

1 ENGROSSED SENATE AMENDMENT
TO

2 ENGROSSED HOUSE
3 BILL NO. 2835

By: Echols of the House

and

4 Yen of the Senate
5

6
7 An Act relating to public health and safety; amending
8 63 O.S. 2011, Section 2-101, as last amended by
9 Section 2, Chapter 203, O.S.L. 2015 and Section 3,
10 Chapter 203, O.S.L. 2015 (63 O.S. Supp. 2015,
11 Sections 2-101 and 2-801), which relate to the
Uniform Controlled Dangerous Substances Act; deleting
age limitation for certain definitions; modifying
exception to certain definition; and providing an
effective date.

12

13 AUTHOR: Add the following House Coauthor: Derby

14 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and
entire bill and insert

15

16 "An Act relating to public health and safety;
17 amending 63 O.S. 2011, Section 2-101, as last amended
18 by Section 2, Chapter 203, O.S.L. 2015 and Section 3,
19 Chapter 203, O.S.L. 2015 (63 O.S. Supp. 2015,
20 Sections 2-101 and 2-801), which relate to the
Uniform Controlled Dangerous Substances Act; deleting
age limitation for certain definitions; modifying
exception to certain definition; and providing an
effective date.

21

22

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

23

24

1 SECTION 1. AMENDATORY 63 O.S. 2011, Section 2-101, as
2 last amended by Section 2, Chapter 203, O.S.L. 2015 (63 O.S. Supp.
3 2015, Section 2-101), is amended to read as follows:

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

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

10 a. a practitioner (or, in the presence of the
11 practitioner, by the authorized agent of the
12 practitioner), or

13 b. the patient or research subject at the direction and
14 in the presence of the practitioner;

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

24

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

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

5 5. "Coca leaves" includes cocaine and any compound,
6 manufacture, salt, derivative, mixture or preparation of coca
7 leaves, except derivatives of coca leaves which do not contain
8 cocaine or ecgonine;

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

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

14 8. "Controlled dangerous substance" means a drug, substance or
15 immediate precursor in Schedules I through V of the Uniform
16 Controlled Dangerous Substances Act or any drug, substance or
17 immediate precursor listed either temporarily or permanently as a
18 federally controlled substance. Any conflict between state and
19 federal law with regard to the particular schedule in which a
20 substance is listed shall be resolved in favor of state law;

21 9. "Counterfeit substance" means a controlled substance which,
22 or the container or labeling of which without authorization, bears
23 the trademark, trade name or other identifying marks, imprint,
24 number or device or any likeness thereof of a manufacturer,

1 distributor or dispenser other than the person who in fact
2 manufactured, distributed or dispensed the substance;

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

7 11. "Dispense" means to deliver a controlled dangerous
8 substance to an ultimate user or human research subject by or
9 pursuant to the lawful order of a practitioner, including the
10 prescribing, administering, packaging, labeling or compounding
11 necessary to prepare the substance for such distribution.

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

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

16 13. "Distributor" means a commercial entity engaged in the
17 distribution or reverse distribution of narcotics and dangerous
18 drugs and who complies with all regulations promulgated by the
19 federal Drug Enforcement Administration and the Oklahoma State
20 Bureau of Narcotics and Dangerous Drugs Control;

21 14. "Drug" means articles:

22 a. recognized in the official United States

23 Pharmacopoeia, official Homeopathic Pharmacopoeia of
24

1 the United States, or official National Formulary, or
2 any supplement to any of them,

3 b. intended for use in the diagnosis, cure, mitigation,
4 treatment or prevention of disease in man or other
5 animals,

6 c. other than food, intended to affect the structure or
7 any function of the body of man or other animals, and

8 d. intended for use as a component of any article
9 specified in this paragraph;

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

12 15. "Drug-dependent person" means a person who is using a
13 controlled dangerous substance and who is in a state of psychic or
14 physical dependence, or both, arising from administration of that
15 controlled dangerous substance on a continuous basis. Drug
16 dependence is characterized by behavioral and other responses which
17 include a strong compulsion to take the substance on a continuous
18 basis in order to experience its psychic effects, or to avoid the
19 discomfort of its absence;

20 16. "Home care agency" means any sole proprietorship,
21 partnership, association, corporation, or other organization which
22 administers, offers, or provides home care services, for a fee or
23 pursuant to a contract for such services, to clients in their place
24 of residence;

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

3 18. "Hospice" means a centrally administered, nonprofit or
4 profit, medically directed, nurse-coordinated program which provides
5 a continuum of home and inpatient care for the terminally ill
6 patient and the patient's family. Such term shall also include a
7 centrally administered, nonprofit or profit, medically directed,
8 nurse-coordinated program if such program is licensed pursuant to
9 the provisions of this act. A hospice program offers palliative and
10 supportive care to meet the special needs arising out of the
11 physical, emotional and spiritual stresses which are experienced
12 during the final stages of illness and during dying and bereavement.
13 This care is available twenty-four (24) hours a day, seven (7) days
14 a week, and is provided on the basis of need, regardless of ability
15 to pay. "Class A" Hospice refers to Medicare certified hospices.
16 "Class B" refers to all other providers of hospice services;

17 19. "Imitation controlled substance" means a substance that is
18 not a controlled dangerous substance, which by dosage unit
19 appearance, color, shape, size, markings or by representations made,
20 would lead a reasonable person to believe that the substance is a
21 controlled dangerous substance. In the event the appearance of the
22 dosage unit is not reasonably sufficient to establish that the
23 substance is an "imitation controlled substance", the court or
24 authority concerned should consider, in addition to all other

1 factors, the following factors as related to "representations made"
2 in determining whether the substance is an "imitation controlled
3 substance":

- 4 a. statements made by an owner or by any other person in
5 control of the substance concerning the nature of the
6 substance, or its use or effect,
- 7 b. statements made to the recipient that the substance
8 may be resold for inordinate profit,
- 9 c. whether the substance is packaged in a manner normally
10 used for illicit controlled substances,
- 11 d. evasive tactics or actions utilized by the owner or
12 person in control of the substance to avoid detection
13 by law enforcement authorities,
- 14 e. prior convictions, if any, of an owner, or any other
15 person in control of the object, under state or
16 federal law related to controlled substances or fraud,
17 and
- 18 f. the proximity of the substances to controlled
19 dangerous substances;

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

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

7 22. "Manufacture" means the production, preparation,
8 propagation, compounding or processing of a controlled dangerous
9 substance, either directly or indirectly by extraction from
10 substances of natural or synthetic origin, or independently by means
11 of chemical synthesis or by a combination of extraction and chemical
12 synthesis. "Manufacturer" includes any person who packages,
13 repackages or labels any container of any controlled dangerous
14 substance, except practitioners who dispense or compound
15 prescription orders for delivery to the ultimate consumer;

16 23. "Marihuana" means all parts of the plant Cannabis sativa
17 L., whether growing or not; the seeds thereof; the resin extracted
18 from any part of such plant; and every compound, manufacture, salt,
19 derivative, mixture or preparation of such plant, its seeds or
20 resin, but shall not include:

21 a. the mature stalks of such plant or fiber produced from
22 such stalks,
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- 1 b. oil or cake made from the seeds of such plant,
2 including cannabidiol derived from the seeds of the
3 marihuana plant,
- 4 c. any other compound, manufacture, salt, derivative,
5 mixture or preparation of such mature stalks (except
6 the resin extracted therefrom), including cannabidiol
7 derived from mature stalks, fiber, oil or cake,
- 8 d. the sterilized seed of such plant which is incapable
9 of germination,
- 10 e. for ~~persons eighteen (18) years of age or younger~~ any
11 person participating in a clinical trial to
12 ~~administering~~ administer cannabidiol for the treatment
13 of severe forms of epilepsy pursuant to Section ~~4~~ 2-
14 802 of this ~~act~~ title, a drug or substance approved by
15 the federal Food and Drug Administration for use by
16 those participants,
- 17 f. for ~~persons eighteen (18) years of age or younger,~~ any
18 person or the parents, legal guardians~~,~~ or caretakers
19 of the person~~,~~ who have received a written
20 certification from a physician licensed in this state
21 that the person has been diagnosed by a physician as
22 having Lennox-Gastaut Syndrome, Dravet Syndrome, also
23 known as Severe Myoclonic Epilepsy of Infancy, or any
24 other severe form of epilepsy that is not adequately

1 treated by traditional medical therapies, spasticity
2 due to multiple sclerosis or due to paraplegia,
3 intractable nausea and vomiting, appetite stimulation
4 with chronic wasting diseases, the substance
5 cannabidiol, a nonpsychoactive cannabinoid, found in
6 the plant Cannabis sativa L. or any other preparation
7 thereof, that has a tetrahydrocannabinol concentration
8 of not more than three-tenths of one percent (0.3%)
9 and that is delivered to the patient in the form of a
10 liquid, or

11 g. industrial hemp, from the plant Cannabis sativa L. and
12 any part of such plant, whether growing or not, with a
13 delta-9 tetrahydrocannabinol concentration of not more
14 than three-tenths of one percent (0.3%) on a dry
15 weight basis which shall not be grown anywhere in the
16 State of Oklahoma but may be shipped to Oklahoma
17 pursuant to the provisions of subparagraph e or f of
18 this paragraph;

19 24. "Medical purpose" means an intention to utilize a
20 controlled dangerous substance for physical or mental treatment, for
21 diagnosis, or for the prevention of a disease condition not in
22 violation of any state or federal law and not for the purpose of
23 satisfying physiological or psychological dependence or other abuse;
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1 25. "Mid-level practitioner" means an advanced practice nurse
2 as defined and within parameters specified in Section 567.3a of
3 Title 59 of the Oklahoma Statutes, or a certified animal euthanasia
4 technician as defined in Section 698.2 of Title 59 of the Oklahoma
5 Statutes, or an animal control officer registered by the Oklahoma
6 State Bureau of Narcotics and Dangerous Drugs Control under
7 subsection B of Section 2-301 of this title within the parameters of
8 such officer's duty under Sections 501 through 508 of Title 4 of the
9 Oklahoma Statutes;

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

- 14 a. opium, coca leaves and opiates,
- 15 b. a compound, manufacture, salt, derivative or
16 preparation of opium, coca leaves or opiates,
- 17 c. cocaine, its salts, optical and geometric isomers, and
18 salts of isomers,
- 19 d. ecgonine, its derivatives, their salts, isomers and
20 salts of isomers, and
- 21 e. a substance, and any compound, manufacture, salt,
22 derivative or preparation thereof, which is chemically
23 identical with any of the substances referred to in
24 subparagraphs a through d of this paragraph, except

1 that the words "narcotic drug" as used in Section 2-
2 101 et seq. of this title shall not include
3 decocainized coca leaves or extracts of coca leaves,
4 which extracts do not contain cocaine or ecgonine;

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

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

15 29. "Peace officer" means a police officer, sheriff, deputy
16 sheriff, district attorney's investigator, investigator from the
17 Office of the Attorney General, or any other person elected or
18 appointed by law to enforce any of the criminal laws of this state
19 or of the United States;

20 30. "Person" means an individual, corporation, government or
21 governmental subdivision or agency, business trust, estate, trust,
22 partnership or association, or any other legal entity;

23 31. "Poppy straw" means all parts, except the seeds, of the
24 opium poppy, after mowing;

1 32. "Practitioner" means:

- 2 a. (1) a medical doctor or osteopathic physician,
3 (2) a dentist,
4 (3) a podiatrist,
5 (4) an optometrist,
6 (5) a veterinarian,
7 (6) a physician assistant under the supervision of a
8 licensed medical doctor or osteopathic physician,
9 (7) a scientific investigator, or
10 (8) any other person,

11 licensed, registered or otherwise permitted to
12 prescribe, distribute, dispense, conduct research with
13 respect to, use for scientific purposes or administer
14 a controlled dangerous substance in the course of
15 professional practice or research in this state, or

- 16 b. a pharmacy, hospital, laboratory or other institution
17 licensed, registered or otherwise permitted to
18 distribute, dispense, conduct research with respect
19 to, use for scientific purposes or administer a
20 controlled dangerous substance in the course of
21 professional practice or research in this state;

22 33. "Production" includes the manufacture, planting,
23 cultivation, growing or harvesting of a controlled dangerous
24 substance;

1 34. "State" means the State of Oklahoma or any other state of
2 the United States;

3 35. "Ultimate user" means a person who lawfully possesses a
4 controlled dangerous substance for the person's own use or for the
5 use of a member of the person's household or for administration to
6 an animal owned by the person or by a member of the person's
7 household;

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

- 17 a. kits used, intended for use, or fashioned specifically
18 for use in planting, propagating, cultivating, growing
19 or harvesting of any species of plant which is a
20 controlled dangerous substance or from which a
21 controlled dangerous substance can be derived,
22 b. kits used, intended for use, or fashioned specifically
23 for use in manufacturing, compounding, converting,
24

1 producing, processing or preparing controlled
2 dangerous substances,

3 c. isomerization devices used, intended for use, or
4 fashioned specifically for use in increasing the
5 potency of any species of plant which is a controlled
6 dangerous substance,

7 d. testing equipment used, intended for use, or fashioned
8 specifically for use in identifying, or in analyzing
9 the strength, effectiveness or purity of controlled
10 dangerous substances,

11 e. scales and balances used, intended for use, or
12 fashioned specifically for use in weighing or
13 measuring controlled dangerous substances,

14 f. diluents and adulterants, such as quinine
15 hydrochloride, mannitol, mannite, dextrose and
16 lactose, used, intended for use, or fashioned
17 specifically for use in cutting controlled dangerous
18 substances,

19 g. separation gins and sifters used, intended for use, or
20 fashioned specifically for use in removing twigs and
21 seeds from, or in otherwise cleaning or refining,
22 marihuana,

- 1 h. blenders, bowls, containers, spoons and mixing devices
2 used, intended for use, or fashioned specifically for
3 use in compounding controlled dangerous substances,
- 4 i. capsules, balloons, envelopes and other containers
5 used, intended for use, or fashioned specifically for
6 use in packaging small quantities of controlled
7 dangerous substances,
- 8 j. containers and other objects used, intended for use,
9 or fashioned specifically for use in parenterally
10 injecting controlled dangerous substances into the
11 human body,
- 12 k. hypodermic syringes, needles and other objects used,
13 intended for use, or fashioned specifically for use in
14 parenterally injecting controlled dangerous substances
15 into the human body,
- 16 l. objects used, intended for use, or fashioned
17 specifically for use in ingesting, inhaling or
18 otherwise introducing marihuana, cocaine, hashish or
19 hashish oil into the human body, such as:
- 20 (1) metal, wooden, acrylic, glass, stone, plastic or
21 ceramic pipes with or without screens, permanent
22 screens, hashish heads or punctured metal bowls,
- 23 (2) water pipes,
- 24 (3) carburetion tubes and devices,

1 (4) smoking and carburetion masks,
2 (5) roach clips, meaning objects used to hold burning
3 material, such as a marihuana cigarette, that has
4 become too small or too short to be held in the
5 hand,
6 (6) miniature cocaine spoons and cocaine vials,
7 (7) chamber pipes,
8 (8) carburetor pipes,
9 (9) electric pipes,
10 (10) air-driven pipes,
11 (11) chillums,
12 (12) bonges, or
13 (13) ice pipes or chillers,
14 m. all hidden or novelty pipes, and
15 n. any pipe that has a tobacco bowl or chamber of less
16 than one-half (1/2) inch in diameter in which there is
17 any detectable residue of any controlled dangerous
18 substance as defined in this section or any other
19 substances not legal for possession or use;
20 provided, however, the term "drug paraphernalia" shall not include
21 separation gins intended for use in preparing tea or spice, clamps
22 used for constructing electrical equipment, water pipes designed for
23 ornamentation in which no detectable amount of an illegal substance
24 is found or pipes designed and used solely for smoking tobacco,

1 traditional pipes of an American Indian tribal religious ceremony,
2 or antique pipes that are thirty (30) years of age or older;

3 37. a. "Synthetic controlled substance" means a substance:

4 (1) the chemical structure of which is substantially
5 similar to the chemical structure of a controlled
6 dangerous substance in Schedule I or II,

7 (2) which has a stimulant, depressant, or
8 hallucinogenic effect on the central nervous
9 system that is substantially similar to or
10 greater than the stimulant, depressant or
11 hallucinogenic effect on the central nervous
12 system of a controlled dangerous substance in
13 Schedule I or II, or

14 (3) with respect to a particular person, which such
15 person represents or intends to have a stimulant,
16 depressant, or hallucinogenic effect on the
17 central nervous system that is substantially
18 similar to or greater than the stimulant,
19 depressant, or hallucinogenic effect on the
20 central nervous system of a controlled dangerous
21 substance in Schedule I or II.

22 b. The designation of gamma butyrolactone or any other
23 chemical as a precursor, pursuant to Section 2-322 of
24 this title, does not preclude a finding pursuant to

1 subparagraph a of this paragraph that the chemical is
2 a synthetic controlled substance.

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

4 (1) a controlled dangerous substance,

5 (2) any substance for which there is an approved new
6 drug application,

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

15 (4) any substance to the extent not intended for
16 human consumption before such an exemption takes
17 effect with respect to that substance.

18 d. Prima facie evidence that a substance containing
19 salvia divinorum has been enhanced, concentrated or
20 chemically or physically altered shall give rise to a
21 rebuttable presumption that the substance is a
22 synthetic controlled substance;

1 38. "Tetrahydrocannabinols" means all substances that have been
2 chemically synthesized to emulate the tetrahydrocannabinols of
3 marihuana;

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

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

15 41. "Anhydrous ammonia" means any substance that exhibits
16 cryogenic evaporative behavior and tests positive for ammonia.

17 SECTION 2. AMENDATORY Section 3, Chapter 203, O.S.L.
18 2015 (63 O.S. Supp. 2015, Section 2-801), is amended to read as
19 follows:

20 Section 2-801. As used in this act:

21 1. "Academic medical center" means a medical school and its
22 affiliated teaching hospitals and clinics in this state that:

- 23 a. operate a medical residency program for physicians,
24 and

1 b. conduct research that is overseen by the federal
2 Department of Health and Human Services and involves
3 human subjects;

4 2. "Approved source" means a provider approved by the United
5 States Food and Drug Administration which produces cannabidiol that:

6 a. has been manufactured and tested in a facility
7 approved or certified by the United States Food and
8 Drug Administration or similar national regulatory
9 agency in another country which has been approved by
10 the United States Food and Drug Administration, and

11 b. has been tested on animals to demonstrate preliminary
12 effectiveness and to ensure that it is safe to
13 administer to humans;

14 3. "Cannabidiol" means a nonpsychoactive cannabinoid found in
15 the plant *Cannabis sativa* L. or any other preparation thereof, that
16 has a tetrahydrocannabinol concentration of not more than three-
17 tenths of one percent (0.3%) and that is delivered to the patient in
18 the form of a liquid;

19 4. "Physician" means a doctor of medicine or doctor of
20 osteopathic medicine licensed by the State Board of Medical
21 Licensure and Supervision or the State Board of Osteopathic
22 Examiners; and

23 5. "Qualifying patient" means any person ~~eighteen (18) years of~~
24 ~~age or younger~~ who suffers from Lennox-Gastaut Syndrome, Dravet

1 Syndrome, also known as Severe Myoclonic Epilepsy of Infancy, or any
2 other form of refractory epilepsy that is not adequately treated by
3 traditional medical therapies.

4 SECTION 3. This act shall become effective November 1, 2016."

5 Passed the Senate the 19th day of April, 2016.

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Presiding Officer of the Senate

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9 Passed the House of Representatives the ____ day of _____,

10 2016.

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Presiding Officer of the House
of Representatives

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2 BILL NO. 2835

By: Echols of the House

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7 63 O.S. 2011, Section 2-101, as last amended by
8 Section 2, Chapter 203, O.S.L. 2015 and Section 3,
9 Chapter 203, O.S.L. 2015 (63 O.S. Supp. 2015,
10 Sections 2-101 and 2-801), which relate to the
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13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. AMENDATORY 63 O.S. 2011, Section 2-101, as
15 last amended by Section 2, Chapter 203, O.S.L. 2015 (63 O.S. Supp.
16 2015, Section 2-101), is amended to read as follows:

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

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

1 a. a practitioner (or, in the presence of the
2 practitioner, by the authorized agent of the
3 practitioner), or

4 b. the patient or research subject at the direction and
5 in the presence of the practitioner;

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

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

17 4. "Bureau" means the Oklahoma State Bureau of Narcotics and
18 Dangerous Drugs Control;

19 5. "Coca leaves" includes cocaine and any compound,
20 manufacture, salt, derivative, mixture or preparation of coca
21 leaves, except derivatives of coca leaves which do not contain
22 cocaine or ecgonine;

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

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

4 8. "Controlled dangerous substance" means a drug, substance or
5 immediate precursor in Schedules I through V of the Uniform
6 Controlled Dangerous Substances Act or any drug, substance or
7 immediate precursor listed either temporarily or permanently as a
8 federally controlled substance. Any conflict between state and
9 federal law with regard to the particular schedule in which a
10 substance is listed shall be resolved in favor of state law;

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

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

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

1 necessary to prepare the substance for such distribution.

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

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

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

11 14. "Drug" means articles:

12 a. recognized in the official United States

13 Pharmacopoeia, official Homeopathic Pharmacopoeia of
14 the United States, or official National Formulary, or
15 any supplement to any of them,

16 b. intended for use in the diagnosis, cure, mitigation,
17 treatment or prevention of disease in man or other
18 animals,

19 c. other than food, intended to affect the structure or
20 any function of the body of man or other animals, and

21 d. intended for use as a component of any article
22 specified in this paragraph;

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

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

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

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

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

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

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

- 17 a. statements made by an owner or by any other person in
18 control of the substance concerning the nature of the
19 substance, or its use or effect,
- 20 b. statements made to the recipient that the substance
21 may be resold for inordinate profit,
- 22 c. whether the substance is packaged in a manner normally
23 used for illicit controlled substances,

24

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

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

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

20 22. "Manufacture" means the production, preparation,
21 propagation, compounding or processing of a controlled dangerous
22 substance, either directly or indirectly by extraction from
23 substances of natural or synthetic origin, or independently by means
24 of chemical synthesis or by a combination of extraction and chemical

1 synthesis. "Manufacturer" includes any person who packages,
2 repackages or labels any container of any controlled dangerous
3 substance, except practitioners who dispense or compound
4 prescription orders for delivery to the ultimate consumer;

5 23. "Marihuana" means all parts of the plant Cannabis sativa
6 L., whether growing or not; the seeds thereof; the resin extracted
7 from any part of such plant; and every compound, manufacture, salt,
8 derivative, mixture or preparation of such plant, its seeds or
9 resin, but shall not include:

- 10 a. the mature stalks of such plant or fiber produced from
11 such stalks,
- 12 b. oil or cake made from the seeds of such plant,
13 including cannabidiol derived from the seeds of the
14 marihuana plant,
- 15 c. any other compound, manufacture, salt, derivative,
16 mixture or preparation of such mature stalks (except
17 the resin extracted therefrom), including cannabidiol
18 derived from mature stalks, fiber, oil or cake,
- 19 d. the sterilized seed of such plant which is incapable
20 of germination,
- 21 e. for ~~persons eighteen (18) years of age or younger~~ any
22 person participating in a clinical trial to
23 ~~administering~~ administer cannabidiol for the treatment
24 of severe forms of epilepsy pursuant to Section 4 2-

1 802 of this ~~act~~ title, a drug or substance approved by
2 the federal Food and Drug Administration for use by
3 those participants,

4 f. for ~~persons eighteen (18) years of age or younger,~~ any
5 person or the parents, legal guardians, or caretakers
6 of the person, who have received a written
7 certification from a physician licensed in this state
8 that the person has been diagnosed by a physician as
9 having Lennox-Gastaut Syndrome, Dravet Syndrome, also
10 known as Severe Myoclonic Epilepsy of Infancy, or any
11 other severe form of epilepsy that is not adequately
12 treated by traditional medical therapies, Alzheimer's
13 disease, dementia, chronic pain, neuropathic pain,
14 spasticity due to multiple sclerosis or due to
15 paraplegia, intractable nausea and vomiting, appetite
16 stimulation with chronic wasting diseases, attention
17 deficit hyperactivity disorder or bipolar affective
18 disorder, the substance cannabidiol, a nonpsychoactive
19 cannabinoid, found in the plant Cannabis sativa L. or
20 any other preparation thereof, that has a
21 tetrahydrocannabinol concentration of not more than
22 three-tenths of one percent (0.3%) and that is
23 delivered to the patient in the form of a liquid, or
24

1 g. industrial hemp, from the plant Cannabis sativa L. and
2 any part of such plant, whether growing or not, with a
3 delta-9 tetrahydrocannabinol concentration of not more
4 than three-tenths of one percent (0.3%) on a dry
5 weight basis which shall not be grown anywhere in the
6 State of Oklahoma but may be shipped to Oklahoma
7 pursuant to the provisions of subparagraph e or f of
8 this paragraph;

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

14 25. "Mid-level practitioner" means an advanced practice nurse
15 as defined and within parameters specified in Section 567.3a of
16 Title 59 of the Oklahoma Statutes, or a certified animal euthanasia
17 technician as defined in Section 698.2 of Title 59 of the Oklahoma
18 Statutes, or an animal control officer registered by the Oklahoma
19 State Bureau of Narcotics and Dangerous Drugs Control under
20 subsection B of Section 2-301 of this title within the parameters of
21 such officer's duty under Sections 501 through 508 of Title 4 of the
22 Oklahoma Statutes;

23 26. "Narcotic drug" means any of the following, whether
24 produced directly or indirectly by extraction from substances of

1 vegetable origin, or independently by means of chemical synthesis,
2 or by a combination of extraction and chemical synthesis:

- 3 a. opium, coca leaves and opiates,
- 4 b. a compound, manufacture, salt, derivative or
5 preparation of opium, coca leaves or opiates,
- 6 c. cocaine, its salts, optical and geometric isomers, and
7 salts of isomers,
- 8 d. ecgonine, its derivatives, their salts, isomers and
9 salts of isomers, and
- 10 e. a substance, and any compound, manufacture, salt,
11 derivative or preparation thereof, which is chemically
12 identical with any of the substances referred to in
13 subparagraphs a through d of this paragraph, except
14 that the words "narcotic drug" as used in Section 2-
15 101 et seq. of this title shall not include
16 decocainized coca leaves or extracts of coca leaves,
17 which extracts do not contain cocaine or ecgonine;

18 27. "Opiate" means any substance having an addiction-forming or
19 addiction-sustaining liability similar to morphine or being capable
20 of conversion into a drug having such addiction-forming or
21 addiction-sustaining liability. It does not include, unless
22 specifically designated as controlled under the Uniform Controlled
23 Dangerous Substances Act, the dextrorotatory isomer of 3-methoxy-n-

24

1 methyl-morphinan and its salts (dextromethorphan). It does include
2 its racemic and levorotatory forms;

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

5 29. "Peace officer" means a police officer, sheriff, deputy
6 sheriff, district attorney's investigator, investigator from the
7 Office of the Attorney General, or any other person elected or
8 appointed by law to enforce any of the criminal laws of this state
9 or of the United States;

10 30. "Person" means an individual, corporation, government or
11 governmental subdivision or agency, business trust, estate, trust,
12 partnership or association, or any other legal entity;

13 31. "Poppy straw" means all parts, except the seeds, of the
14 opium poppy, after mowing;

15 32. "Practitioner" means:

- 16 a. (1) a medical doctor or osteopathic physician,
17 (2) a dentist,
18 (3) a podiatrist,
19 (4) an optometrist,
20 (5) a veterinarian,
21 (6) a physician assistant under the supervision of a
22 licensed medical doctor or osteopathic physician,
23 (7) a scientific investigator, or
24 (8) any other person,

1 licensed, registered or otherwise permitted to
2 prescribe, distribute, dispense, conduct research with
3 respect to, use for scientific purposes or administer
4 a controlled dangerous substance in the course of
5 professional practice or research in this state, or

6 b. a pharmacy, hospital, laboratory or other institution
7 licensed, registered or otherwise permitted to
8 distribute, dispense, conduct research with respect
9 to, use for scientific purposes or administer a
10 controlled dangerous substance in the course of
11 professional practice or research in this state;

12 33. "Production" includes the manufacture, planting,
13 cultivation, growing or harvesting of a controlled dangerous
14 substance;

15 34. "State" means the State of Oklahoma or any other state of
16 the United States;

17 35. "Ultimate user" means a person who lawfully possesses a
18 controlled dangerous substance for the person's own use or for the
19 use of a member of the person's household or for administration to
20 an animal owned by the person or by a member of the person's
21 household;

22 36. "Drug paraphernalia" means all equipment, products and
23 materials of any kind which are used, intended for use, or fashioned
24 specifically for use in planting, propagating, cultivating, growing,

1 harvesting, manufacturing, compounding, converting, producing,
2 processing, preparing, testing, analyzing, packaging, repackaging,
3 storing, containing, concealing, injecting, ingesting, inhaling or
4 otherwise introducing into the human body, a controlled dangerous
5 substance in violation of the Uniform Controlled Dangerous
6 Substances Act including, but not limited to:

- 7 a. kits used, intended for use, or fashioned specifically
8 for use in planting, propagating, cultivating, growing
9 or harvesting of any species of plant which is a
10 controlled dangerous substance or from which a
11 controlled dangerous substance can be derived,
- 12 b. kits used, intended for use, or fashioned specifically
13 for use in manufacturing, compounding, converting,
14 producing, processing or preparing controlled
15 dangerous substances,
- 16 c. isomerization devices used, intended for use, or
17 fashioned specifically for use in increasing the
18 potency of any species of plant which is a controlled
19 dangerous substance,
- 20 d. testing equipment used, intended for use, or fashioned
21 specifically for use in identifying, or in analyzing
22 the strength, effectiveness or purity of controlled
23 dangerous substances,

24

- 1 e. scales and balances used, intended for use, or
2 fashioned specifically for use in weighing or
3 measuring controlled dangerous substances,
4 f. diluents and adulterants, such as quinine
5 hydrochloride, mannitol, mannite, dextrose and
6 lactose, used, intended for use, or fashioned
7 specifically for use in cutting controlled dangerous
8 substances,
9 g. separation gins and sifters used, intended for use, or
10 fashioned specifically for use in removing twigs and
11 seeds from, or in otherwise cleaning or refining,
12 marihuana,
13 h. blenders, bowls, containers, spoons and mixing devices
14 used, intended for use, or fashioned specifically for
15 use in compounding controlled dangerous substances,
16 i. capsules, balloons, envelopes and other containers
17 used, intended for use, or fashioned specifically for
18 use in packaging small quantities of controlled
19 dangerous substances,
20 j. containers and other objects used, intended for use,
21 or fashioned specifically for use in parenterally
22 injecting controlled dangerous substances into the
23 human body,
24

- 1 k. hypodermic syringes, needles and other objects used,
2 intended for use, or fashioned specifically for use in
3 parenterally injecting controlled dangerous substances
4 into the human body,
- 5 l. objects used, intended for use, or fashioned
6 specifically for use in ingesting, inhaling or
7 otherwise introducing marihuana, cocaine, hashish or
8 hashish oil into the human body, such as:
- 9 (1) metal, wooden, acrylic, glass, stone, plastic or
10 ceramic pipes with or without screens, permanent
11 screens, hashish heads or punctured metal bowls,
 - 12 (2) water pipes,
 - 13 (3) carburetion tubes and devices,
 - 14 (4) smoking and carburetion masks,
 - 15 (5) roach clips, meaning objects used to hold burning
16 material, such as a marihuana cigarette, that has
17 become too small or too short to be held in the
18 hand,
 - 19 (6) miniature cocaine spoons and cocaine vials,
 - 20 (7) chamber pipes,
 - 21 (8) carburetor pipes,
 - 22 (9) electric pipes,
 - 23 (10) air-driven pipes,
 - 24 (11) chillums,

1 (12) bonges, or

2 (13) ice pipes or chillers,

3 m. all hidden or novelty pipes, and

4 n. any pipe that has a tobacco bowl or chamber of less
5 than one-half (1/2) inch in diameter in which there is
6 any detectable residue of any controlled dangerous
7 substance as defined in this section or any other
8 substances not legal for possession or use;

9 provided, however, the term "drug paraphernalia" shall not include
10 separation gins intended for use in preparing tea or spice, clamps
11 used for constructing electrical equipment, water pipes designed for
12 ornamentation in which no detectable amount of an illegal substance
13 is found or pipes designed and used solely for smoking tobacco,
14 traditional pipes of an American Indian tribal religious ceremony,
15 or antique pipes that are thirty (30) years of age or older;

16 37. a. "Synthetic controlled substance" means a substance:

17 (1) the chemical structure of which is substantially
18 similar to the chemical structure of a controlled
19 dangerous substance in Schedule I or II,

20 (2) which has a stimulant, depressant, or
21 hallucinogenic effect on the central nervous
22 system that is substantially similar to or
23 greater than the stimulant, depressant or
24 hallucinogenic effect on the central nervous

1 system of a controlled dangerous substance in
2 Schedule I or II, or

3 (3) with respect to a particular person, which such
4 person represents or intends to have a stimulant,
5 depressant, or hallucinogenic effect on the
6 central nervous system that is substantially
7 similar to or greater than the stimulant,
8 depressant, or hallucinogenic effect on the
9 central nervous system of a controlled dangerous
10 substance in Schedule I or II.

11 b. The designation of gamma butyrolactone or any other
12 chemical as a precursor, pursuant to Section 2-322 of
13 this title, does not preclude a finding pursuant to
14 subparagraph a of this paragraph that the chemical is
15 a synthetic controlled substance.

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

17 (1) a controlled dangerous substance,
18 (2) any substance for which there is an approved new
19 drug application,
20 (3) with respect to a particular person any
21 substance, if an exemption is in effect for
22 investigational use, for that person under the
23 provisions of Section 505 of the Federal Food,
24 Drug and Cosmetic Act, Title 21 of the United

1 States Code, Section 355, to the extent conduct
2 with respect to such substance is pursuant to
3 such exemption, or

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

7 d. Prima facie evidence that a substance containing
8 salvia divinorum has been enhanced, concentrated or
9 chemically or physically altered shall give rise to a
10 rebuttable presumption that the substance is a
11 synthetic controlled substance;

12 38. "Tetrahydrocannabinols" means all substances that have been
13 chemically synthesized to emulate the tetrahydrocannabinols of
14 marihuana;

15 39. "Isomer" means the optical isomer, except as used in
16 subsections C and F of Section 2-204 of this title and paragraph 4
17 of subsection A of Section 2-206 of this title. As used in
18 subsections C and F of Section 2-204 of this title, "isomer" means
19 the optical, positional or geometric isomer. As used in paragraph 4
20 of subsection A of Section 2-206 of this title, the term "isomer"
21 means the optical or geometric isomer;

22 40. "Hazardous materials" means materials, whether solid,
23 liquid or gas, which are toxic to human, animal, aquatic or plant
24

1 life, and the disposal of which materials is controlled by state or
2 federal guidelines; and

3 41. "Anhydrous ammonia" means any substance that exhibits
4 cryogenic evaporative behavior and tests positive for ammonia.

5 SECTION 2. AMENDATORY Section 3, Chapter 203, O.S.L.
6 2015 (63 O.S. Supp. 2015, Section 2-801), is amended to read as
7 follows:

8 Section 2-801. As used in this act:

9 1. "Academic medical center" means a medical school and its
10 affiliated teaching hospitals and clinics in this state that:

11 a. operate a medical residency program for physicians,
12 and

13 b. conduct research that is overseen by the federal
14 Department of Health and Human Services and involves
15 human subjects;

16 2. "Approved source" means a provider approved by the United
17 States Food and Drug Administration which produces cannabidiol that:

18 a. has been manufactured and tested in a facility
19 approved or certified by the United States Food and
20 Drug Administration or similar national regulatory
21 agency in another country which has been approved by
22 the United States Food and Drug Administration, and
23
24

1 b. has been tested on animals to demonstrate preliminary
2 effectiveness and to ensure that it is safe to
3 administer to humans;

4 3. "Cannabidiol" means a nonpsychoactive cannabinoid found in
5 the plant Cannabis sativa L. or any other preparation thereof, that
6 has a tetrahydrocannabinol concentration of not more than three-
7 tenths of one percent (0.3%) and that is delivered to the patient in
8 the form of a liquid;

9 4. "Physician" means a doctor of medicine or doctor of
10 osteopathic medicine licensed by the State Board of Medical
11 Licensure and Supervision or the State Board of Osteopathic
12 Examiners; and

13 5. "Qualifying patient" means any person ~~eighteen (18) years of~~
14 ~~age or younger~~ who suffers from Lennox-Gastaut Syndrome, Dravet
15 Syndrome, also known as Severe Myoclonic Epilepsy of Infancy, or any
16 other form of refractory epilepsy that is not adequately treated by
17 traditional medical therapies.

18 SECTION 3. This act shall become effective November 1, 2016.

1 Passed the House of Representatives the 7th day of March, 2016.

2
3 _____
4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2016.

6
7
8 _____
9 Presiding Officer of the Senate