



**STATE OF OKLAHOMA
BOARD OF TESTS FOR ALCOHOL AND DRUG INFLUENCE**

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Dr. Jarrad Wagner, Ph.D.
Chairman

Joshua Smith
State Director

The agenda for this meeting was posted in accordance with Title 25 Section 311.A.9, at the Administrative Offices of the Board of Tests for Alcohol and Drug Influence, 3600 North Martin Luther King Avenue, Building 9, Oklahoma City, OK, 73111.

**Regular Meeting
Of the Board of Tests for Alcohol and Drug Influence
Oklahoma Department of Public Safety Complex,
W.C. Sarg Smith Classroom
3600 North Martin Luther King Avenue, Oklahoma City, OK, 73111**

**Tuesday February 13, 2024
10:00 A.M.**

MINUTES

BOARD MEMBERS PRESENT:

Dr. Jarrad Wagner, OSU Health Science – Chair
Kevin Kramer, Oklahoma State Bureau of Investigation
Dr. Kenneth Blick, OU Health Science
Chief Michael Bell, Oklahoma Chiefs of Police
Kevin McCullough, CLEET
Major Nathaniel Mackey, Dept. of Public Safety
Sheriff Damon Devereaux, Sheriffs and Peace
Ofc Assoc.

BOARD MEMBERS NOT PRESENT:

Dr. LaTrina Frazier, Dept. of Health

STAFF PRESENT:

Josh Smith, Director
Jordan Miller, Bus. Services Coord.
Magan Sloan, Interlock Assistance Rep.
Christopher Pape, Breath-Test Admin
David Cravens, Training Admin
David Barnett, Interlock Admin

1. Call to Order and Roll Call

Action Taken: Dr. Wagner called the meeting to order at approximately 10:00 a.m. Roll was taken; seven members were present.

2. Statement of Compliance with the Open Meetings Act

Action Taken: Dr. Wagner gave statement of compliance for the record.

3. Approval of Minutes

Action Taken: Dr. Blick motioned to approve the drafted minutes from the Tuesday, November 14, 2023 Regular Board Meeting. Chief Bell seconded.

A roll call was taken with the following results: Wagner voted yes, Kramer voted yes, Bell voted yes, Blick voted yes, McCullough voted yes, Devereaux voted yes, Mackey voted yes.

4. Director's Report

The Director discussed legislative bills introduced for the Oklahoma 2024 Legislative Session.

The Director presented an overview of the agency's IDAP documentation and processes.

The Director informed the Board of David Cravens and Chris Pape's successful efforts to educate jail administrators, sheriffs, and chiefs of police departments regarding chemical testing and best practices at testing locations.

5. Updates and discussion with possible action regarding breath alcohol instrumentation state plan.

(Note: This plan is fluid and amendable.)

BOARD OF TESTS FOR ALCOHOL AND DRUG INFLUENCE "STATE PLAN" TO
ADOPT NEW BREATH ALCOHOL TESTING INSTRUMENTATION

- ~~1. Identify the need for new instrumentation (current situation of the state).~~
- ~~2. Modify the administrative rules to accommodate incorporation of the new instrumentation.~~
- ~~3. Develop and adopt internal Board policy and procedure for instrument evaluation.~~
- ~~4. Solicit feedback from other states currently using candidate instruments.~~
- ~~5. Select instruments to evaluate that meet the statutory requirements, rules, and needs of the State.~~
- ~~6. Evaluate instruments pursuant to the internal Board evaluation policy and procedure.~~
- ~~7. Board selects best candidate/instrument to adopt based on evaluation report/results or best fit.~~

8. Work with the selected instrument manufacturer to negotiate a purchase and service contract. (02/13/2024 discussion/update)
9. ~~Identify funding sources and acquisition of new instrumentation.~~
10. Send qualified staff to manufacturer maintenance and repair training. (02/13/2024 updates)
11. Develop and identify level of training and curriculum for current operators and new operators.
12. Create roll-out and distribution plan for new instrumentation.

Discussion:

The Director updated the Board that a meeting was held with CMI, Inc. to identify the state's needs. The agency has secured a quote for purchasing 54 units that will include a five-year service warranty. At this time, CMI, Inc. is ready to move forward. CMI has informed the agency that software development will take the most time. The agency is only awaiting authorization from the Oklahoma Highway Safety Office(OHSO). OHSO has notified the agency that funding has not been appropriated by the Federal Government to the state. Currently, there is no known date when that funding will be available.

The Director informed the Board that the staff acquired travel and lodging for CMI, Inc. Intoxilyzer 9000 manufacturer training. The Director, Breath Testing Admin, and Training Admin will attend March 2024.

Action Taken: No Action taken.

6. Discussion and possible action to adopt proposed administrative rule amendments for 2024. (public comment period was 11/15/2023 through 12/31/2023; public hearing held 01/04/2024)

- Chapter 10. Personnel (Amended)
- Chapter 15. Laboratories and Facilities (Revoked)
- Chapter 25. Devices, Equipment, and Reference Standards (Amended)
- Chapter 35. Analysis of Alcohol in Blood (Revoked)
- Chapter 40. Analysis of Other Intoxicating Substances (Revoked)
- Chapter 50. Ignition Interlock Devices (Amended)

Dr. Wagner informed the Board that the proposed amendments are being considered so the agency can eliminate ineffective and conflicting language. The language was left in place when the statutes changed in 2021 just in case the laws were found to be unconstitutional. Dr. Wagner informed the Board that the rules can now be revoked and amended to reduce confusion in the courtroom because they do conflict with state statute.

Action Taken: Dr. Blick motioned to adopt the proposed rule amendments and revocations. Kevin Kramer seconded.

A roll call was taken with the following results: Wagner voted yes, Kramer voted yes, Bell voted yes, Blick voted yes, McCullough voted yes, Devereaux voted yes, Mackey voted yes.

7. Public Comment(s) **pursuant to the Oklahoma Open Meetings Act, no action may be taken on any public comments*

Public comments were heard expressing the continued disapproval of Service Oklahoma's business activities and the public's frustrations with them.

**8. Possible discussion and vote to enter Executive Session pursuant to 25 O.S. § 307 to discuss employment, demotion, discipline, or performance for the following individual salaried employees of the Board:
David Barnett, David Cravens, Jordan Miller, Christopher Pape, Magan Sloan, Joshua Smith.**

- **Vote to Enter Executive Session**
- **Vote to Exit Executive Session**

Action Taken: Dr. Blick motioned to enter executive session. Kevin Kramer seconded.

A roll call was taken with the following results: Wagner voted yes, Kramer voted yes, Bell voted yes, Blick voted yes, McCullough voted yes, Devereaux voted yes, Mackey voted yes

Action Taken: Dr. Blick motioned to exit executive session. Chief Bell seconded.

A roll call was taken with the following results: Wagner voted yes, Kramer voted yes, Bell voted yes, Blick voted yes, McCullough voted yes, Devereaux voted yes, Mackey voted yes

9. Possible discussion and action in response to Executive Session discussions.

Action Taken: No action taken.

10. Chairman's Report

Dr. Wagner expressed the Board's desire to recognize outstanding performance by the staff. With this said there are some pending legislative bills that may impact the agency. The Board will be revisiting what was discussed in the executive session after more information is available.

11. Adjournment

Action Taken: Sheriff Devereaux motioned to adjourn. Chief Bell seconded.

A roll call was taken with the following results: Wagner voted yes, Bell voted yes; Blick voted yes, Devereaux voted yes; Frazier voted yes, McCullough voted yes, Idlett voted yes.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jarrad Wagner", written in a cursive style.

Chairman Dr. Jarrad Wagner
Board of Tests for Alcohol and Drug Influence

**A digital copy of these minutes is kept on record at the Board of Tests.
Available upon request.**