

SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION

☒ FLOOR AMENDMENT

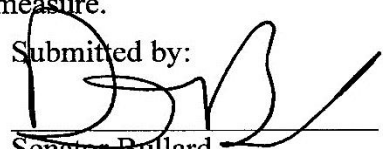
No. 1

☐ COMMITTEE AMENDMENT

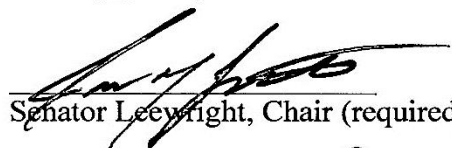
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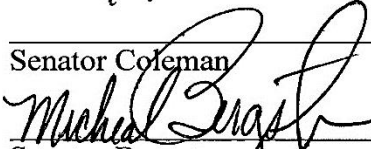
I move to amend Senate Bill No. 1338 by substituting the attached floor substitute (Request #3620) for the title, enacting clause and entire body of the measure.

Submitted by:


Senator Bullard

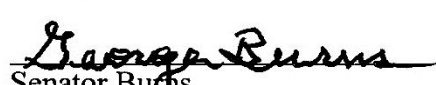
I hereby grant permission for the floor substitute to be adopted.

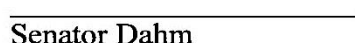

Senator Leewright, Chair (required)


Senator Coleman

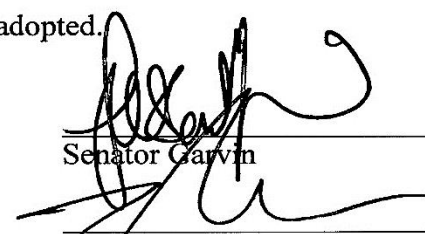

Senator Bergstrom


Senator Brooks

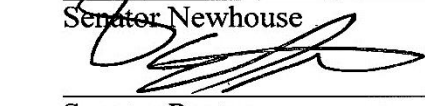

Senator Burns

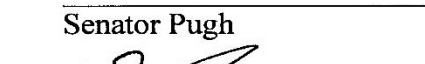

Senator Dahm



Senator Treat, President Pro Tempore

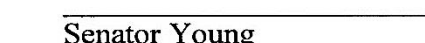

Senator Garvin



Senator Newhouse


Senator Paxton


Senator Pugh


Senator Rogers


Senator Young


Senator McCortney, Majority Floor Leader

Note: Business, Commerce and Tourism committee majority requires seven (7) members' signatures.

Bullard-DC-FS-SB1338
3/21/2022 10:18 AM

(Floor Amendments Only)

Date and Time Filed:

3-21-22

1:58 pm



☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 FLOOR SUBSTITUTE
4 FOR

5 SENATE BILL NO. 1338

By: Bullard of the Senate

and

Dempsey of the House

7
8
9 FLOOR SUBSTITUTE

10 An Act relating to controlled dangerous substances;
11 amending 63 O.S. 2021, Section 2-101, as last amended
12 by Section 1, Chapter 222, O.S.L. 2021, which relates
13 to definitions; modifying definition; amending 63
14 O.S. 2021, Section 2-204, which relates to Schedule
15 I; adding certain substance; providing exceptions;
16 amending 63 O.S. 2021, Section 2-208, which relates
17 to Schedule III; narrowing applicability of certain
18 inclusion; amending 63 O.S. 2021, Section 427.2, as
19 last amended by Section 4, Chapter 584, O.S.L. 2021,
20 which relates to definitions used in the Oklahoma
21 Medical Marijuana and Patient Protection Act;
22 modifying definitions; updating statutory language;
23 and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 2021, Section 2-101, as
last amended by Section 1, Chapter 222, O.S.L. 2021, is amended to
read as follows:

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

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

5 a. a practitioner (or, in the presence of the
6 practitioner, by the authorized agent of the
7 practitioner), or

8 b. the patient or research subject at the direction and
9 in the presence of the practitioner;

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

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

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

23 5. "Coca leaves" includes cocaine and any compound,
24 manufacture, salt, derivative, mixture or preparation of coca

1 leaves, except derivatives of coca leaves which do not contain
2 cocaine or ecgonine;

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

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

8 8. "Controlled dangerous substance" means a drug, substance or
9 immediate precursor in Schedules I through V of the Uniform
10 Controlled Dangerous Substances Act or any drug, substance or
11 immediate precursor listed either temporarily or permanently as a
12 federally controlled substance. Any conflict between state and
13 federal law with regard to the particular schedule in which a
14 substance is listed shall be resolved in favor of state law;

15 9. "Counterfeit substance" means a controlled substance which,
16 or the container or labeling of which without authorization, bears
17 the trademark, trade name or other identifying marks, imprint,
18 number or device or any likeness thereof of a manufacturer,
19 distributor or dispenser other than the person who in fact
20 manufactured, distributed or dispensed the substance;

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

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

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

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

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

15 14. "Drug" means articles:

- 16 a. recognized in the official United States Pharmacopeia,
17 official Homeopathic Pharmacopoeia of the United
18 States, or official National Formulary, or any
19 supplement to any of them,
- 20 b. intended for use in the diagnosis, cure, mitigation,
21 treatment or prevention of disease in man or other
22 animals,
- 23 c. other than food, intended to affect the structure or
24 any function of the body of man or other animals, and

1 d. intended for use as a component of any article
2 specified in this paragraph;
3 provided, however, the term "drug" does not include devices or their
4 components, parts or accessories;

5 15. "Drug-dependent person" means a person who is using a
6 controlled dangerous substance and who is in a state of psychic or
7 physical dependence, or both, arising from administration of that
8 controlled dangerous substance on a continuous basis. Drug
9 dependence is characterized by behavioral and other responses which
10 include a strong compulsion to take the substance on a continuous
11 basis in order to experience its psychic effects, or to avoid the
12 discomfort of its absence;

13 16. "Home care agency" means any sole proprietorship,
14 partnership, association, corporation, or other organization which
15 administers, offers, or provides home care services, for a fee or
16 pursuant to a contract for such services, to clients in their place
17 of residence;

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

20 18. "Hospice" means a centrally administered, nonprofit or for-
21 profit, medically directed, nurse-coordinated program which provides
22 a continuum of home and inpatient care for the terminally ill
23 patient and the patient's family. Such term shall also include a
24 centrally administered, nonprofit or for-profit, medically directed,

nurse-coordinated program if such program is licensed pursuant to the provisions of the Uniform Controlled Dangerous Substances Act. A hospice program offers palliative and supportive care to meet the special needs arising out of the physical, emotional and spiritual stresses which are experienced during the final stages of illness and during dying and bereavement. This care is available twenty-four (24) hours a day, seven (7) days a week, and is provided on the basis of need, regardless of ability to pay. "Class A" Hospice refers to Medicare-certified hospices. "Class B" refers to all other providers of hospice services;

19. "Imitation controlled substance" means a substance that is not a controlled dangerous substance, which by dosage unit appearance, color, shape, size, markings or by representations made, would lead a reasonable person to believe that the substance is a controlled dangerous substance. In the event the appearance of the dosage unit is not reasonably sufficient to establish that the substance is an "imitation controlled substance", the court or authority concerned should consider, in addition to all other factors, the following factors as related to "representations made" in determining whether the substance is an "imitation controlled substance":

- a. statements made by an owner or by any other person in control of the substance concerning the nature of the substance, or its use or effect,

- b. statements made to the recipient that the substance may be resold for inordinate profit,
- c. whether the substance is packaged in a manner normally used for illicit controlled substances,
- d. evasive tactics or actions utilized by the owner or person in control of the substance to avoid detection by law enforcement authorities,
- e. prior convictions, if any, of an owner, or any other person in control of the object, under state or federal law related to controlled substances or fraud, and
- f. the proximity of the substances to controlled dangerous substances;

20. "Immediate precursor" means a substance which the Director has found to be and by regulation designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used, or likely to be used, in the manufacture of a controlled dangerous substance, the control of which is necessary to prevent, curtail or limit such manufacture;

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

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

10 23. "Marijuana" means all parts of the plant *Cannabis sativa*
11 L., whether growing or not; the seeds thereof; the resin extracted
12 from any part of such plant; and every compound, manufacture, salt,
13 derivative, mixture or preparation of such plant, its seeds or
14 resin, but shall not include:

- 15 a. the mature stalks of such plant or fiber produced from
16 such stalks,
- 17 b. oil or cake made from the seeds of such plant,
18 including cannabidiol derived from the seeds of the
19 marijuana plant,
- 20 c. any other compound, manufacture, salt, derivative,
21 mixture or preparation of such mature stalks (except
22 the resin extracted therefrom), including cannabidiol
23 derived from mature stalks, fiber, oil or cake,

- 1 d. the sterilized seed of such plant which is incapable
2 of germination,
- 3 e. for any person participating in a clinical trial to
4 administer cannabidiol for the treatment of severe
5 forms of epilepsy pursuant to Section 2-802 of this
6 title, a drug or substance approved by the federal
7 Food and Drug Administration for use by those
8 participants,
- 9 f. for any person or the parents, legal guardians or
10 caretakers of the person who have received a written
11 certification from a physician licensed in this state
12 that the person has been diagnosed by a physician as
13 having Lennox-Gastaut syndrome, Dravet syndrome, also
14 known as severe myoclonic epilepsy of infancy, or any
15 other severe form of epilepsy that is not adequately
16 treated by traditional medical therapies, spasticity
17 due to multiple sclerosis or due to paraplegia,
18 intractable nausea and vomiting, appetite stimulation
19 with chronic wasting diseases, the substance
20 cannabidiol, a nonpsychoactive cannabinoid, found in
21 the plant *Cannabis sativa* L. or any other preparation
22 thereof, that has a tetrahydrocannabinol concentration
23 of not more than three-tenths of one percent (0.3%)
24

1 and that is delivered to the patient in the form of a
2 liquid,

3 g. any federal Food-and-Drug-Administration-approved drug
4 or substance, or

5 h. industrial hemp, from the plant *Cannabis sativa* L. and
6 any part of such plant, whether growing or not, with a
7 delta-9 tetrahydrocannabinol concentration of not more
8 than three-tenths of one percent (0.3%) on a dry
9 weight basis which shall only be grown pursuant to the
10 Oklahoma Industrial Hemp Program and may be shipped
11 intrastate and interstate;

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

17 25. "Mid-level practitioner" means an Advanced Practice
18 Registered Nurse as defined and within parameters specified in
19 Section 567.3a of Title 59 of the Oklahoma Statutes, or a certified
20 animal euthanasia technician as defined in Section 698.2 of Title 59
21 of the Oklahoma Statutes, or an animal control officer registered by
22 the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control
23 under subsection B of Section 2-301 of this title within the
24

1 parameters of such officer's duties under Sections 501 through 508
2 of Title 4 of the Oklahoma Statutes;

3 26. "Narcotic drug" means any of the following, whether
4 produced directly or indirectly by extraction from substances of
5 vegetable origin, or independently by means of chemical synthesis,
6 or by a combination of extraction and chemical synthesis:

- 7 a. opium, coca leaves and opiates,
- 8 b. a compound, manufacture, salt, derivative or
9 preparation of opium, coca leaves or opiates,
- 10 c. cocaine, its salts, optical and geometric isomers, and
11 salts of isomers,
- 12 d. ecgonine, its derivatives, their salts, isomers and
13 salts of isomers, and
- 14 e. a substance, and any compound, manufacture, salt,
15 derivative or preparation thereof, which is chemically
16 identical with any of the substances referred to in
17 subparagraphs a through d of this paragraph, except
18 that the words "narcotic drug" as used in Section 2-
19 101 et seq. of this title shall not include
20 decocainized coca leaves or extracts of coca leaves,
21 which extracts do not contain cocaine or ecgonine;

22 27. "Opiate" or "opioid" means any Schedule II, III, IV or V
23 substance having an addiction-forming or addiction-sustaining
24 liability similar to morphine or being capable of conversion into a

1 drug having such addiction-forming or addiction-sustaining
2 liability. The terms do not include, unless specifically designated
3 as controlled under the Uniform Controlled Dangerous Substances Act,
4 the dextrorotatory isomer of 3-methoxy-n-methyl-morphinan and its
5 salts (dextromethorphan). The terms do include the racemic and
6 levorotatory forms;

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

9 29. "Peace officer" means a police officer, sheriff, deputy
10 sheriff, district attorney's investigator, investigator from the
11 Office of the Attorney General, or any other person elected or
12 appointed by law to enforce any of the criminal laws of this state
13 or of the United States;

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

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

19 32. "Practitioner" means:

- 20 a. (1) a medical doctor or osteopathic physician,
21 (2) a dentist,
22 (3) a podiatrist,
23 (4) an optometrist,
24 (5) a veterinarian,

- (6) a physician assistant or Advanced Practice Registered Nurse under the supervision of a licensed medical doctor or osteopathic physician,
- (7) a scientific investigator, or
- (8) any other person,
- licensed, registered or otherwise permitted to prescribe, distribute, dispense, conduct research with respect to, use for scientific purposes or administer a controlled dangerous substance in the course of professional practice or research in this state, or
- b. a pharmacy, hospital, laboratory or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to, use for scientific purposes or administer a controlled dangerous substance in the course of professional practice or research in this state;

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

34. "State" means ~~the State of Oklahoma~~ this state or any other state of the United States;

35. "Ultimate user" means a person who lawfully possesses a controlled dangerous substance for the person's own use or for the use of a member of the person's household or for administration to

1 an animal owned by the person or by a member of the person's
2 household;

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

- 12 a. kits used, intended for use, or fashioned specifically
13 for use in planting, propagating, cultivating, growing
14 or harvesting of any species of plant which is a
15 controlled dangerous substance or from which a
16 controlled dangerous substance can be derived,
- 17 b. kits used, intended for use, or fashioned specifically
18 for use in manufacturing, compounding, converting,
19 producing, processing or preparing controlled
20 dangerous substances,
- 21 c. isomerization devices used, intended for use, or
22 fashioned specifically for use in increasing the
23 potency of any species of plant which is a controlled
24 dangerous substance,

- d. testing equipment used, intended for use, or fashioned specifically for use in identifying, or in analyzing the strength, effectiveness or purity of controlled dangerous substances,
- e. scales and balances used, intended for use, or fashioned specifically for use in weighing or measuring controlled dangerous substances,
- f. diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or fashioned specifically for use in cutting controlled dangerous substances,
- g. separation gins and sifters used, intended for use, or fashioned specifically for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana,
- h. blenders, bowls, containers, spoons and mixing devices used, intended for use, or fashioned specifically for use in compounding controlled dangerous substances,
- i. capsules, balloons, envelopes and other containers used, intended for use, or fashioned specifically for use in packaging small quantities of controlled dangerous substances,

- j. containers and other objects used, intended for use, or fashioned specifically for use in parenterally injecting controlled dangerous substances into the human body,
- k. hypodermic syringes, needles and other objects used, intended for use, or fashioned specifically for use in parenterally injecting controlled dangerous substances into the human body,
- l. objects used, intended for use, or fashioned specifically for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as:
- (1) metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls,
 - (2) water pipes,
 - (3) carburetion tubes and devices,
 - (4) smoking and carburetion masks,
 - (5) roach clips, meaning objects used to hold burning material, such as a marijuana 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, traditional pipes of an American Indian tribal religious ceremony, or antique pipes that are thirty (30) years of age or older;

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

- (1) the chemical structure of which is substantially similar to the chemical structure of a controlled dangerous substance in Schedule I or II,

1 (2) which has a stimulant, depressant, or
2 hallucinogenic effect on the central nervous
3 system that is substantially similar to or
4 greater than the stimulant, depressant or
5 hallucinogenic effect on the central nervous
6 system of a controlled dangerous substance in
7 Schedule I or II, or

8 (3) with respect to a particular person, which such
9 person represents or intends to have a stimulant,
10 depressant, or hallucinogenic effect on the
11 central nervous system that is substantially
12 similar to or greater than the stimulant,
13 depressant, or hallucinogenic effect on the
14 central nervous system of a controlled dangerous
15 substance in Schedule I or II.

16 b. The designation of gamma butyrolactone or any other
17 chemical as a precursor, pursuant to Section 2-322 of
18 this title, does not preclude a finding pursuant to
19 subparagraph a of this paragraph that the chemical is
20 a synthetic controlled substance.

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

22 (1) a controlled dangerous substance,
23 (2) any substance for which there is an approved new
24 drug application,

1 (3) with respect to a particular person any
2 substance, if an exemption is in effect for
3 investigational use, for that person under the
4 provisions of Section 505 of the Federal Food,
5 Drug and Cosmetic Act, Title 21 of the United
6 States Code, Section 355, to the extent conduct
7 with respect to such substance is pursuant to
8 such exemption, or

9 (4) any substance to the extent not intended for
10 human consumption before such an exemption takes
11 effect with respect to that substance.

12 d. Prima facie evidence that a substance containing
13 salvia divinorum has been enhanced, concentrated or
14 chemically or physically altered shall give rise to a
15 rebuttable presumption that the substance is a
16 synthetic controlled substance;

17 38. "Tetrahydrocannabinols" means delta-9 tetrahydrocannabinol,
18 the primary psychotropic cannabinoid in marijuana, and all isomers,
19 precursors, and other variations of tetrahydrocannabinol and all
20 substances that have been chemically synthesized to emulate the
21 tetrahydrocannabinols of marijuana including but not limited to
22 delta-8 or delta-10 tetrahydrocannabinol;

23 39. "Isomer" means the optical isomer, except as used in
24 subsections C and F of Section 2-204 of this title and paragraph 4

1 of subsection A of Section 2-206 of this title. As used in
2 subsections C and F of Section 2-204 of this title, "isomer" means
3 the optical, positional or geometric isomer. As used in paragraph 4
4 of subsection A of Section 2-206 of this title, the term "isomer"
5 means the optical or geometric isomer;

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

10 41. "Anhydrous ammonia" means any substance that exhibits
11 cryogenic evaporative behavior and tests positive for ammonia;

12 42. "Acute pain" means pain, whether resulting from disease,
13 accidental or intentional trauma or other cause, that the
14 practitioner reasonably expects to last only a short period of time.
15 "Acute pain" does not include chronic pain, pain being treated as
16 part of cancer care, hospice or other end-of-life care, or pain
17 being treated as part of palliative care;

18 43. "Chronic pain" means pain that persists beyond the usual
19 course of an acute disease or healing of an injury. "Chronic pain"
20 may or may not be associated with an acute or chronic pathologic
21 process that causes continuous or intermittent pain over months or
22 years;

23 44. "Initial prescription" means a prescription issued to a
24 patient who:

- a. has never previously been issued a prescription for the drug or its pharmaceutical equivalent in the past year, or
- b. requires a prescription for the drug or its pharmaceutical equivalent due to a surgical procedure or new acute event and has previously had a prescription for the drug or its pharmaceutical equivalent within the past year.

When determining whether a patient was previously issued a prescription for a drug or its pharmaceutical equivalent, the practitioner shall consult with the patient and review the medical record and prescription monitoring information of the patient;

45. "Patient-provider agreement" means a written contract or agreement that is executed between a practitioner and a patient, prior to the commencement of treatment for chronic pain using an opioid drug as a means to:

- a. explain the possible risk of development of physical or psychological dependence in the patient and prevent the possible development of addiction,
- b. document the understanding of both the practitioner and the patient regarding the patient-provider agreement of the patient,
- c. establish the rights of the patient in association with treatment and the obligations of the patient in

- 1 relation to the responsible use, discontinuation of
2 use, and storage of opioid drugs, including any
3 restrictions on the refill of prescriptions or the
4 acceptance of opioid prescriptions from practitioners,
- 5 d. identify the specific medications and other modes of
6 treatment, including physical therapy or exercise,
7 relaxation or psychological counseling, that are
8 included as a part of the patient-provider agreement,
- 9 e. specify the measures the practitioner may employ to
10 monitor the compliance of the patient including, but
11 not limited to, random specimen screens and pill
12 counts, and
- 13 f. delineate the process for terminating the agreement,
14 including the consequences if the practitioner has
15 reason to believe that the patient is not complying
16 with the terms of the agreement. Compliance with the
17 "consent items" shall constitute a valid, informed
18 consent for opioid therapy. The practitioner shall be
19 held harmless from civil litigation for failure to
20 treat pain if the event occurs because of nonadherence
21 by the patient with any of the provisions of the
22 patient-provider agreement;

23 46. "Serious illness" means a medical illness or physical
24 injury or condition that substantially affects quality of life for

1 more than a short period of time. "Serious illness" includes, but
2 is not limited to, Alzheimer's disease or related dementias, lung
3 disease, cancer, heart failure, renal failure, liver failure or
4 chronic, unremitting or intractable pain such as neuropathic pain;
5 and

6 47. "Surgical procedure" means a procedure that is performed
7 for the purpose of structurally altering the human body by incision
8 or destruction of tissues as part of the practice of medicine. This
9 term includes the diagnostic or therapeutic treatment of conditions
10 or disease processes by use of instruments such as lasers,
11 ultrasound, ionizing, radiation, scalpels, probes or needles that
12 cause localized alteration or transportation of live human tissue by
13 cutting, burning, vaporizing, freezing, suturing, probing or
14 manipulating by closed reduction for major dislocations or
15 fractures, or otherwise altering by any mechanical, thermal, light-
16 based, electromagnetic or chemical means.

17 SECTION 2. AMENDATORY 63 O.S. 2021, Section 2-204, is
18 amended to read as follows:

19 Section 2-204. The controlled substances listed in this section
20 are included in Schedule I and include any material, compound,
21 mixture or preparation that contains any quantity of the following
22 hallucinogenic substances, their salts, isomers and salts of
23 isomers, unless specifically excepted, when the existence of these
24

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

3 A. Any of the following opiates, including their isomers,
4 esters, ethers, salts, and salts of isomers, esters, and ethers,
5 unless specifically excepted, when the existence of these isomers,
6 esters, ethers, and salts is possible within the specific chemical
7 designation:

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

- | | | |
|----|-----|-------------------------|
| 1 | 18. | Dimethylthiambutene; |
| 2 | 19. | Dioxaphetyl butyrate; |
| 3 | 20. | Dipipanone; |
| 4 | 21. | Ethylmethylthiambutene; |
| 5 | 22. | Etonitazene; |
| 6 | 23. | Etoxeridine; |
| 7 | 24. | Furethidine; |
| 8 | 25. | Hydroxypethidine; |
| 9 | 26. | Ketobemidone; |
| 10 | 27. | Levomoramide; |
| 11 | 28. | Levophenacylmorphane; |
| 12 | 29. | Morpheridine; |
| 13 | 30. | Noracymethadol; |
| 14 | 31. | Norlevorphanol; |
| 15 | 32. | Normethadone; |
| 16 | 33. | Norpipanone; |
| 17 | 34. | Phenadoxone; |
| 18 | 35. | Phenampromide; |
| 19 | 36. | Phenomorphan; |
| 20 | 37. | Phenoperidine; |
| 21 | 38. | Piritramide; |
| 22 | 39. | Proheptazine; |
| 23 | 40. | Properidine; |
| 24 | 41. | Racemoramide; or |

1 42. Trimeperidine.

2 B. Any of the following opium derivatives, their salts,
3 isomers, and salts of isomers, unless specifically excepted, when
4 the existence of these salts, isomers, and salts of isomers is
5 possible within the specific chemical designation:

- 6 1. Acetorphine;
- 7 2. Acetyldihydrocodeine;
- 8 3. Benzylmorphine;
- 9 4. Codeine methylbromide;
- 10 5. Codeine-N-Oxide;
- 11 6. Cyprenorphine;
- 12 7. Desomorphine;
- 13 8. Dihydromorphine;
- 14 9. Etorphine;
- 15 10. Heroin;
- 16 11. Hydromorphenol;
- 17 12. Methyldesorphine;
- 18 13. Methylhydromorphine;
- 19 14. Morphine methylbromide;
- 20 15. Morphine methylsulfonate;
- 21 16. Morphine-N-Oxide;
- 22 17. Myrophine;
- 23 18. Nicocodeine;
- 24 19. Nicomorphine;

- 1 20. Normorphine;
- 2 21. Phoclodine;
- 3 22. Thebacon;
- 4 23. N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-acetamide
- 5 (Acetyl fentanyl);
- 6 24. N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-butenamide
- 7 (Crotonyl fentanyl);
- 8 25. N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-2-
- 9 furancarboxamide (Furanyl fentanyl);
- 10 26. N-phenyl-1-(2-phenylethyl)-4-piperidinamine (4-ANPP);
- 11 27. N-(1-phenethylpiperidin-4-yl)-N-
- 12 phenylcyclopropanecarboxamide (Cyclopropyl fentanyl); or
- 13 28. N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-butanamide
- 14 (Butyl fentanyl).
- 15 C. Any material, compound, mixture, or preparation which
- 16 contains any quantity of the following hallucinogenic substances,
- 17 their salts, isomers, and salts of isomers, unless specifically
- 18 excepted, when the existence of these salts, isomers, and salts of
- 19 isomers is possible within the specific chemical designation:
- 20 1. Methcathinone;
- 21 2. 3, 4-methylenedioxy amphetamine;
- 22 3. 3, 4-methylenedioxy methamphetamine;
- 23 4. 5-methoxy-3, 4-methylenedioxy amphetamine;
- 24 5. 3, 4, 5-trimethoxy amphetamine;

- 1 6. Bufotenine;
- 2 7. Diethyltryptamine;
- 3 8. Dimethyltryptamine;
- 4 9. 4-methyl-2, 5-dimethoxyamphetamine;
- 5 10. Ibogaine;
- 6 11. Lysergic acid diethylamide;
- 7 12. Marijuana;
- 8 13. Mescaline;
- 9 14. N-benzylpiperazine;
- 10 15. N-ethyl-3-piperidyl benzilate;
- 11 16. N-methyl-3-piperidyl benzilate;
- 12 17. Psilocybin;
- 13 18. Psilocyn;
- 14 19. 2, 5 dimethoxyamphetamine;
- 15 20. 4 Bromo-2, 5-dimethoxyamphetamine;
- 16 21. 4 methoxyamphetamine;
- 17 22. Cyclohexamine;
- 18 23. Salvia Divinorum;
- 19 24. Salvinorin A;
- 20 25. Thiophene Analog of Phencyclidine. Also known as: 1-(1-(2-
- 21 thienyl) cyclohexyl) piperidine; 2-Thienyl Analog of Phencyclidine;
- 22 TCP, TCP;
- 23 26. Phencyclidine (PCP);
- 24

- 1 27. Pyrrolidine Analog for Phencyclidine. Also known as 1-(1-
2 Phenylcyclohexyl) - Pyrrolidine, PCPy, PHP;
- 3 28. 1-(3-trifluoromethylphenyl) piperazine;
- 4 29. Flunitrazepam;
- 5 30. B-hydroxy-amphetamine;
- 6 31. B-ketoamphetamine;
- 7 32. 2,5-dimethoxy-4-nitroamphetamine;
- 8 33. 2,5-dimethoxy-4-bromophenethylamine;
- 9 34. 2,5-dimethoxy-4-chlorophenethylamine;
- 10 35. 2,5-dimethoxy-4-iodoamphetamine;
- 11 36. 2,5-dimethoxy-4-iodophenethylamine;
- 12 37. 2,5-dimethoxy-4-methylphenethylamine;
- 13 38. 2,5-dimethoxy-4-ethylphenethylamine;
- 14 39. 2,5-dimethoxy-4-fluorophenethylamine;
- 15 40. 2,5-dimethoxy-4-nitrophenethylamine;
- 16 41. 2,5-dimethoxy-4-ethylthio-phenethylamine;
- 17 42. 2,5-dimethoxy-4-isopropylthio-phenethylamine;
- 18 43. 2,5-dimethoxy-4-propylthio-phenethylamine;
- 19 44. 2,5-dimethoxy-4-cyclopropylmethylthio-phenethylamine;
- 20 45. 2,5-dimethoxy-4-tert-butylthio-phenethylamine;
- 21 46. 2,5-dimethoxy-4-(2-fluoroethylthio)-phenethylamine;
- 22 47. 5-methoxy-N, N-dimethyltryptamine;
- 23 48. N-methyltryptamine;
- 24 49. A-ethyltryptamine;

- 1 50. A-methyltryptamine;
- 2 51. N, N-diethyltryptamine;
- 3 52. N, N-diisopropyltryptamine;
- 4 53. N, N-dipropyltryptamine;
- 5 54. 5-methoxy-a-methyltryptamine;
- 6 55. 4-hydroxy-N, N-diethyltryptamine;
- 7 56. 4-hydroxy-N, N-diisopropyltryptamine;
- 8 57. 5-methoxy-N, N-diisopropyltryptamine;
- 9 58. 4-hydroxy-N-isopropyl-N-methyltryptamine;
- 10 59. 3,4-Methylenedioxy-methcathinone (Methylone);
- 11 60. 3,4-Methylenedioxy-pyrovalerone (MDPV);
- 12 61. 4-Methylmethcathinone (Mephedrone);
- 13 62. 4-methoxymethcathinone;
- 14 63. 4-Fluoromethcathinone;
- 15 64. 3-Fluoromethcathinone;
- 16 65. 1-(8-bromobenzo 1,2-b;4,5-b' difuran-4-yl)-2-aminopropane;
- 17 66. 2,5-Dimethoxy-4-chloroamphetamine;
- 18 67. 4-Methylethcathinone;
- 19 68. Pyrovalerone;
- 20 69. N,N-diallyl-5-methoxytryptamine;
- 21 70. 3,4-Methylenedioxy-N-ethylcathinone (Ethylone);
- 22 71. B-keto-N-Methylbenzodioxolylbutanamine (Butylone);
- 23 72. B-keto-Methylbenzodioxolylpentanamine (Pentylone);
- 24 73. Alpha-Pyrrolidinopentiophenone;

1 74. 4-Fluoroamphetamine;
2 75. Pentadrone;
3 76. 4'-Methyl-a-pyrrolidinohexaphenone;
4 77. 2,5-dimethoxy-4-(n)-propylphenethylamine;
5 78. 2,5-dimethoxyphenethylamine;
6 79. 1,4-Dibenzylpiperazine;
7 80. N,N-Dimethylamphetamine;
8 81. 4-Fluoromethamphetamine;
9 82. 4-Chloro-2,5-dimethoxy-N-(2-methoxybenzyl)phenethylamine
10 (25C-NBOMe);
11 83. 4-Iodo-2,5-dimethoxy-N-(2-methoxybenzyl)phenethylamine
12 (25I-NBOMe);
13 84. 4-Bromo-2,5-dimethoxy-N-(2-methoxybenzyl)phenethylamine
14 (25B-NBOMe);
15 85. 1-(4-Fluorophenyl)piperazine;
16 86. Methoxetamine;
17 87. 3,4-dichloro-N[2-dimethylamino)cyclohexyl]-N-
18 methylbenzamide;
19 88. N-ethyl hexadron;e;
20 89. Isopropyl-U-47700;
21 90. Para-fluorobutyl fentanyl;
22 91. Fluoro isobutyl fentanyl;
23 92. 3-Hydroxy Phencyclidine (PCP); ~~or~~
24 93. 3-methoxy Phencyclidine (PCP); or

1 94. Tetrahydrocannabinols. For the purposes of this paragraph,
2 tetrahydrocannabinols:

3 a. includes:

4 (1) delta-8 tetrahydrocannabinol in a concentration
5 of more than two percent (2%), or

6 (2) except as provided by division 2 of subparagraph
7 b of this paragraph, any other
8 tetrahydrocannabinols in any concentration, and

9 b. does not include:

10 (1) delta-8 tetrahydrocannabinol in a concentration
11 of not more than two percent (2%), or

12 (2) any tetrahydrocannabinols specifically excepted
13 or listed in a different schedule including but
14 not limited to delta-9 tetrahydrocannabinol as
15 provided under Section 2-208 of this title.

16 D. Unless specifically excepted or unless listed in a different
17 schedule, any material, compound, mixture, or preparation which
18 contains any quantity of the following substances having stimulant
19 or depressant effect on the central nervous system:

- 20 1. Fenethylline;
21 2. Mecloqualone;
22 3. N-ethylamphetamine;
23 4. Methaqualone;

1 5. Gamma-Hydroxybutyric Acid, also known as GHB, gamma-
2 hydroxybutyrate, 4-hydroxybutyrate, 4-hydroxybutanoic acid, sodium
3 oxybate, and sodium oxybutyrate;

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

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

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

13 9. 1,4 Butanediol (1,4 BD or BDO) as packaged, marketed,
14 manufactured, or promoted for human consumption with the exception
15 of legitimate manufacturing purposes; or

16 10. N-ethylpentylone.

17 E. 1. The following industrial uses of Gamma-Butyrolactone,
18 Gamma Hydroxyvalerate, Gamma Valerolactone, or 1,4 Butanediol are
19 excluded from all schedules of controlled substances under this
20 title:

- 21 a. pesticides,
- 22 b. photochemical etching,
- 23 c. electrolytes of small batteries or capacitors,
- 24 d. viscosity modifiers in polyurethane,

- e. surface etching of metal coated plastics,
- f. organic paint disbursements for water soluble inks,
- g. pH regulators in the dyeing of wool and polyamide fibers,
- h. foundry chemistry as a catalyst during curing,
- i. curing agents in many coating systems based on urethanes and amides,
- j. additives and flavoring agents in food, confectionary, and beverage products,
- k. synthetic fiber and clothing production,
- l. tetrahydrofuran production,
- m. gamma butyrolactone production,
- n. polybutylene terephthalate resin production,
- o. polyester raw materials for polyurethane elastomers and foams,
- p. coating resin raw material, and
- q. as an intermediate in the manufacture of other chemicals and pharmaceuticals.

2. At the request of any person, the Director may exempt any other product containing Gamma-Butyrolactone, Gamma Hydroxyvalerate, Gamma Valerolactone, or 1,4 Butanediol from being included as a Schedule I controlled substance if such product is labeled, marketed, manufactured and distributed for legitimate industrial use in a manner that reduces or eliminates the likelihood of abuse.

1 3. In making a determination regarding an industrial product,
2 the Director, after notice and hearing, shall consider the
3 following:

- 4 a. the history and current pattern of abuse,
- 5 b. the name and labeling of the product,
- 6 c. the intended manner of distribution, advertising and
7 promotion of the product, and
- 8 d. other factors as may be relevant to and consistent
9 with the public health and safety.

10 4. The hearing shall be held in accordance with the procedures
11 of the Administrative Procedures Act.

12 F. Any material, compound, mixture, or preparation, whether
13 produced directly or indirectly from a substance of vegetable origin
14 or independently by means of chemical synthesis, or by a combination
15 of extraction and chemical synthesis, that contains any quantity of
16 the following substances, or that contains any of their salts,
17 isomers, and salts of isomers when the existence of these salts,
18 isomers, and salts of isomers is possible within the specific
19 chemical designation:

- 20 1. JWH-004;
- 21 2. JWH-007;
- 22 3. JWH-009;
- 23 4. JWH-015;
- 24 5. JWH-016;

1	6.	JWH-018;
2	7.	JWH-019;
3	8.	JWH-020;
4	9.	JWH-030;
5	10.	JWH-046;
6	11.	JWH-047;
7	12.	JWH-048;
8	13.	JWH-049;
9	14.	JWH-050;
10	15.	JWH-070;
11	16.	JWH-071;
12	17.	JWH-072;
13	18.	JWH-073;
14	19.	JWH-076;
15	20.	JWH-079;
16	21.	JWH-080;
17	22.	JWH-081;
18	23.	JWH-082;
19	24.	JWH-094;
20	25.	JWH-096;
21	26.	JWH-098;
22	27.	JWH-116;
23	28.	JWH-120;
24	29.	JWH-122;

1	30.	JWH-145;
2	31.	JWH-146;
3	32.	JWH-147;
4	33.	JWH-148;
5	34.	JWH-149;
6	35.	JWH-150;
7	36.	JWH-156;
8	37.	JWH-167;
9	38.	JWH-175;
10	39.	JWH-180;
11	40.	JWH-181;
12	41.	JWH-182;
13	42.	JWH-184;
14	43.	JWH-185;
15	44.	JWH-189;
16	45.	JWH-192;
17	46.	JWH-193;
18	47.	JWH-194;
19	48.	JWH-195;
20	49.	JWH-196;
21	50.	JWH-197;
22	51.	JWH-198;
23	52.	JWH-199;
24	53.	JWH-200;

1	54.	JWH-201;
2	55.	JWH-202;
3	56.	JWH-203;
4	57.	JWH-204;
5	58.	JWH-205;
6	59.	JWH-206;
7	60.	JWH-207;
8	61.	JWH-208;
9	62.	JWH-209;
10	63.	JWH-210;
11	64.	JWH-211;
12	65.	JWH-212;
13	66.	JWH-213;
14	67.	JWH-234;
15	68.	JWH-235;
16	69.	JWH-236;
17	70.	JWH-237;
18	71.	JWH-239;
19	72.	JWH-240;
20	73.	JWH-241;
21	74.	JWH-242;
22	75.	JWH-243;
23	76.	JWH-244;
24	77.	JWH-245;

1	78.	JWH-246;
2	79.	JWH-248;
3	80.	JWH-249;
4	81.	JWH-250;
5	82.	JWH-251;
6	83.	JWH-252;
7	84.	JWH-253;
8	85.	JWH-262;
9	86.	JWH-292;
10	87.	JWH-293;
11	88.	JWH-302;
12	89.	JWH-303;
13	90.	JWH-304;
14	91.	JWH-305;
15	92.	JWH-306;
16	93.	JWH-307;
17	94.	JWH-308;
18	95.	JWH-311;
19	96.	JWH-312;
20	97.	JWH-313;
21	98.	JWH-314;
22	99.	JWH-315;
23	100.	JWH-316;
24	101.	JWH-346;

1	102.	JWH-348;
2	103.	JWH-363;
3	104.	JWH-364;
4	105.	JWH-365;
5	106.	JWH-367;
6	107.	JWH-368;
7	108.	JWH-369;
8	109.	JWH-370;
9	110.	JWH-371;
10	111.	JWH-373;
11	112.	JWH-386;
12	113.	JWH-387;
13	114.	JWH-392;
14	115.	JWH-394;
15	116.	JWH-395;
16	117.	JWH-397;
17	118.	JWH-398;
18	119.	JWH-399;
19	120.	JWH-400;
20	121.	JWH-412;
21	122.	JWH-413;
22	123.	JWH-414;
23	124.	JWH-415;
24	125.	CP-55, 940;

1	126.	CP-47, 497;
2	127.	HU-210;
3	128.	HU-211;
4	129.	WIN-55, 212-2;
5	130.	AM-2201;
6	131.	AM-2233;
7	132.	JWH-018 adamantyl-carboxamide;
8	133.	AKB48;
9	134.	JWH-122 N-(4-pentenyl) analog;
10	135.	MAM2201;
11	136.	URB597;
12	137.	URB602;
13	138.	URB754;
14	139.	UR144;
15	140.	XLR11;
16	141.	A-796,260;
17	142.	STS-135;
18	143.	AB-FUBINACA;
19	144.	AB-PINACA;
20	145.	PB-22;
21	146.	AKB48 N-5-Fluoropentyl;
22	147.	AM1248;
23	148.	FUB-PB-22;
24	149.	ADB-FUBINACA;

150. BB-22;

151. 5-Fluoro PB-22; or

152. 5-Fluoro AKB-48.

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

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

- a. 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200),
- b. 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM2201),
- c. 1-pentyl-3-(1-naphthoyl)indole (JWH-018),
- d. 1-butyl-3-(1-naphthoyl)indole (JWH-073),

- e. 1-pentyl-3-(4-methoxy-1-naphthoyl)indole (JWH-081),
f. 1-propyl-2-methyl-3-(1-naphthoyl)indole (JWH-015),
g. 1-hexyl-3-(1-naphthoyl)indole (JWH-019),
h. 1-pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122),
i. 1-pentyl-3-(4-ethyl-1-naphthoyl)indole (JWH-210),
j. 1-pentyl-3-(4-chloro-1-naphthoyl)indole (JWH-398),
k. 1-pentyl-2-methyl-3-(1-naphthoyl)indole (JWH-007),
l. 1-pentyl-3-(7-methoxy-1-naphthoyl)indole (JWH-164),
m. 1-pentyl-2-methyl-3-(4-methoxy-1-naphthoyl)indole
(JWH-098),
n. 1-pentyl-3-(4-fluoro-1-naphthoyl)indole (JWH-412),
o. 1-[1-(N-methyl-2-piperidinyl)methyl]-3-(1-
naphthoyl)indole (AM-1220),
p. 1-(5-fluoropentyl)-3-(4-methyl-1-naphthoyl)indole
(MAM-2201), or
q. 1-(4-cyanobutyl)-3-(1-naphthoyl)indole (AM-2232);

2. Naphthylmethylindeles: any compound containing a 1H-indol-3-yl-(1-naphthyl)methane structure with or without substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or halophenyl group, whether or not further substituted on the indole

ring to any extent, and whether or not substituted on the naphthyl ring to any extent. Naphthylmethyldindoles include, but are not limited to, (1-pentylindol-3-yl)(1-naphthyl)methane (JWH-175);

3. Naphthoylpyrroles: any compound containing a 3-(1-naphthoyl)pyrrole structure with or without substitution at the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or halophenyl group, whether or not further substituted on the pyrrole ring to any extent, and whether or not substituted on the naphthyl group to any extent. Naphthoylpyrroles include, but are not limited to:

- a. 1-hexyl-2-phenyl-4-(1-naphthoyl)pyrrole (JWH-147),
- b. 1-pentyl-5-(2-methylphenyl)-3-(1-naphthoyl)pyrrole (JWH-370),
- c. 1-pentyl-3-(1-naphthoyl)pyrrole (JWH-030), or
- d. 1-hexyl-5-phenyl-3-(1-naphthoyl)pyrrole (JWH-147);

4. Naphthylideneindenes: any compound containing a 1-(1-naphthylmethylene)indene structure with or without substitution at the 3-position of the indene ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-

morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or halophenyl group, whether or not further substituted on the indene group to any extent, and whether or not substituted on the naphthyl group to any extent. Naphthylmethylindenes include, but are not limited to, (1-[(3-pentyl)-1H-inden-1-ylidene)methyl]naphthalene (JWH-176);

5. Phenylacetylindoles: any compound containing a 3-phenylacetylindole structure with or without substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or halophenyl group, whether or not further substituted on the indole ring to any extent, and whether or not substituted on the phenyl ring to any extent. Phenylacetylindoles include, but are not limited to:

- a. 1-pentyl-3-(2-methoxyphenylacetyl)indole (JWH-250),
- b. 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole (RCS-8),
- c. 1-pentyl-3-(2-chlorophenylacetyl)indole (JWH-203),
- d. 1-pentyl-3-(2-methylphenylacetyl)indole (JWH-251),
- e. 1-pentyl-3-(4-methoxyphenylacetyl)indole (JWH-201), or

1 f. 1-pentyl-3-(3-methoxyphenylacetyl)indole (JWH-302);

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

12 a. 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-

13 hydroxycyclohexyl]-phenol (CP-47,497),

14 b. 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-

15 phenol (cannabicyclohexanol; CP-47,497 C8 homologue),

16 or

17 c. 5-(1,1-dimethylheptyl)-2-[(1R,2R)-5-hydroxy-2-(3-

18 hydroxypropyl)cyclohexyl]-phenol (CP 55, 940);

19 7. Benzoylindoles: any compound containing a 3-(benzoyl)indole
20 structure with or without substitution at the nitrogen atom of the
21 indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl,
22 cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-
23 2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-
24 pyrrolidinyl)methyl, 1-(N-methyl-3- morpholinyl)methyl,

(tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or halophenyl group, whether or not further substituted on the indole ring to any extent, and whether or not substituted on the phenyl group to any extent. Benzoylindoles include, but are not limited to:

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

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

- 1 a. 1-pentyl-3-(2,2,3,3-tetramethylcyclopropoyl)indole
2 (UR-144),
3 b. 1-(5-chloropentyl)-3-(2,2,3,3-
4 tetramethylcyclopropoyl)indole (5Cl-UR-144), or
5 c. 1-(5-fluoropentyl)-3-(2,2,3,3-
6 tetramethylcyclopropoyl)indole (XLR11);

7 9. Indole Amides: Any compound containing a 1H-Indole-3-
8 carboxamide structure with or without substitution at the nitrogen
9 atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl,
10 cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-
11 2-piperidiny)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-
12 pyrrolidinyl)methyl, 1-(N-methyl-3- morpholinyl)methyl,
13 (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or
14 halophenyl group, whether or not substituted at the carboxamide
15 group by an adamantyl, naphthyl, phenyl, benzyl, quinolinyl,
16 cycloalkyl, 1-amino-3-methyl-1-oxobutan-2-yl, 1-amino-3,3-dimethyl-
17 1-oxobutan-2-yl, 1-methoxy-3-methyl-1-oxobutan-2-yl, 1-methoxy-3,3-
18 dimethyl-1-oxobutan-2-yl or pyrrole group, and whether or not
19 further substituted in the indole, adamantyl, naphthyl, phenyl,
20 pyrrole, quinolinyl, or cycloalkyl rings to any extent. Indole
21 Amides include, but are not limited to:

- 22 a. N-(1-adamantyl)-1-pentyl-1H-indole-3-carboxamide
23 (2NE1),
24

- b. N-(1-adamantyl)-1-(5-fluoropentyl)-1H-indole-3-carboxamide (STS-135),
- c. N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indole-3-carboxamide (ADBICA),
- d. N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indole-3-carboxamide (5F-ADBICA),
- e. N-(naphthalen-1-yl)-1-pentyl-1H-indole-3-carboxamide (NNE1),
- f. 1-(5-fluoropentyl)-N-(naphthalene-1-yl)-1H-indole-3-carboxamide (5F-NNE1),
- g. N-benzyl-1-pentyl-1H-indole-3-carboxamide (SDB-006),
or
- h. N-benzyl-1-(5-fluoropentyl)-1H-indole-3-carboxamide (5F-SDB-006);

10. Indole Esters: Any compound containing a 1H-Indole-3-carboxylate structure with or without substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or halophenyl group, whether or not substituted at the carboxylate group by an adamantyl, naphthyl, phenyl, benzyl, quinolinyl, cycloalkyl, 1-amino-3-methyl-1-oxobutan-2-yl, 1-amino-3,3-dimethyl-

1 1-oxobutan-2-yl, 1-methoxy-3-methyl-1-oxobutan-2-yl, 1-methoxy-3,3-
2 dimethyl-1-oxobutan-2-yl or pyrrole group, and whether or not
3 further substituted in the indole, adamantyl, naphthyl, phenyl,
4 pyrrole, quinolinyl, or cycloalkyl rings to any extent. Indole
5 Esters include, but are not limited to:

- 6 a. quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate (PB-
7 22),
- 8 b. quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-
9 carboxylate (5F-PB-22),
- 10 c. quinolin-8-yl 1-(cyclohexylmethyl)-1H-indole-3-
11 carboxylate (BB-22),
- 12 d. naphthalen-1-yl 1-(4-fluorobenzyl)-1H-indole-3-
13 carboxylate (FDU-PB-22), or
- 14 e. naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-
15 carboxylate (NM2201);

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

adamantyl ring to any extent. Adamantanoylindoles include, but are not limited to:

- a. adamantan-1-yl[1-[(1-methyl-2-piperidinyl)methyl]-1H-indol-3-yl]methanone (AM1248), or
- b. adamantan-1-yl-(1-pentyl-1H-indol-3-yl)methanone (AB-001);

12. Carbazole Ketone: Any compound containing (9H-carbazole-3-yl) methanone structure with or without substitution at the nitrogen atom of the carbazole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or halophenyl group, with substitution at the carbon of the methanone group by an adamantyl, naphthyl, phenyl, benzyl, quinolinyl, cycloalkyl, 1-amino-3-methyl-1-oxobutan-2-yl, 1-amino-3,3-dimethyl-1-oxobutan-2-yl, 1-methoxy-3-methyl-1-oxobutan-2-yl, 1-methoxy-3,3-dimethyl-1-oxobutan-2-yl or pyrrole group, and whether or not further substituted at the carbazole, adamantyl, naphthyl, phenyl, pyrrole, quinolinyl, or cycloalkyl rings to any extent. Carbazole Ketones include, but are not limited to, naphthalen-1-yl(9-pentyl-9H-carbazol-3-yl)methanone (EG-018);

13. Benzimidazole Ketone: Any compound containing (benzimidazole-2-yl) methanone structure with or without

substitution at either nitrogen atom of the benzimidazole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or halophenyl group, with substitution at the carbon of the methanone group by an adamantyl, naphthyl, phenyl, benzyl, quinolinyl, cycloalkyl, 1-amino-3-methyl-1-oxobutan-2-yl, 1-amino-3,3-dimethyl-1-oxobutan-2-yl, 1-methoxy-3-methyl-1-oxobutan-2-yl, 1-methoxy-3,3-dimethyl-1-oxobutan-2-yl or pyrrole group, and whether or not further substituted in the benzimidazole, adamantyl, naphthyl, phenyl, pyrrole, quinolinyl, or cycloalkyl rings to any extent.

Benzimidazole Ketones include, but are not limited to:

- a. naphthalen-1-yl(1-pentyl-1H-benzo[d]imidazol-2-yl)methanone (JWH-018 benzimidazole analog), or
- b. (1-(5-fluoropentyl)-1H-benzo[d]imidazol-2-yl)(naphthalen-1-yl)methanone (FUBIMINA); and

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

H. Any prescription drug approved by the federal Food and Drug Administration under the provisions of Section 505 of the Federal Food, Drug and Cosmetic Act, Title 21 of the United States Code,

1 Section 355, that is designated, rescheduled or deleted as a
2 controlled substance under federal law by the United States Drug
3 Enforcement Administration shall be excluded from Schedule I and
4 shall be prescribed, distributed, dispensed or used in accordance
5 with federal law upon the issuance of a notice, final rule or
6 interim final rule by the United States Drug Enforcement
7 Administration designating, rescheduling or deleting as a controlled
8 substance such a drug product under federal law, unless and until
9 the Board of Pharmacy takes action pursuant to Section 2-201 of this
10 title. If the Board of Pharmacy does not take action pursuant to
11 Section 2-201 of this title, the drug product shall be deemed to be
12 designated, rescheduled or deleted as a controlled substance in
13 accordance with federal law and in compliance with the Uniform
14 Controlled Dangerous Substances Act.

15 SECTION 3. AMENDATORY 63 O.S. 2021, Section 2-208, is
16 amended to read as follows:

17 Section 2-208. The controlled substances listed in this section
18 are included in Schedule III.

19 A. Unless listed in another schedule, any material, compound,
20 mixture, or preparation, which contains any quantity of the
21 following substances or any other substance having a potential for
22 abuse associated with a stimulant or depressant effect on the
23 central nervous system:
24

1 1. Any drug product containing gamma-hydroxybutyric acid,
2 including its salts, isomers, and salts of isomers, for which an
3 application has been approved under Section 505 of the Federal Food,
4 Drug, and Cosmetic Act;

5 2. Any material, compound, mixture, or preparation which
6 contains any quantity of the following hormonal substances or
7 steroids, including their salts, isomers, esters and salts of
8 isomers and esters, when the existence of these salts, isomers,
9 esters, and salts of isomers and esters is possible within the
10 specific chemical designation:

- 11 a. Boldenone,
- 12 b. Chlorotestosterone,
- 13 c. Clostebol,
- 14 d. Dehydrochlormethyltestosterone,
- 15 e. Dihydrotestosterone,
- 16 f. Drostanolone,
- 17 g. Ethylestrenol,
- 18 h. Fluoxymesterone,
- 19 i. Formebolone,
- 20 j. Mesterolone,
- 21 k. Methandienone,
- 22 l. Methandranone,
- 23 m. Methandriol,
- 24 n. Methandrostenolone,

- o. Methenolone,
- p. Methyltestosterone, except as provided in subsection E of this section,
- q. Mibolerone,
- r. Nandrolone,
- s. Norethandrolone,
- t. Oxandrolone,
- u. Oxymesterone,
- v. Oxymetholone,
- w. Stanolone,
- x. Stanozolol,
- y. Testolactone,
- z. Testosterone, except as provided in subsection E of this section, and
- aa. Trenbolone;

3. Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid;

- 4. Benzphetamine and its salts;
- 5. Buprenorphine;
- 6. Butalbital/acetaminophen/caffeine;
- 7. Chlorhexadol;
- 8. Chlorphentermine and its salts;
- 9. Clortermine;
- 10. Glutethimide;

11. Ketamine, its salts, isomers, and salts of isomers;
12. Lysergic acid;
13. Lysergic acid amide;
14. Mazindol;
15. Methyprylon;
16. Phendimetrazine;
17. Phenylacetone (P2P);
18. Sulfondiethylmethane;
19. Sulfonethylmethane;
20. Sulfonmethane;
21. ~~Tetrahydrocannabinols~~ Delta-9 tetrahydrocannabinol;
22. 1-Phenycyclohexylamine; or
23. 1-Piperidinocyclohexanecarbo nitrile (PCC).

Livestock implants as regulated by the Federal Food and Drug Administration shall be exempt.

B. Nalorphine.

C. Unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof:

1. Not more than one and eight-tenths (1.8) grams of codeine or any of its salts, per one hundred (100) milliliters or not more than ninety (90) milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

1 2. Not more than one and eight-tenths (1.8) grams of codeine or
2 any of its salts, per one hundred (100) milliliters or not more than
3 ninety (90) milligrams per dosage unit, with one or more active,
4 nonnarcotic ingredients in recognized therapeutic amounts;

5 3. Not more than one and eight-tenths (1.8) grams of
6 dihydrocodeine or any of its salts, per one hundred (100)
7 milliliters or not more than ninety (90) milligrams per dosage unit,
8 with one or more active, nonnarcotic ingredients in recognized
9 therapeutic amounts;

10 4. Not more than three hundred (300) milligrams of
11 ethylmorphine or any of its salts, per one hundred (100) milliliters
12 or not more than fifteen (15) milligrams per dosage unit, with one
13 or more ingredients in recognized therapeutic amounts;

14 5. Not more than five hundred (500) milligrams of opium per one
15 hundred (100) milliliters or per one hundred (100) grams, or not
16 more than twenty-five (25) milligrams per dosage unit, with one or
17 more active, nonnarcotic ingredients in recognized therapeutic
18 amounts; or

19 6. Not more than fifty (50) milligrams of morphine or any of
20 its salts, per one hundred (100) milliliters or per one hundred
21 (100) grams with one or more active, nonnarcotic ingredients in
22 recognized therapeutic amounts.

23 D. The Board of Pharmacy may except by rule any compound,
24 mixture, or preparation containing any stimulant or depressant

1 substance listed in subsections A and B of this section from the
2 application of all or any part of the Uniform Controlled Dangerous
3 Substances Act if the compound, mixture, or preparation contains one
4 or more active medicinal ingredients not having a stimulant or
5 depressant effect on the central nervous system, and if the
6 admixtures are included therein in combinations, quantity,
7 proportion, or concentration that vitiate the potential for abuse of
8 the substances which have a stimulant or depressant effect on the
9 central nervous system.

10 E. The following hormonal substances or steroids are exempt
11 from classification as Schedule III controlled dangerous substances:

12 1. Estratest, containing 1.25 mg esterified estrogens and 2.5
13 mg methyltestosterone;

14 2. Estratest HS, containing 0.625 mg esterified estrogens and
15 1.25 mg methyltestosterone;

16 3. Premarin with Methyltestosterone, containing 1.25 mg
17 conjugated estrogens and 10.0 mg methyltestosterone;

18 4. Premarin with Methyltestosterone, containing 0.625 mg
19 conjugated estrogens and 5.0 mg methyltestosterone;

20 5. Testosterone Cypionate - Estradiol Cypionate injection,
21 containing 50 mg/ml Testosterone Cypionate; and

22 6. Testosterone Enanthate - Estradiol Valerate injection,
23 containing 90 mg/ml Testosterone Enanthate and 4 mg/ml Estradiol
24 Valerate.

SECTION 4. AMENDATORY 63 O.S. 2021, Section 427.2, as last amended by Section 4, Chapter 584, O.S.L. 2021, is amended to read as follows:

Section 427.2. As used in the Oklahoma Medical Marijuana and Patient Protection Act:

1. "Advertising" means the act of providing consideration for the publication, dissemination, solicitation or circulation, of visual, oral or written communication to induce directly or indirectly any person to patronize a particular medical marijuana business, or to purchase particular medical marijuana or a medical marijuana product. Advertising includes marketing, but does not include packaging and labeling;

2. "Authority" means the Oklahoma Medical Marijuana Authority;

3. "Batch number" means a unique numeric or alphanumeric identifier assigned prior to testing to allow for inventory tracking and traceability;

4. "Cannabinoid" means any of the chemical compounds that are active principles of marijuana;

5. "Caregiver" means a family member or assistant who regularly looks after a medical marijuana license holder whom a physician attests needs assistance;

6. "Child-resistant" means special packaging that is:

- a. designed or constructed to be significantly difficult for children under five (5) years of age to open and

1 not difficult for normal adults to use properly as
2 defined by 16 C.F.R. 1700.15 (1995) and 16 C.F.R.
3 1700.20 (1995),

4 b. opaque so that the outermost packaging does not allow
5 the product to be seen without opening the packaging
6 material, and

7 c. resealable to maintain its child-resistant
8 effectiveness for multiple openings for any product
9 intended for more than a single use or containing
10 multiple servings;

11 7. "Clone" means a nonflowering plant cut from a mother plant
12 that is capable of developing into a new plant and has shown no
13 signs of flowering;

14 8. "Commissioner" means the State Commissioner of Health;

15 9. "Complete application" means a document prepared in
16 accordance with the provisions set forth in the Oklahoma Medical
17 Marijuana and Patient Protection Act, rules promulgated pursuant
18 thereto, and the forms and instructions provided by the Department
19 including any supporting documentation required and the applicable
20 license application fee;

21 10. "Department" means the State Department of Health;

22 11. "Director" means the Executive Director of the Oklahoma
23 Medical Marijuana Authority;

1 12. "Dispense" means the selling of medical marijuana or a
2 medical marijuana product to a qualified patient or the designated
3 caregiver of the patient that is packaged in a suitable container
4 appropriately labeled for subsequent administration to or use by a
5 qualifying patient;

6 13. "Dispensary" means a medical marijuana dispensary, an
7 entity that has been licensed by the Department pursuant to the
8 Oklahoma Medical Marijuana and Patient Protection Act to purchase
9 medical marijuana or medical marijuana products from a licensed
10 medical marijuana commercial grower or medical marijuana processor,
11 sell medical marijuana or medical marijuana products to patients and
12 caregivers as defined under the Oklahoma Medical Marijuana and
13 Patient Protection Act, or sell or transfer products to another
14 dispensary;

15 14. "Edible medical marijuana product" means any medical-
16 marijuana-infused product for which the intended use is oral
17 consumption including, but not limited to, any type of food, drink
18 or pill;

19 15. "Entity" means an individual, general partnership, limited
20 partnership, limited liability company, trust, estate, association,
21 corporation, cooperative or any other legal or commercial entity;

22 16. "Flower" means the reproductive organs of the marijuana or
23 cannabis plant referred to as the bud or parts of the plant that are
24

1 harvested and used to consume in a variety of medical marijuana
2 products;

3 17. "Flowering" means the reproductive state of the marijuana
4 or cannabis plant in which there are physical signs of flower or
5 budding out of the nodes of the stem;

6 18. "Food-based medical marijuana concentrate" means a medical
7 marijuana concentrate that was produced by extracting cannabinoids
8 from medical marijuana through the use of propylene glycol,
9 glycerin, butter, olive oil, coconut oil or other typical food-safe
10 cooking fats;

11 19. "Good cause" for purposes of an initial, renewal or
12 reinstatement license application, or for purposes of discipline of
13 a licensee, means:

- 14 a. the licensee or applicant has violated, does not meet,
15 or has failed to comply with any of the terms,
16 conditions or provisions of the act, any rules
17 promulgated pursuant thereto, or any supplemental
18 relevant state or local law, rule or regulation,
- 19 b. the licensee or applicant has failed to comply with
20 any special terms or conditions that were placed upon
21 the license pursuant to an order of the State
22 Department of Health, Oklahoma Medical Marijuana
23 Authority or the municipality, or
24

1 c. the licensed premises of a medical marijuana business
2 or applicant have been operated in a manner that
3 adversely affects the public health or welfare or the
4 safety of the immediate vicinity in which the
5 establishment is located;

6 20. "Harvest batch" means a specifically identified quantity of
7 medical marijuana that is uniform in strain, cultivated utilizing
8 the same cultivation practices, harvested at the same time from the
9 same location and cured under uniform conditions;

10 21. "Harvested marijuana" means post-flowering medical
11 marijuana not including trim, concentrate or waste;

12 22. "Heat- or pressure-based medical marijuana concentrate"
13 means a medical marijuana concentrate that was produced by
14 extracting cannabinoids from medical marijuana through the use of
15 heat or pressure;

16 23. "Immature plant" means a nonflowering marijuana plant that
17 has not demonstrated signs of flowering;

18 24. "Inventory tracking system" means the required tracking
19 system that accounts for medical marijuana from either the seed or
20 immature plant stage until the medical marijuana or medical
21 marijuana product is sold to a patient at a medical marijuana
22 dispensary, transferred to a medical marijuana research facility,
23 destroyed by a medical marijuana business or used in a research
24 project by a medical marijuana research facility;

1 25. "Licensed patient" or "patient" means a person who has been
2 issued a medical marijuana patient license by the State Department
3 of Health or Oklahoma Medical Marijuana Authority;

4 26. "Licensed premises" means the premises specified in an
5 application for a medical marijuana business license, medical
6 marijuana research facility license or medical marijuana education
7 facility license pursuant to the Oklahoma Medical Marijuana and
8 Patient Protection Act that are owned or in possession of the
9 licensee and within which the licensee is authorized to cultivate,
10 manufacture, distribute, sell, store, transport, test or research
11 medical marijuana or medical marijuana products in accordance with
12 the provisions of the Oklahoma Medical Marijuana and Patient
13 Protection Act and rules promulgated pursuant thereto;

14 27. "Manufacture" means the production, propagation,
15 compounding or processing of a medical marijuana product, excluding
16 marijuana plants, either directly or indirectly by extraction from
17 substances of natural or synthetic origin, or independently by means
18 of chemical synthesis, or by a combination of extraction and
19 chemical synthesis;

20 28. "Marijuana" shall have the same meaning as such term is
21 defined in Section 2-101 of this title ~~and shall not include any~~
22 ~~plant or material containing delta-8 or delta-10~~
23 ~~tetrahydrocannabinol which is grown, processed or sold pursuant to~~
24 ~~the provisions of the Oklahoma Industrial Hemp Program;~~

1 29. "Material change" means any change that would require a
2 substantive revision to the standard operating procedures of a
3 licensee for the cultivation or production of medical marijuana,
4 medical marijuana concentrate or medical marijuana products;

5 30. "Mature plant" means a harvestable female marijuana plant
6 that is flowering;

7 31. "Medical marijuana business (MMB)" means a licensed medical
8 marijuana dispensary, medical marijuana processor, medical marijuana
9 commercial grower, medical marijuana laboratory, medical marijuana
10 business operator or a medical marijuana transporter;

11 32. "Medical marijuana concentrate" or "concentrate" means a
12 specific subset of medical marijuana that was produced by extracting
13 cannabinoids from medical marijuana. Categories of medical
14 marijuana concentrate include water-based medical marijuana
15 concentrate, food-based medical marijuana concentrate, solvent-based
16 medical marijuana concentrate, and heat- or pressure-based medical
17 marijuana concentrate;

18 33. "Medical marijuana commercial grower" or "commercial
19 grower" means an entity licensed to cultivate, prepare and package
20 medical marijuana and transfer or contract for transfer medical
21 marijuana to a medical marijuana dispensary, medical marijuana
22 processor, any other medical marijuana commercial grower, medical
23 marijuana research facility, medical marijuana education facility
24 and pesticide manufacturers. A commercial grower may sell seeds,

1 flower or clones to commercial growers pursuant to the Oklahoma
2 Medical Marijuana and Patient Protection Act;

3 34. "Medical marijuana education facility" or "education
4 facility" means a person or entity approved pursuant to the Oklahoma
5 Medical Marijuana and Patient Protection Act to operate a facility
6 providing training and education to individuals involving the
7 cultivation, growing, harvesting, curing, preparing, packaging or
8 testing of medical marijuana, or the production, manufacture,
9 extraction, processing, packaging or creation of medical-marijuana-
10 infused products or medical marijuana products as described in the
11 Oklahoma Medical Marijuana and Patient Protection Act;

12 35. "Medical-marijuana-infused product" means a product infused
13 with medical marijuana including, but not limited to, edible
14 products, ointments and tinctures;

15 36. "Medical marijuana product" or "product" means a product
16 that contains cannabinoids that have been extracted from plant
17 material or the resin therefrom by physical or chemical means and is
18 intended for administration to a qualified patient including, but
19 not limited to, oils, tinctures, edibles, pills, topical forms,
20 gels, creams, vapors, patches, liquids and forms administered by a
21 nebulizer, excluding live plant forms which are considered medical
22 marijuana;

23 37. "Medical marijuana processor" means a person or entity
24 licensed pursuant to the Oklahoma Medical Marijuana and Patient

1 Protection Act to operate a business including the production,
2 manufacture, extraction, processing, packaging or creation of
3 concentrate, medical-marijuana-infused products or medical marijuana
4 products as described in the Oklahoma Medical Marijuana and Patient
5 Protection Act;

6 38. "Medical marijuana research facility" or "research
7 facility" means a person or entity approved pursuant to the Oklahoma
8 Medical Marijuana and Patient Protection Act to conduct medical
9 marijuana research. A medical marijuana research facility is not a
10 medical marijuana business;

11 39. "Medical marijuana testing laboratory" or "laboratory"
12 means a public or private laboratory licensed pursuant to the
13 Oklahoma Medical Marijuana and Patient Protection Act, to conduct
14 testing and research on medical marijuana and medical marijuana
15 products;

16 40. "Medical marijuana transporter" or "transporter" means a
17 person or entity that is licensed pursuant to the Oklahoma Medical
18 Marijuana and Patient Protection Act. A medical marijuana
19 transporter does not include a medical marijuana business that
20 transports its own medical marijuana, medical marijuana concentrate
21 or medical marijuana products to a property or facility adjacent to
22 or connected to the licensed premises if the property is another
23 licensed premises of the same medical marijuana business;

24

1 41. "Medical marijuana waste" or "waste" means unused, surplus,
2 returned or out-of-date marijuana, plant debris of the plant of the
3 genus Cannabis including dead plants and all unused plant parts and
4 roots, except the term shall not include roots, stems, stalks and
5 fan leaves;

6 42. "Medical use" means the acquisition, possession, use,
7 delivery, transfer or transportation of medical marijuana, medical
8 marijuana products, medical marijuana devices or paraphernalia
9 relating to the administration of medical marijuana to treat a
10 licensed patient;

11 43. "Mother plant" means a marijuana plant that is grown or
12 maintained for the purpose of generating clones, and that will not
13 be used to produce plant material for sale to a medical marijuana
14 processor or medical marijuana dispensary;

15 44. "Oklahoma physician" or "physician" means a physician
16 licensed by and in good standing with the State Board of Medical
17 Licensure and Supervision, the State Board of Osteopathic Examiners
18 or the Board of Podiatric Medical Examiners;

19 45. "Oklahoma resident" means an individual who can provide
20 proof of residency as required by the Oklahoma Medical Marijuana and
21 Patient Protection Act;

22 46. "Owner" means, except where the context otherwise requires,
23 a direct beneficial owner including, but not limited to, all persons
24 or entities as follows:

- a. all shareholders owning an interest of a corporate entity and all officers of a corporate entity,
- b. all partners of a general partnership,
- c. all general partners and all limited partners that own an interest in a limited partnership,
- d. all members that own an interest in a limited liability company,
- e. all beneficiaries that hold a beneficial interest in a trust and all trustees of a trust,
- f. all persons or entities that own interest in a joint venture,
- g. all persons or entities that own an interest in an association,
- h. the owners of any other type of legal entity, and
- i. any other person holding an interest or convertible note in any entity which owns, operates or manages a licensed facility;

47. "Package" or "packaging" means any container or wrapper that may be used by a medical marijuana business to enclose or contain medical marijuana;

48. "Person" means a natural person, partnership, association, business trust, company, corporation, estate, limited liability company, trust or any other legal entity or organization, or a manager, agent, owner, director, servant, officer or employee

1 thereof, except that ~~"person"~~ person does not include any
2 governmental organization;

3 49. "Pesticide" means any substance or mixture of substances
4 intended for preventing, destroying, repelling or mitigating any
5 pest or any substance or mixture of substances intended for use as a
6 plant regulator, defoliant or desiccant, except that the term
7 ~~"pesticide"~~ pesticide shall not include any article that is a "new
8 animal drug" as designated by the United States Food and Drug
9 Administration;

10 50. "Production batch" means:

- 11 a. any amount of medical marijuana concentrate of the
12 same category and produced using the same extraction
13 methods, standard operating procedures and an
14 identical group of harvest batch of medical marijuana,
15 or
16 b. any amount of medical marijuana product of the same
17 exact type, produced using the same ingredients,
18 standard operating procedures and the same production
19 batch of medical marijuana concentrate;

20 51. "Public institution" means any entity established or
21 controlled by the federal government, state government, or a local
22 government or municipality including, but not limited to,
23 institutions of higher education or related research institutions;

1 52. "Public money" means any funds or money obtained by the
2 holder from any governmental entity including, but not limited to,
3 research grants;

4 53. "Recommendation" means a document that is signed or
5 electronically submitted by a physician on behalf of a patient for
6 the use of medical marijuana pursuant to the Oklahoma Medical
7 Marijuana and Patient Protection Act;

8 54. "Registered to conduct business" means a person that has
9 provided proof that the business applicant is in good standing with
10 the ~~Oklahoma~~ Secretary of State and Oklahoma Tax Commission;

11 55. "Remediation" means the process by which the medical
12 marijuana flower or trim, which has failed microbial testing, is
13 processed into solvent-based medical marijuana concentrate and
14 retested as required by the Oklahoma Medical Marijuana and Patient
15 Protection Act;

16 56. "Research project" means a discrete scientific endeavor to
17 answer a research question or a set of research questions related to
18 medical marijuana and is required for a medical marijuana research
19 license. A research project shall include a description of a
20 defined protocol, clearly articulated goals, defined methods and
21 outputs, and a defined start and end date. The description shall
22 demonstrate that the research project will comply with all
23 requirements in the Oklahoma Medical Marijuana and Patient
24 Protection Act and rules promulgated pursuant thereto. All research

1 and development conducted by a medical marijuana research facility
2 shall be conducted in furtherance of an approved research project;

3 57. "Revocation" means the final decision by the Department
4 that any license issued pursuant to the Oklahoma Medical Marijuana
5 and Patient Protection Act is rescinded because the individual or
6 entity does not comply with the applicable requirements set forth in
7 the Oklahoma Medical Marijuana and Patient Protection Act or rules
8 promulgated pursuant thereto;

9 58. "School" means a public or private preschool or a public or
10 private elementary or secondary school which is primarily used for
11 classroom instruction. A homeschool, daycare or child-care facility
12 shall not be considered a ~~"school"~~ school as used in the Oklahoma
13 Medical Marijuana and Patient Protection Act;

14 59. "Shipping container" means a hard-sided container with a
15 lid or other enclosure that can be secured in place. A shipping
16 container is used solely for the transport of medical marijuana,
17 medical marijuana concentrate, or medical marijuana products between
18 medical marijuana businesses, a medical marijuana research facility,
19 or a medical marijuana education facility;

20 60. "Solvent-based medical marijuana concentrate" means a
21 medical marijuana concentrate that was produced by extracting
22 cannabinoids from medical marijuana through the use of a solvent
23 approved by the Department;

1 61. "State Question" means Oklahoma State Question No. 788,
2 Initiative Petition No. 412, approved by a majority vote of the
3 citizens of Oklahoma on June 26, 2018;

4 62. "Strain" means the classification of marijuana or cannabis
5 plants in either pure sativa, indica, afghanica, ruderalis or hybrid
6 varieties;

7 63. "THC" means delta-9 tetrahydrocannabinol, which is the
8 primary psychotropic cannabinoid in marijuana formed by
9 decarboxylation of naturally tetrahydrocannabinolic acid, which
10 generally occurs by exposure to heat. Any tetrahydrocannabinols as
11 such term is defined in Section 2-101 of this title other than
12 delta-9 tetrahydrocannabinol shall be subject to the provisions of
13 paragraph 94 of subsection C of Section 2-204 of this title;

14 64. "Test batch" means with regard to usable marijuana, a
15 homogenous, identified quantity of usable marijuana by strain, no
16 greater than ten (10) pounds, that is harvested during a seven-day
17 period from a specified cultivation area, and with regard to oils,
18 vapors and waxes derived from usable marijuana, means an identified
19 quantity that is uniform, that is intended to meet specifications
20 for identity, strength and composition, and that is manufactured,
21 packaged and labeled during a specified time period according to a
22 single manufacturing, packaging and labeling protocol;

23 65. "Transporter agent" means a person who transports medical
24 marijuana or medical marijuana products for a licensed transporter

1 and holds a transporter agent license pursuant to the Oklahoma
2 Medical Marijuana and Patient Protection Act;

3 66. "Universal symbol" means the image established by the State
4 Department of Health or Oklahoma Medical Marijuana Authority and
5 made available to licensees through its website indicating that the
6 medical marijuana or the medical marijuana product contains THC;

7 67. "Usable marijuana" means the dried leaves, flowers, oils,
8 vapors, waxes and other portions of the marijuana plant and any
9 mixture or preparation thereof, excluding seeds, roots, stems,
10 stalks and fan leaves; and

11 68. "Water-based medical marijuana concentrate" means a
12 concentrate that was produced by extracting cannabinoids from
13 medical marijuana through the use of only water, ice or dry ice.

14 SECTION 5. This act shall become effective November 1, 2022.

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