

1 ENGROSSED SENATE
2 BILL NO. 1119

By: Sykes of the Senate

3 and

4 Terrill and Cox of the
5 House

6
7 [Uniform Controlled Dangerous Substances Act -
8 registration - definitions -
9 effective date]

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11

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

13 SECTION 1. AMENDATORY 63 O.S. 2001, Section 2-303, as
14 last amended by Section 1, Chapter 273, O.S.L. 2008 (63 O.S. Supp.
15 2008, Section 2-303), is amended to read as follows:

16 Section 2-303. A. The Director of the Oklahoma State Bureau of
17 Narcotics and Dangerous Drugs Control shall register an applicant to
18 manufacture, distribute, dispense, prescribe, administer or use for
19 scientific purposes controlled dangerous substances included in
20 Schedules I through V of Section 2-101 et seq. of this title unless
21 the Director determines that the issuance of such registration is
22 inconsistent with the public interest. In determining the public
23 interest, the following factors shall be considered:

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- 1 1. Maintenance of effective controls against diversion of
2 particular controlled dangerous substances and any Schedule I or II
3 substance compounded therefrom into other than legitimate medical,
4 scientific or industrial channels, including examination of the
5 fitness of his or her employees or agents to handle dangerous
6 substances;
- 7 2. Compliance with applicable state and local law;
- 8 3. Has been found guilty of, entered a plea of guilty or nolo
9 contendere to a charge under the Uniform Controlled Dangerous
10 Substances Act or any other state or federal law relating to any
11 substance defined herein as a controlled dangerous substance or any
12 felony under the laws of any state or the United States;
- 13 4. Furnishing by the applicant false or fraudulent material
14 information in any application filed under Section 2-101 et seq. of
15 this title;
- 16 5. Past experience in the manufacture, distribution,
17 dispensing, prescribing, administering or use for scientific
18 purposes of controlled dangerous substances, and the existence in
19 the establishment of effective controls against diversion;
- 20 6. Denial, suspension or revocation of the applicant's federal
21 registration to manufacture, distribute or dispense controlled
22 dangerous substances as authorized by federal law; and
- 23 7. Such other factors as may be relevant to and consistent with
24 the public health and safety.

1 Nothing herein shall be deemed to require individual licensed
2 pharmacists to register under the provisions of the Uniform
3 Controlled Dangerous Substances Act.

4 B. Registration granted under subsection A of this section
5 shall not entitle a registrant to manufacture, distribute, dispense,
6 prescribe, administer or use for scientific purposes controlled
7 dangerous substances in Schedule I or II other than those specified
8 in the registration.

9 C. Practitioners shall be registered to dispense, prescribe,
10 administer or use for scientific purposes substances in Schedules II
11 through V if they are authorized to carry on their respective
12 activities under the laws of this state. A registration application
13 by a practitioner who wishes to conduct research with Schedule I
14 substances shall be accompanied by evidence of the applicant's
15 federal registration to conduct such activity and shall be referred
16 to the Medical Research Commission for advice. The Medical Research
17 Commission shall promptly advise the Director concerning the
18 qualifications of each practitioner requesting such registration.
19 Registration for the purpose of bona fide research or of use for
20 scientific purposes with Schedule I substances by a practitioner
21 deemed qualified by the Medical Research Commission may be denied
22 only on a ground specified in subsection A of Section 2-304 of this
23 title or if there are reasonable grounds to believe that the
24 applicant will abuse or unlawfully transfer such substances or fail

1 to safeguard adequately such applicant's supply of such substances
2 against diversion from legitimate medical or scientific use.

3 D. 1. The Director shall initially permit persons to register
4 who own or operate any establishment engaged in the manufacture,
5 distribution, dispensing, prescribing, administering or use for
6 scientific purposes of any controlled dangerous substances prior to
7 June 4, 1991, and who are registered or licensed by the state. Fees
8 for registration under this section shall be as follows:

9	Practitioners and			
10	mid-level			
11	practitioners	\$70.00	<u>\$140.00</u>	per year
12				of
13				registration
14	Home Care Agencies,			
15	Hospices & Home			
16	Care Services	\$70.00	<u>\$140.00</u>	annually
17	Distributors	\$100.00	<u>\$300.00</u>	annually
18	Manufacturers	\$200.00	<u>\$500.00</u>	annually
19	Manufacturer, Wholesaler, or			
20	Distributor of drug products			
21	containing pseudoephedrine or			
22	phenylpropanolamine	\$100.00	<u>\$300.00</u>	annually

1 2. A registrant shall be required to pay double the amount of
2 the above-listed fee for any renewal of registration received more
3 than ~~sixty (60)~~ thirty (30) days late.

4 3. A Ten Dollar (\$10.00) fee shall be charged for a duplicate
5 registration certificate.

6 E. Compliance by manufacturers and distributors with the
7 provisions of the Federal Controlled Substances Act, 21 U.S.C.,
8 Section 801 et seq., respecting registration, excluding fees, shall
9 be deemed sufficient to qualify for registration under this act.

10 SECTION 2. AMENDATORY 63 O.S. 2001, Section 2-308, is
11 amended to read as follows:

12 Section 2-308. Controlled dangerous substances in Schedules I
13 and II shall be distributed only by a registrant to another
14 registrant pursuant to an order form obtained from the United States
15 ~~Attorney General~~ Drug Enforcement Administration. Compliance with
16 the provisions of the Federal Controlled Substances Act respecting
17 order forms shall be deemed compliance with this section. This
18 section shall not apply to dispensing as defined by this act, nor to
19 distribution otherwise authorized by this act.

20 SECTION 3. AMENDATORY 63 O.S. 2001, Section 2-309B, as
21 last amended by Section 3, Chapter 273, O.S.L. 2008 (63 O.S. Supp.
22 2008, Section 2-309B), is amended to read as follows:

23 Section 2-309B. For the purposes of the Anti-Drug Diversion
24 Act:

1 1. "Bureau" means the Oklahoma State Bureau of Narcotics and
2 Dangerous Drugs Control;

3 2. "Dispenser" means a person who distributes a Schedule II
4 controlled dangerous substance, but does not include a licensed
5 hospital pharmacy or a licensed nurse or medication aide who
6 administers such a substance at the direction of a licensed
7 physician;

8 3. "Dispenser's registration number" means the dispenser's
9 Oklahoma Bureau of Narcotics and Dangerous Drugs Control
10 registration number or, in the case of a pharmacist, the National
11 Association of Boards of Pharmacy number for the pharmacy where the
12 dispensation is made;

13 4. "Exception report" means an output of data indicating
14 Schedule II controlled dangerous substance dispensation which is
15 outside expected norms for a prescriber practicing a particular
16 specialty or field of health care, for a dispenser doing business in
17 a particular location, or for a recipient;

18 5. "Recipient" means the person for whom a prescription is
19 prescribed and who is the lawful intended ultimate user;

20 6. "Recipient's agent" means a person who is authorized by the
21 ultimate user to pick up the recipient's medication and deliver it
22 to the recipient or a person who claims a prescription other than
23 the person to whom the medication is prescribed;
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1 7. "Recipient's identification number" and "Recipient's agent's
2 identification number" means the unique number contained on a
3 ~~recipient's~~ valid passport, military identification card, driver
4 license, or ~~valid~~ identification card issued to a recipient pursuant
5 to Section 6-105 of Title 47 of the Oklahoma Statutes or similar
6 statute of another state if the recipient is not a resident of the
7 State of Oklahoma, or, if the recipient is less than eighteen (18)
8 years old and has no such identification, the unique number
9 contained on ~~the recipient's parent's or guardian's~~ a valid
10 passport, military identification card, driver license, or ~~valid~~
11 identification card issued to the recipient's parent or guardian
12 pursuant to Section 6-105 of Title 47 of the Oklahoma Statutes or
13 similar statute of another state if the parent or guardian is not a
14 resident of the State of Oklahoma, or, if the controlled dangerous
15 substance is obtained for an animal, the unique number contained on
16 the animal owner's valid driver license, or ~~valid~~ identification
17 card issued pursuant to Section 6-105 of Title 47 of the Oklahoma
18 Statutes or similar statute of another state if the owner is not a
19 resident of the State of Oklahoma;

20 ~~6-~~ 8. "Registrant" means a person, persons, corporation or
21 other entity who has been issued by the Director of the Oklahoma
22 State Bureau of Narcotics and Dangerous Drugs Control a registration
23 pursuant to Section 2-302 of this title; and
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1 ~~7.~~ 9. "State" means any state, territory, or possession of the
2 United States, the District of Columbia, or foreign nation.

3 SECTION 4. AMENDATORY 63 O.S. 2001, Section 2-309C, as
4 last amended by Section 3, Chapter 128, O.S.L. 2005 (63 O.S. Supp.
5 2008, Section 2-309C), is amended to read as follows:

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

- 16 1. Recipient's name, ~~when feasible to submit;~~
- 17 2. Recipient's address;
- 18 3. Recipient's date of birth;
- 19 4. Recipient's identification number;
- 20 ~~3.~~ 5. National Drug Code number of the substance dispensed;
- 21 ~~4.~~ 6. Date of the dispensation;
- 22 ~~5.~~ 7. Quantity of the substance dispensed;
- 23 ~~6.~~ 8. Prescriber's United States Drug Enforcement Agency
24 registration number; ~~and~~

1 ~~7.~~ 9. Dispenser's registration number; and

2 10. Other information as required by administrative rule.

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

5 1. ~~On an electronic device which is compatible with the~~
6 ~~receiving device of the central repository or by computer diskette,~~
7 ~~magnetic tape, CD-ROM or in~~ In a format or other media designated
8 acceptable by the Oklahoma Bureau of Narcotics and Dangerous Drugs
9 Control; and

10 2. Within ~~thirty (30) days~~ twenty-four (24) hours of the time
11 that the substance is dispensed. Beginning August 1, 2011, all
12 information shall be submitted on a real-time log.

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

19 D. The Director of the Bureau shall have the authority to allow
20 paper submissions on ~~the universal claim~~ a form designated by the
21 Oklahoma Bureau of Narcotics and Dangerous Drugs Control, if the
22 dispenser has an appropriate hardship.

23 E. The Oklahoma Bureau of Narcotics and Dangerous Drugs Control
24 is authorized, by any funds available to it, to implement a real-

1 time electronic logbook to monitor the sale of Schedule V products
2 containing any detectable quantity of pseudoephedrine, its salts or
3 optical isomers, or salts of optical isomers. Dispensers of such
4 pseudoephedrine products shall report all such sales electronically
5 pursuant to rules promulgated by the Oklahoma Bureau of Narcotics
6 and Dangerous Drugs Control. The reporting requirements of this
7 title do not apply to any lawful sale of a Schedule V product
8 containing any detectable quantity of pseudoephedrine, its salts or
9 optical isomers, or salts of optical isomers, until such time that:

10 1. The Oklahoma Bureau of Narcotics and Dangerous Drugs Control
11 implements a statewide real-time logbook that authorizes purchases
12 and records purchaser information statewide; and

13 2. The Oklahoma Bureau of Narcotics and Dangerous Drugs Control
14 adopts rules for the reporting of sales of Schedule V product
15 containing any detectable quantity of pseudoephedrine, its salts or
16 optical isomers, or salts of optical isomers.

17 SECTION 5. This act shall become effective November 1, 2009.

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