

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 1297

6 By: Derby

7 COMMITTEE SUBSTITUTE

8 An Act relating to public health and safety; amending  
9 63 O.S. 2001, Sections 2-206, as amended by Section  
10 2, Chapter 283, O.S.L. 2005 and 2-210, as amended by  
11 Section 1, Chapter 52, O.S.L. 2002 (63 O.S. Supp.  
12 2006, Sections 2-206 and 2-210), which relate to  
13 Schedules II and IV controlled substances; expanding  
14 list of certain controlled substance; modifying name  
15 of certain substance; and providing an effective  
16 date.

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

18 SECTION 1. AMENDATORY 63 O.S. 2001, Section 2-206, as  
19 amended by Section 2, Chapter 283, O.S.L. 2005 (63 O.S. Supp. 2006,  
20 Section 2-206), is amended to read as follows:

21 Section 2-206. The controlled substances listed in this section  
22 are included in Schedule II.

23 A. Any of the following substances except those narcotic drugs  
24 listed in other schedules whether produced directly or indirectly by  
extraction from substances of vegetable origin, or independently by

1 means of chemical synthesis, or by combination of extraction and  
2 chemical synthesis:

3 1. Opium and opiate, and any salt, compound, derivative, or  
4 preparation of opium or opiate;

5 2. Any salt, compound, isomer, derivative, or preparation  
6 thereof which is chemically equivalent or identical with any of the  
7 substances referred to in paragraph 1 of this subsection, but not  
8 including the isoquinoline alkaloids of opium;

9 3. Opium poppy and poppy straw; or

10 4. Coca leaves except coca leaves and extracts of coca leaves  
11 from which cocaine, ecgonine, and derivatives of ecgonine or their  
12 salts have been removed; cocaine, its salts, optical and geometric  
13 isomers, and salts of isomers; ecgonine, its derivatives, their  
14 salts, isomers and salts of isomers; or any compound, mixture or  
15 preparation which contains any quantity of any of the substances  
16 referred to in this paragraph.

17 B. Any of the following opiates, including their isomers,  
18 esters, ethers, salts, and salts of isomers, esters and ethers, when  
19 the existence of these isomers, esters, ethers, and salts is  
20 possible within the specific chemical designation:

21 1. Alphaprodine;

22 2. Anileridine;

23 3. Bezitramide;

24 4. Dihydrocodeine;

- 1 5. Diphenoxylate;
- 2 6. Fentanyl;
- 3 7. Isomethadone;
- 4 8. Levomethorphan;
- 5 9. Levorphanol;
- 6 10. Metazocine;
- 7 11. Methadone;
- 8 12. Methadone - Intermediate, 4-cyano-2-dimethylamino-4,
- 9 4-diphenyl butane;
- 10 13. Moramide - Intermediate, 2-methyl-3-morpholino-1,
- 11 1-diphenyl-propane-carboxylic acid;
- 12 14. Oxycodone;
- 13 15. Pethidine (Meperidine);
- 14 ~~15.~~ 16. Pethidine - Intermediate - A, 4-cyano-1-methyl-4-
- 15 phenylpiperidine;
- 16 ~~16.~~ 17. Pethidine - Intermediate - B,
- 17 ethyl-4-phenylpiperidine-4- carboxylate;
- 18 ~~17.~~ 18. Pethidine - Intermediate - C,
- 19 1-methyl-4-phenylpiperidine- 4-carboxylic acid;
- 20 ~~18.~~ 19. Phenazocine;
- 21 ~~19.~~ 20. Piminodine;
- 22 ~~20.~~ 21. Racemethorphan;
- 23 ~~21.~~ 22. Racemorphan;
- 24 ~~22.~~ 23. Etorphine Hydrochloride salt only;

1       ~~23.~~ 24. Alfentanil hydrochloride; or

2       ~~24.~~ 25. Levo-alphaacetylmethadol.

3       C. Any substance which contains any quantity of:

4       1. Methamphetamine, including its salts, isomers, and salts of  
5 isomers; or

6       2. Amphetamine, its salts, optical isomers, and salts of its  
7 optical isomers.

8       D. Unless specifically excepted or unless listed in another  
9 schedule, any material, compound, mixture, or preparation, which  
10 contains any quantity of the following substances having stimulant  
11 or depressant effect on the central nervous system:

12       1. Phenmetrazine and its salts;

13       2. Methylphenidate;

14       3. Amobarbital;

15       4. Pentobarbital; or

16       5. Secobarbital.

17       SECTION 2.           AMENDATORY           63 O.S. 2001, Section 2-210, as  
18 amended by Section 1, Chapter 52, O.S.L. 2002 (63 O.S. Supp. 2006,  
19 Section 2-210), is amended to read as follows:

20       Section 2-210. A. Any material, compound, mixture, or  
21 preparation which contains any quantity of the following substances  
22 having a potential for abuse associated with a stimulant or  
23 depressant effect on the central nervous system:

24       1. Chloral betaine;

- 1 2. Chloral hydrate;
- 2 3. Ethchlorvynol;
- 3 4. Ethinamate;
- 4 5. Meprobamate;
- 5 6. Paraldehyde;
- 6 7. Petrichloral;
- 7 8. Diethylpropion;
- 8 9. Phentermine;
- 9 10. Pemoline;
- 10 11. Chlordiazepoxide;
- 11 12. Chlordiazepoxide and its salts, but not including
- 12 chlordiazepoxide hydrochloride and clidinium bromide or
- 13 chlordiazepoxide and water-soluble esterified estrogens;
- 14 13. Diazepam;
- 15 14. Oxazepam;
- 16 15. Clorazepate;
- 17 16. Flurazepam and its salts;
- 18 17. Clonazepam;
- 19 18. Barbital;
- 20 19. Mebutamate;
- 21 20. Methohexital;
- 22 21. Methylphenobarbital;
- 23 22. Phenobarbital;
- 24 23. Fenfluramine;

- 1 24. Pentazocine;
- 2 25. ~~Dextropropoxyphene~~ Propoxyphene;
- 3 26. Butorphanol;
- 4 27. Alprazolam;
- 5 28. Halazepam;
- 6 29. Lorazepam;
- 7 30. Prazepam;
- 8 31. Temazepam;
- 9 32. Triazolam;
- 10 33. Carisoprodol;
- 11 34. Ephedrine, its salts, optical isomers, and salts of optical
- 12 isomers as the only active ingredient, or in combination with other
- 13 active ingredients; or
- 14 35. Dichloralphenazone.
- 15 B. 1. The following nonnarcotic substances, which may, under
- 16 the Federal Food, Drug, and Cosmetic Act (21 U.S.C., Section 301),
- 17 be lawfully sold over the counter without a prescription, are
- 18 excluded from all schedules of controlled substances under this
- 19 title:
- 20 a. Breathe-Aid,
- 21 b. BronCare,
- 22 c. Bronchial Congestion,
- 23 d. Bronkaid Tablets,
- 24 e. Bronkaid Dual Action Caplets,

- 1 f. Bronkotabs,
- 2 g. Bronkolixir,
- 3 h. NeoRespin,
- 4 i. Pazo Hemorrhoid Ointment and Suppositories,
- 5 j. Primatene Tablets,
- 6 k. Primatene "Dual Action" Formula,
- 7 l. Quelidrine,
- 8 m. Resp, and
- 9 n. Vatronal Nose Drops.

10 2. At the request of any person, the Director may exempt any  
11 other drug product containing ephedrine from being included as a  
12 Schedule IV controlled substance if such product:

- 13 a. is labeled and marketed in a manner consistent with  
14 the pertinent ~~pertinent~~ OTC tentative final or final  
15 monograph issued by the FDA, and
- 16 b. is manufactured and distributed for legitimate  
17 medicinal use and in a manner that reduces or  
18 eliminates the likelihood of abuse.

19 3. In making a determination regarding a drug product, the  
20 Director, after notice and hearing, shall consider the following:

- 21 a. the history and current pattern of abuse,
- 22 b. the name and labeling of the product,
- 23 c. the intended manner of distribution, advertising and  
24 promotion of the product, and

1 d. other factors as may be relevant to and consistent  
2 with the public health and safety.

3 4. The hearing shall be held in accordance with the ~~Oklahoma~~  
4 Administrative Procedures Act.

5 5. A list of current drug products meeting exemption  
6 requirements under this subsection may be obtained from the Bureau  
7 upon written request.

8 C. The Board of Pharmacy may except by rule any compound,  
9 mixture, or preparation containing any depressant substance listed  
10 in subsection A of this section from the application of all or any  
11 part of the Uniform Controlled Dangerous Substances Act, Section 2-  
12 101 et seq. of this title, if the compound, mixture, or preparation  
13 contains one or more active medicinal ingredients not having a  
14 depressant effect on the central nervous system, and if the  
15 admixtures are included therein in combinations, quantity,  
16 proportion, or concentration that vitiate the potential for abuse of  
17 the substances which have a depressant effect on the central nervous  
18 system.

19 SECTION 3. This act shall become effective November 1, 2007.  
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21 51-1-6944 GRS 01/30/07  
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