

1 ENGROSSED HOUSE
2 BILL NO. 2217

By: Derby, Brown, Biggs and
Sherrer of the House

3 and

4 Brooks of the Senate
5

6
7 An Act relating to public health and safety; amending
8 63 O.S. 2011, Sections 2-204, as amended by Section
9 2, Chapter 80, O.S.L. 2012, 2-206, 2-210, as amended
10 by Section 4, Chapter 80, O.S.L. 2012, 2-212, as
11 amended by Section 2, Chapter 206, O.S.L. 2012, 2-
12 309D, as amended by Section 1, Chapter 51, O.S.L.
13 2012, and 2-332 (63 O.S. Supp. 2012, Sections 2-204,
14 2-210, 2-212 and 2-309D), which relate to the Uniform
15 Controlled Dangerous Substances Act; adding certain
16 substances to Schedules I and II; deleting certain
17 substance from Schedule IV; modifying guidelines used
18 for dispensing certain product; clarifying
19 confidentiality requirements of investigative
20 information; decreasing gram amount when possessing
21 certain substance; amending 63 O.S. 2011, Section 2-
22 701, as amended by Section 5, Chapter 206, O.S.L.
23 2012 (63 O.S. Supp. 2012, Section 2-701), which
24 relates to the Oklahoma Methamphetamine Offender
Registry Act; clarifying elements of prohibited acts;
directing the Oklahoma State Bureau of Narcotics and
Dangerous Drugs Control to promulgate certain rules;
and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 2011, Section 2-204, as
amended by Section 2, Chapter 80, O.S.L. 2012 (63 O.S. Supp. 2012,
Section 2-204), is amended to read as follows:

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

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

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

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

1 42. Trimeperidine.

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

- 6 1. Acetorphine;
- 7 2. Acetyldihydrocodeine;
- 8 3. Benzylmorphine;
- 9 4. Codeine methylbromide;
- 10 5. Codeine-N-Oxide;
- 11 6. Cyprenorphine;
- 12 7. Desomorphine;
- 13 8. Dihydromorphine;
- 14 9. Etorphine;
- 15 10. Heroin;
- 16 11. Hydromorphinol;
- 17 12. Methyldesorphine;
- 18 13. Methylhydromorphine;
- 19 14. Morphine methylbromide;
- 20 15. Morphine methylsulfonate;
- 21 16. Morphine-N-Oxide;
- 22 17. Myrophine;
- 23 18. Nicocodeine;
- 24 19. Nicomorphine;

1 20. Normorphine;

2 21. Phoclodine; or

3 22. Thebacon.

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

9 1. Methcathinone;

10 2. 3, 4-methylenedioxy amphetamine;

11 3. 3, 4-methylenedioxy methamphetamine;

12 4. 5-methoxy-3, 4-methylenedioxy amphetamine;

13 5. 3, 4, 5-trimethoxy amphetamine;

14 6. Bufotenine;

15 7. Diethyltryptamine;

16 8. Dimethyltryptamine;

17 9. 4-methyl-2, 5-dimethoxyamphetamine;

18 10. Ibogaine;

19 11. Lysergic acid diethylamide;

20 12. Marihuana;

21 13. Mescaline;

22 14. N-benzylpiperazine;

23 15. N-ethyl-3-piperidyl benzilate;

24 16. N-methyl-3-piperidyl benzilate;

- 1 17. Psilocybin;
- 2 18. Psilocyn;
- 3 19. 2, 5 dimethoxyamphetamine;
- 4 20. 4 Bromo-2, 5-dimethoxyamphetamine;
- 5 21. 4 methoxyamphetamine;
- 6 22. Cyclohexamine;
- 7 23. Salvia Divinorum;
- 8 24. Salvinorin A;
- 9 25. Thiophene Analog of Phencyclidine. Also known as: 1-(1-(2-
- 10 thienyl) cyclohexyl) piperidine; 2-Thienyl Analog of Phencyclidine;
- 11 TCP, TCP;
- 12 26. Phencyclidine (PCP);
- 13 27. Pyrrolidine Analog for Phencyclidine. Also known as 1-(1-
- 14 Phenylcyclohexyl) - Pyrrolidine, PCPy, PHP;
- 15 28. 1-(3-trifluoromethylphenyl) piperazine;
- 16 29. Flunitrazepam;
- 17 30. B-hydroxy-amphetamine;
- 18 31. B-ketoamphetamine;
- 19 32. 2,5-dimethoxy-4-nitroamphetamine;
- 20 33. 2,5-dimethoxy-4-bromophenethylamine;
- 21 34. 2,5-dimethoxy-4-chlorophenethylamine;
- 22 35. 2,5-dimethoxy-4-iodoamphetamine;
- 23 36. 2,5-dimethoxy-4-iodophenethylamine;
- 24 37. 2,5-dimethoxy-4-methylphenethylamine;

- 1 38. 2,5-dimethoxy-4-ethylphenethylamine;
- 2 39. 2,5-dimethoxy-4-fluorophenethylamine;
- 3 40. 2,5-dimethoxy-4-nitrophenethylamine;
- 4 41. 2,5-dimethoxy-4-ethylthio-phenethylamine;
- 5 42. 2,5-dimethoxy-4-isopropylthio-phenethylamine;
- 6 43. 2,5-dimethoxy-4-propylthio-phenethylamine;
- 7 44. 2,5-dimethoxy-4-cyclopropylmethylthio-phenethylamine;
- 8 45. 2,5-dimethoxy-4-tert-butylthio-phenethylamine;
- 9 46. 2,5-dimethoxy-4-(2-fluoroethylthio)-phenethylamine;
- 10 47. 5-methoxy-N, N-dimethyltryptamine;
- 11 48. N-methyltryptamine;
- 12 49. A-ethyltryptamine;
- 13 50. A-methyltryptamine;
- 14 51. N, N-diethyltryptamine;
- 15 52. N, N-diisopropyltryptamine;
- 16 53. N, N-dipropyltryptamine;
- 17 54. 5-methoxy-a-methyltryptamine;
- 18 55. 4-hydroxy-N, N-diethyltryptamine;
- 19 56. 4-hydroxy-N, N-diisopropyltryptamine;
- 20 57. 5-methoxy-N, N-diisopropyltryptamine;
- 21 58. 4-hydroxy-N-isopropyl-N-methyltryptamine;
- 22 59. 3,4-Methylenedioxy-methcathinone (Mephedrone);
- 23 60. 3,4-Methylenedioxy-pyrovalerone (MDPV);
- 24 61. 4-Methylmethcathinone (Mephedrone);

- 1 62. 4-methoxymethcathinone;
- 2 63. 4-Fluoromethcathinone;
- 3 64. 3-Fluoromethcathinone;
- 4 65. 1-(8-bromobenzo 1,2-b;4,5-b' difuran-4-yl)-2-aminopropane;
- 5 66. 2,5-Dimethoxy-4-chloroamphetamine;
- 6 67. ~~4-Methylmethcathinone~~ 4-Methylethcathinone;
- 7 68. Pyrovalerone;
- 8 69. N,N-diallyl-5-methoxytryptamine;
- 9 70. 3,4-Methylenedioxy-N-ethylcathinone (Ethylone);
- 10 71. B-keto-N-Methylbenzodioxolylbutanamine (Butylone); ~~or~~
- 11 72. B-keto-Methylbenzodioxolylpentanamine (Pentylone);
- 12 73. Alpha-Pyrrolidinopentiophenone;
- 13 74. 4-Fluoroamphetamine;
- 14 75. Pentredone;
- 15 76. 4'-Methyl-a-pyrrolidinohexaphenone;
- 16 77. 2,5-dimethoxy-4-(n)-propylphenethylamine;
- 17 78. 2,5-dimethoxyphenethylamine;
- 18 79. 1,4-Dibenzylpiperazine;
- 19 80. N,N-Dimethylamphetamine;
- 20 81. 4-Fluoromethamphetamine;
- 21 82. 4-Chloro-2,5-dimethoxy-N-(2-methoxybenzyl)phenethylamine;
- 22 or
- 23 83. 4-Iodo-2,5-dimethoxy-N-(2-methoxybenzyl)phenethylamine.
- 24

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

5 1. Fenethylamine;

6 2. Mephobarbital;

7 3. N-ethylamphetamine;

8 4. Methaqualone;

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

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

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

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

21 9. 1,4 Butanediol (1,4 BD or BDO) as packaged, marketed,
22 manufactured, or promoted for human consumption with the exception
23 of legitimate manufacturing purposes.

24

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

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

1 q. as an intermediate in the manufacture of other
2 chemicals and pharmaceuticals.

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

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

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

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

20 F. Any material, compound, mixture, or preparation which
21 contains any quantity of a the following synthetic chemical compound
22 compounds that is-a are cannabinoid receptor agonist agonists and
23 mimics mimic the pharmacological effect effects of naturally
24 occurring substances including, their salts, isomers, and salts of

1 isomers, unless specifically excepted, when the existence of these
2 salts, isomers, and salts of isomers is possible within the specific
3 chemical designation:

- 4 1. JWH-004;
- 5 2. JWH-007;
- 6 3. JWH-009;
- 7 4. JWH-015;
- 8 5. JWH-016;
- 9 6. JWH-018;
- 10 7. JWH-019;
- 11 8. JWH-020;
- 12 9. JWH-030;
- 13 10. JWH-046;
- 14 11. JWH-047;
- 15 12. JWH-048;
- 16 13. JWH-049;
- 17 14. JWH-050;
- 18 15. JWH-070;
- 19 16. JWH-071;
- 20 17. JWH-072;
- 21 18. JWH-073;
- 22 19. JWH-076;
- 23 20. JWH-079;
- 24 21. JWH-080;

- 1 22. JWH-081;
- 2 23. JWH-082;
- 3 24. JWH-094;
- 4 25. JWH-096;
- 5 26. JWH-098;
- 6 27. JWH-116;
- 7 28. JWH-120;
- 8 29. JWH-122;
- 9 30. JWH-145;
- 10 31. JWH-146;
- 11 32. JWH-147;
- 12 33. JWH-148;
- 13 34. JWH-149;
- 14 35. JWH-150;
- 15 36. JWH-156;
- 16 37. JWH-167;
- 17 38. JWH-175;
- 18 39. JWH-180;
- 19 40. JWH-181;
- 20 41. JWH-182;
- 21 42. JWH-184;
- 22 43. JWH-185;
- 23 44. JWH-189;
- 24 45. JWH-192;

- 1 46. JWH-193;
- 2 47. JWH-194;
- 3 48. JWH-195;
- 4 49. JWH-196;
- 5 50. JWH-197;
- 6 51. JWH-198;
- 7 52. JWH-199;
- 8 53. JWH-200;
- 9 54. JWH-201;
- 10 55. JWH-202;
- 11 56. JWH-203;
- 12 57. JWH-204;
- 13 58. JWH-205;
- 14 59. JWH-206;
- 15 60. JWH-207;
- 16 61. JWH-208;
- 17 62. JWH-209;
- 18 63. JWH-210;
- 19 64. JWH-211;
- 20 65. JWH-212;
- 21 66. JWH-213;
- 22 67. JWH-234;
- 23 68. JWH-235;
- 24 69. JWH-236;

- 1 70. JWH-237;
- 2 71. JWH-239;
- 3 72. JWH-240;
- 4 73. JWH-241;
- 5 74. JWH-242;
- 6 75. JWH-243;
- 7 76. JWH-244;
- 8 77. JWH-245;
- 9 78. JWH-246;
- 10 79. JWH-248;
- 11 80. JWH-249;
- 12 81. JWH-250;
- 13 82. JWH-251;
- 14 83. JWH-252;
- 15 84. JWH-253;
- 16 85. JWH-262;
- 17 86. JWH-292;
- 18 87. JWH-293;
- 19 88. JWH-302;
- 20 89. JWH-303;
- 21 90. JWH-304;
- 22 91. JWH-305;
- 23 92. JWH-306;
- 24 93. JWH-307;

- 1 94. JWH-308;
- 2 95. JWH-311;
- 3 96. JWH-312;
- 4 97. JWH-313;
- 5 98. JWH-314;
- 6 99. JWH-315;
- 7 100. JWH-316;
- 8 101. JWH-346;
- 9 102. JWH-348;
- 10 103. JWH-363;
- 11 104. JWH-364;
- 12 105. JWH-365;
- 13 106. JWH-367;
- 14 107. JWH-368;
- 15 108. JWH-369;
- 16 109. JWH-370;
- 17 110. JWH-371;
- 18 111. JWH-373;
- 19 112. JWH-386;
- 20 113. JWH-387;
- 21 114. JWH-392;
- 22 115. JWH-394;
- 23 116. JWH-395;
- 24 117. JWH-397;

- 1 118. JWH-398;
- 2 119. JWH-399;
- 3 120. JWH-400;
- 4 121. JWH-412;
- 5 122. JWH-413;
- 6 123. JWH-414;
- 7 124. JWH-415;
- 8 125. CP-55, 940;
- 9 126. CP-47, 497;
- 10 127. HU-210;
- 11 128. HU-211;
- 12 129. WIN-55, 212-2;
- 13 130. AM-2201;
- 14 131. AM-2233; ~~and~~
- 15 132. JWH-018 adamantyl-carboxamide;
- 16 133. AKB48;
- 17 134. JWH-122 N-(4-pentenyl) analog;
- 18 135. MAM2201;
- 19 136. URB597;
- 20 137. URB602;
- 21 138. URB754;
- 22 139. UR144;
- 23 140. XLR11;
- 24 141. A-796,260; and

1 142. STS-135.

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

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

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

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

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

17 3. Opium poppy and poppy straw; or

18 4. Coca leaves except coca leaves and extracts of coca leaves
19 from which cocaine, ecgonine, and derivatives of ecgonine or their
20 salts have been removed; cocaine, its salts, optical and geometric
21 isomers, and salts of isomers; ecgonine, its derivatives, their
22 salts, isomers and salts of isomers; or any compound, mixture or
23 preparation which contains any quantity of any of the substances
24 referred to in this paragraph.

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

- 5 1. Alphaprodine;
- 6 2. Anileridine;
- 7 3. Bezitramide;
- 8 4. Dihydrocodeine;
- 9 5. Diphenoxylate;
- 10 6. Fentanyl;
- 11 7. Hydromorphone;
- 12 8. Isomethadone;
- 13 9. Levomethorphan;
- 14 10. Levorphanol;
- 15 11. Metazocine;
- 16 12. Methadone;
- 17 13. Methadone - Intermediate, 4-cyano-2-dimethylamino-4, 4-
18 diphenyl butane;
- 19 14. Moramide - Intermediate, 2-methyl-3-morpholino-1, 1-
20 diphenyl-propane-carboxylic acid;
- 21 15. Oxycodone;
- 22 16. Oxymorphone;
- 23 17. Pethidine (Meperidine);

- 1 18. Pethidine - Intermediate - A, 4-cyano-1-methyl-4-
2 phenylpiperidine;
- 3 19. Pethidine - Intermediate - B, ethyl-4-phenylpiperidine-4-
4 carboxylate;
- 5 20. Pethidine - Intermediate - C, 1-methyl-4-phenylpiperidine-
6 4-carboxylic acid;
- 7 21. Phenazocine;
- 8 22. Piminodine;
- 9 23. Racemethorphan;
- 10 24. Racemorphan;
- 11 25. Etorphine Hydrochloride salt only;
- 12 26. Alfentanil hydrochloride;
- 13 27. Levo-alphaacetylmethadol;
- 14 28. Codeine;
- 15 29. Hydrocodone;
- 16 30. Morphine;
- 17 31. Remifentanil; ~~or~~
- 18 32. Sufentanil; or
- 19 33. Tapentadol.
- 20 C. Any substance which contains any quantity of:
- 21 1. Methamphetamine, including its salts, isomers, and salts of
22 isomers;
- 23 2. Amphetamine, its salts, optical isomers, and salts of its
24 optical isomers; ~~or~~

1 3. Nabilone; or

2 4. Lisdexamfetamine.

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

7 1. Phenmetrazine and its salts;

8 2. Methylphenidate;

9 3. Amobarbital;

10 4. Pentobarbital; or

11 5. Secobarbital.

12 SECTION 3. AMENDATORY 63 O.S. 2011, Section 2-210, as
13 amended by Section 4, Chapter 80, O.S.L. 2012 (63 O.S. Supp. 2012,
14 Section 2-210), is amended to read as follows:

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

19 1. Chloral betaine;

20 2. Chloral hydrate;

21 3. Ethchlorvynol;

22 4. Ethinamate;

23 5. Meprobamate;

24 6. Paraldehyde;

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

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

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

- 22 a. Breathe-Aid,
- 23 b. BronCare,
- 24 c. Bronchial Congestion,

- 1 d. Bronkaid Tablets,
- 2 e. Bronkaid Dual Action Caplets,
- 3 f. Bronkotabs,
- 4 g. Bronkolixir,
- 5 h. NeoRespin,
- 6 i. Pazo Hemorrhoid Ointment and Suppositories,
- 7 j. Primatene Tablets,
- 8 k. Primatene "Dual Action" Formula,
- 9 l. Quelidrine,
- 10 m. Resp, and
- 11 n. Vatronal Nose Drops.

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

- 15 a. is labeled and marketed in a manner consistent with
16 the pertinent OTC tentative final or final monograph
17 issued by the FDA, and
- 18 b. is manufactured and distributed for legitimate
19 medicinal use and in a manner that reduces or
20 eliminates the likelihood of abuse.

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

- 23 a. the history and current pattern of abuse,
- 24 b. the name and labeling of the product,

1 c. the intended manner of distribution, advertising and
2 promotion of the product, and

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

5 4. The hearing shall be held in accordance with the
6 Administrative Procedures Act.

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

10 C. The Board of Pharmacy may except by rule any compound,
11 mixture, or preparation containing any depressant substance listed
12 in subsection A of this section from the application of all or any
13 part of the Uniform Controlled Dangerous Substances Act, Section 2-
14 101 et seq. of this title, if the compound, mixture, or preparation
15 contains one or more active medicinal ingredients not having a
16 depressant effect on the central nervous system, and if the
17 admixtures are included therein in combinations, quantity,
18 proportion, or concentration that vitiate the potential for abuse of
19 the substances which have a depressant effect on the central nervous
20 system.

21 SECTION 4. AMENDATORY 63 O.S. 2011, Section 2-212, as
22 amended by Section 2, Chapter 206, O.S.L. 2012 (63 O.S. Supp. 2012,
23 Section 2-212), is amended to read as follows:
24

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

3 1. Any compound, mixture, or preparation containing limited
4 quantities of any of the following narcotic drugs, which also
5 contains one or more nonnarcotic active medicinal ingredients in
6 sufficient proportion to confer upon the compound, mixture, or
7 preparation, valuable medicinal qualities other than those possessed
8 by the narcotic drug alone:

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

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

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

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

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

24

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

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

9 b. a service charge not to exceed the purchase price of
10 the product, mixture or preparation may be assessed
11 and collected by the licensed pharmacist or registered
12 pharmacy technician at the point of sale from the
13 person seeking to purchase, receive or otherwise
14 acquire a pseudoephedrine product or products. Upon
15 receipt of payment of the service charge, the licensed
16 pharmacist or registered pharmacy technician shall
17 access the methamphetamine offender registry and
18 verify whether the person is an individual who is
19 listed on the methamphetamine offender registry. Upon
20 verification that the person is an individual who is
21 not listed on the methamphetamine offender registry,
22 the service charge shall be deducted from the total
23 purchase price of the pseudoephedrine product or
24 products. Upon verification that the person is an

1 individual who is listed on the methamphetamine
2 offender registry, the person shall be prohibited from
3 purchasing the pseudoephedrine product or products and
4 shall be required to forfeit the service charge
5 previously collected by the licensed pharmacist or
6 registered pharmacy technician. Any pharmacy that
7 requires the assessment and collection of a service
8 charge for pseudoephedrine products shall post a clear
9 and conspicuous sign at each public entrance to the
10 place of business and at each register within the
11 pharmacy that provides notice to customers of the
12 pharmacy that a service charge shall be assessed and
13 collected for pseudoephedrine products and, upon
14 verification that the person is listed on the
15 methamphetamine offender registry, the service charge
16 shall be forfeited and retained by the pharmacy, and
17 c. any person who is not an individual listed on the
18 methamphetamine offender registry that is purchasing,
19 receiving, or otherwise acquiring any compound,
20 mixture, or preparation shall produce a driver
21 license, passport, military identification, or other
22 state-issued identification card and shall sign a
23 written or electronic log, receipt, or other program
24

1 or mechanism approved by the Oklahoma Bureau of
2 Narcotics and Dangerous Drugs Control, showing:

- 3 (1) the date and time of the transaction,
4 (2) name, address and date of birth of the purchaser,
5 (3) driver license number, passport, military
6 identification, or state-issued identification
7 number and state of residence of the purchaser,
8 (4) name and initials of the pharmacist or pharmacy
9 technician conducting the transaction,
10 (5) the product being sold, ~~and~~
11 (6) total quantity, in grams, of base pseudoephedrine
12 or ephedrine purchased, and
13 (7) attestation by the person receiving the compound,
14 mixture or preparation that the person is not
15 subject to the Methamphetamine Offender Registry
16 Act.

17 No person shall purchase, receive, or otherwise acquire more
18 than three and six-tenths (3.6) grams of any product, mixture, or
19 preparation per day or more than seven and two-tenths (7.2) grams of
20 any product, mixture, or preparation within any thirty-day period,
21 or sixty (60) grams of any product, mixture, or preparation within a
22 twelve-month period. Once a person has purchased, received or
23 otherwise acquired the daily limit of three and six-tenths (3.6)
24 grams of any product, mixture or preparation, the person shall be

1 prohibited from purchasing, receiving or otherwise acquiring any
2 additional product, mixture or preparation containing any detectable
3 quantity of base pseudoephedrine or ephedrine for a period of not
4 less than seventy-two (72) hours following the last permitted
5 purchase. The requirements of this paragraph shall not apply to any
6 quantity of such product, mixture or preparation dispensed pursuant
7 to a valid prescription. There shall be no protocol or procedure
8 mandated by any individual or corporate entity that interferes with
9 the professional duty of a pharmacist to counsel and evaluate the
10 appropriate pharmaceutical needs of a patient and the exercise of
11 the professional judgment of a pharmacist as to whether it is
12 appropriate to dispense medication as set forth in this paragraph or
13 otherwise.

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

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

1 SECTION 5. AMENDATORY 63 O.S. 2011, Section 2-309D, as
2 amended by Section 1, Chapter 51, O.S.L. 2012 (63 O.S. Supp. 2012,
3 Section 2-309D), is amended to read as follows:

4 Section 2-309D. A. The information collected at the central
5 repository pursuant to the Anti-Drug Diversion Act shall be
6 confidential and shall not be open to the public. Access to the
7 information shall be limited to:

8 1. Peace officers certified pursuant to Section 3311 of Title
9 70 of the Oklahoma Statutes who are employed as investigative agents
10 of the Oklahoma State Bureau of Narcotics and Dangerous Drugs
11 Control;

12 2. The United States Drug Enforcement Administration Diversion
13 Group Supervisor;

14 3. The executive director or chief investigator, as designated
15 by each board, of the following state boards:

- 16 a. Board of Podiatric Medical Examiners,
- 17 b. Board of Dentistry,
- 18 c. State Board of Pharmacy,
- 19 d. State Board of Medical Licensure and Supervision,
- 20 e. State Board of Osteopathic Examiners,
- 21 f. State Board of Veterinary Medical Examiners, and
- 22 g. Oklahoma Health Care Authority;

23 provided, however, that the executive director or chief investigator
24 of each of these boards shall be limited to access to information

1 relevant to licensees of the employing board of such executive
2 director or chief investigator; and

3 4. A multicounty grand jury properly convened pursuant to the
4 Multicounty Grand Jury Act.

5 B. This section shall not prevent ~~the disclosure~~ access, at the
6 discretion of the Director of the Oklahoma Bureau of Narcotics and
7 Dangerous Drugs Control, ~~of~~ to investigative information ~~to~~ by peace
8 officers and investigative agents of federal, state, county or
9 municipal law enforcement agencies, district attorneys and the
10 Attorney General in furtherance of criminal investigations or
11 prosecutions within their respective jurisdictions, and to
12 registrants in furtherance of efforts to guard against the diversion
13 of controlled dangerous substances.

14 C. This section shall not prevent the disclosure, at the
15 discretion of the Director of the Oklahoma State Bureau of Narcotics
16 and Dangerous Drugs Control, of statistical information gathered
17 from the central repository to the general public which shall be
18 limited to types and quantities of controlled substances dispensed
19 and the county where dispensed.

20 D. Any unauthorized disclosure of any information collected at
21 the central repository provided by the Anti-Drug Diversion Act shall
22 be a misdemeanor. Violation of the provisions of this section shall
23 be deemed willful neglect of duty and shall be grounds for removal
24 from office.

1 E. Notwithstanding the provisions of subsection B, registrants
2 shall have no requirement or obligation to access or check the
3 information in the central repository prior to dispensing or
4 administering medications or as part of their professional
5 practices. Registrants shall not be liable to any person for any
6 claim of damages as a result of accessing or failing to access the
7 information in the central repository and no lawsuit may be
8 predicated thereon. Nothing herein shall be construed to relieve a
9 registrant from any duty to monitor and report the sales of certain
10 products pursuant to subsection E of Section 2-309C of this title.

11 F. Information regarding nonfatal overdoses, other than
12 statistical information as required by Section 2-106 of this title,
13 shall be completely confidential. Access to this information shall
14 be strictly limited to the Director of the Oklahoma State Bureau of
15 Narcotics and Dangerous Drugs Control or designee, the Chief Medical
16 Examiner, and the registrant that enters the information.
17 Registrants shall not be liable to any person for a claim of damages
18 for information reported pursuant to the provisions of Section 2-105
19 of this title.

20 SECTION 6. AMENDATORY 63 O.S. 2011, Section 2-332, is
21 amended to read as follows:

22 Section 2-332. A. It shall be unlawful for a person to
23 knowingly and unlawfully possess a drug product containing
24 ephedrine, pseudoephedrine or phenylpropanolamine, or their salts,

1 isomers or salts of isomers with intent to use the product as a
2 precursor to manufacture methamphetamine or another controlled
3 substance.

4 B. Except as provided in this subsection, possession of a drug
5 product containing more than ~~nine (9)~~ seven and two-tenths (7.2)
6 grams of ephedrine, pseudoephedrine or phenylpropanolamine, or their
7 salts, isomers or salts of isomers shall constitute a rebuttable
8 presumption of the intent to use the product as a precursor to
9 methamphetamine or another controlled substance. The rebuttable
10 presumption established by this subsection shall not apply to the
11 following persons who are lawfully possessing drug products in the
12 course of legitimate business:

- 13 1. A retail distributor of drug products or wholesaler;
- 14 2. A wholesale drug distributor, or its agents, licensed by the
15 Board of Pharmacy;
- 16 3. A manufacturer of drug products, or its agents, licensed by
17 the Board of Pharmacy;
- 18 4. A pharmacist licensed by the Board of Pharmacy; and
- 19 5. A licensed healthcare professional possessing the drug
20 products in the course of carrying out his profession.

21 C. A violation of subsection A of this section shall be a
22 felony punishable as provided for in subsection G of Section 2-401
23 of this title.

24

1 D. Any wholesaler, manufacturer, or distributor of drug
2 products containing pseudoephedrine or phenylpropanolamine, or their
3 salts, isomers, or salts of isomers shall obtain a registration
4 annually from the Oklahoma State Bureau of Narcotics and Dangerous
5 Drugs Control. Any such wholesaler, manufacturer, or distributor
6 shall keep complete records of all transactions involving such drug
7 products including the names of all parties involved in the
8 transaction and amount of the drug products involved. The records
9 shall be kept readily retrievable and separate from all other
10 invoices or records of transactions not involving such drug
11 products, and shall be maintained for not less than three (3) years.

12 E. As used in this section:

13 1. "Manufacturer" means any person within this state who
14 produces, compounds, packages, or in any manner initially prepares
15 for sale or use any drug product described in subsection D of this
16 section, or any such person in another state if they cause the
17 products to be compounded, packaged, or transported into this state;

18 2. "Wholesaler" means any person within this state or another
19 state, other than a manufacturer, who sells, transfers, or in any
20 manner furnishes a drug product described in subsection A of this
21 section to any other person in this state for the purpose of being
22 resold;

23 3. "Distributor" means any person within this state or another
24 state, other than a manufacturer or wholesaler, who sells, delivers,

1 transfers, or in any manner furnishes a drug product described in
2 subsection A of this section to any person who is not the ultimate
3 user or consumer of the product; and

4 4. "Readily retrievable" means available for inspection without
5 prior notice at the registration address if that address is within
6 the State of Oklahoma. If the registration address is in a state
7 other than Oklahoma, it means records must be furnished within three
8 (3) working days by courier, facsimile, mail or electronic mail.

9 F. Any substances possessed without a registration as provided
10 in subsection D of this section shall be subject to forfeiture upon
11 conviction for a violation of this section.

12 G. In addition to any administrative penalties provided by law,
13 any violation of subsection D of this section shall be a
14 misdemeanor, punishable upon conviction by a fine only in an amount
15 not more than Ten Thousand Dollars (\$10,000.00).

16 SECTION 7. AMENDATORY 63 O.S. 2011, Section 2-701, as
17 amended by Section 5, Chapter 206, O.S.L. 2012 (63 O.S. Supp. 2012,
18 Section 2-701), is amended to read as follows:

19 Section 2-701. A. There is hereby created within the Oklahoma
20 State Bureau of Narcotics and Dangerous Drugs Control a registry of
21 persons who, after November 1, 2010, have been convicted, whether
22 upon a verdict or plea of guilty or upon a verdict or plea of nolo
23 contendere, or received a suspended sentence or any deferred or
24 probationary term, or are currently serving a sentence or any form

1 of probation or parole for a crime or attempt to commit a crime
2 including, but not limited to, unlawful possession, conspiring,
3 endeavoring, manufacturing, distribution or trafficking of a
4 precursor or methamphetamines under the provisions of Section 2-322,
5 2-332, 2-401, 2-402, 2-408 or 2-415 of this title, or any crime
6 including, but not limited to, crimes involving the possession,
7 distribution, manufacturing or trafficking of methamphetamines or
8 illegal amounts of or uses of pseudoephedrine in any federal court,
9 Indian tribal court, or any court of another state if the person is
10 a resident of the State of Oklahoma or seeks to remain in the State
11 of Oklahoma in excess of ten (10) days.

12 B. It shall be unlawful for any person who knows that he or she
13 is subject to the registry created in subsection A of this section
14 to purchase, possess or have control of any Schedule V compound,
15 mixture, or preparation containing any detectable quantity of
16 pseudoephedrine, its salts or optical isomers, or salts of optical
17 isomers. A prescription for pseudoephedrine shall not provide an
18 exemption for any person to this law. Any person convicted of
19 violating the provisions of this subsection shall be guilty of a
20 felony, punishable by imprisonment in the custody of the Department
21 of Corrections for not less than two (2) years and not more than ten
22 (10) years, or by a fine of not more than Five Thousand Dollars
23 (\$5,000.00), or by both such fine and imprisonment.

24

1 C. The registry created in subsection A of this section shall
2 be maintained by the Bureau. The registry shall be made available
3 for registrants who sell or dispense pseudoephedrine-related
4 products and to law enforcement agencies for law enforcement
5 purposes through the electronic methamphetamine precursor tracking
6 service. The electronic methamphetamine precursor tracking service
7 shall generate a stop-sale alert on any sale of pseudoephedrine to
8 any individual listed on the methamphetamine offender registry in
9 real time.

10 D. The registry shall consist of the following information:

11 1. Name and address of the person;

12 2. Date of birth of the person;

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

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

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

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

21 E. Beginning November 1, 2010, all district court clerks shall
22 forward a copy of the judgment and sentence or other applicable
23 information relating to the disposition of the criminal case and
24 date of birth of all persons who are subject to the provisions of

1 the Oklahoma Methamphetamine Offender Registry Act for a violation
2 of the offenses described in subsection A of this section to the
3 Bureau. The information shall be sent in an electronic format in a
4 manner prescribed by the Bureau within ten (10) days of the date of
5 final disposition of the case. Any person subject to the registry
6 pursuant to subsection A of this section, having received a deferred
7 sentence or conviction in a federal court, Indian tribal court, or
8 any court of another state, shall be required to register and submit
9 a methamphetamine offender registration form in a format prescribed
10 by the Bureau within ten (10) days of entering the State of Oklahoma
11 or if incarcerated in a federal institution within the boundaries of
12 Oklahoma, within ten (10) days of release from the institution.
13 ~~Failure~~ Knowingly failing to submit the form required by this
14 subsection shall constitute a misdemeanor.

15 F. Upon receipt of the information provided by the district
16 court clerk, the Bureau shall transmit in an electronic format to
17 the electronic methamphetamine precursor tracking service at least
18 every seven (7) days the name of any person placed on the
19 methamphetamine offender registry as provided in this section. The
20 information transmitted to the electronic tracking service shall
21 include the first, middle, and last name of the person, and the
22 address and the date of birth of the person. The electronic
23 methamphetamine precursor tracking service shall be designed to
24 generate a stop-sale alert for any person who is on the

1 methamphetamine offender registry and whose name, address and date
2 of birth have been transmitted by the Bureau to the electronic
3 tracking service.

4 G. The Bureau shall remove from the methamphetamine offender
5 registry the name and other identifying information of a person who
6 has been convicted of a violation of any of the offenses described
7 in subsection A of this section ten (10) years after the date of the
8 most recent judgment and sentence. Any person having received a
9 deferred sentence that expires prior to the ten-year time limitation
10 may apply to the Bureau to be removed from the registry upon the
11 completion of the deferred sentence by providing to the Bureau a
12 certified copy of the dismissal of the case by certified mail. The
13 Bureau may remove the person from the methamphetamine offender
14 registry upon expiration of the deferred sentence. The Bureau shall
15 also be required to notify the provider of the electronic
16 methamphetamine precursor tracking service when a person is removed
17 from the methamphetamine offender registry. Upon notification from
18 the Bureau, the provider of the electronic tracking service shall
19 remove the name of the person from the electronic methamphetamine
20 precursor tracking service and the person shall thereafter be
21 permitted to purchase pseudoephedrine-related products.

22 H. It shall be a violation for any person to assist another l
23 with knowledge that the person who is subject to the registry l in
24 the purchase of any pseudoephedrine products. Any person convicted

1 of violating the provisions of this subsection shall, for a first
2 offense, be guilty of a misdemeanor, punishable by incarceration in
3 the county jail for not more than one (1) year, or by a fine of not
4 more than One Thousand Dollars (\$1,000.00), or by both such fine and
5 imprisonment. Any second or subsequent conviction for a violation
6 of this subsection shall be a felony, punishable by incarceration in
7 the custody of the Department of Corrections for not more than two
8 (2) years, or by a fine of not less than Two Thousand Five Hundred
9 Dollars (\$2,500.00) or by both such fine and imprisonment. ~~For the~~
10 ~~purposes of this subsection, knowledge that a person was subject to~~
11 ~~the methamphetamine offender registry may be proven through court~~
12 ~~testimony or any other public notice or publicly available record~~
13 ~~including, but not limited to, court records maintained by the~~
14 ~~Oklahoma Supreme Court Network and the Oklahoma Court Information~~
15 ~~System.~~

16 I. On or prior to November 1, 2011, the Oklahoma State Bureau
17 of Narcotics and Dangerous Drugs Control shall maintain a
18 methamphetamine offender registry website available for viewing by
19 the public.

20 J. For the purposes of this section, knowledge that a person
21 was subject to the methamphetamine offender registry may be proven
22 through court testimony or any other public notice or publicly
23 available record including, but not limited to, court records

24

1 maintained by the Oklahoma Supreme Court Network and the Oklahoma
2 Court Information System.

3 K. The Oklahoma State Bureau of Narcotics and Dangerous Drugs
4 Control shall take necessary actions through the promulgation of
5 rules and cooperation with pharmacies and the courts to ensure that
6 notice of the provisions of this section is provided to those
7 persons subject to the methamphetamine offender registry as listed
8 in subsection A of this section.

9 SECTION 8. This act shall become effective November 1, 2013.

10 Passed the House of Representatives the 5th day of March, 2013.

11
12 _____
13 Presiding Officer of the House
of Representatives

14 Passed the Senate the ___ day of _____, 2013.

15
16 _____
17 Presiding Officer of the Senate