

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1275

By: David

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5  
6 AS INTRODUCED

7 An Act relating to regulation of controlled dangerous  
8 substances; amending 63 O.S. 2011, Section 2-304,  
9 which relates to limiting, conditioning, denial,  
10 revocation or suspension of certain registration;  
11 adding reason for such limitation, condition, denial,  
12 revocation or suspension; adding the payment of  
13 certain investigative and legal costs that the  
14 Director of the Oklahoma State Bureau of Narcotics  
15 and Dangerous Drugs Control may impose as part of  
16 certain disciplinary actions; and providing an  
17 effective date.

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

19 SECTION 1. AMENDATORY 63 O.S. 2011, Section 2-304, is  
20 amended to read as follows:

21 Section 2-304. A. A registration, pursuant to Section 2-303 of  
22 this title, to manufacture, distribute, dispense, prescribe,  
23 administer or use for scientific purposes a controlled dangerous  
24 substance shall be limited, conditioned, denied, suspended or  
revoked by the Director upon a finding that the registrant:

1           1. Has materially falsified any application filed pursuant to  
2 ~~this act~~ the Uniform Controlled Dangerous Substances Act or required  
3 by ~~this act~~ the Uniform Controlled Dangerous Substances Act;

4           2. Has been found guilty of, entered a plea of guilty, or  
5 entered a plea of nolo contendere to a misdemeanor relating to any  
6 substance defined herein as a controlled dangerous substance or any  
7 felony under the laws of any state or the United States;

8           3. Has had his or her federal registration retired, suspended,  
9 or revoked by a competent federal authority and is no longer  
10 authorized by federal law to manufacture, distribute, dispense,  
11 prescribe, administer or use for scientific purposes controlled  
12 dangerous substances;

13           4. Has failed to maintain effective controls against the  
14 diversion of controlled dangerous substances to unauthorized persons  
15 or entities;

16           5. Has prescribed, dispensed or administered a controlled  
17 dangerous substance from schedules other than those specified in his  
18 or her state or federal registration;

19           6. Has had a restriction, suspension, revocation, limitation,  
20 condition, or probation placed on his or her professional license or  
21 certificate or practice as a result of a proceeding pursuant to the  
22 general statutes;

23           7. Is abusing or, within the past five (5) years, has abused or  
24 excessively used drugs or controlled dangerous substances;

1 8. Has prescribed, sold, administered, or ordered any  
2 controlled substance for an immediate family member, himself or  
3 herself; provided that this shall not apply to a medical emergency  
4 when no other doctor is available to respond to the emergency;

5 9. Has possessed, used, prescribed, dispensed or administered  
6 drugs or controlled dangerous substances for other than legitimate  
7 medical or scientific purposes or for purposes outside the normal  
8 course of his or her professional practice;

9 10. Has been under the influence of alcohol or another  
10 intoxicating substance which adversely affected the central nervous  
11 system, vision, hearing or other sensory or motor functioning to  
12 such degree the person was impaired during the performance of his or  
13 her job; ~~or~~

14 11. Has violated any federal law relating to any controlled  
15 substances, any provision of the Uniform Controlled Dangerous  
16 Substances Act, ~~Section 2-101 et seq. of this title~~, or any rules of  
17 the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control;  
18 or

19 12. Has failed to comply with the provisions of a final  
20 administrative order issued by the Director.

21 B. In the event the Director suspends or revokes a registration  
22 granted under Section 2-303 of this title, all controlled dangerous  
23 substances owned or possessed by the registrant pursuant to such  
24 registration at the time of denial or suspension or the effective

1 date of the revocation order, as the case may be, may in the  
2 discretion of the Director be impounded and preserved. No  
3 disposition may be made of substances impounded and preserved until  
4 the time for taking an appeal has elapsed or until all appeals have  
5 been concluded unless a court, upon application therefor, orders the  
6 sale of perishable substances and the deposit of the proceeds of the  
7 sale with the court. Upon a revocation order becoming final, all  
8 such controlled dangerous substances shall be forfeited to the  
9 state.

10 C. The Drug Enforcement Administration shall promptly be  
11 notified of all orders suspending or revoking registration and all  
12 forfeitures of controlled dangerous substances.

13 D. In lieu of or in addition to any other remedies available to  
14 the Director, if a finding is made that a registrant has committed  
15 any act in violation of federal law relating to any controlled  
16 substance, any provision of the Uniform Controlled Dangerous  
17 Substances Act, ~~Section 2-101 et seq. of this title~~, or any rules of  
18 the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control,  
19 the Director is hereby authorized to assess an administrative  
20 penalty not to exceed Two Thousand Dollars (\$2,000.00) for each such  
21 act. Further, the Director may impose as part of a disciplinary  
22 action upon a finding that the registrant has committed any act in  
23 violation of such provisions, the payment of administrative costs  
24 expended by the Oklahoma State Bureau of Narcotics and Dangerous

1 Drugs Control for any investigation. For purposes of this section,  
2 administrative costs shall include, but not be limited to, staff  
3 time, salary and travel expense, witness fees and attorney fees.

4 SECTION 2. This act shall become effective November 1, 2014.

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