

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 SENATE BILL 1539

By: Standridge

4
5
6 AS INTRODUCED

7 An Act relating to controlled substances; amending 63
8 O.S. 2011, Section 2-101, as last amended by Section
9 2, Chapter 203, O.S.L. 2015 (63 O.S. Supp. 2015,
10 Section 2-101), which relates to definitions; adding
11 definition of certain term; amending 63 O.S. 2011,
12 Section 2-302, which relates to registration
13 requirements; requiring certain facilities to obtain
14 certain registrations; directing promulgation of
15 certain rules; providing for certain exceptions;
16 stating that such registration shall be in addition
17 to any other required registration; requiring pain
18 management clinics to be owned and operated by
19 certain persons meeting certain qualifications;
20 requiring practitioners to check certain profile;
21 providing for time of compliance; providing for
22 extension; amending 63 O.S. 2011, Section 2-303,
23 which relates to registrations; adding fees for
24 certain facilities; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 2011, Section 2-101, as
last amended by Section 2, Chapter 203, O.S.L. 2015 (63 O.S. Supp.
2015, 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 warehouseman 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 or any drug, substance, or
11 immediate precursor listed either temporarily or permanently as a
12 federally controlled substance. Any conflict between state and
13 federal law with regard to the particular schedule in which a
14 substance is listed shall be resolved in favor of state law;

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

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

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

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

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

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

15 14. "Drug" means articles:

16 a. recognized in the official United States

17 Pharmacopoeia, official Homeopathic Pharmacopoeia of
18 the United States, or official National Formulary, or
19 any supplement to any of them,

20 b. intended for use in the diagnosis, cure, mitigation,
21 treatment, or prevention of disease in man or other
22 animals,

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

1 d. intended for use as a component of any article
2 specified in this paragraph;
3 provided, however, the term "drug" does not include devices or their
4 components, parts or accessories;

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

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

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

20 18. "Hospice" means a centrally administered, nonprofit or
21 profit, medically directed, nurse-coordinated program which provides
22 a continuum of home and inpatient care for the terminally ill
23 patient and the patient's family. Such term shall also include a
24 centrally administered, nonprofit or profit, medically directed,

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

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

- 21 a. statements made by an owner or by any other person in
22 control of the substance concerning the nature of the
23 substance, or its use or effect,
24

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

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

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

24

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

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

- 15 a. the mature stalks of such plant or fiber produced from
16 such stalks,
- 17 b. oil or cake made from the seeds of such plant,
18 including cannabidiol derived from the seeds of the
19 marihuana plant,
- 20 c. any other compound, manufacture, salt, derivative,
21 mixture, or preparation of such mature stalks (except
22 the resin extracted therefrom), including cannabidiol
23 derived from mature stalks, fiber, oil, or cake,

- 1 d. the sterilized seed of such plant which is incapable
2 of germination,
- 3 e. for persons eighteen (18) years of age or younger
4 participating in a clinical trial to administering
5 cannabidiol for the treatment of severe forms of
6 epilepsy pursuant to ~~Section 4~~ Section 2-802 of this
7 ~~act~~ title, a drug or substance approved by the federal
8 Food and Drug Administration for use by those
9 participants,
- 10 f. for persons eighteen (18) years of age or younger, or
11 the parents, legal guardians, or caretakers of the
12 person, who have received a written certification from
13 a physician licensed in this state that the person has
14 been diagnosed by a physician as having Lennox-Gastaut
15 Syndrome, Dravet Syndrome, also known as Severe
16 Myoclonic Epilepsy of Infancy, or any other severe
17 form of epilepsy that is not adequately treated by
18 traditional medical therapies, the substance
19 cannabidiol, a nonpsychoactive cannabinoid, found in
20 the plant *Cannabis sativa L.*, or any other preparation
21 thereof, that has a tetrahydrocannabinol concentration
22 of not more than three-tenths of one percent (0.3%)
23 and that is delivered to the patient in the form of a
24 liquid, or

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,
7 and 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
12 chemically identical with any of the substances
13 referred to in subparagraphs a through d of this
14 paragraph, except that the words "narcotic drug" as
15 used in Section 2-101 et seq. of this title shall not
16 include decocainized coca leaves or extracts of coca
17 leaves, which extracts do not contain cocaine or
18 ecgonine;

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

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

6 a. in excess of fifty percent (50%) of patients are
7 issued a prescription for or dispensed opioids,
8 benzodiazepines, barbiturates, or carisoprodol for a
9 period of more than ninety (90) days in a twelve (12)
10 month period, or

11 b. that advertises in any medium for any type of pain
12 management services;

13 ~~29.30.~~ "Peace officer" means a police officer, sheriff, deputy
14 sheriff, district attorney's investigator, investigator from the
15 Office of the Attorney General, or any other person elected or
16 appointed by law to enforce any of the criminal laws of this state
17 or of the United States;

18 ~~30.31.~~ "Person" means an individual, corporation, government or
19 governmental subdivision or agency, business trust, estate, trust,
20 partnership or association, or any other legal entity;

21 ~~31.32.~~ "Poppy straw" means all parts, except the seeds, of the
22 opium poppy, after mowing;

23 ~~32.33.~~ "Practitioner" means:

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

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

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

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

20 ~~33.~~34. "Production" includes the manufacture, planting,
21 cultivation, growing, or harvesting of a controlled dangerous
22 substance;

23 ~~34.~~35. "State" means the State of Oklahoma or any other state
24 of the United States;

1 ~~35.~~36. "Ultimate user" means a person who lawfully possesses a
2 controlled dangerous substance for the person's own use or for the
3 use of a member of the person's household, or for administration to
4 an animal owned by the person or by a member of the person's
5 household;

6 ~~36.~~37. "Drug paraphernalia" means all equipment, products, and
7 materials of any kind which are used, intended for use, or fashioned
8 specifically for use in planting, propagating, cultivating, growing,
9 harvesting, manufacturing, compounding, converting, producing,
10 processing, preparing, testing, analyzing, packaging, repackaging,
11 storing, containing, concealing, injecting, ingesting, inhaling, or
12 otherwise introducing into the human body, a controlled dangerous
13 substance in violation of the Uniform Controlled Dangerous
14 Substances Act including, but not limited to:

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

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

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

1 become too small or too short to be held in the
2 hand,

3 (6) miniature cocaine spoons and cocaine vials,

4 (7) chamber pipes,

5 (8) carburetor pipes,

6 (9) electric pipes,

7 (10) air-driven pipes,

8 (11) chillums,

9 (12) bongs, or

10 (13) ice pipes or chillers,

11 m. all hidden or novelty pipes, and

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

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

24 ~~37.~~38. a. "Synthetic controlled substance" means a substance:

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

19 b. The designation of gamma butyrolactone or any other
20 chemical as a precursor, pursuant to Section 2-322 of
21 this title, does not preclude a finding pursuant to
22 subparagraph a of this paragraph that the chemical is
23 a synthetic controlled substance.

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

- 1 (1) a controlled dangerous substance,
2 (2) any substance for which there is an approved new
3 drug application,
4 (3) with respect to a particular person any
5 substance, if an exemption is in effect for
6 investigational use, for that person under the
7 provisions of Section 505 of the Federal Food,
8 Drug and Cosmetic Act, Title 21 of the United
9 States Code, Section 355, to the extent conduct
10 with respect to such substance is pursuant to
11 such exemption, or
12 (4) any substance to the extent not intended for
13 human consumption before such an exemption takes
14 effect with respect to that substance.

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

20 ~~38.~~39. "Tetrahydrocannabinols" means all substances that have
21 been chemically synthesized to emulate the tetrahydrocannabinols of
22 marihuana;

23 ~~39.~~40. "Isomer" means the optical isomer, except as used in
24 subsections C and F of Section 2-204 of this title and paragraph 4

1 of subsection A of Section 2-206 of this title. As used in
2 subsections C and F of Section 2-204 of this title, "isomer" means
3 the optical, positional,l or geometric isomer. As used in paragraph
4 of subsection A of Section 2-206 of this title, the term "isomer"
5 means the optical or geometric isomer;

6 ~~40.~~41. "Hazardous materials" means materials, whether solid,
7 liquid or gas, which are toxic to human, animal, aquatic,l or plant
8 life, and the disposal of which materials is controlled by state or
9 federal guidelines; and

10 ~~41.~~42. "Anhydrous ammonia" means any substance that exhibits
11 cryogenic evaporative behavior and tests positive for ammonia.

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

14 Section 2-302. A. Every person who manufactures, distributes,
15 dispenses, prescribes, administers,l or uses for scientific purposes
16 any controlled dangerous substance within this state, or who
17 proposes to engage in the manufacture, distribution, dispensing,
18 prescribing, administering,l or use for scientific purposes of any
19 controlled dangerous substance 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. Persons registered by the Director
23 under Section 2-101 et seq. of this title to manufacture,
24 distribute, dispense, or conduct research with controlled dangerous

1 substances may possess, manufacture, distribute, dispense, or
2 conduct research with those substances to the extent authorized by
3 their registration and in conformity with the other provisions of
4 this article. Every wholesaler, manufacturer, or distributor of any
5 drug product containing pseudoephedrine or phenylpropanolamine, or
6 their salts, isomers, or salts of isomers shall obtain a
7 registration issued by the Director of the Oklahoma State Bureau of
8 Narcotics and Dangerous Drugs Control in accordance with rules
9 promulgated by the Director and as provided for in Section 2-332 of
10 this title.

11 B. Out-of-state pharmaceutical suppliers who provide controlled
12 dangerous substances to individuals within this state shall obtain a
13 registration issued by the Director of the Oklahoma State Bureau of
14 Narcotics and Dangerous Drugs Control, in accordance with rules
15 promulgated by the Director; provided that this provision shall not
16 apply to wholesale distributors who ship controlled dangerous
17 substances to pharmacies or other entities registered within this
18 state in accordance with rules promulgated by the Director.

19 C. Manufacturers, distributors, home care agencies, hospices,
20 home care services, and scientific researchers shall obtain a
21 registration annually. Other practitioners shall obtain a
22 registration for a period to be determined by the Director that will
23 be for a period not less than one (1) year nor more than three (3)
24 years.

1 D. Every trainer or handler of a canine controlled dangerous
2 substances detector who, in the ordinary course of such trainer's or
3 handler's profession, desires to possess any controlled dangerous
4 substance, annually, shall obtain a registration issued by the
5 Director for a fee of Seventy Dollars (\$70.00). Such persons shall
6 be subject to all applicable provisions of Section 2-101 et seq. of
7 this title and such applicable rules promulgated by the Director for
8 those individuals identified in subparagraph a of paragraph 32 of
9 Section 2-101 of this title. Persons registered by the Director
10 pursuant to this subsection may possess controlled dangerous
11 substances to the extent authorized by their registration and in
12 conformity with the other provisions of this article.

13 E. Pain management clinics that prescribe, administer,
14 distribute, or dispense controlled dangerous substances shall obtain
15 a registration issued by the Director of the Oklahoma State Bureau
16 of Narcotics and Dangerous Drugs Control, in accordance with rules
17 promulgated by the Director; provided, that this provision shall not
18 apply to medical or dental schools, clinics associated with a dental
19 or medical school, hospitals, hospices, facilities maintained or
20 operated by this state, and facilities maintained or operated by the
21 United States.

22 1. The registration obtained by pain management clinics shall
23 be in addition to the registration required by practitioners who are
24 employed by the clinic.

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

7 3. Prior to prescribing, administering, or dispensing opioids,
8 benzodiazepines, barbiturates, or carisoprodol, the practitioner
9 shall be required to check the prescription profile of the patient
10 on the central repository of the Oklahoma State Bureau of Narcotics
11 and Dangerous Drugs Control.

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

17 ~~E.F.~~ The following persons shall not be required to register
18 and may lawfully possess controlled dangerous substances under the
19 provisions of Section 2-101 et seq. of this title:

20 1. An agent, or an employee thereof, of any registered
21 manufacturer, distributor, dispenser, or user for scientific
22 purposes of any controlled dangerous substance, if such agent is
23 acting in the usual course of such agent's or employee's business or
24 employment;

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

4 3. A common or contract carrier or warehouse, or an employee
5 thereof, whose possession of any controlled dangerous substance is
6 in the usual course of such carrier's or warehouse's business or
7 employment;

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

10 5. An individual pharmacist acting in the usual course of such
11 pharmacist's employment with a pharmacy registered pursuant to the
12 provisions of Section 2-101 et seq. of this title;

13 6. A nursing home licensed by this state;

14 7. Any Department of Mental Health and Substance Abuse Services
15 employee or any person whose facility contracts with the Department
16 of Mental Health and Substance Abuse Services whose possession of
17 any dangerous drug, as defined in Section 353.1 of Title 59 of the
18 Oklahoma Statutes, is for the purpose of delivery of a mental health
19 consumer's medicine to the consumer's home or residence; and

20 8. Registered nurses and licensed practical nurses.

21 F.G. The Director may, by rule, waive the requirement for
22 registration or fee for registration of certain manufacturers,
23 distributors, dispensers, prescribers, administrators, or users for
24

1 scientific purposes if the Director finds it consistent with the
2 public health and safety.

3 ~~G.~~H. A separate registration shall be required at each
4 principal place of business or professional practice where the
5 applicant manufactures, distributes, dispenses, prescribes,
6 administers, or uses for scientific purposes controlled dangerous
7 substances.

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

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

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

18 ~~K.~~L. The licensing boards of all professions and occupations to
19 which the use of controlled dangerous substances is incidental shall
20 furnish a current list to the Director, not later than the first day
21 of October of each year, of the persons holding valid licenses. All
22 such persons except persons exempt from registration requirements
23 under subsection ~~E~~ F of this section shall be subject to the
24 registration requirements of Section 2-101 et seq. of this title.

1 ~~L~~M. The licensing board of any professional defined as a mid-
2 level practitioner shall notify and furnish to the Director, not
3 later than the first day of October of each year, that such
4 professional holds a valid license, a current listing of individuals
5 licensed and registered with their respective boards to prescribe,
6 order, select, obtain, and administer controlled dangerous
7 substances. The licensing board shall immediately notify the
8 Director of any action subsequently taken against any such
9 individual.

10 ~~M~~N. Beginning November 1, 2010, each registrant that
11 prescribes, administers, or dispenses methadone shall be required to
12 check the prescription profile of the patient on the central
13 repository of the Oklahoma State Bureau of Narcotics and Dangerous
14 Drugs Control.

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

17 Section 2-303. A. The Director of the Oklahoma State Bureau of
18 Narcotics and Dangerous Drugs Control shall register an applicant to
19 manufacture, distribute, dispense, prescribe, administer or use for
20 scientific purposes controlled dangerous substances included in
21 Schedules I through V of Section 2-101 et seq. of this title unless
22 the Director determines that the issuance of such registration is
23 inconsistent with the public interest. In determining the public
24 interest, the following factors shall be considered:

1 1. Maintenance of effective controls against diversion of
2 particular controlled dangerous substances and any Schedule I or II
3 substance compounded therefrom into other than legitimate medical,
4 scientific, or industrial channels, including examination of the
5 fitness of his or her employees or agents to handle dangerous
6 substances;

7 2. Compliance with applicable state and local law;

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

13 4. Furnishing by the applicant false or fraudulent material
14 information in any application filed under Section 2-101 et seq. of
15 this title;

16 5. Past experience in the manufacture, distribution,
17 dispensing, prescribing, administering, or use for scientific
18 purposes of controlled dangerous substances, and the existence in
19 the establishment of effective controls against diversion;

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

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

1 Nothing herein shall be deemed to require individual licensed
2 pharmacists to register under the provisions of the Uniform
3 Controlled Dangerous Substances Act.

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

9 C. Practitioners shall be registered to dispense, prescribe,
10 administer, or use for scientific purposes substances in Schedules
11 II through V if they are authorized to carry on their respective
12 activities under the laws of this state. A registration application
13 by a practitioner who wishes to conduct research with Schedule I
14 substances shall be accompanied by evidence of the applicant's
15 federal registration to conduct such activity and shall be referred
16 to the Medical Research Commission for advice. The Medical Research
17 Commission shall promptly advise the Director concerning the
18 qualifications of each practitioner requesting such registration.
19 Registration for the purpose of bona fide research or of use for
20 scientific purposes with Schedule I substances by a practitioner
21 deemed qualified by the Medical Research Commission may be denied
22 only on a ground specified in subsection A of Section 2-304 of this
23 title or if there are reasonable grounds to believe that the
24 applicant will abuse or unlawfully transfer such substances or fail

1 to safeguard adequately such applicant's supply of such substances
2 against diversion from legitimate medical or scientific use.

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

9 Practitioners and mid-level

10 practitioners	\$140.00	per year
		of registration

12 Home Care Agencies, Hospices &

13 Home Care Services	\$140.00	annually
-----------------------	----------	----------

14 Distributors	\$300.00	annually
-----------------	----------	----------

15 Manufacturers	\$500.00	annually
------------------	----------	----------

16 Manufacturer, Wholesaler, or

17 Distributor of drug products

18 containing pseudoephedrine

19 or phenylpropanolamine	\$300.00	annually
---------------------------	----------	----------

20 <u>Pain management clinics</u>	<u>\$140.00</u>	<u>annually</u>
-----------------------------------	-----------------	-----------------

21 2. A registrant shall be required to pay double the amount of
22 the above-listed fee for any renewal of registration received more
23 than thirty (30) days late.
24

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

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

7 SECTION 4. This act shall become effective November 1, 2016.
8

9 55-2-1973 AM 2/18/2016 6:59:25 PM
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24