

1 ENGROSSED HOUSE
2 BILL NO. 3380

By: Terrill, McCullough,
Luttrell, Smithson, Osborn,
Christian, Duncan, Wright
(John) and Kern of the
House

4
5 and

Sykes of the Senate

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9 (public health and safety - Oklahoma Methamphetamine
10 Offender Registry Act - Schedule V compounds and
11 certain precursors - amending 63 O.S., Section 2-
12 309C - codification -
13 effective date)

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

17 SECTION 1. NEW LAW A new section of law not to be
18 codified in the Oklahoma Statutes reads as follows:

19 Section 2 of this act shall be known and may be cited as the
20 "Oklahoma Methamphetamine Offender Registry Act".

21 SECTION 2. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 2-701 of Title 63, unless there
23 is created a duplication in numbering, reads as follows:

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1 A. There is hereby created within the Oklahoma State Bureau of
2 Narcotics and Dangerous Drugs Control a registry of persons who have
3 been convicted or found guilty, whether upon a plea of guilty or
4 upon a plea of nolo contendere, or received a suspended sentence or
5 any probationary term, including a deferred judgment, for the crime
6 of possession of methamphetamines, possession of a precursor with
7 the intent to manufacture methamphetamines, distribution or
8 possession with intent to distribute methamphetamines or trafficking
9 of methamphetamines.

10 B. It shall be unlawful for any person subject to the registry
11 created in subsection A of this section to purchase, possess or have
12 control of any Schedule V compound, mixture, or preparation
13 containing any detectable quantity of pseudoephedrine, its salts or
14 optical isomers, or salts of optical isomers. A prescription for
15 pseudoephedrine shall not provide an exemption for any person to
16 this law. Any person convicted of violating the provisions of this
17 subsection shall be guilty of a felony, punishable by imprisonment
18 in the custody of the Department of Corrections for not less than
19 two (2) years and not more than ten (10) years, or by a fine of not
20 more than Five Thousand Dollars (\$5,000.00), or by both such fine
21 and imprisonment.

22 C. The registry created in subsection A of this section shall
23 be maintained by the Bureau. The registry shall be made available
24 for registrants who sell pseudoephedrine-related products, the

1 courts and to law enforcement agencies for law enforcement purposes.
2 Every registrant selling or otherwise delivering pseudoephedrine
3 products shall deny any sale of pseudoephedrine to any individual
4 listed on the methamphetamine offender registry.

5 D. The registry shall consist of the following information:

6 1. Name of the person;

7 2. Date of birth of the person;

8 3. The offense or offenses which made the person eligible for
9 inclusion on the registry;

10 4. The conviction date;

11 5. The county where the offense or offenses occurred; and

12 6. Such other identifying data as the Bureau determines is
13 necessary to properly identify the person.

14 E. Beginning November 1, 2010, all district court clerks shall
15 forward a copy of the judgment and sentence and date of birth of all
16 persons who are convicted of a violation of the offenses described
17 in subsection A of this section to the Bureau. Such information
18 shall be forwarded to the Bureau within thirty (30) days of the date
19 of judgment and sentence. Every person that receives a deferred
20 sentence or is otherwise not in the custody of the Department of
21 Corrections shall be required to submit a photograph of the person
22 to the Bureau for the registry in a format as required by the Bureau
23 within sixty (60) days after the date of judgment and sentence of

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1 the person. Failure to submit the photograph required by this
2 subsection shall constitute a misdemeanor.

3 F. The Bureau shall remove from the registry the name and other
4 identifying information of a person who has been convicted of a
5 violation of any of the offenses described in subsection A of this
6 section ten (10) years after the date of the most recent judgment
7 and sentence. Any person having received a deferred sentence that
8 expires prior to the ten-year time limitation may provide to the
9 Bureau a certified copy of the dismissal of the case by certified
10 mail to the Bureau. The Bureau may remove the person from the
11 registry upon expiration of the deferred sentence.

12 G. It shall be a violation for any person to assist another
13 person who is on the registry in the purchase of any pseudoephedrine
14 products. Any person convicted of violating the provisions of this
15 subsection shall, for a first offense, be guilty of a misdemeanor,
16 punishable by incarceration in the county jail for not more than one
17 (1) year, or by a fine of not more than One Thousand Dollars
18 (\$1,000.00), or by both such fine and imprisonment. Any second or
19 subsequent conviction for a violation of this subsection shall be a
20 felony, punishable by incarceration in the custody of the Department
21 of Corrections for two (2) years, or by a fine of not less than Two
22 Thousand Five Hundred Dollars (\$2,500.00) or by both such fine and
23 imprisonment.

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1 SECTION 3. AMENDATORY 63 O.S. 2001, Section 2-309C, as
2 last amended by Section 5, Chapter 445, O.S.L. 2009 (63 O.S. Supp.
3 2009, Section 2-309C), is amended to read as follows:

4 Section 2-309C. A. A dispenser of a Schedule II, III, IV or V
5 controlled dangerous substance, ~~except Schedule V substances that~~
6 ~~contain any detectable quantity of pseudoephedrine, its salts or~~
7 ~~optical isomers, or salts of optical isomers~~ shall transmit to a
8 central repository designated by the Oklahoma State Bureau of
9 Narcotics and Dangerous Drugs Control using the American Society for
10 Automation in Pharmacy's (ASAP) Telecommunications Format for
11 Controlled Substances version designated in rules by the Oklahoma
12 State Bureau of Narcotics and Dangerous Drugs Control, the following
13 information for each dispensation:

- 14 1. Recipient's name;
- 15 2. Recipient's address;
- 16 3. Recipient's date of birth;
- 17 4. Recipient's identification number;
- 18 5. National Drug Code number of the substance dispensed;
- 19 6. Date of the dispensation;
- 20 7. Quantity of the substance dispensed;
- 21 8. Prescriber's United States Drug Enforcement Agency
22 registration number;
- 23 9. Dispenser's registration number; and
- 24 10. Other information as required by administrative rule.

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

3 1. In a format or other media designated acceptable by the
4 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control; and

5 2. Within twenty-four (24) hours of the time that the substance
6 is dispensed. Beginning January 1, 2012, all information shall be
7 submitted on a real-time log.

8 C. The provisions of subsection B of this section shall not
9 apply to a nonresident drug outlet registered pursuant to the
10 Oklahoma Pharmacy Act or to a resident drug outlet as defined in
11 Section 353.1 of Title 59 of the Oklahoma Statutes if the
12 nonresident or resident drug outlet mails or delivers a controlled
13 substance to a patient or client. Nonresident and resident drug
14 outlets shall transmit the information required in this section
15 within seven (7) days of the date that the controlled substance is
16 dispensed.

17 D. Willful failure to transmit accurate information as required
18 by this section shall be a misdemeanor punishable, upon conviction,
19 by not more than one (1) year in the county jail, or by a fine of
20 not more than One Thousand Dollars (\$1,000.00), or by both such
21 imprisonment and fine, or administrative action may be taken
22 pursuant to Section 2-304 of this title.

23 E. The Director of the Bureau shall have the authority to allow
24 paper submissions on a form designated by the Oklahoma State Bureau

1 of Narcotics and Dangerous Drugs Control, if the dispenser has an
2 appropriate hardship.

3 F. The Oklahoma State Bureau of Narcotics and Dangerous Drugs
4 Control is authorized, by any funds available to it, to implement a
5 real-time electronic logbook to monitor the sale of Schedule V
6 products containing any detectable quantity of pseudoephedrine, its
7 salts or optical isomers, or salts of optical isomers. Dispensers
8 of such pseudoephedrine products shall report all such sales
9 electronically pursuant to rules promulgated by the Oklahoma State
10 Bureau of Narcotics and Dangerous Drugs Control. The reporting
11 requirements of this title do not apply to any lawful sale of a
12 Schedule V product containing any detectable quantity of
13 pseudoephedrine, its salts or optical isomers, or salts of optical
14 isomers, until such time that:

15 1. The Oklahoma State Bureau of Narcotics and Dangerous Drugs
16 Control implements a statewide real-time logbook that authorizes
17 purchases and records purchaser information statewide; and

18 2. The Oklahoma State Bureau of Narcotics and Dangerous Drugs
19 Control adopts rules for the reporting of sales of Schedule V
20 product containing any detectable quantity of pseudoephedrine, its
21 salts or optical isomers, or salts of optical isomers.

22 SECTION 4. This act shall become effective November 1, 2010.
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1 Passed the House of Representatives the 9th day of March, 2010.

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4 Presiding Officer of the House of
Representatives

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6 Passed the Senate the ____ day of _____, 2010.

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9 Presiding Officer of the Senate