

News & Insights

Attorney Blake Gerow for the Journal Record - Oklahoma's Energy Security and Independence Act

July 23, 2026

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The Journal Record

<https://journalrecord.com/2026/07/22/oklahomas-energy-security-and-independence-act/>

On April 23, 2026, Governor Kevin Stitt signed Senate Bill 1439 into law, creating the Energy Security and Independence Act ("ESIA"). The ESIA, codified at 52 O.S. § 46.5 and effective November 1, 2026, prohibits certain causes of action against manufacturers, producers, processors, fractionators, refiners, storage operators, pipeline operators, transporters, or sellers of electricity or fossil fuels, for damages allegedly tied to climate change. *Id.* The ESIA prohibits liability actions against the above-referenced category of individuals, entities, and even trade associations for "fraud, misrepresentation, deception, or failure to warn, whether statutory or at common law, that purports to seek relief for climate change, the alleged effects of climate change, or greenhouse emissions." 52 O.S. § 46.5 (C)(1).

The shield, however, is not absolute. The ESIA specifically sets forth a carveout for unlawful acts arising out of "(a) a violation of federal or state environmental law or regulation establishing a standard or operational practice governing the emission, discharge, or storage of covered product, or (b) a violation of federal or state worker protection laws." *Id.*

Supporters of the ESIA argue that it will preserve for Oklahomans access to affordable and clean energy while reducing the potential burden on the energy and fossil fuel industries. Proponents further claim that attempting to quantify climate harm, and specifically tying the alleged climate harm to one specific entity, is speculative.

While there do not appear to be any active or pending climate suits in Oklahoma, the ESIA serves a preemptive role in limiting future causes of action. For oil and gas operators and related businesses, the ESIA narrows a significant category of potential exposure. However, the permit and environmental law carve-outs mean compliance as to the conduct not covered by the ESIA remains critical. Companies should not treat the law as blanket immunity, as violations of existing environmental or labor statutes still open the door to liability. As the November 1 effective date approaches, the industry should review compliance postures and monitor how courts interpret the ESIA's scope once tested.

Attorneys

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