

1 ENGROSSED SENATE
2 BILL NO. 1943

By: Paxton of the Senate

3 and

4 Pfeiffer of the House

5
6 An Act relating to the Uniform Controlled Dangerous
7 Substances Act; amending 63 O.S. 2021, Section 2-302,
8 as amended by Section 1, Chapter 103, O.S.L. 2023 (63
9 O.S. Supp. 2023, Section 2-302), which relates to
10 registration requirements; setting expiration of
11 registration and requirement for application
12 annually; requiring certain disclosure at
13 application; providing exception; prohibiting
14 transfer of registration; amending 63 O.S. 2021,
15 Section 2-303, as amended by Section 1, Chapter 31,
16 1st Extraordinary Session, O.S.L. 2023 (63 O.S. Supp.
17 2023, Section 2-303), which relates to registration;
18 removing ability for persons to be initially
19 permitted and certain fees associated with
20 registration; providing for promulgation of rules;
21 updating statutory language; and providing an
22 effective date.

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

24 SECTION 1. AMENDATORY 63 O.S. 2021, Section 2-302, as
amended by Section 1, Chapter 103, O.S.L. 2023 (63 O.S. Supp. 2023,
Section 2-302), is amended to read as follows:

Section 2-302. A. Every person who manufactures, distributes,
dispenses, prescribes, administers or uses for scientific purposes
any controlled dangerous substance within or into this state, or who
proposes to engage in the manufacture, distribution, dispensing,

1 prescribing, administering or use for scientific purposes of any
2 controlled dangerous substance within or into this state shall
3 obtain a registration issued by the Director of the Oklahoma State
4 Bureau of Narcotics and Dangerous Drugs Control, in accordance with
5 rules promulgated by the Director. Persons registered by the
6 Director under Section 2-101 et seq. of this title to manufacture,
7 distribute, dispense or conduct research with controlled dangerous
8 substances may possess, manufacture, distribute, dispense or conduct
9 research with those substances to the extent authorized by their
10 registration and in conformity with the other provisions of the
11 Uniform Controlled Dangerous Substances Act. Every wholesaler,
12 manufacturer or distributor of any drug product containing
13 pseudoephedrine or phenylpropanolamine, or their salts, isomers or
14 salts of isomers, shall obtain a registration issued by the Director
15 of the Oklahoma State Bureau of Narcotics and Dangerous Drugs
16 Control in accordance with rules promulgated by the Director and as
17 provided for in Section 2-332 of this title. Any person who
18 manufactures, distributes, dispenses, prescribes, administers or
19 uses for scientific purposes any controlled dangerous substances
20 within or into this state without first obtaining a registration
21 issued by the Director of the Oklahoma State Bureau of Narcotics and
22 Dangerous Drugs Control shall be subject to the same statutory and
23 administrative jurisdiction of the Director as if that person were
24 an applicant or registrant.

1 B. Out-of-state pharmaceutical suppliers who provide controlled
2 dangerous substances to individuals within this state shall obtain a
3 registration issued by the Director of the Oklahoma State Bureau of
4 Narcotics and Dangerous Drugs Control, in accordance with rules
5 promulgated by the Director. This provision shall also apply to
6 wholesale distributors who distribute controlled dangerous
7 substances to pharmacies or other entities registered within this
8 state in accordance with rules promulgated by the Director.

9 C. Every person who owns in whole or in part a public or
10 private medical facility for which a majority of patients are issued
11 on a reoccurring monthly basis a prescription for opioids,
12 benzodiazepines, barbiturates or carisoprodol, but not including
13 buprenorphine with naloxone or buprenorphine as used for medication-
14 assisted treatment services, shall obtain a registration issued by
15 the Director of the Oklahoma State Bureau of Narcotics and Dangerous
16 Drugs Control.

17 D. Every manufacturer and distributor required to register
18 under the provisions of this section shall provide all data required
19 pursuant to 21 U.S.C., Section 827(d)(1) on a monthly basis to the
20 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control.
21 Controlled dangerous substances in Schedule I shall be reported in
22 accordance with rules promulgated by the Director. Reporting of
23 controlled dangerous substances pursuant to 21 U.S.C., Section
24 827(d)(1) shall include, but not be limited to:

1 1. The manufacturer's or distributor's name, address, phone
2 number, DEA registration number and controlled dangerous substance
3 registration number issued by the Bureau;

4 2. The name, address and DEA registration number of the entity
5 to whom the controlled dangerous substance was sold;

6 3. The date of the sale of the controlled dangerous substance;

7 4. The name and National Drug Code of the controlled dangerous
8 substance sold; and

9 5. The number of containers and the strength and quantity of
10 controlled dangerous substances in each container sold.

11 E. The information maintained and provided pursuant to
12 subsection D of this section shall be confidential and not open to
13 the public. Access to the information shall, at the discretion of
14 the Director, be limited to:

15 1. Peace officers certified pursuant to the provisions of
16 Section 3311 of Title 70 of the Oklahoma Statutes who are employed
17 as investigative agents of the Oklahoma State Bureau of Narcotics
18 and Dangerous Drugs Control or the Office of the Attorney General;

19 2. The United States Drug Enforcement Administration Diversion
20 Group Supervisor; and

21 3. A multicounty grand jury properly convened pursuant to the
22 provisions of the Multicounty Grand Jury Act.

23 F. Manufacturers, distributors, home care agencies, hospices,
24 home care services, medical facility owners referred to in

1 subsection C of this section and scientific researchers shall obtain
2 a registration annually. Other practitioners shall obtain a
3 registration for a period to be determined by the Director that will
4 be for a period not less than one (1) year nor more than three (3)
5 years.

6 G. Every trainer or handler of a canine controlled dangerous
7 substances detector who, in the ordinary course of such trainer's or
8 handler's profession, desires to possess any controlled dangerous
9 substance, annually, shall obtain a registration issued by the
10 Director for a fee of Seventy Dollars (\$70.00). Such persons shall
11 be subject to all applicable provisions of Section 2-101 et seq. of
12 this title and such applicable rules promulgated by the Director for
13 those individuals identified in subparagraph a of paragraph 32 of
14 Section 2-101 of this title. Persons registered by the Director
15 pursuant to this subsection may possess controlled dangerous
16 substances to the extent authorized by their registration and in
17 conformity with the other provisions of the Uniform Controlled
18 Dangerous Substances Act.

19 H. The following persons shall not be required to register and
20 may lawfully possess controlled dangerous substances under the
21 provisions of Section 2-101 et seq. of this title:

22 1. An agent, or an employee thereof, of any registered
23 manufacturer, distributor, dispenser or user for scientific purposes
24 of any controlled dangerous substance, if such agent is acting in

1 the usual course of such agent's or employee's business or
2 employment;

3 2. Any person lawfully acting under the direction of a person
4 authorized to administer controlled dangerous substances under
5 Section 2-312 of this title;

6 3. A common or contract carrier or warehouser, or an employee
7 thereof, whose possession of any controlled dangerous substance is
8 in the usual course of such carrier's or warehouser's business or
9 employment;

10 4. An ultimate user or a person in possession of any controlled
11 dangerous substance pursuant to a lawful order of a practitioner;

12 5. An individual pharmacist acting in the usual course of such
13 pharmacist's employment with a pharmacy registered pursuant to the
14 provisions of Section 2-101 et seq. of this title;

15 6. A nursing home licensed by this state;

16 7. Any Department of Mental Health and Substance Abuse Services
17 employee or any person whose facility contracts with the Department
18 of Mental Health and Substance Abuse Services whose possession of
19 any dangerous drug, as defined in Section 353.1 of Title 59 of the
20 Oklahoma Statutes, is for the purpose of delivery of a mental health
21 consumer's medicine to the consumer's home or residence;

22 8. Registered nurses and licensed practical nurses; and

23 9. An assisted living facility licensed by this state.
24

1 I. The Director may, by rule, waive the requirement for
2 registration or fee for registration of certain manufacturers,
3 distributors, dispensers, prescribers, administrators or users for
4 scientific purposes if the Director finds it consistent with the
5 public health and safety.

6 J. A separate registration shall be required at each principal
7 place of business or professional practice where the applicant
8 manufactures, distributes, dispenses, prescribes, administers or
9 uses for scientific purposes controlled dangerous substances.

10 K. The Director is authorized to inspect the establishment of a
11 registrant or applicant for registration in accordance with rules
12 promulgated by the Director.

13 L. No person engaged in a profession or occupation for which a
14 license to engage in such activity is provided by law shall be
15 registered under the Uniform Controlled Dangerous Substances Act
16 unless such person holds a valid license of such person's profession
17 or occupation.

18 M. Registrations shall be issued on the first day of November
19 of each year and shall expire annually. Registrations may be issued
20 at other times, however, upon certification of the professional
21 licensing board. Registration applications shall be required
22 annually thereafter.

23 N. The licensing boards of all professions and occupations to
24 which the use of controlled dangerous substances is incidental shall

1 furnish a current list to the Director, not later than the first day
2 of October of each year, of the persons holding valid licenses. All
3 such persons except persons exempt from registration requirements
4 under subsection H of this section shall be subject to the
5 registration requirements of Section 2-101 et seq. of this title.

6 O. The licensing board of any professional defined as a mid-
7 level practitioner shall notify and furnish to the Director, not
8 later than the first day of October of each year, that such
9 professional holds a valid license, a current listing of individuals
10 licensed and registered with their respective boards to prescribe,
11 order, select, obtain and administer controlled dangerous
12 substances. The licensing board shall immediately notify the
13 Director of any action subsequently taken against any such
14 individual.

15 P. Beginning November 1, 2010, each registrant that prescribes,
16 administers or dispenses methadone shall be required to check the
17 prescription profile of the patient on the central repository of the
18 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control.

19 Q. All legal entities applying for or approved for registration
20 shall disclose to the Director all beneficial owners of the legal
21 entity. Publicly traded entities shall be exempt from disclosure.

22 R. No registration, or any authority conferred thereby, shall
23 be leased, assigned, or otherwise transferred. No registration
24 shall be transferrable on change of ownership or business activity.

1 SECTION 2. AMENDATORY 63 O.S. 2021, Section 2-303, as
2 amended by Section 1, Chapter 31, 1st Extraordinary Session, O.S.L.
3 2023 (63 O.S. Supp. 2023, Section 2-303), is amended to read as
4 follows:

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

15 1. Maintenance of effective controls against diversion of
16 particular controlled dangerous substances and any Schedule I or II
17 substance compounded therefrom into other than legitimate medical,
18 scientific or industrial channels including examination of the
19 fitness of his or her employees or agents to handle dangerous
20 substances;

21 2. Compliance with applicable state and local law;

22 3. Has been found guilty of, entered a plea of guilty or nolo
23 contendere to a charge under the Uniform Controlled Dangerous
24 Substances Act or any other state or federal law relating to any

1 substance defined herein as a controlled dangerous substance or any
2 felony under the laws of any state or the United States;

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

6 5. Past experience in the manufacture, distribution,
7 dispensing, prescribing, administering or use for scientific
8 purposes of controlled dangerous substances, and the existence in
9 the establishment of effective controls against diversion;

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

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

15 Nothing herein shall be deemed to require individual licensed
16 pharmacists to register under the provisions of the Uniform
17 Controlled Dangerous Substances Act.

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

23 C. Practitioners shall be registered to dispense, prescribe,
24 administer or use for scientific purposes substances in Schedules II

1 through V if they are authorized to carry on their respective
2 activities under the laws of this state. A registration application
3 by a practitioner who wishes to conduct research with Schedule I
4 substances shall be accompanied by evidence of the applicant's
5 federal registration to conduct such activity and shall be referred
6 to the Medical Research Commission for advice. The Medical Research
7 Commission shall promptly advise the Director concerning the
8 qualifications of each practitioner requesting such registration.
9 Registration for the purpose of bona fide research or of use for
10 scientific purposes with Schedule I substances by a practitioner
11 deemed qualified by the Medical Research Commission may be denied
12 only on a ground specified in subsection A of Section 2-304 of this
13 title or if there are reasonable grounds to believe that the
14 applicant will abuse or unlawfully transfer such substances or fail
15 to safeguard adequately such applicant's supply of such substances
16 against diversion from legitimate medical or scientific use.

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

23 Practitioners and mid-level

24 practitioners \$140.00 per year

1			of registration
2	Home Care Agencies, Hospices &		
3	Home Care Services	\$140.00	annually
4	Medical Facility Owners	\$300.00	annually
5	Distributors	\$300.00	annually
6	Manufacturers	\$2,500.00	annually
7	Manufacturer, Wholesaler, or		
8	Distributor of drug products		
9	containing pseudoephedrine		
10	or phenylpropanolamine	\$300.00	annually
11	2. A registrant shall be required to pay double the amount of		
12	the above listed fee for any renewal of registration received more		
13	than thirty (30) days late.		
14	3. A Ten Dollar (\$10.00) fee shall be charged for a duplicate		
15	registration certificate.		
16	E. Compliance by manufacturers and distributors with the		
17	provisions of the Federal <u>federal</u> Controlled Substances Act, 21		
18	U.S.C., Section 801 et seq., respecting registration, excluding		
19	fees, shall be deemed sufficient to qualify for registration under		
20	Section 2-101 et seq. of this title.		
21	<u>F. The Director shall promulgate rules necessary for</u>		
22	<u>registration application periods.</u>		
23	SECTION 3. This act shall become effective November 1, 2024.		
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1 Passed the Senate the 5th day of March, 2024.

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3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2024.

7
8 _____
9 Presiding Officer of the House
10 of Representatives