

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 COMMITTEE SUBSTITUTE
4 FOR

HOUSE BILL NO. 2795

By: Downing

7 COMMITTEE SUBSTITUTE

8 An Act relating to public health and safety; amending
9 63 O.S. 2011, Sections 2-302 and 2-303, which relate
10 to the Uniform Controlled Dangerous Substances Act;
11 directing medical facility owners that prescribe
12 certain drugs to patients on a monthly basis to
13 register with the Oklahoma State Bureau of Narcotics
14 and Dangerous Drugs Control; providing for the
15 registration of medical facility applicants; stating
16 annual fee amount for medical facility registration;
17 and providing an effective date.

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

19 SECTION 1. AMENDATORY 63 O.S. 2011, Section 2-302, is
20 amended to read as follows:

21 Section 2-302. A. Every person who manufactures, distributes,
22 dispenses, prescribes, administers or uses for scientific purposes
23 any controlled dangerous substance within this state, or who
24 proposes to engage in the manufacture, distribution, dispensing,
prescribing, administering or use for scientific purposes of any
controlled dangerous substance within this state shall obtain a
registration issued by the Director of the Oklahoma State Bureau of

1 Narcotics and Dangerous Drugs Control, in accordance with rules
2 promulgated by the Director. Persons registered by the Director
3 under Section 2-101 et seq. of this title to manufacture,
4 distribute, dispense, or conduct research with controlled dangerous
5 substances may possess, manufacture, distribute, dispense, or
6 conduct research with those substances to the extent authorized by
7 their registration and in conformity with the other provisions of
8 this article. Every wholesaler, manufacturer or distributor of any
9 drug product containing pseudoephedrine or phenylpropanolamine, or
10 their salts, isomers, or salts of isomers shall obtain a
11 registration issued by the Director of the Oklahoma State Bureau of
12 Narcotics and Dangerous Drugs Control in accordance with rules
13 promulgated by the Director and as provided for in Section 2-332 of
14 this title.

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

23 C. Every person who owns in whole or in part a public or
24 private medical facility for which a majority of patients are issued

1 on a reoccurring monthly basis a prescription for opioids,
2 benzodiazepines, barbiturates or carisoprodol, but not including
3 suboxone or buprenorphine, shall obtain a registration issued by the
4 Director of the Oklahoma State Bureau of Narcotics and Dangerous
5 Drugs Control.

6 D. Manufacturers, distributors, home care agencies, hospices,
7 home care services, medical facility owners referred to in
8 subsection C of this section and scientific researchers shall obtain
9 a registration annually. Other practitioners shall obtain a
10 registration for a period to be determined by the Director that will
11 be for a period not less than one (1) year nor more than three (3)
12 years.

13 ~~D.~~ E. Every trainer or handler of a canine controlled dangerous
14 substances detector who, in the ordinary course of such trainer's or
15 handler's profession, desires to possess any controlled dangerous
16 substance, annually, shall obtain a registration issued by the
17 Director for a fee of Seventy Dollars (\$70.00). Such persons shall
18 be subject to all applicable provisions of Section 2-101 et seq. of
19 this title and such applicable rules promulgated by the Director for
20 those individuals identified in subparagraph a of paragraph 32 of
21 Section 2-101 of this title. Persons registered by the Director
22 pursuant to this subsection may possess controlled dangerous
23 substances to the extent authorized by their registration and in
24 conformity with the other provisions of this article.

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

4 1. An agent, or an employee thereof, of any registered
5 manufacturer, distributor, dispenser or user for scientific purposes
6 of any controlled dangerous substance, if such agent is acting in
7 the usual course of such agent's or employee's business or
8 employment;

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

12 3. A common or contract carrier or warehouser, or an employee
13 thereof, whose possession of any controlled dangerous substance is
14 in the usual course of such carrier's or warehouser's business or
15 employment;

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

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

21 6. A nursing home licensed by this state;

22 7. Any Department of Mental Health and Substance Abuse Services
23 employee or any person whose facility contracts with the Department
24 of Mental Health and Substance Abuse Services whose possession of

1 any dangerous drug, as defined in Section 353.1 of Title 59 of the
2 Oklahoma Statutes, is for the purpose of delivery of a mental health
3 consumer's medicine to the consumer's home or residence; and

4 8. Registered nurses and licensed practical nurses.

5 ~~F.~~ G. The Director may, by rule, waive the requirement for
6 registration or fee for registration of certain manufacturers,
7 distributors, dispensers, prescribers, administrators, or users for
8 scientific purposes if the Director finds it consistent with the
9 public health and safety.

10 ~~G.~~ H. A separate registration shall be required at each
11 principal place of business or professional practice where the
12 applicant manufactures, distributes, dispenses, prescribes,
13 administers, or uses for scientific purposes controlled dangerous
14 substances.

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

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

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

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

9 ~~H.~~ M. The licensing board of any professional defined as a mid-
10 level practitioner shall notify and furnish to the Director, not
11 later than the first day of October of each year that such
12 professional holds a valid license, a current listing of individuals
13 licensed and registered with their respective boards to prescribe,
14 order, select, obtain and administer controlled dangerous
15 substances. The licensing board shall immediately notify the
16 Director of any action subsequently taken against any such
17 individual.

18 ~~M.~~ N. Beginning November 1, 2010, each registrant that
19 prescribes, administers or dispenses methadone shall be required to
20 check the prescription profile of the patient on the central
21 repository of the Oklahoma State Bureau of Narcotics and Dangerous
22 Drugs Control.

23 SECTION 2. AMENDATORY 63 O.S. 2011, Section 2-303, is
24 amended to read as follows:

1 Section 2-303. A. The Director of the Oklahoma State Bureau of
2 Narcotics and Dangerous Drugs Control shall register an applicant to
3 own a medical facility as described in subsection C of Section 2-302
4 of this title, or to manufacture, distribute, dispense, prescribe,
5 administer or use for scientific purposes controlled dangerous
6 substances included in Schedules I through V of Section 2-101 et
7 seq. of this title unless the Director determines that the issuance
8 of such registration is inconsistent with the public interest. In
9 determining the public interest, the following factors shall be
10 considered:

11 1. Maintenance of effective controls against diversion of
12 particular controlled dangerous substances and any Schedule I or II
13 substance compounded therefrom into other than legitimate medical,
14 scientific or industrial channels, including examination of the
15 fitness of his or her employees or agents to handle dangerous
16 substances;

17 2. Compliance with applicable state and local law;

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

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

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

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

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

13 Nothing herein shall be deemed to require individual licensed
14 pharmacists to register under the provisions of the Uniform
15 Controlled Dangerous Substances Act.

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

21 C. Practitioners shall be registered to dispense, prescribe,
22 administer or use for scientific purposes substances in Schedules II
23 through V if they are authorized to carry on their respective
24 activities under the laws of this state. A registration application

1 by a practitioner who wishes to conduct research with Schedule I
2 substances shall be accompanied by evidence of the applicant's
3 federal registration to conduct such activity and shall be referred
4 to the Medical Research Commission for advice. The Medical Research
5 Commission shall promptly advise the Director concerning the
6 qualifications of each practitioner requesting such registration.
7 Registration for the purpose of bona fide research or of use for
8 scientific purposes with Schedule I substances by a practitioner
9 deemed qualified by the Medical Research Commission may be denied
10 only on a ground specified in subsection A of Section 2-304 of this
11 title or if there are reasonable grounds to believe that the
12 applicant will abuse or unlawfully transfer such substances or fail
13 to safeguard adequately such applicant's supply of such substances
14 against diversion from legitimate medical or scientific use.

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

21 Practitioners and mid-level

22 practitioners	\$140.00	per year
		of registration

24

1	Home Care Agencies, Hospices &		
2	Home Care Services	\$140.00	annually
3	<u>Medical Facility Owners</u>	<u>\$300.00</u>	<u>annually</u>
4	Distributors	\$300.00	annually
5	Manufacturers	\$500.00	annually
6	Manufacturer, Wholesaler, or		
7	Distributor of drug products		
8	containing pseudoephedrine		
9	or phenylpropanolamine	\$300.00	annually

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

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

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

SECTION 3. This act shall become effective November 1, 2018.

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