

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 2796

By: Downing

COMMITTEE SUBSTITUTE

An Act relating to public health and safety; amending 63 O.S. 2011, Section 2-302, which relates to the Uniform Controlled Dangerous Substances Act; requiring manufacturers and distributors to make certain data available for review to the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control; requiring manufacturers and distributors to make data available on a monthly basis; making information maintained and provided to the Bureau confidential; allowing certain persons access to information at the discretion of the Director; and providing an effective date.

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

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

Section 2-302. A. Every person who manufactures, distributes, dispenses, prescribes, administers or uses for scientific purposes any controlled dangerous substance within or into this state, or who proposes to engage in the manufacture, distribution, dispensing, prescribing, administering or use for scientific purposes of any controlled dangerous substance within or into this state shall

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

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

1 C. Beginning November 1, 2018, every manufacturer and
2 distributor required to register under the provisions of this
3 section shall, at such time or times and in such form as the
4 Director of the Oklahoma State Bureau of Narcotics and Dangerous
5 Drugs Control may require, make available for review all data
6 required pursuant to federal law, federal rules and regulations and
7 Section 827 of Title 21 of the United States Code. Beginning
8 November 1, 2019, every manufacturer and distributor required to
9 register under the provisions of this section shall provide all data
10 required pursuant to federal law, federal rules and regulations and
11 Section 827 of Title 21 of the United States Code on a monthly basis
12 to the Oklahoma State Bureau of Narcotics and Dangerous Drugs
13 Control in accordance with rules promulgated by the Director.

14 D. The information maintained and provided pursuant to
15 subsection C of this section shall be confidential and not open to
16 the public. Access to the information shall, at the discretion of
17 the Director, be limited to:

18 1. Peace officers certified pursuant to the provisions of
19 Section 3311 of Title 70 of the Oklahoma Statutes who are employed
20 as investigative agents of the Oklahoma State Bureau of Narcotics
21 and Dangerous Drugs Control or the Office of the Attorney General;

22 2. The United States Drug Enforcement Administration Diversion
23 Group Supervisor; and
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1 3. A multicounty grand jury properly convened pursuant to the
2 provisions of the Multicounty Grand Jury Act.

3 E. Manufacturers, distributors, home care agencies, hospices,
4 home care services, and scientific researchers shall obtain a
5 registration annually. Other practitioners shall obtain a
6 registration for a period to be determined by the Director that will
7 be for a period not less than one (1) year nor more than three (3)
8 years.

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

21 ~~E.~~ G. The following persons shall not be required to register
22 and may lawfully possess controlled dangerous substances under the
23 provisions of Section 2-101 et seq. of this title:
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1 1. An agent, or an employee thereof, of any registered
2 manufacturer, distributor, dispenser or user for scientific purposes
3 of any controlled dangerous substance, if such agent is acting in
4 the usual course of such agent's or employee's business or
5 employment;

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

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

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

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

18 6. A nursing home licensed by this state;

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

1 8. Registered nurses and licensed practical nurses.

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

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

12 ~~H.~~ J. The Director is authorized to inspect the establishment
13 of a registrant or applicant for registration in accordance with
14 rules promulgated by the Director.

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

19 ~~J.~~ L. Registrations shall be issued on the first day of
20 November of each year. Registrations may be issued at other times,
21 however, upon certification of the professional licensing board.

22 ~~K.~~ M. The licensing boards of all professions and occupations
23 to which the use of controlled dangerous substances is incidental
24 shall furnish a current list to the Director, not later than the

1 first day of October of each year, of the persons holding valid
2 licenses. All such persons except persons exempt from registration
3 requirements under subsection ~~F~~ G of this section shall be subject
4 to the registration requirements of Section 2-101 et seq. of this
5 title.

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

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

20 SECTION 2. This act shall become effective November 1, 2018.

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