

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 4338

By: Moore

4  
5  
6  
7 AS INTRODUCED

8 An Act relating to the Oklahoma Brine Development  
9 Act; amending 17 O.S. 2021, Section 501, which  
10 relates to the purpose of the act; modifying purpose  
11 of act; amending 17 O.S. 2021, Section 502, which  
12 relates to definitions; modifying definitions;  
13 defining terms; and providing an effective date.

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

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

17 Section 501. The Legislature finds that it is desirable and  
18 necessary to authorize and provide for unitized management,  
19 operation, and further development of brine and associated solution  
20 gas, to the end that a greater ultimate recovery of brine and  
21 solution gas may be had, waste prevented, and the correlative rights  
22 of owners therein be protected. The Legislature also finds that it  
23 is desirable public policy to encourage reuse, recycling and  
24 reclaiming of produced water. It is further found to be in the  
public interest to foster, encourage and promote the development and

1 production in the State of Oklahoma of brine and solution gas and to  
2 authorize and provide for the operation and development of unitized  
3 brine and solution gas properties, and to authorize the Commission  
4 to regulate brine and solution gas production.

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

7 Section 502. As used in ~~this act~~ the Oklahoma Brine Development  
8 Act:

9 1. "Commission" ~~shall mean~~ means the Oklahoma Corporation  
10 Commission ~~of Oklahoma~~;

11 2. "Person" ~~shall include~~ means any individual, partnership,  
12 corporation or association of whatever character;

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

24

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 or  
6 separated from ~~such~~ the saltwater. Brine produced as an incident to  
7 the production of oil or gas, unless ~~such~~ the brine is saved or sold  
8 for the purposes of removing ~~chemical substances~~ its constituent  
9 elements therefrom, as defined by the Oil and Gas Produced Water and  
10 Waste Recycling and Reuse Act, shall not be considered brine for the  
11 purposes of this act. Gas, whether found in solution or otherwise,  
12 shall not be included within the meaning of the term "brine";

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

16       6. "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       7. "Solution gas" ~~shall mean~~ means all gas produced from brine  
20 wells from the brine common source of supply within the unit area;

21       ~~7.~~ 8. "Solution gas owner" ~~shall mean~~ means any person entitled  
22 to share in the proceeds from the sale of solution gas;

23  
24

1       ~~8.~~ 9. "Owner" or "owners" means, unless a more specific term is  
2 used, ~~shall mean~~ any person or entity who qualifies as either a  
3 brine owner or a solution gas owner;

4       ~~9.~~ 10. "Operator" ~~shall mean~~ means a person who:

5           a. has the right to drill into and produce from any brine  
6 common source of supply and to appropriate that  
7 production, either for ~~himself,~~ the operator or for  
8 ~~himself~~ the operator and others, and is authorized by  
9 the Commission to drill, or

10          b. is an operator of an oil or gas well that produces  
11 brine which is saved or sold for the purpose of  
12 extracting constituent elements from the produced  
13 water, as defined by the Oil and Gas Produced Water  
14 and Waste Recycling and Reuse Act;

15       ~~10.~~ 11. "Effluent" ~~shall mean~~ means the liquid remaining after  
16 extraction of the chemical substances from brine;

17       ~~11.~~ 12. "Brine production unit" or "unit" ~~shall mean~~ means each  
18 separate specific area of land so designated by order of the  
19 Commission for production of brine and associated solution gas ~~and~~  
20 ~~the~~ from brine wells, including the related injection of effluent;

21       ~~12.~~ 13. "Injection well" ~~shall mean~~ means a well authorized by  
22 the Commission for the injection of effluent or other solutions; ~~and~~

1        ~~13.~~ 14. "Manufacture" ~~shall mean~~ means the complete process of  
2 drilling, completing, equipping and operating production and  
3 injection wells and of extracting and packaging brine; and

4        15. "Oil or gas well" means a well drilled or operated for the  
5 primary purpose of extracting oil or gas as those terms are defined  
6 in Title 52 of the Oklahoma Statutes.

7        SECTION 3. This act shall become effective November 1, 2026.

8  
9        60-2-14755        JBH        01/08/26

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24