

**ACCEPTED** 10/20/23  
OFFICE OF ADMINISTRATIVE RULES  
**OKLAHOMA SECRETARY OF STATE**  
DOCKET# 23-785 OAR/cert CN

**TITLE 40. BOARD OF TESTS FOR ALCOHOL AND DRUG INFLUENCE**  
**CHAPTER 10. PERSONNEL**

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 1. Purpose

40:10-1-1. Purpose [AMENDED]

Subchapter 7. Forensic Alcohol and Drug Analysts

40:10-7-1. Qualifications and requirements for forensic alcohol analysts [REVOKED]

40:10-7-2. Qualifications and requirements for forensic drug analysts [REVOKED]

Subchapter 9. Blood Specimen Collectors

40:10-9-1. Persons authorized to withdraw blood [REVOKED]

**SUMMARY:**

The proposed rule amendments and revocations are required to remove language in conflict with the state statutes. The statutory language, 47 O.S. §759, was amended November 1, 2021, removing the Board's authority to approve and license analysts and authorized blood withdrawal personnel. The proposed rules being revoked are no longer effective.

**AUTHORITY:**

47 O.S. §759; The Board of Tests for Alcohol and Drug Influence

**COMMENT PERIOD:**

Persons may submit written comments to Joshua Smith, State Director of Tests, at P.O. Box 36307, Oklahoma City, OK 73136, or by email to [joshua.smith@bot.ok.gov](mailto:joshua.smith@bot.ok.gov). Comments will be accepted through December 31, 2023.

**PUBLIC HEARING:**

A public hearing will be held to provide an opportunity for persons to present their views regarding the proposed rulemaking action. Each person will be allowed a maximum of 5 minutes to speak. All persons attending must sign the roster. The hearing will be held on Thursday January 4, 2024 from 10:00 a.m. - 11:00 a.m. at the Administrative Offices of the Board, located at 3600 N. Martin Luther King Ave., Building 9, Oklahoma City, OK 73111.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing through December 31, 2023 to Joshua Smith, State Director at P.O. Box 36307, Oklahoma City, OK 73136.

**COPIES OF PROPOSED RULES:**

Interested persons may inspect proposed rules at the Administrative Offices of the Board of Tests for Alcohol and Drug Influence, 3600 N. Martin Luther King Ave., Building 9, Oklahoma City, OK 73111, Monday through Friday, between the hours of 8:00 a.m. and 4:00 p.m. Copies of proposed rules may be obtained at a cost of 10 cents per page copying charge from the Board of Tests for Alcohol and Drug Influence, P.O. Box 36307, Oklahoma City, OK 73136. The proposed rules are also available on the Board's website at [www.ok.gov/bot](http://www.ok.gov/bot) in the announcements section.

**RULE IMPACT STATEMENT:**

Pursuant to 75. O.S. §303(D), a rule impact statement will be prepared and may be obtained from the Board of Tests for Alcohol and Drug Influence website under announcements at the above address beginning November 30, 2023.

**CONTACT PERSON:**

Joshua Smith, State Director of Tests, 405-425-2460, [joshua.smith@bot.ok.gov](mailto:joshua.smith@bot.ok.gov)

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DOCKET# 23-786 OAR/cert CN

**TITLE 40. BOARD OF TESTS FOR ALCOHOL AND DRUG INFLUENCE**  
**CHAPTER 15. LABORATORIES AND FACILITIES**

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

40:15-1-1. Purpose [REVOKED]

40:15-1-2. Forensic alcohol analysis laboratories [REVOKED]

40:15-1-3. Forensic drug analysis laboratories [REVOKED]

**SUMMARY:**

The proposed rule amendments and revocations are required to remove language in conflict with the state statutes. The statutory language, 47 O.S. §759, was amended November 1, 2021, removing the Board's authority to approve and license laboratories. The proposed rules being revoked are no longer effective.

**AUTHORITY:**

47 O.S. §759; The Board of Tests for Alcohol and Drug Influence

**COMMENT PERIOD:**

Persons may submit written comments to Joshua Smith, State Director of Tests, at P.O. Box 36307, Oklahoma City, OK 73136, or by email to [joshua.smith@bot.ok.gov](mailto:joshua.smith@bot.ok.gov). Comments will be accepted through December 31, 2023.

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DOCKET# 23-787 OAR/cert CN

**TITLE 40. BOARD OF TESTS FOR ALCOHOL AND DRUG INFLUENCE**  
**CHAPTER 35. ANALYSIS OF ALCOHOL IN BLOOD**

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

40:35-1-1. Purpose [REVOKED]

40:35-1-2. Approved methods for blood-alcohol analysis [REVOKED]

40:35-1-3. Analysis of blood specimens for alcohol [REVOKED]

**SUMMARY:**

The proposed rule amendments and revocations are required to remove language in conflict with the state statutes. The statutory language, 47 O.S. §759, was amended November 1, 2021, removing the Board's authority regarding blood analysis. The proposed rules being revoked are no longer effective.

**AUTHORITY:**

47 O.S. §759; The Board of Tests for Alcohol and Drug Influence

**COMMENT PERIOD:**

Persons may submit written comments to Joshua Smith, State Director of Tests, at P.O. Box 36307, Oklahoma City, OK 73136, or by email to [joshua.smith@bot.ok.gov](mailto:joshua.smith@bot.ok.gov). Comments will be accepted through December 31, 2023.

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**CONTACT PERSON:**

Joshua Smith, State Director of Tests, 405-425-2460, [joshua.smith@bot.ok.gov](mailto:joshua.smith@bot.ok.gov)

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**OKLAHOMA SECRETARY OF STATE**  
DOCKET# 23-788 OAR/cert CN

**TITLE 40. BOARD OF TESTS FOR ALCOHOL AND DRUG INFLUENCE**  
**CHAPTER 40. ANALYSIS OF OTHER INTOXICATING SUBSTANCES**

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

40:40-1-1. Purpose [REVOKED]

40:40-1-2. Analysis of other intoxicating substances in blood [REVOKED]

**SUMMARY:**

The proposed rule amendments and revocations are required to remove language in conflict with the state statutes. The statutory language, 47 O.S. §759, was amended November 1, 2021, removing the Board's authority regarding blood analysis. The proposed rules being revoked are no longer effective.

**AUTHORITY:**

47 O.S. §759; The Board of Tests for Alcohol and Drug Influence

**COMMENT PERIOD:**

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**RULE IMPACT STATEMENT:**

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**CONTACT PERSON:**

Joshua Smith, State Director of Tests, 405-425-2460, [joshua.smith@bot.ok.gov](mailto:joshua.smith@bot.ok.gov)

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DOCKET# 23-789 OAR/cert CN

**TITLE 40. BOARD OF TESTS FOR ALCOHOL AND DRUG INFLUENCE**  
**CHAPTER 50. IGNITION INTERLOCK DEVICES**

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 1. Ignition Interlock Devices, Service Centers, Technicians

40:50-1-2.2. Annual recertification [AMENDED]

40:50-1-6.1. Removal requirements [AMENDED]

40:50-1-7.2. Annual renewal [AMENDED]

**SUMMARY:**

The proposed rule amendments clarify requirements for device removal, device recertification, and service center license renewal.

**AUTHORITY:**

47 O.S. §759; The Board of Tests for Alcohol and Drug Influence

**COMMENT PERIOD:**

Persons may submit written comments to Joshua Smith, State Director of Tests, at P.O. Box 36307, Oklahoma City, OK 73136, or by email to [joshua.smith@bot.ok.gov](mailto:joshua.smith@bot.ok.gov). Comments will be accepted through December 31, 2023.

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**CONTACT PERSON:**

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**ACCEPTED**

10/25/23

OFFICE OF ADMINISTRATIVE RULES

**OKLAHOMA SECRETARY OF STATE**

DOCKET# 23-795 OAR/cert CN

**TITLE 40. BOARD OF TESTS FOR ALCOHOL AND DRUG INFLUENCE**  
**CHAPTER 25. DEVICES, EQUIPMENT, AND REFERENCE STANDARDS**

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

40:25-1-1.1. Definitions [AMENDED]

**SUMMARY:**

The proposed rule amendment amends the definition for "Other intoxicating substances" to reference the statutory definition 47 O.S §1-140.1.

**AUTHORITY:**

47 O.S. §759; The Board of Tests for Alcohol and Drug Influence

**COMMENT PERIOD:**

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