

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 ENGROSSED SENATE
5 BILL NO. 1041

By: Daniels of the Senate

and

Kannady of the House

10 An Act relating to multiple versions of statutes;
11 amending, merging, consolidating and repealing
12 multiple versions of statutes; repealing 2 O.S. 2011,
13 Sections 18-402, as amended by Section 2, Chapter 43,
14 O.S.L. 2018 and 18-404, as amended by Section 3,
15 Chapter 13, O.S.L. 2018 (2 O.S. Supp. 2018, Sections
16 18-402 and 18-404); amending 10 O.S. 2011, Section
17 404, as last amended by Section 1, Chapter 2800,
18 O.S.L. 2018 (10 O.S. Supp. 2018, Section 404);
19 repealing 10 O.S. 2011, Section 404, as last amended
20 by Section 1, Chapter 73, O.S.L. 2018 (10 O.S. Supp.
21 2018, Section 404); amending 10A O.S. 2011, Section
22 1-2-101, as last amended by Section 1, Chapter 277,
23 O.S.L. 2018 (10A O.S. Supp. 2018, Section 1-2-101);
24 repealing 10A O.S. 2011, Section 1-2-101, as last
 amended by Section 2, Chapter 256, O.S.L. 2018 (10A
 O.S. Supp. 2018, Section 1-2-101); repealing Section
 2, Chapter 92, O.S.L. 2015, as last amended by
 Section 1, Chapter 179, O.S.L. 2018 (17 O.S. Supp.
 2018, Section 160.20); amending 19 O.S. 2011, Section
 180.43, as last amended by Section 1, Chapter 83,
 O.S.L. 2018 (19 O.S. Supp. 2018, Section 180.43);
 repealing 19 O.S. 2011, Section 180.43, as last
 amended by Section 1, Chapter 19, O.S.L. 2018 (19
 O.S. Supp. 2018, Section 180.43); amending 19 O.S.
 2011, Section 339, as last amended by Section 1,
 Chapter 188, O.S.L. 2018 (19 O.S. Supp. 2018, Section
 339); repealing 19 O.S. 2011, Section 339, as last
 amended by Section 1, Chapter 122, O.S.L. 2018 (19

O.S. Supp. 2018, Section 339); amending 19 O.S. 2011, Section 421.1, as last amended by Section 1, Chapter 104, O.S.L. 2018 (19 O.S. Supp. 2018, Section 421.1); repealing 19 O.S. 2011, Section 421.1, as last amended by Section 2, Chapter 122, O.S.L. 2018 (19 O.S. Supp. 2018, Section 421.1); amending 19 O.S. 2011, Section 1505, as last amended by Section 1, Chapter 180, O.S.L. 2018 (19 O.S. Supp. 2018, Section 1505); repealing 19 O.S. 2011, Section 1505, as last amended by Section 1, Chapter 107, O.S.L. 2018 (19 O.S. Supp. 2018, Section 1505); amending 21 O.S. 2011, Section 1277, as last amended by Section 1, Chapter 247, O.S.L. 2018 (21 O.S. Supp. 2018, Section 1277); repealing 21 O.S. 2011, Section 1277, as last amended by Section 8, Chapter 304, O.S.L. 2018 (21 O.S. Supp. 2018, Section 1277); amending 22 O.S. 2011, Section 988.18, as amended by Section 6, Chapter 128, O.S.L. 2018 (22 O.S. Supp. 2018, Section 988.18); repealing 22 O.S. 2011, Section 988.18, as amended by Section 1, Chapter 85, O.S.L. 2018 (22 O.S. Supp. 2018, Section 988.18); amending Section 3, Chapter 366, O.S.L. 2016, as last amended by Section 13, Chapter 304, O.S.L. 2018 (37A O.S. Supp. 2018, Section 1-103); repealing Section 3, Chapter 366, O.S.L. 2016, as last amended by Section 1, Chapter 206, O.S.L. 2018 (37A O.S. Supp. 2018, Section 1-103); amending 47 O.S. 2011, Section 151, as last amended by Section 1, Chapter 97, O.S.L. 2018 (47 O.S. Supp. 2018, Section 151); repealing 47 O.S. 2011, Section 151, as last amended by Section 1, Chapter 102, O.S.L. 2018 (47 O.S. Supp. 2018, Section 151); amending 47 O.S. 2011, Section 1135.3, as last amended by Section 1, Chapter 226, O.S.L. 2018 (47 O.S. Supp. 2018, Section 1135.3); repealing 47 O.S. 2011, Section 1135.3, as last amended by Section 1, Chapter 293, O.S.L. 2018 (47 O.S. Supp. 2018, Section 1135.3); amending 47 O.S. 2011, Section 1135.5, as last amended by Section 2, Chapter 293, O.S.L. 2018 (47 O.S. Supp. 2018, Section 1135.5); repealing 47 O.S. 2011, Section 1135.5, as last amended by Section 1, Chapter 181, O.S.L. 2018 (47 O.S. Supp. 2018, Section 1135.5); repealing 47 O.S. 2011, Section 1135.5, as last amended by Section 2, Chapter 226, O.S.L. 2018 (47 O.S. Supp. 2018, Section 1135.5); repealing 47 O.S. 2011, Section 1135.5, as last amended by Section 15, Chapter 304, O.S.L. 2018 (47 O.S. Supp. 2018, Section 1135.5); amending 59 O.S.

2011, Section 161.11, as amended by Section 6,
Chapter 94, O.S.L. 2018 (59 O.S. Supp. 2018, Section
161.11); repealing 59 O.S. 2011, Section 161.11, as
amended by Section 1, Chapter 57, O.S.L. 2018 (59
O.S. Supp. 2018, Section 161.11); amending Section 3,
Chapter 277, O.S.L. 2015, as amended by Section 2,
Chapter 24, O.S.L. 2018 (63 O.S. Supp. 2018, Section
1-293); repealing Section 3, Chapter 277, O.S.L.
2015, as amended by Section 12, Chapter 106, O.S.L.
2018 (63 O.S. Supp. 2018, Section 1-293); amending 63
O.S. 2011, Section 2-101, as last amended by Section
3, Chapter 175, O.S.L. 2018 (63 O.S. Supp. 2018,
Section 2-101); repealing 63 O.S. 2011, Section 2-
101, as last amended by Section 11, Chapter 64,
O.S.L. 2018 (63 O.S. Supp. 2018, Section 2-101);
amending 63 O.S. 2011, Section 2-302, as amended by
Section 1, Chapter 251, O.S.L. 2018 (63 O.S. Supp.
2018, Section 2-302); repealing 63 O.S. 2011, Section
2-302, as amended by Section 1, Chapter 250, O.S.L.
2018 (63 O.S. Supp. 2018, Section 2-302); amending 63
O.S. 2011, Section 2-309D, as last amended by Section
4, Chapter 175, O.S.L. 2018 (63 O.S. Supp. 2018,
Section 2-309D); repealing 63 O.S. 2011, Section 2-
309D, as last amended by Section 1, Chapter 32,
O.S.L. 2018 (63 O.S. Supp. 2018, Section 2-309D);
amending 63 O.S. 2011, Section 2-415, as last amended
by Section 2, Chapter 130, O.S.L. 2018 (63 O.S. Supp.
2018, Section 2-415); repealing 63 O.S. 2011, Section
2-415, as last amended by Section 1, Chapter 7,
O.S.L. 2018 (63 O.S. Supp. 2018, Section 2-415);
amending 68 O.S. 2011, Section 3904, as last amended
by Section 1, Chapter 191, O.S.L. 2018 (68 O.S. Supp.
2018, Section 3904); repealing 68 O.S. 2011, Section
3904, as last amended by Section 3, Chapter 144,
O.S.L. 2018 (68 O.S. Supp. 2018, Section 3904);
amending 70 O.S. 2011, Section 11-103.6, as last
amended by Section 1, Chapter 241, O.S.L. 2018 (70
O.S. 2018, Section 11-103.6); repealing 70 O.S. 2011,
Section 11-103.6, as last amended by Section 1,
Chapter 67, O.S.L. 2018 (70 O.S. Supp. 2018, Section
11-103.6); repealing 70 O.S. 2011, Section 17-105, as
last amended by Section 19, Chapter 304, O.S.L. 2018
(70 O.S. Supp. 2018, Section 17-105); amending 74
O.S. 2011, Section 913.4, as last amended by Section
4, Chapter 44, O.S.L. 2018 (74 O.S. Supp. 2018,
Section 913.4); repealing 74 O.S. 2011, Section
913.4, as last amended by Section 2, Chapter 21,

O.S.L. 2018 (74 O.S. Supp. 2018, Section 913.4);
updating statutory cites; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. REPEALER 2 O.S. 2011, Section 18-402, as
amended by Section 2, Chapter 43, O.S.L. 2018 (2 O.S. Supp. 2018,
Section 18-402), is hereby repealed.

SECTION 2. REPEALER 2 O.S. 2011, Section 18-404, as
amended by Section 3, Chapter 13, O.S.L. 2018 (2 O.S. Supp. 2018,
Section 18-404), is hereby repealed.

SECTION 3. AMENDATORY 10 O.S. 2011, Section 404, as last
amended by Section 1, Chapter 280, O.S.L. 2018 (10 O.S. Supp. 2018,
Section 404), is amended to read as follows:

Section 404. A. 1. The Department of Human Services, in
consultation with the Oklahoma Commission on Children and Youth,
shall appoint advisory committees of representatives of child care
facilities and others to recommend minimum requirements and
desirable standards for promulgation by the Department.

2. Committee members shall be appointed for a three-year term,
with a two-consecutive-term limit. The committees shall include
representation for all categories of facilities licensed by the
Department and shall be comprised as follows:

1 a. the Residential Children's Services subcommittee shall
2 include at a minimum:

3 (1) a representative of a statewide organization
4 representing children in care arrangements
5 outside their own home,

6 (2) a representative of a statewide organization
7 providing residential services to youth in state
8 custody,

9 (3) a recipient or former recipient of youth services
10 for children in state custody,

11 (4) a representative of a statewide organization
12 promoting adoption services,

13 (5) a parent or guardian providing foster care to a
14 child or children in state custody,

15 (6) a representative from a nonpublic, long-term
16 residential care facility for children in state
17 custody,

18 (7) a representative from an organization promoting
19 the interests of Native American children in
20 state custody,

21 (8) a provider of medical services for children,

22 (9) a practicing behavioral health services provider,

23 (10) a representative from an agency providing child-
24 placing services, and

- 1 (11) other appropriate representatives at the
2 discretion of the Department of Human Services
3 and Commission on Children and Youth,
- 4 b. the Child Care Centers subcommittee shall include at a
5 minimum:
- 6 (1) a representative of a statewide organization
7 advocating for children in care arrangements
8 outside their own home,
- 9 (2) a representative of a statewide organization
10 conducting programs for school-age children,
- 11 (3) a parent or guardian with a child attending a
12 licensed child care facility,
- 13 (4) a representative of a licensed child care
14 facility in a rural area,
- 15 (5) a representative of a statewide organization
16 advocating for licensed child care facilities
17 owned or operated by Native Americans,
- 18 (6) a representative of a licensed child care
19 facility in an urban/suburban area,
- 20 (7) a representative of a statewide organization
21 advocating for programs provided under the Head
22 Start program,
- 23
24

1 (8) a representative with knowledge of child care
2 programs offered by career technology center in
3 this state,

4 (9) a representative of a statewide organization
5 advocating for early childhood education
6 programs,

7 (10) a representative of a statewide organization
8 providing resources and referrals to child care
9 facilities,

10 (11) a provider of medical services for children, and

11 (12) other appropriate representatives at the
12 discretion of the Department of Human Services
13 and Commission on Children and Youth,

14 c. the Child Care Homes subcommittee shall include at a
15 minimum:

16 (1) a representative of a statewide organization
17 advocating for children in care arrangements
18 outside their own home,

19 (2) a parent or guardian with a child receiving care
20 at a licensed child care home,

21 (3) a representative of a licensed child care home in
22 a rural area,

- (4) a representative of a statewide organization
advocating for licensed child care facilities
owned or operated by Native Americans,
- (5) a representative of a licensed child care home in
an urban/suburban area,
- (6) a representative of a statewide organization
advocating for early childhood education
programs,
- (7) a representative of a statewide organization
providing resources and referrals to child care
facilities,
- (8) a provider of medical services for children, and
- (9) other appropriate representatives at the
discretion of the Department of Human Services
and Commission on Children and Youth, and

d. the Quality Rating and Improvement System subcommittee
shall include representatives of child care centers
and child care homes currently licensed by the State
and other members as determined by the Department of
Human Services and the Commission on Children and
Youth.

3. The Department shall create a Child Care Facility Peer
Review Board whose purpose shall be to participate in the
Department's grievance process. A majority of the Board shall be

1 representatives of child care facilities. The Department shall
2 promulgate rules specifying the duties of the Child Care Facility
3 Peer Review Board in the grievance process.

4 4. The advisory committee shall designate two people to serve
5 on the Department's Stars Administrative Review Panel. At least one
6 designee shall be the owner or operator of a licensed child care
7 center.

8 B. Child care facilities shall not allow children to be left
9 alone in the care of any person under eighteen (18) years of age
10 without supervision or sixteen (16) years of age with supervision as
11 delineated by the Department's rules. Child care centers and family
12 child care homes shall not:

13 1. Use soft or loose bedding, including, but not limited to,
14 blankets, in sleeping equipment or in sleeping areas used only for
15 infants;

16 2. Allow toys or educational devices in sleeping equipment or
17 in a sleeping area used only for infants; or

18 3. Place a child in sleeping equipment or in a sleeping area
19 which has not been previously approved for use as such by the
20 Department.

21 C. The Department shall promulgate rules establishing minimum
22 requirements and desirable standards as may be deemed necessary or
23 advisable to carry out the provisions of the Oklahoma Child Care
24 Facilities Licensing Act.

1 D. Such rules shall not be promulgated until after consultation
2 with the State Department of Health, the State Department of
3 Education, the Oklahoma State Bureau of Investigation, the State
4 Fire Marshal, the Commission on Children and Youth, the Oklahoma
5 Department of Mental Health and Substance Abuse Services and any
6 other agency deemed necessary by the Department. Not less than
7 sixty (60) days' notice, by regular mail, shall be given to all
8 current licensees before any changes are made in such rules.

9 E. In order to improve the standards of child care, the
10 Department shall advise and cooperate with licensees, the governing
11 bodies and staff of licensed child care facilities and assist the
12 staff through advice of progressive methods and procedures, and
13 suggestions for the improvement of services.

14 F. The Department may participate in federal programs for child
15 care services, and enter into agreements or plans on behalf of the
16 state for that purpose, in accordance with federal laws and
17 regulations.

18 SECTION 4. REPEALER 10 O.S. 2011, Section 404, as last
19 amended by Section 1, Chapter 73, O.S.L. 2018 (10 O.S. Supp. 2018,
20 Section 404), is hereby repealed.

21 SECTION 5. AMENDATORY 10A O.S. 2011, Section 1-2-101, as
22 last amended by Section 1, Chapter 277, O.S.L. 2018 (10A O.S. Supp.
23 2018, Section 1-2-101), is amended to read as follows:
24

1 Section 1-2-101. A. 1. The Department of Human Services shall
2 establish a statewide centralized hotline for the reporting of child
3 abuse or neglect to the Department.

4 2. The Department shall provide hotline-specific training
5 including, but not limited to, interviewing skills, customer service
6 skills, narrative writing, necessary computer systems, making case
7 determinations, and identifying priority situations.

8 3. The Department is authorized to contract with third parties
9 in order to train hotline workers.

10 4. The Department shall develop a system to track the number of
11 calls received, and of that number:

- 12 a. the number of calls screened out,
- 13 b. the number of referrals assigned,
- 14 c. the number of calls received by persons unwilling to
15 disclose basic personal information including, but not
16 limited to, first and last name, and
- 17 d. the number of calls in which the allegations were
18 later found to be unsubstantiated or ruled out.

19 5. The Department shall electronically record each referral
20 received by the hotline and establish a secure means of retaining
21 the recordings for twelve (12) months. The recordings shall be
22 confidential and subject to disclosure only if a court orders the
23 disclosure of the referral. The Department shall redact any
24

1 information identifying the reporting party unless otherwise ordered
2 by the court.

3 B. 1. Every person having reason to believe that a child under
4 the age of eighteen (18) years is a victim of abuse or neglect shall
5 report the matter immediately to the Department of Human Services.
6 Reports shall be made to the hotline provided for in subsection A of
7 this section. Any allegation of abuse or neglect reported in any
8 manner to a county office shall immediately be referred to the
9 hotline by the Department. Provided, however, that in actions for
10 custody by abandonment, provided for in Section 2-117 of Title 30 of
11 the Oklahoma Statutes, there shall be no reporting requirement.

12 2. a. Every teacher of any child under the age of eighteen
13 (18) years having reason to believe that a child under
14 the age of eighteen (18) years is a victim of abuse or
15 neglect shall report the matter immediately to the
16 Department of Human Services. Reports shall be made
17 to the hotline provided for in subsection A of this
18 section. Any allegation of abuse or neglect reported
19 in any manner to a county office shall immediately be
20 referred to the hotline by the Department. Provided,
21 however, that in actions for custody by abandonment,
22 provided for in Section 2-117 of Title 30 of the
23 Oklahoma Statutes, there shall be no reporting
24 requirement, and

1 b. every teacher of a student age eighteen (18) years or
2 older having reason to believe that a student age
3 eighteen (18) years or older is a victim of abuse or
4 neglect shall report the matter immediately to local
5 law enforcement.

6 3. Every physician, surgeon, or other health care professional
7 including doctors of medicine, licensed osteopathic physicians,
8 residents and interns, or any other health care professional
9 ~~attending the birth of a child who~~ or midwife involved in the
10 prenatal care of expectant mothers or the delivery or care of
11 infants shall promptly report to the Department instances in which
12 an infant tests positive for alcohol or a controlled dangerous
13 substance shall promptly report the matter to the Department. This
14 shall include infants who are diagnosed with Neonatal Abstinence
15 Syndrome or Fetal Alcohol Spectrum Disorder.

16 4. No privilege or contract shall relieve any person from the
17 requirement of reporting pursuant to this section.

18 5. The reporting obligations under this section are individual,
19 and no employer, supervisor, administrator, governing body or entity
20 shall interfere with the reporting obligations of any employee or
21 other person or in any manner discriminate or retaliate against the
22 employee or other person who in good faith reports suspected child
23 abuse or neglect, or who provides testimony in any proceeding
24 involving child abuse or neglect. Any employer, supervisor,

1 administrator, governing body or entity who discharges,
2 discriminates or retaliates against the employee or other person
3 shall be liable for damages, costs and attorney fees. If a child
4 who is the subject of the report or other child is harmed by the
5 discharge, discrimination or retaliation described in this
6 paragraph, the party harmed may file an action to recover damages,
7 costs and attorney fees.

8 6. Every physician, surgeon, ~~or~~ other health care professional
9 or midwife making a report of abuse or neglect as required by this
10 subsection or examining a child to determine the likelihood of abuse
11 or neglect and every hospital or related institution in which the
12 child was examined or treated shall provide, upon request, copies of
13 the results of the examination or copies of the examination on which
14 the report was based and any other clinical notes, x-rays,
15 photographs, and other previous or current records relevant to the
16 case to law enforcement officers conducting a criminal investigation
17 into the case and to employees of the Department of Human Services
18 conducting an investigation of alleged abuse or neglect in the case.

19 C. Any person who knowingly and willfully fails to promptly
20 report suspected child abuse or neglect or who interferes with the
21 prompt reporting of suspected child abuse or neglect may be reported
22 to local law enforcement for criminal investigation and, upon
23 conviction thereof, shall be guilty of a misdemeanor. Any person
24 with prolonged knowledge of ongoing child abuse or neglect who

1 knowingly and willfully fails to promptly report such knowledge may
2 be reported to local law enforcement for criminal investigation and,
3 upon conviction thereof, shall be guilty of a felony. For the
4 purposes of this paragraph, "prolonged knowledge" shall mean
5 knowledge of at least six (6) months of child abuse or neglect.

6 D. 1. Any person who knowingly and willfully makes a false
7 report pursuant to the provisions of this section or a report that
8 the person knows lacks factual foundation may be reported to local
9 law enforcement for criminal investigation and, upon conviction
10 thereof, shall be guilty of a misdemeanor.

11 2. If a court determines that an accusation of child abuse or
12 neglect made during a child custody proceeding is false and the
13 person making the accusation knew it to be false at the time the
14 accusation was made, the court may impose a fine, not to exceed Five
15 Thousand Dollars (\$5,000.00) and reasonable attorney fees incurred
16 in recovering the sanctions, against the person making the
17 accusation. The remedy provided by this paragraph is in addition to
18 paragraph 1 of this subsection or to any other remedy provided by
19 law.

20 E. Nothing contained in this section shall be construed to
21 exempt or prohibit any person from reporting any suspected child
22 abuse or neglect pursuant to subsection B of this section.
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1 SECTION 6. REPEALER 10A O.S. 2011, Section 1-2-101, as
2 last amended by Section 2, Chapter 256, O.S.L. 2018 (10A O.S. Supp.
3 2018, Section 1-2-101), is hereby repealed.

4 SECTION 7. REPEALER Section 2, Chapter 92, O.S.L. 2015,
5 as last amended by Section 1, Chapter 179, O.S.L. 2018 (17 O.S.
6 Supp. 2018, Section 160.20), is hereby repealed.

7 SECTION 8. AMENDATORY 19 O.S. 2011, Section 180.43, as
8 last amended by Section 1, Chapter 83, O.S.L. 2018 (19 O.S. Supp.
9 2018, Section 180.43), is amended to read as follows:

10 Section 180.43. A. Each county sheriff may contract with any
11 public or private entity engaged in the business of transportation
12 of prisoners, the Department of Justice of the United States of
13 America, the Department of Corrections, or any municipality of this
14 state for the feeding, care, housing, and upkeep of federal, state,
15 or municipal prisoners, or alien detainees incarcerated in the
16 county jail. Any funds received pursuant to said contract shall be
17 the funds of the county where the federal, state, or municipal
18 prisoners, or alien detainees are incarcerated and shall be
19 deposited in the Sheriff's Service Fee Account. All purchases made
20 pursuant to the provisions of this subsection shall be made pursuant
21 to the purchasing procedures specified in Sections 1500 through 1507
22 of this title, including the use of blanket purchase orders as
23 provided for in Section 310.8 of Title 62 of the Oklahoma Statutes.
24 The sheriff shall be permitted to expend the funds for capital

1 expenditures. The sheriff shall be permitted to expend any surplus
2 in the Sheriff's Service Fee Account for administering expenses for
3 salaries, training, equipment or travel.

4 The claim for said expenses shall be filed with and allowed by
5 the board of county commissioners as other claims. The sheriff
6 shall receive no compensation for said services. The sheriff shall
7 file an annual report with the board of county commissioners not
8 later than January 15 of each year. The State Auditor and Inspector
9 shall conduct an audit of the report as on other public records of
10 the county.

11 B. In lieu of the travel reimbursement or monthly travel
12 allowance provided for by law, the board of county commissioners may
13 purchase and provide for the operation, maintenance, insurance,
14 equipping, and repair of an automobile for each county commissioner
15 to be used in performing the duties of his office. In lieu of the
16 travel reimbursement or monthly travel allowance provided for by
17 law, the board of county commissioners, with the concurrence of the
18 county sheriff, may purchase and provide for the operation,
19 maintenance, insurance, equipping, and repair of automobiles for the
20 use of the sheriff in performing the duties of his office. Any
21 automobile purchased pursuant to the authority granted in this
22 section shall be purchased by competitive bids. The use of any said
23 automobile for private or personal purposes is hereby prohibited.
24 In any county having a population of at least three hundred fifty

1 thousand (350,000), where it is determined by the sheriff to be more
2 economical and advantageous to the county, the sheriff may establish
3 a monthly automobile allowance of not more than Four Hundred Dollars
4 (\$400.00) per month in lieu of the mileage per mile for in-county
5 driving as authorized in this section. Any travel reimbursement
6 other than in-county driving as provided for in this section shall
7 be for actual and necessary expenses as provided for in the State
8 Travel Reimbursement Act. Any person violating the provisions of
9 this subsection, upon conviction, shall be guilty of a misdemeanor
10 and shall be punished by a fine of not more than One Hundred Dollars
11 (\$100.00) or by imprisonment in the county jail for not more than
12 thirty (30) days, or by both said fine and imprisonment, and in
13 addition thereto shall be discharged from county employment.

14 C. The State of Oklahoma hereby declares and states that the
15 increased number of persons impersonating law enforcement officers
16 by making routine traffic stops while using unmarked cars is a
17 threat to the public health and safety of all of the citizens of the
18 State of Oklahoma; therefore it shall be unlawful for any county
19 sheriff, deputy sheriff or reserve deputy sheriff to use any vehicle
20 which is not clearly marked as a law enforcement vehicle for routine
21 traffic enforcement except as provided in Section 12-218 of Title 47
22 of the Oklahoma Statutes. In addition to Section 12-218 of Title 47
23 of the Oklahoma Statutes, the peace officer operating the law
24 enforcement vehicle for routine traffic stops shall be dressed in

1 the official uniform including shoulder patches, badge, and any
2 other identifying insignias normally used by the employing law
3 enforcement agency.

4 D. Each county sheriff may operate, or contract the operation
5 of, a commissary for the benefit of persons lawfully confined in the
6 county jail under the custody of the county sheriff. Any funds
7 received pursuant to said operations shall be the funds of the
8 county where the persons are incarcerated and shall be deposited in
9 the Sheriff's Commissary Account. The sheriff shall be permitted to
10 expend the funds to improve or provide jail services. The sheriff
11 shall be permitted to expend any surplus in the Sheriff's Commissary
12 Account for administering expenses for training equipment, travel or
13 for capital expenditures. The claims for expenses shall be filed
14 with and allowed by the board of county commissioners in the same
15 manner as other claims. The sheriff shall receive no compensation
16 for the operation of said commissary. The sheriff shall file an
17 annual report on any said commissary under his or her operation no
18 later than January 15 of each year. The State Auditor and Inspector
19 shall conduct an audit of the report in the same manner as other
20 public records of the county.

21 E. Each county sheriff may operate, or contract the operation
22 of, a telephone system for the benefit of persons lawfully confined
23 in the county jail under the custody of the county sheriff. Any
24 funds received pursuant to said operations shall be the funds of the

1 county where the persons are incarcerated and shall be deposited in
2 the Sheriff's Service Fee Account. Such funds may be expended
3 according to the guidelines previously established for expenditures
4 from the general fund. The claims for expenses shall be filed with
5 and allowed by the board of county commissioners in the same manner
6 as other claims.

7 SECTION 9. REPEALER 19 O.S. 2011, Section 180.43, as
8 last amended by Section 1, Chapter 19, O.S.L. 2018 (19 O.S. Supp.
9 2018, Section 180.43), is hereby repealed.

10 SECTION 10. AMENDATORY 19 O.S. 2011, Section 339, as
11 last amended by Section 1, Chapter 188, O.S.L. 2018 (19 O.S. Supp.
12 2018, Section 339), is amended to read as follows:

13 Section 339. A. The board of county commissioners shall have
14 power:

15 1. To make all orders respecting the real property of the
16 county, to sell the public grounds of the county and to purchase
17 other grounds in lieu thereof; and for the purpose of carrying out
18 the provisions of this section it shall be sufficient to convey all
19 the interests of the county in those grounds when an order made for
20 the sale and a deed is executed in the name of the county by the
21 chair of the board of county commissioners, reciting the order, and
22 signed by the chair and acknowledged by the county clerk for and on
23 behalf of the county;

1 2. To audit the accounts of all officers having the care,
2 management, collection or disbursement of any money belonging to the
3 county or appropriated for its benefit;

4 3. To construct and repair bridges and to open, lay out and
5 vacate highways; provided, however, that when any state institution,
6 school or department shall own, lease or otherwise control land on
7 both sides of any established highway, the governing board or body
8 of the same shall have the power to vacate, alter or relocate the
9 highway adjoining the property in the following manner:

10 If it should appear that it would be to the best use and
11 interest of the institution, school or department to vacate, alter
12 or relocate such highway, the governing board or body shall notify
13 the board of county commissioners, in writing, of their intention to
14 hold a public hearing and determine whether to vacate, alter or
15 relocate the highway, setting forth the location and terminals of
16 the road, and all data concerning the proposed right-of-way if
17 changed or relocated, and shall give fifteen (15) days' notice of
18 the hearing by publication in some newspaper in the county or
19 counties in which the road is located, and the hearing shall be held
20 at the county seat of the county in which the road is located, and
21 if a county line road, may be heard in either county. At the
22 hearing testimony may be taken, and any protests or suggestions
23 shall be received as to the proposed measure, and at the conclusion
24 thereof if the governing board or body shall find that it would be

1 to the best use and interest of the institution, school or
2 department, and the public generally, they may make an appropriate
3 order either vacating, altering or relocating the highway, which
4 order shall be final if approved by the board of county
5 commissioners. The institution, school or department may by
6 agreement share the cost of changing any such road. No property
7 owner shall be denied access to a public highway by the order;

8 4. To recommend or sponsor an employee or prospective employee
9 for job-related training and certification in an area that may
10 require training or certification to comply with state or federal
11 law as such training or certification is provided by the Department
12 of Transportation, the Federal Highway Administration, or any other
13 state agency, technology center school, or university;

14 5. Until January 1, 1983, to furnish necessary blank books,
15 plats, blanks and stationery for the clerk of the district court,
16 county clerk, register of deeds, county treasurer and county judge,
17 sheriff, county surveyor and county attorney, justices of the peace,
18 and constables, to be paid for out of the county treasury; also a
19 fireproof vault sufficient in which to keep all the books, records,
20 vouchers and papers pertaining to the business of the county;

21 6. To set off, organize and change the boundaries of townships
22 and to designate and give names therefor; provided, that the
23 boundaries of no township shall be changed within six (6) months
24 next preceding a general election;

1 7. To lease tools, apparatus, machinery or equipment of the
2 county to another political subdivision or a state agency. The
3 Association of County Commissioners of Oklahoma and the Oklahoma
4 State University Center for Local Government Technology together
5 shall establish a system of uniform rates for the leasing of such
6 tools, apparatus, machinery and equipment;

7 8. To jointly, with other counties, buy heavy equipment and to
8 loan or lease such equipment across county lines;

9 9. To develop personnel policies for the county with the
10 approval of a majority of all county elected officers, as evidenced
11 in the minutes of a meeting of the board of county commissioners or
12 the county budget board;

13 10. To purchase, rent, or lease-purchase uniforms, safety
14 devices and equipment for the officers and employees of the county.
15 The county commissioners may pay for any safety training or safety
16 devices and safety equipment out of the general county funds or any
17 county highway funds available to the county commissioners;

18 11. To provide incentive awards for safety-related job
19 performance. However, no employee shall be recognized more than
20 once per calendar year and the award shall not exceed the value of
21 Two Hundred Fifty Dollars (\$250.00); further, no elected official
22 shall be eligible to receive a safety award;

23 12. To provide for payment of notary commissions, filing fees,
24 and the cost of notary seals and bonds;

1 13. To do and perform other duties and acts that the board of
2 county commissioners may be required by law to do and perform;

3 14. To make purchases at a public auction pursuant to the
4 county purchasing procedures in subsection D of Section 1505 of this
5 title;

6 15. To deposit interest income from highway funds in the
7 general fund of the county;

8 16. To submit sealed bids for the purchase of equipment from
9 this state, or any agency or political subdivision of this state;

10 17. To utilize county-owned equipment, labor and supplies at
11 their disposal on property owned by the county, public schools, two-
12 year colleges or technical branches of colleges that are members of
13 The Oklahoma State System of Higher Education, the state and
14 municipalities according to the provisions of Section 36-113 of
15 Title 11 of the Oklahoma Statutes. Cooperative agreements may be
16 general in terms of routine maintenance or specific in terms of
17 construction and agreed to and renewed on an annual basis. Work
18 performed pursuant to Section 36-113 of Title 11 of the Oklahoma
19 Statutes shall comply with the provisions of this section;

20 18. To enter into intergovernmental cooperative agreements with
21 the federally recognized Indian tribes within this state to address
22 issues of construction and maintenance of streets, roads, bridges
23 and highways exclusive of the provisions of Section 1221 of Title 74
24 of the Oklahoma Statutes;

1 19. To execute hold harmless agreements with the lessor in the
2 manner provided by subsection B of Section 636.5 of Title 69 of the
3 Oklahoma Statutes when leasing or lease-purchasing equipment;

4 20. To accept donations of right-of-way or right-of-way
5 easements pursuant to Section 381 et seq. of Title 60 of the
6 Oklahoma Statutes;

7 21. To establish by resolution the use of per diem for specific
8 purposes in accordance with the limitations provided by Sections
9 500.8 and 500.9 of Title 74 of the Oklahoma Statutes;

10 22. To apply to the Department of Environmental Quality for a
11 waste tire permit to bale waste tires for use in approved
12 engineering projects;

13 23. To enter into the National Association of Counties (NACo)
14 Prescription Drug Discount Program;

15 24. To work with federal, state, municipal, and public school
16 district properties in an effort to minimize cost to such entities;

17 25. To provide incentive awards to employees for participating
18 in voluntary wellness programs which result in improved health.
19 Incentive awards may be created by the Wellness Council set forth in
20 Section 1302 of this title; ~~and~~

21 26. To establish a county employee benefit program to encourage
22 outstanding performance in the workplace. Monies may be expended
23 for the purchase of recognition awards for presentation to an
24 employee or members of a work unit; and

1 27. To trade in equipment to a vendor or on statewide contract
2 by acquiring used equipment values pursuant to subsection B of
3 Section 421.1 of this title.

4 B. The county commissioners of a county or, in counties where
5 there is a county budget board, the county budget board may
6 designate money from general county funds for the designated purpose
7 of drug enforcement and drug abuse prevention programs within the
8 county.

9 C. When any lease or lease purchase is made on behalf of the
10 county by the board pursuant to the provisions of this section, the
11 county shall be allowed to have trade in values for transactions
12 involving The Oklahoma Central Purchasing Act.

13 D. In order to timely comply with the Oklahoma Vehicle License
14 and Registration Act with regard to county vehicles, the board of
15 county commissioners may, by resolution, create a petty cash
16 account. The board of county commissioners may request a purchase
17 order for petty cash in an amount necessary to pay the expense of
18 license and registration fees for county motor vehicles. Any
19 balance in the petty cash account after the license and registration
20 fees have been paid shall be returned to the account or fund from
21 which the funds originated. The county purchasing agent shall be
22 the custodian of the petty cash account, and the petty cash account
23 shall be subject to audit.

1 E. When the board of county commissioners approves an express
2 trust, pursuant to Sections 176 through 180.4 of Title 60 of the
3 Oklahoma Statutes, for the purpose of operating a county jail, the
4 trustees of the public trust may appoint commissioned peace
5 officers, certified by the Council on Law Enforcement Education and
6 Training, to provide security for inmates that are required to be
7 transported outside of the detention facility, and investigate
8 violations of law within the detention facility. Other personnel
9 necessary to operate the jail may be employed and trained or
10 certified as may be required by applicable state or federal law.

11 SECTION 11. REPEALER 19 O.S. 2011, Section 339, as last
12 amended by Section 1, Chapter 122, O.S.L. 2018 (19 O.S. Supp. 2018,
13 Section 339), is hereby repealed.

14 SECTION 12. AMENDATORY 19 O.S. 2011, Section 421.1, as
15 last amended by Section 1, Chapter 104, O.S.L. 2018 (19 O.S. Supp.
16 2018, Section 421.1), is amended to read as follows:

17 Section 421.1. A. The board of county commissioners is hereby
18 authorized to use any tools, apparatus, machinery or equipment
19 belonging to the county, the original cost of which exceeded Five
20 Hundred Dollars (\$500.00), as a trade-in on a cash purchase or lease
21 purchase of any other tools, apparatus, machinery or equipment.

22 B. To establish an appraised value for an item to be sold at
23 public auction or traded in, the purchasing agent may refer to an
24 industry-recognized appraisal manual for used construction equipment

1 to estimate the value of the item being sold, or obtain appraisal
2 quotes from at least two vendors in the business of selling items
3 like the one being sold.

4 C. Except when such items are disposed of pursuant to
5 subsection F or I of this section, the following procedures shall be
6 used for the sale, by the board of county commissioners, of any
7 tools, apparatus, machinery or equipment, the original cost of which
8 exceeded Five Hundred Dollars (\$500.00), belonging to the county:

9 1. The board of county commissioners shall give notice of such
10 sale by publication in a newspaper of general paid circulation in
11 the county for two (2) successive weekly issues;

12 2. Bids for such tools, apparatus, machinery or equipment on
13 sale shall be in writing, sealed and delivered to the county clerk
14 of such county;

15 3. At the next regular meeting of the board of county
16 commissioners after the expiration of fifteen (15) days from the
17 date of first publication of notice of the sale, the board of county
18 commissioners shall open such bids and award such tools, apparatus,
19 machinery or equipment to the highest and best bidder with the
20 option of rejecting all bids; and

21 4. The board of county commissioners may hold a public auction
22 or use an Internet auction, which may include online bidding, in
23 lieu of advertising for sealed bids as provided above. Such auction
24 shall be advertised as provided herein.

1 D. A board of county commissioners may sell any materials,
2 tools, apparatus, machinery or equipment to a tribal governmental
3 entity, state agency, if the agency is subject to The Oklahoma
4 Central Purchasing Act, or to a political subdivision of the state
5 if the political subdivision is subject to such act or a similar
6 competitive bidding procedure. The board of county commissioners
7 may purchase materials, tools, apparatus, machinery or equipment
8 from a state agency, if the agency is subject to The Oklahoma
9 Central Purchasing Act, or from a political subdivision of the state
10 if the political subdivision is subject to such act or a similar
11 competitive bidding procedure.

12 E. The board of county commissioners may, by resolution, enter
13 into an agreement with any tribal governmental entity or other
14 county or political subdivision for the purpose of selling,
15 transferring, trading or otherwise disposing of equipment or
16 materials.

17 F. Advertisement of surplus property consigned to sell at a
18 Circuit Engineering District auction shall be provided by the
19 auction company under contract to conduct the sale. Advertising
20 shall be provided to attract the most potential buyers. Advertising
21 media may include, but not be limited to, sale flyers, newspapers,
22 radio, television, and Internet postings.

23 G. Pursuant to the authority of Section 1 of this title, boards
24 of county commissioners shall have authority, under such statute and

1 in consideration of the procedures in this section to sell real
2 property belonging to the county without declaring such property
3 surplus under the following conditions:

4 1. A certified appraisal of the county property shall be
5 performed to determine the market value of the property and accepted
6 by the board of county commissioners;

7 2. After acceptance of the certified appraisal, the board of
8 county commissioners shall, pursuant to the requirements of this
9 section, give notice of such sale by publication in a newspaper of
10 general paid circulation in the county for two successive weekly
11 issues;

12 3. Bids for the real property shall be in writing, sealed and
13 delivered to the county clerk of such county;

14 4. At the next regular meeting of the board of county
15 commissioners after the expiration of fifteen (15) days from the
16 date of first publication of notice of sale, the board of county
17 commissioners shall open such bids;

18 5. A successful bid must be no less than the market value of
19 the real property to be considered by the board of county
20 commissioners for acceptance. The board of county commissioners
21 reserves the right to reject any and all bids;

22 6. If more than one bid is above the market value of the real
23 property, the board of county commissioners shall have the right to
24 compel the potential buyers of the real property who have bid above

1 the market amount to enter into public auction conducted by the
2 chairman of the board of county commissioners after the opening of
3 such bids, to establish the highest bid for the property in order to
4 assure that the county is receiving adequate consideration for the
5 property;

6 7. A majority vote of the board of county commissioners shall
7 be required to determine the successful bidder of the real property.
8 Upon awarding the bid, either through sealed bid or by conducting a
9 public auction of those bidders who bid more than the market value
10 of the real property, the board of county commissioners shall have
11 the right to pledge the occupied property, using an irrevocable bond
12 or letter of credit, as provided for in paragraph 10 of this
13 subsection, as collateral in order to finance bonds to purchase
14 other real property or build a replacement building, or both;

15 8. If the sale price is less than the estimated cost of new
16 land purchase or construction, then said sales contract shall be
17 contingent upon the public approval of bond funding or other
18 authorized funding to allow the complete payment of the contemplated
19 project;

20 9. The board of county commissioners shall have authority
21 pursuant to paragraphs 5 and 6 of Section 1 of this title to make
22 any order concerning the sale of such property contingent upon a
23 closing date in the future in order to continue to use said real
24 property until a replacement building is completed. Upon completion

1 of the replacement building, the board of county commissioners shall
2 execute all documents and title transfers pertaining to said real
3 property to the successful bidder;

4 10. The successful bidder shall execute an irrevocable bond or
5 letter of credit with a surety company or bank licensed to do
6 business in the State of Oklahoma and organized under the corporate
7 laws of the State of Oklahoma and registered with the Secretary of
8 State of Oklahoma equal to the amount of the purchase price of the
9 real property within fifteen (15) days of awarding of the bid.

10 Failure to provide either an irrevocable bond or letter of credit in
11 favor of the board of county commissioners within said time
12 limitation shall act as a rejection and cancellation by the board of
13 the award of bid and said board may, at that point, enter into a
14 contract with any secondary or subsequent bidder that meets the
15 aforementioned qualifications without further notice; and

16 11. If there are no bids submitted or all submitted bids are
17 less than the market value of the real property after the expiration
18 of fifteen (15) days from the date of first publication of notice of
19 sale, the board of county commissioners shall publish the notice of
20 sale and accept bids for a second time complying with the
21 requirements of paragraphs 2 through 4 of this subsection. If there
22 are no bids submitted or all submitted bids are less than the market
23 value of the real property after the expiration of fifteen (15) days
24 from the date of second publication of notice of sale, the board of

1 county commissioners shall have the right to sell real property,
2 upon majority vote, without any bidding procedure or auction,
3 directly to any person or entity for an amount that is not less than
4 the highest bid previously submitted through any previous bidding
5 procedures provided in this subsection.

6 H. The board of county commissioners may solicit telephone bids
7 for the removal of recyclable materials.

8 I. The board of county commissioners shall have the authority
9 to trade in equipment to a vendor or on statewide contract by
10 acquiring used equipment values pursuant to subsection B of this
11 section.

12 SECTION 13. REPEALER 19 O.S. 2011, Section 421.1, as
13 last amended by Section 2, Chapter 122, O.S.L. 2018 (19 O.S. Supp.
14 2018, Section 421.1), is hereby repealed.

15 SECTION 14. AMENDATORY 19 O.S. 2011, Section 1505, as
16 last amended by Section 1, Chapter 180, O.S.L. 2018 (19 O.S. Supp.
17 2018, Section 1505), is amended to read as follows:

18 Section 1505. The following procedures shall be used by
19 counties for the requisition, purchase, lease-purchase, rental, and
20 receipt of supplies, materials, road and bridge construction
21 services, equipment and information technology and telecommunication
22 goods and services for the maintenance, operation, and capital
23 expenditures of county government unless otherwise provided for by
24 law.

1 A. The procedure for requisitioning items for county offices
2 shall be as follows:

3 1. The requesting department shall prepare a requisition form
4 in triplicate. The requisition shall contain any specifications for
5 an item as deemed necessary by the requesting department. The form
6 shall be prescribed by the State Auditor and Inspector;

7 2. The requesting department shall retain a copy of the
8 requisition and forward the original requisition and a copy to the
9 county purchasing agent; and

10 3. Upon receipt of the requisition, the county purchasing
11 agent, within two (2) working days, shall begin the bidding and
12 purchasing process as provided for in this section. Nothing in this
13 section shall prohibit the transfer of supplies, materials, or
14 equipment between county departments upon a written agreement
15 between county officers.

16 B. The bid procedure for selecting a vendor for the purchase,
17 lease-purchase, or rental of supplies, materials, equipment and
18 information technology and telecommunication goods and services used
19 by a county shall be as follows:

20 1. The county purchasing agent shall request written
21 recommendations from all county officers pertaining to needed or
22 commonly used supplies, materials, road and bridge construction
23 services, equipment and information technology and telecommunication
24 goods and services. From such recommendations and available

1 requisition, purchase, or inventory records, the county purchasing
2 agent shall prepare a list of items needed or commonly used by
3 county officers. The county purchasing agent shall request from the
4 Purchasing Division or from the Information Services Division in the
5 case of information technology and telecommunication goods and
6 services of the Office of Management and Enterprise Services all
7 contracts quoting the price the state is paying for the items. The
8 county purchasing agent shall either request the Purchasing Division
9 or the Information Services Division of the Office of Management and
10 Enterprise Services, as applicable, to make the purchase for the
11 county or the county purchasing agent shall solicit bids for unit
12 prices on the items for periods of not to exceed twelve (12) months
13 in the manner described in paragraph 2 of this subsection. If the
14 county purchasing agent receives a requisition for an item for which
15 the county purchasing agent does not have a current bid, the county
16 purchasing agent shall request from the Purchasing Division or the
17 Information Services Division of the Office of Management and
18 Enterprise Services, as applicable, all contracts quoting the price
19 the state is paying for the item. The county purchasing agent shall
20 either request the Purchasing Division or the Information Services
21 Division of the Office of Management and Enterprise Services, as
22 applicable, to make the purchase for the county or the county
23 purchasing agent shall solicit bids in the manner described in
24 paragraph 2 of this subsection. Nothing in this paragraph shall

1 prohibit bids from being taken on an item currently on a twelve-
2 month bid list, at any time deemed necessary by the county
3 purchasing agent. Whenever the county purchasing agent deems it
4 necessary to take a bid on an item currently on a twelve-month bid
5 list, the reason for the bid shall be entered into the minutes of
6 the board of county commissioners;

7 2. Bids shall be solicited by mailing or emailing a notice to
8 all persons or firms who have made a written request of the county
9 purchasing agent that they be notified of such bid solicitation and
10 to all other persons or firms who might reasonably be expected to
11 submit bids. Notice of solicitation of bids shall also be published
12 one time in a newspaper of general circulation in the county.
13 Notices shall be mailed and published at least ten (10) days prior
14 to the date on which the bids are opened. Proof of the mailing or
15 emailing shall be made by the affidavit of the person mailing or
16 emailing the request for bids and shall be made a part of the
17 official records of the county purchasing agent. Whenever any
18 prospective supplier or vendor dealing in or listing for sale any
19 particular item or article required to be purchased or acquired by
20 sealed bids fails to enter or offer a sealed bid for three
21 successive bid solicitations, the name of the supplier or vendor may
22 be dropped from the mailing lists of the board of county
23 commissioners;

1 3. The sealed bids received from vendors and the state contract
2 price received from the applicable Division of the Office of
3 Management and Enterprise Services shall be given to the county
4 clerk by the county purchasing agent. The county clerk shall
5 forward the sealed bids and state contract price, if any, to the
6 board of county commissioners;

7 4. The board of county commissioners, in an open meeting, shall
8 open the sealed bids and compare them to the state contract price.
9 The board of county commissioners shall select the lowest and best
10 bid based upon, if applicable, the availability of material and
11 transportation cost to the job site within thirty (30) days of the
12 meeting. For any special item not included on the list of needed or
13 commonly used items, the requisitioning official shall review the
14 bids and submit a written recommendation to the board before final
15 approval. The board of county commissioners shall keep a written
16 record of the meeting as required by law, and any time the lowest
17 bid was not considered to be the lowest and best bid, the reason for
18 such conclusion shall be recorded. Whenever the board of county
19 commissioners rejects the written recommendation of the
20 requisitioning official pertaining to a special item, the reasons
21 for the rejection shall be entered in their minutes and stated in a
22 letter to the requisitioning official and county purchasing agent;

23 5. The county purchasing agent shall notify the successful
24 bidders and shall maintain a copy of the notification. The county

1 purchasing agent shall prepare and maintain a vendors list
2 specifying the successful bidders and shall notify each county
3 officer of the list. The county purchasing agent may remove any
4 vendor from such list who refuses to provide goods or services as
5 provided by contract if the removal is authorized by the board of
6 county commissioners. The county purchasing agent may make
7 purchases from the successful bidders for a price at or below the
8 bid price. If a vendor who is the low bidder cannot or will not
9 sell goods or services as required by a county bid contract, the
10 county purchasing agent may purchase from the next low bidder or
11 take quotations as provided in paragraph 6 of this subsection,
12 provided, however, such purchase does not exceed Fifteen Thousand
13 Dollars (\$15,000.00) as the amount specified in subparagraph a of
14 paragraph 3 of subsection A of Section 1501 of this title; and

15 6. When bids have been solicited as provided for by law and no
16 bids have been received, the procedure shall be as follows:

- 17 a. the county purchasing agent shall determine if
18 potential vendors are willing to commit to a firm
19 price for a reduced period of time, and, if such is
20 the case, the bid procedure described in this
21 subsection shall be followed,
- 22 b. if vendors are not willing to commit to a firm price
23 for a reduced period, the purchasing agent shall
24 solicit and record at least three quotes of current

1 prices available to the county and authorize the
2 purchase of goods or services based on the lowest and
3 best quote as it becomes necessary to acquire such
4 goods or services. The quotes shall be recorded on a
5 form prescribed by the State Auditor and Inspector and
6 shall be attached to the purchase order and filed with
7 the county clerk's copy of the purchase order. Any
8 time the lowest quote was not considered to be the
9 lowest and best quote, the reason for this conclusion
10 shall be recorded by the county purchasing agent and
11 transmitted to the county clerk, or

12 c. if three quotes are not available, a memorandum to the
13 county clerk from the county purchasing agent shall
14 describe the basis upon which a purchase is
15 authorized. The memorandum shall state the reasons
16 why the price for such a purchase is the lowest and
17 best under the circumstances. The county clerk shall
18 then attach the memorandum to the county clerk's copy
19 of the purchase order and file both in the office of
20 the county clerk.

21 C. After selection of a vendor, the procedure for the purchase,
22 lease-purchase, or rental of supplies, materials, road and bridge
23 construction services, equipment and information technology and
24

1 telecommunication goods and services used by a county shall be as
2 follows:

3 1. The county purchasing agent shall prepare a purchase order
4 in quadruplicate and submit it with a copy of the requisition to the
5 county clerk;

6 2. The county clerk shall then encumber the amount stated on
7 the purchase order and assign a sequential number to the purchase
8 order;

9 3. If there is an unencumbered balance in the appropriation
10 made for that purpose by the county excise board, the county clerk
11 shall so certify in the following form:

12 "I hereby certify that the amount of this encumbrance has been
13 entered against the designated appropriation accounts and that this
14 encumbrance is within the authorized available balance of said
15 appropriation.

16 Dated this _____ day of _____, 20__.

17 _____

18 County Clerk/Deputy

19 of _____ County."

20 In instances where it is impossible to ascertain the exact amount of
21 the indebtedness sought to be incurred at the time of recording the
22 encumbrance, an estimated amount may be used. No purchase order
23 shall be valid unless signed by the county purchasing agent and
24 certified by the county clerk; and

1 4. The county clerk shall file the original purchase order and
2 return three copies to the county purchasing agent who shall file a
3 copy, retain a copy for the county road and bridge inventory officer
4 if the purchase order is for the purchase of equipment, supplies, or
5 materials for the construction or maintenance of roads and bridges,
6 and submit the other copy to the receiving officer of the requesting
7 department.

8 D. 1. The procedure for the purchase of supplies, materials,
9 equipment and information technology and telecommunication goods and
10 services at public auction or by sealed bid to be used by a county
11 shall be as follows:

12 a. the county purchasing agent shall prepare a purchase
13 order in quadruplicate and submit it with a copy of
14 the requisition to the county clerk,

15 b. the county clerk shall then encumber the amount stated
16 on the purchase order and assign a sequential number
17 to the purchase order,

18 c. if there is an unencumbered balance in the
19 appropriation made for that purpose by the county
20 excise board, the county clerk shall so certify in the
21 following form:

22 "I hereby certify that the amount of this encumbrance
23 has been entered against the designated appropriation
24

1 accounts and that this encumbrance is within the
2 authorized available balance of said appropriation.

3 Dated this _____ day of _____, 20__.

4 _____
5 County Clerk/Deputy
6 of _____ County."

7 In instances where it is impossible to ascertain the
8 exact amount of the indebtedness sought to be incurred
9 at the time of recording the encumbrance, an estimated
10 amount may be used. No purchase order shall be valid
11 unless signed by the county purchasing agent and
12 certified by the county clerk, and

- 13 d. the county clerk shall file the original purchase
14 order and return three copies to the county purchasing
15 agent who shall file a copy, retain a copy for the
16 county road and bridge inventory officer if the
17 purchase order is for the purchase of equipment,
18 supplies, or materials for the construction or
19 maintenance of roads and bridges, and submit the other
20 copy to the receiving officer of the requesting
21 department.

22 2. The procedure for the purchase of supplies, materials and
23 equipment at a public auction when the purchase will be made with
24

1 the proceeds from the sale of county property at the same public
2 auction are as follows:

- 3 a. the purchasing agent shall cause such items being sold
4 to be appraised in the manner determined in Section
5 421.1 of this title,
- 6 b. the county purchasing agent shall prepare a purchase
7 order in quadruplicate and submit it with a copy of
8 the requisition to the county clerk,
- 9 c. the county clerk shall then encumber the amount of the
10 appraised value and any additional funds obligated by
11 the county on the purchase order and assign a
12 sequential number to the purchase order,
- 13 d. the county clerk shall certify that the amount of the
14 encumbrance is equal to the appraised value of the
15 item being sold plus any additional funds obligated by
16 the county. In effect the recording of the
17 encumbrance is an estimate that is authorized by law.
18 No purchase order shall be valid unless signed by the
19 county purchasing agent and certified by the county
20 clerk,
- 21 e. the county clerk shall file the original purchase
22 order and return three copies to the county purchasing
23 agent who shall file a copy, retain a copy for the
24 county road and bridge inventory officer if the

1 purchase order is for the purchase of equipment,
2 supplies or materials for the construction or
3 maintenance of roads and bridges, and submit the other
4 copy to the receiving officer of the requesting
5 department, and

6 f. a purchase shall not be bid until such time that the
7 appraised item or items are sold. Any item or items
8 purchased shall not exceed the appraised value plus
9 any additional funds obligated by the county or the
10 actual selling price of the item or items, whichever
11 is the lesser amount.

12 E. The procedure for the receipt of items shall be as follows:

13 1. A receiving officer for the requesting department shall be
14 responsible for receiving all items delivered to that department;

15 2. Upon the delivery of an item, the receiving officer shall
16 determine if a purchase order exists for the item being delivered;

17 3. If no such purchase order has been provided, the receiving
18 officer shall refuse delivery of the item;

19 4. If a purchase order is on file, the receiving officer shall
20 obtain a delivery ticket, bill of lading, or other delivery document
21 and compare it with the purchase order. If any item is back-
22 ordered, the back order and estimated date of delivery shall be
23 noted in the receiving report;
24

1 5. The receiving officer shall complete a receiving report in
2 quadruplicate which shall state the quantity and quality of goods
3 delivered. The receiving report form shall be prescribed by the
4 State Auditor and Inspector. The person delivering the goods shall
5 acknowledge the delivery by signature, noting the date and time;

6 6. The receiving officer shall file the original receiving
7 report and submit:

8 a. a copy of the purchase order and a copy of the
9 receiving report to the county purchasing agent, and

10 b. a copy of the receiving report with the delivery
11 documentation to the county clerk;

12 7. The county purchasing agent shall file a copy of the
13 purchase order and a copy of the receiving report;

14 8. Upon receipt of the original receiving report and the
15 delivery documentation, the county clerk shall maintain a file until
16 such time as an invoice is received from the vendor;

17 9. The invoice shall state the name and address of the vendor
18 and must be sufficiently itemized to clearly describe each item
19 purchased, the unit price when applicable, the number or volume of
20 each item purchased, the total price, the total purchase price, and
21 the date of the purchase;

22 10. Upon receipt of an invoice, the county clerk shall compare
23 the following documents:

24 a. requisition,

1 b. purchase order,

2 c. invoice with noncollusion affidavit as required by
3 law,

4 d. receiving report, and

5 e. delivery document.

6 The documents shall be available for public inspection during
7 regular business hours; and

8 11. If the documents conform as to the quantity and quality of
9 the items, the county clerk shall prepare a warrant for payment
10 according to procedures provided for by law.

11 F. The following procedures are for the processing of purchase
12 orders:

13 1. The purchasing agent shall be allowed up to three (3) days
14 to process purchase orders to be presented to the board of county
15 commissioners for consideration and payment. Nothing herein shall
16 prevent the purchasing agent from processing or the board of county
17 commissioners from consideration and payment of utilities, travel
18 claims and payroll claims;

19 2. The board of county commissioners shall consider the
20 purchase orders so presented and act upon the purchase orders, by
21 allowing in full or in part or by holding for further information or
22 disallowing the same. The disposition of purchase orders shall be
23 indicated by the board of county commissioners, showing the amounts
24 allowed or disallowed and shall be signed by at least two members of

1 the board of county commissioners. Any claim held over for further
2 information shall be acted upon by allowing or disallowing same at
3 any future meeting of the board held within seventy-five (75) days
4 from the date of filing of the purchase order. Any purchase order
5 not acted upon within the seventy-five (75) days from the date of
6 filing shall be deemed to have been disallowed, but such
7 disallowance shall not prevent the refiling of the purchase order at
8 the proper time; and

9 3. Whenever any allowance, either in whole or in part, is made
10 upon any purchase order presented to the board of county
11 commissioners and is accepted by the person making the claim, such
12 allowance shall be a full settlement of the entire purchase order
13 and provided that the cashing of warrant shall be considered as
14 acceptance by the claimant.

15 G. The procedure upon consumption or disposal of supplies,
16 materials, or equipment shall be as follows:

17 1. For consumable road or bridge items or materials, a
18 quarterly report of the road and bridge projects completed during
19 such period shall be prepared and kept on file by the consuming
20 department. The quarterly report may be prepared and kept
21 electronically by the consuming department. The report shall
22 contain a record of the date, the place, and the purpose for the use
23 of the road or bridge items or materials. For purposes of
24

1 identifying county bridges, the board of county commissioners shall
2 number each bridge subject to its jurisdiction; and

3 2. For disposal of all equipment and information technology and
4 telecommunication goods which originally cost more than Five Hundred
5 Dollars (\$500.00), resolution of disposal shall be submitted by the
6 officer on a form prescribed by the State Auditor and Inspector's
7 Office to the board of county commissioners. The approval of the
8 resolution of disposal shall be entered into the minutes of the
9 board.

10 H. Inventory forms and reports shall be retained for not less
11 than two (2) years after all audit requirements for the state and
12 federal government have been fulfilled and after any pending
13 litigation involving the forms and reports has been resolved.

14 I. The procedures provided for in this section shall not apply
15 when a county officer certifies that an emergency exists requiring
16 an immediate expenditure of funds. Such an expenditure of funds
17 shall not exceed Five Thousand Dollars (\$5,000.00). The county
18 officer shall give the county purchasing agent a written explanation
19 of the emergency. The county purchasing agent shall attach the
20 written explanation to the purchase order. The purchases shall be
21 paid by attaching a properly itemized invoice, as described in this
22 section, to a purchase order which has been prepared by the county
23 purchasing agent and submitting them to the county clerk for filing,

24

1 encumbering, and consideration for payment by the board of county
2 commissioners.

3 J. The county purchasing agent may authorize county purchasing
4 officers to make acquisitions through the state purchase card
5 program as authorized by the State Purchasing Director in accordance
6 with Section 85.5 of Title 74 of the Oklahoma Statutes and defined
7 in Section 85.2 of Title 74 of the Oklahoma Statutes. Purchase
8 cardholders shall sign a purchase card agreement prior to becoming a
9 cardholder and attend purchase card procedure training as required
10 by the State Purchasing Director. Complete descriptions of
11 purchases made by county government entities shall be published
12 through the state transparency portal pursuant to Section 85.33B of
13 Title 74 of the Oklahoma Statutes, and as warrants required to be
14 published pursuant to Sections 444 and 445 of this title.

15 K. Nothing in this section shall prohibit counties from
16 providing material ~~or service~~ and/or services bids on the twelve-
17 month bid list to all road and bridge projects and contracts. All
18 non-road and bridge related construction contracts shall refer to
19 subsection A of Section 103 of Title 61 of the Oklahoma Statutes.

20 SECTION 15. REPEALER 19 O.S. 2011, Section 1505, as last
21 amended by Section 1, Chapter 107, O.S.L. 2018 (19 O.S. Supp. 2018,
22 Section 1505), is hereby repealed.

1 SECTION 16. AMENDATORY 21 O.S. 2011, Section 1277, as
2 last amended by Section 1, Chapter 247, O.S.L. 2018 (21 O.S. Supp.
3 2018, Section 1277), is amended to read as follows:

4 Section 1277.

5 UNLAWFUL CARRY IN CERTAIN PLACES

6 A. It shall be unlawful for any person in possession of a valid
7 handgun license issued pursuant to the provisions of the Oklahoma
8 Self-Defense Act to carry any concealed or unconcealed handgun into
9 any of the following places:

10 1. Any structure, building, or office space which is owned or
11 leased by a city, town, county, state or federal governmental
12 authority for the purpose of conducting business with the public;

13 2. Any courthouse, courtroom, prison, jail, detention facility
14 or any facility used to process, hold or house arrested persons,
15 prisoners or persons alleged delinquent or adjudicated delinquent,
16 except as provided in Section 21 of Title 57 of the Oklahoma
17 Statutes;

18 3. Any public or private elementary or public or private
19 secondary school, except as provided in subsections C and D of this
20 section;

21 4. Any publicly owned or operated sports arena or venue during
22 a professional sporting event, unless allowed by the event holder;

23 5. Any place where gambling is authorized by law, unless
24 allowed by the property owner; and

1 6. Any other place specifically prohibited by law.

2 B. For purposes of subsection A of this section, the prohibited
3 place does not include and specifically excludes the following
4 property:

5 1. Any property set aside for the use or parking of any
6 vehicle, whether attended or unattended, by a city, town, county,
7 state or federal governmental authority;

8 2. Any property set aside for the use or parking of any
9 vehicle, whether attended or unattended, which is open to the
10 public, or by any entity engaged in gambling authorized by law;

11 3. Any property adjacent to a structure, building or office
12 space in which concealed or unconcealed weapons are prohibited by
13 the provisions of this section;

14 4. Any property designated by a city, town, county or state
15 governmental authority as a park, recreational area, wildlife
16 refuge, wildlife management area or fairgrounds; provided, nothing
17 in this paragraph shall be construed to authorize any entry by a
18 person in possession of a concealed or unconcealed handgun into any
19 structure, building or office space which is specifically prohibited
20 by the provisions of subsection A of this section; and

21 5. Any property set aside by a public or private elementary or
22 secondary school for the use or parking of any vehicle, whether
23 attended or unattended; provided, however, the handgun shall be
24

1 stored and hidden from view in a locked motor vehicle when the motor
2 vehicle is left unattended on school property.

3 Nothing contained in any provision of this subsection or
4 subsection C of this section shall be construed to authorize or
5 allow any person in control of any place described in subsection A
6 of this section to establish any policy or rule that has the effect
7 of prohibiting any person in lawful possession of a handgun license
8 from possession of a handgun allowable under such license in places
9 described in this subsection.

10 C. A concealed or unconcealed weapon may be carried onto
11 private school property or in any school bus or vehicle used by any
12 private school for transportation of students or teachers by a
13 person who is licensed pursuant to the Oklahoma Self-Defense Act,
14 provided a policy has been adopted by the governing entity of the
15 private school that authorizes the carrying and possession of a
16 weapon on private school property or in any school bus or vehicle
17 used by a private school. Except for acts of gross negligence or
18 willful or wanton misconduct, a governing entity of a private school
19 that adopts a policy which authorizes the possession of a weapon on
20 private school property, a school bus or vehicle used by the private
21 school shall be immune from liability for any injuries arising from
22 the adoption of the policy. The provisions of this subsection shall
23 not apply to claims pursuant to the Administrative Workers'
24 Compensation Act.

1 D. Notwithstanding paragraph 3 of subsection A of this section,
2 a board of education of a school district may adopt a policy
3 pursuant to Section 5-149.2 of Title 70 of the Oklahoma Statutes to
4 authorize the carrying of a handgun onto school property by school
5 personnel specifically designated by the board of education,
6 provided such personnel either:

7 1. Possess a valid armed security guard license as provided for
8 in Section 1750.1 et seq. of Title 59 of the Oklahoma Statutes; or

9 2. Hold a valid reserve peace officer certification as provided
10 for in Section 3311 of Title 70 of the Oklahoma Statutes.

11 Nothing in this subsection shall be construed to restrict authority
12 granted elsewhere in law to carry firearms.

13 E. Any person violating the provisions of paragraph 2 or 3 of
14 subsection A of this section shall, upon conviction, be guilty of a
15 misdemeanor punishable by a fine not to exceed Two Hundred Fifty
16 Dollars (\$250.00). A person violating any other provision of
17 subsection A of this section may be denied entrance onto the
18 property or removed from the property. If the person refuses to
19 leave the property and a peace officer is summoned, the person may
20 be issued a citation for an amount not to exceed Two Hundred Fifty
21 Dollars (\$250.00).

22 F. No person in possession of a valid handgun license issued
23 pursuant to the provisions of the Oklahoma Self-Defense Act shall be
24 authorized to carry the handgun into or upon any college, university

1 or technology center school property, except as provided in this
2 subsection. For purposes of this subsection, the following property
3 shall not be construed as prohibited for persons having a valid
4 handgun license:

5 1. Any property set aside for the use or parking of any motor
6 vehicle, whether attended or unattended, provided the handgun is
7 carried or stored as required by law and the handgun is not removed
8 from the motor vehicle without the prior consent of the college or
9 university president or technology center school administrator while
10 the vehicle is on any college, university or technology center
11 school property;

12 2. Any property authorized for possession or use of handguns by
13 college, university or technology center school policy; and

14 3. Any property authorized by the written consent of the
15 college or university president or technology center school
16 administrator, provided the written consent is carried with the
17 handgun and the valid handgun license while on college, university
18 or technology center school property.

19 The college, university or technology center school may notify
20 the Oklahoma State Bureau of Investigation within ten (10) days of a
21 violation of any provision of this subsection by a licensee. Upon
22 receipt of a written notification of violation, the Bureau shall
23 give a reasonable notice to the licensee and hold a hearing. At the
24 hearing, upon a determination that the licensee has violated any

1 provision of this subsection, the licensee may be subject to an
2 administrative fine of Two Hundred Fifty Dollars (\$250.00) and may
3 have the handgun license suspended for three (3) months.

4 Nothing contained in any provision of this subsection shall be
5 construed to authorize or allow any college, university or
6 technology center school to establish any policy or rule that has
7 the effect of prohibiting any person in lawful possession of a
8 handgun license from possession of a handgun allowable under such
9 license in places described in paragraphs 1, 2 and 3 of this
10 subsection. Nothing contained in any provision of this subsection
11 shall be construed to limit the authority of any college, university
12 or technology center school in this state from taking administrative
13 action against any student for any violation of any provision of
14 this subsection.

15 G. The provisions of this section shall not apply to the
16 following:

17 1. Any peace officer or any person authorized by law to carry a
18 pistol in the course of employment;

19 2. District judges, associate district judges and special
20 district judges, who are in possession of a valid handgun license
21 issued pursuant to the provisions of the Oklahoma Self-Defense Act
22 and whose names appear on a list maintained by the Administrative
23 Director of the Courts, when acting in the course and scope of
24 employment within the courthouses of this state;

1 3. Private investigators with a firearms authorization when
2 acting in the course and scope of employment;

3 4. Elected officials of a county, who are in possession of a
4 valid handgun license issued pursuant to the provisions of the
5 Oklahoma Self-Defense Act, may carry a concealed handgun when acting
6 in the performance of their duties within the courthouses of the
7 county in which he or she was elected. The provisions of this
8 paragraph shall not allow the elected county official to carry the
9 handgun into a courtroom;

10 5. The sheriff of any county may authorize certain employees of
11 the county, who possess a valid handgun license issued pursuant to
12 the provisions of the Oklahoma Self-Defense Act, to carry a
13 concealed handgun when acting in the course and scope of employment
14 within the courthouses in the county in which the person is
15 employed. Nothing in ~~this act~~ the Oklahoma Self-Defense Act shall
16 prohibit the sheriff from requiring additional instruction or
17 training before receiving authorization to carry a concealed handgun
18 within the courthouse. The provisions of this paragraph and of
19 paragraph 6 of this subsection shall not allow the county employee
20 to carry the handgun into a courtroom, sheriff's office, adult or
21 juvenile jail or any other prisoner detention area; and

22 6. The board of county commissioners of any county may
23 authorize certain employees of the county, who possess a valid
24 handgun license issued pursuant to the provisions of the Oklahoma

1 Self-Defense Act, to carry a concealed handgun when acting in the
2 course and scope of employment on county annex facilities or grounds
3 surrounding the county courthouse.

4 H. For the purposes of this section, "motor vehicle" means any
5 automobile, truck, minivan ~~or~~, sports utility vehicle or motorcycle
6 as defined in Section 1-135 of Title 47 of the Oklahoma Statutes,
7 equipped with a locked accessory container within or affixed to the
8 motorcycle.

9 SECTION 17. REPEALER 21 O.S. 2011, Section 1277, as last
10 amended by Section 8, Chapter 304, O.S.L. 2018 (21 O.S. Supp. 2018,
11 Section 1277), is hereby repealed.

12 SECTION 18. AMENDATORY 22 O.S. 2011, Section 988.18, as
13 amended by Section 6, Chapter 128, O.S.L. 2018 (22 O.S. Supp. 2018,
14 Section 988.18), is amended to read as follows:

15 Section 988.18. A. On and after March 1, 2000, for each felony
16 offender considered for any community punishment pursuant to the
17 Oklahoma Community Sentencing Act, the judge shall, prior to
18 sentencing, order an assessment and evaluation of the defendant as
19 required by law. The judge may determine that no additional
20 assessment is required if one was completed within the last six (6)
21 months.

22 B. The risk and needs assessment and evaluation instrument
23 designed to predict risk to recidivate approved by the Department of
24 Corrections, shall be required to determine eligibility for any

1 offender sentenced pursuant to the Oklahoma Community Sentencing
2 Act. The completed assessment accompanied by a written supervision
3 plan shall be presented to and reviewed by the court prior to
4 determining any punishment for the offense. The purpose of the
5 assessment shall be to identify the extent of the deficiencies and
6 pro-social needs of the defendant, the potential risk to commit
7 additional offenses that threaten public safety, and the
8 appropriateness of various community punishments.

9 C. Upon order of the court, the defendant shall be required to
10 submit to the risk and needs assessment which shall be administered
11 and scored by an appropriately trained person pursuant to a service
12 agreement with the local community sentencing system. Any defendant
13 lacking sufficient skills to comprehend or otherwise participate in
14 the assessment and evaluation shall have appropriate assistance. If
15 it is determined that the offender cannot be adequately evaluated
16 using the risk and needs assessment, the offender shall be deemed
17 ineligible for any community services pursuant to the Oklahoma
18 Community Sentencing Act, and shall be sentenced as prescribed by
19 law for the offense.

20 D. The willful failure or refusal of the defendant to be
21 assessed and evaluated by using the risk and needs assessment shall
22 preclude the defendant from eligibility for any community
23 punishment.
24

1 E. The completed risk and needs assessment, shall include a
2 written supervision plan and identify an appropriate community
3 punishment, if any, when the offender is considered eligible for
4 community punishments based upon the completed risk/need score from
5 the risk and needs assessment of the offender. Unless otherwise
6 prohibited by law, only eligible offenders, as defined in Section
7 988.2 of this title, shall be eligible for any state-funded
8 community punishments.

9 F. The court is not required to sentence any offender to a
10 community punishment regardless of an eligible score on the risk and
11 needs assessment. Any felony offender scoring in the low risk/need
12 levels on the risk and needs assessment may be sentenced to a
13 suspended sentence with minimal, if any, conditions of the sentence
14 to be paid by the offender. If the risk and needs assessment has
15 been conducted, the evaluation report shall accompany the judgment
16 and sentence, provided the risk and needs assessment indicates the
17 offender is in need of this level of supervision and treatment.

18 SECTION 19. REPEALER 22 O.S. 2011, Section 988.18, as
19 amended by Section 1, Chapter 85, O.S.L. 2018 (22 O.S. Supp. 2018,
20 Section 988.18), is hereby repealed.

21 SECTION 20. AMENDATORY Section 3, Chapter 366, O.S.L.
22 2016, as last amended by Section 13, Chapter 304, O.S.L. 2018 (37A
23 O.S. Supp. 2018, Section 1-103), is amended to read as follows:
24

1 Section 1-103. As used in the Oklahoma Alcoholic Beverage
2 Control Act:

3 1. "ABLE Commission" or "Commission" means the Alcoholic
4 Beverage Laws Enforcement Commission;

5 2. "Alcohol" means and includes hydrated oxide of ethyl, ethyl
6 alcohol, ethanol or spirits of wine, from whatever source or by
7 whatever process produced. It does not include wood alcohol or
8 alcohol which has been denatured or produced as denatured in
9 accordance with Acts of Congress and regulations promulgated
10 thereunder;

11 3. "Alcoholic beverage" means alcohol, spirits, beer and wine
12 as those terms are defined herein and also includes every liquid or
13 solid, patented or not, containing alcohol, spirits, wine or beer
14 and capable of being consumed as a beverage by human beings;

15 4. "Applicant" means any individual, legal or commercial
16 business entity, or any individual involved in any legal or
17 commercial business entity allowed to hold any license issued in
18 accordance with the Oklahoma Alcoholic Beverage Control Act;

19 5. "Beer" means any beverage of alcohol by volume and obtained
20 by the alcoholic fermentation of an infusion or decoction of barley,
21 or other grain, malt or similar products. "Beer" may or may not
22 contain hops or other vegetable products. "Beer" includes, among
23 other things, beer, ale, stout, lager beer, porter and other malt or
24

1 brewed liquors, but does not include sake, known as Japanese rice
2 wine;

3 6. "Beer keg" means any manufacturer-sealed, single container
4 that contains not less than four (4) gallons of beer;

5 7. "Beer distributor" means and includes any person licensed to
6 distribute beer for retail sale in the state, but does not include a
7 holder of a small brewer self-distribution license or brewpub self-
8 distribution license. The term "distributor", as used in ~~this act~~
9 the Oklahoma Alcoholic Beverage Control Act, shall be construed to
10 refer to a beer distributor;

11 8. "Bottle club" means any establishment in a county which has
12 not authorized the retail sale of alcoholic beverages by the
13 individual drink, which is required to be licensed to keep, mix and
14 serve alcoholic beverages belonging to club members on club
15 premises;

16 9. "Brand" means any word, name, group of letters, symbol or
17 combination thereof, that is adopted and used by a licensed
18 manufacturer to identify a specific beer and to distinguish that
19 product from another beer;

20 10. "Brand extension" means:

21 a. ~~after the effective date of this act~~ October 1, 2018,
22 any brand of beer or cider introduced by a
23 manufacturer in this state which either:
24

1 (1) incorporates all or a substantial part of the
2 unique features of a preexisting brand of the
3 same licensed manufacturer, or

4 (2) relies to a significant extent on the goodwill
5 associated with the preexisting brand, or

6 b. any brand of beer that a manufacturer, the majority of
7 whose total volume of all brands of beer distributed
8 in this state by such manufacturer on January 1, 2016,
9 was distributed as low-point beer, desires to sell,
10 introduces, begins selling or theretofore has sold and
11 desires to continue selling a strong beer in this
12 state which either:

13 (1) incorporates or incorporated all or a substantial
14 part of the unique features of a preexisting low-
15 point beer brand of the same licensed
16 manufacturer, or

17 (2) relies or relied to a significant extent on the
18 goodwill associated with a preexisting low-point
19 beer brand;

20 11. "Brewer" means and includes any person who manufactures for
21 human consumption by the use of raw materials or other ingredients
22 any beer upon which a license fee and a tax are imposed by any law
23 of this state;

1 12. "Brewpub" means a licensed establishment operated on the
2 premises of, or on premises located contiguous to, a small brewer,
3 that prepares and serves food and beverages, including alcoholic
4 beverages, for on-premises consumption;

5 13. "Cider" means any alcoholic beverage obtained by the
6 alcoholic fermentation of fruit juice, including but not limited to
7 flavored, sparkling or carbonated cider. For the purposes of the
8 distribution of this product, cider may be distributed by either
9 wine and spirits wholesalers or beer distributors;

10 14. "Convenience store" means any person primarily engaged in
11 retailing a limited range of general household items and groceries,
12 with extended hours of operation, whether or not engaged in retail
13 sales of automotive fuels in combination with such sales;

14 15. "Convicted" and "conviction" mean and include a finding of
15 guilt resulting from a plea of guilty or nolo contendere, the
16 decision of a court or magistrate or the verdict of a jury,
17 irrespective of the pronouncement of judgment or the suspension
18 thereof;

19 16. "Director" means the Director of the ABLE Commission;

20 17. "Distiller" means any person who produces spirits from any
21 source or substance, or any person who brews or makes mash, wort or
22 wash, fit for distillation or for the production of spirits (except
23 a person making or using such material in the authorized production
24 of wine or beer, or the production of vinegar by fermentation), or

1 any person who by any process separates alcoholic spirits from any
2 fermented substance, or any person who, making or keeping mash, wort
3 or wash, has also in his or her possession or use a still;

4 18. "Distributor agreement" means the written agreement between
5 the distributor and manufacturer as set forth in Section 3-108 of
6 this title;

7 19. "Drug store" means a person primarily engaged in retailing
8 prescription and nonprescription drugs and medicines;

9 20. "Dual-strength beer" means a brand of beer that,
10 immediately prior to April 15, 2017, was being sold and distributed
11 in this state:

12 a. as a low-point beer pursuant to the Low-Point Beer
13 Distribution Act in effect immediately prior to ~~the~~
14 ~~effective date of this act~~ October 1, 2018, and

15 b. as strong beer pursuant to the Alcoholic Beverage
16 Control Act in effect immediately prior to ~~the~~
17 ~~effective date of this act~~ October 1, 2018,

18 and continues to be sold and distributed as such on October 1, 2018.
19 Dual-strength beer does not include a brand of beer that arose as a
20 result of a brand extension as defined in this section;

21 21. "Fair market value" means the value in the subject
22 territory covered by the written agreement with the distributor or
23 wholesaler that would be determined in an arm's length transaction
24 entered into without duress or threat of termination of the

1 distributor's or wholesaler's rights and shall include all elements
2 of value, including goodwill and going-concern value;

3 22. "Good cause" means:

4 a. failure by the distributor to comply with the material
5 and reasonable provisions of a written agreement or
6 understanding with the manufacturer, or

7 b. failure by the distributor to comply with the duty of
8 good faith;

9 23. "Good faith" means the duty of each party to any
10 distributor agreement and all officers, employees or agents thereof
11 to act with honesty in fact and within reasonable standards of fair
12 dealing in the trade;

13 24. "Grocery store" means a person primarily engaged in
14 retailing a general line of food, such as canned or frozen foods,
15 fresh fruits and vegetables, and fresh and prepared meats, fish and
16 poultry;

17 25. "Hotel" or "motel" means an establishment which is licensed
18 to sell alcoholic beverages by the individual drink and which
19 contains guestroom accommodations with respect to which the
20 predominant relationship existing between the occupants thereof and
21 the owner or operator of the establishment is that of innkeeper and
22 guest. For purposes of this section, the existence of other legal
23 relationships as between some occupants and the owner or operator
24 thereof shall be immaterial;

1 26. "Legal newspaper" means a newspaper meeting the requisites
2 of a newspaper for publication of legal notices as prescribed in
3 Sections 101 through 114 of Title 25 of the Oklahoma Statutes;

4 27. "Licensee" means any person holding a license under the
5 Oklahoma Alcoholic Beverage Control Act, and any agent, servant or
6 employee of such licensee while in the performance of any act or
7 duty in connection with the licensed business or on the licensed
8 premises;

9 28. "Low-point beer" shall mean any beverages containing more
10 than one-half of one percent (1/2 of 1%) alcohol by volume, and not
11 more than three and two-tenths percent (3.2%) alcohol by weight,
12 including but not limited to, beer or cereal malt beverages obtained
13 by the alcoholic fermentation of an infusion by barley or other
14 grain, malt or similar products;

15 29. "Manufacturer" means a brewer, distiller, winemaker,
16 rectifier or bottler of any alcoholic beverage and its subsidiaries,
17 affiliates and parent companies;

18 30. "Manufacturer's agent" means a salaried or commissioned
19 salesperson who is the agent authorized to act on behalf of the
20 manufacturer or nonresident seller in the state;

21 31. "Meals" means foods commonly ordered at lunch or dinner and
22 at least part of which is cooked on the licensed premises and
23 requires the use of dining implements for consumption. Provided,
24

1 that the service of only food such as appetizers, sandwiches, salads
2 or desserts shall not be considered "meals";

3 32. "Mini-bar" means a closed container, either refrigerated in
4 whole or in part, or nonrefrigerated, and access to the interior of
5 which is:

- 6 a. restricted by means of a locking device which requires
- 7 the use of a key, magnetic card or similar device, or
- 8 b. controlled at all times by the licensee;

9 33. "Mixed beverage cooler" means any beverage, by whatever
10 name designated, consisting of an alcoholic beverage and fruit or
11 vegetable juice, fruit or vegetable flavorings, dairy products or
12 carbonated water containing more than one-half of one percent (1/2
13 of 1%) of alcohol measured by volume but not more than seven percent
14 (7%) alcohol by volume at sixty (60) degrees Fahrenheit and which is
15 packaged in a container not larger than three hundred seventy-five
16 (375) milliliters. Such term shall include but not be limited to
17 the beverage popularly known as a "wine cooler";

18 34. "Mixed beverages" means one or more servings of a beverage
19 composed in whole or part of an alcoholic beverage in a sealed or
20 unsealed container of any legal size for consumption on the premises
21 where served or sold by the holder of a mixed beverage, beer and
22 wine, caterer, public event, charitable event or special event
23 license;

1 35. "Motion picture theater" means an establishment which is
2 licensed by Section 2-110 of this title to sell alcoholic beverages
3 by the individual drink and where motion pictures are exhibited, and
4 to which the general public is admitted;

5 36. "Nonresident seller" means any person licensed pursuant to
6 Section 2-135 of this title;

7 37. "Retail salesperson" means a salesperson soliciting orders
8 from and calling upon retail alcoholic beverage stores with regard
9 to his or her product;

10 38. "Occupation" as used in connection with "occupation tax"
11 means the sites occupied as the places of business of the
12 manufacturers, wholesalers, beer distributors, retailers, mixed
13 beverage licensees, on-premises beer and wine licensees, bottle
14 clubs, caterers, public event and special event licensees;

15 39. "Original package" means any container of alcoholic
16 beverage filled and stamped or sealed by the manufacturer;

17 40. "Package store" means any sole proprietor or partnership
18 that qualifies to sell wine, beer and/or spirits for off-premise
19 consumption and that is not a grocery store, convenience store or
20 drug store, or other retail outlet that is not permitted to sell
21 wine or beer for off-premise consumption;

22 41. "Patron" means any person, customer or visitor who is not
23 employed by a licensee or who is not a licensee;

1 42. "Person" means an individual, any type of partnership,
2 corporation, association, limited liability company or any
3 individual involved in the legal structure of any such business
4 entity;

5 43. "Premises" means the grounds and all buildings and
6 appurtenances pertaining to the grounds including any adjacent
7 premises if under the direct or indirect control of the licensee and
8 the rooms and equipment under the control of the licensee and used
9 in connection with or in furtherance of the business covered by a
10 license. Provided that the ABLE Commission shall have the authority
11 to designate areas to be excluded from the licensed premises solely
12 for the purpose of:

- 13 a. allowing the presence and consumption of alcoholic
14 beverages by private parties which are closed to the
15 general public, or
- 16 b. allowing the services of a caterer serving alcoholic
17 beverages provided by a private party.

18 This exception shall in no way limit the licensee's concurrent
19 responsibility for any violations of the Oklahoma Alcoholic Beverage
20 Control Act occurring on the licensed premises;

21 44. "Private event" means a social gathering or event attended
22 by invited guests who share a common cause, membership, business or
23 task and have a prior established relationship. For purposes of
24 this definition, advertisement for general public attendance or

1 sales of tickets to the general public shall not constitute a
2 private event;

3 45. "Public event" means any event that can be attended by the
4 general public;

5 46. "Rectifier" means any person who rectifies, purifies or
6 refines spirits or wines by any process (other than by original and
7 continuous distillation, or original and continuous processing, from
8 mash, wort, wash or other substance, through continuous closed
9 vessels and pipes, until the production thereof is complete), and
10 any person who, without rectifying, purifying or refining spirits,
11 shall by mixing (except for immediate consumption on the premises
12 where mixed) such spirits, wine or other liquor with any material,
13 manufactures any spurious, imitation or compound liquors for sale,
14 under the name of whiskey, brandy, rum, gin, wine, spirits, cordials
15 or any other name;

16 47. "Regulation" or "rule" means a formal rule of general
17 application promulgated by the ABLE Commission as herein required;

18 48. "Restaurant" means an establishment that is licensed to
19 sell alcoholic beverages by the individual drink for on-premises
20 consumption and where food is prepared and sold for immediate
21 consumption on the premises;

22 49. "Retail container for spirits and wines" means an original
23 package of any capacity approved by the United States Bureau of
24 Alcohol, Tobacco and Firearms;

1 50. "Retailer" means a package store, grocery store,
2 convenience store or drug store licensed to sell alcoholic beverages
3 for off-premise consumption pursuant to a Retail Spirits License,
4 Retail Wine License or Retail Beer License;

5 51. "Sale" means any transfer, exchange or barter in any manner
6 or by any means whatsoever, and includes and means all sales made by
7 any person, whether as principal, proprietor or as an agent, servant
8 or employee. The term "sale" is also declared to be and include the
9 use or consumption in this state of any alcoholic beverage obtained
10 within or imported from without this state, upon which the excise
11 tax levied by the Oklahoma Alcoholic Beverage Control Act has not
12 been paid or exempted;

13 52. "Short-order food" means food other than full meals
14 including but not limited to sandwiches, soups and salads. Provided
15 that popcorn, chips and other similar snack food shall not be
16 considered "short-order food";

17 53. "Small brewer" means a brewer who manufactures ~~less than~~
18 ~~twenty-five thousand (25,000)~~ sixty-five thousand (65,000) barrels
19 of beer annually pursuant to a validly issued Small Brewer License
20 hereunder;

21 54. "Small farm wine" means a wine that is produced by a small
22 farm winery with seventy-five percent (75%) or more Oklahoma-grown
23 grapes, berries, other fruits, honey or vegetables;

1 55. "Small farm winery" means a wine-making establishment that
2 does not annually produce for sale more than fifteen thousand
3 (15,000) gallons of wine as reported on the United States Department
4 of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, Report of
5 Wine Premises Operations (TTB Form 5120.17);

6 56. "Sparkling wine" means champagne or any artificially
7 carbonated wine;

8 57. "Special event" means an entertainment, recreation or
9 marketing event that occurs at a single location on an irregular
10 basis and at which alcoholic beverages are sold;

11 58. "Spirits" means any beverage other than wine or beer, which
12 contains more than one-half of one percent (1/2 of 1%) alcohol
13 measured by volume, and obtained by distillation, whether or not
14 mixed with other substances in solution and includes those products
15 known as whiskey, brandy, rum, gin, vodka, liqueurs, cordials and
16 fortified wines and similar compounds, but shall not include any
17 alcohol liquid completely denatured in accordance with the Acts of
18 Congress and regulations pursuant thereto;

19 59. "Strong beer" means beer which, prior to ~~the effective date~~
20 ~~of this act~~ October 1, 2018, was distributed pursuant to the
21 Oklahoma Alcoholic Beverage Control Act, Section 501 et seq. of
22 Title 37 of the Oklahoma Statutes;

1 60. "Successor manufacturer" means a primary source of supply,
2 a brewer, a cider manufacturer or an importer that acquires rights
3 to a beer or cider brand from a predecessor manufacturer;

4 61. "Tax Commission" means the Oklahoma Tax Commission;

5 62. "Territory" means a geographic region with a specified
6 boundary;

7 63. "Wine and spirits wholesaler" or "wine and spirits
8 distributor" means and includes any sole proprietorship or
9 partnership licensed to distribute wine and spirits in the state.
10 The term "wholesaler", as used in ~~this act~~ the Oklahoma Alcoholic
11 Beverage Control Act, shall be construed to refer to a wine and
12 spirits wholesaler; and

13 64. "Wine" means and includes any beverage containing more than
14 one-half of one percent (1/2 of 1%) alcohol by volume and not more
15 than twenty-four percent (24%) alcohol by volume at sixty (60)
16 degrees Fahrenheit obtained by the fermentation of the natural
17 contents of fruits, vegetables, honey, milk or other products
18 containing sugar, whether or not other ingredients are added, and
19 includes vermouth and sake, known as Japanese rice wine.

20 Words in the plural include the singular, and vice versa, and
21 words imparting the masculine gender include the feminine, as well
22 as persons and licensees as defined in this section.
23
24

SECTION 21. REPEALER Section 3, Chapter 366, O.S.L.

2016, as last amended by Section 1, Chapter 206, O.S.L. 2018 (37A O.S. Supp. 2018, Section 1-103), is hereby repealed.

SECTION 22. AMENDATORY 47 O.S. 2011, Section 151, as last amended by Section 1, Chapter 97, O.S.L. 2018 (47 O.S. Supp. 2018, Section 151), is amended to read as follows:

Section 151. A. A state agency that owns or leases vehicles shall affix the words "State of Oklahoma" and the name of the department or institution that owns or leases the vehicle in conspicuous letters.

B. 1. In lieu of the provisions of subsection A of this section, Department of Public Safety vehicles used regularly as patrol units shall be distinctively painted black ~~and~~ or white and shall bear the wording "Oklahoma Highway Patrol" on each side of the vehicle in letters of such size as to be easily distinguishable, it being the purpose and intention of the Legislature that said patrol units shall be marked in the future in the same manner as those now in use.

2. The Commissioner of Public Safety may designate colors and markings, in lieu of those authorized by the provisions of this section, for patrol units used for patrol purposes and for selective traffic law enforcement.

C. Oklahoma State Bureau of Narcotics and Dangerous Drugs Control vehicles for use in undercover investigations and Oklahoma

1 State Bureau of Investigation vehicles shall not be subject to the
2 provisions of this section.

3 D. Department of Corrections vehicles designated for use by
4 probation and parole operations and other administrative operations,
5 as approved by the Director of the Department of Corrections, shall
6 not be subject to the provisions of this section.

7 E. Vehicles utilized by CLEET-certified officers or state
8 employees primarily employed in investigative activities may be
9 exempt from the provisions of this section subject to the approval
10 of the State Fleet Manager.

11 F. Oklahoma Military Department vehicles designated for use by
12 the Adjutant General or Assistant Adjutant General in performance of
13 his or her duties and Oklahoma Military Department vehicles
14 designated for use in the State Transition and Reintegration System
15 (STARS) program for tracking youth, as approved by the Adjutant
16 General, shall not be subject to the provisions of this section.

17 G. Office of Juvenile Affairs vehicles designated for use of
18 the Office by the Executive Director of the Office of Juvenile
19 Affairs shall not be subject to the provisions of this section.

20 SECTION 23. REPEALER 47 O.S. 2011, Section 151, as last
21 amended by Section 1, Chapter 102, O.S.L. 2018 (47 O.S. Supp. 2018,
22 Section 151), is hereby repealed.

1 SECTION 24. AMENDATORY 47 O.S. 2011, Section 1135.3, as
2 last amended by Section 1, Chapter 226, O.S.L. 2018 (47 O.S. Supp.
3 2018, Section 1135.3), is amended to read as follows:

4 Section 1135.3. A. The Oklahoma Tax Commission is hereby
5 authorized to design and issue appropriate official special license
6 plates to persons wishing to demonstrate support, interest, or
7 membership to or for an organization, occupation, cause or other
8 subject as provided by this section.

9 Special license plates shall not be transferred to any other
10 person but shall be removed from the vehicle upon transfer of
11 ownership and retained. The special license plate may then be used
12 on another vehicle but only after such other vehicle has been
13 registered for the current year.

14 Special license plates shall be renewed each year by the Tax
15 Commission or a motor license agent, unless authorized by the Tax
16 Commission to be renewed for a period greater than one (1) year.

17 The Tax Commission shall ~~annually~~ notify by mail all persons issued
18 special license plates. The notice shall contain all necessary
19 information and shall contain instructions for the renewal procedure
20 upon presentation to a motor license agent or the Tax Commission.
21 The license plates shall be issued on a staggered system.

22 The Tax Commission is hereby directed to develop and implement a
23 system whereby motor license agents are permitted to accept
24 applications for special license plates authorized under this

1 section. The motor license agent shall confirm the applicant's
2 eligibility, if applicable, collect and deposit any amount
3 specifically authorized by law, accept and process the necessary
4 information directly into such system and generate a receipt
5 accordingly. For performance of these duties, motor license agents
6 shall retain the fee provided in Section 1141.1 of this title for
7 registration of a motor vehicle. The motor license agent fees for
8 acceptance of applications and renewals shall be paid out of the
9 Oklahoma Tax Commission Reimbursement Fund.

10 If fewer than one hundred of any type of special license plates
11 authorized prior to January 1, 2004, are issued prior to January 1,
12 2006, the Tax Commission shall discontinue issuance and renewal of
13 that type of special license plate. Any such authorized special
14 license plate registrant shall be allowed to display the license
15 plate upon the designated vehicle until the registration expiration
16 date. After such time the expired special license plate shall be
17 removed from the vehicle.

18 Except as otherwise provided in ~~this section~~ law, for special
19 license plates authorized on or after July 1, 2004, no special
20 license plates shall be developed or issued by the Tax Commission
21 until the Commission receives one hundred (100) prepaid applications
22 therefor. The prepaid applications must be received by the Tax
23 Commission within one hundred eighty (180) days of the effective
24 date of the authorization or the authority to issue shall be null

1 and void. In the event one hundred (100) prepaid applications are
2 not received by the Tax Commission within such prescribed time
3 period any payment so received shall be refunded accordingly.

4 B. The special license plates provided by this section are as
5 follows:

6 1. Round and Square Dance License Plate - such plates shall be
7 designed and issued to any person wishing to demonstrate support for
8 round and square dancing;

9 2. National Association for the Advancement of Colored People
10 License Plate - such plates shall be designed, subject to the
11 criteria to be presented to the Tax Commission by the NAACP, and
12 issued to any person wishing to demonstrate support for the NAACP;

13 3. National Rifle Association License Plate - such plates shall
14 be designed, subject to the criteria to be presented to the Tax
15 Commission by the National Rifle Association, and issued to any
16 person wishing to demonstrate support for the National Rifle
17 Association;

18 4. Masonic Fraternity License Plate - such plates shall be
19 designed and issued to any resident of this state who is a member of
20 a Masonic Fraternity of Oklahoma. Such persons may apply for a
21 Masonic Fraternity license plate for each vehicle with a rated
22 carrying capacity of one (1) ton or less upon proof of a Masonic
23 Fraternity membership or upon the presentment of an application for
24 a Masonic Fraternity license plate authorized and approved by the

1 Grand Lodge of Oklahoma. The license plates shall be designed in
2 consultation with the Masonic Fraternities of Oklahoma and shall
3 contain the Masonic emblem;

4 5. Shriner's Hospitals for Burned and Crippled Children License
5 Plate - such plates shall be designed to demonstrate support for
6 Shriner's Hospitals for Burned and Crippled Children and shall be
7 issued to any resident of this state who is a member of a Shriner's
8 Temple in Oklahoma. The license plate shall be designed in
9 consultation with the Shriner's Temples in Oklahoma and shall
10 contain the Shriner's emblem;

11 6. Balloonists License Plate - such plates shall be designed
12 and issued to any person wishing to demonstrate support for hot air
13 ballooning in this state;

14 7. Order of the Eastern Star License Plate - such plates shall
15 be designed and issued to any resident of this state who is a member
16 of an Order of the Eastern Star. Such persons may apply for an
17 Order of the Eastern Star license plate for each vehicle with a
18 rated carrying capacity of one (1) ton or less upon proof of an
19 Order of the Eastern Star membership or upon the presentment of an
20 application for an Order of the Eastern Star license plate
21 authorized and approved by the organization. The license plate
22 shall be designed in consultation with the Order of the Eastern Star
23 and shall contain the Order of the Eastern Star emblem;

24

1 8. Knights of Columbus License Plate - such plates shall be
2 designed and issued to any resident of this state who is a member of
3 the Knights of Columbus. Such persons may apply for a Knights of
4 Columbus license plate for each vehicle with a rated carrying
5 capacity of one (1) ton or less upon proof of a Knights of Columbus
6 membership or upon the presentment of an application for a Knights
7 of Columbus license plate authorized and approved by the
8 organization. The license plate shall be designed in consultation
9 with the Knights of Columbus and shall contain the Knights of
10 Columbus emblem;

11 9. Jaycees License Plate - such plates shall be designed and
12 issued to members of the Jaycees. Persons applying for such license
13 plate must show proof of membership in the Jaycees. The license
14 plates shall be designed in consultation with the Jaycees;

15 10. Kiwanis International License Plate - such plates shall be
16 designed and issued to members of Kiwanis International. Persons
17 applying for such license plate must show proof of membership in
18 Kiwanis International. The license plates shall be designed in
19 consultation with Kiwanis International;

20 11. Certified Public Accountants License Plate - such plates
21 shall be designed and issued to any resident of this state who is a
22 Certified Public Accountant. Such persons may apply for a Certified
23 Public Accountant license plate for each vehicle with a rated
24 carrying capacity of one (1) ton or less upon proof of status as a

1 Certified Public Accountant. The license plates shall be designed
2 in consultation with the Oklahoma Society of Certified Public
3 Accountants;

4 12. Civil Emergency Management License Plate - such plates
5 shall be designed and issued to persons wishing to demonstrate
6 support for the state civil emergency management system. Persons
7 applying for such license plate must show proof of official
8 affiliation by presenting a nonexpired proof of employment,
9 affiliation or retirement in the form of an identification card or
10 letter on official letterhead from a municipal, county or state
11 emergency management department head;

12 13. Civilian Conservation Corps License Plate - such plates
13 shall be designed, subject to criteria to be presented to the Tax
14 Commission, by the Civilian Conservation Corps Association, and
15 issued to any person wishing to demonstrate support of the Civilian
16 Conservation Corps;

17 14. Rotarian License Plate - such plates shall be designed and
18 issued to any resident of this state who is a member of a Rotarian
19 Club of Oklahoma. Such persons may apply for a Rotarian license
20 plate for each vehicle with a rated carrying capacity of one (1) ton
21 or less upon proof of a Rotarian Club membership or upon the
22 presentment of an application for a Rotarian license plate
23 authorized and approved by a Rotarian Club of Oklahoma. The license
24

1 plates shall be designed in consultation with the five Rotarian
2 District Governors and shall contain the Rotarian emblem;

3 15. Benevolent Protective Order of Elks License Plate - such
4 plates shall be designed, subject to criteria to be presented to the
5 Tax Commission, by the Benevolent Protective Order of Elks, and
6 issued to any resident of this state who is a member of the
7 Benevolent Protective Order of Elks;

8 16. Humane Society License Plate - such plates shall be
9 designed and issued to any person wishing to demonstrate support for
10 the Humane Society of the United States. The plates shall be issued
11 to any person in any combination of numbers and letters from one to
12 a maximum of seven, as for personalized license plates. The plate
13 shall contain the official Humane Society logo;

14 17. Oklahoma Mustang Club License Plate - such plates shall be
15 designed, subject to criteria to be presented to the Tax Commission,
16 by the Oklahoma Mustang Club, and issued to any resident of this
17 state who is a member of the Oklahoma Mustang Club. Such persons
18 may apply for an Oklahoma Mustang Club license plate upon
19 presentment of proof of membership in the Oklahoma Mustang Club.
20 The plates shall be issued to any person in any combination of
21 numbers and letters from one to a maximum of seven, as for
22 personalized license plates;

23 18. American Business Clubs (AMBUCS) License Plate - such
24 plates shall be designed and issued to members of American Business

1 Clubs. Persons applying for such license plate must show proof of
2 membership in AMBUCS. The license plates shall be designed in
3 consultation with American Business Clubs;

4 19. West Point 200th Anniversary License Plate - such plates
5 shall be designed and issued to any person wishing to commemorate
6 the Two Hundredth Anniversary of the founding of the United States
7 Military Academy at West Point, New York. The license plates shall
8 be designed in consultation with the West Point Society of Central
9 Oklahoma;

10 20. Oklahoma Aquarium License Plate - such plates shall be
11 designed and issued to persons wishing to demonstrate support for
12 the Oklahoma Aquarium. The license plates shall be designed in
13 consultation with the Oklahoma Aquarium;

14 21. The Pride of Broken Arrow License Plate - such plates shall
15 be designed and issued to any person wishing to demonstrate support
16 for The Pride of Broken Arrow marching band. The plates shall be
17 designed in consultation with the Broken Arrow Public School System;

18 22. Fellowship of Christian Athletes License Plate - such
19 plates shall be designed in consultation with the Fellowship of
20 Christian Athletes and issued to members and supporters of the
21 Fellowship of Christian Athletes;

22 23. Parrothead Club License Plate - such plates shall be
23 designed and issued to members and supporters of the Parrothead
24 Club. The license plate shall be issued to any person in any

1 combination of numbers and letters from one to a maximum of seven as
2 for personalized license plates;

3 24. Oklahoma Bicycling Coalition License Plate - such plates
4 shall be designed and issued to any person who is a member of the
5 Oklahoma Bicycling Coalition. The license plates shall be designed
6 in consultation with the Oklahoma Bicycling Coalition;

7 25. Electric Lineman License Plate - such plates shall be
8 designed and issued to persons wishing to demonstrate support for
9 Oklahoma's electric linemen. The license plates shall be designed
10 in consultation with the Oklahoma Electric Superintendent's
11 Association;

12 26. Alpha Kappa Alpha License Plate - such plates shall be
13 designed and issued to any person who is a member of Alpha Kappa
14 Alpha Sorority. The license plates shall be designed in
15 consultation with the Oklahoma Chapter of Alpha Kappa Alpha
16 Sorority;

17 27. The National Pan-Hellenic Council Incorporated License
18 Plate - such plates shall be designed and issued to any person
19 wishing to demonstrate support to any of the nine sororities and
20 fraternities recognized by the National Pan-Hellenic Council
21 Incorporated. The license plates shall be designed in consultation
22 with the Oklahoma Chapter of the National Pan-Hellenic Council
23 Incorporated;

1 28. Organ, Eye and Tissue License Plate - such plates shall be
2 designed and issued to persons wishing to demonstrate support and
3 increase awareness for organ, eye and tissue donation. The license
4 plates shall be designed in consultation with the State Department
5 of Health;

6 29. Central Oklahoma Habitat for Humanity License Plate - such
7 plates shall be designed and issued to persons wishing to
8 demonstrate support and increase awareness for Habitat for Humanity.
9 The license plate shall be designed in consultation with Central
10 Oklahoma Habitat for Humanity;

11 30. Family Career and Community Leaders of America Incorporated
12 License Plate - such plates shall be designed and issued to persons
13 wishing to demonstrate support for Family Career and Community
14 Leaders of America Incorporated. The license plates shall be
15 designed in consultation with Family Career and Community Leaders of
16 America Incorporated;

17 31. Delta Sigma Theta License Plate - such plates shall be
18 designed and issued to any person who is a member of Delta Sigma
19 Theta Sorority. The license plates shall be designed in
20 consultation with the Oklahoma Chapter of Delta Sigma Theta Sorority
21 Incorporated;

22 32. Omega Psi Phi License Plate - such plates shall be designed
23 and issued to any person who is a member of Omega Psi Phi
24

1 Fraternity. The license plates shall be designed in consultation
2 with the Oklahoma Chapter of Omega Psi Phi Fraternity Incorporated;

3 33. Alpha Phi Alpha License Plate - such plates shall be
4 designed and issued to any person who is a member of Alpha Phi Alpha
5 Fraternity. The license plates shall be designed in consultation
6 with the Oklahoma Chapter of Alpha Phi Alpha Fraternity
7 Incorporated;

8 34. 50th Anniversary of the Interstate System of Highways
9 License Plate - such plates shall be designed and issued to persons
10 wishing to commemorate the 50th Anniversary of the Interstate System
11 of Highways. The license plates shall be designed in consultation
12 with the American Association of State Highway and Transportation
13 Officials;

14 35. Kappa Alpha Psi License Plate - such plates shall be
15 designed and issued to any person who is a member of Kappa Alpha Psi
16 Fraternity. The license plates shall be designed in consultation
17 with the Oklahoma Chapter of Kappa Alpha Psi Fraternity
18 Incorporated;

19 36. Sigma Gamma Rho License Plate - such plates shall be
20 designed and issued to any person who is a member of Sigma Gamma Rho
21 Sorority. The license plates shall be designed in consultation with
22 the Oklahoma Chapter of Sigma Gamma Rho Sorority Incorporated.
23 Subject to the provisions of subsection A of this section, the Sigma
24

1 Gamma Rho License Plate is hereby reauthorized effective November 1,
2 2013;

3 37. Multiple Sclerosis License Plate - such plates shall be
4 designed and issued to persons wishing to demonstrate support for
5 and increase awareness of multiple sclerosis. The license plates
6 shall be designed in consultation with the Oklahoma Chapter of the
7 National Multiple Sclerosis Society;

8 38. Frederick Douglass High School License Plate - such plates
9 shall be designed and issued to any person wishing to demonstrate
10 support for Frederick Douglass High School located in Oklahoma City.
11 The plates shall be designed in consultation with representatives of
12 Frederick Douglass High School National Alumni Association;

13 39. United States Air Force Academy License Plate - such plates
14 shall be designed and issued to any person wishing to demonstrate
15 support for the United States Air Force Academy;

16 40. In God We Trust License Plate - such plates shall be
17 designed to include the motto, "In God We Trust", and shall be
18 issued to any person wishing to demonstrate support for the motto;

19 41. National Weather Center License Plate - such plates shall
20 be designed and issued to any person wishing to demonstrate support
21 for the National Weather Center in Norman. The plates shall be
22 designed in consultation with representatives of the National
23 Weather Center Directors;

24

1 42. Make-A-Wish Foundation License Plate - such plates shall be
2 designed and issued to persons wishing to demonstrate support for
3 the Make-A-Wish Foundation. The license plates shall be designed in
4 consultation with the Oklahoma Chapter of the National Make-A-Wish
5 Foundation;

6 43. South Central Section PGA Foundation License Plate - such
7 plates shall be designed and issued to persons wishing to
8 demonstrate support for the South Central Section PGA Foundation.
9 The license plates shall be designed in consultation with the South
10 Central Section PGA Foundation;

11 44. Putnam City High School License Plate - such plates shall
12 be designed and issued to any person wishing to demonstrate support
13 for Putnam City High School. The plates shall be designed in
14 consultation with representatives of Putnam City High School Alumni
15 Association, Inc.;

16 45. Autism Awareness License Plate - such plates shall be
17 designed and issued to any person wishing to increase awareness of
18 autism. The license plate shall be designed in consultation with
19 the Oklahoma Autism Network;

20 46. Oklahoma Blood Institute License Plate - such plates shall
21 be designed and issued to any person wishing to demonstrate support
22 for the Oklahoma Blood Institute. The license plates shall be
23 designed in consultation with the Oklahoma Blood Institute;

1 47. Zeta Phi Beta and Phi Beta Sigma License Plate - such
2 plates shall be designed and issued to any person who is a member of
3 Zeta Phi Beta Sorority or Phi Beta Sigma Fraternity. The license
4 plates shall be designed in consultation with the Oklahoma chapters
5 of Zeta Phi Beta Sorority Incorporated and Phi Beta Sigma Fraternity
6 Incorporated;

7 48. Star Spencer High School License Plate - such plates shall
8 be designed and issued to any person wishing to demonstrate support
9 for Star Spencer High School located in Oklahoma City. The plates
10 shall be designed in consultation with representatives of the Star
11 Spencer High School Alumni Association. Subject to the provisions
12 of subsection A of this section, the Star Spencer High School
13 License Plate is hereby reauthorized effective November 1, 2015;

14 49. Northeast High School License Plate - such plates shall be
15 designed and issued to any person wishing to demonstrate support for
16 Northeast High School located in Oklahoma City. The plates shall be
17 designed in consultation with representatives of the Northeast High
18 School Alumni Association;

19 50. Oklahoma City Central High School License Plate - such
20 plates shall be designed and issued to any person wishing to
21 demonstrate support for the Oklahoma City Central High School Alumni
22 Association. The plates shall be designed in consultation with
23 representatives of the Oklahoma City Central High School Alumni
24 Association;

1 51. Historic Greenwood District License Plate - such plates
2 shall be issued to persons wishing to demonstrate support for music
3 festivals held in the Historic Greenwood District in Tulsa,
4 Oklahoma. The license plates shall be designed in consultation with
5 the Greenwood Cultural Center;

6 52. Oklahoma Rifle Association License Plate - such plates
7 shall be designed and issued to any person wishing to demonstrate
8 support for the Oklahoma Rifle Association. The plates shall be
9 designed in consultation with representatives of the Oklahoma Rifle
10 Association;

11 53. Oklahoma City Thunder License Plate - such plates shall be
12 designed and issued to any person wishing to demonstrate support for
13 the Oklahoma City Thunder. The license plate shall be designed in
14 consultation with the Oklahoma City Thunder organization;

15 54. Ovarian Cancer Awareness License Plate - such plates shall
16 be designed and issued to any person wishing to increase awareness
17 of ovarian cancer. The license plate shall be designed in
18 consultation with the HOPE in Oklahoma organization;

19 55. BMW Car Club of America License Plate - such plates shall
20 be designed and issued to any person wishing to demonstrate support
21 for the BMW Car Club of America. The plates shall be issued to any
22 person in any combination of numbers and letters from one to a
23 maximum of seven, as for personalized license plates. The license
24 plate shall be designed in consultation with the Sunbelt Chapter of

1 the BMW Car Club of America. Subject to the provisions of
2 subsection A of this section, the BMW Car Club of America License
3 Plate is hereby reauthorized effective November 1, 2013;

4 56. Don't Tread On Me License Plate - such plates shall be
5 designed to include the yellow background and rattlesnake emblem
6 above the motto "DON'T TREAD ON ME" as found on the historic Gadsden
7 flag, and shall be issued to any person wishing to demonstrate
8 support for the freedom and liberty of the Republic;

9 57. Oklahomans for the Arts License Plate - such plates shall
10 be designed and issued to any person wishing to demonstrate support
11 for arts, culture and creative industries as well as arts education.
12 The plates shall be designed in consultation with Oklahomans for the
13 Arts;

14 58. Oklahoma City Barons License Plate - such plates shall be
15 designed and issued to any person wishing to demonstrate support for
16 the Oklahoma City Barons. The license plate shall be designed in
17 consultation with the Oklahoma City Barons organization. The
18 license plates shall be issued to any person in any combination of
19 numbers and letters from one to a maximum of six;

20 59. Oklahoma City Redhawks License Plate - such plates shall be
21 designed and issued to any person wishing to demonstrate support for
22 the Oklahoma City Redhawks. The license plate shall be designed in
23 consultation with the Oklahoma City Redhawks organization;

1 60. Tulsa Shock License Plate - such plates shall be designed
2 and issued to any person wishing to demonstrate support for the
3 Tulsa Shock. The license plate shall be designed in consultation
4 with the Tulsa Shock organization;

5 61. Tulsa Oilers License Plate - such plates shall be designed
6 and issued to any person wishing to demonstrate support for the
7 Tulsa Oilers. The license plate shall be designed in consultation
8 with the Tulsa Oilers organization;

9 62. Tulsa Drillers License Plate - such plates shall be
10 designed and issued to any person wishing to demonstrate support for
11 the Tulsa Drillers. The license plate shall be designed in
12 consultation with the Tulsa Drillers organization;

13 63. Millwood School District License Plate - such plates shall
14 be designed and issued to any person wishing to demonstrate support
15 for the Millwood School District. The license plate shall be
16 designed in consultation with representatives of the Millwood School
17 District;

18 64. Booker T. Washington High School License Plate - such
19 plates shall be issued to persons wishing to demonstrate support for
20 Booker T. Washington High School and shall be designed in
21 consultation with the Booker T. Washington High School National
22 Alumni Association;

23 65. Oklahoma Current State Flag License Plate - such plates
24 shall be designed to include the current Oklahoma state flag and

1 issued to any person wishing to demonstrate support for the current
2 Oklahoma state flag. The plates shall be designed in consultation
3 with the Friends of the Oklahoma History Center;

4 66. Oklahoma Original State Flag License Plate - such plates
5 shall be designed to include the original Oklahoma state flag and
6 issued to any person wishing to demonstrate support for the original
7 Oklahoma state flag. The plates shall be designed in consultation
8 with the Friends of the Oklahoma History Center. The plates shall
9 be issued to any person in any combination of numbers and letters
10 from one to a maximum of seven, as for personalized plates. Subject
11 to the provisions of subsection A of this section, the Oklahoma
12 Original State Flag license plate is hereby reauthorized effective
13 November 1, 2015;

14 67. Tulsa 66ers License Plate - such plates shall be designed
15 and issued to any person wishing to demonstrate support for the
16 Tulsa 66ers. The plates shall be designed in consultation with the
17 Tulsa 66ers Organization;

18 68. Frederick Bombers License Plate - such plates shall be
19 issued to persons wishing to demonstrate support for the Frederick
20 School District and shall be designed in consultation with
21 representatives of the Frederick School District;

22 69. 911 Dispatcher License Plate - such plates shall be issued
23 to persons wishing to demonstrate support for 911 dispatchers.
24 Persons applying for such license plate must show proof of current

1 employment as a 911 dispatcher or sign an attestation that they are
2 a currently employed or retired 911 dispatcher;

3 70. Oklahoma Fosters License Plate - such plates shall be
4 issued to persons wishing to demonstrate support for the Oklahoma
5 Fosters Initiative and shall be designed in consultation with the
6 Oklahoma Fosters Initiative;

7 71. Red Dirt Jeeps - such plates shall be designed and issued
8 to any person wishing to demonstrate support for Red Dirt Jeeps and
9 such plates shall be designed in consultation with Red Dirt Jeeps,
10 L.L.C.;

11 72. Special Forces Association - such plates shall be designed
12 and issued to any person wishing to demonstrate support for the
13 Special Forces Association and such plates shall be designed in
14 consultation with the Special Forces Association;

15 73. Sons of the American Revolution License Plate - such plates
16 shall be issued to persons wishing to demonstrate support for the
17 Sons of the American Revolution for a vehicle or motorcycle in any
18 combination of numbers and letters from one to a maximum of seven,
19 as for personalized plates. Such plates shall be designed in
20 consultation with the Oklahoma Society of the Sons of the American
21 Revolution. The license plate for a motorcycle may be of similar
22 design as space permits or a new design in order to meet the space
23 requirements of a motorcycle license plate;

24

1 74. Daughters of the American Revolution License Plate - such
2 plates shall be issued to persons wishing to demonstrate support for
3 the Daughters of the American Revolution for a vehicle or motorcycle
4 in any combination of numbers and letters from one to a maximum of
5 seven, as for personalized plates. Such plates shall be designed in
6 consultation with the Oklahoma Society of the Daughters of the
7 American Revolution. The license plate for a motorcycle may be of
8 similar design as space permits or a new design in order to meet the
9 space requirements of a motorcycle license plate;

10 75. Air Medal License Plate - such plates shall be designed and
11 issued to Air Medal recipients. An individual requesting the plate
12 is required, at the time of application, to show proof he or she is
13 a recipient of the Air Medal or sign an attestation stating that he
14 or she is a medal recipient. The plates shall be designed to
15 include the Air Medal emblem and shall include the words "Air Medal"
16 on the plate;

17 76. Oklahoma Institute for Child Advocacy Plate - such plates
18 shall be designed and issued to any person wishing to demonstrate
19 support for the Oklahoma Institute for Child Advocacy. The plates
20 shall be issued to any person in any combination of numbers and
21 letters from one to a maximum of seven, as for personalized license
22 plates. The plates shall contain the official Oklahoma Institute
23 for Child Advocacy logo;

1 77. The Pride of Oklahoma Marching Band License Plate - such
2 plates shall be designed and issued to any person wishing to
3 demonstrate support for the Pride of Oklahoma marching band. The
4 plates shall be designed in consultation with the University of
5 Oklahoma;

6 78. The Spirit of Oklahoma State Marching Band License Plate -
7 such plates shall be designed and issued to any person wishing to
8 demonstrate support for the Spirit of Oklahoma State marching band.
9 The plates shall be designed in consultation with Oklahoma State
10 University; ~~and~~

11 79. Pittsburg State University License Plate - such plates
12 shall be designed and issued to any person wishing to demonstrate
13 support for Pittsburg State University. The plates shall be
14 designed in consultation with Pittsburg State University; and

15 80. Southeast Spartans Plate - such plates shall be designed
16 and issued to any person wishing to demonstrate support for
17 Southeast Spartans High School and such plates shall be designed in
18 consultation with the Southeast High School Alumni Association.

19 C. The fee for such plates shall be Fifteen Dollars (\$15.00)
20 per year of renewal and shall be in addition to all other
21 registration fees provided by the Oklahoma Vehicle License and
22 Registration Act. Unless otherwise provided in this section, the
23 fee shall be apportioned as follows: Eight Dollars (\$8.00) per year
24 of renewal of the special license plate fee shall be deposited in

1 the Oklahoma Tax Commission Reimbursement Fund to be used for the
2 administration of the Oklahoma Vehicle License and Registration Act
3 and the remaining Seven Dollars (\$7.00) per year of renewal of the
4 special license plate fee shall be apportioned as provided in
5 Section 1104 of this title.

6 SECTION 25. REPEALER 47 O.S. 2011, Section 1135.3, as
7 last amended by Section 1, Chapter 293, O.S.L. 2018 (47 O.S. Supp.
8 2018, Section 1135.3), is hereby repealed.

9 SECTION 26. AMENDATORY 47 O.S. 2011, Section 1135.5, as
10 last amended by Section 2, Chapter 293, O.S.L. 2018 (47 O.S. Supp.
11 2018, Section 1135.5), is amended to read as follows:

12 Section 1135.5. A. The Oklahoma Tax Commission is hereby
13 authorized to design and issue appropriate official special license
14 plates to persons wishing to demonstrate support and provide
15 financial assistance as provided by this section.

16 Special license plates shall not be transferred to any other
17 person but shall be removed from the vehicle upon transfer of
18 ownership and retained. The special license plate may then be used
19 on another vehicle but only after such other vehicle has been
20 registered for the current year with a motor license agent.

21 Special license plates shall be renewed each year by the Tax
22 Commission or a motor license agent, unless authorized by the Tax
23 Commission to be renewed for a period greater than one (1) year.
24 The Tax Commission shall notify by mail all persons issued special

1 license plates. The notice shall contain all necessary information
2 and shall contain instructions for the renewal procedure upon
3 presentation to a motor license agent or the Tax Commission. The
4 license plates shall be issued on a staggered system.

5 The Tax Commission is hereby directed to develop and implement a
6 system whereby motor license agents are permitted to accept
7 applications for special license plates authorized under this
8 section. The motor license agent shall confirm the applicant's
9 eligibility, if applicable, collect and deposit any amount
10 specifically authorized by law, accept and process the necessary
11 information directly into such system and generate a receipt
12 accordingly. For performance of these duties, motor license agents
13 shall retain the fee provided in Section 1141.1 of this title for
14 registration of a motor vehicle. The motor license agent fees for
15 acceptance of applications and renewals shall be paid out of the
16 Oklahoma Tax Commission Reimbursement Fund.

17 If fewer than one hundred of any type of special license plates
18 authorized prior to January 1, 2004, are issued prior to January 1,
19 2006, the Tax Commission shall discontinue issuance and renewal of
20 that type of special license plate. Any such authorized special
21 license plate registrant shall be allowed to display the license
22 plate upon the designated vehicle until the registration expiration
23 date. After such time the expired special license plate shall be
24 removed from the vehicle.

1 For special license plates authorized on or after July 1, 2004,
2 no special license plates shall be developed or issued by the Tax
3 Commission until the Commission receives one hundred prepaid
4 applications therefor. The prepaid applications must be received by
5 the Tax Commission within one hundred eighty (180) days of the
6 effective date of the authorization or the authority to issue shall
7 be null and void. In the event one hundred prepaid applications are
8 not received by the Tax Commission within such prescribed time
9 period any payment so received shall be refunded accordingly.

10 B. The special license plates provided by this section are as
11 follows:

12 1. University or College Supporter License Plate - such plates
13 shall be designed and issued to any person wishing to demonstrate
14 support to any state-supported or private university or college. As
15 provided in this section, an amount of the fee collected shall be
16 apportioned as provided in Section 1104.1 of this title;

17 2. Environmental Awareness License Plate - such plates shall be
18 designed, subject to the criteria to be presented to the Tax
19 Commission by the Department of Environmental Quality in
20 consultation with the Oklahoma Arts Council, and issued to any
21 person wishing to demonstrate support to implement the statewide
22 general public environmental education program created pursuant to
23 the provisions of the Oklahoma Environmental Quality Code. Such
24 plates shall be designed and issued to any person in any combination

1 of numbers and letters from one to a maximum of seven, as for
2 personalized license plates. A dealer's license plate issued
3 pursuant to Section 1116.1 or 1128 of this title may be designated
4 an Environmental Awareness License Plate upon payment of the fee
5 imposed by this section and any other registration fees required by
6 the Oklahoma Vehicle License and Registration Act. As provided in
7 this section, an amount of the fee collected shall be apportioned
8 pursuant to Section 1104.2 of this title;

9 3. Firefighter License Plate - such plates shall be designed
10 for any career or retired firefighter, volunteer or paid.
11 Firefighters may apply for firefighter plates for up to four
12 vehicles with a rated capacity of one (1) ton or less or for a
13 motorcycle upon proof of a fire department membership by either an
14 identification card or letter from the chief of the fire department.
15 Retirees who are eligible for such plates shall provide proof of
16 eligibility upon initial application, but shall not be required to
17 provide proof of eligibility annually. The surviving spouse of any
18 deceased firefighter, if the spouse has not since remarried, may
19 apply for a firefighter license plate for one vehicle with a rated
20 carrying capacity of one (1) ton or less or for a motorcycle upon
21 proof that the deceased firefighter was a member of a fire
22 department by either an identification card or letter from the chief
23 of the fire department. The license plate shall be designed in
24 consultation with the Oklahoma Firefighters Association.

1 As provided in this section, an amount of the fee collected
2 shall be deposited to the Oklahoma State Firemen's Museum Building &
3 Memorial Fund for support of the Oklahoma Firefighters Museum and
4 the Oklahoma Fallen and Living Firefighters Memorial;

5 4. Wildlife Conservation License Plate - such plates shall be
6 designed, subject to the criteria to be presented to the Tax
7 Commission by the Oklahoma Department of Wildlife Conservation in
8 consultation with the Oklahoma Arts Council, and issued to any
9 person wishing to demonstrate support for wildlife conservation in
10 this state through the Wildlife Diversity Fund, provided for in
11 Section 3-310 of Title 29 of the Oklahoma Statutes. Such plates may
12 be designed and issued to any person as for personalized license
13 plates.

14 As provided in this section, an amount of the fee collected
15 shall be apportioned pursuant to subsection D of Section 3-310 of
16 Title 29 of the Oklahoma Statutes;

17 5. Child Abuse Prevention License Plate - such plates shall be
18 designed, subject to the criteria to be presented to the Tax
19 Commission by the Office of Child Abuse Prevention in the State
20 Department of Health and the Oklahoma Committee to Prevent Child
21 Abuse, and issued to any person wishing to demonstrate support for
22 the prevention of child abuse.

23 As provided in this section, an amount of the fee collected
24 shall be deposited in the Child Abuse Prevention Fund;

1 6. United States Olympic Committee Supporter License Plate -
2 such plates shall be designed and issued to any person wishing to
3 demonstrate support for the United States Olympic Committee. The
4 plates shall be issued to any person in any combination of numbers
5 and letters from one to a maximum of seven, as for personalized
6 license plates. The plate shall contain the official United States
7 Olympic Committee logo. The Tax Commission shall be authorized, if
8 necessary, to enter into a licensing agreement with the United
9 States Olympic Committee for any licensing fees which may be
10 required in order to use the United States Olympic Committee logo or
11 design. The licensing agreement shall provide for a payment of not
12 more than Twenty-five Dollars (\$25.00) for each license plate
13 issued;

14 7. Oklahoma History License Plate - such plates shall be
15 designed and issued to any person wishing to demonstrate interest in
16 Oklahoma history. As provided in this section, an amount of the fee
17 collected shall be deposited to the Oklahoma Historical Society
18 Revolving Fund to be used for educational purposes;

19 8. Historic Route 66 License Plate - such:

- 20 a. vehicle plates shall be designed to honor historic
21 Route 66, also known as the "Mother Road". As
22 provided in this section, an amount of the fee
23 collected for each vehicle license plate shall be
24 apportioned to the Oklahoma Historical Society

1 Revolving Fund to be distributed to the Route 66
2 Museum located in Clinton, Oklahoma, and
3 b. motorcycle plates shall be designed in consultation
4 with the Oklahoma Route 66 Association, Inc. The
5 Oklahoma Tax Commission shall be authorized to enter
6 into a licensing agreement with the Oklahoma Route 66
7 Association, Inc., for any licensing fees which may be
8 required in order to use the Oklahoma Route 66
9 Association, Inc., logo or design. The licensing
10 agreement shall provide for a payment to the Oklahoma
11 Route 66 Association, Inc., of not more than Twenty
12 Dollars (\$20.00) for each motorcycle license plate
13 issued;

14 9. Heart of the Heartland License Plate - such plates shall be
15 designed and issued to any person wishing to honor the victims of
16 the terrorist bombing attack on the Alfred P. Murrah Federal
17 Building in downtown Oklahoma City on April 19, 1995. As provided
18 in this section, an amount of the fee collected shall be deposited
19 in the Heart of the Heartland Scholarship Fund, as established in
20 Section 2282 of Title 70 of the Oklahoma Statutes;

21 10. Emergency Medical Technician License Plate - such plates
22 shall be designed and issued to any person who is an emergency
23 medical technician. Such persons may apply for an emergency medical
24 technician license plate for each vehicle with a rated carrying

1 capacity of one (1) ton or less upon proof of an emergency medical
2 technician's license. The license plate shall be designed in
3 consultation with the state association of emergency medical
4 technicians. As provided in this section, an amount of the fee
5 collected shall be apportioned to the Emergency Medical Personnel
6 Death Benefit Revolving Fund created in Section 1-2505.2 of Title 63
7 of the Oklahoma Statutes;

8 11. Fight Breast Cancer License Plate - such plates shall be
9 designed to demonstrate support for the prevention and treatment of
10 breast cancer in this state. As provided in this section, an amount
11 of the fee collected shall be apportioned to the Breast Cancer Act
12 Revolving Fund;

13 12. Crime Victims Awareness License Plate - such plates shall
14 be designed and issued to any person wishing to demonstrate
15 awareness of and support for victims of crimes. The license plates
16 shall be designed in consultation with the Oklahoma Crime Victims
17 Centre. As provided in this section, an amount of the fee collected
18 shall be apportioned to the Attorney General's Revolving Fund for
19 the Office of the Attorney General, which is hereby directed to use
20 such funds to contract with a statewide nonprofit organization to
21 provide services to crime victims;

22 13. Oklahoma Safe Kids Association License Plate - such plates
23 shall be designed and issued to any person wishing to demonstrate
24 support and awareness of the Oklahoma Safe Kids Association. The

1 license plate shall be designed in consultation with the Oklahoma
2 Safe Kids Association. As provided in this section, an amount of
3 the fee collected shall be deposited in the Children's Hospital -
4 Oklahoma Safe Kids Association Revolving Fund to be distributed to
5 the Oklahoma Safe Kids Association program;

6 14. Four-H Club License Plate - such plates shall be designed,
7 subject to criteria to be presented to the Tax Commission by the
8 Four-H Foundation, and issued to any person wishing to demonstrate
9 support of the Four-H Club. Such plates may be designed and issued
10 to any person as for personalized license plates. As provided in
11 this section, an amount of the fee collected shall be apportioned to
12 the OSU Extension Service License Plate Revolving Fund created in
13 Section 1104.4 of this title;

14 15. Agricultural Awareness License Plate - such plates shall be
15 designed, subject to criteria to be presented to the Tax Commission,
16 by the Oklahoma Department of Agriculture, Food, and Forestry in
17 consultation with the Oklahoma Arts Council, and issued to any
18 person wishing to demonstrate support of the Department's Ag in the
19 Classroom Education Program. As provided in this section, an amount
20 of the fee collected shall be apportioned as provided in Section
21 1104.3 of this title;

22 16. Oklahoma Statehood Centennial License Plate - such plates
23 shall be designed and issued to any person wishing to commemorate
24 the centennial of Oklahoma's admission to statehood in 1907. The

1 license plates shall be designed in consultation with the Oklahoma
2 Capitol Complex and Centennial Commemoration Commission. As
3 provided in this section, an amount of the fee collected shall be
4 deposited in the Oklahoma Capitol Complex and Centennial
5 Commemoration Commission Revolving Fund created in Section 98.5 of
6 Title 73 of the Oklahoma Statutes;

7 17. Support Education License Plate - such plates shall be
8 designed, subject to criteria to be presented to the Tax Commission
9 by the State Department of Education in consultation with the
10 Oklahoma Arts Council, and issued to any person wishing to
11 demonstrate support for education in this state. All motor license
12 agents shall display a sample of the Support Education License plate
13 in the area of the business accessed by the public. Twenty-three
14 Dollars (\$23.00) of the fee collected shall be apportioned as
15 follows:

- 16 a. five percent (5%) shall be deposited to the Education
17 Reform Revolving Fund,
- 18 b. five percent (5%) shall be deposited to the Higher
19 Education Revolving Fund,
- 20 c. five percent (5%) shall be deposited to the State
21 Career Technology Fund, and
- 22 d. eighty-five percent (85%) of the fee shall be
23 deposited to the Teachers' Retirement Benefit Fund as
24

1 set forth in Section 17-108 of Title 70 of the
2 Oklahoma Statutes.

3 However, when the Teachers' Retirement Benefit Fund attains a
4 seventy percent (70%) funded ratio based on an annual actuarial
5 valuation as required by law, the amount of the fee shall be
6 apportioned equally pursuant to subparagraphs a, b and c of this
7 paragraph;

8 18. Retired Oklahoma Highway Patrol Officers License Plate -
9 such plates shall be designed and issued to any retired officer of
10 the Oklahoma Highway Patrol. The license plate shall have the
11 legend "Oklahoma" and shall contain, in the center of the plate, the
12 Highway Patrol Officers patch using the same colors and pattern as
13 used in the patch. Centered on the bottom of the license plate
14 shall be the word "Retired". The letters "TRP" shall be used in
15 combination with three numbers on either side of the insignia or
16 emblem. The color of the letters and numbers shall be brown.
17 Retirees who are eligible for such plates shall provide proof of
18 eligibility upon initial application, but shall not be required to
19 provide proof of eligibility annually. The surviving spouse of any
20 deceased retired officer of the Oklahoma Highway Patrol, if the
21 spouse has not since remarried, or if remarried, the remarriage is
22 terminated by death, divorce, or annulment, may apply for a Retired
23 Oklahoma Highway Patrol Officers license plate. As provided in this
24

1 section, an amount of the fee collected shall be deposited into the
2 Law Enforcement Retirement Fund;

3 19. Boy Scouts of America Supporter License Plate - such plates
4 shall be designed and issued to any person wishing to demonstrate
5 support for the Boy Scouts of America. The plates shall be issued
6 to any person in any combination of numbers and letters from one to
7 a maximum of seven, as for personalized license plates. The plate
8 shall contain the official Boy Scouts of America logo. The Tax
9 Commission shall be authorized, if necessary, to enter into a
10 licensing agreement with the Boy Scouts of America for any licensing
11 fees which may be required in order to use the Boy Scouts of America
12 logo or design. The licensing agreement shall provide for a payment
13 to the Boy Scouts of America of not more than Twenty Dollars
14 (\$20.00) for each license plate issued;

15 20. Urban Forestry and Beautification License Plate - such
16 plates shall be designed, subject to criteria to be presented to the
17 Tax Commission, by the Oklahoma Department of Agriculture, Food, and
18 Forestry in consultation with nonprofit organizations in this state
19 that develop and operate programs to encourage urban forestry and
20 beautification, and issued to any person wishing to demonstrate
21 support of such programs. As provided in this section, an amount of
22 the fee collected shall be apportioned as provided in Section 1104.5
23 of this title;
24

1 21. Oklahoma State Parks Supporter License Plate - such plates
2 shall be designed, subject to criteria to be presented to the Tax
3 Commission by the Oklahoma Tourism and Recreation Department, and
4 issued to any person wishing to demonstrate support for the Oklahoma
5 state parks system. Twenty-three Dollars (\$23.00) of the fee
6 collected shall be deposited in the Oklahoma Tourism and Recreation
7 Department Revolving Fund. Such money shall be designated for and
8 may only be expended for the support of Oklahoma state parks;

9 22. Adoption Creates Families License Plate - such plates shall
10 be issued to any person wishing to demonstrate support of pregnant
11 women who are committed to placing their children for adoption and
12 wishing to provide assistance to guardians, adoptive parents and
13 other created families to assist in the adoption and placement of
14 children in permanent, safe homes. The license plates shall be
15 designed and final terminology delivered in consultation with the
16 Oklahoma Adoption Coalition and the Department of Human Services.
17 Twenty-five Dollars (\$25.00) of the fee collected shall be deposited
18 in a revolving fund established in the State Treasury for and to be
19 used by the Department of Human Services for the implementation of
20 the Investing in Stronger Oklahoma Families Act specifically for
21 created families;

22 23. Choose Life License Plate - such plates shall be designed,
23 subject to criteria presented to the Tax Commission, by Choose Life,
24 Inc., and issued to any person who wishes to demonstrate support of

1 organizations that encourage adoption as a positive choice for women
2 with unplanned pregnancies. As provided in this section, an amount
3 of the fee collected shall be deposited in the Choose Life
4 Assistance Program Revolving Fund established in Section 1104.6 of
5 this title;

6 24. Future Farmers of America License Plate - such plates shall
7 be designed and issued to persons wishing to demonstrate support for
8 the Oklahoma FFA (formerly known as Future Farmers of America). The
9 license plates shall be designed in consultation with the Oklahoma
10 FFA Foundation Board of Directors. As provided in this section, an
11 amount of the fee collected shall be apportioned as provided in
12 Section 1104.7 of this title;

13 25. Lions Club License Plate - such plates shall be designed
14 and issued to persons wishing to demonstrate support for the Lions
15 Club of Oklahoma. The plates shall be issued to any person in any
16 combination of numbers and letters from one to a maximum of seven,
17 as for personalized license plates. The license plates shall be
18 designed in consultation with the Oklahoma Lions Service Foundation
19 and shall contain the official logo of the International Association
20 of Lions Clubs. The Tax Commission shall be authorized to enter
21 into a licensing agreement with the Oklahoma Lions Service
22 Foundation. The licensing agreement shall provide for a payment to
23 the Oklahoma Lions Service Foundation of not more than Ten Dollars
24 (\$10.00) for each license plate issued;

1 26. Color Oklahoma License Plate - such plates shall be
2 designed, subject to criteria to be presented to the Tax Commission
3 by the Oklahoma Native Plant Society, and issued to any person
4 wishing to demonstrate support for preserving and planting
5 wildflowers and native plants in Oklahoma and to promote Oklahoma's
6 wildflower heritage through education. As provided in this section,
7 an amount of the fee collected shall be apportioned as provided in
8 Section 1104.8 of this title;

9 27. Girl Scouts of the United States of America Supporter
10 License Plate - such plates shall be designed and issued to any
11 person wishing to demonstrate support for the Girl Scouts of the
12 United States of America. The plates shall be issued to any person
13 in any combination of numbers and letters from one to a maximum of
14 seven, as for personalized license plates. The plate shall contain
15 the official Girl Scouts of the United States of America logo. The
16 Tax Commission shall be authorized, if necessary, to enter into a
17 licensing agreement with the Girl Scouts of the United States of
18 America for any licensing fees which may be required in order to use
19 the Girl Scouts of the United States of America logo or design. The
20 licensing agreement shall provide for a payment to the Girl Scouts
21 of Magic Empire Council, acting on behalf of all Oklahoma Girl Scout
22 councils, of not more than Twenty Dollars (\$20.00) for each license
23 plate issued;

1 28. Oklahoma City Memorial Marathon License Plate - such plates
2 shall be designed and issued to any person wishing to demonstrate
3 support for the Oklahoma City Memorial Marathon. The plate shall be
4 designed in consultation with the Oklahoma City Memorial Marathon.
5 The Tax Commission shall be authorized to enter into a licensing
6 agreement with the Oklahoma City Memorial Marathon for any licensing
7 fees which may be required in order to use the Oklahoma City
8 Memorial Marathon logo or design. The licensing agreement shall
9 provide for a payment to the Oklahoma City Memorial Marathon of not
10 more than Twenty Dollars (\$20.00) for each license plate issued;

11 29. Oklahoma Scenic Rivers License Plate - such plates shall be
12 designed to demonstrate support for the Oklahoma Scenic Rivers. The
13 plates shall be designed in consultation with the Oklahoma Scenic
14 Rivers Commission. Twenty-five Dollars (\$25.00) of the fee shall be
15 apportioned to the Oklahoma Scenic Rivers Commission;

16 30. Fight Cancer License Plate - such plates shall be designed
17 to demonstrate support for the Oklahoma Central Cancer Registry.
18 The plate shall contain the American Cancer Society logo. The
19 American Cancer Society logo shall be used in accordance with the
20 American Cancer Society's branding guidelines and shall only be
21 utilized to support the Oklahoma Central Cancer Registry. Twenty
22 Dollars (\$20.00) of the fee shall be apportioned to the Oklahoma
23 Central Cancer Registry Revolving Fund;

1 31. Animal Friendly License Plate - such plates shall be
2 designed and issued to any person wishing to demonstrate support for
3 controlling the overpopulation of dogs and cats through educational
4 and sterilization efforts. The plates shall be designed in
5 consultation with the Veterinary Medical Association. Twenty
6 Dollars (\$20.00) of the fee collected shall be designated by the
7 purchaser of the plate to be deposited in the Oklahoma Pet
8 Overpopulation Fund created in Section 2368.13 of Title 68 of the
9 Oklahoma Statutes or the Animal Friendly Revolving Fund created in
10 Section 1104.10 of this title;

11 32. Patriot License Plate - such plates shall be designed in
12 consultation with the Military Department of Oklahoma and issued to
13 any person wishing to demonstrate support for Oklahoma residents who
14 are members of the Oklahoma National Guard and deployed on active
15 duty. The plates shall be issued to any person in any combination
16 of numbers and letters from one to a maximum of seven, as for
17 personalized license plates. As provided in this section, a portion
18 of the fee collected shall be deposited in the Patriot License Plate
19 Revolving Fund created in Section 1104.11 of this title;

20 33. Global War on Terrorism License Plate - such plate shall be
21 designed in consultation with the Military Department of Oklahoma
22 and issued to any person wishing to demonstrate support for Oklahoma
23 residents who are members of the Armed Forces of the United States
24 or Oklahoma National Guard that have served in the Global War on

1 Terrorism. The plate shall be issued to any person in any
2 combination of numbers and letters from one to a maximum of six. As
3 provided in this section, a portion of the fee collected shall be
4 deposited in the 45th Infantry Division Museum Fund created in
5 Section 235.1 of Title 44 of the Oklahoma Statutes;

6 34. Boys and Girls Clubs of America Supporter License Plate -
7 such plates shall be designed and issued to any person wishing to
8 demonstrate support for the Boys and Girls Clubs of America. The
9 plates shall be issued to any person in any combination of numbers
10 and letters from one to a maximum of seven, as for personalized
11 license plates. The plate shall contain the official Boys and Girls
12 Clubs of America logo. The Tax Commission, if necessary, may enter
13 into a licensing agreement with the Boys and Girls Clubs of America
14 for any licensing fees which may be required in order to use the
15 Boys and Girls Clubs of America logo or design. The licensing
16 agreement shall provide for a payment to the Boys and Girls Clubs of
17 America of not more than Twenty Dollars (\$20.00) for each license
18 plate issued;

19 35. Oklahoma Quarter Horse License Plate - such plates shall be
20 designed and issued to any person wishing to demonstrate support for
21 the American Quarter Horse in Oklahoma. The plate shall be designed
22 in consultation with the Oklahoma Quarter Horse Association. As
23 provided in this section, a portion of the fee collected shall be
24

1 deposited in the Oklahoma Quarter Horse Revolving Fund created in
2 Section 1104.12 of this title;

3 36. Oklahoma Association for the Deaf License Plate - such
4 plates shall be designed in consultation with the Oklahoma
5 Association for the Deaf and issued to any person wishing to
6 demonstrate support for Oklahoma residents who are deaf. The plates
7 shall be issued to any person in any combination of numbers and
8 letters from one to a maximum of seven, as for personalized license
9 plates. As provided in this section, a portion of the fee collected
10 shall be deposited in the Oklahoma Association for the Deaf License
11 Plate Revolving Fund created in Section 1104.15 of this title;

12 37. Oklahoma City Zoo License Plate - such plates shall be
13 issued to any person wishing to demonstrate support for the Oklahoma
14 City Zoo. The license plates shall be designed in consultation with
15 the Oklahoma Zoological Society, Inc. As provided in this section,
16 an amount of the fee collected shall be deposited in the Oklahoma
17 Zoological Society Revolving Fund created in Section 1104.13 of this
18 title;

19 38. March of Dimes License Plate - such plates shall be issued
20 to persons wishing to demonstrate support for the March of Dimes
21 mission to improve the health of babies by preventing birth defects,
22 premature birth and infant mortality. The license plates shall be
23 designed in consultation with the Oklahoma Chapter March of Dimes.
24 As provided in this section, an amount of the fee collected shall be

1 deposited in the Oklahoma Prevent Birth Defects, Premature Birth and
2 Infant Mortality Fund established in Section 1104.14 of this title;

3 39. Support Our Troops Supporter License Plate - such plates
4 shall be designed and issued to any person wishing to demonstrate
5 support for Support Our Troops Incorporated. The plates shall be
6 issued to any person in any combination of numbers and letters from
7 one to a maximum of six. The plate shall contain the official
8 Support Our Troops Incorporated logo which includes the mark
9 "Support Our Troops" across the bottom of the plate. The Tax
10 Commission, if necessary, may enter into a licensing agreement with
11 Support Our Troops Incorporated for any licensing fees which may be
12 required in order to use the Support Our Troops Incorporated logo or
13 design. The licensing agreement shall provide for a payment to
14 Support Our Troops Incorporated of Twenty-five Dollars (\$25.00) for
15 each license plate issued;

16 40. Folds of Honor Supporter License Plate - such plates shall
17 be authorized to be designed and issued to any person wishing to
18 demonstrate support for Oklahoma City Chapter of Folds of Honor
19 Incorporated, a nonprofit charitable organization exempt from
20 taxation pursuant to the provisions of the Internal Revenue Code, 26
21 U.S.C., Section 501(c)(3), providing ~~academic and vocational~~
22 ~~training~~ educational scholarships to ~~dependents~~ spouses and children
23 of ~~military servicemen and servicewomen who were either killed or~~
24 ~~wounded in action due to military service in the war in Iraq or~~

1 ~~Afghanistan~~ America's fallen and disabled military service members.
2 The plates shall be issued to any person in any combination of
3 numbers and letters from one to a maximum of six. The plate shall
4 be designed in consultation with the Oklahoma City Chapter of Folds
5 of Honor Incorporated and shall contain the official Folds of Honor
6 Incorporated logo which includes the mark "Folds of Honor" across
7 the bottom of the plate. The Tax Commission, if necessary, may
8 enter into a licensing agreement with Folds of Honor Incorporated
9 for any licensing fees which may be required in order to use the
10 Folds of Honor Incorporated logo or design. The licensing agreement
11 shall provide for a payment to Folds of Honor Incorporated of
12 Twenty-five Dollars (\$25.00) for each license plate issued. Subject
13 to the provisions of subsection A of this section, the Folds of
14 Honor Supporter License Plate is hereby reauthorized effective
15 November 1, 2018;

16 41. Downed Bikers Association License Plate - such plates shall
17 be designed and issued to any person wishing to demonstrate support
18 for the Downed Bikers Association, a nonprofit charitable
19 organization exempt from taxation pursuant to the provisions of the
20 Internal Revenue Code, 26 U.S.C., Section 501(c)(3), which provides
21 emotional and financial support for downed bikers. The license
22 plate shall be designed in consultation with the Central Oklahoma
23 Chapter of the Downed Bikers Association and shall contain any
24 official logo or design of the organization. The Tax Commission, if

1 necessary, may enter into a licensing agreement with the Downed
2 Bikers Association for any licensing fees which may be required in
3 order to use the organization's logo or design. The licensing
4 agreement shall provide for a payment to the Downed Bikers
5 Association of not more than Twenty Dollars (\$20.00) for each
6 license plate;

7 42. Armed Forces Veterans Motorcycle License Plate - such
8 plates shall be designed for use on a motorcycle in consultation
9 with A Brotherhood Aiming Toward Education of Oklahoma, Inc.
10 (ABATE), and issued to any honorably discharged former member of the
11 United States Armed Forces wishing to demonstrate support for the
12 45th Infantry Division Museum. Persons applying for such license
13 plate must show proof of past military service. As provided in this
14 section, a portion of the fee collected shall be deposited in the
15 45th Infantry Division Museum Fund created in Section 235.1 of Title
16 44 of the Oklahoma Statutes;

17 43. Buffalo Soldier License Plate - such plates shall be issued
18 to any person wishing to honor and celebrate the history and
19 contribution of the Buffalo Soldiers. The license plates shall be
20 designed in consultation with the Lawton-Fort Sill Chapter of the
21 Buffalo Soldiers 9th and 10th (Horse) Cavalry Association. As
22 provided in this section, an amount of the fee collected shall be
23 deposited in the Buffalo Soldier License Plate Revolving Fund
24 created in Section 1104.16 of this title;

1 44. Prevent Blindness Oklahoma License Plate - such plates
2 shall be issued to any person wishing to provide financial support
3 for vision screening of school age children in this state. The
4 license plates shall be designed in consultation with Prevent
5 Blindness Oklahoma. As provided in this section, an amount of the
6 fee collected shall be deposited in the Prevent Blindness Oklahoma
7 License Plate Revolving Fund created in Section 1104.17 of this
8 title;

9 45. Oklahoma State Capitol Restoration License Plate - such
10 plates shall be designed and issued to any person wishing to
11 demonstrate support for restoration of the Oklahoma State Capitol
12 building. The license plates shall be designed in consultation with
13 the Friends of the Capitol corporation, created pursuant to Section
14 15.4 of Title 73 of the Oklahoma Statutes and the State Capitol
15 Preservation Commission created pursuant to Section 4102 of Title 74
16 of the Oklahoma Statutes. As provided in this section, an amount of
17 the fee collected shall be deposited in the Oklahoma Friends of the
18 Capitol License Plate Revolving Fund established in Section 1104.18
19 of this title;

20 46. Eastern Red Cedar Tree License Plate - such plates shall be
21 designed, subject to criteria to be presented to the Tax Commission
22 and issued to any person wishing to demonstrate support for the
23 removal of Eastern Red Cedar trees from lands in the state and to
24 develop marketable uses for the harvested trees. The license plate

1 shall be designed in consultation with the Eastern Red Cedar
2 Registry Board. Twenty-three Dollars (\$23.00) of the fee collected
3 shall be deposited in the Eastern Red Cedar Revolving Fund created
4 in Section 18-407 of Title 2 of the Oklahoma Statutes. The money
5 shall be designated for and may only be expended for the purposes as
6 set forth in the Eastern Red Cedar Registry Board Act;

7 47. Pancreatic Cancer Research License Plate - such plates
8 shall be issued to any person wishing to provide financial support
9 for the University of Oklahoma Foundation, Pancreatic Cancer
10 Research Fund. The plates shall be issued to any person in any
11 combination of numbers and letters from one to a maximum of six.
12 The license plates shall be designed in consultation with the
13 University of Oklahoma Foundation, Pancreatic Cancer Research Fund.
14 As provided in this section, an amount of the fee collected shall be
15 deposited in the Pancreatic Cancer Research License Plate Revolving
16 Fund created in Section 1104.19 of this title;

17 48. Alzheimer's Research License Plate - such plates shall be
18 issued to any person wishing to provide financial support for the
19 Oklahoma Chapter of the Alzheimer's Association. The license plates
20 shall be designed in consultation with the Oklahoma Chapter of the
21 Alzheimer's Association. As provided in this section, an amount of
22 the fee collected shall be deposited in the Alzheimer's Research
23 License Plate Revolving Fund created in Section 1104.20 of this
24 title;

1 49. Hospice and Palliative Care License Plate - such plates
2 shall be issued to any person wishing to provide financial support
3 for the Oklahoma Hospice and Palliative Care Association. The
4 license plates shall be designed in consultation with the Oklahoma
5 Hospice and Palliative Care Association. As provided in this
6 section, an amount of the fee collected shall be deposited in the
7 Hospice and Palliative Care License Plate Revolving Fund created in
8 Section 1104.21 of this title;

9 50. Juvenile Diabetes Research License Plate - such plates
10 shall be issued to any person wishing to provide financial support
11 for the Oklahoma Chapters of the Juvenile Diabetes Research
12 Foundation. The license plates shall be designed in consultation
13 with the Oklahoma Chapters of the Juvenile Diabetes Research
14 Foundation. As provided in this section, an amount of the fee
15 collected shall be deposited in the Juvenile Diabetes Research
16 License Plate Revolving Fund created in Section 1104.22 of this
17 title;

18 51. Deer Creek Schools Foundation License Plate - such plates
19 shall be issued to any person wishing to provide financial support
20 for the Deer Creek Schools Foundation. The license plates shall be
21 designed in consultation with the Deer Creek Schools Foundation.
22 The plates shall be issued to any person in any combination of
23 numbers and letters from one to a maximum of seven, as for
24 personalized license plates. As provided in this section, an amount

1 of the fee collected shall be deposited in the Deer Creek Schools
2 Foundation License Plate Revolving Fund created in Section 1104.23
3 of this title;

4 52. Lupus Awareness and Education License Plate - such plates
5 shall be issued to any person wishing to provide financial support
6 for the Lupus Foundation of Oklahoma. The license plates shall be
7 designed in consultation with the Lupus Foundation of Oklahoma. As
8 provided in this section, an amount of the fee collected shall be
9 deposited in the Oklahoma Lupus License Plate Revolving Fund created
10 in Section 1104.24 of this title. Subject to the provisions of
11 subsection A of this section, the Lupus Awareness and Education
12 License Plate is hereby reauthorized effective November 1, ~~2015~~
13 2018;

14 53. Chiefs of Police License Plate - such plates shall be
15 issued to any person wishing to provide financial support for the
16 Oklahoma Association of Chiefs of Police for a vehicle or motorcycle
17 in any combination of numbers and letters from one to a maximum of
18 seven, as for personalized plates. The license plates shall be
19 designed in consultation with the Oklahoma Association of Chiefs of
20 Police. The license plate for a motorcycle may be of similar design
21 as space permits or a new design in order to meet the space
22 requirements of a motorcycle license plate. The Tax Commission
23 shall be authorized to enter into a licensing agreement with the
24 Oklahoma Association of Chiefs of Police for any licensing fees

1 which may be required in order to use the association's logo or
2 design. The licensing agreement shall provide for a payment to the
3 Oklahoma Association of Chiefs of Police of not more than Twenty
4 Dollars (\$20.00) for each license plate issued. Subject to the
5 provisions of subsection A of this section, the Chiefs of Police
6 License Plate is hereby reauthorized effective November 1, 2015;

7 54. Crossings Christian School License Plate - such plates
8 shall be designed and issued to any person wishing to demonstrate
9 support for Crossings Christian School located in Oklahoma City.
10 The license plates shall be designed in consultation with the
11 administration of Crossings Christian School. The Tax Commission
12 shall be authorized to enter into a licensing agreement with
13 Crossings Christian School for any licensing fees which may be
14 required in order to use the school's logo or design. The licensing
15 agreement shall provide for a payment to the Crossings Christian
16 School of not more than Twenty Dollars (\$20.00) for each license
17 plate issued;

18 55. Hilldale Education Foundation License Plate - such plates
19 shall be designed and issued to any person wishing to demonstrate
20 support for the Hilldale Education Foundation. The license plates
21 shall be designed in consultation with the administration of the
22 Hilldale Education Foundation. The Tax Commission shall be
23 authorized to enter into a licensing agreement with the Hilldale
24 Education Foundation for any licensing fees which may be required in

1 order to use the foundation's logo or design. The licensing
2 agreement shall provide for a payment to the Hilldale Education
3 Foundation of not more than Twenty Dollars (\$20.00) for each license
4 plate issued;

5 56. Oklahoma Nurses License Plate - such plates shall be issued
6 to any person licensed pursuant to the Oklahoma Nursing Practice Act
7 and providing such documentation of current licensure as may be
8 required by the Oklahoma Tax Commission. The license plates shall
9 be designed in consultation with the Oklahoma Nurses Association.
10 As provided in this section, an amount of the fee collected shall be
11 deposited in the Oklahoma Nurses License Plate Revolving Fund
12 created in Section 1104.26 of this title;

13 57. Oklahoma Sports Hall of Fame License Plate - such plates
14 shall be issued to any person wishing to demonstrate support for the
15 Oklahoma Sports Hall of Fame. The license plates shall be designed
16 in consultation with the administration of the Oklahoma Sports Hall
17 of Fame. The Oklahoma Tax Commission shall be authorized to enter
18 into a licensing agreement with the Oklahoma Sports Hall of Fame for
19 any licensing fees which may be required in order to use the Hall of
20 Fame's logo or design. The licensing agreement shall provide for a
21 payment to the Oklahoma Sports Hall of Fame of not more than Twenty
22 Dollars (\$20.00) for each license plate issued;

23 58. Childhood Cancer Awareness License Plate - such plates
24 shall be issued to any person wishing to demonstrate support for the

Oklahoma Children's Cancer Association. The license plates shall be designed in consultation with the administration of the Oklahoma Children's Cancer Association. The Oklahoma Tax Commission shall be authorized to enter into a licensing agreement with the Oklahoma Children's Cancer Association for any licensing fees which may be required in order to use the Oklahoma Children's Cancer Association's logo or design. The licensing agreement shall provide for a payment to the Oklahoma Children's Cancer Association of not more than Twenty Dollars (\$20.00) for each license plate issued;

59. Oklahoma Educational Television Authority License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Oklahoma Educational Television Authority and such plates shall be designed in consultation with the Authority. As provided in this section, an amount of the fee collected shall be deposited in the Educational Television Authority Revolving Fund created in Section 156 of Title 62 of the Oklahoma Statutes;

60. Remembering Fallen Heroes License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for Concerns of Police Survivors, Inc. Such plates shall be designed in consultation with the Oklahoma chapter of Concerns of Police Survivors, Inc. As provided in this section, an amount of the fee collected shall be deposited in the Oklahoma Concerns of

1 Police Survivors License Plate Revolving Fund created in Section
2 1104.27 of this title;

3 61. Disabled American Veterans License Plate - such plates
4 shall be designed in consultation with the Disabled American
5 Veterans Department of Oklahoma and issued to any member of the
6 organization wishing to demonstrate support. The Tax Commission
7 shall be authorized to enter into a licensing agreement with the
8 Disabled American Veterans Department of Oklahoma for any licensing
9 fees which may be required in order to use the organization's logo
10 or design. The licensing agreement shall provide for a payment to
11 the Disabled American Veterans Department of Oklahoma of not more
12 than Twenty Dollars (\$20.00) for each license plate issued. The
13 plates shall incorporate a numbering system agreed upon by the
14 Disabled American Veterans Department of Oklahoma and the Tax
15 Commission;

16 62. Owasso Rams Supporter License Plate - such plates shall be
17 designed and issued to any person wishing to demonstrate support for
18 the Owasso Rams, and shall be designed in consultation with
19 representatives of Owasso Schools. The plates shall be issued to
20 any person in any combination of numbers and letters from one to a
21 maximum of seven, as for personalized license plates. As provided
22 in this section, an amount of the fee collected shall be deposited
23 in the Education Reform Revolving Fund created in Section 34.89 of
24 Title 62 of the Oklahoma Statutes;

1 63. Collinsville Cardinals Supporter License Plate - such
2 plates shall be designed and issued to any person wishing to
3 demonstrate support for the Collinsville Cardinals, and shall be
4 designed in consultation with representatives of Collinsville
5 Schools. The plates shall be issued to any person in any
6 combination of numbers and letters from one to a maximum of seven,
7 as for personalized license plates. As provided in this section, an
8 amount of the fee collected shall be deposited in the Education
9 Reform Revolving Fund created in Section 34.89 of Title 62 of the
10 Oklahoma Statutes;

11 64. Sperry Pirates Supporter License Plate - such plates shall
12 be designed and issued to any person wishing to demonstrate support
13 for the Sperry Pirates, and shall be designed in consultation with
14 representatives of Sperry Schools. The plates shall be issued to
15 any person in any combination of numbers and letters from one to a
16 maximum of seven, as for personalized license plates. As provided
17 in this section, an amount of the fee collected shall be deposited
18 in the Education Reform Revolving Fund created in Section 34.89 of
19 Title 62 of the Oklahoma Statutes;

20 65. Skiatook Bulldogs Supporter License Plate - such plates
21 shall be designed and issued to any person wishing to demonstrate
22 support for the Skiatook Bulldogs, and shall be designed in
23 consultation with representatives of Skiatook Schools. The plates
24 shall be issued to any person in any combination of numbers and

1 letters from one to a maximum of seven, as for personalized license
2 plates. As provided in this section, an amount of the fee collected
3 shall be deposited in the Education Reform Revolving Fund created in
4 Section 34.89 of Title 62 of the Oklahoma Statutes;

5 66. Rejoice Christian Eagles Supporter License Plate - such
6 plates shall be designed and issued to any person wishing to
7 demonstrate support for the Rejoice Christian Eagles, and shall be
8 designed in consultation with representatives of Rejoice Christian
9 Schools. The plates shall be issued to any person in any
10 combination of numbers and letters from one to a maximum of seven,
11 as for personalized license plates. As provided in this section, an
12 amount of the fee collected shall be deposited in the Education
13 Reform Revolving Fund created in Section 34.89 of Title 62 of the
14 Oklahoma Statutes;

15 67. East Central Cardinals Supporter License Plate - such
16 plates shall be designed and issued to any person wishing to
17 demonstrate support for the East Central Cardinals, and shall be
18 designed in consultation with representatives of East Central
19 Schools. The plates shall be issued to any person in any
20 combination of numbers and letters from one to a maximum of seven,
21 as for personalized license plates. As provided in this section, an
22 amount of the fee collected shall be deposited in the Education
23 Reform Revolving Fund created in Section 34.89 of Title 62 of the
24 Oklahoma Statutes;

1 68. Southeast Spartans Supporter License Plate - such plates
2 shall be designed and issued to any person wishing to demonstrate
3 support for the Southeast Spartans, and shall be designed in
4 consultation with the Southeast High School Alumni Association. The
5 plates shall be issued to any person in any combination of numbers
6 and letters from one to a maximum of seven, as for personalized
7 license plates. As provided in this section, an amount of the fee
8 collected shall be deposited in the Education Reform Revolving Fund
9 created in Section 34.89 of Title 62 of the Oklahoma Statutes;

10 69. Sooner State ABATE License Plate - such plates shall be
11 issued to any person wishing to provide financial support for Sooner
12 State ABATE. The license plates shall be designed in consultation
13 with Sooner State ABATE. The plates shall be issued to any person
14 in any combination of numbers and letters from one to a maximum of
15 seven, as for personalized plates. The license plate for a
16 motorcycle may be of similar design as space permits or a new design
17 in order to meet the space requirements of a motorcycle license
18 plate. The Tax Commission shall be authorized to enter into a
19 licensing agreement with Sooner State ABATE for any licensing fees,
20 which may be required in order to use the association's logo or
21 design. The licensing agreement shall provide for a payment to
22 Sooner State ABATE of not more than Twenty Dollars (\$20.00) for each
23 license plate issued;
24

1 70. Oklahoma License to Educate License Plate - such plates

2 shall be designed and issued to any person wishing to demonstrate

3 support for Oklahoma educators. Such plates shall be designed in

4 consultation with the State Department of Education. As provided in

5 this section, an amount of the fee collected shall be deposited in

6 the Oklahoma Teacher Recruitment Revolving Fund created in Section

7 6-132 of Title 70 of the Oklahoma Statutes;

8 ~~70.~~ 71. Piedmont Education Foundation License Plate - such

9 plates shall be designed and issued to any person wishing to

10 demonstrate support for the Piedmont Public Schools Education

11 Foundation. Such plates shall be designed in consultation with the

12 Foundation. As provided in this section, an amount of the fee

13 collected shall be deposited in the Piedmont Public Schools

14 Education Foundation License Plate Revolving Fund created in Section

15 1104.28 of this title;

16 ~~71.~~ 72. The Pride of Oklahoma License Plate - such plates shall

17 be designed and issued to any person wishing to demonstrate support

18 for the University of Oklahoma Marching Band and shall be designed

19 in consultation with the University of Oklahoma Marching Band. The

20 Oklahoma Tax Commission shall be authorized to enter into a

21 licensing agreement with the University of Oklahoma or the

22 University of Oklahoma Marching Band for any licensing fees which

23 may be required in order to use the applicable logo or design. The

24 licensing agreement shall provide for a payment to the Pride of

Oklahoma Fund at the University of Oklahoma Foundation, Inc. of not more than Twenty Dollars (\$20.00) for each license plate issued;

~~72.~~ 73. Jenks Trojans License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Jenks School District. The license plates shall be designed in consultation with the administration of the Jenks School District. The Tax Commission shall be authorized to enter into a licensing agreement with the Jenks School District for any licensing fees which may be required in order to use the school district's logo or design. The licensing agreement shall provide for a payment to the Jenks School District of not more than Twenty Dollars (\$20.00) for each license plate issued;

~~73.~~ 74. Bixby Spartans License Plate - such plates shall be designed and issued to any person wishing to demonstrate support for the Bixby School District. The license plates shall be designed in consultation with the administration of the Bixby School District. The Tax Commission shall be authorized to enter into a licensing agreement with the Bixby School District for any licensing fees which may be required in order to use the school district's logo or design. The licensing agreement shall provide for a payment to the Bixby School District of not more than Twenty Dollars (\$20.00) for each license plate issued;

~~74.~~ 75. Oklahoma Aeronautics Commission License Plate - such plates shall be designed and issued to any person wishing to

1 demonstrate support for the Oklahoma aviation industry and to
2 promote awareness of aviation and aerospace. Such plates shall be
3 designed in consultation with the Oklahoma Aeronautics Commission
4 and shall be issued to any person in any combination of numbers and
5 letters from one to a maximum of seven, as for personalized plates.
6 Twenty-four Dollars (\$24.00) of the fee collected shall be deposited
7 in the Oklahoma Aeronautics Commission Revolving Fund, for
8 expenditure as provided in Section 91 of Title 3 of the Oklahoma
9 Statutes;

10 ~~75.~~ 76. Ducks Unlimited License Plate - such plates shall be
11 designed and issued to any person wishing to demonstrate support for
12 Ducks Unlimited. Such plates shall be designed in consultation with
13 Ducks Unlimited. The Oklahoma Tax Commission shall be authorized to
14 enter into a licensing agreement with Ducks Unlimited for any
15 licensing fee which may be required in order to use the Ducks
16 Unlimited logo or design. The licensing agreement shall provide for
17 a payment to Ducks Unlimited of not more than Twenty Dollars
18 (\$20.00) for each license plate issued;

19 ~~76.~~ 77. Prisoner of War and Missing in Action License Plate -
20 such plates shall be issued to any person wishing to increase
21 awareness of those who are currently prisoners of war or missing in
22 action and provide financial support for current veterans. The
23 license plates shall be designed in consultation with Rolling
24 Thunder Oklahoma. As provided in this section, an amount of the fee

1 collected shall be deposited in the Prisoner of War and Missing in
2 Action License Plate Revolving Fund created in Section 1104.29 of
3 this title;

4 ~~77.~~ 78. Woodward Boomers License Plate - such plates shall be
5 designed and issued to any person wishing to demonstrate support for
6 the Woodward School District. The license plates shall be designed
7 in consultation with the administration of the Woodward School
8 District. The Tax Commission shall be authorized to enter into a
9 licensing agreement with the Woodward School District for any
10 licensing fees which may be required in order to use the school
11 district's logo or design. The licensing agreement shall provide
12 for a payment to the Woodward School District of not more than
13 Twenty Dollars (\$20.00) for each license plate issued;

14 ~~78.~~ 79. Clinton Public School Foundation License Plate - such
15 plates shall be designed and issued to any person wishing to
16 demonstrate support for the Clinton Public School Foundation. The
17 license plates shall be designed in consultation with the Clinton
18 Public School Foundation. The Tax Commission shall be authorized to
19 enter into a licensing agreement with the Clinton Public School
20 Foundation for any licensing fees which may be required in order to
21 use the school foundation's logo or design. The licensing agreement
22 shall provide for a payment to the Clinton Public School Foundation
23 of not more than Twenty Dollars (\$20.00) for each license plate
24 issued; ~~and~~

1 ~~79.~~ 80. Navajo School Foundation License Plate - such plates
2 shall be issued to any person wishing to demonstrate support for the
3 Navajo School Foundation. The license plates shall be designed in
4 consultation with the administration of the Navajo School
5 Foundation. The Oklahoma Tax Commission shall be authorized to
6 enter into a licensing agreement with the Navajo School Foundation
7 for any licensing fees which may be required in order to use the
8 Foundation's logo or design. The licensing agreement shall provide
9 for a payment to the Navajo School Foundation of not more than
10 Twenty Dollars (\$20.00) for each license plate issued;

11 ~~80.~~ 81. Oklahoma Music Hall of Fame Inc. License Plate - such
12 plates shall be designed in consultation with the Oklahoma Music
13 Hall of Fame Inc. and issued to any member of the organization
14 wishing to demonstrate support. The Tax Commission shall be
15 authorized to enter into a licensing agreement with the Oklahoma
16 Music Hall of Fame Inc. for any licensing fees which may be required
17 in order to use the organization's logo or design. The licensing
18 agreement shall provide for a payment to the Oklahoma Music Hall of
19 Fame Inc. of not more than Twenty Dollars (\$20.00) for each license
20 plate issued. The plates shall incorporate a numbering system
21 agreed upon by the Oklahoma Music Hall of Fame Inc. and the Tax
22 Commission;

23 ~~81.~~ 82. Techlahoma Foundation License Plate - such plates shall
24 be issued to any person wishing to provide financial support for the

1 Techlahoma Foundation. The license plate shall be designed in
2 consultation with the Techlahoma Foundation. The plate shall be
3 issued to any person in any combination of numbers and letters from
4 one to a maximum of seven, as for personalized plates. The Tax
5 Commission shall be authorized to enter into a licensing agreement
6 with the Techlahoma Foundation for any licensing fees, which may be
7 required in order to use the association's logo or design. The
8 licensing agreement shall provide for a payment to the Techlahoma
9 Foundation of not more than Twenty Dollars (\$20.00) for each license
10 plate issued;

11 ~~82.~~ 83. Bethany Public Schools Foundation License Plate - such
12 plates shall be issued to any person wishing to demonstrate support
13 for the Bethany Public Schools Foundation. The license plates shall
14 be designed in consultation with the administration of the Bethany
15 Public Schools Foundation. The Oklahoma Tax Commission shall be
16 authorized to enter into a licensing agreement with the Bethany
17 Public Schools Foundation for any licensing fees which may be
18 required in order to use the Foundation's logo or design. The
19 licensing agreement shall provide for a payment to the Bethany
20 Public Schools Foundation of not more than Twenty Dollars (\$20.00)
21 for each license plate issued; and

22 ~~83.~~ 84. Cystic Fibrosis Foundation License Plate - such plates
23 shall be issued to any person wishing to demonstrate support for the
24 Cystic Fibrosis Foundation. The license plates shall be designed in

1 consultation with the administration of the Cystic Fibrosis
2 Foundation. The Oklahoma Tax Commission shall be authorized to
3 enter into a licensing agreement with the Cystic Fibrosis Foundation
4 for any licensing fees which may be required in order to use the
5 Foundation's logo or design. The licensing agreement shall provide
6 for a payment to the Cystic Fibrosis Foundation of not more than
7 Twenty Dollars (\$20.00) for each license plate issued;

8 85. Down Syndrome Association of Central Oklahoma License Plate
9 - such plates shall be designed and issued to any person wishing to
10 demonstrate support for the Down Syndrome Association of Central
11 Oklahoma. Such plates shall be designed in consultation with the
12 Association. As provided in this section, an amount of the fee
13 collected shall be deposited in the Down Syndrome Association of
14 Central Oklahoma License Plate Revolving Fund created in Section
15 1104.30 of this title;

16 86. Elk City Education Foundation License Plate - such plates
17 shall be designed and issued to any person wishing to demonstrate
18 support for the Elk City Education Foundation. Such plates shall be
19 designed in consultation with the Foundation. As provided in this
20 section, an amount of the fee collected shall be deposited in the
21 Elk City Education Foundation License Plate Revolving Fund created
22 in Section 1104.31 of this title;

23 87. A Brotherhood Aiming Toward Education of Oklahoma (ABATE)
24 License Plate - such plates shall be designed and issued to any

1 person wishing to provide financial support for ABATE of Oklahoma.
2 Such plates shall be designed in consultation with ABATE of
3 Oklahoma. The plates shall be issued to any person in any
4 combination of numbers and letters from one to a maximum of seven,
5 as for personalized plates. The license plate for a motorcycle may
6 be of similar design as space permits or a new design in order to
7 meet the space requirements of a motorcycle license plate. The
8 Oklahoma Tax Commission shall be authorized to enter into a
9 licensing agreement with ABATE of Oklahoma for any licensing fees
10 which may be required in order to use ABATE of Oklahoma logo or
11 design. The licensing agreement shall provide for a payment to
12 ABATE of Oklahoma of not more than Twenty Dollars (\$20.00) for each
13 license plate issued;

14 88. Downed Bikers Association License Plate - such plates shall
15 be designed for a vehicle or motorcycle in any combination of
16 numbers and letters from one to a maximum of seven, as for
17 personalized plates, and issued to any person wishing to demonstrate
18 support for the Downed Bikers Association, a nonprofit charitable
19 organization exempt from taxation pursuant to the provisions of the
20 Internal Revenue Code, 26 U.S.C., Section 501(c)(3), which provides
21 emotional and financial support for downed bikers. The license
22 plate shall be designed in consultation with the Central Oklahoma
23 Chapter of the Downed Bikers Association and shall contain any
24 official logo or design of the organization. The license plate for

1 a motorcycle may be of similar design as space permits or a new
2 design in order to meet the space requirements of a motorcycle
3 license plate. The Tax Commission, if necessary, may enter into a
4 licensing agreement with the Downed Bikers Association for any
5 licensing fees which may be required in order to use the
6 organization's logo or design. The licensing agreement shall
7 provide for a payment to the Downed Bikers Association of not more
8 than Twenty Dollars (\$20.00) for each license plate;

9 89. Eagle Scout License Plate - Such plates shall be designed
10 to demonstrate support for Eagle Scouts and shall include the Eagle
11 Scout logo. Plates may be issued to any person who can show proof
12 of having obtained the rank of Eagle Scout. The Oklahoma Tax
13 Commission shall be authorized to enter into a licensing agreement
14 with the various Oklahoma local councils for any licensing fees
15 which may be required in order to use the applicable logo or design.
16 The licensing agreement shall provide for a payment of not more than
17 Twenty Dollars (\$20.00) for each license plate issued to the
18 specific Oklahoma local area Council designated by the applicant;

19 90. Extraordinary Educators License Plate - such plates shall
20 be designed and issued to any person wishing to provide financial
21 support for common education in Oklahoma. Such plates shall be
22 designed in consultation with the State Department of Education.
23 The plates shall be issued to any person in any combination of
24 numbers and letters from one to a maximum of seven, as for

1 personalized plates. As provided in this section, an amount of the
2 fee collected shall be deposited in the Extraordinary Educators
3 License Plate Revolving Fund created in Section 1104.32 of this
4 title; and

5 91. Former Oklahoma Legislator License Plate - such plates
6 shall be designed and issued to any person who previously served as
7 a member of the Oklahoma House of Representatives or Oklahoma State
8 Senate. The license plates shall be designed in consultation with
9 the Oklahoma Historical Society. As provided in this section, an
10 amount of the fee collected shall be deposited in the Oklahoma
11 Historical Society Capital Improvement and Operations Revolving Fund
12 created in Section 1.10a of Title 53 of the Oklahoma Statutes. The
13 Tax Commission shall create and maintain a list of former members of
14 the Oklahoma House of Representatives and Oklahoma State Senate
15 eligible to be issued such plates; provided, that no former member
16 of the Oklahoma House of Representatives and Oklahoma State Senate
17 shall be eligible to possess more than two of such plates at any one
18 time. The Tax Commission shall confer as needed with the Chief
19 Clerk of the Oklahoma House of Representatives and the Secretary of
20 the Oklahoma State Senate to confirm that such list is complete and
21 accurate.

22 C. The fee for such plates shall be Thirty-five Dollars
23 (\$35.00) per year of renewal and shall be in addition to all other
24

1 registration fees provided by the Oklahoma Vehicle License and
2 Registration Act. The fee shall be apportioned as follows:

3 1. Twenty Dollars (\$20.00) per year of renewal or any other
4 amount as provided in this title of the fee shall be apportioned as
5 provided or deposited in a fund as specified within the paragraph
6 authorizing the special license plate;

7 2. Eight Dollars (\$8.00) per year of renewal of the fee shall
8 be deposited in the Oklahoma Tax Commission Reimbursement Fund to be
9 used for the administration of the Oklahoma Vehicle License and
10 Registration Act; and

11 3. Any remaining amounts of the fee shall be apportioned as
12 provided in Section 1104 of this title.

13 SECTION 27. REPEALER 47 O.S. 2011, Section 1135.5, as
14 last amended by Section 1, Chapter 181, O.S.L. 2018 (47 O.S. Supp.
15 2018, Section 1135.5), is hereby repealed.

16 SECTION 28. REPEALER 47 O.S. 2011, Section 1135.5, as
17 last amended by Section 2, Chapter 226, O.S.L. 2018 (47 O.S. Supp.
18 2018, Section 1135.5), is hereby repealed.

19 SECTION 29. REPEALER 47 O.S. 2011, Section 1135.5, as
20 last amended by Section 15, Chapter 304, O.S.L. 2018 (47 O.S. Supp.
21 2018, Section 1135.5), is hereby repealed.

22 SECTION 30. AMENDATORY 59 O.S. 2011, Section 161.11, as
23 amended by Section 6, Chapter 94, O.S.L. 2018 (59 O.S. Supp. 2018,
24 Section 161.11), is amended to read as follows:

1 Section 161.11. A. 1. Beginning January 1, 2005:

- 2 a. a person holding an original license and who is
3 actively engaged in the practice of chiropractic in
4 this state shall pay to the Board of Chiropractic
5 Examiners, on or before July 1 of each year, a renewal
6 license fee of ~~Two Hundred Twenty-five Dollars~~
7 ~~(\$225.00)~~ Two Hundred Seventy-five Dollars (\$275.00),
- 8 b. an inactive nonresident holding an original license to
9 practice chiropractic in Oklahoma and who has filed a
10 statement with the Board that the licensee is not
11 actively engaged in the practice of chiropractic in
12 this state and shall not engage in the practice of
13 chiropractic in this state during the succeeding year,
14 shall pay to the Board, on or before July 1 of each
15 year, a renewal license fee of One Hundred Seventy-
16 five Dollars (\$175.00),
- 17 c. an inactive resident holding an original license to
18 practice chiropractic in Oklahoma, and who has filed,
19 or on whose behalf has been filed, a statement with
20 the Board that because of illness, infirmity, active
21 military service or other circumstances as approved by
22 the Board, the licensee is unable to actively engage
23 in the practice of chiropractic during the succeeding
24

1 year, shall pay to the Board a renewal license fee of
2 One Hundred Dollars (\$100.00), and

3 d. a person holding an original license, but who is
4 sixty-five (65) years of age or older and who has
5 filed a statement with the Board that the licensee is
6 not actively engaged in the practice of chiropractic
7 in this state and shall not engage in the practice of
8 chiropractic in this state during the succeeding year,
9 shall pay to the Board a renewal licensee fee of Fifty
10 Dollars (\$50.00).

11 2. In addition, each licensee shall present to the Board
12 satisfactory evidence that during the preceding twelve (12) months
13 the licensee attended sixteen (16) hours of continuing education
14 that meets the requirements of Section 161.10a of this title,
15 provided that inactive resident licensees may, at the discretion of
16 the Board, be exempt from this requirement.

17 3. Every chiropractic physician who is actively engaged in the
18 practice of chiropractic in this state shall submit to the Board
19 documentary evidence that the chiropractor has malpractice insurance
20 and maintains such insurance twelve (12) months of each year when
21 practicing in this state. Any licensee who is not actively engaged
22 in practice in this state, shall be exempt from providing proof of
23 malpractice insurance.

1 B. Subject to the laws of this state applicable to professional
2 licenses and rules promulgated pursuant to the Oklahoma Chiropractic
3 Practice Act, the Board shall, upon determination that a licensee
4 has complied with the requirements of this section and the duly
5 promulgated rules of the Board, issue a renewal license to said
6 licensee.

7 C. The failure of a licensee to properly renew a license or
8 certificate shall be evidence of noncompliance with the Oklahoma
9 Chiropractic Practice Act.

10 1. The license shall automatically be placed in a lapsed status
11 for failure to renew and shall be considered lapsed and not in good
12 standing for purposes of the practice of chiropractic.

13 2. If within sixty (60) calendar days after July 1, the
14 licensee cures any renewal requirement deficiency, pays the renewal
15 fee and pays a reinstatement fee set by the Board, the license may
16 be reactivated.

17 3. If a license is not reactivated under this subsection within
18 sixty (60) calendar days after July 1, the license shall
19 automatically be suspended for failure to renew.

20 4. The practice of chiropractic is prohibited unless the
21 license is active and in good standing with the Board.

22 D. When an original license or renewal license, or both, have
23 been suspended under the provisions of this section, the license or
24 licenses may be reinstated upon:

1 1. Payment of a reinstatement fee in an amount fixed by the
2 Board not to exceed Four Hundred Dollars (\$400.00);

3 2. Payment of the renewal license fee for the calendar year in
4 which the original license is reinstated; and

5 3. Presentation to the Board of satisfactory evidence of
6 compliance with the continuing education requirement of this section
7 for the calendar year in which the original license is reinstated.

8 E. The Board, by rule, may establish guidelines for the
9 disposition of disciplinary cases involving specific types of
10 violations. The guidelines may include, but are not limited to:

11 1. Minimum and maximum administrative fines;

12 2. Periods of suspension, probation or supervision;

13 3. Terms and conditions of probation; and

14 4. Terms and conditions for the reinstatement of an original
15 license or renewal license, or both.

16 F. The license of a chiropractic physician who is not compliant
17 with Oklahoma income tax law pursuant to Section 238.1 of Title 68
18 of the Oklahoma Statutes shall not be renewed. Such license shall
19 be automatically suspended at the date of renewal and shall remain
20 suspended until the Board receives notice from the Oklahoma Tax
21 Commission that the licensee has come into compliance with Oklahoma
22 income tax law. A physician whose license is suspended under this
23 subsection shall pay a reinstatement fee in an amount fixed by the
24 Board but not to exceed Four Hundred Dollars (\$400.00).

1 SECTION 31. REPEALER 59 O.S. 2011, Section 161.11, as
2 amended by Section 1, Chapter 57, O.S.L. 2018 (59 O.S. Supp. 2018,
3 Section 161.11), is hereby repealed.

4 SECTION 32. AMENDATORY Section 3, Chapter 277, O.S.L.
5 2015, as amended by Section 2, Chapter 24, O.S.L. 2018 (63 O.S.
6 Supp. 2018, Section 1-293), is amended to read as follows:

7 Section 1-293. A. A licensed practitioner may prescribe
8 epinephrine auto-injectors in the name of an authorized entity or an
9 authorized individual for use in accordance with this section, and
10 pharmacists and physicians may dispense epinephrine auto-injectors
11 pursuant to a prescription issued in the name of an authorized
12 entity or an authorized individual; provided, however, such
13 prescriptions shall only be filled by pharmacists licensed in this
14 state by the State Board of Pharmacy.

15 B. An authorized entity or an authorized individual may acquire
16 and stock a supply of epinephrine auto-injectors pursuant to a
17 prescription issued in accordance with this section. Such
18 epinephrine auto-injectors shall be stored in a location readily
19 accessible in an emergency and in accordance with the epinephrine
20 auto-injector's instructions for use and any additional requirements
21 that may be established by the Board of Pharmacy. An authorized
22 entity shall designate employees or agents who have completed the
23 training required by ~~this act~~ Section 1-292 et seq. of this title to
24

1 be responsible for the storage, maintenance, and general oversight
2 of epinephrine auto-injectors acquired by the authorized entity.

3 C. An employee or agent of an authorized entity, an authorized
4 individual, or other individual, who has completed the training
5 required by ~~this act~~ Section 1-292 et seq. of this title may, on the
6 premises of or in connection with the authorized entity or
7 authorized individual, use epinephrine auto-injectors prescribed
8 pursuant to ~~this act~~ Section 1-292 et seq. of this title to:

9 1. Provide an epinephrine auto-injector to any individual who
10 the employee, agent or individual believes in good faith is
11 experiencing anaphylaxis for immediate self-administration,
12 regardless of whether the individual has a prescription for an
13 epinephrine auto-injector or has previously been diagnosed with an
14 allergy; and

15 2. Administer an epinephrine auto-injector to any individual
16 who the employee, agent or individual believes in good faith is
17 experiencing anaphylaxis, regardless of whether the individual has a
18 prescription for an epinephrine auto-injector or has previously been
19 diagnosed with an allergy.

20 D. An employee, agent or individual described in subsection C
21 of this section must complete an anaphylaxis training program prior
22 to providing or administering an epinephrine auto-injector pursuant
23 to ~~this act~~ Section 1-292 et seq. of this title. Such training
24 shall be conducted by a nationally recognized organization

1 experienced in training laypersons in emergency health treatment or
2 other entity or an individual approved by the Board of Pharmacy.

3 The entity conducting training shall issue a certificate, ~~on a form~~
4 ~~developed and approved by the Board,~~ to each person who successfully
5 completes the anaphylaxis training program. Training may be
6 conducted online or in person and, at a minimum, shall cover:

7 1. Techniques on how to recognize symptoms of severe allergic
8 reactions, including anaphylaxis;

9 2. Standards and procedures for the storage and administration
10 of an epinephrine auto-injector; and

11 3. Emergency follow-up procedures.

12 E. An authorized entity or authorized individual that possesses
13 and makes available epinephrine auto-injectors and employees,
14 agents, authorized individuals, and other trained individuals; an
15 individual who uses an epinephrine auto-injector made available
16 pursuant to the provisions of ~~this act~~ Section 1-292 et seq. of this
17 title; a licensed practitioner that prescribes epinephrine auto-
18 injectors to an authorized entity or authorized individual; and an
19 individual or entity that conducts the training described in
20 subsection D of this section shall not be liable for any injuries or
21 related damages that result from the administration of, self-
22 administration of or failure to administer an epinephrine auto-
23 injector in accordance with this section that may constitute
24 ordinary negligence.

1 1. This immunity shall not apply to acts or omissions
2 constituting gross, willful or wanton negligence. The
3 administration of an epinephrine auto-injector in accordance with
4 ~~this act~~ Section 1-292 et seq. of this title is not the practice of
5 medicine. The immunity from liability provided under this
6 subsection is in addition to and not in lieu of that provided under
7 the Good Samaritan Act.

8 2. An entity located in this state shall not be liable for any
9 injuries or related damages that result from the provision or
10 administration of an epinephrine auto-injector by its employees or
11 agents outside of this state if the entity or its employee or agent
12 would not have been liable for such injuries or related damages had
13 the provision or administration occurred within this state.

14 F. The Board of Pharmacy, the State Board of Medical Licensure
15 and Supervision, and the State Board of Osteopathic Examiners shall
16 promulgate any rules necessary to implement the provisions of ~~this~~
17 ~~act~~ Section 1-292 et seq. of this title.

18 SECTION 33. REPEALER Section 3, Chapter 277, O.S.L.
19 2015, as amended by Section 12, Chapter 106, O.S.L. 2018 (63 O.S.
20 Supp. 2018, Section 1-293), is hereby repealed.

21 SECTION 34. AMENDATORY 63 O.S. 2011, Section 2-101, as
22 last amended by Section 3, Chapter 175, O.S.L. 2018 (63 O.S. Supp.
23 2018, Section 2-101), is amended to read as follows:

1 Section 2-101. As used in the Uniform Controlled Dangerous
2 Substances Act:

3 1. "Administer" means the direct application of a controlled
4 dangerous substance, whether by injection, inhalation, ingestion or
5 any other means, to the body of a patient, animal or research
6 subject by:

7 a. a practitioner (or, in the presence of the
8 practitioner, by the authorized agent of the
9 practitioner), or

10 b. the patient or research subject at the direction and
11 in the presence of the practitioner;

12 2. "Agent" means a peace officer appointed by and who acts on
13 behalf of the Director of the Oklahoma State Bureau of Narcotics and
14 Dangerous Drugs Control or an authorized person who acts on behalf
15 of or at the direction of a person who manufactures, distributes,
16 dispenses, prescribes, administers or uses for scientific purposes
17 controlled dangerous substances but does not include a common or
18 contract carrier, public warehouser or employee thereof, or a person
19 required to register under the Uniform Controlled Dangerous
20 Substances Act;

21 3. "Board" means the Advisory Board to the Director of the
22 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control;

23 4. "Bureau" means the Oklahoma State Bureau of Narcotics and
24 Dangerous Drugs Control;

1 5. "Coca leaves" includes cocaine and any compound,
2 manufacture, salt, derivative, mixture or preparation of coca
3 leaves, except derivatives of coca leaves which do not contain
4 cocaine or ecgonine;

5 6. "Commissioner" or "Director" means the Director of the
6 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control;

7 7. "Control" means to add, remove or change the placement of a
8 drug, substance or immediate precursor under the Uniform Controlled
9 Dangerous Substances Act;

10 8. "Controlled dangerous substance" means a drug, substance or
11 immediate precursor in Schedules I through V of the Uniform
12 Controlled Dangerous Substances Act or any drug, substance or
13 immediate precursor listed either temporarily or permanently as a
14 federally controlled substance. Any conflict between state and
15 federal law with regard to the particular schedule in which a
16 substance is listed shall be resolved in favor of state law;

17 9. "Counterfeit substance" means a controlled substance which,
18 or the container or labeling of which without authorization, bears
19 the trademark, trade name or other identifying marks, imprint,
20 number or device or any likeness thereof of a manufacturer,
21 distributor or dispenser other than the person who in fact
22 manufactured, distributed or dispensed the substance;

23 10. "Deliver" or "delivery" means the actual, constructive or
24 attempted transfer from one person to another of a controlled

1 dangerous substance or drug paraphernalia, whether or not there is
2 an agency relationship;

3 11. "Dispense" means to deliver a controlled dangerous
4 substance to an ultimate user or human research subject by or
5 pursuant to the lawful order of a practitioner, including the
6 prescribing, administering, packaging, labeling or compounding
7 necessary to prepare the substance for such distribution.

8 "Dispenser" is a practitioner who delivers a controlled dangerous
9 substance to an ultimate user or human research subject;

10 12. "Distribute" means to deliver other than by administering
11 or dispensing a controlled dangerous substance;

12 13. "Distributor" means a commercial entity engaged in the
13 distribution or reverse distribution of narcotics and dangerous
14 drugs and who complies with all regulations promulgated by the
15 federal Drug Enforcement Administration and the Oklahoma State
16 Bureau of Narcotics and Dangerous Drugs Control;

17 14. "Drug" means articles:

- 18 a. recognized in the official United States
19 Pharmacopoeia, official Homeopathic Pharmacopoeia of
20 the United States, or official National Formulary, or
21 any supplement to any of them,
22 b. intended for use in the diagnosis, cure, mitigation,
23 treatment or prevention of disease in man or other
24 animals,

- 1 c. other than food, intended to affect the structure or
2 any function of the body of man or other animals, and
3 d. intended for use as a component of any article
4 specified in this paragraph;

5 provided, however, the term "drug" does not include devices or their
6 components, parts or accessories;

7 15. "Drug-dependent person" means a person who is using a
8 controlled dangerous substance and who is in a state of psychic or
9 physical dependence, or both, arising from administration of that
10 controlled dangerous substance on a continuous basis. Drug
11 dependence is characterized by behavioral and other responses which
12 include a strong compulsion to take the substance on a continuous
13 basis in order to experience its psychic effects, or to avoid the
14 discomfort of its absence;

15 16. "Home care agency" means any sole proprietorship,
16 partnership, association, corporation, or other organization which
17 administers, offers, or provides home care services, for a fee or
18 pursuant to a contract for such services, to clients in their place
19 of residence;

20 17. "Home care services" means skilled or personal care
21 services provided to clients in their place of residence for a fee;

22 18. "Hospice" means a centrally administered, nonprofit or
23 profit, medically directed, nurse-coordinated program which provides
24 a continuum of home and inpatient care for the terminally ill

1 patient and the patient's family. Such term shall also include a
2 centrally administered, nonprofit or profit, medically directed,
3 nurse-coordinated program if such program is licensed pursuant to
4 the provisions of ~~this act~~ the Uniform Controlled Dangerous
5 Substances Act. A hospice program offers palliative and supportive
6 care to meet the special needs arising out of the physical,
7 emotional and spiritual stresses which are experienced during the
8 final stages of illness and during dying and bereavement. This care
9 is available twenty-four (24) hours a day, seven (7) days a week,
10 and is provided on the basis of need, regardless of ability to pay.
11 "Class A" Hospice refers to Medicare certified hospices. "Class B"
12 refers to all other providers of hospice services;

13 19. "Imitation controlled substance" means a substance that is
14 not a controlled dangerous substance, which by dosage unit
15 appearance, color, shape, size, markings or by representations made,
16 would lead a reasonable person to believe that the substance is a
17 controlled dangerous substance. In the event the appearance of the
18 dosage unit is not reasonably sufficient to establish that the
19 substance is an "imitation controlled substance", the court or
20 authority concerned should consider, in addition to all other
21 factors, the following factors as related to "representations made"
22 in determining whether the substance is an "imitation controlled
23 substance":
24

- a. statements made by an owner or by any other person in control of the substance concerning the nature of the substance, or its use or effect,
- b. statements made to the recipient that the substance may be resold for inordinate profit,
- c. whether the substance is packaged in a manner normally used for illicit controlled substances,
- d. evasive tactics or actions utilized by the owner or person in control of the substance to avoid detection by law enforcement authorities,
- e. prior convictions, if any, of an owner, or any other person in control of the object, under state or federal law related to controlled substances or fraud, and
- f. the proximity of the substances to controlled dangerous substances;

20. "Immediate precursor" means a substance which the Director has found to be and by regulation designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used, or likely to be used, in the manufacture of a controlled dangerous substance, the control of which is necessary to prevent, curtail or limit such manufacture;

21. "Laboratory" means a laboratory approved by the Director as proper to be entrusted with the custody of controlled dangerous

1 substances and the use of controlled dangerous substances for
2 scientific and medical purposes and for purposes of instruction;

3 22. "Manufacture" means the production, preparation,
4 propagation, compounding or processing of a controlled dangerous
5 substance, either directly or indirectly by extraction from
6 substances of natural or synthetic origin, or independently by means
7 of chemical synthesis or by a combination of extraction and chemical
8 synthesis. "Manufacturer" includes any person who packages,
9 repackages or labels any container of any controlled dangerous
10 substance, except practitioners who dispense or compound
11 prescription orders for delivery to the ultimate consumer;

12 23. "Marijuana" means all parts of the plant Cannabis sativa
13 L., whether growing or not; the seeds thereof; the resin extracted
14 from any part of such plant; and every compound, manufacture, salt,
15 derivative, mixture or preparation of such plant, its seeds or
16 resin, but shall not include:

- 17 a. the mature stalks of such plant or fiber produced from
18 such stalks,
- 19 b. oil or cake made from the seeds of such plant,
20 including cannabidiol derived from the seeds of the
21 marijuana plant,
- 22 c. any other compound, manufacture, salt, derivative,
23 mixture or preparation of such mature stalks (except
24

- the resin extracted therefrom), including cannabidiol derived from mature stalks, fiber, oil or cake,
- d. the sterilized seed of such plant which is incapable of germination,
- e. for any person participating in a clinical trial to administer cannabidiol for the treatment of severe forms of epilepsy pursuant to Section 2-802 of this title, a drug or substance approved by the federal Food and Drug Administration for use by those participants,
- f. for any person or the parents, legal guardians or caretakers of the person who have received a written certification from a physician licensed in this state that the person has been diagnosed by a physician as having Lennox-Gastaut Syndrome, Dravet Syndrome, also known as Severe Myoclonic Epilepsy of Infancy, or any other severe form of epilepsy that is not adequately treated by traditional medical therapies, spasticity due to multiple sclerosis or due to paraplegia, intractable nausea and vomiting, appetite stimulation with chronic wasting diseases, the substance cannabidiol, a nonpsychoactive cannabinoid, found in the plant Cannabis sativa L. or any other preparation thereof, that has a tetrahydrocannabinol concentration

1 of not more than three-tenths of one percent (0.3%)
2 and that is delivered to the patient in the form of a
3 liquid,

4 g. any federal Food and Drug Administration-approved
5 cannabidiol drug or substance, or

6 h. industrial hemp, from the plant Cannabis sativa L. and
7 any part of such plant, whether growing or not, with a
8 delta-9 tetrahydrocannabinol concentration of not more
9 than three-tenths of one percent (0.3%) on a dry
10 weight basis which shall ~~not only~~ be grown ~~anywhere in~~
11 ~~the State of Oklahoma but~~ pursuant to the Oklahoma
12 Industrial Hemp Agricultural Pilot Program and may be
13 shipped to Oklahoma pursuant to the provisions of
14 subparagraph e or f of this paragraph;

15 24. "Medical purpose" means an intention to utilize a
16 controlled dangerous substance for physical or mental treatment, for
17 diagnosis, or for the prevention of a disease condition not in
18 violation of any state or federal law and not for the purpose of
19 satisfying physiological or psychological dependence or other abuse;

20 25. "Mid-level practitioner" means an advanced practice nurse
21 as defined and within parameters specified in Section 567.3a of
22 Title 59 of the Oklahoma Statutes, or a certified animal euthanasia
23 technician as defined in Section 698.2 of Title 59 of the Oklahoma
24 Statutes, or an animal control officer registered by the Oklahoma

1 State Bureau of Narcotics and Dangerous Drugs Control under
2 subsection B of Section 2-301 of this title within the parameters of
3 such officer's duty under Sections 501 through 508 of Title 4 of the
4 Oklahoma Statutes;

5 26. "Narcotic drug" means any of the following, whether
6 produced directly or indirectly by extraction from substances of
7 vegetable origin, or independently by means of chemical synthesis,
8 or by a combination of extraction and chemical synthesis:

- 9 a. opium, coca leaves and opiates,
- 10 b. a compound, manufacture, salt, derivative or
11 preparation of opium, coca leaves or opiates,
- 12 c. cocaine, its salts, optical and geometric isomers, and
13 salts of isomers,
- 14 d. ecgonine, its derivatives, their salts, isomers and
15 salts of isomers, and
- 16 e. a substance, and any compound, manufacture, salt,
17 derivative or preparation thereof, which is chemically
18 identical with any of the substances referred to in
19 subparagraphs a through d of this paragraph, except
20 that the words "narcotic drug" as used in Section 2-
21 101 et seq. of this title shall not include
22 decocainized coca leaves or extracts of coca leaves,
23 which extracts do not contain cocaine or ecgonine;
- 24

1 27. "Opiate" means any substance having an addiction-forming or
2 addiction-sustaining liability similar to morphine or being capable
3 of conversion into a drug having such addiction-forming or
4 addiction-sustaining liability. It does not include, unless
5 specifically designated as controlled under the Uniform Controlled
6 Dangerous Substances Act, the dextrorotatory isomer of 3-methoxy-n-
7 methyl-morphinan and its salts (dextromethorphan). It does include
8 its racemic and levorotatory forms;

9 28. "Opium poppy" means the plant of the species *Papaver*
10 *somniferum* L., except the seeds thereof;

11 29. "Peace officer" means a police officer, sheriff, deputy
12 sheriff, district attorney's investigator, investigator from the
13 Office of the Attorney General, or any other person elected or
14 appointed by law to enforce any of the criminal laws of this state
15 or of the United States;

16 30. "Person" means an individual, corporation, government or
17 governmental subdivision or agency, business trust, estate, trust,
18 partnership or association, or any other legal entity;

19 31. "Poppy straw" means all parts, except the seeds, of the
20 opium poppy, after mowing;

21 32. "Practitioner" means:

- 22 a. (1) a medical doctor or osteopathic physician,
23 (2) a dentist,
24 (3) a podiatrist,

1 (4) an optometrist,
2 (5) a veterinarian,
3 (6) a physician assistant under the supervision of a
4 licensed medical doctor or osteopathic physician,
5 (7) a scientific investigator, or
6 (8) any other person,
7 licensed, registered or otherwise permitted to
8 prescribe, distribute, dispense, conduct research with
9 respect to, use for scientific purposes or administer
10 a controlled dangerous substance in the course of
11 professional practice or research in this state, or
12 b. a pharmacy, hospital, laboratory or other institution
13 licensed, registered or otherwise permitted to
14 distribute, dispense, conduct research with respect
15 to, use for scientific purposes or administer a
16 controlled dangerous substance in the course of
17 professional practice or research in this state;

18 33. "Production" includes the manufacture, planting,
19 cultivation, growing or harvesting of a controlled dangerous
20 substance;

21 34. "State" means the State of Oklahoma or any other state of
22 the United States;

23 35. "Ultimate user" means a person who lawfully possesses a
24 controlled dangerous substance for the person's own use or for the

1 use of a member of the person's household or for administration to
2 an animal owned by the person or by a member of the person's
3 household;

4 36. "Drug paraphernalia" means all equipment, products and
5 materials of any kind which are used, intended for use, or fashioned
6 specifically for use in planting, propagating, cultivating, growing,
7 harvesting, manufacturing, compounding, converting, producing,
8 processing, preparing, testing, analyzing, packaging, repackaging,
9 storing, containing, concealing, injecting, ingesting, inhaling or
10 otherwise introducing into the human body, a controlled dangerous
11 substance in violation of the Uniform Controlled Dangerous
12 Substances Act including, but not limited to:

- 13 a. kits used, intended for use, or fashioned specifically
14 for use in planting, propagating, cultivating, growing
15 or harvesting of any species of plant which is a
16 controlled dangerous substance or from which a
17 controlled dangerous substance can be derived,
- 18 b. kits used, intended for use, or fashioned specifically
19 for use in manufacturing, compounding, converting,
20 producing, processing or preparing controlled
21 dangerous substances,
- 22 c. isomerization devices used, intended for use, or
23 fashioned specifically for use in increasing the
24

- 1 potency of any species of plant which is a controlled
2 dangerous substance,
- 3 d. testing equipment used, intended for use, or fashioned
4 specifically for use in identifying, or in analyzing
5 the strength, effectiveness or purity of controlled
6 dangerous substances,
- 7 e. scales and balances used, intended for use, or
8 fashioned specifically for use in weighing or
9 measuring controlled dangerous substances,
- 10 f. diluents and adulterants, such as quinine
11 hydrochloride, mannitol, mannite, dextrose and
12 lactose, used, intended for use, or fashioned
13 specifically for use in cutting controlled dangerous
14 substances,
- 15 g. separation gins and sifters used, intended for use, or
16 fashioned specifically for use in removing twigs and
17 seeds from, or in otherwise cleaning or refining,
18 marijuana,
- 19 h. blenders, bowls, containers, spoons and mixing devices
20 used, intended for use, or fashioned specifically for
21 use in compounding controlled dangerous substances,
- 22 i. capsules, balloons, envelopes and other containers
23 used, intended for use, or fashioned specifically for
24

1 use in packaging small quantities of controlled
2 dangerous substances,

3 j. containers and other objects used, intended for use,
4 or fashioned specifically for use in parenterally
5 injecting controlled dangerous substances into the
6 human body,

7 k. hypodermic syringes, needles and other objects used,
8 intended for use, or fashioned specifically for use in
9 parenterally injecting controlled dangerous substances
10 into the human body,

11 l. objects used, intended for use, or fashioned
12 specifically for use in ingesting, inhaling or
13 otherwise introducing marijuana, cocaine, hashish or
14 hashish oil into the human body, such as:

15 (1) metal, wooden, acrylic, glass, stone, plastic or
16 ceramic pipes with or without screens, permanent
17 screens, hashish heads or punctured metal bowls,

18 (2) water pipes,

19 (3) carburetion tubes and devices,

20 (4) smoking and carburetion masks,

21 (5) roach clips, meaning objects used to hold burning
22 material, such as a marijuana cigarette, that has
23 become too small or too short to be held in the
24 hand,

- (6) miniature cocaine spoons and cocaine vials,
- (7) chamber pipes,
- (8) carburetor pipes,
- (9) electric pipes,
- (10) air-driven pipes,
- (11) chillums,
- (12) bongs, or
- (13) ice pipes or chillers,

m. all hidden or novelty pipes, and

n. any pipe that has a tobacco bowl or chamber of less than one-half (1/2) inch in diameter in which there is any detectable residue of any controlled dangerous substance as defined in this section or any other substances not legal for possession or use;

provided, however, the term "drug paraphernalia" shall not include separation gins intended for use in preparing tea or spice, clamps used for constructing electrical equipment, water pipes designed for ornamentation in which no detectable amount of an illegal substance is found or pipes designed and used solely for smoking tobacco, traditional pipes of an American Indian tribal religious ceremony, or antique pipes that are thirty (30) years of age or older;

37. a. "Synthetic controlled substance" means a substance:

(1) the chemical structure of which is substantially similar to the chemical structure of a controlled dangerous substance in Schedule I or II,

(2) which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled dangerous substance in Schedule I or II, or

(3) with respect to a particular person, which such person represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled dangerous substance in Schedule I or II.

b. The designation of gamma butyrolactone or any other chemical as a precursor, pursuant to Section 2-322 of this title, does not preclude a finding pursuant to subparagraph a of this paragraph that the chemical is a synthetic controlled substance.

c. "Synthetic controlled substance" does not include:

- (1) a controlled dangerous substance,
- (2) any substance for which there is an approved new drug application,
- (3) with respect to a particular person any substance, if an exemption is in effect for investigational use, for that person under the provisions of Section 505 of the Federal Food, Drug and Cosmetic Act, Title 21 of the United States Code, Section 355, to the extent conduct with respect to such substance is pursuant to such exemption, or
- (4) any substance to the extent not intended for human consumption before such an exemption takes effect with respect to that substance.

d. Prima facie evidence that a substance containing salvia divinorum has been enhanced, concentrated or chemically or physically altered shall give rise to a rebuttable presumption that the substance is a synthetic controlled substance;

38. "Tetrahydrocannabinols" means all substances that have been chemically synthesized to emulate the tetrahydrocannabinols of marijuana;

39. "Isomer" means the optical isomer, except as used in subsections C and F of Section 2-204 of this title and paragraph 4

1 of subsection A of Section 2-206 of this title. As used in
2 subsections C and F of Section 2-204 of this title, "isomer" means
3 the optical, positional or geometric isomer. As used in paragraph 4
4 of subsection A of Section 2-206 of this title, the term "isomer"
5 means the optical or geometric isomer;

6 40. "Hazardous materials" means materials, whether solid,
7 liquid or gas, which are toxic to human, animal, aquatic or plant
8 life, and the disposal of which materials is controlled by state or
9 federal guidelines;

10 41. "Anhydrous ammonia" means any substance that exhibits
11 cryogenic evaporative behavior and tests positive for ammonia;

12 42. "Acute pain" means pain, whether resulting from disease,
13 accidental or intentional trauma or other cause, that the
14 practitioner reasonably expects to last only a short period of time.
15 "Acute pain" does not include chronic pain, pain being treated as
16 part of cancer care, hospice or other end-of-life care, or pain
17 being treated as part of palliative care;

18 43. "Chronic pain" means pain that persists beyond the usual
19 course of an acute disease or healing of an injury. "Chronic pain"
20 may or may not be associated with an acute or chronic pathologic
21 process that causes continuous or intermittent pain over months or
22 years;

23 44. "Initial prescription" means a prescription issued to a
24 patient who:

- a. has never previously been issued a prescription for the drug or its pharmaceutical equivalent in the past year, or
- b. requires a prescription for the drug or its pharmaceutical equivalent due to a surgical procedure or new acute event and has previously had a prescription for the drug or its pharmaceutical equivalent within the past year.

When determining whether a patient was previously issued a prescription for a drug or its pharmaceutical equivalent, the practitioner shall consult with the patient and review the medical record and prescription monitoring information of the patient;

45. "Patient-provider agreement" means a written contract or agreement that is executed between a practitioner and a patient, prior to the commencement of treatment for chronic pain using a Schedule II controlled substance or any opioid drug which is a prescription drug, as a means to:

- a. explain the possible risk of development of physical or psychological dependence in the patient and prevent the possible development of addiction,
- b. document the understanding of both the practitioner and the patient regarding the pain-management plan of the patient,

- 1 c. establish the rights of the patient in association
2 with treatment and the obligations of the patient in
3 relation to the responsible use, discontinuation of
4 use, and storage of Schedule II controlled dangerous
5 substances, including any restrictions on the refill
6 of prescriptions or the acceptance of Schedule II
7 prescriptions from practitioners,
- 8 d. identify the specific medications and other modes of
9 treatment, including physical therapy or exercise,
10 relaxation or psychological counseling, that are
11 included as a part of the pain-management plan,
- 12 e. specify the measures the practitioner may employ to
13 monitor the compliance of the patient including, but
14 not limited to, random specimen screens and pill
15 counts, and
- 16 f. delineate the process for terminating the agreement,
17 including the consequences if the practitioner has
18 reason to believe that the patient is not complying
19 with the terms of the agreement. Compliance with the
20 "consent items" shall constitute a valid, informal
21 consent for opioid therapy. The provider shall be
22 held harmless from civil litigation for failure to
23 treat pain if the event occurs because of nonadherence
24

1 by the patient with any of the provisions of the
2 patient-provider agreement;

3 46. "Serious illness" means a medical illness or physical
4 injury or condition that substantially affects quality of life for
5 more than a short period of time. "Serious illness" includes, but
6 is not limited to, Alzheimer's disease or related dementias, lung
7 disease, cancer, heart failure, renal failure, liver failure or
8 chronic, unremitting or intractable pain such as neuropathic pain;
9 and

10 47. "Surgical procedure" means a procedure that is performed
11 for the purpose of structurally altering the human body by incision
12 or destruction of tissues as part of the practice of medicine. This
13 term includes the diagnostic or therapeutic treatment of conditions
14 or disease processes by use of instruments such as lasers,
15 ultrasound, ionizing, radiation, scalpels, probes or needles that
16 cause localized alteration or transportation of live human tissue by
17 cutting, burning, vaporizing, freezing, suturing, probing or
18 manipulating by closed reduction for major dislocations or
19 fractures, or otherwise altering by any mechanical, thermal, light-
20 based, electromagnetic or chemical means.

21 SECTION 35. REPEALER 63 O.S. 2011, Section 2-101, as
22 last amended by Section 11, Chapter 64, O.S.L. 2018 (63 O.S. Supp.
23 2018, Section 2-101), is hereby repealed.

1 SECTION 36. AMENDATORY 63 O.S. 2011, Section 2-302, as
2 amended by Section 1, Chapter 251, O.S.L. 2018 (63 O.S. Supp. 2018,
3 Section 2-302), is amended to read as follows:

4 Section 2-302. A. Every person who manufactures, distributes,
5 dispenses, prescribes, administers or uses for scientific purposes
6 any controlled dangerous substance within or into this state, or who
7 proposes to engage in the manufacture, distribution, dispensing,
8 prescribing, administering or use for scientific purposes of any
9 controlled dangerous substance within or into this state shall
10 obtain a registration issued by the Director of the Oklahoma State
11 Bureau of Narcotics and Dangerous Drugs Control, in accordance with
12 rules promulgated by the Director. Persons registered by the
13 Director under Section 2-101 et seq. of this title to manufacture,
14 distribute, dispense, or conduct research with controlled dangerous
15 substances may possess, manufacture, distribute, dispense, or
16 conduct research with those substances to the extent authorized by
17 their registration and in conformity with the other provisions of
18 ~~this article~~ the Uniform Controlled Dangerous Substances Act. Every
19 wholesaler, manufacturer or distributor of any drug product
20 containing pseudoephedrine or phenylpropanolamine, or their salts,
21 isomers, or salts of isomers shall obtain a registration issued by
22 the Director of the Oklahoma State Bureau of Narcotics and Dangerous
23 Drugs Control in accordance with rules promulgated by the Director
24 and as provided for in Section 2-332 of this title.

1 B. Out-of-state pharmaceutical suppliers who provide controlled
2 dangerous substances to individuals within this state shall obtain a
3 registration issued by the Director of the Oklahoma State Bureau of
4 Narcotics and Dangerous Drugs Control, in accordance with rules
5 promulgated by the Director. This provision shall also apply to
6 wholesale distributors who distribute controlled dangerous
7 substances to pharmacies or other entities registered within this
8 state in accordance with rules promulgated by the Director.

9 C. Every person who owns in whole or in part a public or
10 private medical facility for which a majority of patients are issued
11 on a reoccurring monthly basis a prescription for opioids,
12 benzodiazepines, barbiturates or carisoprodol, but not including
13 Suboxone or buprenorphine, shall obtain a registration issued by the
14 Director of the Oklahoma State Bureau of Narcotics and Dangerous
15 Drugs Control.

16 D. Beginning January 1, 2019, every manufacturer and
17 distributor required to register under the provisions of this
18 section shall provide all data required pursuant to federal law,
19 federal rules and regulations and 21 U.S.C., Section 827(d)(1) on a
20 quarterly basis to the Oklahoma State Bureau of Narcotics and
21 Dangerous Drugs Control in accordance with rules promulgated by the
22 Director.

23 ~~D.~~ E. The information maintained and provided pursuant to
24 subsection ~~E~~ D of this section shall be confidential and not open to

1 the public. Access to the information shall, at the discretion of
2 the Director, be limited to:

3 1. Peace officers certified pursuant to the provisions of
4 Section 3311 of Title 70 of the Oklahoma Statutes who are employed
5 as investigative agents of the Oklahoma State Bureau of Narcotics
6 and Dangerous Drugs Control or the Office of the Attorney General;

7 2. The United States Drug Enforcement Administration Diversion
8 Group Supervisor; and

9 3. A multicounty grand jury properly convened pursuant to the
10 provisions of the Multicounty Grand Jury Act.

11 ~~F.~~ F. Manufacturers, distributors, home care agencies,
12 hospices, home care services, medical facility owners referred to in
13 subsection C of this section and scientific researchers shall obtain
14 a registration annually. Other practitioners shall obtain a
15 registration for a period to be determined by the Director that will
16 be for a period not less than one (1) year nor more than three (3)
17 years.

18 ~~F.~~ G. Every trainer or handler of a canine controlled dangerous
19 substances detector who, in the ordinary course of such trainer's or
20 handler's profession, desires to possess any controlled dangerous
21 substance, annually, shall obtain a registration issued by the
22 Director for a fee of Seventy Dollars (\$70.00). Such persons shall
23 be subject to all applicable provisions of Section 2-101 et seq. of
24 this title and such applicable rules promulgated by the Director for

1 those individuals identified in subparagraph a of paragraph 32 of
2 Section 2-101 of this title. Persons registered by the Director
3 pursuant to this subsection may possess controlled dangerous
4 substances to the extent authorized by their registration and in
5 conformity with the other provisions of ~~this article~~ the Uniform
6 Controlled Dangerous Substances Act.

7 ~~G.~~ H. The following persons shall not be required to register
8 and may lawfully possess controlled dangerous substances under the
9 provisions of Section 2-101 et seq. of this title:

10 1. An agent, or an employee thereof, of any registered
11 manufacturer, distributor, dispenser or user for scientific purposes
12 of any controlled dangerous substance, if such agent is acting in
13 the usual course of such agent's or employee's business or
14 employment;

15 2. Any person lawfully acting under the direction of a person
16 authorized to administer controlled dangerous substances under
17 Section 2-312 of this title;

18 3. A common or contract carrier or warehouser, or an employee
19 thereof, whose possession of any controlled dangerous substance is
20 in the usual course of such carrier's or warehouser's business or
21 employment;

22 4. An ultimate user or a person in possession of any controlled
23 dangerous substance pursuant to a lawful order of a practitioner;
24

1 5. An individual pharmacist acting in the usual course of such
2 pharmacist's employment with a pharmacy registered pursuant to the
3 provisions of Section 2-101 et seq. of this title;

4 6. A nursing home licensed by this state;

5 7. Any Department of Mental Health and Substance Abuse Services
6 employee or any person whose facility contracts with the Department
7 of Mental Health and Substance Abuse Services whose possession of
8 any dangerous drug, as defined in Section 353.1 of Title 59 of the
9 Oklahoma Statutes, is for the purpose of delivery of a mental health
10 consumer's medicine to the consumer's home or residence; ~~and~~

11 8. Registered nurses and licensed practical nurses; and

12 9. An assisted living facility licensed by the State of
13 Oklahoma.

14 ~~H.~~ I. The Director may, by rule, waive the requirement for
15 registration or fee for registration of certain manufacturers,
16 distributors, dispensers, prescribers, administrators, or users for
17 scientific purposes if the Director finds it consistent with the
18 public health and safety.

19 ~~F.~~ J. A separate registration shall be required at each
20 principal place of business or professional practice where the
21 applicant manufactures, distributes, dispenses, prescribes,
22 administers, or uses for scientific purposes controlled dangerous
23 substances.

1 ~~J.~~ K. The Director is authorized to inspect the establishment
2 of a registrant or applicant for registration in accordance with
3 rules promulgated by the Director.

4 ~~K.~~ L. No person engaged in a profession or occupation for which
5 a license to engage in such activity is provided by law shall be
6 registered under ~~this act~~ the Uniform Controlled Dangerous
7 Substances Act unless such person holds a valid license of such
8 person's profession or occupation.

9 ~~L.~~ M. Registrations shall be issued on the first day of
10 November of each year. Registrations may be issued at other times,
11 however, upon certification of the professional licensing board.

12 ~~M.~~ N. The licensing boards of all professions and occupations
13 to which the use of controlled dangerous substances is incidental
14 shall furnish a current list to the Director, not later than the
15 first day of October of each year, of the persons holding valid
16 licenses. All such persons except persons exempt from registration
17 requirements under subsection ~~G~~ H of this section shall be subject
18 to the registration requirements of Section 2-101 et seq. of this
19 title.

20 ~~N.~~ O. The licensing board of any professional defined as a mid-
21 level practitioner shall notify and furnish to the Director, not
22 later than the first day of October of each year that such
23 professional holds a valid license, a current listing of individuals
24 licensed and registered with their respective boards to prescribe,

1 order, select, obtain and administer controlled dangerous
2 substances. The licensing board shall immediately notify the
3 Director of any action subsequently taken against any such
4 individual.

5 ~~Q.~~ P. Beginning November 1, 2010, each registrant that
6 prescribes, administers or dispenses methadone shall be required to
7 check the prescription profile of the patient on the central
8 repository of the Oklahoma State Bureau of Narcotics and Dangerous
9 Drugs Control.

10 SECTION 37. REPEALER 63 O.S. 2011, Section 2-302, as
11 amended by Section 1, Chapter 250, O.S.L. 2018 (63 O.S. Supp. 2018,
12 Section 2-302), is hereby repealed.

13 SECTION 38. AMENDATORY 63 O.S. 2011, Section 2-309D, as
14 last amended by Section 4, Chapter 175, O.S.L. 2018 (63 O.S. Supp.
15 2018, Section 2-309D), is amended to read as follows:

16 Section 2-309D. A. The information collected at the central
17 repository pursuant to the Anti-Drug Diversion Act shall be
18 confidential and shall not be open to the public. Access to the
19 information shall be limited to:

20 1. Peace officers certified pursuant to Section 3311 of Title
21 70 of the Oklahoma Statutes who are employed as investigative agents
22 of the Oklahoma State Bureau of Narcotics and Dangerous Drugs
23 Control;

24

1 2. The United States Drug Enforcement Administration Diversion
2 Group Supervisor;

3 3. The executive director or chief investigator, as designated
4 by each board, of the following state boards:

- 5 a. Board of Podiatric Medical Examiners,
- 6 b. Board of Dentistry,
- 7 c. State Board of Pharmacy,
- 8 d. State Board of Medical Licensure and Supervision,
- 9 e. State Board of Osteopathic Examiners,
- 10 f. State Board of Veterinary Medical Examiners,
- 11 g. Oklahoma Health Care Authority,
- 12 h. Department of Mental Health and Substance Abuse
- 13 Services,
- 14 i. Board of Examiners in Optometry,
- 15 j. Board of Nursing,
- 16 k. Office of the Chief Medical Examiner, and
- 17 l. State Board of Health;

18 4. A multicounty grand jury properly convened pursuant to the
19 Multicounty Grand Jury Act;

20 5. Medical practitioners employed by the United States
21 Department of Veterans Affairs, the United States Military, or other
22 federal agencies treating patients in this state; and

23 6. At the discretion of the Director of the Oklahoma State
24 Bureau of Narcotics and Dangerous Drugs Control, medical

1 practitioners and their staff, including those employed by the
2 federal government in this state.

3 B. This section shall not prevent access, at the discretion of
4 the Director of the Oklahoma State Bureau of Narcotics and Dangerous
5 Drugs Control, to investigative information by peace officers and
6 investigative agents of federal, state, tribal, county or municipal
7 law enforcement agencies, district attorneys and the Attorney
8 General in furtherance of criminal, civil or administrative
9 investigations or prosecutions within their respective
10 jurisdictions, designated legal, communications, and analytical
11 employees of the Bureau, and to registrants in furtherance of
12 efforts to guard against the diversion of controlled dangerous
13 substances.

14 C. This section shall not prevent the disclosure, at the
15 discretion of the Director of the Oklahoma State Bureau of Narcotics
16 and Dangerous Drugs Control, of statistical information gathered
17 from the central repository to the general public which shall be
18 limited to types and quantities of controlled substances dispensed
19 and the county where dispensed.

20 D. This section shall not prevent the disclosure, at the
21 discretion of the Director of the Oklahoma State Bureau of Narcotics
22 and Dangerous Drugs Control, of prescription-monitoring-program
23 information to prescription-monitoring programs of other states
24 provided a reciprocal data-sharing agreement is in place.

1 E. The Department of Mental Health and Substance Abuse Services
2 and the State Department of Health may utilize the information in
3 the central repository for statistical, research, substance abuse
4 prevention, or educational purposes, provided that consumer
5 confidentiality is not compromised.

6 F. Any unauthorized disclosure of any information collected at
7 the central repository provided by the Anti-Drug Diversion Act shall
8 be a misdemeanor. Violation of the provisions of this section shall
9 be deemed willful neglect of duty and shall be grounds for removal
10 from office.

11 G. 1. Registrants shall have access to the central repository
12 for the purposes of patient treatment and for determination in
13 prescribing or screening new patients. The patient's history may be
14 disclosed to the patient for the purposes of treatment of
15 information at the discretion of the physician.

16 2. a. Prior to prescribing or authorizing for refill, if one
17 hundred eighty (180) days have elapsed prior to the
18 previous access and check, of opiates, synthetic
19 opiates, semisynthetic opiates, benzodiazepine or
20 carisoprodol to a patient of record, registrants or
21 members of their medical or administrative staff shall
22 be required until October 31, 2020, to access the
23 information in the central repository to assess
24 medical necessity and the possibility that the patient

1 may be unlawfully obtaining prescription drugs in
2 violation of the Uniform Controlled Dangerous
3 Substances Act. The duty to access and check shall
4 not alter or otherwise amend appropriate medical
5 standards of care. The registrant or medical provider
6 shall note in the patient file that the central
7 repository has been checked and may maintain a copy of
8 the information.

9 b. The requirements set forth in subparagraph a of this
10 paragraph shall not apply:

11 (1) to medical practitioners who prescribe the
12 controlled substances set forth in subparagraph a
13 of this paragraph for hospice or end-of-life
14 care, or

15 (2) for a prescription of a controlled substance set
16 forth in subparagraph a of this paragraph that is
17 issued by a practitioner for a patient residing
18 in a nursing facility as defined by Section 1-
19 1902 of this title, provided that the
20 prescription is issued to a resident of such
21 facility.

22 3. Registrants shall not be liable to any person for any claim
23 of damages as a result of accessing or failing to access the
24

1 information in the central repository and no lawsuit may be
2 predicated thereon.

3 4. The failure of a registrant to access and check the central
4 repository as required under state or federal law or regulation
5 shall be grounds for the licensing board of the registrant to take
6 disciplinary action against the registrant.

7 H. The State Board of Podiatric Examiners, the State Board of
8 Dentistry, the State Board of Medical Licensure and Supervision, the
9 State Board of Examiners in Optometry, the State Board of Nursing,
10 the State Board of Osteopathic Examiners and the State Board of
11 Veterinary Medical Examiners shall have the sole responsibility for
12 enforcement of the provisions of subsection G of this section.
13 Nothing in this section shall be construed so as to permit the
14 Director of the State Bureau of Narcotics and Dangerous Drugs
15 Control to assess administrative fines provided for in Section 2-304
16 of this title.

17 I. The Director of the Oklahoma State Bureau of Narcotics and
18 Dangerous Drugs Control, or a designee thereof, shall provide a
19 monthly list to the Directors of the State Board of Podiatric
20 Examiners, the State Board of Dentistry, the State Board of Medical
21 Licensure and Supervision, the State Board of Examiners in
22 Optometry, the State Board of Nursing, the State Board of
23 Osteopathic Examiners and the State Board of Veterinary Medical
24 Examiners of the top twenty prescribers of controlled dangerous

1 substances within their respective areas of jurisdiction. Upon
2 discovering that a registrant is prescribing outside the limitations
3 of his or her licensure or outside of drug registration rules or
4 applicable state laws, the respective licensing board shall be
5 notified by the Bureau in writing. Such notifications may be
6 considered complaints for the purpose of investigations or other
7 actions by the respective licensing board. Licensing boards shall
8 have exclusive jurisdiction to take action against a licensee for a
9 violation of subsection G of this section.

10 J. Information regarding fatal and nonfatal overdoses, other
11 than statistical information as required by Section 2-106 of this
12 title, shall be completely confidential. Access to this information
13 shall be strictly limited to the Director of the Oklahoma State
14 Bureau of Narcotics and Dangerous Drugs Control or designee, the
15 Chief Medical Examiner, state agencies and boards provided in
16 subsection A of this section, and the registrant that enters the
17 information. Registrants shall not be liable to any person for a
18 claim of damages for information reported pursuant to the provisions
19 of Section 2-105 of this title.

20 K. The Director of the Oklahoma State Bureau of Narcotics and
21 Dangerous Drugs Control shall provide adequate means and procedures
22 allowing access to central repository information for registrants
23 lacking direct computer access.
24

1 L. Upon completion of an investigation in which it is
2 determined that a death was caused by an overdose, either
3 intentionally or unintentionally, of a controlled dangerous
4 substance, the medical examiner shall be required to report the
5 decedent's name and date of birth to the Oklahoma State Bureau of
6 Narcotics and Dangerous Drugs Control. The Oklahoma State Bureau of
7 Narcotics and Dangerous Drugs Control shall be required to maintain
8 a database containing the classification of medical practitioners
9 who prescribed or authorized controlled dangerous substances
10 pursuant to this subsection.

11 M. The Oklahoma State Bureau of Narcotics and Dangerous Drugs
12 is authorized to provide unsolicited notification to the licensing
13 board of a pharmacist or practitioner if a patient has received one
14 or more prescriptions for controlled substances in quantities or
15 with a frequency inconsistent with generally recognized standards of
16 safe practice or if a practitioner or prescriber has exhibited
17 prescriptive behavior consistent with generally recognized standards
18 indicating potentially problematic prescribing patterns. An
19 unsolicited notification to the licensing board of the practitioner
20 pursuant to this section:

- 21 1. Is confidential;
- 22 2. May not disclose information that is confidential pursuant
- 23 to this section; and
- 24

1 3. May be in a summary form sufficient to provide notice of the
2 basis for the unsolicited notification.

3 SECTION 39. REPEALER 63 O.S. 2011, Section 2-309D, as
4 last amended by Section 1, Chapter 32, O.S.L. 2018 (63 O.S. Supp.
5 2018, Section 2-309D), is hereby repealed.

6 SECTION 40. AMENDATORY 63 O.S. 2011, Section 2-415, as
7 last amended by Section 2, Chapter 130, O.S.L. 2018 (63 O.S. Supp.
8 2018, Section 2-415), is amended to read as follows:

9 Section 2-415. A. The provisions of the Trafficking in Illegal
10 Drugs Act shall apply to persons convicted of violations with
11 respect to the following substances:

- 12 1. Marihuana;
- 13 2. Cocaine or coca leaves;
- 14 3. Heroin;
- 15 4. Amphetamine or methamphetamine;
- 16 5. Lysergic acid diethylamide (LSD);
- 17 6. Phencyclidine (PCP);
- 18 7. Cocaine base, commonly known as "crack" or "rock";
- 19 8. 3,4-Methylenedioxy methamphetamine, commonly known as
20 "ecstasy" or MDMA;
- 21 9. Morphine;
- 22 10. Oxycodone;
- 23 11. Hydrocodone; ~~or~~
- 24 12. Benzodiazepine; or

1 13. Fentanyl and its analogs and derivatives.

2 B. Except as otherwise authorized by the Uniform Controlled
3 Dangerous Substances Act, it shall be unlawful for any person to:

4 1. Knowingly distribute, manufacture, bring into this state or
5 possess a controlled substance specified in subsection A of this
6 section in the quantities specified in subsection C of this section;

7 2. Possess any controlled substance with the intent to
8 manufacture a controlled substance specified in subsection A of this
9 section in quantities specified in subsection C of this section; or

10 3. Use or solicit the use of services of a person less than
11 eighteen (18) years of age to distribute or manufacture a controlled
12 dangerous substance specified in subsection A of this section in
13 quantities specified in subsection C of this section.

14 Violation of this section shall be known as "trafficking in
15 illegal drugs". Separate types of controlled substances described
16 in subsection A of this section when possessed at the same time in
17 violation of any provision of this section shall constitute a
18 separate offense for each substance.

19 Any person who commits the conduct described in paragraph 1, 2
20 or 3 of this subsection and represents the quantity of the
21 controlled substance to be an amount described in subsection C of
22 this section shall be punished under the provisions appropriate for
23 the amount of controlled substance represented, regardless of the
24 actual amount.

1 C. In the case of a violation of the provisions of subsection B
2 of this section, involving:

3 1. Marihuana:

- 4 a. twenty-five (25) pounds or more of a mixture or
5 substance containing a detectable amount of marihuana
6 shall be punishable by a fine of not less than Twenty-
7 five Thousand Dollars (\$25,000.00) and not more than
8 One Hundred Thousand Dollars (\$100,000.00), or
9 b. one thousand (1,000) pounds or more of a mixture or
10 substance containing a detectable amount of marihuana
11 shall be deemed aggravated trafficking punishable by a
12 fine of not less than One Hundred Thousand Dollars
13 (\$100,000.00) and not more than Five Hundred Thousand
14 Dollars (\$500,000.00);

15 2. Cocaine, coca leaves or cocaine base:

- 16 a. twenty-eight (28) grams or more of a mixture or
17 substance containing a detectable amount of cocaine,
18 coca leaves or cocaine base shall be punishable by a
19 fine of not less than Twenty-five Thousand Dollars
20 (\$25,000.00) and not more than One Hundred Thousand
21 Dollars (\$100,000.00),
22 b. three hundred (300) grams or more of a mixture or
23 substance containing a detectable amount of cocaine,
24 coca leaves or cocaine base shall be punishable by a

1 fine of not less than One Hundred Thousand Dollars
2 (\$100,000.00) and not more than Five Hundred Thousand
3 Dollars (\$500,000.00), or

4 c. four hundred fifty (450) grams or more of a mixture or
5 substance containing a detectable amount of cocaine,
6 coca leaves or cocaine base shall be deemed aggravated
7 trafficking punishable by a fine of not less than One
8 Hundred Thousand Dollars (\$100,000.00) and not more
9 than Five Hundred Thousand Dollars (\$500,000.00);

10 3. Heroin:

11 a. ten (10) grams or more of a mixture or substance
12 containing a detectable amount of heroin shall be
13 punishable by a fine of not less than Twenty-five
14 Thousand Dollars (\$25,000.00) and not more than Fifty
15 Thousand Dollars (\$50,000.00), or

16 b. twenty-eight (28) grams or more of a mixture or
17 substance containing a detectable amount of heroin
18 shall be punishable by a fine of not less than Fifty
19 Thousand Dollars (\$50,000.00) and not more than Five
20 Hundred Thousand Dollars (\$500,000.00);

21 4. Amphetamine or methamphetamine:

22 a. twenty (20) grams or more of a mixture or substance
23 containing a detectable amount of amphetamine or
24 methamphetamine shall be punishable by a fine of not

1 less than Twenty-five Thousand Dollars (\$25,000.00)
2 and not more than Two Hundred Thousand Dollars
3 (\$200,000.00),

4 b. two hundred (200) grams or more of a mixture or
5 substance containing a detectable amount of
6 amphetamine or methamphetamine shall be punishable by
7 a fine of not less than Fifty Thousand Dollars
8 (\$50,000.00) and not more than Five Hundred Thousand
9 Dollars (\$500,000.00), or

10 c. four hundred fifty (450) grams or more of a mixture or
11 substance containing a detectable amount of
12 amphetamine or methamphetamine shall be deemed
13 aggravated trafficking punishable by a fine of not
14 less than Fifty Thousand Dollars (\$50,000.00) and not
15 more than Five Hundred Thousand Dollars (\$500,000.00);

16 5. Lysergic acid diethylamide (LSD):

17 a. one (1) gram or more of a mixture or substance
18 containing a detectable amount of lysergic acid
19 diethylamide (LSD) shall be punishable by a fine of
20 not less than Fifty Thousand Dollars (\$50,000.00) and
21 not more than One Hundred Thousand Dollars
22 (\$100,000.00), or

23 b. ten (10) grams or more of a mixture or substance
24 containing a detectable amount of lysergic acid

1 diethylamide (LSD) shall be punishable by a fine of
2 not less than One Hundred Thousand Dollars
3 (\$100,000.00) and not more than Two Hundred Fifty
4 Thousand Dollars (\$250,000.00);

5 6. Phencyclidine (PCP):

- 6 a. twenty (20) grams or more of a substance containing a
7 mixture or substance containing a detectable amount of
8 phencyclidine (PCP) shall be punishable by a fine of
9 not less than Twenty Thousand Dollars (\$20,000.00) and
10 not more than Fifty Thousand Dollars (\$50,000.00), or
11 b. one hundred fifty (150) grams or more of a substance
12 containing a mixture or substance containing a
13 detectable amount of phencyclidine (PCP) shall be
14 punishable by a fine of not less than Fifty Thousand
15 Dollars (\$50,000.00) and not more than Two Hundred
16 Fifty Thousand Dollars (\$250,000.00);

17 7. Methylenedioxy methamphetamine:

- 18 a. thirty (30) tablets or ten (10) grams of a mixture or
19 substance containing a detectable amount of 3,4-
20 Methylenedioxy methamphetamine shall be trafficking
21 punishable by a term of imprisonment in the custody of
22 the Department of Corrections not to exceed twenty
23 (20) years and by a fine of not less than Twenty-five
24

1 Thousand Dollars (\$25,000.00) and not more than One
2 Hundred Thousand Dollars (\$100,000.00), or
3 b. one hundred (100) tablets or thirty (30) grams of a
4 mixture or substance containing a detectable amount of
5 3,4-Methylenedioxy methamphetamine shall be aggravated
6 trafficking punishable by a term of imprisonment in
7 the custody of the Department of Corrections of not
8 less than two (2) years nor more than life by a fine
9 of not less than One Hundred Thousand Dollars
10 (\$100,000.00) and not more than Five Hundred Thousand
11 Dollars (\$500,000.00);

12 8. Morphine: One thousand (1,000) grams or more of a mixture
13 containing a detectable amount of morphine shall be trafficking
14 punishable by a term of imprisonment in the custody of the
15 Department of Corrections not to exceed twenty (20) years and by a
16 fine of not less than One Hundred Thousand Dollars (\$100,000.00) and
17 not more than Five Hundred Thousand Dollars (\$500,000.00);

18 9. Oxycodone: Four hundred (400) grams or more of a mixture
19 containing a detectable amount of oxycodone shall be trafficking
20 punishable by a term of imprisonment in the custody of the
21 Department of Corrections not to exceed twenty (20) years and by a
22 fine of not less than One Hundred Thousand Dollars (\$100,000.00) and
23 not more than Five Hundred Thousand Dollars (\$500,000.00);
24

1 10. Hydrocodone: Three thousand seven hundred and fifty
2 (3,750) grams or more of a mixture containing a detectable amount of
3 hydrocodone shall be trafficking punishable by a term of
4 imprisonment in the custody of the Department of Corrections not to
5 exceed twenty (20) years and by a fine of not less than One Hundred
6 Thousand Dollars (\$100,000.00) and not more than Five Hundred
7 Thousand Dollars (\$500,000.00); ~~and~~

8 11. Benzodiazepine: Five hundred (500) grams or more of a
9 mixture containing a detectable amount of benzodiazepine shall be
10 trafficking punishable by a term of imprisonment not to exceed
11 twenty (20) years and by a fine of not less than One Hundred
12 Thousand Dollars (\$100,000.00) and not more than Five Hundred
13 Thousand Dollars (\$500,000.00); and

14 12. Fentanyl and its analogs and derivatives: One (1) gram or
15 more of a mixture containing fentanyl or carfentanil, or any
16 fentanyl analogs or derivatives shall be punishable by a fine of not
17 less than One Hundred Thousand Dollars (\$100,000.00) and not more
18 than Five Hundred Thousand Dollars (\$500,000.00).

19 D. Any person who violates the provisions of this section with
20 respect to a marihuana, cocaine, coca leaves, cocaine base, heroin,
21 amphetamine or methamphetamine in a quantity specified in paragraphs
22 1, 2, 3 and 4 of subsection C of this section shall, in addition to
23 any fines specified by this section, be punishable by a term of
24 imprisonment as follows:

1 1. For trafficking, a first violation of this section, a term
2 of imprisonment in the custody of the Department of Corrections not
3 to exceed twenty (20) years;

4 2. For trafficking, a second violation of this section, a term
5 of imprisonment in the Department of Corrections of not less than
6 four (4) years nor more than life, for which the person shall serve
7 fifty percent (50%) of the sentence before being eligible for parole
8 consideration;

9 3. For trafficking, a third or subsequent violation of this
10 section, a term of imprisonment in the custody of the Department of
11 Corrections of not less than twenty (20) years nor more than life,
12 of which the person shall serve fifty percent (50%) of the sentence
13 before being eligible for parole consideration.

14 Persons convicted of trafficking shall not be eligible for
15 earned credits or any other type of credits which have the effect of
16 reducing the length of sentence to less than fifty percent (50%) of
17 the sentence imposed; and

18 If the person is convicted of aggravated trafficking as provided
19 in subparagraph b of paragraph 1 of subsection C of this section,
20 subparagraph c of paragraph 2 of subsection C of this section or
21 subparagraph c of paragraph 4 of subsection C of this section, a
22 sentence of imprisonment in the custody of the Department of
23 Corrections as provided in paragraphs 1, 2 and 3 of subsection D of
24 this section, of which the person shall serve eighty-five percent

(85%) of such sentence before being eligible for parole consideration.

~~F.~~ E. The penalties specified in subsections C and D of this section are subject to the enhancements enumerated in subsections E and F of Section 2-401 of this title.

~~G.~~ F. Any person convicted of any offense described in this section shall, in addition to any fine imposed, pay a special assessment trauma-care fee of One Hundred Dollars (\$100.00) to be deposited into the Trauma Care Assistance Revolving Fund created in Section 1-2530.9 of this title and the assessment pursuant to Section 2-503.2 of this title.

SECTION 41. REPEALER 63 O.S. 2011, Section 2-415, as last amended by Section 1, Chapter 7, O.S.L. 2018 (63 O.S. Supp. 2018, Section 2-415), is hereby repealed.

SECTION 42. AMENDATORY 68 O.S. 2011, Section 3904, as last amended by Section 1, Chapter 191, O.S.L. 2018 (68 O.S. Supp. 2018, Section 3904), is amended to read as follows:

Section 3904. A. An establishment which meets the qualifications specified in the Small Employer Quality Jobs Incentive Act may receive quarterly incentive payments for a seven-year period from the Oklahoma Tax Commission pursuant to the provisions of the Small Employer Quality Jobs Incentive Act in an amount equal to the net benefit rate multiplied by the actual gross

1 taxable payroll of new direct jobs as verified by the Tax
2 Commission.

3 B. In order to receive incentive payments, an establishment
4 shall apply to the Oklahoma Department of Commerce. The application
5 shall be on a form prescribed by the Department and shall contain
6 such information as may be required by the Department to determine
7 if the applicant is qualified. The establishment may apply for an
8 effective date for a project, which shall not be more than twelve
9 (12) months from the date the application is submitted to the
10 Department.

11 C. Before approving an application for incentive payments, the
12 Department must first determine that the applicant meets the
13 following requirements:

14 1. Be engaged in a basic industry;

15 2. Has no more than five hundred full-time employees in this
16 state on the date of application nor an average of more than five
17 hundred full-time employees in this state during the four calendar
18 quarters immediately preceding the date of application;

19 3. Has a projected minimum employment, as determined by the
20 Department, of new direct jobs within twelve (12) months of the date
21 of application, or after July 1, 2011, within twenty-four (24)
22 months of the date of application, as follows:

23 a. if the establishment is located in a municipality with
24 a population less than three thousand five hundred

(3,500) persons, as determined by the Department of Commerce based on the most recent U.S. Department of Commerce data, or if the establishment is located in an unincorporated area and the largest municipality within twenty (20) miles of the establishment is such a municipality, new direct jobs equal to the greater of five (5) jobs or five percent (5%) of the company's full-time employment at the date of application,

b. if the establishment is located in a municipality with a population of three thousand five hundred (3,500) persons or more but less than seven thousand (7,000) persons, as determined by the Department of Commerce based on the most recent U.S. Department of Commerce data, or if the establishment is located in an unincorporated area and the largest municipality within twenty (20) miles of the establishment is such a municipality, new direct jobs equal to the greater of ten (10) jobs or seven and one-half percent (7.5%) of the company's full-time employment at the date of the application, and

c. if the establishment is located in a municipality with a population of seven thousand (7,000) persons or more, as determined by the Department of Commerce based on the most recent U.S. Department of Commerce

1 data, or if the establishment is located in an
2 unincorporated area and the largest municipality
3 within twenty (20) miles of the establishment is such
4 a municipality, new direct jobs equal to the greater
5 of fifteen (15) jobs or ten percent (10%) of the
6 company's full-time employment at the date of
7 application.

8 Provided, for an establishment engaged in software publishing as
9 defined or classified in the NAICS Manual under Industry Group No.
10 5112, data processing, hosting and related services as defined or
11 classified in the NAICS Manual under Industry Group No. 5182,
12 computer systems design and related services as defined or
13 classified in the NAICS Manual under Industry Group No. 5415,
14 scientific research and development services as defined or
15 classified in the NAICS Manual under Industry Group No. 5417,
16 medical and diagnostic laboratories as defined or classified in the
17 NAICS Manual under Industry Group No. 6215 or testing laboratories
18 as defined or classified in the NAICS Manual under U.S. Industry No.
19 541380, the projected minimum employment requirements of this
20 paragraph must be achieved within thirty-six (36) months of the date
21 of application;

22 4. Has or will have within twelve (12) months of the date of
23 application, or after July 1, 2011, within twenty-four (24) months
24 of the date of application, as determined by the Department, sales

1 of at least seventy-five percent (75%) of its total sales to out-of-
2 state customers or buyers, to in-state customers or buyers if the
3 product or service is resold by the purchaser to an out-of-state
4 customer or buyer for ultimate use, or to the federal government,
5 except that:

6 a. those establishments in the NAICS Manual under the
7 U.S. Industry No. 541710 or 541380 are excused from
8 the seventy-five percent (75%) out-of-state sales
9 requirement,

10 b. warehouses that serve as distribution centers for
11 retail or wholesale businesses shall be required to
12 distribute forty percent (40%) of inventory to out-of-
13 state locations, and

14 c. adjustment and collection services activities defined
15 or classified in the NAICS Manual under U.S. Industry
16 No. 561440 shall be required to have seventy-five
17 percent (75%) of loans to be serviced made by out-of-
18 state debtors;

19 5. Will pay the individuals it employs in new direct jobs an
20 average annualized wage which equals or exceeds:

21 a. one hundred twenty-five percent (125%) of the average
22 county wage of small employers located in that county
23 as that percentage is determined by the Department of
24 Commerce based on the most recent wage and employment

1 data from the Oklahoma Employment Security Commission
2 for the county in which the new direct jobs are
3 located. For purposes of this subparagraph, health
4 care premiums paid by the applicant for individuals in
5 new direct jobs shall be included in the annualized
6 wage, or

7 b. one hundred ten percent (110%) of the average county
8 wage of small employers located in that county as that
9 percentage is determined by the Department of Commerce
10 based upon the most recent wage and employment data
11 from the Oklahoma Employment Security Commission for
12 the county in which the new direct jobs are located.
13 For purposes of this subparagraph, health care
14 premiums paid by the applicant for individuals in new
15 direct jobs shall not be included in the annualized
16 wage, or

17 c. one hundred percent (100%) of the average county wage,
18 excluding health care premiums paid by the applicant
19 for individuals in new direct jobs if the county in
20 which the new jobs are located has:

21 (1) according to the most recent annual determination
22 by the Oklahoma Employment Security Commission, a
23 county unemployment rate more than ten percent
24

(10%) higher than the state unemployment rate,
and

(2) according to the most recent United States Census
Bureau Data, a county personal poverty rate above
fifteen percent (15%);

6. Has a basic health benefit plan which, as determined by the
Department, meets the elements established under divisions (1)
through (7) of subparagraph b of paragraph 1 of subsection A of
Section 3603 of this title and which will be offered to individuals
within twelve (12) months of employment in a new direct job;

7. Has not received incentive payments under the Oklahoma
Quality Jobs Program Act, the Saving Quality Jobs Act, or the Former
Military Facility Development Act; and

8. Is not qualified for approval of an application for
incentive payments under the Oklahoma Quality Jobs Program Act, the
Saving Quality Jobs Act, or the Former Military Facility Development
Act.

D. The Oklahoma Department of Commerce shall determine if an
applicant is qualified to receive the incentive payment. Upon
qualifying the applicant, the Department shall notify the Tax
Commission and shall provide it with a copy of the application, and
approval which shall provide the number of persons employed by the
applicant upon the date of approval and the maximum total incentives
which may be paid to the applicant during the seven-year period.

1 The Tax Commission may require the qualified establishment to submit
2 additional information as may be necessary to administer the
3 provisions of the Small Employer Quality Jobs Incentive Act. The
4 approved establishment shall report to the Tax Commission quarterly
5 to show its continued eligibility for incentive payments, as
6 provided in Section 3905 of this title. Establishments may be
7 audited by the Tax Commission to verify such eligibility. Once the
8 establishment is approved, an agreement shall be deemed to exist
9 between the establishment and the State of Oklahoma, requiring
10 incentive payments to be made for a seven-year period as long as the
11 establishment retains its eligibility and within the limitations of
12 the Small Employer Quality Jobs Incentive Act which existed at the
13 time of such approval. Any establishment which has been approved
14 for incentive payments prior to July 1, 2002, shall continue to
15 receive such payments pursuant to the laws as they existed prior to
16 July 1, 2002, for any period of time of the original five-year
17 period for such payments remaining after July 1, 2002.

18 E. For any contract executed by an establishment on or after
19 August 2, 2018, five percent (5%) of the quarterly incentive payment
20 amount shall be transferred by the Oklahoma Tax Commission to the
21 Oklahoma Quick Action Closing Fund.

22 SECTION 43. REPEALER 68 O.S. 2011, Section 3904, as last
23 amended by Section 3, Chapter 144, O.S.L. 2018 (68 O.S. Supp. 2018,
24 Section 3904), is hereby repealed.

1 SECTION 44. AMENDATORY 70 O.S. 2011, Section 11-103.6,
2 as last amended by Section 1, Chapter 241, O.S.L. 2018 (70 O.S.
3 Supp. 2018, Section 11-103.6), is amended to read as follows:

4 Section 11-103.6. A. 1. The State Board of Education shall
5 adopt subject matter standards for instruction of students in the
6 public schools of this state that are necessary to ensure there is
7 attainment of desired levels of competencies in a variety of areas
8 to include language, mathematics, science, social studies and
9 communication.

10 2. School districts shall develop and implement curriculum,
11 courses and instruction in order to ensure that students meet the
12 skills and competencies as set forth in this section and in the
13 subject matter standards adopted by the State Board of Education.

14 3. All students shall gain literacy at the elementary and
15 secondary levels. Students shall develop skills in reading,
16 writing, speaking, computing and critical thinking. For purposes of
17 this section, critical thinking means a manner of analytical
18 thinking which is logical and uses linear factual analysis to reach
19 a conclusion. They also shall learn about cultures and environments
20 - their own and those of others with whom they share the earth.
21 Students, therefore, shall study social studies, literature,
22 languages, the arts, mathematics and science. Such curricula shall
23 provide for the teaching of a hands-on career exploration program in
24 cooperation with technology center schools.

1 4. The subject matter standards shall be designed to teach the
2 competencies for which students shall be tested as provided in
3 Section 1210.508 of this title, and shall be designed to prepare all
4 students for active citizenship, employment and/or successful
5 completion of postsecondary education without the need for remedial
6 coursework at the postsecondary level.

7 5. The subject matter standards shall be designed with rigor as
8 defined in paragraph 3 of subsection F of this section.

9 6. The subject matter standards for English Language Arts shall
10 give Classic Literature and nonfiction literature equal
11 consideration to other literature. In addition, emphasis shall be
12 given to the study of complete works of literature.

13 7. At a minimum, the subject matter standards for mathematics
14 shall require mastery of the standard algorithms in mathematics,
15 which is the most logical, efficient way of solving a problem that
16 consistently works, and for students to attain fluency in Euclidian
17 geometry.

18 8. The subject matter standards for history, social studies and
19 United States Government shall include the content of the United
20 States naturalization test, with an emphasis on the specific content
21 of the test and the ideas and concepts it references. The United
22 States naturalization test shall be made available in physical and
23 electronic online formats as an optional assessment tool for
24 teachers.

1 9. The subject matter standards for United States Government
2 shall include an emphasis on civics. For the purposes of this
3 section, "civics" means the study of the rights and duties of
4 Oklahoma and United States citizens and of how those governments
5 work.

6 B. Subject to the provisions of subsection C of this section,
7 in order to graduate from a public high school accredited by the
8 State Board of Education with a standard diploma, students shall
9 complete the following college preparatory/work ready curriculum
10 units or sets of competencies at the secondary level:

11 1. Four units or sets of competencies of English to include
12 Grammar, Composition, Literature, or any English course approved for
13 college admission requirements;

14 2. Three units or sets of competencies of mathematics, limited
15 to Algebra I, Algebra II, Geometry, Trigonometry, Math Analysis,
16 Calculus, Advanced Placement Statistics, or any mathematics course
17 with content and/or rigor above Algebra I and approved for college
18 admission requirements;

19 3. Three units or sets of competencies of laboratory science
20 approved for college admission requirements, including one unit or
21 set of competencies of life science, meeting the standards for
22 Biology I; one unit or set of competencies of physical science,
23 meeting the standards for Physical Science, Chemistry or Physics;
24 and one unit or set of competencies from the domains of physical

1 science, life science or earth and space science such that the
2 content and rigor is above Biology I or Physical Science;

3 4. Three units or sets of competencies of history and
4 citizenship skills, including one unit of American History, 1/2 unit
5 of Oklahoma History, 1/2 unit of United States Government and one
6 unit from the subjects of History, Government, Geography, Economics,
7 Civics, or non-Western culture and approved for college admission
8 requirements;

9 5. Two units or sets of competencies of the same foreign or
10 non-English language or two units of computer technology approved
11 for college admission requirements, whether taught at a high school
12 or a technology center school, including computer programming,
13 hardware, and business computer applications, such as word
14 processing, databases, spreadsheets, and graphics, excluding
15 keyboarding or typing courses;

16 6. One additional unit or set of competencies selected from
17 paragraphs 1 through 5 of this subsection or career and technology
18 education courses, concurrently enrolled courses, Advanced Placement
19 courses or International Baccalaureate courses approved for college
20 admission requirements; and

21 7. One unit or set of competencies of fine arts, such as music,
22 art, or drama, or one unit or set of competencies of speech.

23 C. In lieu of the requirements of subsection B of this section
24 which requires a college preparatory/work ready curriculum, a

1 student may enroll in the core curriculum as provided in subsection
2 D of this section upon written approval of the parent or legal
3 guardian of the student. For students under the age of eighteen
4 (18) school districts shall require a parent or legal guardian of
5 the student to meet with a designee of the school prior to
6 enrollment in the core curriculum. The State Department of
7 Education shall develop and distribute to school districts a form
8 suitable for this purpose, which shall include information on the
9 benefits to students of completing the college preparatory/work
10 ready curriculum as provided for in subsection B of this section.

11 D. For those students subject to the requirements of subsection
12 C of this section, in order to graduate from a public high school
13 accredited by the State Board of Education with a standard diploma,
14 students shall complete the following core curriculum units or sets
15 of competencies at the secondary level:

16 1. Language Arts - 4 units or sets of competencies, to consist
17 of 1 unit or set of competencies of grammar and composition, and 3
18 units or sets of competencies which may include, but are not limited
19 to, the following courses:

- 20 a. American Literature,
- 21 b. English Literature,
- 22 c. World Literature,
- 23 d. Advanced English Courses, or

24

e. other English courses with content and/or rigor equal to or above grammar and composition;

2. Mathematics - 3 units or sets of competencies, to consist of 1 unit or set of competencies of Algebra I or Algebra I taught in a contextual methodology, and 2 units or sets of competencies which may include, but are not limited to, the following courses:

a. Algebra II,

b. Geometry or Geometry taught in a contextual methodology,

c. Trigonometry,

d. Math Analysis or Precalculus,

e. Calculus,

f. Statistics and/or Probability,

g. Computer Science or acceptance and successful completion of one (1) year of a full-time, three-hour career and technology program leading to an industry credential/certificate or college credit. The State Board of Career and Technology Education shall promulgate rules to define the provisions of this act related to the accepted industry-valued credentials which are industry-endorsed or industry-aligned. The list of accepted industry-valued credentials shall be reviewed annually and updated at least every three (3) years by the Board,

- 1 h. (1) contextual mathematics courses which enhance
2 technology preparation, or
3 (2) a science, technology, engineering and math
4 (STEM) block course meeting the requirements for
5 course competencies listed in paragraph 2 of
6 subsection B of this section, whether taught at
7 a:
8 (a) comprehensive high school, or
9 (b) technology center school when taken in the
10 tenth, eleventh or twelfth grade, taught by
11 a certified teacher, and approved by the
12 State Board of Education and the independent
13 district board of education,
14 i. mathematics courses taught at a technology center
15 school by a teacher certified in the secondary subject
16 area when taken in the tenth, eleventh or twelfth
17 grade upon approval of the State Board of Education
18 and the independent district board of education, or
19 j. any other mathematics course with content and/or rigor
20 equal to or above Algebra I;

21 3. Science - 3 units or sets of competencies, to consist of 1
22 unit or set of competencies of Biology I or Biology I taught in a
23 contextual methodology, and 2 units or sets of competencies in the
24

1 areas of life, physical, or earth science or technology which may
2 include, but are not limited to, the following courses:

- 3 a. Chemistry I,
- 4 b. Physics,
- 5 c. Biology II,
- 6 d. Chemistry II,
- 7 e. Physical Science,
- 8 f. Earth Science,
- 9 g. Botany,
- 10 h. Zoology,
- 11 i. Physiology,
- 12 j. Astronomy,
- 13 k. Applied Biology/Chemistry,
- 14 l. Applied Physics,
- 15 m. Principles of Technology,
- 16 n. qualified agricultural education courses,
- 17 o. (1) contextual science courses which enhance
18 technology preparation, or
19 (2) a science, technology, engineering and math
20 (STEM) block course meeting the requirements for
21 course competencies listed in paragraph 3 of
22 subsection B of this section, whether taught at
23 a:
24 (a) comprehensive high school, or

(b) technology center school when taken in the tenth, eleventh or twelfth grade, taught by a certified teacher, and approved by the State Board of Education and the independent district board of education,

p. science courses taught at a technology center school by a teacher certified in the secondary subject area when taken in the tenth, eleventh or twelfth grade upon approval of the State Board of Education and the independent district board of education, or

q. other science courses with content and/or rigor equal to or above Biology I;

4. Social Studies - 3 units or sets of competencies, to consist of 1 unit or set of competencies of United States History, 1/2 to 1 unit or set of competencies of United States Government, 1/2 unit or set of competencies of Oklahoma History, and 1/2 to 1 unit or set of competencies which may include, but are not limited to, the following courses:

a. World History,

b. Geography,

c. Economics,

d. Anthropology, or

1 e. other social studies courses with content and/or rigor
2 equal to or above United States History, United States
3 Government, and Oklahoma History;

4 5. Arts - 1 unit or set of competencies which may include, but
5 is not limited to, courses in Visual Arts and General Music; and

6 6. Computer Education or World Language - 1 unit or set of
7 competencies of computer technology, whether taught at a high school
8 or a technology center school, including computer programming,
9 hardware and business computer applications, such as word
10 processing, databases, spreadsheets and graphics, excluding
11 keyboarding or typing courses, or 1 unit or set of competencies of
12 foreign or non-English language.

13 E. 1. In addition to the curriculum requirements of either
14 subsection B or D of this section, in order to graduate from a
15 public high school accredited by the State Board of Education
16 students shall complete the requirements for a personal financial
17 literacy passport as set forth in the Passport to Financial Literacy
18 Act and any additional course requirements or recommended elective
19 courses as may be established by the State Board of Education and
20 the district school board. School districts shall strongly
21 encourage students to complete two units or sets of competencies of
22 foreign languages and two units or sets of competencies of physical
23 and health education.

1 2. No student shall receive credit for high school graduation
2 more than once for completion of the same unit or set of
3 competencies to satisfy the curriculum requirements of this section.

4 3. A school district shall not be required to offer every
5 course listed in subsections B and D of this section, but shall
6 offer sufficient courses to allow a student to meet the graduation
7 requirements during the secondary grade years of the student.

8 F. For purposes of this section:

9 1. "Contextual methodology" means academic content and skills
10 taught by utilizing real-world problems and projects in a way that
11 helps students understand the application of that knowledge;

12 2. "Qualified agricultural education courses" means courses
13 that have been determined by the State Board of Education to offer
14 the sets of competencies for one or more science content areas and
15 which correspond to academic science courses. Qualified
16 agricultural education courses shall include, but are not limited
17 to, Horticulture, Plant and Soil Science, Natural Resources and
18 Environmental Science, and Animal Science. The courses shall be
19 taught by teachers certified in agricultural education and comply
20 with all rules of the Oklahoma Department of Career and Technology
21 Education;

22 3. "Rigor" means a level of difficulty that is thorough,
23 exhaustive and accurate and is appropriate for the grade level;
24

1 4. "Sets of competencies" means instruction in those skills and
2 competencies that are specified in the subject matter standards
3 adopted by the State Board of Education and other skills and
4 competencies adopted by the Board, without regard to specified
5 instructional time; and

6 5. "Unit" means a Carnegie Unit as defined by the North Central
7 Association's Commission on Schools.

8 G. 1. The State Board of Education shall adopt a plan to
9 ensure that rigor is maintained in the content, teaching
10 methodology, level of expectations for student achievement, and
11 application of learning in all the courses taught to meet the
12 graduation requirements as specified in this section.

13 2. The State Board of Education shall allow as much flexibility
14 at the district level as is possible without diminishing the rigor
15 or undermining the intent of providing these courses. To accomplish
16 this purpose, the State Department of Education shall work with
17 school districts in reviewing and approving courses taught by
18 districts that are not specifically listed in subsections B and D of
19 this section. Options may include, but shall not be limited to,
20 courses taken by concurrent enrollment, advanced placement, or
21 correspondence, or courses bearing different titles.

22 3. The State Board of Education shall approve an advanced
23 placement computer science course to meet the requirements of course
24 competencies listed in paragraph 2 of subsection B of this section

1 if the course is taken in a student's senior year and the student is
2 concurrently enrolled in or has successfully completed Algebra II.

3 4. Technology center school districts may offer programs
4 designed in cooperation with institutions of higher education which
5 have an emphasis on a focused field of career study upon approval of
6 the State Board of Education and the independent district board of
7 education. Students in the tenth grade may be allowed to attend
8 these programs for up to one-half (1/2) of a school day and credit
9 for the units or sets of competencies required in paragraphs 2, 3
10 and 6 of subsection B or D of this section shall be given if the
11 courses are taught by a teacher certified in the secondary subject
12 area; provided, credit for units or sets of competencies pursuant to
13 subsection B of this section shall be approved for college admission
14 requirements.

15 5. If a student enrolls in a concurrent course, the school
16 district shall not be responsible for any costs incurred for that
17 course, unless the school district does not offer enough course
18 selection during the student's secondary grade years to allow the
19 student to receive the courses needed to meet the graduation
20 requirements of this section. If the school district does not offer
21 the necessary course selection during the student's secondary grade
22 years, it shall be responsible for the cost of resident tuition at
23 an institution in The Oklahoma State System of Higher Education,
24

1 fees, and books for the concurrent enrollment course, and providing
2 for transportation to and from the institution to the school site.

3 It is the intent of the Legislature that for students enrolled
4 in a concurrent enrollment course which is paid for by the school
5 district pursuant to this paragraph, the institution charge only the
6 supplementary and special service fees that are directly related to
7 the concurrent enrollment course and enrollment procedures for that
8 student. It is further the intent of the Legislature that fees for
9 student activities and student service facilities, including the
10 student health care and cultural and recreational service fees, not
11 be charged to such students.

12 6. Credit for the units or sets of competencies required in
13 subsection B or D of this section shall be given when such units or
14 sets of competencies are taken prior to ninth grade if the teachers
15 are certified or authorized to teach the subjects for high school
16 credit and the required rigor is maintained.

17 7. The three units or sets of competencies in mathematics
18 required in subsection B or D of this section shall be completed in
19 the ninth through twelfth grades. If a student completes any
20 required courses or sets of competencies in mathematics prior to
21 ninth grade, the student may take any other mathematics courses or
22 sets of competencies to fulfill the requirement to complete three
23 units or sets of competencies in grades nine through twelve after
24

1 the student has satisfied the requirements of subsection B or D of
2 this section.

3 8. All units or sets of competencies required for graduation
4 may be taken in any sequence recommended by the school district.

5 H. As a condition of receiving accreditation from the State
6 Board of Education, all students in grades nine through twelve shall
7 enroll in a minimum of six periods, or the equivalent in block
8 scheduling or other scheduling structure that allows for instruction
9 in sets of competencies, of rigorous academic and/or rigorous
10 vocational courses each day, which may include arts, vocal and
11 instrumental music, speech classes, and physical education classes.

12 I. 1. Academic and vocational-technical courses designed to
13 offer sets of competencies integrated or embedded within the course
14 that provide for the teaching and learning of the appropriate skills
15 and knowledge in the subject matter standards, as adopted by the
16 State Board of Education, may upon approval of the Board, in
17 consultation with the Oklahoma Department of Career and Technology
18 Education if the courses are offered at a technology center school
19 district, be counted for academic credit and toward meeting the
20 graduation requirements of this section.

21 2. Internet-based courses offered by a technology center school
22 that are taught by a certified teacher and provide for the teaching
23 and learning of the appropriate skills and knowledge in the subject
24 matter standards may, upon approval of the State Board of Education

1 and the independent district board of education, be counted for
2 academic credit and toward meeting the graduation requirements of
3 this section.

4 3. Internet-based courses or vocational-technical courses
5 utilizing integrated or embedded skills for which no subject matter
6 standards have been adopted by the State Board of Education may be
7 approved by the Board, in consultation with the Oklahoma Department
8 of Career and Technology Education if the courses are offered at a
9 technology center school district, if such courses incorporate
10 standards of nationally recognized professional organizations and
11 are taught by certified teachers.

12 4. Courses offered by a supplemental education organization
13 that is accredited by a national accrediting body and that are
14 taught by a certified teacher and provide for the teaching and
15 learning of the appropriate skills and knowledge in the subject
16 matter standards may, upon approval of the State Board of Education
17 and the school district board of education, be counted for academic
18 credit and toward meeting the graduation requirements of this
19 section.

20 J. The State Board of Education shall provide an option for
21 high school graduation based upon attainment of the desired levels
22 of competencies as required in tests pursuant to the provisions of
23 Section 1210.508 of this title. Such option shall be in lieu of the
24 amount of course credits earned.

1 K. The State Board of Education shall prescribe, adopt and
2 approve a promotion system based on the attainment by students of
3 specified levels of competencies in each area of the core
4 curriculum.

5 L. Children who have individualized education programs pursuant
6 to the Individuals with Disabilities Education Act (IDEA), and who
7 satisfy the graduation requirements through the individualized
8 education program for that student shall be awarded a standard
9 diploma.

10 M. Students who enter the ninth grade in or prior to the 2007-
11 08 school year who are enrolled in an alternative education program
12 and meet the requirements of their plans leading to high school
13 graduation developed pursuant to Section 1210.568 of this title
14 shall be awarded a standard diploma.

15 N. Any student who completes the curriculum requirements of the
16 International Baccalaureate Diploma Program shall be awarded a
17 standard diploma.

18 O. Any student who successfully completes an advanced
19 mathematics or science course offered pursuant to Section 1210.404
20 of this title shall be granted academic credit toward meeting the
21 graduation requirements pursuant to paragraph 2 or 3, as
22 appropriate, of subsection B or D of this section.

23 P. For purposes of this section, the courses approved for
24 college admission requirements shall be courses which are approved

1 by the Oklahoma State Regents for Higher Education for admission to
2 an institution within The Oklahoma State System of Higher Education.

3 Q. Students who have been denied a standard diploma by the
4 school district in which the student is or was enrolled for failing
5 to meet the requirements of this section may re-enroll in the school
6 district that denied the student a standard diploma following the
7 denial of a standard diploma. The student shall be provided
8 remediation or intervention and the opportunity to complete the
9 curriculum units or sets of competencies required by this section to
10 obtain a standard diploma. Students who re-enroll in the school
11 district to meet the graduation requirements of this section shall
12 be exempt from the hourly instructional requirements of Section 1-
13 111 of this title and the six-period enrollment requirements of this
14 section.

15 R. The State Department of Education shall collect and report
16 data by school site and district on the number of students who
17 enroll in the core curriculum as provided in subsection D of this
18 section.

19 SECTION 45. REPEALER 70 O.S. 2011, Section 11-103.6, as
20 last amended by Section 1, Chapter 67, O.S.L. 2018 (70 O.S. Supp.
21 2018, Section 11-103.6), is hereby repealed.

22 SECTION 46. REPEALER 70 O.S. 2011, Section 17-105, as
23 last amended by Section 19, Chapter 304, O.S.L. 2018 (70 O.S. Supp.
24 2018, Section 17-105), is hereby repealed.

1 SECTION 47. AMENDATORY 74 O.S. 2011, Section 913.4, as
2 last amended by Section 4, Chapter 44, O.S.L. 2018 (74 O.S. Supp.
3 2018, Section 913.4), is amended to read as follows:

4 Section 913.4. A. 1. Except as otherwise provided in this
5 subsection, an elected official may elect to participate in the
6 System and if he or she elects to do so shall have the option of
7 participating at any one of the computation factors set forth in
8 paragraph 3 or 4 of this subsection and will receive retirement
9 benefits in accordance with the computation factor chosen. The
10 election on participation in the System must be in writing, must
11 specify the computation factor chosen, and must be filed with the
12 System within ninety (90) days after the elected official takes
13 office. The election to participate and the election of a
14 computation factor shall be irrevocable. Reelection to the same
15 office will not permit new elections. Failure of an elected
16 official to file such election form within the ninety-day period
17 shall be deemed an irrevocable election to participate in the System
18 at the maximum computation factor.

19 2. Contributions and benefits will be based upon the elected
20 official's annual compensation as defined in Section 902 of this
21 title. Employer and elected official contributions shall be
22 remitted at least monthly, or as the Board may otherwise provide, to
23 the System for deposit in the Oklahoma Public Employees Retirement
24

1 Fund. Effective July 1, 1994, and thereafter, the participating
2 employer shall contribute as provided in Section 920 of this title.

3 3. Except as provided in paragraph 4 of this subsection,
4 effective July 1, 1994, the computation factor selected and the
5 corresponding elected official contribution rate shall be as
6 follows:

7	Elected official	Computation	Alternate
8	Contribution Rate	Factor	Formula
9	4.5%	1.9%	\$12.50
10	6%	2.5%	\$20.00
11	7.5%	3.0%	\$25.00
12	8.5%	3.4%	\$27.50
13	9%	3.6%	\$30.00
14	10%	4.0%	\$40.00

15 4. Elected officials who are first elected or appointed to an
16 elected office on or after November 1, 2010, shall elect a
17 computation factor of either 1.9% or 4%. The elected official
18 contribution rate for the 1.9% computation factor is currently 4.5%
19 and the contribution rate for the 4% computation factor is currently
20 10%. All other computation factors and contribution rates set forth
21 in paragraph 3 of this subsection shall not be available to any
22 person first elected or appointed to an elected office on or after
23 November 1, 2010.

24

1 5. The contribution rate for elected officials who are first
2 elected or appointed to an elected office on or after November 1,
3 2011, shall be in the amount specified in paragraph (a) of
4 subsection (1) of Section 919.1 of this title. The amount of the
5 retirement benefit for elected officials who are first elected or
6 appointed to an elected office on or after November 1, 2011, shall
7 be based on the provisions of paragraph (1) of subsection A of
8 Section 915 of this title.

9 6. The computation factors and corresponding elected official
10 contribution rates provided for in paragraphs 3 and 4 of this
11 subsection shall be based on the entire compensation as an elected
12 official subject to the definition and maximum compensation levels
13 as set forth in paragraph (9) of Section 902 of this title.

14 7. Elected officials who are first elected or appointed on or
15 after November 1, 2011, shall also be eligible to make the election
16 of an alternate multiplier and contribution rate pursuant to
17 paragraph 2 of subsection A of Section 915 of this title.

18 8. A statewide elected official or legislator whose first
19 service as an elected official occurs on or after November 1, 2015,
20 shall become a participant in the defined contribution system
21 created by Sections ~~±~~ 935.1 through ~~±~~ 935.11 of this ~~act~~ title and
22 such elected official shall not accrue any service credit in the
23 defined benefit plan of the Oklahoma Public Employees Retirement
24 System created pursuant to Section 901 et seq. of this title.

1 9. Notwithstanding the provisions of paragraph 8 of this
2 subsection, a statewide elected official or legislator who is first
3 elected or appointed on or after November 1, 2018, and who has
4 participating service in the defined benefit plan prior to November
5 1, 2015, shall be a member of the defined benefit plan.

6 B. The normal retirement date for an elected official shall be
7 the first day of the month coinciding with or following the
8 official's sixtieth birthday or the first day of the month
9 coinciding with or following the date at which the sum of the
10 elected official's age and number of years of credited service total
11 eighty (80). The normal retirement date for an elected official
12 first elected or appointed to an elected office on or after November
13 1, 2011, shall be the first day of the month coinciding with or
14 following the official's sixty-fifth birthday or the date upon which
15 the elected or appointed official attains the age of sixty-two (62)
16 and who has at least ten (10) years of elected or appointed service.
17 Any elected official first elected or appointed to an elected office
18 before November 1, 2011, who has a minimum of ten (10) years'
19 participating service may retire under the early retirement
20 provisions of this act, including those electing a vested benefit
21 and shall receive an adjustment of annual benefits in accordance
22 with the following percentage schedule:

23		Percentage of Normal
24	Age	Retirement Benefits

1	60	100%
2	59	94%
3	58	88%
4	57	82%
5	56	76%
6	55	70%

7 Any elected official first elected or appointed to an elected
8 office on or after November 1, 2011, who has a minimum of ten (10)
9 years' ~~participating~~ elected or appointed service may retire under
10 the early retirement provisions of this act, including those
11 electing a vested benefit and shall receive an adjustment of annual
12 benefits in accordance with the following percentage schedule:

13		Percentage of Normal
14	Age	Retirement Benefits
15	62	100%
16	61	93.33%
17	60	86.67%

18 C. 1. Any elected official shall receive annual benefits
19 computed based upon the computation factor selected multiplied by
20 the member's highest annual compensation received as an elected
21 official prior to retirement or termination of employment multiplied
22 by the number of years of credited service. No elected official
23 shall retire using such highest annual compensation unless the
24

1 | elected official has made the required election and has paid the
2 | required contributions on such salary.

3 | 2. The retirement benefit may be computed pursuant to the
4 | provisions of paragraph (1) of subsection A of Section 915 of this
5 | title if the benefit would be higher. Elected officials who have a
6 | vested benefit prior to July 1, 1980, may elect to receive annual
7 | benefits based on the alternate formula provided above. Such annual
8 | benefits shall be paid in equal monthly installments.

9 | 3. Elected officials who become members of the Oklahoma Public
10 | Employees Retirement System on or after August 22, 2008, will
11 | receive retirement benefits in accordance with the computation
12 | factor selected pursuant to subsection A of this section multiplied
13 | by the member's highest annual compensation received as an elected
14 | official and only for those years of credited service the member
15 | served as an elected official. If such elected official has
16 | participating service as a nonelected member, then such nonelected
17 | service shall be computed separately pursuant to the provisions of
18 | paragraph (1) of subsection A of Section 915 of this title with the
19 | final benefit result added to the final benefit result for elected
20 | service. In no event shall the elected official be entitled to
21 | apply the computation factor selected pursuant to subsection A of
22 | this section or the compensation received as an elected official to
23 | the computation of nonelected service.

1 4. Elected officials who are first elected or appointed to an
2 elected office on or after August 22, 2008, may not receive a
3 maximum benefit greater than their single highest annual
4 compensation received as a member of the Oklahoma Public Employees
5 Retirement System.

6 D. Any elected official making an election to participate at a
7 computation factor less than the maximum and later selecting a
8 higher computation factor shall contribute to the System a sum equal
9 to the amount which the elected official would have contributed if
10 the elected official had made such election at the time the elected
11 official first became eligible, plus interest as determined by the
12 Board, in order to receive the additional benefits for all service
13 as an elected official; otherwise, the additional benefits shall be
14 applicable only to service for which the elected official pays the
15 appropriate percent of contributions to the System.

16 E. The surviving spouse of a deceased elected official who was
17 first elected or appointed to an elected office before November 1,
18 2011, and who has at least six (6) years of participating service
19 and the surviving spouse of a deceased elected official who was
20 first elected or appointed to an elected office on or after November
21 1, 2011, and who has at least eight (8) years of participating
22 service shall be entitled to receive survivor benefits in the amount
23 herein prescribed, if married to the decedent continuously for a
24 period of at least three (3) years immediately preceding the elected

1 official's death. Provided the elected official had met the service
2 requirements, survivor benefits shall be payable when the deceased
3 member would have met the requirements for normal or early
4 retirement. The amount of the benefits the surviving spouse may
5 receive shall be fifty percent (50%) of the amount of benefits the
6 deceased elected official was receiving or will be eligible to
7 receive. Elected officials may elect a retirement option as
8 provided in Section 918 of this title in lieu of the survivors
9 benefit provided above.

10 F. Any elected official who served in the Armed Forces of the
11 United States, as defined in paragraph (23) of Section 902 of this
12 title, prior to membership in the Oklahoma Public Employees
13 Retirement System shall be granted credited service of not to exceed
14 five (5) years for those periods of active military service during
15 which the elected official was a war veteran.

16 G. Anyone appointed or elected to an elected position after
17 July 1, 1990, shall not be eligible to receive benefits as provided
18 in this section until such person has participated as an elected
19 official for six (6) years. Anyone appointed or elected to an
20 elected position on or after November 1, 2011, shall not be eligible
21 to receive benefits as provided in this section until such person
22 has participated as an elected official for eight (8) years.

23 H. Elected officials who terminate participation in the System
24 and who have a minimum of six (6) years of participating service

1 shall be entitled to elect a vested benefit and shall be entitled to
2 the retirement options as provided in Section 918 of this title in
3 lieu of the survivors benefit provided in subsection E of this
4 section. Elected officials, first elected or appointed to an
5 elected office on or after November 1, 2011, who terminate
6 participation in the System and who have a minimum of eight (8)
7 years of participating service shall be entitled to elect a vested
8 benefit and shall be entitled to retirement options as provided in
9 Section 918 of this title in lieu of the survivors benefits provided
10 in subsection E of this section.

11 I. In determining the number of years of credited service, a
12 fractional year of six (6) months or more shall be considered as one
13 (1) year, and less than six (6) months or more shall be disregarded.
14 For members who joined the System on or after November 1, 2011, the
15 number of years of credited service shall be based on actual years
16 and months of credited service without rounding up or down.

17 SECTION 48. REPEALER 74 O.S. 2011, Section 913.4, as
18 last amended by Section 2, Chapter 21, O.S.L. 2018 (74 O.S. Supp.
19 2018, Section 913.4), is hereby repealed.

20 SECTION 49. It being immediately necessary for the preservation
21 of the public peace, health or safety, an emergency is hereby
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1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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4 DIRECT TO CALENDAR.

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