



GENTNER DRUMMOND  
ATTORNEY GENERAL

## THE ATTORNEY GENERAL'S POLICY ON ISSUING OFFICIAL OPINIONS

### ***A. The Attorney General's legal authority to issue opinions and who may request an official Attorney General Opinion.***

1. The Attorney General is authorized to give his opinion in writing upon questions of law submitted to him by the Legislature, state officers, boards, commissions, or departments, or District Attorneys regarding "only . . . matters which they are officially interested." [74 O.S.2021, § 18b\(A\)\(5\)](#). Provided, the Attorney General must "respond" to any request for an official opinion "[from] a member of the Legislature, regardless of the subject matter, by written opinion determinative of the law regarding such subject matter." *Id.* § 18b(A)(18).
2. Opinion requests from state officers or agencies must state the nature and extent of the requester's official interest. Simply, the request must explain why an opinion from the Attorney General would aid the requester in fulfilling the requester's official duties.
3. The Attorney General will not issue official opinions to private citizens, public corporations, cities and towns, or other political subdivisions of the State. Requests for legal opinions from cities, towns, and school districts are to be referred to their respective employed or contract attorneys.

### ***B. Form and Content of requests for an official Attorney General Opinion.***

4. The Attorney General reserves the right to request a District Attorney to submit a written memorandum, including legal authorities, regarding any question(s) submitted. Requests from Assistant District Attorneys must be endorsed by the District Attorney.
5. Opinion requests from State executive officers, boards, commissions, departments, and agencies must be signed or endorsed by an agency head. The Attorney General prefers opinion requests to be submitted to a vote of the governing board or commission and reserves the right to decline requests that have not been approved by the governing board or commission. Further, the Attorney General reserves the right to request from state agencies that employ legal counsel to submit a written memorandum, including legal authorities, regarding any question(s) submitted.
6. Opinion requests must be in writing and contain a complete statement of the issues together with a clear, concise question of law. The Attorney General will not resolve questions of fact in an official opinion.

**C. Issues and matters on which an official Attorney General Opinion may be sought.**

7. Except for determining whether a contract, agreement, or provision of such is lawful, the Attorney General will not interpret terms of contracts or other legal agreements in the context of an official Attorney General Opinion.
8. The Attorney General will not furnish official opinions on questions of law about current administrative rules which may be resolved through the rulemaking process under Article I of the Administrative Procedures Act. If a declaratory judgment action or a request for declaratory ruling as authorized by the Administrative Procedures Act, 75 O.S.2021, §§ [306](#) and [307](#), has been filed, the Attorney General will not furnish an opinion until the litigation or matter has concluded, appeals have been exhausted, or time for appeal has expired.
9. As chief law officer of the State, the Attorney General issues official opinions only with respect to questions of statewide interest or application.
10. Subject to the authority vested in the Attorney General in [title 74, section 18b\(A\)\(8\) of the Oklahoma Statutes](#), the Attorney General will not furnish official opinions on questions relating to legislation pending before either house of the Legislature.
11. Subject to the Attorney General's determination that important interests warrant the Attorney General's consideration or intervention, the Attorney General will not furnish opinions on active issues or questions set before any court of competent jurisdiction.<sup>1</sup>
12. The Attorney General may decline to issue an official opinion which may create, whether directly or indirectly, legal liability on the State, or any agency, board, commission, department, or political subdivision of the State.
13. The Attorney General will preface all official opinions related to the constitutionality of a state statute or constitutional provision as advisory only.<sup>2</sup>
14. The Attorney General may issue an official opinion even if the request is withdrawn if the Attorney General determines the issuance of an official opinion (1) serves the public interest or (2) would provide helpful guidance to the public or public officials.
15. The Attorney General reserves the right to amend, update, or withdraw any official opinion to ensure consistency or compliance with applicable law.
16. The Attorney General may make exceptions to this Policy when (1) the public interest warrants or (2) an official opinion would provide helpful legal guidance to the public or public officials.

Approved: February 6, 2025.

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<sup>1</sup> A.G. Op. 2006-35 discusses circumstances in which the Attorney General may determine to “exercise restraint and not render an opinion unless or until a court has finished its work.” [2006 OK AG 35, ¶ 27](#).

<sup>2</sup> See [State ex rel. York v. Turpen, 1984 OK 26, ¶ 12, 618 P.2d 763, 767](#).