

STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

SENATE BILL 1468

By: Helton

AS INTRODUCED

An Act relating to public health and safety; amending 63 O.S. 1991, Section 2-201, which relates to controlled dangerous substances; updating terminology; allowing the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control to add new substances to certain schedule through the administrative rulemaking process; 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 2-201, is amended to read as follows:

Section 2-201. A. The ~~Commissioner~~ Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control shall administer the provisions of this act except as otherwise provided.

B. The Board of Pharmacy by rule may classify new products determined to have a potential for abuse as controlled dangerous substances after notice and hearing; provided that such rule shall be submitted to the next regular session of the Legislature, and such rule shall remain in force and effect unless a concurrent resolution of disapproval is passed. Hearings shall be conducted by the Board of Pharmacy or such officers, agents or employees as the Board of Pharmacy may designate for the purpose. The Board of Pharmacy shall give appropriate notice of the proposed classification and of the time and place for a hearing. The rule so promulgated shall become effective on a date fixed by the Board of Pharmacy. Such rule may be amended or repealed in the same manner as provided for its adoption. Proceedings pursuant to this subsection shall be governed by the Administrative Procedures Act.

A new substance controlled pursuant to this subsection shall be subject to the same regulatory provisions of this act applicable to the Schedule of substances to which it is classified.

C. The ~~Commissioner~~ Director may recommend to the Legislature the addition, deletion or rescheduling of a substance, or may by rule classify a new product determined to have a potential for abuse as a controlled dangerous substance. Such rulemaking shall be done in accordance with the provisions of the Administrative Procedures Act.

D. In considering whether to make a recommendation or issue an order under this section, the ~~Commissioner~~ Director or the Board of Pharmacy, as the case may be, shall consider the following:

1. Its actual or relative potential for abuse;
2. Scientific evidence of its pharmacological effect, if known;
3. State of current scientific knowledge regarding the substance;
4. Its history and current pattern of abuse;
5. The scope, duration, and significance of abuse;
6. What, if any, risk there is to the public health;
7. Its psychic or physiological dependence liability; and
8. Whether the substance is an immediate precursor or principal compound of a substance already controlled under this article.

E. Substances which are precursors of a controlled precursor shall not be subject to control solely because they are precursors of the controlled precursor.

F. In addition to the filing requirements of the Administrative Procedures Act, copies of orders issued under this section shall, during the time the Legislature is not in session, be filed with the ~~Chairman~~ Chair and ~~Vice-Chairman~~ Vice Chair of the State Legislative Council's Judiciary Committee.

G. The Board of Pharmacy shall exclude any nonnarcotic substance from a schedule if such substance may, under the Federal

Food, Drug and Cosmetic Act and the law of this state ~~to~~ be lawfully sold over the counter without a prescription.

SECTION 2. This act shall become effective July 1, 2000.

SECTION 3. 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.

47-2-2732

CJ

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