

1 **SENATE FLOOR VERSION**

2 March 31, 2014

3 ENGROSSED HOUSE

4 BILL NO. 2666

By: Derby and Bennett of the
House

5 and

6 Standridge of the Senate

7
8
9 An Act relating to public health and safety; amending
10 63 O.S. 2011, Sections 2-101, as amended by Section
11 1, Chapter 80, O.S.L. 2012, 2-204, as last amended by
12 Section 1, Chapter 181, O.S.L. 2013, 2-206, as
13 amended by Section 2, Chapter 181, O.S.L. 2013, 2-
210, as last amended by Section 3, Chapter 181,
14 O.S.L. 2013 and 2-503 (63 O.S. Supp. 2013, Sections
15 2-101, 2-204, 2-206 and 2-210), which relate to the
16 Uniform Controlled Dangerous Substances Act;
17 modifying certain definition; providing statutory
18 reference; adding substances to Schedules I, II and
19 IV; making synthetic controlled substances subject to
20 forfeiture; providing for codification; and providing
21 an effective date.

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

23 SECTION 1. AMENDATORY 63 O.S. 2011, Section 2-101, as
24 amended by Section 1, Chapter 80, O.S.L. 2012 (63 O.S. Supp. 2013,
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 warehouser 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, ~~Section 2-101 et seq. of this~~
11 title or any drug, substance or immediate precursor listed either
12 temporarily or permanently as a federally controlled substance. Any
13 conflict between state and federal law with regard to the particular
14 schedule in which a substance is listed shall be resolved in favor
15 of state law;

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

22 10. "Deliver" or "delivery" means the actual, constructive or
23 attempted transfer from one person to another of a controlled
24

1 dangerous substance or drug paraphernalia, whether or not there is
2 an agency relationship;

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

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

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

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

17 14. "Drug" means articles:

- 18 a. recognized in the official United States
19 Pharmacopoeia, official Homeopathic Pharmacopoeia of
20 the United States, or official National Formulary, or
21 any supplement to any of them,
22 b. intended for use in the diagnosis, cure, mitigation,
23 treatment or prevention of disease in man or other
24 animals,

- 1 c. other than food, intended to affect the structure or
2 any function of the body of man or other animals, and
3 d. intended for use as a component of any article
4 specified in this paragraph;

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

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

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

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

22 18. "Hospice" means a centrally administered, nonprofit or
23 profit, medically directed, nurse-coordinated program which provides
24 a continuum of home and inpatient care for the terminally ill

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

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

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

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

21. "Laboratory" means a laboratory approved by the Director as proper to be entrusted with the custody of controlled dangerous

1 substances and the use of controlled dangerous substances for
2 scientific and medical purposes and for purposes of instruction;

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

12 23. "Marihuana" means all parts of the plant Cannabis sativa
13 L., whether growing or not; the seeds thereof; the resin extracted
14 from any part of such plant; and every compound, manufacture, salt,
15 derivative, mixture or preparation of such plant, its seeds or
16 resin, but shall not include the mature stalks of such plant, fiber
17 produced from such stalks, oil or cake made from the seeds of such
18 plant, any other compound, manufacture, salt, derivative, mixture or
19 preparation of such mature stalks (except the resin extracted
20 therefrom), fiber, oil or cake, or the sterilized seed of such plant
21 which is incapable of germination;

22 24. "Medical purpose" means an intention to utilize a
23 controlled dangerous substance for physical or mental treatment, for
24 diagnosis, or for the prevention of a disease condition not in

1 violation of any state or federal law and not for the purpose of
2 satisfying physiological or psychological dependence or other abuse;

3 25. "Mid-level practitioner" means an advanced practice nurse
4 as defined and within parameters specified in Section 567.3a of
5 Title 59 of the Oklahoma Statutes, or a certified animal euthanasia
6 technician as defined in Section 698.2 of Title 59 of the Oklahoma
7 Statutes, or an animal control officer registered by the Oklahoma
8 State Bureau of Narcotics and Dangerous Drugs Control under
9 subsection B of Section 2-301 of this title within the parameters of
10 such officer's duty under Sections 501 through 508 of Title 4 of the
11 Oklahoma Statutes;

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

- 16 a. opium, coca leaves and opiates,
- 17 b. a compound, manufacture, salt, derivative or
18 preparation of opium, coca leaves or opiates,
- 19 c. cocaine, its salts, optical and geometric isomers, and
20 salts of isomers,
- 21 d. ecgonine, its derivatives, their salts, isomers and
22 salts of isomers, and
- 23 e. a substance, and any compound, manufacture, salt,
24 derivative or preparation thereof, which is chemically

1 identical with any of the substances referred to in
2 subparagraphs a through d of this paragraph, except
3 that the words "narcotic drug" as used in Section 2-
4 101 et seq. of this title shall not include
5 decocainized coca leaves or extracts of coca leaves,
6 which extracts do not contain cocaine or ecgonine;

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

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

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

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

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

3 32. "Practitioner" means:

- 4 a. (1) a medical doctor or osteopathic physician,
5 (2) a dentist,
6 (3) a podiatrist,
7 (4) an optometrist,
8 (5) a veterinarian,
9 (6) a physician assistant under the supervision of a
10 licensed medical doctor or osteopathic physician,
11 (7) a scientific investigator, or
12 (8) any other person,
13 licensed, registered or otherwise permitted to
14 prescribe, distribute, dispense, conduct research with
15 respect to, use for scientific purposes or administer
16 a controlled dangerous substance in the course of
17 professional practice or research in this state, or
18 b. a pharmacy, hospital, laboratory or other institution
19 licensed, registered or otherwise permitted to
20 distribute, dispense, conduct research with respect
21 to, use for scientific purposes or administer a
22 controlled dangerous substance in the course of
23 professional practice or research in this state;

1 33. "Production" includes the manufacture, planting,
2 cultivation, growing or harvesting of a controlled dangerous
3 substance;

4 34. "State" means the State of Oklahoma or any other state of
5 the United States;

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

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

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

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

(4) smoking and carburetion masks,

(5) roach clips, meaning objects used to hold burning material, such as a marihuana cigarette, that has become too small or too short to be held in the hand,

(6) miniature cocaine spoons and cocaine vials,

(7) chamber pipes,

(8) carburetor pipes,

(9) electric pipes,

(10) air-driven pipes,

(11) chillums,

(12) bongs, or

(13) ice pipes or chillers,

m. all hidden or novelty pipes, and

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

provided, however, the term "drug paraphernalia" shall not include separation gins intended for use in preparing tea or spice, clamps used for constructing electrical equipment, water pipes designed for ornamentation in which no detectable amount of an illegal substance 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 ~~subsection~~ subsections C and F of Section 2-204 of this title and
6 paragraph 4 of subsection A of Section 2-206 of this title. As used
7 in ~~subsection~~ subsections C and F of Section 2-204 of this title,
8 "isomer" means the optical, positional or geometric isomer. As used
9 in paragraph 4 of subsection A of Section 2-206 of this title, the
10 term "isomer" 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 63 O.S. 2011, Section 2-204, as
18 last amended by Section 1, Chapter 181, O.S.L. 2013 (63 O.S. Supp.
19 2013, Section 2-204), is amended to read as follows:

20 Section 2-204. The controlled substances listed in this section
21 are included in Schedule I.

22 A. Any of the following opiates, including their isomers,
23 esters, ethers, salts, and salts of isomers, esters, and ethers,
24 unless specifically excepted, when the existence of these isomers,

1 esters, ethers, and salts is possible within the specific chemical
2 designation:

- 3 1. Acetylmethadol;
- 4 2. Allylprodine;
- 5 3. Alphacetylmethadol;
- 6 4. Alphameprodine;
- 7 5. Alphamethadol;
- 8 6. Benzethidine;
- 9 7. Betacetylmethadol;
- 10 8. Betameprodine;
- 11 9. Betamethadol;
- 12 10. Betaprodine;
- 13 11. Clonitazene;
- 14 12. Dextromoramide;
- 15 13. Dextrorphan (except its methyl ether);
- 16 14. Diampromide;
- 17 15. Diethylthiambutene;
- 18 16. Dimenoxadol;
- 19 17. Dimepheptanol;
- 20 18. Dimethylthiambutene;
- 21 19. Dioxaphetyl butyrate;
- 22 20. Dipipanone;
- 23 21. Ethylmethylthiambutene;
- 24 22. Etonitazene;

23. Etoxeridine;
24. Furethidine;
25. Hydroxypethidine;
26. Ketobemidone;
27. Levomoramide;
28. Levophenacymorphan;
29. Morpheridine;
30. Noracymethadol;
31. Norlevorphanol;
32. Normethadone;
33. Norpipanone;
34. Phenadoxone;
35. Phenampromide;
36. Phenomorphan;
37. Phenoperidine;
38. Piritramide;
39. Proheptazine;
40. Properidine;
41. Racemoramide; or
42. Trimeperidine.

B. Any of the following opium derivatives, their salts, isomers, and salts of isomers, unless specifically excepted, when the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

- 1 1. Acetorphine;
- 2 2. Acetyldihydrocodeine;
- 3 3. Benzylmorphine;
- 4 4. Codeine methylbromide;
- 5 5. Codeine-N-Oxide;
- 6 6. Cyprenorphine;
- 7 7. Desomorphine;
- 8 8. Dihydromorphine;
- 9 9. Etorphine;
- 10 10. Heroin;
- 11 11. Hydromorphenol;
- 12 12. Methyldesorphine;
- 13 13. Methylhydromorphine;
- 14 14. Morphine methylbromide;
- 15 15. Morphine methylsulfonate;
- 16 16. Morphine-N-Oxide;
- 17 17. Myrophine;
- 18 18. Nicocodeine;
- 19 19. Nicomorphine;
- 20 20. Normorphine;
- 21 21. Phoclodine; or
- 22 22. Thebacon.
- 23 C. Any material, compound, mixture, or preparation which
- 24 contains any quantity of the following hallucinogenic substances,

1 their salts, isomers, and salts of isomers, unless specifically
2 excepted, when the existence of these salts, isomers, and salts of
3 isomers is possible within the specific chemical designation:

- 4 1. Methcathinone;
- 5 2. 3, 4-methylenedioxy amphetamine;
- 6 3. 3, 4-methylenedioxy methamphetamine;
- 7 4. 5-methoxy-3, 4-methylenedioxy amphetamine;
- 8 5. 3, 4, 5-trimethoxy amphetamine;
- 9 6. Bufotenine;
- 10 7. Diethyltryptamine;
- 11 8. Dimethyltryptamine;
- 12 9. 4-methyl-2, 5-dimethoxyamphetamine;
- 13 10. Ibogaine;
- 14 11. Lysergic acid diethylamide;
- 15 12. Marihuana;
- 16 13. Mescaline;
- 17 14. N-benzylpiperazine;
- 18 15. N-ethyl-3-piperidyl benzilate;
- 19 16. N-methyl-3-piperidyl benzilate;
- 20 17. Psilocybin;
- 21 18. Psilocyn;
- 22 19. 2, 5 dimethoxyamphetamine;
- 23 20. 4 Bromo-2, 5-dimethoxyamphetamine;
- 24 21. 4 methoxyamphetamine;

- 1 22. Cyclohexamine;
- 2 23. Salvia Divinorum;
- 3 24. Salvinorin A;
- 4 25. Thiophene Analog of Phencyclidine. Also known as: 1-(1-(2-
- 5 thienyl) cyclohexyl) piperidine; 2-Thienyl Analog of Phencyclidine;
- 6 TPCP, TCP;
- 7 26. Phencyclidine (PCP);
- 8 27. Pyrrolidine Analog for Phencyclidine. Also known as 1-(1-
- 9 Phenylcyclohexyl) - Pyrrolidine, PCPy, PHP;
- 10 28. 1-(3-trifluoromethylphenyl) piperazine;
- 11 29. Flunitrazepam;
- 12 30. B-hydroxy-amphetamine;
- 13 31. B-ketoamphetamine;
- 14 32. 2,5-dimethoxy-4-nitroamphetamine;
- 15 33. 2,5-dimethoxy-4-bromophenethylamine;
- 16 34. 2,5-dimethoxy-4-chlorophenethylamine;
- 17 35. 2,5-dimethoxy-4-iodoamphetamine;
- 18 36. 2,5-dimethoxy-4-iodophenethylamine;
- 19 37. 2,5-dimethoxy-4-methylphenethylamine;
- 20 38. 2,5-dimethoxy-4-ethylphenethylamine;
- 21 39. 2,5-dimethoxy-4-fluorophenethylamine;
- 22 40. 2,5-dimethoxy-4-nitrophenethylamine;
- 23 41. 2,5-dimethoxy-4-ethylthio-phenethylamine;
- 24 42. 2,5-dimethoxy-4-isopropylthio-phenethylamine;

- 1 43. 2,5-dimethoxy-4-propylthio-phenethylamine;
- 2 44. 2,5-dimethoxy-4-cyclopropylmethylthio-phenethylamine;
- 3 45. 2,5-dimethoxy-4-tert-butylthio-phenethylamine;
- 4 46. 2,5-dimethoxy-4-(2-fluoroethylthio)-phenethylamine;
- 5 47. 5-methoxy-N, N-dimethyltryptamine;
- 6 48. N-methyltryptamine;
- 7 49. A-ethyltryptamine;
- 8 50. A-methyltryptamine;
- 9 51. N, N-diethyltryptamine;
- 10 52. N, N-diisopropyltryptamine;
- 11 53. N, N-dipropyltryptamine;
- 12 54. 5-methoxy-a-methyltryptamine;
- 13 55. 4-hydroxy-N, N-diethyltryptamine;
- 14 56. 4-hydroxy-N, N-diisopropyltryptamine;
- 15 57. 5-methoxy-N, N-diisopropyltryptamine;
- 16 58. 4-hydroxy-N-isopropyl-N-methyltryptamine;
- 17 59. 3,4-Methylenedioxymethcathinone (Mephedrone);
- 18 60. 3,4-Methylenedioxypyrovalerone (MDPV);
- 19 61. 4-Methylmethcathinone (Mephedrone);
- 20 62. 4-methoxymethcathinone;
- 21 63. 4-Fluoromethcathinone;
- 22 64. 3-Fluoromethcathinone;
- 23 65. 1-(8-bromobenzo 1,2-b;4,5-b' difuran-4-yl)-2-aminopropane;
- 24 66. 2,5-Dimethoxy-4-chloroamphetamine;

- 1 67. 4-Methylethcathinone;
- 2 68. Pyrovalerone;
- 3 69. N,N-diallyl-5-methoxytryptamine;
- 4 70. 3,4-Methylenedioxy-N-ethylcathinone (Ethylone);
- 5 71. B-keto-N-Methylbenzodioxolylbutanamine (Butylone);
- 6 72. B-keto-Methylbenzodioxolylpentanamine (Pentylone);
- 7 73. Alpha-Pyrrolidinopentiophenone;
- 8 74. 4-Fluoroamphetamine;
- 9 75. Pentredone;
- 10 76. 4'-Methyl-a-pyrrolidinohexaphenone;
- 11 77. 2,5-dimethoxy-4-(n)-propylphenethylamine;
- 12 78. 2,5-dimethoxyphenethylamine;
- 13 79. 1,4-Dibenzylpiperazine;
- 14 80. N,N-Dimethylamphetamine;
- 15 81. 4-Fluoromethamphetamine;
- 16 82. 4-Chloro-2,5-dimethoxy-N-(2-methoxybenzyl)phenethylamine
- 17 (25C-NBOMe); or
- 18 83. 4-Iodo-2,5-dimethoxy-N-(2-methoxybenzyl)phenethylamine
- 19 (25I-NBOMe);
- 20 84. 4-Bromo-2,5-dimethoxy-N-(2-methoxybenzy)phenethylamine
- 21 (25B-NBOMe); or
- 22 85. 1-(4-Fluorophenyl)piperazine.

23 D. Unless specifically excepted or unless listed in a different

24 schedule, any material, compound, mixture, or preparation which

contains any quantity of the following substances having stimulant or depressant effect on the central nervous system:

1. Fenethylline;

2. Mecloqualone;

3. N-ethylamphetamine;

4. Methaqualone;

5. Gamma-Hydroxybutyric Acid, also known as GHB, gamma-hydroxybutyrate, 4-hydroxybutyrate, 4-hydroxybutanoic acid, sodium oxybate, and sodium oxybutyrate;

6. Gamma-Butyrolactone (GBL) as packaged, marketed, manufactured or promoted for human consumption, with the exception of legitimate food additive and manufacturing purposes;

7. Gamma Hydroxyvalerate (GHV) as packaged, marketed, or manufactured for human consumption, with the exception of legitimate food additive and manufacturing purposes;

8. Gamma Valerolactone (GVL) as packaged, marketed, or manufactured for human consumption, with the exception of legitimate food additive and manufacturing purposes; or

9. 1,4 Butanediol (1,4 BD or BDO) as packaged, marketed, manufactured, or promoted for human consumption with the exception of legitimate manufacturing purposes.

E. 1. The following industrial uses of Gamma-Butyrolactone, Gamma Hydroxyvalerate, Gamma Valerolactone, or 1,4 Butanediol are

1 excluded from all schedules of controlled substances under this
2 title:

- 3 a. pesticides,
- 4 b. photochemical etching,
- 5 c. electrolytes of small batteries or capacitors,
- 6 d. viscosity modifiers in polyurethane,
- 7 e. surface etching of metal coated plastics,
- 8 f. organic paint disbursements for water soluble inks,
- 9 g. pH regulators in the dyeing of wool and polyamide
10 fibers,
- 11 h. foundry chemistry as a catalyst during curing,
- 12 i. curing agents in many coating systems based on
13 urethanes and amides,
- 14 j. additives and flavoring agents in food, confectionary,
15 and beverage products,
- 16 k. synthetic fiber and clothing production,
- 17 l. tetrahydrofuran production,
- 18 m. gamma butyrolactone production,
- 19 n. polybutylene terephthalate resin production,
- 20 o. polyester raw materials for polyurethane elastomers
21 and foams,
- 22 p. coating resin raw material, and
- 23 q. as an intermediate in the manufacture of other
24 chemicals and pharmaceuticals.

1 2. At the request of any person, the Director may exempt any
2 other product containing Gamma-Butyrolactone, Gamma Hydroxyvalerate,
3 Gamma Valerolactone, or 1,4 Butanediol from being included as a
4 Schedule I controlled substance if such product is labeled,
5 marketed, manufactured and distributed for legitimate industrial use
6 in a manner that reduces or eliminates the likelihood of abuse.

7 3. In making a determination regarding an industrial product,
8 the Director, after notice and hearing, shall consider the
9 following:

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

16 4. The hearing shall be held in accordance with the procedures
17 of the Administrative Procedures Act.

18 F. Any material, compound, mixture, or preparation ~~which~~
19 ~~contains any quantity of the following synthetic, whether produced~~
20 ~~directly or indirectly from a substance of vegetable origin or~~
21 ~~independently by means of chemical compounds that are cannabinoid~~
22 ~~receptor agonists and mimic the pharmacological effects of naturally~~
23 ~~occurring~~ synthesis, or by a combination of extraction and chemical
24 synthesis, that contains any quantity of the following substances,

1 or that contains any of their salts, isomers, and salts of isomers,
2 ~~unless specifically excepted,~~ when the existence of these salts,
3 isomers, and salts of isomers is possible within the specific
4 chemical designation:

- 5 1. JWH-004;
- 6 2. JWH-007;
- 7 3. JWH-009;
- 8 4. JWH-015;
- 9 5. JWH-016;
- 10 6. JWH-018;
- 11 7. JWH-019;
- 12 8. JWH-020;
- 13 9. JWH-030;
- 14 10. JWH-046;
- 15 11. JWH-047;
- 16 12. JWH-048;
- 17 13. JWH-049;
- 18 14. JWH-050;
- 19 15. JWH-070;
- 20 16. JWH-071;
- 21 17. JWH-072;
- 22 18. JWH-073;
- 23 19. JWH-076;
- 24 20. JWH-079;

1	21.	JWH-080;
2	22.	JWH-081;
3	23.	JWH-082;
4	24.	JWH-094;
5	25.	JWH-096;
6	26.	JWH-098;
7	27.	JWH-116;
8	28.	JWH-120;
9	29.	JWH-122;
10	30.	JWH-145;
11	31.	JWH-146;
12	32.	JWH-147;
13	33.	JWH-148;
14	34.	JWH-149;
15	35.	JWH-150;
16	36.	JWH-156;
17	37.	JWH-167;
18	38.	JWH-175;
19	39.	JWH-180;
20	40.	JWH-181;
21	41.	JWH-182;
22	42.	JWH-184;
23	43.	JWH-185;
24	44.	JWH-189;

1	45.	JWH-192;
2	46.	JWH-193;
3	47.	JWH-194;
4	48.	JWH-195;
5	49.	JWH-196;
6	50.	JWH-197;
7	51.	JWH-198;
8	52.	JWH-199;
9	53.	JWH-200;
10	54.	JWH-201;
11	55.	JWH-202;
12	56.	JWH-203;
13	57.	JWH-204;
14	58.	JWH-205;
15	59.	JWH-206;
16	60.	JWH-207;
17	61.	JWH-208;
18	62.	JWH-209;
19	63.	JWH-210;
20	64.	JWH-211;
21	65.	JWH-212;
22	66.	JWH-213;
23	67.	JWH-234;
24	68.	JWH-235;

1	69.	JWH-236;
2	70.	JWH-237;
3	71.	JWH-239;
4	72.	JWH-240;
5	73.	JWH-241;
6	74.	JWH-242;
7	75.	JWH-243;
8	76.	JWH-244;
9	77.	JWH-245;
10	78.	JWH-246;
11	79.	JWH-248;
12	80.	JWH-249;
13	81.	JWH-250;
14	82.	JWH-251;
15	83.	JWH-252;
16	84.	JWH-253;
17	85.	JWH-262;
18	86.	JWH-292;
19	87.	JWH-293;
20	88.	JWH-302;
21	89.	JWH-303;
22	90.	JWH-304;
23	91.	JWH-305;
24	92.	JWH-306;

1	93.	JWH-307;
2	94.	JWH-308;
3	95.	JWH-311;
4	96.	JWH-312;
5	97.	JWH-313;
6	98.	JWH-314;
7	99.	JWH-315;
8	100.	JWH-316;
9	101.	JWH-346;
10	102.	JWH-348;
11	103.	JWH-363;
12	104.	JWH-364;
13	105.	JWH-365;
14	106.	JWH-367;
15	107.	JWH-368;
16	108.	JWH-369;
17	109.	JWH-370;
18	110.	JWH-371;
19	111.	JWH-373;
20	112.	JWH-386;
21	113.	JWH-387;
22	114.	JWH-392;
23	115.	JWH-394;
24	116.	JWH-395;

1	117.	JWH-397;
2	118.	JWH-398;
3	119.	JWH-399;
4	120.	JWH-400;
5	121.	JWH-412;
6	122.	JWH-413;
7	123.	JWH-414;
8	124.	JWH-415;
9	125.	CP-55, 940;
10	126.	CP-47, 497;
11	127.	HU-210;
12	128.	HU-211;
13	129.	WIN-55, 212-2;
14	130.	AM-2201;
15	131.	AM-2233;
16	132.	JWH-018 adamantyl-carboxamide;
17	133.	AKB48;
18	134.	JWH-122 N-(4-pentenyl) analog;
19	135.	MAM2201;
20	136.	URB597;
21	137.	URB602;
22	138.	URB754;
23	139.	UR144;
24	140.	XLR11;

- 1 141. A-796,260; ~~and~~
2 142. STS-135;
3 143. AB-FUBINACA;
4 144. AB-PINACA;
5 145. PB-22;
6 146. AKB48 N-5-Fluoropentyl;
7 147. AM1248;
8 148. FUB-PB-22;
9 149. ADB-FUBINACA;
10 150. BB-22;
11 151. 5-Fluoro PB-22; or
12 152. 5-Fluoro AKB-48.

13 G. In addition to those substances listed in subsection F of
14 this section, unless specifically excepted or unless listed in
15 another schedule, any material, compound, mixture, or preparation
16 which contains any quantity of a synthetic cannabinoid found to be
17 in any of the following chemical groups:

18 1. Naphthoylindoles: any compound containing a 3-(1-
19 naphthoyl)indole structure with or without substitution at the
20 nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl,
21 alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-
22 (N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-
23 2-pyrrolidinyl)methyl, 1-(N-methyl-3- morpholinyl)methyl, or
24 (tetrahydropyran-4-yl)methyl group, whether or not further

substituted on the indole ring to any extent, and whether or not
substituted on the naphthyl ring to any extent. Naphthoylindoles
include, but are not limited to:

- a. 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-
200),
- b. 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM2201),
- c. 1-pentyl-3-(1-naphthoyl)indole (JWH-018),
- d. 1-butyl-3-(1-naphthoyl)indole (JWH-073),
- e. 1-pentyl-3-(4-methoxy-1-naphthoyl)indole (JWH-081),
- f. 1-propyl-2-methyl-3-(1-naphthoyl)indole (JWH-015),
- g. 1-hexyl-3-(1-naphthoyl)indole (JWH-019),
- h. 1-pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122),
- i. 1-pentyl-3-(4-ethyl-1-naphthoyl)indole (JWH-210),
- j. 1-pentyl-3-(4-chloro-1-naphthoyl)indole (JWH-398),
- k. 1-pentyl-2-methyl-3-(1-naphthoyl)indole (JWH-007),
- l. 1-pentyl-3-(7-methoxy-1-naphthoyl)indole (JWH-164),
- m. 1-pentyl-2-methyl-3-(4-methoxy-1-naphthoyl)indole
(JWH-098),
- n. 1-pentyl-3-(4-fluoro-1-naphthoyl)indole (JWH-412),
- o. 1-[1-(N-methyl-2-piperidinyl)methyl]-3-(1-
naphthoyl)indole (AM-1220),
- p. 1-(5-fluoropentyl)-3-(4-methyl-1-naphthoyl)indole
(MAM-2201), or
- q. 1-(4-cyanobutyl)-3-(1-naphthoyl)indole (AM-2232);

1 2. Naphthylmethylinroles: any compound containing a 1H-indol-3-
2 yl-(1-naphthyl)methane structure with or without substitution at the
3 nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl,
4 alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-
5 (N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-
6 2-pyrrolidinyl)methyl, 1-(N-methyl-3- morpholinyl)methyl, or
7 (tetrahydropyran-4-yl)methyl group, whether or not further
8 substituted on the indole ring to any extent, and whether or not
9 substituted on the naphthyl ring to any extent.

10 Naphthylmethylinroles include, but are not limited to,
11 (1-pentylinol-3-yl)(1-naphthyl)methane (JWH-175);

12 3. Naphthoylpyrroles: any compound containing a 3-(1-
13 naphthoyl)pyrrole structure with or without substitution at the
14 nitrogen atom of the pyrrole ring by an alkyl, haloalkyl,
15 cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl,
16 halobenzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-
17 morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-
18 morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group, whether
19 or not further substituted on the pyrrole ring to any extent, and
20 whether or not substituted on the naphthyl group to any extent.

21 Naphthoylpyrroles include, but are not limited to:

- 22 a. 1-hexyl-2-phenyl-4-(1-naphthoyl)pyrrole (JWH-147),
23 b. 1-pentyl-5-(2-methylphenyl)-3-(1-naphthoyl)pyrrole
24 (JWH-370),

1 c. 1-pentyl-3-(1-naphthoyl)pyrrole (JWH-030), or

2 d. 1-hexyl-5-phenyl-3-(1-naphthoyl)pyrrole (JWH-147);

3 4. Naphthylideneindenes: any compound containing a

4 naphthylideneindene structure with or without substitution at the 3-

5 position of the indene ring by an alkyl, haloalkyl, cyanoalkyl,

6 alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-

7 (N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-

8 2-pyrrolidinyl)methyl, 1-(N-methyl-3- morpholinyl)methyl, or

9 (tetrahydropyran-4-yl)methyl group, whether or not further

10 substituted on the indene group to any extent, and whether or not

11 substituted on the naphthyl group to any extent.

12 Naphthylmethylindenes include, but are not limited to,

13 (1-[(3-pentyl)-1H-inden-1-ylidene)methyl]naphthalene (JWH-176);

14 5. Phenylacetylindoles: any compound containing a 3-

15 phenylacetylindole structure with or without substitution at the

16 nitrogen atom of the indole ring by alkyl, haloalkyl, cyanoalkyl,

17 alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-

18 (N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-

19 2-pyrrolidinyl)methyl, 1-(N-methyl-3- morpholinyl)methyl, or

20 (tetrahydropyran-4-yl)methyl group, whether or not further

21 substituted on the indole ring to any extent, and whether or not

22 substituted on the phenyl ring to any extent. Phenylacetylindoles

23 include, but are not limited to:

24 a. 1-pentyl-3-(2-methoxyphenylacetyl)indole (JWH-250),

- b. 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole
(RCS-8),
- c. 1-pentyl-3-(2-chlorophenylacetyl)indole (JWH-203),
- d. 1-Pentyl-3-(2-methylphenylacetyl)indole (JWH-251),
- e. 1-pentyl-3-(4-methoxyphenylacetyl)indole (JWH-201), or
- f. 1-pentyl-3-(3-methoxyphenylacetyl)indole (JWH-302);

6. Cyclohexylphenols: any compound containing a 2-(3-hydroxycyclohexyl)phenol structure with or without substitution at the 5-position of the phenolic ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group, and whether or not further substituted on the cyclohexyl ring to any extent. Cyclohexylphenols include, but are not limited to:

- a. 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP-47,497),
- b. 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (cannabicyclohexanol; CP-47,497 C8 homologue),
- or
- c. 5-(1,1-dimethylheptyl)-2-[(1R,2R)-5-hydroxy-2-(3-hydroxypropyl)cyclohexyl]-phenol (CP 55,490);

7. Benzoylindoles: any compound containing a 3-(1-benzoyl)indole structure with or without substitution at the

nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group, whether or not further substituted on the indole ring to any extent, and whether or not substituted on the phenyl group to any extent. Benzoylindoles include, but are not limited to:

- a. 1-pentyl-3-(4-methoxybenzoyl)indole (RCS-4),
- b. 1-[2-(4-morpholinyl)ethyl]-2-methyl-3-(4-methoxybenzoyl)indole (Pravadoline or WIN 48, 098),
- c. 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM-694),
- d. 1-pentyl-3-(2-iodobenzoyl)indole (AM-679), or
- e. 1-[1-(N-methyl-2-piperidinyl)methyl]-3-(2-iodobenzoyl)indole (AM-2233);

8. Cyclopropoylindoles: Any compound containing a 3-(cyclopropoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group, whether or not further substituted in the indole ring to any extent and whether or not

substituted in the cyclopropoyl ring to any extent.

Cyclopropoylindoles include, but are not limited to:

- a. 1-pentyl-3-(2,2,3,3-tetramethylcyclopropoyl)indole
(UR-144),
- b. 1-(5-chloropentyl)-3-(2,2,3,3-
tetramethylcyclopropoyl)indole (5Cl-UR-144), or
- c. 1-(5-fluoropentyl)-3-(2,2,3,3-
tetramethylcyclopropoyl)indole (XLR11);

9. Indole Amides: Any compound containing a 1H-Indole-3-
carboxamide structure with substitution at either nitrogen atom of
the indazole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl,
cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-
2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-
pyrrolidinyl)methyl, 1-(N-methyl-3- morpholinyl)methyl, or
(tetrahydropyran-4-yl)methyl group, whether or not substituted at
the carboxamide group by an adamantyl, 1-naphthyl, or phenol group,
and whether or not further substituted in the indole, adamantyl,
naphthyl, or phenyl rings to any extent. Indole Amides include, but
are not limited to:

- a. N-(1-adamantyl)-1-pentyl-1H-indole-3-carboxamide
(2NE1), or
- b. N-(1-adamantyl)-1-(5-fluoropentyl)-1H-indole-3-
carboxamide (STS-135); and

1 10. Modified by Replacement: any compound defined in this
2 subsection that is modified by replacement of a carbon with nitrogen
3 in the indole, naphthyl, or indene ring.

4 SECTION 3. AMENDATORY 63 O.S. 2011, Section 2-206, as
5 amended by Section 2, Chapter 181, O.S.L. 2013 (63 O.S. Supp. 2013,
6 Section 2-206), is amended to read as follows:

7 Section 2-206. The controlled substances listed in this section
8 are included in Schedule II.

9 A. Any of the following substances except those narcotic drugs
10 listed in other schedules whether produced directly or indirectly by
11 extraction from substances of vegetable origin, or independently by
12 means of chemical synthesis, or by combination of extraction and
13 chemical synthesis:

14 1. Opium and opiate, and any salt, compound, derivative, or
15 preparation of opium or opiate;

16 2. Any salt, compound, isomer, derivative, or preparation
17 thereof which is chemically equivalent or identical with any of the
18 substances referred to in paragraph 1 of this subsection, but not
19 including the isoquinoline alkaloids of opium;

20 3. Opium poppy and poppy straw; or

21 4. Coca leaves except coca leaves and extracts of coca leaves
22 from which cocaine, ecgonine, and derivatives of ecgonine or their
23 salts have been removed; cocaine, its salts, optical and geometric
24 isomers, and salts of isomers; ecgonine, its derivatives, their

1 salts, isomers and salts of isomers; or any compound, mixture or
2 preparation which contains any quantity of any of the substances
3 referred to in this paragraph.

4 B. Any of the following opiates, including their isomers,
5 esters, ethers, salts, and salts of isomers, esters and ethers, when
6 the existence of these isomers, esters, ethers, and salts is
7 possible within the specific chemical designation:

- 8 1. Alphaprodine;
- 9 2. Anileridine;
- 10 3. Bezitramide;
- 11 4. Dihydrocodeine;
- 12 5. Diphenoxylate;
- 13 6. Fentanyl;
- 14 7. Hydromorphone;
- 15 8. Isomethadone;
- 16 9. Levomethorphan;
- 17 10. Levorphanol;
- 18 11. Metazocine;
- 19 12. Methadone;
- 20 13. Methadone - Intermediate, 4-cyano-2-dimethylamino-4, 4-
21 diphenyl butane;
- 22 14. Moramide - Intermediate, 2-methyl-3-morpholino-1, 1-
23 diphenyl-propane-carboxylic acid;
- 24 15. Oxycodone;

- 1 16. Oxymorphone;
- 2 17. Pethidine (Meperidine);
- 3 18. Pethidine - Intermediate - A, 4-cyano-1-methyl-4-
- 4 phenylpiperidine;
- 5 19. Pethidine - Intermediate - B, ethyl-4-phenylpiperidine-4-
- 6 carboxylate;
- 7 20. Pethidine - Intermediate - C, 1-methyl-4-phenylpiperidine-
- 8 4-carboxylic acid;
- 9 21. Phenazocine;
- 10 22. Piminodine;
- 11 23. Racemethorphan;
- 12 24. Racemorphan;
- 13 25. Etorphine Hydrochloride salt only;
- 14 26. Alfentanil hydrochloride;
- 15 27. Levo-alphaacetylmethadol;
- 16 28. Codeine;
- 17 29. Hydrocodone;
- 18 30. Morphine;
- 19 31. Remifentanil;
- 20 32. Sufentanil; or
- 21 33. Tapentadol.
- 22 C. Any substance which contains any quantity of:
- 23 1. Methamphetamine, including its salts, isomers, and salts of
- 24 isomers;

1 2. Amphetamine, its salts, optical isomers, and salts of its
2 optical isomers;

3 3. Nabilone; or

4 4. Lisdexamfetamine.

5 D. Unless specifically excepted or unless listed in another
6 schedule, any material, compound, mixture, or preparation, which
7 contains any quantity of the following substances having stimulant
8 or depressant effect on the central nervous system:

9 1. Phenmetrazine and its salts;

10 2. Methylphenidate;

11 3. Amobarbital;

12 4. Pentobarbital; ~~or~~

13 5. Secobarbital; or

14 6. Ethylphenidate.

15 SECTION 4. AMENDATORY 63 O.S. 2011, Section 2-210, as
16 last amended by Section 3, Chapter 181, O.S.L. 2013 (63 O.S. Supp.
17 2013, Section 2-210), is amended to read as follows:

18 Section 2-210. A. Any material, compound, mixture, or
19 preparation which contains any quantity of the following substances
20 having a potential for abuse associated with a stimulant or
21 depressant effect on the central nervous system:

22 1. Chloral betaine;

23 2. Chloral hydrate;

24 3. Ethchlorvynol;

- 1 4. Ethinamate;
- 2 5. Meprobamate;
- 3 6. Paraldehyde;
- 4 7. Petrichloral;
- 5 8. Diethylpropion;
- 6 9. Phentermine;
- 7 10. Pemoline;
- 8 11. Chlordiazepoxide;
- 9 12. Chlordiazepoxide and its salts, but not including
- 10 chlordiazepoxide hydrochloride and clidinium bromide or
- 11 chlordiazepoxide and water-soluble esterified estrogens;
- 12 13. Diazepam;
- 13 14. Oxazepam;
- 14 15. Clorazepate;
- 15 16. Flurazepam and its salts;
- 16 17. Clonazepam;
- 17 18. Barbitol;
- 18 19. Mebutamate;
- 19 20. Methohexital;
- 20 21. Methylphenobarbital;
- 21 22. Phenobarbital;
- 22 23. Fenfluramine;
- 23 24. Pentazocine;
- 24 25. Propoxyphene;

26. Butorphanol;
27. Alprazolam;
28. Halazepam;
29. Lorazepam;
30. Prazepam;
31. Temazepam;
32. Triazolam;
33. Carisoprodol;
34. Dichloralphenazone;
35. Estazolam;
36. Eszopiclone;
37. Midazolam;
38. Modafinil;
39. Zaleplon;
40. Zolpidem; ~~or~~
41. Tramadol; or
42. Bromazepam.

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

- a. Breathe-Aid,
- b. BronCare,

- c. Bronchial Congestion,
- d. Bronkaid Tablets,
- e. Bronkaid Dual Action Caplets,
- f. Bronkotabs,
- g. Bronkolixir,
- h. NeoRespin,
- i. Pazo Hemorrhoid Ointment and Suppositories,
- j. Primatene Tablets,
- k. Primatene "Dual Action" Formula,
- l. Quelidrine,
- m. Resp, and
- n. Vatronal Nose Drops.

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

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

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

- a. the history and current pattern of abuse,

- 1 b. the name and labeling of the product,
2 c. the intended manner of distribution, advertising and
3 promotion of the product, and
4 d. other factors as may be relevant to and consistent
5 with the public health and safety.

6 4. The hearing shall be held in accordance with the
7 Administrative Procedures Act.

8 5. A list of current drug products meeting exemption
9 requirements under this subsection may be obtained from the Bureau
10 upon written request.

11 C. The Board of Pharmacy may except by rule any compound,
12 mixture, or preparation containing any depressant substance listed
13 in subsection A of this section from the application of all or any
14 part of the Uniform Controlled Dangerous Substances Act, Section 2-
15 101 et seq. of this title, if the compound, mixture, or preparation
16 contains one or more active medicinal ingredients not having a
17 depressant effect on the central nervous system, and if the
18 admixtures are included therein in combinations, quantity,
19 proportion, or concentration that vitiate the potential for abuse of
20 the substances which have a depressant effect on the central nervous
21 system.

22 SECTION 5. AMENDATORY 63 O.S. 2011, Section 2-503, is
23 amended to read as follows:
24

1 Section 2-503. A. The following shall be subject to
2 forfeiture:

3 1. All controlled dangerous substances and synthetic controlled
4 substances which have been manufactured, distributed, dispensed,
5 acquired, concealed or possessed in violation of the Uniform
6 Controlled Dangerous Substances Act;

7 2. All raw materials, products and equipment of any kind and
8 all drug paraphernalia as defined by the Uniform Controlled
9 Dangerous Substances Act, which are used, or intended for use, in
10 manufacturing, compounding, processing, delivering, importing or
11 exporting, injecting, ingesting, inhaling, or otherwise introducing
12 into the human body any controlled dangerous substance or synthetic
13 controlled substance in violation of the provisions of the Uniform
14 Controlled Dangerous Substances Act;

15 3. All property which is used, or intended for use, as a
16 container for property described in paragraphs 1, 2, 5 and 6 of this
17 subsection;

18 4. All conveyances, including aircraft, vehicles, vessels, or
19 farm implements which are used to transport, conceal, or cultivate
20 for the purpose of distribution as defined in the Uniform Controlled
21 Dangerous Substances Act, or which are used in any manner to
22 facilitate the transportation or cultivation for the purpose of sale
23 or receipt of property described in paragraphs 1 or 2 of this
24 subsection or when the property described in paragraphs 1 or 2 of

1 this subsection is unlawfully possessed by an occupant thereof,
2 except that:

3 a. no conveyance used by a person as a common carrier in
4 the transaction of business as a common carrier shall
5 be forfeited under the provisions of the Uniform
6 Controlled Dangerous Substances Act unless it shall
7 appear that the owner or other person in charge of
8 such conveyance was a consenting party or privy to a
9 violation of the Uniform Controlled Dangerous
10 Substances Act, and

11 b. no conveyance shall be forfeited under the provisions
12 of this section by reason of any act or omission
13 established by the owner thereof to have been
14 committed or omitted without the knowledge or consent
15 of such owner, and if the act is committed by any
16 person other than such owner the owner shall establish
17 further that the conveyance was unlawfully in the
18 possession of a person other than the owner in
19 violation of the criminal laws of the United States,
20 or of any state;

21 5. All books, records and research, including formulas,
22 microfilm, tapes and data which are used in violation of the Uniform
23 Controlled Dangerous Substances Act;

1 6. All things of value furnished, or intended to be furnished,
2 in exchange for a controlled dangerous substance in violation of the
3 Uniform Controlled Dangerous Substances Act, all proceeds traceable
4 to such an exchange, and all monies, negotiable instruments, and
5 securities used, or intended to be used, to facilitate any violation
6 of the Uniform Controlled Dangerous Substances Act;

7 7. All monies, coin and currency found in close proximity to
8 any amount of forfeitable substances, to forfeitable drug
9 manufacturing or distribution paraphernalia or to forfeitable
10 records of the importation, manufacture or distribution of
11 substances, which are rebuttably presumed to be forfeitable under
12 the Uniform Controlled Dangerous Substances Act. The burden of
13 proof is upon claimants of the property to rebut this presumption;

14 8. All real property, including any right, title, and interest
15 in the whole of any lot or tract of land and any appurtenance or
16 improvement thereto, which is used, or intended to be used, in any
17 manner or part, to commit, or to facilitate the commission of, a
18 violation of the Uniform Controlled Dangerous Substances Act which
19 is punishable by imprisonment for more than one (1) year, except
20 that no property right, title or interest shall be forfeited
21 pursuant to this paragraph, by reason of any act or omission
22 established by the owner thereof to have been committed or omitted
23 without the knowledge or consent of that owner; and
24

1 9. All weapons possessed, used or available for use in any
2 manner to facilitate a violation of the Uniform Controlled Dangerous
3 Substances Act.

4 B. Any property or thing of value of a person is subject to
5 forfeiture if it is established by a preponderance of the evidence
6 that such property or thing of value was acquired by such person
7 during the period of the violation of the Uniform Controlled
8 Dangerous Substances Act or within a reasonable time after such
9 period and there was no likely source for such property or thing of
10 value other than the violation of the Uniform Controlled Dangerous
11 Substances Act.

12 C. Any property or thing of value of a person is subject to
13 forfeiture if it is established by a preponderance of the evidence
14 that the person has not paid all or part of a fine imposed pursuant
15 to the provisions of Section 2-415 of this title.

16 D. All items forfeited in this section shall be forfeited under
17 the procedures established in Section 2-506 of this title. Whenever
18 any item is forfeited pursuant to this section except for items
19 confiscated by the Oklahoma State Bureau of Narcotics and Dangerous
20 Drugs Control, the Department of Public Safety, the Oklahoma State
21 Bureau of Investigation, the Alcoholic Beverage Laws Enforcement
22 Commission, the Department of Corrections, or the Office of the
23 Attorney General, the district court of the district shall order
24 that such item, money, or monies derived from the sale of such item

1 be deposited by the state, county or city law enforcement agency
2 which seized the item in the revolving fund provided for in Section
3 2-506 of this title; provided, such item, money or monies derived
4 from the sale of such item forfeited due to nonpayment of a fine
5 imposed pursuant to the provisions of Section 2-415 of this title
6 shall be apportioned as provided in Section 2-416 of this title.
7 Items, money or monies seized pursuant to subsections A and B of
8 this section shall not be applied or considered toward satisfaction
9 of the fine imposed by Section 2-415 of this title. All raw
10 materials used or intended to be used by persons to unlawfully
11 manufacture or attempt to manufacture any controlled dangerous
12 substance in violation of the Uniform Controlled Dangerous
13 Substances Act shall be summarily forfeited pursuant to the
14 provisions of Section 2-505 of this title.

15 E. All property taken or detained under this section by the
16 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the
17 Department of Public Safety, the Oklahoma State Bureau of
18 Investigation, the Alcoholic Beverage Laws Enforcement Commission,
19 the Department of Corrections, or the Office of the Attorney
20 General, shall not be repleviable, but shall remain in the custody
21 of the Bureaus, Departments, Commission, or Office, respectively,
22 subject only to the orders and decrees of a court of competent
23 jurisdiction. The Director of the Oklahoma State Bureau of
24 Narcotics and Dangerous Drugs Control, the Commissioner of Public

1 Safety, the Director of the Oklahoma State Bureau of Investigation,
2 the Director of the Alcoholic Beverage Laws Enforcement Commission,
3 the Director of the Department of Corrections, and the Attorney
4 General shall follow the procedures outlined in Section 2-506 of
5 this title dealing with notification of seizure, intent of
6 forfeiture, final disposition procedures, and release to innocent
7 claimants with regard to all property included in this section
8 detained by the Department of Public Safety, the Oklahoma State
9 Bureau of Investigation, the Alcoholic Beverage Laws Enforcement
10 Commission, the Department of Corrections, or the Office of the
11 Attorney General. Property taken or detained by the Oklahoma State
12 Bureau of Narcotics and Dangerous Drugs Control, the Department of
13 Public Safety, the Oklahoma State Bureau of Investigation, the
14 Alcoholic Beverage Laws Enforcement Commission, the Department of
15 Corrections, or the Office of the Attorney General shall be disposed
16 of or sold pursuant to the provisions of Section 2-508 of this
17 title. Any money, coins, and currency, taken or detained pursuant
18 to this section may be deposited in an interest bearing account by
19 or at the direction of the State Treasurer if the seizing agency
20 determines the currency is not to be held as evidence. All interest
21 earned on such monies shall be returned to the claimant or forfeited
22 with the money, coins, and currency which was taken or detained as
23 provided by law.

1 F. The proceeds of any forfeiture of items seized by the
2 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control shall
3 be distributed as follows:

4 1. To the bona fide or innocent purchaser, conditional sales
5 vendor or mortgagee of the property, if any, up to the amount of his
6 interest in the property, when the court declaring a forfeiture
7 orders a distribution to such person; and

8 2. The balance to the Bureau of Narcotics Revolving Fund
9 established pursuant to Section 2-107 of this title, provided the
10 Bureau may enter into agreements with municipal, tribal, county,
11 state or federal law enforcement agencies, or other state agencies
12 with CLEET-certified law enforcement officers, assisting in the
13 forfeiture or underlying criminal investigation, to return to such
14 an agency a percentage of said proceeds.

15 G. Any agency that acquires seized or forfeited property or
16 money shall maintain a true and accurate inventory and record of all
17 such property seized pursuant to this section.

18 SECTION 6. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 2-312.2 of Title 63, unless
20 there is created a duplication in numbering, reads as follows:

21 Naloxone, also known as Narcan, or any of its generic
22 equivalents may be dispensed or sold by a pharmacy without a
23 prescription; provided, however, it shall be dispensed or sold only
24 by, or under the supervision of, a licensed pharmacist.

SECTION 7. This act shall become effective November 1, 2014.

COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
March 31, 2014 - DO PASS