

1 ENGROSSED HOUSE  
2 BILL NO. 2796

By: Downing, McCall, Sanders,  
West (Tammy), Blancett,  
Bush, Frix and O'Donnell of  
the House

4 and

5 Griffin of the Senate

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7  
8 An Act relating to public health and safety; amending  
9 63 O.S. 2011, Section 2-302, which relates to the  
10 Uniform Controlled Dangerous Substances Act;  
11 requiring manufacturers and distributors to make  
12 certain data available for review to the Director of  
13 the Oklahoma State Bureau of Narcotics and Dangerous  
14 Drugs Control; requiring manufacturers and  
15 distributors to make data available on a monthly  
16 basis; making information maintained and provided to  
17 the Bureau confidential; allowing certain persons  
18 access to information at the discretion of the  
19 Director; and providing an effective date.

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

23 SECTION 1. AMENDATORY 63 O.S. 2011, Section 2-302, is  
24 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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1 Passed the House of Representatives the 12th day of March, 2018.

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4 Presiding Officer of the House  
of Representatives

5 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2018.

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8 Presiding Officer of the Senate