

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   2nd Session of the 56th Legislature (2018)

4   HOUSE BILL 2913

                                  By: Dollens and Echols

7                                   AS INTRODUCED

8           An Act relating to industrial hemp; creating the  
9           Oklahoma Industrial Hemp Agricultural Pilot Program;  
10          defining terms; authorizing a registrant to engage in  
11          the growth and cultivation of industrial hemp for  
12          certain purposes; limiting liability; requiring  
13          application to the Oklahoma Department of  
14          Agriculture, Food, and Forestry; providing  
15          application content requirements; providing certain  
16          acknowledgements and agreements upon application  
17          submission; requiring certain application fee;  
18          directing the Department to establish certain fee  
19          schedule; providing length of valid registration;  
20          providing registration renewal process; requiring  
21          activities be done with a valid registration;  
22          requiring certain plants not harvested or destroyed  
23          be declared; requiring submission of information for  
24          certain land alterations or changes to information;  
          directing the Department to promulgate rules;  
          directing the Department to establish a Certified  
          Seed Program; allowing certain varieties of  
          industrial hemp be approved; requiring the Department  
          to maintain a list of certified seeds; requiring a  
          harvest report; providing for routine inspection and  
          sampling of plants of the registrant with certain  
          notice; providing for additional inspection and  
          sampling under certain conditions and circumstances;  
          providing inspection procedure requirements;  
          requiring the registrant to pay for inspection and  
          lab analysis with exception; directing the Department  
          to promulgate rules; authorizing denial, revocation  
          or suspension of registration under certain  
          circumstances; prohibiting penalty for certain sample  
          testing levels; directing the Department to study

1 certain funding possibilities; creating revolving  
2 fund; authorizing expenditures of funds under certain  
3 conditions; amending 63 O.S. 2011, Section 2-101, as  
4 last amended by Section 1, Chapter 43, O.S.L. 2017  
5 (63 O.S. Supp. 2017, Section 2-101), which relates to  
6 the Uniform Controlled Dangerous Substances Act;  
7 amending definition; providing for codification; and  
8 providing an effective date.

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

10 SECTION 1. NEW LAW A new section of law to be codified  
11 in the Oklahoma Statutes as Section 3-401 of Title 2, unless there  
12 is created a duplication in numbering, reads as follows:

13 This Act shall be known and may be cited as the "Oklahoma  
14 Industrial Hemp Agricultural Pilot Program".

15 SECTION 2. NEW LAW A new section of law to be codified  
16 in the Oklahoma Statutes as Section 3-402 of Title 2, unless there  
17 is created a duplication in numbering, reads as follows:

18 As used in the Oklahoma Industrial Hemp Agricultural Pilot  
19 Program:

20 1. "Certified seed" means industrial hemp seed that has been  
21 certified by the Oklahoma Department of Agriculture, Food, and  
22 Forestry as having no more than three-tenths of one percent (0.3%)  
23 delta-9 tetrahydrocannabinol concentration on a dry-weight basis;

24 2. "Department" means the Oklahoma Department of Agriculture,  
Food, and Forestry;

1 3. "Industrial hemp" means the plant Cannabis sativa L. and any  
2 part of the plant, whether growing or not, with a delta-9  
3 tetrahydrocannabinol concentration of not more than three-tenths of  
4 one percent (0.3%) on a dry weight basis;

5 4. "Registrant" means a university located in Oklahoma which  
6 holds a valid registration to grow industrial hemp under the  
7 Oklahoma Industrial Hemp Agricultural Pilot Program. Nothing in the  
8 Oklahoma Industrial Hemp Agricultural Pilot Program shall prevent  
9 the registrant from adopting policies and procedures to subcontract  
10 with persons or other legal entities to carry out the purposes of  
11 the program; provided, that the registrant will remain liable for  
12 ensuring subcontractors compliance with the Program requirements;  
13 and

14 5. "Registration" means authorization by the Department for any  
15 university in Oklahoma to grow and cultivate industrial hemp on a  
16 registered land area for research and development purposes as part  
17 of the Oklahoma Industrial Hemp Agricultural Pilot Program.

18 SECTION 3. NEW LAW A new section of law to be codified  
19 in the Oklahoma Statutes as Section 3-403 of Title 2, unless there  
20 is created a duplication in numbering, reads as follows:

21 A. A registrant is authorized to:

22 1. Engage in the growth and cultivation of industrial hemp from  
23 certified seeds for agricultural plant research and development  
24 purposes; and

1           2. Engage in the growth and cultivation of industrial hemp from  
2 certified seeds for marketing development purposes.

3           B. The activities performed under the Oklahoma Industrial Hemp  
4 Agricultural Pilot Program shall not subject the persons  
5 participating in the program to criminal liability under the Uniform  
6 Controlled Dangerous Substances Act. The exemption from criminal  
7 liability provided for in this subsection is a limited exemption  
8 that shall be strictly construed and shall not apply to an activity  
9 that is not expressly permitted under the Oklahoma Industrial Hemp  
10 Agricultural Pilot Program.

11           SECTION 4.           NEW LAW           A new section of law to be codified  
12 in the Oklahoma Statutes as Section 3-404 of Title 2, unless there  
13 is created a duplication in numbering, reads as follows:

14           A. A university located in Oklahoma wishing to engage in  
15 industrial hemp growth and cultivation authorized under the Oklahoma  
16 Industrial Hemp Agricultural Pilot Program shall apply to the  
17 Oklahoma Department of Agriculture, Food, and Forestry for  
18 registration prior to planting the industrial hemp.

19           1. The application shall include:

- 20           a. the name and address of the university,
- 21           b. the legal description, global positioning system  
22           location, and map of the land area on which the  
23           registrant will engage in industrial hemp growth and  
24           cultivation operations,

- c. a statement of intended end use, and
- d. a statement that the registrant intends to plant only certified seeds.

2. By submitting an application, the registrant acknowledges and agrees that:

- a. information provided to the Department may be provided to law enforcement agencies,
- b. the registrant and any entities contracting with the registrant shall allow and fully cooperate with any inspection and sampling that the Department deems necessary,
- c. the registrant will submit all required reports by the applicable due-dates specified by the Department, and
- d. the registrant has the legal right to cultivate industrial hemp from certified seeds on the registered land area and shall grant the Department access for inspection and sampling.

B. The Department shall collect a nonrefundable fee from the registrant at the time of application. The Department shall set a fee schedule based on the size and use of the land area on which the registrant will conduct industrial hemp growing or cultivation operations and shall set the fee at a level sufficient to generate the amount of monies necessary to cover the Department's direct costs in implementing the Oklahoma Industrial Hemp Agricultural

1 Pilot Program. Denied applications for registration may be  
2 resubmitted within a twelve-month period. The Department may waive  
3 the fee for resubmitted applications.

4 C. A registration issued pursuant to this section is valid for  
5 one (1) year. In order to continue engaging in industrial hemp  
6 growth and cultivation operations in Oklahoma, the registrant must  
7 annually apply for a registration in accordance with subsection A of  
8 this section. The Department may set a separate fee schedule for  
9 renewal of existing registrations in good standing.

10 D. All industrial hemp plant material shall be planted, grown  
11 and harvested under a valid registration. Any plant material that  
12 is not harvested in the registration period in which it was planted  
13 or volunteer plants that are not destroyed must be declared for  
14 inclusion in a subsequent registration.

15 E. If the registrant wishes to alter the land area on which the  
16 registrant will conduct industrial hemp growth and cultivation  
17 operations within thirty (30) days of any new registration, before  
18 altering the area, the registrant shall submit to the Department an  
19 updated legal description, global positioning system location, and  
20 map specifying the proposed alterations.

21 F. Each registrant shall report any changes to information  
22 provided in the registration application within ten (10) days of  
23 such change to the Department.

24

1 G. The Department shall promulgate rules necessary to implement  
2 the registration program and to implement the Oklahoma Industrial  
3 Hemp Agricultural Pilot Program.

4 SECTION 5. NEW LAW A new section of law to be codified  
5 in the Oklahoma Statutes as Section 3-405 of Title 2, unless there  
6 is created a duplication in numbering, reads as follows:

7 A. The Department shall establish a Certified Seed Program to  
8 identify seeds that have been confirmed to produce industrial hemp.  
9 In accordance with all federal state laws and regulations, the  
10 Department may import seeds.

11 B. A variety of industrial hemp may be approved and certified  
12 by the Department if it is tested and confirmed to produce mature  
13 plants with a delta-9 tetrahydrocannabinol concentration of not more  
14 than three-tenths of one percent (0.3%) on a dry weight basis.

15 C. The Department shall provide and maintain a list of  
16 certified seeds to be used by registrants.

17 SECTION 6. NEW LAW A new section of law to be codified  
18 in the Oklahoma Statutes as Section 3-406 of Title 2, unless there  
19 is created a duplication in numbering, reads as follows:

20 A. At least thirty (30) days prior to harvest, each registrant  
21 shall file a harvest report on a form approved by the Department  
22 that includes:

23 1. A statement of intended disposition of its industrial hemp  
24 crop;

1           2. The harvest date or dates, location and yield of each  
2 variety cultivated within a registered land area;

3           3. The documented environmental impacts and viability of each  
4 variety; and

5           4. Research data that would assist the Department in future  
6 commercialization of industrial hemp.

7           B. A registrant shall notify the Department immediately of any  
8 changes in a reported harvest date by more than five (5) days.

9           SECTION 7.           NEW LAW           A new section of law to be codified  
10 in the Oklahoma Statutes as Section 3-407 of Title 2, unless there  
11 is created a duplication in numbering, reads as follows:

12           A. Any plants of the registrant are subject to routine  
13 inspection and sampling to verify that the delta-9  
14 tetrahydrocannabinol concentration of the plants planted does not  
15 exceed three-tenths of one percent (0.3%) on a dry weight basis.  
16 The Department shall notify each registrant of the scope of the  
17 inspection and the process by which the inspection will be conducted  
18 and require the registrant to contact the Department within seven  
19 (7) days to set a date and time for the inspection to occur.

20           B. In addition to any routine inspection and sampling under  
21 subsection A of this section, the Department may inspect and take  
22 samples from any registrant's plants during normal business hours  
23 without advance notice if the Department, in its sole discretion,  
24



1 has reason to believe a violation of the Oklahoma Industrial Hemp  
2 Agricultural Pilot Program may be occurring.

3 C. During an inspection and sampling, the registrant or an  
4 authorized representative shall be present at the site of growing  
5 and cultivation operations. The registrant or authorized  
6 representative shall provide the Department's inspector with  
7 complete and unrestricted access to all plants, parts and seeds,  
8 whether growing or harvested, and all land, buildings and other  
9 structures used for the growth, cultivation, harvesting or storage  
10 of industrial hemp, and all documents and records pertaining to the  
11 registrant's industrial hemp-growing and cultivation operation.

12 D. The registrant shall pay for any inspection and laboratory  
13 analysis costs that the Department deems necessary within thirty  
14 (30) days of the date of the receipt of an invoice for the costs.  
15 The Department shall waive all inspection or sampling costs if no  
16 inconsistencies or violations are identified.

17 E. The Department shall promulgate rules to establish a process  
18 by which a registrant may contest the procedures, protocols and  
19 results or findings of the inspection.

20 SECTION 8. NEW LAW A new section of law to be codified  
21 in the Oklahoma Statutes as Section 3-408 of Title 2, unless there  
22 is created a duplication in numbering, reads as follows:

23 A. The Department may deny, revoke or suspend a registration if  
24 the registrant:

- 1 1. Violates any provision of this Oklahoma Industrial Hemp  
2 Agricultural Pilot Program or rules adopted pursuant to the program;
  - 3 2. Engages in fraud or deception in the procurement of or  
4 attempt to procure a registration under this Oklahoma Industrial  
5 Hemp Agricultural Pilot Program or provides false information on a  
6 registration application;
  - 7 3. Refuses or fails to cooperate and assist the Department with  
8 the inspection process;
  - 9 4. Refuses or fails to provide any information required or  
10 requested by the Department for purposes of the Oklahoma Industrial  
11 Hemp Agricultural Pilot Program;
  - 12 5. Knowingly provides false, misleading or incorrect  
13 information pertaining to the registrant's cultivation of industrial  
14 hemp to the Department by any means, including in information  
15 provided in any application form, report, record or inspection  
16 required or maintained for purposes of the Oklahoma Industrial Hemp  
17 Agricultural Pilot Program;
  - 18 6. Fails to submit any report required by the Oklahoma  
19 Industrial Hemp Agricultural Pilot Program; or
  - 20 7. Fails to pay fees required by the Oklahoma Industrial Hemp  
21 Agricultural Pilot Program.
- 22 B. If a sample of a registrant's industrial hemp tests higher  
23 than three-tenths of one percent (0.3%) but less than one percent  
24 (1%) delta-9 tetrahydrocannabinol concentration, the registrant

1 shall not be subject to any penalty under the Oklahoma Industrial  
2 Hemp Agricultural Pilot Program if the crop is destroyed or utilized  
3 on site in a manner approved of and verified by the Department.

4 SECTION 9. NEW LAW A new section of law to be codified  
5 in the Oklahoma Statutes as Section 3-409 of Title 2, unless there  
6 is created a duplication in numbering, reads as follows:

7 The Department shall study the feasibility of attracting federal  
8 and private funding to implement the Oklahoma Industrial Hemp  
9 Agricultural Pilot Program.

10 SECTION 10. NEW LAW A new section of law to be codified  
11 in the Oklahoma Statutes as Section 3-410 of Title 2, unless there  
12 is created a duplication in numbering, reads as follows:

13 There is hereby created in the State Treasury a revolving fund  
14 for the State Board of Agriculture to be designated the "Oklahoma  
15 Industrial Hemp Agricultural Pilot Program Fund". The fund shall be  
16 a continuing fund, not subject to fiscal year limitations and shall  
17 consist of all monies received by the State Board of Agriculture  
18 from fees received and collected pursuant to the Oklahoma Industrial  
19 Hemp Agricultural Pilot Program, donations, grants, contributions  
20 and gifts from any public or private source. The Board may expend  
21 funds for the purposes set forth in the Oklahoma Industrial Hemp  
22 Agricultural Pilot Program. Expenditures from said fund shall be  
23 made upon warrants issued by the State Treasurer against claims  
24

1 filed as prescribed by law with the Director of the Office of  
2 Management and Enterprise Services for approval and payment.

3 SECTION 11. AMENDATORY 63 O.S. 2011, Section 2-101, as  
4 last amended by Section 1, Chapter 43, O.S.L. 2017 (63 O.S. Supp.  
5 2017, Section 2-101), is amended to read as follows:

6 Section 2-101. As used in the Uniform Controlled Dangerous  
7 Substances Act:

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

12 a. a practitioner (or, in the presence of the  
13 practitioner, by the authorized agent of the  
14 practitioner), or

15 b. the patient or research subject at the direction and  
16 in the presence of the practitioner;

17 2. "Agent" means a peace officer appointed by and who acts on  
18 behalf of the Director of the Oklahoma State Bureau of Narcotics and  
19 Dangerous Drugs Control or an authorized person who acts on behalf  
20 of or at the direction of a person who manufactures, distributes,  
21 dispenses, prescribes, administers or uses for scientific purposes  
22 controlled dangerous substances but does not include a common or  
23 contract carrier, public warehouse or employee thereof, or a person  
24

1 required to register under the Uniform Controlled Dangerous  
2 Substances Act;

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

5 4. "Bureau" means the Oklahoma State Bureau of Narcotics and  
6 Dangerous Drugs Control;

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

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

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

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

23 9. "Counterfeit substance" means a controlled substance which,  
24 or the container or labeling of which without authorization, bears

1 the trademark, trade name or other identifying marks, imprint,  
2 number or device or any likeness thereof of a manufacturer,  
3 distributor or dispenser other than the person who in fact  
4 manufactured, distributed or dispensed the substance;

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

9 11. "Dispense" means to deliver a controlled dangerous  
10 substance to an ultimate user or human research subject by or  
11 pursuant to the lawful order of a practitioner, including the  
12 prescribing, administering, packaging, labeling or compounding  
13 necessary to prepare the substance for such distribution.

14 "Dispenser" is a practitioner who delivers a controlled dangerous  
15 substance to an ultimate user or human research subject;

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

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

23 14. "Drug" means articles:  
24

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

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

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

22 16. "Home care agency" means any sole proprietorship,  
23 partnership, association, corporation, or other organization which  
24 administers, offers, or provides home care services, for a fee or

1 pursuant to a contract for such services, to clients in their place  
2 of residence;

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

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

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



1 substance is an "imitation controlled substance", the court or  
2 authority concerned should consider, in addition to all other  
3 factors, the following factors as related to "representations made"  
4 in determining whether the substance is an "imitation controlled  
5 substance":

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

22 20. "Immediate precursor" means a substance which the Director  
23 has found to be and by regulation designates as being the principal  
24 compound commonly used or produced primarily for use, and which is

1 an immediate chemical intermediary used, or likely to be used, in  
2 the manufacture of a controlled dangerous substance, the control of  
3 which is necessary to prevent, curtail or limit such manufacture;

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

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

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

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

- 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 federal Food and Drug Administration-approved  
10           cannabidiol drug or substance, or

11           h. industrial hemp, from the plant Cannabis sativa L. and  
12           any part of such plant, whether growing or not, with a  
13           delta-9 tetrahydrocannabinol concentration of not more  
14           than three-tenths of one percent (0.3%) on a dry  
15           weight basis which shall ~~not~~ only be grown ~~anywhere in~~  
16           ~~the State of Oklahoma but~~ pursuant to the Oklahoma  
17           Industrial Hemp Agricultural Pilot Program and may be  
18           shipped to Oklahoma pursuant to the provisions of  
19           subparagraph e or f of 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 nurse  
2 as defined and within parameters specified in Section 567.3a of  
3 Title 59 of the Oklahoma Statutes, or a certified animal euthanasia  
4 technician as defined in Section 698.2 of Title 59 of the Oklahoma  
5 Statutes, or an animal control officer registered by the Oklahoma  
6 State Bureau of Narcotics and Dangerous Drugs Control under  
7 subsection B of Section 2-301 of this title within the parameters of  
8 such officer's duty under Sections 501 through 508 of Title 4 of the  
9 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,

24



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. diluents 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,

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- 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,

1 (4) smoking and carburetion masks,  
2 (5) roach clips, meaning objects used to hold burning  
3 material, such as a marihuana cigarette, that has  
4 become too small or too short to be held in the  
5 hand,  
6 (6) miniature cocaine spoons and cocaine vials,  
7 (7) chamber pipes,  
8 (8) carburetor pipes,  
9 (9) electric pipes,  
10 (10) air-driven pipes,  
11 (11) chillums,  
12 (12) bonges, or  
13 (13) ice pipes or chillers,  
14 m. all hidden or novelty pipes, and  
15 n. any pipe that has a tobacco bowl or chamber of less  
16 than one-half (1/2) inch in diameter in which there is  
17 any detectable residue of any controlled dangerous  
18 substance as defined in this section or any other  
19 substances not legal for possession or use;  
20 provided, however, the term "drug paraphernalia" shall not include  
21 separation gins intended for use in preparing tea or spice, clamps  
22 used for constructing electrical equipment, water pipes designed for  
23 ornamentation in which no detectable amount of an illegal substance  
24 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;

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 12. This act shall become effective November 1, 2018.

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19       COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE AND RURAL DEVELOPMENT,  
20 dated 02/06/2018 - DO PASS.

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