



1 Section 2-101. As used in the Uniform Controlled Dangerous  
2 Substances Act, ~~Section 2-101 et seq. of this title:~~

3 1. "Administer" means the direct application of a controlled  
4 dangerous substance, whether by injection, inhalation, ingestion or  
5 any other means, to the body of a patient, animal or research  
6 subject by:

7 a. a practitioner (or, in the presence of the  
8 practitioner, by the authorized agent of the  
9 practitioner), or

10 b. the patient or research subject at the direction and  
11 in the presence of the practitioner;

12 2. "Agent" means a peace officer appointed by and who acts in  
13 behalf of the Director of the Oklahoma State Bureau of Narcotics and  
14 Dangerous Drugs Control or an authorized person who acts on behalf  
15 of or at the direction of a person who manufactures, distributes,  
16 dispenses, prescribes, administers or uses for scientific purposes  
17 controlled dangerous substances but does not include a common or  
18 contract carrier, public warehouse or employee thereof, or a person  
19 required to register under the Uniform Controlled Dangerous  
20 Substances Act;

21 3. "Board" means the Advisory Board to the Director of the  
22 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control;  
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1           4. "Bureau" means the Oklahoma State Bureau of Narcotics and  
2 Dangerous Drugs Control;

3           5. "Coca leaves" includes cocaine and any compound,  
4 manufacture, salt, derivative, mixture or preparation of coca  
5 leaves, except derivatives of coca leaves which do not contain  
6 cocaine or ecgonine;

7           6. "Commissioner" or "Director" means the Director of the  
8 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control;

9           7. "Control" means to add, remove or change the placement of a  
10 drug, substance or immediate precursor under the Uniform Controlled  
11 Dangerous Substances Act;

12           8. "Controlled dangerous substance" means a drug, substance or  
13 immediate precursor in Schedules I through V of the Uniform  
14 Controlled Dangerous Substances Act, Section 2-101 et seq. of this  
15 title;

16           9. "Counterfeit substance" means a controlled substance which,  
17 or the container or labeling of which without authorization, bears  
18 the trademark, trade name or other identifying marks, imprint,  
19 number or device or any likeness thereof of a manufacturer,  
20 distributor or dispenser other than the person who in fact  
21 manufactured, distributed or dispensed the substance;

22           10. "Deliver" or "delivery" means the actual, constructive or  
23 attempted transfer from one person to another of a controlled  
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1 dangerous substance or drug paraphernalia, whether or not there is  
2 an agency relationship;

3 11. "Dispense" means to deliver a controlled dangerous  
4 substance to an ultimate user or human research subject by or  
5 pursuant to the lawful order of a practitioner, including the  
6 prescribing, administering, packaging, labeling or compounding  
7 necessary to prepare the substance for such distribution.

8 "Dispenser" is a practitioner who delivers a controlled dangerous  
9 substance to an ultimate user or human research subject;

10 12. "Distribute" means to deliver other than by administering  
11 or dispensing a controlled dangerous substance;

12 13. "Distributor" means a commercial entity engaged in the  
13 distribution or reverse distribution of narcotics and dangerous  
14 drugs and who complies with all regulations promulgated by the  
15 federal Drug Enforcement Administration and the Oklahoma State  
16 Bureau of Narcotics and Dangerous Drugs Control;

17 14. "Drug" means articles:

18 a. recognized in the official United States  
19 Pharmacopoeia, official Homeopathic Pharmacopoeia of  
20 the United States, or official National Formulary, or  
21 any supplement to any of them,  
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1 b. intended for use in the diagnosis, cure, mitigation,  
2 treatment or prevention of disease in man or other  
3 animals,

4 c. other than food, intended to affect the structure or  
5 any function of the body of man or other animals, and

6 d. intended for use as a component of any article  
7 specified in this paragraph;

8 provided, however, the term "drug" does not include devices or their  
9 components, parts or accessories;

10 15. "Drug-dependent person" means a person who is using a  
11 controlled dangerous substance and who is in a state of psychic or  
12 physical dependence, or both, arising from administration of that  
13 controlled dangerous substance on a continuous basis. Drug  
14 dependence is characterized by behavioral and other responses which  
15 include a strong compulsion to take the substance on a continuous  
16 basis in order to experience its psychic effects, or to avoid the  
17 discomfort of its absence;

18 16. "Home care agency" means any sole proprietorship,  
19 partnership, association, corporation, or other organization which  
20 administers, offers, or provides home care services, for a fee or  
21 pursuant to a contract for such services, to clients in their place  
22 of residence;

1 17. "Home care services" means skilled or personal care  
2 services provided to clients in their place of residence for a fee;

3 18. "Hospice" means a centrally administered, nonprofit or  
4 profit, medically directed, nurse-coordinated program which provides  
5 a continuum of home and inpatient care for the terminally ill  
6 patient and the patient's family. Such term shall also include a  
7 centrally administered, nonprofit or profit, medically directed,  
8 nurse-coordinated program if such program is licensed pursuant to  
9 the provisions of this act. A hospice program offers palliative and  
10 supportive care to meet the special needs arising out of the  
11 physical, emotional and spiritual stresses which are experienced  
12 during the final stages of illness and during dying and bereavement.  
13 This care is available twenty-four (24) hours a day, seven (7) days  
14 a week, and is provided on the basis of need, regardless of ability  
15 to pay. "Class A" Hospice refers to Medicare certified hospices.  
16 "Class B" refers to all other providers of hospice services;

17 19. "Imitation controlled substance" means a substance that is  
18 not a controlled dangerous substance, which by dosage unit  
19 appearance, color, shape, size, markings or by representations made,  
20 would lead a reasonable person to believe that the substance is a  
21 controlled dangerous substance. In the event the appearance of the  
22 dosage unit is not reasonably sufficient to establish that the  
23 substance is an "imitation controlled substance", the court or

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1 authority concerned should consider, in addition to all other  
2 factors, the following factors as related to "representations made"  
3 in determining whether the substance is an "imitation controlled  
4 substance":

- 5 a. statements made by an owner or by any other person in  
6 control of the substance concerning the nature of the  
7 substance, or its use or effect,
- 8 b. statements made to the recipient that the substance  
9 may be resold for inordinate profit,
- 10 c. whether the substance is packaged in a manner normally  
11 used for illicit controlled substances,
- 12 d. evasive tactics or actions utilized by the owner or  
13 person in control of the substance to avoid detection  
14 by law enforcement authorities,
- 15 e. prior convictions, if any, of an owner, or any other  
16 person in control of the object, under state or  
17 federal law related to controlled substances or fraud,  
18 and
- 19 f. the proximity of the substances to controlled  
20 dangerous substances;

21 20. "Immediate precursor" means a substance which the Director  
22 has found to be and by regulation designates as being the principal  
23 compound commonly used or produced primarily for use, and which is

1 an immediate chemical intermediary used, or likely to be used, in  
2 the manufacture of a controlled dangerous substance, the control of  
3 which is necessary to prevent, curtail or limit such manufacture;

4 21. "Laboratory" means a laboratory approved by the Director as  
5 proper to be entrusted with the custody of controlled dangerous  
6 substances and the use of controlled dangerous substances for  
7 scientific and medical purposes and for purposes of instruction;

8 22. "Manufacture" means the production, preparation,  
9 propagation, compounding or processing of a controlled dangerous  
10 substance, either directly or indirectly by extraction from  
11 substances of natural or synthetic origin, or independently by means  
12 of chemical synthesis or by a combination of extraction and chemical  
13 synthesis. "Manufacturer" includes any person who packages,  
14 repackages or labels any container of any controlled dangerous  
15 substance, except practitioners who dispense or compound  
16 prescription orders for delivery to the ultimate consumer;

17 23. "Marihuana" means all parts of the plant Cannabis sativa  
18 L., whether growing or not; the seeds thereof; the resin extracted  
19 from any part of such plant; and every compound, manufacture, salt,  
20 derivative, mixture or preparation of such plant, its seeds or  
21 resin, but shall not include the mature stalks of such plant, fiber  
22 produced from such stalks, oil or cake made from the seeds of such  
23 plant, any other compound, manufacture, salt, derivative, mixture or

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

1 preparation of such mature stalks (except the resin extracted  
2 therefrom), fiber, oil or cake, or the sterilized seed of such plant  
3 which is incapable of germination;

4 24. "Medical purpose" means an intention to utilize a  
5 controlled dangerous substance for physical or mental treatment, for  
6 diagnosis, or for the prevention of a disease condition not in  
7 violation of any state or federal law and not for the purpose of  
8 satisfying physiological or psychological dependence or other abuse;

9 25. "Mid-level practitioner" means an advanced practice nurse  
10 as defined and within parameters specified in Section 567.3a of  
11 Title 59 of the Oklahoma Statutes, or a certified animal euthanasia  
12 technician as defined in Section 698.2 of Title 59 of the Oklahoma  
13 Statutes, or an animal control officer registered by the Oklahoma  
14 State Bureau of Narcotics and Dangerous Drugs Control under  
15 subsection B of Section 2-301 of this title within the parameters of  
16 such officer's duty under Sections 501 through 508 of Title 4 of the  
17 Oklahoma Statutes;

18 26. "Narcotic drug" means any of the following, whether  
19 produced directly or indirectly by extraction from substances of  
20 vegetable origin, or independently by means of chemical synthesis,  
21 or by a combination of extraction and chemical synthesis:

22 a. opium, coca leaves and opiates,  
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- 1           b. a compound, manufacture, salt, derivative or  
2           preparation of opium, coca leaves or opiates,  
3           c. cocaine, its salts, optical and geometric isomers, and  
4           salts of isomers,  
5           d. ecgonine, its derivatives, their salts, isomers and  
6           salts of isomers, and  
7           e. a substance, and any compound, manufacture, salt,  
8           derivative or preparation thereof, which is chemically  
9           identical with any of the substances referred to in  
10          subparagraphs a through d of this paragraph, except  
11          that the words "narcotic drug" as used in Section 2-  
12          101 et seq. of this title shall not include  
13          decocainized coca leaves or extracts of coca leaves,  
14          which extracts do not contain cocaine or ecgonine;

15          27. "Opiate" means any substance having an addiction-forming or  
16          addiction-sustaining liability similar to morphine or being capable  
17          of conversion into a drug having such addiction-forming or  
18          addiction-sustaining liability. It does not include, unless  
19          specifically designated as controlled under the Uniform Controlled  
20          Dangerous Substances Act, the dextrorotatory isomer of 3-methoxy-n-  
21          methyl-morphinan and its salts (dextromethorphan). It does include  
22          its racemic and levorotatory forms;

1 28. "Opium poppy" means the plant of the species Papaver  
2 somniferum L., except the seeds thereof;

3 29. "Peace officer" means a police officer, sheriff, deputy  
4 sheriff, district attorney's investigator, investigator from the  
5 Office of the Attorney General, or any other person elected or  
6 appointed by law to enforce any of the criminal laws of this state  
7 or of the United States;

8 30. "Person" means an individual, corporation, government or  
9 governmental subdivision or agency, business trust, estate, trust,  
10 partnership or association, or any other legal entity;

11 31. "Poppy straw" means all parts, except the seeds, of the  
12 opium poppy, after mowing;

13 32. "Practitioner" means:

- 14 a. (1) a medical doctor or osteopathic physician,  
15 (2) a dentist,  
16 (3) a podiatrist,  
17 (4) an optometrist,  
18 (5) a veterinarian,  
19 (6) a physician assistant under the supervision of a  
20 licensed medical doctor or osteopathic physician,  
21 (7) a scientific investigator, or  
22 (8) any other person,  
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1 licensed, registered or otherwise permitted to  
2 prescribe, distribute, dispense, conduct research with  
3 respect to, use for scientific purposes or administer  
4 a controlled dangerous substance in the course of  
5 professional practice or research in this state, or  
6 b. a pharmacy, hospital, laboratory or other institution  
7 licensed, registered or otherwise permitted to  
8 distribute, dispense, conduct research with respect  
9 to, use for scientific purposes or administer a  
10 controlled dangerous substance in the course of  
11 professional practice or research in this state;

12 33. "Production" includes the manufacture, planting,  
13 cultivation, growing or harvesting of a controlled dangerous  
14 substance;

15 34. "State" means the State of Oklahoma or any other state of  
16 the United States;

17 35. "Ultimate user" means a person who lawfully possesses a  
18 controlled dangerous substance for the person's own use or for the  
19 use of a member of the person's household or for administration to  
20 an animal owned by the person or by a member of the person's  
21 household;

22 36. "Drug paraphernalia" means all equipment, products and  
23 materials of any kind which are used, intended for use, or fashioned  
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1 specifically for use in planting, propagating, cultivating, growing,  
2 harvesting, manufacturing, compounding, converting, producing,  
3 processing, preparing, testing, analyzing, packaging, repackaging,  
4 storing, containing, concealing, injecting, ingesting, inhaling or  
5 otherwise introducing into the human body, a controlled dangerous  
6 substance in violation of the Uniform Controlled Dangerous  
7 Substances Act including, but not limited to:

- 8 a. kits used, intended for use, or fashioned specifically  
9 for use in planting, propagating, cultivating, growing  
10 or harvesting of any species of plant which is a  
11 controlled dangerous substance or from which a  
12 controlled dangerous substance can be derived,
- 13 b. kits used, intended for use, or fashioned specifically  
14 for use in manufacturing, compounding, converting,  
15 producing, processing or preparing controlled  
16 dangerous substances,
- 17 c. isomerization devices used, intended for use, or  
18 fashioned specifically for use in increasing the  
19 potency of any species of plant which is a controlled  
20 dangerous substance,
- 21 d. testing equipment used, intended for use, or fashioned  
22 specifically for use in identifying, or in analyzing

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1 the strength, effectiveness or purity of controlled  
2 dangerous substances,

3 e. scales and balances used, intended for use, or  
4 fashioned specifically for use in weighing or  
5 measuring controlled dangerous substances,

6 f. diluents and adulterants, such as quinine  
7 hydrochloride, mannitol, mannite, dextrose and  
8 lactose, used, intended for use, or fashioned  
9 specifically for use in cutting controlled dangerous  
10 substances,

11 g. separation gins and sifters used, intended for use, or  
12 fashioned specifically for use in removing twigs and  
13 seeds from, or in otherwise cleaning or refining,  
14 marihuana,

15 h. blenders, bowls, containers, spoons and mixing devices  
16 used, intended for use, or fashioned specifically for  
17 use in compounding controlled dangerous substances,

18 i. capsules, balloons, envelopes and other containers  
19 used, intended for use, or fashioned specifically for  
20 use in packaging small quantities of controlled  
21 dangerous substances,

22 j. containers and other objects used, intended for use,  
23 or fashioned specifically for use in parenterally

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1 injecting controlled dangerous substances into the  
2 human body,

3 k. hypodermic syringes, needles and other objects used,  
4 intended for use, or fashioned specifically for use in  
5 parenterally injecting controlled dangerous substances  
6 into the human body,

7 l. objects used, intended for use, or fashioned  
8 specifically for use in ingesting, inhaling or  
9 otherwise introducing marihuana, cocaine, hashish or  
10 hashish oil into the human body, such as:

11 (1) metal, wooden, acrylic, glass, stone, plastic or  
12 ceramic pipes with or without screens, permanent  
13 screens, hashish heads or punctured metal bowls,

14 (2) water pipes,

15 (3) carburetion tubes and devices,

16 (4) smoking and carburetion masks,

17 (5) roach clips, meaning objects used to hold burning  
18 material, such as a marihuana cigarette, that has  
19 become too small or too short to be held in the  
20 hand,

21 (6) miniature cocaine spoons and cocaine vials,

22 (7) chamber pipes,

23 (8) carburetor pipes,

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- (9) electric pipes,
- (10) air-driven pipes,
- (11) chillums,
- (12) bonges, or
- (13) ice pipes or chillers,

m. all hidden or novelty pipes, and

n. any pipe that has a tobacco bowl or chamber of less than one-half (1/2) inch in diameter in which there is any detectable residue of any controlled dangerous substance as defined in this section or any other substances not legal for possession or use;

provided, however, the term "drug paraphernalia" shall not include separation gins intended for use in preparing tea or spice, clamps used for constructing electrical equipment, water pipes designed for ornamentation in which no detectable amount of an illegal substance is found or pipes designed and used solely for smoking tobacco, traditional pipes of an American Indian tribal religious ceremony, or antique pipes that are thirty (30) years of age or older;

37. a. "Synthetic controlled substance" means a substance, ~~whether synthetic or naturally occurring, that is not:~~  
(1) the chemical structure of which is substantially similar to the chemical structure of a controlled dangerous substance, but which produces a like or

1 ~~similar physiological or psychological effect on~~  
2 ~~the human~~ in Schedule I or II,

3 (2) which has a stimulant, depressant, or  
4 hallucinogenic effect on the central nervous  
5 ~~system that currently has no accepted medical use~~  
6 ~~in treatment in the United States and has a~~  
7 ~~potential for abuse. The court or authority~~  
8 ~~concerned with establishing that the substance is~~  
9 ~~a synthetic controlled substance should consider,~~  
10 ~~in addition to all other factors, the following~~  
11 ~~factors as related to "representations made" in~~  
12 ~~determining whether the substance is~~  
13 substantially similar to or greater than the  
14 stimulant, depressant or hallucinogenic effect on  
15 the central nervous system of a controlled  
16 dangerous substance in Schedule I or II, or

17 (3) with respect to a particular person, which such  
18 person represents or intends to have a stimulant,  
19 depressant, or hallucinogenic effect on the  
20 central nervous system that is substantially  
21 similar to or greater than the stimulant,  
22 depressant, or hallucinogenic effect on the  
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1                   central nervous system of a controlled dangerous  
2                   substance in Schedule I or II.

3       b. The designation of gamma butyrolactone or any other  
4       chemical as a precursor, pursuant to Section 2-322 of  
5       this title, does not preclude a finding pursuant to  
6       subparagraph a of this paragraph that the chemical is  
7       a synthetic controlled substance:

8       ~~a. statements made by an owner or by any other person in~~  
9       ~~control of the substance concerning the nature of the~~  
10       ~~substance, its use or effect,~~

11       ~~b. statements made to the recipient that the substance~~  
12       ~~may be resold for an inordinate profit,~~

13       ~~c. prior convictions, if any, of an owner or any person~~  
14       ~~in control of the substance, under state or federal~~  
15       ~~law related to controlled dangerous substances, and~~

16       ~~d. the proximity of the substance to any.~~

17       c. "Synthetic controlled substance" does not include:

18               (1) a controlled dangerous substance,

19               (2) any substance for which there is an approved new  
20               drug application,

21               (3) with respect to a particular person any  
22               substance, if an exemption is in effect for  
23               investigational use, for that person under the

1                   provisions of Section 505 of the Federal Food,  
2                   Drug and Cosmetic Act, Title 21 of the United  
3                   States Code, Section 355, to the extent conduct  
4                   with respect to such substance is pursuant to  
5                   such exemption, or

6                   (4) any substance to the extent not intended for  
7                   human consumption before such an exemption takes  
8                   effect with respect to that substance.

9                   d. Prima facie evidence that a substance containing  
10                   salvia divinorum has been enhanced, concentrated or  
11                   chemically or physically altered shall give rise to a  
12                   rebuttable presumption that the substance is a  
13                   synthetic controlled substance;

14                   38. "Tetrahydrocannabinols" means all substances that have been  
15                   chemically synthesized to emulate the tetrahydrocannabinols of  
16                   marihuana;

17                   39. "Isomer" means the optical isomer, except as used in  
18                   subsection C of Section 2-204 of this title and paragraph 4 of  
19                   subsection A of Section 2-206 of this title. As used in subsection  
20                   C of Section 2-204 of this title, "isomer" means the optical,  
21                   positional or geometric isomer. As used in paragraph 4 of  
22                   subsection A of Section 2-206 of this title, the term "isomer" means  
23                   the optical or geometric isomer;

1 40. "Hazardous materials" means materials, whether solid,  
2 liquid or gas, which are toxic to human, animal, aquatic or plant  
3 life, and the disposal of which materials is controlled by state or  
4 federal guidelines; and

5 41. "Anhydrous ammonia" means any substance that exhibits  
6 cryogenic evaporative behavior and tests positive for ammonia.

7 SECTION 2. AMENDATORY 63 O.S. 2011, Section 2-204, is  
8 amended to read as follows:

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

11 A. Any of the following opiates, including their isomers,  
12 esters, ethers, salts, and salts of isomers, esters, and ethers,  
13 unless specifically excepted, when the existence of these isomers,  
14 esters, ethers, and salts is possible within the specific chemical  
15 designation:

- 16 1. Acetylmethadol;
- 17 2. Allylprodine;
- 18 3. Alphacetylmethadol;
- 19 4. Alphameprodine;
- 20 5. Alphamethadol;
- 21 6. Benzethidine;
- 22 7. Betacetylmethadol;
- 23 8. Betameprodine;

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

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- 1 32. Normethadone;
- 2 33. Norpipanone;
- 3 34. Phenadoxone;
- 4 35. Phenampromide;
- 5 36. Phenomorphan;
- 6 37. Phenoperidine;
- 7 38. Piritramide;
- 8 39. Proheptazine;
- 9 40. Properidine;
- 10 41. Racemoramide; or
- 11 42. Trimeperidine.

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

- 16 1. Acetorphine;
- 17 2. Acetyldihydrocodeine;
- 18 3. Benzylmorphine;
- 19 4. Codeine methylbromide;
- 20 5. Codeine-N-Oxide;
- 21 6. Cyprenorphine;
- 22 7. Desomorphine;
- 23 8. Dihydromorphine;

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

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

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

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

- 1 26. Phencyclidine (PCP);
- 2 27. Pyrrolidine Analog for Phencyclidine. Also known as 1-(1-
- 3 Phencyclohexyl) - Pyrrolidine, PCPy, PHP;
- 4 28. 1-(3-[trifluoromethylphenyl]) piperazine;
- 5 29. Flunitrazepam;
- 6 30. B-hydroxy-amphetamine;
- 7 31. B-ketoamphetamine;
- 8 32. 2,5-dimethoxy-4-nitroamphetamine;
- 9 33. 2,5-dimethoxy-4-bromophenethylamine;
- 10 34. 2,5-dimethoxy-4-chlorophenethylamine;
- 11 35. 2,5-dimethoxy-4-iodoamphetamine;
- 12 36. 2,5-dimethoxy-4-iodophenethylamine;
- 13 37. 2,5-dimethoxy-4-methylphenethylamine;
- 14 38. 2,5-dimethoxy-4-ethylphenethylamine;
- 15 39. 2,5-dimethoxy-4-fluorophenethylamine;
- 16 40. 2,5-dimethoxy-4-nitrophenethylamine;
- 17 41. 2,5-dimethoxy-4-ethylthio-phenethylamine;
- 18 42. 2,5-dimethoxy-4-isopropylthio-phenethylamine;
- 19 43. 2,5-dimethoxy-4-propylthio-phenethylamine;
- 20 44. 2,5-dimethoxy-4-cyclopropylmethylthio-phenethylamine;
- 21 45. 2,5-dimethoxy-4-tert-butylthio-phenethylamine;
- 22 46. 2,5-dimethoxy-4-(2-fluoroethylthio)-phenethylamine;
- 23 47. 5-methoxy-N, N-dimethyltryptamine;

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- 1 48. N-methyltryptamine;
- 2 49. A-ethyltryptamine;
- 3 50. A-methyltryptamine;
- 4 51. N, N-diethyltryptamine;
- 5 52. N, N-diisopropyltryptamine;
- 6 53. N, N-dipropyltryptamine;
- 7 54. 5-methoxy-a-methyltryptamine;
- 8 55. 4-hydroxy-N, N-diethyltryptamine;
- 9 56. 4-hydroxy-N, N-diisopropyltryptamine;
- 10 57. 5-methoxy-N, N-diisopropyltryptamine;
- 11 58. 4-hydroxy-N-isopropyl-N-methyltryptamine;
- 12 59. 3,4-Methylenedioxy methcathinone (Methylone);
- 13 60. ~~3,4-Methylenedioxy~~pyrovalerone 3,4-
- 14 Methylenedioxypyrovalerone (MDPV);
- 15 61. 4-Methylmethcathinone (Mephedrone);
- 16 62. 4-methoxymethcathinone;
- 17 63. 4-Fluoromethcathinone; ~~or~~
- 18 64. 3-Fluoromethcathinone;
- 19 65. 1-(8-bromobenzo[1,2-b;4,5-b']difuran-4-yl)-2-aminopropane;
- 20 66. 2,5-Dimethoxy-4-chloroamphetamine;
- 21 67. 4-Methylmethcathinone;
- 22 68. Pyrovalerone;
- 23 69. N,N-diallyl-5-methoxytryptamine;

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1     70. 3,4-Methylenedioxy-N-ethylcathinone (Ethylone);

2     71. B-keto-N-Methylbenzodioxolylbutanamine (Butylone); or

3     72. B-keto-Methylbenzodioxolylpentanamine (Pentylone).

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

8         1. Fenethylamine;

9         2. Mephedrone;

10        3. N-ethylamphetamine;

11        4. Methamphetamine;

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

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

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

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

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

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

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

- n. polybutylene terephthalate resin production,
- o. polyester raw materials for polyurethane elastomers and foams,
- p. coating resin raw material, and
- q. as an intermediate in the manufacture of other chemicals and pharmaceuticals.

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

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

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

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

1 F. 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 1. JWH-004;
- 5 2. JWH-007;
- 6 3. JWH-009;
- 7 4. JWH-015;
- 8 5. JWH-016;
- 9 6. JWH-018;
- 10 7. JWH-019;
- 11 8. JWH-020;
- 12 9. JWH-030;
- 13 10. JWH-046;
- 14 11. JWH-047;
- 15 12. JWH-048;
- 16 13. JWH-049;
- 17 14. JWH-050;
- 18 15. JWH-070;
- 19 16. JWH-071;
- 20 17. JWH-072;
- 21 18. JWH-073;
- 22 19. JWH-076;
- 23 20. JWH-079;

- 1 21. JWH-080;
- 2 22. JWH-081;
- 3 23. JWH-082;
- 4 24. JWH-094;
- 5 25. JWH-096;
- 6 26. JWH-098;
- 7 27. JWH-116;
- 8 28. JWH-120;
- 9 29. JWH-122;
- 10 30. JWH-145;
- 11 31. JWH-146;
- 12 32. JWH-147;
- 13 33. JWH-148;
- 14 34. JWH-149;
- 15 35. JWH-150;
- 16 36. JWH-156;
- 17 37. JWH-167;
- 18 38. JWH-175;
- 19 39. JWH-180;
- 20 40. JWH-181;
- 21 41. JWH-182;
- 22 42. JWH-184;
- 23 43. JWH-185;

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- 1 44. JWH-189;
- 2 45. JWH-192;
- 3 46. JWH-193;
- 4 47. JWH-194;
- 5 48. JWH-195;
- 6 49. JWH-196;
- 7 50. JWH-197;
- 8 51. JWH-198;
- 9 52. JWH-199;
- 10 53. JWH-200;
- 11 54. JWH-201;
- 12 55. JWH-202;
- 13 56. JWH-203;
- 14 57. JWH-204;
- 15 58. JWH-205;
- 16 59. JWH-206;
- 17 60. JWH-207;
- 18 61. JWH-208;
- 19 62. JWH-209;
- 20 63. JWH-210;
- 21 64. JWH-211;
- 22 65. JWH-212;
- 23 66. JWH-213;

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- 1 67. JWH-234;
- 2 68. JWH-235;
- 3 69. JWH-236;
- 4 70. JWH-237;
- 5 71. JWH-239;
- 6 72. JWH-240;
- 7 73. JWH-241;
- 8 74. JWH-242;
- 9 75. JWH-243;
- 10 76. JWH-244;
- 11 77. JWH-245;
- 12 78. JWH-246;
- 13 79. JWH-248;
- 14 80. JWH-249;
- 15 81. JWH-250;
- 16 82. JWH-251;
- 17 83. JWH-252;
- 18 84. JWH-253;
- 19 85. JWH-262;
- 20 86. JWH-292;
- 21 87. JWH-293;
- 22 88. JWH-302;
- 23 89. JWH-303;

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- 1 90. JWH-304;
- 2 91. JWH-305;
- 3 92. JWH-306;
- 4 93. JWH-307;
- 5 94. JWH-308;
- 6 95. JWH-311;
- 7 96. JWH-312;
- 8 97. JWH-313;
- 9 98. JWH-314;
- 10 99. JWH-315;
- 11 100. JWH-316;
- 12 101. JWH-346;
- 13 102. JWH-348;
- 14 103. JWH-363;
- 15 104. JWH-364;
- 16 105. JWH-365;
- 17 106. JWH-367;
- 18 107. JWH-368;
- 19 108. JWH-369;
- 20 109. JWH-370;
- 21 110. JWH-371;
- 22 111. JWH-373;
- 23 112. JWH-386;

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- 1 113. JWH-387;  
2 114. JWH-392;  
3 115. JWH-394;  
4 116. JWH-395;  
5 117. JWH-397;  
6 118. JWH-398;  
7 119. JWH-399;  
8 120. JWH-400;  
9 121. JWH-412;  
10 122. JWH-413;  
11 123. JWH-414;  
12 124. JWH-415;  
13 125. CP-55, 940;  
14 126. CP-47, 497;  
15 127. HU-210;  
16 128. HU-211;  
17 129. WIN-55, 212-2; ~~and~~  
18 130. AM-2201;  
19 131. AM-2233; and  
20 132. JWH-018 adamantyl-carboxamide.

21 SECTION 3. AMENDATORY 63 O.S. 2011, Section 2-208, is  
22 amended to read as follows:  
23  
24

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

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

8 1. ~~Any substance which contains any quantity of a derivative of~~  
9 ~~barbituric acid, or any salt of a derivative of barbituric acid~~  
10 ~~unless specifically excepted or unless listed in another schedule~~  
11 Any drug product containing gamma-hydroxybutyric acid, including its  
12 salts, isomers, and salts of isomers, for which an application has  
13 been approved under Section 505 of the Federal Food, Drug, and  
14 Cosmetic Act;

15 2. ~~Chlorhexadol~~ Any material, compound, mixture, or preparation  
16 which contains any quantity of the following hormonal substances or  
17 steroids, including their salts, isomers, esters and salts of  
18 isomers and esters, when the existence of these salts, isomers,  
19 esters, and salts of isomers and esters is possible within the  
20 specific chemical designation:

- 21 a. Boldenone,
- 22 b. Chlorotestosterone,
- 23 c. Clotebol,

- 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            3. Glutethimide Any substance which contains any quantity of a  
5 derivative of barbituric acid, or any salt of a derivative of  
6 barbituric acid;

7            4. ~~Lysergic acid~~ Benzephetamine and its salts;

8            5. ~~Lysergic acid amide~~ Buprenorphine;

9            6. ~~Methyprylon~~ Butalbital/acetaminophen/caffeine;

10           7. ~~Sulfondiethylmethane~~ Chlorhexadol;

11           8. ~~Sulfonethylmethane~~ Chlorphentermine and its salts;

12           9. ~~Sulfonmethane~~ Clortermine;

13           10. ~~Benzephetamine and its salts~~ Glutethimide;

14           11. ~~Chlorphentermine and its salts~~ Hydrocodone with another  
15 active ingredient;

16           12. ~~Clortermine~~ Ketamine, its salts, isomers, and salts of  
17 isomers;

18           13. ~~Mazindol~~ Lysergic acid;

19           14. ~~Phendimetrazine~~ Lysergic acid amide;

20           15. ~~Phenylacetone (P2P)~~ Mazindol;

21           16. ~~1-Phencyclohexylamine~~ Methyprylon;

22           17. ~~1-Piperidinoecyclohexanecarbo nitrile (PCC)~~ Phendimetrazine;

1       ~~18. Ketamine, its salts, isomers, and salts of isomers~~  
2       Phenylacetone (P2P);

3       ~~19. Any material, compound, mixture, or preparation which~~  
4       ~~contains any quantity of the following hormonal substances or~~  
5       ~~steroids, including their salts, isomers, esters and salts of~~  
6       ~~isomers and esters, when the existence of these salts, isomers,~~  
7       ~~esters, and salts of isomers and esters is possible within the~~  
8       ~~specific chemical designation:~~

- 9           a.   ~~Boldenone,~~
- 10          b.   ~~Chlorotestosterone,~~
- 11          c.   ~~Clostebol,~~
- 12          d.   ~~Dehydrochlormethyltestosterone,~~
- 13          e.   ~~Dihydrotestosterone,~~
- 14          f.   ~~Drostanolone,~~
- 15          g.   ~~Ethylestrenol,~~
- 16          h.   ~~Fluoxymesterone,~~
- 17          i.   ~~Formebolone,~~
- 18          j.   ~~Mesterolone,~~
- 19          k.   ~~Methandienone,~~
- 20          l.   ~~Methandranone,~~
- 21          m.   ~~Methandriol,~~
- 22          n.   ~~Methandrostenolone,~~
- 23          o.   ~~Methenolone,~~

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

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 one and eight-tenths (1.8) grams of  
16 dihydrocodeine or any of its salts, per one hundred (100)  
17 milliliters or not more than ninety (90) milligrams per dosage unit,  
18 with one or more active, nonnarcotic ingredients in recognized  
19 therapeutic amounts;

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

24

1 5. Not more than five hundred (500) milligrams of opium per one  
2 hundred (100) milliliters or per one hundred (100) grams, or not  
3 more than twenty-five (25) milligrams per dosage unit, with one or  
4 more active, nonnarcotic ingredients in recognized therapeutic  
5 amounts; or

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

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

21 E. The following hormonal substances or steroids are exempt  
22 from classification as Schedule III controlled dangerous substances:  
23  
24

- 1        1. Estratest, containing 1.25 mg esterified estrogens and 2.5  
2 mg methyltestosterone;
- 3        2. Estratest HS, containing 0.625 mg esterified estrogens and  
4 1.25 mg methyltestosterone;
- 5        3. Premarin with Methyltestosterone, containing 1.25 mg  
6 conjugated estrogens and 10.0 mg methyltestosterone;
- 7        4. Premarin with Methyltestosterone, containing 0.625 mg  
8 conjugated estrogens and 5.0 mg methyltestosterone;
- 9        5. Testosterone Cypionate - Estradiol Cypionate injection,  
10 containing 50 mg/ml Testosterone Cypionate; and
- 11        6. Testosterone Enanthate - Estradiol Valerate injection,  
12 containing 90 mg/ml Testosterone Enanthate and 4 mg/ml Estradiol  
13 Valerate.

14        SECTION 4.        AMENDATORY        63 O.S. 2011, Section 2-210, is  
15 amended to read as follows:

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

- 20        1. Chloral betaine;
- 21        2. Chloral hydrate;
- 22        3. Ethchlorvynol;
- 23        4. Ethinamate;

24

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

24

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

20 B. 1. The following nonnarcotic substances, which may, under

21 the Federal Food, Drug, and Cosmetic Act (21 U.S.C., Section 301),

22 be lawfully sold over the counter without a prescription, are

23

24

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

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

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

- 20 a. is labeled and marketed in a manner consistent with  
21 the pertinent OTC tentative final or final monograph  
22 issued by the FDA, and

23

24

1           b.    is manufactured and distributed for legitimate  
2                    medicinal use and in a manner that reduces or  
3                    eliminates the likelihood of abuse.

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

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

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

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

17          C.    The Board of Pharmacy may except by rule any compound,  
18 mixture, or preparation containing any depressant substance listed  
19 in subsection A of this section from the application of all or any  
20 part of the Uniform Controlled Dangerous Substances Act, Section 2-  
21 101 et seq. of this title, if the compound, mixture, or preparation  
22 contains one or more active medicinal ingredients not having a  
23 depressant effect on the central nervous system, and if the

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

5 SECTION 5. AMENDATORY 63 O.S. 2011, Section 2-309, is  
6 amended to read as follows:

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

20 2. Electronic prescribing may be utilized for Schedules II,  
21 III, IV and V, subject to the requirements set forth in 21 CFR,  
22 Section 1311, et seq.

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

5           a. for Schedule II drugs, the original prescription must  
6 be presented and verified against the facsimile at the  
7 time the substances are actually dispensed, and the  
8 original document must be properly annotated and  
9 retained for filing, except:

10           (1) home infusion pharmacy may consider the facsimile  
11 to be a "written prescription" as required by  
12 this act and as required by Title 21 U.S.C.,  
13 Section 829(a). The facsimile copy of the  
14 prescription shall be retained as an original  
15 prescription, and it must contain all the  
16 information required by this act and 21 CFR,  
17 Section 1306.05(a), including date issued, the  
18 patient's full name and address, and the  
19 practitioner's name, address, DEA registration  
20 number, and signature. The exception to the  
21 regulations for home infusion/IV therapy is  
22 intended to facilitate the means by which home  
23 infusion pharmacies obtain prescriptions for  
24

1 patients requiring the frequently modified  
2 parenteral controlled release administration of  
3 narcotic substances, but does not extend to the  
4 dispensing of oral dosage units of controlled  
5 substances, ~~and~~

6 (2) the same exception is granted to patients in Long  
7 Term Care facilities (LTCF), which are filled by  
8 and delivered to the facility by a dispensing  
9 pharmacy, and

10 (3) electronic prescriptions with electronic  
11 signatures may serve as an original prescription,  
12 subject to the requirements set forth in 21 CFR,  
13 Section 1311 et seq., and

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

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

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

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

14 C. No controlled dangerous substance included in Schedule V may  
15 be distributed or dispensed other than for a legitimate medical or  
16 scientific purpose.

17 D. Except for dosages medically required for a period not to  
18 exceed forty-eight (48) hours which are administered by or on  
19 direction of a practitioner, other than a pharmacist, or medication  
20 dispensed directly by a practitioner, other than a pharmacist, to an  
21 ultimate user, tincture opium camphorated, commonly known as  
22 paregoric, may not be dispensed without a written or oral  
23 prescription. The refilling of a prescription for paregoric shall  
24

1 be unlawful unless permission is granted by the prescriber, either  
2 written or oral.

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

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

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

22 SECTION 6. AMENDATORY 63 O.S. 2011, Section 2-309C, is  
23 amended to read as follows:

1 Section 2-309C. A. A dispenser of a Schedule II, III, IV or V  
2 controlled dangerous substance including any compound mixture or  
3 preparation containing any detectable quantity of pseudoephedrine,  
4 its salts or optical isomers, or salts of optical isomers when  
5 dispensed pursuant to a valid prescription shall transmit to a  
6 central repository designated by the Oklahoma State Bureau of  
7 Narcotics and Dangerous Drugs Control using the American Society for  
8 Automation in Pharmacy's (ASAP) Telecommunications Format for  
9 Controlled Substances version designated in rules by the Oklahoma  
10 State Bureau of Narcotics and Dangerous Drugs Control, the following  
11 information for each dispensation to a recipient or agent of a  
12 recipient:

- 13 1. ~~Recipient's name~~ Name;
- 14 2. ~~Recipient's address~~ Address;
- 15 3. ~~Recipient's date~~ Date of birth;
- 16 4. ~~Recipient's identification~~ Identification number;
- 17 5. National Drug Code number of the substance dispensed;
- 18 6. Date of the dispensation;
- 19 7. Quantity of the substance dispensed;
- 20 8. Prescriber's United States Drug Enforcement Agency  
21 registration number;
- 22 9. Dispenser's registration number; and
- 23 10. Other information as required by administrative rule.

1 B. The information required by this section shall be  
2 transmitted:

3 1. In a format or other media designated acceptable by the  
4 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control; and

5 2. Within twenty-four (24) hours of the time that the substance  
6 is dispensed. Beginning January 1, 2012, all information shall be  
7 submitted on a real-time log.

8 C. When a prescription is written or dispensed to a resident of  
9 a nursing home or a person who is under the care of a hospice  
10 program licensed pursuant to the provisions of the Oklahoma Hospice  
11 Licensing Act who does not have an identification card issued by the  
12 state or another form of a recipient identification number pursuant  
13 to Section 2-309B of this title, a Social Security number may be  
14 used for the purpose of complying with the reporting requirements  
15 provided for in this section.

16 ~~D. The provisions of subsection B of this section shall not~~  
17 ~~apply to a nonresident drug outlet registered pursuant to the~~  
18 ~~Oklahoma Pharmacy Act or to a resident drug outlet as defined in~~  
19 ~~Section 353.1 of Title 59 of the Oklahoma Statutes if the~~  
20 ~~nonresident or resident drug outlet mails or delivers a controlled~~  
21 ~~substance to a patient or client. Nonresident and resident drug~~  
22 ~~outlets shall transmit the information required in this section~~

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1 ~~within seven (7) days of the date that the controlled substance is~~  
2 ~~dispensed.~~

3 ~~E.~~ Willful failure to transmit accurate information as required  
4 by this section shall be a misdemeanor punishable, upon conviction,  
5 by not more than one (1) year in the county jail, or by a fine of  
6 not more than One Thousand Dollars (\$1,000.00), or by both such  
7 imprisonment and fine, or administrative action may be taken  
8 pursuant to Section 2-304 of this title.

9 ~~F.~~ E. The Director of the Bureau shall have the authority to  
10 allow paper submissions on a form designated by the Oklahoma State  
11 Bureau of Narcotics and Dangerous Drugs Control, if the dispenser  
12 has an appropriate hardship.

13 ~~G.~~ F. The Oklahoma State Bureau of Narcotics and Dangerous  
14 Drugs Control is authorized, by any funds available to it, to  
15 implement a real-time electronic logbook to monitor the sale of  
16 nonprescription Schedule V products containing any detectable  
17 quantity of pseudoephedrine, its salts or optical isomers, or salts  
18 of optical isomers. Dispensers of such pseudoephedrine products  
19 shall report all such sales electronically pursuant to rules  
20 promulgated by the Oklahoma State Bureau of Narcotics and Dangerous  
21 Drugs Control.

22 ~~H.~~ G. The Oklahoma State Bureau of Narcotics and Dangerous  
23 Drugs Control shall have the authority to adopt rules for the

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1 reporting of sales of Schedule V product containing any detectable  
2 quantity of pseudoephedrine, its salts or optical isomers, or salts  
3 of optical isomers.

4 SECTION 7. AMENDATORY 63 O.S. 2011, Section 2-329, is  
5 amended to read as follows:

6 Section 2-329. A. In addition to any fine or imprisonment  
7 imposed under Section ~~10~~ 2-328 of this ~~act~~ title, the following drug  
8 cleanup fine ~~shall~~ may be imposed:

9 1. Up to Ten Thousand Dollars (\$10,000.00) for violations  
10 described in subsection A of Section ~~10~~ 2-328 or Section 2-401 of  
11 this ~~act~~ title; and

12 2. Up to One Hundred Thousand Dollars (\$100,000.00) for  
13 violations described in subsections C, D or E of Section ~~10~~ 2-328 of  
14 this ~~act~~ title.

15 B. All fines collected under this section shall be transferred  
16 to the ~~OSBI~~ Bureau of Narcotics Revolving Fund, pursuant to Section  
17 ~~150.19a~~ 2-107 of ~~Title 74 of the Oklahoma Statutes~~ this title.

18 SECTION 8. This act shall become effective November 1, 2012.

19  
20 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 02/29/2012 -  
21 DO PASS, As Amended and Coauthored.