

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 919

By: Sykes of the Senate

3 and

4 Derby of the House
5
6
7

8 [narcotics and dangerous drugs - Schedule I
substances - Schedule II substances - Schedule III
9 substances - Schedule IV substances - Schedule V
substances - effective date]
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12 AUTHORS: Add the following House Coauthors: Sanders, Roan, Ritze
and Brown
13

14 AMENDMENT NO. 1. Strike the stricken title, enacting clause and
entire bill and insert
15

16 "An Act relating to narcotics and dangerous drugs;
amending 59 O.S. 2001, Section 353.24, as last
17 amended by Section 18, Chapter 321, O.S.L. 2009 (59
O.S. Supp. 2010, Section 353.24), which relates to
18 the Oklahoma Pharmacy Act; expanding unlawful
conduct to include certain dangerous drugs;
19 providing penalties; amending 63 O.S. 2001, Sections
2-204, as last amended by Section 1, Chapter 182,
20 O.S.L. 2010, 2-206, as last amended by Section 2,
Chapter 332, O.S.L. 2008, 2-208, as amended by
21 Section 3, Chapter 283, O.S.L. 2005, 2-210, as last
amended by Section 3, Chapter 248, O.S.L. 2007, 2-
22 212, as last amended by Section 4, Chapter 458,
O.S.L. 2010 and 2-309, as amended by Section 2,
23 Chapter 273, O.S.L. 2008 (63 O.S. Supp. 2010,
Sections 2-204, 2-206, 2-208, 2-210, 2-212 and 2-
24 309), which relate to the Uniform Controlled

1 Dangerous Substances Act; modifying structure of
2 substances listed within Schedule I; designating
3 certain substances as Schedule I substances;
4 designating certain substances as Schedule II
5 substances; designating certain substances as
6 Schedule III substances; designating certain
7 substances as Schedule IV substances; designating
8 certain substance as a Schedule V substance;
9 authorizing electronic prescription method for
10 certain substances under certain circumstances;
11 amending 63 O.S. 2001, Section 2-415, as last
12 amended by Section 5, Chapter 199, O.S.L. 2007 (63
13 O.S. Supp. 2010, Section 2-415), which relates to
14 the Trafficking in Illegal Drugs Act; clarifying
15 weight amounts for certain substances; amending 63
16 O.S. 2001, Section 2-508, as last amended by Section
17 15, Chapter 442, O.S.L. 2009 (63 O.S. Supp. 2010,
18 Section 2-508), which relates to the disposition of
19 seized property; modifying agency that shall be
20 responsible for the destruction of seized or
21 surrendered property; amending Section 2, Chapter
22 458, O.S.L. 2010 (63 O.S. Supp. 2010, Section 2-
23 701), which relates to the Oklahoma State Bureau of
24 Narcotics and Dangerous Drugs Control registry;
requiring registration of persons convicted of
crimes in other jurisdictions; modifying time
limitation for submitting registration form; and
providing an effective date.

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

SECTION 1. AMENDATORY 59 O.S. 2001, Section 353.24, as
last amended by Section 18, Chapter 321, O.S.L. 2009 (59 O.S. Supp.
2010, Section 353.24), is amended to read as follows:

Section 353.24 It shall be unlawful for any person, firm or
business entity to:

1. Forge or increase the quantity of drug in any prescription,
or to present a prescription bearing forged, fictitious or altered

1 information or to possess any drug secured by such forged,
2 fictitious or altered prescription;

3 2. Sell, offer for sale, barter or give away any unused
4 quantity of drugs obtained by prescription, except through a program
5 pursuant to the Utilization of Unused Prescription Medications Act
6 or as otherwise provided by the State Board of Pharmacy;

7 3. Sell, offer for sale, barter or give away any drugs damaged
8 by fire, water, or other causes without first obtaining the written
9 approval of the Board or the State Department of Health;

10 4. Enter into any arrangement whereby prescription orders are
11 received, or prescriptions delivered at a place other than the
12 pharmacy in which they are compounded and dispensed. However,
13 nothing in this paragraph shall prevent a pharmacist or an employee
14 of the pharmacy from personally receiving a prescription or
15 delivering a legally filled prescription at a residence, office or
16 place of employment of the patient for whom the prescription was
17 written. Provided further, the provisions of this paragraph shall
18 not apply to any Department of Mental Health and Substance Abuse
19 Services employee or any person whose facility contracts with the
20 Department of Mental Health and Substances Abuse Services whose
21 possession of any dangerous drug, as defined in Section 353.1 of
22 this title, is for the purpose of delivery of a mental health
23 consumer's medicine to the consumer's home or residence. Nothing in
24 this paragraph shall prevent veterinary prescription drugs from

1 being shipped directly from an Oklahoma licensed wholesaler or
2 distributor to a client; provided, such drugs may be dispensed only
3 on prescription of a licensed veterinarian and only when an existing
4 veterinary-client-patient relationship exists;

5 5. Sell, offer for sale or barter or buy any professional
6 samples except through a program pursuant to the Utilization of
7 Unused Prescription Medications Act. For purpose of this paragraph,
8 "professional samples" means complimentary drugs packaged in
9 accordance with federal and state statutes and regulations and
10 provided to a licensed practitioner free of charge by manufacturers
11 or distributors for the purpose of being distributed free of charge
12 in such package by the licensed practitioner to a patient;

13 6. Refuse to permit or otherwise prevent members of the Board
14 or such representatives thereof from entering and inspecting any and
15 all places, including premises, equipment, contents, and records,
16 where drugs, medicine, chemicals or poisons are stored, sold,
17 vended, given away, compounded, dispensed or manufactured;

18 7. Possess dangerous drugs without a valid prescription or a
19 valid license to possess such drugs; provided, however, this
20 provision shall not apply to any Department of Mental Health and
21 Substance Abuse Services employee or any person whose facility
22 contracts with the Department of Mental Health and Substances Abuse
23 Services whose possession of any dangerous drug, as defined in
24 Section 353.1 of this title, is for the purpose of delivery of a

1 mental health consumer's medicine to the consumer's home or
2 residence;

3 8. Possess, sell, offer for sale, barter or give away any
4 quantity of dangerous drugs not listed as a scheduled drug pursuant
5 to Sections 2-201 through 2-212 of Title 63 of the Oklahoma Statutes
6 when obtained by prescription bearing forged, fictitious or altered
7 information.

8 a. A first violation of this section shall constitute a
9 misdemeanor and upon conviction shall be punishable by
10 imprisonment in the county jail for a term not more
11 than one (1) year and a fine in an amount not more
12 than One Thousand Dollars (\$1,000.00).

13 b. A second violation of this section shall constitute a
14 felony and upon conviction shall be punishable by
15 imprisonment in the Department of Corrections for a
16 term not exceeding five (5) years and a fine in an
17 amount not more than Two Thousand Dollars (\$2,000.00);

18 9. Knowingly violate a Board order or agreed order;

19 ~~9.~~ 10. Compromise the security of licensure examination
20 materials; or

21 ~~10.~~ 11. Fail to notify the Board, in writing, within ten (10)
22 days of an address change.

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1 SECTION 2. AMENDATORY 63 O.S. 2001, Section 2-204, as
2 last amended by Section 1, Chapter 182, O.S.L. 2010 (63 O.S. Supp.
3 2010, Section 2-204), is amended to read as follows:

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

6 A. Any of the following opiates, including their isomers,
7 esters, ethers, salts, and salts of isomers, esters, and ethers,
8 unless specifically excepted, when the existence of these isomers,
9 esters, ethers, and salts is possible within the specific chemical
10 designation:

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

- 1 15. Diethylthiambutene;
- 2 16. Dimenoxadol;
- 3 17. Dimepheptanol;
- 4 18. Dimethylthiambutene;
- 5 19. Dioxaphetyl butyrate;
- 6 20. Dipipanone;
- 7 21. Ethylmethylthiambutene;
- 8 22. Etonitazene;
- 9 23. Etoxeridine;
- 10 24. Furethidine;
- 11 25. Hydroxypethidine;
- 12 26. Ketobemidone;
- 13 27. Levomoramide;
- 14 28. Levophenacylmorphan;
- 15 29. Morpheridine;
- 16 30. Noracymethadol;
- 17 31. Norlevorphanol;
- 18 32. Normethadone;
- 19 33. Norpipanone;
- 20 34. Phenadoxone;
- 21 35. Phenampromide;
- 22 36. Phenomorphan;
- 23 37. Phenoperidine;
- 24 38. Piritramide;

- 1 39. Proheptazine;
- 2 40. Properidine;
- 3 41. Racemoramide; or
- 4 42. Trimeperidine;
- 5 ~~43. Flunitrazepam;~~
- 6 ~~44. B-hydroxy-amphetamine;~~
- 7 ~~45. B-ketoamphetamine;~~
- 8 ~~46. 3,4-methylenedioxy-N-methyl-B-ketoamphetamine;~~
- 9 ~~47. 2,5-dimethoxy-4-methylamphetamine;~~
- 10 ~~48. 2,5-dimethoxy-4-bromoamphetamine;~~
- 11 ~~49. 2,5-dimethoxy-4-nitroamphetamine;~~
- 12 ~~50. 2,5-dimethoxy-4-bromophenethylamine;~~
- 13 ~~51. 2,5-dimethoxy-4-chlorophenethylamine;~~
- 14 ~~52. 2,5-dimethoxy-4-iodoamphetamine;~~
- 15 ~~53. 2,5-dimethoxy-4-iodophenethylamine;~~
- 16 ~~54. 2,5-dimethoxy-4-methylphenethylamine;~~
- 17 ~~55. 2,5-dimethoxy-4-ethylphenethylamine;~~
- 18 ~~56. 2,5-dimethoxy-4-fluorophenethylamine;~~
- 19 ~~57. 2,5-dimethoxy-4-nitrophenethylamine;~~
- 20 ~~58. 2,5-dimethoxy-4-ethylthio-phenethylamine;~~
- 21 ~~59. 2,5-dimethoxy-4-isopropylthio-phenethylamine;~~
- 22 ~~60. 2,5-dimethoxy-4-propylthio-phenethylamine;~~
- 23 ~~61. 2,5-dimethoxy-4-cyclopropylmethylthio-phenethylamine;~~
- 24 ~~62. 2,5-dimethoxy-4-tert-butylthio-phenethylamine;~~

- ~~63. 2,5 dimethoxy 4 (2 fluoroethylthio) phenethylamine;~~
- ~~64. 5 methoxy N, N dimethyltryptamine;~~
- ~~65. N methyltryptamine;~~
- ~~66. A ethyltryptamine;~~
- ~~67. A methyltryptamine;~~
- ~~68. N, N diethyltryptamine;~~
- ~~69. N, N diisopropyltryptamine;~~
- ~~70. N, N dipropyltryptamine;~~
- ~~71. 5 methoxy a methyltryptamine;~~
- ~~72. 4 hydroxy N, N diethyltryptamine;~~
- ~~73. 4 hydroxy N, N diisopropyltryptamine;~~
- ~~74. 5 methoxy N, N diisopropyltryptamine; or~~
- ~~75. 4 hydroxy N isopropyl N methyltryptamine.~~

B. Any of the following opium derivatives, their salts, isomers, and salts of isomers, unless specifically excepted, when the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

1. Acetorphine;
2. Acetyldihydrocodeine;
3. Benzylmorphine;
4. Codeine methylbromide;
5. Codeine-N-Oxide;
6. Cyprenorphine;
7. Desomorphine;

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

16 C. Any material, compound, mixture, or preparation which
17 contains any quantity of the following hallucinogenic substances,
18 their salts, isomers, and salts of isomers, unless specifically
19 excepted, when the existence of these salts, isomers, and salts of
20 isomers is possible within the specific chemical designation:

- 21 1. Methcathinone;
- 22 2. 3, 4-methylenedioxy amphetamine;
- 23 3. 3, 4-methylenedioxy methamphetamine;
- 24 4. 5-methoxy-3, 4-methylenedioxy amphetamine;

- 1 5. 3, 4, 5-trimethoxy amphetamine;
- 2 6. Bufotenine;
- 3 7. Diethyltryptamine;
- 4 8. Dimethyltryptamine;
- 5 9. 4-methyl-2, 5-dimethoxyamphetamine;
- 6 10. Ibogaine;
- 7 11. Lysergic acid diethylamide;
- 8 12. Marihuana;
- 9 13. Mescaline;
- 10 14. N-benzylpiperazine;
- 11 15. N-ethyl-3-piperidyl benzilate;
- 12 16. N-methyl-3-piperidyl benzilate;
- 13 17. Psilocybin;
- 14 18. Psilocyn;
- 15 19. 2, 5 dimethoxyamphetamine;
- 16 20. 4 Bromo-2, 5-dimethoxyamphetamine;
- 17 21. 4 methoxyamphetamine;
- 18 22. Cyclohexamine;
- 19 23. Salvia Divinorum;
- 20 24. Salvinorin A;
- 21 25. Thiophene Analog of Phencyclidine. Also known as: 1-(1-(2-
- 22 thienyl) cyclohexyl) piperidine; 2-Thienyl Analog of Phencyclidine;
- 23 TCP, TCP;
- 24 26. Phencyclidine (PCP);

- 1 27. Pyrrolidine Analog for Phencyclidine. Also known as 1-(1-
2 Phencyclohexyl) - Pyrrolidine, PCPy, PHP;
- 3 28. ~~1-(2-[trifluoromethylphenyl])~~ 1-(3-[trifluorometh-
4 ylphenyl]) piperazine;
- 5 29. ~~1-Butyl-3-(1-naphthoyl)indole~~ Flunitrazepam;
- 6 30. ~~1-Pentyl-3-(1-naphthoyl)indole~~ B-hydroxy-amphetamine; ~~or~~
- 7 31. ~~(6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-~~
8 ~~methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol~~ B-
9 ketoamphetamine;
- 10 32. 2,5-dimethoxy-4-nitroamphetamine;
- 11 33. 2,5-dimethoxy-4-bromophenethylamine;
- 12 34. 2,5-dimethoxy-4-chlorophenethylamine;
- 13 35. 2,5-dimethoxy-4-iodoamphetamine;
- 14 36. 2,5-dimethoxy-4-iodophenethylamine;
- 15 37. 2,5-dimethoxy-4-methylphenethylamine;
- 16 38. 2,5-dimethoxy-4-ethylphenethylamine;
- 17 39. 2,5-dimethoxy-4-fluorophenethylamine;
- 18 40. 2,5-dimethoxy-4-nitrophenethylamine;
- 19 41. 2,5-dimethoxy-4-ethylthio-phenethylamine;
- 20 42. 2,5-dimethoxy-4-isopropylthio-phenethylamine;
- 21 43. 2,5-dimethoxy-4-propylthio-phenethylamine;
- 22 44. 2,5-dimethoxy-4-cyclopropylmethylthio-phenethylamine;
- 23 45. 2,5-dimethoxy-4-tert-butylthio-phenethylamine;
- 24 46. 2,5-dimethoxy-4-(2-fluoroethylthio)-phenethylamine;

- 1 47. 5-methoxy-N, N-dimethyltryptamine;
- 2 48. N-methyltryptamine;
- 3 49. A-ethyltryptamine;
- 4 50. A-methyltryptamine;
- 5 51. N, N-diethyltryptamine;
- 6 52. N, N-diisopropyltryptamine;
- 7 53. N, N-dipropyltryptamine;
- 8 54. 5-methoxy-a-methyltryptamine;
- 9 55. 4-hydroxy-N, N-diethyltryptamine;
- 10 56. 4-hydroxy-N, N-diisopropyltryptamine;
- 11 57. 5-methoxy-N, N-diisopropyltryptamine;
- 12 58. 4-hydroxy-N-isopropyl-N-methyltryptamine;
- 13 59. 3,4-Methylenedioxy methcathinone (Mephylone);
- 14 60. 3,4-Methylenedioxy pyrovalerone (MDPV);
- 15 61. 4-Methylmethcathinone (Mephedrone);
- 16 62. 4-methoxymethcathinone;
- 17 63. 4-Fluoromethcathinone; or
- 18 64. 3-Fluoromethcathinone.

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

- 23 1. Fenethylamine;
- 24 2. Mecloqualone;

1 3. N-ethylamphetamine;

2 4. Methaqualone;

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

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

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

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

15 9. 1,4 Butanediol (1,4 BD or BDO) as packaged, marketed,
16 manufactured, or promoted for human consumption with the exception
17 of legitimate manufacturing purposes.

18 E. 1. The following industrial uses of Gamma-Butyrolactone,
19 Gamma Hydroxyvalerate, Gamma Valerolactone, or 1,4 Butanediol are
20 excluded from all schedules of controlled substances under this
21 title:

22 a. pesticides,

23 b. photochemical etching,

24 c. electrolytes of small batteries or capacitors,

- d. viscosity modifiers in polyurethane,
- e. surface etching of metal coated plastics,
- f. organic paint disbursements for water soluble inks,
- g. pH regulators in the dyeing of wool and polyamide fibers,
- h. foundry chemistry as a catalyst during curing,
- i. curing agents in many coating systems based on urethanes and amides,
- j. additives and flavoring agents in food, confectionary, and beverage products,
- k. synthetic fiber and clothing production,
- l. tetrahydrofuran production,
- m. gamma butyrolactone production,
- n. polybutylene terephthalate resin production,
- o. polyester raw materials for polyurethane elastomers and foams,
- p. coating resin raw material, and
- q. as an intermediate in the manufacture of other chemicals and pharmaceuticals.

2. At the request of any person, the Director may exempt any other product containing Gamma-Butyrolactone, Gamma Hydroxyvalerate, Gamma Valerolactone, or 1,4 Butanediol from being included as a Schedule I controlled substance if such product is labeled,

1 marketed, manufactured and distributed for legitimate industrial use
2 in a manner that reduces or eliminates the likelihood of abuse.

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

- 6 a. the history and current pattern of abuse,
- 7 b. the name and labeling of the product,
- 8 c. the intended manner of distribution, advertising and
9 promotion of the product, and
- 10 d. other factors as may be relevant to and consistent
11 with the public health and safety.

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

14 F. Any quantity of a synthetic chemical compound that
15 is a cannabinoid receptor agonist and mimics the pharmacological
16 effect of naturally occurring substances including:

- 17 1. JWH-004;
- 18 2. JWH-007;
- 19 3. JWH-009;
- 20 4. JWH-015;
- 21 5. JWH-016;
- 22 6. JWH-018;
- 23 7. JWH-019;
- 24 8. JWH-020;

- 1 9. JWH-030;
- 2 10. JWH-046;
- 3 11. JWH-047;
- 4 12. JWH-048;
- 5 13. JWH-049;
- 6 14. JWH-050;
- 7 15. JWH-070;
- 8 16. JWH-071;
- 9 17. JWH-072;
- 10 18. JWH-073;
- 11 19. JWH-076;
- 12 20. JWH-079;
- 13 21. JWH-080;
- 14 22. JWH-081;
- 15 23. JWH-082;
- 16 24. JWH-094;
- 17 25. JWH-096;
- 18 26. JWH-098;
- 19 27. JWH-116;
- 20 28. JWH-120;
- 21 29. JWH-122;
- 22 30. JWH-145;
- 23 31. JWH-146;
- 24 32. JWH-147;

- 1 33. JWH-148;
- 2 34. JWH-149;
- 3 35. JWH-150;
- 4 36. JWH-156;
- 5 37. JWH-167;
- 6 38. JWH-175;
- 7 39. JWH-180;
- 8 40. JWH-181;
- 9 41. JWH-182;
- 10 42. JWH-184;
- 11 43. JWH-185;
- 12 44. JWH-189;
- 13 45. JWH-192;
- 14 46. JWH-193;
- 15 47. JWH-194;
- 16 48. JWH-195;
- 17 49. JWH-196;
- 18 50. JWH-197;
- 19 51. JWH-198;
- 20 52. JWH-199;
- 21 53. JWH-200;
- 22 54. JWH-201;
- 23 55. JWH-202;
- 24 56. JWH-203;

- 1 57. JWH-204;
- 2 58. JWH-205;
- 3 59. JWH-206;
- 4 60. JWH-207;
- 5 61. JWH-208;
- 6 62. JWH-209;
- 7 63. JWH-210;
- 8 64. JWH-211;
- 9 65. JWH-212;
- 10 66. JWH-213;
- 11 67. JWH-234;
- 12 68. JWH-235;
- 13 69. JWH-236;
- 14 70. JWH-237;
- 15 71. JWH-239;
- 16 72. JWH-240;
- 17 73. JWH-241;
- 18 74. JWH-242;
- 19 75. JWH-243;
- 20 76. JWH-244;
- 21 77. JWH-245;
- 22 78. JWH-246;
- 23 79. JWH-248;
- 24 80. JWH-249;

- 1 81. JWH-250;
- 2 82. JWH-251;
- 3 83. JWH-252;
- 4 84. JWH-253;
- 5 85. JWH-262;
- 6 86. JWH-292;
- 7 87. JWH-293;
- 8 88. JWH-302;
- 9 89. JWH-303;
- 10 90. JWH-304;
- 11 91. JWH-305;
- 12 92. JWH-306;
- 13 93. JWH-307;
- 14 94. JWH-308;
- 15 95. JWH-311;
- 16 96. JWH-312;
- 17 97. JWH-313;
- 18 98. JWH-314;
- 19 99. JWH-315;
- 20 100. JWH-316;
- 21 101. JWH-346;
- 22 102. JWH-348;
- 23 103. JWH-363;
- 24 104. JWH-364;

- 1 105. JWH-365;
- 2 106. JWH-367;
- 3 107. JWH-368;
- 4 108. JWH-369;
- 5 109. JWH-370;
- 6 110. JWH-371;
- 7 111. JWH-373;
- 8 112. JWH-386;
- 9 113. JWH-387;
- 10 114. JWH-392;
- 11 115. JWH-394;
- 12 116. JWH-395;
- 13 117. JWH-397;
- 14 118. JWH-398;
- 15 119. JWH-399;
- 16 120. JWH-400;
- 17 121. JWH-412;
- 18 122. JWH-413;
- 19 123. JWH-414;
- 20 124. JWH-415;
- 21 125. CP-55, 940;
- 22 126. CP-47, 497;
- 23 127. HU-210;
- 24 128. HU-211;

1 129. WIN-55, 212-2; and

2 130. AM-2201.

3 SECTION 3. AMENDATORY 63 O.S. 2001, Section 2-206, as
4 last amended by Section 2, Chapter 332, O.S.L. 2008 (63 O.S. Supp.
5 2010, Section 2-206), is amended to read as follows:

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

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

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

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

19 3. Opium poppy and poppy straw; or

20 4. Coca leaves except coca leaves and extracts of coca leaves
21 from which cocaine, ecgonine, and derivatives of ecgonine or their
22 salts have been removed; cocaine, its salts, optical and geometric
23 isomers, and salts of isomers; ecgonine, its derivatives, their
24 salts, isomers and salts of isomers; or any compound, mixture or

1 preparation which contains any quantity of any of the substances
2 referred to in this paragraph.

3 B. Any of the following opiates, including their isomers,
4 esters, ethers, salts, and salts of isomers, esters and ethers, when
5 the existence of these isomers, esters, ethers, and salts is
6 possible within the specific chemical designation:

- 7 1. Alphaprodine;
- 8 2. Anileridine;
- 9 3. Bezitramide;
- 10 4. Dihydrocodeine;
- 11 5. Diphenoxylate;
- 12 6. Fentanyl;
- 13 7. Hydromorphone;
- 14 8. Isomethadone;
- 15 9. Levomethorphan;
- 16 10. Levorphanol;
- 17 11. Metazocine;
- 18 12. Methadone;
- 19 13. Methadone - Intermediate, 4-cyano-2-dimethylamino-4, 4-
20 diphenyl butane;
- 21 14. Moramide - Intermediate, 2-methyl-3-morpholino-1, 1-
22 diphenyl-propane-carboxylic acid;
- 23 15. Oxycodone;
- 24 16. Oxymorphone;

- 1 17. Pethidine (Meperidine);
- 2 18. Pethidine - Intermediate - A, 4-cyano-1-methyl-4-
- 3 phenylpiperidine;
- 4 19. Pethidine - Intermediate - B, ethyl-4-phenylpiperidine-4-
- 5 carboxylate;
- 6 20. Pethidine - Intermediate - C, 1-methyl-4-phenylpiperidine-
- 7 4-carboxylic acid;
- 8 21. Phenazocine;
- 9 22. Piminodine;
- 10 23. Racemethorphan;
- 11 24. Racemorphan;
- 12 25. Etorphine Hydrochloride salt only;
- 13 26. Alfentanil hydrochloride; ~~or~~
- 14 27. Levo-alphaacetylmethadol;
- 15 28. Codeine;
- 16 29. Hydrocodone;
- 17 30. Morphine;
- 18 31. Remifentanil; or
- 19 32. Sufentanil.
- 20 C. Any substance which contains any quantity of:
- 21 1. Methamphetamine, including its salts, isomers, and salts of
- 22 isomers; ~~or~~
- 23 2. Amphetamine, its salts, optical isomers, and salts of its
- 24 optical isomers; or

1 3. Nabilone.

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

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

11 SECTION 4. AMENDATORY 63 O.S. 2001, Section 2-208, as
12 amended by Section 3, Chapter 283, O.S.L. 2005 (63 O.S. Supp. 2010,
13 Section 2-208), is amended to read as follows:

14 Section 2-208. The controlled substances listed in this section
15 are included in Schedule III.

16 A. Unless listed in another schedule, any material, compound,
17 mixture, or preparation, which contains any quantity of the
18 following substances or any other substance having a potential for
19 abuse associated with a stimulant or depressant effect on the
20 central nervous system:

- 21 1. Any substance which contains any quantity of a derivative of
22 barbituric acid, or any salt of a derivative of barbituric acid
23 unless specifically excepted or unless listed in another schedule;
- 24 2. Chlorhexadol;

- 1 3. Glutethimide;
- 2 4. Lysergic acid;
- 3 5. Lysergic acid amide;
- 4 6. Methyprylon;
- 5 7. Sulfondiethylmethane;
- 6 8. Sulfonethylmethane;
- 7 9. Sulfonmethane;
- 8 10. Benzephetamine and its salts;
- 9 11. Chlorphentermine and its salts;
- 10 12. Clortermine;
- 11 13. Mazindol;
- 12 14. Phendimetrazine;
- 13 15. Phenylacetone (P2P);
- 14 16. 1-Phenycyclohexylamine;
- 15 17. 1-Piperidinocycchexanecarbo nitrile (PCC);
- 16 18. Ketamine, its salts, isomers, and salts of isomers;
- 17 19. Any material, compound, mixture, or preparation which
- 18 contains any quantity of the following hormonal substances or
- 19 steroids, including their salts, isomers, esters and salts of
- 20 isomers and esters, when the existence of these salts, isomers,
- 21 esters, and salts of isomers and esters is possible within the
- 22 specific chemical designation:
- 23 a. Boldenone,
- 24 b. Chlorotestosterone,

- 1 c. Clostebol,
- 2 d. Dehydrochlormethyltestosterone,
- 3 e. Dihydrotestosterone,
- 4 f. Drostanolone,
- 5 g. Ethylestrenol,
- 6 h. Fluoxymesterone,
- 7 i. Formebolone,
- 8 j. Mesterolone,
- 9 k. Methandienone,
- 10 l. Methandranone,
- 11 m. Methandriol,
- 12 n. Methandrostenolone,
- 13 o. Methenolone,
- 14 p. Methyltestosterone, except as provided in subsection E
- 15 of this section,
- 16 q. Mibolerone,
- 17 r. Nandrolone,
- 18 s. Norethandrolone,
- 19 t. Oxandrolone,
- 20 u. Oxymesterone,
- 21 v. Oxymetholone,
- 22 w. Stanolone,
- 23 x. Stanozolol,
- 24 y. Testolactone,

1 z. Testosterone, except as provided in subsection E of
2 this section, and

3 aa. Trenbolone;

4 20. Tetrahydrocannabinols; ~~or~~

5 21. Any drug product containing gamma-hydroxybutyric acid,
6 including its salts, isomers, and salts of isomers, for which an
7 application has been approved under Section 505 of the Federal Food,
8 Drug, and Cosmetic Act;

9 22. Buprenorphine; or

10 23. Hydrocodone with another active ingredient.

11 Livestock implants as regulated by the Federal Food and Drug
12 Administration shall be exempt.

13 B. Nalorphine.

14 C. Unless listed in another schedule, any material, compound,
15 mixture, or preparation containing limited quantities of any of the
16 following narcotic drugs, or any salts thereof:

17 1. Not more than one and eight-tenths (1.8) grams of codeine or
18 any of its salts, per one hundred (100) milliliters or not more than
19 ninety (90) milligrams per dosage unit, with an equal or greater
20 quantity of an isoquinoline alkaloid of opium;

21 2. Not more than one and eight-tenths (1.8) grams of codeine or
22 any of its salts, per one hundred (100) milliliters or not more than
23 ninety (90) milligrams per dosage unit, with one or more active,
24 nonnarcotic ingredients in recognized therapeutic amounts;

1 3. ~~Not more than three hundred (300) milligrams of~~
2 ~~dihydrocodeinone or any of its salts, per one hundred (100)~~
3 ~~milliliters or not more than fifteen (15) milligrams per dosage~~
4 ~~unit, with a fourfold or greater quantity of an isoquinoline~~
5 ~~alkaloid of opium;~~

6 4. ~~Not more than three hundred (300) milligrams of~~
7 ~~dihydrocodeinone or any of its salts, per one hundred (100)~~
8 ~~milliliters or not more than fifteen (15) milligrams per dosage~~
9 ~~unit, with one or more active, nonnarcotic ingredients in recognized~~
10 ~~therapeutic amounts;~~

11 5. Not more than one and eight-tenths (1.8) grams of
12 dihydrocodeine or any of its salts, per one hundred (100)
13 milliliters or not more than ninety (90) milligrams per dosage unit,
14 with one or more active, nonnarcotic ingredients in recognized
15 therapeutic amounts;

16 ~~6.~~ 4. Not more than three hundred (300) milligrams of
17 ethylmorphine or any of its salts, per one hundred (100) milliliters
18 or not more than fifteen (15) milligrams per dosage unit, with one
19 or more ingredients in recognized therapeutic amounts;

20 ~~7.~~ 5. Not more than five hundred (500) milligrams of opium per
21 one hundred (100) milliliters or per one hundred (100) grams, or not
22 more than twenty-five (25) milligrams per dosage unit, with one or
23 more active, nonnarcotic ingredients in recognized therapeutic
24 amounts; or

1 ~~8.~~ 6. Not more than fifty (50) milligrams of morphine or any of
2 its salts, per one hundred (100) milliliters or per one hundred
3 (100) grams with one or more active, nonnarcotic ingredients in
4 recognized therapeutic amounts.

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

16 E. The following hormonal substances or steroids are exempt
17 from classification as Schedule III controlled dangerous substances:

18 1. Estratest, containing 1.25 mg esterified estrogens and 2.5
19 mg methyltestosterone;

20 2. Estratest HS, containing 0.625 mg esterified estrogens and
21 1.25 mg methyltestosterone;

22 3. Premarin with Methyltestosterone, containing 1.25 mg
23 conjugated estrogens and 10.0 mg methyltestosterone;

1 4. Premarin with Methyltestosterone, containing 0.625 mg
2 conjugated estrogens and 5.0 mg methyltestosterone;

3 5. Testosterone Cypionate - Estradiol Cypionate injection,
4 containing 50 mg/ml Testosterone Cypionate; and

5 6. Testosterone Enanthate - Estradiol Valerate injection,
6 containing 90 mg/ml Testosterone Enanthate and 4 mg/ml Estradiol
7 Valerate.

8 SECTION 5. AMENDATORY 63 O.S. 2001, Section 2-210, as
9 last amended by Section 3, Chapter 248, O.S.L. 2007 (63 O.S. Supp.
10 2010, Section 2-210), is amended to read as follows:

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

- 15 1. Chloral betaine;
- 16 2. Chloral hydrate;
- 17 3. Ethchlorvynol;
- 18 4. Ethinamate;
- 19 5. Meprobamate;
- 20 6. Paraldehyde;
- 21 7. Petrichloral;
- 22 8. Diethylpropion;
- 23 9. Phentermine;
- 24 10. Pemoline;

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

1 33. Carisoprodol;

2 34. Ephedrine, its salts, optical isomers, and salts of optical
3 isomers as the only active ingredient, or in combination with other
4 active ingredients; ~~or~~

5 35. Dichloralphenazone;

6 36. Estazolam;

7 37. Eszopiclone;

8 38. Midazolam;

9 39. Modafinil;

10 40. Zaleplon; or

11 41. Zolpidem.

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

17 a. Breathe-Aid,

18 b. BronCare,

19 c. Bronchial Congestion,

20 d. Bronkaid Tablets,

21 e. Bronkaid Dual Action Caplets,

22 f. Bronkotabs,

23 g. Bronkolixir,

24 h. NeoRespin,

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

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

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

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

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

1 4. The hearing shall be held in accordance with the
2 Administrative Procedures Act.

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

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

17 SECTION 6. AMENDATORY 63 O.S. 2001, Section 2-212, as
18 last amended by Section 4, Chapter 458, O.S.L. 2010 (63 O.S. Supp.
19 2010, Section 2-212), is amended to read as follows:

20 Section 2-212. A. The controlled substances listed in this
21 section are included in Schedule V.

22 1. Any compound, mixture, or preparation containing limited
23 quantities of any of the following narcotic drugs, which also
24 contains one or more nonnarcotic active medicinal ingredients in

1 sufficient proportion to confer upon the compound, mixture, or
2 preparation, valuable medicinal qualities other than those possessed
3 by the narcotic drug alone:

- 4 a. not more than two hundred (200) milligrams of codeine,
5 or any of its salts, per one hundred (100) milliliters
6 or per one hundred (100) grams,
- 7 b. not more than one hundred (100) milligrams of
8 dihydrocodeine, or any of its salts, per one hundred
9 (100) milliliters or per one hundred (100) grams,
- 10 c. not more than one hundred (100) milligrams of
11 ethylmorphine, or any of its salts, per one hundred
12 (100) milliliters or per one hundred (100) grams,
- 13 d. not more than two and five-tenths (2.5) milligrams of
14 diphenoxylate and not less than twenty-five (25)
15 micrograms of atropine sulfate per dosage unit, or
- 16 e. not more than one hundred (100) milligrams of opium
17 per one hundred (100) milliliters or per one hundred
18 (100) grams.

19 2. Any compound, mixture, or preparation containing any
20 detectable quantity of pseudoephedrine, its salts or optical
21 isomers, or salts of optical isomers. If any compound, mixture, or
22 preparation as specified in this paragraph is dispensed, sold, or
23 distributed in a pharmacy:
24

1 a. it shall be dispensed, sold, or distributed only by,
2 or under the supervision of, a licensed pharmacist or
3 a registered pharmacy technician, and

4 b. any person purchasing, receiving, or otherwise
5 acquiring any compound, mixture, or preparation shall
6 produce a driver license, passport, military
7 identification, or other state-issued identification
8 card and shall sign a written log, receipt, or other
9 program or mechanism approved by the Oklahoma Bureau
10 of Narcotics and Dangerous Drugs Control, showing:

11 (1) the date of the transaction,

12 (2) name of the purchaser,

13 (3) driver license number, passport, military
14 identification, or state-issued identification
15 number and state of residence of the purchaser,

16 (4) name and initials of the pharmacist or pharmacy
17 technician conducting the transaction,

18 (5) the product being sold, and

19 (6) total quantity, in grams or milligrams, of
20 pseudoephedrine purchased.

21 No person shall purchase, receive, or otherwise acquire more
22 than nine (9) grams of any product, mixture, or preparation within
23 any thirty-day period. Provided, the requirements of this
24

1 subsection shall not apply to any quantity of such product, mixture
2 or preparation dispensed pursuant to a valid prescription.

3 3. Any compound, mixture, or preparation containing any
4 detectable quantity of pregabalin.

5 B. The Schedule, as specified in paragraph 2 of subsection A,
6 shall not apply to any compounds, mixtures, or preparations which
7 are in liquid, liquid capsule, or gel capsule form if
8 pseudoephedrine is not the only active ingredient.

9 C. The Director of the Oklahoma State Bureau of Narcotics and
10 Dangerous Drugs Control, by rule, may exempt other products from
11 this Schedule which the Director finds are not used in the illegal
12 manufacture of methamphetamine or other controlled dangerous
13 substances. A manufacturer of a drug product may apply for removal
14 of the product from the Schedule if the product is determined by the
15 Director to have been formulated in such a way as to effectively
16 prevent the conversion of the active ingredient into
17 methamphetamine.

18 D. As used in this section:

19 1. "Gel capsule" means any soft gelatin, liquid-filled capsule
20 that contains a liquid suspension, which, in the case of
21 pseudoephedrine, is suspended in a matrix of glycerin, polyethylene
22 glycol, and propylene glycol, along with other liquid substances.
23 Regardless of product manufacturer labeling, a gelatin-covered solid
24 does not constitute a gel capsule under this definition; and

1 2. "Active ingredient" shall include the matrix of glycerin,
2 polyethylene glycol, and propylene glycol that is found in liquid
3 capsules.

4 SECTION 7. AMENDATORY 63 O.S. 2001, Section 2-309, as
5 amended by Section 2, Chapter 273, O.S.L. 2008 (63 O.S. Supp. 2010,
6 Section 2-309), is amended to read as follows:

7 Section 2-309. A. 1. Except for dosages medically required
8 for a period not to exceed forty-eight (48) hours which are
9 administered by or on direction of a practitioner, other than a
10 pharmacist, or medication dispensed directly by a practitioner,
11 other than a pharmacist, to an ultimate user, no controlled
12 dangerous substance included in Schedule II, which is a prescription
13 drug as determined under regulation promulgated by the Board of
14 Pharmacy, may be dispensed without the written prescription of a
15 practitioner; provided, that, in emergency situations, as prescribed
16 by the Board of Pharmacy by regulation, such drug may be dispensed
17 upon oral prescription reduced promptly to writing and filed by the
18 pharmacist in a manner to be prescribed by rules and regulations of
19 the Director.

20 2. The transmission of written prescription by practitioner to
21 dispensing pharmacy by facsimile or electronic transmission with
22 electronic signature is permitted only under the following
23 conditions:
24

1 a. for Schedule II drugs, the original prescription must
2 be presented and verified against the facsimile at the
3 time the substances are actually dispensed, and the
4 original document must be properly annotated and
5 retained for filing, except:

6 (1) home infusion pharmacy may consider the facsimile
7 to be a "written prescription" as required by
8 this act and as required by Title 21 U.S.C.,
9 Section 829(a). The facsimile copy of the
10 prescription shall be retained as an original
11 prescription, and it must contain all the
12 information required by this act and 21 CFR,
13 Section 1306.05(a), including date issued, the
14 patient's full name and address, and the
15 practitioner's name, address, DEA registration
16 number, and signature. The exception to the
17 regulations for home infusion/IV therapy is
18 intended to facilitate the means by which home
19 infusion pharmacies obtain prescriptions for
20 patients requiring the frequently modified
21 parenteral controlled release administration of
22 narcotic substances, but does not extend to the
23 dispensing of oral dosage units of controlled
24 substances, and

1 (2) the same exception is granted to patients in Long
2 Term Care facilities (LTCF), which are filled by
3 and delivered to the facility by a dispensing
4 pharmacy, and

5 b. for drugs in Schedules III and IV, a facsimile copy of
6 a written, signed prescription transmitted directly by
7 the prescribing practitioner to the pharmacy can serve
8 as an original prescription. Electronic prescribing
9 may be utilized for Schedules III and IV subject to
10 the same requirements as set forth in 21 CFR, Section
11 1311 et seq.

12 3. Prescriptions shall be retained in conformity with the
13 requirements of this section and Section 2-307 of this title. No
14 prescription for a Schedule II substance may be refilled.

15 B. 1. Except for dosages medically required for a period not
16 to exceed forty-eight (48) hours which are administered by or on
17 direction of a practitioner, other than a pharmacist, or medication
18 dispensed directly by a practitioner, other than a pharmacist, to an
19 ultimate user, no controlled dangerous substance included in
20 Schedule III or IV, which is a prescription drug as determined under
21 regulation promulgated by the Board of Pharmacy, may be dispensed
22 without a written or oral prescription.

23 2. A written or oral prescription for a controlled dangerous
24 substance in Schedule III or IV may not be filled or refilled more

1 than six (6) months after the date thereof or be refilled more than
2 five times after the date of the prescription, unless renewed by the
3 practitioner.

4 C. No controlled dangerous substance included in Schedule V may
5 be distributed or dispensed other than for a legitimate medical or
6 scientific purpose.

7 D. Except for dosages medically required for a period not to
8 exceed forty-eight (48) hours which are administered by or on
9 direction of a practitioner, other than a pharmacist, or medication
10 dispensed directly by a practitioner, other than a pharmacist, to an
11 ultimate user, tincture opium camphorated, commonly known as
12 paregoric, may not be dispensed without a written or oral
13 prescription. The refilling of a prescription for paregoric shall
14 be unlawful unless permission is granted by the prescriber, either
15 written or oral.

16 E. Whenever it appears to the Director that a drug not
17 considered to be a prescription drug under existing state law or
18 regulation of the Board of Pharmacy should be so considered because
19 of its abuse potential, he shall so advise the Board of Pharmacy and
20 furnish to him all available data relevant thereto.

21 F. "Prescription", as used herein, means a written or oral
22 order by a practitioner to a pharmacist for a controlled dangerous
23 substance for a particular patient, which specifies the date of its
24 issue, and the full name and address of the patient; if the

1 controlled dangerous substance is prescribed for an animal, the
2 species of the animal; the name and quantity of the controlled
3 dangerous substance prescribed; the directions for use; the name and
4 address of the owner of the animal and, if written, the signature of
5 the practitioner.

6 G. No person shall solicit, dispense, receive or deliver any
7 controlled dangerous substance through the mail, unless the ultimate
8 user is personally known to the practitioner and circumstances
9 clearly indicate such method of delivery is in the best interest of
10 the health and welfare of the ultimate user.

11 SECTION 8. AMENDATORY 63 O.S. 2001, Section 2-415, as
12 last amended by Section 5, Chapter 199, O.S.L. 2007 (63 O.S. Supp.
13 2010, Section 2-415), is amended to read as follows:

14 Section 2-415. A. The provisions of the Trafficking in Illegal
15 Drugs Act shall apply to persons convicted of violations with
16 respect to the following substances:

- 17 1. Marihuana;
- 18 2. Cocaine or coca leaves;
- 19 3. Heroin;
- 20 4. Amphetamine or methamphetamine;
- 21 5. Lysergic acid diethylamide (LSD);
- 22 6. Phencyclidine (PCP);
- 23 7. Cocaine base, commonly known as "crack" or "rock"; or

24

1 8. 3,4-Methylenedioxy methamphetamine, commonly known as
2 "ecstasy" or MDMA.

3 B. Except as otherwise authorized by the Uniform Controlled
4 Dangerous Substances Act, it shall be unlawful for any person to:

5 1. Knowingly distribute, manufacture, bring into this state or
6 possess a controlled substance specified in subsection A of this
7 section in the quantities specified in subsection C of this section;

8 2. Possess any controlled substance with the intent to
9 manufacture a controlled substance specified in subsection A of this
10 section in quantities specified in subsection C of this section; or

11 3. Use or solicit the use of services of a person less than
12 eighteen (18) years of age to distribute or manufacture a controlled
13 dangerous substance specified in subsection A of this section in
14 quantities specified in subsection C of this section.

15 Violation of this section shall be known as "trafficking in
16 illegal drugs". Separate types of controlled substances described
17 in subsection A of this section when possessed at the same time in
18 violation of any provision of this section shall constitute a
19 separate offense for each substance.

20 Any person who commits the conduct described in paragraph 1, 2
21 or 3 of this subsection and represents the quantity of the
22 controlled substance to be an amount described in subsection C of
23 this section shall be punished under the provisions appropriate for
24

1 the amount of controlled substance represented, regardless of the
2 actual amount.

3 C. In the case of a violation of the provisions of subsection B
4 of this section, involving:

5 1. Marihuana:

6 a. twenty-five (25) pounds or more of a mixture or
7 substance containing a detectable amount of marihuana,
8 such violation shall be punishable by a fine of not
9 less than Twenty-five Thousand Dollars (\$25,000.00)
10 and not more than One Hundred Thousand Dollars
11 (\$100,000.00), or

12 b. one thousand (1,000) pounds or more of a mixture or
13 substance containing a detectable amount of marihuana,
14 such violation shall be deemed aggravated trafficking
15 punishable by a fine of not less than One Hundred
16 Thousand Dollars (\$100,000.00) and not more than Five
17 Hundred Thousand Dollars (\$500,000.00);

18 2. Cocaine or coca leaves:

19 a. twenty-eight (28) grams or more of a mixture or
20 substance containing a detectable amount of cocaine or
21 coca leaves, such violation shall be punishable by a
22 fine of not less than Twenty-five Thousand Dollars
23 (\$25,000.00) and not more than One Hundred Thousand
24 Dollars (\$100,000.00),

- 1 b. three hundred (300) grams or more of a mixture or
2 substance containing a detectable amount of cocaine or
3 coca leaves, such violation shall be punishable by a
4 fine of not less than One Hundred Thousand Dollars
5 (\$100,000.00) and not more than Five Hundred Thousand
6 Dollars (\$500,000.00), or
- 7 c. ~~one (1) pound~~ four hundred fifty (450) grams or more
8 of a mixture or substance containing a detectable
9 amount of cocaine or coca leaves, such violation shall
10 be deemed aggravated trafficking punishable by a fine
11 of not less than One Hundred Thousand Dollars
12 (\$100,000.00) and not more than Five Hundred Thousand
13 Dollars (\$500,000.00);

14 3. Heroin:

- 15 a. ten (10) grams or more of a mixture or substance
16 containing a detectable amount of heroin, such
17 violation shall be punishable by a fine of not less
18 than Twenty-five Thousand Dollars (\$25,000.00) and not
19 more than Fifty Thousand Dollars (\$50,000.00), or
- 20 b. twenty-eight (28) grams or more of a mixture or
21 substance containing a detectable amount of heroin,
22 such violation shall be punishable by a fine of not
23 less than Fifty Thousand Dollars (\$50,000.00) and not
24 more than Five Hundred Thousand Dollars (\$500,000.00);

1 4. Amphetamine or methamphetamine:

2 a. twenty (20) grams or more of a mixture or substance
3 containing a detectable amount of amphetamine or
4 methamphetamine, such violation shall be punishable by
5 a fine of not less than Twenty-five Thousand Dollars
6 (\$25,000.00) and not more than Two Hundred Thousand
7 Dollars (\$200,000.00),

8 b. two hundred (200) grams or more of a mixture or
9 substance containing a detectable amount of
10 amphetamine or methamphetamine, such violation shall
11 be punishable by a fine of not less than Fifty
12 Thousand Dollars (\$50,000.00) and not more than Five
13 Hundred Thousand Dollars (\$500,000.00), or

14 c. ~~one (1) pound~~ four hundred fifty (450) grams or more
15 of a mixture or substance containing a detectable
16 amount of amphetamine or methamphetamine, such
17 violation shall be deemed aggravated trafficking
18 punishable by a fine of not less than Fifty Thousand
19 Dollars (\$50,000.00) and not more than Five Hundred
20 Thousand Dollars (\$500,000.00);

21 5. Lysergic acid diethylamide (LSD):

22 a. ~~if the quantity involved is not less than fifty (50)~~
23 ~~dosage units and not more than one thousand (1,000)~~
24 ~~dosage units~~ one (1) gram or more of a mixture or

1 substance containing a detectable amount of lysergic
2 acid diethylamide (LSD), such violation shall be
3 punishable by a fine of not less than Fifty Thousand
4 Dollars (\$50,000.00) and not more than One Hundred
5 Thousand Dollars (\$100,000.00), or

- 6 b. ~~if the quantity involved is more than one thousand~~
7 ~~(1,000) dosage units~~ ten (10) grams or more of a
8 mixture or substance containing a detectable amount of
9 lysergic acid diethylamide (LSD), such violation shall
10 be punishable by a fine of not less than One Hundred
11 Thousand Dollars (\$100,000.00) and not more than Two
12 Hundred Fifty Thousand Dollars (\$250,000.00);

13 6. Phencyclidine (PCP):

- 14 a. ~~one (1) ounce~~ twenty (20) grams or more of a substance
15 containing a mixture or substance containing a
16 detectable amount of phencyclidine (PCP), such
17 violation shall be punishable by a fine of not less
18 than Twenty Thousand Dollars (\$20,000.00) and not more
19 than Fifty Thousand Dollars (\$50,000.00), or
- 20 b. ~~eight (8) ounces~~ one hundred fifty (150) grams or more
21 of a substance containing a mixture or substance
22 containing a detectable amount of phencyclidine (PCP),
23 such violation shall be punishable by a fine of not
24 less than Fifty Thousand Dollars (\$50,000.00) and not

1 more than Two Hundred Fifty Thousand Dollars
2 (\$250,000.00);

3 7. Cocaine base:

4 a. five (5) grams or more of a mixture or substance
5 described in paragraph 2 of this subsection which
6 contains cocaine base, such violation shall be
7 punishable by a fine of not less than Twenty-five
8 Thousand Dollars (\$25,000.00) and not more than One
9 Hundred Thousand Dollars (\$100,000.00), or

10 b. fifty (50) grams or more of a mixture or substance
11 described in paragraph 2 of this subsection which
12 contains cocaine base, such violation shall be
13 punishable by a fine of not less than One Hundred
14 Thousand Dollars (\$100,000.00) and not more than Five
15 Hundred Thousand Dollars (\$500,000.00); and

16 8. Methylenedioxy methamphetamine:

17 a. thirty (30) tablets or ten (10) grams of a mixture or
18 substance containing a detectable amount of 3,4-
19 Methylenedioxy methamphetamine, such violation shall
20 be punishable by a fine of not less than Twenty-five
21 Thousand Dollars (\$25,000.00) and not more than One
22 Hundred Thousand Dollars (\$100,000.00), or

23 b. one hundred (100) tablets or thirty (30) grams of a
24 mixture or substance containing a detectable amount of

1 3,4-Methylenedioxy methamphetamine, such violation
2 shall be punishable by a fine of not less than One
3 Hundred Thousand Dollars (\$100,000.00) and not more
4 than Five Hundred Thousand Dollars (\$500,000.00).

5 D. Any person who violates the provisions of this section with
6 respect to a controlled substance specified in subsection A of this
7 section in a quantity specified in subsection C of this section
8 shall, in addition to any fines specified by this section, be
9 punishable by a term of imprisonment as follows:

10 1. Not less than twice the term of imprisonment provided for in
11 Section 2-401 of this title;

12 2. If the person has previously been convicted of one violation
13 of this section or has been previously convicted of a felony
14 violation of the Uniform Controlled Dangerous Substances Act arising
15 from separate and distinct transactions, not less than three times
16 the term of imprisonment provided for in Section 2-401 of this
17 title;

18 3. If the person has previously been convicted of two or more
19 violations of this section or any provision of the Uniform
20 Controlled Dangerous Substances Act which constitutes a felony, or a
21 combination of such violations arising out of separate and distinct
22 transactions, life without parole; and

23 4. If the person is convicted of aggravated trafficking as
24 provided in subparagraph b of paragraph 1 of subsection C of this

1 section, subparagraph c of paragraph 2 of subsection C of this
2 section or subparagraph c of paragraph 4 of subsection C of this
3 section, a mandatory minimum sentence of imprisonment in the custody
4 of the Department of Corrections for a term of fifteen (15) years of
5 which the person shall serve eighty-five percent (85%) of such
6 mandatory sentence before being eligible for parole consideration or
7 any earned credits.

8 The terms of imprisonment specified in this subsection shall not
9 be subject to statutory provisions for suspension, deferral or
10 probation, or state correctional institution earned credits accruing
11 from and after November 1, 1989, except for the achievement earned
12 credits authorized by subsection H of Section 138 of Title 57 of the
13 Oklahoma Statutes. To qualify for such achievement credits, such
14 inmates must also be in compliance with the standards for Class
15 level 2 behavior, as defined in subsection D of Section 138 of Title
16 57 of the Oklahoma Statutes.

17 Persons convicted of violations of this section shall not be
18 eligible for appeal bonds.

19 E. Any person convicted of any offense described in this
20 section shall, in addition to any fine imposed, pay a special
21 assessment trauma-care fee of One Hundred Dollars (\$100.00) to be
22 deposited into the Trauma Care Assistance Revolving Fund created in
23 Section 1-2530.9 of this title and the assessment pursuant to
24 Section 2-503.2 of this title.

1 SECTION 9. AMENDATORY 63 O.S. 2001, Section 2-508, as
2 last amended by Section 15, Chapter 442, O.S.L. 2009 (63 O.S. Supp.
3 2010, Section 2-508), is amended to read as follows:

4 Section 2-508. A. Except as otherwise provided, all property
5 described in paragraphs 1 and 2 of subsection A of Section 2-503 of
6 this title which is seized or surrendered pursuant to the provisions
7 of the Uniform Controlled Dangerous Substances Act shall be
8 destroyed. The destruction shall be done by or at the direction of
9 the Oklahoma State Bureau of ~~Investigation~~ Narcotics and Dangerous
10 Drugs Control (OSBNDD), who shall have the discretion prior to
11 destruction to preserve samples of the substance for testing. In
12 any county with a population of four hundred thousand (400,000) or
13 more according to the latest Federal Decennial Census, there shall
14 be a located site, approved by the ~~Oklahoma State Bureau of~~
15 ~~Investigation~~ OSBNDD, for the destruction of the property. Any such
16 property submitted to the ~~Oklahoma State Bureau of Investigation~~
17 OSBNDD which it deems to be of use for investigative training,
18 educational, or analytical purposes may be retained by the ~~Oklahoma~~
19 ~~State Bureau of Investigation~~ OSBNDD in lieu of destruction.

20 B. 1. With respect to controlled dangerous substances seized
21 or surrendered pursuant to the provisions of the Uniform Controlled
22 Dangerous Substances Act, municipal police departments, sheriffs,
23 the Oklahoma Bureau of Narcotics and Dangerous Drugs Control
24 Commission, the Oklahoma Highway Patrol, and the Oklahoma State

1 Bureau of Investigation shall have the authority to destroy seized
2 controlled dangerous substances when the amount seized in a single
3 incident exceeds ten (10) pounds. The destroying agency shall:

- 4 a. photograph the seized substance with identifying case
5 numbers or other means of identification,
- 6 b. prepare a report describing the seized substance prior
7 to the destruction,
- 8 c. retain at least one (1) pound of the substance
9 randomly selected from the seized substance for the
10 purpose of evidence, and
- 11 d. obtain and retain samples of the substance from enough
12 containers, bales, bricks, or other units of substance
13 seized to establish the presence of a weight of the
14 substance necessary to establish a violation of the
15 Trafficking in Illegal Drugs Act pursuant to
16 subsection C of Section 2-415 of this title, if such a
17 weight is present. If such weight is not present,
18 samples of the substance from each container, bale,
19 brick or other unit of substance seized shall be
20 taken. Each sample taken pursuant to this section
21 shall be large enough for the destroying agency and
22 the defendant or suspect to have an independent test
23 performed on the substance for purposes of
24 identification.

1 2. If a defendant or suspect is known to the destroying agency,
2 the destroying agency shall give at least seven (7) days' written
3 notice to the defendant, suspect or counsel for the defendant or
4 suspect of:

- 5 a. the date, the time, and the place where the
6 photographing will take place and notice of the right
7 to attend the photographing, and
- 8 b. the right to obtain samples of the controlled
9 dangerous substance for independent testing and use as
10 evidence.

11 3. The written notice shall also inform the defendant, suspect
12 or counsel for the defendant or suspect that the destroying agency
13 must be notified in writing within seven (7) days from receipt of
14 the notice of the intent of the suspect or defendant to obtain
15 random samples and make arrangements for the taking of samples. The
16 samples for the defendant or suspect must be taken by a person
17 licensed by the Drug Enforcement Administration. If the defendant
18 or counsel for the defendant fails to notify the destroying agency
19 in writing of an intent to obtain samples and fails to make
20 arrangements for the taking of samples, a sample taken pursuant to
21 subparagraph d of paragraph 1 of this subsection shall be made
22 available upon request of the defendant or suspect.

23 The representative samples, the photographs, the reports, and
24 the records made under this section and properly identified shall be

1 admissible in any court or administrative proceeding for any
2 purposes for which the seized substance itself would have been
3 admissible.

4 C. All other property not otherwise provided for in the Uniform
5 Controlled Dangerous Substances Act which has come into the
6 possession of the Oklahoma State Bureau of Narcotics and Dangerous
7 Drugs Control, the Department of Public Safety, the Oklahoma State
8 Bureau of Investigation, the Alcoholic Beverage Laws Enforcement
9 Commission, the Department of Corrections, the Office of the
10 Attorney General, or a district attorney may be disposed of by order
11 of the district court when no longer needed in connection with any
12 litigation. If the owner of the property is unknown to the agency
13 or district attorney, the agency or district attorney shall hold the
14 property for at least six (6) months prior to filing a petition for
15 disposal with the district court except for laboratory equipment
16 which may be forfeited when no longer needed in connection with
17 litigation, unless the property is perishable. The Director or
18 Commissioner of the agency, the Attorney General, or district
19 attorney shall file a petition in the district court of Oklahoma
20 County or in the case of a district attorney, the petition shall be
21 filed in a county within the jurisdiction of the district attorney
22 requesting the authority to:

23 1. Conduct a sale of the property; or
24

1 2. Convert title of the property to the Oklahoma State Bureau
2 of Narcotics and Dangerous Drugs Control, the Department of Public
3 Safety, the Oklahoma State Bureau of Investigation, the Alcoholic
4 Beverage Laws Enforcement Commission, the Department of Corrections,
5 the Office of the Attorney General, or to the district attorney's
6 office for the purposes provided for in subsection J, K or L of this
7 section.

8 The Director, Commissioner, Attorney General or district
9 attorney shall attach to the petition:

- 10 a. a list describing the property, including all
11 identifying numbers and marks, if any,
- 12 b. the date the property came into the possession of the
13 agency or district attorney, and
- 14 c. the name and address of the owner, if known.

15 For any item having an apparent value in excess of One Hundred
16 Dollars (\$100.00), but less than Five Hundred Dollars (\$500.00), the
17 notice of the hearing of the petition for the sale of the property,
18 except laboratory equipment used in the processing, manufacturing or
19 compounding of controlled dangerous substances in violation of the
20 provisions of the Uniform Controlled Dangerous Substances Act, shall
21 be given to every known owner, as set forth in the petition, by
22 first-class mail to the last-known address of the owner at least ten
23 (10) days prior to the date of the hearing. An affidavit of notice
24 being sent shall be filed with the court by a representative of the

1 agency, the Director or Commissioner of the agency, the Attorney
2 General or district attorney. For items in excess of Five Hundred
3 Dollars (\$500.00), a notice of the hearing of the petition for the
4 sale of said property shall be delivered to every known owner as set
5 forth in the petition by certified mail. Notice of a hearing on a
6 petition for forfeiture or sale of laboratory equipment used in the
7 processing, manufacturing or compounding of controlled dangerous
8 substances in violation of the Uniform Controlled Dangerous
9 Substances Act shall not be required.

10 The notice shall contain a brief description of the property, and
11 the location and date of the hearing. In addition, notice of the
12 hearing shall be posted in three public places in the county, one
13 such place being the county courthouse at the regular place assigned
14 for the posting of legal notices. At the hearing, if no owner
15 appears and establishes ownership of the property, the court may
16 enter an order authorizing the Director, Commissioner, Attorney
17 General, or district attorney to donate the property pursuant to
18 subsection J, K or L of this section, to sell the property at a
19 public auction to the highest bidder, or to convert title of the
20 property to the Oklahoma State Bureau of Narcotics and Dangerous
21 Drugs Control, the Department of Public Safety, the Oklahoma State
22 Bureau of Investigation, the Alcoholic Beverage Laws Enforcement
23 Commission, the Department of Corrections, or the Office of the
24 Attorney General for the purposes provided for in subsection J, K or

1 L of this section after at least ten (10) days of notice has been
2 given by publication in one issue of a legal newspaper of the
3 county. If the property is offered for sale at public auction and
4 no bid is received that exceeds fifty percent (50%) of the value of
5 the property, such value to be announced prior to the sale, the
6 Director, Commissioner, Attorney General, or district attorney may
7 refuse to sell the item pursuant to any bid received. The Director,
8 Commissioner, Attorney General, or district attorney shall make a
9 return of the sale and, when confirmed by the court, the order
10 confirming the sale shall vest in the purchaser title to the
11 property so purchased.

12 D. The money received from the sale of property by the Oklahoma
13 State Bureau of Narcotics and Dangerous Drugs Control shall be used
14 for general drug enforcement purposes. These funds shall be
15 transferred to the Bureau of Narcotics Revolving Fund established
16 pursuant to Section 2-107 of this title or in the case of a district
17 attorney, the revolving fund provided for in paragraph 3 of
18 subsection L of Section 2-506 of this title.

19 E. At the request of the Department of Public Safety, the
20 district attorney or a designee of the district attorney may conduct
21 any forfeiture proceedings as described in Section 2-503 of this
22 title on any property subject to forfeiture as described in
23 subsection A, B or C of Section 2-503 of this title. The money
24 received from the sale of property by the Department of Public

1 Safety shall be deposited in the Department of Public Safety
2 Revolving Fund and shall be expended for law enforcement purposes.

3 F. The money received from the sale of property by the
4 Alcoholic Beverage Laws Enforcement Commission shall be deposited in
5 the General Revenue Fund of the state.

6 G. The money received from the sale of property from the
7 Oklahoma State Bureau of Investigation shall be deposited in the
8 OSBI Revolving Fund and shall be expended for law enforcement
9 purposes.

10 H. The Director of the Oklahoma Department of Corrections shall
11 make a return of the sale and when confirmed by the court, the order
12 confirming the sale shall vest in the purchaser title to the
13 property so purchased. Twenty-five percent (25%) of the money
14 received from the sale shall be disbursed to a revolving fund in the
15 office of the county treasurer of the county wherein the property
16 was seized, said fund to be used as a revolving fund solely for
17 enforcement of controlled dangerous substances laws, drug abuse
18 prevention and drug abuse education. The remaining seventy-five
19 percent (75%) shall be deposited in the Department of Corrections
20 Revolving Fund to be expended for equipment for probation and parole
21 officers and correctional officers.

22 I. The money received from the sale of property from the Office
23 of the Attorney General shall be deposited in the Attorney General
24 Law Enforcement Revolving Fund and shall be expended for law

1 enforcement purposes. The Office of the Attorney General may enter
2 into agreements with municipal, county or state agencies to return
3 to such an agency a percentage of proceeds of the sale of any
4 property seized by the agency and forfeited under the provisions of
5 this section.

6 J. Any property, including but not limited to uncontaminated
7 laboratory equipment used in the processing, manufacturing or
8 compounding of controlled dangerous substances in violation of the
9 provisions of the Uniform Controlled Dangerous Substances Act, upon
10 a court order, may be donated for classroom or laboratory use by the
11 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control,
12 Oklahoma Department of Public Safety, district attorney, the
13 Alcoholic Beverage Laws Enforcement Commission, the Oklahoma
14 Department of Corrections, or the Office of the Attorney General to
15 any public secondary school or technology center school in this
16 state or any institution of higher education within The Oklahoma
17 State System of Higher Education.

18 K. Any vehicle or firearm which has come into the possession
19 and title vested in the Oklahoma State Bureau of Narcotics and
20 Dangerous Drugs Control, the Oklahoma Department of Public Safety,
21 the Oklahoma State Bureau of Investigation, or the Office of the
22 Attorney General, may be transferred, donated or offered for lease
23 to any sheriff's office, tribal law enforcement agency, campus
24 police department pursuant to the provisions of the Oklahoma Campus

1 Security Act, or police department in this state on an annual basis
2 to assist with the enforcement of the provisions of the Uniform
3 Controlled Dangerous Substances Act. Each agency shall promulgate
4 rules, regulations and procedures for leasing vehicles and firearms.
5 No fully automatic weapons will be subject to the leasing agreement.
6 All firearms leased may be utilized only by C.L.E.E.T. certified
7 officers who have received training in the type and class of weapon
8 leased. Every lessee shall be required to submit an annual report
9 to the leasing agency stating the condition of all leased property.
10 A lease agreement may be renewed annually at the option of the
11 leasing agency. Upon termination of a lease agreement, the property
12 shall be returned to the leasing agency for sale or other
13 disposition. All funds derived from lease agreements or other
14 disposition of property no longer useful to law enforcement shall be
15 deposited in the agency's revolving fund and shall be expended for
16 law enforcement purposes.

17 L. Before disposing of any property pursuant to subsections C
18 through I of this section, the Oklahoma State Bureau of Narcotics
19 and Dangerous Drugs Control, the Department of Public Safety, the
20 Alcoholic Beverage Laws Enforcement Commission, the Oklahoma State
21 Bureau of Investigation, the Department of Corrections, the Office
22 of the Attorney General, or a district attorney may transfer or
23 donate the property to another state agency, tribal law enforcement
24 agency, or school district for use upon request. In addition to the

1 provisions of this section, the Oklahoma State Bureau of Narcotics
2 and Dangerous Drugs Control may transfer or donate property for any
3 purpose pursuant to Section 2-106.2 of this title. The agencies and
4 any district attorney that are parties to any transfer of property
5 pursuant to this subsection shall enter into written agreements to
6 carry out any such transfer of property. Any such agreement may
7 also provide for the granting of title to any property being
8 transferred as the parties deem appropriate. If the transfer of
9 property is to a school district, a written agreement shall be
10 entered into with the superintendent of the school district. No
11 weapons may be transferred to a school district except as provided
12 for in subsection K of this section.

13 SECTION 10. AMENDATORY Section 2, Chapter 458, O.S.L.
14 2010 (63 O.S. Supp. 2010, Section 2-701), is amended to read as
15 follows:

16 Section 2-701. A. There is hereby created within the Oklahoma
17 State Bureau of Narcotics and Dangerous Drugs Control a registry of
18 persons who, after November 1, 2010, have been convicted, whether
19 upon a verdict or plea of guilty or upon a verdict or plea of nolo
20 contendere, or received a suspended sentence or any deferred or
21 probationary term, or are currently serving a sentence or any form
22 of probation or parole for a crime or attempt to commit a crime
23 including, but not limited to, unlawful possession, conspiring,
24 endeavoring, manufacturing, distribution or trafficking of a

1 precursor or methamphetamines under the provisions of Section 2-322,
2 2-332, 2-401, 2-402, 2-408 or 2-415 of ~~Title 63 of the Oklahoma~~
3 ~~Statutes~~ this title, or any crime including, but not limited to,
4 crimes involving the possession, distribution, manufacturing or
5 trafficking of methamphetamines or illegal amounts of or uses of
6 pseudoephedrine in any federal court, Indian tribal court, or any
7 court of another state if the person is a resident of the State of
8 Oklahoma or seeks to remain in the State of Oklahoma in excess of
9 ten (10) days.

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. As provided in
15 Section 2-212 of ~~Title 63 of the Oklahoma Statutes~~ this title, the
16 provisions of this subsection shall not apply to any compounds,
17 mixtures, or preparations which are in liquid, liquid capsule, or
18 gel capsule form if pseudoephedrine is not the only active
19 ingredient. A prescription for pseudoephedrine shall not provide an
20 exemption for any person to this law. Any person convicted of
21 violating the provisions of this subsection shall be guilty of a
22 felony, punishable by imprisonment in the custody of the Department
23 of Corrections for not less than two (2) years and not more than ten
24

1 (10) years, or by a fine of not more than Five Thousand Dollars
2 (\$5,000.00), or by both such fine and imprisonment.

3 C. The registry created in subsection A of this section shall
4 be maintained by the Bureau. The registry shall be made available
5 for registrants who sell or dispense pseudoephedrine-related
6 products and to law enforcement agencies for law enforcement
7 purposes through the Central Repository and the prescription
8 monitoring program. Every registrant selling, dispensing or
9 otherwise delivering pseudoephedrine products shall deny any sale of
10 pseudoephedrine to any individual listed on the methamphetamine
11 offender registry.

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

13 1. Name of the person;

14 2. Date of birth of the person;

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

17 4. The date of conviction or the date that a plea of guilty or
18 nolo contendere was accepted by the court for any violation of an
19 offense provided for in subsection A of this section;

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

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

23 E. Beginning November 1, 2010, all district court clerks shall
24 forward a copy of the judgment and sentence or other applicable

1 information relating to the disposition of the criminal case and
2 date of birth of all persons who are subject to the provisions of
3 this act for a violation of the offenses described in subsection A
4 of this section to the Bureau. The information shall be sent in an
5 electronic format in a manner prescribed by the Bureau within thirty
6 (30) days of the date of final disposition of the case. ~~Every~~ Any
7 ~~person that receives~~ subject to the registry pursuant to subsection
8 A of this section, having received a deferred sentence or ~~is~~
9 ~~otherwise not in the custody of the Department of Corrections~~
10 conviction in a federal court, Indian tribal court, or any court of
11 another state, shall be required to register and submit a
12 methamphetamine offender registration form in a format prescribed by
13 the Bureau within ~~thirty (30) days of entering a plea or receiving a~~
14 ~~sentence for an offense described in subsection A of this section~~
15 ten (10) days of entering the State of Oklahoma or if incarcerated
16 in a federal institution within the boundaries of Oklahoma, within
17 ten (10) days of release from said institution. Failure to submit
18 the form required by this subsection shall constitute a misdemeanor.

19 F. The Bureau shall remove from the registry the name and other
20 identifying information of a person who has been convicted of a
21 violation of any of the offenses described in subsection A of this
22 section ten (10) years after the date of the most recent judgment
23 and sentence. Any person having received a deferred sentence that
24 expires prior to the ten-year time limitation may apply to the

1 Bureau to be removed from the registry upon the completion of the
2 deferred sentence by providing to the Bureau a certified copy of the
3 dismissal of the case by certified mail. The Bureau may remove the
4 person from the registry upon expiration of the deferred sentence.

5 G. It shall be a violation for any person to assist another
6 person who is subject to the registry in the purchase of any
7 pseudoephedrine products. Any person convicted of violating the
8 provisions of this subsection shall, for a first offense, be guilty
9 of a misdemeanor, punishable by incarceration in the county jail for
10 not more than one (1) year, or by a fine of not more than One
11 Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.
12 Any second or subsequent conviction for a violation of this
13 subsection shall be a felony, punishable by incarceration in the
14 custody of the Department of Corrections for not more than two (2)
15 years, or by a fine of not less than Two Thousand Five Hundred
16 Dollars (\$2,500.00) or by both such fine and imprisonment. For the
17 purposes of this subsection, knowledge that a person was subject to
18 the methamphetamine offender registry may be proven through court
19 testimony or any other public notice or publicly available record
20 including, but not limited to, court records maintained by the
21 Oklahoma Supreme Court Network and the Oklahoma Court Information
22 System. On or prior to November 1, 2011, the Oklahoma State Bureau
23 of Narcotics and Dangerous Drugs Control shall maintain a

24

1 methamphetamine offender registry website available for viewing by
2 the public.

3 SECTION 11. This act shall become effective November 1, 2011.”
4 Passed the House of Representatives the 12th day of April, 2011.

5

6

7 _____
8 Presiding Officer of the House of
Representatives

8

9 Passed the Senate the ____ day of _____, 2011.

10

11

12 _____
Presiding Officer of the Senate

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1 ENGROSSED SENATE
2 BILL NO. 919

By: Sykes of the Senate

3 and

4 Derby of the House

5
6
7 [narcotics and dangerous drugs - Schedule I
8 substances - Schedule II substances - Schedule III
9 substances - Schedule IV substances - Schedule V
10 substances - effective date]

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

12 SECTION 12. AMENDATORY 63 O.S. 2001, Section 2-204, as
13 last amended by Section 1, Chapter 182, O.S.L. 2010 (63 O.S. Supp.
14 2010, Section 2-204), is amended to read as follows:

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

17 A. Any of the following opiates, including their isomers,
18 esters, ethers, salts, and salts of isomers, esters, and ethers,
19 unless specifically excepted, when the existence of these isomers,
20 esters, ethers, and salts is possible within the specific chemical
21 designation:

- 22 1. Acetylmethadol;
- 23 2. Allylprodine;
- 24 3. Alphacetylmethadol;

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

- 1 28. Levophenacylmorphan;
- 2 29. Morpheridine;
- 3 30. Noracymethadol;
- 4 31. Norlevorphanol;
- 5 32. Normethadone;
- 6 33. Norpipanone;
- 7 34. Phenadoxone;
- 8 35. Phenampromide;
- 9 36. Phenomorphan;
- 10 37. Phenoperidine;
- 11 38. Piritramide;
- 12 39. Proheptazine;
- 13 40. Properidine;
- 14 41. Racemoramide;
- 15 42. Trimeperidine;
- 16 43. Flunitrazepam;
- 17 44. B-hydroxy-amphetamine;
- 18 45. B-ketoamphetamine;
- 19 46. 3,4-methylenedioxy-N-methyl-B-ketoamphetamine;
- 20 47. 2,5-dimethoxy-4-methylamphetamine;
- 21 48. 2,5-dimethoxy-4-bromoamphetamine;
- 22 49. 2,5-dimethoxy-4-nitroamphetamine;
- 23 50. 2,5-dimethoxy-4-bromophenethylamine;
- 24 51. 2,5-dimethoxy-4-chlorophenethylamine;

- 1 52. 2,5-dimethoxy-4-iodoamphetamine;
- 2 53. 2,5-dimethoxy-4-iodophenethylamine;
- 3 54. 2,5-dimethoxy-4-methylphenethylamine;
- 4 55. 2,5-dimethoxy-4-ethylphenethylamine;
- 5 56. 2,5-dimethoxy-4-fluorophenethylamine;
- 6 57. 2,5-dimethoxy-4-nitrophenethylamine;
- 7 58. 2,5-dimethoxy-4-ethylthio-phenethylamine;
- 8 59. 2,5-dimethoxy-4-isopropylthio-phenethylamine;
- 9 60. 2,5-dimethoxy-4-propylthio-phenethylamine;
- 10 61. 2,5-dimethoxy-4-cyclopropylmethylthio-phenethylamine;
- 11 62. 2,5-dimethoxy-4-tert-butylthio-phenethylamine;
- 12 63. 2,5-dimethoxy-4-(2-fluoroethylthio)-phenethylamine;
- 13 64. 5-methoxy-N, N-dimethyltryptamine;
- 14 65. N-methyltryptamine;
- 15 66. A-ethyltryptamine;
- 16 67. A-methyltryptamine;
- 17 68. N, N-diethyltryptamine;
- 18 69. N, N-diisopropyltryptamine;
- 19 70. N, N-dipropyltryptamine;
- 20 71. 5-methoxy-a-methyltryptamine;
- 21 72. 4-hydroxy-N, N-diethyltryptamine;
- 22 73. 4-hydroxy-N, N-diisopropyltryptamine;
- 23 74. 5-methoxy-N, N-diisopropyltryptamine; ~~or~~
- 24 75. 4-hydroxy-N-isopropyl-N-methyltryptamine;

1 76. 3,4-Methylenedioxy methcathinone (Methylone);

2 77. 3,4-Methylenedioxy pyrovalerone (MDPV);

3 78. 4-Methylmethcathinone (Mephedrone);

4 79. 4-methoxymethcathinone;

5 80. 4-Fluoromethcathinone; or

6 81. 3-Fluoromethcathinone.

7 B. Any of the following opium derivatives, their salts,
8 isomers, and salts of isomers, unless specifically excepted, when
9 the existence of these salts, isomers, and salts of isomers is
10 possible within the specific chemical designation:

11 1. Acetorphine;

12 2. Acetyldihydrocodeine;

13 3. Benzylmorphine;

14 4. Codeine methylbromide;

15 5. Codeine-N-Oxide;

16 6. Cyprenorphine;

17 7. Desomorphine;

18 8. Dihydromorphine;

19 9. Etorphine;

20 10. Heroin;

21 11. Hydromorphinol;

22 12. Methyl desorphine;

23 13. Methylhydromorphine;

24 14. Morphine methylbromide;

1 15. Morphine methylsulfonate;

2 16. Morphine-N-Oxide;

3 17. Myrophine;

4 18. Nicocodeine;

5 19. Nicomorphine;

6 20. Normorphine;

7 21. Phoclodine; or

8 22. Thebacon.

9 C. Any material, compound, mixture, or preparation which
10 contains any quantity of the following hallucinogenic substances,
11 their salts, isomers, and salts of isomers, unless specifically
12 excepted, when the existence of these salts, isomers, and salts of
13 isomers is possible within the specific chemical designation:

14 1. Methcathinone;

15 2. 3, 4-methylenedioxy amphetamine;

16 3. 3, 4-methylenedioxy methamphetamine;

17 4. 5-methoxy-3, 4-methylenedioxy amphetamine;

18 5. 3, 4, 5-trimethoxy amphetamine;

19 6. Bufotenine;

20 7. Diethyltryptamine;

21 8. Dimethyltryptamine;

22 9. 4-methyl-2, 5-dimethoxyamphetamine;

23 10. Ibogaine;

24 11. Lysergic acid diethylamide;

- 1 12. Marihuana;
- 2 13. Mescaline;
- 3 14. N-benzylpiperazine;
- 4 15. N-ethyl-3-piperidyl benzilate;
- 5 16. N-methyl-3-piperidyl benzilate;
- 6 17. Psilocybin;
- 7 18. Psilocyn;
- 8 19. 2, 5 dimethoxyamphetamine;
- 9 20. 4 Bromo-2, 5-dimethoxyamphetamine;
- 10 21. 4 methoxyamphetamine;
- 11 22. Cyclohexamine;
- 12 23. Salvia Divinorum;
- 13 24. Salvinorin A;
- 14 25. Thiophene Analog of Phencyclidine. Also known as: 1-(1-(2-
- 15 thienyl) cyclohexyl) piperidine; 2-Thienyl Analog of Phencyclidine;
- 16 TPCP, TCP;
- 17 26. Phencyclidine (PCP);
- 18 27. Pyrrolidine Analog for Phencyclidine. Also known as 1-(1-
- 19 Phenyclyclohexyl) - Pyrrolidine, PCPy, PHP;
- 20 28. 1-(2-[trifluoromethylphenyl]) piperazine;
- 21 29. 1-Butyl-3-(1-naphthoyl) indole;
- 22 30. 1-Pentyl-3-(1-naphthoyl) indole; ~~ex~~
- 23 31. (6aR,10aR)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2-
- 24 methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol; or

1 32. Any quantity of a synthetic chemical compound that
2 is a cannabinoid receptor agonist and mimics the pharmacological
3 effect of naturally occurring substances including:

4 a. naphthoylindoles structurally derived from 3-(1-
5 naphthoyl) indole by substitution at the nitrogen atom
6 of the indole ring by alkyl, alkenyl,
7 cycloalkylmethyl, cycloalkylethyl, or 2-(4-
8 morpholinyl) ethyl, whether or not further substituted
9 in the indole ring to any extent, whether or not
10 substituted in the naphthyl ring to any extent,
11 including:

12 (1) JWH-004,

13 (2) JWH-007,

14 (3) JWH-009,

15 (4) JWH-015,

16 (5) JWH-016,

17 (6) JWH-018,

18 (7) JWH-019,

19 (8) JWH-020,

20 (9) JWH-046,

21 (10) JWH-047,

22 (11) JWH-048,

23 (12) JWH-049,

24 (13) JWH-050,

- 1 (14) JWH-070,
- 2 (15) JWH-071,
- 3 (16) JWH-072,
- 4 (17) JWH-073,
- 5 (18) JWH-076,
- 6 (19) JWH-079,
- 7 (20) JWH-080,
- 8 (21) JWH-081,
- 9 (22) JWH-082,
- 10 (23) JWH-094,
- 11 (24) JWH-096,
- 12 (25) JWH-098,
- 13 (26) JWH-116,
- 14 (27) JWH-120,
- 15 (28) JWH-122,
- 16 (29) JWH-148,
- 17 (30) JWH-149,
- 18 (31) JWH-180,
- 19 (32) JWH-181,
- 20 (33) JWH-182,
- 21 (34) JWH-189,
- 22 (35) JWH-193,
- 23 (36) JWH-198,
- 24 (37) JWH-200,

- 1 (38) JWH-210,
- 2 (39) JWH-211,
- 3 (40) JWH-212,
- 4 (41) JWH-213,
- 5 (42) JWH-234,
- 6 (43) JWH-235,
- 7 (44) JWH-236,
- 8 (45) JWH-239,
- 9 (46) JWH-240,
- 10 (47) JWH-241,
- 11 (48) JWH-242,
- 12 (49) JWH-262,
- 13 (50) JWH-386,
- 14 (51) JWH-387,
- 15 (52) JWH-394,
- 16 (53) JWH-395,
- 17 (54) JWH-397,
- 18 (55) JWH-398,
- 19 (56) JWH-399,
- 20 (57) JWH-400,
- 21 (58) JWH-412,
- 22 (59) JWH-413,
- 23 (60) JWH-414, and
- 24 (61) JWH-415,

1 b. naphthylmethylindones structurally derived from 1H-
2 indol-3-yl-(1-naphthyl) methane by substitution at the
3 nitrogen atom of the indole ring by alkyl, alkenyl,
4 cycloalkylmethyl, cycloalkylethyl, or 2-(4-
5 morpholinyl) ethyl, whether or not further substituted
6 in the indole ring to any extent, whether or not
7 substituted in the naphthyl ring to any extent,
8 including:

9 (1) JWH-175,

10 (2) JWH-184,

11 (3) JWH-185,

12 (4) JWH-192,

13 (5) JWH-194,

14 (6) JWH-195,

15 (7) JWH-196,

16 (8) JWH-197, and

17 (9) JWH-199,

18 c. naphthoylpyrroles structurally derived from 3-(1-
19 naphthoyl) pyrrole by substitution at the nitrogen
20 atom of the pyrrole ring by alkyl, alkenyl,
21 cycloalkylmethyl, cycloalkylethyl, or 2-(4-
22 morpholinyl) ethyl, whether or not further substituted
23 in the pyrrole ring to any extent, whether or not
24

1 substituted in the naphthyl ring to any extent,

2 including:

3 (1) JWH-030,

4 (2) JWH-145,

5 (3) JWH-146,

6 (4) JWH-147,

7 (5) JWH-150,

8 (6) JWH-156,

9 (7) JWH-243,

10 (8) JWH-244,

11 (9) JWH-245,

12 (10) JWH-246,

13 (11) JWH-292,

14 (12) JWH-293,

15 (13) JWH-307,

16 (14) JWH-308,

17 (15) JWH-346,

18 (16) JWH-348,

19 (17) JWH-363,

20 (18) JWH-364,

21 (19) JWH-365,

22 (20) JWH-367,

23 (21) JWH-368,

24 (22) JWH-369,

1 (23) JWH-370,

2 (24) JWH-371,

3 (25) JWH-373, and

4 (26) JWH-392,

5 d. naphthylmethylenes structurally derived from 1-(1-
6 naphthylmethyl) indene by substitution at the 3-
7 position of the indene ring by alkyl, alkenyl,
8 cycloalkylmethyl, cycloalkylethyl, or 2-(4-
9 morpholinyl) ethyl, whether or not further substituted
10 in the indene ring to any extent, whether or not
11 substituted in the naphthyl ring to any extent,
12 including JWH-176; phenylacetylindoles structurally
13 derived from 3-phenylacetylindole by substitution at
14 the nitrogen atom of the indole ring with alkyl,
15 alkenyl, cycloalkylmethyl, cycloalkylethyl, or 2-(4-
16 morpholinyl) ethyl, whether or not further substituted
17 in the indole ring to any extent, whether or not
18 substituted in the phenyl ring to any extent,
19 including:

20 (1) JWH-167,

21 (2) JWH-201,

22 (3) JWH-202,

23 (4) JWH-203,

24 (5) JWH-204,

- 1 (6) JWH-205,
- 2 (7) JWH-206,
- 3 (8) JWH-207,
- 4 (9) JWH-208,
- 5 (10) JWH-209,
- 6 (11) JWH-237,
- 7 (12) JWH-248,
- 8 (13) JWH-249,
- 9 (14) JWH-250,
- 10 (15) JWH-251,
- 11 (16) JWH-252,
- 12 (17) JWH-253,
- 13 (18) JWH-302,
- 14 (19) JWH-303,
- 15 (20) JWH-304,
- 16 (21) JWH-305,
- 17 (22) JWH-306,
- 18 (23) JWH-311,
- 19 (24) JWH-312,
- 20 (25) JWH-313,
- 21 (26) JWH-314,
- 22 (27) JWH-315, and
- 23 (28) JWH-316,

24

1 e. cyclohexylphenols structurally derived from 2-(3-
2 hydroxycyclohexyl) phenol by substitution at the 5-
3 position of the phenolic ring by alkyl, alkenyl,
4 cycloalkylmethyl, cycloalkylethyl, or 2-(4-
5 morpholinyl) ethyl, whether or not substituted in the
6 cyclohexyl ring to any extent, including:

7 (1) CP-55, 940,

8 (2) CP-47, 497, and

9 (3) analogues of CP-47, 497, including VII, V, VIII,
10 I, II, III, IV, IX, X, XI, XII, XIII, XV, and
11 XVI, and

12 f. cannabinol derivatives, except where contained in
13 cannabis or cannabis resin, including tetrahydro
14 derivatives of cannabinol and 3-alkyl homologues of
15 cannabinol or of its tetrahydro derivatives, such as:

16 (1) delta-9-THC,

17 (2) delta-8-THC,

18 (3) nabilone,

19 (4) HU-210,

20 (5) HU-211, and

21 (6) WIN-55, 212-2.

22 D. Unless specifically excepted or unless listed in a different
23 schedule, any material, compound, mixture, or preparation which
24

1 contains any quantity of the following substances having stimulant
2 or depressant effect on the central nervous system:

3 1. Fenethylline;

4 2. Mecloqualone;

5 3. N-ethylamphetamine;

6 4. Methaqualone;

7 5. Gamma-Hydroxybutyric Acid, also known as GHB, gamma-
8 hydroxybutyrate, 4-hydroxybutyrate, 4-hydroxybutanoic acid, sodium
9 oxybate, and sodium oxybutyrate;

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

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

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

19 9. 1,4 Butanediol (1,4 BD or BDO) as packaged, marketed,
20 manufactured, or promoted for human consumption with the exception
21 of legitimate manufacturing purposes.

22 E. 1. The following industrial uses of Gamma-Butyrolactone,
23 Gamma Hydroxyvalerate, Gamma Valerolactone, or 1,4 Butanediol are

24

1 excluded from all schedules of controlled substances under this
2 title:

- 3 a. pesticides,
- 4 b. photochemical etching,
- 5 c. electrolytes of small batteries or capacitors,
- 6 d. viscosity modifiers in polyurethane,
- 7 e. surface etching of metal coated plastics,
- 8 f. organic paint disbursements for water soluble inks,
- 9 g. pH regulators in the dyeing of wool and polyamide
10 fibers,
- 11 h. foundry chemistry as a catalyst during curing,
- 12 i. curing agents in many coating systems based on
13 urethanes and amides,
- 14 j. additives and flavoring agents in food, confectionary,
15 and beverage products,
- 16 k. synthetic fiber and clothing production,
- 17 l. tetrahydrofuran production,
- 18 m. gamma butyrolactone production,
- 19 n. polybutylene terephthalate resin production,
- 20 o. polyester raw materials for polyurethane elastomers
21 and foams,
- 22 p. coating resin raw material, and
23 q. as an intermediate in the manufacture of other
24 chemicals and pharmaceuticals.

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

7 3. In making a determination regarding an industrial product,
8 the Director, after notice and hearing, shall consider the
9 following:

- 10 a. the history and current pattern of abuse,
- 11 b. the name and labeling of the product,
- 12 c. the intended manner of distribution, advertising and
13 promotion of the product, and
- 14 d. other factors as may be relevant to and consistent
15 with the public health and safety.

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

18 SECTION 13. AMENDATORY 63 O.S. 2001, Section 2-206, as
19 last amended by Section 2, Chapter 332, O.S.L. 2008 (63 O.S. Supp.
20 2010, Section 2-206), is amended to read as follows:

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

23 A. Any of the following substances except those narcotic drugs
24 listed in other schedules whether produced directly or indirectly by

1 extraction from substances of vegetable origin, or independently by
2 means of chemical synthesis, or by combination of extraction and
3 chemical synthesis:

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

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

10 3. Opium poppy and poppy straw; or

11 4. Coca leaves except coca leaves and extracts of coca leaves
12 from which cocaine, ecgonine, and derivatives of ecgonine or their
13 salts have been removed; cocaine, its salts, optical and geometric
14 isomers, and salts of isomers; ecgonine, its derivatives, their
15 salts, isomers and salts of isomers; or any compound, mixture or
16 preparation which contains any quantity of any of the substances
17 referred to in this paragraph.

18 B. Any of the following opiates, including their isomers,
19 esters, ethers, salts, and salts of isomers, esters and ethers, when
20 the existence of these isomers, esters, ethers, and salts is
21 possible within the specific chemical designation:

22 1. Alphaprodine;

23 2. Anileridine;

24 3. Bezitramide;

- 1 4. Dihydrocodeine;
- 2 5. Diphenoxylate;
- 3 6. Fentanyl;
- 4 7. Hydromorphone;
- 5 8. Isomethadone;
- 6 9. Levomethorphan;
- 7 10. Levorphanol;
- 8 11. Metazocine;
- 9 12. Methadone;
- 10 13. Methadone - Intermediate, 4-cyano-2-dimethylamino-4, 4-
- 11 diphenyl butane;
- 12 14. Moramide - Intermediate, 2-methyl-3-morpholino-1, 1-
- 13 diphenyl-propane-carboxylic acid;
- 14 15. Oxycodone;
- 15 16. Oxymorphone;
- 16 17. Pethidine (Meperidine);
- 17 18. Pethidine - Intermediate - A, 4-cyano-1-methyl-4-
- 18 phenylpiperidine;
- 19 19. Pethidine - Intermediate - B, ethyl-4-phenylpiperidine-4-
- 20 carboxylate;
- 21 20. Pethidine - Intermediate - C, 1-methyl-4-phenylpiperidine-
- 22 4-carboxylic acid;
- 23 21. Phenazocine;
- 24 22. Piminodine;

- 1 23. Racemethorphan;
- 2 24. Racemorphan;
- 3 25. Etorphine Hydrochloride salt only;
- 4 26. Alfentanil hydrochloride; ~~or~~
- 5 27. Levo-alphaacetylmethadol;
- 6 28. Codeine;
- 7 29. Hydrocodone;
- 8 30. Morphine;
- 9 31. Remifentanil; or
- 10 32. Sufentanil.
- 11 C. Any substance which contains any quantity of:
- 12 1. Methamphetamine, including its salts, isomers, and salts of
- 13 isomers; or
- 14 2. Amphetamine, its salts, optical isomers, and salts of its
- 15 optical isomers.
- 16 D. Unless specifically excepted or unless listed in another
- 17 schedule, any material, compound, mixture, or preparation, which
- 18 contains any quantity of the following substances having stimulant
- 19 or depressant effect on the central nervous system:
- 20 1. Phenmetrazine and its salts;
- 21 2. Methylphenidate;
- 22 3. Amobarbital;
- 23 4. Pentobarbital; or
- 24 5. Secobarbital.

1 SECTION 14. AMENDATORY 63 O.S. 2001, Section 2-208, as
2 amended by Section 3, Chapter 283, O.S.L. 2005 (63 O.S. Supp. 2010,
3 Section 2-208), is amended to read as follows:

4 Section 2-208. The controlled substances listed in this section
5 are included in Schedule III.

6 A. Unless listed in another schedule, any material, compound,
7 mixture, or preparation, which contains any quantity of the
8 following substances or any other substance having a potential for
9 abuse associated with a stimulant or depressant effect on the
10 central nervous system:

11 1. Any substance which contains any quantity of a derivative of
12 barbituric acid, or any salt of a derivative of barbituric acid
13 unless specifically excepted or unless listed in another schedule;

14 2. Chlorhexadol;

15 3. Glutethimide;

16 4. Lysergic acid;

17 5. Lysergic acid amide;

18 6. Methyprylon;

19 7. Sulfondiethylmethane;

20 8. Sulfonethylmethane;

21 9. Sulfonmethane;

22 10. Benzephetamine and its salts;

23 11. Chlorphentermine and its salts;

24 12. Clortermine;

- 1 13. Mazindol;
- 2 14. Phendimetrazine;
- 3 15. Phenylacetone (P2P);
- 4 16. 1-Phenycyclohexylamine;
- 5 17. 1-Piperidinocycchexanecarbo nitrile (PCC);
- 6 18. Ketamine, its salts, isomers, and salts of isomers;
- 7 19. Any material, compound, mixture, or preparation which
- 8 contains any quantity of the following hormonal substances or
- 9 steroids, including their salts, isomers, esters and salts of
- 10 isomers and esters, when the existence of these salts, isomers,
- 11 esters, and salts of isomers and esters is possible within the
- 12 specific chemical designation:
 - 13 a. Boldenone,
 - 14 b. Chlorotestosterone,
 - 15 c. Clostebol,
 - 16 d. Dehydrochlormethyltestosterone,
 - 17 e. Dihydrotestosterone,
 - 18 f. Drostanolone,
 - 19 g. Ethylestrenol,
 - 20 h. Fluoxymesterone,
 - 21 i. Formebolone,
 - 22 j. Mesterolone,
 - 23 k. Methandienone,
 - 24 l. Methandranone,

- 1 m. Methandriol,
- 2 n. Methandrostenolone,
- 3 o. Methenolone,
- 4 p. Methyltestosterone, except as provided in subsection E
- 5 of this section,
- 6 q. Mibolerone,
- 7 r. Nandrolone,
- 8 s. Norethandrolone,
- 9 t. Oxandrolone,
- 10 u. Oxymesterone,
- 11 v. Oxymetholone,
- 12 w. Stanolone,
- 13 x. Stanozolol,
- 14 y. Testolactone,
- 15 z. Testosterone, except as provided in subsection E of
- 16 this section, and
- 17 aa. Trenbolone;
- 18 20. Tetrahydrocannabinols; ~~or~~
- 19 21. Any drug product containing gamma-hydroxybutyric acid,
- 20 including its salts, isomers, and salts of isomers, for which an
- 21 application has been approved under Section 505 of the Federal Food,
- 22 Drug, and Cosmetic Act;
- 23 22. Buprenorphine; or
- 24 23. Hydrocodone with another active ingredient.

1 Livestock implants as regulated by the Federal Food and Drug
2 Administration shall be exempt.

3 B. Nalorphine.

4 C. Unless listed in another schedule, any material, compound,
5 mixture, or preparation containing limited quantities of any of the
6 following narcotic drugs, or any salts thereof:

7 1. Not more than one and eight-tenths (1.8) grams of codeine or
8 any of its salts, per one hundred (100) milliliters or not more than
9 ninety (90) milligrams per dosage unit, with an equal or greater
10 quantity of an isoquinoline alkaloid of opium;

11 2. Not more than one and eight-tenths (1.8) grams of codeine or
12 any of its salts, per one hundred (100) milliliters or not more than
13 ninety (90) milligrams per dosage unit, with one or more active,
14 nonnarcotic ingredients in recognized therapeutic amounts;

15 3. Not more than three hundred (300) milligrams of
16 dihydrocodeinone or any of its salts, per one hundred (100)
17 milliliters or not more than fifteen (15) milligrams per dosage
18 unit, with a fourfold or greater quantity of an isoquinoline
19 alkaloid of opium;

20 4. Not more than three hundred (300) milligrams of
21 dihydrocodeinone or any of its salts, per one hundred (100)
22 milliliters or not more than fifteen (15) milligrams per dosage
23 unit, with one or more active, nonnarcotic ingredients in recognized
24 therapeutic amounts;

1 5. Not more than one and eight-tenths (1.8) grams of
2 dihydrocodeine or any of its salts, per one hundred (100)
3 milliliters or not more than ninety (90) milligrams per dosage unit,
4 with one or more active, nonnarcotic ingredients in recognized
5 therapeutic amounts;

6 6. Not more than three hundred (300) milligrams of
7 ethylmorphine or any of its salts, per one hundred (100) milliliters
8 or not more than fifteen (15) milligrams per dosage unit, with one
9 or more ingredients in recognized therapeutic amounts;

10 7. Not more than five hundred (500) milligrams of opium per one
11 hundred (100) milliliters or per one hundred (100) grams, or not
12 more than twenty-five (25) milligrams per dosage unit, with one or
13 more active, nonnarcotic ingredients in recognized therapeutic
14 amounts; or

15 8. Not more than fifty (50) milligrams of morphine or any of
16 its salts, per one hundred (100) milliliters or per one hundred
17 (100) grams with one or more active, nonnarcotic ingredients in
18 recognized therapeutic amounts.

19 D. The Board of Pharmacy may except by rule any compound,
20 mixture, or preparation containing any stimulant or depressant
21 substance listed in subsections A and B of this section from the
22 application of all or any part of the Uniform Controlled Dangerous
23 Substances Act if the compound, mixture, or preparation contains one
24 or more active medicinal ingredients not having a stimulant or

1 depressant effect on the central nervous system, and if the
2 admixtures are included therein in combinations, quantity,
3 proportion, or concentration that vitiate the potential for abuse of
4 the substances which have a stimulant or depressant effect on the
5 central nervous system.

6 E. The following hormonal substances or steroids are exempt
7 from classification as Schedule III controlled dangerous substances:

8 1. Estratest, containing 1.25 mg esterified estrogens and 2.5
9 mg methyltestosterone;

10 2. Estratest HS, containing 0.625 mg esterified estrogens and
11 1.25 mg methyltestosterone;

12 3. Premarin with Methyltestosterone, containing 1.25 mg
13 conjugated estrogens and 10.0 mg methyltestosterone;

14 4. Premarin with Methyltestosterone, containing 0.625 mg
15 conjugated estrogens and 5.0 mg methyltestosterone;

16 5. Testosterone Cypionate - Estradiol Cypionate injection,
17 containing 50 mg/ml Testosterone Cypionate; and

18 6. Testosterone Enanthate - Estradiol Valerate injection,
19 containing 90 mg/ml Testosterone Enanthate and 4 mg/ml Estradiol
20 Valerate.

21 SECTION 15. AMENDATORY 63 O.S. 2001, Section 2-210, as
22 last amended by Section 3, Chapter 248, O.S.L. 2007 (63 O.S. Supp.
23 2010, Section 2-210), is amended to read as follows:

24

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

- 5 1. Chloral betaine;
- 6 2. Chloral hydrate;
- 7 3. Ethchlorvynol;
- 8 4. Ethinamate;
- 9 5. Meprobamate;
- 10 6. Paraldehyde;
- 11 7. Petrichloral;
- 12 8. Diethylpropion;
- 13 9. Phentermine;
- 14 10. Pemoline;
- 15 11. Chlordiazepoxide;
- 16 12. Chlordiazepoxide and its salts, but not including
17 chlordiazepoxide hydrochloride and clidinium bromide or
18 chlordiazepoxide and water-soluble esterified estrogens;
- 19 13. Diazepam;
- 20 14. Oxazepam;
- 21 15. Clorazepate;
- 22 16. Flurazepam and its salts;
- 23 17. Clonazepam;
- 24 18. Barbital;

- 1 19. Mebutamate;
- 2 20. Methohexital;
- 3 21. Methylphenobarbital;
- 4 22. Phenobarbital;
- 5 23. Fenfluramine;
- 6 24. Pentazocine;
- 7 25. Propoxyphene;
- 8 26. Butorphanol;
- 9 27. Alprazolam;
- 10 28. Halazepam;
- 11 29. Lorazepam;
- 12 30. Prazepam;
- 13 31. Temazepam;
- 14 32. Triazolam;
- 15 33. Carisoprodol;
- 16 34. Ephedrine, its salts, optical isomers, and salts of optical
17 isomers as the only active ingredient, or in combination with other
18 active ingredients; ~~or~~
- 19 35. Dichloralphenazone;
- 20 36. Estazolam;
- 21 37. Eszopiclone;
- 22 38. Midazolam;
- 23 39. Modafinil;
- 24 40. Zaleplon; or

1 41. Zolpidem.

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

- 7 a. Breathe-Aid,
- 8 b. BronCare,
- 9 c. Bronchial Congestion,
- 10 d. Bronkaid Tablets,
- 11 e. Bronkaid Dual Action Caplets,
- 12 f. Bronkotabs,
- 13 g. Bronkolixir,
- 14 h. NeoRespin,
- 15 i. Pazo Hemorrhoid Ointment and Suppositories,
- 16 j. Primatene Tablets,
- 17 k. Primatene "Dual Action" Formula,
- 18 l. Quelidrine,
- 19 m. Resp, and
- 20 n. Vatronal Nose Drops.

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

1 a. is labeled and marketed in a manner consistent with
2 the pertinent OTC tentative final or final monograph
3 issued by the FDA, and

4 b. is manufactured and distributed for legitimate
5 medicinal use and in a manner that reduces or
6 eliminates the likelihood of abuse.

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

9 a. the history and current pattern of abuse,

10 b. the name and labeling of the product,

11 c. the intended manner of distribution, advertising and
12 promotion of the product, and

13 d. other factors as may be relevant to and consistent
14 with the public health and safety.

15 4. The hearing shall be held in accordance with the
16 Administrative Procedures Act.

17 5. A list of current drug products meeting exemption
18 requirements under this subsection may be obtained from the Bureau
19 upon written request.

20 C. The Board of Pharmacy may except by rule any compound,
21 mixture, or preparation containing any depressant substance listed
22 in subsection A of this section from the application of all or any
23 part of the Uniform Controlled Dangerous Substances Act, Section 2-
24 101 et seq. of this title, if the compound, mixture, or preparation

1 contains one or more active medicinal ingredients not having a
2 depressant effect on the central nervous system, and if the
3 admixtures are included therein in combinations, quantity,
4 proportion, or concentration that vitiate the potential for abuse of
5 the substances which have a depressant effect on the central nervous
6 system.

7 SECTION 16. AMENDATORY 63 O.S. 2001, Section 2-212, as
8 last amended by Section 4, Chapter 458, O.S.L. 2010 (63 O.S. Supp.
9 2010, Section 2-212), is amended to read as follows:

10 Section 2-212. A. The controlled substances listed in this
11 section are included in Schedule V.

12 1. Any compound, mixture, or preparation containing limited
13 quantities of any of the following narcotic drugs, which also
14 contains one or more nonnarcotic active medicinal ingredients in
15 sufficient proportion to confer upon the compound, mixture, or
16 preparation, valuable medicinal qualities other than those possessed
17 by the narcotic drug alone:

18 a. not more than two hundred (200) milligrams of codeine,
19 or any of its salts, per one hundred (100) milliliters
20 or per one hundred (100) grams,

21 b. not more than one hundred (100) milligrams of
22 dihydrocodeine, or any of its salts, per one hundred
23 (100) milliliters or per one hundred (100) grams,
24

- 1 c. not more than one hundred (100) milligrams of
2 ethylmorphine, or any of its salts, per one hundred
3 (100) milliliters or per one hundred (100) grams,
4 d. not more than two and five-tenths (2.5) milligrams of
5 diphenoxylate and not less than twenty-five (25)
6 micrograms of atropine sulfate per dosage unit, or
7 e. not more than one hundred (100) milligrams of opium
8 per one hundred (100) milliliters or per one hundred
9 (100) grams.

10 2. Any compound, mixture, or preparation containing any
11 detectable quantity of pseudoephedrine, its salts or optical
12 isomers, or salts of optical isomers. If any compound, mixture, or
13 preparation as specified in this paragraph is dispensed, sold, or
14 distributed in a pharmacy:

- 15 a. it shall be dispensed, sold, or distributed only by,
16 or under the supervision of, a licensed pharmacist or
17 a registered pharmacy technician, and
18 b. any person purchasing, receiving, or otherwise
19 acquiring any compound, mixture, or preparation shall
20 produce a driver license, passport, military
21 identification, or other state-issued identification
22 card and shall sign a written log, receipt, or other
23 program or mechanism approved by the Oklahoma Bureau
24 of Narcotics and Dangerous Drugs Control, showing:

- 1 (1) the date of the transaction,
- 2 (2) name of the purchaser,
- 3 (3) driver license number, passport, military
- 4 identification, or state-issued identification
- 5 number and state of residence of the purchaser,
- 6 (4) name and initials of the pharmacist or pharmacy
- 7 technician conducting the transaction,
- 8 (5) the product being sold, and
- 9 (6) total quantity, in grams or milligrams, of
- 10 pseudoephedrine purchased.

11 No person shall purchase, receive, or otherwise acquire more
12 than nine (9) grams of any product, mixture, or preparation within
13 any thirty-day period. Provided, the requirements of this
14 subsection shall not apply to any quantity of such product, mixture
15 or preparation dispensed pursuant to a valid prescription.

16 B. The Schedule, as specified in paragraph 2 of subsection A,
17 shall not apply to any compounds, mixtures, or preparations which
18 are in liquid, liquid capsule, or gel capsule form if
19 pseudoephedrine is not the only active ingredient.

20 C. The Director of the Oklahoma State Bureau of Narcotics and
21 Dangerous Drugs Control, by rule, may exempt other products from
22 this Schedule which the Director finds are not used in the illegal
23 manufacture of methamphetamine or other controlled dangerous
24 substances. A manufacturer of a drug product may apply for removal

1 of the product from the Schedule if the product is determined by the
2 Director to have been formulated in such a way as to effectively
3 prevent the conversion of the active ingredient into
4 methamphetamine.

5 D. As used in this section:

6 1. "Gel capsule" means any soft gelatin, liquid-filled capsule
7 that contains a liquid suspension, which, in the case of
8 pseudoephedrine, is suspended in a matrix of glycerin, polyethylene
9 glycol, and propylene glycol, along with other liquid substances.
10 Regardless of product manufacturer labeling, a gelatin-covered solid
11 does not constitute a gel capsule under this definition; and

12 2. "Active ingredient" shall include the matrix of glycerin,
13 polyethylene glycol, and propylene glycol that is found in liquid
14 capsules.

15 E. Pregabalin.

16 SECTION 17. AMENDATORY 63 O.S. 2001, Section 2-309, as
17 amended by Section 2, Chapter 273, O.S.L. 2008 (63 O.S. Supp. 2010,
18 Section 2-309), is amended to read as follows:

19 Section 2-309. A. 1. Except for dosages medically required
20 for a period not to exceed forty-eight (48) hours which are
21 administered by or on direction of a practitioner, other than a
22 pharmacist, or medication dispensed directly by a practitioner,
23 other than a pharmacist, to an ultimate user, no controlled
24 dangerous substance included in Schedule II, which is a prescription

1 drug as determined under regulation promulgated by the Board of
2 Pharmacy, may be dispensed without the written prescription of a
3 practitioner; provided, that, in emergency situations, as prescribed
4 by the Board of Pharmacy by regulation, such drug may be dispensed
5 upon oral prescription reduced promptly to writing and filed by the
6 pharmacist in a manner to be prescribed by rules and regulations of
7 the Director.

8 2. The transmission of written prescription by practitioner to
9 dispensing pharmacy by facsimile or electronic transmission with
10 electronic signature is permitted only under the following
11 conditions:

12 a. for Schedule II drugs, the original prescription must
13 be presented and verified against the facsimile at the
14 time the substances are actually dispensed, and the
15 original document must be properly annotated and
16 retained for filing, except:

17 (1) home infusion pharmacy may consider the facsimile
18 to be a "written prescription" as required by
19 this act and as required by Title 21 U.S.C.,
20 Section 829(a). The facsimile copy of the
21 prescription shall be retained as an original
22 prescription, and it must contain all the
23 information required by this act and 21 CFR,
24 Section 1306.05(a), including date issued, the

1 patient's full name and address, and the
2 practitioner's name, address, DEA registration
3 number, and signature. The exception to the
4 regulations for home infusion/IV therapy is
5 intended to facilitate the means by which home
6 infusion pharmacies obtain prescriptions for
7 patients requiring the frequently modified
8 parenteral controlled release administration of
9 narcotic substances, but does not extend to the
10 dispensing of oral dosage units of controlled
11 substances, and

12 (2) the same exception is granted to patients in Long
13 Term Care facilities (LTCF), which are filled by
14 and delivered to the facility by a dispensing
15 pharmacy, and

16 b. for drugs in Schedules III and IV, a facsimile copy of
17 a written, signed prescription transmitted directly by
18 the prescribing practitioner to the pharmacy can serve
19 as an original prescription. Electronic prescribing
20 may be utilized for Schedules III and IV subject to
21 the same requirements as set forth in 21 CFR, Section
22 1311 et seq.

1 3. Prescriptions shall be retained in conformity with the
2 requirements of this section and Section 2-307 of this title. No
3 prescription for a Schedule II substance may be refilled.

4 B. 1. Except for dosages medically required for a period not
5 to exceed forty-eight (48) hours which are administered by or on
6 direction of a practitioner, other than a pharmacist, or medication
7 dispensed directly by a practitioner, other than a pharmacist, to an
8 ultimate user, no controlled dangerous substance included in
9 Schedule III or IV, which is a prescription drug as determined under
10 regulation promulgated by the Board of Pharmacy, may be dispensed
11 without a written or oral prescription.

12 2. A written or oral prescription for a controlled dangerous
13 substance in Schedule III or IV may not be filled or refilled more
14 than six (6) months after the date thereof or be refilled more than
15 five times after the date of the prescription, unless renewed by the
16 practitioner.

17 C. No controlled dangerous substance included in Schedule V may
18 be distributed or dispensed other than for a legitimate medical or
19 scientific purpose.

20 D. Except for dosages medically required for a period not to
21 exceed forty-eight (48) hours which are administered by or on
22 direction of a practitioner, other than a pharmacist, or medication
23 dispensed directly by a practitioner, other than a pharmacist, to an
24 ultimate user, tincture opium camphorated, commonly known as

1 paregoric, may not be dispensed without a written or oral
2 prescription. The refilling of a prescription for paregoric shall
3 be unlawful unless permission is granted by the prescriber, either
4 written or oral.

5 E. Whenever it appears to the Director that a drug not
6 considered to be a prescription drug under existing state law or
7 regulation of the Board of Pharmacy should be so considered because
8 of its abuse potential, he shall so advise the Board of Pharmacy and
9 furnish to him all available data relevant thereto.

10 F. "Prescription", as used herein, means a written or oral
11 order by a practitioner to a pharmacist for a controlled dangerous
12 substance for a particular patient, which specifies the date of its
13 issue, and the full name and address of the patient; if the
14 controlled dangerous substance is prescribed for an animal, the
15 species of the animal; the name and quantity of the controlled
16 dangerous substance prescribed; the directions for use; the name and
17 address of the owner of the animal and, if written, the signature of
18 the practitioner.

19 G. No person shall solicit, dispense, receive or deliver any
20 controlled dangerous substance through the mail, unless the ultimate
21 user is personally known to the practitioner and circumstances
22 clearly indicate such method of delivery is in the best interest of
23 the health and welfare of the ultimate user.

24

1 SECTION 18. AMENDATORY 63 O.S. 2001, Section 2-508, as
2 last amended by Section 15, Chapter 442, O.S.L. 2009 (63 O.S. Supp.
3 2010, Section 2-508), is amended to read as follows:

4 Section 2-508. A. Except as otherwise provided, all property
5 described in paragraphs 1 and 2 of subsection A of Section 2-503 of
6 this title which is seized or surrendered pursuant to the provisions
7 of the Uniform Controlled Dangerous Substances Act shall be
8 destroyed. The destruction shall be done by or at the direction of
9 the Oklahoma State Bureau of ~~Investigation~~ Narcotics and Dangerous
10 Drugs Control (OBNDD), who shall have the discretion prior to
11 destruction to preserve samples of the substance for testing. In
12 any county with a population of four hundred thousand (400,000) or
13 more according to the latest Federal Decennial Census, there shall
14 be a located site, approved by the ~~Oklahoma State Bureau of~~
15 ~~Investigation~~ OBNDD, for the destruction of the property. Any such
16 property submitted to the ~~Oklahoma State Bureau of Investigation~~
17 OBNDD which it deems to be of use for investigative training,
18 educational, or analytical purposes may be retained by the ~~Oklahoma~~
19 ~~State Bureau of Investigation~~ OBNDD in lieu of destruction.

20 B. 1. With respect to controlled dangerous substances seized
21 or surrendered pursuant to the provisions of the Uniform Controlled
22 Dangerous Substances Act, municipal police departments, sheriffs,
23 the Oklahoma Bureau of Narcotics and Dangerous Drugs Control
24 Commission, the Oklahoma Highway Patrol, and the Oklahoma State

1 Bureau of Investigation shall have the authority to destroy seized
2 controlled dangerous substances when the amount seized in a single
3 incident exceeds ten (10) pounds. The destroying agency shall:

- 4 a. photograph the seized substance with identifying case
5 numbers or other means of identification,
- 6 b. prepare a report describing the seized substance prior
7 to the destruction,
- 8 c. retain at least one (1) pound of the substance
9 randomly selected from the seized substance for the
10 purpose of evidence, and
- 11 d. obtain and retain samples of the substance from enough
12 containers, bales, bricks, or other units of substance
13 seized to establish the presence of a weight of the
14 substance necessary to establish a violation of the
15 Trafficking in Illegal Drugs Act pursuant to
16 subsection C of Section 2-415 of this title, if such a
17 weight is present. If such weight is not present,
18 samples of the substance from each container, bale,
19 brick or other unit of substance seized shall be
20 taken. Each sample taken pursuant to this section
21 shall be large enough for the destroying agency and
22 the defendant or suspect to have an independent test
23 performed on the substance for purposes of
24 identification.

1 2. If a defendant or suspect is known to the destroying agency,
2 the destroying agency shall give at least seven (7) days' written
3 notice to the defendant, suspect or counsel for the defendant or
4 suspect of:

- 5 a. the date, the time, and the place where the
6 photographing will take place and notice of the right
7 to attend the photographing, and
- 8 b. the right to obtain samples of the controlled
9 dangerous substance for independent testing and use as
10 evidence.

11 3. The written notice shall also inform the defendant, suspect
12 or counsel for the defendant or suspect that the destroying agency
13 must be notified in writing within seven (7) days from receipt of
14 the notice of the intent of the suspect or defendant to obtain
15 random samples and make arrangements for the taking of samples. The
16 samples for the defendant or suspect must be taken by a person
17 licensed by the Drug Enforcement Administration. If the defendant
18 or counsel for the defendant fails to notify the destroying agency
19 in writing of an intent to obtain samples and fails to make
20 arrangements for the taking of samples, a sample taken pursuant to
21 subparagraph d of paragraph 1 of this subsection shall be made
22 available upon request of the defendant or suspect.

23 The representative samples, the photographs, the reports, and
24 the records made under this section and properly identified shall be

1 admissible in any court or administrative proceeding for any
2 purposes for which the seized substance itself would have been
3 admissible.

4 C. All other property not otherwise provided for in the Uniform
5 Controlled Dangerous Substances Act which has come into the
6 possession of the Oklahoma State Bureau of Narcotics and Dangerous
7 Drugs Control, the Department of Public Safety, the Oklahoma State
8 Bureau of Investigation, the Alcoholic Beverage Laws Enforcement
9 Commission, the Department of Corrections, the Office of the
10 Attorney General, or a district attorney may be disposed of by order
11 of the district court when no longer needed in connection with any
12 litigation. If the owner of the property is unknown to the agency
13 or district attorney, the agency or district attorney shall hold the
14 property for at least six (6) months prior to filing a petition for
15 disposal with the district court except for laboratory equipment
16 which may be forfeited when no longer needed in connection with
17 litigation, unless the property is perishable. The Director or
18 Commissioner of the agency, the Attorney General, or district
19 attorney shall file a petition in the district court of Oklahoma
20 County or in the case of a district attorney, the petition shall be
21 filed in a county within the jurisdiction of the district attorney
22 requesting the authority to:

23 1. Conduct a sale of the property; or
24

1 2. Convert title of the property to the Oklahoma State Bureau
2 of Narcotics and Dangerous Drugs Control, the Department of Public
3 Safety, the Oklahoma State Bureau of Investigation, the Alcoholic
4 Beverage Laws Enforcement Commission, the Department of Corrections,
5 the Office of the Attorney General, or to the district attorney's
6 office for the purposes provided for in subsection J, K or L of this
7 section.

8 The Director, Commissioner, Attorney General or district
9 attorney shall attach to the petition:

- 10 a. a list describing the property, including all
- 11 identifying numbers and marks, if any,
- 12 b. the date the property came into the possession of the
- 13 agency or district attorney, and
- 14 c. the name and address of the owner, if known.

15 For any item having an apparent value in excess of One Hundred
16 Dollars (\$100.00), but less than Five Hundred Dollars (\$500.00), the
17 notice of the hearing of the petition for the sale of the property,
18 except laboratory equipment used in the processing, manufacturing or
19 compounding of controlled dangerous substances in violation of the
20 provisions of the Uniform Controlled Dangerous Substances Act, shall
21 be given to every known owner, as set forth in the petition, by
22 first-class mail to the last-known address of the owner at least ten
23 (10) days prior to the date of the hearing. An affidavit of notice
24 being sent shall be filed with the court by a representative of the

1 agency, the Director or Commissioner of the agency, the Attorney
2 General or district attorney. For items in excess of Five Hundred
3 Dollars (\$500.00), a notice of the hearing of the petition for the
4 sale of said property shall be delivered to every known owner as set
5 forth in the petition by certified mail. Notice of a hearing on a
6 petition for forfeiture or sale of laboratory equipment used in the
7 processing, manufacturing or compounding of controlled dangerous
8 substances in violation of the Uniform Controlled Dangerous
9 Substances Act shall not be required.

10 The notice shall contain a brief description of the property, and
11 the location and date of the hearing. In addition, notice of the
12 hearing shall be posted in three public places in the county, one
13 such place being the county courthouse at the regular place assigned
14 for the posting of legal notices. At the hearing, if no owner
15 appears and establishes ownership of the property, the court may
16 enter an order authorizing the Director, Commissioner, Attorney
17 General, or district attorney to donate the property pursuant to
18 subsection J, K or L of this section, to sell the property at a
19 public auction to the highest bidder, or to convert title of the
20 property to the Oklahoma State Bureau of Narcotics and Dangerous
21 Drugs Control, the Department of Public Safety, the Oklahoma State
22 Bureau of Investigation, the Alcoholic Beverage Laws Enforcement
23 Commission, the Department of Corrections, or the Office of the
24 Attorney General for the purposes provided for in subsection J, K or

1 L of this section after at least ten (10) days of notice has been
2 given by publication in one issue of a legal newspaper of the
3 county. If the property is offered for sale at public auction and
4 no bid is received that exceeds fifty percent (50%) of the value of
5 the property, such value to be announced prior to the sale, the
6 Director, Commissioner, Attorney General, or district attorney may
7 refuse to sell the item pursuant to any bid received. The Director,
8 Commissioner, Attorney General, or district attorney shall make a
9 return of the sale and, when confirmed by the court, the order
10 confirming the sale shall vest in the purchaser title to the
11 property so purchased.

12 D. The money received from the sale of property by the Oklahoma
13 State Bureau of Narcotics and Dangerous Drugs Control shall be used
14 for general drug enforcement purposes. These funds shall be
15 transferred to the Bureau of Narcotics Revolving Fund established
16 pursuant to Section 2-107 of this title or in the case of a district
17 attorney, the revolving fund provided for in paragraph 3 of
18 subsection L of Section 2-506 of this title.

19 E. At the request of the Department of Public Safety, the
20 district attorney or a designee of the district attorney may conduct
21 any forfeiture proceedings as described in Section 2-503 of this
22 title on any property subject to forfeiture as described in
23 subsection A, B or C of Section 2-503 of this title. The money
24 received from the sale of property by the Department of Public

1 Safety shall be deposited in the Department of Public Safety
2 Revolving Fund and shall be expended for law enforcement purposes.

3 F. The money received from the sale of property by the
4 Alcoholic Beverage Laws Enforcement Commission shall be deposited in
5 the General Revenue Fund of the state.

6 G. The money received from the sale of property from the
7 Oklahoma State Bureau of Investigation shall be deposited in the
8 OSBI Revolving Fund and shall be expended for law enforcement
9 purposes.

10 H. The Director of the Oklahoma Department of Corrections shall
11 make a return of the sale and when confirmed by the court, the order
12 confirming the sale shall vest in the purchaser title to the
13 property so purchased. Twenty-five percent (25%) of the money
14 received from the sale shall be disbursed to a revolving fund in the
15 office of the county treasurer of the county wherein the property
16 was seized, said fund to be used as a revolving fund solely for
17 enforcement of controlled dangerous substances laws, drug abuse
18 prevention and drug abuse education. The remaining seventy-five
19 percent (75%) shall be deposited in the Department of Corrections
20 Revolving Fund to be expended for equipment for probation and parole
21 officers and correctional officers.

22 I. The money received from the sale of property from the Office
23 of the Attorney General shall be deposited in the Attorney General
24 Law Enforcement Revolving Fund and shall be expended for law

1 enforcement purposes. The Office of the Attorney General may enter
2 into agreements with municipal, county or state agencies to return
3 to such an agency a percentage of proceeds of the sale of any
4 property seized by the agency and forfeited under the provisions of
5 this section.

6 J. Any property, including but not limited to uncontaminated
7 laboratory equipment used in the processing, manufacturing or
8 compounding of controlled dangerous substances in violation of the
9 provisions of the Uniform Controlled Dangerous Substances Act, upon
10 a court order, may be donated for classroom or laboratory use by the
11 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control,
12 Oklahoma Department of Public Safety, district attorney, the
13 Alcoholic Beverage Laws Enforcement Commission, the Oklahoma
14 Department of Corrections, or the Office of the Attorney General to
15 any public secondary school or technology center school in this
16 state or any institution of higher education within The Oklahoma
17 State System of Higher Education.

18 K. Any vehicle or firearm which has come into the possession
19 and title vested in the Oklahoma State Bureau of Narcotics and
20 Dangerous Drugs Control, the Oklahoma Department of Public Safety,
21 the Oklahoma State Bureau of Investigation, or the Office of the
22 Attorney General, may be transferred, donated or offered for lease
23 to any sheriff's office, tribal law enforcement agency, campus
24 police department pursuant to the provisions of the Oklahoma Campus

1 Security Act, or police department in this state on an annual basis
2 to assist with the enforcement of the provisions of the Uniform
3 Controlled Dangerous Substances Act. Each agency shall promulgate
4 rules, regulations and procedures for leasing vehicles and firearms.
5 No fully automatic weapons will be subject to the leasing agreement.
6 All firearms leased may be utilized only by C.L.E.E.T. certified
7 officers who have received training in the type and class of weapon
8 leased. Every lessee shall be required to submit an annual report
9 to the leasing agency stating the condition of all leased property.
10 A lease agreement may be renewed annually at the option of the
11 leasing agency. Upon termination of a lease agreement, the property
12 shall be returned to the leasing agency for sale or other
13 disposition. All funds derived from lease agreements or other
14 disposition of property no longer useful to law enforcement shall be
15 deposited in the agency's revolving fund and shall be expended for
16 law enforcement purposes.

17 L. Before disposing of any property pursuant to subsections C
18 through I of this section, the Oklahoma State Bureau of Narcotics
19 and Dangerous Drugs Control, the Department of Public Safety, the
20 Alcoholic Beverage Laws Enforcement Commission, the Oklahoma State
21 Bureau of Investigation, the Department of Corrections, the Office
22 of the Attorney General, or a district attorney may transfer or
23 donate the property to another state agency, tribal law enforcement
24 agency, or school district for use upon request. In addition to the

1 provisions of this section, the Oklahoma State Bureau of Narcotics
2 and Dangerous Drugs Control may transfer or donate property for any
3 purpose pursuant to Section 2-106.2 of this title. The agencies and
4 any district attorney that are parties to any transfer of property
5 pursuant to this subsection shall enter into written agreements to
6 carry out any such transfer of property. Any such agreement may
7 also provide for the granting of title to any property being
8 transferred as the parties deem appropriate. If the transfer of
9 property is to a school district, a written agreement shall be
10 entered into with the superintendent of the school district. No
11 weapons may be transferred to a school district except as provided
12 for in subsection K of this section.

13 SECTION 19. This act shall become effective November 1, 2011.
14 Passed the Senate the 16th day of March, 2011.

15
16 _____
17 Presiding Officer of the Senate

18 Passed the House of Representatives the ____ day of _____,
19 2011.

20
21 _____
22 Presiding Officer of the House
23 of Representatives
24