

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 SENATE BILL 620

By: Brooks

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5  
6 AS INTRODUCED

7 An Act relating to the Oklahoma State Bureau of  
8 Narcotics and Dangerous Drugs Control; amending 63  
9 O.S. 2011, Section 2-201, which relates to authority  
10 to control certain standards and schedules; modifying  
11 language; authorizing the Director of the Oklahoma  
12 State Bureau of Narcotics and Dangerous Drugs Control  
13 to classify certain products or substances by rule;  
14 providing for certain notice, hearings and submission  
15 of certified orders to Legislature; providing an  
16 effective date for certain rules; adding certain  
17 criteria for making certain recommendation or order;  
18 authorizing the Director to exclude certain  
19 substances from a schedule under certain  
20 circumstances; construing authority to control  
21 certain products or substances; and providing an  
22 effective date.

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

24 SECTION 1. AMENDATORY 63 O.S. 2011, Section 2-201, is  
amended to read as follows:

Section 2-201. A. The Director of the Oklahoma State Bureau of  
Narcotics and Dangerous Drugs Control shall administer the  
provisions of ~~this act~~ the Uniform Controlled Dangerous Substances  
Act, except as otherwise provided.

1 B. The Board of Pharmacy or the Director of the Oklahoma State  
2 Bureau of Narcotics and Dangerous Drugs Control by rule may classify  
3 new products and noncontrolled products or substances determined to  
4 have a potential for abuse as controlled dangerous substances after  
5 notice and hearing; provided that ~~such~~ the rule shall be submitted  
6 to the next regular session of the Legislature, and such rule shall  
7 remain in force and effect unless the Legislature adopts a  
8 concurrent resolution ~~of disapproval is passed~~ disapproving the  
9 rule. Hearings on any new product or noncontrolled product or  
10 substance shall be conducted by the Board of Pharmacy or by the  
11 Director of the Oklahoma State Bureau of Narcotics and Dangerous  
12 Drugs Control or by such officers, agents or employees as the Board  
13 ~~of Pharmacy or Bureau~~ may designate for the purpose. The Board of  
14 Pharmacy or the Director of the Oklahoma State Bureau of Narcotics  
15 and Dangerous Drugs Control shall give appropriate notice of the  
16 proposed classification and of the time and place for ~~a~~ its hearing.  
17 ~~The~~ Any rule ~~so~~ promulgated pursuant to this section shall become  
18 effective on a date fixed by the Board ~~of Pharmacy or Bureau~~  
19 conducting the hearing. ~~Such~~ The rule may be amended or repealed in  
20 the same manner as provided for its adoption. Proceedings pursuant  
21 to this subsection shall be governed by the Administrative  
22 Procedures Act; provided, no duplicate proceeding shall be held for  
23 the same product or substance by the Board or Bureau. A new  
24 substance controlled pursuant to this subsection shall be subject to

1 the same regulatory provisions of ~~this act~~ the Uniform Controlled  
2 Dangerous Substances Act applicable to the Schedule of substances to  
3 which it is classified.

4 C. The Director of the Oklahoma State Bureau of Narcotics and  
5 Dangerous Drugs Control may recommend to the Legislature the  
6 addition, deletion or rescheduling of a substance.

7 D. In considering whether to make a recommendation or issue an  
8 order under this section, the Director of the Oklahoma State Board  
9 of Narcotics and Dangerous Drugs Control or the Board of Pharmacy,  
10 as the case may be, shall consider the following:

- 11 1. Its actual or relative potential for abuse;
- 12 2. Scientific evidence of its pharmacological effect, if known;
- 13 3. State of current scientific knowledge regarding the  
14 substance;
- 15 4. Its history and current pattern of abuse;
- 16 5. The scope, duration, and significance of abuse;
- 17 6. What, if any, risk there is to the public health;
- 18 7. Its psychic or physiological dependence liability; ~~and~~
- 19 8. Whether the substance is an immediate precursor or principal  
20 compound of a substance already controlled under this article; and
- 21 9. Whether the substance has been scheduled on a temporary or  
22 permanent basis under federal law.

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1 E. Substances which are precursors of a controlled precursor  
2 shall not be subject to control solely because ~~they~~ such substances  
3 are precursors of the controlled precursor.

4 F. In addition to the filing requirements of the Administrative  
5 Procedures Act, copies of orders issued under this section shall,  
6 during the time the Legislature is not in session, be ~~filed with~~  
7 provided to the Chair and Vice Chair of the State Legislative  
8 Council's Judiciary Committee the Chairs of the Judiciary Committees  
9 of the Oklahoma State Senate and the Oklahoma House of  
10 Representatives.

11 G. The Board of Pharmacy or the Director of the Oklahoma State  
12 Bureau of Narcotics and Dangerous Drugs Control shall exclude any  
13 nonnarcotic substance from a schedule if such substance may, under  
14 the Federal Food, Drug and Cosmetic Act and the law of this state,  
15 be lawfully sold over the counter without a prescription.

16 H. Authority to control and classify new products and  
17 noncontrolled products or substances under this section does not  
18 extend to distilled spirits, wine, malt beverages or tobacco.

19 SECTION 2. This act shall become effective November 1, 2013.

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