

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2942

By: Derby

4  
5  
6 AS INTRODUCED

7 An Act relating to public health and safety; amending  
8 63 O.S. 2011, Sections 2-204, 2-210 and 2-309C, which  
9 relate to the Uniform Controlled Dangerous Substances  
10 Act; adding certain substances to Schedule I and  
11 Schedule IV; deleting exception to transmission  
12 requirement for nonresident drug outlets; and  
13 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 2-204, is  
16 amended to read as follows:

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

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

- 24 1. Acetylmethadol;  
2. Allylprodine;

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

- 1 27. Levomoramide;
- 2 28. Levophenacymorphan;
- 3 29. Morpheridine;
- 4 30. Noracymethadol;
- 5 31. Norlevorphanol;
- 6 32. Normethadone;
- 7 33. Norpipanone;
- 8 34. Phenadoxone;
- 9 35. Phenampromide;
- 10 36. Phenomorphan;
- 11 37. Phenoperidine;
- 12 38. Piritramide;
- 13 39. Proheptazine;
- 14 40. Properidine;
- 15 41. Racemoramide; or
- 16 42. Trimeperidine.

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-(3-[trifluoromethylphenyl]) piperazine;
- 8 29. Flunitrazepam;
- 9 30. B-hydroxy-amphetamine;
- 10 31. B-ketoamphetamine;
- 11 32. 2,5-dimethoxy-4-nitroamphetamine;
- 12 33. 2,5-dimethoxy-4-bromophenethylamine;
- 13 34. 2,5-dimethoxy-4-chlorophenethylamine;
- 14 35. 2,5-dimethoxy-4-iodoamphetamine;
- 15 36. 2,5-dimethoxy-4-iodophenethylamine;
- 16 37. 2,5-dimethoxy-4-methylphenethylamine;
- 17 38. 2,5-dimethoxy-4-ethylphenethylamine;
- 18 39. 2,5-dimethoxy-4-fluorophenethylamine;
- 19 40. 2,5-dimethoxy-4-nitrophenethylamine;
- 20 41. 2,5-dimethoxy-4-ethylthio-phenethylamine;
- 21 42. 2,5-dimethoxy-4-isopropylthio-phenethylamine;
- 22 43. 2,5-dimethoxy-4-propylthio-phenethylamine;
- 23 44. 2,5-dimethoxy-4-cyclopropylmethylthio-phenethylamine;
- 24 45. 2,5-dimethoxy-4-tert-butylthio-phenethylamine;

- 1 46. 2,5-dimethoxy-4-(2-fluoroethylthio)-phenethylamine;
- 2 47. 5-methoxy-N, N-dimethyltryptamine;
- 3 48. N-methyltryptamine;
- 4 49. A-ethyltryptamine;
- 5 50. A-methyltryptamine;
- 6 51. N, N-diethyltryptamine;
- 7 52. N, N-diisopropyltryptamine;
- 8 53. N, N-dipropyltryptamine;
- 9 54. 5-methoxy-a-methyltryptamine;
- 10 55. 4-hydroxy-N, N-diethyltryptamine;
- 11 56. 4-hydroxy-N, N-diisopropyltryptamine;
- 12 57. 5-methoxy-N, N-diisopropyltryptamine;
- 13 58. 4-hydroxy-N-isopropyl-N-methyltryptamine;
- 14 59. 3,4-Methylenedioxy-methcathinone (Mephedrone);
- 15 60. 3,4-Methylenedioxy-pyrovalerone (MDPV);
- 16 61. 4-Methylmethcathinone (Mephedrone);
- 17 62. 4-methoxymethcathinone;
- 18 63. 4-Fluoromethcathinone; ~~or~~
- 19 64. 3-Fluoromethcathinone; or
- 20 65. 1-(8-bromobenzo[1,2;4,5-b]difuran-4-yl)-2-aminopropane.

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

- 1 1. Fenethylline;
- 2 2. Mecloqualone;
- 3 3. N-ethylamphetamine;
- 4 4. Methaqualone;
- 5 5. Gamma-Hydroxybutyric Acid, also known as GHB, gamma-
- 6 hydroxybutyrate, 4-hydroxybutyrate, 4-hydroxybutanoic acid, sodium
- 7 oxybate, and sodium oxybutyrate;
- 8 6. Gamma-Butyrolactone (GBL) as packaged, marketed,
- 9 manufactured or promoted for human consumption, with the exception
- 10 of legitimate food additive and manufacturing purposes;
- 11 7. Gamma Hydroxyvalerate (GHV) as packaged, marketed, or
- 12 manufactured for human consumption, with the exception of legitimate
- 13 food additive and manufacturing purposes;
- 14 8. Gamma Valerolactone (GVL) as packaged, marketed, or
- 15 manufactured for human consumption, with the exception of legitimate
- 16 food additive and manufacturing purposes; or
- 17 9. 1,4 Butanediol (1,4 BD or BDO) as packaged, marketed,
- 18 manufactured, or promoted for human consumption with the exception
- 19 of legitimate manufacturing purposes.

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

- 24 a. pesticides,

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

2. At the request of any person, the Director may exempt any other product containing Gamma-Butyrolactone, Gamma Hydroxyvalerate, Gamma Valerolactone, or 1,4 Butanediol from being included as a

1 Schedule I controlled substance if such product is labeled,  
2 marketed, manufactured and distributed for legitimate industrial use  
3 in a manner that reduces or eliminates the likelihood of abuse.

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

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

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

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

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

- 1 8. JWH-020;
- 2 9. JWH-030;
- 3 10. JWH-046;
- 4 11. JWH-047;
- 5 12. JWH-048;
- 6 13. JWH-049;
- 7 14. JWH-050;
- 8 15. JWH-070;
- 9 16. JWH-071;
- 10 17. JWH-072;
- 11 18. JWH-073;
- 12 19. JWH-076;
- 13 20. JWH-079;
- 14 21. JWH-080;
- 15 22. JWH-081;
- 16 23. JWH-082;
- 17 24. JWH-094;
- 18 25. JWH-096;
- 19 26. JWH-098;
- 20 27. JWH-116;
- 21 28. JWH-120;
- 22 29. JWH-122;
- 23 30. JWH-145;
- 24 31. JWH-146;

- 1 32. JWH-147;
- 2 33. JWH-148;
- 3 34. JWH-149;
- 4 35. JWH-150;
- 5 36. JWH-156;
- 6 37. JWH-167;
- 7 38. JWH-175;
- 8 39. JWH-180;
- 9 40. JWH-181;
- 10 41. JWH-182;
- 11 42. JWH-184;
- 12 43. JWH-185;
- 13 44. JWH-189;
- 14 45. JWH-192;
- 15 46. JWH-193;
- 16 47. JWH-194;
- 17 48. JWH-195;
- 18 49. JWH-196;
- 19 50. JWH-197;
- 20 51. JWH-198;
- 21 52. JWH-199;
- 22 53. JWH-200;
- 23 54. JWH-201;
- 24 55. JWH-202;

- 1 56. JWH-203;
- 2 57. JWH-204;
- 3 58. JWH-205;
- 4 59. JWH-206;
- 5 60. JWH-207;
- 6 61. JWH-208;
- 7 62. JWH-209;
- 8 63. JWH-210;
- 9 64. JWH-211;
- 10 65. JWH-212;
- 11 66. JWH-213;
- 12 67. JWH-234;
- 13 68. JWH-235;
- 14 69. JWH-236;
- 15 70. JWH-237;
- 16 71. JWH-239;
- 17 72. JWH-240;
- 18 73. JWH-241;
- 19 74. JWH-242;
- 20 75. JWH-243;
- 21 76. JWH-244;
- 22 77. JWH-245;
- 23 78. JWH-246;
- 24 79. JWH-248;

- 1 80. JWH-249;
- 2 81. JWH-250;
- 3 82. JWH-251;
- 4 83. JWH-252;
- 5 84. JWH-253;
- 6 85. JWH-262;
- 7 86. JWH-292;
- 8 87. JWH-293;
- 9 88. JWH-302;
- 10 89. JWH-303;
- 11 90. JWH-304;
- 12 91. JWH-305;
- 13 92. JWH-306;
- 14 93. JWH-307;
- 15 94. JWH-308;
- 16 95. JWH-311;
- 17 96. JWH-312;
- 18 97. JWH-313;
- 19 98. JWH-314;
- 20 99. JWH-315;
- 21 100. JWH-316;
- 22 101. JWH-346;
- 23 102. JWH-348;
- 24 103. JWH-363;

- 1 104. JWH-364;
- 2 105. JWH-365;
- 3 106. JWH-367;
- 4 107. JWH-368;
- 5 108. JWH-369;
- 6 109. JWH-370;
- 7 110. JWH-371;
- 8 111. JWH-373;
- 9 112. JWH-386;
- 10 113. JWH-387;
- 11 114. JWH-392;
- 12 115. JWH-394;
- 13 116. JWH-395;
- 14 117. JWH-397;
- 15 118. JWH-398;
- 16 119. JWH-399;
- 17 120. JWH-400;
- 18 121. JWH-412;
- 19 122. JWH-413;
- 20 123. JWH-414;
- 21 124. JWH-415;
- 22 125. CP-55, 940;
- 23 126. CP-47, 497;
- 24 127. HU-210;

- 1 128. HU-211;
- 2 129. WIN-55, 212-2; and
- 3 130. AM-2201.

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

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

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

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

- 1 36. Estazolam;
- 2 37. Eszopiclone;
- 3 38. Midazolam;
- 4 39. Modafinil;
- 5 40. Zaleplon; ~~or~~
- 6 41. Zolpidem; or
- 7 42. Tramadol.

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

- 13 a. Breathe-Aid,
- 14 b. BronCare,
- 15 c. Bronchial Congestion,
- 16 d. Bronkaid Tablets,
- 17 e. Bronkaid Dual Action Caplets,
- 18 f. Bronkotabs,
- 19 g. Bronkolixir,
- 20 h. NeoRespin,
- 21 i. Pazo Hemorrhoid Ointment and Suppositories,
- 22 j. Primatene Tablets,
- 23 k. Primatene "Dual Action" Formula,
- 24 l. Quelidrine,

1 m. Resp, and

2 n. Vatronal Nose Drops.

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

6 a. is labeled and marketed in a manner consistent with  
7 the pertinent OTC tentative final or final monograph  
8 issued by the FDA, and

9 b. is manufactured and distributed for legitimate  
10 medicinal use and in a manner that reduces or  
11 eliminates the likelihood of abuse.

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

14 a. the history and current pattern of abuse,

15 b. the name and labeling of the product,

16 c. the intended manner of distribution, advertising and  
17 promotion of the product, and

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

20 4. The hearing shall be held in accordance with the  
21 Administrative Procedures Act.

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

1 C. The Board of Pharmacy may except by rule any compound,  
2 mixture, or preparation containing any depressant substance listed  
3 in subsection A of this section from the application of all or any  
4 part of the Uniform Controlled Dangerous Substances Act, Section 2-  
5 101 et seq. of this title, if the compound, mixture, or preparation  
6 contains one or more active medicinal ingredients not having a  
7 depressant effect on the central nervous system, and if the  
8 admixtures are included therein in combinations, quantity,  
9 proportion, or concentration that vitiate the potential for abuse of  
10 the substances which have a depressant effect on the central nervous  
11 system.

12 SECTION 3. AMENDATORY 63 O.S. 2011, Section 2-309C, is  
13 amended to read as follows:

14 Section 2-309C. A. A dispenser of a Schedule II, III, IV or V  
15 controlled dangerous substance including any compound mixture or  
16 preparation containing any detectable quantity of pseudoephedrine,  
17 its salts or optical isomers, or salts of optical isomers when  
18 dispensed pursuant to a valid prescription shall transmit to a  
19 central repository designated by the Oklahoma State Bureau of  
20 Narcotics and Dangerous Drugs Control using the American Society for  
21 Automation in Pharmacy's (ASAP) Telecommunications Format for  
22 Controlled Substances version designated in rules by the Oklahoma  
23 State Bureau of Narcotics and Dangerous Drugs Control, the following  
24 information for each dispensation:

- 1 1. Recipient's name;
- 2 2. Recipient's address;
- 3 3. Recipient's date of birth;
- 4 4. Recipient's identification number;
- 5 5. National Drug Code number of the substance dispensed;
- 6 6. Date of the dispensation;
- 7 7. Quantity of the substance dispensed;
- 8 8. Prescriber's United States Drug Enforcement Agency
- 9 registration number;
- 10 9. Dispenser's registration number; and
- 11 10. Other information as required by administrative rule.

12 B. The information required by this section shall be  
13 transmitted:

- 14 1. In a format or other media designated acceptable by the
- 15 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control; and
- 16 2. Within twenty-four (24) hours of the time that the substance
- 17 is dispensed. Beginning January 1, 2012, all information shall be
- 18 submitted on a real-time log.

19 C. When a prescription is written or dispensed to a resident of  
20 a nursing home or a person who is under the care of a hospice  
21 program licensed pursuant to the provisions of the Oklahoma Hospice  
22 Licensing Act who does not have an identification card issued by the  
23 state or another form of a recipient identification number pursuant  
24 to Section 2-309B of this title, a Social Security number may be

1 used for the purpose of complying with the reporting requirements  
2 provided for in this section.

3 ~~D. The provisions of subsection B of this section shall not~~  
4 ~~apply to a nonresident drug outlet registered pursuant to the~~  
5 ~~Oklahoma Pharmacy Act or to a resident drug outlet as defined in~~  
6 ~~Section 353.1 of Title 59 of the Oklahoma Statutes if the~~  
7 ~~nonresident or resident drug outlet mails or delivers a controlled~~  
8 ~~substance to a patient or client. Nonresident and resident drug~~  
9 ~~outlets shall transmit the information required in this section~~  
10 ~~within seven (7) days of the date that the controlled substance is~~  
11 ~~dispensed.~~

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

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

22 ~~G.~~ F. The Oklahoma State Bureau of Narcotics and Dangerous  
23 Drugs Control is authorized, by any funds available to it, to  
24 implement a real-time electronic logbook to monitor the sale of

1 nonprescription Schedule V products containing any detectable  
2 quantity of pseudoephedrine, its salts or optical isomers, or salts  
3 of optical isomers. Dispensers of such pseudoephedrine products  
4 shall report all such sales electronically pursuant to rules  
5 promulgated by the Oklahoma State Bureau of Narcotics and Dangerous  
6 Drugs Control.

7 H. G. The Oklahoma State Bureau of Narcotics and Dangerous  
8 Drugs Control shall have the authority to adopt rules for the  
9 reporting of sales of Schedule V product containing any detectable  
10 quantity of pseudoephedrine, its salts or optical isomers, or salts  
11 of optical isomers.

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

13  
14 53-2-7941 GRS 12/28/11  
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