

1 **SENATE FLOOR VERSION**

2 February 29, 2024

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 1698

By: Rader

6
7 An Act relating to controlled dangerous substances;
8 amending 63 O.S. 2021, Section 2-315, which relates
9 to submission of out-of-date controlled dangerous
10 substances for destruction; modifying applicability
11 of certain provisions; modifying terminology;
12 removing certain limitations on disposal of
13 controlled dangerous substances; requiring compliance
14 with federal regulation; allowing ultimate user to
15 submit own drugs for disposal under certain
16 conditions; permitting disposal of decedent's
17 prescribed drugs under certain conditions;
18 authorizing qualified hospice program to dispose of
19 decedent's prescribed drugs under certain conditions;
20 requiring completion, witness, and submission of
21 certain form; defining terms; and providing an
22 effective date.

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

24 SECTION 1. AMENDATORY 63 O.S. 2021, Section 2-315, is
amended to read as follows:

Section 2-315. A. Except as otherwise provided by law, any
person required to obtain an annual registration pursuant to Section
2-302 of this title, or any group home, or residential care home as
defined by Section 1-820 of this title shall ~~submit for destruction~~
dispose of, in accordance with 21 C.F.R., Part 1317, all controlled

1 dangerous substances which are out of date, which are unwanted,
2 unused or which are abandoned by their owner at their facility due
3 to death or other circumstances.

4 B. ~~All controlled dangerous substances described in subsection~~
5 ~~A of this section shall be submitted to the Oklahoma City laboratory~~
6 ~~of the Oklahoma State Bureau of Investigation, along with all~~
7 ~~required information on forms provided by the Oklahoma State Bureau~~
8 ~~of Investigation, to the federal Drug Enforcement Administration, to~~
9 ~~a duly registered reverse distributor, to the original registered~~
10 ~~supplier or their registered agent, to a duly registered retail~~
11 ~~pharmacy, or to a hospital or clinic with an on-site pharmacy~~
12 ~~pursuant to the rules set forth in Part 1317 of Title 21 of the Code~~
13 ~~of Federal Regulations.~~ When any such substance is transported by
14 private contract or common carrier or United States Postal Service
15 for the purpose of destruction or disposal, the sender shall require
16 a receipt from such private contract or common carrier or United
17 States Postal Service, and such receipt shall be retained as a
18 permanent record by the sender.

19 C. 1. Controlled dangerous substances submitted to the
20 Oklahoma State Bureau of Investigation ~~pursuant to the provisions of~~
21 ~~this section~~ shall be destroyed pursuant to the procedures provided
22 in subsection A of Section 2-508 of this title.

23 2. Controlled dangerous substances submitted to any
24 distributors, reverse distributors or their original registered

1 suppliers ~~pursuant to the provisions of this section~~ shall be
2 destroyed by incineration so as to make the substance absolutely
3 ~~unusable for human purposes~~ in accordance with 21 C.F.R., Part 1317.

4 An official record listing the property destroyed, the location of
5 destruction and disposal, and the name and title of the person
6 supervising the destruction and disposal shall be submitted to the
7 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control and
8 the federal Drug Enforcement Administration office located nearest
9 the destruction site.

10 D. The Office of the Chief Medical Examiner is hereby
11 authorized to perform on-site incineration of all controlled
12 dangerous substances which are obtained in the discharge of the
13 official duties of the Chief Medical Examiner. Any record relating
14 to destruction of a controlled dangerous substance shall be
15 maintained as required by the state or federal government and shall
16 be available for inspection by appropriate state or federal
17 government regulatory agencies.

18 E. 1. An ultimate user who has lawfully obtained a controlled
19 dangerous substance in accordance with state and federal law may,
20 without being registered under Section 2-302 of this title, deliver
21 the controlled dangerous substance to an authorized person for the
22 purpose of disposal of the controlled dangerous substance under the
23 conditions provided by 21 U.S.C., Section 822(g)(1).

1 2. If a person dies while lawfully in possession of a
2 controlled dangerous substance for personal use, any person lawfully
3 entitled to dispose of the decedent's property may deliver the
4 controlled dangerous substance to another person for the purpose of
5 disposal under the conditions provided by 21 U.S.C., Section
6 822(g) (4).

7 3. a. In the case of a decedent who was receiving hospice
8 care at the time of death, an employee of a qualified
9 hospice program, acting within the scope of his or her
10 employment, may handle, without being registered under
11 Section 2-302 of this title, any controlled dangerous
12 substance that was lawfully dispensed to the decedent
13 prior to death, under the conditions provided by 21
14 U.S.C., Section 822(g) (5). Such employee shall, under
15 penalty of perjury, complete, sign, and submit to the
16 Oklahoma State Bureau of Narcotics and Dangerous Drugs
17 Control a form to be prescribed by the Bureau. The
18 form shall also be signed by a witness who is either a
19 second employee of the qualified hospice program or a
20 family member of the decedent.

21 b. As used in this paragraph:

22 (1) "employee of a qualified hospice program" has the
23 same meaning as provided by 21 U.S.C., Section
24 822(g) (5) (B), and

1 (2) "qualified hospice program" means a qualified
2 hospice program as defined in 21 U.S.C., Section
3 822(g) (5) (B) that is licensed under the Oklahoma
4 Hospice Licensing Act and registered under
5 Section 2-302 of this title.

6 F. This section shall constitute a part of the Uniform
7 Controlled Dangerous Substances Act.

8 SECTION 2. This act shall become effective November 1, 2024.

9 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
10 February 29, 2024 - DO PASS AS AMENDED BY CS
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