

**TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH
CHAPTER 521. CONTROL AND TREATMENT OF COMMUNICABLE DISEASE**

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 9. Harm Reduction Services

310:521-9-1 [NEW]

310:521-9-2 [NEW]

310: 521-9-3 [NEW]

310: 521-9-4 [NEW]

310:521-9-5 [NEW]

310:521-9-6 [NEW]

310:521-9-7 [NEW]

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Commissioner of the Oklahoma State Department of Health; 63 O.S. § 1-104

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n/a

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n/a

GIST/ANALYSIS:

The proposed Subchapter 9 rules implement the requirements for harm-reduction services established under Title 63 O.S. §§ 2-101(48) and 2-1101. Until July 1, 2026, this statute permits government entities, religious institutions; nonprofit organizations; for-profit companies; nongovernmental entities partnering with a government agency; and tribal governments to engage in harm reduction services. Any entity offering such services is required to register with the Oklahoma State Department of Health. The measure also requires providers of harm-reduction services to report required information regarding their services and clients served to the State Department of Health at least quarterly. These rules establish the registration and reporting requirements for providers of harm-reduction services.

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3 (5) AND 308 (E), WITH AN EFFECTIVE DATE OF SEPTEMBER 11, 2022:

SUBCHAPTER 9. HARM-REDUCTION SERVICES

310:521-9-1. Purpose and specific authority

The purpose of this subchapter is to establish the rules for harm-reduction services. The State Commissioner of Health is authorized pursuant to Title 63 O.S. § 2-1101 to promulgate rules for the implementation of harm-reduction services established under Title 63 O.S. §§ 2-101(48) and 2-1101, the Uniform Controlled Dangerous Substances Act, Article 10. Harm-Reduction Services.

310:521-9-2. Definitions

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

"Administrator" means the director or similarly titled person responsible for the entity providing harm-reduction services through a program registered with the Department.

"Applicant" means the entity in whose name the harm-reduction services program shall be registered.

"AIDS" means Acquired Immunodeficiency Syndrome and is the most severe manifestation of infection with the Human Immunodeficiency Virus (HIV). The Centers for Disease Control and Prevention (CDC) lists numerous opportunistic infections and neoplasms (cancers) that, in the presence of HIV infection, constitute an AIDS diagnosis.

"Client" means a person who receives assistance through a harm-reduction services program.

"Harm-Reduction Services" means programs established to: *reduce the spread of infectious diseases related to injection drug use, reduce drug dependency, overdose deaths and associated complications, and increase safe recovery and disposal of used syringes and sharp waste.* Title 63 O.S. § 2-101(48)

"Hepatitis B (HBV)" means a vaccine-preventable liver infection caused by the hepatitis B virus (HBV). Hepatitis B is spread when blood, semen, or other body fluids from a person infected with the virus enters the body of someone who is not infected.

"Hepatitis C (HCV)" means a liver infection caused by the hepatitis C virus (HCV). Hepatitis C is spread through contact with blood from an infected person.

"Human Immunodeficiency Virus (HIV)" means HIV (human immunodeficiency virus) is a virus that attacks the body's immune system. If HIV is not treated, it can lead to AIDS (acquired immunodeficiency syndrome).

"HIV positive" means a person has tested positive for HIV antibodies, the virus known to cause AIDS.

"Policies and Procedures Manual" means a written manual detailing the policies and procedures for the safe and lawful operation of a harm-reduction services program.

"Program" means harm-reduction services provided by an entity registered to provide such services with the Department.

"Program Site" means the location where harm-reduction services are provided.

"Sharps Waste" means used needles, syringes, or lancets.

"Staff" means any employee, independent contractor, or volunteer adequately educated and trained to provide harm-reduction services on behalf of a program.

310:521-9-3. Eligible providers

Harm-reduction services are limited to persons in the following categories:

- (1) Government entities, as provided in Title 63 O.S. § 2-1101;
- (2) Religious institutions or churches;
- (3) Nonprofit organizations;
- (4) For-profit companies;
- (5) Nongovernmental entities partnering with a governmental agency; and
- (6) Tribal governments. Title 63 O.S. § 2-1101(A)

310:521-9-4. Registration requirements.

No entity may engage in harm-reduction services without first registering with the Department in the form and manner prescribed by the Department.

310:521-9-5. Scope of services

- (a) Registered programs may engage in harm-reduction services as outlined in 63 O.S. § 2-1101(B) and shall offer such services free of charge.
- (b) Registered programs shall operate and furnish services in compliance with all applicable federal, state, and local laws and regulations.

310:521-9-6. Application for registration

(a) All entities providing harm-reduction services must complete an application for registration with the Sexual Health and Harm Reduction Service Program at the Department. All applicants must provide the following information:

- (1) The legal name and form of organization registered with the Oklahoma Secretary of State as well as the name under which it will be doing business in the State of Oklahoma.
- (2) The name, address, telephone number, and email address for the administrator of the program and a secondary entity contact, together with:
 - (A) A signed, notarized statement attesting that the applicant accepts full responsibility for ensuring that the program operates in compliance with the provisions of all federal and state laws and regulations;
 - (B) The address and telephone number for each program site, including both fixed locations with permanent structures and venues at which services may be provided by a mobile unit;
 - (C) The scheduled hours of operations for each program site; and
 - (D) A copy of the program's most current version of harm-reduction service policies and procedures, including but not limited to, clear and concise procedures for the safe and secure disposal of sharps waste and any biomedical waste generated by services provided by the program.

(b) Registration applications will be reviewed within sixty (60) days of receipt thereof by the Department. A written correspondence of approval or denial will be sent to the applicant. If an application is denied, a letter of corrective actions may be supplied to the applicant.

(c) Registration shall be valid for one (1) year and shall be renewed by submission of an application for renewal at least thirty (30) days prior to expiration of current registration in the form and manner prescribed by the Department.

310:521-9-7. Quarterly reporting to the Department

(a) Programs shall submit to the Department electronic reports, in the manner designated by the Department, on the last business day of each calendar quarter, which report the following information for the most recent calendar quarter:

- (1) The number of clients served including basic demographic information;
- (2) Number and type of referrals provided;
- (3) Number of syringes, test kits and antagonists distributed;
- (4) Number of used syringes collected; and

(5) Number of rapid HIV and viral hepatitis tests performed including the number of reactive test results. Title 63 O.S. § 2-1101(C).

(b) Failure to report data described in Section 310:521-9-7 constitutes grounds for non-renewal of the service provider's registration.