

1 ENGROSSED SENATE
2 BILL NO. 945

By: Jech of the Senate

3 and

4 Echols of the House
5

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

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

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

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

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

7 2. Compliance with applicable state and local law;

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

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

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

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

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

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

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

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

1 to safeguard adequately such applicant's supply of such substances
2 against diversion from legitimate medical or scientific use.

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

9 Practitioners and mid-level

10 practitioners	\$140.00	per year
		of registration

12 Home Care Agencies, Hospices &

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

18 Distributor of drug products

19 containing pseudoephedrine

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

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

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

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

Passed the Senate the 20th day of March, 2023.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2023.

Presiding Officer of the House
of Representatives