

1 ENGROSSED SENATE AMENDMENTS
TO
2 ENGROSSED HOUSE
BILL NO. 1616

By: Derby of the House

and

Standridge of the Senate

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6
7 An Act relating to Oklahoma Bureau of Narcotics and
8 Dangerous Drugs Control; amending 63 O.S. 2011,
9 Sections 2-103, as last amended by Section 70,
10 Chapter 15, O.S.L. 2013, 2-105 and 2-110, as amended
11 by Section 46, Chapter 259, O.S.L. 2012 (63 O.S.
12 Supp. 2014, Sections 2-103 and 2-110), which relate
13 to the Uniform Controlled Dangerous Substances Act;
14 authorizing retired commissioned employees to
15 purchase certain weapons; providing procedures for
16 transferring ownership; modifying certain reporting
17 requirement; authorizing use of state-owned vehicles
18 by certain employees; amending 63 O.S. 2011, Sections
19 2-204, as last amended by Section 2, Chapter 154,
20 O.S.L. 2014 and 2-208, as amended by Section 3,
21 Chapter 80, O.S.L. 2012 (63 O.S. Supp. 2014, Sections
22 2-204 and 2-208), which relate to Schedule I and III
23 substances; adding substances related to
24 hallucinogenics and synthetic cannabinoids; deleting
certain substance from Schedule III; amending 63 O.S.
2011, Section 2-315, which relates to the Anti-Drug
Diversion Act; modifying submission requirement for
destroying controlled dangerous substances; amending
63 O.S. 2011, Section 2-407, which relates to
penalties for certain violations; and expanding scope
of certain prohibited act.

21 AMENDMENT NO. 1. Page 4, lines 9-20, delete all proposed new
language

22 AMENDMENT NO. 2. Page 6, line 16, delete Section 3 entirely and
renumber subsequent sections

23 AMENDMENT NO. 3. Page 35, line 18 1/2, insert a new Section 5 to
read as follows:

1 "SECTION 5. AMENDATORY 63 O.S. 2011, Section 2-210, as
2 last amended by Section 4, Chapter 154, O.S.L. 2014 (63 O.S. Supp.
3 2014, Section 2-210), is amended to read as follows:

4 Section 2-210. Schedule IV.

5 A. Any material, compound, mixture, or preparation which
6 contains any quantity of the following substances having a potential
7 for abuse associated with a stimulant or depressant effect on the
8 central nervous system:

- 9 1. Chloral betaine;
- 10 2. Chloral hydrate;
- 11 3. Ethchlorvynol;
- 12 4. Ethinamate;
- 13 5. Meprobamate;
- 14 6. Paraldehyde;
- 15 7. Petrichloral;
- 16 8. Diethylpropion;
- 17 9. Phentermine;
- 18 10. Pemoline;
- 19 11. Chlordiazepoxide;
- 20 12. Chlordiazepoxide and its salts, but not including
21 chlordiazepoxide hydrochloride and clidinium bromide or
22 chlordiazepoxide and water-soluble esterified estrogens;
- 23 13. Diazepam;
- 24 14. Oxazepam;

- 1 15. Clorazepate;
- 2 16. Flurazepam and its salts;
- 3 17. Clonazepam;
- 4 18. Barbital;
- 5 19. Mebutamate;
- 6 20. Methohexital;
- 7 21. Methylphenobarbital;
- 8 22. Phenobarbital;
- 9 23. Fenfluramine;
- 1 0 24. Pentazocine;
- 1 1 25. Propoxyphene;
- 1 2 26. Butorphanol;
- 1 3 27. Alprazolam;
- 1 4 28. Halazepam;
- 1 5 29. Lorazepam;
- 1 6 30. Prazepam;
- 1 7 31. Temazepam;
- 1 8 32. Triazolam;
- 1 9 33. Carisoprodol;
- 2 0 34. Dichloralphenazone;
- 2 1 35. Estazolam;
- 2 2 36. Eszopiclone;
- 2 3 37. Midazolam;
- 2 4 38. Modafinil;

1 39. Zaleplon;

2 40. Zolpidem;

3 41. Tramadol;~~or~~

4 42. Bromazepam~~r~~; or

5 43. Suvorexant.

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

11 a. Breathe-Aid,

12 b. BronCare,

13 c. Bronchial Congestion,

14 d. Bronkaid Tablets,

15 e. Bronkaid Dual Action Caplets,

16 f. Bronkotabs,

17 g. Bronkolixir,

18 h. NeoRespin,

19 i. Pazo Hemorrhoid Ointment and Suppositories,

20 j. Primatene Tablets,

21 k. Primatene "Dual Action" Formula,

22 l. Quelidrine,

23 m. Resp, and

24 n. Vatronal Nose Drops.

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

- 4 a. is labeled and marketed in a manner consistent with
5 the pertinent OTC tentative final or final monograph
6 issued by the FDA, and
- 7 b. is manufactured and distributed for legitimate
8 medicinal use and in a manner that reduces or
9 eliminates the likelihood of abuse.

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

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

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

20 5. A list of current drug products meeting exemption
21 requirements under this subsection may be obtained from the Bureau
22 upon written request.

23 C. The Board of Pharmacy may except by rule any compound,
24 mixture, or preparation containing any depressant substance listed

1 in subsection A of this section from the application of all or any
2 part of the Uniform Controlled Dangerous Substances Act, Section 2-
3 101 et seq. of this title, if the compound, mixture, or preparation
4 contains one or more active medicinal ingredients not having a
5 depressant effect on the central nervous system, and if the
6 admixtures are included therein in combinations, quantity,
7 proportion, or concentration that vitiate the potential for abuse of
8 the substances which have a depressant effect on the central nervous
9 system."

10 and renumber subsequent sections

11 AMENDMENT NO. 4. Page 1, restore the title to read:

12 "An Act relating to Oklahoma Bureau of Narcotics and
13 Dangerous Drugs Control; amending 63 O.S. 2011,
14 Section 2-103, as last amended by Section 70, Chapter
15 15, O.S.L. 2013, which relates to the Director of the
16 Bureau; removing certain provisions relating to
17 determination of salaries; amending 63 O.S. 2011,
18 Section 2-105, which relates to certain reports;
19 requiring State Medical Examiner to report deaths to
20 certain persons; amending 63 O.S. 2011, Sections 2-
21 204, as last amended by Section 2, Chapter 154, O.S.L.
22 2014, 2-208, as amended by Section 3, Chapter 80,
23 O.S.L. 2012 (63 O.S. Supp. 2014, Sections 2-204 and 2-
24 208), and 2-210, as last amended by Section 4, Chapter
154, O.S.L. 2014 (63 O.S. Supp. 2014, Section 2-210),
which relate to Schedule I, III, and IV substances;
adding substances related to hallucinogenics and
synthetic cannabinoids; deleting certain substance
from Schedule III; adding certain substance to
Schedule IV; amending 63 O.S. 2011, Section 2-315,
which relates to the Anti-Drug Diversion Act;
modifying submission requirement for destroying
controlled dangerous substances; amending 63 O.S.
2011, Section 2-407, which relates to penalties for
certain violations; expanding scope of certain

1 prohibited act to include failure to disclose certain
2 information."

3 Passed the Senate the 22nd day of April, 2015.

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6 Presiding Officer of the Senate

7 Passed the House of Representatives the ____ day of _____,
8 2015.

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11 Presiding Officer of the House
12 of Representatives