

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

COMMITTEE SUBSTITUTE  
FOR

SENATE BILL 1698

By: Rader

COMMITTEE SUBSTITUTE

An Act relating to controlled dangerous substances; amending 63 O.S. 2021, Section 2-315, which relates to submission of out-of-date controlled dangerous substances for destruction; modifying applicability of certain provisions; modifying terminology; removing certain limitations on disposal of controlled dangerous substances; requiring compliance with federal regulation; allowing ultimate user to submit own drugs for disposal under certain conditions; permitting disposal of decedent's prescribed drugs under certain conditions; authorizing qualified hospice program to dispose of decedent's prescribed drugs under certain conditions; requiring completion, witness, and submission of certain form; defining terms; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 2021, Section 2-315, is amended to read as follows:

Section 2-315. A. Except as otherwise provided by law, any person required to obtain an annual registration pursuant to Section 2-302 of this title, or any group home, or residential care home as defined by Section 1-820 of this title shall ~~submit for destruction~~

1 dispose of, in accordance with 21 C.F.R., Part 1317, all controlled  
2 dangerous substances which are out of date, which are unwanted,  
3 unused or which are abandoned by their owner at their facility due  
4 to death or other circumstances.

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

20 C. 1. Controlled dangerous substances submitted to the  
21 Oklahoma State Bureau of Investigation ~~pursuant to the provisions of~~  
22 ~~this section~~ shall be destroyed pursuant to the procedures provided  
23 in subsection A of Section 2-508 of this title.  
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1        2. Controlled dangerous substances submitted to any  
2 distributors, reverse distributors or their original registered  
3 suppliers ~~pursuant to the provisions of this section~~ shall be  
4 destroyed ~~by incineration so as to make the substance absolutely~~  
5 ~~unusable for human purposes~~ in accordance with 21 C.F.R., Part 1317.

6 An official record listing the property destroyed, the location of  
7 destruction and disposal, and the name and title of the person  
8 supervising the destruction and disposal shall be submitted to the  
9 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control and  
10 the federal Drug Enforcement Administration office located nearest  
11 the destruction site.

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

20        E. 1. An ultimate user who has lawfully obtained a controlled  
21 dangerous substance in accordance with state and federal law may,  
22 without being registered under Section 2-302 of this title, deliver  
23 the controlled dangerous substance to an authorized person for the  
24

1 purpose of disposal of the controlled dangerous substance under the  
2 conditions provided by 21 U.S.C., Section 822(g) (1).

3 2. If a person dies while lawfully in possession of a  
4 controlled dangerous substance for personal use, any person lawfully  
5 entitled to dispose of the decedent's property may deliver the  
6 controlled dangerous substance to another person for the purpose of  
7 disposal under the conditions provided by 21 U.S.C., Section  
8 822(g) (4).

9 3. a. In the case of a decedent who was receiving hospice  
10 care at the time of death, an employee of a qualified  
11 hospice program, acting within the scope of his or her  
12 employment, may handle, without being registered under  
13 Section 2-302 of this title, any controlled dangerous  
14 substance that was lawfully dispensed to the decedent  
15 prior to death, under the conditions provided by 21  
16 U.S.C., Section 822(g) (5). Such employee shall, under  
17 penalty of perjury, complete, sign, and submit to the  
18 Oklahoma State Bureau of Narcotics and Dangerous Drugs  
19 Control a form to be prescribed by the Bureau. The  
20 form shall also be signed by a witness who is either a  
21 second employee of the qualified hospice program or a  
22 family member of the decedent.

23 b. As used in this paragraph:  
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1           (1) "employee of a qualified hospice program" has the  
2           same meaning as provided by 21 U.S.C., Section  
3           822(g) (5) (B), and

4           (2) "qualified hospice program" means a qualified  
5           hospice program as defined in 21 U.S.C., Section  
6           822(g) (5) (B) that is licensed under the Oklahoma  
7           Hospice Licensing Act and registered under  
8           Section 2-302 of this title.

9       F. This section shall constitute a part of the Uniform  
10 Controlled Dangerous Substances Act.

11       SECTION 2. This act shall become effective November 1, 2024.

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