

*(Oklahoma Board of Tests for Alcohol and Drug Influence)*

**Administrative Rules Report | Executive Order 2020-03**

**Comprehensive Review of Administrative Rules as of 06/30/2020**

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**Method Used to Conduct Review:** Staff review page by page and taking into account new rules effective September 11, 2020 that were recently approved by the Governor. The agency took initiative this rule session (2020) to remove outdated/unnecessary language in the administrative code. The agency also took action in previous rule sessions for the past five years to remove language that was ineffective and unnecessary.

**TOTAL NUMBER OF UNECESSARY, COSTLY, INEFFECTIVE, DUPLICATIVE OR OUTDATE REGULATIONS: 3**

**Title 40 Board of Tests for Alcohol and Drug Influence**

Chapter 1- Organization, Operations, Procedures and Policies

Section	Title	Date Created	Costly	Ineffective	Duplicate	Location Of Duplication	Outdated/ Unnecessary	Necessary	Explanation of determined category
40:1-1-3	General course and method of operation	09-14-19	no	yes	no	n/a	no	yes	d.) Meetings. This rule language requires the Board to determine quorum based on all seats. Currently, vacant seats are considered in determining a quorum which causes issue when trying to conduct business of the Board. The State statute 47 OS 759 also fails to clarify this issue. We plan to address the rule by amending the administrative rule to add language resembling “vacant non-appointed positions on the Board will not be considered when determining if a quorum exists.”

Chapter 20 - Specimens

<b>Section</b>	<b>Title</b>	<b>Date Created</b>	<b>Costly</b>	<b>Ineffective</b>	<b>Duplicate</b>	<b>Location Of Duplication</b>	<b>Outdated/ Unnecessary</b>	<b>Necessary</b>	<b>Explanation of determined category</b>
40:20-1-2	Designation by law enforcement agencies of blood or breath to be tested for alcohol content	08-26-10	no	yes	no	n/a	yes	no	(b) Language in this rule contains reference to subjects with hemophilia. Current medical practices and technology eliminate any risk to persons with hemophilia conducting a blood draw.

Chapter 50 - Ignition Interlock

<b>Section</b>	<b>Title</b>	<b>Date Created</b>	<b>Costly</b>	<b>Ineffective</b>	<b>Duplicate</b>	<b>Location Of Duplication</b>	<b>Outdated/ Unnecessary</b>	<b>Necessary</b>	<b>Explanation of determined category</b>
40:50-1-3.2	Reporting requirements	09-14-19	no	yes	no	n/a	no	yes	(3) Language in this rule contains reference to retest violations being reported at the onset of the third offense. There has been much confusion from the manufacturer and Department of Public Safety regarding this rule. We plan to amend the rule to ease the process that will resemble language that reads “A Retest violation”.

**END OF REPORT**