

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 SENATE BILL 1930

By: Green

6 AS INTRODUCED

7 An Act relating to brine; amending 17 O.S. 2021,
8 Sections 501 and 502, which relate to the Oklahoma
Brine Development Act; expanding purpose; modifying
9 and adding definitions; amending 52 O.S. 2021,
Section 86.7, as last amended by Section 1, Chapter
10 249, O.S.L. 2024 (52 O.S. Supp. 2025, Section 86.7),
which relates to the Oil and Gas Produced Water and
11 Waste Recycling and Reuse Act; conforming statutory
references; updating statutory language; and
providing an effective date.

13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. AMENDATORY 17 O.S. 2021, Section 501, is
15 amended to read as follows:

16 Section 501. The Legislature finds that it is desirable and
necessary to authorize and provide for unitized management,
17 operation, and further development of brine and associated solution
gas, to the end that a greater ultimate recovery of brine and
18 solution gas may be had, waste prevented, and the correlative rights
19 of owners therein be protected. The Legislature also finds that it
20 is desirable public policy to encourage reuse, recycling, and
21 reclaiming of produced water. It is further found to be in the
22 reclaiming of produced water. It is further found to be in the
23 reclaiming of produced water. It is further found to be in the
24 reclaiming of produced water. It is further found to be in the
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1 public interest to foster, encourage and promote the development and
2 production ~~in the State of Oklahoma~~ of brine and solution gas in
3 this state and to authorize and provide for the operation and
4 development of unitized brine and solution gas properties, and to
5 authorize the Corporation Commission to regulate brine and solution
6 gas production.

7 SECTION 2. AMENDATORY 17 O.S. 2021, Section 502, is
8 amended to read as follows:

9 Section 502. As used in ~~this act~~ the Oklahoma Brine Development
10 Act:

11 1. ~~"Commission"~~ shall mean the ~~Corporation Commission of~~
12 ~~Oklahoma~~;

13 2. ~~"Person"~~ shall include any individual, partnership,
14 ~~corporation or association of whatever character~~;

15 3. ~~"Common source of supply"~~ shall include that area which is
16 ~~underlain, or which from geological or other scientific data, or~~
17 ~~from drilling operations, or other evidence, appears to be underlain~~
18 ~~by a common accumulation of brine; provided, that, if any such area~~
19 ~~is underlain or appears from geologic or other scientific data, or~~
20 ~~from drilling operations, or from other evidence to be underlain by~~
21 ~~more than one common accumulation of brine separated from each other~~
22 ~~by a strata of earth and not connected with each other, then such~~
23 ~~area, as to each said common accumulation of brine, shall be deemed~~
24 ~~a separate common source of supply;~~

1 4. "Brine" shall mean means subterranean saltwater and all of
2 its constituent parts and chemical substances therein contained,
3 including, but not limited to, bromine, magnesium, potassium,
4 lithium, boron, chlorine, iodine, calcium, strontium, sodium,
5 sulphur sulfur, barium, or other chemical substances produced with
6 or separated from such the saltwater. Brine produced as an incident
7 to the production of oil or gas, unless such the brine is saved or
8 sold for the purposes of removing chemical substances its
9 constituent elements therefrom, as defined in the Oil and Gas
10 Produced Water and Waste Recycling and Reuse Act, shall not be
11 considered brine for the purposes of this act the Oklahoma Brine
12 Development Act. Gas, whether found in solution or otherwise, shall
13 not be included within the meaning of the term "brine";

14 5. 2. "Brine owner" shall mean means any person entitled to
15 share in the proceeds from the sale of brine production, the usable
16 resources recovered from the brine, or the effluent;

17 6. "Solution gas" shall mean all gas produced from brine wells
18 from the brine common source of supply within the unit area;

19 7. "Solution gas owner" shall mean any person entitled to share
20 in the proceeds from the sale of solution gas;

21 8. "Owner" or "owners", unless a more specific term is used,
22 shall mean any person or entity who qualifies as either a brine
23 owner or a solution gas owner;

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1 9. "Operator" shall mean a person who has the right to drill
2 into and produce from any brine common source of supply and to
3 appropriate that production, either for himself, or for himself and
4 others, and is authorized by the Commission to drill;

5 10. "Effluent" shall mean the liquid remaining after extraction
6 of the chemical substances from brine;

7 11. 3. "Brine production unit" or "unit" shall mean means each
8 separate specific area of land so designated by order of the
9 Commission for production of brine and associated solution gas and
10 from brine wells including the injection of effluent;

11 12. "Injection well" shall mean a well authorized by the
12 Commission for the injection of effluent or other solutions; and

13 13. "Manufacture" shall mean the complete process of drilling,
14 completing, equipping and operating production and injection wells
15 and of extracting and packaging brine

16 4. "Brine well" means a well drilled or operated for the
17 primary purpose of extracting brine and shall not include a well
18 drilled or operated for the primary purpose of producing oil or gas;

19 5. "Commission" means the Corporation Commission;

20 6. "Common source of supply" means the area that is underlain
21 or which, from geological or other scientific data, or from drilling
22 operations, or from other evidence, appears to be underlain by a
23 common accumulation of brine. If any area is underlain or appears,
24 from geological or other scientific data, or from drilling

1 operations, or from other evidence, to be underlain by more than one
2 common accumulation of brine separated from each other by a strata
3 of earth and not connected with each other, then the area, as to
4 each such common accumulation of brine, shall be deemed a separate
5 common source of supply;

6 7. "Effluent" means the liquid remaining after extraction of
7 the chemical substances from brine;

8 8. "Injection well" means a well authorized by the Commission
9 for the injection of effluent or other solutions;

10 9. "Manufacture" means the complete process of drilling,
11 completing, equipping, and operating production and injection wells
12 and of extracting and packaging brine;

13 10. "Oil or gas well" means a well drilled or operated for the
14 primary purpose of extracting oil or gas as those terms are defined
15 in Section 86.1 of Title 52 of the Oklahoma Statutes;

16 11. "Operator" means a person who:

17 a. has the right to drill into and produce from any brine
18 common source of supply and to appropriate that
19 production, either for himself or herself or for
20 himself or herself and others, and is authorized by
21 the Commission to drill, or

22 b. is an operator of an oil or gas well that produces
23 brine which is saved or sold for the purpose of
24 extracting constituent elements from the oil and gas

produced water as defined in the Oil and Gas Produced

Water and Waste Recycling and Reuse Act;

12. "Owner" means any person or entity who qualifies as either a brine owner or a solution gas owner unless a more specific term is used;

13. "Person" means any individual, partnership, corporation, or association of whatever character;

14. "Solution gas" means all gas produced from brine wells from the brine common source of supply within the unit area; and

15. "Solution gas owner" means any person entitled to share in the proceeds from the sale of solution gas.

SECTION 3. AMENDATORY 52 O.S. 2021, Section 86.7, as

last amended by Section 1, Chapter 249, O.S.L. 2024 (52 O.S. Supp. 2025, Section 86.7), is amended to read as follows:

Section 86.7. A. As used in the Oil and Gas Produced Water and Waste Recycling and Reuse Act:

1. "Commission" means the Oklahoma Corporation Commission;

2. "Constituent elements" means salts, metals, elements and other mineralized substances that are naturally occurring and dissolved, entrained or suspended in subterranean water in situ after extraction from the ground, suspended in the oil and gas produced water and waste or as part of the brine, as defined in paragraph 4 1 of Section 502 of Title 17 of the Oklahoma Statute.

1 3. "Nonoperator" means ~~persons~~ the person, other than the
2 operator, contributing to the cost and expense of drilling and
3 completing or operating a well for the intended development and
4 production of oil, gas or other hydrocarbons, regardless of whether
5 the well is completed or produces any oil or gas;

6 4. "Oil and gas produced water and waste" means the fluid
7 containing salt or other mineralized substances, hydraulic
8 fracturing fluid, flowback water, formation water, injection water
9 and any chemicals added downhole, associated with the drilling
10 completion or production of an oil or gas well, incidental to or
11 extracted from hydrocarbon-bearing strata during the drilling. Oil
12 and gas produced water and waste shall also include hydrogen sulfide
13 and carbon oxides emissions produced as a byproduct of natural gas
14 production. Except as provided in Section 86.8 of this title, oil
15 and gas produced water and waste, including its constituent
16 elements, shall not be considered brine for purposes of the Oklahoma
17 Brine Development Act;

18 5. "Operator" means the person authorized by the Corporation
19 Commission to drill, complete and operate a well for the intended
20 development and production of oil, gas or other hydrocarbons,
21 regardless of whether the well is completed or produces any;

22 6. "Person" means any individual, partnership, corporation,
23 limited liability company or any type of association;

1 7. "Recycled water" means oil and gas produced water and waste
2 that has been reconditioned or treated by mechanical, chemical,
3 thermal, or any other commercially viable technological processes
4 available into a reusable form; and

5 8. "Treated constituents" means any chemical, compound or other
6 byproduct naturally occurring in the subterranean water that is
7 removed from oil and gas produced water and waste through
8 reconditioning or treating of the fluid by mechanical, chemical,
9 thermal, or any other commercially viable technological processes
10 available.

11 B. The Legislature finds that oil and gas produced water and
12 waste has minimal or no intrinsic value without substantial
13 expenditures to process, treat or recycle the oil and gas produced
14 water and waste and declares it desirable, necessary and in the
15 public interest to designate the parties who shall own and be
16 responsible for the handling, transfer and disposition of the oil
17 and gas produced water and waste. The Legislature recognizes that
18 it has imposed upon the operator of an oil and gas lease a duty to
19 safely dispose of oil and gas produced water and waste, as defined
20 in the Oil and Gas Produced Water and Waste Recycling and Reuse Act.
21 It is further found to be in the public interest to foster,
22 encourage and promote the development of methods and means to
23 economically process, treat and recycle oil and gas produced water
24 and waste for beneficial uses, including the commercial extraction

1 of constituent elements from the oil and gas produced water and
2 waste and to ensure appropriate disposal in accordance with
3 Corporation Commission rules.

4 C. Prior to its extraction from the ground, subterranean water,
5 including its constituent elements, is the property of the owner of
6 the surface estate, as defined in paragraph 9 of Section 802 of this
7 title and shall be subject to the right of the mineral owner or the
8 oil and gas lessee of the mineral owner, or both, to extract the
9 subterranean water as part of the oil and gas produced water and
10 waste as is reasonably necessary for, or incident to, the
11 exploration, exploitation or extraction of hydrocarbons. Nothing
12 contained in the Oil and Gas Produced Water and Waste Recycling and
13 Reuse Act shall be construed to:

14 1. Prevent the owner of the surface estate from being
15 considered the brine owner, as defined by paragraph 5 2 of Section
16 502 of Title 17 of the Oklahoma Statutes, for purposes of Section
17 86.8 of this title or the Oklahoma Brine Development Act; or

18 2. Limit the ability of the owner or owners of the surface
19 estate to enter into any legally binding contract with persons for
20 the payment of money or other valuable consideration for the
21 extraction of subterranean water, including the constituent elements
22 contained therein, or brine, as defined in paragraph 4 1 of Section
23 502 of Title 17 of the Oklahoma Statutes, from the property of the
24 owner or owners. However, if said the extraction of subterranean

1 water or brine is to be done as part of oil and gas operations, the
2 contract shall be entered into prior to the filing of the drilling
3 permit of the oil ~~and/or~~ or gas well. If the contract is entered
4 into after the filing of the drilling permit of the oil ~~and/or~~ or
5 gas well, the contract shall be with the operator, or with the
6 consent of the operator, any other person or persons. The operator
7 shall not withhold consent unreasonably. Any such contract and the
8 use or disposal of oil and gas produced water and waste, shall be
9 subject to the requirements and limitations set forth in Section
10 86.8 of this title and subject to any and all applicable
11 governmental laws, rules and regulations and subordinate to any
12 preexisting, legally binding, arms-length contracts relating to the
13 use or disposal of oil and gas produced water and waste. Provided,
14 however, that the contracts shall not result in additional costs or
15 delays to the rights of the operator to extract subterranean water
16 reasonably necessary for, or incident to, the exploration,
17 exploitation or extraction of hydrocarbons. Evidence, in the form
18 of an affidavit, of any contract entered into under the terms of the
19 Oil and Gas Produced Water and Waste Recycling and Reuse Act may be
20 filed in the office of the county clerk for the county in which the
21 lands described in the contract are located. The affidavit shall
22 set out the names and address of each party to the contract, the
23 legal description of the lands covered by the contract and the
24 effective date of the contract. Once filed, the affidavit shall

1 serve as constructive notice of the contract under the Oil and Gas
2 Produced Water and Waste Recycling and Reuse Act.

3 D. 1. Subject to the requirements and limitations set forth in
4 subsection C of this section and Section 86.8 of this title and
5 unless otherwise provided by Corporation Commission order, an oil or
6 gas lease, brine lease, recycling agreement, surface use agreement,
7 contract, bill of sale or another legally binding document:

- 8 a. the operator or operators, and the nonoperator or
9 nonoperators, of an oil and/or or gas well shall be
10 the owner or owners of the oil and gas produced water
11 and waste extracted from the ground through the
12 borehole of the oil or gas well, and
- 13 b. the operator or operators, and the nonoperator or
14 nonoperators, shall have the right to use, possess,
15 handle, dispose of, transfer, sell, convey, transport,
16 process, recycle, reuse or treat the produced water
17 and waste and shall also have the exclusive right to
18 obtain proceeds for any of the uses of the oil and gas
19 produced water and waste or some portion thereof,
20 including recycled water and treated constituents.

21 2. Subject to the requirements and limitations set forth in
22 subsection C of this section and Section 86.8 of this title and
23 unless otherwise provided by Corporation Commission order, oil or
24 gas lease, brine lease, recycling agreement, surface use agreement,

1 contract, bill of sale or another legally binding document, until
2 there is a transfer to another person, the operator or operators,
3 and the nonoperator or nonoperators, shall be responsible for the
4 use, disposition, transfer, sale, conveyance, transport, recycling,
5 reuse, treatment or disposal of the transferred oil and gas produced
6 water and waste, recycled water and treated constituents or any
7 other byproducts.

8 3. Subject to the requirements and limitations set forth in
9 subsection C of this section and Section 86.8 of this title and
10 unless otherwise provided by Corporation Commission order, an oil or
11 gas lease, brine lease, recycling agreement, surface use agreement,
12 contract, bill of sale or another legally binding document:

13 a. when oil and gas produced water and waste is
14 transferred to a person for the purpose of processing
15 or treating for subsequent beneficial use, disposal or
16 both, the transferred material, recycled water and
17 treated constituents shall be the property of that
18 person until such time that the person disposes of the
19 produced water and waste in accordance with Commission
20 rules or there is a transfer of the material to a
21 subsequent person, and

22 b. transferred oil and gas produced water and waste shall
23 be the property of such transferee and the transferees
24 shall have control of and responsibility for the

1 substance, including the right to use, possess,
2 handle, dispose of, transfer, sell, convey, transport,
3 process, recycle, reuse or treat the produced water
4 and waste and to obtain proceeds for any uses of the
5 substance or any portion thereof, including recycled
6 water and treated constituents.

7 E. Except as provided in paragraph 1 of subsection D of this
8 section, a person is not liable in tort for consequences of
9 subsequent use of recycled water or treated constituents if that
10 person:

11 1. Processes oil and gas produced water and waste in order to
12 produce recycled water or treated constituents that are generally
13 considered in the oil and gas industry to be suitable for use in
14 connection with drilling, completion or production operations of oil
15 and gas or both;

16 2. Transfers the recycled water or treated constituents, or
17 both, to another person for use in connection with oil and gas
18 drilling, completion or production operations; or

19 3. Captures or sequesters hydrogen sulfides and carbon oxides
20 in connection with natural gas production for the purpose of
21 protecting the environment.

22 This subsection shall not be construed to affect the liability
23 of a person in possession of oil and gas produced water and waste,
24 recycled water or treated constituents, or both, in an action

1 brought by a person for damages for personal injury, death or
2 property damage arising from a release of or exposure to any of
3 these substances.

4 F. A person who acquires possession of oil and gas produced
5 water and waste for the purpose of recycling it for subsequent
6 beneficial use may dispose of the oil and gas produced water and
7 waste, including recycled water, treated constituents or other
8 byproducts of the recycling process, in his or her permitted
9 disposal well or wells, regardless of the source or prior ownership
10 of the oil and gas produced water and waste. The disposal shall not
11 require a commercial disposal well permit from the Corporation
12 Commission but shall otherwise be subject to any other permit
13 restrictions applicable to disposal wells.

14 SECTION 4. This act shall become effective November 1, 2026.

16 60-2-3003 CN 1/15/2026 8:53:02 AM