

HOUSE OF REPRESENTATIVES - FLOOR VERSION

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 2910

By: Cleveland of the House

and

Dahm of the Senate

COMMITTEE SUBSTITUTE

An Act relating to law enforcement; consolidating the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control and the Oklahoma State Bureau of Investigation; providing for interpretation of certain statutory references; transferring personnel, funds, records, encumbrances, equipment, and other items; providing requirements pertaining to transfer of employees; designating Interim Director and Interim Associate Director; authorizing Commissioners of Land Office to acquire real property from the Oklahoma State Bureau of Investigation under certain circumstances; providing for transition coordinators and a transition team; providing duties of the transition team; amending 20 O.S. 2011, Section 1313.2, as last amended by Section 1, Chapter 343, O.S.L. 2017 (20 O.S. Supp. 2017, Section 1313.2), which relates to fee assessments for persons convicted of certain crimes; modifying name of revolving fund; amending 47 O.S. 2011, Section 2-300, as amended by Section 1, Chapter 383, O.S.L. 2015 (47 O.S. Supp. 2017, Section 2-300), which relates to definitions for the Law Enforcement Retirement System; modifying scope of certain definition; amending 63 O.S. 2011, Sections 2-101, as last amended by Section 1, Chapter 43, O.S.L. 2017, 2-102, 2-103, as last amended by Section 1, Chapter 390, O.S.L. 2017, 2-103.1, as amended by Section 1,

Chapter 143, O.S.L. 2013, 2-105, as amended by Section 2, Chapter 305, O.S.L. 2015, 2-106, as amended by Section 1, Chapter 340, O.S.L. 2013, 2-106.1, as amended by Section 496, Chapter 304, O.S.L. 2012, 2-106.2, 2-107, as amended by Section 497, Chapter 304, O.S.L. 2012, 2-107a, 2-107b, as amended by Section 498, Chapter 304, O.S.L. 2012, 2-109, 2-109a, 2-110, as amended by Section 46, Chapter 259, O.S.L. 2012, 2-111, 2-212, as last amended by Section 4, Chapter 181, O.S.L. 2013, 2-302, 2-303, 2-304, as amended by Section 1, Chapter 1, O.S.L. 2015, 2-309, as last amended by Section 1, Chapter 323, O.S.L. 2013, 2-309B, 2-309C, as last amended by Section 73, Chapter 15, O.S.L. 2013, 2-309D, as last amended by Section 35, Chapter 210, O.S.L. 2016, 2-309E, 2-309F, as amended by Section 2, Chapter 340, O.S.L. 2013, 2-309G, 2-309H, 2-315, as amended by Section 6, Chapter 305, O.S.L. 2015, 2-322, 2-323, 2-324, 2-326, 2-329, as amended by Section 3, Chapter 83, O.S.L. 2012, 2-330, 2-331, 2-332, as amended by Section 6, Chapter 181, O.S.L. 2013, 2-333, Section 1, Chapter 206, O.S.L. 2012, 2-502, as amended by Section 5, Chapter 390, O.S.L. 2017, 2-503, as amended by Section 5, Chapter 154, O.S.L. 2014, 2-503.1b, 2-503.1i, 2-503.1j, 2-505, as amended by Section 1, Chapter 25, O.S.L. 2017, 2-506, as last amended by Section 1, Chapter 225, O.S.L. 2016, 2-508, as last amended by Section 2, Chapter 284, O.S.L. 2014, 2-509, as amended by Section 2, Chapter 25, O.S.L. 2017, 2-701, as last amended by Section 7, Chapter 181, O.S.L. 2013, Section 4, Chapter 203, O.S.L. 2015 and Section 7, Chapter 203, O.S.L. 2015 (63 O.S. Supp. 2017, Sections 2-101, 2-103, 2-103.1, 2-105, 2-106, 2-106.1, 2-107, 2-107b, 2-110, 2-212, 2-304, 2-309, 2-309C, 2-309D, 2-309F, 2-315, 2-329, 2-332, 2-341, 2-502, 2-503, 2-505, 2-506, 2-508, 2-509, 2-701, 2-802 and 2-805), which relate to the Uniform Controlled Dangerous Substances Act; eliminating references to the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control and replacing said references with the Oklahoma State Bureau of Investigation; updating statutory references; providing gender-neutral language; amending 74 O.S. 2011, Section 62.3, as last amended by Section 3, Chapter 309, O.S.L. 2016 (74 O.S. Supp. 2017, Section 62.3), which relates to the Oklahoma Surplus Property Act; deleting reference to the Oklahoma State Bureau of Investigation

Commission; amending 74 O.S. 2011, Sections 150.2, as amended by Section 7, Chapter 397, O.S.L. 2015, 150.6, 150.7, as amended by Section 1, Chapter 136, O.S.L. 2015 and 150.13A, as amended by Section 1, Chapter 89, O.S.L. 2012 (74 O.S. Supp. 2017, Sections 150.2, 150.7 and 150.13A), which relate to powers and duties of the Oklahoma State Bureau of Investigation; deleting references to the Oklahoma State Bureau of Investigation Commission; directing Governor to appoint the Director of the Oklahoma State Bureau of Investigation; expanding duties of the Director of the Oklahoma State Bureau of Investigation; repealing 63 O.S. 2011, Section 2-104.1, which relates to the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control Commission; repealing 74 O.S. 2011, Sections 150.3 and 150.4, which relate to powers, duties and the creation of the Oklahoma State Bureau of Investigation Commission; providing for codification; providing for noncodification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-102b of Title 63, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma State Bureau of Narcotics and Dangerous Drugs Control is hereby consolidated with the Oklahoma State Bureau of Investigation. Any reference in the Oklahoma Statutes to the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control shall be deemed to be a reference to the Oklahoma State Bureau of Investigation unless otherwise required by the context of the reference.

1 B. All assets, funds, liabilities, allotments, purchase orders,
2 outstanding financial obligations, encumbrances, records, aircraft,
3 vehicles, equipment, and other property of the Oklahoma State Bureau
4 of Narcotics and Dangerous Drugs Control are hereby transferred to
5 the Oklahoma State Bureau of Investigation.

6 C. Personnel employed by the Oklahoma State Bureau of Narcotics
7 and Dangerous Drugs Control on November 1, 2018, shall be
8 transferred to the Oklahoma State Bureau of Investigation pursuant
9 to a transition plan implemented by the Oklahoma State Bureau of
10 Narcotics and Dangerous Drugs Control as required by Section 2 of
11 this act.

12 D. The classified and unclassified employees who are
13 transferred pursuant to this section shall be subject to the
14 following provisions:

15 1. Classified employees shall remain subject to the provisions
16 of the Merit System of Personnel Administration, as provided in the
17 Oklahoma Personnel Act;

18 2. Unclassified employees transferred to the Oklahoma State
19 Bureau of Narcotics and Dangerous Drugs Control shall remain in the
20 unclassified service and shall serve at the pleasure of the Director
21 of the Oklahoma State Bureau of Investigation;

22 3. All employees who are transferred pursuant to this act shall
23 retain leave, sick and annual time earned and any retirement and
24 longevity benefits which have accrued during their employment with

1 the state. The salaries of employees who are transferred shall not
2 be reduced as a direct and immediate result of the transfer; and

3 4. If the Oklahoma State Bureau of Investigation should
4 implement a reduction in force, all employees transferred pursuant
5 to this act shall be credited for the time they were employed by the
6 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control.

7 E. Upon the effective date of this act, the current Director of
8 the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control
9 shall assume the position and statutory duties of Interim Director
10 of the Oklahoma State Bureau of Investigation.

11 F. Upon the effective date of this act, the current Director of
12 the Oklahoma State Bureau of Investigation shall assume the position
13 and statutory duties of Interim Associate Director of the Oklahoma
14 State Bureau of Investigation.

15 G. When the Oklahoma State Bureau of Investigation determines
16 that any real property becomes excess, unused or otherwise surplus,
17 the Bureau shall notify the Commissioners of the Land Office of the
18 availability of the surplus property and shall permit the
19 Commissioners of the Land Office to exercise a right of first
20 refusal to acquire the real property from the Bureau. If the offer
21 to acquire the real property is not accepted by the Commissioners of
22 the Land Office, the real property shall be subject to the
23 procedures established for disposing of real property set forth in
24 Section 327 of Title 61 of the Oklahoma Statutes.

1 SECTION 2. NEW LAW A new section of law not to be
2 codified in the Oklahoma Statutes reads as follows:

3 A. The Director of the Oklahoma State Bureau of Investigation
4 and the Director of the Oklahoma State Bureau of Narcotics and
5 Dangerous Drugs Control shall serve as transition coordinators and
6 shall establish a transition team to coordinate the orderly transfer
7 of duties, personnel, property, funds, and encumbrances from and
8 consolidation of the Oklahoma State Bureau of Narcotics and
9 Dangerous Drugs Control to the Oklahoma State Bureau of
10 Investigation. Each Director may assign personnel to the transition
11 team from each Director's respective agency as deemed necessary.

12 B. The transition team shall:

13 1. Oversee and administer the orderly transfer of
14 responsibilities, assets, funds, liabilities, allotments, purchase
15 orders, aircraft, vehicles and other property, records, personnel
16 and any outstanding financial obligations or encumbrances to the
17 Oklahoma State Bureau of Investigation from the Oklahoma State
18 Bureau of Narcotics and Dangerous Drugs Control;

19 2. Review functions currently assigned to or managed by the
20 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control and
21 the Oklahoma State Bureau of Investigation;

22 3. Establish a plan for the transfer of employees from the
23 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control to
24 the Oklahoma State Bureau of Investigation. The plan shall include

1 a list of positions to be transferred. The plan also shall include
2 a reduction-in-force plan and a severance benefits plan that conform
3 with the requirements of the State Government Reduction-in-Force and
4 Severance Benefits Act; and

5 4. Take such other action as may be reasonably necessary and
6 appropriate to effectuate the orderly transition of functions as
7 provided by this act.

8 SECTION 3. AMENDATORY 20 O.S. 2011, Section 1313.2, as
9 last amended by Section 1, Chapter 343, O.S.L. 2017 (20 O.S. Supp.
10 2017, Section 1313.2), is amended to read as follows:

11 Section 1313.2 A. As used in this section:

12 1. "Arrested" means taking custody of another for the purpose
13 of holding or detaining him or her to answer a criminal charge;

14 2. "Convicted" means any final adjudication of guilt, whether
15 pursuant to a plea of guilty or nolo contendere or otherwise, and
16 any deferred or suspended sentence or judgment;

17 3. "Court" means any state or municipal court having
18 jurisdiction to impose a criminal fine or penalty; and

19 4. "DNA" means Deoxyribonucleic acid.

20 B. Any person convicted of an offense, including traffic
21 offenses but excluding parking and standing violations, punishable
22 by a fine of Ten Dollars (\$10.00) or more or by incarceration or any
23 person forfeiting bond when charged with such an offense, shall be
24 ordered by the court to pay Ten Dollars (\$10.00) as a separate fee,

1 which fee shall be in addition to and not in substitution for any
2 and all fines and penalties otherwise provided for by law for such
3 offense.

4 C. 1. Any person convicted of any misdemeanor or felony
5 offense shall pay a Laboratory Analysis Fee in the amount of One
6 Hundred Fifty Dollars (\$150.00) for each offense if forensic science
7 or laboratory services are rendered or administered by the Oklahoma
8 State Bureau of Investigation (OSBI), by the Toxicology Laboratory
9 of the Office of the Chief Medical Examiner or by any municipality
10 or county in connection with the case. This fee shall be in
11 addition to and not a substitution for any and all fines and
12 penalties otherwise provided for by law for this offense.

13 2. The court clerk shall cause to be deposited the amount of
14 One Hundred Fifty Dollars (\$150.00) as collected, for every
15 conviction as described in this subsection. The court clerk shall
16 remit the monies in the fund on a monthly basis directly either to:

17 a. the OSBI who shall deposit the monies into the OSBI
18 Revolving Fund provided for in Section 150.19a of
19 Title 74 of the Oklahoma Statutes for services
20 rendered or administered by the OSBI,

21 b. the Office of the Chief Medical Examiner who shall
22 deposit the monies into the Chief Medical Examiner
23 Revolving Fund provided for in Section 954 of Title 63
24 of the Oklahoma Statutes for services rendered or

1 administered by the Office of the Chief Medical
2 Examiner, or

- 3 c. the appropriate municipality or county for services
4 rendered or administered by a municipality or county.

5 3. The monies from the Laboratory Analysis Fee Fund deposited
6 into the OSBI Revolving Fund shall be used for the following:

- 7 a. providing criminalistic laboratory services,
8 b. the purchase and maintenance of equipment for use by
9 the laboratory in performing analysis,
10 c. education, training, and scientific development of
11 OSBI personnel, and
12 d. the destruction of seized property and chemicals as
13 prescribed in Sections 2-505 and 2-508 of Title 63 of
14 the Oklahoma Statutes.

15 D. Upon conviction or bond forfeiture, the court shall collect
16 the fee provided for in subsection B of this section and deposit it
17 in an account created for that purpose. Except as otherwise
18 provided in subsection E of this section, monies shall be forwarded
19 monthly by the court clerk to the Council on Law Enforcement
20 Education and Training (CLEET). Beginning July 1, 2003, deposits
21 shall be due on the fifteenth day of each month for the preceding
22 calendar month. There shall be a late fee imposed for failure to
23 make timely deposits; provided, CLEET, in its discretion, may waive
24 all or part of the late fee. Such late fee shall be one percent

(1%) of the principal amount due per day beginning from the tenth day after payment is due and accumulating until the late fee reaches one hundred percent (100%) of the principal amount due. Beginning on July 1, 1987, ninety percent (90%) of the monies received by CLEET from the court clerks pursuant to this section shall be deposited in the CLEET Fund, and ten percent (10%) shall be deposited in the General Revenue Fund. Beginning January 1, 2001, sixty and fifty-three one-hundredths percent (60.53%) of the monies received by CLEET from the court clerks pursuant to this section shall be deposited in the CLEET Fund created pursuant to subsection G of this section, five and eighty-three one-hundredths percent (5.83%) shall be deposited in the General Revenue Fund and thirty-three and sixty-four one-hundredths percent (33.64%) shall be deposited in the CLEET Training Center Revolving Fund created pursuant to Section 3311.6 of Title 70 of the Oklahoma Statutes. Along with the deposits required by this subsection, each court shall also submit a report stating the total amount of funds collected and the total number of fees imposed during the preceding quarter. The report may be made on computerized or manual disposition reports.

E. Any municipality or county having a basic law enforcement academy approved by CLEET pursuant to the criteria developed by CLEET for training law enforcement officers shall retain from monies collected pursuant to subsections A through D of this section, Two

1 Dollars (\$2.00) from each fee. These monies shall be deposited into
2 an account for the sole use of the municipality or county in
3 implementing its law enforcement training functions. Not more than
4 seven percent (7%) of the monies shall be used for court and
5 prosecution training. The court clerk of any such municipality or
6 county shall furnish to CLEET the report required by subsection D of
7 this section.

8 F. 1. Any person entering a plea of guilty or nolo contendere
9 or is found guilty of the crime of misdemeanor possession of
10 marijuana or drug paraphernalia shall be ordered by the court to pay
11 a five-dollar fee, which shall be in addition to and not in
12 substitution for any and all fines and penalties otherwise provided
13 for by law for such offense.

14 2. The court clerk shall cause to be deposited the amount of
15 Five Dollars (\$5.00) as collected, for every adjudicated or
16 otherwise convicted person as described in this subsection. The
17 court clerk shall remit the monies in the fund on a monthly basis
18 directly to the ~~Bureau of Narcotics~~ Drug Education Revolving Fund.

19 G. There is hereby created in the State Treasury a fund for the
20 Council on Law Enforcement Education and Training to be designated
21 the "CLEET Fund". The fund shall be subject to legislative
22 appropriation and shall consist of any monies received from fees and
23 receipts collected pursuant to the Oklahoma Open Records Act,
24 reimbursements for parts used in the repair of weapons of law

1 enforcement officers attending the basic academies, gifts, bequests,
2 contributions, tuition, fees, devises, and the assessments levied
3 pursuant to the fund pursuant to law.

4 H. 1. Any person arrested or convicted of a felony offense or
5 convicted of a misdemeanor offense of assault and battery, domestic
6 abuse, stalking, possession of a controlled substance prohibited
7 under Schedule IV of the Uniform Controlled Dangerous Substances
8 Act, outraging public decency, resisting arrest, escaping or
9 attempting to escape, eluding a police officer, Peeping Tom,
10 pointing a firearm, threatening an act of violence, breaking and
11 entering a dwelling place, destruction of property, negligent
12 homicide or causing a personal injury accident while driving under
13 the influence of any intoxicating substance shall pay a DNA fee of
14 One Hundred Fifty Dollars (\$150.00). This fee shall not be
15 collected if the person has a valid DNA sample in the OSBI DNA
16 Offender Database at the time of sentencing.

17 2. The court clerk shall cause to be deposited the amount of
18 One Hundred Fifty Dollars (\$150.00) as collected for every felony
19 arrest, felony conviction or every conviction for a misdemeanor
20 offense of assault and battery, domestic abuse, stalking, possession
21 of a controlled substance prohibited under Schedule IV of the
22 Uniform Controlled Dangerous Substances Act, outraging public
23 decency, resisting arrest, escaping or attempting to escape, eluding
24 a police officer, Peeping Tom, pointing a firearm, threatening an

1 act of violence, breaking and entering a dwelling place, destruction
2 of property, negligent homicide or causing a personal injury
3 accident while driving under the influence of any intoxicating
4 substance as described in this subsection. The court clerk shall
5 remit the monies in said fund on a monthly basis directly to the
6 OSBI who shall deposit the monies into the OSBI Revolving Fund
7 provided for in Section 150.19a of Title 74 of the Oklahoma Statutes
8 for services rendered or administered by the OSBI.

9 3. The monies from the DNA sample fee deposited into the OSBI
10 Revolving Fund shall be used for creating, staffing, and maintaining
11 the OSBI DNA Laboratory and OSBI Combined DNA Index System (CODIS)
12 Database.

13 I. It shall be the responsibility of the court clerk to account
14 for and ensure the correctness and accuracy of payments made to the
15 state agencies identified in Sections 1313.2 through 1313.4 of this
16 title. Payments made directly to an agency by the court clerk as a
17 result of different types of assessments and fees pursuant to
18 Sections 1313.2 through 1313.4 of this title shall be made monthly
19 to each state agency.

20 SECTION 4. AMENDATORY 47 O.S. 2011, Section 2-300, as
21 amended by Section 1, Chapter 383, O.S.L. 2015 (47 O.S. Supp. 2017,
22 Section 2-300), is amended to read as follows:

23 Section 2-300. As used in Section 2-300 et seq. of this title:
24

1 1. "System" means the Oklahoma Law Enforcement Retirement
2 System;

3 2. "Act" means Section 2-300 et seq. of this title;

4 3. "Board" means the Oklahoma Law Enforcement Retirement Board
5 of the System;

6 4. "Executive Director" means the managing officer of the
7 System employed by the Board;

8 5. "Fund" means the Oklahoma Law Enforcement Retirement Fund;

9 6. a. "Member" means:

10 (1) all commissioned law enforcement officers of the
11 Oklahoma Highway Patrol Division of the
12 Department of Public Safety who have obtained
13 certification from the Council on Law Enforcement
14 Education and Training, and all cadets of a
15 Patrol Academy of the Department of Public
16 Safety,

17 (2) law enforcement officers and criminalists of the
18 Oklahoma State Bureau of Investigation,

19 (3) law enforcement officers of the Oklahoma State
20 Bureau of Narcotics and Dangerous Drugs Control
21 transferred to the Oklahoma State Bureau of
22 Investigation on November 1, 2018, designated to
23 perform duties in the investigation and
24

1 prevention of crime and the enforcement of the
2 criminal laws of this state,

3 (4) law enforcement officers of the Oklahoma
4 Alcoholic Beverage Laws Enforcement Commission
5 designated to perform duties in the investigation
6 and prevention of crime and the enforcement of
7 the criminal laws of this state,

8 (5) employees of the Communications Section of the
9 Oklahoma Highway Patrol Division, radio
10 technicians, and tower technicians of the
11 Department of Public Safety, who are employed in
12 any such capacity as of June 30, 2008, and who
13 remain employed on or after July 1, 2008, until a
14 termination of service, or until a termination of
15 service with an election of a vested benefit from
16 the System, or until retirement. Effective July
17 1, 2008, a person employed for the first time as
18 an employee of the Department of Public Safety in
19 the Communications Division as an information
20 systems telecommunication technician of the
21 Department of Public Safety shall not be a member
22 of the System,

23 (6) park rangers of the Oklahoma Tourism and
24 Recreation Department and any park manager or

1 park supervisor of the Oklahoma Tourism and
2 Recreation Department who was employed in such a
3 position prior to July 1, 1985, and who elects on
4 or before September 1, 1996, to participate in
5 the System, and

6 (7) inspectors of the Board of Pharmacy.

7 b. Effective July 1, 1987, a member does not include a
8 "leased employee" as defined under Section 414(n)(2)
9 of the Internal Revenue Code of 1986, as amended.
10 Effective July 1, 1999, any individual who agrees with
11 the participating employer that the individual's
12 services are to be performed as a leased employee or
13 an independent contractor shall not be a member
14 regardless of any classification as a common-law
15 employee by the Internal Revenue Service or any other
16 governmental agency, or any court of competent
17 jurisdiction.

18 c. All persons who shall be offered a position of a
19 commissioned law enforcement officer as an employee of
20 one of the agencies described in subparagraph a of
21 this paragraph shall participate in the System upon
22 the person meeting the requisite post-offer-pre-
23 employment physical examination standards which shall
24 be subject to the following requirements:

- (1) all such persons shall be of good moral character, free from deformities, mental or physical conditions, or disease and alcohol or drug addiction which would prohibit the person from performing the duties of a law enforcement officer,
- (2) the physical-medical examination shall pertain to age, sight, hearing, agility and other conditions the requirements of which shall be established by the Board,
- (3) the person shall be required to meet the conditions of this subsection prior to the beginning of actual employment but after an offer of employment has been tendered by a participating employer,
- (4) the Board shall have authority to deny or revoke membership of any person submitting false information in such person's membership application, and
- (5) the Board shall have final authority in determining eligibility for membership in the System, pursuant to the provisions of this subsection;

1 7. "Normal retirement date" means the date at which the member
2 is eligible to receive the unreduced payments of the member's
3 accrued retirement benefit. Such date shall be the first day of the
4 month coinciding with or following the date the member:

5 a. completes twenty (20) years of vesting service, or

6 b. attains sixty-two (62) years of age with ten (10)
7 years of vesting service, or

8 c. attains sixty-two (62) years of age, if:

9 (1) the member has been transferred to this System
10 from the Oklahoma Public Employees Retirement
11 System on or after July 1, 1981, and

12 (2) the member would have been vested had the member
13 continued to be a member of the Oklahoma Public
14 Employees Retirement System.

15 With respect to distributions under the System made for calendar
16 years beginning on or after January 1, 2005, the System shall apply
17 the minimum distribution incidental benefit requirements, incidental
18 benefit requirements, and minimum distribution requirements of
19 Section 401(a)(9) of the Internal Revenue Code of 1986, as amended,
20 in accordance with the final regulations under Section 401(a)(9) of
21 the Internal Revenue Code of 1986, as amended, which were issued in
22 April 2002 and June 2004, notwithstanding any provision of the
23 System to the contrary. With respect to distributions under the
24 System made for calendar years beginning on or after January 1,

2001, through December 31, 2004, the System shall apply the minimum distribution requirements and incidental benefit requirements of Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, in accordance with the regulations under Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, which were proposed in January 2001, notwithstanding any provision of the System to the contrary.

Effective July 1, 1989, notwithstanding any other provision contained herein to the contrary, in no event shall commencement of distribution of the accrued retirement benefit of a member be delayed beyond April 1 of the calendar year following the later of:

- (1) the calendar year in which the member reaches seventy and one-half (70 1/2) years of age; or
- (2) the actual retirement date of the member.

The preceding sentence does not allow deferral of benefit commencement beyond the age of sixty-five (65).

Effective September 8, 2009, notwithstanding anything to the contrary of the System, the System, which as a governmental plan (within the meaning of Section 414(d) of the Internal Revenue Code of 1986, as amended), is treated as having complied with Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, for all years to which Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, applies to the System if the System complies with a reasonable and good faith interpretation of Section 401(a)(9) of the Internal Revenue Code of 1986, as amended.

1 A member who was required to join the System effective July 1,
2 1980, because of the transfer of the employing agency from the
3 Oklahoma Public Employees Retirement System to the System, and was
4 not a member of the Oklahoma Public Employees Retirement System on
5 the date of such transfer shall be allowed to receive credit for
6 prior law enforcement service rendered to this state, if the member
7 is not receiving or eligible to receive retirement credit or
8 benefits for such service in any other public retirement system,
9 upon payment to the System of the employee contribution the member
10 would have been subject to had the member been a member of the
11 System at the time, plus five percent (5%) interest. Service credit
12 received pursuant to this paragraph shall be used in determining the
13 member's retirement benefit, and shall be used in determining years
14 of service for retirement or vesting purposes;

15 8. "Actual paid base salary" means the salary received by a
16 member, excluding payment for any accumulated leave or uniform
17 allowance. Salary shall include any amount of nonelective salary
18 reduction under Section 414(h) of the Internal Revenue Code of 1986;

19 9. "Final average salary" means the average of the highest
20 thirty (30) consecutive complete months of actual paid gross salary.
21 Gross salary shall include any amount of elective salary reduction
22 under Section 457 of the Internal Revenue Code of 1986, as amended,
23 and any amount of nonelective salary reduction under Section 414(h)
24 of the Internal Revenue Code of 1986, as amended. Effective July 1,

1 1992, gross salary shall include any amount of elective salary
2 reduction under Section 125 of the Internal Revenue Code of 1986, as
3 amended. Effective July 1, 1998, gross salary shall include any
4 amount of elective salary reduction not includable in the gross
5 income of the member under Section 132(f)(4) of the Internal Revenue
6 Code of 1986, as amended. Effective July 1, 1998, for purposes of
7 determining a member's compensation, any contribution by the member
8 to reduce his or her regular cash remuneration under Section
9 132(f)(4) of the Internal Revenue Code of 1986, as amended, shall be
10 treated as if the member did not make such an election. Only salary
11 on which required contributions have been made may be used in
12 computing the final average salary. Gross salary shall not include
13 severance pay.

14 In addition to other applicable limitations, and notwithstanding
15 any other provision to the contrary, for plan years beginning on or
16 after July 1, 2002, the annual gross salary of each ~~"Noneligible~~
17 ~~Member"~~ noneligible member taken into account under the System shall
18 not exceed the Economic Growth and Tax Relief Reconciliation Act of
19 2001 (~~"EGTRRA"~~) annual salary limit. The EGTRRA annual salary limit
20 is Two Hundred Thousand Dollars (\$200,000.00), as adjusted by the
21 Commissioner for increases in the cost of living in accordance with
22 Section 401(a)(17)(B) of the Internal Revenue Code of 1986, as
23 amended. The annual salary limit in effect for a calendar year
24 applies to any period, not exceeding twelve (12) months, over which

1 salary is determined ("~~determination period~~") beginning in such
2 calendar year. If a determination period consists of fewer than
3 twelve (12) months, the EGTRRA salary limit will be multiplied by a
4 fraction, the numerator of which is the number of months in the
5 determination period, and the denominator of which is twelve (12).
6 For purposes of this section, a "~~Noneligible Member~~" noneligible
7 member is any member who first became a member during a plan year
8 commencing on or after July 1, 1996.

9 For plan years beginning on or after July 1, 2002, any reference
10 in the System to the annual salary limit under Section 401(a)(17) of
11 the Internal Revenue Code of 1986, as amended, shall mean the EGTRRA
12 salary limit set forth in this provision.

13 Effective January 1, 2008, gross salary for a plan year shall
14 also include gross salary, as described above, for services, but
15 paid by the later of two and one-half (2 1/2) months after a
16 member's severance from employment or the end of the calendar year
17 that includes the date the member terminated employment, if it is a
18 payment that, absent a severance from employment, would have been
19 paid to the member while the member continued in employment with the
20 employer.

21 Effective January 1, 2008, any payments not described above
22 shall not be considered gross salary if paid after severance from
23 employment, even if they are paid by the later of two and one-half
24 (2 1/2) months after the date of severance from employment or the

1 end of the calendar year that includes the date of severance from
2 employment, except payments to an individual who does not currently
3 perform services for the employer by reason of qualified military
4 service within the meaning of Section 414(u)(5) of the Internal
5 Revenue Code of 1986, as amended, to the extent these payments do
6 not exceed the amounts the individual would have received if the
7 individual had continued to perform services for the employer rather
8 than entering qualified military service.

9 Effective January 1, 2008, back pay, within the meaning of
10 Section 1.415(c)-2(g)(8) of the Income Tax Regulations, shall be
11 treated as gross salary for the limitation year to which the back
12 pay relates to the extent the back pay represents wages and
13 compensation that would otherwise be included in this definition.

14 Effective for years beginning after December 31, 2008, gross
15 salary shall also include differential wage payments under Section
16 414(u)(12) of the Internal Revenue Code of 1986, as amended;

17 10. "Credited service" means the period of service used to
18 determine the amount of benefits payable to a member. Credited
19 service shall consist of the period during which the member
20 participated in the System or the predecessor Plan as an active
21 employee in an eligible membership classification, plus any service
22 prior to the establishment of the predecessor Plan which was
23 credited under the predecessor Plan and for law enforcement officers
24 and criminalists of the Oklahoma State Bureau of Investigation and

1 the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control
2 who became members of the System on July 1, 1980, any service
3 credited under the Oklahoma Public Employees Retirement System as of
4 June 30, 1980, and for members of the Communications and Lake Patrol
5 Divisions of the Oklahoma Department of Public Safety, who became
6 members of the System on July 1, 1981, any service credited under
7 the predecessor Plan or the Oklahoma Public Employees Retirement
8 System as of June 30, 1981, and for law enforcement officers of the
9 Alcoholic Beverage Laws Enforcement Commission who became members of
10 the System on July 1, 1982, any service credited under the Oklahoma
11 Public Employees Retirement System as of June 30, 1982, and for park
12 rangers of the Oklahoma Tourism and Recreation Department who became
13 members of the System on July 1, 1985, any service credited under
14 the Oklahoma Public Employees Retirement System as of June 30, 1985,
15 and for inspectors of the Oklahoma State Board of Pharmacy who
16 became members of the System on July 1, 1986, any service credited
17 under the Oklahoma Public Employees Retirement System as of June 30,
18 1986, for law enforcement officers of the Oklahoma Capitol Patrol
19 Division of the Department of Public Safety who became members of
20 the System effective July 1, 1993, any service credited under the
21 Oklahoma Public Employees Retirement System as of June 30, 1993, and
22 for all commissioned officers in the Gunsmith/Ammunition Reloader
23 Division of the Department of Public Safety who became members of
24 the System effective July 1, 1994, any service credited under the

Oklahoma Public Employees Retirement System as of June 30, 1994, and for the park managers or park supervisors of the Oklahoma Tourism and Recreation Department who were employed in such a position prior to July 1, 1985, and who elect to become members of the System effective September 1, 1996, any service credit transferred pursuant to subsection C of Section 2-309.6 of this title and any service credit purchased pursuant to subsection B of Section 2-307.2 of this title. Effective August 5, 1993, an authorized leave of absence shall include a period of absence pursuant to the Family and Medical Leave Act of 1993;

11. "Disability" means a physical or mental condition which, in the judgment of the Board, totally and presumably permanently prevents the member from engaging in the usual and customary duties of the occupation of the member and thereafter prevents the member from performing the duties of any occupation or service for which the member is qualified by reason of training, education or experience. A person is not under a disability when capable of performing a service to the employer, regardless of occupation, providing the salary of the employee is not diminished thereby;

12. "Limitation year" means the year used in applying the limitations of Section 415 of the Internal Revenue Code of 1986, which year shall be the calendar year;

13. "Line of duty" means any action which a member whose primary function is crime control or reduction or enforcement of the

1 criminal law is obligated or authorized by rule, regulations,
2 condition of employment or service, or law to perform, including
3 those social, ceremonial, or athletic functions to which the member
4 is assigned, or for which the member is compensated, by the agency
5 the member serves;

6 14. "Personal injury" or "injury" means any traumatic injury as
7 well as diseases which are caused by or result from such an injury,
8 but not occupational diseases;

9 15. "Catastrophic nature" means consequences of an injury that
10 permanently prevent an individual from performing any gainful work;

11 16. "Traumatic injury" means a wound or a condition of the body
12 caused by external force, including injuries inflicted by bullets,
13 explosives, sharp instruments, blunt objects or other physical
14 blows, chemicals, electricity, climatic conditions, infectious
15 diseases, radiation, and bacteria, but excluding stress and strain;
16 and

17 17. "Beneficiary" means the individual designated by the member
18 on a beneficiary designation form supplied by the Oklahoma Law
19 Enforcement Retirement System, or if there is no designated
20 beneficiary or if the designated beneficiary predeceases the member,
21 the estate of the member. If the member's spouse is not designated
22 as the sole primary beneficiary, the member's spouse must sign a
23 consent.

1 SECTION 5. AMENDATORY 63 O.S. 2011, Section 2-101, as
2 last amended by Section 1, Chapter 43, O.S.L. 2017 (63 O.S. Supp.
3 2017, Section 2-101), is amended to read as follows:

4 Section 2-101. As used in the Uniform Controlled Dangerous
5 Substances Act:

6 1. "Administer" means the direct application of a controlled
7 dangerous substance, whether by injection, inhalation, ingestion or
8 any other means, to the body of a patient, animal or research
9 subject by:

10 a. a practitioner (or, in the presence of the
11 practitioner, by the authorized agent of the
12 practitioner), or

13 b. the patient or research subject at the direction and
14 in the presence of the practitioner;

15 2. "Agent" means a peace officer appointed by and who acts on
16 behalf of the Director of the Oklahoma State Bureau of ~~Narcotics and~~
17 ~~Dangerous Drugs Control~~ Investigation or an authorized person who
18 acts on behalf of or at the direction of a person who manufactures,
19 distributes, dispenses, prescribes, administers or uses for
20 scientific purposes controlled dangerous substances but does not
21 include a common or contract carrier, public warehouse or employee
22 thereof, or a person required to register under the Uniform
23 Controlled Dangerous Substances Act;

1 3. ~~"Board" means the Advisory Board to the Director of the~~
2 ~~Oklahoma State Bureau of Narcotics and Dangerous Drugs Control;~~

3 4. "Bureau" means the Oklahoma State Bureau of ~~Narcotics and~~
4 ~~Dangerous Drugs Control~~ Investigation;

5 5. 4. "Coca leaves" includes cocaine and any compound,
6 manufacture, salt, derivative, mixture or preparation of coca
7 leaves, except derivatives of coca leaves which do not contain
8 cocaine or ecgonine;

9 5. "Commission" means the Oklahoma State Bureau of
10 Investigation Commission;

11 6. "Commissioner" or "Director" means the Director of the
12 Oklahoma State Bureau of ~~Narcotics and Dangerous Drugs Control~~
13 Investigation;

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

17 8. "Controlled dangerous substance" means a drug, substance or
18 immediate precursor in Schedules I through V of the Uniform
19 Controlled Dangerous Substances Act or any drug, substance or
20 immediate precursor listed either temporarily or permanently as a
21 federally controlled substance. Any conflict between state and
22 federal law with regard to the particular schedule in which a
23 substance is listed shall be resolved in favor of state law;

1 9. "Counterfeit substance" means a controlled substance which,
2 or the container or labeling of which without authorization, bears
3 the trademark, trade name or other identifying marks, imprint,
4 number or device or any likeness thereof of a manufacturer,
5 distributor or dispenser other than the person who in fact
6 manufactured, distributed or dispensed the substance;

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

11 11. "Dispense" means to deliver a controlled dangerous
12 substance to an ultimate user or human research subject by or
13 pursuant to the lawful order of a practitioner, including the
14 prescribing, administering, packaging, labeling or compounding
15 necessary to prepare the substance for such distribution.
16 "Dispenser" is a practitioner who delivers a controlled dangerous
17 substance to an ultimate user or human research subject;

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

20 13. "Distributor" means a commercial entity engaged in the
21 distribution or reverse distribution of narcotics and dangerous
22 drugs and who complies with all regulations promulgated by the
23 federal Drug Enforcement Administration and the Oklahoma State
24 Bureau of ~~Narcotics and Dangerous Drugs Control~~ Investigation;

1 14. "Drug" means articles:

- 2 a. recognized in the official United States
3 Pharmacopoeia, official Homeopathic Pharmacopoeia of
4 the United States, or official National Formulary, or
5 any supplement to any of them,
6 b. intended for use in the diagnosis, cure, mitigation,
7 treatment or prevention of disease in man or other
8 animals,
9 c. other than food, intended to affect the structure or
10 any function of the body of man or other animals, and
11 d. intended for use as a component of any article
12 specified in this paragraph;

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

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

23 16. "Home care agency" means any sole proprietorship,
24 partnership, association, corporation, or other organization which

1 administers, offers, or provides home care services, for a fee or
2 pursuant to a contract for such services, to clients in their place
3 of residence;

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

6 18. "Hospice" means a centrally administered, nonprofit or
7 profit, medically directed, nurse-coordinated program which provides
8 a continuum of home and inpatient care for the terminally ill
9 patient and the patient's family. Such term shall also include a
10 centrally administered, nonprofit or profit, medically directed,
11 nurse-coordinated program if such program is licensed pursuant to
12 the provisions of this act. A hospice program offers palliative and
13 supportive care to meet the special needs arising out of the
14 physical, emotional and spiritual stresses which are experienced
15 during the final stages of illness and during dying and bereavement.
16 This care is available twenty-four (24) hours a day, seven (7) days
17 a week, and is provided on the basis of need, regardless of ability
18 to pay. "Class A" Hospice refers to Medicare certified hospices.
19 "Class B" refers to all other providers of hospice services;

20 19. "Imitation controlled substance" means a substance that is
21 not a controlled dangerous substance, which by dosage unit
22 appearance, color, shape, size, markings or by representations made,
23 would lead a reasonable person to believe that the substance is a
24 controlled dangerous substance. In the event the appearance of the

1 dosage unit is not reasonably sufficient to establish that the
2 substance is an "imitation controlled substance", the court or
3 authority concerned should consider, in addition to all other
4 factors, the following factors as related to "representations made"
5 in determining whether the substance is an "imitation controlled
6 substance":

- 7 a. statements made by an owner or by any other person in
8 control of the substance concerning the nature of the
9 substance, or its use or effect,
- 10 b. statements made to the recipient that the substance
11 may be resold for inordinate profit,
- 12 c. whether the substance is packaged in a manner normally
13 used for illicit controlled substances,
- 14 d. evasive tactics or actions utilized by the owner or
15 person in control of the substance to avoid detection
16 by law enforcement authorities,
- 17 e. prior convictions, if any, of an owner, or any other
18 person in control of the object, under state or
19 federal law related to controlled substances or fraud,
20 and
- 21 f. the proximity of the substances to controlled
22 dangerous substances;

23 20. "Immediate precursor" means a substance which the Director
24 has found to be and by regulation designates as being the principal

1 compound commonly used or produced primarily for use, and which is
2 an immediate chemical intermediary used, or likely to be used, in
3 the manufacture of a controlled dangerous substance, the control of
4 which is necessary to prevent, curtail or limit such manufacture;

5 21. "Laboratory" means a laboratory approved by the Director as
6 proper to be entrusted with the custody of controlled dangerous
7 substances and the use of controlled dangerous substances for
8 scientific and medical purposes and for purposes of instruction;

9 22. "Manufacture" means the production, preparation,
10 propagation, compounding or processing of a controlled dangerous
11 substance, either directly or indirectly by extraction from
12 substances of natural or synthetic origin, or independently by means
13 of chemical synthesis or by a combination of extraction and chemical
14 synthesis. "Manufacturer" includes any person who packages,
15 repackages or labels any container of any controlled dangerous
16 substance, except practitioners who dispense or compound
17 prescription orders for delivery to the ultimate consumer;

18 23. "Marihuana" means all parts of the plant *Cannabis sativa*
19 L., whether growing or not; the seeds thereof; the resin extracted
20 from any part of such plant; and every compound, manufacture, salt,
21 derivative, mixture or preparation of such plant, its seeds or
22 resin, but shall not include:

- 23 a. the mature stalks of such plant or fiber produced from
24 such stalks,

- 1 b. oil or cake made from the seeds of such plant,
2 including cannabidiol derived from the seeds of the
3 marihuana plant,
- 4 c. any other compound, manufacture, salt, derivative,
5 mixture or preparation of such mature stalks (except
6 the resin extracted therefrom), including cannabidiol
7 derived from mature stalks, fiber, oil or cake,
- 8 d. the sterilized seed of such plant which is incapable
9 of germination,
- 10 e. for any person participating in a clinical trial to
11 administer cannabidiol for the treatment of severe
12 forms of epilepsy pursuant to Section 2-802 of this
13 title, a drug or substance approved by the federal
14 Food and Drug Administration for use by those
15 participants,
- 16 f. for any person or the parents, legal guardians or
17 caretakers of the person who have received a written
18 certification from a physician licensed in this state
19 that the person has been diagnosed by a physician as
20 having Lennox-Gastaut Syndrome, Dravet Syndrome, also
21 known as Severe Myoclonic Epilepsy of Infancy, or any
22 other severe form of epilepsy that is not adequately
23 treated by traditional medical therapies, spasticity
24 due to multiple sclerosis or due to paraplegia,

1 intractable nausea and vomiting, appetite stimulation
2 with chronic wasting diseases, the substance
3 cannabidiol, a nonpsychoactive cannabinoid, found in
4 the plant *Cannabis sativa* L. or any other preparation
5 thereof, that has a tetrahydrocannabinol concentration
6 of not more than three-tenths of one percent (0.3%)
7 and that is delivered to the patient in the form of a
8 liquid,

9 g. any cannabidiol drug or substance approved by the
10 federal Food and Drug ~~Administration-approved~~
11 ~~cannabidiol drug or substance~~ Administration, or

12 h. industrial hemp, from the plant *Cannabis sativa* L. and
13 any part of such plant, whether growing or not, with a
14 delta-9 tetrahydrocannabinol concentration of not more
15 than three-tenths of one percent (0.3%) on a dry
16 weight basis which shall not be grown anywhere in the
17 State of Oklahoma but may be shipped to Oklahoma
18 pursuant to the provisions of subparagraph e or f of
19 this paragraph;

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

1 25. "Mid-level practitioner" means an advanced practice
2 registered nurse as defined and within parameters specified in
3 Section 567.3a of Title 59 of the Oklahoma Statutes, or a ~~certified~~
4 an animal euthanasia technician as defined in Section 698.2 of Title
5 59 of the Oklahoma Statutes, or an animal control officer registered
6 by the Oklahoma State Bureau of ~~Narcotics and Dangerous Drugs~~
7 ~~Control~~ Investigation under subsection B of Section 2-301 of this
8 title within the parameters of such officer's duty under Sections
9 501 through 508 of Title 4 of the Oklahoma Statutes;

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

- 14 a. opium, coca leaves and opiates,
- 15 b. a compound, manufacture, salt, derivative or
16 preparation of opium, coca leaves or opiates,
- 17 c. cocaine, its salts, optical and geometric isomers, and
18 salts of isomers,
- 19 d. ecgonine, its derivatives, their salts, isomers and
20 salts of isomers, and
- 21 e. a substance, and any compound, manufacture, salt,
22 derivative or preparation thereof, which is chemically
23 identical with any of the substances referred to in
24 subparagraphs a through d of this paragraph, except

1 that the words "narcotic drug" as used in Section 2-
2 101 et seq. of this title shall not include
3 decocainized coca leaves or extracts of coca leaves,
4 which extracts do not contain cocaine or ecgonine;

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

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

15 29. "Peace officer" means a police officer, sheriff, deputy
16 sheriff, district attorney's investigator, investigator from the
17 Office of the Attorney General, or any other person elected or
18 appointed by law to enforce any of the criminal laws of this state
19 or of the United States;

20 30. "Person" means an individual, corporation, government or
21 governmental subdivision or agency, business trust, estate, trust,
22 partnership or association, or any other legal entity;

23 31. "Poppy straw" means all parts, except the seeds, of the
24 opium poppy, after mowing;

1 32. "Practitioner" means:

- 2 a. (1) a medical doctor or osteopathic physician,
3 (2) a dentist,
4 (3) a podiatrist,
5 (4) an optometrist,
6 (5) a veterinarian,
7 (6) a physician assistant under the supervision of a
8 licensed medical doctor or osteopathic physician,
9 (7) a scientific investigator, or
10 (8) any other person,
11 licensed, registered or otherwise permitted to
12 prescribe, distribute, dispense, conduct research with
13 respect to, use for scientific purposes or administer
14 a controlled dangerous substance in the course of
15 professional practice or research in this state, or
16 b. a pharmacy, hospital, laboratory or other institution
17 licensed, registered or otherwise permitted to
18 distribute, dispense, conduct research with respect
19 to, use for scientific purposes or administer a
20 controlled dangerous substance in the course of
21 professional practice or research in this state;

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

1 34. "State" means the State of Oklahoma or any other state of
2 the United States;

3 35. "Ultimate user" means a person who lawfully possesses a
4 controlled dangerous substance for the person's own use or for the
5 use of a member of the person's household or for administration to
6 an animal owned by the person or by a member of the person's
7 household;

8 36. "Drug paraphernalia" means all equipment, products and
9 materials of any kind which are used, intended for use, or fashioned
10 specifically for use in planting, propagating, cultivating, growing,
11 harvesting, manufacturing, compounding, converting, producing,
12 processing, preparing, testing, analyzing, packaging, repackaging,
13 storing, containing, concealing, injecting, ingesting, inhaling or
14 otherwise introducing into the human body, a controlled dangerous
15 substance in violation of the Uniform Controlled Dangerous
16 Substances Act including, but not limited to:

- 17 a. kits used, intended for use, or fashioned specifically
18 for use in planting, propagating, cultivating, growing
19 or harvesting of any species of plant which is a
20 controlled dangerous substance or from which a
21 controlled dangerous substance can be derived,
22 b. kits used, intended for use, or fashioned specifically
23 for use in manufacturing, compounding, converting,

- 1 producing, processing or preparing controlled
2 dangerous substances,
- 3 c. isomerization devices used, intended for use, or
4 fashioned specifically for use in increasing the
5 potency of any species of plant which is a controlled
6 dangerous substance,
- 7 d. testing equipment used, intended for use, or fashioned
8 specifically for use in identifying, or in analyzing
9 the strength, effectiveness or purity of controlled
10 dangerous substances,
- 11 e. scales and balances used, intended for use, or
12 fashioned specifically for use in weighing or
13 measuring controlled dangerous substances,
- 14 f. diluent and adulterants, such as quinine
15 hydrochloride, mannitol, mannite, dextrose and
16 lactose, used, intended for use, or fashioned
17 specifically for use in cutting controlled dangerous
18 substances,
- 19 g. separation gins and sifters used, intended for use, or
20 fashioned specifically for use in removing twigs and
21 seeds from, or in otherwise cleaning or refining,
22 marihuana,

- 1 h. blenders, bowls, containers, spoons and mixing devices
2 used, intended for use, or fashioned specifically for
3 use in compounding controlled dangerous substances,
4 i. capsules, balloons, envelopes and other containers
5 used, intended for use, or fashioned specifically for
6 use in packaging small quantities of controlled
7 dangerous substances,
8 j. containers and other objects used, intended for use,
9 or fashioned specifically for use in parenterally
10 injecting controlled dangerous substances into the
11 human body,
12 k. hypodermic syringes, needles and other objects used,
13 intended for use, or fashioned specifically for use in
14 parenterally injecting controlled dangerous substances
15 into the human body,
16 l. objects used, intended for use, or fashioned
17 specifically for use in ingesting, inhaling or
18 otherwise introducing marihuana, cocaine, hashish or
19 hashish oil into the human body, such as:
20 (1) metal, wooden, acrylic, glass, stone, plastic or
21 ceramic pipes with or without screens, permanent
22 screens, hashish heads or punctured metal bowls,
23 (2) water pipes,
24 (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,

1 traditional pipes of an American Indian tribal religious ceremony,
2 or antique pipes that are thirty (30) years of age or older;

3 37. a. "Synthetic controlled substance" means a substance:

- 4 (1) the chemical structure of which is substantially
5 similar to the chemical structure of a controlled
6 dangerous substance in Schedule I or II,
7 (2) which has a stimulant, depressant, or
8 hallucinogenic effect on the central nervous
9 system that is substantially similar to or
10 greater than the stimulant, depressant or
11 hallucinogenic effect on the central nervous
12 system of a controlled dangerous substance in
13 Schedule I or II, or
14 (3) with respect to a particular person, which such
15 person represents or intends to have a stimulant,
16 depressant, or hallucinogenic effect on the
17 central nervous system that is substantially
18 similar to or greater than the stimulant,
19 depressant, or hallucinogenic effect on the
20 central nervous system of a controlled dangerous
21 substance in Schedule I or II.

22 b. The designation of gamma butyrolactone or any other
23 chemical as a precursor, pursuant to Section 2-322 of
24 this title, does not preclude a finding pursuant to

1 subparagraph a of this paragraph that the chemical is
2 a synthetic controlled substance.

3 c. "Synthetic controlled substance" does not include:

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

18 d. Prima facie evidence that a substance containing
19 salvia divinorum has been enhanced, concentrated or
20 chemically or physically altered shall give rise to a
21 rebuttable presumption that the substance is a
22 synthetic controlled substance;
23
24

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

4 39. "Isomer" means the optical isomer, except as used in
5 subsections C and F of Section 2-204 of this title and paragraph 4
6 of subsection A of Section 2-206 of this title. As used in
7 subsections C and F of Section 2-204 of this title, "isomer" means
8 the optical, positional or geometric isomer. As used in paragraph 4
9 of subsection A of Section 2-206 of this title, the term "isomer"
10 means the optical or geometric isomer;

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

15 41. "Anhydrous ammonia" means any substance that exhibits
16 cryogenic evaporative behavior and tests positive for ammonia.

17 SECTION 6. AMENDATORY 63 O.S. 2011, Section 2-102, is
18 amended to read as follows:

19 Section 2-102. ~~There is hereby established the~~ The Oklahoma
20 State Bureau of Narcotics and Dangerous Drugs Control is hereby
21 consolidated with the Oklahoma State Bureau of Investigation. All
22 references in the Oklahoma Statutes to the Oklahoma State Bureau of
23 Narcotics and Dangerous Drugs Control shall be deemed to be a
24

1 reference to the Oklahoma State Bureau of Investigation unless
2 otherwise required by the context of the reference.

3 SECTION 7. AMENDATORY 63 O.S. 2011, Section 2-103, as
4 last amended by Section 1, Chapter 390, O.S.L. 2017 (63 O.S. Supp.
5 2017, Section 2-103), is amended to read as follows:

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

1 B. 1. Agents appointed by the Director shall have the powers
2 of peace officers generally; provided, the Director may appoint
3 special agents and reserve special agents, who shall be unclassified
4 employees of the state, to meet specific investigatory needs.
5 Special agents and reserve special agents shall not be required to
6 meet the age and educational requirements as specified in this
7 section.

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

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

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

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

1 hundred forty (140) hours per calendar month. Upon completion of
2 training, reserve special agents appointed by the Director shall
3 have general peace officer powers and the authority to arrest those
4 suspected of having violated the provisions of the Uniform
5 Controlled Dangerous Substances Act. The agency may expend funds
6 related to training and special reserve agents may receive travel
7 expenses pursuant to the State Travel Reimbursement Act.

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

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

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

21 H. Custody and possession of the sidearm and badge of a
22 commissioned employee who dies while employed at the Oklahoma State
23 Bureau of ~~Narcotics and Dangerous Drugs Control~~ Investigation may be
24

1 awarded by the Director to the spouse or next of kin of the deceased
2 employee.

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

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

16 SECTION 8. AMENDATORY 63 O.S. 2011, Section 2-103.1, as
17 amended by Section 1, Chapter 143, O.S.L. 2013 (63 O.S. Supp. 2017,
18 Section 2-103.1), is amended to read as follows:

19 Section 2-103.1 A. In any investigation relating to the
20 ~~functions of the Oklahoma State Bureau of Narcotics and Dangerous~~
21 ~~Drugs Control pursuant to the~~ provisions of the Uniform Controlled
22 Dangerous Substances Act with respect to controlled substances or
23 other provisions of Oklahoma law with respect to the crimes of money
24 laundering and human trafficking, the Director of the Oklahoma State

1 Bureau of ~~Narcotics and Dangerous Drugs Control~~ Investigation, if
2 recommended and approved by a chief agent of the Bureau and the
3 legal counsel of the Bureau, may subpoena witnesses, compel the
4 attendance and testimony of witnesses, and require the production of
5 any records, including books, papers, documents, and other tangible
6 things which constitute or contain evidence, which the Director or
7 agent finds relevant or material to the investigation. The
8 attendance of witnesses and the production of records may be
9 required from any place in the state to a designated location in the
10 county seat of the county of which the subpoenaed person is an
11 inhabitant or in which the subpoenaed person carries on business or
12 may be found. Witnesses summoned pursuant to this section shall be
13 paid the same fees and mileage that are paid witnesses in the courts
14 of this state.

15 B. The witness shall have the option of complying with said
16 subpoena by:

- 17 1. Appearing and/or producing documents, as requested; or
- 18 2. Notifying the Bureau, in writing, of refusal to appear or
19 produce documents, within ten (10) days of the date of service.

20 The subpoena form shall clearly set forth the optional means of
21 compliance including instructions for sending written notice of
22 refusal.

23 C. A subpoena issued pursuant to this section may be served by
24 any person designated in the subpoena to serve it. Service upon a

1 natural person may be made by personal delivery of the subpoena to
2 him. Service may be made upon a domestic or foreign corporation or
3 upon a partnership or other unincorporated association which is
4 subject to suit under a common name, by delivering the subpoena to
5 an officer, to a managing or general agent, or to any other agent
6 authorized by appointment or by law to receive service of process.
7 The affidavit of the person serving the subpoena entered on a true
8 copy thereof by the person serving it shall be proof of service.

9 D. In the case of contumacy by or refusal to obey a subpoena
10 issued to any person, the Director may invoke the aid of any
11 district court of the state within the jurisdiction of which the
12 investigation is carried on or of which the subpoenaed person is an
13 inhabitant, or in which he carries on business or may be found, to
14 compel compliance with the subpoena. The court may issue an order
15 requiring the subpoenaed person to appear before the Director to
16 produce records, if so ordered, or to give testimony touching the
17 matter under investigation. Any failure to obey the order of the
18 court may be punished by the court as an indirect contempt thereof.
19 All process in any such case may be served in any judicial district
20 in which such person may be found.

21 E. The district court of the county wherein the subpoena is
22 served may quash a subpoena issued pursuant to this section, upon a
23 motion to quash the subpoena filed with the court by the party to
24 whom the subpoena is issued.

1 SECTION 9. AMENDATORY 63 O.S. 2011, Section 2-105, as
2 amended by Section 2, Chapter 305, O.S.L. 2015 (63 O.S. Supp. 2017,
3 Section 2-105), is amended to read as follows:

4 Section 2-105. A. It shall be the duty of all departments,
5 officers, agencies, and employees of the state to cooperate with the
6 Director of the Oklahoma State Bureau of ~~Narcotics and Dangerous~~
7 ~~Drugs Control~~ Investigation in carrying out the functions of the
8 office. The State Medical Examiner shall promptly report to the
9 offices of the Director of the Oklahoma State Bureau of ~~Narcotics~~
10 ~~and Dangerous Drugs Control~~ Investigation, the Executive Director of
11 the State Board of Medical Licensure and Supervision and the
12 Executive Director of the State Board of Osteopathic Examiners all
13 deaths occurring within the state which were the result or probable
14 result of abuse of a controlled dangerous substance.

15 B. The Bureau shall be required to compile a yearly report of
16 all fatal and nonfatal drug overdoses for the State of Oklahoma.
17 All registrants, as defined in the Anti-Drug Diversion Act, shall
18 report any person appearing at a medical facility with a drug
19 overdose to the central repository as provided in the Anti-Drug
20 Diversion Act. The determination of a drug overdose shall be made
21 solely at the discretion of the treating medical professional based
22 on the education, experience and professional opinion of the medical
23 professional. This information shall be considered part of the
24 central repository pursuant to the Anti-Drug Diversion Act and shall

1 be confidential and not open to the public pursuant to the
2 provisions of Section 2-309D of this title.

3 SECTION 10. AMENDATORY 63 O.S. 2011, Section 2-106, as
4 amended by Section 1, Chapter 340, O.S.L. 2013 (63 O.S. Supp. 2017,
5 Section 2-106), is amended to read as follows:

6 Section 2-106. A. The Director of the Oklahoma State Bureau of
7 ~~Narcotics and Dangerous Drugs Control~~ Investigation shall, in
8 addition to other powers and duties vested in the Director:

9 1. Cooperate with federal and other state agencies in
10 discharging the responsibilities concerning traffic in narcotics and
11 dangerous substances and in suppressing the abuse of dangerous
12 substances;

13 2. Arrange for the exchange of information between governmental
14 officials concerning the use and abuse of dangerous substances;

15 3. Coordinate and cooperate in training programs on dangerous
16 substances law enforcement at the local and state levels;

17 4. Cooperate with the Oklahoma State Bureau of ~~Narcotics and~~
18 ~~Dangerous Drugs Control~~ Investigation by establishing a centralized
19 unit which will accept, catalog, file and collect statistics,
20 including records of drug-dependent persons and other dangerous
21 substance law offenders within the state, and make such information
22 available for federal, state and local law enforcement purposes; and
23 may collect and furnish statistics for other appropriate purposes;
24 and

1 5. Coordinate and cooperate in programs of eradication aimed at
2 destroying wild or illicit growth of plant species from which
3 controlled dangerous substances may be extracted.

4 B. Results, information and evidence received from the Oklahoma
5 State Bureau of ~~Narcotics and Dangerous Drugs Control~~ Investigation
6 relating to the regulatory functions of this act, including results
7 of inspections conducted by that agency, may be relied upon and
8 acted upon by the Director in conformance with the regulatory
9 functions under this act.

10 C. The Director is further authorized and directed to:

11 1. Coordinate and cooperate in educational programs designed to
12 prevent and deter misuse and abuse of controlled dangerous
13 substances;

14 2. Promote better recognition of the problems of misuse and
15 abuse of controlled dangerous substances within the regulated
16 industry and among interested groups and organizations;

17 3. Assist the regulated industry, interested groups and
18 organizations in contributing to the reduction of misuse and abuse
19 of controlled dangerous substances;

20 4. Consult with interested groups and organizations to aid them
21 in solving administrative and organizational problems;

22 5. Assist in evaluating procedures, projects, techniques and
23 controls conducted or proposed as part of educational programs on
24 misuse and abuse of controlled dangerous substances;

1 6. Disseminate the results of research on misuse and abuse of
2 controlled dangerous substances to promote a better public
3 understanding of what problems exist and what can be done to combat
4 them;

5 7. Assist in the education and training of state and local law
6 enforcement officials in their efforts to control misuse and abuse
7 of controlled dangerous substances;

8 8. Conduct an annual seminar to be attended by selected law
9 enforcement officers in order to teach new techniques and advances
10 in the investigation of violations of the Uniform Controlled
11 Dangerous Substances Act; and

12 9. Supervise and direct agents appointed in the performance of
13 their function of enforcement of the provisions of this act.

14 D. The Director is further authorized and directed to:

15 1. Encourage research on misuse and abuse of controlled
16 dangerous substances;

17 2. Cooperate in establishing methods to assess accurately the
18 effects of controlled dangerous substances and to identify and
19 characterize controlled dangerous substances with potential for
20 abuse; and

21 3. Cooperate in making studies and in undertaking programs of
22 research to:

- 1 a. develop new or improved approaches, techniques,
2 systems, equipment and devices to strengthen the
3 enforcement of this act,
4 b. determine patterns of misuse and abuse of controlled
5 dangerous substances and the social effects thereof,
6 and
7 c. improve methods for preventing, predicting,
8 understanding and dealing with the misuse and abuse of
9 controlled dangerous substances.

10 E. The Director shall prepare a yearly report on all deaths and
11 nonfatal overdoses which were the result or probable result of abuse
12 of a controlled dangerous substance. The yearly report shall be
13 limited to statistical information including, but not limited to,
14 the county where the death or nonfatal overdose occurred, age, race,
15 gender, type of controlled dangerous substances involved in the
16 death or nonfatal overdose, and the method in which the controlled
17 dangerous substance was obtained by the person, when available.

18 F. The Director may enter into contracts with public agencies,
19 institutions of higher education and private organizations or
20 individuals for the purpose of conducting research, demonstrations
21 or special projects which bear directly on misuse and abuse of
22 controlled dangerous substances.

23 G. The Director may enter into contracts for educational and
24 research activities without performance bonds.

1 H. The Director may authorize persons engaged in research or
2 scientific activities on the use and effects of dangerous substances
3 to withhold the names and other identifying characteristics of
4 persons who are the subjects of such research. Persons who obtain
5 this authorization may not be compelled in any state civil,
6 criminal, administrative, legislative or other proceeding to
7 identify the subjects of research for which such authorization was
8 obtained.

9 I. The Director may authorize the lawful possession,
10 distribution and use of controlled dangerous substances by persons
11 engaged in research or scientific activities; authorization for
12 possession of controlled dangerous substances may be extended to
13 persons engaged in a program of drug education or persons in the
14 performance of an official duty. Persons who obtain this
15 authorization shall be exempt from state prosecution for possession,
16 distribution or use of dangerous substances to the extent authorized
17 by the Director.

18 J. The Director is authorized to accept gifts, bequests,
19 devises, contributions and grants, public or private, including
20 federal funds or funds from any other source for use in furthering
21 the purpose of the office of the Director.

22 K. The Director is authorized to purchase or sell real
23 property, together with appurtenances, in the name of the Oklahoma
24 State Bureau of ~~Narcotics and Dangerous Drugs Control~~ Investigation

1 upon approval of the Oklahoma State Bureau of ~~Narcotics and~~
2 ~~Dangerous Drugs Control~~ Investigation Commission.

3 L. The Director is authorized to purchase and maintain motor
4 vehicles and other equipment for use by the employees of the Bureau.

5 M. The Director shall be in charge of all monies appropriated
6 for or deposited to the credit of the office of the Director and is
7 authorized to approve claims and payrolls as provided in Section
8 ~~41.26~~ 34.68 of Title 62 of the Oklahoma Statutes.

9 N. The Director shall have the authority of a peace officer and
10 is authorized to commission assistants of the office as peace
11 officers.

12 O. Upon determining that a practitioner is prescribing a
13 controlled dangerous substance to a person engaged in fraudulent or
14 deceptive efforts to fill or refill multiple prescriptions for
15 controlled dangerous substances, the Director shall provide written
16 or electronic notification alerting the practitioner to the
17 possibility that the person may be unlawfully obtaining prescription
18 drugs in violation of the Uniform Controlled Dangerous Substances
19 Act.

20 SECTION 11. AMENDATORY 63 O.S. 2011, Section 2-106.1, as
21 amended by Section 496, Chapter 304, O.S.L. 2012 (63 O.S. Supp.
22 2017, Section 2-106.1), is amended to read as follows:

23 Section 2-106.1 The Oklahoma State Bureau of ~~Narcotics and~~
24 ~~Dangerous Drugs Control~~ Investigation is hereby authorized to lease

1 the seaplane owned by ~~said~~ the Bureau. ~~Said~~ The lease shall not be
2 subject to the provisions of Section 85.5 of Title 74 of the
3 Oklahoma Statutes and shall not have to be approved by the Office of
4 Management and Enterprise Services.

5 SECTION 12. AMENDATORY 63 O.S. 2011, Section 2-106.2, is
6 amended to read as follows:

7 Section 2-106.2 A. The Oklahoma State Bureau of ~~Narcotics and~~
8 ~~Dangerous Drugs Control~~ Investigation, pursuant to rules promulgated
9 by the Oklahoma State Bureau of ~~Narcotics and Dangerous Drugs~~
10 ~~Control~~ Investigation Commission, is hereby authorized to:

11 1. Make available for sale used vehicles, used equipment and
12 forfeited property to any federal, state, county, or municipal
13 agency, trust authority or public school district;

14 2. Sell at public auction any used vehicles, used equipment and
15 any property forfeited to the Bureau; and

16 3. Donate or transfer title to any surplus property as defined
17 in Section 62.2 of Title 74 of the Oklahoma Statutes, or property
18 forfeited to the Bureau, to any law enforcement agency of any
19 political subdivision of the State of Oklahoma. The use of such
20 donated equipment shall be limited to valid and authorized law
21 enforcement efforts by the receiving agency.

22 B. Any property subject to this section shall be exempted from
23 the provisions set forth in Section 62.3 of Title 74 of the Oklahoma
24 Statutes.

1 SECTION 13. AMENDATORY 63 O.S. 2011, Section 2-107, as
2 amended by Section 497, Chapter 304, O.S.L. 2012 (63 O.S. Supp.
3 2017, Section 2-107), is amended to read as follows:

4 Section 2-107. There is hereby created in the State Treasury a
5 revolving fund for the Oklahoma State Bureau of ~~Narcotics and~~
6 ~~Dangerous Drugs Control~~ Investigation to be designated the "~~Bureau~~
7 ~~of Narcotics Revolving Fund~~". The fund shall be a continuing fund,
8 not subject to fiscal year limitations, and shall consist of any
9 monies received from the sale of surplus and confiscated property,
10 fees and receipts collected pursuant to the Oklahoma Open Records
11 Act, gifts, bequests, devises, contributions or grants, public or
12 private, including federal funds unless otherwise provided by
13 federal law or regulation, registration fees and receipts relating
14 to prescription pads and receipts from any other source. All monies
15 accruing to the credit of said fund are hereby appropriated and may
16 be budgeted and expended by the Oklahoma State Bureau of ~~Narcotics~~
17 ~~and Dangerous Drugs Control~~ Investigation for general operations of
18 the agency. Expenditures from said fund shall be made upon warrants
19 issued by the State Treasurer against claims filed as prescribed by
20 law with the Director of the Office of Management and Enterprise
21 Services for approval and payment.

22 SECTION 14. AMENDATORY 63 O.S. 2011, Section 2-107a, is
23 amended to read as follows:

1 Section 2-107a. There is hereby created in the State Treasury a
2 revolving fund for the Oklahoma State Bureau of ~~Narcotics and~~
3 ~~Dangerous Drugs Control~~ Investigation to be designated the "~~Bureau~~
4 ~~of Narcotics~~ Drug Education Revolving Fund". The fund shall be a
5 continuing fund, not subject to fiscal year limitations, and shall
6 consist of any monies received pursuant to subsection F of Section
7 1313.2 of Title 20 of the Oklahoma Statutes. All monies accruing to
8 the credit of the fund are hereby appropriated and may be budgeted
9 and expended by the Oklahoma State Bureau of ~~Narcotics and Dangerous~~
10 ~~Drugs Control~~ Investigation for purposes relating to drug education
11 and information in the State of Oklahoma.

12 SECTION 15. AMENDATORY 63 O.S. 2011, Section 2-107b, as
13 amended by Section 498, Chapter 304, O.S.L. 2012 (63 O.S. Supp.
14 2017, Section 2-107b), is amended to read as follows:

15 Section 2-107b. There is hereby created in the State Treasury a
16 revolving fund for the Oklahoma State Bureau of ~~Narcotics and~~
17 ~~Dangerous Drugs Control~~ Investigation to be designated the "Drug
18 Money Laundering and Wire Transmitter Revolving Fund". The fund
19 shall be a continuing fund, not subject to fiscal year limitations,
20 and shall consist of all monies received by the Oklahoma State
21 Bureau of ~~Narcotics and Dangerous Drugs Control~~ Investigation from
22 the fees imposed pursuant to Section 2-503.1j of this title. All
23 monies accruing to the credit of the fund are hereby appropriated
24 and may be budgeted and expended by the Oklahoma State Bureau of

1 ~~Narcotics and Dangerous Drugs Control~~ Investigation for the purpose
2 of drug enforcement. Expenditures from said fund shall be made upon
3 warrants issued by the State Treasurer against claims filed as
4 prescribed by law with the Director of the Office of Management and
5 Enterprise Services for approval and payment.

6 SECTION 16. AMENDATORY 63 O.S. 2011, Section 2-109, is
7 amended to read as follows:

8 Section 2-109. The Oklahoma State Bureau of ~~Narcotics and~~
9 ~~Dangerous Drugs Control~~ Investigation is hereby authorized to rent
10 ~~and/or~~ or charter aircraft on a project mission basis; such rental
11 or charter to last only for the duration of the project mission.
12 The Bureau is also authorized to pay, from any funds available to
13 the Bureau, expenses involved in qualifying multiengine and
14 instrument pilots as may be required to accomplish agency
15 responsibilities.

16 SECTION 17. AMENDATORY 63 O.S. 2011, Section 2-109a, is
17 amended to read as follows:

18 Section 2-109a. The Oklahoma State Bureau of ~~Narcotics and~~
19 ~~Dangerous Drugs Control~~ Investigation shall conduct background
20 investigations and national criminal history record checks on
21 companies and individuals with which the Bureau contracts to provide
22 janitorial services and shall not be subject to the provisions of
23 Section 3007 of Title 74 of the Oklahoma Statutes.

1 SECTION 18. AMENDATORY 63 O.S. 2011, Section 2-110, as
2 amended by Section 46, Chapter 259, O.S.L. 2012 (63 O.S. Supp. 2017,
3 Section 2-110), is amended to read as follows:

4 Section 2-110. The Director of the Oklahoma State Bureau of
5 ~~Narcotics and Dangerous Drugs Control~~ Investigation may employ
6 attorneys, who shall be unclassified employees of the state, or
7 contract with attorneys, as needed. These attorneys may advise the
8 Director, the Oklahoma State Bureau of ~~Narcotics and Dangerous Drugs~~
9 ~~Control~~ Investigation Commission and Bureau personnel on all legal
10 matters and shall appear for and represent the Director, the
11 Commission and Bureau personnel in all administrative hearings and
12 all litigation or other proceedings which may arise in the discharge
13 of their duties. At the request of the Oklahoma State Bureau of
14 ~~Narcotics and Dangerous Drugs Control~~ Investigation Commission, such
15 attorney shall assist the district attorney in prosecuting charges
16 of violators of the Uniform Controlled Dangerous Substances Act or
17 any felony relating to or arising from a violation of the Uniform
18 Controlled Dangerous Substances Act. Attorneys for the Bureau who
19 have been certified by the Council on Law Enforcement Education and
20 Training to carry a weapon or have been issued a handgun license
21 pursuant to the provisions of the Oklahoma Self-Defense Act shall be
22 allowed to carry weapons pursuant to paragraph 3 of subsection A of
23 Section 1272 of Title 21 of the Oklahoma Statutes. These attorneys,
24 pursuant to this provision, shall not be considered eligible to

1 participate in the Oklahoma Law Enforcement Retirement System. If a
2 conflict of interest would be created by such attorney representing
3 the Director, the Commission or Bureau personnel, additional counsel
4 may be hired upon approval of the Oklahoma State Bureau of ~~Narcotics~~
5 ~~and Dangerous Drugs Control~~ Investigation Commission.

6 SECTION 19. AMENDATORY 63 O.S. 2011, Section 2-111, is
7 amended to read as follows:

8 Section 2-111. A. The Oklahoma State Bureau of ~~Narcotics and~~
9 ~~Dangerous Drugs Control~~ Investigation is authorized to establish an
10 employee performance recognition program that encourages outstanding
11 job performance and productivity within the Bureau. The Bureau is
12 authorized to expend funds for:

13 1. The purchase of recognition awards to be presented to
14 members of work units or individual employees having exceptional job
15 performance records or other significant contributions to the
16 operation of the Bureau;

17 2. The purchase of recognition awards to be presented to
18 nonemployees of the Bureau in recognition of exemplary service or
19 assistance to the Bureau and law enforcement; and

20 3. A formal ceremony or banquet where the awards may be
21 presented.

22 B. Recognition awards may consist of distinctive wearing
23 apparel, service pins, plaques, writing pens, or other distinguished
24 awards of a value not exceeding One Hundred Fifty Dollars (\$150.00)

1 per award to recognize the achievement of the work unit or
2 individual employee. In addition to recognition awards, the Bureau
3 may establish an employee benefit program not exceeding Five
4 Thousand Dollars (\$5,000.00) each fiscal year for cash awards to
5 recognize outstanding performance in the workplace by Bureau
6 employees.

7 C. To better educate and foster relations as to the Bureau and
8 its mission towards drug reduction, the Bureau may expend funds not
9 exceeding Ten Thousand Dollars (\$10,000.00) each fiscal year for the
10 purpose of distributing educational, demand-reduction and
11 commemorative materials bearing the seal of the Oklahoma State
12 Bureau of ~~Narcotics and Dangerous Drugs Control~~ Investigation to
13 nonemployees. Donated items, federal grant money and seizure funds
14 shall not count toward this amount.

15 SECTION 20. AMENDATORY 63 O.S. 2011, Section 2-212, as
16 last amended by Section 4, Chapter 181, O.S.L. 2013 (63 O.S. Supp.
17 2017, Section 2-212), is amended to read as follows:

18 Section 2-212. A. The controlled substances listed in this
19 section are included in Schedule V.

20 1. Any compound, mixture, or preparation containing limited
21 quantities of any of the following narcotic drugs, which also
22 contains one or more nonnarcotic active medicinal ingredients in
23 sufficient proportion to confer upon the compound, mixture, or
24

1 preparation, valuable medicinal qualities other than those possessed
2 by the narcotic drug alone:

- 3 a. not more than two hundred (200) milligrams of codeine,
4 or any of its salts, per one hundred (100) milliliters
5 or per one hundred (100) grams,
- 6 b. not more than one hundred (100) milligrams of
7 dihydrocodeine, or any of its salts, per one hundred
8 (100) milliliters or per one hundred (100) grams,
- 9 c. not more than one hundred (100) milligrams of
10 ethylmorphine, or any of its salts, per one hundred
11 (100) milliliters or per one hundred (100) grams,
- 12 d. not more than two and five-tenths (2.5) milligrams of
13 diphenoxylate and not less than twenty-five (25)
14 micrograms of atropine sulfate per dosage unit, or
- 15 e. not more than one hundred (100) milligrams of opium
16 per one hundred (100) milliliters or per one hundred
17 (100) grams.

18 2. Any compound, mixture, or preparation containing any
19 detectable quantity of base pseudoephedrine or ephedrine, its salts
20 or optical isomers, or salts of optical isomers. If any compound,
21 mixture, or preparation as specified in this paragraph is dispensed,
22 sold, or distributed in a pharmacy:

- 1 a. it shall be dispensed, sold, or distributed only by,
2 or under the supervision of, a licensed pharmacist or
3 a registered pharmacy technician,
4 b. a service charge not to exceed the purchase price of
5 the product, mixture or preparation may be assessed
6 and collected by the licensed pharmacist or registered
7 pharmacy technician at the point of sale from the
8 person seeking to purchase, receive or otherwise
9 acquire a pseudoephedrine product or products. Upon
10 receipt of payment of the service charge, the licensed
11 pharmacist or registered pharmacy technician shall
12 access the methamphetamine offender registry and
13 verify whether the person is an individual who is
14 listed on the methamphetamine offender registry. Upon
15 verification that the person is an individual who is
16 not listed on the methamphetamine offender registry,
17 the service charge shall be deducted from the total
18 purchase price of the pseudoephedrine product or
19 products. Upon verification that the person is an
20 individual who is listed on the methamphetamine
21 offender registry, the person shall be prohibited from
22 purchasing the pseudoephedrine product or products and
23 shall be required to forfeit the service charge
24 previously collected by the licensed pharmacist or

1 registered pharmacy technician. Any pharmacy that
2 requires the assessment and collection of a service
3 charge for pseudoephedrine products shall post a clear
4 and conspicuous sign at each public entrance to the
5 place of business and at each register within the
6 pharmacy that provides notice to customers of the
7 pharmacy that a service charge shall be assessed and
8 collected for pseudoephedrine products and, upon
9 verification that the person is listed on the
10 methamphetamine offender registry, the service charge
11 shall be forfeited and retained by the pharmacy, and
12 c. any person who is not an individual listed on the
13 methamphetamine offender registry that is purchasing,
14 receiving, or otherwise acquiring any compound,
15 mixture, or preparation shall produce a driver
16 license, passport, military identification, or other
17 state-issued identification card and shall sign a
18 written or electronic log, receipt, or other program
19 or mechanism approved by the Oklahoma State Bureau of
20 ~~Narcotics and Dangerous Drugs Control~~ Investigation,
21 showing:
22 (1) the date and time of the transaction,
23 (2) name, address and date of birth of the purchaser,
24

- 1 (3) driver license number, passport, military
2 identification, or state-issued identification
3 number and state of residence of the purchaser,
4 (4) name and initials of the pharmacist or pharmacy
5 technician conducting the transaction,
6 (5) the product being sold,
7 (6) total quantity, in grams, of base pseudoephedrine
8 or ephedrine purchased, and
9 (7) attestation by the person receiving the compound,
10 mixture or preparation that the person is not
11 subject to the Methamphetamine Offender Registry
12 Act.

13 No person shall purchase, receive, or otherwise acquire more
14 than three and six-tenths (3.6) grams of any product, mixture, or
15 preparation per day or more than seven and two-tenths (7.2) grams of
16 any product, mixture, or preparation within any thirty-day period,
17 or sixty (60) grams of any product, mixture, or preparation within a
18 twelve-month period. Once a person has purchased, received or
19 otherwise acquired the daily limit of three and six-tenths (3.6)
20 grams of any product, mixture or preparation, the person shall be
21 prohibited from purchasing, receiving or otherwise acquiring any
22 additional product, mixture or preparation containing any detectable
23 quantity of base pseudoephedrine or ephedrine for a period of not
24 less than seventy-two (72) hours following the last permitted

1 purchase. The requirements of this paragraph shall not apply to any
2 quantity of such product, mixture or preparation dispensed pursuant
3 to a valid prescription. There shall be no protocol or procedure
4 mandated by any individual or corporate entity that interferes with
5 the professional duty of a pharmacist to counsel and evaluate the
6 appropriate pharmaceutical needs of a patient and the exercise of
7 the professional judgment of a pharmacist as to whether it is
8 appropriate to dispense medication as set forth in this paragraph or
9 otherwise.

10 3. Any compound, mixture, or preparation containing any
11 detectable quantity of pregabalin.

12 B. The Director of the Oklahoma State Bureau of ~~Narcotics and~~
13 ~~Dangerous Drugs Control~~ Investigation, by rule, may exempt other
14 products from this Schedule which the Director finds are not used in
15 the illegal manufacture of methamphetamine or other controlled
16 dangerous substances. A manufacturer of a drug product may apply
17 for removal of the product from the Schedule if the product is
18 determined by the Director to have been formulated in such a way as
19 to effectively prevent the conversion of the active ingredient into
20 methamphetamine.

21 SECTION 21. AMENDATORY 63 O.S. 2011, Section 2-302, is
22 amended to read as follows:

23 Section 2-302. A. Every person who manufactures, distributes,
24 dispenses, prescribes, administers or uses for scientific purposes

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

20 B. Out-of-state pharmaceutical suppliers who provide controlled
21 dangerous substances to individuals within this state shall obtain a
22 registration issued by the Director of the Oklahoma State Bureau of
23 ~~Narcotics and Dangerous Drugs Control~~ Investigation, in accordance
24 with rules promulgated by the Director; provided, that this

1 provision shall not apply to wholesale distributors who ship
2 controlled dangerous substances to pharmacies or other entities
3 registered within this state in accordance with rules promulgated by
4 the Director.

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

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

1 E. The following persons shall not be required to register and
2 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. 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. A separate registration shall be required at each principal
11 place of business or professional practice where the applicant
12 manufactures, distributes, dispenses, prescribes, administers, or
13 uses for scientific purposes controlled dangerous substances.

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

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

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

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

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

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

22 SECTION 22. AMENDATORY 63 O.S. 2011, Section 2-303, is
23 amended to read as follows:
24

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

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

16 2. Compliance with applicable state and local law;

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

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

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

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

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

10 Nothing herein shall be deemed to require individual licensed
11 pharmacists to register under the provisions of the Uniform
12 Controlled Dangerous Substances Act.

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

18 C. Practitioners shall be registered to dispense, prescribe,
19 administer or use for scientific purposes substances in Schedules II
20 through V if they are authorized to carry on their respective
21 activities under the laws of this state. A registration application
22 by a practitioner who wishes to conduct research with Schedule I
23 substances shall be accompanied by evidence of the applicant's
24 federal registration to conduct such activity and shall be referred

to the Medical Research Commission for advice. The Medical Research Commission shall promptly advise the Director concerning the qualifications of each practitioner requesting such registration. Registration for the purpose of bona fide research or of use for scientific purposes with Schedule I substances by a practitioner deemed qualified by the Medical Research Commission may be denied only on a ground specified in subsection A of Section 2-304 of this title or if there are reasonable grounds to believe that the applicant will abuse or unlawfully transfer such substances or fail to safeguard adequately such applicant's supply of such substances against diversion from legitimate medical or scientific use.

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

Practitioners and mid-level

practitioners	\$140.00	per year
		of registration

Home Care Agencies, Hospices &

Home Care Services	\$140.00	annually
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Distributors	\$300.00	annually
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Manufacturers	\$500.00	annually
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1 Manufacturer, Wholesaler, or

2 Distributor of drug products

3 containing pseudoephedrine

4 or phenylpropanolamine \$300.00 annually

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

8 3. A ~~Ten Dollar (\$10.00)~~ fee of Ten Dollars (\$10.00) shall be
9 charged for a duplicate registration certificate.

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

14 SECTION 23. AMENDATORY 63 O.S. 2011, Section 2-304, as
15 amended by Section 1, Chapter 1, O.S.L. 2015 (63 O.S. Supp. 2017,
16 Section 2-304), is amended to read as follows:

17 Section 2-304. A. A registration, pursuant to Section 2-303 of
18 this title, to manufacture, distribute, dispense, prescribe,
19 administer or use for scientific purposes a controlled dangerous
20 substance shall be limited, conditioned, denied, suspended or
21 revoked by the Director upon a finding that the registrant:

22 1. Has materially falsified any application filed pursuant to
23 the Uniform Controlled Dangerous Substances Act or required by the
24 Uniform Controlled Dangerous Substances Act;

1 2. Has been found guilty of, entered a plea of guilty, or
2 entered a plea of nolo contendere to a misdemeanor relating to any
3 substance defined herein as a controlled dangerous substance or any
4 felony under the laws of any state or the United States;

5 3. Has had his or her federal registration retired, suspended,
6 or revoked by a competent federal authority and is no longer
7 authorized by federal law to manufacture, distribute, dispense,
8 prescribe, administer or use for scientific purposes controlled
9 dangerous substances;

10 4. Has failed to maintain effective controls against the
11 diversion of controlled dangerous substances to unauthorized persons
12 or entities;

13 5. Has prescribed, dispensed or administered a controlled
14 dangerous substance from schedules other than those specified in his
15 or her state or federal registration;

16 6. Has had a restriction, suspension, revocation, limitation,
17 condition, or probation placed on his or her professional license or
18 certificate or practice as a result of a proceeding pursuant to the
19 general statutes;

20 7. Is abusing or, within the past five (5) years, has abused or
21 excessively used drugs or controlled dangerous substances;

22 8. Has prescribed, sold, administered, or ordered any
23 controlled substance for an immediate family member, himself or
24

1 herself; provided that this shall not apply to a medical emergency
2 when no other doctor is available to respond to the emergency;

3 9. Has possessed, used, prescribed, dispensed or administered
4 drugs or controlled dangerous substances for other than legitimate
5 medical or scientific purposes or for purposes outside the normal
6 course of his or her professional practice;

7 10. Has been under the influence of alcohol or another
8 intoxicating substance which adversely affected the central nervous
9 system, vision, hearing or other sensory or motor functioning to
10 such degree the person was impaired during the performance of his or
11 her job; or

12 11. Has violated any federal law relating to any controlled
13 substances, any provision of the Uniform Controlled Dangerous
14 Substances Act, or any rules of the Oklahoma State Bureau of
15 ~~Narcotics and Dangerous Drugs Control~~ Investigation.

16 B. In the event the Director suspends or revokes a registration
17 granted under Section 2-303 of this title, all controlled dangerous
18 substances owned or possessed by the registrant pursuant to such
19 registration at the time of denial or suspension or the effective
20 date of the revocation order, as the case may be, may in the
21 discretion of the Director be impounded and preserved. No
22 disposition may be made of substances impounded and preserved until
23 the time for taking an appeal has elapsed or until all appeals have
24 been concluded unless a court, upon application therefor, orders the

1 sale of perishable substances and the deposit of the proceeds of the
2 sale with the court. Upon a revocation order becoming final, all
3 such controlled dangerous substances shall be forfeited to the
4 state.

5 C. The Drug Enforcement Administration shall promptly be
6 notified of all orders suspending or revoking registration and all
7 forfeitures of controlled dangerous substances.

8 D. In lieu of or in addition to any other remedies available to
9 the Director, if a finding is made that a registrant has committed
10 any act in violation of federal law relating to any controlled
11 substance, any provision of the Uniform Controlled Dangerous
12 Substances Act, or any rules of the Oklahoma State Bureau of
13 ~~Narcotics and Dangerous Drugs Control~~ Investigation, the Director is
14 hereby authorized to assess an administrative penalty not to exceed
15 Two Thousand Dollars (\$2,000.00) for each such act. The provisions
16 of this subsection shall not apply to violations of subsection G of
17 Section 2-309D of this title. Nothing in this section shall be
18 construed so as to permit the Director of the Oklahoma State Bureau
19 of ~~Narcotics and Dangerous Drugs Control~~ Investigation to assess
20 administrative fines for violations of the provisions of subsection
21 G of Section 2-309D of this title.

22 SECTION 24. AMENDATORY 63 O.S. 2011, Section 2-309, as
23 last amended by Section 1, Chapter 323, O.S.L. 2013 (63 O.S. Supp.
24 2017, Section 2-309), is amended to read as follows:

1 Section 2-309. A. 1. Except for dosages medically required
2 for a period not to exceed forty-eight (48) hours which are
3 administered by or on direction of a practitioner, other than a
4 pharmacist, or medication dispensed directly by a practitioner,
5 other than a pharmacist, to an ultimate user, no controlled
6 dangerous substance included in Schedule II, which is a prescription
7 drug as determined under regulation promulgated by the Board of
8 Pharmacy, may be dispensed without the written prescription of a
9 practitioner; provided, that in emergency situations, as prescribed
10 by the Board of Pharmacy by regulation, such drug may be dispensed
11 upon oral prescription reduced promptly to writing and filed by the
12 pharmacist in a manner to be prescribed by rules and regulations of
13 the Director of the Oklahoma State Bureau of ~~Narcotics and Dangerous~~
14 ~~Drugs Control~~ Investigation.

15 2. Electronic prescribing may be utilized for Schedules II,
16 III, IV, and V, subject to the requirements set forth in 21 CFR,
17 Section 1311 et seq.

18 3. The transmission of written prescription by practitioner to
19 dispensing pharmacy by facsimile or electronic transmission with
20 electronic signature is permitted only under the following
21 conditions:

- 22 a. for Schedule II drugs, the original prescription must
23 be presented and verified against the facsimile at the
24 time the substances are actually dispensed, and the

original document must be properly annotated and retained for filing, except:

- (1) home infusion pharmacy may consider the facsimile to be a "written prescription" as required by Section 2-101 et seq. of this title and as required by Title 21 U.S.C., Section 829(a). The facsimile copy of the prescription shall be retained as an original prescription, and it must contain all the information required by Section 2-101 et seq. of this title and 21 CFR, Section 1306.05(a), including date issued, the patient's full name and address, and the practitioner's name, address, DEA registration number, and signature. The exception to the regulations for home infusion/IV therapy is intended to facilitate the means by which home infusion pharmacies obtain prescriptions for patients requiring the frequently modified parenteral controlled release administration of narcotic substances, but does not extend to the dispensing of oral dosage units of controlled substances,
- (2) the same exception is granted to patients in Long Term Care facilities (LTCF), which are filled by

1 and delivered to the facility by a dispensing
2 pharmacy, and

3 (3) an electronic prescription with electronic
4 signature may serve as an original prescription,
5 subject to the requirements set forth in 21 CFR,
6 Section 1311 et seq., and

7 b. for drugs in Schedules III and IV, a facsimile copy of
8 a written, signed prescription transmitted directly by
9 the prescribing practitioner to the pharmacy can serve
10 as an original prescription. Electronic prescribing
11 may be utilized for Schedules III and IV subject to
12 the same requirements as set forth in 21 CFR, Section
13 1311 et seq.

14 4. Prescriptions shall be retained in conformity with the
15 requirements of this section and Section 2-307 of this title. No
16 prescription for a Schedule II substance may be refilled.

17 B. 1. Except for dosages medically required for a period not
18 to exceed forty-eight (48) hours which are administered by or on
19 direction of a practitioner, other than a pharmacist, or medication
20 dispensed directly by a practitioner, other than a pharmacist, to an
21 ultimate user, no controlled dangerous substance included in
22 Schedule III or IV, which is a prescription drug as determined under
23 regulation promulgated by the Board of Pharmacy, may be dispensed
24 without a written or oral prescription.

1 2. A written or oral prescription for a controlled dangerous
2 substance in Schedule III or IV may not be filled or refilled more
3 than six (6) months after the date thereof or be refilled more than
4 five times after the date of the prescription, unless renewed by the
5 practitioner.

6 3. A written or oral prescription for any product containing
7 hydrocodone with another active ingredient shall not be refilled.

8 C. No controlled dangerous substance included in Schedule V may
9 be distributed or dispensed other than for a legitimate medical or
10 scientific purpose.

11 D. Except for dosages medically required for a period not to
12 exceed forty-eight (48) hours which are administered by or on
13 direction of a practitioner, other than a pharmacist, or medication
14 dispensed directly by a practitioner, other than a pharmacist, to an
15 ultimate user, tincture opium camphorated, commonly known as
16 paregoric, may not be dispensed without a written or oral
17 prescription. The refilling of a prescription for paregoric shall
18 be unlawful unless permission is granted by the prescriber, either
19 written or oral.

20 E. Whenever it appears to the Director that a drug not
21 considered to be a prescription drug under existing state law or
22 regulation of the Board of Pharmacy should be so considered because
23 of its abuse potential, the Director shall so advise the Board of
24

1 Pharmacy and furnish to the Board all available data relevant
2 thereto.

3 F. "Prescription", as used herein, means a written or oral
4 order by a practitioner to a pharmacist for a controlled dangerous
5 substance for a particular patient, which specifies the date of its
6 issue, and the full name and address of the patient; if the
7 controlled dangerous substance is prescribed for an animal, the
8 species of the animal; the name and quantity of the controlled
9 dangerous substance prescribed; the directions for use; the name and
10 address of the owner of the animal and, if written, the signature of
11 the practitioner.

12 G. No person shall solicit, dispense, receive or deliver any
13 controlled dangerous substance through the mail, unless the ultimate
14 user is personally known to the practitioner and circumstances
15 clearly indicate such method of delivery is in the best interest of
16 the health and welfare of the ultimate user.

17 SECTION 25. AMENDATORY 63 O.S. 2011, Section 2-309B, is
18 amended to read as follows:

19 Section 2-309B. For the purposes of the Anti-Drug Diversion
20 Act:

21 1. "Bureau" means the Oklahoma State Bureau of ~~Narcotics and~~
22 ~~Dangerous Drugs Control~~ Investigation;

23 2. "Dispenser" means a person who distributes a Schedule II
24 controlled dangerous substance, but does not include a licensed

1 hospital pharmacy or a licensed nurse or medication aide who
2 administers such a substance at the direction of a licensed
3 physician;

4 3. "Dispenser's registration number" means the dispenser's
5 Oklahoma State Bureau of ~~Narcotics and Dangerous Drugs Control~~
6 Investigation registration number or, in the case of a pharmacist,
7 the National Association of Boards of Pharmacy number for the
8 pharmacy where the dispensation is made;

9 4. "Exception report" means an output of data indicating
10 Schedule II controlled dangerous substance dispensation which is
11 outside expected norms for a prescriber practicing a particular
12 specialty or field of health care, for a dispenser doing business in
13 a particular location, or for a recipient;

14 5. "Recipient" means the person for whom a prescription is
15 prescribed and who is the lawful intended ultimate user;

16 6. "Recipient's agent" means a person who is authorized by the
17 ultimate user to pick up the recipient's medication and deliver it
18 to the recipient or a person who claims a prescription other than
19 the person to whom the medication is prescribed;

20 7. "Recipient's identification number" and "recipient's agent's
21 identification number" means the unique number contained on a valid
22 passport, military identification card, driver license, or
23 identification card issued to a recipient pursuant to Section 6-105
24 of Title 47 of the Oklahoma Statutes or similar statute of another

1 state if the recipient is not a resident of the State of Oklahoma,
2 or, if the recipient is less than eighteen (18) years old and has no
3 such identification, the unique number contained on a valid
4 passport, military identification card, driver license, or
5 identification card issued to the recipient's parent or guardian
6 pursuant to Section 6-105 of Title 47 of the Oklahoma Statutes or
7 similar statute of another state if the parent or guardian is not a
8 resident of the State of Oklahoma, or, if the controlled dangerous
9 substance is obtained for an animal, the unique number contained on
10 the animal owner's valid driver license or identification card
11 issued pursuant to Section 6-105 of Title 47 of the Oklahoma
12 Statutes or similar statute of another state if the owner is not a
13 resident of the State of Oklahoma. Nonresident drug outlets
14 registered pursuant to the Oklahoma Pharmacy Act and resident drug
15 outlets defined in Section 353.1 of Title 59 of the Oklahoma
16 Statutes are exempt from the picture identification requirement if
17 the nonresident and resident drug outlets have obtained the
18 identification of the patient through the prescription benefit plan
19 of the patient;

20 8. "Registrant" means a person, persons, corporation or other
21 entity who has been issued by the Director of the Oklahoma State
22 Bureau of ~~Narcotics and Dangerous Drugs Control~~ Investigation a
23 registration pursuant to Section 2-302 of this title; and
24

1 9. "State" means any state, territory, or possession of the
2 United States, the District of Columbia, or foreign nation.

3 SECTION 26. AMENDATORY 63 O.S. 2011, Section 2-309C, as
4 last amended by Section 73, Chapter 15, O.S.L. 2013 (63 O.S. Supp.
5 2017, Section 2-309C), is amended to read as follows:

6 Section 2-309C. A. A dispenser of a Schedule II, III, IV or V
7 controlled dangerous substance dispensed pursuant to a valid
8 prescription shall transmit to a central repository designated by
9 the Oklahoma State Bureau of ~~Narcotics and Dangerous Drugs Control~~
10 Investigation using the American Society for Automation in
11 Pharmacy's (ASAP) Telecommunications Format for Controlled
12 Substances version designated in rules by the Oklahoma State Bureau
13 of ~~Narcotics and Dangerous Drugs Control~~ Investigation, the
14 following information for each dispensation:

- 15 1. Recipient's and recipient's agent's name;
- 16 2. Recipient's and recipient's agent's address;
- 17 3. Recipient's and recipient's agent's date of birth;
- 18 4. Recipient's and recipient's agent's identification number;
- 19 5. National Drug Code number of the substance dispensed;
- 20 6. Date of the dispensation;
- 21 7. Quantity of the substance dispensed;
- 22 8. Prescriber's United States Drug Enforcement Agency
23 registration number;
- 24 9. Dispenser's registration number; and

10. Other information as required by administrative rule.

B. The information required by this section shall be transmitted:

1. In a format or other media designated acceptable by the Oklahoma State Bureau of ~~Narcotics and Dangerous Drugs Control~~ Investigation; and

2. Within twenty-four (24) hours of the time that the substance is dispensed. Beginning January 1, 2012, all information shall be submitted on a real-time log.

C. When a prescription is written or dispensed to a resident of a nursing home or a person who is under the care of a hospice program licensed pursuant to the provisions of the Oklahoma Hospice Licensing Act who does not have an identification card issued by the state or another form of a recipient identification number pursuant to Section 2-309B of this title, a Social Security number may be used for the purpose of complying with the reporting requirements provided for in this section.

D. Willful failure to transmit accurate information as required by this section shall be a misdemeanor punishable, upon conviction, by not more than one (1) year in the county jail, or by a fine of not more than One Thousand Dollars (\$1,000.00), or by both such imprisonment and fine, or administrative action may be taken pursuant to Section 2-304 of this title.

1 E. The Director of the Bureau shall have the authority to allow
 2 paper submissions on a form designated by the Oklahoma State Bureau
 3 of ~~Narcotics and Dangerous Drugs Control~~ Investigation, if the
 4 dispenser has an appropriate hardship.

5 SECTION 27. AMENDATORY 63 O.S. 2011, Section 2-309D, as
 6 last amended by Section 35, Chapter 210, O.S.L. 2016 (63 O.S. Supp.
 7 2017, Section 2-309D), is amended to read as follows:

8 Section 2-309D. A. The information collected at the central
 9 repository pursuant to the Anti-Drug Diversion Act shall be
 10 confidential and shall not be open to the public. Access to the
 11 information shall be limited to:

12 1. Peace officers certified pursuant to Section 3311 of Title
 13 70 of the Oklahoma Statutes who are employed as investigative agents
 14 of the Oklahoma State Bureau of ~~Narcotics and Dangerous Drugs~~
 15 ~~Control~~ Investigation;

16 2. The United States Drug Enforcement Administration Diversion
 17 Group Supervisor;

18 3. The executive director or chief investigator, as designated
 19 by each board, of the following state boards:

- 20 a. Board of Podiatric Medical Examiners,
- 21 b. Board of Dentistry,
- 22 c. State Board of Pharmacy,
- 23 d. State Board of Medical Licensure and Supervision,
- 24 e. State Board of Osteopathic Examiners,

- f. State Board of Veterinary Medical Examiners,
- g. Oklahoma Health Care Authority,
- h. Department of Mental Health and Substance Abuse Services,
- i. Board of Examiners in Optometry,
- j. Board of Nursing,
- k. Office of the Chief Medical Examiner, and
- l. State Board of Health;

4. A multicounty grand jury properly convened pursuant to the Multicounty Grand Jury Act;

5. Medical practitioners employed by the United States Department of Veterans Affairs, the United States Military, or other federal agencies treating patients in this state; and

6. At the discretion of the Director of the Oklahoma State Bureau of ~~Narcotics and Dangerous Drugs Control~~ Investigation, medical practitioners and their staff, including those employed by the federal government in this state.

B. This section shall not prevent access, at the discretion of the Director of the Oklahoma State Bureau of ~~Narcotics and Dangerous Drugs Control~~ Investigation, to investigative information by peace officers and investigative agents of federal, state, county or municipal law enforcement agencies, district attorneys and the Attorney General in furtherance of criminal, civil or administrative investigations or prosecutions within their respective

1 jurisdictions, designated legal, communications, and analytical
2 employees of the Bureau, and to registrants in furtherance of
3 efforts to guard against the diversion of controlled dangerous
4 substances.

5 C. This section shall not prevent the disclosure, at the
6 discretion of the Director of the Oklahoma State Bureau of ~~Narcotics~~
7 ~~and Dangerous Drugs Control~~ Investigation, of statistical
8 information gathered from the central repository to the general
9 public which shall be limited to types and quantities of controlled
10 substances dispensed and the county where dispensed.

11 D. This section shall not prevent the disclosure, at the
12 discretion of the Director of the Oklahoma State Bureau of ~~Narcotics~~
13 ~~and Dangerous Drugs Control~~ Investigation, of prescription-
14 monitoring-program information to prescription-monitoring programs
15 of other states provided a reciprocal data-sharing agreement is in
16 place.

17 E. The Department of Mental Health and Substance Abuse Services
18 and the State Department of Health may utilize the information in
19 the central repository for statistical, research, substance abuse
20 prevention, or educational purposes, provided that consumer
21 confidentiality is not compromised.

22 F. Any unauthorized disclosure of any information collected at
23 the central repository provided by the Anti-Drug Diversion Act shall
24 be a misdemeanor. Violation of the provisions of this section shall

1 be deemed willful neglect of duty and shall be grounds for removal
2 from office.

3 G. 1. Registrants shall have access to the central repository
4 for the purposes of patient treatment and for determination in
5 prescribing or screening new patients. The patient's history may be
6 disclosed to the patient for the purposes of treatment of
7 information at the discretion of the physician.

8 2. a. Prior to prescribing or authorizing for refill, if one
9 hundred eighty (180) days have elapsed prior to the
10 previous access and check, of opiates, synthetic
11 opiates, semisynthetic opiates, benzodiazepine or
12 carisoprodol to a patient of record, registrants or
13 members of their medical or administrative staff shall
14 be required until October 31, 2020, to access the
15 information in the central repository to assess
16 medical necessity and the possibility that the patient
17 may be unlawfully obtaining prescription drugs in
18 violation of the Uniform Controlled Dangerous
19 Substances Act. The duty to access and check shall
20 not alter or otherwise amend appropriate medical
21 standards of care. The registrant or medical provider
22 shall note in the patient file that the central
23 repository has been checked and may maintain a copy of
24 the information.

b. The requirements set forth in subparagraph a of this paragraph shall not apply:

(1) to medical practitioners who prescribe the controlled substances set forth in subparagraph a of this paragraph for hospice or end-of-life care, or

(2) for a prescription of a controlled substance set forth in subparagraph a of this paragraph that is issued by a practitioner for a patient residing in a nursing facility as defined by Section 1-1902 of this title, provided that the prescription is issued to a resident of such facility.

3. Registrants shall not be liable to any person for any claim of damages as a result of accessing or failing to access the information in the central repository and no lawsuit may be predicated thereon.

H. The State Board of Podiatric Examiners, the State Board of Dentistry, the State Board of Medical Licensure and Supervision, the State Board of Examiners in Optometry, the State Board of Nursing, the State Board of Osteopathic Examiners and the State Board of Veterinary Medical Examiners shall have the sole responsibility for enforcement of the provisions of subsection G of this section. Nothing in this section shall be construed so as to permit the

1 Director of the Oklahoma State Bureau of ~~Narcotics and Dangerous~~
2 ~~Drugs Control~~ Investigation to assess administrative fines provided
3 for in Section 2-304 of this title.

4 I. The Director of the Oklahoma State Bureau of ~~Narcotics and~~
5 ~~Dangerous Drugs Control~~ Investigation, or a designee thereof, shall
6 provide a monthly list to the Directors of the State Board of
7 Podiatric Examiners, the State Board of Dentistry, the State Board
8 of Medical Licensure and Supervision, the State Board of Examiners
9 in Optometry, the State Board of Nursing, the State Board of
10 Osteopathic Examiners and the State Board of Veterinary Medical
11 Examiners of the top twenty prescribers of controlled dangerous
12 substances within their respective areas of jurisdiction. Upon
13 discovering that a registrant is prescribing outside the limitations
14 of his or her licensure or outside of drug registration rules or
15 applicable state laws, the respective licensing board shall be
16 notified by the Bureau in writing. Such notifications may be
17 considered complaints for the purpose of investigations or other
18 actions by the respective licensing board. Licensing boards shall
19 have exclusive jurisdiction to take action against a licensee for a
20 violation of subsection G of this section.

21 J. Information regarding fatal and nonfatal overdoses, other
22 than statistical information as required by Section 2-106 of this
23 title, shall be completely confidential. Access to this information
24 shall be strictly limited to the Director of the Oklahoma State

1 Bureau of ~~Narcotics and Dangerous Drugs Control~~ Investigation or
2 designee, the Chief Medical Examiner, state agencies and boards
3 provided in subsection A of this section, and the registrant that
4 enters the information. Registrants shall not be liable to any
5 person for a claim of damages for information reported pursuant to
6 the provisions of Section 2-105 of this title.

7 K. The Director of the Oklahoma State Bureau of ~~Narcotics and~~
8 ~~Dangerous Drugs Control~~ Investigation shall provide adequate means
9 and procedures allowing access to central repository information for
10 registrants lacking direct computer access.

11 L. Upon completion of an investigation in which it is
12 determined that a death was caused by an overdose, either
13 intentionally or unintentionally, of a controlled dangerous
14 substance, the medical examiner shall be required to report the
15 decedent's name and date of birth to the Oklahoma State Bureau of
16 ~~Narcotics and Dangerous Drugs Control~~ Investigation. The Oklahoma
17 State Bureau of ~~Narcotics and Dangerous Drugs Control~~ Investigation
18 shall be required to maintain a database containing the
19 classification of medical practitioners who prescribed or authorized
20 controlled dangerous substances pursuant to this subsection.

21 SECTION 28. AMENDATORY 63 O.S. 2011, Section 2-309E, is
22 amended to read as follows:
23
24

1 Section 2-309E. A. All access to information in the central
2 repository shall be controlled by and made through the Oklahoma
3 State Bureau of ~~Narcotics and Dangerous Drugs Control~~ Investigation.

4 B. For the purposes of court proceedings, the Director of the
5 Bureau, or designee, shall be the designated keeper of the records.

6 SECTION 29. AMENDATORY 63 O.S. 2011, Section 2-309F, as
7 amended by Section 2, Chapter 340, O.S.L. 2013 (63 O.S. Supp. 2017,
8 Section 2-309F), is amended to read as follows:

9 Section 2-309F. A. The central repository provided by the
10 Anti-Drug Diversion Act shall:

11 1. Be capable of providing the collected information in forms
12 required by the Oklahoma State Bureau of ~~Narcotics and Dangerous~~
13 ~~Drugs Control~~ Investigation, including but not limited to,
14 dispensations by prescriber name or registration number, dispenser
15 name or registration number, recipient name or identification
16 number, type of substance, frequency, quantity, and location of
17 dispensation;

18 2. Provide the Bureau with continual, twenty-four-hour per day,
19 on-line access to the collected information;

20 3. Secure the collected information against access by
21 unauthorized persons;

22 4. Provide the Bureau, in a reasonable time, with all collected
23 information in a format readily usable by the Bureau, in the event
24

1 the relationship between the state and central repository is
2 terminated; and

3 5. Not withhold access to the collected information for any
4 reason other than failure of the Bureau to timely pay agreed fees
5 and charges for use of the central repository.

6 B. The Bureau is authorized to enter into a contract with a
7 vendor to serve as the central repository provided for in the Anti-
8 Drug Diversion Act or to purchase the necessary equipment to create
9 the central repository within the Bureau. The Bureau is authorized
10 to enter into agreements and contracts with vendors as necessary to
11 facilitate the electronic transmission of data contained within the
12 central repository to registrants and other persons as provided for
13 in Section 2-309D of this title. The central repository shall not
14 be subject to the provisions of Sections 34.6 through 34.33 of Title
15 62 of the Oklahoma Statutes and shall be maintained and controlled
16 by personnel of the Bureau pursuant to the confidentiality
17 requirements provided for in Section 2-309D of this title.

18 SECTION 30. AMENDATORY 63 O.S. 2011, Section 2-309G, is
19 amended to read as follows:

20 Section 2-309G. The Oklahoma State Bureau of ~~Narcotics and~~
21 ~~Dangerous Drugs Control~~ Investigation shall develop criteria for the
22 production of exception reports out of the information collected at
23 the central repository. In developing these criteria, the Bureau
24 shall seek the counsel of the following entities:

1. Board of Podiatric Medical Examiners;
2. Board of Dentistry;
3. Board of Pharmacy;
4. State Board of Medical Licensure and Supervision;
5. State Board of Osteopathic Examiners;
6. State Board of Veterinary Medical Examiners;
7. Oklahoma Podiatric Medical Association;
8. Oklahoma Dental Association;
9. Oklahoma Pharmaceutical Association;
10. Oklahoma State Medical Association;
11. Oklahoma Osteopathic Association; and
12. Oklahoma Veterinary Medical Association.

SECTION 31. AMENDATORY 63 O.S. 2011, Section 2-309H, is amended to read as follows:

Section 2-309H. The Director of the Oklahoma State Bureau of ~~Narcotics and Dangerous Drugs Control~~ Investigation shall promulgate and adopt rules to implement and enforce the Anti-Drug Diversion Act.

SECTION 32. AMENDATORY 63 O.S. 2011, Section 2-315, as amended by Section 6, Chapter 305, O.S.L. 2015 (63 O.S. Supp. 2017, Section 2-315), is amended to read as follows:

Section 2-315. A. Except as otherwise provided by law, any person required to obtain an annual registration pursuant to Section 2-302 of this title, or any group home, or residential care home as

1 defined by Section 1-820 of this title shall submit for destruction
2 all controlled dangerous substances which are out of date, which are
3 unwanted, unused or which are abandoned by their owner at their
4 facility due to death or other circumstances.

5 B. All controlled dangerous substances described in subsection
6 A of this section shall be submitted to the Oklahoma City laboratory
7 of the Oklahoma State Bureau of Investigation, along with all
8 required information on forms provided by the Oklahoma State Bureau
9 of Investigation, to the federal Drug Enforcement Administration, to
10 a duly registered reverse distributor, to the original registered
11 supplier or their registered agent, to a duly registered retail
12 pharmacy, or to a hospital or clinic with an on-site pharmacy
13 pursuant to the rules set forth in Part 1317 of Title 21 of the Code
14 of Federal Regulations. When any such substance is transported by
15 private contract or common carrier or United States Postal Service
16 for the purpose of destruction, the sender shall require a receipt
17 from such private contract or common carrier or United States Postal
18 Service, and such receipt shall be retained as a permanent record by
19 the sender.

20 C. Controlled dangerous substances submitted to the Oklahoma
21 State Bureau of Investigation pursuant to the provisions of this
22 section shall be destroyed pursuant to the procedures provided in
23 subsection A of Section 2-508 of this title.

1 Controlled dangerous substances submitted to any distributors,
2 reverse distributors or their original registered suppliers pursuant
3 to the provisions of this section shall be destroyed by incineration
4 so as to make the substance absolutely unusable for human purposes.
5 An official record listing the property destroyed, the location of
6 destruction and disposal, and the name and title of the person
7 supervising the destruction and disposal shall be submitted to the
8 Oklahoma State Bureau of ~~Narcotics and Dangerous Drugs Control~~
9 Investigation and the federal Drug Enforcement Administration office
10 located nearest the destruction site.

11 D. The Office of the Chief Medical Examiner is hereby
12 authorized to perform on-site incineration of all controlled
13 dangerous substances which are obtained in the discharge of the
14 official duties of the Chief Medical Examiner. Any record relating
15 to destruction of a controlled dangerous substance shall be
16 maintained as required by the state or federal government and shall
17 be available for inspection by appropriate state or federal
18 government regulatory agencies.

19 E. This section shall constitute a part of the Uniform
20 Controlled Dangerous Substances Act.

21 SECTION 33. AMENDATORY 63 O.S. 2011, Section 2-322, is
22 amended to read as follows:

23 Section 2-322. A. No person or business shall possess, sell,
24 manufacture, transfer, or otherwise furnish any of the following

precursor substances without first having a permit or license issued by the Director of the Oklahoma State Bureau of ~~Narcotics and Dangerous Drugs Control~~ Investigation, except as provided in Section 2-327 of this title:

1. D-Lysergic acid;
2. Ergotamine and its salts;
3. Ergonovine and its salts;
4. Methylamine;
5. Ethylamine;
6. Phenyl-2-Propanone;
7. Phenylacetic acid and its salts;
8. Ephedrine, its salts, optical isomers and salts of optical isomers;
9. Norpseudoephedrine, its salts, optical isomers, and salts of optical isomers;
10. Phenylpropanolamine, its salts, optical isomers and salts of optical isomers;
11. Benzyl cyanide;
12. N-methylephedrine, its salts, optical isomers and salts of optical isomers;
13. Pseudoephedrine, its salts, optical isomers and salts of optical isomers;
14. Chloroephedrine, its salts, optical isomers and salts of optical isomers;

15. Piperidine and its salts;
16. Pyrrolidine and its salts;
17. Propionic anhydride;
18. Isosafrole;
19. Safrole;
20. Piperonal; and
21. Red Phosphorus.

B. Upon completion of an application for a license pursuant to Section 2-323 of this title, or a permit pursuant to Section 2-324 of this title, the Director of the Oklahoma State Bureau of ~~Narcotics and Dangerous Drugs Control~~ Investigation shall either grant or deny such license or permit. A denial of an application for a permit or license shall be handled as provided by Section 2-325 of this title.

SECTION 34. AMENDATORY 63 O.S. 2011, Section 2-323, is amended to read as follows:

Section 2-323. A. A manufacturer, wholesaler, retailer, or other person who sells, transfers, or otherwise furnishes any precursor substance defined in Section 4 2-322 of this ~~act~~ title must first obtain a license annually from the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control.

B. The procedure for obtaining a license to sell, transfer, manufacture, purchase for resale, or otherwise furnish a precursor substance shall be as follows:

1 1. Obtain an application from the Oklahoma State Bureau of
2 ~~Narcotics and Dangerous Drugs Control~~ Investigation;

3 2. Submit the application to the Director of the Oklahoma State
4 Bureau of ~~Narcotics and Dangerous Drugs Control~~ Investigation; and

5 3. Demonstrate a legitimate reason to sell, transfer, or
6 otherwise furnish precursor chemicals.

7 C. The content of the application for a license shall include,
8 but not be limited to, the following information:

9 1. Name of business;

10 2. Address of business other than a post office box number;

11 3. Phone number of business;

12 4. Names and addresses of business owners;

13 5. Location of storage facility;

14 6. Identification of precursor substances to be sold; and

15 7. Criminal history of applicant.

16 D. A licensee shall make an accurate and legible record of any
17 transaction of precursor substances and maintain such record
18 together with the following records for a period of at least two (2)
19 years:

20 1. Inventory on hand;

21 2. Purchase receipts;

22 3. Manufacturing records including the date and quantity of any
23 precursor substance manufactured, the quantity of precursor
24 substances used in manufacturing any other substance or product, and

1 the inventory on hand of precursor substances after the
2 manufacturing of any other substance or product;

3 4. Copies of the Oklahoma State Bureau of ~~Narcotics~~
4 Investigation purchase permits or written authorization waving the
5 permit requirement, as provided by subsection E of Section ~~6~~ 2-324
6 of this ~~act~~ title; and

7 5. Records of substance disposal.

8 E. The license shall cost One Hundred Dollars (\$100.00)
9 annually and shall be renewable on July 1 of each year. The fee
10 shall be payable to the ~~Oklahoma State Bureau of~~ Narcotics Revolving
11 Fund.

12 SECTION 35. AMENDATORY 63 O.S. 2011, Section 2-324, is
13 amended to read as follows:

14 Section 2-324. A. Any person or business having a legitimate
15 need for using precursor substances defined in Section ~~4~~ 2-322 of
16 this ~~act~~ title, shall apply in person to the Director of the
17 Oklahoma State Bureau of ~~Narcotics and Dangerous Drugs Control~~
18 Investigation, or ~~his~~ designee, for a permit to possess such
19 substances each time said substance is obtained.

20 B. The following must be submitted in person to the Director of
21 the Oklahoma State Bureau of ~~Narcotics and Dangerous Drugs Control~~
22 Investigation, or ~~his~~ designee, to receive a permit for possession
23 of precursor substances:

1 1. A ~~driver's~~ driver license number or other personal
2 identification certificate number, date of birth, residential or
3 mailing address, other than a post office box number, and a ~~driver's~~
4 driver license or personal identification card issued by the
5 Department of Public Safety which contains a photograph of the
6 recipient. In the event the applicant is a corporation, the
7 information in this paragraph shall be required of the person making
8 application for the permit. In addition, the person making
9 application for the permit on behalf of a corporation shall disclose
10 his or her relationship to the corporation;

11 2. A complete description of how the substance is to be used;
12 and

13 3. The location where the substance is to be stored and used.

14 C. The permit shall consist of three parts, including:

15 1. A copy to be retained by the Oklahoma State Bureau of
16 ~~Narcotics and Dangerous Drugs Control~~ Investigation;

17 2. A copy to be retained by the manufacturer, wholesaler,
18 retailer, or other person furnishing precursor substances; and

19 3. A copy to be attached to the container of the precursor
20 substances and to be kept with the substances at all times.

21 D. The permit shall cost Ten Dollars (\$10.00) and shall be
22 payable to the ~~Oklahoma State Bureau of Narcotics and Dangerous~~
23 ~~Drugs Control~~ Revolving Fund.

1 E. The Director may authorize in writing any person or business
2 to submit a comprehensive monthly report in lieu of the permit
3 required by this section, if the Director determines that the
4 recipient has established a record of utilization of the substance
5 solely for a lawful purpose.

6 SECTION 36. AMENDATORY 63 O.S. 2011, Section 2-326, is
7 amended to read as follows:

8 Section 2-326. A. Any person or business, licensed or
9 permitted, who discovers a loss or theft of, or disposes of a
10 substance listed in Section 4 2-322 of this ~~act~~ title shall:

11 1. Submit a report of the loss, theft, or disposal to the
12 Director of the Oklahoma State Bureau of ~~Narcotics and Dangerous~~
13 ~~Drugs Control~~ Investigation no later than the third business day
14 after the date the manufacturer, wholesaler, retailer, or other
15 person discovers the loss or theft, or after the actual disposal;
16 and

17 2. Include the amount of loss, theft, or disposal in the
18 report. Any disposal of precursor substances must be done in
19 accordance with the rules and regulations of the United States
20 Environmental Protection Administration and shall be performed at
21 the expense of the permit or license holder.

22 B. A manufacturer, wholesaler, retailer, or other person who
23 sells, transfers, possesses, uses, or otherwise furnishes any
24 precursor substance shall:

1 1. Maintain records as specified in Section ~~5~~ 2-323 of this ~~act~~
2 title;

3 2. Permit agents of the Oklahoma State Bureau of ~~Narcotics and~~
4 ~~Dangerous Drugs Control~~ Investigation to conduct on-site audits,
5 inspect inventory on hand and inspect all records made in accordance
6 with this act at any reasonable time; and

7 3. Cooperate with the audit, and the full and complete
8 inspection or copying of any records.

9 SECTION 37. AMENDATORY 63 O.S. 2011, Section 2-329, as
10 amended by Section 3, Chapter 83, O.S.L. 2012 (63 O.S. Supp. 2017,
11 Section 2-329), is amended to read as follows:

12 Section 2-329. A. In addition to any fine or imprisonment
13 imposed under Section 2-328 of this title, the following drug
14 cleanup fine may be imposed:

15 1. Up to Ten Thousand Dollars (\$10,000.00) for violations
16 described in subsection A of Section 2-328 of this title or Section
17 2-401 of this title; and

18 2. Up to One Hundred Thousand Dollars (\$100,000.00) for
19 violations described in subsections C, D or E of Section 2-328 of
20 this title.

21 B. All fines collected under this section shall be transferred
22 to the ~~Bureau of~~ Narcotics Revolving Fund, pursuant to Section 2-107
23 of this title.

1 SECTION 38. AMENDATORY 63 O.S. 2011, Section 2-330, is
2 amended to read as follows:

3 Section 2-330. A. Every law enforcement agency in this state
4 shall notify the Oklahoma State Bureau of ~~Narcotics and Dangerous~~
5 ~~Drugs Control~~ Investigation within ten (10) days of any officer of
6 such agency seizing:

7 1. Any precursor chemical, as defined in the Precursor
8 Substances Act, used or allegedly used, in full or in part, to
9 manufacture any controlled substance; and

10 2. Any drug paraphernalia relating to an illegal laboratory,
11 including but not limited to any glassware, instruments, devices,
12 utensils or other objects or equipment used or allegedly used, in
13 full or in part, to manufacture any controlled substance.

14 B. The Bureau may promulgate rules and forms to facilitate the
15 required notification pursuant to this section.

16 SECTION 39. AMENDATORY 63 O.S. 2011, Section 2-331, is
17 amended to read as follows:

18 Section 2-331. It shall be the duty of any peace officer of the
19 State of Oklahoma who seizes any glassware, instruments, devices,
20 utensils or precursor chemicals, as defined by Section 2-322 of
21 ~~Title 63 of the Oklahoma Statutes~~ this title, which have been used
22 or were intended to be used in the illicit manufacturing of any
23 controlled dangerous substance, in full or in part, to make notice
24

1 of the seizure in writing to the Oklahoma State Bureau of ~~Narcotics~~
2 ~~and Dangerous Drugs Control~~ Investigation.

3 SECTION 40. AMENDATORY 63 O.S. 2011, Section 2-332, as
4 amended by Section 6, Chapter 181, O.S.L. 2013 (63 O.S. Supp. 2017,
5 Section 2-332), is amended to read as follows:

6 Section 2-332. A. It shall be unlawful for a person to
7 knowingly and unlawfully possess a drug product containing
8 ephedrine, pseudoephedrine or phenylpropanolamine, or their salts,
9 isomers or salts of isomers with intent to use the product as a
10 precursor to manufacture methamphetamine or another controlled
11 substance.

12 B. Except as provided in this subsection, possession of a drug
13 product containing more than seven and two-tenths (7.2) grams of
14 ephedrine, pseudoephedrine or phenylpropanolamine, or their salts,
15 isomers or salts of isomers shall constitute a rebuttable
16 presumption of the intent to use the product as a precursor to
17 methamphetamine or another controlled substance. The rebuttable
18 presumption established by this subsection shall not apply to the
19 following persons who are lawfully possessing drug products in the
20 course of legitimate business:

- 21 1. A retail distributor of drug products or wholesaler;
- 22 2. A wholesale drug distributor, or its agents, licensed by the
23 Board of Pharmacy;

1 3. A manufacturer of drug products, or its agents, licensed by
2 the Board of Pharmacy;

3 4. A pharmacist licensed by the Board of Pharmacy; and

4 5. A licensed healthcare professional possessing the drug
5 products in the course of carrying out his profession.

6 C. A violation of subsection A of this section shall be a
7 felony punishable as provided for in subsection G of Section 2-401
8 of this title.

9 D. Any wholesaler, manufacturer, or distributor of drug
10 products containing pseudoephedrine or phenylpropanolamine, or their
11 salts, isomers, or salts of isomers shall obtain a registration
12 annually from the Oklahoma State Bureau of ~~Narcotics and Dangerous~~
13 ~~Drugs Control~~ Investigation. Any such wholesaler, manufacturer, or
14 distributor shall keep complete records of all transactions
15 involving such drug products including the names of all parties
16 involved in the transaction and amount of the drug products
17 involved. The records shall be kept readily retrievable and
18 separate from all other invoices or records of transactions not
19 involving such drug products, and shall be maintained for not less
20 than three (3) years.

21 E. As used in this section:

22 1. "Manufacturer" means any person within this state who
23 produces, compounds, packages, or in any manner initially prepares
24 for sale or use any drug product described in subsection D of this

1 section, or any such person in another state if they cause the
2 products to be compounded, packaged, or transported into this state;

3 2. "Wholesaler" means any person within this state or another
4 state, other than a manufacturer, who sells, transfers, or in any
5 manner furnishes a drug product described in subsection A of this
6 section to any other person in this state for the purpose of being
7 resold;

8 3. "Distributor" means any person within this state or another
9 state, other than a manufacturer or wholesaler, who sells, delivers,
10 transfers, or in any manner furnishes a drug product described in
11 subsection A of this section to any person who is not the ultimate
12 user or consumer of the product; and

13 4. "Readily retrievable" means available for inspection without
14 prior notice at the registration address if that address is within
15 the State of Oklahoma. If the registration address is in a state
16 other than Oklahoma, it means records must be furnished within three
17 (3) working days by courier, facsimile, mail or electronic mail.

18 F. Any substances possessed without a registration as provided
19 in subsection D of this section shall be subject to forfeiture upon
20 conviction for a violation of this section.

21 G. In addition to any administrative penalties provided by law,
22 any violation of subsection D of this section shall be a
23 misdemeanor, punishable upon conviction by a fine only in an amount
24 not more than Ten Thousand Dollars (\$10,000.00).

1 SECTION 41. AMENDATORY 63 O.S. 2011, Section 2-333, is
2 amended to read as follows:

3 Section 2-333. A. It shall be unlawful for any person to
4 knowingly sell, transfer, distribute, or dispense any product
5 containing ephedrine, pseudoephedrine or phenylpropanolamine, or
6 their salts, isomers or salts of isomers if the person knows that
7 the purchaser will use the product as a precursor to manufacture
8 methamphetamine or another controlled illegal substance or if the
9 person sells, transfers, distributes or dispenses the product with
10 reckless disregard as to how the product will be used.

11 B. A violation of this section shall be a felony punishable by
12 imprisonment in the ~~State Penitentiary~~ custody of the Department of
13 Corrections for a term of not more than ten (10) years.

14 C. Any person who sells, transfers, distributes, dispenses, or
15 in any manner furnishes any product containing pseudoephedrine or
16 phenylpropanolamine, or their salts, isomers, or salts of isomers in
17 a negligent manner, with knowledge or reason to know that the
18 product will be used as a precursor to manufacture methamphetamine
19 or any other illegal controlled substance, or with reckless
20 disregard as to how the product will be used, shall be liable for
21 all damages, whether directly or indirectly caused by the sale,
22 transfer, distribution, dispensation, or furnishing.

23 1. Such damages may include, but are not limited to, any and
24 all costs of detecting, investigating, and cleaning up or

1 remediating clandestine or other unlawfully operated or maintained
2 laboratories where controlled dangerous substances are manufactured,
3 any and all costs of prosecuting criminal cases arising from such
4 manufacture, and any and all consequential and punitive damages
5 otherwise allowed by law.

6 2. A civil action to recover damages against persons,
7 corporations or other entities violating this subsection may be
8 brought only by the Attorney General, the Director of the Oklahoma
9 State Bureau of ~~Narcotics and Dangerous Drugs Control~~ Investigation
10 or by any district attorney in whose jurisdiction such person may be
11 shown to have committed such violation. Any funds recovered from
12 such an action shall be used for payment or reimbursement of costs
13 arising from investigating or prosecuting criminal or civil cases
14 involving the manufacture of controlled dangerous substances, for
15 drug education programs, or for payment or reimbursement of
16 remediating contaminated methamphetamine laboratory sites.

17 D. Violation of subsection A or C of this section shall be
18 considered to affect at the same time an entire community or
19 neighborhood, or any considerable number of persons, although the
20 extent of the annoyance or damage inflicted upon the individuals may
21 be unequal and is subject to the provisions of Section 2 of Title 50
22 of the Oklahoma Statutes and Section 1397 of Title 12 of the
23 Oklahoma Statutes.

SECTION 42. AMENDATORY Section 1, Chapter 206, O.S.L.

2012 (63 O.S. Supp. 2017, Section 2-341), is amended to read as follows:

Section 2-341. A. Beginning January 1, 2013, any pharmacy that dispenses, sells or distributes any compound mixture or preparation containing any detectable quantity of base pseudoephedrine or ephedrine, its salts or optical isomers, or salts of optical isomers shall maintain an electronic record of the sale. The electronic record of the sale shall include the following information:

1. Name and address of the purchaser;

2. Date of birth of the purchaser;

3. Type of identification and number;

4. Date and time of the purchase;

5. Name and quantity of base pseudoephedrine or ephedrine purchased in grams, but not the overall weight of the products; and

6. Name, initials and registration number of the licensed pharmacist or registered pharmacy technician.

If the electronic tracking service is not able to record the identification type and identification number of the purchaser, the licensed pharmacist or a registered pharmacy technician shall write the identification type and number on the order. The electronic record shall also be maintained in a manner that allows for the determination of the equivalent number of packages purchased and total quantity of base ephedrine or pseudoephedrine purchased.

1 B. By January 1, 2013, each pharmacy in this state shall have
2 in place and operational all equipment necessary to access and use a
3 real-time electronic methamphetamine precursor tracking service
4 which is approved by the Oklahoma State Bureau of ~~Narcotics and~~
5 ~~Dangerous Drugs Control~~ Investigation. The electronic
6 methamphetamine precursor tracking service shall be available free
7 of charge to all law enforcement agencies within the state for
8 purposes of viewing and searching the database. Pharmacies shall be
9 permitted to access only the information that is submitted by the
10 pharmacy and such access shall be available free of charge. The
11 electronic methamphetamine precursor tracking service shall be self-
12 sustaining and shall not require the use of any public funds in the
13 form of state or federal fees or taxes, to create, deploy, or
14 operate. The tracking service shall operate and communicate in
15 real-time throughout the state and across state lines with similar
16 multistate systems. The tracking service shall be capable of
17 tracking all required information and generating a stop-sale alert
18 to notify a pharmacy that an attempted purchase by a person of
19 pseudoephedrine or ephedrine exceeds the quantity limits set forth
20 in Section 2-212 of ~~Title 63 of the Oklahoma Statutes~~ this title.
21 The tracking service shall have the capability of stopping an
22 illegal purchase in real-time and shall contain an override function
23 that allows a pharmacy to complete a sale in violation of this
24 section if the circumstances require that such sale be completed.

1 The tracking service shall be in real time and track all override
2 sales made by the pharmacy. The Bureau shall select a vendor that
3 meets the requirements specified in this section by no later than
4 October 1, 2012.

5 C. Beginning January 1, 2013, before completing the sale of an
6 over-the-counter product containing pseudoephedrine or ephedrine, a
7 pharmacy shall electronically submit the required information to the
8 electronic methamphetamine precursor tracking service. The pharmacy
9 shall not complete the sale of the product if the electronic
10 methamphetamine precursor tracking service generates a stop-sale
11 alert.

12 D. Absent intentional violation of this act, any pharmacy
13 utilizing the electronic methamphetamine precursor tracking service
14 in accordance with this section shall not be civilly liable as a
15 result of any act or omission in carrying out the duties required by
16 this section. Such pharmacies shall also be immune from liability
17 to any third party unless the pharmacy has violated a provision of
18 this section in relation to a claim brought for such violation. The
19 provisions of this section shall not apply to a person who obtains
20 the product or products pursuant to a valid prescription.

21 E. The information entered, stored and maintained by the
22 electronic methamphetamine precursor tracking service shall be
23 confidential and shall only be accessed by law enforcement
24

1 officials, health care professionals and licensed pharmacists for
2 the purpose of controlling the sale of methamphetamine precursors.

3 F. If a pharmacy selling an over-the-counter product containing
4 pseudoephedrine or ephedrine experiences mechanical or electronic
5 failure of the electronic tracking service and is unable to comply
6 with the provisions of this section, the pharmacy shall maintain a
7 written log until such time as the pharmacy is able to comply with
8 the electronic tracking service requirements.

9 G. A pharmacy selling an over-the-counter product containing
10 pseudoephedrine or ephedrine may seek an exemption from submitting
11 transactions to the electronic tracking service in writing to the
12 Oklahoma State Bureau of ~~Narcotics and Dangerous Drugs Control~~
13 Investigation stating the reasons for such exemption. The Bureau
14 may grant an exemption for good cause, but in no event shall such
15 exemption exceed one hundred eighty (180) days. Any pharmacy that
16 receives an exemption shall maintain a hard-copy logbook and shall
17 require the purchaser to provide the information required pursuant
18 to subsection A of this section before completion of any sale. The
19 logbook shall be maintained as a record of each sale for inspection
20 by any law enforcement official during normal business hours.

21 H. All data that is collected from the pharmacies of this state
22 and stored in the electronic methamphetamine precursor tracking
23 service shall be downloaded and exported by electronic means to the
24 Oklahoma State Bureau of ~~Narcotics and Dangerous Drugs Control~~

1 Investigation at least every twenty-four (24) hours. The export of
2 data shall be in a version that is in compliance with the standards
3 agreed to by both the Oklahoma State Bureau of ~~Narcotics and~~
4 ~~Dangerous Drugs Control~~ Investigation and the provider of the
5 electronic methamphetamine precursor tracking service. The export
6 of data shall be executed by way of a memorandum of understanding
7 and without charge to the Oklahoma State Bureau of ~~Narcotics and~~
8 ~~Dangerous Drugs Control~~ Investigation. Any and all data exported
9 to, obtained by, gathered by, transmitted to or stored by the
10 Oklahoma State Bureau of ~~Narcotics and Dangerous Drugs Control~~
11 Investigation or its designee shall be the property of the state.
12 The Oklahoma State Bureau of ~~Narcotics and Dangerous Drugs Control~~
13 Investigation shall have the authority to control, administer, and
14 disseminate at the discretion of the Bureau, the transaction data
15 for the purpose of enforcing federal and state laws. In addition to
16 exporting data to the Oklahoma State Bureau of ~~Narcotics and~~
17 ~~Dangerous Drugs Control~~ Investigation, real-time access to
18 information contained in the electronic methamphetamine precursor
19 tracking service through an online portal shall be provided to all
20 law enforcement agencies within the state free of charge.

21 I. The electronic methamphetamine precursor tracking service
22 shall generate a stop-sale alert if completion of a sale would
23 result in the seller or purchaser violating the quantity limits set
24 forth in Section 2-212 of ~~Title 63 of the Oklahoma Statutes~~ this

1 title. The electronic tracking service shall contain an override
2 function that may be used by a dispenser of pseudoephedrine or
3 ephedrine products who has a reasonable fear of imminent bodily harm
4 if the sale is not completed. Each instance in which the override
5 function is utilized shall be logged by the electronic tracking
6 service.

7 J. A person who violates any of the provisions of this section
8 shall, upon conviction, be guilty of a misdemeanor punishable by a
9 fine of not more than One Thousand Dollars (\$1,000.00). If the
10 person convicted is a licensed pharmacist or registered pharmacy
11 technician, the violation shall be reported to the State Board of
12 Pharmacy for review and appropriate action.

13 SECTION 43. AMENDATORY 63 O.S. 2011, Section 2-502, as
14 amended by Section 5, Chapter 390, O.S.L. 2017 (63 O.S. Supp. 2017,
15 Section 2-502), is amended to read as follows:

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

1 or her office of any such prescription, order or record shall
2 divulge such knowledge, except where such use is appropriate to the
3 proper performance of his or her official duties in the prevention
4 of the misuse and abuse of controlled dangerous substances or in
5 connection with a prosecution or proceeding in court or before a
6 licensing or registration board or officer, to which prosecution or
7 proceeding the person to whom such prescriptions, orders, or records
8 relate is a party.

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

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

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

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

22 2. This section shall not be construed to prevent the
23 inspection of books and records pursuant to the provisions of this
24

1 act; nor shall this section be construed to prevent entries and
2 administrative inspections at reasonable times without a warrant:

- 3 a. with the consent of the owner, operator, or agent in
4 charge of the controlled premises,
- 5 b. in situations presenting imminent danger to health or
6 safety,
- 7 c. in situations involving inspection of conveyances
8 where there is reasonable cause to believe that the
9 mobility of the conveyance makes it impracticable to
10 obtain a warrant,
- 11 d. in any other exceptional or emergency circumstance
12 where time or opportunity to apply for a warrant is
13 lacking, and
- 14 e. in all other situations where a warrant is not
15 constitutionally required.

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

- 19 a. financial data,
- 20 b. sales data other than shipment data, or
- 21 c. pricing data.

22 SECTION 44. AMENDATORY 63 O.S. 2011, Section 2-503, as
23 amended by Section 5, Chapter 154, O.S.L. 2014 (63 O.S. Supp. 2017,
24 Section 2-503), is amended to read as follows:

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

3 1. All controlled dangerous substances and synthetic controlled
4 substances which have been manufactured, distributed, dispensed,
5 acquired, concealed or possessed in violation of the Uniform
6 Controlled Dangerous Substances Act;

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

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

18 4. All conveyances, including aircraft, vehicles, vessels, or
19 farm implements which are used to transport, conceal, or cultivate
20 for the purpose of distribution as defined in the Uniform Controlled
21 Dangerous Substances Act, or which are used in any manner to
22 facilitate the transportation or cultivation for the purpose of sale
23 or receipt of property described in paragraphs 1 or 2 of this
24 subsection or when the property described in paragraphs 1 or 2 of

1 this subsection is unlawfully possessed by an occupant thereof,
2 except that:

3 a. no conveyance used by a person as a common carrier in
4 the transaction of business as a common carrier shall
5 be forfeited under the provisions of the Uniform
6 Controlled Dangerous Substances Act unless it shall
7 appear that the owner or other person in charge of
8 such conveyance was a consenting party or privy to a
9 violation of the Uniform Controlled Dangerous
10 Substances Act, and

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

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

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

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

14 8. All real property, including any right, title, and interest
15 in the whole of any lot or tract of land and any appurtenance or
16 improvement thereto, which is used, or intended to be used, in any
17 manner or part, to commit, or to facilitate the commission of, a
18 violation of the Uniform Controlled Dangerous Substances Act which
19 is punishable by imprisonment for more than one (1) year, except
20 that no property right, title or interest shall be forfeited
21 pursuant to this paragraph, by reason of any act or omission
22 established by the owner thereof to have been committed or omitted
23 without the knowledge or consent of that owner; and
24

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

4 B. Any property or thing of value of a person is subject to
5 forfeiture if it is established by a preponderance of the evidence
6 that such property or thing of value was acquired by such person
7 during the period of the violation of the Uniform Controlled
8 Dangerous Substances Act or within a reasonable time after such
9 period and there was no likely source for such property or thing of
10 value other than the violation of the Uniform Controlled Dangerous
11 Substances Act.

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

16 D. All items forfeited in this section shall be forfeited under
17 the procedures established in Section 2-506 of this title. Whenever
18 any item is forfeited pursuant to this section except for items
19 confiscated by the ~~Oklahoma State Bureau of Narcotics and Dangerous~~
20 ~~Drugs Control~~, the Department of Public Safety, the Oklahoma State
21 Bureau of Investigation, the Alcoholic Beverage Laws Enforcement
22 Commission, the Department of Corrections, or the Office of the
23 Attorney General, the district court of the district shall order
24 that such item, money, or monies derived from the sale of such item

1 be deposited by the state, county or city law enforcement agency
2 which seized the item in the revolving fund provided for in Section
3 2-506 of this title; provided, such item, money or monies derived
4 from the sale of such item forfeited due to nonpayment of a fine
5 imposed pursuant to the provisions of Section 2-415 of this title
6 shall be apportioned as provided in Section 2-416 of this title.
7 Items, money or monies seized pursuant to subsections A and B of
8 this section shall not be applied or considered toward satisfaction
9 of the fine imposed by Section 2-415 of this title. All raw
10 materials used or intended to be used by persons to unlawfully
11 manufacture or attempt to manufacture any controlled dangerous
12 substance in violation of the Uniform Controlled Dangerous
13 Substances Act shall be summarily forfeited pursuant to the
14 provisions of Section 2-505 of this title.

15 E. All property taken or detained under this section by the
16 ~~Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the~~
17 Department of Public Safety, the Oklahoma State Bureau of
18 Investigation, the Alcoholic Beverage Laws Enforcement Commission,
19 the Department of Corrections, or the Office of the Attorney
20 General, shall not be repleviable, but shall remain in the custody
21 of the Bureaus, Departments, Commission, or Office, respectively,
22 subject only to the orders and decrees of a court of competent
23 jurisdiction. The ~~Director of the Oklahoma State Bureau of~~
24 ~~Narcotics and Dangerous Drugs Control, the~~ Commissioner of Public

1 Safety, the Director of the Oklahoma State Bureau of Investigation,
2 the Director of the Alcoholic Beverage Laws Enforcement Commission,
3 the Director of the Department of Corrections, and the Attorney
4 General shall follow the procedures outlined in Section 2-506 of
5 this title dealing with notification of seizure, intent of
6 forfeiture, final disposition procedures, and release to innocent
7 claimants with regard to all property included in this section
8 detained by the Department of Public Safety, the Oklahoma State
9 Bureau of Investigation, the Alcoholic Beverage Laws Enforcement
10 Commission, the Department of Corrections, or the Office of the
11 Attorney General. Property taken or detained by the ~~Oklahoma State~~
12 ~~Bureau of Narcotics and Dangerous Drugs Control,~~ the Department of
13 Public Safety, the Oklahoma State Bureau of Investigation, the
14 Alcoholic Beverage Laws Enforcement Commission, the Department of
15 Corrections, or the Office of the Attorney General shall be disposed
16 of or sold pursuant to the provisions of Section 2-508 of this
17 title. Any money, coins, and currency, taken or detained pursuant
18 to this section may be deposited in an interest bearing account by
19 or at the direction of the State Treasurer if the seizing agency
20 determines the currency is not to be held as evidence. All interest
21 earned on such monies shall be returned to the claimant or forfeited
22 with the money, coins, and currency which was taken or detained as
23 provided by law.

1 F. The proceeds of any forfeiture of items seized by the
2 Oklahoma State Bureau of ~~Narcotics and Dangerous Drugs Control~~
3 Investigation shall be distributed as follows:

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

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

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

18 SECTION 45. AMENDATORY 63 O.S. 2011, Section 2-503.1b,
19 is amended to read as follows:

20 Section 2-503.1b A. The Oklahoma State Bureau of ~~Narcotics and~~
21 ~~Dangerous Drugs Control~~ Investigation shall conduct a criminal
22 financial check on all registration applications submitted pursuant
23 to the provisions of Section 1513 of Title 6 of the Oklahoma
24 Statutes. The applicant for a money services business license shall

1 pay a fee of Fifty Dollars (\$50.00) to the Bureau for the criminal
2 financial check prior to licensing. This shall be in addition to
3 all other administrative fees imposed by the Oklahoma Banking
4 Department.

5 B. The Oklahoma State Bureau of ~~Narcotics and Dangerous Drugs~~
6 ~~Control~~ Investigation shall have authority to access, review and
7 investigate any registration application and supplier reports
8 submitted to the Oklahoma State Banking Commissioner pursuant to
9 Section 1513 of Title 6 of the Oklahoma Statutes, for the purposes
10 of criminal financial checks, identifying or investigating
11 suspicious or illegal activities or to track illegal drug-related
12 monies. A copy of all money services transaction reports provided
13 to the Oklahoma State Banking Commissioner shall be provided to the
14 Bureau.

15 SECTION 46. AMENDATORY 63 O.S. 2011, Section 2-503.1i,
16 is amended to read as follows:

17 Section 2-503.1i A. The Oklahoma State Bureau of ~~Narcotics and~~
18 ~~Dangerous Drugs Control~~ Investigation shall have authority to
19 intercept, seize and forfeit any funds or equipment in violation of
20 any provision of the Drug Money Laundering and Wire Transmitter Act
21 or in violation of Section 2-503.1 of this title.

22 B. A warrant for the seizure of property pursuant to Section
23 1222 of Title 22 of the Oklahoma Statutes may be issued by a
24 district judge upon finding of probable cause for funds believed to

1 be used or intended for any violation of the Uniform Controlled
2 Dangerous Substances Act to any licensee under the Oklahoma
3 Financial Transaction Reporting Act.

4 C. The State Banking Commissioner or designee upon receipt of
5 an affidavit of probable cause from an agent of the Bureau, may
6 issue an emergency notice requiring a temporary freeze on an account
7 to any financial institution or money services business under its
8 jurisdiction. Such freeze shall halt all transactions in the
9 account. During the fifteen-day freeze, an account holder may file
10 an emergency appeal to the district court. The district court shall
11 schedule a hearing on the emergency appeal within three (3) judicial
12 days of the request. The provisions of Section 2201 et seq. of
13 Title 6 of the Oklahoma Statutes shall not apply to this section.
14 This freeze shall not exceed fifteen (15) days and shall
15 automatically expire unless:

16 1. A subsequent seizure warrant is issued by a district judge;
17 or

18 2. A notice of forfeiture is filed on the contents of the
19 account pursuant to Section 2-503 of this title.

20 D. No financial institution shall have liability to an account
21 holder for acting pursuant to this section.

22 SECTION 47. AMENDATORY 63 O.S. 2011, Section 2-503.1j,
23 is amended to read as follows:
24

1 Section 2-503.1j A. Any licensee of a money transmission,
2 transmitter or wire transmitter business pursuant to the Oklahoma
3 Financial Transaction Reporting Act and their delegates shall
4 collect a fee of Five Dollars (\$5.00) for each transaction not in
5 excess of Five Hundred Dollars (\$500.00) and in addition to such fee
6 an amount equal to one percent (1%) of the amount in excess of Five
7 Hundred Dollars (\$500.00).

8 B. The fee prescribed by subsection A of this section shall be
9 remitted quarterly to the Oklahoma Tax Commission on such forms as
10 the Commission, with the assistance of the Oklahoma State Bureau of
11 ~~Narcotics and Dangerous Drugs Control~~ Investigation, may prescribe
12 for such purpose. All required forms and remittances shall be filed
13 with the Tax Commission not later than the fifteenth day of the
14 month following the close of each calendar quarter.

15 C. The Oklahoma Tax Commission shall apportion all revenues
16 derived from the fee to the Drug Money Laundering and Wire
17 Transmitter Revolving Fund.

18 D. Every licensee and their delegates shall post a notice on a
19 form prescribed by the Director of the Oklahoma State Bureau of
20 ~~Narcotics and Dangerous Drugs Control~~ Investigation that notifies
21 customers that upon filing an individual income tax return with
22 either a valid social security number or a valid taxpayer
23 identification number the customer shall be entitled to an income
24

1 tax credit equal to the amount of the fee paid by the customer for
2 the transaction.

3 E. The Oklahoma Tax Commission shall be afforded all provisions
4 currently under law to enforce the provisions of subsection B of
5 this section. If a licensee fails to file reports or fails to remit
6 the fee authorized by subsection B of this section, the Oklahoma Tax
7 Commission shall have the authority pursuant to Section 212 of Title
8 68 of the Oklahoma Statutes to suspend the license of the licensee
9 and its delegates. A notification of the suspension shall also be
10 sent to the State Banking Commissioner and the Director of the
11 Oklahoma State Bureau of ~~Narcotics and Dangerous Drugs Control~~
12 Investigation. The licensee and its delegates may not reapply for a
13 license until all required reports have been filed and all required
14 fee amounts have been remitted.

15 F. Upon request from the Oklahoma Tax Commission, the State
16 Banking Commissioner may make a claim against the surety bond of the
17 licensee on behalf of the State of Oklahoma.

18 G. The Oklahoma State Bureau of ~~Narcotics and Dangerous Drugs~~
19 ~~Control~~ Investigation and its attorneys may assist the Oklahoma Tax
20 Commission in conducting audits and the prosecution ~~and/or~~ or
21 seeking of legal remedies to ensure compliance with this act.

22 SECTION 48. AMENDATORY 63 O.S. 2011, Section 2-505, as
23 amended by Section 1, Chapter 25, O.S.L. 2017 (63 O.S. Supp. 2017,
24 Section 2-505), is amended to read as follows:

1 Section 2-505. A. All controlled substances in Schedule I of
2 Section 2-204 of this title and all controlled substances in
3 Schedules II, III, IV, and V that are not in properly labeled
4 containers in accordance with this act that are possessed,
5 transferred, sold, or offered for sale in violation of this act are
6 deemed contraband and shall be seized and summarily forfeited.

7 B. All hazardous materials and all property contaminated with
8 hazardous materials described in paragraph 2 of subsection A of
9 Section 2-503 of this title, used or intended to be used by persons
10 to unlawfully manufacture or attempt to manufacture any controlled
11 dangerous substance, shall be summarily forfeited to the state and
12 submitted to the Oklahoma State Bureau of Investigation for prompt
13 destruction in accordance with state and federal laws.

14 C. Species of plants from which controlled substances in
15 Schedules I or II of the Uniform Controlled Dangerous Substances Act
16 may be derived which have been planted or cultivated in violation of
17 the Uniform Controlled Dangerous Substances Act, or of which the
18 owners or cultivators are unknown, or which are wild growths, may be
19 seized by peace officers, summarily forfeited and, in lieu of the
20 eradication procedures contained in Section 2-509 of this title,
21 promptly cut and burned where seized or destroyed by applications of
22 herbicides approved for such purpose and registered for use in
23 Oklahoma by the Oklahoma Department of Agriculture, Food, and
24 Forestry. The Oklahoma State Bureau of ~~Narcotics and Dangerous~~

1 ~~Drugs Control~~ Investigation shall ensure that persons spraying the
2 plants are trained in the appropriate use of the herbicide and any
3 safety and protection issues pursuant to the requirements of the
4 Oklahoma Department of Agriculture, Food, and Forestry.

5 SECTION 49. AMENDATORY 63 O.S. 2011, Section 2-506, as
6 last amended by Section 1, Chapter 225, O.S.L. 2016 (63 O.S. Supp.
7 2017, Section 2-506), is amended to read as follows:

8 Section 2-506. A. Any peace officer of this state shall seize
9 the following property:

10 1. Any property described in subsection A of Section 2-503 of
11 this title. Such property shall be held as evidence until a
12 forfeiture has been declared or release ordered, except for property
13 described in paragraphs 1, 2 and 3 of subsection A of Section 2-503
14 of this title, or in the case of money, coins, and currency,
15 deposited as provided in subsection E of Section 2-503 of this
16 title; provided, any money, coins and currency taken or detained
17 pursuant to this section may be deposited in an interest-bearing
18 account by or at the direction of the district attorney in the
19 office of the county treasurer if the district attorney determines
20 the currency is not to be held as evidence. All interest earned on
21 such monies shall be returned to the claimant or forfeited with the
22 money, coins and currency which was taken or detained as provided by
23 law;

1 2. Any property described in subsection B of Section 2-503 of
2 this title; or

3 3. Any property described in subsection C of Section 2-503 of
4 this title.

5 B. Notice of seizure and intended forfeiture proceeding shall
6 be filed in the office of the clerk of the district court for the
7 county wherein such property is seized and shall be given all owners
8 and parties in interest. Notwithstanding any other provision of
9 law, no filing fees shall be assessed by the court clerk for the
10 filing of any forfeiture action.

11 C. Notice shall be given by the agency seeking forfeiture
12 according to one of the following methods:

13 1. Upon each owner or party in interest whose right, title or
14 interest is of record in the Tax Commission, by mailing a copy of
15 the notice by certified mail to the address as given upon the
16 records of the Tax Commission;

17 2. Upon each owner or party in interest whose name and address
18 is known to the attorney in the office of the agency prosecuting the
19 action to recover unpaid fines, by mailing a copy of the notice by
20 registered mail to the last-known address; or

21 3. Upon all other owners or interested parties, whose addresses
22 are unknown, but who are believed to have an interest in the
23 property, by one publication in a newspaper of general circulation
24 in the county where the seizure was made.

1 D. Within forty-five (45) days after the mailing or publication
2 of the notice, the owner of the property and any other party in
3 interest or claimant may file a verified answer and claim to the
4 property described in the notice of seizure and of the intended
5 forfeiture proceeding.

6 E. If at the end of forty-five (45) days after the notice has
7 been mailed or published there is no verified answer on file, the
8 court shall hear evidence upon the fact of the unlawful use and
9 shall order the property forfeited to the state, if such fact is
10 proved. Except as otherwise provided for in Section 2-503 of this
11 title, any such property shall be forfeited to the state and sold
12 under judgment of the court pursuant to the provisions of Section 2-
13 508 of this title.

14 F. If a verified answer is filed, the forfeiture proceeding
15 shall be set for hearing.

16 G. At a hearing in a proceeding against property described in
17 paragraphs 3 through 9 of subsection A or subsections B and C of
18 Section 2-503 of this title, the requirements set forth in said
19 paragraph or subsection, respectively, shall be satisfied by the
20 state by a preponderance of the evidence.

21 H. The claimant of any right, title, or interest in the
22 property may prove a lien, mortgage, or conditional sales contract
23 to be a bona fide or innocent ownership interest and that such
24 right, title, or interest was created without any knowledge or

1 reason to believe that the property was being, or was to be, used
2 for the purpose charged.

3 I. In the event of such proof, the court shall order the
4 property released to the bona fide or innocent owner, lien holder,
5 mortgagee or vendor if the amount due him is equal to, or in excess
6 of, the value of the property as of the date of the seizure, it
7 being the intention of this section to forfeit only the right, title
8 or interest of the purchaser.

9 J. If the amount due to such person is less than the value of
10 the property, or if no bona fide claim is established, the property
11 shall be forfeited to the state and sold under judgment of the
12 court, as provided for in Section 2-508 of this title, except as
13 otherwise provided for in Section 2-503 of this title.

14 K. Property taken or detained under this section shall not be
15 repleviable, but shall be deemed to be in the custody of the office
16 of the district attorney of the county wherein the property was
17 seized, subject only to the orders and decrees of the court or the
18 official having jurisdiction thereof; said official shall maintain a
19 true and accurate inventory and record of all such property seized
20 under the provisions of this section. The provisions of this
21 subsection shall not apply to property taken or detained by the
22 ~~Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the~~
23 Department of Public Safety, the Oklahoma State Bureau of
24 Investigation, the Alcoholic Beverage Laws Enforcement Commission,

1 the Department of Corrections or the Office of the Attorney General.
2 Property taken or detained by the ~~Oklahoma State Bureau of Narcotics~~
3 ~~and Dangerous Drugs Control~~, the Department of Public Safety, the
4 Oklahoma State Bureau of Investigation, the Alcoholic Beverage Laws
5 Enforcement Commission, the Department of Corrections or the Office
6 of the Attorney General shall be subject to the provisions of
7 subsections E and F of Section 2-503 of this title.

8 L. The proceeds of the sale of any property not taken or
9 detained by the ~~Oklahoma State Bureau of Narcotics and Dangerous~~
10 ~~Drugs Control~~, the Department of Public Safety, the Oklahoma State
11 Bureau of Investigation, the Alcoholic Beverage Laws Enforcement
12 Commission, the Department of Corrections or the Office of the
13 Attorney General shall be distributed as follows, in the order
14 indicated:

15 1. To the bona fide or innocent purchaser, conditional sales
16 vendor or mortgagee of the property, if any, up to the amount of his
17 or her interest in the property, when the court declaring the
18 forfeiture orders a distribution to such person;

19 2. To the payment of the actual expenses of preserving the
20 property and legitimate costs related to the civil forfeiture
21 proceedings. For purposes of this paragraph, the term "legitimate
22 costs" shall not include court costs associated with any civil
23 forfeiture proceeding; and
24

1 3. The balance to a revolving fund in the office of the county
2 treasurer of the county wherein the property was seized, said fund
3 to be used as a revolving fund solely for enforcement of controlled
4 dangerous substances laws, drug abuse prevention and drug abuse
5 education, and maintained by the district attorney in his or her
6 discretion for those purposes with a yearly accounting to the board
7 of county commissioners in whose county the fund is established and
8 to the District Attorneys Council; provided, one hundred percent
9 (100%) of the balance of the proceeds of such sale of property
10 forfeited due to nonpayment of a fine imposed pursuant to the
11 provisions of Section 2-415 of this title shall be apportioned as
12 provided in Section 2-416 of this title. The revolving fund shall
13 be audited by the State Auditor and Inspector at least every two (2)
14 years in the manner provided in Section 171 of Title 19 of the
15 Oklahoma Statutes. Said audit shall include, but not be limited to,
16 a compliance audit. A district attorney may enter into agreements
17 with municipal, tribal, county or state agencies to return to such
18 an agency a percentage of proceeds of the sale of any property
19 seized by the agency and forfeited under the provisions of this
20 section. The District Attorneys Council shall adopt guidelines
21 which ensure that such agencies receive a reasonable percentage of
22 such proceeds, considering the relative contribution of each agency
23 to the drug enforcement and prosecution operations relating to the
24 seizure. In formulating said guidelines, the District Attorneys

1 Council shall examine federal guidelines on asset distribution and
2 use said guidelines as a basis for establishing guidelines for this
3 state. The Attorney General is hereby authorized to mediate
4 disputes between district attorneys and such agencies concerning the
5 application of said guidelines in particular instances. Any agency
6 that receives proceeds from an asset distribution shall maintain a
7 true and accurate record of all such assets.

8 M. Whenever any vehicle, airplane or vessel is forfeited under
9 the Uniform Controlled Dangerous Substances Act, the district court
10 of jurisdiction may order that the vehicle, airplane or vessel
11 seized may be retained by the state, county or city law enforcement
12 agency which seized the vehicle, airplane or vessel for its official
13 use.

14 N. If the court finds that the state failed to satisfy the
15 required showing provided for in subsection G of this section, the
16 court shall order the property released to the owner or owners.

17 O. Except as provided for in subsection Q of this section, a
18 bona fide or innocent owner, lien holder, mortgagee or vendor that
19 recovers property pursuant to this section shall not be liable for
20 storage fees.

21 P. Except as provided for in subsection Q of this section,
22 storage fees shall be paid by the agency which is processing the
23 seizure and forfeiture from funds generated by seizure and
24 forfeiture actions.

1 Q. The bona fide or innocent owner, lien holder, mortgagee or
2 vendor shall reclaim subject seized property within thirty (30) days
3 of written notice from the seizing agency. If such person fails to
4 reclaim the property within the thirty-day time period, then storage
5 fees may be assessed against their secured interest.

6 R. 1. At any hearing held relevant to this section, a report
7 of the findings of the laboratory of the Oklahoma State Bureau of
8 Investigation, the medical examiner's report of investigation or
9 autopsy report, or a laboratory report from a forensic laboratory
10 operated by the State of Oklahoma or any political subdivision
11 thereof, which has been made available to the accused by the office
12 of the district attorney or other party to the forfeiture at least
13 five (5) days prior to the hearing, with reference to all or part of
14 the evidence submitted, when certified as correct by the persons
15 making the report shall be received as evidence of the facts and
16 findings stated, if relevant and otherwise admissible in evidence.
17 If such report is deemed relevant by the forfeiture applicant or the
18 respondent, the court shall admit such report without the testimony
19 of the person making the report, unless the court, pursuant to this
20 subsection, orders such person to appear.

21 2. When any alleged controlled dangerous substance has been
22 submitted to the laboratory of the OSBI for analysis, and such
23 analysis shows that the submitted material is a controlled dangerous
24 substance, the distribution of which constitutes a felony under the

1 laws of this state, no portion of such substance shall be released
2 to any other person or laboratory except to the criminal justice
3 agency originally submitting the substance to the OSBI for analysis,
4 absent an order of a district court. The defendant shall
5 additionally be required to submit to the court a procedure for
6 transfer and analysis of the subject material to ensure the
7 integrity of the sample and to prevent the material from being used
8 in any illegal manner.

9 3. The court, upon motion of either party, shall order the
10 attendance of any person preparing a report submitted as evidence in
11 the hearing when it appears there is a substantial likelihood that
12 material evidence not contained in said report may be produced by
13 the testimony of any person having prepared a report. The hearing
14 shall be held and, if sustained, an order issued not less than five
15 (5) days prior to the time when the testimony shall be required.

16 4. If within five (5) days prior to the hearing or during a
17 hearing, a motion is made pursuant to this section requiring a
18 person having prepared a report to testify, the court may hear a
19 report or other evidence but shall continue the hearing until such
20 time notice of the motion and hearing is given to the person making
21 the report, the motion is heard, and, if sustained, the testimony
22 ordered can be given.

23 S. In any forfeiture proceeding under this chapter in which the
24 defendant or claimant prevails, the court may order the plaintiff

1 processing the seizure and forfeiture to pay from funds generated by
2 seizure and forfeiture actions:

3 1. Reasonable attorney fees and other litigation costs
4 reasonably incurred by the defendant or claimant directly related to
5 the claim on which the defendant or claimant prevailed;

6 2. Postjudgment interest; and

7 3. In cases involving currency or other negotiable instruments:

- 8 a. interest actually paid to the state from the date of
9 seizure or arrest of the property that resulted from
10 the investment of the property in an interest-bearing
11 account or instrument, and
12 b. an imputed amount of interest that such currency,
13 instruments, or proceeds would have earned at the rate
14 applicable to the thirty-day Treasury Bill, for any
15 period during which no interest was paid, not
16 including any period when the property reasonably was
17 in use as evidence in an official proceeding or in
18 conducting scientific tests for the purpose of
19 collecting evidence, commencing fifteen (15) days
20 after the property was seized by a law enforcement
21 agency or was turned over to a law enforcement agency
22 by a federal law enforcement authority.
23
24

SECTION 50. AMENDATORY 63 O.S. 2011, Section 2-508, as last amended by Section 2, Chapter 284, O.S.L. 2014 (63 O.S. Supp. 2017, Section 2-508), is amended to read as follows:

Section 2-508. A. Except as otherwise provided, all property described in paragraphs 1 and 2 of subsection A of Section 2-503 of this title which is seized or surrendered pursuant to the provisions of the Uniform Controlled Dangerous Substances Act shall be destroyed. The destruction shall be done by or at the direction of the Oklahoma State Bureau of ~~Narcotics and Dangerous Drugs Control~~ ~~(OSBND)~~ Investigation, who shall have the discretion prior to destruction to preserve samples of the substance for testing. In any county with a population of four hundred thousand (400,000) or more according to the latest Federal Decennial Census, there shall be a located site, approved by the ~~OSBND~~ Bureau, for the destruction of the property. Any such property submitted to the ~~OSBND~~ Bureau which it deems to be of use for investigative training, educational, or analytical purposes may be retained by the ~~OSBND~~ Bureau in lieu of destruction.

B. 1. With respect to controlled dangerous substances seized or surrendered pursuant to the provisions of the Uniform Controlled Dangerous Substances Act, municipal police departments, sheriffs, ~~the Oklahoma Bureau of Narcotics and Dangerous Drugs Control~~ ~~Commission~~, the Oklahoma Highway Patrol, and the Oklahoma State Bureau of Investigation shall have the authority to destroy seized

1 controlled dangerous substances when the amount seized in a single
2 incident exceeds ten (10) pounds. The destroying agency shall:

- 3 a. photograph the seized substance with identifying case
4 numbers or other means of identification,
- 5 b. prepare a report describing the seized substance prior
6 to the destruction,
- 7 c. retain at least one (1) pound of the substance
8 randomly selected from the seized substance for the
9 purpose of evidence, and
- 10 d. obtain and retain samples of the substance from enough
11 containers, bales, bricks, or other units of substance
12 seized to establish the presence of a weight of the
13 substance necessary to establish a violation of the
14 Trafficking in Illegal Drugs Act pursuant to
15 subsection C of Section 2-415 of this title, if such a
16 weight is present. If such weight is not present,
17 samples of the substance from each container, bale,
18 brick or other unit of substance seized shall be
19 taken. Each sample taken pursuant to this section
20 shall be large enough for the destroying agency and
21 the defendant or suspect to have an independent test
22 performed on the substance for purposes of
23 identification.

1 2. If a defendant or suspect is known to the destroying agency,
2 the destroying agency shall give at least seven (7) days' written
3 notice to the defendant, suspect or counsel for the defendant or
4 suspect of:

5 a. the date, the time, and the place where the
6 photographing will take place and notice of the right
7 to attend the photographing, and

8 b. the right to obtain samples of the controlled
9 dangerous substance for independent testing and use as
10 evidence.

11 3. The written notice shall also inform the defendant, suspect
12 or counsel for the defendant or suspect that the destroying agency
13 must be notified in writing within seven (7) days from receipt of
14 the notice of the intent of the suspect or defendant to obtain
15 random samples and make arrangements for the taking of samples. The
16 samples for the defendant or suspect must be taken by a person
17 licensed by the Drug Enforcement Administration. If the defendant
18 or counsel for the defendant fails to notify the destroying agency
19 in writing of an intent to obtain samples and fails to make
20 arrangements for the taking of samples, a sample taken pursuant to
21 subparagraph d of paragraph 1 of this subsection shall be made
22 available upon request of the defendant or suspect.

23 The representative samples, the photographs, the reports, and
24 the records made under this section and properly identified shall be

1 admissible in any court or administrative proceeding for any
2 purposes for which the seized substance itself would have been
3 admissible.

4 C. All other property not otherwise provided for in the Uniform
5 Controlled Dangerous Substances Act which has come into the
6 possession of the ~~Oklahoma State Bureau of Narcotics and Dangerous~~
7 ~~Drugs Control, the~~ Department of Public Safety, the Oklahoma State
8 Bureau of Investigation, the Alcoholic Beverage Laws Enforcement
9 Commission, the Department of Corrections, the Office of the
10 Attorney General, or a district attorney may be disposed of by order
11 of the district court when no longer needed in connection with any
12 litigation. If the owner of the property is unknown to the agency
13 or district attorney, the agency or district attorney shall hold the
14 property for at least six (6) months prior to filing a petition for
15 disposal with the district court except for laboratory equipment
16 which may be forfeited when no longer needed in connection with
17 litigation, unless the property is perishable. The Director or
18 Commissioner of the agency, the Attorney General, or district
19 attorney shall file a petition in the district court of Oklahoma
20 County or in the case of a district attorney, the petition shall be
21 filed in a county within the jurisdiction of the district attorney
22 requesting the authority to:

23 1. Conduct a sale of the property at a public auction or use an
24 Internet auction, which may include online bidding; or

1 2. Convert title of the property to the ~~Oklahoma State Bureau~~
2 ~~of Narcotics and Dangerous Drugs Control~~, the Department of Public
3 Safety, the Oklahoma State Bureau of Investigation, the Alcoholic
4 Beverage Laws Enforcement Commission, the Department of Corrections,
5 the Office of the Attorney General, or to the district attorney's
6 office for the purposes provided for in subsection I, ~~J~~ or ~~K or L~~
7 of this section.

8 The Director, Commissioner, Attorney General or district
9 attorney shall attach to the petition:

- 10 a. a list describing the property, including all
11 identifying numbers and marks, if any,
12 b. the date the property came into the possession of the
13 agency or district attorney, and
14 c. the name and address of the owner, if known.

15 For any item having an apparent value in excess of One Hundred
16 Dollars (\$100.00), but less than Five Hundred Dollars (\$500.00), the
17 notice of the hearing of the petition for the sale of the property,
18 except laboratory equipment used in the processing, manufacturing or
19 compounding of controlled dangerous substances in violation of the
20 provisions of the Uniform Controlled Dangerous Substances Act, shall
21 be given to every known owner, as set forth in the petition, by
22 first-class mail to the last-known address of the owner at least ten
23 (10) days prior to the date of the hearing. An affidavit of notice
24 being sent shall be filed with the court by a representative of the

1 agency, the Director or Commissioner of the agency, the Attorney
2 General or district attorney. For items in excess of Five Hundred
3 Dollars (\$500.00), a notice of the hearing of the petition for the
4 sale of said property shall be delivered to every known owner as set
5 forth in the petition by certified mail. Notice of a hearing on a
6 petition for forfeiture or sale of laboratory equipment used in the
7 processing, manufacturing or compounding of controlled dangerous
8 substances in violation of the Uniform Controlled Dangerous
9 Substances Act shall not be required.

10 The notice shall contain a brief description of the property,
11 and the location and date of the hearing. In addition, notice of
12 the hearing shall be posted in three public places in the county,
13 one such place being the county courthouse at the regular place
14 assigned for the posting of legal notices. At the hearing, if no
15 owner appears and establishes ownership of the property, the court
16 may enter an order authorizing the Director, Commissioner, Attorney
17 General, or district attorney to donate the property pursuant to
18 subsection I, J, or K ~~or L~~ of this section, to sell the property at
19 a public auction, including an Internet auction, which may include
20 online bidding, to the highest bidder, or to convert title of the
21 property to the ~~Oklahoma State Bureau of Narcotics and Dangerous~~
22 ~~Drugs Control~~, the Department of Public Safety, the Oklahoma State
23 Bureau of Investigation, the Alcoholic Beverage Laws Enforcement
24 Commission, the Department of Corrections, or the Office of the

1 Attorney General for the purposes provided for in subsection I, ~~J~~
2 or K ~~or L~~ of this section after at least ten (10) days of notice has
3 been given by publication in one issue of a legal newspaper of the
4 county. If the property is offered for sale at public auction,
5 including an Internet auction, and no bid is received that exceeds
6 fifty percent (50%) of the value of the property, such value to be
7 announced prior to the sale, the Director, Commissioner, Attorney
8 General, or district attorney may refuse to sell the item pursuant
9 to any bid received. The Director, Commissioner, Attorney General,
10 or district attorney shall make a return of the sale and, when
11 confirmed by the court, the order confirming the sale shall vest in
12 the purchaser title to the property so purchased.

13 D. The money received from the sale of property by the Oklahoma
14 State Bureau of ~~Narcotics and Dangerous Drugs Control~~ Investigation
15 shall be used for general drug enforcement purposes. These funds
16 shall be transferred to the ~~Bureau of~~ Narcotics Revolving Fund
17 established pursuant to Section 2-107 of this title or in the case
18 of a district attorney, the revolving fund provided for in paragraph
19 3 of subsection L of Section 2-506 of this title.

20 E. At the request of the Department of Public Safety, the
21 district attorney or a designee of the district attorney may conduct
22 any forfeiture proceedings as described in Section 2-503 of this
23 title on any property subject to forfeiture as described in
24 subsection A, B or C of Section 2-503 of this title. The money

1 received from the sale of property by the Department of Public
2 Safety shall be deposited in the Department of Public Safety
3 Restricted Revolving Fund and shall be expended for law enforcement
4 purposes.

5 F. The money received from the sale of property by the
6 Alcoholic Beverage Laws Enforcement Commission shall be deposited in
7 the General Revenue Fund of the state.

8 ~~G. The money received from the sale of property from the~~
9 ~~Oklahoma State Bureau of Investigation shall be deposited in the~~
10 ~~OSBI Revolving Fund and shall be expended for law enforcement~~
11 ~~purposes.~~

12 ~~H.~~ The Director of the Department of Corrections shall make a
13 return of the sale and when confirmed by the court, the order
14 confirming the sale shall vest in the purchaser title to the
15 property so purchased. Twenty-five percent (25%) of the money
16 received from the sale shall be disbursed to a revolving fund in the
17 office of the county treasurer of the county wherein the property
18 was seized, said fund to be used as a revolving fund solely for
19 enforcement of controlled dangerous substances laws, drug abuse
20 prevention and drug abuse education. The remaining seventy-five
21 percent (75%) shall be deposited in the Department of Corrections
22 Revolving Fund to be expended for equipment for probation and parole
23 officers and correctional officers.

1 ~~F.~~ H. The money received from the sale of property from the
2 Office of the Attorney General shall be deposited in the Attorney
3 General Law Enforcement Revolving Fund and shall be expended for law
4 enforcement purposes. The Office of the Attorney General may enter
5 into agreements with municipal, county or state agencies to return
6 to such an agency a percentage of proceeds of the sale of any
7 property seized by the agency and forfeited under the provisions of
8 this section.

9 ~~J.~~ I. Any property, including but not limited to uncontaminated
10 laboratory equipment used in the processing, manufacturing or
11 compounding of controlled dangerous substances in violation of the
12 provisions of the Uniform Controlled Dangerous Substances Act, upon
13 a court order, may be donated for classroom or laboratory use by the
14 Oklahoma State Bureau of ~~Narcotics and Dangerous Drugs Control~~
15 Investigation, Department of Public Safety, district attorney, the
16 Alcoholic Beverage Laws Enforcement Commission, the Department of
17 Corrections, or the Office of the Attorney General to any public
18 secondary school or technology center school in this state or any
19 institution of higher education within The Oklahoma State System of
20 Higher Education.

21 ~~K.~~ J. Any vehicle or firearm which has come into the possession
22 and title vested in the ~~Oklahoma State Bureau of Narcotics and~~
23 ~~Dangerous Drugs Control~~, the Department of Public Safety, the
24 Oklahoma State Bureau of Investigation, the Office of the Attorney

1 General or a district attorney, may be transferred, donated or
2 offered for lease to any sheriff's office, tribal law enforcement
3 agency, campus police department pursuant to the provisions of the
4 Oklahoma Campus Security Act, or police department in this state on
5 an annual basis to assist with the enforcement of the provisions of
6 the Uniform Controlled Dangerous Substances Act. Each agency shall
7 promulgate rules, regulations and procedures for leasing vehicles
8 and firearms. No fully automatic weapons will be subject to the
9 leasing agreement. All firearms leased may be utilized only by
10 C.L.E.E.T.-certified officers who have received training in the type
11 and class of weapon leased. Every lessee shall be required to
12 submit an annual report to the leasing agency stating the condition
13 of all leased property. A lease agreement may be renewed annually
14 at the option of the leasing agency. Upon termination of a lease
15 agreement, the property shall be returned to the leasing agency for
16 sale or other disposition. All funds derived from lease agreements
17 or other disposition of property no longer useful to law enforcement
18 shall be deposited in the agency's revolving fund, or in the case of
19 the Department of Public Safety, the Department of Public Safety
20 Restricted Revolving Fund, and shall be expended for law enforcement
21 purposes.

22 ~~L.~~ K. Before disposing of any property pursuant to subsections
23 C through ~~F~~ H of this section, the ~~Oklahoma State Bureau of~~
24 ~~Narcotics and Dangerous Drugs Control,~~ the Department of Public

1 Safety, the Alcoholic Beverage Laws Enforcement Commission, the
2 Oklahoma State Bureau of Investigation, the Department of
3 Corrections, the Office of the Attorney General, or a district
4 attorney may transfer or donate the property to another state
5 agency, tribal law enforcement agency, or school district for use
6 upon request. In addition to the provisions of this section, the
7 Oklahoma State Bureau of ~~Narcotics and Dangerous Drugs Control~~
8 Investigation may transfer or donate property for any purpose
9 pursuant to Section 2-106.2 of this title. The agencies and any
10 district attorney that are parties to any transfer of property
11 pursuant to this subsection shall enter into written agreements to
12 carry out any such transfer of property. Any such agreement may
13 also provide for the granting of title to any property being
14 transferred as the parties deem appropriate. If the transfer of
15 property is to a school district, a written agreement shall be
16 entered into with the superintendent of the school district. No
17 weapons may be transferred to a school district except as provided
18 for in subsection ~~K~~ J of this section.

19 SECTION 51. AMENDATORY 63 O.S. 2011, Section 2-509, as
20 amended by Section 2, Chapter 25, O.S.L. 2017 (63 O.S. Supp. 2017,
21 Section 2-509), is amended to read as follows:

22 Section 2-509. A. All species of plants from which controlled
23 dangerous substances in Schedules I and II may be derived are hereby
24 declared inimical to health and welfare of the public, and the

1 intent of the Legislature is to control and eradicate these species
2 of the plants in the State of Oklahoma.

3 B. It shall be unlawful for any person to cultivate or produce,
4 or to knowingly permit the cultivation, production, or wild growing
5 of any species of such plants, on any lands owned or controlled by
6 such person, and it is hereby declared the duty of every such person
7 to destroy all such plants found growing on lands owned or
8 controlled by the person.

9 C. 1. Whenever any peace officer of the state shall receive
10 information that any species of any such plants has been found
11 growing on any private lands in the State of Oklahoma, the peace
12 officer shall notify the sheriff and county commissioners of the
13 county wherein such plants are found growing. Within five (5) days
14 of receipt of such notice, the county commissioners shall notify the
15 owner or person in possession of such lands that such plants have
16 been found growing on the said lands and that the same must be
17 destroyed or eradicated within fifteen (15) days. When the fifteen
18 (15) days have elapsed, the reporting peace officer shall cause an
19 investigation to be made of the aforesaid lands, and if any such
20 plants be found growing thereon, the county commissioners shall
21 cause the same to be destroyed or eradicated by either cutting and
22 burning or by applications of herbicides approved for such purpose
23 and registered for use in Oklahoma by the Oklahoma Department of
24

1 Agriculture, Food, and Forestry in accordance with Section 2-505 of
2 this title.

3 2. Whenever any such plants are destroyed or eradicated by
4 order of the county commissioners as provided herein, the cost of
5 the same shall, if the work or labor be furnished by the county
6 commissioners, be taxed against the lands whereon the work was
7 performed, and shall be a lien upon such land in all manner and
8 respects as a lien of judgment, if the owner is charged with a
9 violation of subsection B of this section. If the violation of
10 subsection B of this section is by a person other than the owner of
11 the land, without the knowledge of the owner, the costs shall be
12 paid by the initiating law enforcement agency.

13 D. Knowingly violating the provisions of subsection B or
14 subsection H of this section is hereby declared, as to the owner, or
15 person in possession of such lands, to be a felony and upon
16 conviction punishable as such by a fine not to exceed Fifty Thousand
17 Dollars (\$50,000.00) and imprisonment in the custody of the
18 Department of Corrections for not less than two (2) years nor more
19 than life. The fine provided for in this subsection shall be in
20 addition to other punishments provided by law and shall not be in
21 lieu of other punishment. Any person convicted of a second or
22 subsequent violation of subsection B or subsection H of this section
23 is, upon conviction, punishable by a term of imprisonment twice that
24 otherwise authorized and by twice the fine otherwise authorized.

1 Any sentence shall not be subject to statutory provisions for
2 suspended sentences, deferred sentences or probation, except when
3 the conviction is for a first offense.

4 E. It shall be the duty of any peace officer of the State of
5 Oklahoma who receives information of such plants growing in the
6 State of Oklahoma, to make notice, in writing, to the Oklahoma State
7 Bureau of ~~Narcotics and Dangerous Drugs Control~~ Investigation and
8 the future destruction or eradication of the annual growth of such
9 plants shall be supervised by the Oklahoma State Bureau of ~~Narcotics~~
10 ~~and Dangerous Drugs Control~~ Investigation. Any destruction or
11 eradication of the annual growth of such plants supervised by the
12 Bureau shall be by cutting and burning the same or by destruction
13 and eradication through applications of herbicides approved for such
14 purpose and registered for use in Oklahoma by the Oklahoma
15 Department of Agriculture, Food, and Forestry.

16 F. Any application of herbicides authorized by this section
17 shall be made pursuant to the provisions of Section 2-505 of this
18 title.

19 G. In lieu of the eradication procedures provided for in
20 subsections B and C of this section, all species of plants from
21 which controlled dangerous substances in Schedules I and II of the
22 Uniform Controlled Dangerous Substances Act may be derived, may be
23 disposed of pursuant to the provisions of subsection C of Section 2-
24 505 of this title.

1 H. Except as authorized by the Uniform Controlled Dangerous
2 Substances Act, it shall be unlawful for any person to manufacture
3 or attempt to manufacture any controlled dangerous substance by
4 cooking, burning, or extracting and converting or attempting to
5 extract and convert marihuana or marihuana oil into hashish, hashish
6 oil or hashish powder.

7 SECTION 52. AMENDATORY 63 O.S. 2011, Section 2-701, as
8 last amended by Section 7, Chapter 181, O.S.L. 2013 (63 O.S. Supp.
9 2017, Section 2-701), is amended to read as follows:

10 Section 2-701. A. There is hereby created within the Oklahoma
11 State Bureau of ~~Narcotics and Dangerous Drugs Control~~ Investigation
12 a registry of persons who, after November 1, 2010, have been
13 convicted, whether upon a verdict or plea of guilty or upon a
14 verdict or plea of nolo contendere, or received a suspended sentence
15 or any deferred or probationary term, or are currently serving a
16 sentence or any form of probation or parole for a crime or attempt
17 to commit a crime including, but not limited to, unlawful
18 possession, conspiring, endeavoring, manufacturing, distribution or
19 trafficking of a precursor or methamphetamines under the provisions
20 of Section 2-322, 2-332, 2-401, 2-402, 2-408 or 2-415 of this title,
21 or any crime including, but not limited to, crimes involving the
22 possession, distribution, manufacturing or trafficking of
23 methamphetamines or illegal amounts of or uses of pseudoephedrine in
24 any federal court, Indian tribal court, or any court of another

1 state if the person is a resident of the State of Oklahoma or seeks
2 to remain in the State of Oklahoma in excess of ten (10) days.

3 B. It shall be unlawful for any person who knows that he or she
4 is subject to the registry created in subsection A of this section
5 to purchase, possess or have control of any Schedule V compound,
6 mixture, or preparation containing any detectable quantity of
7 pseudoephedrine, its salts or optical isomers, or salts of optical
8 isomers. A prescription for pseudoephedrine shall not provide an
9 exemption for any person to this law. Any person convicted of
10 violating the provisions of this subsection shall be guilty of a
11 felony, punishable by imprisonment in the custody of the Department
12 of Corrections for not less than two (2) years and not more than ten
13 (10) years, or by a fine of not more than Five Thousand Dollars
14 (\$5,000.00), or by both such fine and imprisonment.

15 C. The registry created in subsection A of this section shall
16 be maintained by the Bureau. The registry shall be made available
17 for registrants who sell or dispense pseudoephedrine-related
18 products and to law enforcement agencies for law enforcement
19 purposes through the electronic methamphetamine precursor tracking
20 service. The electronic methamphetamine precursor tracking service
21 shall generate a stop-sale alert on any sale of pseudoephedrine to
22 any individual listed on the methamphetamine offender registry in
23 real time.

24 D. The registry shall consist of the following information:

1 1. Name and address of the person;

2 2. Date of birth of the person;

3 3. The offense or offenses which made the person eligible for
4 inclusion on the registry;

5 4. The date of conviction or the date that a plea of guilty or
6 nolo contendere was accepted by the court for any violation of an
7 offense provided for in subsection A of this section;

8 5. The county where the offense or offenses occurred; and

9 6. Such other identifying data as the Bureau determines is
10 necessary to properly identify the person.

11 E. Beginning November 1, 2010, all district court clerks shall
12 forward a copy of the judgment and sentence or other applicable
13 information relating to the disposition of the criminal case and
14 date of birth of all persons who are subject to the provisions of
15 the Oklahoma Methamphetamine Offender Registry Act for a violation
16 of the offenses described in subsection A of this section to the
17 Bureau. The information shall be sent in an electronic format in a
18 manner prescribed by the Bureau within ten (10) days of the date of
19 final disposition of the case. Any person subject to the registry
20 pursuant to subsection A of this section, having received a deferred
21 sentence or conviction in a federal court, Indian tribal court, or
22 any court of another state, shall be required to register and submit
23 a methamphetamine offender registration form in a format prescribed
24 by the Bureau within ten (10) days of entering the State of Oklahoma

1 or if incarcerated in a federal institution within the boundaries of
2 Oklahoma, within ten (10) days of release from the institution.
3 Knowingly failing to submit the form required by this subsection
4 shall constitute a misdemeanor.

5 F. Upon receipt of the information provided by the district
6 court clerk, the Bureau shall transmit in an electronic format to
7 the electronic methamphetamine precursor tracking service at least
8 every seven (7) days the name of any person placed on the
9 methamphetamine offender registry as provided in this section. The
10 information transmitted to the electronic tracking service shall
11 include the first, middle, and last name of the person, and the
12 address and the date of birth of the person. The electronic
13 methamphetamine precursor tracking service shall be designed to
14 generate a stop-sale alert for any person who is on the
15 methamphetamine offender registry and whose name, address and date
16 of birth have been transmitted by the Bureau to the electronic
17 tracking service.

18 G. The Bureau shall remove from the methamphetamine offender
19 registry the name and other identifying information of a person who
20 has been convicted of a violation of any of the offenses described
21 in subsection A of this section ten (10) years after the date of the
22 most recent judgment and sentence. Any person having received a
23 deferred sentence that expires prior to the ten-year time limitation
24 may apply to the Bureau to be removed from the registry upon the

1 completion of the deferred sentence by providing to the Bureau a
2 certified copy of the dismissal of the case by certified mail. The
3 Bureau may remove the person from the methamphetamine offender
4 registry upon expiration of the deferred sentence. The Bureau shall
5 also be required to notify the provider of the electronic
6 methamphetamine precursor tracking service when a person is removed
7 from the methamphetamine offender registry. Upon notification from
8 the Bureau, the provider of the electronic tracking service shall
9 remove the name of the person from the electronic methamphetamine
10 precursor tracking service and the person shall thereafter be
11 permitted to purchase pseudoephedrine-related products.

12 H. It shall be a violation for any person to assist another,
13 with knowledge that the person is subject to the registry, in the
14 purchase of any pseudoephedrine products. Any person convicted of
15 violating the provisions of this subsection shall, for a first
16 offense, be guilty of a misdemeanor, punishable by incarceration in
17 the county jail for not more than one (1) year, or by a fine of not
18 more than One Thousand Dollars (\$1,000.00), or by both such fine and
19 imprisonment. Any second or subsequent conviction for a violation
20 of this subsection shall be a felony, punishable by incarceration in
21 the custody of the Department of Corrections for not more than two
22 (2) years, or by a fine of not less than Two Thousand Five Hundred
23 Dollars (\$2,500.00) or by both such fine and imprisonment.

1 I. On or prior to November 1, 2011, the Oklahoma State Bureau
2 of ~~Narcotics and Dangerous Drugs Control~~ Investigation shall
3 maintain a methamphetamine offender registry website available for
4 viewing by the public.

5 J. For the purposes of this section, knowledge that a person
6 was subject to the methamphetamine offender registry may be proven
7 through court testimony or any other public notice or publicly
8 available record including, but not limited to, court records
9 maintained by the Oklahoma Supreme Court Network and the Oklahoma
10 Court Information System.

11 K. The Oklahoma State Bureau of ~~Narcotics and Dangerous Drugs~~
12 ~~Control~~ Investigation shall take necessary actions through the
13 promulgation of rules and cooperation with pharmacies and the courts
14 to ensure that notice of the provisions of this section is provided
15 to those persons subject to the methamphetamine offender registry as
16 listed in subsection A of this section.

17 SECTION 53. AMENDATORY Section 4, Chapter 203, O.S.L.
18 2015 (63 O.S. Supp. 2017, Section 2-802), is amended to read as
19 follows:

20 Section 2-802. A. A statewide investigational new drug
21 application may be established in this state, if approved by the
22 United States Food and Drug Administration, to conduct clinical
23 trials using cannabidiol on qualifying patients with severe forms of
24 epilepsy.

1 B. Any physician licensed by the State Board of Medical
2 Licensure and Supervision or the State Board of Osteopathic
3 Examiners, practicing in this state, and treating patients with
4 severe forms of epilepsy may serve as the principal investigator for
5 such clinical trials if such physician:

6 1. Applies to and is approved by the United States Food and
7 Drug Administration as the principal investigator in a statewide
8 investigational new drug application;

9 2. Receives a license from the United States Drug Enforcement
10 Administration; and

11 3. Receives a registration from the Oklahoma State Bureau of
12 ~~Narcotics and Dangerous Drugs Control~~ Investigation.

13 C. Such physician, acting as principal investigator, may
14 include subinvestigators who are also board certified, practice in
15 an academic medical center in this state, and treat patients with
16 severe forms of epilepsy. Such subinvestigators shall be required
17 to comply with the licensing requirement provided in paragraphs 2
18 and 3 of subsection B of this section.

19 D. The principal investigator and all subinvestigators shall
20 adhere to the rules and regulations established by the relevant
21 institutional review board for each participating academic medical
22 center and by the United States Food and Drug Administration, the
23 United States Drug Enforcement Administration, the Oklahoma State
24

1 Bureau of ~~Narcotics and Dangerous Drugs Control~~ Investigation, and
2 the National Institute on Drug Abuse.

3 E. Nothing in this section shall be construed to prohibit a
4 physician licensed in Oklahoma from applying for Investigational New
5 Drug authorization from the United States Food and Drug
6 Administration.

7 F. The Oklahoma State Bureau of ~~Narcotics and Dangerous Drugs~~
8 ~~Control~~ Investigation shall have the authority to inspect and test
9 samples of cannabidiol used in this state pursuant to the provisions
10 of this act.

11 SECTION 54. AMENDATORY Section 7, Chapter 203, O.S.L.
12 2015 (63 O.S. Supp. 2017, Section 2-805), is amended to read as
13 follows:

14 Section 2-805. A. The State Commissioner of Health shall have
15 the authority to approve physicians conducting clinical trials
16 performed pursuant to the provisions of this act. In the event of a
17 substantial violation of this act, the Commissioner shall provide
18 written notice to the Oklahoma State Bureau of ~~Narcotics and~~
19 ~~Dangerous Drugs Control~~ Investigation and the Governor. The
20 Governor, upon receipt of a notice from the Commissioner, shall have
21 the authority to terminate the operations of a clinical trial found
22 to be in violation of any provision of this act.

23 B. The clinical trials and related research authorized by this
24 act shall adhere to the highest standards of academic research

1 including, but not limited to, peer review of research conducted
2 pursuant to this act.

3 C. Clinical trials and related research authorized by this act
4 shall conclude no later than December 31, 2017. Nothing in this act
5 shall be construed as to permit the continuation of clinical trials
6 after December 31, 2017, without approval by a concurrent resolution
7 approved by the Legislature expressing approval of such
8 continuation.

9 D. The State Commissioner of Health shall submit a report to
10 the Chair and Vice Chair of the Senate Health and Human Services
11 Committee, the Chair and Vice Chair of the House Alcohol, Tobacco
12 and Dangerous Drugs Committee, and the Chair and Vice Chair of the
13 House Public Health Committee on or before December 31, 2017. Such
14 report shall include a summary of findings from clinical trials
15 authorized by this act. The Commissioner shall, upon request by the
16 Chair and Vice Chair of the Committees specified in this subsection,
17 make available any data, excluding individual health records,
18 relating to clinical trials authorized by this act.

19 E. The Oklahoma State Bureau of ~~Narcotics and Dangerous Drugs~~
20 ~~Control~~ Investigation, the State Board of Health, and the Oklahoma
21 State Regents for Higher Education shall promulgate rules to
22 implement the provisions of this act.

1 SECTION 55. AMENDATORY 74 O.S. 2011, Section 62.3, as
2 last amended by Section 3, Chapter 309, O.S.L. 2016 (74 O.S. Supp.
3 2017, Section 62.3), is amended to read as follows:

4 Section 62.3 A. The Director of the Office of Management and
5 Enterprise Services shall promulgate rules for use by state agencies
6 and the Office of Management and Enterprise Services to dispose of
7 surplus property. The rules shall include standards for
8 recordkeeping, methods for removal or disposal of surplus property,
9 and acquisition by state agencies and authorized entities of surplus
10 property, and for Office management of surplus property programs.

11 B. A state agency selling, trading, redistributing or otherwise
12 disposing of surplus property shall comply with the rules
13 promulgated by the Director.

14 C. The Office shall make surplus property available to state
15 agencies and authorized entities, which shall include political
16 subdivisions, school districts, and nonprofit entities of this
17 state.

18 D. The provisions of the Oklahoma Surplus Property Act shall
19 not apply to institutions of higher education in this state, the
20 Oklahoma Historical Society, or the Northeast Oklahoma Public
21 Facilities Authority. The Grand River Dam Authority shall be exempt
22 from the provisions of the Oklahoma Surplus Property Act for any
23 surplus property disposed of prior to November 1, 2006. CompSource
24 Oklahoma shall be exempt from the provisions of the Oklahoma Surplus

1 Property Act if CompSource Oklahoma is operating pursuant to a pilot
2 program authorized by Sections 3316 and 3317 of this title.

3 E. Notwithstanding the provisions of the Oklahoma Surplus
4 Property Act, the Oklahoma State Bureau of Investigation may,
5 pursuant to rules promulgated by the Director of the Oklahoma State
6 Bureau of Investigation ~~Commission~~ for that purpose, donate any
7 surplus property, as defined in Section 62.2 of this title, to any
8 law enforcement agency of any political subdivision of the State of
9 Oklahoma. The use of such donated equipment shall be limited to
10 valid and authorized law enforcement efforts by the receiving
11 agency.

12 SECTION 56. AMENDATORY 74 O.S. 2011, Section 150.2, as
13 amended by Section 7, Chapter 397, O.S.L. 2015 (74 O.S. Supp. 2017,
14 Section 150.2), is amended to read as follows:

15 Section 150.2 The Oklahoma State Bureau of Investigation shall
16 have the power and duty to:

17 1. Maintain a nationally accredited scientific laboratory to
18 assist all law enforcement agencies in the discovery and detection
19 of criminal activity;

20 2. Maintain fingerprint and other identification files
21 including criminal history records, juvenile identification files,
22 and DNA profiles;

1 3. Establish, coordinate and maintain the automated
2 fingerprinting identification system (AFIS) and the deoxyribonucleic
3 acid (DNA) laboratory;

4 4. Operate teletype, mobile and fixed radio or other
5 communications systems;

6 5. Conduct schools and training programs for the agents, peace
7 officers, and technicians of this state charged with the enforcement
8 of law and order and the investigation and detection of crime;

9 6. Assist the Director of the Oklahoma State Bureau of
10 Narcotics and Dangerous Drugs Control, the Chief Medical Examiner,
11 and all law enforcement officers and district attorneys when such
12 assistance is requested, in accordance with the policy determined by
13 the Director of the Oklahoma State Bureau of Investigation
14 ~~Commission established in Section 150.3 of this title;~~

15 7. Investigate and detect criminal activity when directed to do
16 so by the Governor;

17 8. Investigate, detect, institute and maintain actions
18 involving vehicle theft pursuant to Section 150.7a of this title or
19 oil, gas or oil field equipment theft pursuant to Sections 152.2
20 through 152.9 of this title;

21 9. Investigate any criminal threat made to the physical safety
22 of elected or appointed officials of this state or any political
23 subdivision of the state and forward the results of that
24 investigation to the Department of Public Safety, and provide

1 security to foreign elected or appointed officials while they are in
2 this state on official business;

3 10. Investigate and detect violations of the Oklahoma Computer
4 Crimes Act; and

5 11. Investigate and enforce all laws relating to any crime
6 listed in Section 571 of Title 57 of the Oklahoma Statutes that
7 ~~occur~~ occurs on the turnpikes.

8 SECTION 57. AMENDATORY 74 O.S. 2011, Section 150.6, is
9 amended to read as follows:

10 Section 150.6 A. The Oklahoma State Bureau of Investigation
11 shall be under the operational control of a Director. The Governor
12 shall appoint the Director ~~shall be appointed or dismissed by a~~
13 ~~majority vote of the total membership of the Commission,~~ who shall
14 serve at the pleasure of the Governor and may be removed or replaced
15 without cause. The salary of the Director shall be set by the
16 Legislature. The Director shall be a professional law enforcement
17 officer who possesses a bachelor's degree from an accredited college
18 or university and who shall have a minimum of five (5) ~~years~~ years
19 of experience in criminal investigation ~~and/or~~ or law enforcement or
20 five (5) ~~years~~ years of experience as an agent with said Bureau and
21 must have at least two (2) ~~years~~ years of experience in an
22 administrative position.

23 B. Any Director appointed on or after July 1, 2003, may
24 participate in either the Oklahoma Public Employees Retirement

1 System or in the Oklahoma Law Enforcement Retirement System and
2 shall make an irrevocable election in writing to participate in one
3 of the two retirement systems.

4 SECTION 58. AMENDATORY 74 O.S. 2011, Section 150.7, as
5 amended by Section 1, Chapter 136, O.S.L. 2015 (74 O.S. Supp. 2017,
6 Section 150.7), is amended to read as follows:

7 Section 150.7 The Director of the Oklahoma State Bureau of
8 Investigation shall have the following powers, duties and
9 responsibilities:

10 1. To appoint or dismiss a Deputy Director who shall have the
11 same qualifications as the Director;

12 2. To supervise the maintaining of all reports and records of
13 the Bureau and to promulgate administrative rules concerning the
14 destruction and retention of such records. Such records shall not
15 be transferred to the custody or control of the Archives and Records
16 Commission or be subject to the provisions of Section 590 of Title
17 21 of the Oklahoma Statutes. The Director may, pursuant to adopted
18 and promulgated administrative rule, order destruction of records
19 deemed to be no longer of value to the Bureau, excluding
20 criminalistic and investigative records which shall forever be kept
21 and maintained;

22 3. To report to the ~~Commission at each regular meeting, or as~~
23 ~~directed by the Commission,~~ Governor the current workload of the
24 Bureau. Such reports shall be submitted by category of the persons

1 or entities authorized to initiate investigations as provided for in
2 subsection A of Section 150.5 of this title, and any other category
3 the ~~Commission~~ Governor may request which does not violate the
4 confidentiality restrictions imposed in Sections 150.1 through 152.9
5 of this title. Such reports shall contain the following
6 information:

- 7 a. what types of investigations are pending,
- 8 b. what new types of investigations have been opened,
- 9 c. what types of investigations have been closed, and
- 10 d. what criminal charges have been filed as a result of
11 Bureau investigations.

12 The reports shall not contain any information on the individual
13 subjects of the investigation or persons questioned in connection
14 with an investigation. These reports shall be open for public
15 inspection;

16 4. To designate positions, appoint employees and fix salaries
17 of the Bureau, other than the salaries established by subsection A
18 of Section 150.6a of this title, and to authorize the payment of
19 necessary certification expenses for the employees;

20 5. To authorize the purchase and issuance of uniforms for all
21 law enforcement officers, criminalists, and other personnel of the
22 Bureau as designated by the Director and to purchase and issue
23 necessary equipment for all employees of the Bureau. All uniforms
24 and equipment shall be used only in the performance of the official

1 duties of the officers, criminalists or other personnel and shall
2 remain the property of the Bureau except as otherwise provided by
3 law; ~~and~~

4 6. To enter into local cooperative agreements with local law
5 enforcement agencies for the purpose of appointing affiliate task
6 force agents to assist the Bureau in the investigation of major
7 crimes under the jurisdiction of the Bureau. Affiliate task force
8 agents shall be employees and commissioned law enforcement officers
9 of the local law enforcement agency entering into agreement with the
10 Bureau and shall not be employees of the Bureau. Affiliate task
11 force agents shall have general peace officer powers and the
12 authority to arrest persons throughout the state while serving as an
13 affiliate task force agent. Affiliate task force agents serve
14 solely at the discretion and will of the Director. The Director may
15 renew, suspend, or revoke any agreement appointing an affiliate task
16 force agent at any time;

17 7. To establish general procedures with regard to assisting law
18 enforcement officers and district attorneys; and

19 8. To establish a program of training for agents utilizing such
20 courses as the National Police Academy conducted by the Federal
21 Bureau of Investigation.

22 SECTION 59. AMENDATORY 74 O.S. 2011, Section 150.13A, as
23 amended by Section 1, Chapter 89, O.S.L. 2012 (74 O.S. Supp. 2017,
24 Section 150.13A), is amended to read as follows:

1 Section 150.13A A. The Director of the Oklahoma State Bureau
2 of Investigation is hereby authorized to appoint, ~~with the approval~~
3 ~~of the Oklahoma State Bureau of Investigation Commission,~~ special
4 officers that shall have enforcement authority related to the
5 investigation of oil and gas industry crimes, which shall include
6 the larceny of equipment, property, supplies or products. The
7 number of special officers shall not exceed twenty (20) positions
8 and those special officers shall not be salaried employees of the
9 Bureau, but shall at all times be subject to the orders and
10 directions of the Director. In addition, the special officers shall
11 not have authority to enforce any laws except the provisions of the
12 Oklahoma Statutes relating directly to oil and gas industry crimes,
13 for which they will have the same authority as any other peace
14 officer. The special officers shall be known as Special
15 Investigators.

16 B. Special Investigators shall not receive any compensation or
17 expenses from this state or any of its departments, agencies or
18 subdivisions for their services. Before the issuance of a special
19 commission, each Special Investigator shall enter into a good and
20 sufficient bond executed by a surety company authorized to do
21 business in this state in the sum of Five Hundred Thousand Dollars
22 (\$500,000.00). The bond shall also be approved by the Director and
23 shall indemnify all persons against damages accruing as a result of
24 any illegal or unlawful acts on the part of the Special

1 Investigators. The special commissions shall expire on January 1 of
2 the odd-numbered year after the appointment. The Director may
3 renew, suspend or revoke any special commission at any time.

4 SECTION 60. REPEALER 63 O.S. 2011, Section 2-104.1, is
5 hereby repealed.

6 SECTION 61. REPEALER 74 O.S. 2011, Sections 150.3 and
7 150.4, are hereby repealed.

8 SECTION 62. This act shall become effective November 1, 2018.

9
10 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02/12/2018 -
11 DO PASS, As Amended and Coauthored.

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