

Title 40
Section 10-9-1

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

40:10-9-1 Persons authorized to withdraw blood; (Amended)

SUMMARY:

The rule change would authorize EMT personnel certified as intermediate (I), advanced(A) or paramedic (P) by the State of Oklahoma to withdraw blood samples as "other qualified persons authorized by the Board of Tests for Alcohol and Drug Influence" as referenced in 47 O.S. §752 (A). The need for the rule change is created by the conflict among the state's district courts whether board actions are authorized by 47 O.S. §759. The rule is intended to clarify what persons are authorized by the Board of Tests for Alcohol and Drug Influence to withdraw blood samples for testing drivers' blood for alcohol and other intoxicants.

AUTHORITY:

47 O.S. §752 (A)

COMMENT PERIOD:

Persons may submit written and oral comments to J. Robert Blakeburn at 3600 N. Martin Luther King Blvd., Oklahoma City, OK 73111 during the period from February 15, 2012 to March 20, 2012.

PUBLIC HEARING:

A Public hearing has not been scheduled; However pursuant to 75 O.S. §303 (B) (9), "persons may demand a hearing by contacting J. Robert Blakeburn at 405-425-2406 no later than March 20, 2012.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The proposed changes will not affect business entities.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Board of Tests for Alcohol and Drug Influence's office located at 3600 N. Martin Luther King Blvd., Bldg. 9, Oklahoma City, OK 73111. Copies may also be obtained by written request mailed to the attention of J. Robert Blakeburn at P.O. Box 36307, Oklahoma City OK 73136 or will be available to view at <http://www.ok.gov/bot>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303 (D), a rule impact statement is being prepared and will be available for review after February 15, 2012 at the above locations for the Board of Tests for Alcohol and Drug Influence.

CONTACT PERSON:

J. Robert Blackburn, (405) 425-2460 (procedural and legal questions);