

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

HOUSE BILL NO. 1709

By: Williams

AS INTRODUCED

An Act relating to public health and safety; amending 63 O.S. 1991, Section 2-304, which relates to the Uniform Controlled Dangerous Substances Act; modifying reason for denial, revocation, or suspension of certain registration; authorizing administrative penalties; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 1991, Section 2-304, is amended to read as follows:

Section 2-304. A. A registration, pursuant to Section 2-303 of this title, to manufacture, distribute, dispense, prescribe, administer or use for scientific purposes a controlled dangerous substance shall be denied, suspended or revoked by the Director upon a finding that the registrant:

1. Has materially falsified any application filed pursuant to this act or required by this act;

2. Has been convicted of a misdemeanor relating to any substance defined herein as a controlled dangerous substance or any felony under the laws of this state or the United States;

3. Has had his federal registration suspended or revoked by a competent federal authority and is no longer authorized by federal law to manufacture, distribute, dispense, prescribe, administer or use for scientific purposes controlled dangerous substances;

4. Has failed to maintain effective controls against the diversion of controlled dangerous substances to unauthorized persons or entities;

5. Has prescribed, dispensed or administered a controlled dangerous substance from schedules other than those specified in his state or federal registration;

6. Has had a restriction, suspension, revocation or limitation placed on his professional license or certificate as a result of a proceeding pursuant to the general statutes;

7. Has abused or excessively used drugs or controlled dangerous substances, alcoholic beverages, as defined in Section 506 of Title 37 of the Oklahoma Statutes, or nonintoxicating beverages, as defined in Section 163.2 of Title 37 of the Oklahoma Statutes; or

8. Has possessed, used, prescribed, dispensed or administered drugs or controlled dangerous substances for other than legitimate medical or scientific purposes or for purposes outside the normal course of his professional practice.

B. In the event the Director suspends or revokes a registration granted under Section 2-303 of this title, all controlled dangerous substances owned or possessed by the registrant pursuant to such registration at the time of denial or suspension or the effective date of the revocation order, as the case may be, may in the discretion of the Director be impounded and preserved. No disposition may be made of substances impounded and preserved until the time for taking an appeal has elapsed or until all appeals have been concluded unless a court, upon application therefor, orders the sale of perishable substances and the deposit of the proceeds of the sale with the court. Upon a revocation order becoming final, all

such controlled dangerous substances shall be forfeited to the state.

C. The Drug Enforcement Administration shall promptly be notified of all orders suspending or revoking registration and all forfeitures of controlled dangerous substances.

D. If a finding is made that a registrant has committed any act provided for in subsection A of this section, the Director is hereby authorized to assess an administrative penalty not to exceed Two Thousand Dollars (\$2,000.00) for each such act.

SECTION 2. This act shall become effective September 1, 1993.

44-1-5929

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