

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 59th Legislature (2023)

4 ENGROSSED SENATE
5 BILL NO. 665

By: Standridge of the Senate

and

Worthen of the House

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9 An Act relating to controlled dangerous substances;
10 amending 63 O.S. 2021, Section 2-302, which relates
11 to registration requirements; modifying applicability
12 of certain exception; updating statutory language;
13 and providing an effective date.

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

15 SECTION 1. AMENDATORY 63 O.S. 2021, Section 2-302, is
16 amended to read as follows:

17 Section 2-302. A. Every person who manufactures, distributes,
18 dispenses, prescribes, administers or uses for scientific purposes
19 any controlled dangerous substance within or into this state, or who
20 proposes to engage in the manufacture, distribution, dispensing,
21 prescribing, administering or use for scientific purposes of any
22 controlled dangerous substance within or into this state shall
23 obtain a registration issued by the Director of the Oklahoma State
24 Bureau of Narcotics and Dangerous Drugs Control, in accordance with
25 rules promulgated by the Director. Persons registered by the

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

20 B. Out-of-state pharmaceutical suppliers who provide controlled
21 dangerous substances to individuals within this state shall obtain a
22 registration issued by the Director of the Oklahoma State Bureau of
23 Narcotics and Dangerous Drugs Control, in accordance with rules
24 promulgated by the Director. This provision shall also apply to

1 wholesale distributors who distribute controlled dangerous
2 substances to pharmacies or other entities registered within this
3 state in accordance with rules promulgated by the Director.

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

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

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

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

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

2 4. The name and National Drug Code of the controlled dangerous
3 substance sold; and

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

6 E. The information maintained and provided pursuant to
7 subsection D of this section shall be confidential and not open to
8 the public. Access to the information shall, at the discretion of
9 the Director, be limited to:

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

14 2. The United States Drug Enforcement Administration Diversion
15 Group Supervisor; and

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

18 F. Manufacturers, distributors, home care agencies, hospices,
19 home care services, medical facility owners referred to in
20 subsection C of this section and scientific researchers shall obtain
21 a registration annually. Other practitioners shall obtain a
22 registration for a period to be determined by the Director that will
23 be for a period not less than one (1) year nor more than three (3)
24 years.

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

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

17 1. An agent, or an employee thereof, of any registered
18 manufacturer, distributor, dispenser or user for scientific purposes
19 of any controlled dangerous substance, if such agent is acting in
20 the usual course of such agent's or employee's business or
21 employment;

22 2. Any person lawfully acting under the direction of a person
23 authorized to administer controlled dangerous substances under
24 Section 2-312 of this title;

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

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

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

10 6. A nursing home licensed by this state;

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

17 8. Registered nurses and licensed practical nurses; and

18 9. An assisted living facility licensed by ~~the State of~~
19 ~~Oklahoma~~ this state.

20 I. The Director may, by rule, waive the requirement for
21 registration or fee for registration of certain manufacturers,
22 distributors, dispensers, prescribers, administrators or users for
23 scientific purposes if the Director finds it consistent with the
24 public health and safety.

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

5 K. The Director is authorized to inspect the establishment of a
6 registrant or applicant for registration in accordance with rules
7 promulgated by the Director.

8 L. No person engaged in a profession or occupation for which a
9 license to engage in such activity is provided by law shall be
10 registered under the Uniform Controlled Dangerous Substances Act
11 unless such person holds a valid license of such person's profession
12 or occupation.

13 M. Registrations shall be issued on the first day of November
14 of each year. Registrations may be issued at other times, however,
15 upon certification of the professional licensing board.

16 N. The licensing boards of all professions and occupations to
17 which the use of controlled dangerous substances is incidental shall
18 furnish a current list to the Director, not later than the first day
19 of October of each year, of the persons holding valid licenses. All
20 such persons except persons exempt from registration requirements
21 under subsection H of this section shall be subject to the
22 registration requirements of Section 2-101 et seq. of this title.

23 O. The licensing board of any professional defined as a mid-
24 level practitioner shall notify and furnish to the Director, not

1 later than the first day of October of each year, that such
2 professional holds a valid license, a current listing of individuals
3 licensed and registered with their respective boards to prescribe,
4 order, select, obtain and administer controlled dangerous
5 substances. The licensing board shall immediately notify the
6 Director of any action subsequently taken against any such
7 individual.

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

12 SECTION 2. This act shall become effective November 1, 2023.

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14 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CRIMINAL, dated
15 04/05/2023 - DO PASS.
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