

Rule Impact Statement
Oklahoma Opioid Abatement Board (“Board”)
New Emergency Rules OKLA. ADMIN. CODE § 75:50

*This Rule Impact Statement has been prepared pursuant to 75 O.S.2021,
§253(B)(2)(a).*

I. Brief description of the proposed rule.

The Oklahoma Opioid Abatement Board proposes these emergency rules to fulfill the requirements of the Board under the Political Subdivisions Opioid Abatement Grants Act, 74 O.S. 2021, §§ 30.1–30.8. The emergency rules set forth a process for political subdivisions to apply for and receive opioid grant awards or other amounts as may be agreed to by a legal settlement for the abatement of opioid-related costs to the State of Oklahoma and its political subdivisions. The emergency rules also specify what required documentation that political subdivisions must submit to demonstrate governing body approval for seeking opioid funds from the Board. Additionally, the rules include an appeals process with specific grounds for appeal; requirements for merger or dissolution; reporting requirements and processes; subsequent applications for grant money; and procedures for recipients who spend the opioid grant awards on or for non-approved purposes. The rules set forth a table for weighing statutory factors for the distribution of opioid funds to non-litigating political subdivisions in the opioid distributors and retailers & Allergan settlements. Finally, the rules provide for a tier-based awards for maximum available funding by political subdivision type and population or enrollment.

II. Description of the persons who most likely will be affected by the proposed rules, including classes that will bear the costs of the proposed rule, and any information on cost impacts received by the agency from any private or public entities.

The proposed rule will most likely affect political subdivisions seeking opioid grant awards from the Abatement Board as well as persons suffering opioid use disorder. At this time, the Board cannot foresee any cost impacts nor has it received any reports of cost impacts from private or public entities.

III. Description of the classes of persons who will benefit from the proposed rules.

Oklahoma political subdivisions and the general public, including those affected by the opioid epidemic, will benefit from the promulgation of these rules. In short, the State will benefit as a whole.

IV. Description of the probable economic impact of the proposed rules upon affected classes of persons or political subdivisions, including a listing of all fee changes and, whenever possible, a separate justification for each fee change.

The Board intends that the opioid grant awards will offset the costs to political subdivisions used to respond to the opioid epidemic. The rules do not include any imposition of fees or fee changes.

V. Description of the probable costs and benefits to the agency and to any other agency of the implementation and enforcement of the proposed rules, and any anticipated effect on state revenues, including a projected net loss or gain in such revenues if it can be projected by the agency.

The Board does not believe that there will be probable costs and risks to the agency and to any other agency as a result of implementing these emergency rules. Moreover, the Board cannot anticipate any effect on state revenues. To the extent that there will be net loss or gain, one cannot be projected at this time.

VI. Determination of whether implementation of the proposed rule may have an adverse economic effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act.

The Board cannot anticipate that implementation of the proposed emergency rules will have an adverse economic effect on small business. Nonetheless, the Board believes an economic effect on small business will actually be positive rather than adverse.

VII. Explanation of the measures the agency has taken to minimize compliance costs and a determination of whether there are less costly or nonregulatory methods or less intrusive methods for achieving the purpose of the proposed rule.

Based on the rules as set forth, the Board does not believe that there will compliance costs. Without compliance costs, a finding concerning nonregulatory methods or less intrusive methods to achieve the purpose of the proposed emergency rules is unnecessary.

VIII. Determination of the effect of the proposed rules on the public health, safety and environment and, if the proposed rule is designed to reduce significant risks to the public health, safety and environment, an explanation of the nature of the risk and to what extent the proposed rule will reduce the risk.

The Board finds that the proposed rules will benefit public health and safety as the rules intend to ensure that political subdivisions will receive more funds to abate

the effects from the opioid epidemic by using the funds for approved purposes as outlined in law.

IX. Determination of any detrimental effect on the public health, safety and environment if the proposed rule is not implemented.

If these emergency rules are not implemented, the public health and safety of communities across Oklahoma devastated by the opioid epidemic will continue to operate without sufficient financial resources to prevent accidental overdoses, detect fentanyl-laced drugs, and respond to the emergence of the compounding consisting of fentanyl and xylazine. The Board does not anticipate any detrimental effect on the environment from the implementation of these rules.

X. Date the rule impact statement was prepared and if modified, the date modified.

This rule impact statement was prepared on December 20, 2023.