

EHB 3251

1 **THE STATE SENATE**
2 **Tuesday, March 30, 2010**

3 **ENGROSSED**

4 **House Bill No. 3251**

5 **As Amended**

6 ENGROSSED HOUSE BILL NO. 3251 - By: Tibbs and Roan of the House and
7 Crain of the Senate.

8 An Act relating to methadone; amending 63 O.S. 2001, Section
9 2-302, as last amended by Section 2, Chapter 40, O.S.L. 2005
10 (63 O.S. Supp. 2009, Section 2-302), which relates to the
11 Uniform Controlled Dangerous Substances Act; requiring
12 certain registrants to check patient profiles on central
13 repository; and providing an effective date.

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

15 SECTION 1. AMENDATORY 63 O.S. 2001, Section 2-302, as
16 last amended by Section 2, Chapter 40, O.S.L. 2005 (63 O.S. Supp.
17 2009, Section 2-302), is amended to read as follows:

18 Section 2-302. A. Every person who manufactures, distributes,
19 dispenses, prescribes, administers or uses for scientific purposes
20 any controlled dangerous substance within this state, or who
21 proposes to engage in the manufacture, distribution, dispensing,
22 prescribing, administering or use for scientific purposes of any
23 controlled dangerous substance within this state shall obtain a
24 registration issued by the Director of the Oklahoma State Bureau of
25 Narcotics and Dangerous Drugs Control, in accordance with rules
26 promulgated by the Director. Persons registered by the Director

1 under Section 2-101 et seq. of this title to manufacture,
2 distribute, dispense, or conduct research with controlled dangerous
3 substances may possess, manufacture, distribute, dispense, or
4 conduct research with those substances to the extent authorized by
5 their registration and in conformity with the other provisions of
6 this article. Every wholesaler, manufacturer or distributor of any
7 drug product containing pseudoephedrine or phenylpropanolamine, or
8 their salts, isomers, or salts of isomers shall obtain a
9 registration issued by the Director of the Oklahoma State Bureau of
10 Narcotics and Dangerous Drugs Control in accordance with rules
11 promulgated by the Director and as provided for in Section 2-332 of
12 this title.

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

21 C. Manufacturers, distributors, home care agencies, hospices,
22 home care services, and scientific researchers shall obtain a
23 registration annually. Other practitioners shall obtain a

1 registration for a period to be determined by the Director that will
2 be for a period not less than one (1) year nor more than three (3)
3 years.

4 D. Every trainer or handler of a canine controlled dangerous
5 substances detector who, in the ordinary course of such trainer's or
6 handler's profession, desires to possess any controlled dangerous
7 substance, annually, shall obtain a registration issued by the
8 Director for a fee of Seventy Dollars (\$70.00). Such persons shall
9 be subject to all applicable provisions of Section 2-101 et seq. of
10 this title and such applicable rules promulgated by the Director for
11 those individuals identified in subparagraph a of paragraph 32 of
12 Section 2-101 of this title. Persons registered by the Director
13 pursuant to this subsection may possess controlled dangerous
14 substances to the extent authorized by their registration and in
15 conformity with the other provisions of this article.

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

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

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

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

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

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

13 6. A nursing home licensed by this state;

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

20 8. Registered nurses and licensed practical nurses.

21 F. The Director may, by rule, waive the requirement for
22 registration or fee for registration of certain manufacturers,
23 distributors, dispensers, prescribers, administrators, or users for

1 scientific purposes if the Director finds it consistent with the
2 public health and safety.

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

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

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

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

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

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

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

14 **SECTION 2. NEW LAW A new section of law to be codified**
15 **in the Oklahoma Statutes as Section 374 of Title 59, unless there is**
16 **created a duplication in numbering, reads as follows:**

17 **Pharmacists are hereby prohibited from entering into a contract**
18 **with a pharmacy benefit manager that requires pharmacists to charge**
19 **a copayment for prescription drugs that is greater than the cash**
20 **value of the prescription drug.**

21 SECTION 3. This act shall become effective November 1, 2010.

22 COMMITTEE REPORT BY: COMMITTEE ON HEALTH & HUMAN SERVICES, dated
23 3-25-10 - DO PASS, As Amended.