

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

COMMITTEE SUBSTITUTE  
FOR

SENATE BILL 945

By: Jech

COMMITTEE SUBSTITUTE

An Act relating to the Uniform Controlled Dangerous Substances Act; amending 63 O.S. 2021, Section 2-303, which relates to the registration and regulation of manufacture, distribution, dispensing, prescribing, administering, and using for scientific purposes of controlled dangerous substances; increasing certain registration fee; updating statutory reference; and declaring an emergency.

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

SECTION 1. AMENDATORY 63 O.S. 2021, Section 2-303, is amended to read as follows:

Section 2-303. A. The Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control shall register an applicant to own a medical facility as described in subsection C of Section 2-302 of this title, or to manufacture, distribute, dispense, prescribe, administer or use for scientific purposes controlled dangerous substances included in Schedules I through V of Section 2-101 et seq. of this title unless the Director determines that the issuance of such registration is inconsistent with the public interest. In

1 determining the public interest, the following factors shall be  
2 considered:

3 1. Maintenance of effective controls against diversion of  
4 particular controlled dangerous substances and any Schedule I or II  
5 substance compounded therefrom into other than legitimate medical,  
6 scientific or industrial channels, including examination of the  
7 fitness of his or her employees or agents to handle dangerous  
8 substances;

9 2. Compliance with applicable state and local law;

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

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

18 5. Past experience in the manufacture, distribution,  
19 dispensing, prescribing, administering or use for scientific  
20 purposes of controlled dangerous substances, and the existence in  
21 the establishment of effective controls against diversion;

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

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

3        Nothing herein shall be deemed to require individual licensed  
4 pharmacists to register under the provisions of the Uniform  
5 Controlled Dangerous Substances Act.

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

11        C. Practitioners shall be registered to dispense, prescribe,  
12 administer or use for scientific purposes substances in Schedules II  
13 through V if they are authorized to carry on their respective  
14 activities under the laws of this state. A registration application  
15 by a practitioner who wishes to conduct research with Schedule I  
16 substances shall be accompanied by evidence of the applicant's  
17 federal registration to conduct such activity and shall be referred  
18 to the Medical Research Commission for advice. The Medical Research  
19 Commission shall promptly advise the Director concerning the  
20 qualifications of each practitioner requesting such registration.  
21 Registration for the purpose of bona fide research or of use for  
22 scientific purposes with Schedule I substances by a practitioner  
23 deemed qualified by the Medical Research Commission may be denied  
24 only on a ground specified in subsection A of Section 2-304 of this

1 title or if there are reasonable grounds to believe that the  
2 applicant will abuse or unlawfully transfer such substances or fail  
3 to safeguard adequately such applicant's supply of such substances  
4 against diversion from legitimate medical or scientific use.

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

11 Practitioners and mid-level

12 practitioners	\$140.00	per year
		of registration

14 Home Care Agencies, Hospices &

15 Home Care Services	\$140.00	annually
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16 Medical Facility Owners	\$300.00	annually
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17 Distributors	\$300.00	annually
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18 Manufacturers	<del>\$500.00</del>	<u>\$2,500.00</u> annually
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19 Manufacturer, Wholesaler, or

20 Distributor of drug products

21 containing pseudoephedrine

22 or phenylpropanolamine	\$300.00	annually
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1        2. A registrant shall be required to pay double the amount of  
2 the above-listed fee for any renewal of registration received more  
3 than thirty (30) days late.

4        3. A Ten Dollar (\$10.00) fee shall be charged for a duplicate  
5 registration certificate.

6        E. Compliance by manufacturers and distributors with the  
7 provisions of the Federal Controlled Substances Act, 21 U.S.C.,  
8 Section 801 et seq., respecting registration, excluding fees, shall  
9 be deemed sufficient to qualify for registration under ~~this act~~  
10 Section 2-101 et seq. of this title.

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

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