

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 3567

By: Manger of the House

and

Paxton of the Senate

COMMITTEE SUBSTITUTE

An Act relating to controlled dangerous drugs; amending 63 O.S. 2021, Sections 2-101, as last amended by Section 1, Chapter 375, O.S.L. 2023, 2-106.2, 2-204, as last amended by Section 1, Chapter 120, O.S.L. 2023, 2-304, as last amended by Section 3, Chapter 375, O.S.L. 2023, 2-305, as last amended by Section 4, Chapter 375, O.S.L. 2023, 2-309, as amended by Section 2, Chapter 304, O.S.L. 2023, and 2-406, as amended by Section 2, Chapter 235, O.S.L. 2023 (63 O.S. Supp. 2023, Sections 2-101, 2-204, 2-304, 2-305, 2-309, and 2-406), which relate to the Uniform Controlled Dangerous Substances Act; adding and alphabetizing definitions; deleting reference to promulgated rules; adding substances to list of Schedule I controlled substances; updating statutory reference; clarifying circumstances that provide for the revocation or suspension of registrations; deleting certain penalty provision; updating manner by which controlled dangerous substances are forfeited; deeming written order as final under certain circumstances; allowing registrations to remain in effect under certain circumstances; authorizing the utilization of electronic prescriptions under certain circumstances; requiring practitioners to purchase official prescription forms; providing restrictions on use of official prescription forms; modifying scope of certain prohibited act; repealing 63 O.S. 2021, Sections 2-101, as amended by Section 10, Chapter 91, O.S.L.

2019, as last amended by Section 1, Chapter 235, O.S.L. 2023, and as last amended by Section 1, Chapter 304, O.S.L. 2023, 2-304, as amended by Section 1, Chapter 176, O.S.L. 2023, 2-305, as amended by Section 2, Chapter 176, O.S.L. 2023, 2-309, as amended by Section 1, Chapter 333, O.S.L. 2021, 2-402, as amended by Section 1, Chapter 220, O.S.L. 2016, and 2-406, as last amended by Section 7, Chapter 375, O.S.L. 2023 (63 O.S. Supp. 2023, Sections 2-101, 2-304, 2-305, and 2-406), which relate to the Uniform Controlled Dangerous Substance Act; and declaring an emergency.

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 375, O.S.L. 2023 (63 O.S. Supp. 2023, Section 2-101), is amended to read as follows:

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

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

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

1 a. a practitioner (or, in the presence of the
2 practitioner, by the authorized agent of the
3 practitioner), or

4 b. the patient or research subject at the direction and
5 in the presence of the practitioner;

6 ~~2.~~ 3. "Agent" means a peace officer appointed by and who acts
7 on behalf of the Director of the Oklahoma State Bureau of Narcotics
8 and Dangerous Drugs Control or an authorized person who acts on
9 behalf of or at the direction of a person who manufactures,
10 distributes, dispenses, prescribes, administers or uses for
11 scientific purposes controlled dangerous substances but does not
12 include a common or contract carrier, public warehouser or employee
13 thereof, or a person required to register under the Uniform
14 Controlled Dangerous Substances Act;

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

17 ~~3.~~ 5. "Board" means the Advisory Board to the Director of the
18 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control;

19 ~~4.~~ 6. "Bureau" means the Oklahoma State Bureau of Narcotics and
20 Dangerous Drugs Control;

21 7. "Chronic pain" means pain that persists beyond the usual
22 course of an acute disease or healing of an injury. Chronic pain
23 may or may not be associated with an acute or chronic pathologic
24

1 process that causes continuous or intermittent pain over months or
2 years;

3 ~~5.~~ 8. "Coca leaves" includes cocaine and any compound,
4 manufacture, salt, derivative, mixture or preparation of coca
5 leaves, except derivatives of coca leaves which do not contain
6 cocaine or ecgonine;

7 ~~6.~~ 9. "Commissioner" or "Director" means the Director of the
8 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control;

9 ~~7.~~ 10. "Control" means to add, remove or change the placement
10 of a drug, substance or immediate precursor under the Uniform
11 Controlled Dangerous Substances Act;

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

19 ~~9.~~ 12. "Counterfeit substance" means a controlled substance
20 which, or the container or labeling of which without authorization,
21 bears the trademark, trade name or other identifying marks, imprint,
22 number or device or any likeness thereof of a manufacturer,
23 distributor or dispenser other than the person who in fact
24 manufactured, distributed or dispensed the substance;

~~10.~~ 13. "Deliver" or "delivery" means the actual, constructive or attempted transfer from one person to another of a controlled dangerous substance or drug paraphernalia, whether or not there is an agency relationship;

~~11.~~ 14. "Dispense" means to deliver a controlled dangerous substance to an ultimate user or human research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling or compounding necessary to prepare the substance for such distribution.

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

~~12.~~ 15. "Distribute" means to deliver other than by administering or dispensing a controlled dangerous substance;

~~13.~~ 16. "Distributor" means a commercial entity engaged in the distribution or reverse distribution of narcotics and dangerous drugs and who complies with all regulations promulgated by the federal Drug Enforcement Administration and the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control;

~~14.~~ 17. "Drug" means articles:

- a. recognized in the official United States Pharmacopeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them,

1 b. intended for use in the diagnosis, cure, mitigation,
2 treatment or prevention of disease in man or other
3 animals,

4 c. other than food, intended to affect the structure or
5 any function of the body of man or other animals, and

6 d. intended for use as a component of any article
7 specified in this paragraph;

8 provided, however, the term drug does not include devices or their
9 components, parts or accessories;

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

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

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

1 h. blenders, bowls, containers, spoons, and mixing
2 devices used, intended for use, or fashioned
3 specifically for use in compounding controlled
4 dangerous substances,

5 i. capsules, balloons, envelopes, and other containers
6 used, intended for use, or fashioned specifically for
7 use in packaging small quantities of controlled
8 dangerous substances,

9 j. containers and other objects used, intended for use,
10 or fashioned specifically for use in parenterally
11 injecting controlled dangerous substances into the
12 human body,

13 k. hypodermic syringes, needles, and other objects used,
14 intended for use, or fashioned specifically for use in
15 parenterally injecting controlled dangerous substances
16 into the human body, except as authorized by Section
17 2-1101 of this title,

18 l. objects used, intended for use, or fashioned
19 specifically for use in ingesting, inhaling, or
20 otherwise introducing marijuana, cocaine, hashish, or
21 hashish oil into the human body, such as:

22 (1) metal, wooden, acrylic, glass, stone, plastic, or
23 ceramic pipes with or without screens, permanent
24 screens, hashish heads, or punctured metal bowls,

- 1 (2) water pipes,
- 2 (3) carburetion tubes and devices,
- 3 (4) smoking and carburetion masks,
- 4 (5) roach clips, meaning objects used to hold burning
- 5 material, such as a marijuana cigarette, that has
- 6 become too small or too short to be held in the
- 7 hand,
- 8 (6) miniature cocaine spoons and cocaine vials,
- 9 (7) chamber pipes,
- 10 (8) carburetor pipes,
- 11 (9) electric pipes,
- 12 (10) air-driven pipes,
- 13 (11) chillums,
- 14 (12) bongs, or
- 15 (13) ice pipes or chillers,
- 16 m. all hidden or novelty pipes, and
- 17 n. any pipe that has a tobacco bowl or chamber of less
- 18 than one-half (1/2) inch in diameter in which there is
- 19 any detectable residue of any controlled dangerous
- 20 substance as defined in this section or any other
- 21 substances not legal for possession or use;
- 22 provided, however, the term drug paraphernalia shall not include
- 23 separation gins intended for use in preparing tea or spice, clamps
- 24 used for constructing electrical equipment, water pipes designed for

1 ornamentation in which no detectable amount of an illegal substance
2 is found or pipes designed and used solely for smoking tobacco,
3 traditional pipes of an American Indian tribal religious ceremony,
4 antique pipes that are thirty (30) years of age or older, or drug
5 testing strips possessed by a person for purposes of determining the
6 presence of fentanyl or a fentanyl-related compound;

7 ~~15.~~ 19. "Drug-dependent person" means a person who is using a
8 controlled dangerous substance and who is in a state of psychic or
9 physical dependence, or both, arising from administration of that
10 controlled dangerous substance on a continuous basis. Drug
11 dependence is characterized by behavioral and other responses which
12 include a strong compulsion to take the substance on a continuous
13 basis in order to experience its psychic effects, or to avoid the
14 discomfort of its absence;

15 20. "Harm-reduction services" means programs established to:

- 16 a. reduce the spread of infectious diseases related to
17 injection drug use,
- 18 b. reduce drug dependency, overdose deaths, and
19 associated complications, and
- 20 c. increase safe recovery and disposal of used syringes
21 and sharp waste;

22 21. "Hazardous materials" means materials, whether solid,
23 liquid, or gas, which are toxic to human, animal, aquatic, or plant
24

1 life, and the disposal of such materials is controlled by state or
2 federal guidelines;

3 ~~16.~~ 22. "Home care agency" means any sole proprietorship,
4 partnership, association, corporation, or other organization which
5 administers, offers, or provides home care services, for a fee or
6 pursuant to a contract for such services, to clients in their place
7 of residence;

8 ~~17.~~ 23. "Home care services" means skilled or personal care
9 services provided to clients in their place of residence for a fee;

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

1 ~~19.~~ 25. "Imitation controlled substance" means a substance that
2 is not a controlled dangerous substance, which by dosage unit
3 appearance, color, shape, size, markings or by representations made,
4 would lead a reasonable person to believe that the substance is a
5 controlled dangerous substance, or is a drug intended solely for
6 veterinary purposes that is not a controlled dangerous substance and
7 is being used outside of the scope of practice or normal course of
8 business, as defined by the State Board of Veterinary Medical
9 Examiners, or is a federal Food and Drug Administration-approved
10 drug that is not a controlled dangerous substance and is being used
11 outside the scope of approval for illicit purposes such as
12 adulterating or lacing other controlled dangerous substances. In
13 the event the appearance of the dosage unit or use is not reasonably
14 sufficient to establish that the substance is an imitation
15 controlled substance, the court or authority concerned should
16 consider, in addition to all other factors, the following factors ~~as~~
17 ~~related to "representations made" in determining whether the~~
18 ~~substance is an imitation controlled substance:~~

- 19 a. statements made by an owner or by any other person in
20 control of the substance concerning the nature of the
21 substance, or its use or effect,
22 b. statements made to the recipient that the substance
23 may be resold for inordinate profit,
24

- 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.~~ 26. "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;

27. "Initial prescription" means a prescription issued to a patient who:

- a. has never previously been issued a prescription for the drug or its pharmaceutical equivalent in the past year, or

1 b. requires a prescription for the drug or its
2 pharmaceutical equivalent due to a surgical procedure
3 or new acute event and has previously had a
4 prescription for the drug or its pharmaceutical
5 equivalent within the past year.

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

10 28. "Isomer" means the optical isomer, except as used in
11 subsections C and F of Section 2-204 of this title and paragraph 4
12 of subsection A of Section 2-206 of this title. As used in
13 subsections C and F of Section 2-204 of this title, isomer means the
14 optical, positional, or geometric isomer. As used in paragraph 4 of
15 subsection A of Section 2-206 of this title, the term isomer means
16 the optical or geometric isomer;

17 ~~21.~~ 29. "Laboratory" means a laboratory approved by the
18 Director as proper to be entrusted with the custody of controlled
19 dangerous substances and the use of controlled dangerous substances
20 for scientific and medical purposes and for purposes of instruction;

21 ~~22.~~ 30. "Manufacture" means the production, preparation,
22 propagation, compounding or processing of a controlled dangerous
23 substance, either directly or indirectly by extraction from
24 substances of natural or synthetic origin, or independently by means

1 of chemical synthesis or by a combination of extraction and chemical
2 synthesis. "Manufacturer" includes any person who packages,
3 repackages or labels any container of any controlled dangerous
4 substance, except practitioners who dispense or compound
5 prescription orders for delivery to the ultimate consumer;

6 ~~23.~~ 31. "Marijuana" means all parts of the plant Cannabis
7 sativa L., whether growing or not; the seeds thereof; the resin
8 extracted from any part of such plant; and every compound,
9 manufacture, salt, derivative, mixture or preparation of such plant,
10 its seeds or resin, but shall not include:

- 11 a. the mature stalks of such plant or fiber produced from
12 such stalks,
- 13 b. oil or cake made from the seeds of such plant,
14 including cannabidiol derived from the seeds of the
15 marijuana plant,
- 16 c. any other compound, manufacture, salt, derivative,
17 mixture or preparation of such mature stalks (except
18 the resin extracted therefrom), including cannabidiol
19 derived from mature stalks, fiber, oil or cake,
- 20 d. the sterilized seed of such plant which is incapable
21 of germination,
- 22 e. for any person participating in a clinical trial to
23 administer cannabidiol for the treatment of severe
24 forms of epilepsy pursuant to Section 2-802 of this

1 title, a drug or substance approved by the federal
2 Food and Drug Administration for use by those
3 participants,

4 f. for any person or the parents, legal guardians or
5 caretakers of the person who have received a written
6 certification from a physician licensed in this state
7 that the person has been diagnosed by a physician as
8 having Lennox-Gastaut syndrome, Dravet syndrome, also
9 known as severe myoclonic epilepsy of infancy, or any
10 other severe form of epilepsy that is not adequately
11 treated by traditional medical therapies, spasticity
12 due to multiple sclerosis or due to paraplegia,
13 intractable nausea and vomiting, appetite stimulation
14 with chronic wasting diseases, the substance
15 cannabidiol, a nonpsychoactive cannabinoid, found in
16 the plant Cannabis sativa L. or any other preparation
17 thereof, that has a tetrahydrocannabinol concentration
18 not more than three-tenths of one percent (0.3%) and
19 that is delivered to the patient in the form of a
20 liquid,

21 g. any federal ~~Food and Drug Administration~~ Food and Drug
22 Administration-approved drug or substance, or

23 h. industrial hemp, from the plant Cannabis sativa L. and
24 any part of such plant, whether growing or not, with a

1 delta-9 tetrahydrocannabinol concentration not more
2 than three-tenths of one percent (0.3%) on a dry-
3 weight basis which shall only be grown pursuant to the
4 Oklahoma Industrial Hemp Program and may be shipped
5 intrastate and interstate;

6 ~~24.~~ 32. "Medical purpose" means an intention to utilize a
7 controlled dangerous substance for physical or mental treatment, for
8 diagnosis, or for the prevention of a disease condition not in
9 violation of any state or federal law and not for the purpose of
10 satisfying physiological or psychological dependence or other abuse;

11 ~~25.~~ 33. "Mid-level practitioner" means an Advanced Practice
12 Registered Nurse as defined and within parameters specified in
13 Section 567.3a of Title 59 of the Oklahoma Statutes, or a certified
14 animal euthanasia technician as defined in Section 698.2 of Title 59
15 of the Oklahoma Statutes, or an animal control officer registered by
16 the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control
17 under subsection B of Section 2-301 of this title within the
18 parameters of such officer's duties under Sections 501 through 508
19 of Title 4 of the Oklahoma Statutes;

20 ~~26.~~ 34. "Narcotic drug" means any of the following, whether
21 produced directly or indirectly by extraction from substances of
22 vegetable origin, or independently by means of chemical synthesis,
23 or by a combination of extraction and chemical synthesis:

24 a. opium, coca leaves and opiates,

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

15 ~~27.~~ 35. "Opiate" or "opioid" means any Schedule II, III, IV or
16 V substance having an addiction-forming or addiction-sustaining
17 liability similar to morphine or being capable of conversion into a
18 drug having such addiction-forming or addiction-sustaining
19 liability. The terms do not include, unless specifically designated
20 as controlled under the Uniform Controlled Dangerous Substances Act,
21 the dextrorotatory isomer of 3-methoxy-n-methyl-morphinan and its
22 salts (dextromethorphan). The terms do include the racemic and
23 levorotatory forms;
24

1 ~~28.~~ 36. "Opium poppy" means the plant of the species Papaver
2 somniferum L., except the seeds thereof;

3 37. "Palliative care" means a specialized medical service for
4 people of any age and at any stage of a serious illness or life-
5 altering medical event that focuses on navigating complex medical
6 decisions while providing patient autonomy and access to
7 information. Utilizing a holistic and interdisciplinary team
8 approach, palliative care addresses physical, intellectual,
9 emotional, social, and spiritual needs. Palliative care may be
10 provided in the inpatient, outpatient, or home care setting and
11 strives to improve quality of life for both the patient and the
12 family;

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

- 17 a. explain the possible risk of development of physical
18 or psychological dependence in the patient and prevent
19 the possible development of addiction,
20 b. document the understanding of both the practitioner
21 and the patient regarding the patient-provider
22 agreement of the patient,
23 c. establish the rights of the patient in association
24 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 described in this paragraph shall
18 constitute a valid, informed consent for opioid
19 therapy. The practitioner shall be held harmless from
20 civil litigation for failure to treat pain if the
21 event occurs because of nonadherence by the patient
22 with any of the provisions of the patient-provider
23 agreement;
24

1 ~~29.~~ 39. "Peace officer" means a police officer, sheriff, deputy
2 sheriff, district attorney's investigator, investigator from the
3 Office of the Attorney General, or any other person elected or
4 appointed by law to enforce any of the criminal laws of this state
5 or of the United States;

6 ~~30.~~ 40. "Person" means an individual, corporation, government
7 or governmental subdivision or agency, business trust, estate,
8 trust, partnership or association, or any other legal entity;

9 ~~31.~~ 41. "Poppy straw" means all parts, except the seeds, of the
10 opium poppy, after mowing;

11 ~~32.~~ 42. "Practitioner" means:

- 12 a. (1) a medical doctor or osteopathic physician,
13 (2) a dentist,
14 (3) a podiatrist,
15 (4) an optometrist,
16 (5) a veterinarian,
17 (6) a physician assistant or Advanced Practice
18 Registered Nurse under the supervision of a
19 licensed medical doctor or osteopathic physician,
20 (7) a scientific investigator, or
21 (8) any other person,
22 licensed, registered or otherwise permitted to
23 prescribe, distribute, dispense, conduct research with
24 respect to, use for scientific purposes or administer

1 a controlled dangerous substance in the course of
2 professional practice or research in this state, or
3 b. a pharmacy, hospital, laboratory or other institution
4 licensed, registered or otherwise permitted to
5 distribute, dispense, conduct research with respect
6 to, use for scientific purposes or administer a
7 controlled dangerous substance in the course of
8 professional practice or research in this state;

9 ~~33.~~ 43. "Production" includes the manufacture, planting,
10 cultivation, growing or harvesting of a controlled dangerous
11 substance;

12 44. "Serious illness" means a medical illness or physical
13 injury or condition that substantially affects quality of life for
14 more than a short period of time. Serious illness includes, but is
15 not limited to, Alzheimer's disease or related dementias, lung
16 disease, cancer, heart failure, renal failure, liver failure, or
17 chronic, unremitting, or intractable pain such as neuropathic pain;

18 ~~34.~~ 45. "State" means the State of Oklahoma or any other state
19 of the United States;

20 46. "Straw person" or "straw party", also known as a "front",
21 means a third party who:

22 a. is put up in name only to take part in a transaction
23 or otherwise is a nominal party to a transaction with
24 no actual control,

1 b. acts on behalf of another person to obtain title to
2 property and executes documents and instruments the
3 principal may direct respecting property, or

4 c. purchases property for another for the purpose of
5 concealing the identity of the real purchaser or to
6 accomplish some purpose otherwise in violation of the
7 Oklahoma Statutes;

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

19 48. a. "Synthetic controlled substance" means a substance:

- 20 (1) the chemical structure of which is substantially
21 similar to the chemical structure of a controlled
22 dangerous substance in Schedule I or II,
23 (2) which has a stimulant, depressant, or
24 hallucinogenic effect on the central nervous

system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled dangerous substance in Schedule I or II, or

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

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

c. Synthetic controlled substance does not include:

(1) a controlled dangerous substance,

(2) any substance for which there is an approved new drug application,

(3) with respect to a particular person any substance, if an exemption is in effect for

1 investigational use, for that person under the
2 provisions of Section 505 of the Federal Food,
3 Drug, and Cosmetic Act, 21 U.S.C., Section 355,
4 to the extent conduct with respect to such
5 substance is pursuant to such exemption, or
6 (4) any substance to the extent not intended for
7 human consumption before such an exemption takes
8 effect with respect to that substance.

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

14 49. "Tetrahydrocannabinols" means all substances that have been
15 chemically synthesized to emulate the tetrahydrocannabinols of
16 marijuana, specifically including any tetrahydrocannabinols derived
17 from industrial hemp; and

18 ~~35.~~ 50. "Ultimate user" means a person who lawfully possesses a
19 controlled dangerous substance for the person's own use or for the
20 use of a member of the person's household or for administration to
21 an animal owned by the person or by a member of the person's
22 household;

23 ~~36.~~ "Drug paraphernalia" means all equipment, products and
24 ~~materials of any kind which are used, intended for use, or fashioned~~

~~specifically for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body, a controlled dangerous substance in violation of the Uniform Controlled Dangerous Substances Act including, but not limited to:~~

- ~~a. kits used, intended for use, or fashioned specifically for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled dangerous substance or from which a controlled dangerous substance can be derived,~~
- ~~b. kits used, intended for use, or fashioned specifically for use in manufacturing, compounding, converting, producing, processing or preparing controlled dangerous substances,~~
- ~~c. isomerization devices used, intended for use, or fashioned specifically for use in increasing the potency of any species of plant which is a controlled 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,~~

- 1 ~~e. scales and balances used, intended for use, or~~
2 ~~fashioned specifically for use in weighing or~~
3 ~~measuring controlled dangerous substances,~~
- 4 ~~f. diluent and adulterant, such as quinine~~
5 ~~hydrochloride, mannitol, mannite, dextrose and~~
6 ~~lactose, used, intended for use, or fashioned~~
7 ~~specifically for use in cutting controlled dangerous~~
8 ~~substances,~~
- 9 ~~g. separation gins and sifters used, intended for use, or~~
10 ~~fashioned specifically for use in removing twigs and~~
11 ~~seeds from, or in otherwise cleaning or refining,~~
12 ~~marijuana,~~
- 13 ~~h. blenders, bowls, containers, spoons and mixing devices~~
14 ~~used, intended for use, or fashioned specifically for~~
15 ~~use in compounding controlled dangerous substances,~~
- 16 ~~i. capsules, balloons, envelopes and other containers~~
17 ~~used, intended for use, or fashioned specifically for~~
18 ~~use in packaging small quantities of controlled~~
19 ~~dangerous substances,~~
- 20 ~~j. containers and other objects used, intended for use,~~
21 ~~or fashioned specifically for use in parenterally~~
22 ~~injecting controlled dangerous substances into the~~
23 ~~human body,~~
- 24

- 1 ~~k. hypodermic syringes, needles and other objects used,~~
2 ~~intended for use, or fashioned specifically for use in~~
3 ~~parenterally injecting controlled dangerous substances~~
4 ~~into the human body,~~
- 5 ~~l. objects used, intended for use, or fashioned~~
6 ~~specifically for use in ingesting, inhaling or~~
7 ~~otherwise introducing marijuana, cocaine, hashish or~~
8 ~~hashish oil into the human body, such as:~~
- 9 ~~(1) metal, wooden, acrylic, glass, stone, plastic or~~
10 ~~ceramic pipes with or without screens, permanent~~
11 ~~screens, hashish heads or punctured metal bowls,~~
- 12 ~~(2) water pipes,~~
- 13 ~~(3) carburetion tubes and devices,~~
- 14 ~~(4) smoking and carburetion masks,~~
- 15 ~~(5) roach clips, meaning objects used to hold burning~~
16 ~~material, such as a marijuana cigarette, that has~~
17 ~~become too small or too short to be held in the~~
18 ~~hand,~~
- 19 ~~(6) miniature cocaine spoons and cocaine vials,~~
- 20 ~~(7) chamber pipes,~~
- 21 ~~(8) carburetor pipes,~~
- 22 ~~(9) electric pipes,~~
- 23 ~~(10) air-driven pipes,~~
- 24 ~~(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, antique pipes that are thirty (30) years of age or older, or drug testing strips possessed by a person for purposes of determining the presence of fentanyl or a fentanyl-related compound;~~

~~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,~~

~~(2) which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or~~

~~greater than the stimulant, depressant or
hallucinogenic effect on the central nervous
system of a controlled dangerous substance in
Schedule I or II, or~~

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

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

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

~~(1) a controlled dangerous substance,
(2) any substance for which there is an approved new
drug application,
(3) with respect to a particular person any
substance, if an exemption is in effect for
investigational use, for that person under the~~

~~provisions of Section 505 of the Federal Food,
Drug and Cosmetic Act, Title 21 of the United
States Code, Section 355, to the extent conduct
with respect to such substance is pursuant to
such exemption, or~~

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

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

~~38. "Tetrahydrocannabinols" means all substances that have been
chemically synthesized to emulate the tetrahydrocannabinols of
marijuana, specifically including any tetrahydrocannabinols derived
from industrial hemp;~~

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

1 ~~40. "Hazardous materials" means materials, whether solid,~~
2 ~~liquid or gas, which are toxic to human, animal, aquatic or plant~~
3 ~~life, and the disposal of which materials is controlled by state or~~
4 ~~federal guidelines;~~

5 ~~41. "Anhydrous ammonia" means any substance that exhibits~~
6 ~~eryogenic evaporative behavior and tests positive for ammonia;~~

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

13 ~~43. "Chronic pain" means pain that persists beyond the usual~~
14 ~~course of an acute disease or healing of an injury. Chronic pain~~
15 ~~may or may not be associated with an acute or chronic pathologic~~
16 ~~process that causes continuous or intermittent pain over months or~~
17 ~~years;~~

18 ~~44. "Initial prescription" means a prescription issued to a~~
19 ~~patient who:~~

- 20 ~~a. has never previously been issued a prescription for~~
21 ~~the drug or its pharmaceutical equivalent in the past~~
22 ~~year, or~~
23 ~~b. requires a prescription for the drug or its~~
24 ~~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
relation to the responsible use, discontinuation of
use, and storage of opioid drugs, including any
restrictions on the refill of prescriptions or the
acceptance of opioid prescriptions from practitioners,~~

- d. ~~identify the specific medications and other modes of treatment, including physical therapy or exercise, relaxation or psychological counseling, that are included as a part of the patient provider agreement,~~
- e. ~~specify the measures the practitioner may employ to monitor the compliance of the patient including, but not limited to, random specimen screens and pill counts, and~~
- f. ~~delineate the process for terminating the agreement, including the consequences if the practitioner has reason to believe that the patient is not complying with the terms of the agreement. Compliance with the "consent items" shall constitute a valid, informed consent for opioid therapy. The practitioner shall be held harmless from civil litigation for failure to treat pain if the event occurs because of nonadherence by the patient with any of the provisions of the patient provider agreement;~~

46. ~~"Serious illness" means a medical illness or physical injury or condition that substantially affects quality of life for more than a short period of time. Serious illness includes, but is not limited to, Alzheimer's disease or related dementias, lung disease, cancer, heart failure, renal failure, liver failure or~~

1 ~~chronic, unremitting or intractable pain such as neuropathic pain,~~
2 ~~and~~

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

14 SECTION 2. AMENDATORY 63 O.S. 2021, Section 2-106.2, is
15 amended to read as follows:

16 Section 2-106.2. A. The Oklahoma State Bureau of Narcotics and
17 Dangerous Drugs Control, ~~pursuant to rules promulgated by the~~
18 ~~Oklahoma State Bureau of Narcotics and Dangerous Drugs Control~~
19 ~~Commission,~~ is hereby authorized to:

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

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

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

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

10 SECTION 3. AMENDATORY 63 O.S. 2021, Section 2-204, as
11 last amended by Section 1, Chapter 120, O.S.L. 2023 (63 O.S. Supp.
12 2023, Section 2-204), is amended to read as follows:

13 Section 2-204. The controlled substances listed in this section
14 are included in Schedule I and include any material, compound,
15 mixture or preparation that contains any quantity of the following
16 hallucinogenic substances, their salts, isomers and salts of
17 isomers, unless specifically excepted, when the existence of these
18 salts, isomers and salts of isomers is possible within the specific
19 chemical designation.

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

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

1 25. Hydroxypethidine;
2 26. Isotonitazene;
3 27. Ketobemidone;
4 28. Levomoramide;
5 29. Levophenacylmorphane;
6 30. Metonitazene;
7 31. Morpheridine;
8 32. N-desethyl isotonitazene;
9 33. N-pyrrolidino protonitazene;
10 34. Noracymethadol;
11 ~~34.~~ 35. Norlevorphanol;
12 ~~35.~~ 36. Normethadone;
13 ~~36.~~ 37. Norpipanone;
14 ~~37.~~ 38. Phenadoxone;
15 ~~38.~~ 39. Phenampromide;
16 ~~39.~~ 40. Phenomorphan;
17 ~~40.~~ 41. Phenoperidine;
18 ~~41.~~ 42. Piritramide;
19 ~~42.~~ 43. Proheptazine;
20 ~~43.~~ 44. Properidine;
21 ~~44.~~ 45. Protonitazene;
22 ~~45.~~ 46. Racemoramide; or
23 ~~46.~~ 47. Trimeperidine.
24

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

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

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

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

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

1 52. N, N-diisopropyltryptamine;
2 53. N, N-dipropyltryptamine;
3 54. 5-methoxy-a-methyltryptamine;
4 55. 4-hydroxy-N, N-diethyltryptamine;
5 56. 4-hydroxy-N, N-diisopropyltryptamine;
6 57. 5-methoxy-N, N-diisopropyltryptamine;
7 58. 4-hydroxy-N-isopropyl-N-methyltryptamine;
8 59. 3,4-Methylenedioxy-methcathinone (Mephedrone);
9 60. 3,4-Methylenedioxy-pyrovalerone (MDPV);
10 61. 3-Methylmethcathinone (Metaphedrone);
11 62. 4-Methylmethcathinone (Mephedrone);
12 ~~62.~~ 63. 4-methoxymethcathinone;
13 ~~63.~~ 64. 4-Fluoromethcathinone;
14 ~~64.~~ 65. 3-Fluoromethcathinone;
15 ~~65.~~ 66. 1-(8-bromobenzo 1,2-b;4,5-b' difuran-4-yl)-2-
16 aminopropane;
17 ~~66.~~ 67. 2,5-Dimethoxy-4-chloroamphetamine;
18 ~~67.~~ 68. 4-Methylethcathinone;
19 ~~68.~~ 69. Pyrovalerone;
20 ~~69.~~ 70. N,N-diallyl-5-methoxytryptamine;
21 ~~70.~~ 71. 3,4-Methylenedioxy-N-ethylcathinone (Ethylone);
22 ~~71.~~ 72. B-keto-N-Methylbenzodioxolylbutanamine (Butylone);
23 ~~72.~~ 73. B-keto-Methylbenzodioxolylpentanamine (Pentylone);
24 ~~73.~~ 74. Alpha-Pyrrolidinopentiophenone;

1 ~~74.~~ 75. 4-Fluoroamphetamine;
2 ~~75.~~ 76. Pentedrone;
3 ~~76.~~ 77. 4'-Methyl-a-pyrrolidinohexaphenone;
4 ~~77.~~ 78. 2,5-dimethoxy-4-(n)-propylphenethylamine;
5 ~~78.~~ 79. 2,5-dimethoxyphenethylamine;
6 ~~79.~~ 80. 1,4-Dibenzylpiperazine;
7 ~~80.~~ 81. N,N-Dimethylamphetamine;
8 ~~81.~~ 82. 4-Fluoromethamphetamine;
9 ~~82.~~ 83. 4-Chloro-2,5-dimethoxy-N-(2-
10 methoxybenzyl)phenethylamine (25C-NBOMe);
11 ~~83.~~ 84. 4-Iodo-2,5-dimethoxy-N-(2-methoxybenzyl)phenethylamine
12 (25I-NBOMe);
13 ~~84.~~ 85. 4-Bromo-2,5-dimethoxy-N-(2-methoxybenzy)phenethylamine
14 (25B-NBOMe);
15 ~~85.~~ 86. 1-(4-Fluorophenyl)piperazine;
16 ~~86.~~ 87. Methoxetamine;
17 ~~87.~~ 88. 3,4-dichloro-N[2-dimethylamino)cyclohexyl]-N-
18 methylbenzamide;
19 ~~88.~~ 89. N-ethyl hexadrone;
20 ~~89.~~ 90. Isopropyl-U-47700;
21 ~~90.~~ 91. Para-fluorobutyrl fentanyl;
22 92. Para-fluorofentanyl (pFF);
23 ~~91.~~ 93. Fluoro isobutryrl fentanyl;
24 ~~92.~~ 94. 3-Hydroxy Phencyclidine (PCP);

~~93.~~ 95. 3-methoxy Phencyclidine (PCP);

~~94.~~ 96. Flualprazolam; or

~~95.~~ 97. Flubromazolam.

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

1. Fenethylline;

2. Mecloqualone;

3. N-ethylamphetamine;

4. Methaqualone;

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

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

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

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

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

4 10. N-ethylpentylone.

5 E. 1. The following industrial uses of Gamma-Butyrolactone,
6 Gamma Hydroxyvalerate, Gamma Valerolactone, or 1,4 Butanediol are
7 excluded from all schedules of controlled substances under this
8 title:

- 9 a. pesticides,
- 10 b. photochemical etching,
- 11 c. electrolytes of small batteries or capacitors,
- 12 d. viscosity modifiers in polyurethane,
- 13 e. surface etching of metal coated plastics,
- 14 f. organic paint disbursements for water soluble inks,
- 15 g. pH regulators in the dyeing of wool and polyamide
16 fibers,
- 17 h. foundry chemistry as a catalyst during curing,
- 18 i. curing agents in many coating systems based on
19 urethanes and amides,
- 20 j. additives and flavoring agents in food, confectionary,
21 and beverage products,
- 22 k. synthetic fiber and clothing production,
- 23 l. tetrahydrofuran production,
- 24 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 of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control 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.

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

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

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

1 F. Any material, compound, mixture, or preparation, whether
2 produced directly or indirectly from a substance of vegetable origin
3 or independently by means of chemical synthesis, or by a combination
4 of extraction and chemical synthesis, that contains any quantity of
5 the following substances, or that contains any of their salts,
6 isomers, and salts of isomers when the existence of these salts,
7 isomers, and salts of isomers is possible within the specific
8 chemical designation:

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

1	17.	JWH-072;
2	18.	JWH-073;
3	19.	JWH-076;
4	20.	JWH-079;
5	21.	JWH-080;
6	22.	JWH-081;
7	23.	JWH-082;
8	24.	JWH-094;
9	25.	JWH-096;
10	26.	JWH-098;
11	27.	JWH-116;
12	28.	JWH-120;
13	29.	JWH-122;
14	30.	JWH-145;
15	31.	JWH-146;
16	32.	JWH-147;
17	33.	JWH-148;
18	34.	JWH-149;
19	35.	JWH-150;
20	36.	JWH-156;
21	37.	JWH-167;
22	38.	JWH-175;
23	39.	JWH-180;
24	40.	JWH-181;

1	41.	JWH-182;
2	42.	JWH-184;
3	43.	JWH-185;
4	44.	JWH-189;
5	45.	JWH-192;
6	46.	JWH-193;
7	47.	JWH-194;
8	48.	JWH-195;
9	49.	JWH-196;
10	50.	JWH-197;
11	51.	JWH-198;
12	52.	JWH-199;
13	53.	JWH-200;
14	54.	JWH-201;
15	55.	JWH-202;
16	56.	JWH-203;
17	57.	JWH-204;
18	58.	JWH-205;
19	59.	JWH-206;
20	60.	JWH-207;
21	61.	JWH-208;
22	62.	JWH-209;
23	63.	JWH-210;
24	64.	JWH-211;

1	65.	JWH-212;
2	66.	JWH-213;
3	67.	JWH-234;
4	68.	JWH-235;
5	69.	JWH-236;
6	70.	JWH-237;
7	71.	JWH-239;
8	72.	JWH-240;
9	73.	JWH-241;
10	74.	JWH-242;
11	75.	JWH-243;
12	76.	JWH-244;
13	77.	JWH-245;
14	78.	JWH-246;
15	79.	JWH-248;
16	80.	JWH-249;
17	81.	JWH-250;
18	82.	JWH-251;
19	83.	JWH-252;
20	84.	JWH-253;
21	85.	JWH-262;
22	86.	JWH-292;
23	87.	JWH-293;
24	88.	JWH-302;

1	89.	JWH-303;
2	90.	JWH-304;
3	91.	JWH-305;
4	92.	JWH-306;
5	93.	JWH-307;
6	94.	JWH-308;
7	95.	JWH-311;
8	96.	JWH-312;
9	97.	JWH-313;
10	98.	JWH-314;
11	99.	JWH-315;
12	100.	JWH-316;
13	101.	JWH-346;
14	102.	JWH-348;
15	103.	JWH-363;
16	104.	JWH-364;
17	105.	JWH-365;
18	106.	JWH-367;
19	107.	JWH-368;
20	108.	JWH-369;
21	109.	JWH-370;
22	110.	JWH-371;
23	111.	JWH-373;
24	112.	JWH-386;

1	113.	JWH-387;
2	114.	JWH-392;
3	115.	JWH-394;
4	116.	JWH-395;
5	117.	JWH-397;
6	118.	JWH-398;
7	119.	JWH-399;
8	120.	JWH-400;
9	121.	JWH-412;
10	122.	JWH-413;
11	123.	JWH-414;
12	124.	JWH-415;
13	125.	CP-55, 940;
14	126.	CP-47, 497;
15	127.	HU-210;
16	128.	HU-211;
17	129.	WIN-55, 212-2;
18	130.	AM-2201;
19	131.	AM-2233;
20	132.	JWH-018 adamantyl-carboxamide;
21	133.	AKB48;
22	134.	JWH-122 N-(4-pentenyl) analog;
23	135.	MAM2201;
24	136.	URB597;

- 137. URB602;
- 138. URB754;
- 139. UR144;
- 140. XLR11;
- 141. A-796,260;
- 142. STS-135;
- 143. AB-FUBINACA;
- 144. AB-PINACA;
- 145. PB-22;
- 146. AKB48 N-5-Fluoropentyl;
- 147. AM1248;
- 148. FUB-PB-22;
- 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,

1 alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-
2 (N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-
3 2-pyrrolidinyl)methyl, 1-(N-methyl-3- morpholinyl)methyl,
4 (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or
5 halophenyl group, whether or not further substituted on the indole
6 ring to any extent, and whether or not substituted on the naphthyl
7 ring to any extent. Naphthoylindoles include, but are not limited
8 to:

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

- 1 o. 1-[1-(N-methyl-2-piperidinyl)methyl]-3-(1-
2 naphthoyl)indole (AM-1220),
3 p. 1-(5-fluoropentyl)-3-(4-methyl-1-naphthoyl)indole
4 (MAM-2201), or
5 q. 1-(4-cyanobutyl)-3-(1-naphthoyl)indole (AM-2232);

6 2. Naphthylmethylinroles: any compound containing a 1H-indol-3-
7 yl-(1-naphthyl)methane structure with or without substitution at the
8 nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl,
9 alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-
10 (N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-
11 2-pyrrolidinyl)methyl, 1-(N-methyl-3- morpholinyl)methyl,
12 (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or
13 halophenyl group, whether or not further substituted on the indole
14 ring to any extent, and whether or not substituted on the naphthyl
15 ring to any extent. Naphthylmethylinroles include, but are not
16 limited to, (1-pentylindol-3-yl)(1-naphthyl)methane (JWH-175);

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

1 the pyrrole ring to any extent, and whether or not substituted on
2 the naphthyl group to any extent. Naphthoylpyrroles include, but
3 are not limited to:

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

5 b. 1-pentyl-5-(2-methylphenyl)-3-(1-naphthoyl)pyrrole
6 (JWH-370),

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

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

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

21 5. Phenylacetylindoles: any compound containing a 3-
22 phenylacetylindole structure with or without substitution at the
23 nitrogen atom of the indole ring by alkyl, haloalkyl, cyanoalkyl,
24 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
- f. 1-pentyl-3-(3-methoxyphenylacetyl)indole (JWH-302);

6. Cyclohexylphenols: any compound containing a 2-(3-hydroxycyclohexyl)phenol structure with or without substitution at the 5-position of the phenolic 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, and whether or not further substituted on the cyclohexyl ring to any extent. Cyclohexylphenols include, but are not limited to:

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

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

- 19 a. 1-pentyl-3-(4-methoxybenzoyl)indole (RCS-4),
20 b. 1-[2-(4-morpholinyl)ethyl]-2-methyl-3-(4-
21 methoxybenzoyl)indole (Pravadoline or WIN 48, 098),
22 c. 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM-694),
23 d. 1-pentyl-3-(2-iodobenzoyl)indole (AM-679), or
24

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:

a. 1-pentyl-3-(2,2,3,3-tetramethylcyclopropoyl)indole (UR-144),

b. 1-(5-chloropentyl)-3-(2,2,3,3-tetramethylcyclopropoyl)indole (5Cl-UR-144), or

c. 1-(5-fluoropentyl)-3-(2,2,3,3-tetramethylcyclopropoyl)indole (XLR11);

9. Indole Amides: Any compound containing a 1H-Indole-3-carboxamide 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-

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

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

1 h. N-benzyl-1-(5-fluoropentyl)-1H-indole-3-carboxamide

2 (5F-SDB-006);

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

18 a. quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate (PB-
19 22),

20 b. quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-
21 carboxylate (5F-PB-22),

22 c. quinolin-8-yl 1-(cyclohexylmethyl)-1H-indole-3-
23 carboxylate (BB-22),
24

- d. naphthalen-1-yl 1-(4-fluorobenzyl)-1H-indole-3-carboxylate (FDU-PB-22), or
- e. naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate (NM2201);

11. Adamantanoylindoles: Any compound containing an adamantanyl-(1H-indol-3-yl)methanone 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 in 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-

1 2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl,
2 (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or
3 halophenyl group, with substitution at the carbon of the methanone
4 group by an adamantyl, naphthyl, phenyl, benzyl, quinolinyl,
5 cycloalkyl, 1-amino-3-methyl-1-oxobutan-2-yl, 1-amino-3,3-dimethyl-
6 1-oxobutan-2-yl, 1-methoxy-3-methyl-1-oxobutan-2-yl, 1-methoxy-3,3-
7 dimethyl-1-oxobutan-2-yl or pyrrole group, and whether or not
8 further substituted at the carbazole, adamantyl, naphthyl, phenyl,
9 pyrrole, quinolinyl, or cycloalkyl rings to any extent. Carbazole
10 Ketones include, but are not limited to, naphthalen-1-yl(9-pentyl-
11 9H-carbazol-3-yl)methanone (EG-018);

12 13. Benzimidazole Ketone: Any compound containing
13 (benzimidazole-2-yl) methanone structure with or without
14 substitution at either nitrogen atom of the benzimidazole ring by an
15 alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl,
16 cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-2-
17 piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-
18 pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl,
19 (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or
20 halophenyl group, with substitution at the carbon of the methanone
21 group by an adamantyl, naphthyl, phenyl, benzyl, quinolinyl,
22 cycloalkyl, 1-amino-3-methyl-1-oxobutan-2-yl, 1-amino-3,3-dimethyl-
23 1-oxobutan-2-yl, 1-methoxy-3-methyl-1-oxobutan-2-yl, 1-methoxy-3,3-
24 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, Section 355, that is designated, rescheduled or deleted as a controlled substance under federal law by the United States Drug Enforcement Administration shall be excluded from Schedule I and shall be prescribed, distributed, dispensed or used in accordance with federal law upon the issuance of a notice, final rule or interim final rule by the United States Drug Enforcement Administration designating, rescheduling or deleting as a controlled substance such a drug product under federal law, unless and until the State Board of Pharmacy takes action pursuant to Section 2-201 of this title. If the Board of Pharmacy does not take action pursuant to Section 2-201 of this title, the drug product shall be

1 deemed to be designated, rescheduled or deleted as a controlled
2 substance in accordance with federal law and in compliance with the
3 Uniform Controlled Dangerous Substances Act.

4 SECTION 4. AMENDATORY 63 O.S. 2021, Section 2-304, as
5 last amended by Section 3, Chapter 375, O.S.L. 2023 (63 O.S. Supp.
6 2023, Section 2-304), is amended to read as follows:

7 Section 2-304. A. A registration, pursuant to Section 2-303 of
8 this title, to manufacture, distribute, dispense, prescribe,
9 administer or use for scientific purposes a controlled dangerous
10 substance shall be limited, conditioned, denied, suspended,
11 annulled, or revoked by the Director of the Oklahoma State Bureau of
12 Narcotics and Dangerous Drugs Control upon a finding that the
13 registrant or applicant:

14 1. Has materially falsified any application filed pursuant to
15 the Uniform Controlled Dangerous Substances Act or required by the
16 Uniform Controlled Dangerous Substances Act. It shall be unlawful
17 to knowingly ~~and willfully~~ or intentionally:

18 a. make false statements, include false data or omit
19 material information on an application for a
20 registration with the Oklahoma State Bureau of
21 Narcotics and Dangerous Drugs Control, or

22 b. provide false data or omit material information in any
23 records or reports required by rule or law to be
24 created, maintained or submitted to the Bureau.

1 ~~Any registrant or applicant for a registration or any official,~~
2 ~~agent or employee of any registrant or applicant for a registration~~
3 ~~who violates the provisions of this paragraph shall be guilty of a~~
4 ~~misdemeanor and additionally subject to administrative action;~~

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

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

14 4. Has failed to maintain effective controls against the
15 diversion of controlled dangerous substances to unauthorized persons
16 or entities;

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

20 6. Has had a restriction, suspension, revocation, limitation,
21 condition or probation placed on his or her professional license or
22 certificate or practice as a result of a proceeding pursuant to the
23 general statutes;

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

3 8. Has prescribed, sold, administered or ordered any controlled
4 dangerous substance for an immediate family member, himself or
5 herself; provided that this shall not apply to a medical emergency
6 when no other doctor is available to respond to the emergency;

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

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

16 11. Has violated any federal law relating to any controlled
17 dangerous substances, any provision of the Uniform Controlled
18 Dangerous Substances Act or any rules of the Oklahoma State Bureau
19 of Narcotics and Dangerous Drugs Control.

20 B. In the event the Director suspends or revokes a registration
21 granted under Section 2-303 of this title, all controlled dangerous
22 substances owned or possessed by the registrant pursuant to such
23 registration at the time of revocation or suspension or the
24 effective date of the revocation order, as the case may be, may in

1 the discretion of the Director be impounded and preserved. All
2 controlled dangerous substances not impounded or preserved by the
3 Director shall be maintained by the registrant. ~~No~~ Upon issuance of
4 a revocation order, no disposition, purchase, distribution, sale, or
5 transfer may be made of controlled dangerous substances until the
6 time for taking an appeal has elapsed or until all appeals have been
7 concluded unless a court, upon application therefor, orders the sale
8 of perishable substances and the deposit of the proceeds of the sale
9 with the court to be distributed to the prevailing party. Upon a
10 revocation order becoming final, all such controlled dangerous
11 substances shall be forfeited to the state or otherwise ~~considered~~
12 ~~waste and submitted to a licensed waste disposal service for~~
13 ~~destruction pursuant to Section 430 of this title~~ in accordance with
14 applicable law and by order of the Director.

15 C. The Drug Enforcement Administration shall promptly be
16 notified of all orders suspending or revoking registration and all
17 forfeitures of controlled dangerous substances.

18 SECTION 5. AMENDATORY 63 O.S. 2021, Section 2-305, as
19 last amended by Section 4, Chapter 375, O.S.L. 2023 (63 O.S. Supp.
20 2023, Section 2-305), is amended to read as follows:

21 Section 2-305. A. In addition to any other remedies provided
22 for by law, the Director shall issue a written order to be served on
23 the parties before annulling, conditioning, suspending or revoking
24 any registration that the Director has reason to believe is

1 operating inconsistent with any provision of Section 2-303 of this
2 title, pursuant to Section 2-304 of this title or otherwise where
3 there has been a violation of any federal law, any rule or
4 regulation of the Drug Enforcement Administration, any provision of
5 the Uniform Controlled Dangerous Substances Act, or any rules or
6 regulations of the Oklahoma State Bureau of Narcotics and Dangerous
7 Drugs Control.

8 B. The written order shall state with specificity the nature of
9 the violation or basis for the action. The Director may impose any
10 disciplinary action authorized by the Uniform Controlled Dangerous
11 Substances Act or rules of the Oklahoma State Bureau of Narcotics
12 and Dangerous Drugs Control including, but not limited to, the
13 assessment of monetary penalties.

14 C. Any written order issued pursuant to the provisions of this
15 section shall become a final order unless the registrant requests an
16 administrative hearing in accordance with the rules and regulations
17 promulgated by the Director within thirty (30) days of issuance.
18 Upon such request, the Director shall promptly initiate
19 administrative proceedings and serve formal notice of the
20 proceedings pursuant to Section 309 of Title 75 of the Oklahoma
21 Statutes. Nothing in this section shall be construed so as to
22 require an individual proceeding for the denial of a new application
23 for registration.

1 D. The Director may authorize the Deputy Director or the
2 General Counsel of the Oklahoma State Bureau of Narcotics and
3 Dangerous Drugs Control to initiate any individual proceedings under
4 this title. Nothing in this section shall be construed so as to
5 delegate the authority of the Director to issue a final agency order
6 of an individual proceeding adverse to a party. If a party fails to
7 request an administrative hearing in a timely manner, the written
8 order as issued shall be deemed adopted by the Director as the final
9 agency order concerning the matter without further action by the
10 Director.

11 E. All proceedings shall be conducted in accordance with the
12 Administrative Procedures Act and the rules and regulations of the
13 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control
14 without regard to any criminal prosecution or other proceeding.

15 1. Proceedings to refuse renewal, revoke, or suspend a
16 registration shall not abate the existing registration which shall
17 remain in effect pending the outcome of those administrative
18 proceedings; provided, the registrant submits timely and sufficient
19 renewal applications annually. This abatement shall not apply when
20 the Director finds there is an imminent danger to the public health
21 or safety requiring an immediate suspension.

22 2. The Director may delegate to an administrative hearing
23 officer the authority to conduct hearings and recommend action for
24

1 final agency orders in accordance with the rules and regulations of
2 the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control.

3 F. The Director may issue an order immediately suspending a
4 registration, without notice or a hearing, when he or she finds
5 there is imminent danger to the public health or safety which
6 warrants this action. The suspension shall continue in effect until
7 the conclusion of any administrative proceedings, including judicial
8 review thereof, unless sooner withdrawn by the Director or dissolved
9 by a court of competent jurisdiction. The order shall state the
10 existence of an emergency requiring action be taken that the
11 Director deems necessary to meet the emergency. Such action may
12 include, but is not limited to, ordering the registrant to
13 immediately cease and desist operations. The order shall be
14 effective immediately upon issuance. Any person to whom the order
15 is directed shall comply immediately with the provisions of the
16 order. The Director may assess a penalty not to exceed Ten Thousand
17 Dollars (\$10,000.00) per day of noncompliance with the order. In
18 assessing such a penalty, the Director shall consider the
19 seriousness of the violation and any efforts to comply with
20 applicable requirements. ~~Upon application to the Director, the~~
21 ~~registrant shall be offered a hearing within thirty (30) days of the~~
22 ~~issuance of the order.~~

23 G. In lieu of or in addition to any other remedies available to
24 the Director, if a finding is made that a registrant has committed

1 any act in violation of federal law relating to any controlled
2 substance, any provision of the Uniform Controlled Dangerous
3 Substances Act or any rules of the Oklahoma State Bureau of
4 Narcotics and Dangerous Drugs Control, the Director is hereby
5 authorized to assess an administrative penalty not to exceed Five
6 Thousand Dollars (\$5,000.00) per day for each such act. The
7 provisions of this subsection shall not apply to violations of
8 subsection G of Section 2-309D of this title. Nothing in this
9 section shall be construed so as to permit the Director of the
10 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control to
11 assess administrative fines for violations of the provisions of
12 subsection G of Section 2-309D of this title.

13 H. If a judge of competent jurisdiction finds probable cause
14 that a registrant has possessed, transferred, sold, or offered for
15 sale any controlled dangerous substance in violation of this act,
16 all controlled dangerous substances in Schedule I of Section 2-204
17 of this title and all controlled dangerous substances in Schedules
18 II, III, IV, and V that are not in properly labeled containers in
19 accordance with this act then in the possession of the registrant
20 shall be deemed contraband and shall be seized and summarily
21 forfeited pursuant to Section 2-505 of this title. Samples shall be
22 retained of all controlled dangerous substances seized in accordance
23 with Section 2-508 of this title as required. The Director is

24

1 authorized to assess an eradication or destruction fine not to
2 exceed Fifty Thousand Dollars (\$50,000.00) against the registrant.

3 ~~H.~~ I. Upon an annulment, revocation, or denial of a
4 registration the Director may prohibit the registrant or applicant
5 from reapplying for registration for a period up to five (5) years
6 following the date of the final order. The length of any
7 prohibition shall not be used as grounds to contest the validity of
8 the annulment, revocation, or denial of a registration.

9 SECTION 6. AMENDATORY 63 O.S. 2021, Section 2-309, as
10 amended by Section 2, Chapter 304, O.S.L. 2023 (63 O.S. Supp. 2023,
11 Section 2-309), is amended to read as follows:

12 Section 2-309. A. 1. Except for dosages medically required
13 for a period not to exceed forty-eight (48) hours which are
14 administered by or on direction of a practitioner, other than a
15 pharmacist, or medication dispensed directly by a practitioner,
16 other than a pharmacist, to an ultimate user, no controlled
17 dangerous substance included in Schedule II, which is a prescription
18 drug as determined under regulation promulgated by the Board of
19 Pharmacy, shall be dispensed without an electronic prescription of a
20 practitioner; provided, that in emergency situations, as prescribed
21 by the Board of Pharmacy by regulation, such drug may be dispensed
22 upon oral prescription reduced promptly to writing and filed by the
23 pharmacist in a manner to be prescribed by rules and regulations of
24

1 the Director of the Oklahoma State Bureau of Narcotics and Dangerous
2 Drugs Control.

3 2. Electronic prescribing shall be utilized for Schedules II,
4 III, IV and V, subject to the requirements set forth in 21 CFR,
5 Section 1311 et seq.

6 3. An electronic prescription with electronic signature may
7 serve as an original prescription, subject to the requirements set
8 forth in 21 CFR, Section 1311 et seq.

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

12 5. The electronic prescription requirement provided for in this
13 section shall not apply to prescriptions for controlled dangerous
14 substances issued by any of the following:

- 15 a. a person licensed to practice veterinary medicine,
- 16 b. a practitioner who experiences temporary technological
17 or electrical failure or other extenuating
18 circumstance that prevents the prescription from being
19 transmitted electronically; provided, however, that
20 the practitioner documents the reason for this
21 exception in the medical record of the patient,
- 22 c. a practitioner, other than a pharmacist, who dispenses
23 directly to an ultimate user,

24

1 d. a practitioner who orders a controlled dangerous
2 substance to be administered through an on-site
3 pharmacy in:

4 (1) a hospital as defined in Section 1-701 of this
5 title,

6 (2) a nursing facility as defined in Section 1-1902
7 of this title,

8 (3) a hospice inpatient facility as defined in
9 Section 1-860.2 of this title,

10 (4) an outpatient dialysis facility,

11 (5) a continuum of care facility as defined in
12 Section 1-890.2 of this title, or

13 (6) a penal institution listed in Section 509 of
14 Title 57 of the Oklahoma Statutes,

15 e. a practitioner who orders a controlled dangerous
16 substance to be administered through a hospice program
17 including but not limited to a hospice program that
18 provides hospice services in the private residence of
19 a patient or in a long-term care facility where the
20 patient resides. As used in this subparagraph,
21 "hospice program" has the same meaning as provided by
22 Section 1-860.2 of this title,

23 f. a practitioner who writes a prescription to be
24 dispensed by a pharmacy located on federal property,

provided the practitioner documents the reason for
this exception in the medical record of the patient,
~~or~~

g. a practitioner that has received a waiver or extension
from his or her licensing board,

h. a practitioner who prescribes a controlled dangerous
substance for a supply that when taken as prescribed
would be consumed within seventy-two (72) hours, or

i. a practitioner who determines that an electronic
prescription cannot be issued in a timely manner and
the condition of the patient is at risk.

6. Electronic prescriptions ~~shall not~~ may be utilized under the
following circumstances:

a. ~~compound compounded prescriptions containing two or
more commercially available products or two or more
active pharmaceutical ingredients,~~

b. compounded infusion prescriptions ~~containing two or
more commercially available products or two or more
active pharmaceutical ingredients, or~~

c. prescriptions issued under approved research
protocols, ~~or~~

~~d. if the practitioner determines that an electronic
prescription cannot be issued in a timely manner and
the condition of the patient is at risk.~~

1 7. A pharmacist who receives a written, oral or facsimile
2 prescription shall not be required to verify that the prescription
3 falls under one of the exceptions provided for in paragraph 6 of
4 this subsection. Pharmacists may continue to dispense medications
5 from otherwise valid written, oral or facsimile prescriptions that
6 are consistent with the provisions of this section.

7 8. Practitioners shall indicate in the health record of a
8 patient that an exception to the electronic prescription requirement
9 was utilized.

10 9. All prescriptions issued pursuant to ~~paragraphs~~ paragraph 5
11 and subparagraph c of paragraph 6 of this subsection shall be ~~issued~~
12 on an official prescription form ~~provided~~ approved by the Oklahoma
13 State Bureau of Narcotics and Dangerous Drugs Control if not issued
14 electronically.

15 10. a. ~~Effective January 1, 2020, practitioners~~ Practitioners
16 shall ~~register~~ be registered with the Oklahoma State
17 Bureau of Narcotics and Dangerous Drugs Control in
18 order to ~~be issued~~ purchase official prescription
19 forms. Such registration shall include, but not be
20 limited to, the primary address and the address of
21 each place of business to be imprinted on official
22 prescription forms. Any change to a registered
23 practitioner's registered address shall be promptly
24 reported to the practitioner's licensing board and the

1 Bureau by the practitioner in a manner approved by the
2 Bureau.

3 b. ~~A practitioner's registration shall be without fee and~~
4 ~~subject to approval by the Bureau. Such registration~~
5 ~~shall be valid for a period of two (2) years and may~~
6 ~~be denied, suspended or revoked by the Bureau upon a~~
7 ~~finding by the Bureau or licensing board that the~~
8 ~~registered practitioner has had any license to~~
9 ~~practice a medical profession revoked or suspended by~~
10 ~~any state or federal agency.~~

11 ~~c.~~ Where the Bureau has revoked the registration of a
12 registered practitioner, the Bureau may revoke or
13 cancel any official prescription forms in the
14 possession of the registered practitioner. Any
15 revocation or any suspension shall require the
16 registered practitioner to return all unused official
17 prescription forms to the Bureau within fifteen (15)
18 calendar days after the date of the written
19 notification.

20 ~~d.~~

21 c. A practitioner that has had any license to practice
22 terminated, revoked or suspended by a state or federal
23 agency may, upon restoration of such license or
24

1 certificate, register ~~to be issued official~~
2 ~~prescription forms~~ with the Bureau.

3 11. a. ~~Except as provided in subparagraph f of this~~
4 ~~paragraph, the Bureau shall issue official~~ Official
5 ~~prescription forms free of charge only to registered~~
6 ~~practitioners in this state. Such forms shall not be~~
7 ~~transferable. The number of official prescription~~
8 ~~forms issued to a registered~~ shall be purchased at the
9 expense of the practitioner at any time shall be at
10 the discretion of or the employer of the practitioner
11 from a list of vendors approved by the Bureau.

12 b. Official prescription forms issued to a registered
13 practitioner shall be imprinted ~~only~~ with the primary
14 address and may include other addresses listed on the
15 registration of the practitioner to identify the place
16 of origin. Such prescriptions shall be sent only to
17 the primary address of the registered practitioner.

18 c. Official prescription forms ~~issued to~~ of a registered
19 practitioner shall be used only by the practitioner ~~to~~
20 ~~whom they are issued~~ designated on the official
21 prescription form.

22 d. The Bureau may revoke or cancel official prescription
23 forms in possession of registered practitioners when
24

1 the license of such practitioner is suspended,
2 terminated or revoked.

3 e. Official prescription forms of registered
4 practitioners who are deceased or who no longer
5 prescribe shall be returned to the Bureau at a
6 designated address. If the registered practitioner is
7 deceased, it is the responsibility of the registered
8 practitioner's estate or lawful designee to return
9 such forms.

10 f. The Bureau may issue official prescription forms to
11 employees or agents of the Bureau and other government
12 agencies for the purpose of preventing, identifying,
13 investigating and prosecuting unacceptable or illegal
14 practices by providers and other persons and assisting
15 in the recovery of overpayments under any program
16 operated by the state or paid for with state funds.
17 Such prescription forms shall be issued for this
18 purpose only to individuals who are authorized to
19 conduct investigations on behalf of the Bureau or
20 other government agencies as part of their official
21 duties. Individuals and agencies receiving such
22 prescription forms for this purpose shall provide
23 appropriate assurances to the Bureau that adequate
24 safeguards and security measures are in place to

1 prevent the use of such prescription forms for
2 anything other than official government purposes.

3 12. a. Adequate safeguards and security measures shall be
4 undertaken by registered practitioners holding
5 official prescription forms to assure against the
6 loss, destruction, theft or unauthorized use of the
7 forms. Registered practitioners shall maintain a
8 sufficient but not excessive supply of such forms in
9 reserve.

10 b. Registered practitioners shall immediately notify the
11 Bureau, in a manner designated by the Bureau, upon
12 their knowledge of the loss, destruction, theft or
13 unauthorized use of any official prescription forms
14 issued to them, as well as the failure to receive
15 official prescription forms within a reasonable time
16 after ordering them from the Bureau.

17 c. Registered practitioners shall immediately notify the
18 Bureau upon their knowledge of any diversion or
19 suspected diversion of drugs pursuant to the loss,
20 theft or unauthorized use of prescriptions.

21 B. 1. Except for dosages medically required for a period not
22 to exceed seventy-two (72) hours which are administered by or on
23 direction of a practitioner, other than a pharmacist, or medication
24 dispensed directly by a practitioner, other than a pharmacist, to an

1 ultimate user, or the circumstances provided for in paragraphs 5 and
2 6 of subsection A of this section, no controlled dangerous substance
3 included in Schedule III or IV, which is a prescription drug as
4 determined under regulation promulgated by the Board of Pharmacy,
5 shall be dispensed without an electronic prescription.

6 2. Any prescription for a controlled dangerous substance in
7 Schedule III, IV or V may not be filled or refilled more than six
8 (6) months after the date thereof or be refilled more than five
9 times after the date of the prescription, unless renewed by the
10 practitioner.

11 C. Whenever it appears to the Director of the Oklahoma State
12 Bureau of Narcotics and Dangerous Drugs Control that a drug not
13 considered to be a prescription drug under existing state law or
14 regulation of the Board of Pharmacy should be so considered because
15 of its abuse potential, the Director shall so advise the Board of
16 Pharmacy and furnish to the Board all available data relevant
17 thereto.

18 D. 1. "Prescription", as used in this section, means a
19 written, oral or electronic order by a practitioner to a pharmacist
20 for a controlled dangerous substance for a particular patient, which
21 specifies the date of its issue, and the full name and address of
22 the patient and, if the controlled dangerous substance is prescribed
23 for an animal, the species of the animal, the name and quantity of
24 the controlled dangerous substance prescribed, the directions for

1 use, the name and address of the owner of the animal and, if
2 written, the signature of the practitioner. When electronically
3 prescribed, the full name of the patient may include the name and
4 species of the animal.

5 2. "Registered practitioner", as used in this section, means a
6 licensed practitioner duly registered with the Oklahoma State Bureau
7 of Narcotics and Dangerous Drugs Control authorized to ~~be issued~~
8 purchase official prescription forms.

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

14 SECTION 7. AMENDATORY 63 O.S. 2021, Section 2-406, as
15 amended by Section 2, Chapter 235, O.S.L. 2023 (63 O.S. Supp. 2023,
16 Section 2-406), is amended to read as follows:

17 Section 2-406. A. It shall be unlawful for any registrant or
18 person applying for registration to knowingly or intentionally:

19 1. ~~To distribute~~ Distribute, other than by dispensing or as
20 otherwise authorized by the Uniform Controlled Dangerous Substances
21 Act, a controlled dangerous substance classified in Schedules I or
22 II, in the course of his or her legitimate business, except pursuant
23 to an order form as required by Section 2-308 of this title;

1 2. ~~To use~~ Use in the course of the manufacture or distribution
2 of a controlled dangerous substance a registration number which is
3 fictitious, revoked, suspended or issued to another person;

4 3. ~~To acquire~~ Acquire or obtain possession of a controlled
5 dangerous substance by misrepresentation, fraud, forgery, deception
6 or subterfuge;

7 4. ~~To furnish~~ Furnish false or fraudulent material information
8 in, or omit any material information from, any application, report,
9 or other document required to be kept or filed under the Uniform
10 Controlled Dangerous Substances Act, or any record required to be
11 kept by the Uniform Controlled Dangerous Substances Act;

12 5. ~~To make~~ Make, distribute, or possess any punch, die, plate,
13 stone, or other thing designed to print, imprint, or reproduce the
14 trademark, trade name, or other identifying mark, imprint, or device
15 of another or any likeness of any of the foregoing upon any drug or
16 container or labeling thereof so as to render such drug a
17 counterfeit controlled dangerous substance; and

18 6. ~~To purchase~~ Purchase, or attempt, endeavor, or conspire to
19 obtain or purchase, any license or registration required to
20 distribute, possess, prescribe, or manufacture any controlled
21 dangerous substance on behalf of, or at the request or demand of,
22 any other person through the use of a straw person or straw party.

23 B. Any person who violates this section is guilty of a felony
24 punishable by imprisonment for not more than twenty (20) years or a

1 fine not more than Two Hundred Fifty Thousand Dollars (\$250,000.00),
2 or both.

3 C. Any person convicted of a second or subsequent violation of
4 this section is punishable by a term of imprisonment twice that
5 otherwise authorized and by twice the fine otherwise authorized.
6 Convictions for second or subsequent violations of this section
7 shall not be subject to statutory provisions for suspended
8 sentences, deferred sentences, or probation.

9 D. Any person convicted of any offense described in this
10 section shall, in addition to any fine imposed, pay a special
11 assessment trauma-care fee of One Hundred Dollars (\$100.00) to be
12 deposited into the Trauma Care Assistance Revolving Fund created in
13 Section 1-2530.9 of this title.

14 SECTION 8. REPEALER 63 O.S. 2021, Sections 2-101, as
15 amended by Section 10, Chapter 91, O.S.L. 2019, as last amended by
16 Section 1, Chapter 235, O.S.L. 2023, and as last amended by Section
17 1, Chapter 304, O.S.L. 2023, 2-304, as amended by Section 1, Chapter
18 176, O.S.L. 2023, 2-305, as amended by Section 2, Chapter 176,
19 O.S.L. 2023, 2-309, as amended by Section 1, Chapter 333, O.S.L.
20 2021, 2-402, as amended by Section 1, Chapter 220, O.S.L. 2016, and
21 2-406, as last amended by Section 7, Chapter 375, O.S.L. 2023 (63
22 O.S. Supp. 2023, Sections 2-101, 2-304, 2-305, and 2-406), are
23 hereby repealed.

1 SECTION 9. It being immediately necessary for the preservation
2 of the public peace, health or safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.

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