] (E) | 35 | 317:30-5-750. | [NEW] (E) | 115 |
| 310:681-7-2. | [AMENDED] (E) | 198 | 317:30-5-750.1. | [NEW] (E) | 115 |
| 310:681-7-3. | [NEW] (E) | 35 | 317:30-5-750.2. | [NEW] (E) | 116 |
| 310:681-7-3. | [NEW] (E) | 198 | 317:30-5-751. | [NEW] (E) | 116 |
| 310:681-8-1. | [NEW] (E) | 36 | 317:30-5-752. | [NEW] (E) | 117 |
| 310:681-8-1. | [NEW] (E) | 198 | 317:30-5-753. | [NEW] (E) | 117 |
| 310:681-8-2. | [NEW] (E) | 199 | 317:30-5-754. | [NEW] (E) | 121 |
| 310:681-8-3. | [NEW] (E) | 201 | 317:30-5-755. | [NEW] (E) | 121 |
| 310:681-8-4. | [NEW] (E) | 203 | 317:30-5-756. | [NEW] (E) | 121 |
| 310:681-8-5. | [NEW] (E) | 204 | 317:30-5-757. | [NEW] (E) | 121 |
| 310:681-9-1. | [NEW] (E) | 204 | 317:30-5-1076. | [AMENDED] (E) | 520 |
| 310:681-9-1.1. | [NEW] (E) | 205 | 317:30-5-1080. | [NEW] (E) | 522 |
| 310:681-9-2. | [NEW] (E) | 205 | 317:30-5-1081. | [NEW] (E) | 522 |
| 310:681-9-3. | [NEW] (E) | 205 | 317:30-5-1082. | [NEW] (E) | 523 |
| 310:681-9-4. | [NEW] (E) | 206 | 317:30-5-1083. | [NEW] (E) | 523 |
| 310:681-9-5. | [NEW] (E) | 207 | 317:30-5-1084. | [NEW] (E) | 523 |
| 310:681-9-6. | [NEW] (E) | 207 | 317:30-5-1090. | [AMENDED] (E) | 521 |
| 310:681-9-7. | [NEW] (E) | 208 | 317:30-5-1154. | [AMENDED] (E) | 521 |
| 310:681-9-8. | [NEW] (E) | 209 | 317:35-6-45. | [NEW] (E) | 528 |
| 310:681-10-1. | [NEW] (E) | 209 | 317:35-6-51. | [AMENDED] (E) | 764 |
| 310:681-10-2. | [NEW] (E) | 210 | 317:35-6-55. | [NEW] (E) | 764 |
| 310:681-10-3. | [NEW] (E) | 210 | 317:35-6-60. | [AMENDED] (E) | 767 |
| 310:681-10-4. | [NEW] (E) | 210 | 317:35-6-60.2. | [NEW] (E) | 768 |
| 317:1-1-4. | [AMENDED] (E) | 100 | 317:35-10-26. | [AMENDED] (E) | 765 |
| 317:1-1-6. | [AMENDED] (E) | 100 | 340:50-3-1. | [AMENDED] (E) | 789 |
| 317:1-1-7. | [AMENDED] (E) | 100 | 340:50-3-2. | [AMENDED] (E) | 791 |
| 317:2-1-2. | [AMENDED] (E) | 508 | 340:50-5-29. | [AMENDED] (E) | 122 |
| 317:2-1-6. | [REVOKED] (E) | 510 | 340:50-5-45. | [AMENDED] (E) | 123 |
| 317:2-1-13. | [AMENDED] (E) | 510 | 340:50-5-101. | [AMENDED] (E) | 124 |
| 317:2-1-17. | [NEW] (E) | 210 | 340:50-7-1. | [AMENDED] (E) | 125 |
| 317:2-1-18. | [NEW] (E) | 510 | 340:50-7-6. | [NEW] (E) | 793 |
| 317:30-3-5. | [AMENDED] (E) | 511 | 340:50-7-29. | [AMENDED] (E) | 125 |
| 317:30-3-27. | [AMENDED] (E) | 212 | 340:50-7-31. | [AMENDED] (E) | 128 |
| 317:30-3-31. | [AMENDED] (E) | 761 | 340:50-9-5. | [AMENDED] (E) | 131 |
| 317:30-3-65.12. | [NEW] (E) | 514 | 340:50-11-5. | [AMENDED] (E) | 795 |
| 317:30-5-22.1. | [AMENDED] (E) | 101 | 340:50-11-6. | [AMENDED] (E) | 796 |
| 317:30-5-42.1. | [AMENDED] (E) | 522 | 340:50-11-11.1. | [AMENDED] (E) | 796 |
| 317:30-5-42.11. | [AMENDED] (E) | 101 | 340:100-18-1. | [AMENDED] (E) | 79 |
| 317:30-5-42.20. | [NEW] (E) | 762 | 340:110-1-8.3. | [AMENDED] (E) | 623 |
| 317:30-5-47. | [AMENDED] (E) | 762 | 340:110, App. GG. | [REVOKED] (E) | 628 |
| 317:30-5-47.6. | [NEW] (E) | 763 | 340:110, App. GG. | [NEW] (E) | 628 |
| 317:30-5-72. | [AMENDED] (E) | 512 | 365:25-29-1. | [AMENDED] (E) | 136 |
| 317:30-5-77.1. | [AMENDED] (E) | 513 | 365:25-29-2. | [AMENDED] (E) | 136 |
| 317:30-5-77.2. | [AMENDED] (E) | 524 | 365:25-29-3. | [AMENDED] (E) | 136 |
| 317:30-5-77.3. | [AMENDED] (E) | 525 | 365:25-29-4. | [AMENDED] (E) | 136 |
| 317:30-5-77.4. | [NEW] (E) | 526 | 365:25-29-5. | [AMENDED] (E) | 136 |
| 317:30-5-86. | [AMENDED] (E) | 527 | 365:25-29-6. | [AMENDED] (E) | 136 |
| 317:30-5-132. | [AMENDED] (E) | 214 | 365:25-29-7.1. | [NEW] (E) | 137 |
| 317:30-5-132.1. | [NEW] (E) | 215 | 365:25-29-9. | [AMENDED] (E) | 137 |
| 317:30-5-132.2. | [NEW] (E) | 215 | 365:25-29-10. | [AMENDED] (E) | 138 |
| 317:30-5-136.1. | [AMENDED] (E) | 216 | 365:25-29-13. | [NEW] (E) | 139 |
| 317:30-5-241.6. | [AMENDED] (E) | 217 | 365:25-29-14. | [NEW] (E) | 139 |
| 317:30-5-355.1. | [AMENDED] (E) | 517 | 365:25-29-15. | [NEW] (E) | 139 |
| 317:30-5-357. | [AMENDED] (E) | 519 | 365:25-29-12. | [NEW] (E) | 138 |
| 317:30-5-376. | [AMENDED] (E) | 519 | 435:11-1-1. | [NEW] (E) | 747 |
| 317:30-5-664.1. | [AMENDED] (E) | 520 | 435:11-1-2. | [NEW] (E) | 747 |
| 317:30-5-740. | [AMENDED] (E) | 102 | 435:11-1-3. | [NEW] (E) | 747 |
| 317:30-5-740.1. | [AMENDED] (E) | 103 | 435:11-1-4. | [NEW] (E) | 747 |
| 317:30-5-740.2. | [AMENDED] (E) | 105 | 435:11-1-5. | [NEW] (E) | 748 |
| 317:30-5-741. | [AMENDED] (E) | 105 | 435:11-1-6. | [NEW] (E) | 748 |
| 317:30-5-742. | [AMENDED] (E) | 106 | 435:11-1-7. | [NEW] (E) | 748 |
| 317:30-5-742.1. | [AMENDED] (E) | 106 | 435:11-1-8. | [NEW] (E) | 748 |
| 317:30-5-742.2. | [AMENDED] (E) | 106 | 435:11-1-10. | [NEW] (E) | 748 |
| 317:30-5-743.1. | [AMENDED] (E) | 114 | 435:11-1-11. | [NEW] (E) | 748 |
| 317:30-5-744. | [AMENDED] (E) | 114 | 460:10-13-5. | [REVOKED] (E) | 561 |
| 317:30-5-745. | [AMENDED] (E) | 114 | 460:10-13-5.1. | [NEW] (E) | 562 |
| 317:30-5-746. | [AMENDED] (E) | 114 | 460:10-13-6. | [AMENDED] (E) | 562 |

Rules Affected Index – *continued*

| | | | | | |
|--------------------|---------------------|-----|----------------------|---------------------|-----|
| 460:10-19-4. | [AMENDED] (E) | 562 | 655:25-1-8. | [NEW] (E) | 420 |
| 465:10-3-1. | [AMENDED] (E) | 140 | 655:25-3-1. | [AMENDED] (E) | 420 |
| 465:10-3-3. | [AMENDED] (E) | 140 | 655:25-3-2. | [AMENDED] (E) | 421 |
| 465:10-3-5. | [AMENDED] (E) | 140 | 655:25-3-3. | [AMENDED] (E) | 421 |
| 465:10-3-6. | [NEW] (E) | 140 | 655:25-5-2. | [AMENDED] (E) | 421 |
| 485:10-11-4. | [NEW] (E) | 222 | 655:25-5-3. | [AMENDED] (E) | 421 |
| 485:10-16-6. | [AMENDED] (E) | 224 | 655:25-7-1. | [NEW] (E) | 421 |
| 485:10-21-1. | [NEW] (E) | 749 | 655:25-7-2. | [NEW] (E) | 421 |
| 485:10-21-2. | [NEW] (E) | 749 | 655:25-11-2. | [NEW] (E) | 421 |
| 485:10-21-3. | [NEW] (E) | 749 | 655:25-11-3. | [NEW] (E) | 422 |
| 485:10-21-4. | [NEW] (E) | 749 | 655:25-11-4. | [NEW] (E) | 423 |
| 540:35-1-3. | [AMENDED] (E) | 585 | 655:25-11-5. | [NEW] (E) | 423 |
| 540:45-1-3. | [AMENDED] (E) | 586 | 655:25-11-6. | [NEW] (E) | 424 |
| 540:50-1-5. | [AMENDED] (E) | 587 | 655:25-11-7. | [NEW] (E) | 424 |
| 590:10-1-21. | [NEW] (E) | 141 | 655:25-11-8. | [NEW] (E) | 424 |
| 590:10-1-22. | [NEW] (E) | 141 | 655:25, App. A. | [NEW] (E) | 426 |
| 590:40-5-1. | [AMENDED] (E) | 142 | 655:35-1-1. | [NEW] (E) | 429 |
| 595:10-1-3. | [AMENDED] (E) | 271 | 655:35-3-1. | [NEW] (E) | 429 |
| 595:10-1-10. | [AMENDED] (E) | 276 | 655:35-3-2. | [NEW] (E) | 429 |
| 595:10-1-25. | [AMENDED] (E) | 277 | 715:1-1-5. | [AMENDED] (E) | 37 |
| 595:10-1-26. | [AMENDED] (E) | 278 | 715:10-9-3. | [AMENDED] (E) | 38 |
| 595:10-1-27. | [AMENDED] (E) | 279 | 715:10-13-15. | [AMENDED] (E) | 38 |
| 595:10-1-35. | [AMENDED] (E) | 281 | 715:10-15-3. | [AMENDED] (E) | 38 |
| 595:10-1-50. | [AMENDED] (E) | 281 | 715:10-17-5. | [AMENDED] (E) | 39 |
| 595:11-1-12. | [AMENDED] (E) | 283 | 715:10-17-16. | [NEW] (E) | 39 |
| 595:11-1-13. | [AMENDED] (E) | 283 | 725:15-33-8. | [AMENDED] (E) | 632 |
| 595:11-1-15. | [AMENDED] (E) | 284 | 725:15-33-9. | [AMENDED] (E) | 632 |
| 595:11-1-21. | [AMENDED] (E) | 287 | 725:15-33-11. | [AMENDED] (E) | 634 |
| 595:11-1-31. | [AMENDED] (E) | 288 | 725:15-33-12. | [AMENDED] (E) | 635 |
| 595:11-1-51. | [AMENDED] (E) | 289 | 725:15-33-13. | [AMENDED] (E) | 635 |
| 595:11-3-3. | [AMENDED] (E) | 284 | 725:15-33-14. | [AMENDED] (E) | 635 |
| 595:11-3-6. | [AMENDED] (E) | 285 | 725:30-22-1. | [AMENDED] (E) | 636 |
| 595:11-3-8. | [AMENDED] (E) | 286 | 725:30-22-1.1. | [AMENDED] (E) | 636 |
| 595:11-5-1. | [AMENDED] (E) | 290 | 725:30-22-1.2. | [NEW] (E) | 637 |
| 595:11-5-2. | [AMENDED] (E) | 290 | 725:30-22-2. | [AMENDED] (E) | 637 |
| 595:11-5-3. | [AMENDED] (E) | 290 | 725:30-22-3. | [AMENDED] (E) | 638 |
| 595:11-5-4. | [AMENDED] (E) | 291 | 725:30-22-4. | [AMENDED] (E) | 638 |
| 595:11-5-5. | [AMENDED] (E) | 292 | 725:30-22-5. | [AMENDED] (E) | 638 |
| 595:11-5-7. | [AMENDED] (E) | 293 | 725:30-22-6. | [AMENDED] (E) | 638 |
| 595:11-5-9. | [AMENDED] (E) | 294 | 725:30-22-7. | [AMENDED] (E) | 639 |
| 595:11-5-10. | [AMENDED] (E) | 294 | 725:30-22-8. | [AMENDED] (E) | 639 |
| 595:11-5-11. | [AMENDED] (E) | 295 | 725:35-1-1. | [AMENDED] (E) | 529 |
| 595:11-5-12. | [AMENDED] (E) | 295 | 725:35-1-2. | [AMENDED] (E) | 529 |
| 595:11-5-13. | [AMENDED] (E) | 296 | 725:35-1-3. | [AMENDED] (E) | 530 |
| 595:11-5-15. | [AMENDED] (E) | 297 | 725:35-1-4. | [AMENDED] (E) | 536 |
| 595:11-5-16. | [AMENDED] (E) | 299 | 725:35-1-5. | [AMENDED] (E) | 536 |
| 595:11-5-17. | [AMENDED] (E) | 299 | 765:15-1-1. | [AMENDED] (E) | 143 |
| 595:11-7-2. | [AMENDED] (E) | 299 | 765:15-1-2. | [AMENDED] (E) | 143 |
| 595:11-7-3. | [AMENDED] (E) | 299 | 765:15-1-3. | [AMENDED] (E) | 143 |
| 595:11-7-4. | [AMENDED] (E) | 301 | 765:15-1-5. | [AMENDED] (E) | 143 |
| 595:11-7-9. | [AMENDED] (E) | 301 | 765:15-1-6. | [AMENDED] (E) | 144 |
| 595:11-7-10. | [AMENDED] (E) | 302 | 765:15-1-7. | [AMENDED] (E) | 144 |
| 595:11-7-15. | [AMENDED] (E) | 303 | 765:15-3-1. | [AMENDED] (E) | 144 |
| 595:30-3-2. | [AMENDED] (E) | 563 | 765:15-5-1. | [AMENDED] (E) | 144 |
| 595:40-7-1. | [NEW] (E) | 304 | 765:15-5-2. | [AMENDED] (E) | 145 |
| 595:40-7-2. | [NEW] (E) | 304 | 765:36-6-1. | [NEW] (E) | 145 |
| 595:40-7-3. | [NEW] (E) | 304 | 765:37-5-6. | [NEW] (E) | 146 |
| 595:40-7-4. | [NEW] (E) | 305 | 765:38-1-1. | [AMENDED] (E) | 147 |
| 595:40-7-5. | [NEW] (E) | 305 | 765:38-1-2. | [AMENDED] (E) | 147 |
| 595:40-7-6. | [NEW] (E) | 305 | 765:38-1-3. | [AMENDED] (E) | 147 |
| 610:25-1-3. | [AMENDED] (E) | 417 | 765:38-1-4. | [AMENDED] (E) | 147 |
| 610:25-1-4. | [AMENDED] (E) | 418 | 765:38-1-5. | [AMENDED] (E) | 148 |
| 625:25-11-1. | [NEW] (E) | 421 | 765:38-1-6. | [AMENDED] (E) | 148 |
| 655:25-1-1.1. | [AMENDED] (E) | 420 | 765:38-3-1. | [AMENDED] (E) | 148 |
| 655:25-1-2. | [AMENDED] (E) | 420 | 765:38-5-1. | [AMENDED] (E) | 148 |
| 655:25-1-5. | [AMENDED] (E) | 420 | 765:38-5-2. | [AMENDED] (E) | 148 |
| 655:25-1-5.1. | [NEW] (E) | 420 | 770:15-7-1. | [REVOKED] (E) | 83 |

| | | | |
|--------------------------------------|----|---------------------------------------|----|
| 770:15-7-2. [REVOKED] (E) | 83 | 800:25-41-1. [NEW] (E) | 84 |
| 770:15-7-3. [REVOKED] (E) | 83 | 800:25-41-2. [NEW] (E) | 85 |
| 770:15-7-4. [REVOKED] (E) | 84 | 800:25-41-3. [NEW] (E) | 85 |
| 800:10-1-5. [AMENDED] (E) | 40 | 800:30-1-4. [AMENDED] (E) | 43 |
| 800:25-7-140.1. [NEW] (E) | 42 | 800:30-1-20. [AMENDED] (E) | 44 |

Agency/Title Index

[Assigned as of 7-1-20]

| Agency | Title | Agency | Title |
|---|-------|---|-------|
| Oklahoma ABSTRACTORS Board | 5 | Office of DISABILITY Concerns (<i>Formerly:</i> Office of HANDICAPPED Concerns) - <i>See</i> Title 305 | |
| Oklahoma ACCOUNTANCY Board | 10 | Board of Regents of EASTERN Oklahoma State College (<i>exempted</i> 11-1-98) | 205 |
| State ACCREDITING Agency | 15 | EDGE Fund Policy Board | 208 |
| AD Valorem Task Force (<i>abolished</i> 7-1-93) | 20 | State Department of EDUCATION | 210 |
| Oklahoma AERONAUTICS Commission | 25 | EDUCATION Oversight Board (<i>merged under</i> Office of Educational Quality and Accountability 7-1-14 - <i>See</i> Title 218) | 215 |
| Board of Regents for the Oklahoma AGRICULTURAL and Mechanical Colleges (<i>exempted</i> 11-1-98) | 30 | Office of EDUCATIONAL Quality and Accountability | 218 |
| Oklahoma Department of AGRICULTURE , Food, and Forestry | 35 | Oklahoma EDUCATIONAL Television Authority | 220 |
| Oklahoma Board of Licensed ALCOHOL and Drug Counselors | 38 | [RESERVED] | 225 |
| Board of Tests for ALCOHOL and Drug Influence | 40 | State ELECTION Board | 230 |
| ALCOHOLIC Beverage Laws Enforcement Commission | 45 | Oklahoma FUNERAL Board (<i>Formerly:</i> Oklahoma State Board of EMBALMERS and Funeral Directors) | 235 |
| ANATOMICAL Board of the State of Oklahoma | 50 | Oklahoma Department of EMERGENCY Management (<i>Formerly:</i> Department of CIVIL Emergency Management) - <i>See</i> Title 145 | |
| Board of Governors of the Licensed ARCHITECTS , Landscape Architects and Registered Interior Designers of Oklahoma (<i>Formerly:</i> Board of Governors of the Licensed ARCHITECTS and Landscape Architects of Oklahoma; and Board of Governors of the Licensed ARCHITECTS , Landscape Architects and Interior Designers of Oklahoma) | 55 | Oklahoma EMPLOYMENT Security Commission | 240 |
| ARCHIVES and Records Commission | 60 | Oklahoma ENERGY Resources Board | 243 |
| Board of Trustees for the ARDMORE Higher Education Program (<i>exempted</i> 11-1-98) | 65 | State Board of License for Professional ENGINEERS and Land Surveyors (<i>Formerly:</i> State Board of Registration for Professional ENGINEERS and Land Surveyors) | 245 |
| Oklahoma ARTS Council | 70 | Board of Trustees for the ENID Higher Education Program (<i>exempted</i> 11-1-98) | 250 |
| Oklahoma State ATHLETIC Commission (<i>Formerly:</i> Oklahoma Professional BOXING Commission) - <i>See</i> Title 92 | | Department of ENVIRONMENTAL Quality | 252 |
| ATTORNEY General | 75 | State Board of EQUALIZATION | 255 |
| State AUDITOR and Inspector | 80 | ETHICS Commission (<i>Title revoked</i>) | 257 |
| State BANKING Department | 85 | ETHICS Commission | 258 |
| Oklahoma State Employees BENEFITS Council (<i>consolidated under</i> Office of Management and Enterprise Services 8-26-11 - <i>See</i> Title 260) | 86 | Office of MANAGEMENT and Enterprise Services (<i>Formerly:</i> Office of State FINANCE) | 260 |
| Oklahoma State Employees BENEFITS Council | 87 | State FIRE Marshal Commission | 265 |
| Council of BOND Oversight | 90 | Oklahoma Council on FIREFIGHTER Training | 268 |
| Oklahoma State ATHLETIC Commission (<i>Formerly:</i> Oklahoma Professional BOXING Commission) | 92 | Oklahoma FIREFIGHTERS Pension and Retirement System | 270 |
| State BURIAL Board (<i>abolished</i> 7-1-92) | 95 | [RESERVED] | 275 |
| [RESERVED] | 100 | FORENSIC Review Board | 277 |
| Oklahoma CAPITAL Investment Board | 105 | State Board of Registration for FORESTERS | 280 |
| Oklahoma CAPITOL Improvement Authority | 110 | FOSTER Care Review Advisory Board | 285 |
| State CAPITOL Preservation Commission | 115 | Oklahoma FUNERAL Board (<i>Formerly:</i> Oklahoma State Board of Embalmers and Funeral Directors) - <i>See</i> Title 235 | |
| CAPITOL-MEDICAL Center Improvement and Zoning Commission | 120 | Oklahoma FUTURES | 290 |
| Oklahoma Department of CAREER and Technology Education (<i>Formerly:</i> Oklahoma Department of VOCATIONAL and Technical Education) - <i>See</i> Title 780 | | GOVERNOR (<i>See also</i> Title 1, Executive Orders) | 295 |
| Board of Regents of CARL Albert State College (<i>exempted</i> 11-1-98) | 125 | GRAND River Dam Authority | 300 |
| Department of CENTRAL Services (<i>Formerly:</i> Office of PUBLIC Affairs) - <i>See</i> Title 580 | | Group Self-Insurance Association GUARANTY Fund Board | 302 |
| CEREBRAL Palsy Commission | 130 | Individual Self-Insured GUARANTY Fund Board | 303 |
| Commission on CHILDREN and Youth | 135 | STATE Use Committee (<i>Formerly:</i> Committee on Purchases of Products and Services of the Severely HANDICAPPED ; <i>consolidated under</i> Office of Management and Enterprise Services 8-26-11 - <i>See</i> Title 260) | 304 |
| Board of CHIROPRACTIC Examiners | 140 | Office of DISABILITY Concerns (<i>Formerly:</i> Office of HANDICAPPED Concerns) | 305 |
| Oklahoma Department of EMERGENCY Management (<i>Formerly:</i> Department of CIVIL Emergency Management) | 145 | Oklahoma State Department of HEALTH | 310 |
| Oklahoma Department of COMMERCE | 150 | Oklahoma Basic HEALTH Benefits Board (<i>abolished</i> 11-1-97) | 315 |
| COMMUNITY Hospitals Authority | 152 | Oklahoma HEALTH Care Authority | 317 |
| COMPSOURCE Oklahoma (<i>Formerly:</i> State INSURANCE Fund) - <i>See</i> Title 370 | | HIGHWAY Construction Materials Technician Certification Board | 318 |
| Oklahoma CONSERVATION Commission | 155 | Oklahoma HISTORICAL Society | 320 |
| CONSTRUCTION Industries Board | 158 | Oklahoma HORSE Racing Commission | 325 |
| Department of CONSUMER Credit | 160 | Oklahoma HOUSING Finance Agency | 330 |
| CORPORATION Commission | 165 | Oklahoma HUMAN Rights Commission | 335 |
| Department of CORRECTIONS | 170 | Department of HUMAN Services | 340 |
| State Board of COSMETOLOGY and Barbering | 175 | Committee for INCENTIVE Awards for State Employees | 345 |
| Oklahoma State CREDIT Union Board | 180 | Oklahoma INDIAN Affairs Commission | 350 |
| CRIME Victims Compensation Board | 185 | Oklahoma INDIGENT Defense System | 352 |
| Joint CRIMINAL Justice System Task Force Committee | 190 | Oklahoma INDUSTRIAL Finance Authority | 355 |
| Board of DENTISTRY | 195 | INJURY Review Board | 357 |
| Oklahoma DEVELOPMENT Finance Authority | 200 | Oklahoma State and Education Employees Group INSURANCE Board (<i>consolidated under</i> Office of Management and Enterprise Services 8-26-11 - <i>See</i> Title 260) | 360 |
| | | INSURANCE Department | 365 |

| Agency | Title | Agency | Title |
|---|-------|--|-------|
| COMPSOURCE Oklahoma (Formerly: State INSURANCE Fund) | 370 | PUBLIC Employees Relations Board | 585 |
| Oklahoma State Bureau of INVESTIGATION | 375 | Oklahoma PUBLIC Employees Retirement System | 590 |
| Council on JUDICIAL Complaints | 376 | Department of PUBLIC Safety | 595 |
| Office of JUVENILE Affairs | 377 | REAL Estate Appraiser Board | 600 |
| Department of LABOR | 380 | Oklahoma REAL Estate Commission | 605 |
| Department of the Commissioners of the LAND Office | 385 | Board of Regents of REDLANDS Community College (<i>exempted</i> <i>11-1-98</i>) | 607 |
| Council on LAW Enforcement Education and Training | 390 | State REGENTS for Higher Education | 610 |
| Oklahoma LAW Enforcement Retirement System | 395 | State Department of REHABILITATION Services | 612 |
| Board on LEGISLATIVE Compensation | 400 | Board of Regents of ROGERS State College (<i>exempted 11-1-98</i>) | 615 |
| Oklahoma Department of LIBRARIES | 405 | Board of Regents of ROSE State College (<i>exempted 11-1-98</i>) | 620 |
| LIEUTENANT Governor | 410 | Oklahoma SAVINGS and Loan Board (<i>abolished 7-1-93</i>) | 625 |
| Oklahoma LINKED Deposit Review Board | 415 | SCENIC Rivers Commission | 630 |
| Oklahoma LIQUEFIED Petroleum Gas Board | 420 | Oklahoma Commission on SCHOOL and County Funds Management | 635 |
| Oklahoma LIQUEFIED Petroleum Gas Research, Marketing and Safety Commission | 422 | Advisory Task Force on the Sale of SCHOOL Lands (<i>functions</i> <i>concluded 2-92</i>) | 640 |
| LITERACY Initiatives Commission | 425 | The Oklahoma School of SCIENCE and Mathematics | 645 |
| LONG-RANGE Capital Planning Commission | 428 | Oklahoma Center for the Advancement of SCIENCE and Technology | 650 |
| Oklahoma State Board of Examiners for LONG-TERM Care Administrators (Formerly: Oklahoma State Board of Examiners for NURSING Home Administrators) - See Title 490 | | SECRETARY of State | 655 |
| LOTTERY Commission, Oklahoma | 429 | Department of SECURITIES | 660 |
| Board of Trustees for the MCCURTAIN County Higher Education Program (<i>exempted 11-1-98</i>) | 430 | Board of Regents of SEMINOLE State College (<i>exempted</i> <i>11-1-98</i>) | 665 |
| Office of MANAGEMENT and Enterprise Services (Formerly: Office of State FINANCE) - See Title 260 | | SHEEP and Wool Commission | 670 |
| Commission on MARGINALLY Producing Oil and Gas Wells | 432 | State Board of Licensed SOCIAL Workers | 675 |
| State Board of MEDICAL Licensure and Supervision | 435 | SOUTHERN Growth Policies Board | 680 |
| MEDICAL Technology and Research Authority of Oklahoma | 440 | Oklahoma SOYBEAN Commission (<i>abolished 7-1-97</i>) | 685 |
| Board of MEDICOLEGAL Investigations | 445 | Board of Examiners for SPEECH-LANGUAGE Pathology and Audiology (Formerly: Board of Examiners for SPEECH Pathology and Audiology) | 690 |
| Department of MENTAL Health and Substance Abuse Services | 450 | STATE Employee Charitable Contributions, Oversight Committee for (Formerly: STATE Agency Review Committee) | 695 |
| MERIT Protection Commission | 455 | STATE Use Committee (Formerly: Committee on Purchases of Products and Services of the Severely HANDICAPPED) - See Title 304 | |
| MILITARY Planning Commission, Oklahoma Strategic | 457 | Oklahoma STUDENT Loan Authority | 700 |
| Department of MINES | 460 | TASK Force 2000 | 705 |
| Oklahoma MOTOR Vehicle Commission | 465 | Oklahoma TAX Commission | 710 |
| Board of Regents of MURRAY State College (<i>exempted 11-1-98</i>) | 470 | Oklahoma Commission for TEACHER Preparation (<i>merged under</i> <i>Office of Educational Quality and Accountability 7-1-14 - See Title</i> <i>218</i>) | 712 |
| Oklahoma State Bureau of NARCOTICS and Dangerous Drugs Control | 475 | TEACHERS' Retirement System | 715 |
| Board of Regents of NORTHERN Oklahoma College (<i>exempted</i> <i>11-1-98</i>) | 480 | State TEXTBOOK Committee | 720 |
| Oklahoma Board of NURSING | 485 | TOBACCO Settlement Endowment Trust Fund | 723 |
| Oklahoma State Board of Examiners for LONG-TERM Care Administrators (Formerly: Oklahoma State Board of Examiners for NURSING Home Administrators) | 490 | Oklahoma TOURISM and Recreation Department | 725 |
| Board of Regents of OKLAHOMA City Community College (<i>exempted</i> <i>11-1-98</i>) | 495 | Department of TRANSPORTATION | 730 |
| Board of Regents of OKLAHOMA Colleges (<i>exempted 11-1-98</i>) | 500 | Oklahoma TRANSPORTATION Authority (<i>Name changed to</i> Oklahoma TURNPIKE Authority <i>11-1-05</i>) - See Title 731 | |
| Board of Examiners in OPTOMETRY | 505 | Oklahoma TURNPIKE Authority (Formerly: Oklahoma TRANSPORTATION Authority AND Oklahoma TURNPIKE Authority) - See also Title 745 | 731 |
| State Board of OSTEOPATHIC Examiners | 510 | State TREASURER | 735 |
| PARDON and Parole Board | 515 | Board of Regents of TULSA Community College (<i>exempted</i> <i>11-1-98</i>) | 740 |
| Oklahoma PEANUT Commission | 520 | Oklahoma TURNPIKE Authority (<i>Name changed to Oklahoma</i> TRANSPORATION Authority <i>11-1-99 - no rules enacted in this</i> <i>Title - See Title 731</i>) | 745 |
| Oklahoma State PENSION Commission | 525 | Oklahoma UNIFORM Building Code Commission | 748 |
| State Board of Examiners of PERFUSIONISTS | 527 | Board of Trustees for the UNIVERSITY Center at Tulsa (<i>exempted</i> <i>11-1-98</i>) | 750 |
| Office of PERSONNEL Management (<i>consolidated under</i> Office of Management and Enterprise Services 8-26-11 - See Title 260) | 530 | UNIVERSITY Hospitals Authority | 752 |
| Board of Commercial PET Breeders (<i>abolished 7-1-12 - See Title</i> 35) | 532 | UNIVERSITY Hospitals Trust | 753 |
| Oklahoma State Board of PHARMACY | 535 | Board of Regents of the UNIVERSITY of Oklahoma (<i>exempted</i> <i>11-1-98</i>) | 755 |
| PHYSICIAN Manpower Training Commission | 540 | Board of Regents of the UNIVERSITY of Science and Arts of Oklahoma (<i>exempted 11-1-98</i>) | 760 |
| Board of PODIATRIC Medical Examiners | 545 | Oklahoma USED Motor Vehicle and Parts Commission | 765 |
| Oklahoma POLICE Pension and Retirement System | 550 | Oklahoma Department of VETERANS Affairs | 770 |
| State Department of POLLUTION Control (<i>abolished 1-1-93</i>) | 555 | Board of VETERINARY Medical Examiners | 775 |
| POLYGRAPH Examiners Board | 560 | Statewide VIRTUAL Charter School Board | 777 |
| Oklahoma Board of PRIVATE Vocational Schools | 565 | | |
| State Board for PROPERTY and Casualty Rates (<i>abolished 7-1-06; see also Title 365</i>) | 570 | | |
| State Board of Examiners of PSYCHOLOGISTS | 575 | | |
| Department of CENTRAL Services (Formerly: Office of PUBLIC Affairs; <i>consolidated under</i> Office of Management and Enterprise Services 8-26-11 - See Title 260) | 580 | | |

Agency/Title Index – *continued*

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

Withdrawn Rules

An agency may withdraw proposed PERMANENT rules prior to "final adoption," as defined in 75 O.S., Section 250.3(5), by notifying the Governor and the Legislature, and by publishing a notice of such a withdrawal in the *Register*.

An agency may withdraw proposed EMERGENCY rules prior to approval/disapproval by the Governor by notifying the Governor, the Legislature, and the Office of Administrative Rules. However, the withdrawal notice is not published in the *Register* unless the agency published a Notice of Rulemaking Intent in the *Register* before adopting the emergency rules.

For additional information on withdrawal of proposed rules, see 75 O.S., Section 308(F) and 253(K) and OAC 655:10-7-33.

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

[OAR Docket #20-417]

RULEMAKING ACTION:

Withdrawal of PERMANENT rulemaking

WITHDRAWN RULES:

Subchapter 13. Student Assessment and School
Accountability

210:10-13-25. Determination of the chronic absenteeism
indicator [NEW]

DATES:

Adoption:

December 19, 2019

Submission of adopted rules to Governor and Legislature:

December 20, 2019

Withdrawn:

May 1, 2020

ADDITIONAL INFORMATION:

This permanent rule is being withdrawn because an emergency version of the same rule was later adopted, which includes provisions that were made necessary by the COVID-19 state of emergency. The updated emergency version is currently in effect, and a permanent rule consistent with the emergency version will be adopted during the next permanent rule adoption window.

[OAR Docket #20-417; filed 5-29-20]

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 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 30. CONSUMER PROTECTION

[OAR Docket #20-419]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 24. Oklahoma Industrial Hemp ~~Agricultural Pilot~~ Program [AMENDED]

35:30-24-1. Purpose [AMENDED]

35:30-24-2. Definitions [AMENDED]

35:30-24-3. Application [AMENDED]

35:30-24-4. Grounds for denial of application [AMENDED]

35:30-24-5. License [AMENDED]

35:30-24-5.1. Land use restrictions [NEW]

35:30-24-5.2. Restrictions on sale, transfer, and storage [NEW]

35:30-24-5.3. Establishing records with USDA Farm Service Agency [NEW]

35:30-24-6. Continuing obligation to provide information [AMENDED]

35:30-24-6.1. Transportation [NEW]

35:30-24-7. Fees [AMENDED]

35:30-24-8. ~~Certified Hemp seed program~~ [AMENDED]

35:30-24-9. Harvest reports [AMENDED]

35:30-24-10. Records [AMENDED]

35:30-24-11. Inspection and testing [AMENDED]

35:30-24-12. Violations [AMENDED]

35:30-24-13. Destruction [NEW]

35:30-24-14. Hearings and contests [NEW]

AUTHORITY:

Oklahoma Constitution, Article 6, Section 31; State Board of Agriculture; 2 O.S. §§2-4 and 3-401 et seq.; and SB 868 of 2019 (signed by the Governor on April 18, 2019).

ADOPTION:

April 8, 2020

EFFECTIVE:

Immediately upon Governor's approval

APPROVED BY GOVERNOR:

May 22, 2020

EXPIRATION:

Effective through September 14, 2021, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

The State Board of Agriculture has determined that an emergency exists which requires an amendment to the Department's current rules relating to hemp. The purpose of the proposed emergency rule amendments is to update

rules governing the cultivation of industrial hemp which was decriminalized in Oklahoma by the passage of SB 868 and approved by the Governor on April 18, 2019. Because SB 868 requires the Oklahoma Department of Agriculture, Food, and Forestry to adopt rules which establish federally compliant standards and procedures as soon as possible, these rules must be approved as emergency rules.

GIST/ANALYSIS:

The proposed emergency rule amendments modify the Oklahoma Industrial Hemp Program, modify name of program, add and modify definitions, update language, modify and provide for content of applications, impose submission deadline for certain applications, impose land use restrictions, impose sale, transfer, and storage restrictions, provide requirements for establishing records with USDA Farm Service Agency, impose transportation inspection requirements, modify fee schedule to establish certain licensing fees for processing and handling, modify standards for selling hemp seed, set date for declaration of certain harvest report, modify recordkeeping requirements, modify inspection and testing requirements, identify certain violations, provide procedure for destruction of certain plants and plant parts, and provide legal process for hearings and contests.

CONTACT PERSON:

Kambi Maddy, (405) 522-5803, kambi.maddy@ag.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 24. OKLAHOMA INDUSTRIAL HEMP ~~AGRICULTURAL PILOT~~ PROGRAM

35:30-24-1. Purpose

The rules of this subchapter establish the licensing requirements and regulation of the Oklahoma Industrial Hemp ~~Agricultural Pilot~~ Program pursuant to the Oklahoma Agricultural Code, 2 O.S. § 3-401 et seq. The licensing requirements and regulation of the Oklahoma Industrial Hemp ~~Agricultural Pilot~~ Program shall be administered by the Department and shall conform to the Administrative Procedures Act, 75 O.S. § 250 et seq.; to the Oklahoma Agricultural Code, 2 O.S. § 1-1 et seq.; and to the procedural rules promulgated by the State Board of Agriculture in Title 35 of the Oklahoma Administrative Code.

Emergency Adoptions

35:30-24-2. Definitions

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

"Building" means any single standing structure with walls and a roof but shall not include separate structures connected by corridors or breezeways.

"Cannabis" means the plant that, depending upon its THC concentration level, is further defined as either "hemp" or "marijuana". Cannabis is a genus of flowering plants in the family Cannabaceae of which *Cannabis sativa* is a species and *Cannabis indica* and *Cannabis ruderalis* are subspecies thereof. Cannabis refers to any form of the plant where the delta-9 tetrahydrocannabinol concentration on a dry weight basis has not yet been determined. The term "Cannabis" is important in describing regulations that apply to plant production, sampling, or handling prior to determining the plant's THC content.

"Contiguous field" means any contiguous tract of land used for the cultivation of industrial hemp and may include contiguous tracts of land occasionally intersected by roads, streams, or other natural features but shall not include a tract or tracts of land intersected by property owned by a third party or gaps in the cultivation of industrial hemp exceeding one quarter of a mile.

"Controlled Substances Act (CSA)" means the federal statutes, codified at 21 U.S.C. 801-971, establishing federal U.S. drug policy under which the manufacture, importation, exportation, possession, use, and distribution of certain substances is regulated. Because cannabis containing THC concentration levels of higher than 0.3 percent is deemed to be marijuana, a schedule I controlled substance, its regulation falls under the authorities of the CSA. The requirements of the CSA are relied upon for the disposal of cannabis that contains THC concentrations above 0.3 percent.

"Cultivation" means the act of planting, growing, or harvesting industrial hemp and any related agricultural activities.

"Cultivation site" means the contiguous field, building, storage area, or processing area in which one or more varieties of industrial hemp may be lawfully cultivated, stored, or processed.

"Decarboxylated" means the completion of the chemical reaction that converts THC-acid (THCA) into delta-9-THC, the intoxicating component of cannabis. The decarboxylated value is also calculated using a conversion formula that sums delta-9-THC and eighty-seven and seven tenths (87.7) percent of THCA. This term, commonly used in scientific references to laboratory procedures, is the precursor to the term "post-decarboxylation," a term used in the 2018 Farm Bill's mandate over cannabis testing methodologies to identify THC concentration levels.

"Delta-9 tetrahydrocannabinol", "Delta-9 THC" or "THC" means the primary psychoactive component of cannabis. Hemp production shall be verified as having THC concentration levels of 0.3 percent or less on a dry weight basis.

"Department" means the Oklahoma Department of Agriculture, Food, and Forestry, its employees, officers, and divisions.

"Growing area" means the portion of a contiguous field or building in which a single variety of industrial hemp is planted, grown, and harvested.

"Handling" means possessing or storing industrial hemp for any period of time on premises owned, operated, or controlled by a person licensed to cultivate or process industrial hemp. Handling includes possessing or storing industrial hemp in a vehicle for any period of time other than during its actual transport from the premises of a licensed person to cultivate or process industrial hemp to the premises of another licensed person.

"Industrial hemp" means any part of the plant, *Cannabis sativa* L., and any part of the plant, including the seeds thereof, and all derivatives, extracts, cannabinoids, isomers, acids, salts and salts of isomers, 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, whether growing or not, and the seeds thereof.

"Institution of higher education" means any public or private college or university located in Oklahoma that is part of the Oklahoma State System of Higher Education.

"Institutional licensee" means any institution of higher education possessing a license to participate in the Oklahoma Industrial Hemp Agricultural Pilot Program.

"Key participants" means a person or persons who have a direct or indirect financial interest in an entity producing hemp, such as an owner or a partner in a partnership. Executive level corporate employees, including chief executive officer, chief operating officer, and chief financial officer shall be considered Key Participants. Management level positions such as farm, field, and shift managers shall not be considered Key participants.

"License" means a valid license issued authorization by the Department allowing an institutional licensee for any person to grow and cultivate industrial hemp from low THC seed in on a registered land area as part of the Oklahoma Industrial Hemp Program.

"Licensee" means a person who holds a valid Industrial Hemp License to grow industrial hemp under the Oklahoma Industrial Hemp Program.

"Listed low THC seed" means low THC seed that has been approved by the Department and listed on the Department's Low THC Seed List.

"Low THC seed" means industrial hemp seed having no more than three-tenths of one percent (0.3%) delta 9 tetrahydrocannabinol concentration on a dry weight basis.

"Postdecarboxylation" means testing methodologies for THC concentration levels in hemp, where the total potential delta-9-tetrahydrocannabinol content, derived from the sum of the THC and THCA content, is determined and reported on a dry weight basis. The postdecarboxylation value of THC can be calculated by using a chromatograph technique using heat, known as gas chromatography, through which THCA is converted from its acid form to its neutral form, THC. The result

of this test calculates total potential THC. The postdecarboxylation value of THC can also be calculated by using a high-performance liquid chromatograph technique, which keeps the THCA intact, and requires a conversion calculation of that THCA to calculate total potential THC.

"Processing" means converting industrial hemp into a marketable form, including the production of all derivatives, extracts, cannabinoids, isomers, acids, salts and salts of isomers.

"Processing area" means any physical location in which entire harvested plants are altered by any manner of mechanical, chemical, or other processing techniques. The processing area need not be located on or near the contiguous field or building in which industrial hemp is cultivated but shall be considered as part of the cultivation site.

"Produce" refers to the propagation of cannabis to produce hemp.

"Storage area" means any physical location in which harvested plants or plant parts are stored. The storage area need not be located on or near the contiguous field or building in which industrial hemp is cultivated but shall be considered as part of the cultivation site.

"Subcontractor" means a person or business entity that has contracted with an institutional licensee and provides supplies, labor, land, or expertise related to the institutional licensee's participation in the Oklahoma Industrial Hemp Agricultural Pilot Program.

"USDA" means the United States Department of Agriculture.

35:30-24-3. Application

(a) Any ~~institutional licensee with a plant science curriculum person, eighteen (18) years of age or older, or business entity~~ may participate in the Oklahoma Industrial Hemp Agricultural Pilot Program by filing an application with the Department for a license:

- (1) Not less than thirty (30) days prior to the planting ~~or~~ cultivation, handling, or processing of any industrial hemp crop; or
- (2) No later than December 1 if a subsequent license is required to harvest industrial hemp crops planted before December 31 but scheduled for harvest after December 31.

(b) An ~~institutional licensee~~ applicant shall submit a separate application, pay separate application and inspection fees, and obtain a separate license for each cultivation site ~~licensed by the institutional licensee~~.

(c) The application shall be on a form provided by the Department and shall, at a minimum, contain the following information:

- (1) The name and address of the ~~institution of higher education~~ applicant;
- (2) EIN number, if the applicant is a business entity, along with names and email addresses of key participants;
- (3) The contact information, including but not limited to, names, phone numbers, and email addresses, for any officials or employees of the ~~institution of higher education~~ responsible for oversight of the Oklahoma Industrial

Hemp Agricultural Pilot Program and communications with the Department relating to the cultivation of industrial hemp;

(34) If the ~~institutional licensee~~ applicant intends to utilize subcontractors, the correct legal name of the subcontractors along with all aliases or trade names of the subcontractors;

(45) If the ~~institutional licensee~~ applicant intends to utilize subcontractors, the address for the subcontractors' primary business locations and any satellite business offices located in Oklahoma;

(56) If the ~~institutional licensee~~ applicant intends to utilize subcontractors, the contact information, including but not limited to, names, phone numbers, and email addresses, for any officials or employees of the subcontractor responsible for oversight of the Oklahoma Industrial Hemp Agricultural Pilot Program and communications with the Department relating to the cultivation of industrial hemp;

(67) Proof of ownership for the cultivation site and the following information if the cultivation site is not wholly owned by the ~~institutional licensee~~ applicant:

- (A) The name, address, and contact information for all persons or entities having any ownership interest in the cultivation site; ~~and~~
- (B) An original signed, dated, and notarized letter of acknowledgement from each person having any ownership interest in the cultivation site indicating approval for the cultivation of industrial hemp at the cultivation site; ~~and~~
- (C) If applicable, a copy of the property lease for the entire duration of the license;

(78) If the application identifies a contiguous field as the cultivation site:

- (A) A legal description (Section, Township, Range) of the contiguous field;
- (B) The global positioning location coordinates at the approximate center of the contiguous field; and
- (C) An annotated map or aerial photograph with sufficient detail and clarity to define the boundaries and dimensions of the contiguous field in acres, and, if applicable, the locations, boundaries, and dimensions of different growing areas within the contiguous field along with a description of the variety of industrial hemp corresponding to each growing area;

(89) If the application identifies a building as the cultivation site:

- (A) The physical address of the building;
- (B) The global positioning location coordinates of the building; and
- (C) An annotated map or blueprint with sufficient detail and clarity to show the boundaries and dimensions of the building and growing area in square feet, and, if applicable, the locations, boundaries, and dimensions of different growing areas within the building along with a description of the variety of industrial hemp corresponding to each growing area;

Emergency Adoptions

(910) A description of any areas used to store or process plants or plant parts, including but not limited to:

- (A) The physical address or location of any storage areas or processing areas;
- (B) The global positioning location coordinates of any storage areas or processing areas; and
- (C) An annotated map or blueprint with sufficient detail and clarity to show the location, boundaries and dimensions of any storage areas or processing areas in square feet;

(4011) A schedule identifying the intended dates of planting and intended dates of harvesting any industrial hemp crop or crops;

(4112) A statement of intended use and disposition for the industrial hemp harvested from the cultivation site or any plant parts thereof;

(4213) A notarized and sworn statement from an official or employee of the ~~institutional licensee applicant~~ and from an official or employee of any associated subcontractor that only certified industrial hemp seed will be planted at the cultivation site; and

(4314) Acknowledgement and agreement with the following terms and conditions:

(A) Any information provided by the ~~institutional licensee applicant~~ or subcontractors ~~is~~ shall be subject to public disclosure under the Open Records Act;

(B) Any information provided by the ~~institutional licensee applicant~~ or subcontractors may be released by the Department to law enforcement agencies without notice to the ~~institutional licensee applicant~~ or its subcontractors;

(C) The ~~institutional licensee applicant~~ and subcontractors shall fully cooperate with the Department, grant the Department physical access to any part of the cultivation site and allow the Department to conduct inspection and sampling that the Department deems necessary; and

(D) The ~~institutional licensee applicant~~ and subcontractors shall submit all required reports by the dates specified by the Department.

~~(E) A subcontractor may submit applications, pay associated fees, and file reports required by the Department on the institutional licensee's behalf if authorized by the institutional licensee to do so. The institutional licensee's approval for the subcontractor to submit applications, pay fees, pay fines, and file reports shall be evidenced by an original, dated, signed, and notarized authorization letter from an official or employee of the institutional licensee identified in subsection (e)(2) of this section submitted with the application for a license. A unique original, dated, signed, and notarized authorization letter shall be required for each new application, for each subsequent application, or renewal of an existing license.~~

(dF) The application for a processor/ handlers license shall be on a form provided by the Department and shall, at a minimum, contain the following information:

- (1) The name and address of the applicant;

(2) EIN number, if the applicant is a business entity, along with the names and email addresses of key participants; and

(3) The contact information, including but not limited to, names, phone numbers, and email addresses, for any officials or employees responsible for oversight of the Oklahoma Industrial Hemp Program and communications with the Department relating to the processing or handling of industrial hemp.

(e) Each applicant shall provide current criminal history reports for all key participants dated within sixty (60) days prior to the application submission date. A license application shall not be considered complete without all required criminal history reports.

(f) Each applicant and subcontractor shall fully cooperate with the Department, grant the Department physical access to any part of a cultivation site, and allow the Department to conduct inspection and sampling.

(g) Incomplete applications shall not be processed by the Department and any associated application fees shall be retained by the Department.

(hG) Applications that are denied by the Department may be resubmitted within twelve (12) months of the original filing. The Department may waive application fees for resubmitted applications.

35:30-24-4. Grounds for denial of application

(a) The Department may consider a number of factors when deciding to grant or deny a license including, but not limited to, the location of the cultivation site; the criminal history of the ~~institutional licensee applicant~~, subcontractor, or employees thereof; and prior administrative actions taken by the Department against the ~~institutional licensee applicant~~, subcontractors, or employees thereof.

(b) The Department's denial of a license may be contested in the manner provided by this subchapter.

35:30-24-5. License

(a) A separate license shall be required for each cultivation site operated by ~~the institutional~~ licensee.

(b) All licenses expire on December 31 of the year in which the license was issued. Any industrial hemp that is not harvested on or before December 31 ~~must~~ shall be declared for inclusion in a subsequent license or destroyed by the ~~institutional~~ licensee.

(c) Every license issued by the Department shall remain the property of the Department. Possession of a license does not confer any property right or exemption from criminal liability under the Uniform Controlled Dangerous Substances Act to the ~~institutional~~ licensee, subcontractor, or officials or employees thereof that is not expressly described in this subchapter.

(d) The Department may restrict, limit, or impose conditions on any license that are not similarly imposed on other ~~institutional~~ licensees or cultivation sites.

(e) Licenses shall not be assigned, transferred, pledged, or otherwise disposed of, alienated, or encumbered.

(f) Unless the context expressly indicates otherwise, a subcontractor's compliance with the Oklahoma Industrial Hemp Agricultural Pilot Program and the rules of this subchapter shall be sufficient to satisfy the obligations of the ~~institutional~~ licensee to comply with the Oklahoma Industrial Hemp Agricultural Pilot Program and the rules of this subchapter.

(g) All applications for outdoor cultivation sites shall be submitted on or before July 1.

35:30-24-5.1. Land use restrictions

(a) A licensee shall not grow, handle, process, or store industrial hemp in any structure that is used for residential purposes.

(b) A licensee shall not grow, handle, process, or store industrial hemp in any outdoor field or site that is located within one thousand (1,000) feet of a school, daycare, or similar public area frequented by children as determined by the Department.

35:30-24-5.2. Restrictions on sale, transfer, and storage

(a) A licensee shall not sell or transfer or permit the sale or transfer of living industrial hemp plants, viable plant parts, or seeds to any person in the state who does not hold an industrial hemp license issued by the Department.

(b) Licensees may transfer up to one (1) pound of industrial hemp plants or plant parts per transfer to testing laboratories, both within and outside the state for the purpose of measuring THC, CBD, or other phytocannabinoid profile levels. It is the responsibility of the licensee to ensure compliance with the laws of other states.

(c) A licensee shall not store live industrial hemp plants or propagating stock at any location that has not been approved by the Department on that licensee's application.

(d) Storage of hemp shall be locked and secured.

35:30-24-5.3. Establishing records with USDA Farm Service Agency

Licensees shall report industrial hemp crop acreage or square footage to the USDA Farm Service Agency and shall provide, at a minimum, the following information:

(1) Street address and, to the extent practicable, geospatial location for each lot, greenhouse, or indoor growing structure where industrial hemp will be produced. If an applicant operates in more than one location, information shall be provided for all production sites;

(2) Acreage or square footage for each lot, greenhouse, or indoor growing structure dedicated to the production of industrial hemp;

(3) License number; and

(4) Total acreage or square footage of industrial hemp planted, harvested, and destroyed.

35:30-24-6. Continuing obligation to provide information

(a) Every ~~institutional~~ licensee shall have a continuing obligation to provide current information to the Department. The ~~institutional~~ licensee shall provide updated information if there is any material change to the information provided in

the application within ten (10) days of the material change unless otherwise specified herein, including but not limited to, changes in personnel or contact information.

(b) The ~~institutional~~ licensee shall file an amendment to the ~~institutional~~ licensee's application not less than thirty (30) days prior to making any alteration to boundaries, dimensions, or growing areas of a cultivation site or a change in the variety of industrial hemp cultivated.

(c) The ~~institutional~~ licensee shall immediately notify the Department of any change to the planting and harvesting schedule exceeding five (5) days from the planting and harvesting schedule listed in the application.

(d) The employment of a new subcontractor or replacement of an existing subcontractor associated with a license for a particular cultivation site shall require the submission of a new application and the payment of new application and inspection fees by the ~~institutional~~ licensee.

35:30-24-6.1. Transportation

Upon the request of the Department or any authorized law enforcement officer, any person transporting industrial hemp shall produce the following documents for inspection:

(1) Copy of current hemp grower's license;

(2) Current approved certificate of analysis for the harvested hemp crop; and

(3) Processor/Handlers license number, name, address, and contact information.

35:30-24-7. Fees

(a) Each new, subsequent, or renewed application for a license to cultivate industrial hemp at a particular cultivation site shall require the payment of a nonrefundable application fee at the rate of Five Hundred Dollars (\$500.00).

(b) Each new, subsequent, or renewed application for a license to cultivate industrial hemp at a particular cultivation site shall require the payment of a nonrefundable site inspection fee calculated at the rate of Five Dollars (\$5.00) per acre on a contiguous field or Thirty-Three Cents (\$0.33) per square foot in a building.

(c) An hourly inspection rate consisting of Thirty-Five Dollars (\$35.00) per hour per inspector for actual time devoted to the inspection of a cultivation site shall be charged following routine or unannounced inspections. The calculation of the hourly inspection rate shall include the inspectors' travel time from the inspectors' duty station to the cultivation site, the time devoted to inspection of the cultivation site, and the inspectors' travel time returning from the cultivation to the inspectors' duty station.

(d) Application amendments or notifications of material change to the information provided in an application shall not require the payment of additional application fees but may, at the discretion of the Department, require additional inspections and the payment of additional site inspection fees and fees assessed at the hourly inspection rate at the same rate charged for a new application.

(e) ~~An annual nonrefundable registration fee of One Hundred Dollars (\$100.00) shall be paid for listing certified seed on~~

Emergency Adoptions

~~the certified seed program list. A separate annual registration fee shall be required from each vendor for each variety of certified seed included on the certified seed program list. Each new, subsequent, or renewed application for a license to process or handle industrial hemp shall require the payment of a nonrefundable application fee as follows:~~

- ~~(1) One Thousand Dollars (\$1,000.00) for annual sales less than and including Fifty Thousand Dollars (\$50,000.00);~~
- ~~(2) Two Thousand Five Hundred Dollars (\$2,500.00) for annual sales less than and including Two Hundred Fifty Thousand Dollars (\$250,000.00) but more than Fifty Thousand Dollars (\$50,000.00); and~~
- ~~(3) Five Thousand Dollars (\$5,000.00) for annual sales greater than Two Hundred Fifty Thousand Dollars (\$250,000.00).~~

35:30-24-8. ~~Certified Hemp seed program~~

~~(a) An institutional licensee shall only plant, sell, or purchase certified seed listed on the certified seed program list. Any person who sells hemp seed shall:~~

- ~~(1) Include a statement on the label which offers a copy of the current Certificate of Analysis and shall provide a copy of the current Certificate of Analysis upon request; and~~
- ~~(2) Comply with the provisions of the Oklahoma Seed law and rules.~~

~~(b) Institutional licensees may retain seeds cultivated from prior harvests for replanting without offering the retained seed for sale to third parties, however, seed retained in this manner shall be designated as certified seed and listed by the Department on the certified seed program list as specified herein prior to replanting.~~

~~(c) The Department shall approve certified seed for sale and use in Oklahoma by listing certified seed on the certified seed program list.~~

~~(d) The Department may rely on the legally constituted certification officials of a state, foreign country, or the United States to approve certified seed imported into Oklahoma.~~

~~(e) The Department may approve varieties of industrial hemp seed produced in Oklahoma as certified seed for planting, replanting, sale, or purchase. The Department shall rely on the Agricultural Experiment Station and the Agricultural Extension Service of Oklahoma State University, Division of Agricultural Sciences and Natural Resources, or by another appropriate state agency to designate seed produced in Oklahoma as certified seed. Designation of certified seed shall comply with the general requirements of state and federal law for certification of seed.~~

~~(f) The Department shall compile and publish on the Department's website an approved list of certified seed for the certified seed program. The certified seed program list shall identify vendors, varieties of certified seed, and a notation indicating whether the certified seed is commercially available for purchase or is retained for private use and replanting, as follows:~~

- ~~(1) The Department shall accept informational submissions and payment of annual registration fees by vendors~~

~~or institutional licensees seeking to include varieties of certified seed on the certified seed program list; and~~

~~(2) Each variety of certified seed registered by a vendor or institutional licensee shall be registered and listed separately and shall require the payment of a separate registration fee.~~

~~(3) Each vendor selling certified seed or retaining certified seed for private use shall register each variety of certified seed that the vendor intends to sell or replant regardless of whether another vendor has registered the same variety of certified seed.~~

~~(g) Listings on certified seed program list shall expire on December 31 of each year. Vendors or institutional licensees may request that listings of certified seed be renewed by submitting a request for relisting on or before December 1 along with the payment of any necessary annual registration fees. Requests for relisting shall not require supplementary informational submissions unless requested by the Department.~~

35:30-24-9. ~~Harvest reports~~

~~(a) Not less than thirty (30) days prior to harvest, the institutional licensee shall file a harvest report on a form provided by the Department and shall, at a minimum, contain the following information:~~

- ~~(1) The name of the institutional licensee and any associated subcontractors;~~
- ~~(2) The location of the cultivation site or parts thereof wherever situated;~~
- ~~(3) A description of each variety of industrial hemp growing at the cultivation site;~~
- ~~(4) The expected date or dates of harvest for each variety of industrial hemp growing at the cultivation site;~~
- ~~(5) The expected yield for each variety of industrial hemp planted at the cultivation site along with a description of the growing area in which each variety was planted sufficient to calculate the growing area in acres for outdoor cultivation or square feet for indoor cultivation;~~
- ~~(6) A description of the intended use and disposition of the industrial hemp product, including but not limited to:~~

~~(A) Whether the whole plant will be sold or otherwise transferred to a third party with sufficient additional information for the Department to identify the price for a specific quantity of industrial hemp;~~

~~(B) Whether individual plant parts rather than the whole plant will be sold or otherwise transferred to a third party with sufficient additional information for the Department to identify the price for a specific quantity of plant parts along with a description of the plant parts sold or transferred;~~

~~(C) A general description of any mechanical, chemical, or other processing techniques applied to the whole plant before sale or transfer to a third party;~~

~~(D) The name and contact information of the person or business entity to which the whole plant or plant parts will be sold or transferred; and~~

~~(E) Whether the whole plant or any part thereof will be destroyed after harvest;~~

- (7) A description of fertilizers, pesticides, or other chemicals applied to each variety of industrial hemp planted at the cultivation site;
- (8) A description of irrigation or water management practices applied to each variety of industrial hemp planted at the cultivation site;
- (9) A description of tillage or ground preparation practices applied to each variety of industrial hemp planted at the cultivation site; and
- (10) A description of the environmental impacts and viability of each variety of industrial hemp planted along with any supporting documentation.

(b) ~~Not less than thirty (30) days following the harvest~~ On or before December 1, the institutional licensee shall supplement the harvest report and declare the actual yield for each variety of industrial hemp planted at the cultivation site and any material change to the information supplied in the harvest report.

35:30-24-10. Records

(a) The ~~institutional~~ licensee shall retain the following records for no less than ~~five (5)~~ three (3) years from the date the record is obtained or generated:

- (1) All records relating to information supplied in the application for a license;
- (2) All records relating to the use and disposition of industrial hemp harvested or any plant parts thereof;
- (3) All records relating to the storage or processing of industrial hemp or any plant parts thereof; and
- (4) All records relating to the destruction of industrial hemp harvested or any plant parts thereof, including but not limited to, any affidavits, notifications, and electronic records required by this subchapter.

(b) The processor/handler licensee shall retain the following records for three (3) years from the date the record is obtained or generated:

- (1) License number of the grower;
- (2) Copy of the Certificate of Analysis; and
- (3) Amount of hemp purchased from grower.

(c) The ~~institutional~~ licensee shall produce or allow inspection of records at the request of the Department.

(~~e~~) The ~~institutional~~ licensee's obligation to retain and produce records shall be satisfied if the subcontractor retains or produces records.

35:30-24-11. Inspection and testing

(a) The Department shall ~~develop~~ utilize an evidence gathering methodology approved by the United States Department of Agriculture for the inspection of cultivation sites and the collection of industrial hemp test samples.

(b) The Department may develop laboratory testing methodologies to verify the concentration of delta-9 tetrahydrocannabinol in industrial hemp test samples or the Department may contract with another laboratory to conduct such testing using laboratory protocols approved by the Department. If the Department contracts with another laboratory, the contracted laboratory shall meet the following minimum requirements:

(1) Analytical testing of samples for delta-9 tetrahydrocannabinol concentration shall use post-decarboxylation or other similarly reliable methods;

(2) Testing methodology shall account for the potential conversion of delta-9 tetrahydrocannabinolic acid (THCA) in hemp into delta-9 tetrahydrocannabinol (THC) and the test results shall reflect the total available THC derived from the sum of the THC and THCA content;

(3) Total delta-9 tetrahydrocannabinol concentration level shall be determined and reported on dry weight basis; and

(4) A measurement of uncertainty shall be estimated and reported with the lab results. The laboratory shall use appropriate, validated methods and procedures for all testing activities and evaluate measurement of uncertainty.

(c) The Department ~~may~~ shall inspect and take samples from any cultivation site and mature Cannabis sativa L. plants located thereon, as follows:

(1) Within fifteen (15) days prior to the anticipated harvest of cannabis plants, a sample from the flower material shall be collected to determine the total delta-9 tetrahydrocannabinol concentration.

(2) The Department shall send ~~written~~ notification of routine inspections to the ~~institutional~~ licensee and subcontractor, if applicable, describing the date, time, scope, and process of routine testing. The licensee, subcontractor, or representative shall be present during routine inspections and grant unrestricted access to the Department.

(~~2~~3) The Department may conduct unannounced inspections and collect samples from any cultivation site during regular business hours without advance notice.

(4) A producer shall not harvest the cannabis plants prior to collection of samples.

(d) Industrial hemp test samples collected by the Department during routine or unannounced inspections shall be tested to verify that the delta-9 tetrahydrocannabinol concentration of industrial hemp does not exceed 0.3% on dry weight basis.

(e) Industrial pre-harvest hemp sampling shall be conducted according to the Department standard field operating procedures.

(f) The ~~institutional~~ licensee shall pay the hourly inspection fees and laboratory analysis costs for any routine and unannounced inspections within thirty (30) days after receiving an invoice from the Department.

(~~f~~g) The Department shall waive all hourly inspection fees and laboratory analysis costs for an unannounced inspection if no violations or inconsistencies are identified by the Department.

35:30-24-12. Violations

(a) The Department may deny, suspend, or revoke a license or fine an ~~institutional~~ licensee upon a finding by the Department ~~that that~~ the institutional licensee has violated the provisions of the Oklahoma Industrial Hemp Agricultural Pilot Program and the rules of this subchapter.

Emergency Adoptions

(b) Violations committed by subcontractors or officials and employees thereof shall be considered violations of the ~~institutional~~ licensee.

(c) The fine for violating the provisions of the Oklahoma Industrial Hemp ~~Agricultural Pilot Program~~ and the rules of this subchapter shall not exceed Ten Thousand Dollars ~~(\$10,000)~~ (\$10,000.00) per violation per day or occurrence.

(d) Violations of the Oklahoma Industrial Hemp Program and the rules of this subchapter shall include, but not be limited to, the following conduct:

(1) Providing false, misleading, or incorrect information or otherwise engaging in fraud or deception to secure or retain a license;

(2) Failure to timely, accurately, and truthfully complete and submit any application, report, or request for information from the Department;

(3) Failure to retain records required by this subchapter or produce such records at the request of the Department;

(4) Failure to be present or send a representative for a routine inspection;

(5) Interference with the inspection process, including, but not limited to, refusal to grant unrestricted access to a cultivation site, impeding the sampling of plants, or refusal or failure to fully cooperate with the Department's inspections;

(6) Failure to timely pay any fee or invoice issued by the Department;

(7) Planting, growing, harvesting, storing, or processing the plant, Cannabis sativa L., in locations other than the cultivation site described in the application for license or amendments thereto;

(8) Commingling hemp plant material from one lot with hemp plant material from another lot;

(9) Refusal or failure to comply with orders of the Department or the rules of this subchapter requiring the destruction of industrial hemp, Cannabis sativa L. plants with a total delta-9 tetrahydrocannabinol concentration of exceeding three-tenths of one percent (0.3%) on a dry weight basis, or any plant parts thereof;

(10) Handling, processing, or selling non-compliant hemp which enters the stream of commerce;

(11) Failure to disclose different varieties of Cannabis sativa L. plants in a single growing area;

(12) Failure to follow transportation rules as provided within this subchapter; and

(13) Processing or handling hemp grown without a license.

35:30-24-13. Destruction

(a) The licensee shall destroy all Cannabis sativa L. plants or plant parts if required by the rules of this subchapter or by order of the Department.

(b) Destruction of plants shall be conducted pursuant to the provisions of subsection (e) of this section unless the Department provides the licensee written authorization for an alternate method of destruction.

(c) The licensee shall document the destruction of Cannabis sativa L. plants or plant parts in a corrective action plan, as follows:

(1) The licensee shall submit a notification of intended destruction, including the time and date of destruction, to the Department not less than five (5) days prior to the date that the licensee intends to undertake the destruction of the Cannabis sativa L. plants or plant parts. Destruction shall only occur in the presence of a Department inspector or representative;

(2) The licensee shall make and retain a date-stamped electronic video recording the collection, ignition, and incineration of the Cannabis sativa L. plants or plant parts. The video recording shall be retained as a record relating to the destruction of industrial hemp for not less than three (3) years. The date stamp need not be displayed on the video recording but shall, at a minimum, appear in the electronic file name. The electronic video recording shall consist of sufficient duration and detail to verify that the destruction occurred and was complete; and

(3) An officer or employee of the licensee or subcontractor responsible for oversight of the Oklahoma Industrial Hemp Program and communications with the Department relating to the cultivation of industrial hemp shall submit an affidavit to the Department affirming the destruction not more than ten (10) days following the destruction.

(d) Destruction by incineration shall be conducted safely and shall be conducted in a manner consistent with the requirements for prescribed burning at 2 O.S. §16-28.2. The licensee shall delay the destruction required by this subchapter or by order of the Department until the risk of starting a wildfire is minimal.

(e) If a producer has produced cannabis exceeding the acceptable hemp THC level, the material shall be disposed of in accordance with the CSA and DEA regulations as the material constitutes marijuana, a schedule I controlled substance under the CSA. The material shall be collected for destruction by a person authorized under the CSA to handle marijuana, such as a DEA-registered reverse distributor, or a duly authorized Federal, State, or local law enforcement officer.

35:30-24-14. Hearings and contests

(a) All administrative actions brought by the Department seeking the imposition of a penalty for the violation of this subchapter and all contests brought by a licensee or subcontractor shall be considered individual proceedings and shall comply with the Administrative Procedures Act, 75 O.S. § 250 et seq., and the rules of the Department.

(b) The Department shall grant subcontractors legal standing to participate in individual proceedings if the subcontractor is authorized to do so by the licensee that is the subject of the individual proceeding.

(c) The Department shall initiate an individual proceeding by serving a notice of violation on the licensee and any associated subcontractor listed in the Department's records for the cultivation site in question. An individual proceeding initiated

by the Department shall be required for the Department to suspend or revoke a license or impose a fine. The Department shall not be required to initiate an individual proceeding for the denial of an application for a license or to enforce the rules of this subchapter, including but not limited to, ordering the destruction of Cannabis sativa L. plants as specified herein.

(d) A licensee or authorized subcontractor may initiate an individual proceeding contesting the denial of an application, conditions or limitations placed on a license, or order of destruction by filing a petition with the Department. The petition shall state with particularity the factual grounds, arguments, and citation of legal authorities for the contest.

(e) All individual proceedings shall be heard by an administrative law judge. All evidence and legal arguments shall be offered to the administrative law judge consistent with the regular practices and rules of the Department. The findings and recommendation of the administrative law judge shall be presented to the State Board of Agriculture for a final decision. No new evidence or arguments shall be presented to the State Board of Agriculture.

[OAR Docket #20-419; filed 6-1-20]

**TITLE 210. STATE DEPARTMENT OF
EDUCATION
CHAPTER 25. FINANCE**

[OAR Docket #20-423]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 5. Budgeting and Business Management
Part 1. Implementation
210:25-5-4. Accounting [AMENDED]

AUTHORITY:

State Board of Education; 70 O.S. § 3-104; 70 O.S. § 5-135.2; 70 O.S. § 22-113

ADOPTION:

April 23, 2020

EFFECTIVE:

Immediately upon Governor's approval

APPROVED BY GOVERNOR:

June 2, 2020

EXPIRATION:

Effective through September 14, 2021, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

This rule amendment is proposed for emergency adoption because the need for newly codified guidelines in this area became apparent in recent months, following the Administrative Procedures Act filing deadlines for 2020 permanent rule adoptions. It will be particularly important to have in place as soon as possible, as public schools will soon be reporting revenues and expenditures associated with federal COVID-19 relief funds.

GIST/ANALYSIS:

The administrative rule governing accounting guidelines for public schools is being amended to add submission and review windows for required reports of school finance data. The new proposed subsection codifies due dates for the initial reporting of end-of-year revenues and expenditures for each fiscal year, to ensure any potential issues can be identified and corrected prior to the final certification of the data. This submission and review process for public

school finance data will help schools verify they have reported their revenues and expenditures accurately, avoiding any statutory penalties that would have been associated with certifying inaccurate data.

CONTACT PERSON:

Lori Murphy (405) 522-5260, Lori.Murphy@sde.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. § 253(F):

**SUBCHAPTER 5. BUDGETING AND BUSINESS
MANAGEMENT**

PART 1. IMPLEMENTATION

210:25-5-4. Accounting

(a) The financial structure of an Oklahoma public school district consists of various classifications as referenced in Oklahoma Administrative Code (OAC) 210:25-7-1, (Oklahoma Cost Accounting System [OCAS]). School District accounting systems shall be organized and operated on a basis that assures legal compliance by the recording and summarizing of financial transactions within funds, each of which is completely independent of any other. Each fund shall account for and continually maintain the identity of its revenues and expenditures. Financial transactions for purposes of this regulation and as referenced in 70 O.S. ~~2001~~, § 5-135.2 shall be defined as a detailed reporting of revenue within the Source of Revenue dimension. Revenue shall be reported to the bold codes within each of the following broad categories: District Source of Revenue, Intermediate Source of Revenue, State Source of Revenue, and Federal Source of Revenue. Expenditures shall be reported by the bold codes within the Function dimension as follows: Instruction, Support Services-Students, Support Services-Instructional Staff, Support Services-General Administration, Support Services-School Administration, Support Services-Central, Operation and Maintenance of Plant Services, Student Transportation Services, Child Nutrition Programs Operations, Community Services Operations and Facilities Acquisition and Construction Services. Additional dimensions for Revenue and Expenditures are coded to provide classification by Fiscal Year, Fund, Project Reporting, Object, Program, Subject, Job Classification, and Operational Unit, where applicable.

(b) Beginning July 1 but no later than September 1 of each year, every school district and charter school board of education shall prepare and submit to the State Department of Education, through the Oklahoma Cost Accounting System (OCAS), a statement of actual income and expenditures of the district or charter school for the fiscal year that ended the preceding June 30. The year-end financial report recording and summarizing all revenue and expenditure financial transactions will be completed and certified/locked on the due date or before September 1 of the applicable year. For purposes of the OCAS system, "locked" means that the data submitted has passed the system's

Emergency Adoptions

initial edit checks and the district has finalized the submission. To assure the validity and accuracy of financial reporting and accounting, between September 1 and September 30 of each year, school districts and charter schools shall have the opportunity to review and make corrections to the data submitted. By September 30, the data submission shall be certified by the district superintendent or head of charter school. If the school district or charter school does not report any inaccuracies by September 30, the State Department of Education will rely on the data submitted and certified by the school district or charter school to be complete and closed. Upon good cause demonstrated, between October 1 and December 1, a school district or charter school may appeal, in writing, to the State Department of Education for additional changes to the data. For purposes of this Subsection, "good cause" means that a miscalculation was made or that relevant data was omitted from the previously certified submission. The State Department of Education will review the appeal and, if it is determined good cause has been demonstrated as defined in this Subsection, the identified changes to the previously certified data will be authorized. Nothing in this Section shall preclude the State Department of Education or the State Board of Education from conducting regular or periodic reviews of school district or charter school financial records as authorized by law and ensuring a public school operates pursuant to the OCAS system.

~~(c) The school district must inform the Financial Accounting Section of the State Department of Education of any changes made at the district level to any of the financial transactions already submitted to the State Department of Education. Further, none of the data submitted by Law can be changed or altered by either the school district or the Financial Accounting Section after December 15 of each year.~~

~~(d) As referenced in 70 O.S. 2001, § 5-135.2-(B), the State Department of Education shall reduce the monthly payment of a district's State Aid funds if the district is not operating pursuant to said the OCAS system. Upon final determination, including but not limited to the process set forth in Subsection (b), the reduction of monthly payments shall begin with the first day that the school district or charter school was determined to not be operating in compliance with the OCAS system. The reduction may be waived by the State Board of Education if the school district or charter school can demonstrate that failure to operate pursuant to the OCAS system was due to circumstances beyond the control of the district or charter school, and that every effort is being made to operate in compliance with the OCAS system. Not operating pursuant to said system shall be defined as a district not:~~

- (1) accurately recording and reporting all revenue and expenditures by applicable OCAS bold code dimensions;
- (2) submitting OCAS financial records on time and as required, including as provided in Subsection (b), via the Web-based system of all recorded and reported revenue and expenditures by applicable OCAS bold code dimensions to the State Department of Education;
- (3) ascertaining that current and accurate applicable OCAS codes are being utilized as updated and maintained by the State Department of Education;

(4) complying with regulations as outlined in OAC 210:25-3-7 (Financial information processing), OAC 210:25-5-10 (The encumbrance clerk), OAC 210:25-5-11 (The school district treasurer), or OAC 210:25-5-13 (School activity fund);

(5) reconciling all recorded and reported revenue and expenditures by applicable OCAS bold code dimensions by balancing data with bank receipts and statements, purchase orders, warrant registers, investment ledgers, and all balance sheet accounts; and

~~(e)~~ For appropriated funds, all indebtedness should be encumbered (have a purchase order issued and be recorded) on the day the obligation is incurred, rather than when it becomes due, and supporting documentation should be provided for all indebtedness.

~~(f)~~ Upon the approval of the State Board of Education, school districts may make capital expenditures up to a maximum amount of \$50,000 (fifty thousand dollars) during the current fiscal year within the General Fund pursuant to 70 O.S. 2001, § 1-117, if the school district meets the established criteria as outlined in the Statutes. School districts shall be voting the maximum five (5) building fund mills. General Fund monies authorized by the State Board of Education for expenditures must be expended within the current fiscal year. Any such funds encumbered as of June 30th of the current fiscal year, but not expended by November 15th of the subsequent fiscal year, shall lapse and return to the original purpose of such funds.

~~(g)~~ A school district shall be authorized to utilize general fund monies for capital expenditures, in addition to the amount specified in subsection (c), pursuant to the provisions of 70 O.S. 2001, § 1-117.

~~(h)~~ Inventory cards or data processing records shall be kept on all equipment and removable fixtures, showing purchase order number when known, date of purchase (when known, if not known an estimated date shall be used), amount of purchase (if known, if not known present value must be estimated) a description of the item, the serial number (when applicable) and the location of the item. New purchases shall be included in the records on the same day in which they are physically received by the district. Disposed equipment must be removed from the records on the disposal date and a detailed description of the circumstances which results in the disposal recorded. Disposed equipment should not be included in the records of future years.

[OAR Docket #20-423; filed 6-8-20]

TITLE 340. DEPARTMENT OF HUMAN SERVICES CHAPTER 50. SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

[OAR Docket #20-421]

RULEMAKING ACTION:
EMERGENCY adoption

RULES:

- Subchapter 3. Application Process
- 340:50-3-1 [AMENDED]
- 340:50-3-2 [AMENDED]
- Subchapter 7. Financial Eligibility Criteria
- Part 1. Resources
- 340:50-7-6 [NEW]
- Subchapter 11. Special Procedures
- Part 1. Households Entitled to Expedited Service
- 340:50-11-5 [AMENDED]
- 340:50-11-6 [AMENDED]
- Part 12. Categorically Eligible Households
- 340:50-11-111 [AMENDED]
- (Reference WF 20-03)

AUTHORITY:

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes; Sections 273.2, 273.4, 273.8, and 273.11 of Title 7 of the Code of Federal Regulations (C.F.R.); FNS Informational Memo Discontinuation of the Postpone Expedited Service Waiver, and FNS Informational Memo: Questions and Answers: Final Rule Implementation Memo for Lottery and Gambling Provisions.

ADOPTION:

April 7, 2020

EFFECTIVE:

Immediately upon Governor's approval or May 1, 2020, whichever is later

APPROVED BY GOVERNOR:

May 22, 2020

EXPIRATION:

Effective through September 14, 2021, unless superseded by another rule or disapproved by the Legislature

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

FINDING OF EMERGENCY:

Emergency rulemaking approval is requested to comply with recently issued federal guidance.

GIST/ANALYSIS:

The proposed amendment to remove the ability to postpone the interview requirement for expedited services is made as Food and Nutrition Services (FNS) issued a memo stating that this option is no longer allowed effective May 1, 2020.

The proposed amendments to issue a new section to add resource requirements for sponsored alien and non-categorically eligible households, including substantial lottery and gambling winners, and to update which households cannot be classified as categorically eligible are made to comply with additional guidance received from FNS regarding needed actions for substantial lottery and gambling winners.

CONTACT PERSON:

Dena Thayer at 405-521-4326

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 MAY 1, 2020, WHICHEVER IS LATER:

SUBCHAPTER 3. APPLICATION PROCESS

340:50-3-1. The application process

(a) **General.** ~~The application process for the Supplemental Nutrition Assistance Program (SNAP) application process begins with a request for benefits and ends with determining the when the household's eligibility is determined and entering that determination into the computer system.~~ The household is notified of the decision.

(1) The application must be processed no later than 30-calendar days after the signed application is submitted to ~~the Oklahoma Department of Human Services (DHS)~~ (OKDHS).

(2) Expedited services must be made available to households in immediate need, ~~per.~~ Refer to Oklahoma Administrative Code (OAC) 340:50-11-1 through 340:50-11-6 for expedited service criteria and procedures.

(3) Persons having lawful alien status must have their status verified through Systematic Alien Verification for Entitlements (SAVE), per OAC 340:65-3-4.

(4) Benefits must be provided retroactively to the ~~application date of application~~ application date for households who ~~timely completed~~ complete the application process and are determined eligible for the application month.

(b) **Filing applications.** Each household wishing to participate in SNAP must file a separate application. Refer to OAC 340:50-5-1 for household definition. The designated head of household is not required to make the food benefit application. Applications may be made by a responsible household member or authorized representative. A responsible household member or authorized representative completes an authorization for release of information at the time of application, when necessary. Applications may be ~~filed~~ submitted in person, online, or by fax, mail, or email.

(1) **Right to same day filing.** Because the time limit for providing benefits starts on the date ~~DHS~~ OKDHS receives the application in the county office or online, the worker informs the household at first contact of its right to submit an application on the contact date and encourages the household to do so. The worker also ~~advises~~ informs the household it does not have to be interviewed before filing the application and that the household may file an incomplete application. At a minimum, an incomplete application must contain the applicant's name, address, ~~and signature of an adult household member~~ member's signature or the household's authorized representative's signature.

(A) Form 08MP001E, Request for Benefits, is made readily accessible to potentially eligible households, groups, and organizations that assist persons in completing applications for food benefits.

(B) When the household requests food benefits:
(i) by phone, the worker first offers to submit an online application on behalf of the household (by proxy). When the household does not have time to submit the application by proxy, the worker informs the household it may submit an application online at www.okdhslive.org or www.okbenefits.org, or the worker ~~could~~ can email or mail Form 08MP001E to the household the same day; or
(ii) in writing and provides a phone number, the worker attempts to call the household to proxy the application. When the household did not provide a phone number or the worker is unable to reach the household, he or she mails Form 08MP001E to the household on the same day the written request is received.

Emergency Adoptions

(C) To facilitate SNAP participation for households in which all members are applying for a State Supplemental Payment (SSP) or Temporary Assistance for Needy Families (TANF), these households must be allowed to apply for food benefits at the same time they apply for financial assistance. ~~However, the~~ The household's eligibility and benefit level are based on food benefit eligibility criteria and the household is certified per SNAP ~~policy rules~~. Refer to OAC 340:50-11-20 through 340:50-11-27 ~~for when~~ processing food benefit applications for households approved for SSP and/or TANF.

(D) Immediately upon receipt in a ~~DHS~~ OKDHS office, all applications are screened to determine if the household is entitled to expedited services. All initial applicant households that qualify, per OAC 340:50-11-1 through ~~340:50-11-6~~ must receive expedited processing when certified for food benefits whether requested by the household or not. ~~When the household appears eligible for expedited services and meets the criteria, per OAC 340:50-3-2(c), the worker postpones the interview requirement and approves the household for initial benefits.~~

(2) **Head of household.** A household may select, as head of household, an adult parent of children of any age living in the food benefit household, or an adult who has parental control over children 17 years of age and younger living in the food benefit household, provided all adult household members agree to the selection.

(A) Households select their head of household at each certification action or when there is a change in household composition.

(B) When all adult members do not agree to the selection or decline to select an adult head of household, the household may select another head of household or the worker may designate a head of household.

(C) In no event does the failure to select an adult who has parental control of children delay the certification or result in the denial of benefits for an otherwise eligible household.

(3) **Authorized representative.** Per Section 273.2(n)(1) of Title 7 of the Code of Federal Regulations (7 C.F.R. § 273.2(n)(1)), an authorized representative is an adult non-household member who can act on behalf of the SNAP household. The authorized representative may complete the application process, report changes, obtain benefits, and/or purchase food for the household.

(A) The authorized representative designation must be made in writing and be signed by the head of household, spouse, or other responsible household member. The written designation must clearly state what actions the household wants the authorized representative to perform for it. The worker only allows the authorized representative access to the household's food benefits, when the written statement clearly grants such access. ~~Per 7 C.F.R. § 273(n)(3), a~~ household may allow any SNAP household member or non-household member, when authorized, to

purchase food or meals for the SNAP household with the electronic benefits transfer (EBT) card, per 7 C.F.R. § 273.2(n)(3).

(B) A non-household member may be designated as an authorized representative for the application process provided the person is an adult who is knowledgeable of the relevant household circumstances. In the event the only adult member of the household is classified as a non-household member, per OAC 340:50-5-5, he or she may be designated as the authorized representative for minor household members.

(C) When a household member designates an authorized representative in writing to apply for SNAP benefits on the household's behalf, the worker informs the household it will be held liable for any over-issuance that results from erroneous information given by the authorized representative. When possible, the head of the household or spouse prepares or reviews the application, even though the authorized representative actually files the application and is interviewed.

(4) **Restrictions on authorized representatives.** The worker ensures an authorized representative is properly designated and has not been disqualified for an intentional program violation, per OAC 340:50-5-10.1 and 340:50-15-25 or is not restricted from serving as an authorized representative, per 7 C.F.R. § 273.2(n)(4) and information included in (A) through (E) of this subsection.

(A) Limits are not placed on the number of households an authorized representative may represent. The worker takes care to ensure the household:

- (i) freely requested the authorized representative's assistance ~~of the authorized representative~~;
- (ii) circumstances are correctly reported; and
- (iii) receives the correct amount of benefits.

(B) ~~DHS~~ OKDHS employees involved in certification or issuance processes and retailers authorized to accept food benefits may not act as authorized representatives without the specific written approval of the ~~local~~ county director and only after the county director determines no one else is available to serve as the authorized representative.

(C) A person disqualified for an intentional program violation may not act as an authorized representative during the disqualification period unless the person disqualified is the only adult member of the household able to act on its behalf and the worker determines there is no one else available to serve as an authorized representative. The worker must separately determine if the person is needed to apply for or to obtain benefit on behalf of the household.

(D) An authorized representative is disqualified from serving as an authorized representative in SNAP for up to one year when evidence demonstrates ~~the~~ person ~~he or she~~ misrepresented a household's circumstances, knowingly provided false information pertaining to the household, or made improper use of benefits.

(i) Information indicating that a person should be disqualified as an authorized representative is forwarded to Adult and Family Services (AFS) SNAP, for a decision. The worker is notified in writing of the decision.

(ii) When the person is disqualified, appropriate notification is mailed to the household by AFS SNAP staff.

(iii) This provision does not apply to persons serving as authorized representatives for group homes or drug and alcoholic treatment centers. However, authorized representatives for group homes or drug and alcohol treatment centers who intentionally misrepresent household circumstances may be prosecuted under applicable federal and state statutes for their acts.

(E) Homeless meal providers, such as soup kitchens, temporary shelters, or contracted restaurants, are known as authorized or private, non-profit establishments, ~~such as soup kitchens, temporary shelters, or contracted restaurants~~. These authorized or private, non-profit establishments may not act as authorized representatives for homeless food benefit recipients.

(c) **Processing initial applications.** The application date for online submissions is the date the household submits the application to the OKDHSLive website at www.okdhslive.org or www.okbenefits.org. When the county office receives an application that contains the applicant's name and address, and is signed by a responsible member of the household or the household's authorized representative, the household's application date is the date it is received and stamped into the county office except as stipulated, per OAC 340:50-9-1(c) and 340:50-9-6(e). When the application is signed by the responsible person or authorized representative for a household also applying for SSP or TANF, the application is processed, per OAC 340:50-11.

(1) **Normal processing standard for initial applications.** The worker must provide eligible households who complete the initial application process with food benefits within 30-calendar days following the date the initial application is ~~filed~~ submitted.

(2) **Withdrawing application.** A household may voluntarily withdraw its application at any time prior to the eligibility determination of ~~eligibility~~.

(d) **Second 30-calendar days day period.** A new application is not needed when a household completes the application interview within 30-calendar days, is denied for failing to provide verification, and then provides the required verification within 60-calendar days. When the household waits until the second 30-calendar day period to provide the verification, there is a break in benefits and the worker changes the application and certification dates to the date the verification is provided. Refer to OAC 340:50-11-5 when the ~~interview or~~ verification is postponed for an expedited certification.

340:50-3-2. Interview process

(a) **Interview requirement.** All households initially applying for food benefits or completing a certification renewal, ~~including those submitting applications electronically or by mail~~, must have a face-to-face or phone interview with a worker prior to certification, per Section 273.2(e) of Title 7 of the Code of Federal Regulations (7 C.F.R. § 273.2(e)) unless the household meets ~~criteria~~ criteria in (a)(2) ~~or (b)~~ of this Section ~~per Section 273.2(e) of Title 7 of the Code of Federal Regulations (7 C.F.R. § 273.2(e))~~. Staff may conduct 100 percent of all Supplemental Nutrition Assistance Program (SNAP) initial and certification renewal application interviews by phone.

(1) A face-to-face interview must be conducted when the household or its authorized representative requests a face-to-face interview.

(2) Certification renewal interviews may be waived for households when all adult members are elderly or disabled and have no earned income.

(b) **Postponed interviews.** Households ~~applying for food benefits that complete and sign an online application or hand-deliver, mail, or fax a complete and signed Form 08MP001E, Request for Benefits, to the county office and who appear eligible for expedited services per Oklahoma Administrative Code (OAC) 340:50-11-1 may have the interview postponed in certain circumstances.~~

(1) ~~Per 7 C.F.R. § 273.2(i), the interview may be postponed when the:~~

- (A) ~~applicant's identity is verified; and~~
- (B) ~~worker is unable to contact the household or determines that an interview cannot be scheduled within seven calendar days.~~

(2) ~~When the interview is postponed, the worker schedules the interview by sending the household Form 08AD091E, Interview Notice, or Form 08AD093E, Support Center Interview Notice, setting an interview date and time. The worker schedules the interview to occur as quickly as possible to ensure the interview can be completed by the last day of the expedited certification period. When the interview is not completed by the end of the expedited certification period, the household must reapply for food benefits.~~

(3) ~~When, after the interview, the household needs to provide verification, the worker gives or sends the household Form 08AD092E, Client Contact and Information Request, requesting the verification. When the household informs the worker it is unable to furnish the required verification, the worker offers to help the applicant obtain the verification.~~

- (A) ~~The worker's assistance may range from explaining how or where to obtain proof to the worker obtaining proof when the applicant is unable to do so.~~
- (B) ~~The worker is not required to obtain proof for an applicant who is unwilling to do so.~~

(4) ~~When the household provides postponed verification within 60 calendar days of the application date, the household is not required to file a new application.~~

Emergency Adoptions

- (A) ~~Postponed verification must be provided by the last day of the expedited certification period in order to avoid a break in benefits.~~
- (B) ~~When the household does not provide the verification by the last day of the expedited certification period, but does provide it within 60 calendar days of the application date, benefits are prorated from the date the postponed verification is provided.~~
- (eb) **Who must be interviewed.** The person interviewed may be the head of the household, spouse, any other responsible member of the household, or an authorized representative who knows the household's circumstances. When the household chooses to be interviewed face-to-face, the person interviewed may bring any person to the interview.
- (c) **Scheduling interviews.** The worker schedules the interview as soon as possible to ensure the household, when eligible, receives expedited service timely or may participate within 30-calendar days following the application date.
- (1) The worker uses Form 08AD091E, Interview Notice, or Form 08AD093E, Support Center Interview Notice, to schedule the interview.
- (2) When the person to be interviewed is employed, the worker schedules an appointment to minimize the person's absence from work.
- (3) When the household misses the scheduled interview, a notice is sent informing the household that it missed the scheduled interview and is responsible for scheduling a second interview. The worker must not deny the household's application prior to the 30th calendar day when the household misses the first scheduled interview. When the household contacts the worker within the 30-day application processing period, a new interview must be scheduled.
- (4) When the household submits a timely certification renewal, per Oklahoma Administrative Code (OAC) 340:50-9-6, the worker schedules the interview as early as possible, but not later than the last day of the month.
- (A) When the household fails to appear for the interview, the worker does not reschedule the interview unless the household requests another appointment by the 30th calendar day after the application date.
- (B) Upon request, the worker reschedules the interview at the earliest possible date.
- (5) When the household submits an untimely certification renewal, the worker schedules an interview as early as possible, but not later than 20-calendar days from the application date.
- (A) When the household fails to appear for the scheduled interview, the worker does not reschedule the interview unless the household requests another appointment by the 30th calendar day after the application date.
- (B) Upon request, the worker reschedules the interview for the earliest possible date.
- (d) **Worker responsibilities during the interview.** During the interview, the worker:
- (1) ~~reviews with the household the information on the application with the household and resolves unclear and incomplete information;~~
- (2) ~~inquires if changes occurred in the household's income, deductions, or other circumstances since the application was filed;~~
- (3) ~~informs the household of its rights and responsibilities, including:~~
- (A) ~~work registration responsibilities, per OAC 340:50-5-85;~~
- (B) ~~able bodied adult without dependents work responsibilities, per OAC 340:50-5-100;~~
- (C) ~~reporting requirements, per OAC 340:50-9-5;~~
- (D) ~~the appropriate application processing standard, per OAC 340:50-3-1(c) and 340:50-11-4;~~
- (E) ~~responsibility to cooperate with SNAP Quality Control (QC) when asked to do so, per (f) of this Section; and~~
- (F) ~~an explanation of the civil rights complaint process, per OAC 340:50-1-5;~~
- (4) ~~conducts the interview as an official and confidential discussion of household circumstances limited to facts related to food benefit eligibility factors;~~
- (5) ~~gives Form 08MP006E, Information for Benefit Renewal, to the household and explains benefit renewal procedures;~~
- (6) ~~ensures the household's right to privacy is protected; and~~
- (7) ~~provides a paper or electronic copy of the completed application in the format requested by the household, when requested; and~~
- (8) ~~attempts to verify any necessary eligibility requirements during the interview. The worker gives or sends the household Form 08AD092E, Client Contact and Information Request, to request any verification that could not be verified during the interview. When the household informs the worker it is unable to furnish the required verification, the worker offers to help the applicant obtain the verification.~~
- (A) ~~The worker's assistance may range from explaining how or where to obtain proof when the applicant is unable to do so.~~
- (B) ~~The worker is not required to obtain proof for an applicant who is unwilling to do so.~~
- (e) **Scheduling interviews.** ~~The worker schedules the interview as soon as possible to ensure the household, when eligible, may participate within 30-calendar days following the application date.~~
- (1) ~~The worker uses Form 08AD091E or Form 08AD093E to schedule the interview.~~ (2) ~~When the person to be interviewed is employed, the worker schedules an appointment to minimize the person's absence from work even when it must be scheduled outside of normal business hours.~~
- (3) ~~When the household submits a timely certification renewal, the worker schedules the interview as early as possible, but not later than the last day of the month.~~

(A) When the household fails to appear for the interview, the worker does not reschedule the interview unless the household requests another appointment by the 30th calendar day after the application date.

(B) Upon request, the worker reschedules the interview at the earliest possible date.

(4) When the household submits an untimely certification renewal, the worker schedules an interview as early as possible, but not later than 20 calendar days from the application date.

(A) When the household fails to appear for the scheduled interview, the worker does not reschedule the interview unless the household requests another appointment by the 30th calendar day after the application date.

(B) Upon request, the worker reschedules the interview at the earliest possible date.

(fe) **Household cooperation with eligibility determination.** To determine eligibility, the household or authorized representative must complete and sign the application or certification renewal, be interviewed, and provide required information. When the household does not cooperate with the worker in determining:

- (1) initial eligibility, the worker denies the application; or
- (2) continuing eligibility at mid-certification renewal or certification renewal, the worker closes food benefits.

(gf) **Household cooperation with a QC review.** When the household is selected for a QC review, the household must cooperate with the QC reviewer per 7 C.F.R. § 273.2(d)(2). When the household refuses to cooperate, the SNAP QC administrator informs SNAP program field representative staff of the non-cooperation and SNAP program field representative staff closes the food benefit for refusal to cooperate.

(1) For a determination of refusal to cooperate to be made, the household must be able to cooperate and clearly demonstrate that it will not take the necessary actions required to complete the QC review process.

(2) The household may reapply following food benefit closure, but may not be determined eligible until it cooperates with the QC review unless (3) of this subsection applies.

(3) When food benefits were closed for ~~refusing~~ refusal to cooperate with the QC reviewer and the household waits to reapply until after 125-calendar days from the end of the QC review period, October 1 through September 30, the household must provide verification of eligibility factors for the new application only. ~~For example, when the household had a QC review during the October 2014 through September 2015, annual QC review period and food benefits were closed for refusal to cooperate with the QC review, the household is required to only provide verification for the new application when it is filed after February 2, 2016.~~

SUBCHAPTER 7. FINANCIAL ELIGIBILITY CRITERIA

PART 1. RESOURCES

340:50-7-6. Sponsored alien and non-categorically eligible resource requirements.

(a) **Resource consideration.** Resources must be considered in determining Supplemental Nutrition Assistance Program (SNAP) food benefit eligibility for households that:

(1) contain one or more sponsored aliens whose sponsor's resources must be deemed to the sponsored alien, per Section 274.3(c) of Title 7 of the Code of Federal Regulations (7 C.F.R. § 273.4(c)) and Oklahoma Administrative Code (OAC) 340:50-5-49; and

(2) cannot be classified as a categorically eligible household, per 7 C.F.R. § 273.2(j)(2)(vii) and OAC 340:50-11-111(d). Non-categorically eligible households include households:

(A) that reapply for SNAP food benefits the first time following closure due to substantial lottery or gambling winnings, per OAC 340:50-7-1;

(B) that include a member who is disqualified for an intentional program violation, per 7 C.F.R. § 273.16 and OAC 340:50-15-25;

(C) that include a member who is ineligible for being a fleeing felon or probation violator, per 7 C.F.R. § 273.11(n) and OAC 340:50-5-10.1;

(D) that include a household member who is disqualified for being convicted of certain crimes as an adult after February 7, 2014, and is not in compliance with the terms of the sentence or the restrictions under 7 C.F.R. § 273.11(n), per 7 C.F.R. § 273.11(s); or

(E) whose head of household is disqualified for failing to comply with work requirements, per OAC 340:50-5-85 through 340:50-5-89. Refer to OAC 340:50-3-1(b)(2) for head of household information.

(b) **Countable resources.** When a household meets one of the criteria, per (a) of this Section, it must verify the value of non-excluded resources owned by a household member(s) and meet the appropriate non-categorically eligible resource standard, per Oklahoma Department of Human Services (OKDHS) Appendix C-3, Maximum Food Benefit Allotments and Standards for Income and Deductions. Countable resources include liquid and non-liquid resources per (1) and (2) of this subsection.

(1) Liquid resources include, but are not limited to:

(A) cash on hand;

(B) money in checking or savings accounts;

(C) savings certificates;

(D) stocks or bonds; and

(E) lump sum payments, such as lottery or gambling winnings.

(2) The equity value of non-liquid resources is considered unless the resource is excluded per (c) of this Section or is a licensed vehicle excluded from the equity test per (E) of this paragraph. The equity value is the fair market value less encumbrances. Non-liquid resources include, but are not limited to:

(A) personal property;

(B) boats;

Emergency Adoptions

- (C) buildings, land, or other property that are not excluded, per (c) of this Section;
- (D) mobile homes other than home property; and
- (E) licensed and unlicensed vehicles that are not excluded, per (c)(3) of this Section and 7 C.F.R. § 273.8(e)(3) and (f)(2). For non-excluded licensed vehicles, the fair market value over \$4,650, regardless of any encumbrances on the vehicle, counts as a resource.
- (i) Vehicles excluded from the equity test but not the fair market value test include one licensed vehicle per adult household member, ineligible alien, or disqualified household member, and any other vehicle used by a household member younger than 18 years of age to drive to work, school, training, or to look for work.
- (ii) The worker determines the equity value of non-excluded unlicensed and licensed vehicles, unless exempted from the equity test, per (i) of this paragraph.
- (iii) When the vehicle has a fair market value of over \$4,650 and an equity value, the worker counts the greater of the two amounts as a resource.
- (c) **Resource exclusions.** Resource exclusions include:
- (1) the home and surrounding property that is not separated from the home by intervening property owned by others;
- (2) household goods, personal effects, the cash value of life insurance policies, one burial plot and the value of one funeral agreement per household member, and the cash value of pension or retirement plans or funds;
- (3) licensed vehicles that:
- (A) are used for income-producing purposes, such as a taxi, fishing boat, or delivery vehicle or are required by the terms of employment;
- (B) annually produce income consistent with their fair market value;
- (C) are needed for long-distance travel for work, other than daily commuting;
- (D) are used as the household's home;
- (E) are necessary to transport a physically disabled household member or disqualified member regardless of the transportation's purpose;
- (F) are needed to carry most of the household's fuel for heating or water for home use; or
- (G) would sell for less than \$1,500;
- (4) property that annually produces income consistent with its fair market value, such as rental homes or vacation homes;
- (5) property that is essential to the employment or self-employment of a household member, such as farm land or work-related equipment;
- (6) installment contracts for the sale of land or buildings when the contract or agreement produces income consistent with its fair market value;
- (7) government payments designated to restore a home damaged in a disaster;
- (8) resources with a cash value that is not accessible to the household, such as irrevocable trust funds, security deposits on rental property, property in probate, and real property that the household is making a good faith effort to sell;
- (9) resources that are prorated as income, such as for self-employed persons;
- (10) Indian lands held jointly by the tribe or land that can only be sold with the Bureau of Indian Affairs approval;
- (11) resources excluded by federal statute;
- (12) federal, state, or local earned income tax credits received by any household member are excluded for 12 months, provided the household received SNAP benefits at the time of receipt and continuously received SNAP food benefits during the 12-month period. When the household was not receiving SNAP benefits during the month the federal earned income tax credit was received, it is excluded for the month of receipt and the following month;
- (13) where a resource exclusion applies for a household member, it also applies for an ineligible alien or disqualified person whose resources are counted as part of the household's resources;
- (14) energy assistance payments or allowances excluded as income;
- (15) non-liquid assets against which a lien is placed for a business loan when the household is prohibited from selling the assets;
- (16) property, real or personal, to the extent it is directly related to the maintenance or use of a vehicle excluded per (C) of this subsection;
- (17) resources of a household member who receives Supplemental Security Income, State Supplemental Payment, or Temporary Assistance for Needy Families; and
- (18) funds in a qualified tuition program, per Section 529 of the Internal Revenue Code; a Coverdell education savings account, per Section 530 of the Internal Revenue Code; and any other education savings account Food and Nutrition Services determines to be excludable.
- (d) **Transfer of resources.** At application, the worker asks the household if a household member, an ineligible alien, or a disqualified person whose resources are considered available to the household transferred non-exempt resources within the three-month period immediately preceding the application date. Households that transfer resources for the purpose of qualifying or attempting to qualify for SNAP food benefits are disqualified from SNAP participation for up to one year from the discovery of the transfer. This includes when the household transfers all or some of its substantial lottery or gambling winnings to a non-household member for this purpose. The length of the disqualification period is determined based on the amount by which the transferred resources, when added to other countable resources, exceeds the allowable non-categorical resource standard per Appendix C-3. When the amount of transferred resources equals:
- (1) \$0 to 249.99, the disqualification period is one month;

- (2) \$250 to 999.99, the disqualification period is three months;
- (3) \$1,000 to 2999.99, the disqualification period is six months;
- (4) \$3,000 to 4,999.99, the disqualification period is nine months; or
- (5) \$5,000 or more, the disqualification period is 12 months.

(e) **Substantial lottery and gambling winners.** A household whose SNAP benefits closed due to substantial lottery or gambling winnings is only required to meet the resource requirements of this Section the first time it reapplies for SNAP and is certified. When the household reapplies, it must verify the substantial lottery or gambling winnings are spent down and its countable resources are below the appropriate resource standard, per OKDHS Appendix C-3. Once the household meets non-categorical resource requirements and is certified, it regains categorical eligibility for future applications and renewals unless (a)(1) or (2)(B) through (E) of this Section applies.

(f) **Sponsored alien resources.** When a sponsor's resources must be considered, the worker subtracts \$1,500 from the sponsored alien's countable resources before determining if the countable resources exceed the resource standard for sponsored alien households, per Oklahoma Human Services Appendix C-3.

SUBCHAPTER 11. SPECIAL PROCEDURES

PART 1. HOUSEHOLDS ENTITLED TO EXPEDITED SERVICE

340:50-11-5. Procedures for expediting services

To expedite the certification process, the worker must verify the applicant's identity and conduct the household's interview as soon as possible to ensure the household, when eligible, receives expedited service timely.

(1) **Reasonable pursuit of verification.** ~~All~~The worker makes reasonable efforts to verify, within the seven-calendar day expedited processing standard, the household's residency, income ~~declaration statement, how the household is meeting their needs when their expenses exceed income or there is no income, and all other eligibility factors of eligibility are made,~~ per Section 273.2(i) of Title 7 of the Code of Federal Regulations, before certification. This effort includes evaluating the household's explanation of how the household meets its needs when declared expenses exceed reported income or when the household reports no household income.

(A) The worker verifies eligibility factors by ~~seeing through~~ documentary evidence or, when documentary evidence is not readily available, through a collateral contact ~~when documentary evidence is not readily available.~~

(B) The worker may postpone verifying eligibility factors other than identity that could not be verified

within the ~~seven calendar day~~ expedited service processing time limit. In most instances, it is expected that the applicant verify at least residence and income, within the time limit.

(C) ~~Benefits cannot be delayed~~The worker must not delay certification up to, or beyond the time limit, solely because factors other than identity were not verified. When the household is unlikely to be able to provide the required verification within the expedited service timeframe, the worker must postpone verification.

(2) **Postponed verification.** When verification is postponed, the worker gives or sends the household Form 08AD092E, Client Contact and Information Request, to request the postponed verification before further benefits are approved.

(A) ~~Households entitled to expedited service are asked to furnish~~When a household member, who is not a newborn, needs to provide a Social Security number for each person applying for benefits (SSN) that was postponed, the household must furnish the SSN or proof that an application was filed with the Social Security Administration before the second full month of participation with the exception of newborns.

(2) The worker certifies households who furnish all necessary verification for determining continued eligibility for a normal certification period.

(3) ~~Per Oklahoma Administrative Code 340:50-3-2, when the interview is postponed, the worker provides the household with Form 08AD091E, Interview Notice, or Form 08AD093E, Support Center Interview Notice, setting an interview date and time as quickly as possible to ensure the interview can be completed by the last day of the expedited certification period. When, after the interview, the household needs to provide verification, the worker gives or sends the household Form 08AD092E, Client Contact and Information Request, requesting the postponed verification.~~

(B) When verification is postponed, the worker certifies the household for a one- or two-month expedited certification period, per Oklahoma Administrative Code (OAC) 340:50-11-6. To avoid a break in benefits, when the household is certified for:

(i) one or two months ~~month~~, because:

(A) the interview was postponed, the interview must be completed by the last day of the expedited certification period. When the interview is not completed last day of the expedited certification period, the household must reapply for food benefits; or

(B) verification was postponed, the household must furnish the postponed verification within 30-calendar days of the application date; or

(ii) two months, by the last day of the expedited certification period.

(C) When the household does not provide the verification within 30-calendar days of the application date for a one month certification, or by the last day of

Emergency Adoptions

the expedited certification period for a two month certification, but does provide it within 60-calendar days of the application date, benefits are prorated from the date the verification is provided. The household must complete a new application in order to receive further benefits when the verification is not received within 60-calendar days of the application date.

~~(D4) When the household completes the interview and provides postponed verification timely, the worker approves the household, when eligible, for a normal certification period within seven-calendar days of receipt of the verification and completion of the interview.~~

(3) **Normal certification period.** When the household is eligible for expedited services and verification is not postponed, the worker certifies the household for a normal certification period.

~~(54) **Multiple expedited services certifications.** There is no limit to the number of times a household can be certified using expedited procedures, as long as prior to each expedited certification the household completes the interview requirement, when postponed, and provides the postponed verification from the last expedited certification. When the household fails to complete the postponed interview or provide postponed verification, the household must be or is certified using normal processing standards, per Oklahoma Administrative Code OAC 340:50-3-1 before the household is again eligible for an between expedited certification certifications.~~

340:50-11-6. Issuance for households entitled to expedited services

When the household is determined eligible for expedited services, and the required ~~interview or needed~~ verification was postponed, the household is certified for a one or two-month certification period.

- (1) When the household applies between the:
 - (A) first and 15th of the month, the worker certifies the household for one month; or
 - (B) 16th and 31st of the month, the worker certifies the household for two months.
- (2) The worker prorates the initial month's benefits when the household applies later than the first day of the month.
- (3) When proration causes the household to be ineligible for the month of application, the application is denied for the month of application and approved for expedited issuance for the following month.
- (4) The initial month's food benefits issue immediately when the household is eligible for expedited services. When the initial month's benefits are prorated and the household is assigned a two-month certification period, the second month's benefits issue on the first day of the second month.

PART 12. CATEGORICALLY ELIGIBLE HOUSEHOLDS

340:50-11-111. Categorically eligible household

(a) **Purpose.** This Part includes the requirements for establishing categorically eligible households for the Supplemental Nutrition Assistance Program (SNAP), per Section 273.2(j)(2) of Title 7 of the Code of Federal Regulations (7 C.F.R. § 273.2(j)).

(b) **Definitions.** The following words and terms, when used in this Part, shall have the following meaning unless the context clearly indicates otherwise:

(1) **"Categorically eligible household"** means any household:

(A) ~~any household~~, as defined, in per Oklahoma Administrative Code (OAC) 340:50-11-20, in which all members receive or are authorized to receive:

- (i) Temporary Assistance for Needy Families (TANF) cash assistance; or
- (ii) a combination of Supplemental Security Income (SSI) and TANF cash assistance;

(B) ~~any household~~ in which all members receive or are authorized to receive SSI; or

(C) ~~any household~~ in which members receive or are authorized to receive services through 2-1-1 Oklahoma, except as excluded in (d) of this Section.

(2) **"Authorized to receive"** means the person was determined eligible for benefits and was notified of this determination even though the benefits have not yet been received.

(c) **Suspended, recouped, or benefit not issued.** ~~The fact that a household whose TANF or SSI benefits were are suspended, recouped, or are less than the minimum amount paid has no impact on a determination of retain~~ categorically eligibility.

(d) **Ineligible Non-categorical households.** A household is not classified as a categorically eligible household, ~~when the~~ per 7 C.F.R. § 273.2(j)(2)(vii):

(1) ~~entire household is institutionalized and the institution is not listed at OAC 340:50-5-25 as an institution where residents may participate in the first time the household applies after SNAP benefits close because of substantial lottery and gambling winning, per 7 C.F.R. § 273.11(r), OAC 340:50-7-1, and 340:50-9-5(j); or~~

(2) ~~household contains a sponsored alien when any household member is disqualified for an intentional program violation, per 7 C.F.R. § 273.16 and OAC 340:50-15-25;~~

(3) ~~when any household member is disqualified for being a fleeing felon or probation or parole violator, per 7 C.F.R. § 273.11(n);~~

(4) ~~when any household member is disqualified for being convicted of certain crimes as an adult after February 7, 2014, and is not in compliance with the terms of the sentence or the restrictions under 7 C.F.R. § 273.11(n), per 7 C.F.R. § 273.11(s); or~~

(5) ~~the head of household is disqualified for failing to comply with work requirements per OAC 340:50-5-85~~

through 340:50-5-89. Refer to OAC 340:50-3-1(b)(2) for head of household information.

[OAR Docket #20-421; filed 6-4-20]

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

1:2020-20A.

AMENDED EXECUTIVE ORDER 2020-20

On June 11th, the 7,626th case of a novel coronavirus ("COVID-19"), was confirmed in the State of Oklahoma. As noted in a previous Executive Order, the United States Centers for Disease Control and Prevention has identified the potential public health threat posed by COVID-19 as "high" both globally and in the United States. In addition, on March 14, 2020, the President of the United States declared a national health emergency in the United States as a result of the national spread of COVID-19. On March 15, 2020, I issued Executive Order 2020-07, which was last amended in Eighth Amended Executive Order 2020-07, declaring an emergency caused by the impending threat of COVID-19 to the people of this State and the public's peace, health, and safety. Further, on April 2, 2020, I declared a health emergency in the State of Oklahoma as defined in 63 O.S. § 6104 of the Oklahoma Statutes, which declaration was renewed on May 1, 2020, but which was terminated by the Oklahoma Legislature effective May 30, 2020.

As COVID-19's impact continues to affect our State and its citizens, it is important to continue to take measures to protect all Oklahomans against this threat. Therefore, I believe, after consultation with numerous health experts within my administration, it is still necessary to provide for the rendering of mutual assistance among the State and political subdivisions of the State and to cooperate with the Federal government with respect to carrying out emergency functions during the continuance of the State emergency pursuant to the provisions of the Oklahoma Emergency Management Act of 2003.

In view of the foregoing, I, J. Kevin Stitt, Governor of the State of Oklahoma, pursuant to the power vested in me by Section 2 of Article VI of the Oklahoma Constitution hereby declare and order the following:

1. There is hereby declared an emergency caused by the threat of COVID-19 to the people of this State and the public's peace, health, and safety. The counties included in this declaration are:

All 77 Oklahoma Counties

2. The State Emergency Operations Plan has been activated, and resources of all State departments and agencies available to meet this emergency are hereby committed to the reasonable extent necessary to prepare for and respond to COVID-19 and to protect the health and safety of the public. These efforts shall be coordinated by the Director of the Department of Emergency Management with comparable functions of the federal government and political subdivisions of the State.

3. State agencies, in responding to this emergency, may make necessary emergency acquisitions to fulfill the purposes of this declaration. If using a P-Card to make such acquisitions, agencies may purchase the necessary acquisitions without regard to the current P-Card policy limitation of \$5,000.00 purchase limit. Agencies may make the necessary emergency acquisitions without the requirement to follow bidding requirement/limitations on such emergency acquisitions, without the need to purchase from State Use Vendors, or to purchase from mandatory Statewide contracts. Such necessary emergency purchases shall be capped at \$250,000.00 per transaction. All such purchases must be readily identifiable as such, as following the conclusions of this threat, all such necessary emergency acquisitions will be audited to determine if they were made for emergency purposes.

4. Effective immediately, a moratorium is placed on all out-of-state travel for all employees and officers of agencies that is paid for, in whole or in part, by the State of Oklahoma. This moratorium shall apply to all travel expenses not already incurred as of the date of this Order. Any state employee or officer seeking an exception to this moratorium may submit a written request to the Governor, who shall have the sole discretion to approve or deny the request.

5. State agencies, in responding to this emergency, may employ additional staff without regard to the classification requirements of such employment.

6. The requirement in Amended Executive Order 2019-3 that the Chief Administrative Officer request and obtain approval from the Cabinet Secretary for an exemption to the personnel freeze for agencies under the Secretary of Health and Mental Health shall be waived.

7. State agencies shall continue to follow guidance for interaction with the public provided by the Oklahoma Department of Health.

Executive Orders

8. Emergency responders employed by the State of Oklahoma who are correctional officers, law enforcement officers, and fire personnel shall not be excluded from the application of and benefits under the Emergency Paid Sick Leave Act of the Families First Coronavirus Response Act (FFCRA) if:

a. They are subject to a coronavirus quarantine or isolation order;

b. They have been advised by a healthcare provider to self-quarantine due to coronavirus concerns; or

c. They are experiencing symptoms of coronavirus and are seeking a medical diagnosis.

In addition, I direct as follows:

1. All State agencies shall continue to transmit a clear delegation of authority for state agency directors and designate an Emergency Management Liaison.

2. All State agencies shall establish and, if necessary, implement a remote work policy that balances the safety and welfare of state employees with the critical services they provide.

3. All State agencies shall encourage Oklahomans interacting with agency services to utilize online options whenever possible.

4. All State agencies shall ensure continued compliance with Executive Order 2019-13, which limits non-essential out-of-state travel.

5. All State agencies shall promulgate any emergency rules necessary to respond to the emergency and to comply with the directives contained herein.

6. All occupational licenses issued by any agency, board, or commission of the State of Oklahoma that expire during this emergency shall be extended. All occupational licenses extended during this Order will expire fourteen (14) days following the withdrawal or termination of this Order.

7. Hospitals and Physician Clinics (collectively referred to as "hospitals") operating in the State shall cooperate with and respond to all requests for critical data from the Oklahoma State Department of Health ("OSDH"), as applicable to the services they provide. This shall include, but will not be limited to, the daily submission, no later than noon, of critical data in a manner and format prescribed by OSDH. Critical Data shall include, but not be limited to:

a. The number of available (i) ICU beds, (ii) medical surgery beds, (iii) operating room beds, (iv) pediatric beds, (v) PICU beds, (vi) ventilators, (vii) anesthesia machines capable of patient ventilation, (viii) ventilator connecting circuits, (ix) patient interfaces, (x) negative flow rooms, (xi) and overall occupancy status;

b. COVID-19 Test Availability, as measured by the number of COVID-19 testing kits available for use at the hospital;

c. The number of (i) positive patients and persons under investigation in the hospital receiving treatment and (ii) positive patients and persons under investigation sent home for self-quarantine; and

d. Personal Protective Equipment stock on hand.

8. Every public or private entity that is utilizing, or has utilized, an FDA-approved test, including an emergency use authorization test, for human diagnostic purposes of COVID-19, shall submit to Oklahoma State Department of Health (OSDH), as well as to the local health department, daily reports of all test results, both positive and negative, the number of test supplies ordered, the number of test supplies available, the number of samples/specimens received and pending processing, and timeframe of test completion, for all days from the date hereof forward. In addition, OSDH shall promptly share this information with the CDC.

9. The OSDH shall provide daily an aggregated summary of the information requested in the preceding paragraphs to the Office of the Governor by 3:00 p.m.

10. Telemedicine shall be used to maximum potential and shall be allowed for non-established patients for the purposes of the COVID-19 response. The preexisting patient relationship requirement for telemedicine, as required by 59 O.S. § 478.1, only applies to the prescribing of opiates and other controlled dangerous substances. 59 O.S. § 478.1 already allows the physician to see patients using telemedicine without the prior establishment of the physician patient relationship. Nothing in this Order shall waive 59 O.S. § 478.1 (C) for the purpose of prescribing opiates and other controlled dangerous substances reference therein.

11. The requirement that an individual be unemployed for a waiting period of one (1) week before benefits are paid, as required by 40 O.S. § 2-206, is hereby waived.

12. Oklahoma State regulations requiring Clinical Laboratory Improvement Amendment (CLIA) certification for testing laboratories are hereby suspended for the universities named below and for the narrow purposes described herein. During this suspension, laboratories operated by or through the University of Oklahoma, including the OU Medicine Laboratory, and Oklahoma State University are authorized to conduct testing and testing-related activities in response to the COVID-19 pandemic. Further, the Oklahoma Commissioner of Health, acting through and on behalf of OSDH, is hereby authorized to contract with the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges, the Board of Regents for the University of Oklahoma, and/or their constituent agencies and the OU Medicine Laboratory, to perform laboratory tests and test-related activities, without regard to

CLIA certification requirements, as necessary to detect and report COVID-19 infection in compliance with applicable law. The Commissioner of Health is authorized to negotiate and execute any and all agreements and terms necessary to execute and implement this provision.

13. Unless otherwise addressed in the Open Up and Recover Safely (OURS) Plan on the Department of Commerce website, adults over the age of sixty-five (65) and people of any age who have serious underlying medical conditions, collectively referred to as "vulnerable individuals," should stay in their home or place of residence except for working in a critical infrastructure sector, as more particularly described herein, and conducting essential errands. Essential errands shall mean those errands which are critical to everyday life and includes obtaining medication, groceries, gasoline, and visiting medical providers. The vulnerable population is encouraged to use delivery and/or curbside services whenever available.

14. Unless otherwise specified in the Open Up and Recover Safely (OURS) Plan on the Oklahoma Department of Commerce website, individuals should follow Centers for Disease Control (CDC) guidelines for social distancing and gathering in groups.

15. All businesses should adhere to the statewide Open Up and Recover Safely (OURS) Plan as provided on the Oklahoma Department of Commerce website.

16. Until June 15, 2020, except for end-of-life situations, visitors are prohibited from entering and visiting patients and residents at nursing homes, long-term care facilities, and retirement homes. On and after June 15, 2020, visitation, outings, group meals and communal dining shall be in accordance with guidance issued by the Oklahoma State Department of Health based on recommendations from the Centers for Disease Control and Prevention.

17. All delivery personnel including package, floral, and food delivery shall, at the request of a hospital, clinic, long-term care facility, or childcare facility submit to a screening prior to delivering goods. Such screening shall include a temperature check and may include a short questionnaire about potential exposure. Additionally, package delivery drivers must take their own temperature daily and shall not deliver packages if it registers over 100.4 degrees Fahrenheit. Questionnaires shall include questions about recent travel to areas with significant community spread and personal contact with individuals who have tested positive for COVID-19.

18. As supporting front-line healthcare workers is essential to our battle against COVID-19, front-line healthcare workers and their children, who have not tested positive for COVID-19 and are not otherwise exhibiting the symptoms thereof, shall not - simply because they are healthcare workers or children of healthcare workers - be discriminated against in housing or childcare services.

19. Any statutory or rule-based time requirements for completing training and becoming certified as a peace officer for duly appointed or elected peace officers during the existence of this emergency are hereby waived during the period of the emergency and for thirty days after the emergency is declared to be over.

20. Any requirements that county reserve deputies, municipal reserve officers, or other duly appointed reserve peace officers in this State be CLEET-certified prior to serving in an individual capacity or be accompanied by a CLEET-certified peace officer prior to becoming CLEET-certified are hereby waived during the period of the emergency and for thirty days after the emergency is declared to be over. Any such reserve deputy, municipal reserve officer, or other duly appointed reserve peace officer must be commissioned and authorized by his or her appointing agency's head or designee before being allowed to work as a peace officer under this provision.

21. I hereby direct all persons who enter the State of Oklahoma from another state or country to follow CDC travel guidelines found at <https://coronavirus.health.ok.gov/travel>.

22. All local educational agencies shall to the greatest extent practicable, continue to pay their employees and contractors for the remainder of the contracted period of the 2019-20 fiscal year, and in furtherance of this intent the State hereby authorizes accredited public school districts to pay support staff for the remainder of their contracted period for the 2019-20 fiscal year and waives any statutory or rule-based time limitations on which support personnel (as defined in 70 O.S. § 1-116) may accumulate or receive leave for the 2019-20 fiscal year.

23. I direct the Oklahoma Department of Agriculture, Food, and Forestry as follows:

a. Assist in the depopulation of any animals that are unable to be processed at available processing facilities due to COVID-19.

b. Assist in the disposal of animal carcasses resulting from the euthanasia in a manner that protects the environment, does not create a public health hazard, does not result in contamination of public or private drinking water supplies, and ensures watersheds and groundwater are adequately protected pursuant to 2 O.S. § 20-10(B).

c. Utilize all necessary equipment and manpower available and to freely move the equipment and manpower across state lines in cooperation with bordering states.

d. Cooperate with appropriate agencies, including but not limited to Oklahoma Department of Transportation, Oklahoma Department of Public Safety, and Oklahoma Department of Environmental Quality to ensure roadways are protected and all solid wastes are managed and disposed of appropriately.

Executive Orders

e. Ensure ease of licensing, including the use of umbrella licensing, for vehicles utilized to move animal carcasses.

Further, I hereby order the temporary suspension of the following as they apply to vehicles in the support efforts:

1. The cost and fees of oversize/overweight permits required of carriers whose sole purpose is transportation of materials, equipment, and supplies used for recovery/relief efforts which require an overweight permit under Title 47 of Oklahoma statutes.

2. By execution of this Order, motor carriers and drivers providing direct assistance in support of relief efforts related to the COVID-19 outbreaks are granted emergency relief from Parts 390 through 399 of Title 49 Code of Federal Regulations, except as restricted herein. Direct assistance means transportation and other relief services provided by a motor carrier or its driver(s) incident to the immediate restoration of essential services, such as medical care, or essential supplies such as food, related to COVID-19 outbreaks during the emergency.

a. This Emergency Declaration provides regulatory relief for commercial motor vehicle operations that are providing direct assistance in support of emergency relief efforts related to the COVID-19 outbreaks, including transportation to meet immediate needs for: (1) medical supplies and equipment related to the testing, diagnosis and treatment of COVID-19; (2) supplies and equipment necessary for community safety, sanitation, and prevention of community transmission of COVID-19 such as masks, gloves, hand sanitizer, soap and disinfectants; (3) food for emergency restocking of stores; (4) equipment, supplies and persons necessary to establish and manage temporary housing, quarantine, and isolation facilities related to COVID-19; (5) persons designated by Federal, State or local authorities for medical, isolation, or quarantine purposes; (6) persons necessary to provide other medical or emergency services, the supply of which may be affected by the COVID-19 response; (7) fuels and petroleum products (to include fuel oil, diesel oil, gasoline, kerosene, propane, and liquid petroleum); and (8) livestock, poultry, feed for livestock and poultry, and crops and other agricultural products ready to be harvested.

b. Direct assistance does not include routine commercial deliveries, or transportation of mixed loads that include essential supplies, equipment and persons, along with supplies, equipment and persons that are not being transported in support of emergency relief efforts related to the COVID-19 outbreaks.

c. Direct assistance terminates when a driver or commercial motor vehicle is used in interstate commerce to transport cargo or provide services that are not in support of emergency relief efforts related to the COVID-19 outbreaks or when the motor carrier dispatches a driver or commercial motor vehicle to another location to begin operations in commerce. 49 CFR 390.23(b). Upon termination of direct assistance to emergency relief efforts related to the COVID-19

outbreaks, the motor carrier and driver are subject to the requirements of 49 CFR Parts 390 through 399, except that a driver may return empty to the motor carrier's terminal or the driver's normal work reporting location without complying with Parts 390 through 399. However, if the driver informs the motor carrier that he or she needs immediate rest, the driver must be permitted at least 10 consecutive hours off duty before the driver is required to return to the motor carrier's terminal or the driver's normal reporting location. Once the driver has returned to the terminal or other location, the driver must be relieved of all duty and responsibilities and must receive a minimum of 10 hours off duty if transporting property, and 8 hours if transporting passengers.

3. The requirements for licensing/operating authority as required by the Oklahoma Corporation Commission.

4. The requirements for licensing/registration authority as required by the Oklahoma Tax Commission.

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

This Order shall be effective until the end of thirty (30) days after the filing of this Order.

Copies of this Executive Order shall be distributed to the Director of Emergency Management, the Oklahoma State Health Commissioner, the Commissioner of the Department of Public Safety, the Director of the Office of Management and Enterprise Services, the Oklahoma Tax Commission, the Oklahoma Corporation Commission who shall cause the provisions of this Order to be implemented by all appropriate agencies of State government.

IN WITNESS WHEREOF, I have set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, this 12th day of June, 2020.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

J. Kevin Stitt

ATTEST:
Michael Rogers
Secretary of State

[OAR Docket #20-424; filed 6-12-20]

1:2020-21.

EXECUTIVE ORDER 2020-21

I, J. Kevin Stitt, Governor of the State of Oklahoma, pursuant to the authority vested in me by Sections 1 and 2 of Article VI of the Oklahoma Constitution, do hereby order:

Effective immediately, Executive Order 2015-11 is hereby withdrawn and rescinded.

This Executive Order shall be distributed to all members of the Governor's Cabinet, and to the Department of Rehabilitation Services.

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 3rd day of June, 2020.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

J. Kevin Stitt

ATTEST:
Michael Rogers
Secretary of State

[OAR Docket #20-420; filed 6-3-20]

1:2020-22.

EXECUTIVE ORDER 2020-22

I, J. Kevin Stitt, Governor of the State of Oklahoma, hereby direct the appropriate steps be taken to fly all American and

Oklahoma flags on State property at half-staff from 8:00 a.m. to 5:00 p.m. on Monday, June 8, 2020, to honor former state insurance commissioner John Presley Crawford.

Mr. Crawford was born in Ada, Oklahoma, and graduated from Central High School in Muskogee. He later received a bachelor's degree in business administration from the University of Oklahoma. In 1994, Mr. Crawford was elected as the Oklahoma Insurance Commissioner. He is survived by his wife Peggy, of 63 years; daughter Gretchen Crawford; grandson Samuel Crawford; granddaughters Molly Crawford Worth and Abigail Crawford.

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

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, on this 8th day of June, 2020.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

J. Kevin Stitt

ATTEST:
Michael Rogers
Secretary of State

[OAR Docket #20-422; filed 6-8-20]
