

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 875

By: Helton

COMMITTEE SUBSTITUTE

An Act relating to public health and safety;

amending 63 O.S. 1991, Sections 2-302, as last amended by Section 11, Chapter 250, O.S.L. 1997, and 2-309C (63 O.S. Supp. 1997, Section 2-302), which relate to registration requirements for controlled dangerous substances and the Anti-Drug Diversion Act; requiring registration for certain suppliers and providing exception; modifying method of transmission of certain information; establishing certain limit; providing for waiver of limit under certain conditions; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 63 O.S. 1991, Section 2-302, as last amended by Section 11, Chapter 250, O.S.L. 1997 (63 O.S. Supp. 1997, Section 2-302), is amended to read as follows:

Section 2-302. A. Every person who manufactures, distributes, dispenses, prescribes, administers or uses for scientific purposes any controlled dangerous substance within this state, or who

proposes to engage in the manufacture, distribution, dispensing, prescribing, administering or use for scientific purposes of any controlled dangerous substance within this state shall obtain a registration issued by the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, in accordance with rules promulgated by the Director. Persons registered by the Director under Section 2-101 et seq. of this title to manufacture, distribute, dispense, or conduct research with controlled dangerous substances may possess, manufacture, distribute, dispense, or conduct research with those substances to the extent authorized by their registration and in conformity with the other provisions of this article.

B. Out-of-state pharmaceutical suppliers who provide controlled dangerous substances to individuals within this state shall obtain a registration issued by the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, in accordance with rules promulgated by the Director; provided that this provision shall not apply to wholesale distributors who ship controlled dangerous substances to pharmacies or other entities registered within this state in accordance with rules promulgated by the Director.

C. Manufacturers, distributors, home care agencies, hospices, home care services, and scientific researchers shall obtain a registration annually. Other practitioners shall obtain a registration for a period to be determined by the Director that will be for a period not less than one (1) year nor more than three (3) years.

~~B.~~ D. Every trainer or handler of a canine controlled dangerous substances detector who, in the ordinary course of such trainer's or handler's profession, desires to possess any controlled dangerous substance, annually, shall obtain a registration issued by the Director for a fee of Thirty-five Dollars (\$35.00). Such persons shall be subject to all applicable provisions of Section 2-101 et

seq. of this title and such applicable rules promulgated by the Director for those individuals identified in subparagraph a of paragraph 28 of Section 2-101 of this title. Persons registered by the Director pursuant to this subsection may possess controlled dangerous substances to the extent authorized by their registration and in conformity with the other provisions of this article.

~~C.~~ E. The following persons shall not be required to register and may lawfully possess controlled dangerous substances under the provisions of Section 2-101 et seq. of this title:

1. An agent, or an employee thereof, of any registered manufacturer, distributor, dispenser or user for scientific purposes of any controlled dangerous substance, if such agent is acting in the usual course of such agent's or employee's business or employment;

2. Any person lawfully acting under the direction of a person authorized to administer controlled dangerous substances under Section 2-312 of this title;

3. A common or contract carrier or warehouseman, or an employee thereof, whose possession of any controlled dangerous substance is in the usual course of such carrier's or warehouseman's business or employment;

4. An ultimate user or a person in possession of any controlled dangerous substance pursuant to a lawful order of a practitioner;

5. An individual pharmacist acting in the usual course of such pharmacist's employment with a pharmacy registered ~~under~~ pursuant to the provisions of Section 2-101 et seq. of this act title;

6. A nursing home licensed by this state; and

7. Registered nurses and licensed practical nurses.

~~D.~~ F. The Director may, by rule, waive the requirement for registration or fee for registration of certain manufacturers, distributors, dispensers, prescribers, administrators, or users for

scientific purposes if the Director finds it consistent with the public health and safety.

~~E.~~ G. A separate registration shall be required at each principal place of business or professional practice where the applicant manufactures, distributes, dispenses, prescribes, administers, or uses for scientific purposes controlled dangerous substances.

~~F.~~ H. The Director is authorized to inspect the establishment of a registrant or applicant for registration in accordance with rules promulgated by the Director.

~~G.~~ I. No person engaged in a profession or occupation for which a license to engage in such activity is provided by law shall be registered under this act unless such person holds a valid license of such person's profession or occupation.

~~H.~~ J. Registrations shall be issued on the first day of November of each year. Registrations may be issued at other times, however, upon certification of the professional licensing board.

~~I.~~ K. The licensing boards of all professions and occupations to which the use of controlled dangerous substances is incidental shall furnish a current list to the Director, not later than the first day of October of each year, of the persons holding valid licenses. All such persons except persons exempt from registration requirements under subsection ~~€~~ E of this section shall be subject to the registration requirements of Section 2-101 et seq. of this title.

~~J.~~ L. The licensing board of any professional defined as a mid-level practitioner shall notify and furnish to the Director, not later than the first day of October of each year that such professional holds a valid license, a current listing of individuals licensed and registered with their respective boards to prescribe, order, select, obtain and administer controlled dangerous substances. The licensing board shall immediately notify the

Director of any action subsequently taken against any such individual.

SECTION 2. AMENDATORY 63 O.S. 1991, Section 2-309C, is amended to read as follows:

Section 2-309C. A. ~~Beginning January 1, 1991, the~~ A dispenser of a Schedule II controlled dangerous substance shall transmit to a central repository designated by the Oklahoma Bureau of Narcotics and Dangerous Drugs Control the following information for each dispensation:

1. ~~recipient's~~ Recipient's name, when feasible to submit;
2. ~~recipient's~~ Recipient's identification number;
3. National Drug Code number of the substance dispensed;
4. ~~date~~ Date of the dispensation;
5. ~~quantity~~ Quantity of the substance dispensed;
6. ~~prescriber's~~ Prescriber's U.S. Drug Enforcement Agency registration number; and
7. ~~dispenser's~~ Dispenser's registration number and location.

B. The information required by this section shall be transmitted:

1. ~~on an electronic device which is compatible with the receiving device of the central repository or by~~ By computer diskette, magnetic tape, or, in the case of fewer than twenty submissions per month, by pharmacy universal claim form, which meets the specifications provided by rules of the Bureau; and

2. ~~within~~ Within fifteen (15) days of the time that the substance is dispensed.

C. Willful failure to transmit information as required by this section shall be a misdemeanor punishable, upon conviction, by not more than one (1) year in the county jail or a fine of not more than One Thousand Dollars (\$1,000.00) or both such imprisonment and fine.

D. The Director of the Bureau shall have the authority to waive the limit on the number of submissions on the universal claim form,

and to allow a dispenser of a Schedule II controlled dangerous substance to submit more than twenty universal claim forms per month if the dispenser has an appropriate hardship.

SECTION 3. This act shall become effective July 1, 1998.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

46-2-2634

CJ

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