

1 ENGROSSED SENATE  
2 BILL NO. 1414

By: Marlatt of the Senate

and

Calvey of the House

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6 [ oil and gas - Oil and Gas Water Recycling and Reuse  
7 Act - codification ]  
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9 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

10 SECTION 1. NEW LAW A new section of law to be codified  
11 in the Oklahoma Statutes as Section 155 of Title 52, unless there is  
12 created a duplication in numbering, reads as follows:

13 A. This act shall be known and may be cited as the "Oil and Gas  
14 Water Recycling and Reuse Act".

15 B. As used in this act, "fluid oil and gas waste" means waste  
16 containing salt or other mineralized substances, brine, hydraulic  
17 fracturing fluid, flowback water, produced water or other fluid that  
18 arises out of or is incidental to the drilling for or production of  
19 oil or gas.

20 C. Unless otherwise expressly provided by a contract, bill of  
21 sale or other legally binding document:

22 1. When fluid oil and gas waste is transferred to a person who  
23 takes possession of that waste for the purpose of treating the waste  
24 for a subsequent beneficial use, the transferred material is

1 considered to be the property of the person who takes possession of  
2 it for the purpose of treating the waste for subsequent beneficial  
3 use until the person transfers the waste or treated waste to another  
4 person for disposal or use; and

5       2. When a person who takes possession of fluid oil and gas  
6 waste for the purpose of treating the waste for a subsequent  
7 beneficial use transfers possession of the treated product or any  
8 treatment byproduct to another person for the purpose of subsequent  
9 disposal or beneficial use, the transferred product or byproduct is  
10 considered to be the property of the person to whom the material is  
11 transferred.

12       D. 1. Except as provided in paragraph 2 of this subsection, a  
13 person who takes possession of fluid oil and gas waste, produces  
14 from that waste a treated product generally considered in the oil  
15 and gas industry to be suitable for use in connection with the  
16 drilling for or production of oil or gas, and transfers the treated  
17 product to another person with the contractual understanding that  
18 the treated product will be used in connection with the drilling for  
19 or production of oil or gas is not liable in tort for a consequence  
20 of the subsequent use of that treated product by the person to whom  
21 the treated product is transferred or by another person.

22       2. This section does not affect the liability of a person that  
23 treats fluid oil and gas waste for beneficial use in an action  
24 brought by a person for damages for personal injury, death or

1 property damage arising from exposure to fluid oil and gas waste or  
2 a treated product.

3 Passed the Senate the 10th day of March, 2016.

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Presiding Officer of the Senate

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7 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,

8 2016.

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Presiding Officer of the House  
of Representatives

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