

RULE IMPACT STATEMENT

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 30. CONSUMER PROTECTION

(A) **PURPOSE AND LEGAL BASIS OF THE PROPOSED RULE:**

The proposed rule amendments add multiple counties to the regulated area for fire ants and states where IFA is found pursuant to Okla. Const., Art. 6, § 31; State Board of Agriculture; 2 O.S. § 2-4(A)(2) & (A)(8). The proposed rule amendments updates language to add businesses for licenses and certifications; updates references to federal code pursuant to Okla. Const., Art. 6, § 31; State Board of Agriculture; 2 O.S. § 2-4(A)(2); and 2 O.S. § 3-85. The proposed rule amendments add a definition for active cultivation tasks and location to hemp; adds additional restrictions for property not wholly owned by hemp operator; adds additional factors for grounds for denial and revocation for hemp licenses; adds additional land restrictions for hemp licenses; adds phytosanitary certificates for importing and exporting of hemp plants; adds requirement for hemp license fee to be paid by key participant; adds requirement that processors to keep records of products produced and sold pursuant to Okla. Const., Art. 6, § 31; State Board of Agriculture; 2 O.S. § 2-4(A)(2); and 2 O.S. § 3-404. The proposed rule amendments adds compost, forage, gravel and mulch to the voluntary weed free certification program; adds language that allows the Department to certify facilities, fields or products for the weed free certification program; adds inspection requirements for compost, forage, gravel and mulch for the weed free certification program pursuant to Okla. Const., Art. 6, § 31; State Board of Agriculture; 2 O.S. § 2-4(A)(2); and 2 O.S. § 3-213. The proposed rule amendments adds language that plants being shipped into the State comply with OK nursery regulations and be licensed in the state they are coming from; and adds *Marsilea minuta* – Waterclover to the plants to the prohibited aquatic plants list pursuant to Okla. Const., Art. 6, § 31; State Board of Agriculture; 2 O.S. § 2-4(A)(2); and 2 O.S. § 3-32.9.

(B) **CLASSIFICATION:**

This rule amendment is classified as a *nonmajor rule amendment* with little to no financial impact.

(C) **PURPOSE OF PROPOSED AMENDMENT:**

The proposed rule amendments adds multiple counties to the regulated area for fire ants and states where IFA is found; updates language to add businesses for licenses and certifications; updates references to federal code; adds a definition for active cultivation tasks and location to hemp; adds additional restrictions for property not wholly owned by hemp operator; adds additional factors for grounds for denial and revocation for hemp licenses; adds additional land restrictions for hemp licenses; adds phytosanitary certificates for importing and exporting of hemp plants; adds requirement for hemp license fee to be paid by key participant; adds requirement that processors to keep records of products produced and sold; adds compost, forage, gravel and mulch to the voluntary weed free certification program; adds language that allows the Department to certify

facilities, fields or products for the weed free certification program; adds inspection requirements for compost, forage, gravel and mulch for the weed free certification program; adds language that plants being shipped into the State comply with OK nursery regulations and be licensed in the state they are coming from; and adds Marsilea minuta – Watercress to the plants to the prohibited aquatic plants list.

(D) **CLASSES OF PERSONS WHO MOST LIKELY WILL BE AFFECTED BY THE PROPOSED RULE AND ANY INFORMATION ON COST IMPACTS RECEIVED BY THE AGENCY FROM ANY PRIVATE OR PUBLIC ENTITIES:**

The proposed rule amendments affect consumers and people regulated by the Department's combined pesticide regulations, industrial hemp program regulations, weed free certification, and nursery program. No cost impacts have been received.

(E) **PERSONS WHO WILL BENEFIT FROM THE PROPOSED RULE:**

Taxpayers and people regulated by the Department's combined pesticide regulations, industrial hemp program regulations, weed free certification, and nursery program will benefit from the proposed rule amendments.

(F) **DETERMINATION OF PROBABLE ECONOMIC IMPACT:**

Imported Fire Ant Quarantine: The proposed permanent amendments will have no significant economic impact on the affected classes, affected businesses, business sectors, individuals, state or local government entities, and the state economy. No additional agency personnel or budget expenses are anticipated. Federal inspection and certification services for moving articles regulated under the imported fire ant quarantine are provided without cost but some states charge, Oklahoma is not one of those states. No information on cost impact has been received by the agency from private or public entities to date.

Combined Pesticide: The proposed permanent amendments will have little economic impact on the affected classes, affected businesses, business sectors, individuals, state or local government entities, and the state economy. Updating the references to incorporations by reference will have little economic impact. The Code of Federal Regulations is available online for free. The Department estimates a cost of less than \$5,000.00 over a five-year period based on printing costs for those regulated by the updated regulations. No additional agency staff are needed for this proposed permanent amendment.

Oklahoma Industrial Hemp Program: The proposed permanent amendments will have no significant economic impact on the affected classes, affected businesses, business sectors, individuals, state or local government entities, and the state economy. No additional agency personnel or budget expenses are anticipated. The proposed permanent rules regarding importation and exportation of hemp plants impose the same requirements that businesses and individuals in Oklahoma currently follow onto businesses shipping hemp plants into the State of Oklahoma. The Department estimates a cost of less than \$3,000 over a five-year period based on the cost of phytosanitary certificates and the estimated number of plants it expects to be shipped each year. Additionally, for the rule change that would prevent hemp and medical marijuana licensed facilities from sharing the same

location, at current there are less than 10 licensed locations for both growers and processors that have active OBN/OMMA and ODAFF licenses. This rule would have no significant economic impact on affected businesses and the benefits of preventing both from being located at the same location outweigh the economic impact. The remaining rule changes will have no significant economic impact because they are already requirements that are being enforced by the Department, listing them in rules to make it easier on individuals and businesses involved in the Industrial Hemp Program. No information on cost impact has been received by the agency from private or public entities to date.

Weed Free Certification: The proposed permanent amendments will have no significant economic impact on the affected classes, affected businesses, business sectors, individuals, state or local government entities, and the state economy. The program is optional. The Department, on average, receives 5 requests for inspection for this program. With the additional categories the Department is estimating an additional 5 requests per year. The Department estimates a cost of less than \$5,000 per year based on the average of 10 applicants per year. Over five years this will be less than \$25,000.00. No additional agency personnel or budget expenses are anticipated. No information on cost impact has been received by the agency from private or public entities to date.

Nursery Stock Sales: The proposed permanent amendments will have no significant economic impact on the affected classes, affected businesses, business sectors, individuals, state or local government entities, and the state economy. No additional agency personnel or budget expenses are anticipated. The proposed permanent rules impose the same requirements that businesses and individuals in Oklahoma currently follow onto businesses shipping nursery stock into the State of Oklahoma. Businesses may have a nominal cost associated with maintaining records of plant products received for 12 months. The Department estimates that this cost will be less than \$1,000 per year. No information on cost impact has been received by the agency from private or public entities to date.

(G) METHODOLOGY OF PROBABLE ECONOMIC IMPACT:

Imported Fire Ant Quarantine: The methodology focused on direct, measurable impacts, primarily concerning fees and administrative costs. The analysis was conducted under the assumption that the costs (certification fee) were balanced by the benefits (preventing the spread of fire ants), and that the rule change itself does not significantly affect the larger economy.

Combined Pesticide: The methodology focused on indirect, direct, measurable impacts, primarily concerning fees and administrative costs. The analysis was conducted under the assumption that some of the businesses and individuals who use the regulations will want to print the new materials for reference. Document printing costs typically range from \$0.10 to \$0.25 per page for black and white at retail locations or at a local library.

Oklahoma Industrial Hemp Program: The methodology focused on direct, measurable impacts, primarily concerning fees and administrative costs. The analysis was conducted

under the assumption that the costs (requiring hemp imported into the state) were balanced by the benefits (requiring the hemp to meet the total THC requirements and import requirements followed by all other Oklahoma businesses), and that the rule change itself does not significantly affect the larger economy. The Department estimated less than \$3,000 over a 5-year period. The Department expects to issue only three to four certificates per year, and the cost per commercial shipment is \$106. Certificates for under Businesses or individuals who currently have fully licensed medical marijuana facilities and hemp licenses at the same location may be required to pay out additional money to find a new lease or break a lease to maintain compliance for both licenses. This cost is outweighed by the benefit of preventing products from getting mixed up and reducing products over the allowable threshold of total THC from reaching the market.

Weed Free Certification: The methodology focused on indirect, direct, measurable impacts, primarily concerning fees and administrative costs. The analysis was conducted under the assumption that additional businesses will take advantage of the option weed free certificate and request an inspection. The estimate of less than \$5,000 per year consists of the \$25 non-refundable application fee, the \$50 per hour inspection fee with a minimum of 4 hours, \$25 for 100 tags for the products if relevant, and mileage (estimated \$1000 in total). The Department added all of this together and multiplied it by 10, accounting for the current average and additional business that may apply with the added categories.

Nursery Stock Sales: The methodology focused on indirect, direct, measurable impacts, primarily concerning fees and administrative costs. The analysis was conducted under the assumption that some of the businesses may have to use additional space on computers or physical to maintain records received with plant products.

(H) DETERMINATION OF WHETHER IMPLEMENTATION WILL HAVE ANY ECONOMIC IMPACT ON ANY POLITICAL SUBDIVISION OR REQUIRE THEIR COOPERATION IN IMPLEMENTING OR ENFORCING THE PROPOSED RULE:

No effect on any political subdivision is anticipated by the proposed rule amendments.

(I) DETERMINATION OF WHETHER IMPLEMENTATION OF THE PROPOSED RULE WILL HAVE AN ADVERSE EFFECT ON SMALL BUSINESS AS PROVIDED BY THE OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT:

The proposed rule amendments will have no adverse effect on small business.

(J) DETERMINATION OF WHETHER THERE ARE LESS COSTLY METHODS OR NON-REGULATORY METHODS FOR ACHIEVING THE PURPOSE OF THE PROPOSED RULES:

The Department is unaware of any non-regulatory methods to achieve the purpose of the proposed rule amendments. No measures were necessary to minimize compliance costs, as no costs are imposed by the rule.

(K) **DETERMINATION OF THE EFFECT OF THE PROPOSED RULE ON THE PUBLIC HEALTH, SAFETY, AND ENVIRONMENT:**

The proposed rule amendments will not detrimentally affect the public health, safety, and environment.

(L) **DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY, AND ENVIRONMENT:**

The Department is not aware of any detrimental effect the proposed rules will have on public health, safety, and environment.

(M) **DATE RULE IMPACT STATEMENT WAS PREPARED:**

This rule impact statement was prepared on October 8, 2026.