

STATE OF OKLAHOMA

2nd Session of the 54th Legislature (2014)

HOUSE BILL 2666

By: Derby

AS INTRODUCED

An Act relating to public health and safety; amending 63 O.S. 2011, Sections 2-101, as amended by Section 1, Chapter 80, O.S.L. 2012, 2-204, as last amended by Section 1, Chapter 181, O.S.L. 2013, 2-206, as amended by Section 2, Chapter 181, O.S.L. 2013, 2-210, as last amended by Section 3, Chapter 181, O.S.L. 2013 and 2-503 (63 O.S. Supp. 2013, Sections 2-101, 2-204, 2-206 and 2-210), which relate to the Uniform Controlled Dangerous Substances Act; modifying certain definition; providing statutory reference; adding substances to Schedules I, II and IV; making synthetic controlled substances subject to forfeiture; 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 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. "Administer" means the direct application of a controlled dangerous substance, whether by injection, inhalation, ingestion or any other means, to the body of a patient, animal or research subject by:

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

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

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

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

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

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

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

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

4 8. "Controlled dangerous substance" means a drug, substance or
5 immediate precursor in Schedules I through V of the Uniform
6 Controlled Dangerous Substances Act, ~~Section 2-101 et seq. of this~~
7 title or any drug, substance or immediate precursor listed either
8 temporarily or permanently as a federally controlled substance. Any
9 conflict between state and federal law with regard to the particular
10 schedule in which a substance is listed shall be resolved in favor
11 of state law;

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

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

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

1 prescribing, administering, packaging, labeling or compounding
2 necessary to prepare the substance for such distribution.

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

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

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

12 14. "Drug" means articles:

- 13 a. recognized in the official United States
14 Pharmacopoeia, official Homeopathic Pharmacopoeia of
15 the United States, or official National Formulary, or
16 any supplement to any of them,
 - 17 b. intended for use in the diagnosis, cure, mitigation,
18 treatment or prevention of disease in man or other
19 animals,
 - 20 c. other than food, intended to affect the structure or
21 any function of the body of man or other animals, and
 - 22 d. intended for use as a component of any article
23 specified in this paragraph;
- 24

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

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

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

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

18. "Hospice" means a centrally administered, nonprofit or profit, medically directed, nurse-coordinated program which provides a continuum of home and inpatient care for the terminally ill patient and the patient's family. Such term shall also include a centrally administered, nonprofit or profit, medically directed, nurse-coordinated program if such program is licensed pursuant to the provisions of this act. A hospice program offers palliative and

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

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

- 19 a. statements made by an owner or by any other person in
20 control of the substance concerning the nature of the
21 substance, or its use or effect,
- 22 b. statements made to the recipient that the substance
23 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 substances and the use of controlled dangerous substances for scientific and medical purposes and for purposes of instruction;

22. "Manufacture" means the production, preparation, propagation, compounding or processing of a controlled dangerous substance, either directly or indirectly by extraction from

1 substances of natural or synthetic origin, or independently by means
2 of chemical synthesis or by a combination of extraction and chemical
3 synthesis. "Manufacturer" includes any person who packages,
4 repackages or labels any container of any controlled dangerous
5 substance, except practitioners who dispense or compound
6 prescription orders for delivery to the ultimate consumer;

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

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

22 25. "Mid-level practitioner" means an advanced practice nurse
23 as defined and within parameters specified in Section 567.3a of
24 Title 59 of the Oklahoma Statutes, or a certified animal euthanasia

1 technician as defined in Section 698.2 of Title 59 of the Oklahoma
2 Statutes, or an animal control officer registered by the Oklahoma
3 State Bureau of Narcotics and Dangerous Drugs Control under
4 subsection B of Section 2-301 of this title within the parameters of
5 such officer's duty under Sections 501 through 508 of Title 4 of the
6 Oklahoma Statutes;

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

- 11 a. opium, coca leaves and opiates,
- 12 b. a compound, manufacture, salt, derivative or
13 preparation of opium, coca leaves or opiates,
- 14 c. cocaine, its salts, optical and geometric isomers, and
15 salts of isomers,
- 16 d. ecgonine, its derivatives, their salts, isomers and
17 salts of isomers, and
- 18 e. a substance, and any compound, manufacture, salt,
19 derivative or preparation thereof, which is chemically
20 identical with any of the substances referred to in
21 subparagraphs a through d of this paragraph, except
22 that the words "narcotic drug" as used in Section 2-
23 101 et seq. of this title shall not include

1 decocainized coca leaves or extracts of coca leaves,
2 which extracts do not contain cocaine or ecgonine;

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

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

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

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

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

1 35. "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. "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, growing
17 or harvesting of any species of plant which is a
18 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,

- 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 devices
22 used, intended for use, or fashioned specifically for
23 use in compounding controlled dangerous substances,
24

- i. capsules, balloons, envelopes and other containers used, intended for use, or fashioned specifically for use in packaging small quantities of controlled dangerous substances,
- j. containers and other objects used, intended for use, or fashioned specifically for use in parenterally injecting controlled dangerous substances into the human body,
- k. hypodermic syringes, needles and other objects used, intended for use, or fashioned specifically for use in parenterally injecting controlled dangerous substances into the human body,
- l. objects used, intended for use, or fashioned specifically for use in ingesting, inhaling or otherwise introducing marihuana, cocaine, hashish or hashish oil into the human body, such as:
 - (1) metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls,
 - (2) water pipes,
 - (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, traditional pipes of an American Indian tribal religious ceremony, or antique pipes that are thirty (30) years of age or older;

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

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

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

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

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

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

10 41. "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 2-204, as
13 last amended by Section 1, Chapter 181, O.S.L. 2013 (63 O.S. Supp.
14 2013, Section 2-204), is amended to read as follows:

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

17 A. Any of the following opiates, including their isomers,
18 esters, ethers, salts, and salts of isomers, esters, and ethers,
19 unless specifically excepted, when the existence of these isomers,
20 esters, ethers, and salts is possible within the specific chemical
21 designation:

- 22 1. Acetylmethadol;
- 23 2. Allylprodine;
- 24 3. Alphacetylmethadol;

- | | |
|----|---|
| 1 | 4. Alphameprodine; |
| 2 | 5. Alphamethadol; |
| 3 | 6. Benzethidine; |
| 4 | 7. Betacetylmethadol; |
| 5 | 8. Betameprodine; |
| 6 | 9. Betamethadol; |
| 7 | 10. Betaprodine; |
| 8 | 11. Clonitazene; |
| 9 | 12. Dextromoramide; |
| 10 | 13. Dextrophan (except its methyl ether); |
| 11 | 14. Diampromide; |
| 12 | 15. Diethylthiambutene; |
| 13 | 16. Dimenoxadol; |
| 14 | 17. Dimepheptanol; |
| 15 | 18. Dimethylthiambutene; |
| 16 | 19. Dioxaphetyl butyrate; |
| 17 | 20. Dipipanone; |
| 18 | 21. Ethylmethylthiambutene; |
| 19 | 22. Etonitazene; |
| 20 | 23. Etoxeridine; |
| 21 | 24. Furethidine; |
| 22 | 25. Hydroxypethidine; |
| 23 | 26. Ketobemidone; |
| 24 | 27. Levomoramide; |

1 28. Levophenacylmorphane;

2 29. Morpheridine;

3 30. Noracymethadol;

4 31. Norlevorphanol;

5 32. Normethadone;

6 33. Norpipanone;

7 34. Phenadoxone;

8 35. Phenampromide;

9 36. Phenomorphan;

10 37. Phenoperidine;

11 38. Piritramide;

12 39. Proheptazine;

13 40. Properidine;

14 41. Racemoramide; or

15 42. Trimeperidine.

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

20 1. Acetorphine;

21 2. Acetyldihydrocodeine;

22 3. Benzylmorphine;

23 4. Codeine methylbromide;

24 5. Codeine-N-Oxide;

6. Cyprenorphine;
7. Desomorphine;
8. Dihydromorphine;
9. Etorphine;
10. Heroin;
11. Hydromorphenol;
12. Methyldesorphine;
13. Methylhydromorphine;
14. Morphine methylbromide;
15. Morphine methylsulfonate;
16. Morphine-N-Oxide;
17. Myrophine;
18. Nicocodeine;
19. Nicomorphine;
20. Normorphine;
21. Phoclodine; or
22. Thebacon.

C. Any material, compound, mixture, or preparation which contains any quantity of the following hallucinogenic substances, 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. Methcathinone;
2. 3, 4-methylenedioxy amphetamine;

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

- 1 25. Thiophene Analog of Phencyclidine. Also known as: 1-(1-(2-
2 thienyl) cyclohexyl) piperidine; 2-Thienyl Analog of Phencyclidine;
3 TCP, TCP;
4 26. Phencyclidine (PCP);
5 27. Pyrrolidine Analog for Phencyclidine. Also known as 1-(1-
6 Phenylcyclohexyl) - Pyrrolidine, PCPy, PHP;
7 28. 1-(3-trifluoromethylphenyl) piperazine;
8 29. Flunitrazepam;
9 30. B-hydroxy-amphetamine;
10 31. B-ketoamphetamine;
11 32. 2,5-dimethoxy-4-nitroamphetamine;
12 33. 2,5-dimethoxy-4-bromophenethylamine;
13 34. 2,5-dimethoxy-4-chlorophenethylamine;
14 35. 2,5-dimethoxy-4-iodoamphetamine;
15 36. 2,5-dimethoxy-4-iodophenethylamine;
16 37. 2,5-dimethoxy-4-methylphenethylamine;
17 38. 2,5-dimethoxy-4-ethylphenethylamine;
18 39. 2,5-dimethoxy-4-fluorophenethylamine;
19 40. 2,5-dimethoxy-4-nitrophenethylamine;
20 41. 2,5-dimethoxy-4-ethylthio-phenethylamine;
21 42. 2,5-dimethoxy-4-isopropylthio-phenethylamine;
22 43. 2,5-dimethoxy-4-propylthio-phenethylamine;
23 44. 2,5-dimethoxy-4-cyclopropylmethylthio-phenethylamine;
24 45. 2,5-dimethoxy-4-tert-butylthio-phenethylamine;

- 1 46. 2,5-dimethoxy-4-(2-fluoroethylthio)-phenethylamine;
- 2 47. 5-methoxy-N, N-dimethyltryptamine;
- 3 48. N-methyltryptamine;
- 4 49. A-ethyltryptamine;
- 5 50. A-methyltryptamine;
- 6 51. N, N-diethyltryptamine;
- 7 52. N, N-diisopropyltryptamine;
- 8 53. N, N-dipropyltryptamine;
- 9 54. 5-methoxy-a-methyltryptamine;
- 10 55. 4-hydroxy-N, N-diethyltryptamine;
- 11 56. 4-hydroxy-N, N-diisopropyltryptamine;
- 12 57. 5-methoxy-N, N-diisopropyltryptamine;
- 13 58. 4-hydroxy-N-isopropyl-N-methyltryptamine;
- 14 59. 3,4-Methylenedioxymethcathinone (Methylone);
- 15 60. 3,4-Methylenedioxypyrovalerone (MDPV);
- 16 61. 4-Methylmethcathinone (Mephedrone);
- 17 62. 4-methoxymethcathinone;
- 18 63. 4-Fluoromethcathinone;
- 19 64. 3-Fluoromethcathinone;
- 20 65. 1-(8-bromobenzo 1,2-b;4,5-b' difuran-4-yl)-2-aminopropane;
- 21 66. 2,5-Dimethoxy-4-chloroamphetamine;
- 22 67. 4-Methylethcathinone;
- 23 68. Pyrovalerone;
- 24 69. N,N-diallyl-5-methoxytryptamine;

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

20 D. Unless specifically excepted or unless listed in a different
21 schedule, any material, compound, mixture, or preparation which
22 contains any quantity of the following substances having stimulant
23 or depressant effect on the central nervous system:

- 24 1. Fenethylamine;

1 2. Mecloqualone;

2 3. N-ethylamphetamine;

3 4. Methaqualone;

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

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

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

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

16 9. 1,4 Butanediol (1,4 BD or BDO) as packaged, marketed,
17 manufactured, or promoted for human consumption with the exception
18 of legitimate manufacturing purposes;

19 10. Mitragynine; or

20 11. 7-Hydroxymitragynine.

21 E. 1. The following industrial uses of Gamma-Butyrolactone,
22 Gamma Hydroxyvalerate, Gamma Valerolactone, or 1,4 Butanediol are
23 excluded from all schedules of controlled substances under this
24 title:

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

2. At the request of any person, the Director may exempt any other product containing Gamma-Butyrolactone, Gamma Hydroxyvalerate,

1 Gamma Valerolactone, or 1,4 Butanediol from being included as a
2 Schedule I controlled substance if such product is labeled,
3 marketed, manufactured and distributed for legitimate industrial use
4 in a manner that reduces or eliminates the likelihood of abuse.

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

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

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

16 F. Any material, compound, mixture, or preparation which
17 contains any quantity of the following synthetic chemical compounds
18 that are cannabinoid receptor agonists and mimic the pharmacological
19 effects of naturally occurring substances, their salts, isomers, and
20 salts of isomers, unless specifically excepted, when the existence
21 of these salts, isomers, and salts of isomers is possible within the
22 specific chemical designation:

- 23 1. JWH-004;
- 24 2. JWH-007;

1	3.	JWH-009;
2	4.	JWH-015;
3	5.	JWH-016;
4	6.	JWH-018;
5	7.	JWH-019;
6	8.	JWH-020;
7	9.	JWH-030;
8	10.	JWH-046;
9	11.	JWH-047;
10	12.	JWH-048;
11	13.	JWH-049;
12	14.	JWH-050;
13	15.	JWH-070;
14	16.	JWH-071;
15	17.	JWH-072;
16	18.	JWH-073;
17	19.	JWH-076;
18	20.	JWH-079;
19	21.	JWH-080;
20	22.	JWH-081;
21	23.	JWH-082;
22	24.	JWH-094;
23	25.	JWH-096;
24	26.	JWH-098;

1	27.	JWH-116;
2	28.	JWH-120;
3	29.	JWH-122;
4	30.	JWH-145;
5	31.	JWH-146;
6	32.	JWH-147;
7	33.	JWH-148;
8	34.	JWH-149;
9	35.	JWH-150;
10	36.	JWH-156;
11	37.	JWH-167;
12	38.	JWH-175;
13	39.	JWH-180;
14	40.	JWH-181;
15	41.	JWH-182;
16	42.	JWH-184;
17	43.	JWH-185;
18	44.	JWH-189;
19	45.	JWH-192;
20	46.	JWH-193;
21	47.	JWH-194;
22	48.	JWH-195;
23	49.	JWH-196;
24	50.	JWH-197;

1	51.	JWH-198;
2	52.	JWH-199;
3	53.	JWH-200;
4	54.	JWH-201;
5	55.	JWH-202;
6	56.	JWH-203;
7	57.	JWH-204;
8	58.	JWH-205;
9	59.	JWH-206;
10	60.	JWH-207;
11	61.	JWH-208;
12	62.	JWH-209;
13	63.	JWH-210;
14	64.	JWH-211;
15	65.	JWH-212;
16	66.	JWH-213;
17	67.	JWH-234;
18	68.	JWH-235;
19	69.	JWH-236;
20	70.	JWH-237;
21	71.	JWH-239;
22	72.	JWH-240;
23	73.	JWH-241;
24	74.	JWH-242;

1	75.	JWH-243;
2	76.	JWH-244;
3	77.	JWH-245;
4	78.	JWH-246;
5	79.	JWH-248;
6	80.	JWH-249;
7	81.	JWH-250;
8	82.	JWH-251;
9	83.	JWH-252;
10	84.	JWH-253;
11	85.	JWH-262;
12	86.	JWH-292;
13	87.	JWH-293;
14	88.	JWH-302;
15	89.	JWH-303;
16	90.	JWH-304;
17	91.	JWH-305;
18	92.	JWH-306;
19	93.	JWH-307;
20	94.	JWH-308;
21	95.	JWH-311;
22	96.	JWH-312;
23	97.	JWH-313;
24	98.	JWH-314;

1	99.	JWH-315;
2	100.	JWH-316;
3	101.	JWH-346;
4	102.	JWH-348;
5	103.	JWH-363;
6	104.	JWH-364;
7	105.	JWH-365;
8	106.	JWH-367;
9	107.	JWH-368;
10	108.	JWH-369;
11	109.	JWH-370;
12	110.	JWH-371;
13	111.	JWH-373;
14	112.	JWH-386;
15	113.	JWH-387;
16	114.	JWH-392;
17	115.	JWH-394;
18	116.	JWH-395;
19	117.	JWH-397;
20	118.	JWH-398;
21	119.	JWH-399;
22	120.	JWH-400;
23	121.	JWH-412;
24	122.	JWH-413;

1 123. JWH-414;
2 124. JWH-415;
3 125. CP-55, 940;
4 126. CP-47, 497;
5 127. HU-210;
6 128. HU-211;
7 129. WIN-55, 212-2;
8 130. AM-2201;
9 131. AM-2233;
10 132. JWH-018 adamantyl-carboxamide;
11 133. AKB48;
12 134. JWH-122 N-(4-pentenyl) analog;
13 135. MAM2201;
14 136. URB597;
15 137. URB602;
16 138. URB754;
17 139. UR144;
18 140. XLR11;
19 141. A-796,260; and
20 142. STS-135;
21 143. AB-FUBINACA;
22 144. AB-PINACA;
23 145. PB-22;
24 146. AKB48 N-5-Fluoropentyl;

1 147. AM1248;

2 148. FUB-PB-22;

3 149. ADB-FUBINACA;

4 150. BB-22;

5 151. 5-Fluoro PB-22; or

6 152. 5-Fluoro AKB-48.

7 G. In addition to those substances listed in subsection F of
8 this section, unless specifically excepted or unless listed in
9 another schedule, any material, compound, mixture, or preparation
10 which contains any quantity of a synthetic cannabinoid found to be
11 in any of the following chemical groups:

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

22 a. 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-
23 200),

24 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);

2. Naphthylmethylindeles: any compound containing a 1H-indol-3-
yl-(1-naphthyl)methane 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 naphthyl ring to any extent.

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

3. Naphthoylpyrroles: any compound containing a 3-(1-naphthoyl)pyrrole structure with or without substitution at the nitrogen atom of the pyrrole 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 pyrrole ring to any extent, and whether or not substituted on the naphthyl group to any extent.

Naphthoylpyrroles include, but are not limited to:

a. 1-hexyl-2-phenyl-4-(1-naphthoyl)pyrrole (JWH-147),

b. 1-pentyl-5-(2-methylphenyl)-3-(1-naphthoyl)pyrrole (JWH-370),

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

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

4. Naphthylideneindenes: any compound containing a naphthylideneindene structure with or without substitution at the 3-position of the indene 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 indene group to any extent, and whether or not substituted on the naphthyl group to any extent.

Naphthylmethylenes include, but are not limited to, (1-[(3-pentyl)-1H-inden-1-ylidene)methyl]naphthalene (JWH-176);

5. Phenylacetylindoles: any compound containing a 3-phenylacetylindole structure with or without substitution at the nitrogen atom of the indole ring by 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 ring to any extent. Phenylacetylindoles include, but are not limited to:

- 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);

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

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

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

1 substituted on the phenyl group to any extent. Benzoylindoles
2 include, but are not limited to:

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

10 8. Cyclopropoylindoles: Any compound containing a 3-
11 (cyclopropoyl)indole structure with substitution at the nitrogen
12 atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl,
13 cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-
14 2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-
15 pyrrolidinyl)methyl, 1-(N-methyl-3- morpholinyl)methyl, or
16 (tetrahydropyran-4-yl)methyl group, whether or not further
17 substituted in the indole ring to any extent and whether or not
18 substituted in the cyclopropoyl ring to any extent.

19 Cyclopropoylindoles include, but are not limited to:

- 20 a. 1-pentyl-3-(2,2,3,3-tetramethylcyclopropoyl)indole
21 (UR-144),
- 22 b. 1-(5-chloropentyl)-3-(2,2,3,3-
23 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

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

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

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

3 A. Any of the following substances except those narcotic drugs
4 listed in other schedules whether produced directly or indirectly by
5 extraction from substances of vegetable origin, or independently by
6 means of chemical synthesis, or by combination of extraction and
7 chemical synthesis:

8 1. Opium and opiate, and any salt, compound, derivative, or
9 preparation of opium or opiate;

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

14 3. Opium poppy and poppy straw; or

15 4. Coca leaves except coca leaves and extracts of coca leaves
16 from which cocaine, ecgonine, and derivatives of ecgonine or their
17 salts have been removed; cocaine, its salts, optical and geometric
18 isomers, and salts of isomers; ecgonine, its derivatives, their
19 salts, isomers and salts of isomers; or any compound, mixture or
20 preparation which contains any quantity of any of the substances
21 referred to in this paragraph.

22 B. Any of the following opiates, including their isomers,
23 esters, ethers, salts, and salts of isomers, esters and ethers, when
24

the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation:

1. Alphaprodine;
2. Anileridine;
3. Bezitramide;
4. Dihydrocodeine;
5. Diphenoxylate;
6. Fentanyl;
7. Hydromorphone;
8. Isomethadone;
9. Levomethorphan;
10. Levorphanol;
11. Metazocine;
12. Methadone;
13. Methadone - Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane;
14. Moramide - Intermediate, 2-methyl-3-morpholino-1, 1-diphenyl-propane-carboxylic acid;
15. Oxycodone;
16. Oxymorphone;
17. Pethidine (Meperidine);
18. Pethidine - Intermediate - A, 4-cyano-1-methyl-4-phenylpiperidine;

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

D. Unless specifically excepted or unless listed in another 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. Phenmetrazine and its salts;
2. Methylphenidate;
3. Amobarbital;
4. Pentobarbital; ~~or~~
5. Secobarbital; or
6. Ethylphenidate.

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

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

1. Chloral betaine;
2. Chloral hydrate;
3. Ethchlorvynol;
4. Ethinamate;
5. Meprobamate;
6. Paraldehyde;
7. Petrichloral;

- 1 8. Diethylpropion;
- 2 9. Phentermine;
- 3 10. Pemoline;
- 4 11. Chlordiazepoxide;
- 5 12. Chlordiazepoxide and its salts, but not including
- 6 chlordiazepoxide hydrochloride and clidinium bromide or
- 7 chlordiazepoxide and water-soluble esterified estrogens;
- 8 13. Diazepam;
- 9 14. Oxazepam;
- 10 15. Clorazepate;
- 11 16. Flurazepam and its salts;
- 12 17. Clonazepam;
- 13 18. Barbitol;
- 14 19. Mebutamate;
- 15 20. Methohexital;
- 16 21. Methylphenobarbital;
- 17 22. Phenobarbital;
- 18 23. Fenfluramine;
- 19 24. Pentazocine;
- 20 25. Propoxyphene;
- 21 26. Butorphanol;
- 22 27. Alprazolam;
- 23 28. Halazepam;
- 24 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,
- b. the name and labeling of the product,
- c. the intended manner of distribution, advertising and promotion of the product, and

d. other factors as may be relevant to and consistent with the public health and safety.

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

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

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

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

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

1. All controlled dangerous substances and synthetic controlled substances which have been manufactured, distributed, dispensed,

1 acquired, concealed or possessed in violation of the Uniform
2 Controlled Dangerous Substances Act;

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

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

14 4. All conveyances, including aircraft, vehicles, vessels, or
15 farm implements which are used to transport, conceal, or cultivate
16 for the purpose of distribution as defined in the Uniform Controlled
17 Dangerous Substances Act, or which are used in any manner to
18 facilitate the transportation or cultivation for the purpose of sale
19 or receipt of property described in paragraphs 1 or 2 of this
20 subsection or when the property described in paragraphs 1 or 2 of
21 this subsection is unlawfully possessed by an occupant thereof,
22 except that:

- 23 a. no conveyance used by a person as a common carrier in
24 the transaction of business as a common carrier shall

1 be forfeited under the provisions of the Uniform
2 Controlled Dangerous Substances Act unless it shall
3 appear that the owner or other person in charge of
4 such conveyance was a consenting party or privy to a
5 violation of the Uniform Controlled Dangerous
6 Substances Act, and

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

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

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

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

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

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

23 B. Any property or thing of value of a person is subject to
24 forfeiture if it is established by a preponderance of the evidence

1 that such property or thing of value was acquired by such person
2 during the period of the violation of the Uniform Controlled
3 Dangerous Substances Act or within a reasonable time after such
4 period and there was no likely source for such property or thing of
5 value other than the violation of the Uniform Controlled Dangerous
6 Substances Act.

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

11 D. All items forfeited in this section shall be forfeited under
12 the procedures established in Section 2-506 of this title. Whenever
13 any item is forfeited pursuant to this section except for items
14 confiscated by the Oklahoma State Bureau of Narcotics and Dangerous
15 Drugs Control, the Department of Public Safety, the Oklahoma State
16 Bureau of Investigation, the Alcoholic Beverage Laws Enforcement
17 Commission, the Department of Corrections, or the Office of the
18 Attorney General, the district court of the district shall order
19 that such item, money, or monies derived from the sale of such item
20 be deposited by the state, county or city law enforcement agency
21 which seized the item in the revolving fund provided for in Section
22 2-506 of this title; provided, such item, money or monies derived
23 from the sale of such item forfeited due to nonpayment of a fine
24 imposed pursuant to the provisions of Section 2-415 of this title

1 shall be apportioned as provided in Section 2-416 of this title.
2 Items, money or monies seized pursuant to subsections A and B of
3 this section shall not be applied or considered toward satisfaction
4 of the fine imposed by Section 2-415 of this title. All raw
5 materials used or intended to be used by persons to unlawfully
6 manufacture or attempt to manufacture any controlled dangerous
7 substance in violation of the Uniform Controlled Dangerous
8 Substances Act shall be summarily forfeited pursuant to the
9 provisions of Section 2-505 of this title.

10 E. All property taken or detained under this section by the
11 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the
12 Department of Public Safety, the Oklahoma State Bureau of
13 Investigation, the Alcoholic Beverage Laws Enforcement Commission,
14 the Department of Corrections, or the Office of the Attorney
15 General, shall not be repleviable, but shall remain in the custody
16 of the Bureaus, Departments, Commission, or Office, respectively,
17 subject only to the orders and decrees of a court of competent
18 jurisdiction. The Director of the Oklahoma State Bureau of
19 Narcotics and Dangerous Drugs Control, the Commissioner of Public
20 Safety, the Director of the Oklahoma State Bureau of Investigation,
21 the Director of the Alcoholic Beverage Laws Enforcement Commission,
22 the Director of the Department of Corrections, and the Attorney
23 General shall follow the procedures outlined in Section 2-506 of
24 this title dealing with notification of seizure, intent of

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

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

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

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

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

13 SECTION 6. This act shall become effective November 1, 2014.

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