

THE HOUSE OF REPRESENTATIVES
Thursday, February 25, 2010

Committee Substitute for
House Bill No. 3251

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 3251 - By: TIBBS of the House and CRAIN of the Senate.

An Act relating to methadone; amending 63 O.S. 2001, Section 2-302, as last amended by Section 2, Chapter 40, O.S.L. 2005 (63 O.S. Supp. 2009, Section 2-302), which relates to the Uniform Controlled Dangerous Substances Act; requiring certain registrants to check patient profiles on central repository; and providing an effective date.

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

1 SECTION 1. AMENDATORY 63 O.S. 2001, Section 2-302, as last amended by
2 Section 2, Chapter 40, O.S.L. 2005 (63 O.S. Supp. 2009, Section 2-302), is amended to
3 read as follows:
4 Section 2-302. A. Every person who manufactures, distributes, dispenses,
5 prescribes, administers or uses for scientific purposes any controlled dangerous
6 substance within this state, or who proposes to engage in the manufacture, distribution,
7 dispensing, prescribing, administering or use for scientific purposes of any controlled
8 dangerous substance within this state shall obtain a registration issued by the Director
9 of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, in accordance
10 with rules promulgated by the Director. Persons registered by the Director under
11 Section 2-101 et seq. of this title to manufacture, distribute, dispense, or conduct

1 research with controlled dangerous substances may possess, manufacture, distribute,
2 dispense, or conduct research with those substances to the extent authorized by their
3 registration and in conformity with the other provisions of this article. Every wholesaler,
4 manufacturer or distributor of any drug product containing pseudoephedrine or
5 phenylpropanolamine, or their salts, isomers, or salts of isomers shall obtain a
6 registration issued by the Director of the Oklahoma State Bureau of Narcotics and
7 Dangerous Drugs Control in accordance with rules promulgated by the Director and as
8 provided for in Section 2-332 of this title.

9 B. Out-of-state pharmaceutical suppliers who provide controlled dangerous
10 substances to individuals within this state shall obtain a registration issued by the
11 Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, in
12 accordance with rules promulgated by the Director; provided that this provision shall not
13 apply to wholesale distributors who ship controlled dangerous substances to pharmacies
14 or other entities registered within this state in accordance with rules promulgated by the
15 Director.

16 C. Manufacturers, distributors, home care agencies, hospices, home care services,
17 and scientific researchers shall obtain a registration annually. Other practitioners shall
18 obtain a registration for a period to be determined by the Director that will be for a
19 period not less than one (1) year nor more than three (3) years.

20 D. Every trainer or handler of a canine controlled dangerous substances detector
21 who, in the ordinary course of such trainer's or handler's profession, desires to possess
22 any controlled dangerous substance, annually, shall obtain a registration issued by the

1 Director for a fee of Seventy Dollars (\$70.00). Such persons shall be subject to all
2 applicable provisions of Section 2-101 et seq. of this title and such applicable rules
3 promulgated by the Director for those individuals identified in subparagraph a of
4 paragraph 32 of Section 2-101 of this title. Persons registered by the Director pursuant
5 to this subsection may possess controlled dangerous substances to the extent authorized
6 by their registration and in conformity with the other provisions of this article.

7 E. The following persons shall not be required to register and may lawfully possess
8 controlled dangerous substances under the provisions of Section 2-101 et seq. of this title:

9 1. An agent, or an employee thereof, of any registered manufacturer, distributor,
10 dispenser or user for scientific purposes of any controlled dangerous substance, if such
11 agent is acting in the usual course of such agent's or employee's business or employment;

12 2. Any person lawfully acting under the direction of a person authorized to
13 administer controlled dangerous substances under Section 2-312 of this title;

14 3. A common or contract carrier or warehouse, or an employee thereof, whose
15 possession of any controlled dangerous substance is in the usual course of such carrier's
16 or warehouse's business or employment;

17 4. An ultimate user or a person in possession of any controlled dangerous substance
18 pursuant to a lawful order of a practitioner;

19 5. An individual pharmacist acting in the usual course of such pharmacist's
20 employment with a pharmacy registered pursuant to the provisions of Section 2-101 et
21 seq. of this title;

22 6. A nursing home licensed by this state;

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 7. Any Department of Mental Health and Substance Abuse Services employee or
2 any person whose facility contracts with the Department of Mental Health and
3 Substance Abuse Services whose possession of any dangerous drug, as defined in Section
4 353.1 of Title 59 of the Oklahoma Statutes, is for the purpose of delivery of a mental
5 health consumer's medicine to the consumer's home or residence; and

6 8. Registered nurses and licensed practical nurses.

7 F. The Director may, by rule, waive the requirement for registration or fee for
8 registration of certain manufacturers, distributors, dispensers, prescribers,
9 administrators, or users for scientific purposes if the Director finds it consistent with the
10 public health and safety.

11 G. A separate registration shall be required at each principal place of business or
12 professional practice where the applicant manufactures, distributes, dispenses,
13 prescribes, administers, or uses for scientific purposes controlled dangerous substances.

14 H. The Director is authorized to inspect the establishment of a registrant or
15 applicant for registration in accordance with rules promulgated by the Director.

16 I. No person engaged in a profession or occupation for which a license to engage in
17 such activity is provided by law shall be registered under this act unless such person
18 holds a valid license of such person's profession or occupation.

19 J. Registrations shall be issued on the first day of November of each year.
20 Registrations may be issued at other times, however, upon certification of the
21 professional licensing board.

1 K. The licensing boards of all professions and occupations to which the use of
2 controlled dangerous substances is incidental shall furnish a current list to the Director,
3 not later than the first day of October of each year, of the persons holding valid licenses.
4 All such persons except persons exempt from registration requirements under subsection
5 E of this section shall be subject to the registration requirements of Section 2-101 et seq.
6 of this title.

7 L. The licensing board of any professional defined as a mid-level practitioner shall
8 notify and furnish to the Director, not later than the first day of October of each year that
9 such professional holds a valid license, a current listing of individuals licensed and
10 registered with their respective boards to prescribe, order, select, obtain and administer
11 controlled dangerous substances. The licensing board shall immediately notify the
12 Director of any action subsequently taken against any such individual.

13 M. Beginning November 1, 2010, each registrant that prescribes, administers or
14 dispenses methadone shall be required to check the prescription profile of the patient on
15 the central repository of the Oklahoma State Bureau of Narcotics and Dangerous Drugs
16 Control.

17 SECTION 2. This act shall become effective November 1, 2010.

18 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 02-24-10 - DO
19 PASS, As Amended and Coauthored.

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