1	ENGROSSED HOUSE
	BILL NO. 3567 By: Manger of the House
2	and
3	Paxton of the Senate
4	Taxton of the Senate
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7	An Act relating to controlled dangerous drugs;
8	amending 63 O.S. 2021, Sections 2-101, as last amended by Section 1, Chapter 375, O.S.L. 2023, 2- 106.2, 2-304, as amended by Section 3, Chapter 375,
9	0.S.L. 2023, 2-305, as amended by Section 5, Chapter 375, 375, 0.S.L. 2023, 2-309, as amended by Section 2,
10	Chapter 304, O.S.L. 2023 and 2-406, as amended by Section 2, Chapter 235, O.S.L. 2023 (63 O.S. Supp.
11	2023, Sections 2-101, 2-304, 2-305, 2-309 and 2-406), which relate to the Uniform Controlled Dangerous
12	Substances Act; adding and alphabetizing definitions; deleting reference to promulgated rules; clarifying
13	circumstances that provide for the revocation or suspension of registrations; deleting certain penalty
14	provision; updating manner by which controlled dangerous substances are forfeited; deeming written
15	order as final under certain circumstances; allowing registrations to remain in effect under certain
16	circumstances; authorizing the utilization of electronic prescriptions under certain circumstances;
17	requiring practitioners to purchase official prescription forms; providing restrictions on use of
18	official prescription forms; modifying scope of certain prohibited act; repealing
19	63 O.S. 2021, Sections 2-101, as last amended by Section 10, Chapter 91, O.S.L. 2019, Section 1,
20	Chapter 235, O.S.L. 2023, Section 1, Chapter 304, O.S.L. 2023, 2-304, as last amended by Section 1,
21	Chapter 176, O.S.L. 2023, 2-305, as amended by Section 2, Chapter 176, O.S.L. 2023, 2-305 as amended by
22	amended by Section 1, Chapter 333, O.S.L. 2021, 2- 402, as last amended by Section 1, Chapter 220,
23	O.S.L. 2016 and 2-406, as last amended by Section 7, Chapter 375, O.S.L. 2023 (63 O.S. Supp. 2023,
24	Sections 2-101, 2-304, 2-305, 2-309, 2-402 and 2-

1 406), which relate to the Uniform Controlled Dangerous Substance Act; and declaring an emergency. 2 3 4 5 6 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA: 7 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. 8 9 2023, Section 2-101), is amended to read as follows: 10 Section 2-101. As used in the Uniform Controlled Dangerous 11 Substances Act: 12 "Acute pain" means pain, whether resulting from disease, 1. 13 accidental trauma or intentional trauma or other cause that the 14 practitioner reasonably expects to last only a short period of time. 15 Acute pain does not include chronic pain, pain being treated as part 16 of cancer care, hospice or other end-of-life care, or pain being 17 treated as part of palliative care; 18 "Administer" means the direct application of a controlled 2. 19 dangerous substance, whether by injection, inhalation, ingestion or 20 any other means, to the body of a patient, animal or research 21 subject by: 22 a practitioner (or, in the presence of the a. 23 practitioner, by the authorized agent of the 24 practitioner), or

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

2. 3. "Agent" means a peace officer appointed by and who acts 3 on behalf of the Director of the Oklahoma State Bureau of Narcotics 4 5 and Dangerous Drugs Control or an authorized person who acts on behalf of or at the direction of a person who manufactures, 6 7 distributes, dispenses, prescribes, administers or uses for scientific purposes controlled dangerous substances but does not 8 9 include a common or contract carrier, public warehouser or employee thereof, or a person required to register under the Uniform 10 11 Controlled Dangerous Substances Act;

<u>4. "Anhydrous ammonia" means any substance that exhibits</u>
<u>cryogenic evaporative behavior and tests positive for ammonia;</u>
<u>3. 5.</u> "Board" means the Advisory Board to the Director of the
Oklahoma State Bureau of Narcotics and Dangerous Drugs Control;
<u>4. 6.</u> "Bureau" means the Oklahoma State Bureau of Narcotics and
Dangerous Drugs Control;

18 <u>7. "Chronic pain" means pain that persists beyond the usual</u> 19 <u>course of an acute disease or healing of an injury. Chronic pain</u> 20 <u>may or may not be associated with an acute or chronic pathologic</u> 21 <u>process that causes continuous or intermittent pain over months or</u> 22 <u>years;</u>

23 <u>5.</u> 8. "Coca leaves" includes cocaine and any compound,
24 manufacture, salt, derivative, mixture or preparation of coca

1 leaves, except derivatives of coca leaves which do not contain
2 cocaine or ecgonine;

3 6. 9. "Commissioner" or "Director" means the Director of the
4 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control;
5 7. 10. "Control" means to add, remove or change the placement
6 of a drug, substance or immediate precursor under the Uniform
7 Controlled Dangerous Substances Act;

8 8. <u>11.</u> "Controlled dangerous substance" means a drug, substance 9 or immediate precursor in Schedules I through V of the Uniform 10 Controlled Dangerous Substances Act or any drug, substance or 11 immediate precursor listed either temporarily or permanently as a 12 federally controlled substance. Any conflict between state and 13 federal law with regard to the particular schedule in which a 14 substance is listed shall be resolved in favor of state law;

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

21 <u>10. 13.</u> "Deliver" or "delivery" means the actual, constructive 22 or attempted transfer from one person to another of a controlled 23 dangerous substance or drug paraphernalia, whether or not there is 24 an agency relationship;

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11. 14. "Dispense" means to deliver a controlled dangerous 1 2 substance to an ultimate user or human research subject by or pursuant to the lawful order of a practitioner, including the 3 prescribing, administering, packaging, labeling or compounding 4 5 necessary to prepare the substance for such distribution. 6 "Dispenser" is a practitioner who delivers a controlled dangerous 7 substance to an ultimate user or human research subject; 12. 15. "Distribute" means to deliver other than by 8 9 administering or dispensing a controlled dangerous substance; 10 13. 16. "Distributor" means a commercial entity engaged in the 11 distribution or reverse distribution of narcotics and dangerous 12 drugs and who complies with all regulations promulgated by the 13 federal Drug Enforcement Administration and the Oklahoma State 14 Bureau of Narcotics and Dangerous Drugs Control; 15 14. 17. "Drug" means articles: 16 recognized in the official United States Pharmacopeia, a. 17 official Homeopathic Pharmacopoeia of the United 18 States, or official National Formulary, or any

19 supplement to any of them,

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

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

1	d.	intended for use as a component of any article
2		specified in this paragraph;
3	provided, how	ever, the term drug does not include devices or their
4	components, p	arts or accessories;
5	<u>18. "Dru</u>	g paraphernalia" means all equipment, products, and
6	materials of	any kind which are used, intended for use, or fashioned
7	specifically	for use in planting, propagating, cultivating, growing,
8	harvesting, m	anufacturing, compounding, converting, producing,
9	processing, p	reparing, testing, analyzing, packaging, repackaging,
10	storing, cont	aining, concealing, injecting, ingesting, inhaling, or
11	otherwise int	roducing into the human body, a controlled dangerous
12	substance in	violation of the Uniform Controlled Dangerous
13	Substances Ac	t including, but not limited to:
14	<u>a.</u>	kits used, intended for use, or fashioned specifically
15		for use in planting, propagating, cultivating, growing
16		or harvesting of any species of plant which is a
17		controlled dangerous substance or from which a
18		controlled dangerous substance can be derived,
19	<u>b.</u>	kits used, intended for use, or fashioned specifically
20		for use in manufacturing, compounding, converting,
21		producing, processing, or preparing controlled
22		dangerous substances,
23	<u>C.</u>	isomerization devices used, intended for use, or
24		fashioned specifically for use in increasing the

1		potency of any species of plant which is a controlled
2		dangerous substance,
3	d.	testing equipment used, intended for use, or fashioned
4		specifically for use in identifying, or in analyzing
5		the strength, effectiveness, or purity of controlled
6		dangerous substances,
7		
	<u>e.</u>	scales and balances used, intended for use, or
8		fashioned specifically for use in weighing or
9		measuring controlled dangerous substances,
10	<u>f.</u>	diluents and adulterants, such as quinine
11		hydrochloride, mannitol, mannite, dextrose and
12		lactose, used, intended for use, or fashioned
13		specifically for use in cutting controlled dangerous
14		substances,
15	g.	separation gins and sifters used, intended for use, or
16		fashioned specifically for use in removing twigs and
17		seeds from, or in otherwise cleaning or refining,
18		marijuana,
19	<u>h.</u>	blenders, bowls, containers, spoons, and mixing
20		devices used, intended for use, or fashioned
21		specifically for use in compounding controlled
22		dangerous substances,
23	<u>i.</u>	capsules, balloons, envelopes, and other containers
24		used, intended for use, or fashioned specifically for

1		use in packaging small quantities of controlled
2		dangerous substances,
3	<u>j.</u>	containers and other objects used, intended for use,
4		or fashioned specifically for use in parenterally
5		injecting controlled dangerous substances into the
6		human body,
7	<u>k.</u>	hypodermic syringes, needles, and other objects used,
8		intended for use, or fashioned specifically for use in
9		parenterally injecting controlled dangerous substances
10		into the human body, except as authorized by Section
11		2-1101 of this title,
12	<u>1.</u>	objects used, intended for use, or fashioned
13		specifically for use in ingesting, inhaling, or
14		otherwise introducing marijuana, cocaine, hashish, or
15		hashish oil into the human body, such as:
16		(1) metal, wooden, acrylic, glass, stone, plastic, or
17		ceramic pipes with or without screens, permanent
18		screens, hashish heads, or punctured metal bowls,
19		(2) water pipes,
20		(3) carburetion tubes and devices,
21		(4) smoking and carburetion masks,
22		(5) roach clips, meaning objects used to hold burning
23		material, such as a marijuana cigarette, that has
24		

1			become too small or too short to be held in the
2			hand,
3		(6)	miniature cocaine spoons and cocaine vials,
4		(7)	chamber pipes,
5		(8)	carburetor pipes,
6		(9)	electric pipes,
7		(10)	air-driven pipes,
8		(11)	chillums,
9		(12)	bongs, or
10		(13)	ice pipes or chillers,
11	<u>m.</u>	all]	hidden or novelty pipes, and
12	<u>n.</u>	any j	pipe that has a tobacco bowl or chamber of less
13		than	one-half $(1/2)$ inch in diameter in which there is
14		any (detectable residue of any controlled dangerous
15		subs	tance as defined in this section or any other
16		subs [.]	tances not legal for possession or use;
17	provided, how	ever,	the term drug paraphernalia shall not include
18	separation gi	ns in	tended for use in preparing tea or spice, clamps
19	used for cons	truct	ing electrical equipment, water pipes designed for
20	ornamentation	in wl	hich no detectable amount of an illegal substance
21	<u>is found or p</u>	ipes (designed and used solely for smoking tobacco,
22	traditional p	ipes (of an American Indian tribal religious ceremony,
23	antique pipes	that	are thirty (30) years of age or older, or drug
24			

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1 testing strips possessed by a person for purposes of determining the 2 presence of fentanyl or a fentanyl-related compound;

15. 19. "Drug-dependent person" means a person who is using a 3 4 controlled dangerous substance and who is in a state of psychic or 5 physical dependence, or both, arising from administration of that controlled dangerous substance on a continuous basis. Drug 6 7 dependence is characterized by behavioral and other responses which include a strong compulsion to take the substance on a continuous 8 9 basis in order to experience its psychic effects, or to avoid the 10 discomfort of its absence;

- 11
 20. "Harm-reduction services" means programs established to:

 12
 a. reduce the spread of infectious diseases related to

 13
 injection drug use,

 14
 b. reduce drug dependency, overdose deaths and associated

 15
 complications, and
- 16 <u>c.</u> <u>increase safe recovery and disposal of used syringes</u> 17 <u>and sharp waste;</u>
- 18 <u>21. "Hazardous materials" means materials, whether solid,</u>

19 liquid or gas, which are toxic to human, animal, aquatic, or plant
20 life, and the disposal of which materials is controlled by state or

21 federal guidelines;

22 <u>16. 22.</u> "Home care agency" means any sole proprietorship, 23 partnership, association, corporation, or other organization which 24 administers, offers, or provides home care services, for a fee or pursuant to a contract for such services, to clients in their place of residence;

17. 23. "Home care services" means skilled or personal care 3 4 services provided to clients in their place of residence for a fee; 5 18. 24. "Hospice" means a centrally administered, nonprofit or for-profit, medically directed, nurse-coordinated program which 6 7 provides a continuum of home and inpatient care for the terminally ill patient and the patient's family. Such term shall also include 8 9 a centrally administered, nonprofit or for-profit, medically directed, nurse-coordinated program if such program is licensed 10 pursuant to the provisions of the Uniform Controlled Dangerous 11 12 Substances Act. A hospice program offers palliative and supportive 13 care to meet the special needs arising out of the physical, 14 emotional and spiritual stresses which are experienced during the 15 final stages of illness and during dying and bereavement. This care 16 is available twenty-four (24) hours a day, seven (7) days a week, 17 and is provided on the basis of need, regardless of ability to pay. 18 "Class A" Hospice refers to Medicare-certified hospices. "Class B" 19 refers to all other providers of hospice services;

20 19. 25. "Imitation controlled substance" means a substance that 21 is not a controlled dangerous substance, which by dosage unit 22 appearance, color, shape, size, markings or by representations made, 23 would lead a reasonable person to believe that the substance is a 24 controlled dangerous substance, or is an agricultural drug that is

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1	not a controlled dangerous substance being used outside of the scope
2	of practice or normal course of business, as defined by the Oklahoma
3	Veterinary Board, or is a federal Food and Drug Administration-
4	approved drug that is not a controlled dangerous substance being
5	used outside the scope of approval for illicit purposes such as
6	adulterating or lacing other controlled dangerous substances. In
7	the event the appearance of the dosage unit <u>or use</u> is not reasonably
8	sufficient to establish that the substance is an imitation
9	controlled substance, the court or authority concerned should
10	consider, in addition to all other factors, the following factors as
11	related to "representations made" in determining whether the
12	substance is an imitation controlled substance:
13	a. statements made by an owner or by any other person in
14	control of the substance concerning the nature of the
15	substance, or its use or effect,
16	b. statements made to the recipient that the substance
17	may be resold for inordinate profit,
18	c. whether the substance is packaged in a manner normally
19	used for illicit controlled substances,
20	d. evasive tactics or actions utilized by the owner or
21	person in control of the substance to avoid detection
22	by law enforcement authorities,
23	e. prior convictions, if any, of an owner, or any other
24	person in control of the object, under state or

1	f	ederal law	related	to	controlled	substances	or	fraud,
2	a	ind						

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f. the proximity of the substances to controlled dangerous substances;

5 20. 26. "Immediate precursor" means a substance which the 6 Director has found to be and by regulation designates as being the 7 principal compound commonly used or produced primarily for use, and 8 which is an immediate chemical intermediary used, or likely to be 9 used, in the manufacture of a controlled dangerous substance, the 10 control of which is necessary to prevent, curtail or limit such 11 manufacture;

12 <u>27. "Initial prescription" means a prescription issued to a</u> 13 patient who:

14a.has never previously been issued a prescription for15the drug or its pharmaceutical equivalent in the past16year, or

17b.requires a prescription for the drug or its18pharmaceutical equivalent due to a surgical procedure19or new acute event and has previously had a

20 <u>prescription for the drug or its pharmaceutical</u> 21 equivalent within the past year

21 <u>equivalent within the past year.</u> 22 When determining whether a patient was previously issued a

23 prescription for a drug or its pharmaceutical equivalent, the

24

1 practitioner shall consult with the patient and review the medical 2 record and prescription monitoring information of the patient; 28. "Isomer" means the optical isomer, except as used in 3 4 subsections C and F of Section 2-204 of this title and paragraph 4 5 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 6 7 optical, positional, or geometric isomer. As used in paragraph 4 of subsection A of Section 2-206 of this title, the term isomer means 8 9 the optical or geometric isomer;

10 21. 29. "Laboratory" means a laboratory approved by the 11 Director as proper to be entrusted with the custody of controlled 12 dangerous substances and the use of controlled dangerous substances 13 for scientific and medical purposes and for purposes of instruction;

14 22. 30. "Manufacture" means the production, preparation, 15 propagation, compounding or processing of a controlled dangerous 16 substance, either directly or indirectly by extraction from 17 substances of natural or synthetic origin, or independently by means 18 of chemical synthesis or by a combination of extraction and chemical 19 synthesis. "Manufacturer" includes any person who packages, 20 repackages or labels any container of any controlled dangerous 21 substance, except practitioners who dispense or compound 22 prescription orders for delivery to the ultimate consumer; 23 23. 31. "Marijuana" means all parts of the plant Cannabis 24 sativa L., whether growing or not; the seeds thereof; the resin

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2 manufacture, salt, derivative, mixture or preparation of such plant 3 its seeds or resin, but shall not include: 4 a. the mature stalks of such plant or fiber produced from 5 such stalks, 6 b. oil or cake made from the seeds of such plant, 7 including cannabidiol derived from the seeds of the 8 marijuana plant, 9 c. any other compound, manufacture, salt, derivative,	
 a. the mature stalks of such plant or fiber produced from such stalks, b. oil or cake made from the seeds of such plant, including cannabidiol derived from the seeds of the marijuana plant, 	t,
 5 such stalks, 6 b. oil or cake made from the seeds of such plant, 7 including cannabidiol derived from the seeds of the 8 marijuana plant, 	
 b. oil or cake made from the seeds of such plant, including cannabidiol derived from the seeds of the marijuana plant, 	om
7 including cannabidiol derived from the seeds of the 8 marijuana plant,	
8 marijuana plant,	
9 c. any other compound, manufacture, salt, derivative,	
10 mixture or preparation of such mature stalks (except	
11 the resin extracted therefrom), including cannabidio	1
12 derived from mature stalks, fiber, oil or cake,	
13 d. the sterilized seed of such plant which is incapable	
14 of germination,	
e. for any person participating in a clinical trial to	
16 administer cannabidiol for the treatment of severe	
17 forms of epilepsy pursuant to Section 2-802 of this	
18 title, a drug or substance approved by the federal	
19 Food and Drug Administration for use by those	
20 participants,	
21 f. for any person or the parents, legal guardians or	
22 caretakers of the person who have received a written	
23 certification from a physician licensed in this state	е
24 that the person has been diagnosed by a physician as	

1 having Lennox-Gastaut syndrome, Dravet syndrome, also 2 known as severe myoclonic epilepsy of infancy, or any other severe form of epilepsy that is not adequately 3 4 treated by traditional medical therapies, spasticity 5 due to multiple sclerosis or due to paraplegia, intractable nausea and vomiting, appetite stimulation 6 7 with chronic wasting diseases, the substance cannabidiol, a nonpsychoactive cannabinoid, found in 8 9 the plant Cannabis sativa L. or any other preparation thereof, that has a tetrahydrocannabinol concentration 10 11 not more than three-tenths of one percent (0.3%) and that is delivered to the patient in the form of a 12 13 liquid,

14g. any federal Food-and-Drug-AdministrationFood and Drug15Administration-approved drug or substance, or

h. industrial hemp, from the plant Cannabis sativa L. and
any part of such plant, whether growing or not, with a
delta-9 tetrahydrocannabinol concentration not more
than three-tenths of one percent (0.3%) on a dryweight basis which shall only be grown pursuant to the
Oklahoma Industrial Hemp Program and may be shipped
intrastate and interstate;

23 <u>24.</u> <u>32.</u> "Medical purpose" means an intention to utilize a 24 controlled dangerous substance for physical or mental treatment, for 1 diagnosis, or for the prevention of a disease condition not in
2 violation of any state or federal law and not for the purpose of
3 satisfying physiological or psychological dependence or other abuse;

4 25. 33. "Mid-level practitioner" means an Advanced Practice 5 Registered Nurse as defined and within parameters specified in Section 567.3a of Title 59 of the Oklahoma Statutes, or a certified 6 7 animal euthanasia technician as defined in Section 698.2 of Title 59 of the Oklahoma Statutes, or an animal control officer registered by 8 9 the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control 10 under subsection B of Section 2-301 of this title within the 11 parameters of such officer's duties under Sections 501 through 508 12 of Title 4 of the Oklahoma Statutes;

13 26. <u>34.</u> "Narcotic drug" means any of the following, whether 14 produced directly or indirectly by extraction from substances of 15 vegetable origin, or independently by means of chemical synthesis, 16 or by a combination of extraction and chemical synthesis:

- 17 a.
 - . opium, coca leaves and opiates,
- b. a compound, manufacture, salt, derivative or
 preparation of opium, coca leaves or opiates,
- c. cocaine, its salts, optical and geometric isomers, and
 salts of isomers,
- d. ecgonine, its derivatives, their salts, isomers and
 salts of isomers, and
- 24

1 a substance, and any compound, manufacture, salt, e. 2 derivative or preparation thereof, which is chemically identical with any of the substances referred to in 3 4 subparagraphs a through d of this paragraph, except 5 that the words narcotic drug as used in Section 2-101 et seq. of this title shall not include decocainized 6 7 coca leaves or extracts of coca leaves, which extracts do not contain cocaine or ecgonine; 8

9 27. 35. "Opiate" or "opioid" means any Schedule II, III, IV or V substance having an addiction-forming or addiction-sustaining 10 11 liability similar to morphine or being capable of conversion into a 12 drug having such addiction-forming or addiction-sustaining 13 liability. The terms do not include, unless specifically designated 14 as controlled under the Uniform Controlled Dangerous Substances Act, 15 the dextrorotatory isomer of 3-methoxy-n-methyl-morphinan and its salts (dextromethorphan). The terms do include the racemic and 16 17 levorotatory forms;

18 28. 36. "Opium poppy" means the plant of the species Papaver 19 somniferum L., except the seeds thereof;

20 <u>37. "Palliative care" means a specialized medical service for</u>
21 <u>people of any age and at any stage of a serious illness or life-</u>
22 <u>altering medical event that focuses on navigating complex medical</u>
23 <u>decisions while providing patient autonomy and access to</u>
24 information. Utilizing a holistic and interdisciplinary team

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1	approach, palliative care addresses physical, intellectual,
2	emotional, social, and spiritual needs. Palliative care may be
3	provided in the inpatient, outpatient, or home care setting and
4	strives to improve quality of life for both the patient and the
5	family;
6	38. "Patient-provider agreement" means a written contract or
7	agreement that is executed between a practitioner and a patient
8	prior to the commencement of treatment for chronic pain using an
9	opioid drug as a means to:
10	a. explain the possible risk of development of physical
11	or psychological dependence in the patient and prevent
12	the possible development of addiction,
13	b. document the understanding of both the practitioner
14	and the patient regarding the patient-provider
15	agreement of the patient,
16	c. establish the rights of the patient in association
17	with treatment and the obligations of the patient in
18	relation to the responsible use, discontinuation of
19	use, and storage of opioid drugs, including any
20	restrictions on the refill of prescriptions or the
21	acceptance of opioid prescriptions from practitioners,
22	d. <u>identify the specific medications and other modes of</u>
23	treatment, including physical therapy or exercise,
24	

1		relaxation, or psychological counseling, that are
2		included as a part of the patient-provider agreement,
3	<u>e.</u>	specify the measures the practitioner may employ to
4		monitor the compliance of the patient including, but
5		not limited to, random specimen screens and pill
6		counts, and
7	<u>f.</u>	delineate the process for terminating the agreement,
8		including the consequences if the practitioner has
9		reason to believe that the patient is not complying
10		with the terms of the agreement. Compliance with the
11		"consent items" shall constitute a valid, informed
12		consent for opioid therapy. The practitioner shall be
13		held harmless from civil litigation for failure to
14		treat pain if the event occurs because of nonadherence
15		by the patient with any of the provisions of the
16		patient-provider agreement;

17 29. 39. "Peace officer" means a police officer, sheriff, deputy 18 sheriff, district attorney's investigator, investigator from the 19 Office of the Attorney General, or any other person elected or 20 appointed by law to enforce any of the criminal laws of this state 21 or of the United States;

22 <u>30. 40.</u> "Person" means an individual, corporation, government 23 or governmental subdivision or agency, business trust, estate, 24 trust, partnership or association, or any other legal entity;

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1	31. <u>41.</u>	"Poppy straw" means all parts, except the seeds, of the
2	opium poppy,	after mowing;
3	32. <u>42.</u>	"Practitioner" means:
4	a.	(1) a medical doctor or osteopathic physician,
5		(2) a dentist,
6		(3) a podiatrist,
7		(4) an optometrist,
8		(5) a veterinarian,
9		(6) a physician assistant or Advanced Practice
10		Registered Nurse under the supervision of a
11		licensed medical doctor or osteopathic physician,
12		(7) a scientific investigator, or
13		(8) any other person,
14		licensed, registered or otherwise permitted to
15		prescribe, distribute, dispense, conduct research with
16		respect to, use for scientific purposes or administer
17		a controlled dangerous substance in the course of
18		professional practice or research in this state, or
19	b.	a pharmacy, hospital, laboratory or other institution
20		licensed, registered or otherwise permitted to
21		distribute, dispense, conduct research with respect
22		to, use for scientific purposes or administer a
23		controlled dangerous substance in the course of
24		professional practice or research in this state;

1	33. 43. "Production" includes the manufacture, planting,
2	cultivation, growing or harvesting of a controlled dangerous
3	substance;
4	44. "Serious illness" means a medical illness or physical
5	injury or condition that substantially affects quality of life for
6	more than a short period of time. Serious illness includes, but is
7	not limited to, Alzheimer's disease or related dementias, lung
8	disease, cancer, heart failure, renal failure, liver failure, or
9	chronic, unremitting, or intractable pain such as neuropathic pain;
10	34. <u>45.</u> "State" means the State of Oklahoma or any other state
11	of the United States;
12	46. "Straw person" or "straw party", also known as a "front",
13	means a third party who:
14	a. is put up in name only to take part in a transaction
15	
	or otherwise is a nominal party to a transaction with
16	or otherwise is a nominal party to a transaction with no actual control,
16 17	
	no actual control,
17	no actual control, b. acts on behalf of another person to obtain title to
17 18	<pre>no actual control, b. acts on behalf of another person to obtain title to property and executes documents and instruments the</pre>
17 18 19	<u>no actual control</u> , <u>b.</u> <u>acts on behalf of another person to obtain title to</u> <u>property and executes documents and instruments the</u> <u>principal may direct respecting property</u> , or
17 18 19 20	no actual control, b. acts on behalf of another person to obtain title to property and executes documents and instruments the principal may direct respecting property, or c. purchases property for another for the purpose of
17 18 19 20 21	 <u>no actual control</u>, <u>b.</u> acts on behalf of another person to obtain title to property and executes documents and instruments the principal may direct respecting property, or <u>c.</u> purchases property for another for the purpose of concealing the identity of the real purchaser or to

2 for the purpose of structurally altering the hu	man body by incision
3 or destruction of tissues as part of the practi	ce of medicine. This
4 term includes the diagnostic or therapeutic tre	atment of conditions
5 or disease processes by use of instruments such	as lasers,
6 <u>ultrasound</u> , ionizing, radiation, scalpels, prob	es, or needles that
7 <u>cause localized alteration or transportation of</u>	live human tissue by
8 <u>cutting</u> , burning, vaporizing, freezing, suturin	g, probing, or
9 <u>manipulating by closed reduction for major disl</u>	ocations or
10 <u>fractures</u> , or otherwise altering by any mechani	cal, thermal, light-
11 based, electromagnetic, or chemical means;	
12 <u>48.</u> <u>a.</u> "Synthetic controlled substance" :	means a substance:
13 (1) the chemical structure of wh	ich is substantially
14 similar to the chemical stru	cture of a controlled
15 <u>dangerous substance in Sched</u>	ule I or II,
16 (2) which has a stimulant, depre	ssant, or
17 <u>hallucinogenic effect on the</u>	central nervous
18 system that is substantially	similar to or
19 greater than the stimulant,	depressant, or
20 <u>hallucinogenic effect on the</u>	central nervous
21 <u>system of a controlled dange</u>	rous substance in
22 <u>Schedule I or II, or</u>	
23 (3) with respect to a particular	person, which such
24 person represents or intends	to have a stimulant,

1	depressant, or hallucinogenic effect on the
2	central nervous system that is substantially
3	similar to or greater than the stimulant,
4	depressant, or hallucinogenic effect on the
5	central nervous system of a controlled dangerous
6	substance in Schedule I or II.
7	b. The designation of gamma butyrolactone or any other
8	chemical as a precursor, pursuant to Section 2-322 of
9	this title, does not preclude a finding pursuant to
10	subparagraph a of this paragraph that the chemical is
11	a synthetic controlled substance.
12	
12	<u>c.</u> "Synthetic controlled substance" does not include:
13	(1) <u>a controlled dangerous substance</u> ,
14	(2) any substance for which there is an approved new
15	drug application,
16	(3) with respect to a particular person any
17	substance, if an exemption is in effect for
18	investigational use, for that person under the
19	provisions of Section 505 of the Federal Food,
20	Drug and Cosmetic Act, Title 21 of the United
21	States Code, Section 355, to the extent conduct
22	with respect to such substance is pursuant to
23	such exemption, or
24	

1	(4) any substance to the extent not intended for
2	human consumption before such an exemption takes
3	effect with respect to that substance.
4	d. Prima facie evidence that a substance containing
5	salvia divinorum has been enhanced, concentrated, or
6	chemically or physically altered shall give rise to a
7	rebuttable presumption that the substance is a
8	synthetic controlled substance;
9	49. "Tetrahydrocannabinols" means all substances that have been
10	chemically synthesized to emulate the tetrahydrocannabinols of
11	marijuana, specifically including any tetrahydrocannabinols derived
12	from industrial hemp; and
13	35. <u>50.</u> "Ultimate user" means a person who lawfully possesses a
14	controlled dangerous substance for the person's own use or for the
15	use of a member of the person's household or for administration to
16	an animal owned by the person or by a member of the person's
17	household ;
18	36. "Drug paraphernalia" means all equipment, products and
19	materials of any kind which are used, intended for use, or fashioned
20	specifically for use in planting, propagating, cultivating, growing,
21	harvesting, manufacturing, compounding, converting, producing,
22	processing, preparing, testing, analyzing, packaging, repackaging,
23	storing, containing, concealing, injecting, ingesting, inhaling or
24	otherwise introducing into the human body, a controlled dangerous

Substances Net including, but not limited to: a kits used, intended for use, or fashioned specifically for use in planting, propagating, cultivating, growing controlled dangerous substance or from which a controlled dangerous substance or from which a controlled dangerous substance on be derived; kits used, intended for use, or fashioned specifically for use in manufacturing, compounding, converting, preducing, processing or preparing controlled dangerous substances; c isomerization devices used, intended for use, or fashioned specifically preducing, 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 analysing the strength, effectiveness or purity of controlled dangerous substances; c cales and balances used, intended for use, or r r r cales and balances used, intended for use, or r<	1	substance in	violation of the Uniform Controlled Dangerous
4 for use in planting, propagating, cultivating, growing 5 or harvesting of any species of plant which is a 6 controlled dangerous substance or from which a 7 controlled dangerous substance can be derived, 8 b. kits used, intended for use, or fashioned specifically 9 for use in manufacturing, compounding, converting, 10 producing, processing or preparing controlled 11 dangerous substance, 12 c. isomerization devices used, intended for use, or 13 fashioned specifically for use in increasing the 14 potency of any species of plant which is a controlled 15 dangerous substance, 16 d. testing equipment used, intended for use, or fashioned 17 specifically for use in identifying, or in analyzing 18 the strength, effectiveness or purity of controlled 19 dangerous substance, 20 e. scales and balances used, intended for use, or 21 scales and balances used, intended for use, or 22 scales and balances used, intended for use, or 23 f. diluents and adulterants, such as quinine	2	Substances Ac	et including, but not limited to:
5 or harvesting of any species of plant which is a 6 controlled dangerous substance or from which a 7 controlled dangerous substance can be derived, 8 br kits used, intended for use, or fashioned specifically 9 for use in manufacturing, compounding, converting, 10 producing, processing or preparing controlled 11 dangerous substances, 12 cr. isomerization devices used, intended for use, or 13 fashioned specifically for use in increasing the 14 potency of any species of plant which is a controlled 15 dangerous substance, 16 d. testing equipment used, intended for use, or fashioned 17 specifically for use in identifying, or in analyzing 18 the strength, effectiveness or purity of controlled 19 cales and balances used, intended for use, or 19 scales and balances used, intended for use, or 21 scales and balances used, intended for use, or 22 scales and balances used, intended for use, or 23 f. diluents and adulterants, such as quinine	3	a.	kits used, intended for use, or fashioned specifically
6 controlled dangerous substance or from which a controlled dangerous substance can be derived, 8 b. kits used, intended for use, or fashioned specifically for use in manufacturing, compounding, converting, 9 for use in manufacturing, compounding, converting, 10 producing, processing or preparing controlled 11 dangerous substances, 12 e. isomerization devices used, intended for use, or 13 fashioned specifically for use in increasing the 14 potency of any species of plant which is a controlled 15 d. testing equipment used, intended for use, or fashioned 16 d. testing equipment used, intended for use, or fashioned 19 opecifically for use in identifying, or in analyzing 18 the strength, effectiveness or purity of controlled 19 c. scales and balances used, intended for use, or 20 e. scales and balances used, intended for use, or 21 fashioned specifically for use in weighing or 22 measuring controlled dangerous substances, 23 f. diluents and adulterants, such as quinine	4		for use in planting, propagating, cultivating, growing
7 controlled dangerous substance can be derived, 8 b. kits used, intended for use, or fashioned specifically 9 for use in manufacturing, compounding, converting, 10 producing, processing or preparing controlled 11 dangerous substances, 12 c. isomerization devices used, intended for use, or 13 fashioned specifically for use in increasing the 14 potency of any species of plant which is a controlled 15 dangerous substance, 16 d. testing equipment used, intended for use, or fashioned 17 specifically for use in identifying, or in analyzing 18 the strength, effectiveness or purity of controlled 19 c. scales and balances, or 20 c. scales and balances, intended for use, or 21 rabioned specifically for use in weighing or 22 scales and balances used, intended for use, or 23 f. diluents and adulterants, such as quinine	5		or harvesting of any species of plant which is a
 kits used, intended for use, or fashioned specifically for use in manufacturing, compounding, converting, producing, processing or preparing controlled dangerous substances, e. 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, 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, seales and balances used, intended for use, or fashioned specifically for use in weighing or measuring controlled dangerous substances, d. seales and balances used, intended for use, or fashioned specifically for use in weighing or measuring controlled dangerous substances, d. seales and balances used, intended for use, or fashioned specifically for use in weighing or measuring controlled dangerous substances, f. diluents and adulterants, such as quinine 	6		controlled dangerous substance or from which a
9 for use in manufacturing, compounding, converting, producing, processing or preparing controlled dangerous substances, 10 dangerous substances, 12 e. isomerization devices used, intended for use, or fashioned opecifically for use in increasing the potency of any opecies of plant which is a controlled dangerous substance, 14 potency of any opecies of plant which is a controlled dangerous substance, 16 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, 19 secies and balances used, intended for use, or fashioned for use, or fashioned specifically for use in weighing or measuring controlled dangerous substances, 20 e. secies and balances used, intended for use, or fashioned for use, or fashioned specifically for use in weighing or fashioned specifically for use in weighing or measuring controlled dangerous substances, 21 fashioned specifically for use in weighing or measuring controlled dangerous substances, 22 f. diluents and adulterants, such as quinine	7		controlled dangerous substance can be derived,
10producing, processing or preparing controlled dangerous substances,11dangerous substances,12e.13isomerization 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,16d.17esting equipment used, intended for use, or fashioned specifically for use in identifying, or in analyzing the strength, effectiveness or purity of controlled dangerous substances,19e.20e.21scales and balances used, intended for use, or fashioned specifically for use in weighing or measuring controlled dangerous substances,22f.23f.24diluents and adulterants, such as quinine	8	b.	kits used, intended for use, or fashioned specifically
11dangerous substances,12c.13fashioned specifically for use in increasing the14potency of any opecies of plant which is a controlled15dangerous substance,16d.17specifically for use in identifying, or in analyzing18the strength, effectiveness or purity of controlled19e.20e.20e.21fashioned specifically for use in weighing or22measuring controlled dangerous substances,23f.4diluents and adulterants, such as quinine	9		for use in manufacturing, compounding, converting,
12c.isomerization devices used, intended for use, or13fashioned specifically for use in increasing the14potency of any species of plant which is a controlled15dangerous substance,16d.testing equipment used, intended for use, or fashioned17specifically for use in identifying, or in analyzing18the strength, effectiveness or purity of controlled19dangerous substances,20e.scales and balances used, intended for use, or21fashioned specifically for use in weighing or22measuring controlled dangerous substances,23f.diluents and adulterants, such as quinine	10		producing, processing or preparing controlled
13fashioned specifically for use in increasing the potency of any species of plant which is a controlled dangerous substance,16d.16d.17specifically for use in identifying, or in analyzing the strength, effectiveness or purity of controlled dangerous substances,19scales and balances used, intended for use, or fashioned specifically for use in weighing or fashioned specifically for use in weighing or fashioned specifically for use in weighing or diluents and adulterants, such as quinine	11		dangerous substances,
14potency of any species of plant which is a controlled dangerous substance,16d.16d.17specifically for use in identifying, or in analyzing the strength, effectiveness or purity of controlled dangerous substances,19c.20c.21scales and balances used, intended for use, or fashioned specifically for use in weighing or measuring controlled dangerous substances,23f.41diluents and adulterants, such as quinine	12	c.	isomerization devices used, intended for use, or
15dangerous substance,16d.17specifically for use in identifying, or in analyzing18the strength, effectiveness or purity of controlled19dangerous substances,20e.21scales and balances used, intended for use, or21fashioned specifically for use in weighing or22measuring controlled dangerous substances,23f.	13		fashioned specifically for use in increasing the
16d.testing equipment used, intended for use, or fashioned opecifically for use in identifying, or in analyzing the strength, effectiveness or purity of controlled dangerous substances,18dangerous substances,20e.scales and balances used, intended for use, or fashioned specifically for use in weighing or measuring controlled dangerous substances,23f.diluents and adulterants, such as quinine	14		potency of any species of plant which is a controlled
 17 specifically for use in identifying, or in analyzing 18 the strength, effectiveness or purity of controlled 19 dangerous substances, 20 e. scales and balances used, intended for use, or 21 fashioned specifically for use in weighing or 22 measuring controlled dangerous substances, 23 f. diluents and adulterants, such as quinine 	15		dangerous substance,
18the strength, effectiveness or purity of controlled19dangerous substances,20e.20e.21fashioned specifically for use in weighing or22measuring controlled dangerous substances,23f.diluents and adulterants, such as quinine	16	d.	testing equipment used, intended for use, or fashioned
19dangerous substances,20e. scales and balances used, intended for use, or21fashioned specifically for use in weighing or22measuring controlled dangerous substances,23f. diluents and adulterants, such as quinine	17		specifically for use in identifying, or in analyzing
 e. scales and balances used, intended for use, or fashioned specifically for use in weighing or measuring controlled dangerous substances, f. diluents and adulterants, such as quinine 	18		the strength, effectiveness or purity of controlled
 fashioned specifically for use in weighing or measuring controlled dangerous substances, f. diluents and adulterants, such as quinine 	19		dangerous substances,
 measuring controlled dangerous substances, f. diluents and adulterants, such as quinine 	20	e.	scales and balances used, intended for use, or
23 f. diluents and adulterants, such as quinine	21		fashioned specifically for use in weighing or
	22		measuring controlled dangerous substances,
24 hydrochloride, mannitol, mannite, dextrose and	23	f.	diluents and adulterants, such as quinine
	24		hydrochloride, mannitol, mannite, dextrose and

1		lactose, used, intended for use, or fashioned
2		specifically for use in cutting controlled dangerous
3		substances,
4	g.	separation gins and sifters used, intended for use, or
5		fashioned specifically for use in removing twigs and
6		seeds from, or in otherwise cleaning or refining,
7		marijuana,
8	h.	blenders, bowls, containers, spoons and mixing devices
9		used, intended for use, or fashioned specifically for
10		use in compounding controlled dangerous substances,
11	i.	capsules, balloons, envelopes and other containers
12		used, intended for use, or fashioned specifically for
13		use in packaging small quantities of controlled
14		dangerous substances,
15	÷.	containers and other objects used, intended for use,
16		or fashioned specifically for use in parenterally
17		injecting controlled dangerous substances into the
18		human body,
19	k.	hypodermic syringes, needles and other objects used,
20		intended for use, or fashioned specifically for use in
21		parenterally injecting controlled dangerous substances
22		into the human body,
23	1.	objects used, intended for use, or fashioned
24		specifically for use in ingesting, inhaling or

1	other	wise introducing marijuana, cocaine, hashish or
2	hashi	sh oil into the human body, such as:
3	(1)	metal, wooden, acrylic, glass, stone, plastic or
4		ceramic pipes with or without screens, permanent
5		screens, hashish heads or punctured metal bowls,
6	-(2)-	water pipes,
7	(3)	carburetion tubes and devices,
8	(4)	smoking and carburction masks,
9	(5)	roach clips, meaning objects used to hold burning
10		material, such as a marijuana cigarette, that has
11		become too small or too short to be held in the
12		hand,
13	(6)	miniature cocaine spoons and cocaine vials,
14	(7)	chamber pipes,
15	(8)	carburctor pipes,
16	(9)	electric pipes,
17	(10)	air-driven pipes,
18	(11)	chillums,
19	(12)	bongs, or
20	(13)	ice pipes or chillers,
21	m. all h	hidden or novelty pipes, and
22	n. any p	pipe that has a tobacco bowl or chamber of less
23	than-	one-half (1/2) inch in diameter in which there is
24	any d	letectable residue of any controlled dangerous

1	substance as defined in this section or any other
2	substances not legal for possession or use;
3	provided, however, the term drug paraphernalia shall not include
4	separation gins intended for use in preparing tea or spice, clamps
5	used for constructing electrical equipment, water pipes designed for
6	ornamentation in which no detectable amount of an illegal substance
7	is found or pipes designed and used solely for smoking tobacco,
8	traditional pipes of an American Indian tribal religious ceremony,
9	antique pipes that are thirty (30) years of age or older, or drug
10	testing strips possessed by a person for purposes of determining the
11	presence of fentanyl or a fentanyl-related compound;
12	37. a. "Synthetic controlled substance" means a substance:
13	(1) the chemical structure of which is substantially
14	similar to the chemical structure of a controlled
15	dangerous substance in Schedule I or II,
16	(2) which has a stimulant, depressant, or
17	hallucinogenic effect on the central nervous
18	system that is substantially similar to or
19	greater than the stimulant, depressant or
20	hallucinogenic effect on the central nervous
21	system of a controlled dangerous substance in
22	Schedule I or II, or
23	(3) with respect to a particular person, which such
24	person represents or intends to have a stimulant,

1	depressant, or hallucinogenic effect on the
2	central nervous system that is substantially
3	similar to or greater than the stimulant,
4	depressant, or hallucinogenic effect on the
5	central nervous system of a controlled dangerous
6	substance in Schedule I or II.
7	b. The designation of gamma butyrolactone or any other
8	chemical as a precursor, pursuant to Section 2-322 of
9	this title, does not preclude a finding pursuant to
10	subparagraph a of this paragraph that the chemical is
11	a synthetic controlled substance.
12	c. "Synthetic controlled substance" does not include:
13	(1) a controlled dangerous substance,
14	(2) any substance for which there is an approved new
15	drug application,
16	(3) with respect to a particular person any
17	substance, if an exemption is in effect for
18	investigational use, for that person under the
19	provisions of Section 505 of the Federal Food,
20	Drug and Cosmetic Act, Title 21 of the United
21	States Code, Section 355, to the extent conduct
22	with respect to such substance is pursuant to
23	such exemption, or
24	
-	

1human consumption before such an exemption takes3effect with respect to that substance.4d. Prime facic evidence that a substance containing5salvia divinorum has been enhanced, concentrated or6chemically or physically altered shall give rise to a7rebuttable presumption that the substance is a8synthetic controlled substance;938. "Tetrahydrocannabinols" means all substances that have been10ehemically cynthesized to emulate the tetrahydrocannabinols derived11from industrial hemg;1339. "Isomer" means the optical isomer, endept as used in14subsections C and F of Section 2-204 of this title, isomer means the15of subsection A of Section 2-204 of this title, isomer means the16subsections C and F of Section 2-204 of this title, isomer means the17ubsection A of Section 2-204 of this title, isomer means the18subsection A of Section 2-204 of this title, isomer means the19ubsection A of Section 2-204 of this title, isomer means the19ubsection A of Section 2-204 of this title, isomer means the11subsection A of Section 2-204 of this title, isomer means the12ubsection A of Section 2-204 of this title, isomer means the13ubsection A of Section 2-204 of this title, isomer means the14isomer means the optical isomer, As used in paragraph 4 of15subsection A of Section 2-204 of this title, the term isomer means16isomertic isomer,17itquid or gay, which are toxic to human, an	1	(4) any substance to the extent not intended for
 d. Prima facic 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. "Totrahydrocannabinols" means all substance that have been chemically synthesized to emulate the tetrahydrocannabinols of marijuana, specifically including any tetrahydrocannabinols derived from industrial hemp; 39. "Toomer" 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 2-204 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, itomer means the optical or geometric isomer, as used in paragraph 4 of subsection A of Section 2-206 of this title, itomer means the optical or geometric isomer. As used in paragraph 4 of subsection A of Section 2-206 of this title, itomer means the optical or geometric isomer, as used in paragraph 4 of subsection A of Section 2-206 of this title, itomer means the optical or geometric isomer, 40. "Hozardous materials" means materials, whether solid, iiquid or gas, which are toxis to human, animal, aquatic or plant iife, and the disposal of which materials is controlled by state or foderal guidelines; 	2	human consumption before such an exemption takes
5salvia 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;938. "Tetrahydrocannabinols" means all substances that have been chemically synthesized to emulate the tetrahydrocannabinols of marijuana, specifically including any tetrahydrocannabinols derived from industrial hemp;1339. "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 2-204 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. As used in paragraph 4 of subsection A of Section 2-206 of this title, the term isomer means the optical or geometric isomer, 40. "Hazardous materials" means materials, whether solid, liquid or gas, which are toxic to human, animal, aquatic or plant life, and the disposal of which materials is controlled by state or federal guidelines;	3	effect with respect to that substance.
 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 ohemically synthesized to emulate the tetrahydrocannabinole of marijuana, specifically including any tetrahydrocannabinole 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 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, 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. 40. "Hazardous materials" means materials, whether solid, liquid or gas, which are texic to human, animal, aquatic or plant life, and the disposal of which materials is controlled by state or federal guidelines; 	4	d. Prima facie evidence that a substance containing
 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; 40. "Hazardous materials" means materials, whether solid, liquid or gas, which are toxic to human, animal, aquatic or plant life, and the disposal of which materials is controlled by state or federal guidelines; 	5	salvia divinorum has been enhanced, concentrated or
 8 synthetic controlled substance; 9 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 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, 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, 40. "Hazardous materials" means materials, whether colid, liquid or gas, which are toxic to human, animal, aquatic or plant life, and the disposal of which materials is controlled by state or federal guidelines; 	6	chemically or physically altered shall give rise to a
 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. "Toomer" 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 2-204 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; 40. "Hazardous materials" means materials, whether solid, liquid or gas, which are toxic to human, animal, aquatic or plant life, and the disposal of which materials is controlled by state or federal guidelines; 	7	rebuttable presumption that the substance is a
chemically synthesized to emulate the tetrahydrocannabinols of marijuana, specifically including any tetrahydrocannabinols derived from industrial homp; 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 subsections C and F 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, 40. "Hazardous materials" means materials, whether solid, liquid or gas, which are toxic to human, animal, aquatic or plant life, and the disposal of which materials is controlled by state or federal guidelines;	8	synthetic controlled substance;
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. As used in paragraph 4 of subsection A of Section 2-206 of this title, the term isomer means the optical or geometric isomer, 40. "Hazardous materials" means materials, whether solid, liquid or gas, which are toxic to human, animal, aquatic or plant life, and the disposal of which materials is controlled by state or federal guidelines;	9	38. "Tetrahydrocannabinols" means all substances that have been
from industrial hemp; 39. "Isomer" means the optical isomer, except as used in oubsections 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 outpressions 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; 40. "Hazardous materials" means materials, whether solid; liquid or gas, which are toxic to human, animal, aquatic or plant life, and the disposal of which materials is controlled by state or federal guidelines;	10	chemically synthesized to emulate the tetrahydrocannabinols of
 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, 40. "Hazardous materials" means materials, whether solid, liquid or gas, which are toxic to human, animal, aquatic or plant life, and the disposal of which materials is controlled by state or federal guidelines; 	11	marijuana, specifically including any tetrahydrocannabinols derived
<pre>14 14 15 16 17 16 17 18 18 19 19 19 19 19 19 19 19 19 19 19 19 19</pre>	12	from industrial hemp;
 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; 40. "Hazardous materials" means materials, whether solid, liquid or gas, which are toxic to human, animal, aquatic or plant life, and the disposal of which materials is controlled by state or federal guidelines; 	13	39. "Isomer" means the optical isomer, except 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; 40. "Hazardous materials" means materials, whether solid, liquid or gas, which are toxic to human, animal, aquatic or plant life, and the disposal of which materials is controlled by state or federal guidelines; 	14	subsections C and F of Section 2-204 of this title and paragraph 4
 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; 40. "Hazardous materials" means materials, whether solid, liquid or gas, which are toxic to human, animal, aquatic or plant life, and the disposal of which materials is controlled by state or federal guidelines; 	15	of subsection A of Section 2-206 of this title. As used in
<pre>18 subsection A of Section 2-206 of this title, the term isomer means 19 the optical or geometric isomer; 20 40. "Hazardous materials" means materials, whether solid, 21 liquid or gas, which are toxic to human, animal, aquatic or plant 22 life, and the disposal of which materials is controlled by state or 23 federal guidelines;</pre>	16	subsections C and F of Section 2-204 of this title, isomer means the
19 the optical or geometric isomer; 20 <u>40. "Hazardous materials" means materials, whether solid,</u> 21 liquid or gas, which are toxic to human, animal, aquatic or plant 22 life, and the disposal of which materials is controlled by state or 23 federal guidelines;	17	optical, positional or geometric isomer. As used in paragraph 4 of
20 40. "Hazardous materials" means materials, whether solid, 21 liquid or gas, which are toxic to human, animal, aquatic or plant 22 life, and the disposal of which materials is controlled by state or 23 federal guidelines;	18	subsection A of Section 2-206 of this title, the term isomer means
21 liquid or gas, which are toxic to human, animal, aquatic or plant 22 life, and the disposal of which materials is controlled by state or 23 federal guidelines;	19	the optical or geometric isomer;
22 life, and the disposal of which materials is controlled by state or 23 federal guidelines;	20	40. "Hazardous materials" means materials, whether solid,
23 federal guidelines;	21	liquid or gas, which are toxic to human, animal, aquatic or plant
	22	life, and the disposal of which materials is controlled by state or
24	23	federal guidelines;
	24	

1	41. "Anhydrous ammonia" means any substance that exhibits
2	cryogenic evaporative behavior and tests positive for ammonia;
3	42. "Acute pain" means pain, whether resulting from disease,
4	accidental or intentional trauma or other cause, that the
5	practitioner reasonably expects to last only a short period of time.
6	Acute pain does not include chronic pain, pain being treated as part
7	of cancer care, hospice or other end-of-life care, or pain being
8	treated as part of palliative care;
9	43. "Chronic pain" means pain that persists beyond the usual
10	course of an acute disease or healing of an injury. Chronic pain
11	may or may not be associated with an acute or chronic pathologic
12	process that causes continuous or intermittent pain over months or
13	years;
14	44. "Initial prescription" means a prescription issued to a
15	patient who:
16	a. has never previously been issued a prescription for
17	the drug or its pharmaceutical equivalent in the past
18	year, or
19	b. requires a prescription for the drug or its
20	pharmaceutical equivalent due to a surgical procedure
21	or new acute event and has previously had a
22	prescription for the drug or its pharmaceutical
23	equivalent within the past year.
24	

1	When determining whether a patient was previously issued a
2	prescription for a drug or its pharmaceutical equivalent, the
3	practitioner shall consult with the patient and review the medical
4	record and prescription monitoring information of the patient;
5	45. "Patient-provider agreement" means a written contract or
6	agreement that is executed between a practitioner and a patient,
7	prior to the commencement of treatment for chronic pain using an
8	opioid drug as a means to:
9	a. explain the possible risk of development of physical
10	or psychological dependence in the patient and prevent
11	the possible development of addiction,
12	b. document the understanding of both the practitioner
13	and the patient regarding the patient-provider
14	agreement of the patient,
15	c. establish the rights of the patient in association
16	with treatment and the obligations of the patient in
17	relation to the responsible use, discontinuation of
18	use, and storage of opioid drugs, including any
19	restrictions on the refill of prescriptions or the
20	acceptance of opioid prescriptions from practitioners,
21	d. identify the specific medications and other modes of
22	treatment, including physical therapy or exercise,
23	relaxation or psychological counseling, that are
24	included as a part of the patient-provider agreement,

1	e. specify the measures the practitioner may employ to
2	monitor the compliance of the patient including, but
3	not limited to, random specimen screens and pill
4	counts, and
5	f. delineate the process for terminating the agreement,
6	including the consequences if the practitioner has
7	reason to believe that the patient is not complying
8	with the terms of the agreement. Compliance with the
9	"consent items" shall constitute a valid, informed
10	consent for opioid therapy. The practitioner shall be
11	held harmless from civil litigation for failure to
12	treat pain if the event occurs because of nonadherence
13	by the patient with any of the provisions of the
14	<pre>patient-provider_agreement;</pre>
15	46. "Serious illness" means a medical illness or physical
16	injury or condition that substantially affects quality of life for
17	more than a short period of time. Serious illness includes, but is
18	not limited to, Alzheimer's disease or related dementias, lung
19	disease, cancer, heart failure, renal failure, liver failure or
20	chronic, unremitting or intractable pain such as neuropathic pain;
21	and
22	47. "Surgical procedure" means a procedure that is performed
23	for the purpose of structurally altering the human body by incision
24	or destruction of tissues as part of the practice of medicine. This

1 term includes the diagnostic or therapeutic treatment of conditions 2 or disease processes by use of instruments such as lasers, ultrasound, ionizing, radiation, scalpels, probes or needles that 3 cause localized alteration or transportation of live human tissue by 4 5 cutting, burning, vaporizing, freezing, suturing, probing or manipulating by closed reduction for major dislocations or 6 7 fractures, or otherwise altering by any mechanical, thermal, lightbased, electromagnetic or chemical means. 8 9 SECTION 2. AMENDATORY 63 O.S. 2021, Section 2-106.2, is 10 amended to read as follows: Section 2-106.2 A. The Oklahoma State Bureau of Narcotics and 11 Dangerous Drugs Control, pursuant to rules promulgated by the 12 13 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control 14 Commission, is hereby authorized to: 15 1. Make available for sale used vehicles, used equipment and 16 forfeited property to any federal, state, county, or municipal 17 agency, trust authority or public school district; 18 Sell at public auction any used vehicles, used equipment and 2. 19 any property forfeited to the Bureau; and 20 Donate or transfer title to any surplus property as defined 3. 21 in Section 62.2 of Title 74 of the Oklahoma Statutes, or property 22 forfeited to the Bureau, to any law enforcement agency of any 23 political subdivision of the State of Oklahoma. The use of such 24

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donated equipment shall be limited to valid and authorized law
 enforcement efforts by the receiving agency.

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

6 SECTION 3. AMENDATORY 63 O.S. 2021, Section 2-304, as 7 amended by Section 3, Chapter 375, O.S.L. 2023 (63 O.S. Supp. 2023, 8 Section 2-304), is amended to read as follows:

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

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

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

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1 b. provide false data or omit material information in any 2 records or reports required by rule or law to be created, maintained or submitted to the Bureau. 3 4 Any registrant or applicant for a registration or any official, 5 agent or employee of any registrant or applicant for a registration who violates the provisions of this paragraph shall be guilty of a 6 7 misdemeanor and additionally subject to administrative action; 2. Has been found guilty of, entered a plea of guilty or 8 9 entered a plea of nolo contendere to a misdemeanor relating to any 10 substance defined herein as a controlled dangerous substance or any 11 felony under the laws of any state or the United States; 12 3. Has had his or her federal registration retired, suspended 13 or revoked by a competent federal authority and is no longer 14 authorized by federal law to manufacture, distribute, dispense, 15 prescribe, administer or use for scientific purposes controlled 16 dangerous substances; 17 4. Has failed to maintain effective controls against the 18 diversion of controlled dangerous substances to unauthorized persons

19 or entities;

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

6. Has had a restriction, suspension, revocation, limitation,
condition or probation placed on his or her professional license or

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1 certificate or practice as a result of a proceeding pursuant to the 2 general statutes;

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

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

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

13 10. Has been under the influence of alcohol or another 14 intoxicating substance which adversely affected the central nervous 15 system, vision, hearing or other sensory or motor functioning to 16 such degree the person was impaired during the performance of his or 17 her job; or

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

B. In the event the Director suspends or revokes a registration granted under Section 2-303 of this title, all controlled dangerous substances owned or possessed by the registrant pursuant to such

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1 registration at the time of revocation or suspension or the 2 effective date of the revocation order, as the case may be, may in the discretion of the Director be impounded and preserved. All 3 4 controlled dangerous substances not impounded or preserved by the 5 Director shall be maintained by the registrant. No Upon issuance of a revocation order, no disposition, purchase, distribution, sale, or 6 7 transfer may be made of controlled dangerous substances until the time for taking an appeal has elapsed or until all appeals have been 8 9 concluded unless a court, upon application therefor, orders the sale 10 of perishable substances and the deposit of the proceeds of the sale 11 with the court to be distributed to the prevailing party. Upon a 12 revocation order becoming final, all such controlled dangerous 13 substances shall be forfeited to the state or otherwise considered 14 waste and submitted to a licensed waste disposal service for 15 destruction pursuant to Section 430 of this title in accordance with 16 applicable law and by order of the Director.

17 C. The Drug Enforcement Administration shall promptly be 18 notified of all orders suspending or revoking registration and all 19 forfeitures of controlled dangerous substances.

20 SECTION 4. AMENDATORY 63 O.S. 2021, Section 2-305, as 21 amended by Section 4, Chapter 375, O.S.L. 2023 (63 O.S. Supp. 2023, 22 Section 2-305), is amended to read as follows:

23 Section 2-305. A. In addition to any other remedies provided 24 for by law, the Director shall issue a written order to be served on 1 the parties before annulling, conditioning, suspending or revoking any registration that the Director has reason to believe is 2 operating inconsistent with any provision of Section 2-303 of this 3 title, pursuant to Section 2-304 of this title or otherwise where 4 5 there has been a violation of any federal law, any rule or regulation of the Drug Enforcement Administration, any provision of 6 7 the Uniform Controlled Dangerous Substances Act, or any rules or regulations of the Oklahoma State Bureau of Narcotics and Dangerous 8 9 Drugs Control.

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

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

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require an individual proceeding for the denial of a new application
 for registration.

The Director may authorize the Deputy Director or the 3 D. General Counsel of the Oklahoma State Bureau of Narcotics and 4 5 Dangerous Drugs Control to initiate any individual proceedings under 6 this title. Nothing in this section shall be construed so as to 7 delegate the authority of the Director to issue a final agency order of an individual proceeding adverse to a party. If a party fails to 8 9 request an administrative hearing in a timely manner, the written 10 order as issued shall be deemed adopted by the Director as the final 11 agency order concerning the matter without further action by the 12 Director.

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

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

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1 2. The Director may delegate to an administrative hearing 2 officer the authority to conduct hearings and recommend action for final agency orders in accordance with the rules and regulations of 3 4 the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control. 5 F. The Director may issue an order immediately suspending a registration, without notice or a hearing, when he or she finds 6 7 there is imminent danger to the public health or safety which warrants this action. The suspension shall continue in effect until 8 9 the conclusion of any administrative proceedings, including judicial 10 review thereof, unless sooner withdrawn by the Director or dissolved 11 by a court of competent jurisdiction. The order shall state the existence of an emergency requiring action be taken that the 12 13 Director deems necessary to meet the emergency. Such action may 14 include, but is not limited to, ordering the registrant to 15 immediately cease and desist operations. The order shall be 16 effective immediately upon issuance. Any person to whom the order 17 is directed shall comply immediately with the provisions of the 18 order. The Director may assess a penalty not to exceed Ten Thousand 19 Dollars (\$10,000.00) per day of noncompliance with the order. In 20 assessing such a penalty, the Director shall consider the 21 seriousness of the violation and any efforts to comply with 22 applicable requirements. Upon application to the Director, the 23 registrant shall be offered a hearing within thirty (30) days of the 24 issuance of the order.

1 G. In lieu of or in addition to any other remedies available to 2 the Director, if a finding is made that a registrant has committed any act in violation of federal law relating to any controlled 3 4 substance, any provision of the Uniform Controlled Dangerous 5 Substances Act or any rules of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Director is hereby 6 7 authorized to assess an administrative penalty not to exceed Five Thousand Dollars (\$5,000.00) per day for each such act. The 8 9 provisions of this subsection shall not apply to violations of 10 subsection G of Section 2-309D of this title. Nothing in this 11 section shall be construed so as to permit the Director of the 12 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control to 13 assess administrative fines for violations of the provisions of 14 subsection G of Section 2-309D of this title.

15 If a judge of competent jurisdiction finds probable cause н. 16 that a registrant has possessed, transferred, sold, or offered for 17 sale any controlled dangerous substance in violation of this act, 18 all controlled dangerous substances in Schedule I of Section 2-204 19 of this title and all controlled dangerous substances in Schedules 20 II, III, IV, and V that are not in properly labeled containers in 21 accordance with this act then in the possession of the registrant 22 shall be deemed contraband and shall be seized and summarily 23 forfeited pursuant to Section 2-505 of this title. Samples shall be 24 retained of all controlled dangerous substances seized in accordance

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with Section 2-508 of this title as required. The Director is
 authorized to assess an eradication or destruction fine not to
 exceed Fifty Thousand Dollars (\$50,000.00) against the registrant.

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

10 SECTION 5. AMENDATORY 63 O.S. 2021, Section 2-309, as 11 amended by Section 2, Chapter 304, O.S.L. 2023 (63 O.S. Supp. 2023, 12 Section 2-309), is amended to read as follows:

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

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

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.

3. An electronic prescription with electronic signature may
serve as an original prescription, subject to the requirements set
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.

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

15 a person licensed to practice veterinary medicine, a. 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 a practitioner, other than a pharmacist, who dispenses с. 23 directly to an ultimate user,

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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,
	1	

1		provided the practitioner documents the reason for
2		this exception in the medical record of the patient,
3		or
4	g.	a practitioner that has received a waiver or extension
5		from his or her licensing board <u>,</u>
6	<u>h.</u>	a practitioner who prescribes a controlled dangerous
7		substance for a supply that when taken as prescribed
8		would be consumed within seventy-two (72) hours, or
9	<u>i.</u>	a practitioner who determines that an electronic
10		prescription cannot be issued in a timely manner and
11		the condition of the patient is at risk.
12	6. Elec	tronic prescriptions shall not may be utilized under the
13	following cit	rcumstances:
14	a.	<pre>compound compounded prescriptions containing two or</pre>
15		more commercially available products or two or more
16		active pharmaceutical ingredients,
17	b.	compounded infusion prescriptions containing two or
18		more commercially available products or two or more
19		active pharmaceutical ingredients, or
~ ~		
20	C.	prescriptions issued under approved research
20		prescriptions issued under approved research protocols , or
	d.	protocols , or
21		protocols , or

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

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

9. All prescriptions issued pursuant to paragraphs paragraph 5
and <u>subparagraph c of paragraph</u> 6 of this subsection shall be issued
on an official prescription form provided <u>approved</u> by the Oklahoma
State Bureau of Narcotics and Dangerous Drugs Control <u>if not issued</u>
<u>electronically</u>.

15	10. a.	Effective January 1, 2020, practitioners Practitioners
16		shall register <u>be registered</u> with the Oklahoma State
17		Bureau of Narcotics and Dangerous Drugs Control in
18		order to be issued <u>purchase</u> 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 Bureau.

- A practitioner's registration shall be without fee and 3 b. 4 subject to approval by the Bureau. Such registration 5 shall be valid for a period of two (2) years and may be denied, suspended or revoked by the Bureau upon a 6 7 finding by the Bureau or licensing board that the registered practitioner has had any license to 8 9 practice a medical profession revoked or suspended by 10 any state or federal agency.
- 11 Where the Bureau has revoked the registration of a C. registered practitioner, the Bureau may revoke or 12 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
 - A practitioner that has had any license to practice с. terminated, revoked or suspended by a state or federal agency may, upon restoration of such license or
- 24

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d.

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 enly 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 te 18 c. Official prescription forms issued to of a registered 19 practitioner shall be used only by the practitioner te whom they are issued designated on the official 19 prescription form.	1		certificate, register to be issued official
4paragraph, the Bureau shall issue official Official5prescription forms free of charge only to registered6practitioners in this state. Such forms shall not be7transferable. The number of official prescription8forms issued to a registered shall be purchased at the9expense of the practitioner at any time shall be at10the discretion of or the employer of the practitioner11from a list of vendors approved by the Bureau.12b. Official prescription forms issued to a registered13practitioner shall be imprinted only with the primary14address and may include other addresses listed on the15registration of the practitioner to identify the place16of origin. Such prescriptions shall be sent only to17the primary address of the registered practitioner.18c. Official prescription forms issued to of a registered19practitioner shall be used only by the practitioner to20whom they are issued designated on the official21prescription form.22d. The Bureau may revoke or cancel official prescription23forms in possession of registered practitioners when	2		prescription forms with the Bureau.
5prescription forms free of charge only to registered6practitioners in this state. Such forms shall not be7transferable. The number of official prescription8forms isoued to a registered shall be purchased at the9expense of the practitioner at any time shall be at10the discretion of or the employer of the practitioner11from a list of vendors approved by the Bureau.12b.13practitioner shall be imprinted only with the primary14address and may include other addresses listed on the15registration of the practitioner to identify the place16of origin. Such prescriptions shall be sent only to17the primary address of the registered practitioner.18c.20whom they are issued designated on the official21prescription form.22d.3The Bureau may revoke or cancel official prescription23forms in possession of registered practitioners when	3	11. a.	Except as provided in subparagraph f of this
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21 <u>prescription form</u> . 22 d. The Bureau may revoke or cancel official prescription 23 forms in possession of registered practitioners when	19		practitioner shall be used only by the practitioner to
22 d. The Bureau may revoke or cancel official prescription 23 forms in possession of registered practitioners when	20		whom they are issued designated on the official
23 forms in possession of registered practitioners when	21		prescription form.
	22	d.	The Bureau may revoke or cancel official prescription
24	23		forms in possession of registered practitioners when
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the license of such practitioner is suspended, terminated or revoked.

- e. Official prescription forms of registered practitioners who are deceased or who no longer prescribe shall be returned to the Bureau at a designated address. If the registered practitioner is deceased, it is the responsibility of the registered practitioner's estate or lawful designee to return such forms.
- f. The Bureau may issue official prescription forms to 10 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

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1 prevent the use of such prescription forms for 2 anything other than official government purposes. 12. Adequate safeguards and security measures shall be 3 a. 4 undertaken by registered practitioners holding 5 official prescription forms to assure against the loss, destruction, theft or unauthorized use of the 6 7 forms. Registered practitioners shall maintain a sufficient but not excessive supply of such forms in 8 9 reserve.

- b. Registered practitioners shall immediately notify the
 Bureau, in a manner designated by the Bureau, upon
 their knowledge of the loss, destruction, theft or
 unauthorized use of any official prescription forms
 issued to them, as well as the failure to receive
 official prescription forms within a reasonable time
 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.

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

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1 ultimate user <u>or the circumstances provided for in paragraphs 5 and</u> 2 <u>6 of subsection A of this section</u>, 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.

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

18 "Prescription", as used in this section, means a 1. D. 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

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use, the name and address of the owner of the animal and, if
 written, the signature of the practitioner. <u>When electronically</u>
 <u>prescribed, the full name of the patient may include the name and</u>
 species of the animal.

2. "Registered practitioner", as used in this section, means a
licensed practitioner duly registered with the Oklahoma State Bureau
of Narcotics and Dangerous Drugs Control <u>authorized</u> to be issued
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.

SECTION 6. AMENDATORY 63 O.S. 2021, Section 2-406, as amended by Section 2, Chapter 235, O.S.L. 2023 (63 O.S. Supp. 2023, Section 2-406), is amended to read as follows:

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

To distribute <u>Distribute</u>, other than by dispensing or as
 otherwise authorized by the Uniform Controlled Dangerous Substances
 Act, a controlled dangerous substance classified in Schedules I or
 II, in the course of his or her legitimate business, except pursuant
 to an order form as required by Section 2-308 of this title;

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

3. To acquire <u>Acquire</u> or obtain possession of a controlled
dangerous substance by misrepresentation, fraud, forgery, deception
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 <u>Make</u>, 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 <u>Purchase</u>, 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.

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

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

C. Any person convicted of a second or subsequent violation of
this section is punishable by a term of imprisonment twice that
otherwise authorized and by twice the fine otherwise authorized.
Convictions for second or subsequent violations of this section
shall not be subject to statutory provisions for suspended
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 7. 63 O.S. 2021, Sections 2-101, as REPEALER 15 last amended by Section 10, Chapter 91, O.S.L. 2019, Section 1, 16 Chapter 235, O.S.L. 2023, and Section 1, Chapter 304, O.S.L. 2023, 17 2-304, as last amended by Section 1, Chapter 176, O.S.L. 2023, 2-18 305, as amended by Section 2, Chapter 176, O.S.L. 2023, 2-309, as 19 last amended by Section 1, Chapter 333, O.S.L. 2021, 2-402, as last 20 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, 21 22 Sections 2-101, 2-304, 2-305, 2-309, 2-402 and 2-406), are hereby 23 repealed.

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1	SECTION 8. 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.
5	Passed the House of Representatives the 12th day of March, 2024.
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7	Presiding Officer of the House
8	of Representatives
9	Passed the Senate the day of, 2024.
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