

1                                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2   STATE OF OKLAHOMA

3   2nd Session of the 54th Legislature (2014)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 2907

By: Derby

7  
8   COMMITTEE SUBSTITUTE

9                   An Act relating to controlled substances; amending 63  
10 O.S. 2011, Section 2-101, as amended by Section 1,  
11 Chapter 80, O.S.L. 2012 (63 O.S. Supp. 2013, Section  
12 2-101), which relates to definitions; adding  
13 definitions; amending 63 O.S. 2011, Section 2-302,  
14 which relates to registration requirements; requiring  
15 certain facilities to obtain certain registrations;  
16 providing for certain exceptions; stating that such  
17 registration shall be in addition to any other  
18 required registration; requiring pain management  
19 clinics to be owned and operated by certain persons  
20 meeting certain qualifications; providing for time of  
21 compliance; providing for extension; amending 63 O.S.  
22 2011, Section 2-303, which relates to registrations;  
23 adding fees for certain facilities; and providing an  
24 effective date.

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

SECTION 1.           AMENDATORY           63 O.S. 2011, Section 2-101, as  
amended by Section 1, Chapter 80, O.S.L. 2012 (63 O.S. Supp. 2013,  
Section 2-101), is amended to read as follows:

Section 2-101. As used in the Uniform Controlled Dangerous  
Substances Act:

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

- 5 a. a practitioner (or, in the presence of the  
6 practitioner, by the authorized agent of the  
7 practitioner), or
- 8 b. the patient or research subject at the direction and  
9 in the presence of the practitioner;

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

19 3. "Board" means the Advisory Board to the Director of the  
20 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control;

21 4. "Bureau" means the Oklahoma State Bureau of Narcotics and  
22 Dangerous Drugs Control;

23 5. "Coca leaves" includes cocaine and any compound,  
24 manufacture, salt, derivative, mixture or preparation of coca

1 leaves, except derivatives of coca leaves which do not contain  
2 cocaine or ecgonine;

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

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

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

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

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

22 11. "Dispense" means to deliver a controlled dangerous  
23 substance to an ultimate user or human research subject by or  
24 pursuant to the lawful order of a practitioner, including the

1 prescribing, administering, packaging, labeling or compounding  
2 necessary to prepare the substance for such distribution.

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

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

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

12 14. "Drug" means articles:

- 13 a. recognized in the official United States  
14 Pharmacopoeia, official Homeopathic Pharmacopoeia of  
15 the United States, or official National Formulary, or  
16 any supplement to any of them,
- 17 b. intended for use in the diagnosis, cure, mitigation,  
18 treatment or prevention of disease in man or other  
19 animals,
- 20 c. other than food, intended to affect the structure or  
21 any function of the body of man or other animals, and
- 22 d. intended for use as a component of any article  
23 specified in this paragraph;
- 24

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

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

11 16. "Home care agency" means any sole proprietorship,  
12 partnership, association, corporation, or other organization which  
13 administers, offers, or provides home care services, for a fee or  
14 pursuant to a contract for such services, to clients in their place  
15 of residence;

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

18 18. "Hospice" means a centrally administered, nonprofit or  
19 profit, medically directed, nurse-coordinated program which provides  
20 a continuum of home and inpatient care for the terminally ill  
21 patient and the patient's family. Such term shall also include a  
22 centrally administered, nonprofit or profit, medically directed,  
23 nurse-coordinated program if such program is licensed pursuant to  
24 the provisions of this act. A hospice program offers palliative and

1 supportive care to meet the special needs arising out of the  
2 physical, emotional and spiritual stresses which are experienced  
3 during the final stages of illness and during dying and bereavement.  
4 This care is available twenty-four (24) hours a day, seven (7) days  
5 a week, and is provided on the basis of need, regardless of ability  
6 to pay. "Class A" Hospice refers to Medicare certified hospices.  
7 "Class B" refers to all other providers of hospice services;

8 19. "Imitation controlled substance" means a substance that is  
9 not a controlled dangerous substance, which by dosage unit  
10 appearance, color, shape, size, markings or by representations made,  
11 would lead a reasonable person to believe that the substance is a  
12 controlled dangerous substance. In the event the appearance of the  
13 dosage unit is not reasonably sufficient to establish that the  
14 substance is an "imitation controlled substance", the court or  
15 authority concerned should consider, in addition to all other  
16 factors, the following factors as related to "representations made"  
17 in determining whether the substance is an "imitation controlled  
18 substance":

- 19 a. statements made by an owner or by any other person in  
20 control of the substance concerning the nature of the  
21 substance, or its use or effect,
- 22 b. statements made to the recipient that the substance  
23 may be resold for inordinate profit,

24

- 1 c. whether the substance is packaged in a manner normally  
2 used for illicit controlled substances,  
3 d. evasive tactics or actions utilized by the owner or  
4 person in control of the substance to avoid detection  
5 by law enforcement authorities,  
6 e. prior convictions, if any, of an owner, or any other  
7 person in control of the object, under state or  
8 federal law related to controlled substances or fraud,  
9 and  
10 f. the proximity of the substances to controlled  
11 dangerous substances;

12 20. "Immediate precursor" means a substance which the Director  
13 has found to be and by regulation designates as being the principal  
14 compound commonly used or produced primarily for use, and which is  
15 an immediate chemical intermediary used, or likely to be used, in  
16 the manufacture of a controlled dangerous substance, the control of  
17 which is necessary to prevent, curtail or limit such manufacture;

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

22 22. "Manufacture" means the production, preparation,  
23 propagation, compounding or processing of a controlled dangerous  
24 substance, either directly or indirectly by extraction from

1 substances of natural or synthetic origin, or independently by means  
2 of chemical synthesis or by a combination of extraction and chemical  
3 synthesis. "Manufacturer" includes any person who packages,  
4 repackages or labels any container of any controlled dangerous  
5 substance, except practitioners who dispense or compound  
6 prescription orders for delivery to the ultimate consumer;

7 23. "Marihuana" means all parts of the plant Cannabis sativa  
8 L., whether growing or not; the seeds thereof; the resin extracted  
9 from any part of such plant; and every compound, manufacture, salt,  
10 derivative, mixture or preparation of such plant, its seeds or  
11 resin, but shall not include the mature stalks of such plant, fiber  
12 produced from such stalks, oil or cake made from the seeds of such  
13 plant, any other compound, manufacture, salt, derivative, mixture or  
14 preparation of such mature stalks (except the resin extracted  
15 therefrom), fiber, oil or cake, or the sterilized seed of such plant  
16 which is incapable of germination;

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

22 25. "Mid-level practitioner" means an advanced practice nurse  
23 as defined and within parameters specified in Section 567.3a of  
24 Title 59 of the Oklahoma Statutes, or a certified animal euthanasia

1 technician as defined in Section 698.2 of Title 59 of the Oklahoma  
2 Statutes, or an animal control officer registered by the Oklahoma  
3 State Bureau of Narcotics and Dangerous Drugs Control under  
4 subsection B of Section 2-301 of this title within the parameters of  
5 such officer's duty under Sections 501 through 508 of Title 4 of the  
6 Oklahoma Statutes;

7 26. "Narcotic drug" means any of the following, whether  
8 produced directly or indirectly by extraction from substances of  
9 vegetable origin, or independently by means of chemical synthesis,  
10 or by a combination of extraction and chemical synthesis:

- 11 a. opium, coca leaves and opiates,
- 12 b. a compound, manufacture, salt, derivative or  
13 preparation of opium, coca leaves or opiates,
- 14 c. cocaine, its salts, optical and geometric isomers, and  
15 salts of isomers,
- 16 d. ecgonine, its derivatives, their salts, isomers and  
17 salts of isomers, and
- 18 e. a substance, and any compound, manufacture, salt,  
19 derivative or preparation thereof, which is chemically  
20 identical with any of the substances referred to in  
21 subparagraphs a through d of this paragraph, except  
22 that the words "narcotic drug" as used in Section 2-  
23 101 et seq. of this title shall not include

24

1           decocainized coca leaves or extracts of coca leaves,  
2           which extracts do not contain cocaine or ecgonine;

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

11       28. "Opium poppy" means the plant of the species *Papaver*  
12 *somniferum* L., except the seeds thereof;

13       29. "Pain management clinic" means a facility in which:

- 14       a. in excess of fifty percent (50%) of patients are  
15       issued a prescription for or dispensed opioids,  
16       barbituates, or carisoprodol for a period of more than  
17       ninety (90) days in a twelve (12) month period, or  
18       b. that advertises in any medium for any type of pain  
19       management services;

20       ~~29.~~ 30. "Peace officer" means a police officer, sheriff, deputy  
21 sheriff, district attorney's investigator, investigator from the  
22 Office of the Attorney General, or any other person elected or  
23 appointed by law to enforce any of the criminal laws of this state  
24 or of the United States;

1       ~~30.~~ 31. "Person" means an individual, corporation, government  
2 or governmental subdivision or agency, business trust, estate,  
3 trust, partnership or association, or any other legal entity;

4       ~~31.~~ 32. "Poppy straw" means all parts, except the seeds, of the  
5 opium poppy, after mowing;

6       ~~32.~~ 33. "Practitioner" means:

7           a.     (1)   a medical doctor or osteopathic physician,

8                     (2)   a dentist,

9                     (3)   a podiatrist,

10                    (4)   an optometrist,

11                    (5)   a veterinarian,

12                    (6)   a physician assistant under the supervision of a  
13                             licensed medical doctor or osteopathic physician,

14                    (7)   a scientific investigator, or

15                    (8)   any other person,

16                    licensed, registered or otherwise permitted to  
17                    prescribe, distribute, dispense, conduct research with  
18                    respect to, use for scientific purposes or administer  
19                    a controlled dangerous substance in the course of  
20                    professional practice or research in this state, or

21           b.     a pharmacy, hospital, laboratory or other institution

22                    licensed, registered or otherwise permitted to

23                    distribute, dispense, conduct research with respect

24                    to, use for scientific purposes or administer a

1 controlled dangerous substance in the course of  
2 professional practice or research in this state;

3 ~~33.~~ 34. "Production" includes the manufacture, planting,  
4 cultivation, growing or harvesting of a controlled dangerous  
5 substance;

6 ~~34.~~ 35. "State" means the State of Oklahoma or any other state  
7 of the United States;

8 ~~35.~~ 36. "Ultimate user" means a person who lawfully possesses a  
9 controlled dangerous substance for the person's own use or for the  
10 use of a member of the person's household or for administration to  
11 an animal owned by the person or by a member of the person's  
12 household;

13 ~~36.~~ 37. "Drug paraphernalia" means all equipment, products and  
14 materials of any kind which are used, intended for use, or fashioned  
15 specifically for use in planting, propagating, cultivating, growing,  
16 harvesting, manufacturing, compounding, converting, producing,  
17 processing, preparing, testing, analyzing, packaging, repackaging,  
18 storing, containing, concealing, injecting, ingesting, inhaling or  
19 otherwise introducing into the human body, a controlled dangerous  
20 substance in violation of the Uniform Controlled Dangerous  
21 Substances Act including, but not limited to:

- 22 a. kits used, intended for use, or fashioned specifically  
23 for use in planting, propagating, cultivating, growing  
24 or harvesting of any species of plant which is a

- 1 controlled dangerous substance or from which a  
2 controlled dangerous substance can be derived,
- 3 b. kits used, intended for use, or fashioned specifically  
4 for use in manufacturing, compounding, converting,  
5 producing, processing or preparing controlled  
6 dangerous substances,
- 7 c. isomerization devices used, intended for use, or  
8 fashioned specifically for use in increasing the  
9 potency of any species of plant which is a controlled  
10 dangerous substance,
- 11 d. testing equipment used, intended for use, or fashioned  
12 specifically for use in identifying, or in analyzing  
13 the strength, effectiveness or purity of controlled  
14 dangerous substances,
- 15 e. scales and balances used, intended for use, or  
16 fashioned specifically for use in weighing or  
17 measuring controlled dangerous substances,
- 18 f. diluents and adulterants, such as quinine  
19 hydrochloride, mannitol, mannite, dextrose and  
20 lactose, used, intended for use, or fashioned  
21 specifically for use in cutting controlled dangerous  
22 substances,
- 23 g. separation gins and sifters used, intended for use, or  
24 fashioned specifically for use in removing twigs and

1 seeds from, or in otherwise cleaning or refining,  
2 marihuana,

3 h. blenders, bowls, containers, spoons and mixing devices  
4 used, intended for use, or fashioned specifically for  
5 use in compounding controlled dangerous substances,

6 i. capsules, balloons, envelopes and other containers  
7 used, intended for use, or fashioned specifically for  
8 use in packaging small quantities of controlled  
9 dangerous substances,

10 j. containers and other objects used, intended for use,  
11 or fashioned specifically for use in parenterally  
12 injecting controlled dangerous substances into the  
13 human body,

14 k. hypodermic syringes, needles and other objects used,  
15 intended for use, or fashioned specifically for use in  
16 parenterally injecting controlled dangerous substances  
17 into the human body,

18 l. objects used, intended for use, or fashioned  
19 specifically for use in ingesting, inhaling or  
20 otherwise introducing marihuana, cocaine, hashish or  
21 hashish oil into the human body, such as:

22 (1) metal, wooden, acrylic, glass, stone, plastic or  
23 ceramic pipes with or without screens, permanent  
24 screens, hashish heads or punctured metal bowls,

1 (2) water pipes,  
2 (3) carburetion tubes and devices,  
3 (4) smoking and carburetion masks,  
4 (5) roach clips, meaning objects used to hold burning  
5 material, such as a marihuana cigarette, that has  
6 become too small or too short to be held in the  
7 hand,  
8 (6) miniature cocaine spoons and cocaine vials,  
9 (7) chamber pipes,  
10 (8) carburetor pipes,  
11 (9) electric pipes,  
12 (10) air-driven pipes,  
13 (11) chillums,  
14 (12) bongos, or  
15 (13) ice pipes or chillers,  
16 m. all hidden or novelty pipes, and  
17 n. any pipe that has a tobacco bowl or chamber of less  
18 than one-half (1/2) inch in diameter in which there is  
19 any detectable residue of any controlled dangerous  
20 substance as defined in this section or any other  
21 substances not legal for possession or use;  
22 provided, however, the term "drug paraphernalia" shall not include  
23 separation gins intended for use in preparing tea or spice, clamps  
24 used for constructing electrical equipment, water pipes designed for

1 ornamentation in which no detectable amount of an illegal substance  
2 is found or pipes designed and used solely for smoking tobacco,  
3 traditional pipes of an American Indian tribal religious ceremony,  
4 or antique pipes that are thirty (30) years of age or older;

5 ~~37.~~ 38. a. "Synthetic controlled substance" means a  
6 substance:

- 7 (1) the chemical structure of which is substantially  
8 similar to the chemical structure of a controlled  
9 dangerous substance in Schedule I or II,  
10 (2) which has a stimulant, depressant, or  
11 hallucinogenic effect on the central nervous  
12 system that is substantially similar to or  
13 greater than the stimulant, depressant or  
14 hallucinogenic effect on the central nervous  
15 system of a controlled dangerous substance in  
16 Schedule I or II, or  
17 (3) with respect to a particular person, which such  
18 person represents or intends to have a stimulant,  
19 depressant, or hallucinogenic effect on the  
20 central nervous system that is substantially  
21 similar to or greater than the stimulant,  
22 depressant, or hallucinogenic effect on the  
23 central nervous system of a controlled dangerous  
24 substance in Schedule I or II.

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

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

7           (1) a controlled dangerous substance,

8           (2) any substance for which there is an approved new  
9 drug application,

10           (3) with respect to a particular person any  
11 substance, if an exemption is in effect for  
12 investigational use, for that person under the  
13 provisions of Section 505 of the Federal Food,  
14 Drug and Cosmetic Act, Title 21 of the United  
15 States Code, Section 355, to the extent conduct  
16 with respect to such substance is pursuant to  
17 such exemption, or

18           (4) any substance to the extent not intended for  
19 human consumption before such an exemption takes  
20 effect with respect to that substance.

21           d. Prima facie evidence that a substance containing  
22 salvia divinorum has been enhanced, concentrated or  
23 chemically or physically altered shall give rise to a  
24

1           rebuttable presumption that the substance is a  
2           synthetic controlled substance;

3       ~~38.~~ 39. "Tetrahydrocannabinols" means all substances that have  
4 been chemically synthesized to emulate the tetrahydrocannabinols of  
5 marihuana;

6       ~~39.~~ 40. "Isomer" means the optical isomer, except as used in  
7 subsection C of Section 2-204 of this title and paragraph 4 of  
8 subsection A of Section 2-206 of this title. As used in subsection  
9 C of Section 2-204 of this title, "isomer" means the optical,  
10 positional or geometric isomer. As used in paragraph 4 of  
11 subsection A of Section 2-206 of this title, the term "isomer" means  
12 the optical or geometric isomer;

13       ~~40.~~ 41. "Hazardous materials" means materials, whether solid,  
14 liquid or gas, which are toxic to human, animal, aquatic or plant  
15 life, and the disposal of which materials is controlled by state or  
16 federal guidelines; and

17       ~~41.~~ 42. "Anhydrous ammonia" means any substance that exhibits  
18 cryogenic evaporative behavior and tests positive for ammonia.

19       SECTION 2.       AMENDATORY       63 O.S. 2011, Section 2-302, is  
20 amended to read as follows:

21       Section 2-302. A. Every person who manufactures, distributes,  
22 dispenses, prescribes, administers or uses for scientific purposes  
23 any controlled dangerous substance within this state, or who  
24 proposes to engage in the manufacture, distribution, dispensing,

1 prescribing, administering or use for scientific purposes of any  
2 controlled dangerous substance within this state shall obtain a  
3 registration issued by the Director of the Oklahoma State Bureau of  
4 Narcotics and Dangerous Drugs Control, in accordance with rules  
5 promulgated by the Director. Persons registered by the Director  
6 under ~~Section 2-101 et seq. of this title~~ the Uniform Controlled  
7 Dangerous Substances Act to manufacture, distribute, dispense, or  
8 conduct research with controlled dangerous substances may possess,  
9 manufacture, distribute, dispense, or conduct research with those  
10 substances to the extent authorized by their registration and in  
11 conformity with the other provisions of this article. Every  
12 wholesaler, manufacturer or distributor of any drug product  
13 containing pseudoephedrine or phenylpropanolamine, or their salts,  
14 isomers, or salts of isomers shall obtain a registration issued by  
15 the Director of the Oklahoma State Bureau of Narcotics and Dangerous  
16 Drugs Control in accordance with rules promulgated by the Director  
17 and as provided for in Section 2-332 of this title.

18 B. Out-of-state pharmaceutical suppliers who provide controlled  
19 dangerous substances to individuals within this state shall obtain a  
20 registration issued by the Director of the Oklahoma State Bureau of  
21 Narcotics and Dangerous Drugs Control, in accordance with rules  
22 promulgated by the Director; provided that this provision shall not  
23 apply to wholesale distributors who ship controlled dangerous  
24

1 substances to pharmacies or other entities registered within this  
2 state in accordance with rules promulgated by the Director.

3 C. Manufacturers, distributors, home care agencies, hospices,  
4 home care services, and scientific researchers shall obtain a  
5 registration annually. Other practitioners shall obtain a  
6 registration for a period to be determined by the Director that will  
7 be for a period not less than one (1) year nor more than three (3)  
8 years.

9 D. Every trainer or handler of a canine controlled dangerous  
10 substances detector who, in the ordinary course of such trainer's or  
11 handler's profession, desires to possess any controlled dangerous  
12 substance, annually, shall obtain a registration issued by the  
13 Director for a fee of Seventy Dollars (\$70.00). Such persons shall  
14 be subject to all applicable provisions of ~~Section 2-101 et seq. of~~  
15 ~~this title~~ the Uniform Controlled Dangerous Substances Act and such  
16 applicable rules promulgated by the Director for those individuals  
17 identified in subparagraph a of paragraph 32 of Section 2-101 of  
18 this title. Persons registered by the Director pursuant to this  
19 subsection may possess controlled dangerous substances to the extent  
20 authorized by their registration and in conformity with the other  
21 provisions of this article.

22 E. Pain management clinics that prescribe, administer,  
23 distribute or dispense controlled dangerous substances shall obtain  
24 a registration issued by the Director of the Oklahoma State Bureau

1 of Narcotics and Dangerous Drugs Control; provided, that this  
2 provision shall not apply to medical or dental schools, clinics  
3 associated with a dental or medical school, hospitals, hospices,  
4 facilities maintained or operated by this state and facilities  
5 maintained or operated by the United States.

6 1. The registration obtained by pain management clinics shall  
7 be in addition to the registration required by practitioners who are  
8 employed by the clinic.

9 2. A pain management clinic shall be owned and operated by a  
10 physician or physicians licensed to practice medicine in this state,  
11 who have not had administrative action taken against their license  
12 or registration with the Oklahoma State Bureau of Narcotics and  
13 Dangerous Drugs Control, and who have not been convicted of a  
14 felony.

15 3. Any pain management clinic in existence on the effective  
16 date of this section shall have a period of ninety (90) days to  
17 comply with the provisions of this subsection. An extension of up  
18 to ninety (90) days may be granted by the Director for good cause  
19 shown, upon timely application to the Director.

20 ~~E.~~ F. The following persons shall not be required to register  
21 and may lawfully possess controlled dangerous substances under the  
22 provisions of ~~Section 2-101 et seq. of this title~~ the Uniform  
23 Controlled Dangerous Substances Act:  
24

1 1. An agent, or an employee thereof, of any registered  
2 manufacturer, distributor, dispenser or user for scientific purposes  
3 of any controlled dangerous substance, if such agent is acting in  
4 the usual course of such agent's or employee's business or  
5 employment;

6 2. Any person lawfully acting under the direction of a person  
7 authorized to administer controlled dangerous substances under  
8 Section 2-312 of this title;

9 3. A common or contract carrier or warehouse, or an employee  
10 thereof, whose possession of any controlled dangerous substance is  
11 in the usual course of such carrier's or warehouse's business or  
12 employment;

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

15 5. An individual pharmacist acting in the usual course of such  
16 pharmacist's employment with a pharmacy registered pursuant to the  
17 provisions of ~~Section 2-101 et seq. of this title~~ the Uniform  
18 Controlled Dangerous Substances Act;

19 6. A nursing home licensed by this state;

20 7. Any Department of Mental Health and Substance Abuse Services  
21 employee or any person whose facility contracts with the Department  
22 of Mental Health and Substance Abuse Services whose possession of  
23 any dangerous drug, as defined in Section 353.1 of Title 59 of the  
24

1 Oklahoma Statutes, is for the purpose of delivery of a mental health  
2 consumer's medicine to the consumer's home or residence; and

3 8. Registered nurses and licensed practical nurses.

4 ~~F.~~ G. The Director may, by rule, waive the requirement for  
5 registration or fee for registration of certain manufacturers,  
6 distributors, dispensers, prescribers, administrators, or users for  
7 scientific purposes if the Director finds it consistent with the  
8 public health and safety.

9 ~~G.~~ H. A separate registration shall be required at each  
10 principal place of business or professional practice where the  
11 applicant manufactures, distributes, dispenses, prescribes,  
12 administers, or uses for scientific purposes controlled dangerous  
13 substances.

14 ~~H.~~ I. The Director is authorized to inspect the establishment  
15 of a registrant or applicant for registration in accordance with  
16 rules promulgated by the Director.

17 ~~I.~~ J. No person engaged in a profession or occupation for which  
18 a license to engage in such activity is provided by law shall be  
19 registered under this act unless such person holds a valid license  
20 of such person's profession or occupation.

21 ~~J.~~ K. Registrations shall be issued on the first day of  
22 November of each year. Registrations may be issued at other times,  
23 however, upon certification of the professional licensing board.

24

1       ~~K.~~ L. The licensing boards of all professions and occupations  
2 to which the use of controlled dangerous substances is incidental  
3 shall furnish a current list to the Director, not later than the  
4 first day of October of each year, of the persons holding valid  
5 licenses. All such persons except persons exempt from registration  
6 requirements under subsection E of this section shall be subject to  
7 the registration requirements of ~~Section 2-101 et seq.~~ of this title  
8 the Uniform Controlled Dangerous Substances Act.

9       ~~H.~~ M. The licensing board of any professional defined as a mid-  
10 level practitioner shall notify and furnish to the Director, not  
11 later than the first day of October of each year that such  
12 professional holds a valid license, a current listing of individuals  
13 licensed and registered with their respective boards to prescribe,  
14 order, select, obtain and administer controlled dangerous  
15 substances. The licensing board shall immediately notify the  
16 Director of any action subsequently taken against any such  
17 individual.

18       ~~M.~~ N. Beginning November 1, 2010, each registrant that  
19 prescribes, administers or dispenses methadone shall be required to  
20 check the prescription profile of the patient on the central  
21 repository of the Oklahoma State Bureau of Narcotics and Dangerous  
22 Drugs Control.

23       SECTION 3.       AMENDATORY       63 O.S. 2011, Section 2-303, is  
24 amended to read as follows:

1 Section 2-303. A. The Director of the Oklahoma State Bureau of  
2 Narcotics and Dangerous Drugs Control shall register an applicant to  
3 manufacture, distribute, dispense, prescribe, administer or use for  
4 scientific purposes controlled dangerous substances included in  
5 Schedules I through V of ~~Section 2-101 et seq. of this title~~ the  
6 Uniform Controlled Dangerous Substances Act unless the Director  
7 determines that the issuance of such registration is inconsistent  
8 with the public interest. In determining the public interest, the  
9 following factors shall be considered:

10 1. Maintenance of effective controls against diversion of  
11 particular controlled dangerous substances and any Schedule I or II  
12 substance compounded therefrom into other than legitimate medical,  
13 scientific or industrial channels, including examination of the  
14 fitness of his or her employees or agents to handle dangerous  
15 substances;

16 2. Compliance with applicable state and local law;

17 3. Has been found guilty of, entered a plea of guilty or nolo  
18 contendere to a charge under the Uniform Controlled Dangerous  
19 Substances Act or any other state or federal law relating to any  
20 substance defined herein as a controlled dangerous substance or any  
21 felony under the laws of any state or the United States;

22 4. Furnishing by the applicant false or fraudulent material  
23 information in any application filed under ~~Section 2-101 et seq. of~~  
24 this title the Uniform Controlled Dangerous Substances Act;

1 5. Past experience in the manufacture, distribution,  
2 dispensing, prescribing, administering or use for scientific  
3 purposes of controlled dangerous substances, and the existence in  
4 the establishment of effective controls against diversion;

5 6. Denial, suspension or revocation of the applicant's federal  
6 registration to manufacture, distribute or dispense controlled  
7 dangerous substances as authorized by federal law; and

8 7. Such other factors as may be relevant to and consistent with  
9 the public health and safety.

10 Nothing herein shall be deemed to require individual licensed  
11 pharmacists to register under the provisions of the Uniform  
12 Controlled Dangerous Substances Act.

13 B. Registration granted under subsection A of this section  
14 shall not entitle a registrant to manufacture, distribute, dispense,  
15 prescribe, administer or use for scientific purposes controlled  
16 dangerous substances in Schedule I or II other than those specified  
17 in the registration.

18 C. Practitioners shall be registered to dispense, prescribe,  
19 administer or use for scientific purposes substances in Schedules II  
20 through V if they are authorized to carry on their respective  
21 activities under the laws of this state. A registration application  
22 by a practitioner who wishes to conduct research with Schedule I  
23 substances shall be accompanied by evidence of the applicant's  
24 federal registration to conduct such activity and shall be referred

1 to the Medical Research Commission for advice. The Medical Research  
2 Commission shall promptly advise the Director concerning the  
3 qualifications of each practitioner requesting such registration.  
4 Registration for the purpose of bona fide research or of use for  
5 scientific purposes with Schedule I substances by a practitioner  
6 deemed qualified by the Medical Research Commission may be denied  
7 only on a ground specified in subsection A of Section 2-304 of this  
8 title or if there are reasonable grounds to believe that the  
9 applicant will abuse or unlawfully transfer such substances or fail  
10 to safeguard adequately such applicant's supply of such substances  
11 against diversion from legitimate medical or scientific use.

12 D. 1. The Director shall initially permit persons to register  
13 who own or operate any establishment engaged in the manufacture,  
14 distribution, dispensing, prescribing, administering or use for  
15 scientific purposes of any controlled dangerous substances prior to  
16 June 4, 1991, and who are registered or licensed by the state. Fees  
17 for registration under this section shall be as follows:

18	Practitioners and mid-level		
19	practitioners	\$140.00	per year
20			of registration
21	Home Care Agencies, Hospices &		
22	Home Care Services	\$140.00	annually
23	Distributors	\$300.00	annually
24	Manufacturers	\$500.00	annually

1 Manufacturer, Wholesaler, or  
2 Distributor of drug products  
3 containing pseudoephedrine  
4 or phenylpropanolamine \$300.00 annually  
5 Pain management clinics \$140.00 annually

6 2. A registrant shall be required to pay double the amount of  
7 the above-listed fee for any renewal of registration received more  
8 than thirty (30) days late.

9 3. A Ten Dollar (\$10.00) fee shall be charged for a duplicate  
10 registration certificate.

11 E. Compliance by manufacturers and distributors with the  
12 provisions of the Federal Controlled Substances Act, 21 U.S.C.,  
13 Section 801 et seq., respecting registration, excluding fees, shall  
14 be deemed sufficient to qualify for registration under this act.

15 SECTION 4. This act shall become effective November 1, 2014.

16  
17 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 02/26/2014 -  
18 DO PASS, As Amended.