ENGROSSED HOUSE AMENDMENT
TO
ENGROSSED SENATE BILL NO. 919 By: Sykes of the Senate

and

Derby of the House

[narcotics and dangerous drugs – Schedule I substances - Schedule II substances – Schedule III substances – Schedule IV substances – Schedule V substances - effective date]

AUTHORS: Add the following House Coauthors: Sanders, Roan, Ritze and Brown

AMENDMENT NO. 1. Strike the stricken title, enacting clause and entire bill and insert

"An Act relating to narcotics and dangerous drugs; amending 59 O.S. 2001, Section 353.24, as last amended by Section 18, Chapter 321, O.S.L. 2009 (59 O.S. Supp. 2010, Section 353.24), which relates to the Oklahoma Pharmacy Act; expanding unlawful conduct to include certain dangerous drugs; providing penalties; amending 63 O.S. 2001, Sections 2-204, as last amended by Section 1, Chapter 182, O.S.L. 2010, 2-206, as last amended by Section 2, Chapter 332, O.S.L. 2008, 2-208, as amended by Section 3, Chapter 283, O.S.L. 2005, 2-210, as last amended by Section 3, Chapter 248, O.S.L. 2007, 2-212, as last amended by Section 4, Chapter 458, O.S.L. 2010 and 2-309, as amended by Section 2, Chapter 273, O.S.L. 2008 (63 O.S. Supp. 2010, Sections 2-204, 2-206, 2-208, 2-210, 2-212 and 2-309), which relate to the Uniform Controlled

Dangerous Substances Act; modifying structure of substances listed within Schedule I; designating certain substances as Schedule I substances; designating certain substances as Schedule II substances; designating certain substances as Schedule III substances; designating certain substances as Schedule IV substances; designating certain substance as a Schedule V substance; authorizing electronic prescription method for certain substances under certain circumstances; amending 63 O.S. 2001, Section 2-415, as last amended by Section 5, Chapter 199, O.S.L. 2007 (63 O.S. Supp. 2010, Section 2-415), which relates to the Trafficking in Illegal Drugs Act; clarifying weight amounts for certain substances; amending 63 O.S. 2001, Section 2-508, as last amended by Section 15, Chapter 442, O.S.L. 2009 (63 O.S. Supp. 2010, Section 2-508), which relates to the disposition of seized property; modifying agency that shall be responsible for the destruction of seized or surrendered property; amending Section 2, Chapter 458, O.S.L. 2010 (63 O.S. Supp. 2010, Section 2-701), which relates to the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control registry; requiring registration of persons convicted of crimes in other jurisdictions; modifying time limitation for submitting registration form; and providing an effective date.

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

SECTION 1. AMENDATORY 59 O.S. 2001, Section 353.24, as last amended by Section 18, Chapter 321, O.S.L. 2009 (59 O.S. Supp. 2010, Section 353.24), is amended to read as follows:

Section 353.24 It shall be unlawful for any person, firm or business entity to:

1. Forge or increase the quantity of drug in any prescription, or to present a prescription bearing forged, fictitious or altered

information or to possess any drug secured by such forged, fictitious or altered prescription;

2. Sell, offer for sale, barter or give away any unused quantity of drugs obtained by prescription, except through a program pursuant to the Utilization of Unused Prescription Medications Act or as otherwise provided by the State Board of Pharmacy;

3. Sell, offer for sale, barter or give away any drugs damaged by fire, water, or other causes without first obtaining the written approval of the Board or the State Department of Health;

4. Enter into any arrangement whereby prescription orders are received, or prescriptions delivered at a place other than the pharmacy in which they are compounded and dispensed. However, nothing in this paragraph shall prevent a pharmacist or an employee of the pharmacy from personally receiving a prescription or delivering a legally filled prescription at a residence, office or place of employment of the patient for whom the prescription was written. Provided further, the provisions of this paragraph shall not apply to any Department of Mental Health and Substance Abuse Services employee or any person whose facility contracts with the Department of Mental Health and Substances Abuse Services whose possession of any dangerous drug, as defined in Section 353.1 of this title, is for the purpose of delivery of a mental health consumer’s medicine to the consumer’s home or residence. Nothing in this paragraph shall prevent veterinary prescription drugs from

being shipped directly from an Oklahoma licensed wholesaler or distributor to a client; provided, such drugs may be dispensed only on prescription of a licensed veterinarian and only when an existing veterinary-client-patient relationship exists;

5. Sell, offer for sale or barter or buy any professional samples except through a program pursuant to the Utilization of Unused Prescription Medications Act. For purpose of this paragraph, "professional samples" means complimentary drugs packaged in accordance with federal and state statutes and regulations and provided to a licensed practitioner free of charge by manufacturers or distributors for the purpose of being distributed free of charge in such package by the licensed practitioner to a patient;

6. Refuse to permit or otherwise prevent members of the Board or such representatives thereof from entering and inspecting any and all places, including premises, equipment, contents, and records, where drugs, medicine, chemicals or poisons are stored, sold, vended, given away, compounded, dispensed or manufactured;

7. Possess dangerous drugs without a valid prescription or a valid license to possess such drugs; provided, however, this provision shall not apply to any Department of Mental Health and Substance Abuse Services employee or any person whose facility contracts with the Department of Mental Health and Substances Abuse Services whose possession of any dangerous drug, as defined in Section 353.1 of this title, is for the purpose of delivery of a

mental health consumer's medicine to the consumer's home or residence;

8. Possess, sell, offer for sale, barter or give away any quantity of dangerous drugs not listed as a scheduled drug pursuant to Sections 2-201 through 2-212 of Title 63 of the Oklahoma Statutes when obtained by prescription bearing forged, fictitious or altered information.

a. A first violation of this section shall constitute a misdemeanor and upon conviction shall be punishable by imprisonment in the county jail for a term not more than one (1) year and a fine in an amount not more than One Thousand Dollars ($1,000.00).

b. A second violation of this section shall constitute a felony and upon conviction shall be punishable by imprisonment in the Department of Corrections for a term not exceeding five (5) years and a fine in an amount not more than Two Thousand Dollars ($2,000.00);

9. Knowingly violate a Board order or agreed order;

~~9.~~ 10. Compromise the security of licensure examination materials; or

~~10.~~ 11. Fail to notify the Board, in writing, within ten (10) days of an address change.

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

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

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

1. Acetylmethadol;

2. Allylprodine;

3. Alphacetylmethadol;

4. Alphameprodine;

5. Alphamethadol;

6. Benzethidine;

7. Betacetylmethadol;

8. Betameprodine;

9. Betamethadol;

10. Betaprodine;

11. Clonitazene;

12. Dextromoramide;

13. Dextrorphan (except its methyl ether);

14. Diampromide;

15. Diethylthiambutene;

16. Dimenoxadol;

17. Dimepheptanol;

18. Dimethylthiambutene;

19. Dioxaphetyl butyrate;

20. Dipipanone;

21. Ethylmethylthiambutene;

22. Etonitazene;

23. Etoxeridine;

24. Furethidine;

25. Hydroxypethidine;

26. Ketobemidone;

27. Levomoramide;

28. Levophenacylmorphan;

29. Morpheridine;

30. Noracymethadol;

31. Norlevorphanol;

32. Normethadone;

33. Norpipanone;

34. Phenadoxone;

35. Phenampromide;

36. Phenomorphan;

37. Phenoperidine;

38. Piritramide;

39. Proheptazine;

40. Properidine;

41. Racemoramide; or

42. Trimeperidine~~;~~

~~43. Flunitrazepam;~~

~~44. B-hydroxy-amphetamine;~~

~~45. B-ketoamphetamine;~~

~~46. 3,4-methylenedioxy-N-methyl-B-ketoamphetamine;~~

~~47. 2,5-dimethoxy-4-methylamphetamine;~~

~~48. 2,5-dimethoxy-4-bromoamphetamine;~~

~~49. 2,5-dimethoxy-4-nitroamphetamine;~~

~~50. 2,5-dimethoxy-4-bromophenethylamine;~~

~~51. 2,5-dimethoxy-4-chlorophenethylamine;~~

~~52. 2,5-dimethoxy-4-iodoamphetamine;~~

~~53. 2,5-dimethoxy-4-iodophenethylamine;~~

~~54. 2,5-dimethoxy-4-methylphenethylamine;~~

~~55. 2,5-dimethoxy-4-ethylphenethylamine;~~

~~56. 2,5-dimethoxy-4-fluorophenethylamine;~~

~~57. 2,5-dimethoxy-4-nitrophenethylamine;~~

~~58. 2,5-dimethoxy-4-ethylthio-phenethylamine;~~

~~59. 2,5-dimethoxy-4-isopropylthio-phenethylamine;~~

~~60. 2,5-dimethoxy-4-propylthio-phenethylamine;~~

~~61. 2,5-dimethoxy-4-cyclopropylmethylthio-phenethylamine;~~

~~62. 2,5-dimethoxy-4-tert-butylthio-phenethylamine;~~

~~63. 2,5-dimethoxy-4-(2-fluoroethylthio)-phenethylamine;~~

~~64. 5-methoxy-N, N-dimethyltryptamine;~~

~~65. N-methyltryptamine;~~

~~66. A-ethyltryptamine;~~

~~67. A-methyltryptamine;~~

~~68. N, N-diethyltryptamine;~~

~~69. N, N-diisopropyltryptamine;~~

~~70. N, N-dipropyltryptamine;~~

~~71. 5-methoxy-a-methyltryptamine;~~

~~72. 4-hydroxy-N, N-diethyltryptamine;~~

~~73. 4-hydroxy-N, N-diisopropyltryptamine;~~

~~74. 5-methoxy-N, N-diisopropyltryptamine; or~~

~~75. 4-hydroxy-N-isopropyl-N-methyltryptamine~~.

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

1. Acetorphine;

2. Acetyldihydrocodeine;

3. Benzylmorphine;

4. Codeine methylbromide;

5. Codeine-N-Oxide;

6. Cyprenorphine;

7. Desomorphine;

8. Dihydromorphine;

9. Etorphine;

10. Heroin;

11. Hydromorphinol;

12. Methyldesorphine;

13. Methylhydromorphine;

14. Morphine methylbromide;

15. Morphine methylsulfonate;

16. Morphine-N-Oxide;

17. Myrophine;

18. Nicocodeine;

19. Nicomorphine;

20. Normorphine;

21. Phoclodine; or

22. Thebacon.

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

1. Methcathinone;

2. 3, 4-methylenedioxy amphetamine;

3. 3, 4-methylenedioxy methamphetamine;

4. 5-methoxy-3, 4-methylenedioxy amphetamine;

5. 3, 4, 5-trimethoxy amphetamine;

6. Bufotenine;

7. Diethyltryptamine;

8. Dimethyltryptamine;

9. 4-methyl-2, 5-dimethoxyamphetamine;

10. Ibogaine;

11. Lysergic acid diethylamide;

12. Marihuana;

13. Mescaline;

14. N-benzylpiperazine;

15. N-ethyl-3-piperidyl benzilate;

16. N-methyl-3-piperidyl benzilate;

17. Psilocybin;

18. Psilocyn;

19. 2, 5 dimethoxyamphetamine;

20. 4 Bromo-2, 5-dimethoxyamphetamine;

21. 4 methoxyamphetamine;

22. Cyclohexamine;

23. Salvia Divinorum;

24. Salvinorin A;

25. Thiophene Analog of Phencyclidine. Also known as: 1-(1-(2-thienyl) cyclohexyl) piperidine; 2-Thienyl Analog of Phencyclidine; TPCP, TCP;

26. Phencyclidine (PCP);

27. Pyrrolidine Analog for Phencyclidine. Also known as 1-(1-Phenyclyclohexyl) - Pyrrolidine, PCPy, PHP;

28. ~~1-(2-[trifluoromethylphenyl])~~ 1-(3-[trifluorometh-ylphenyl]) piperazine;

29. ~~1-Butyl-3-(1-naphthoyl)indole~~ Flunitrazepam;

30. ~~1-Pentyl-3-(1-naphthoyl)indole~~ B-hydroxy-amphetamine; ~~or~~

31. ~~(6aR,10aR)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol~~ B-ketoamphetamine;

32. 2,5-dimethoxy-4-nitroamphetamine;

33. 2,5-dimethoxy-4-bromophenethylamine;

34. 2,5-dimethoxy-4-chlorophenethylamine;

35. 2,5-dimethoxy-4-iodoamphetamine;

36. 2,5-dimethoxy-4-iodophenethylamine;

37. 2,5-dimethoxy-4-methylphenethylamine;

38. 2,5-dimethoxy-4-ethylphenethylamine;

39. 2,5-dimethoxy-4-fluorophenethylamine;

40. 2,5-dimethoxy-4-nitrophenethylamine;

41. 2,5-dimethoxy-4-ethylthio-phenethylamine;

42. 2,5-dimethoxy-4-isopropylthio-phenethylamine;

43. 2,5-dimethoxy-4-propylthio-phenethylamine;

44. 2,5-dimethoxy-4-cyclopropylmethylthio-phenethylamine;

45. 2,5-dimethoxy-4-tert-butylthio-phenethylamine;

46. 2,5-dimethoxy-4-(2-fluoroethylthio)-phenethylamine;

47. 5-methoxy-N, N-dimethyltryptamine;

48. N-methyltryptamine;

49. A-ethyltryptamine;

50. A-methyltryptamine;

51. N, N-diethyltryptamine;

52. N, N-diisopropyltryptamine;

53. N, N-dipropyltryptamine;

54. 5-methoxy-a-methyltryptamine;

55. 4-hydroxy-N, N-diethyltryptamine;

56. 4-hydroxy-N, N-diisopropyltryptamine;

57. 5-methoxy-N, N-diisopropyltryptamine;

58. 4-hydroxy-N-isopropyl-N-methyltryptamine;

59. 3,4-Methylenedioxymethcathinone (Methylone);

60. 3,4-Methyenedioxypyrovalerone (MDPV);

61. 4-Methylmethcathinone (Mephedrone);

62. 4-methoxymethcathinone;

63. 4-Fluoromethcathinone; or

64. 3-Fluoromethcathinone.

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

1. Fenethylline;

2. Mecloqualone;

3. N-ethylamphetamine;

4. Methaqualone;

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

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

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

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

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

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

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 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.

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

1. JWH-004;

2. JWH-007;

3. JWH-009;

4. JWH-015;

5. JWH-016;

6. JWH-018;

7. JWH-019;

8. JWH-020;

9. JWH-030;

10. JWH-046;

11. JWH-047;

12. JWH-048;

13. JWH-049;

14. JWH-050;

15. JWH-070;

16. JWH-071;

17. JWH-072;

18. JWH-073;

19. JWH-076;

20. JWH-079;

21. JWH-080;

22. JWH-081;

23. JWH-082;

24. JWH-094;

25. JWH-096;

26. JWH-098;

27. JWH-116;

28. JWH-120;

29. JWH-122;

30. JWH-145;

31. JWH-146;

32. JWH-147;

33. JWH-148;

34. JWH-149;

35. JWH-150;

36. JWH-156;

37. JWH-167;

38. JWH-175;

39. JWH-180;

40. JWH-181;

41. JWH-182;

42. JWH-184;

43. JWH-185;

44. JWH-189;

45. JWH-192;

46. JWH-193;

47. JWH-194;

48. JWH-195;

49. JWH-196;

50. JWH-197;

51. JWH-198;

52. JWH-199;

53. JWH-200;

54. JWH-201;

55. JWH-202;

56. JWH-203;

57. JWH-204;

58. JWH-205;

59. JWH-206;

60. JWH-207;

61. JWH-208;

62. JWH-209;

63. JWH-210;

64. JWH-211;

65. JWH-212;

66. JWH-213;

67. JWH-234;

68. JWH-235;

69. JWH-236;

70. JWH-237;

71. JWH-239;

72. JWH-240;

73. JWH-241;

74. JWH-242;

75. JWH-243;

76. JWH-244;

77. JWH-245;

78. JWH-246;

79. JWH-248;

80. JWH-249;

81. JWH-250;

82. JWH-251;

83. JWH-252;

84. JWH-253;

85. JWH-262;

86. JWH-292;

87. JWH-293;

88. JWH-302;

89. JWH-303;

90. JWH-304;

91. JWH-305;

92. JWH-306;

93. JWH-307;

94. JWH-308;

95. JWH-311;

96. JWH-312;

97. JWH-313;

98. JWH-314;

99. JWH-315;

100. JWH-316;

101. JWH-346;

102. JWH-348;

103. JWH-363;

104. JWH-364;

105. JWH-365;

106. JWH-367;

107. JWH-368;

108. JWH-369;

109. JWH-370;

110. JWH-371;

111. JWH-373;

112. JWH-386;

113. JWH-387;

114. JWH-392;

115. JWH-394;

116. JWH-395;

117. JWH-397;

118. JWH-398;

119. JWH-399;

120. JWH-400;

121. JWH-412;

122. JWH-413;

123. JWH-414;

124. JWH-415;

125. CP-55, 940;

126. CP-47, 497;

127. HU-210;

128. HU-211;

129. WIN-55, 212-2; and

130. AM-2201.

SECTION 3. AMENDATORY 63 O.S. 2001, Section 2-206, as last amended by Section 2, Chapter 332, O.S.L. 2008 (63 O.S. Supp. 2010, Section 2-206), is amended to read as follows:

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

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

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

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

3. Opium poppy and poppy straw; or

4. Coca leaves except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine, its salts, optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers and salts of isomers; or any compound, mixture or

preparation which contains any quantity of any of the substances referred to in this paragraph.

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

1. Alphaprodine;

2. Anileridine;

3. Bezitramide;

4. Dihydrocodeine;

5. Diphenoxylate;

6. Fentanyl;

7. Hydromorphone;

8. Isomethadone;

9. Levomethorphan;

10. Levorphanol;

11. Metazocine;

12. Methadone;

13. Methadone - Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane;

14. Moramide - Intermediate, 2-methyl-3-morpholino-1, 1-diphenyl-propane-carboxylic acid;

15. Oxycodone;

16. Oxymorphone;

17. Pethidine (Meperidine);

18. Pethidine - Intermediate - A, 4-cyano-1-methyl-4-phenylpiperidine;

19. Pethidine - Intermediate - B, ethyl-4-phenylpiperidine-4-carboxylate;

20. Pethidine - Intermediate - C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;

21. Phenazocine;

22. Piminodine;

23. Racemethorphan;

24. Racemorphan;

25. Etorphine Hydrochloride salt only;

26. Alfentanil hydrochloride; ~~or~~

27. Levo-alphacetylmethadol;

28. Codeine;

29. Hydrocodone;

30. Morphine;

31. Remifentanil; or

32. Sufentanil.

C. Any substance which contains any quantity of:

1. Methamphetamine, including its salts, isomers, and salts of isomers; ~~or~~

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

3. Nabilone.

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

1. Phenmetrazine and its salts;

2. Methylphenidate;

3. Amobarbital;

4. Pentobarbital; or

5. Secobarbital.

SECTION 4. AMENDATORY 63 O.S. 2001, Section 2-208, as amended by Section 3, Chapter 283, O.S.L. 2005 (63 O.S. Supp. 2010, Section 2-208), is amended to read as follows:

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

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

1. Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid unless specifically excepted or unless listed in another schedule;

2. Chlorhexadol;

3. Glutethimide;

4. Lysergic acid;

5. Lysergic acid amide;

6. Methyprylon;

7. Sulfondiethylmethane;

8. Sulfonethylmethane;

9. Sulfonmethane;

10. Benzephetamine and its salts;

11. Chlorphentermine and its salts;

12. Clortermine;

13. Mazindol;

14. Phendimetrazine;

15. Phenylacetone (P2P);

16. 1-Phenycyclohexylamine;

17. 1-Piperidinocychexanecarbo nitrile (PCC);

18. Ketamine, its salts, isomers, and salts of isomers;

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

a. Boldenone,

b. Chlorotestosterone,

c. Clostebol,

d. Dehydrochlormethyltestosterone,

e. Dihydrotestosterone,

f. Drostanolone,

g. Ethylestrenol,

h. Fluoxymesterone,

i. Formebolone,

j. Mesterolone,

k. Methandienone,

l. Methandranone,

m. Methandriol,

n. Methandrostenolone,

o. Methenolone,

p. Methyltestosterone, except as provided in subsection E of this section,

q. Mibolerone,

r. Nandrolone,

s. Norethandrolone,

t. Oxandrolone,

u. Oxymesterone,

v. Oxymetholone,

w. Stanolone,

x. Stanozolol,

y. Testolactone,

z. Testosterone, except as provided in subsection E of this section, and

aa. Trenbolone;

20. Tetrahydrocannibinols; ~~or~~

21. Any drug product containing gamma-hydroxybutyric acid, including its salts, isomers, and salts of isomers, for which an application has been approved under Section 505 of the Federal Food, Drug, and Cosmetic Act;

22. Buprenorphine; or

23. Hydrocodone with another active ingredient.

Livestock implants as regulated by the Federal Food and Drug Administration shall be exempt.

B. Nalorphine.

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

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

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

3. ~~Not more than three hundred (300) milligrams of dihydrocodeinone or any of its salts, per one hundred (100) milliliters or not more than fifteen (15) milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;~~

~~4. Not more than three hundred (300) milligrams of dihydrocodeinone or any of its salts, per one hundred (100) milliliters or not more than fifteen (15) milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;~~

~~5.~~ Not more than one and eight-tenths (1.8) grams of dihydrocodeine or any of its salts, per one hundred (100) milliliters or not more than ninety (90) milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

~~6.~~ 4. Not more than three hundred (300) milligrams of ethylmorphine or any of its salts, per one hundred (100) milliliters or not more than fifteen (15) milligrams per dosage unit, with one or more ingredients in recognized therapeutic amounts;

~~7.~~ 5. Not more than five hundred (500) milligrams of opium per one hundred (100) milliliters or per one hundred (100) grams, or not more than twenty-five (25) milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts; or

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

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

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

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

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

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

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

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

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

SECTION 5. AMENDATORY 63 O.S. 2001, Section 2-210, as last amended by Section 3, Chapter 248, O.S.L. 2007 (63 O.S. Supp. 2010, Section 2-210), is amended to read as follows:

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

1. Chloral betaine;

2. Chloral hydrate;

3. Ethchlorvynol;

4. Ethinamate;

5. Meprobamate;

6. Paraldehyde;

7. Petrichloral;

8. Diethylpropion;

9. Phentermine;

10. Pemoline;

11. Chlordiazepoxide;

12. Chlordiazepoxide and its salts, but not including chlordiazepoxide hydrochloride and clidinium bromide or chlordiazepoxide and water-soluble esterified estrogens;

13. Diazepam;

14. Oxazepam;

15. Clorazepate;

16. Flurazepam and its salts;

17. Clonazepam;

18. Barbital;

19. Mebutamate;

20. Methohexital;

21. Methylphenobarbital;

22. Phenobarbital;

23. Fenfluramine;

24. Pentazocine;

25. Propoxyphene;

26. Butorphanol;

27. Alprazolam;

28. Halazepam;

29. Lorazepam;

30. Prazepam;

31. Temazepam;

32. Triazolam;

33. Carisoprodol;

34. Ephedrine, its salts, optical isomers, and salts of optical isomers as the only active ingredient, or in combination with other active ingredients; ~~or~~

35. Dichloralphenazone;

36. Estazolam;

37. Eszopiclone;

38. Midazolam;

39. Modafinil;

40. Zaleplon; or

41. Zolpidem.

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

a. Breathe-Aid,

b. BronCare,

c. Bronchial Congestion,

d. Bronkaid Tablets,

e. Bronkaid Dual Action Caplets,

f. Bronkotabs,

g. Bronkolixir,

h. NeoRespin,

i. Pazo Hemorrhoid Ointment and Suppositories,

j. Primatene Tablets,

k. Primatene "Dual Action" Formula,

l. Quelidrine,

m. Resp, and

n. Vatronal Nose Drops.

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

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

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

3. In making a determination regarding a drug 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 Administrative Procedures Act.

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

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

SECTION 6. AMENDATORY 63 O.S. 2001, Section 2-212, as last amended by Section 4, Chapter 458, O.S.L. 2010 (63 O.S. Supp. 2010, Section 2-212), is amended to read as follows:

Section 2-212. A. The controlled substances listed in this section are included in Schedule V.

1. Any compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, which also contains one or more nonnarcotic active medicinal ingredients in

sufficient proportion to confer upon the compound, mixture, or preparation, valuable medicinal qualities other than those possessed by the narcotic drug alone:

a. not more than two hundred (200) milligrams of codeine, or any of its salts, per one hundred (100) milliliters or per one hundred (100) grams,

b. not more than one hundred (100) milligrams of dihydrocodeine, or any of its salts, per one hundred (100) milliliters or per one hundred (100) grams,

c. not more than one hundred (100) milligrams of ethylmorphine, or any of its salts, per one hundred (100) milliliters or per one hundred (100) grams,

d. not more than two and five-tenths (2.5) milligrams of diphenoxylate and not less than twenty-five (25) micrograms of atropine sulfate per dosage unit, or

e. not more than one hundred (100) milligrams of opium per one hundred (100) milliliters or per one hundred (100) grams.

2. Any compound, mixture, or preparation containing any detectable quantity of pseudoephedrine, its salts or optical isomers, or salts of optical isomers. If any compound, mixture, or preparation as specified in this paragraph is dispensed, sold, or distributed in a pharmacy:

a. it shall be dispensed, sold, or distributed only by, or under the supervision of, a licensed pharmacist or a registered pharmacy technician, and

b. any person purchasing, receiving, or otherwise acquiring any compound, mixture, or preparation shall produce a driver license, passport, military identification, or other state-issued identification card and shall sign a written log, receipt, or other program or mechanism approved by the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, showing:

(1) the date of the transaction,

(2) name of the purchaser,

(3) driver license number, passport, military identification, or state-issued identification number and state of residence of the purchaser,

(4) name and initials of the pharmacist or pharmacy technician conducting the transaction,

(5) the product being sold, and

(6) total quantity, in grams or milligrams, of pseudoephedrine purchased.

No person shall purchase, receive, or otherwise acquire more than nine (9) grams of any product, mixture, or preparation within any thirty-day period. Provided, the requirements of this

subsection shall not apply to any quantity of such product, mixture or preparation dispensed pursuant to a valid prescription.

3. Any compound, mixture, or preparation containing any detectable quantity of pregabalin.

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

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

D. As used in this section:

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

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

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

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

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

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

(1) home infusion pharmacy may consider the facsimile to be a "written prescription" as required by this act and as required by Title 21 U.S.C., Section 829(a). The facsimile copy of the prescription shall be retained as an original prescription, and it must contain all the information required by this act and 21 CFR, Section 1306.05(a), including date issued, the patient's full name and address, and the practitioner's name, address, DEA registration number, and signature. The exception to the regulations for home infusion/IV therapy is intended to facilitate the means by which home infusion pharmacies obtain prescriptions for patients requiring the frequently modified parenteral controlled release administration of narcotic substances, but does not extend to the dispensing of oral dosage units of controlled substances, and

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

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

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

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

2. A written or oral prescription for a controlled dangerous substance in Schedule III or IV may not be filled or refilled more

than six (6) months after the date thereof or be refilled more than five times after the date of the prescription, unless renewed by the practitioner.

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

D. Except for dosages medically required for a period not to exceed forty-eight (48) hours which are administered by or on direction of a practitioner, other than a pharmacist, or medication dispensed directly by a practitioner, other than a pharmacist, to an ultimate user, tincture opium camphorated, commonly known as paregoric, may not be dispensed without a written or oral prescription. The refilling of a prescription for paregoric shall be unlawful unless permission is granted by the prescriber, either written or oral.

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

F. "Prescription", as used herein, means a written or oral order by a practitioner to a pharmacist for a controlled dangerous substance for a particular patient, which specifies the date of its issue, and the full name and address of the patient; if the

controlled dangerous substance is prescribed for an animal, the species of the animal; the name and quantity of the controlled dangerous substance prescribed; the directions for use; the name and address of the owner of the animal and, if written, the signature of the practitioner.

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

SECTION 8. AMENDATORY 63 O.S. 2001, Section 2-415, as last amended by Section 5, Chapter 199, O.S.L. 2007 (63 O.S. Supp. 2010, Section 2-415), is amended to read as follows:

Section 2-415. A. The provisions of the Trafficking in Illegal Drugs Act shall apply to persons convicted of violations with respect to the following substances:

1. Marihuana;

2. Cocaine or coca leaves;

3. Heroin;

4. Amphetamine or methamphetamine;

5. Lysergic acid diethylamide (LSD);

6. Phencyclidine (PCP);

7. Cocaine base, commonly known as “crack” or “rock”; or

8. 3,4-Methylenedioxy methamphetamine, commonly known as "ecstasy" or MDMA.

B. Except as otherwise authorized by the Uniform Controlled Dangerous Substances Act, it shall be unlawful for any person to:

1. Knowingly distribute, manufacture, bring into this state or possess a controlled substance specified in subsection A of this section in the quantities specified in subsection C of this section;

2. Possess any controlled substance with the intent to manufacture a controlled substance specified in subsection A of this section in quantities specified in subsection C of this section; or

3. Use or solicit the use of services of a person less than eighteen (18) years of age to distribute or manufacture a controlled dangerous substance specified in subsection A of this section in quantities specified in subsection C of this section.

Violation of this section shall be known as "trafficking in illegal drugs". Separate types of controlled substances described in subsection A of this section when possessed at the same time in violation of any provision of this section shall constitute a separate offense for each substance.

Any person who commits the conduct described in paragraph 1, 2 or 3 of this subsection and represents the quantity of the controlled substance to be an amount described in subsection C of this section shall be punished under the provisions appropriate for

the amount of controlled substance represented, regardless of the actual amount.

C. In the case of a violation of the provisions of subsection B of this section, involving:

1. Marihuana:

a. twenty-five (25) pounds or more of a mixture or substance containing a detectable amount of marihuana, such violation shall be punishable by a fine of not less than Twenty-five Thousand Dollars ($25,000.00) and not more than One Hundred Thousand Dollars ($100,000.00), or

b. one thousand (1,000) pounds or more of a mixture or substance containing a detectable amount of marihuana, such violation shall be deemed aggravated trafficking punishable by a fine of not less than One Hundred Thousand Dollars ($100,000.00) and not more than Five Hundred Thousand Dollars ($500,000.00);

2. Cocaine or coca leaves:

a. twenty-eight (28) grams or more of a mixture or substance containing a detectable amount of cocaine or coca leaves, such violation shall be punishable by a fine of not less than Twenty-five Thousand Dollars ($25,000.00) and not more than One Hundred Thousand Dollars ($100,000.00),

b. three hundred (300) grams or more of a mixture or substance containing a detectable amount of cocaine or coca leaves, such violation shall be punishable by a fine of not less than One Hundred Thousand Dollars ($100,000.00) and not more than Five Hundred Thousand Dollars ($500,000.00), or

c. ~~one (1) pound~~ four hundred fifty (450) grams or more of a mixture or substance containing a detectable amount of cocaine or coca leaves, such violation shall be deemed aggravated trafficking punishable by a fine of not less than One Hundred Thousand Dollars ($100,000.00) and not more than Five Hundred Thousand Dollars ($500,000.00);

3. Heroin:

a. ten (10) grams or more of a mixture or substance containing a detectable amount of heroin, such violation shall be punishable by a fine of not less than Twenty-five Thousand Dollars ($25,000.00) and not more than Fifty Thousand Dollars ($50,000.00), or

b. twenty-eight (28) grams or more of a mixture or substance containing a detectable amount of heroin, such violation shall be punishable by a fine of not less than Fifty Thousand Dollars ($50,000.00) and not more than Five Hundred Thousand Dollars ($500,000.00);

4. Amphetamine or methamphetamine:

a. twenty (20) grams or more of a mixture or substance containing a detectable amount of amphetamine or methamphetamine, such violation shall be punishable by a fine of not less than Twenty-five Thousand Dollars ($25,000.00) and not more than Two Hundred Thousand Dollars ($200,000.00),

b. two hundred (200) grams or more of a mixture or substance containing a detectable amount of amphetamine or methamphetamine, such violation shall be punishable by a fine of not less than Fifty Thousand Dollars ($50,000.00) and not more than Five Hundred Thousand Dollars ($500,000.00), or

c. ~~one (1) pound~~ four hundred fifty (450) grams or more of a mixture or substance containing a detectable amount of amphetamine or methamphetamine, such violation shall be deemed aggravated trafficking punishable by a fine of not less than Fifty Thousand Dollars ($50,000.00) and not more than Five Hundred Thousand Dollars ($500,000.00);

5. Lysergic acid diethylamide (LSD):

a. ~~if the quantity involved is not less than fifty (50) dosage units and not more than one thousand (1,000) dosage units~~ one (1) gram or more of a mixture or

substance containing a detectable amount of lysergic acid diethylamide (LSD), such violation shall be punishable by a fine of not less than Fifty Thousand Dollars ($50,000.00) and not more than One Hundred Thousand Dollars ($100,000.00), or

b. ~~if the quantity involved is more than one thousand (1,000) dosage units~~ ten (10) grams or more of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD), such violation shall be punishable by a fine of not less than One Hundred Thousand Dollars ($100,000.00) and not more than Two Hundred Fifty Thousand Dollars ($250,000.00);

6. Phencyclidine (PCP):

a. ~~one (1) ounce~~ twenty (20) grams or more of a substance containing a mixture or substance containing a detectable amount of phencyclidine (PCP), such violation shall be punishable by a fine of not less than Twenty Thousand Dollars ($20,000.00) and not more than Fifty Thousand Dollars ($50,000.00), or

b. ~~eight (8) ounces~~ one hundred fifty (150) grams or more of a substance containing a mixture or substance containing a detectable amount of phencyclidine (PCP), such violation shall be punishable by a fine of not less than Fifty Thousand Dollars ($50,000.00) and not

more than Two Hundred Fifty Thousand Dollars ($250,000.00);

7. Cocaine base:

a. five (5) grams or more of a mixture or substance described in paragraph 2 of this subsection which contains cocaine base, such violation shall be punishable by a fine of not less than Twenty-five Thousand Dollars ($25,000.00) and not more than One Hundred Thousand Dollars ($100,000.00), or

b. fifty (50) grams or more of a mixture or substance described in paragraph 2 of this subsection which contains cocaine base, such violation shall be punishable by a fine of not less than One Hundred Thousand Dollars ($100,000.00) and not more than Five Hundred Thousand Dollars ($500,000.00); and

8. Methylenedioxy methamphetamine:

a. thirty (30) tablets or ten (10) grams of a mixture or substance containing a detectable amount of 3,4-Methylenedioxy methamphetamine, such violation shall be punishable by a fine of not less than Twenty-five Thousand Dollars ($25,000.00) and not more than One Hundred Thousand Dollars ($100,000.00), or

b. one hundred (100) tablets or thirty (30) grams of a mixture or substance containing a detectable amount of

3,4-Methylenedioxy methamphetamine, such violation shall be punishable by a fine of not less than One Hundred Thousand Dollars ($100,000.00) and not more than Five Hundred Thousand Dollars ($500,000.00).

D. Any person who violates the provisions of this section with respect to a controlled substance specified in subsection A of this section in a quantity specified in subsection C of this section shall, in addition to any fines specified by this section, be punishable by a term of imprisonment as follows:

1. Not less than twice the term of imprisonment provided for in Section 2-401 of this title;

2. If the person has previously been convicted of one violation of this section or has been previously convicted of a felony violation of the Uniform Controlled Dangerous Substances Act arising from separate and distinct transactions, not less than three times the term of imprisonment provided for in Section 2-401 of this title;

3. If the person has previously been convicted of two or more violations of this section or any provision of the Uniform Controlled Dangerous Substances Act which constitutes a felony, or a combination of such violations arising out of separate and distinct transactions, life without parole; and

4. If the person is convicted of aggravated trafficking as provided in subparagraph b of paragraph 1 of subsection C of this

section, subparagraph c of paragraph 2 of subsection C of this section or subparagraph c of paragraph 4 of subsection C of this section, a mandatory minimum sentence of imprisonment in the custody of the Department of Corrections for a term of fifteen (15) years of which the person shall serve eighty-five percent (85%) of such mandatory sentence before being eligible for parole consideration or any earned credits.

The terms of imprisonment specified in this subsection shall not be subject to statutory provisions for suspension, deferral or probation, or state correctional institution earned credits accruing from and after November 1, 1989, except for the achievement earned credits authorized by subsection H of Section 138 of Title 57 of the Oklahoma Statutes. To qualify for such achievement credits, such inmates must also be in compliance with the standards for Class level 2 behavior, as defined in subsection D of Section 138 of Title 57 of the Oklahoma Statutes.

Persons convicted of violations of this section shall not be eligible for appeal bonds.

E. Any person convicted of any offense described in this section shall, in addition to any fine imposed, pay a special assessment trauma-care fee of One Hundred Dollars ($100.00) to be deposited into the Trauma Care Assistance Revolving Fund created in Section 1-2530.9 of this title and the assessment pursuant to Section 2-503.2 of this title.

SECTION 9. AMENDATORY 63 O.S. 2001, Section 2-508, as last amended by Section 15, Chapter 442, O.S.L. 2009 (63 O.S. Supp. 2010, Section 2-508), is amended to read as follows:

Section 2-508. A. Except as otherwise provided, all property described in paragraphs 1 and 2 of subsection A of Section 2-503 of this title which is seized or surrendered pursuant to the provisions of the Uniform Controlled Dangerous Substances Act shall be destroyed. The destruction shall be done by or at the direction of the Oklahoma State Bureau of ~~Investigation~~ Narcotics and Dangerous Drugs Control (OSBNDD), who shall have the discretion prior to destruction to preserve samples of the substance for testing. In any county with a population of four hundred thousand (400,000) or more according to the latest Federal Decennial Census, there shall be a located site, approved by the ~~Oklahoma State Bureau of Investigation~~ OSBNDD, for the destruction of the property. Any such property submitted to the ~~Oklahoma State Bureau of Investigation~~ OSBNDD which it deems to be of use for investigative training, educational, or analytical purposes may be retained by the ~~Oklahoma State Bureau of Investigation~~ OSBNDD in lieu of destruction.

B. 1. With respect to controlled dangerous substances seized or surrendered pursuant to the provisions of the Uniform Controlled Dangerous Substances Act, municipal police departments, sheriffs, the Oklahoma Bureau of Narcotics and Dangerous Drugs Control Commission, the Oklahoma Highway Patrol, and the Oklahoma State

Bureau of Investigation shall have the authority to destroy seized controlled dangerous substances when the amount seized in a single incident exceeds ten (10) pounds. The destroying agency shall:

a. photograph the seized substance with identifying case numbers or other means of identification,

b. prepare a report describing the seized substance prior to the destruction,

c. retain at least one (1) pound of the substance randomly selected from the seized substance for the purpose of evidence, and

d. obtain and retain samples of the substance from enough containers, bales, bricks, or other units of substance seized to establish the presence of a weight of the substance necessary to establish a violation of the Trafficking in Illegal Drugs Act pursuant to subsection C of Section 2-415 of this title, if such a weight is present. If such weight is not present, samples of the substance from each container, bale, brick or other unit of substance seized shall be taken. Each sample taken pursuant to this section shall be large enough for the destroying agency and the defendant or suspect to have an independent test performed on the substance for purposes of identification.

2. If a defendant or suspect is known to the destroying agency, the destroying agency shall give at least seven (7) days' written notice to the defendant, suspect or counsel for the defendant or suspect of:

a. the date, the time, and the place where the photographing will take place and notice of the right to attend the photographing, and

b. the right to obtain samples of the controlled dangerous substance for independent testing and use as evidence.

3. The written notice shall also inform the defendant, suspect or counsel for the defendant or suspect that the destroying agency must be notified in writing within seven (7) days from receipt of the notice of the intent of the suspect or defendant to obtain random samples and make arrangements for the taking of samples. The samples for the defendant or suspect must be taken by a person licensed by the Drug Enforcement Administration. If the defendant or counsel for the defendant fails to notify the destroying agency in writing of an intent to obtain samples and fails to make arrangements for the taking of samples, a sample taken pursuant to subparagraph d of paragraph 1 of this subsection shall be made available upon request of the defendant or suspect.

The representative samples, the photographs, the reports, and the records made under this section and properly identified shall be

admissible in any court or administrative proceeding for any purposes for which the seized substance itself would have been admissible.

C. All other property not otherwise provided for in the Uniform Controlled Dangerous Substances Act which has come into the possession of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Department of Public Safety, the Oklahoma State Bureau of Investigation, the Alcoholic Beverage Laws Enforcement Commission, the Department of Corrections, the Office of the Attorney General, or a district attorney may be disposed of by order of the district court when no longer needed in connection with any litigation. If the owner of the property is unknown to the agency or district attorney, the agency or district attorney shall hold the property for at least six (6) months prior to filing a petition for disposal with the district court except for laboratory equipment which may be forfeited when no longer needed in connection with litigation, unless the property is perishable. The Director or Commissioner of the agency, the Attorney General, or district attorney shall file a petition in the district court of Oklahoma County or in the case of a district attorney, the petition shall be filed in a county within the jurisdiction of the district attorney requesting the authority to:

1. Conduct a sale of the property; or

2. Convert title of the property to the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Department of Public Safety, the Oklahoma State Bureau of Investigation, the Alcoholic Beverage Laws Enforcement Commission, the Department of Corrections, the Office of the Attorney General, or to the district attorney's office for the purposes provided for in subsection J, K or L of this section.

The Director, Commissioner, Attorney General or district attorney shall attach to the petition:

a. a list describing the property, including all identifying numbers and marks, if any,

b. the date the property came into the possession of the agency or district attorney, and

c. the name and address of the owner, if known.

For any item having an apparent value in excess of One Hundred Dollars ($100.00), but less than Five Hundred Dollars ($500.00), the notice of the hearing of the petition for the sale of the property, except laboratory equipment used in the processing, manufacturing or compounding of controlled dangerous substances in violation of the provisions of the Uniform Controlled Dangerous Substances Act, shall be given to every known owner, as set forth in the petition, by first-class mail to the last-known address of the owner at least ten (10) days prior to the date of the hearing. An affidavit of notice being sent shall be filed with the court by a representative of the

agency, the Director or Commissioner of the agency, the Attorney General or district attorney. For items in excess of Five Hundred Dollars ($500.00), a notice of the hearing of the petition for the sale of said property shall be delivered to every known owner as set forth in the petition by certified mail. Notice of a hearing on a petition for forfeiture or sale of laboratory equipment used in the processing, manufacturing or compounding of controlled dangerous substances in violation of the Uniform Controlled Dangerous Substances Act shall not be required.

The notice shall contain a brief description of the property, and the location and date of the hearing. In addition, notice of the hearing shall be posted in three public places in the county, one such place being the county courthouse at the regular place assigned for the posting of legal notices. At the hearing, if no owner appears and establishes ownership of the property, the court may enter an order authorizing the Director, Commissioner, Attorney General, or district attorney to donate the property pursuant to subsection J, K or L of this section, to sell the property at a public auction to the highest bidder, or to convert title of the property to the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Department of Public Safety, the Oklahoma State Bureau of Investigation, the Alcoholic Beverage Laws Enforcement Commission, the Department of Corrections, or the Office of the Attorney General for the purposes provided for in subsection J, K or

L of this section after at least ten (10) days of notice has been given by publication in one issue of a legal newspaper of the county. If the property is offered for sale at public auction and no bid is received that exceeds fifty percent (50%) of the value of the property, such value to be announced prior to the sale, the Director, Commissioner, Attorney General, or district attorney may refuse to sell the item pursuant to any bid received. The Director, Commissioner, Attorney General, or district attorney shall make a return of the sale and, when confirmed by the court, the order confirming the sale shall vest in the purchaser title to the property so purchased.

D. The money received from the sale of property by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control shall be used for general drug enforcement purposes. These funds shall be transferred to the Bureau of Narcotics Revolving Fund established pursuant to Section 2-107 of this title or in the case of a district attorney, the revolving fund provided for in paragraph 3 of subsection L of Section 2-506 of this title.

E. At the request of the Department of Public Safety, the district attorney or a designee of the district attorney may conduct any forfeiture proceedings as described in Section 2-503 of this title on any property subject to forfeiture as described in subsection A, B or C of Section 2-503 of this title. The money received from the sale of property by the Department of Public

Safety shall be deposited in the Department of Public Safety Revolving Fund and shall be expended for law enforcement purposes.

F. The money received from the sale of property by the Alcoholic Beverage Laws Enforcement Commission shall be deposited in the General Revenue Fund of the state.

G. The money received from the sale of property from the Oklahoma State Bureau of Investigation shall be deposited in the OSBI Revolving Fund and shall be expended for law enforcement purposes.

H. The Director of the Oklahoma Department of Corrections shall make a return of the sale and when confirmed by the court, the order confirming the sale shall vest in the purchaser title to the property so purchased. Twenty-five percent (25%) of the money received from the sale shall be disbursed to a revolving fund in the office of the county treasurer of the county wherein the property was seized, said fund to be used as a revolving fund solely for enforcement of controlled dangerous substances laws, drug abuse prevention and drug abuse education. The remaining seventy-five percent (75%) shall be deposited in the Department of Corrections Revolving Fund to be expended for equipment for probation and parole officers and correctional officers.

I. The money received from the sale of property from the Office of the Attorney General shall be deposited in the Attorney General Law Enforcement Revolving Fund and shall be expended for law

enforcement purposes. The Office of the Attorney General may enter into agreements with municipal, county or state agencies to return to such an agency a percentage of proceeds of the sale of any property seized by the agency and forfeited under the provisions of this section.

J. Any property, including but not limited to uncontaminated laboratory equipment used in the processing, manufacturing or compounding of controlled dangerous substances in violation of the provisions of the Uniform Controlled Dangerous Substances Act, upon a court order, may be donated for classroom or laboratory use by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, Oklahoma Department of Public Safety, district attorney, the Alcoholic Beverage Laws Enforcement Commission, the Oklahoma Department of Corrections, or the Office of the Attorney General to any public secondary school or technology center school in this state or any institution of higher education within The Oklahoma State System of Higher Education.

K. Any vehicle or firearm which has come into the possession and title vested in the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Oklahoma Department of Public Safety, the Oklahoma State Bureau of Investigation, or the Office of the Attorney General, may be transferred, donated or offered for lease to any sheriff’s office, tribal law enforcement agency, campus police department pursuant to the provisions of the Oklahoma Campus

Security Act, or police department in this state on an annual basis to assist with the enforcement of the provisions of the Uniform Controlled Dangerous Substances Act. Each agency shall promulgate rules, regulations and procedures for leasing vehicles and firearms. No fully automatic weapons will be subject to the leasing agreement. All firearms leased may be utilized only by C.L.E.E.T. certified officers who have received training in the type and class of weapon leased. Every lessee shall be required to submit an annual report to the leasing agency stating the condition of all leased property. A lease agreement may be renewed annually at the option of the leasing agency. Upon termination of a lease agreement, the property shall be returned to the leasing agency for sale or other disposition. All funds derived from lease agreements or other disposition of property no longer useful to law enforcement shall be deposited in the agency's revolving fund and shall be expended for law enforcement purposes.

L. Before disposing of any property pursuant to subsections C through I of this section, the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Department of Public Safety, the Alcoholic Beverage Laws Enforcement Commission, the Oklahoma State Bureau of Investigation, the Department of Corrections, the Office of the Attorney General, or a district attorney may transfer or donate the property to another state agency, tribal law enforcement agency, or school district for use upon request. In addition to the

provisions of this section, the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control may transfer or donate property for any purpose pursuant to Section 2-106.2 of this title. The agencies and any district attorney that are parties to any transfer of property pursuant to this subsection shall enter into written agreements to carry out any such transfer of property. Any such agreement may also provide for the granting of title to any property being transferred as the parties deem appropriate. If the transfer of property is to a school district, a written agreement shall be entered into with the superintendent of the school district. No weapons may be transferred to a school district except as provided for in subsection K of this section.

SECTION 10. AMENDATORY Section 2, Chapter 458, O.S.L. 2010 (63 O.S. Supp. 2010, Section 2-701), is amended to read as follows:

Section 2-701. A. There is hereby created within the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control a registry of persons who, after November 1, 2010, have been convicted, whether upon a verdict or plea of guilty or upon a verdict or plea of nolo contendere, or received a suspended sentence or any deferred or probationary term, or are currently serving a sentence or any form of probation or parole for a crime or attempt to commit a crime including, but not limited to, unlawful possession, conspiring, endeavoring, manufacturing, distribution or trafficking of a

precursor or methamphetamines under the provisions of Section 2-322, 2-332, 2-401, 2-402, 2-408 or 2-415 of ~~Title 63 of the Oklahoma Statutes~~ this title, or any crime including, but not limited to, crimes involving the possession, distribution, manufacturing or trafficking of methamphetamines or illegal amounts of or uses of pseudoephedrine in any federal court, Indian tribal court, or any court of another state if the person is a resident of the State of Oklahoma or seeks to remain in the State of Oklahoma in excess of ten (10) days.

B. It shall be unlawful for any person subject to the registry created in subsection A of this section to purchase, possess or have control of any Schedule V compound, mixture, or preparation containing any detectable quantity of pseudoephedrine, its salts or optical isomers, or salts of optical isomers. As provided in Section 2-212 of ~~Title 63 of the Oklahoma Statutes~~ this title, the provisions of this subsection shall not apply to any compounds, mixtures, or preparations which are in liquid, liquid capsule, or gel capsule form if pseudoephedrine is not the only active ingredient. A prescription for pseudoephedrine shall not provide an exemption for any person to this law. Any person convicted of violating the provisions of this subsection shall be guilty of a felony, punishable by imprisonment in the custody of the Department of Corrections for not less than two (2) years and not more than ten

(10) years, or by a fine of not more than Five Thousand Dollars ($5,000.00), or by both such fine and imprisonment.

C. The registry created in subsection A of this section shall be maintained by the Bureau. The registry shall be made available for registrants who sell or dispense pseudoephedrine-related products and to law enforcement agencies for law enforcement purposes through the Central Repository and the prescription monitoring program. Every registrant selling, dispensing or otherwise delivering pseudoephedrine products shall deny any sale of pseudoephedrine to any individual listed on the methamphetamine offender registry.

D. The registry shall consist of the following information:

1. Name of the person;

2. Date of birth of the person;

3. The offense or offenses which made the person eligible for inclusion on the registry;

4. The date of conviction or the date that a plea of guilty or nolo contendere was accepted by the court for any violation of an offense provided for in subsection A of this section;

5. The county where the offense or offenses occurred; and

6. Such other identifying data as the Bureau determines is necessary to properly identify the person.

E. Beginning November 1, 2010, all district court clerks shall forward a copy of the judgment and sentence or other applicable

information relating to the disposition of the criminal case and date of birth of all persons who are subject to the provisions of this act for a violation of the offenses described in subsection A of this section to the Bureau. The information shall be sent in an electronic format in a manner prescribed by the Bureau within thirty (30) days of the date of final disposition of the case. ~~Every~~ Any person ~~that receives~~ subject to the registry pursuant to subsection A of this section, having received a deferred sentence or ~~is otherwise not in the custody of the Department of Corrections~~ conviction in a federal court, Indian tribal court, or any court of another state, shall be required to register and submit a methamphetamine offender registration form in a format prescribed by the Bureau within ~~thirty (30) days of entering a plea or receiving a sentence for an offense described in subsection A of this section~~ ten (10) days of entering the State of Oklahoma or if incarcerated in a federal institution within the boundaries of Oklahoma, within ten (10) days of release from said institution. Failure to submit the form required by this subsection shall constitute a misdemeanor.

F. The Bureau shall remove from the registry the name and other identifying information of a person who has been convicted of a violation of any of the offenses described in subsection A of this section ten (10) years after the date of the most recent judgment and sentence. Any person having received a deferred sentence that expires prior to the ten-year time limitation may apply to the

Bureau to be removed from the registry upon the completion of the deferred sentence by providing to the Bureau a certified copy of the dismissal of the case by certified mail. The Bureau may remove the person from the registry upon expiration of the deferred sentence.

G. It shall be a violation for any person to assist another person who is subject to the registry in the purchase of any pseudoephedrine products. Any person convicted of violating the provisions of this subsection shall, for a first offense, be guilty of a misdemeanor, punishable by incarceration in the county jail for not more than one (1) year, or by a fine of not more than One Thousand Dollars ($1,000.00), or by both such fine and imprisonment. Any second or subsequent conviction for a violation of this subsection shall be a felony, punishable by incarceration in the custody of the Department of Corrections for not more than two (2) years, or by a fine of not less than Two Thousand Five Hundred Dollars ($2,500.00) or by both such fine and imprisonment. For the purposes of this subsection, knowledge that a person was subject to the methamphetamine offender registry may be proven through court testimony or any other public notice or publicly available record including, but not limited to, court records maintained by the Oklahoma Supreme Court Network and the Oklahoma Court Information System. On or prior to November 1, 2011, the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control shall maintain a

methamphetamine offender registry website available for viewing by the public.

SECTION 11. This act shall become effective November 1, 2011."

Passed the House of Representatives the 12th day of April, 2011.

_____
Presiding Officer of the House of Representatives

Passed the Senate the ____ day of _____, 2011.

_____
Presiding Officer of the Senate