

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 HOUSE BILL 3148

By: Derby

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5
6 AS INTRODUCED

7 An Act relating to public health and safety; amending
8 63 O.S. 2001, Section 2-204, as amended by Section 1,
9 Chapter 283, O.S.L. 2005 (63 O.S. Supp. 2007, Section
10 2-204), which relates to Schedule I of the Uniform
11 Controlled Dangerous Substances Act; adding certain
12 drugs; amending 63 O.S. 2001, Sections 2-206 and 2-
13 210, as last amended by Sections 2 and 3, Chapter
14 248, O.S.L. 2007 (63 O.S. Supp. 2007, Sections 2-206
15 and 2-210), which relate to Schedules II and IV of
16 the Uniform Controlled Dangerous Substances Act;
17 adding certain drugs; and providing an effective
18 date.

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

20 SECTION 1. AMENDATORY 63 O.S. 2001, Section 2-204, as
21 amended by Section 1, Chapter 283, O.S.L. 2005 (63 O.S. Supp. 2007,
22 Section 2-204), is amended to read as follows:

23 Section 2-204. The controlled substances listed in this section
24 are included in Schedule I.

A. Any of the following opiates, including their isomers,
esters, ethers, salts, and salts of isomers, esters, and ethers,
unless specifically excepted, when the existence of these isomers,

1 esters, ethers, and salts is possible within the specific chemical
2 designation:

- 3 1. Acetylmethadol;
- 4 2. Allylprodine;
- 5 3. Alphacetylmethadol;
- 6 4. Alphameprodine;
- 7 5. Alphamethadol;
- 8 6. Benzethidine;
- 9 7. Betacetylmethadol;
- 10 8. Betameprodine;
- 11 9. Betamethadol;
- 12 10. Betaprodine;
- 13 11. Clonitazene;
- 14 12. Dextromoramide;
- 15 13. Dextrorphan (except its methyl ether);
- 16 14. Diampromide;
- 17 15. Diethylthiambutene;
- 18 16. Dimenoxadol;
- 19 17. Dimepheptanol;
- 20 18. Dimethylthiambutene;
- 21 19. Dioxaphetyl butyrate;
- 22 20. Dipipanone;
- 23 21. Ethylmethylthiambutene;
- 24 22. Etonitazene;

- 1 23. Etoperidine;
- 2 24. Furethidine;
- 3 25. Hydroxypethidine;
- 4 26. Ketobemidone;
- 5 27. Levomoramide;
- 6 28. Levophenacymorphan;
- 7 29. Morpheridine;
- 8 30. Noracymethadol;
- 9 31. Norlevorphanol;
- 10 32. Normethadone;
- 11 33. Norpipanone;
- 12 34. Phenadoxone;
- 13 35. Phenampromide;
- 14 36. Phenomorphan;
- 15 37. Phenoperidine;
- 16 38. Piritramide;
- 17 39. Proheptazine;
- 18 40. Properidine;
- 19 41. Racemoramide;
- 20 42. Trimeperidine; or
- 21 43. Flunitrazepam.

22 B. Any of the following opium derivatives, their salts,
23 isomers, and salts of isomers, unless specifically excepted, when
24

1 the existence of these salts, isomers, and salts of isomers is
2 possible within the specific chemical designation:

- 3 1. Acetorphine;
- 4 2. Acetyldihydrocodeine;
- 5 3. Benzylmorphine;
- 6 4. Codeine methylbromide;
- 7 5. Codeine-N-Oxide;
- 8 6. Cyprenorphine;
- 9 7. Desomorphine;
- 10 8. Dihydromorphine;
- 11 9. Etorphine;
- 12 10. Heroin;
- 13 11. Hydromorphinol;
- 14 12. Methyldesorphine;
- 15 13. Methylhydromorphine;
- 16 14. Morphine methylbromide;
- 17 15. Morphine methylsulfonate;
- 18 16. Morphine-N-Oxide;
- 19 17. Myrophine;
- 20 18. Nicocodeine;
- 21 19. Nicomorphine;
- 22 20. Normorphine;
- 23 21. Phoclodine; or
- 24 22. Thebacon.

1 C. Any material, compound, mixture, or preparation which
2 contains any quantity of the following hallucinogenic substances,
3 their salts, isomers, and salts of isomers, unless specifically
4 excepted, when the existence of these salts, isomers, and salts of
5 isomers is possible within the specific chemical designation:

- 6 1. Methcathinone;
- 7 2. 3, 4-methylenedioxy amphetamine;
- 8 3. 3, 4-methylenedioxy methamphetamine;
- 9 4. 5-methoxy-3, 4-methylenedioxy amphetamine;
- 10 5. 3, 4, 5-trimethoxy amphetamine;
- 11 6. Bufotenine;
- 12 7. Diethyltryptamine;
- 13 8. Dimethyltryptamine;
- 14 9. 4-methyl-2, 5-dimethoxyamphetamine;
- 15 10. Ibogaine;
- 16 11. Lysergic acid diethylamide;
- 17 12. Marihuana;
- 18 13. Mescaline;
- 19 14. N-benzylpiperazine;
- 20 ~~14.~~ 15. N-ethyl-3-piperidyl benzilate;
- 21 ~~15.~~ 16. N-methyl-3-piperidyl benzilate;
- 22 ~~16.~~ 17. Psilocybin;
- 23 ~~17.~~ 18. Psilocyn;
- 24 ~~18.~~ 19. 2, 5 dimethoxyamphetamine;

1 ~~19.~~ 20. 4 Bromo-2, 5-dimethoxyamphetamine;

2 ~~20.~~ 21. 4 methoxyamphetamine;

3 ~~21.~~ 22. Cyclohexamine;

4 ~~22.~~ 23. Salvia Divinorum;

5 24. Salvinorin A;

6 25. Thiophene Analog of Phencyclidine. Also known as: 1-(1-(2-
7 thienyl) cyclohexyl) piperidine; 2-Thienyl Analog of Phencyclidine;
8 TPCP, TCP;

9 ~~23.~~ 26. Phencyclidine (PCP); or

10 ~~24.~~ 27. Pyrrolidine Analog for Phencyclidine. Also known as 1-
11 (1-Phencyclohexyl) - Pyrrolidine, PCPy, PHP.

12 D. Unless specifically excepted or unless listed in a different
13 schedule, any material, compound, mixture, or preparation which
14 contains any quantity of the following substances having stimulant
15 or depressant effect on the central nervous system:

16 1. Fenethylamine;

17 2. Mecloqualone;

18 3. N-ethylamphetamine;

19 4. Methaqualone;

20 5. Gamma-Hydroxybutyric Acid, also known as GHB, gamma-
21 hydroxybutyrate, 4-hydroxybutyrate, 4-hydroxybutanoic acid, sodium
22 oxybate, and sodium oxybutyrate;

1 6. Gamma-Butyrolactone (GBL) as packaged, marketed,
2 manufactured or promoted for human consumption, with the exception
3 of legitimate food additive and manufacturing purposes;

4 7. Gamma Hydroxyvalerate (GHV) as packaged, marketed, or
5 manufactured for human consumption, with the exception of legitimate
6 food additive and manufacturing purposes;

7 8. Gamma Valerolactone (GVL) as packaged, marketed, or
8 manufactured for human consumption, with the exception of legitimate
9 food additive and manufacturing purposes; or

10 9. 1,4 Butanediol (1,4 BD or BDO) as packaged, marketed,
11 manufactured, or promoted for human consumption with the exception
12 of legitimate manufacturing purposes.

13 E. 1. The following industrial uses of Gamma-Butyrolactone,
14 Gamma Hydroxyvalerate, Gamma Valerolactone, or 1,4 Butanediol are
15 excluded from all schedules of controlled substances under this
16 title:

- 17 a. pesticides,
- 18 b. photochemical etching,
- 19 c. electrolytes of small batteries or capacitors,
- 20 d. viscosity modifiers in polyurethane,
- 21 e. surface etching of metal coated plastics,
- 22 f. organic paint disbursements for water soluble inks,
- 23 g. pH regulators in the dyeing of wool and polyamide
24 fibers,

- 1 h. foundry chemistry as a catalyst during curing,
- 2 i. curing agents in many coating systems based on
- 3 urethanes and amides,
- 4 j. additives and flavoring agents in food, confectionary,
- 5 and beverage products,
- 6 k. synthetic fiber and clothing production,
- 7 l. tetrahydrofuran production,
- 8 m. gamma butyrolactone production,
- 9 n. polybutylene terephthalate resin production,
- 10 o. polyester raw materials for polyurethane elastomers
- 11 and foams,
- 12 p. coating resin raw material, and
- 13 q. as an intermediate in the manufacture of other
- 14 chemicals and pharmaceuticals.

15 2. At the request of any person, the Director may exempt any
16 other product containing Gamma-Butyrolactone, Gamma Hydroxyvalerate,
17 Gamma Valerolactone, or 1,4 Butanediol from being included as a
18 Schedule I controlled substance if such product is labeled,
19 marketed, manufactured and distributed for legitimate industrial use
20 in a manner that reduces or eliminates the likelihood of abuse.

21 3. In making a determination regarding an industrial product,
22 the Director, after notice and hearing, shall consider the
23 following:

- 24 a. the history and current pattern of abuse,

- b. the name and labeling of the product,
- c. the intended manner of distribution, advertising and promotion of the product, and
- d. other factors as may be relevant to and consistent with the public health and safety.

4. The hearing shall be held in accordance with the procedures of the Administrative Procedures Act.

SECTION 2. AMENDATORY 63 O.S. 2001, Section 2-206, as last amended by Section 2, Chapter 248, O.S.L. 2007 (63 O.S. Supp. 2007, Section 2-206), is amended to read as follows:

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

A. Any of the following substances except those narcotic drugs listed in other schedules whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by combination of extraction and chemical synthesis:

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

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

3. Opium poppy and poppy straw; or

1 4. Coca leaves except coca leaves and extracts of coca leaves
2 from which cocaine, ecgonine, and derivatives of ecgonine or their
3 salts have been removed; cocaine, its salts, optical and geometric
4 isomers, and salts of isomers; ecgonine, its derivatives, their
5 salts, isomers and salts of isomers; or any compound, mixture or
6 preparation which contains any quantity of any of the substances
7 referred to in this paragraph.

8 B. Any of the following opiates, including their isomers,
9 esters, ethers, salts, and salts of isomers, esters and ethers, when
10 the existence of these isomers, esters, ethers, and salts is
11 possible within the specific chemical designation:

- 12 1. Alphaprodine;
- 13 2. Anileridine;
- 14 3. Bezitramide;
- 15 4. Dihydrocodeine;
- 16 5. Diphenoxylate;
- 17 6. Fentanyl;
- 18 7. Hydromorphone;
- 19 ~~7.~~ 8. Isomethadone;
- 20 ~~8.~~ 9. Levomethorphan;
- 21 ~~9.~~ 10. Levorphanol;
- 22 ~~10.~~ 11. Metazocine;
- 23 ~~11.~~ 12. Methadone;

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1 ~~12.~~ 13. Methadone - Intermediate, 4-cyano-2-dimethylamino-4, 4-
2 diphenyl butane;
3 ~~13.~~ 14. Moramide - Intermediate, 2-methyl-3-morpholino-1, 1-
4 diphenyl-propane-carboxylic acid;
5 ~~14.~~ 15. Oxycodone;
6 ~~15.~~ 16. Oxymorphone;
7 17. Pethidine (Meperidine);
8 ~~16.~~ 18. Pethidine - Intermediate - A, 4-cyano-1-methyl-4-
9 phenylpiperidine;
10 ~~17.~~ 19. Pethidine - Intermediate - B, ethyl-4-phenylpiperidine-
11 4-carboxylate;
12 ~~18.~~ 20. Pethidine - Intermediate - C, 1-methyl-4-
13 phenylpiperidine-4-carboxylic acid;
14 ~~19.~~ 21. Phenazocine;
15 ~~20.~~ 22. Piminodine;
16 ~~21.~~ 23. Racemethorphan;
17 ~~22.~~ 24. Racemorphan;
18 ~~23.~~ 25. Etorphine Hydrochloride salt only;
19 ~~24.~~ 26. Alfentanil hydrochloride; or
20 ~~25.~~ 27. Levo-alphaacetylmethadol.

21 C. Any substance which contains any quantity of:

22 1. Methamphetamine, including its salts, isomers, and salts of
23 isomers; or
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1 2. Amphetamine, its salts, optical isomers, and salts of its
2 optical isomers.

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

- 7 1. Phenmetrazine and its salts;
- 8 2. Methylphenidate;
- 9 3. Amobarbital;
- 10 4. Pentobarbital; or
- 11 5. Secobarbital.

12 SECTION 3. AMENDATORY 63 O.S. 2001, Section 2-210, as
13 last amended by Section 3, Chapter 248, O.S.L. 2007 (63 O.S. Supp.
14 2007, Section 2-210), is amended to read as follows:

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

- 19 1. Chloral betaine;
- 20 2. Chloral hydrate;
- 21 3. Ethchlorvynol;
- 22 4. Ethinamate;
- 23 5. Meprobamate;
- 24 6. Paraldehyde;

- 1 7. Petrichloral;
- 2 8. Diethylpropion;
- 3 9. Phentermine;
- 4 10. Pemoline;
- 5 11. Chlordiazepoxide;
- 6 12. Chlordiazepoxide and its salts, but not including
- 7 chlordiazepoxide hydrochloride and clidinium bromide or
- 8 chlordiazepoxide and water-soluble esterified estrogens;
- 9 13. Diazepam;
- 10 14. Oxazepam;
- 11 15. Clorazepate;
- 12 16. Flurazepam and its salts;
- 13 17. Clonazepam;
- 14 18. Barbital;
- 15 19. Mebutamate;
- 16 20. Methohexital;
- 17 21. Methylphenobarbital;
- 18 22. Phenobarbital;
- 19 23. Fenfluramine;
- 20 24. Pentazocine;
- 21 25. Propoxyphene;
- 22 26. Butorphanol;
- 23 27. Alprazolam;
- 24 28. Halazepam;

1 29. Lorazepam;

2 30. Prazepam;

3 31. Temazepam;

4 32. Tramadol;

5 33. Triazolam;

6 ~~33.~~ 34. Carisoprodol;

7 ~~34.~~ 35. Ephedrine, its salts, optical isomers, and salts of
8 optical isomers as the only active ingredient, or in combination
9 with other active ingredients; or

10 ~~35.~~ 36. Dichloralphenazone.

11 B. 1. The following nonnarcotic substances, which may, under
12 the Federal Food, Drug, and Cosmetic Act (21 U.S.C., Section 301),
13 be lawfully sold over the counter without a prescription, are
14 excluded from all schedules of controlled substances under this
15 title:

16 a. Breathe-Aid,

17 b. BronCare,

18 c. Bronchial Congestion,

19 d. Bronkaid Tablets,

20 e. Bronkaid Dual Action Caplets,

21 f. Bronkotabs,

22 g. Bronkolixir,

23 h. NeoRespin,

24 i. Pazo Hemorrhoid Ointment and Suppositories,

- 1 j. Primatene Tablets,
- 2 k. Primatene "Dual Action" Formula,
- 3 l. Quelidrine,
- 4 m. Resp, and
- 5 n. Vatronal Nose Drops.

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

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

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

- 17 a. the history and current pattern of abuse,
- 18 b. the name and labeling of the product,
- 19 c. the intended manner of distribution, advertising and
20 promotion of the product, and
- 21 d. other factors as may be relevant to and consistent
22 with the public health and safety.

23 4. The hearing shall be held in accordance with the
24 Administrative Procedures Act.

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

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

15 SECTION 4. This act shall become effective November 1, 2008.

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17 51-2-9737 SAB 01/16/08

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