

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 CONFERENCE COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL 770

By: Standridge of the Senate

and

Kannady of the House

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9 CONFERENCE COMMITTEE SUBSTITUTE

10 An Act relating to public health and safety; amending
11 63 O.S. 2011, Section 2-103, as last amended by
12 Section 1, Chapter 305, O.S.L. 2015 (63 O.S. Supp.
13 2016, Section 2-103), which relates to powers and
14 duties of the Director of the Oklahoma State Bureau
15 of Narcotics and Dangerous Drugs Control; increasing
16 hours of mandatory training for reserve special
17 agents; providing employees in classified positions
18 the right to return to classified service under
19 certain circumstances; amending 63 O.S. 2011, Section
20 2-204, as last amended by Section 3, Chapter 305,
21 O.S.L. 2015 (63 O.S. Supp. 2016, Section 2-204), 63
22 O.S. 2011, Section 2-206, as last amended by Section
23 3, Chapter 154, O.S.L. 2014 (63 O.S. Supp. 2016,
24 Section 2-206) and 63 O.S. 2011, Section 2-210, as
last amended by Section 5, Chapter 305, O.S.L. 2015
(63 O.S. Supp. 2016, Section 2-210), which relate to
drug schedules; expanding schedules to include
certain substances; excluding certain substances;
amending 63 O.S. 2011, Section 2-502, which relates
to inspections of prescriptions, orders and records;
authorizing Director to designate certain personnel
as compliance inspectors; adding exception to certain
prohibited conduct; and declaring an emergency.

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

1 SECTION 1. AMENDATORY 63 O.S. 2011, Section 2-103, as
2 last amended by Section 1, Chapter 305, O.S.L. 2015 (63 O.S. Supp.
3 2016, Section 2-103), is amended to read as follows:

4 Section 2-103. A. The Director shall be appointed by the
5 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control
6 Commission. The Director of Narcotics and Dangerous Drugs Control
7 on January 1, 1984, shall be initially appointed as Director. The
8 succeeding Director shall, at the time of the appointment, have a
9 Bachelor's Degree from an accredited college or university and at
10 least five (5) years of experience in drug law enforcement. The
11 Director may appoint necessary assistants, agents, and other
12 personnel to perform the work of the office and may prescribe their
13 titles and duties and fix their compensation pursuant to Merit
14 System rules. The Director may appoint employees to the positions
15 of Chief of Law Enforcement Information and Technology, Public
16 Information/Education Officer, Training Officer, Program
17 Administrators, Grants Administrator, Criminal Analysts, Legal
18 Secretary, and Typist Clerk/Spanish Transcriptionists. The
19 positions shall be unclassified and exempt from the rules and
20 procedures of the Office of Management and Enterprise Services,
21 except leave regulations. The office of the Director shall be
22 located at a suitable place in Oklahoma City, Oklahoma.

23 B. 1. Agents appointed by the Director shall have the powers
24 of peace officers generally; provided, the Director may appoint

1 special agents and reserve special agents, who shall be unclassified
2 employees of the state, to meet specific investigatory needs.
3 Special agents and reserve special agents shall not be required to
4 meet the age and educational requirements as specified in this
5 section.

6 2. Agents appointed on and after November 1, 1998, shall be at
7 least twenty-one (21) years of age and shall have a Bachelor's
8 Degree from an accredited college or university.

9 3. Each entering agent, with the exception of special agents,
10 shall be required to serve one (1) year in a probationary status as
11 a prerequisite to being placed on permanent status.

12 C. Agents appointed pursuant to the provisions of this section
13 shall have the responsibility of investigating alleged violations
14 and shall have the authority to arrest those suspected of having
15 violated the provisions of the Uniform Controlled Dangerous
16 Substances Act, as well as the crimes of money laundering and human
17 trafficking, as otherwise set forth by laws of this state.

18 D. The Director may appoint reserve special agents who shall
19 not be considered employees of the state and shall serve at the will
20 of the Director. Reserve special agents shall complete a minimum of
21 ~~one hundred sixty (160)~~ two hundred forty (240) hours of training
22 pursuant to Section 3311 of Title 70 of the Oklahoma Statutes and
23 may not serve more than one hundred forty (140) hours per calendar
24 month. Upon completion of training, reserve special agents

1 appointed by the Director shall have general peace officer powers
2 and the authority to arrest those suspected of having violated the
3 provisions of the Uniform Controlled Dangerous Substances Act. The
4 agency may expend funds related to training and special reserve
5 agents may receive travel expenses pursuant to the State Travel
6 Reimbursement Act.

7 E. A commissioned employee of the Oklahoma State Bureau of
8 Narcotics and Dangerous Drugs Control shall be entitled to receive,
9 upon retirement by reason of length of service, the continued
10 custody and possession of the sidearm and badge carried by such
11 employee immediately prior to retirement.

12 F. A commissioned employee of the Bureau may be entitled to
13 receive, upon retirement by reason of disability, the continued
14 custody and possession of the sidearm and badge carried by such
15 employee immediately prior to retirement upon written approval of
16 the Director.

17 G. Custody and possession of the sidearm and badge of a
18 commissioned employee killed in the line of duty may be awarded by
19 the Director to the spouse or next of kin of the deceased employee.

20 H. Custody and possession of the sidearm and badge of a
21 commissioned employee who dies while employed at the Oklahoma State
22 Bureau of Narcotics and Dangerous Drugs Control may be awarded by
23 the Director to the spouse or next of kin of the deceased employee.

24

1 I. Any Director appointed on or after July 1, 2003, shall be
2 eligible to participate in either the Oklahoma Public Employees
3 Retirement System or in the Oklahoma Law Enforcement Retirement
4 System and shall make an irrevocable election in writing to
5 participate in one of the two retirement systems.

6 J. Any employee of the Oklahoma State Bureau of Narcotics and
7 Dangerous Drugs Control in a classified position under the Merit
8 System of the Personnel Administration who is appointed Director,
9 Deputy Director, Acting Director or Acting Deputy Director shall
10 have a right to return to the highest previously held classified
11 position without any loss of rights, privileges or benefits
12 immediately upon completion of the duties of the employee, provided
13 the employee is not otherwise disqualified.

14 SECTION 2. AMENDATORY 63 O.S. 2011, Section 2-204, as
15 last amended by Section 3, Chapter 305, O.S.L. 2015 (63 O.S. Supp.
16 2016, Section 2-204), is amended to read as follows:

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

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

- 24 1. Acetylmethadol;

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

- 1 26. Ketobemidone;
- 2 27. Levomoramide;
- 3 28. Levophenacymorphan;
- 4 29. Morpheridine;
- 5 30. Noracymethadol;
- 6 31. Norlevorphanol;
- 7 32. Normethadone;
- 8 33. Norpipanone;
- 9 34. Phenadoxone;
- 10 35. Phenampromide;
- 11 36. Phenomorphan;
- 12 37. Phenoperidine;
- 13 38. Piritramide;
- 14 39. Proheptazine;
- 15 40. Properidine;
- 16 41. Racemoramide; or
- 17 42. Trimeperidine.

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

- 22 1. Acetorphine;
- 23 2. Acetyldihydrocodeine;
- 24 3. Benzylmorphine;

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

20 C. Any material, compound, mixture, or preparation which
21 contains any quantity of the following hallucinogenic substances,
22 their salts, isomers, and salts of isomers, unless specifically
23 excepted, when the existence of these salts, isomers, and salts of
24 isomers is possible within the specific chemical designation:

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

- 1 25. Thiophene Analog of Phencyclidine. Also known as: 1-(1-(2-
2 thienyl) cyclohexyl) piperidine; 2-Thienyl Analog of Phencyclidine;
3 TPCP, 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-Methylenedioxy-methcathinone (Mephedrone);
- 15 60. 3,4-Methylenedioxy-pyrovalerone (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);
- 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);
- 19 85. 1-(4-Fluorophenyl)piperazine; ~~or~~
- 20 86. Methoxetamine; or
- 21 87. 3,4-dichloro-N[2-dimethylamino)cyclohexyl]-N-
- 22 methylbenzamide.

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

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

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

3 1. Fenethylline;

4 2. Mecloqualone;

5 3. N-ethylamphetamine;

6 4. Methaqualone;

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

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

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

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

19 9. 1,4 Butanediol (1,4 BD or BDO) as packaged, marketed,
20 manufactured, or promoted for human consumption with the exception
21 of legitimate manufacturing purposes.

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

24

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, whether
19 produced directly or indirectly from a substance of vegetable origin
20 or independently by means of chemical synthesis, or by a combination
21 of extraction and chemical synthesis, that contains any quantity of
22 the following substances, or that contains any of their salts,
23 isomers, and salts of isomers when the existence of these salts,
24

1 isomers, and salts of isomers is possible within the specific
2 chemical designation:

- 3 1. JWH-004;
- 4 2. JWH-007;
- 5 3. JWH-009;
- 6 4. JWH-015;
- 7 5. JWH-016;
- 8 6. JWH-018;
- 9 7. JWH-019;
- 10 8. JWH-020;
- 11 9. JWH-030;
- 12 10. JWH-046;
- 13 11. JWH-047;
- 14 12. JWH-048;
- 15 13. JWH-049;
- 16 14. JWH-050;
- 17 15. JWH-070;
- 18 16. JWH-071;
- 19 17. JWH-072;
- 20 18. JWH-073;
- 21 19. JWH-076;
- 22 20. JWH-079;
- 23 21. JWH-080;
- 24 22. JWH-081;

- 1 23. JWH-082;
- 2 24. JWH-094;
- 3 25. JWH-096;
- 4 26. JWH-098;
- 5 27. JWH-116;
- 6 28. JWH-120;
- 7 29. JWH-122;
- 8 30. JWH-145;
- 9 31. JWH-146;
- 10 32. JWH-147;
- 11 33. JWH-148;
- 12 34. JWH-149;
- 13 35. JWH-150;
- 14 36. JWH-156;
- 15 37. JWH-167;
- 16 38. JWH-175;
- 17 39. JWH-180;
- 18 40. JWH-181;
- 19 41. JWH-182;
- 20 42. JWH-184;
- 21 43. JWH-185;
- 22 44. JWH-189;
- 23 45. JWH-192;
- 24 46. JWH-193;

- 1 47. JWH-194;
- 2 48. JWH-195;
- 3 49. JWH-196;
- 4 50. JWH-197;
- 5 51. JWH-198;
- 6 52. JWH-199;
- 7 53. JWH-200;
- 8 54. JWH-201;
- 9 55. JWH-202;
- 10 56. JWH-203;
- 11 57. JWH-204;
- 12 58. JWH-205;
- 13 59. JWH-206;
- 14 60. JWH-207;
- 15 61. JWH-208;
- 16 62. JWH-209;
- 17 63. JWH-210;
- 18 64. JWH-211;
- 19 65. JWH-212;
- 20 66. JWH-213;
- 21 67. JWH-234;
- 22 68. JWH-235;
- 23 69. JWH-236;
- 24 70. JWH-237;

- 1 71. JWH-239;
- 2 72. JWH-240;
- 3 73. JWH-241;
- 4 74. JWH-242;
- 5 75. JWH-243;
- 6 76. JWH-244;
- 7 77. JWH-245;
- 8 78. JWH-246;
- 9 79. JWH-248;
- 10 80. JWH-249;
- 11 81. JWH-250;
- 12 82. JWH-251;
- 13 83. JWH-252;
- 14 84. JWH-253;
- 15 85. JWH-262;
- 16 86. JWH-292;
- 17 87. JWH-293;
- 18 88. JWH-302;
- 19 89. JWH-303;
- 20 90. JWH-304;
- 21 91. JWH-305;
- 22 92. JWH-306;
- 23 93. JWH-307;
- 24 94. JWH-308;

- 1 95. JWH-311;
- 2 96. JWH-312;
- 3 97. JWH-313;
- 4 98. JWH-314;
- 5 99. JWH-315;
- 6 100. JWH-316;
- 7 101. JWH-346;
- 8 102. JWH-348;
- 9 103. JWH-363;
- 10 104. JWH-364;
- 11 105. JWH-365;
- 12 106. JWH-367;
- 13 107. JWH-368;
- 14 108. JWH-369;
- 15 109. JWH-370;
- 16 110. JWH-371;
- 17 111. JWH-373;
- 18 112. JWH-386;
- 19 113. JWH-387;
- 20 114. JWH-392;
- 21 115. JWH-394;
- 22 116. JWH-395;
- 23 117. JWH-397;
- 24 118. JWH-398;

- 1 119. JWH-399;
- 2 120. JWH-400;
- 3 121. JWH-412;
- 4 122. JWH-413;
- 5 123. JWH-414;
- 6 124. JWH-415;
- 7 125. CP-55, 940;
- 8 126. CP-47, 497;
- 9 127. HU-210;
- 10 128. HU-211;
- 11 129. WIN-55, 212-2;
- 12 130. AM-2201;
- 13 131. AM-2233;
- 14 132. JWH-018 adamantyl-carboxamide;
- 15 133. AKB48;
- 16 134. JWH-122 N-(4-pentenyl) analog;
- 17 135. MAM2201;
- 18 136. URB597;
- 19 137. URB602;
- 20 138. URB754;
- 21 139. UR144;
- 22 140. XLR11;
- 23 141. A-796, 260;
- 24 142. STS-135;

- 1 143. AB-FUBINACA;
- 2 144. AB-PINACA;
- 3 145. PB-22;
- 4 146. AKB48 N-5-Fluoropentyl;
- 5 147. AM1248;
- 6 148. FUB-PB-22;
- 7 149. ADB-FUBINACA;
- 8 150. BB-22;
- 9 151. 5-Fluoro PB-22; or
- 10 152. 5-Fluoro AKB-48.

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

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

1 ring to any extent. Naphthoylindoles include, but are not limited
2 to:

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

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1 2. Naphthylmethylindeles: 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,
7 (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or
8 halophenyl group, whether or not further substituted on the indole
9 ring to any extent, and whether or not substituted on the naphthyl
10 ring to any extent. Naphthylmethylindeles include, but are not
11 limited to, (1-pentylindol-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, (tetrahydropyran-4-yl)methyl, 1-methylazepanyl,
19 phenyl, or halophenyl group, whether or not further substituted on
20 the pyrrole ring to any extent, and whether or not substituted on
21 the naphthyl group to any extent. Naphthoylpyrroles include, but
22 are not limited to:

23 a. 1-hexyl-2-phenyl-4-(1-naphthoyl)pyrrole (JWH-147),
24

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

2 (JWH-370),

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

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

5 4. Naphthylideneindenes: any compound containing a 1-(1-
6 naphthylmethylene)indene structure with or without substitution at
7 the 3-position of the indene ring by an alkyl, haloalkyl,
8 cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl,
9 halobenzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-
10 morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-
11 morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, 1-methylazepanyl,
12 phenyl, or halophenyl group, whether or not further substituted on
13 the indene group to any extent, and whether or not substituted on
14 the naphthyl group to any extent. Naphthylmethylindenes include,
15 but are not limited to, (1-[(3-pentyl)-1H-inden-1-
16 ylidene)methyl]naphthalene (JWH-176);

17 5. Phenylacetylindoles: any compound containing a 3-
18 phenylacetylindole structure with or without substitution at the
19 nitrogen atom of the indole ring by 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,
23 (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or
24 halophenyl group, whether or not further substituted on the indole

1 ring to any extent, and whether or not substituted on the phenyl
2 ring to any extent. Phenylacetylindoles include, but are not
3 limited to:

- 4 a. 1-pentyl-3-(2-methoxyphenylacetyl)indole (JWH-250),
- 5 b. 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole
6 (RCS-8),
- 7 c. 1-pentyl-3-(2-chlorophenylacetyl)indole (JWH-203),
- 8 d. 1-pentyl-3-(2-methylphenylacetyl)indole (JWH-251),
- 9 e. 1-pentyl-3-(4-methoxyphenylacetyl)indole (JWH-201), or
- 10 f. 1-pentyl-3-(3-methoxyphenylacetyl)indole (JWH-302);

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

- 21 a. 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-
22 hydroxycyclohexyl]-phenol (CP-47,497),

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24

- 1 b. 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-
2 phenol (cannabicyclohexanol; CP-47,497 C8 homologue),
3 or
4 c. 5-(1,1-dimethylheptyl)-2-[(1R,2R)-5-hydroxy-2-(3-
5 hydroxypropyl)cyclohexyl]-phenol (CP 55, 940);

6 7. Benzoylindoles: any compound containing a 3-(benzoyl)indole
7 structure with or without substitution at the nitrogen atom of the
8 indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl,
9 cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-
10 2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-
11 pyrrolidinyl)methyl, 1-(N-methyl-3- morpholinyl)methyl,
12 (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or
13 halophenyl group, whether or not further substituted on the indole
14 ring to any extent, and whether or not substituted on the phenyl
15 group to any extent. Benzoylindoles include, but are not limited
16 to:

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

1 8. Cyclopropoylindoles: Any compound containing a 3-
2 (cyclopropoyl)indole structure with substitution at the nitrogen
3 atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl,
4 cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-
5 2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-
6 pyrrolidinyl)methyl, 1-(N-methyl-3- morpholinyl)methyl,
7 (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or
8 halophenyl group, whether or not further substituted in the indole
9 ring to any extent and whether or not substituted in the
10 cyclopropoyl ring to any extent. Cyclopropoylindoles include, but
11 are not limited to:

- 12 a. 1-pentyl-3-(2,2,3,3-tetramethylcyclopropoyl)indole
13 (UR-144),
14 b. 1-(5-chloropentyl)-3-(2,2,3,3-
15 tetramethylcyclopropoyl)indole (5Cl-UR-144), or
16 c. 1-(5-fluoropentyl)-3-(2,2,3,3-
17 tetramethylcyclopropoyl)indole (XLR11);

18 9. Indole Amides: Any compound containing a 1H-Indole-3-
19 carboxamide structure with or without substitution at the nitrogen
20 atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl,
21 cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-
22 2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-
23 pyrrolidinyl)methyl, 1-(N-methyl-3- morpholinyl)methyl,
24 (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or

1 halophenyl group, whether or not substituted at the carboxamide
2 group by an adamantyl, naphthyl, phenyl, benzyl, quinolinyl,
3 cycloalkyl, 1-amino-3-methyl-1-oxobutan-2-yl, 1-amino-3,3-dimethyl-
4 1-oxobutan-2-yl, 1-methoxy-3-methyl-1-oxobutan-2-yl, 1-methoxy-3,3-
5 dimethyl-1-oxobutan-2-yl or pyrrole group, and whether or not
6 further substituted in the indole, adamantyl, naphthyl, phenyl,
7 pyrrole, quinolinyl, or cycloalkyl rings to any extent. Indole
8 Amides include, but are not limited to:

- 9 a. N-(1-adamantyl)-1-pentyl-1H-indole-3-carboxamide
10 (2NE1),
- 11 b. N-(1-adamantyl)-1-(5-fluoropentyl)-1H-indole-3-
12 carboxamide (STS-135),
- 13 c. N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-
14 indole-3-carboxamide (ADBICA),
- 15 d. N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(5-
16 fluoropentyl)-1H-indole-3-carboxamide (5F-ADBICA),
- 17 e. N-(naphthalen-1-yl)-1-pentyl-1H-indole-3-carboxamide
18 (NNE1),
- 19 f. 1-(5-fluoropentyl)-N-(naphthalene-1-yl)-1H-indole-3-
20 carboxamide (5F-NNE1),
- 21 g. N-benzyl-1-pentyl-1H-indole-3-carboxamide (SDB-006),
22 or
- 23 h. N-benzyl-1-(5-fluoropentyl)-1H-indole-3-carboxamide
24 (5F-SDB-006);

1 e. naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-
2 carboxylate (NM2201);

3 11. Adamantanoylindoles: Any compound containing an
4 adamantanyl-(1H-indol-3-yl)methanone structure with or without
5 substitution at the nitrogen atom of the indole ring by an alkyl,
6 haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
7 benzyl, halobenzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-
8 morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-
9 morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, 1-methylazepanyl,
10 phenyl, or halophenyl group, whether or not further substituted in
11 the indole ring to any extent and whether or not substituted in the
12 adamantyl ring to any extent. Adamantanoylindoles include, but are
13 not limited to:

14 a. adamantan-1-yl[1-[(1-methyl-2-piperidinyl)methyl]-1H-
15 indol-3-yl]methanone (AM1248), or

16 b. adamantan-1-yl-(1-pentyl-1H-indol-3-yl)methanone (AB-
17 001);

18 12. Carbazole Ketone: Any compound containing (9H-carbazole-3-
19 yl) methanone structure with or without substitution at the nitrogen
20 atom of the carbazole 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,
24 (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or

1 halophenyl group, with substitution at the carbon of the methanone
2 group by an adamantyl, naphthyl, phenyl, benzyl, quinolinyl,
3 cycloalkyl, 1-amino-3-methyl-1-oxobutan-2-yl, 1-amino-3,3-dimethyl-
4 1-oxobutan-2-yl, 1-methoxy-3-methyl-1-oxobutan-2-yl, 1-methoxy-3,3-
5 dimethyl-1-oxobutan-2-yl or pyrrole group, and whether or not
6 further substituted at the carbazole, adamantyl, naphthyl, phenyl,
7 pyrrole, quinolinyl, or cycloalkyl rings to any extent. Carbazole
8 Ketones include, but are not limited to, naphthalen-1-yl(9-pentyl-
9 9H-carbazol-3-yl)methanone (EG-018);

10 13. Benzimidazole Ketone: Any compound containing
11 (benzimidazole-2-yl) methanone structure with or without
12 substitution at either nitrogen atom of the benzimidazole ring by an
13 alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl,
14 cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-2-
15 piperidiny)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-
16 pyrrolidiny)methyl, 1-(N-methyl-3-morpholinyl)methyl,
17 (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or
18 halophenyl group, with substitution at the carbon of the methanone
19 group by an adamantyl, naphthyl, phenyl, benzyl, quinolinyl,
20 cycloalkyl, 1-amino-3-methyl-1-oxobutan-2-yl, 1-amino-3,3-dimethyl-
21 1-oxobutan-2-yl, 1-methoxy-3-methyl-1-oxobutan-2-yl, 1-methoxy-3,3-
22 dimethyl-1-oxobutan-2-yl or pyrrole group, and whether or not
23 further substituted in the benzimidazole, adamantyl, naphthyl,
24

1 phenyl, pyrrole, quinolinyl, or cycloalkyl rings to any extent.

2 Benzimidazole Ketones include, but are not limited to:

3 a. naphthalen-1-yl(1-pentyl-1H-benzo[d]imidazol-2-
4 l)methanone (JWH-018 benzimidazole analog), or

5 b. (1-(5-fluoropentyl)-1H-benzo[d]imidazol-2-
6 yl)(naphthalen-1-yl)methanone (FUBIMINA); and

7 14. Modified by Replacement: any compound defined in this
8 subsection that is modified by replacement of a carbon with nitrogen
9 in the indole, naphthyl, indene, benzimidazole, or carbazole ring.

10 SECTION 3. AMENDATORY 63 O.S. 2011, Section 2-206, as
11 last amended by Section 3, Chapter 154, O.S.L. 2014 (63 O.S. Supp.
12 2016, Section 2-206), is amended to read as follows:

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

15 A. Any of the following substances except those narcotic drugs
16 listed in other schedules whether produced directly or indirectly by
17 extraction from substances of vegetable origin, or independently by
18 means of chemical synthesis, or by combination of extraction and
19 chemical synthesis:

20 1. Opium and opiate, and any salt, compound, derivative, or
21 preparation of opium or opiate;

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

3 3. Opium poppy and poppy straw; or

4 4. Coca leaves except coca leaves and extracts of coca leaves
5 from which cocaine, ecgonine, and derivatives of ecgonine or their
6 salts have been removed; cocaine, its salts, optical and geometric
7 isomers, and salts of isomers; ecgonine, its derivatives, their
8 salts, isomers and salts of isomers; or any compound, mixture or
9 preparation which contains any quantity of any of the substances
10 referred to in this paragraph. Ioflupane is excluded from this
11 paragraph.

12 B. Any of the following opiates, including their isomers,
13 esters, ethers, salts, and salts of isomers, esters and ethers, when
14 the existence of these isomers, esters, ethers, and salts is
15 possible within the specific chemical designation:

- 16 1. Alphaprodine;
- 17 2. Anileridine;
- 18 3. Bezitramide;
- 19 4. Dihydrocodeine;
- 20 5. Diphenoxylate;
- 21 6. Fentanyl;
- 22 7. Hydromorphone;
- 23 8. Isomethadone;
- 24 9. Levomethorphan;

- 1 10. Levorphanol;
- 2 11. Metazocine;
- 3 12. Methadone;
- 4 13. Methadone - Intermediate, 4-cyano-2-dimethylamino-4, 4-
- 5 diphenyl butane;
- 6 14. Moramide - Intermediate, 2-methyl-3-morpholino-1, 1-
- 7 diphenyl-propane-carboxylic acid;
- 8 15. Oxycodone;
- 9 16. Oxymorphone;
- 10 17. Pethidine (Meperidine);
- 11 18. Pethidine - Intermediate - A, 4-cyano-1-methyl-4-
- 12 phenylpiperidine;
- 13 19. Pethidine - Intermediate - B, ethyl-4-phenylpiperidine-4-
- 14 carboxylate;
- 15 20. Pethidine - Intermediate - C, 1-methyl-4-phenylpiperidine-
- 16 4-carboxylic acid;
- 17 21. Phenazocine;
- 18 22. Piminodine;
- 19 23. Racemethorphan;
- 20 24. Racemorphan;
- 21 25. Etorphine Hydrochloride salt only;
- 22 26. Alfentanil hydrochloride;
- 23 27. Levo-alphaacetylmethadol;
- 24 28. Codeine;

- 1 29. Hydrocodone;
- 2 30. Morphine;
- 3 31. Remifentanil;
- 4 32. Sufentanil; or
- 5 33. Tapentadol.
- 6 C. Any substance which contains any quantity of:
- 7 1. Methamphetamine, including its salts, isomers, and salts of
- 8 isomers;
- 9 2. Amphetamine, its salts, optical isomers, and salts of its
- 10 optical isomers;
- 11 3. Nabilone; or
- 12 4. Lisdexamfetamine.
- 13 D. Unless specifically excepted or unless listed in another
- 14 schedule, any material, compound, mixture, or preparation, which
- 15 contains any quantity of the following substances having stimulant
- 16 or depressant effect on the central nervous system:
- 17 1. Phenmetrazine and its salts;
- 18 2. Methylphenidate;
- 19 3. Amobarbital;
- 20 4. Pentobarbital;
- 21 5. Secobarbital; or
- 22 6. Ethylphenidate.
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1 SECTION 4. AMENDATORY 63 O.S. 2011, Section 2-210, as
2 last amended by Section 5, Chapter 305, O.S.L. 2015 (63 O.S. Supp.
3 2016, Section 2-210), is amended to read as follows:

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

- 8 1. Chloral betaine;
- 9 2. Chloral hydrate;
- 10 3. Ethchlorvynol;
- 11 4. Ethinamate;
- 12 5. Meprobamate;
- 13 6. Paraldehyde;
- 14 7. Petrichloral;
- 15 8. Diethylpropion;
- 16 9. Phentermine;
- 17 10. Pemoline;
- 18 11. Chlordiazepoxide;
- 19 12. Chlordiazepoxide and its salts, but not including
20 chlordiazepoxide hydrochloride and clidinium bromide or
21 chlordiazepoxide and water-soluble esterified estrogens;
- 22 13. Diazepam;
- 23 14. Oxazepam;
- 24 15. Clorazepate;

- 1 16. Flurazepam and its salts;
- 2 17. Clonazepam;
- 3 18. Barbital;
- 4 19. Mebutamate;
- 5 20. Methohexital;
- 6 21. Methylphenobarbital;
- 7 22. Phenobarbital;
- 8 23. Fenfluramine;
- 9 24. Pentazocine;
- 10 25. Propoxyphene;
- 11 26. Butorphanol;
- 12 27. Alprazolam;
- 13 28. Halazepam;
- 14 29. Lorazepam;
- 15 30. Prazepam;
- 16 31. Temazepam;
- 17 32. Triazolam;
- 18 33. Carisoprodol;
- 19 34. Dichloralphenazone;
- 20 35. Estazolam;
- 21 36. Eszopiclone;
- 22 37. Midazolam;
- 23 38. Modafinil;
- 24 39. Zaleplon;

- 1 40. Zolpidem;
- 2 41. Tramadol;
- 3 42. Bromazepam; ~~or~~
- 4 43. Suvorexant;
- 5 44. Phenazepam;
- 6 45. Etizolam; or
- 7 46. Clonazolam.

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

- 13 a. Breathe-Aid,
- 14 b. BronCare,
- 15 c. Bronchial Congestion,
- 16 d. Bronkaid Tablets,
- 17 e. Bronkaid Dual Action Caplets,
- 18 f. Bronkotabs,
- 19 g. Bronkolixir,
- 20 h. NeoRespin,
- 21 i. Pazo Hemorrhoid Ointment and Suppositories,
- 22 j. Primatene Tablets,
- 23 k. Primatene "Dual Action" Formula,
- 24 l. Quelidrine,

1 m. Resp, and

2 n. Vatronal Nose Drops.

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

6 a. is labeled and marketed in a manner consistent with
7 the pertinent OTC tentative final or final monograph
8 issued by the FDA, and

9 b. is manufactured and distributed for legitimate
10 medicinal use and in a manner that reduces or
11 eliminates the likelihood of abuse.

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

14 a. the history and current pattern of abuse,

15 b. the name and labeling of the product,

16 c. the intended manner of distribution, advertising and
17 promotion of the product, and

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

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

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

1 C. The Board of Pharmacy may except by rule any compound,
2 mixture, or preparation containing any depressant substance listed
3 in subsection A of this section from the application of all or any
4 part of the Uniform Controlled Dangerous Substances Act, Section 2-
5 101 et seq. of this title, if the compound, mixture, or preparation
6 contains one or more active medicinal ingredients not having a
7 depressant effect on the central nervous system, and if the
8 admixtures are included therein in combinations, quantity,
9 proportion, or concentration that vitiate the potential for abuse of
10 the substances which have a depressant effect on the central nervous
11 system.

12 SECTION 5. AMENDATORY 63 O.S. 2011, Section 2-502, is
13 amended to read as follows:

14 Section 2-502. A. Prescriptions, orders, and records, required
15 by this act, and stock of substances specified in this act shall be
16 open for inspection only to specifically designated or assigned
17 state, county, and municipal officers, whose duty it is to enforce
18 the laws of this state relating to controlled dangerous substances.
19 The Director of the Oklahoma State Bureau of Narcotics and Dangerous
20 Drugs Control may designate noncommissioned personnel as compliance
21 inspectors for the purpose of conducting inspections as contemplated
22 herein. No ~~officer~~ person having knowledge by virtue of his or her
23 office of any such prescription, order or record shall divulge such
24 knowledge, except where such use is appropriate to the proper

1 performance of his or her official duties in the prevention of the
2 misuse and abuse of controlled dangerous substances or in connection
3 with a prosecution or proceeding in court or before a licensing or
4 registration board or officer, to which prosecution or proceeding
5 the person to whom such prescriptions, orders, or records relate is
6 a party.

7 B. Any peace officer or agency charged with administration of
8 this act is authorized to make administrative inspections of
9 controlled premises in accordance with the following provisions:

10 1. For purposes of this act only, "controlled premises" means:

11 a. places where persons registered or exempted from
12 registration requirements under this act are required
13 to keep records, and

14 b. places including factories, warehouses,
15 establishments, and conveyances where persons
16 registered or exempted from registration requirements
17 under this act are permitted to hold, manufacture,
18 compound, process, sell, deliver, or otherwise dispose
19 of any controlled dangerous substance.

20 2. This section shall not be construed to prevent the
21 inspection of books and records pursuant to the provisions of this
22 act; nor shall this section be construed to prevent entries and
23 administrative inspections at reasonable times without a warrant:

24

- a. with the consent of the owner, operator, or agent in charge of the controlled premises~~†~~L
- b. in situations presenting imminent danger to health or safety~~†~~L
- c. in situations involving inspection of conveyances where there is reasonable cause to believe that the mobility of the conveyance makes it impracticable to obtain a warrant~~†~~L
- d. in any other exceptional or emergency circumstance where time or opportunity to apply for a warrant is lacking~~†~~L and
- e. in all other situations where a warrant is not constitutionally required.

3. Except when the owner, operator, or agent in charge of the controlled premises so consents in writing, no inspection authorized by this section shall extend to:

- a. financial data~~†~~L
- b. sales data other than shipment data~~†~~L or
- c. pricing data.

SECTION 6. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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