

1 **SENATE FLOOR VERSION**

2 March 1, 2011

3 SENATE BILL NO. 919

By: Sykes of the Senate

4 and

5 Derby of the House

6
7
8 An Act relating to narcotics and dangerous drugs;
9 amending 63 O.S. 2001, Sections 2-204, as last
10 amended by Section 1, Chapter 182, O.S.L. 2010, 2-
206, as last amended by Section 2, Chapter 332,
11 O.S.L. 2008, 2-208, as amended by Section 3, Chapter
283, O.S.L. 2005, 2-210, as last amended by Section
12 3, Chapter 248, O.S.L. 2007, 2-212, as last amended
by Section 4, Chapter 458, O.S.L. 2010, and 2-309, as
13 amended by Section 2, Chapter 273, O.S.L. 2008 (63
O.S. Supp. 2010, Sections 2-103, 2-204, 2-206, 2-208,
14 2-210, 2-212 and 2-309), which relate to the Uniform
Controlled Dangerous Substances Act; designating
15 certain substances as Schedule I substances;
designating certain substances as schedule II
16 substances; designating certain substances as
schedule III substances; designating certain
17 substances as schedule IV substances; designating
certain substance as a schedule V substance;
18 authorizing electronic prescription method for
certain substances under certain circumstances; and
providing an effective date.

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

22 SECTION 1. AMENDATORY 63 O.S. 2001, Section 2-204, as
23 last amended by Section 1, Chapter 182, O.S.L. 2010 (63 O.S. Supp.
24 2010, Section 2-204), is amended to read as follows:

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

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

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

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

- 1 42. Trimeperidine;
- 2 43. Flunitrazepam;
- 3 44. B-hydroxy-amphetamine;
- 4 45. B-ketoamphetamine;
- 5 46. 3,4-methylenedioxy-N-methyl-B-ketoamphetamine;
- 6 47. 2,5-dimethoxy-4-methylamphetamine;
- 7 48. 2,5-dimethoxy-4-bromoamphetamine;
- 8 49. 2,5-dimethoxy-4-nitroamphetamine;
- 9 50. 2,5-dimethoxy-4-bromophenethylamine;
- 10 51. 2,5-dimethoxy-4-chlorophenethylamine;
- 11 52. 2,5-dimethoxy-4-iodoamphetamine;
- 12 53. 2,5-dimethoxy-4-iodophenethylamine;
- 13 54. 2,5-dimethoxy-4-methylphenethylamine;
- 14 55. 2,5-dimethoxy-4-ethylphenethylamine;
- 15 56. 2,5-dimethoxy-4-fluorophenethylamine;
- 16 57. 2,5-dimethoxy-4-nitrophenethylamine;
- 17 58. 2,5-dimethoxy-4-ethylthio-phenethylamine;
- 18 59. 2,5-dimethoxy-4-isopropylthio-phenethylamine;
- 19 60. 2,5-dimethoxy-4-propylthio-phenethylamine;
- 20 61. 2,5-dimethoxy-4-cyclopropylmethylthio-phenethylamine;
- 21 62. 2,5-dimethoxy-4-tert-butylthio-phenethylamine;
- 22 63. 2,5-dimethoxy-4-(2-fluoroethylthio)-phenethylamine;
- 23 64. 5-methoxy-N, N-dimethyltryptamine;
- 24 65. N-methyltryptamine;

- 1 66. A-ethyltryptamine;
- 2 67. A-methyltryptamine;
- 3 68. N, N-diethyltryptamine;
- 4 69. N, N-diisopropyltryptamine;
- 5 70. N, N-dipropyltryptamine;
- 6 71. 5-methoxy-a-methyltryptamine;
- 7 72. 4-hydroxy-N, N-diethyltryptamine;
- 8 73. 4-hydroxy-N, N-diisopropyltryptamine;
- 9 74. 5-methoxy-N, N-diisopropyltryptamine; ~~or~~
- 10 75. 4-hydroxy-N-isopropyl-N-methyltryptamine;
- 11 76. 3,4-Methylenedioxy methcathinone (Methylone);
- 12 77. 3,4-Methylenedioxy pyrovalerone (MDPV);
- 13 78. 4-Methylmethcathinone (Mephedrone);
- 14 79. 4-methoxymethcathinone;
- 15 80. 4-Fluoromethcathinone; or
- 16 81. 3-Fluoromethcathinone.

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

- 21 1. Acetorphine;
- 22 2. Acetyldihydrocodeine;
- 23 3. Benzylmorphine;
- 24 4. Codeine methylbromide;

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

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

- 24 1. Methcathinone;

- 1 2. 3, 4-methylenedioxy amphetamine;
- 2 3. 3, 4-methylenedioxy methamphetamine;
- 3 4. 5-methoxy-3, 4-methylenedioxy amphetamine;
- 4 5. 3, 4, 5-trimethoxy amphetamine;
- 5 6. Bufotenine;
- 6 7. Diethyltryptamine;
- 7 8. Dimethyltryptamine;
- 8 9. 4-methyl-2, 5-dimethoxyamphetamine;
- 9 10. Ibogaine;
- 10 11. Lysergic acid diethylamide;
- 11 12. Marihuana;
- 12 13. Mescaline;
- 13 14. N-benzylpiperazine;
- 14 15. N-ethyl-3-piperidyl benzilate;
- 15 16. N-methyl-3-piperidyl benzilate;
- 16 17. Psilocybin;
- 17 18. Psilocyn;
- 18 19. 2, 5 dimethoxyamphetamine;
- 19 20. 4 Bromo-2, 5-dimethoxyamphetamine;
- 20 21. 4 methoxyamphetamine;
- 21 22. Cyclohexamine;
- 22 23. Salvia Divinorum;
- 23 24. Salvinorin A;

24

- 1 25. Thiophene Analog of Phencyclidine. Also known as: 1-(1-(2-
2 thienyl) cyclohexyl) piperidine; 2-Thienyl Analog of Phencyclidine;
3 TPCP, TCP;
- 4 26. Phencyclidine (PCP);
- 5 27. Pyrrolidine Analog for Phencyclidine. Also known as 1-(1-
6 Phenylcyclohexyl) - Pyrrolidine, PCPy, PHP;
- 7 28. 1-(2-[trifluoromethylphenyl]) piperazine;
- 8 29. 1-Butyl-3-(1-naphthoyl)indole;
- 9 30. 1-Pentyl-3-(1-naphthoyl)indole; ~~or~~
- 10 31. (6aR,10aR)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2-
11 methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol; or
- 12 32. Any quantity of a synthetic chemical compound that
13 is a cannabinoid receptor agonist and mimics the pharmacological
14 effect of naturally occurring substances including:
- 15 a. naphthoylindoles structurally derived from 3-(1-
16 naphthoyl) indole by substitution at the nitrogen atom
17 of the indole ring by alkyl, alkenyl,
18 cycloalkylmethyl, cycloalkylethyl, or 2-(4-
19 morpholinyl) ethyl, whether or not further substituted
20 in the indole ring to any extent, whether or not
21 substituted in the naphthyl ring to any extent,
22 including:
- 23 (1) JWH-004,
- 24 (2) JWH-007,

- 1 (3) JWH-009,
- 2 (4) JWH-015,
- 3 (5) JWH-016,
- 4 (6) JWH-018,
- 5 (7) JWH-019,
- 6 (8) JWH-020,
- 7 (9) JWH-046,
- 8 (10) JWH-047,
- 9 (11) JWH-048,
- 10 (12) JWH-049,
- 11 (13) JWH-050,
- 12 (14) JWH-070,
- 13 (15) JWH-071,
- 14 (16) JWH-072,
- 15 (17) JWH-073,
- 16 (18) JWH-076,
- 17 (19) JWH-079,
- 18 (20) JWH-080,
- 19 (21) JWH-081,
- 20 (22) JWH-082,
- 21 (23) JWH-094,
- 22 (24) JWH-096,
- 23 (25) JWH-098,
- 24 (26) JWH-116,

- 1 (27) JWH-120,
- 2 (28) JWH-122,
- 3 (29) JWH-148,
- 4 (30) JWH-149,
- 5 (31) JWH-180,
- 6 (32) JWH-181,
- 7 (33) JWH-182,
- 8 (34) JWH-189,
- 9 (35) JWH-193,
- 10 (36) JWH-198,
- 11 (37) JWH-200,
- 12 (38) JWH-210,
- 13 (39) JWH-211,
- 14 (40) JWH-212,
- 15 (41) JWH-213,
- 16 (42) JWH-234,
- 17 (43) JWH-235,
- 18 (44) JWH-236,
- 19 (45) JWH-239,
- 20 (46) JWH-240,
- 21 (47) JWH-241,
- 22 (48) JWH-242,
- 23 (49) JWH-262,
- 24 (50) JWH-386,

- 1 (51) JWH-387,
- 2 (52) JWH-394,
- 3 (53) JWH-395,
- 4 (54) JWH-397,
- 5 (55) JWH-398,
- 6 (56) JWH-399,
- 7 (57) JWH-400,
- 8 (58) JWH-412,
- 9 (59) JWH-413,
- 10 (60) JWH-414, and
- 11 (61) JWH-415,

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

- 20 (1) JWH-175,
- 21 (2) JWH-184,
- 22 (3) JWH-185,
- 23 (4) JWH-192,
- 24 (5) JWH-194,

1 (6) JWH-195,

2 (7) JWH-196,

3 (8) JWH-197, and

4 (9) JWH-199,

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

13 (1) JWH-030,

14 (2) JWH-145,

15 (3) JWH-146,

16 (4) JWH-147,

17 (5) JWH-150,

18 (6) JWH-156,

19 (7) JWH-243,

20 (8) JWH-244,

21 (9) JWH-245,

22 (10) JWH-246,

23 (11) JWH-292,

24 (12) JWH-293,

- 1 (13) JWH-307,
2 (14) JWH-308,
3 (15) JWH-346,
4 (16) JWH-348,
5 (17) JWH-363,
6 (18) JWH-364,
7 (19) JWH-365,
8 (20) JWH-367,
9 (21) JWH-368,
10 (22) JWH-369,
11 (23) JWH-370,
12 (24) JWH-371,
13 (25) JWH-373, and
14 (26) JWH-392,

15 d. naphthylmethylenes structurally derived from 1-(1-
16 naphthylmethyl) indene by substitution at the 3-
17 position of the indene ring by alkyl, alkenyl,
18 cycloalkylmethyl, cycloalkylethyl, or 2-(4-
19 morpholinyl) ethyl, whether or not further substituted
20 in the indene ring to any extent, whether or not
21 substituted in the naphthyl ring to any extent,
22 including JWH-176; phenylacetylindoles structurally
23 derived from 3-phenylacetylindole by substitution at
24 the nitrogen atom of the indole ring with alkyl,

1 alkenyl, cycloalkylmethyl, cycloalkylethyl, or 2-(4-
2 morpholinyl) ethyl, whether or not further substituted
3 in the indole ring to any extent, whether or not
4 substituted in the phenyl ring to any extent,
5 including:

6 (1) JWH-167,

7 (2) JWH-201,

8 (3) JWH-202,

9 (4) JWH-203,

10 (5) JWH-204,

11 (6) JWH-205,

12 (7) JWH-206,

13 (8) JWH-207,

14 (9) JWH-208,

15 (10) JWH-209,

16 (11) JWH-237,

17 (12) JWH-248,

18 (13) JWH-249,

19 (14) JWH-250,

20 (15) JWH-251,

21 (16) JWH-252,

22 (17) JWH-253,

23 (18) JWH-302,

24 (19) JWH-303,

1 (20) JWH-304,

2 (21) JWH-305,

3 (22) JWH-306,

4 (23) JWH-311,

5 (24) JWH-312,

6 (25) JWH-313,

7 (26) JWH-314,

8 (27) JWH-315, and

9 (28) JWH-316,

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

16 (1) CP-55, 940,

17 (2) CP-47, 497, and

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

21 f. cannabinol derivatives, except where contained in
22 cannabis or cannabis resin, including tetrahydro
23 derivatives of cannabinol and 3-alkyl homologues of
24 cannabinol or of its tetrahydro derivatives, such as:

- 1 (1) delta-9-THC,
- 2 (2) delta-8-THC,
- 3 (3) nabilone,
- 4 (4) HU-210,
- 5 (5) HU-211, and
- 6 (6) WIN-55, 212-2.

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

- 11 1. Fenethylline;
- 12 2. Mecloqualone;
- 13 3. N-ethylamphetamine;
- 14 4. Methaqualone;
- 15 5. Gamma-Hydroxybutyric Acid, also known as GHB, gamma-
16 hydroxybutyrate, 4-hydroxybutyrate, 4-hydroxybutanoic acid, sodium
17 oxybate, and sodium oxybutyrate;
- 18 6. Gamma-Butyrolactone (GBL) as packaged, marketed,
19 manufactured or promoted for human consumption, with the exception
20 of legitimate food additive and manufacturing purposes;
- 21 7. Gamma Hydroxyvalerate (GHV) as packaged, marketed, or
22 manufactured for human consumption, with the exception of legitimate
23 food additive and manufacturing purposes;

24

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

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

7 E. 1. The following industrial uses of Gamma-Butyrolactone,
8 Gamma Hydroxyvalerate, Gamma Valerolactone, or 1,4 Butanediol are
9 excluded from all schedules of controlled substances under this
10 title:

- 11 a. pesticides,
- 12 b. photochemical etching,
- 13 c. electrolytes of small batteries or capacitors,
- 14 d. viscosity modifiers in polyurethane,
- 15 e. surface etching of metal coated plastics,
- 16 f. organic paint disbursements for water soluble inks,
- 17 g. pH regulators in the dyeing of wool and polyamide
18 fibers,
- 19 h. foundry chemistry as a catalyst during curing,
- 20 i. curing agents in many coating systems based on
21 urethanes and amides,
- 22 j. additives and flavoring agents in food, confectionary,
23 and beverage products,
- 24 k. synthetic fiber and clothing production,

- 1 l. tetrahydrofuran production,
- 2 m. gamma butyrolactone production,
- 3 n. polybutylene terephthalate resin production,
- 4 o. polyester raw materials for polyurethane elastomers
- 5 and foams,
- 6 p. coating resin raw material, and
- 7 q. as an intermediate in the manufacture of other
- 8 chemicals and pharmaceuticals.

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

15 3. In making a determination regarding an industrial product,
16 the Director, after notice and hearing, shall consider the
17 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 procedures
2 of the Administrative Procedures Act.

3 SECTION 2. 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.

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

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

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

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

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

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

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

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

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. 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. Not more than five hundred (500) milligrams of opium per one
21 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. 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;

24

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

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

16 D. As used in this section:

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

23

24

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

4 E. Pregabalin.

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

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

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

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 7. This act shall become effective November 1, 2011.

12 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 2-24-11 - DO
13 PASS, As Coauthored.

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