

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 HOUSE BILL 2468

By: Morrissette

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5
6 AS INTRODUCED

7 An Act relating to public health and safety; amending
8 63 O.S. 2011, Sections 2-206, 2-208 and 2-302, which
9 relate to the Uniform Controlled Dangerous Substances
10 Act; adding certain substance to Schedule II;
11 deleting certain substance from Schedule III;
12 directing registrants to perform certain function;
13 and providing an effective date.

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

15 SECTION 1. AMENDATORY 63 O.S. 2011, Section 2-206, is
16 amended to read as follows:

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

19 A. Any of the following substances except those narcotic drugs
20 listed in other schedules whether produced directly or indirectly by
21 extraction from substances of vegetable origin, or independently by
22 means of chemical synthesis, or by combination of extraction and
23 chemical synthesis:

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

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

5 3. Opium poppy and poppy straw; or

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

13 B. Any of the following opiates, including their isomers,
14 esters, ethers, salts, and salts of isomers, esters and ethers, when
15 the existence of these isomers, esters, ethers, and salts is
16 possible within the specific chemical designation:

- 17 1. Alphaprodine;
- 18 2. Anileridine;
- 19 3. Bezitramide;
- 20 4. Dihydrocodeine;
- 21 5. Diphenoxylate;
- 22 6. Fentanyl;
- 23 7. Hydromorphone;
- 24 8. Isomethadone;

- 1 9. Levomethorphan;
- 2 10. Levorphanol;
- 3 11. Metazocine;
- 4 12. Methadone;
- 5 13. Methadone - Intermediate, 4-cyano-2-dimethylamino-4, 4-
- 6 diphenyl butane;
- 7 14. Moramide - Intermediate, 2-methyl-3-morpholino-1, 1-
- 8 diphenyl-propane-carboxylic acid;
- 9 15. Oxycodone;
- 10 16. Oxymorphone;
- 11 17. Pethidine (Meperidine);
- 12 18. Pethidine - Intermediate - A, 4-cyano-1-methyl-4-
- 13 phenylpiperidine;
- 14 19. Pethidine - Intermediate - B, ethyl-4-phenylpiperidine-4-
- 15 carboxylate;
- 16 20. Pethidine - Intermediate - C, 1-methyl-4-phenylpiperidine-
- 17 4-carboxylic acid;
- 18 21. Phenazocine;
- 19 22. Piminodine;
- 20 23. Racemethorphan;
- 21 24. Racemorphan;
- 22 25. Etorphine Hydrochloride salt only;
- 23 26. Alfentanil hydrochloride;
- 24 27. Levo-alphaacetylmethadol;

1 28. Codeine;

2 29. Hydrocodone;

3 30. Hydrocodone with another active ingredient;

4 31. Morphine;

5 ~~31.~~ 32. Remifentanil; or

6 ~~32.~~ 33. Sufentanil.

7 C. Any substance which contains any quantity of:

8 1. Methamphetamine, including its salts, isomers, and salts of
9 isomers;

10 2. Amphetamine, its salts, optical isomers, and salts of its
11 optical isomers; or

12 3. Nabilone.

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

17 1. Phenmetrazine and its salts;

18 2. Methylphenidate;

19 3. Amobarbital;

20 4. Pentobarbital; or

21 5. Secobarbital.

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

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 2. Chlorhexadol;
- 12 3. Glutethimide;
- 13 4. Lysergic acid;
- 14 5. Lysergic acid amide;
- 15 6. Methyprylon;
- 16 7. Sulfondiethylmethane;
- 17 8. Sulfonethylmethane;
- 18 9. Sulfonmethane;
- 19 10. Benzephetamine and its salts;
- 20 11. Chlorphentermine and its salts;
- 21 12. Clortermine;
- 22 13. Mazindol;
- 23 14. Phendimetrazine;
- 24 15. Phenylacetone (P2P);

- 1 16. 1-Phencyclohexylamine;
- 2 17. 1-Piperidinocyclohexanecarbonitrile (PCC);
- 3 18. Ketamine, its salts, isomers, and salts of isomers;
- 4 19. Any material, compound, mixture, or preparation which
- 5 contains any quantity of the following hormonal substances or
- 6 steroids, including their salts, isomers, esters and salts of
- 7 isomers and esters, when the existence of these salts, isomers,
- 8 esters, and salts of isomers and esters is possible within the
- 9 specific chemical designation:
- 10 a. Boldenone,
- 11 b. Chlorotestosterone,
- 12 c. Clostebol,
- 13 d. Dehydrochlormethyltestosterone,
- 14 e. Dihydrotestosterone,
- 15 f. Drostanolone,
- 16 g. Ethylestrenol,
- 17 h. Fluoxymesterone,
- 18 i. Formebolone,
- 19 j. Mesterolone,
- 20 k. Methandienone,
- 21 l. Methandranone,
- 22 m. Methandriol,
- 23 n. Methandrostenolone,
- 24 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;
- 15 20. Tetrahydrocannabinols;
- 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; or
- 20 22. Buprenorphine; ~~or~~
21 ~~23. Hydrocodone with another active ingredient.~~
- 22 Livestock implants as regulated by the Federal Food and Drug
23 Administration shall be exempt.
- 24 B. Nalorphine.

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

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

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

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

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

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

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

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

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

20 1. Estratest, containing 1.25 mg esterified estrogens and 2.5
21 mg methyltestosterone;

22 2. Estratest HS, containing 0.625 mg esterified estrogens and
23 1.25 mg methyltestosterone;

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1 3. Premarin with Methyltestosterone, containing 1.25 mg
2 conjugated estrogens and 10.0 mg methyltestosterone;

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

5 5. Testosterone Cypionate - Estrodiol Cypionate injection,
6 containing 50 mg/ml Testosterone Cypionate; and

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

10 SECTION 3. AMENDATORY 63 O.S. 2011, Section 2-302, is
11 amended to read as follows:

12 Section 2-302. A. Every person who manufactures, distributes,
13 dispenses, prescribes, administers or uses for scientific purposes
14 any controlled dangerous substance within this state, or who
15 proposes to engage in the manufacture, distribution, dispensing,
16 prescribing, administering or use for scientific purposes of any
17 controlled dangerous substance within this state shall obtain a
18 registration issued by the Director of the Oklahoma State Bureau of
19 Narcotics and Dangerous Drugs Control, in accordance with rules
20 promulgated by the Director. Persons registered by the Director
21 under Section 2-101 et seq. of this title to manufacture,
22 distribute, dispense, or conduct research with controlled dangerous
23 substances may possess, manufacture, distribute, dispense, or
24 conduct research with those substances to the extent authorized by

1 their registration and in conformity with the other provisions of
2 this article. Every wholesaler, manufacturer or distributor of any
3 drug product containing pseudoephedrine or phenylpropanolamine, or
4 their salts, isomers, or salts of isomers shall obtain a
5 registration issued by the Director of the Oklahoma State Bureau of
6 Narcotics and Dangerous Drugs Control in accordance with rules
7 promulgated by the Director and as provided for in Section 2-332 of
8 this title.

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

17 C. Manufacturers, distributors, home care agencies, hospices,
18 home care services, and scientific researchers shall obtain a
19 registration annually. Other practitioners shall obtain a
20 registration for a period to be determined by the Director that will
21 be for a period not less than one (1) year nor more than three (3)
22 years.

23 D. Every trainer or handler of a canine controlled dangerous
24 substances detector who, in the ordinary course of such trainer's or

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

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

14 1. An agent, or an employee thereof, of any registered
15 manufacturer, distributor, dispenser or user for scientific purposes
16 of any controlled dangerous substance, if such agent is acting in
17 the usual course of such agent's or employee's business or
18 employment;

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

22 3. A common or contract carrier or warehouse, or an employee
23 thereof, whose possession of any controlled dangerous substance is
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1 in the usual course of such carrier's or warehouse's business or
2 employment;

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

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

8 6. A nursing home licensed by this state;

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

15 8. Registered nurses and licensed practical nurses.

16 F. The Director may, by rule, waive the requirement for
17 registration or fee for registration of certain manufacturers,
18 distributors, dispensers, prescribers, administrators, or users for
19 scientific purposes if the Director finds it consistent with the
20 public health and safety.

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

1 H. The Director is authorized to inspect the establishment of a
2 registrant or applicant for registration in accordance with rules
3 promulgated by the Director.

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

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

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

18 L. The licensing board of any professional defined as a mid-
19 level practitioner shall notify and furnish to the Director, not
20 later than the first day of October of each year that such
21 professional holds a valid license, a current listing of individuals
22 licensed and registered with their respective boards to prescribe,
23 order, select, obtain and administer controlled dangerous
24 substances. The licensing board shall immediately notify the

1 Director of any action subsequently taken against any such
2 individual.

3 M. Beginning November 1, ~~2010~~ 2012, each registrant that
4 prescribes, administers or dispenses ~~methadone~~ any controlled
5 dangerous substance shall be required to check the prescription
6 profile of the patient on the central repository of the Oklahoma
7 State Bureau of Narcotics and Dangerous Drugs Control.

8 SECTION 4. This act shall become effective November 1, 2012.

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