

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 1. 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; ~~ex~~
- 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. Methyldesorphine;

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 Phenylcyclohexyl) - 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; ~~or~~
- 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. naphthylmethylindenes 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,

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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 2. 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 3. 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 - Estrodiol 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 4. 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 5. 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 6. 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 7. 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 8. 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