

1 ENGROSSED SENATE AMENDMENT  
TO

2 ENGROSSED HOUSE  
3 BILL NO. 2154

By: Echols, Grau, Montgomery,  
Casey, Jordan and Cannaday  
of the House

4  
5 and

6 Crain of the Senate  
7

8 An Act relating to public health and safety; creating  
9 Katie's Law; amending 63 O.S. 2011, Section 2-101, as  
10 last amended by Section 1, Chapter 154, O.S.L. 2014  
11 (63 O.S. Supp. 2014, Section 2-101), which relates to  
12 definitions of the Uniform Controlled Dangerous  
13 Substances Act; modifying exception to certain  
14 definition; defining terms; providing for the  
15 establishment of statewide investigational new drug  
16 applications for certain clinical trials; authorizing  
17 physicians to serve as principal investigators for  
18 clinical trials under certain circumstances;  
19 providing for subinvestigators; directing  
20 investigators and subinvestigators to adhere to  
21 certain rules and regulations; providing guidelines  
22 for establishing statewide investigational new drug  
23 applications; providing exemptions from criminal or  
24 civil penalties; providing for codification;  
providing for noncodification; and declaring an  
emergency.

AUTHOR: Add the following Senate Coauthors: Standridge, Sharp, Yen  
and Newberry

AUTHOR: Add the following House Coauthors: Roberts (Sean),  
Perryman and Nollan

AMENDMENT NO. 1. Page 1, strike the title, enacting clause and  
entire bill and insert

1 "An Act relating to public health and safety;  
2 creating Katie and Cayman's Law; amending 63 O.S.  
3 2011, Section 2-101, as last amended by Section 1,  
4 Chapter 154, O.S.L. 2014 (63 O.S. Supp. 2014, Section  
5 2-101), which relates to definitions of the Uniform  
6 Controlled Dangerous Substances Act; modifying  
7 exception to certain definition; defining terms;  
8 providing for the establishment of statewide  
9 investigational new drug applications for certain  
10 clinical trials; authorizing physicians to serve as  
11 principal investigators for clinical trials under  
12 certain circumstances; providing for  
13 subinvestigators; directing investigators and  
14 subinvestigators to adhere to certain rules and  
15 regulations; permitting Oklahoma State Bureau of  
16 Narcotics and Dangerous Drugs Control to inspect  
17 certain samples; providing guidelines for conducting  
18 clinical trials; providing exemptions from criminal  
19 or civil penalties; permitting State Commissioner of  
20 Health to perform certain acts; requiring clinical  
21 trials to comply with certain standards; providing  
22 termination date; requiring certain approval for  
23 continuation of clinical trials; requiring submission  
24 of certain report; specifying contents of report;  
permitting Commissioner to disclose certain data;  
directing promulgation of rules by certain entities;  
providing for codification; providing for  
noncodification; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law not to be  
codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as "Katie and Cayman's  
Law".

1 SECTION 2. AMENDATORY 63 O.S. 2011, Section 2-101, as  
2 last amended by Section 1, Chapter 154, O.S.L. 2014 (63 O.S. Supp.  
3 2014, Section 2-101), is amended to read as follows:

4 Section 2-101. As used in the Uniform Controlled Dangerous  
5 Substances Act:

6 1. "Administer" means the direct application of a controlled  
7 dangerous substance, whether by injection, inhalation, ingestion or  
8 any other means, to the body of a patient, animal or research  
9 subject by:

10 a. a practitioner (or, in the presence of the  
11 practitioner, by the authorized agent of the  
12 practitioner), or

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

15 2. "Agent" means a peace officer appointed by and who acts in  
16 behalf of the Director of the Oklahoma State Bureau of Narcotics and  
17 Dangerous Drugs Control or an authorized person who acts on behalf  
18 of or at the direction of a person who manufactures, distributes,  
19 dispenses, prescribes, administers or uses for scientific purposes  
20 controlled dangerous substances but does not include a common or  
21 contract carrier, public warehouse or employee thereof, or a person  
22 required to register under the Uniform Controlled Dangerous  
23 Substances Act;

24

1       3. "Board" means the Advisory Board to the Director of the  
2 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control;

3       4. "Bureau" means the Oklahoma State Bureau of Narcotics and  
4 Dangerous Drugs Control;

5       5. "Coca leaves" includes cocaine and any compound,  
6 manufacture, salt, derivative, mixture or preparation of coca  
7 leaves, except derivatives of coca leaves which do not contain  
8 cocaine or ecgonine;

9       6. "Commissioner" or "Director" means the Director of the  
10 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control;

11       7. "Control" means to add, remove or change the placement of a  
12 drug, substance or immediate precursor under the Uniform Controlled  
13 Dangerous Substances Act;

14       8. "Controlled dangerous substance" means a drug, substance or  
15 immediate precursor in Schedules I through V of the Uniform  
16 Controlled Dangerous Substances Act or any drug, substance or  
17 immediate precursor listed either temporarily or permanently as a  
18 federally controlled substance. Any conflict between state and  
19 federal law with regard to the particular schedule in which a  
20 substance is listed shall be resolved in favor of state law;

21       9. "Counterfeit substance" means a controlled substance which,  
22 or the container or labeling of which without authorization, bears  
23 the trademark, trade name or other identifying marks, imprint,  
24 number or device or any likeness thereof of a manufacturer,

1 distributor or dispenser other than the person who in fact  
2 manufactured, distributed or dispensed the substance;

3 10. "Deliver" or "delivery" means the actual, constructive or  
4 attempted transfer from one person to another of a controlled  
5 dangerous substance or drug paraphernalia, whether or not there is  
6 an agency relationship;

7 11. "Dispense" means to deliver a controlled dangerous  
8 substance to an ultimate user or human research subject by or  
9 pursuant to the lawful order of a practitioner, including the  
10 prescribing, administering, packaging, labeling or compounding  
11 necessary to prepare the substance for such distribution.

12 "Dispenser" is a practitioner who delivers a controlled dangerous  
13 substance to an ultimate user or human research subject;

14 12. "Distribute" means to deliver other than by administering  
15 or dispensing a controlled dangerous substance;

16 13. "Distributor" means a commercial entity engaged in the  
17 distribution or reverse distribution of narcotics and dangerous  
18 drugs and who complies with all regulations promulgated by the  
19 federal Drug Enforcement Administration and the Oklahoma State  
20 Bureau of Narcotics and Dangerous Drugs Control;

21 14. "Drug" means articles:

22 a. recognized in the official United States

23 Pharmacopoeia, official Homeopathic Pharmacopoeia of  
24

1 the United States, or official National Formulary, or  
2 any supplement to any of them,

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

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

8 d. intended for use as a component of any article  
9 specified in this paragraph;

10 provided, however, the term "drug" does not include devices or their  
11 components, parts or accessories;

12 15. "Drug-dependent person" means a person who is using a  
13 controlled dangerous substance and who is in a state of psychic or  
14 physical dependence, or both, arising from administration of that  
15 controlled dangerous substance on a continuous basis. Drug  
16 dependence is characterized by behavioral and other responses which  
17 include a strong compulsion to take the substance on a continuous  
18 basis in order to experience its psychic effects, or to avoid the  
19 discomfort of its absence;

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

1 17. "Home care services" means skilled or personal care  
2 services provided to clients in their place of residence for a fee;

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

17 19. "Imitation controlled substance" means a substance that is  
18 not a controlled dangerous substance, which by dosage unit  
19 appearance, color, shape, size, markings or by representations made,  
20 would lead a reasonable person to believe that the substance is a  
21 controlled dangerous substance. In the event the appearance of the  
22 dosage unit is not reasonably sufficient to establish that the  
23 substance is an "imitation controlled substance", the court or  
24 authority concerned should consider, in addition to all other

1 factors, the following factors as related to "representations made"  
2 in determining whether the substance is an "imitation controlled  
3 substance":

- 4 a. statements made by an owner or by any other person in  
5 control of the substance concerning the nature of the  
6 substance, or its use or effect,
- 7 b. statements made to the recipient that the substance  
8 may be resold for inordinate profit,
- 9 c. whether the substance is packaged in a manner normally  
10 used for illicit controlled substances,
- 11 d. evasive tactics or actions utilized by the owner or  
12 person in control of the substance to avoid detection  
13 by law enforcement authorities,
- 14 e. prior convictions, if any, of an owner, or any other  
15 person in control of the object, under state or  
16 federal law related to controlled substances or fraud,  
17 and
- 18 f. the proximity of the substances to controlled  
19 dangerous substances;

20 20. "Immediate precursor" means a substance which the Director  
21 has found to be and by regulation designates as being the principal  
22 compound commonly used or produced primarily for use, and which is  
23 an immediate chemical intermediary used, or likely to be used, in  
24



1 the manufacture of a controlled dangerous substance, the control of  
2 which is necessary to prevent, curtail or limit such manufacture;

3 21. "Laboratory" means a laboratory approved by the Director as  
4 proper to be entrusted with the custody of controlled dangerous  
5 substances and the use of controlled dangerous substances for  
6 scientific and medical purposes and for purposes of instruction;

7 22. "Manufacture" means the production, preparation,  
8 propagation, compounding or processing of a controlled dangerous  
9 substance, either directly or indirectly by extraction from  
10 substances of natural or synthetic origin, or independently by means  
11 of chemical synthesis or by a combination of extraction and chemical  
12 synthesis. "Manufacturer" includes any person who packages,  
13 repackages or labels any container of any controlled dangerous  
14 substance, except practitioners who dispense or compound  
15 prescription orders for delivery to the ultimate consumer;

16 23. "Marihuana" means all parts of the plant Cannabis sativa  
17 L., whether growing or not; the seeds thereof; the resin extracted  
18 from any part of such plant; and every compound, manufacture, salt,  
19 derivative, mixture or preparation of such plant, its seeds or  
20 resin, but shall not include:

21 a. the mature stalks of such plant, or fiber produced  
22 from such stalks,  
23  
24

- 1           b.   oil or cake made from the seeds of such plant,  
2                   including cannabidiol derived from the seeds of the  
3                   marihuana plant,
- 4           c.   any other compound, manufacture, salt, derivative,  
5                   mixture or preparation of such mature stalks (except  
6                   the resin extracted therefrom), including cannabidiol  
7                   derived from mature stalks, fiber, oil or cake, ~~or~~
- 8           d.   the sterilized seed of such plant which is incapable  
9                   of germination,
- 10          e.   for persons eighteen (18) years of age or younger  
11                   participating in a clinical trial to administering  
12                   cannabidiol for the treatment of severe forms of  
13                   epilepsy pursuant to Section 4 of this act, a drug or  
14                   substance approved by the federal Food and Drug  
15                   Administration for use by those participants, or
- 16          f.   for persons eighteen (18) years of age or younger, or  
17                   the parents, legal guardians, or caretakers of the  
18                   person, who have received a written certification from  
19                   a physician licensed in this state that the person has  
20                   been diagnosed by a physician as having Lennox-Gastaut  
21                   Syndrome, Dravet Syndrome, also known as Severe  
22                   Myoclonic Epilepsy of Infancy, or any other severe  
23                   form of epilepsy that is not adequately treated by  
24                   traditional medical therapies, the substance

1 cannabidiol, a nonpsychoactive cannabinoid, found in  
2 the plant Cannabis sativa L. or any other preparation  
3 thereof, that has a tetrahydrocannabinol concentration  
4 of not more than three-tenths of one percent (0.3%)  
5 and that is delivered to the patient in the form of a  
6 liquid, or

7 g. industrial hemp, from the plant Cannabis sativa L. and  
8 any part of such plant, whether growing or not, with a  
9 delta-9 tetrahydrocannabinol concentration of not more  
10 than three-tenths of one percent (0.3%) on a dry  
11 weight basis which shall not be grown anywhere in the  
12 State of Oklahoma but may be shipped to Oklahoma  
13 pursuant to the provisions of subparagraph e or f of  
14 this paragraph;

15 24. "Medical purpose" means an intention to utilize a  
16 controlled dangerous substance for physical or mental treatment, for  
17 diagnosis, or for the prevention of a disease condition not in  
18 violation of any state or federal law and not for the purpose of  
19 satisfying physiological or psychological dependence or other abuse;

20 25. "Mid-level practitioner" means an advanced practice nurse  
21 as defined and within parameters specified in Section 567.3a of  
22 Title 59 of the Oklahoma Statutes, or a certified animal euthanasia  
23 technician as defined in Section 698.2 of Title 59 of the Oklahoma  
24 Statutes, or an animal control officer registered by the Oklahoma

1 State Bureau of Narcotics and Dangerous Drugs Control under  
2 subsection B of Section 2-301 of this title within the parameters of  
3 such officer's duty under Sections 501 through 508 of Title 4 of the  
4 Oklahoma Statutes;

5 26. "Narcotic drug" means any of the following, whether  
6 produced directly or indirectly by extraction from substances of  
7 vegetable origin, or independently by means of chemical synthesis,  
8 or by a combination of extraction and chemical synthesis:

- 9 a. opium, coca leaves and opiates,
- 10 b. a compound, manufacture, salt, derivative or  
11 preparation of opium, coca leaves or opiates,
- 12 c. cocaine, its salts, optical and geometric isomers, and  
13 salts of isomers,
- 14 d. ecgonine, its derivatives, their salts, isomers and  
15 salts of isomers, and
- 16 e. a substance, and any compound, manufacture, salt,  
17 derivative or preparation thereof, which is chemically  
18 identical with any of the substances referred to in  
19 subparagraphs a through d of this paragraph, except  
20 that the words "narcotic drug" as used in Section 2-  
21 101 et seq. of this title shall not include  
22 decocainized coca leaves or extracts of coca leaves,  
23 which extracts do not contain cocaine or ecgonine;

24

1       27. "Opiate" means any substance having an addiction-forming or  
2 addiction-sustaining liability similar to morphine or being capable  
3 of conversion into a drug having such addiction-forming or  
4 addiction-sustaining liability. It does not include, unless  
5 specifically designated as controlled under the Uniform Controlled  
6 Dangerous Substances Act, the dextrorotatory isomer of 3-methoxy-n-  
7 methyl-morphinan and its salts (dextromethorphan). It does include  
8 its racemic and levorotatory forms;

9       28. "Opium poppy" means the plant of the species *Papaver*  
10 *somniferum* L., except the seeds thereof;

11       29. "Peace officer" means a police officer, sheriff, deputy  
12 sheriff, district attorney's investigator, investigator from the  
13 Office of the Attorney General, or any other person elected or  
14 appointed by law to enforce any of the criminal laws of this state  
15 or of the United States;

16       30. "Person" means an individual, corporation, government or  
17 governmental subdivision or agency, business trust, estate, trust,  
18 partnership or association, or any other legal entity;

19       31. "Poppy straw" means all parts, except the seeds, of the  
20 opium poppy, after mowing;

21       32. "Practitioner" means:

- 22           a. (1) a medical doctor or osteopathic physician,  
23               (2) a dentist,  
24               (3) a podiatrist,

- 1 (4) an optometrist,  
2 (5) a veterinarian,  
3 (6) a physician assistant under the supervision of a  
4 licensed medical doctor or osteopathic physician,  
5 (7) a scientific investigator, or  
6 (8) any other person,

7 licensed, registered or otherwise permitted to  
8 prescribe, distribute, dispense, conduct research with  
9 respect to, use for scientific purposes or administer  
10 a controlled dangerous substance in the course of  
11 professional practice or research in this state, or

- 12 b. a pharmacy, hospital, laboratory or other institution  
13 licensed, registered or otherwise permitted to  
14 distribute, dispense, conduct research with respect  
15 to, use for scientific purposes or administer a  
16 controlled dangerous substance in the course of  
17 professional practice or research in this state;

18 33. "Production" includes the manufacture, planting,  
19 cultivation, growing or harvesting of a controlled dangerous  
20 substance;

21 34. "State" means the State of Oklahoma or any other state of  
22 the United States;

23 35. "Ultimate user" means a person who lawfully possesses a  
24 controlled dangerous substance for the person's own use or for the

1 use of a member of the person's household or for administration to  
2 an animal owned by the person or by a member of the person's  
3 household;

4 36. "Drug paraphernalia" means all equipment, products and  
5 materials of any kind which are used, intended for use, or fashioned  
6 specifically for use in planting, propagating, cultivating, growing,  
7 harvesting, manufacturing, compounding, converting, producing,  
8 processing, preparing, testing, analyzing, packaging, repackaging,  
9 storing, containing, concealing, injecting, ingesting, inhaling or  
10 otherwise introducing into the human body, a controlled dangerous  
11 substance in violation of the Uniform Controlled Dangerous  
12 Substances Act including, but not limited to:

- 13 a. kits used, intended for use, or fashioned specifically  
14 for use in planting, propagating, cultivating, growing  
15 or harvesting of any species of plant which is a  
16 controlled dangerous substance or from which a  
17 controlled dangerous substance can be derived,
- 18 b. kits used, intended for use, or fashioned specifically  
19 for use in manufacturing, compounding, converting,  
20 producing, processing or preparing controlled  
21 dangerous substances,
- 22 c. isomerization devices used, intended for use, or  
23 fashioned specifically for use in increasing the  
24

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           e.   scales and balances used, intended for use, or  
8           fashioned specifically for use in weighing or  
9           measuring controlled dangerous substances,

10          f.   diluent 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          marihuana,

19          h.   blenders, bowls, containers, spoons and mixing devices  
20          used, intended for use, or fashioned specifically for  
21          use in compounding controlled dangerous substances,

22          i.   capsules, balloons, envelopes and other containers  
23          used, intended for use, or fashioned specifically for  
24



1 use in packaging small quantities of controlled  
2 dangerous substances,

3 j. 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 k. 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,

11 l. objects used, intended for use, or fashioned  
12 specifically for use in ingesting, inhaling or  
13 otherwise introducing marihuana, cocaine, hashish or  
14 hashish oil into the human body, such as:

15 (1) metal, wooden, acrylic, glass, stone, plastic or  
16 ceramic pipes with or without screens, permanent  
17 screens, hashish heads or punctured metal bowls,

18 (2) water pipes,

19 (3) carburetion tubes and devices,

20 (4) smoking and carburetion masks,

21 (5) roach clips, meaning objects used to hold burning  
22 material, such as a marihuana cigarette, that has  
23 become too small or too short to be held in the  
24 hand,

1 (6) miniature cocaine spoons and cocaine vials,  
2 (7) chamber pipes,  
3 (8) carburetor pipes,  
4 (9) electric pipes,  
5 (10) air-driven pipes,  
6 (11) chillums,  
7 (12) bonges, or  
8 (13) ice pipes or chillers,  
9 m. all hidden or novelty pipes, and  
10 n. any pipe that has a tobacco bowl or chamber of less  
11 than one-half (1/2) inch in diameter in which there is  
12 any detectable residue of any controlled dangerous  
13 substance as defined in this section or any other  
14 substances not legal for possession or use;  
15 provided, however, the term "drug paraphernalia" shall not include  
16 separation gins intended for use in preparing tea or spice, clamps  
17 used for constructing electrical equipment, water pipes designed for  
18 ornamentation in which no detectable amount of an illegal substance  
19 is found or pipes designed and used solely for smoking tobacco,  
20 traditional pipes of an American Indian tribal religious ceremony,  
21 or antique pipes that are thirty (30) years of age or older;

22 37. a. "Synthetic controlled substance" means a substance:  
23  
24

- 1 (1) the chemical structure of which is substantially  
2 similar to the chemical structure of a controlled  
3 dangerous substance in Schedule I or II,  
4 (2) which has a stimulant, depressant, or  
5 hallucinogenic effect on the central nervous  
6 system that is substantially similar to or  
7 greater than the stimulant, depressant or  
8 hallucinogenic effect on the central nervous  
9 system of a controlled dangerous substance in  
10 Schedule I or II, or  
11 (3) with respect to a particular person, which such  
12 person represents or intends to have a stimulant,  
13 depressant, or hallucinogenic effect on the  
14 central nervous system that is substantially  
15 similar to or greater than the stimulant,  
16 depressant, or hallucinogenic effect on the  
17 central nervous system of a controlled dangerous  
18 substance in Schedule I or II.

19 b. The designation of gamma butyrolactone or any other  
20 chemical as a precursor, pursuant to Section 2-322 of  
21 this title, does not preclude a finding pursuant to  
22 subparagraph a of this paragraph that the chemical is  
23 a synthetic controlled substance.

24 c. "Synthetic controlled substance" does not include:

- 1 (1) a controlled dangerous substance,  
2 (2) any substance for which there is an approved new  
3 drug application,  
4 (3) with respect to a particular person any  
5 substance, if an exemption is in effect for  
6 investigational use, for that person under the  
7 provisions of Section 505 of the Federal Food,  
8 Drug and Cosmetic Act, Title 21 of the United  
9 States Code, Section 355, to the extent conduct  
10 with respect to such substance is pursuant to  
11 such exemption, or  
12 (4) any substance to the extent not intended for  
13 human consumption before such an exemption takes  
14 effect with respect to that substance.

15 d. Prima facie evidence that a substance containing  
16 salvia divinorum has been enhanced, concentrated or  
17 chemically or physically altered shall give rise to a  
18 rebuttable presumption that the substance is a  
19 synthetic controlled substance;

20 38. "Tetrahydrocannabinols" means all substances that have been  
21 chemically synthesized to emulate the tetrahydrocannabinols of  
22 marihuana;

23 39. "Isomer" means the optical isomer, except as used in  
24 subsections C and F of Section 2-204 of this title and paragraph 4

1 of subsection A of Section 2-206 of this title. As used in  
2 subsections C and F of Section 2-204 of this title, "isomer" means  
3 the optical, positional or geometric isomer. As used in paragraph 4  
4 of subsection A of Section 2-206 of this title, the term "isomer"  
5 means the optical or geometric isomer;

6 40. "Hazardous materials" means materials, whether solid,  
7 liquid or gas, which are toxic to human, animal, aquatic or plant  
8 life, and the disposal of which materials is controlled by state or  
9 federal guidelines; and

10 41. "Anhydrous ammonia" means any substance that exhibits  
11 cryogenic evaporative behavior and tests positive for ammonia.

12 SECTION 3. NEW LAW A new section of law to be codified  
13 in the Oklahoma Statutes as Section 2-801 of Title 63, unless there  
14 is created a duplication in numbering, reads as follows:

15 As used in this act:

16 1. "Academic medical center" means a medical school and its  
17 affiliated teaching hospitals and clinics in this state that:

- 18 a. operate a medical residency program for physicians,  
19 and  
20 b. conduct research that is overseen by the federal  
21 Department of Health and Human Services and involves  
22 human subjects;

23 2. "Approved source" means a provider approved by the United  
24 States Food and Drug Administration which produces cannabidiol that:

1 a. has been manufactured and tested in a facility  
2 approved or certified by the United States Food and  
3 Drug Administration or similar national regulatory  
4 agency in another country which has been approved by  
5 the United States Food and Drug Administration, and

6 b. has been tested on animals to demonstrate preliminary  
7 effectiveness and to ensure that it is safe to  
8 administer to humans;

9 3. "Cannabidiol" means a nonpsychoactive cannabinoid found in  
10 the plant Cannabis sativa L. or any other preparation thereof, that  
11 has a tetrahydrocannabinol concentration of not more than three-  
12 tenths of one percent (0.3%) and that is delivered to the patient in  
13 the form of a liquid;

14 4. "Physician" means a doctor of medicine or doctor of  
15 osteopathic medicine licensed by the State Board of Medical  
16 Licensure and Supervision or the State Board of Osteopathic  
17 Examiners; and

18 5. "Qualifying patient" means any person eighteen (18) years of  
19 age or younger who suffers from Lennox-Gastaut Syndrome, Dravet  
20 Syndrome, also known as Severe Myoclonic Epilepsy of Infancy, or any  
21 other form of refractory epilepsy that is not adequately treated by  
22 traditional medical therapies.

1           SECTION 4.           NEW LAW           A new section of law to be codified  
2 in the Oklahoma Statutes as Section 2-802 of Title 63, unless there  
3 is created a duplication in numbering, reads as follows:

4           A. A statewide investigational new drug application may be  
5 established in this state, if approved by the United States Food and  
6 Drug Administration, to conduct clinical trials using cannabidiol on  
7 qualifying patients with severe forms of epilepsy.

8           B. Any physician licensed by the State Board of Medical  
9 Licensure and Supervision or the State Board of Osteopathic  
10 Examiners, practicing in this state, and treating patients with  
11 severe forms of epilepsy may serve as the principal investigator for  
12 such clinical trials if such physician:

13           1. Applies to and is approved by the United States Food and  
14 Drug Administration as the principal investigator in a statewide  
15 investigational new drug application;

16           2. Receives a license from the United States Drug Enforcement  
17 Administration; and

18           3. Receives a registration from the Oklahoma State Bureau of  
19 Narcotics and Dangerous Drugs Control.

20           C. Such physician, acting as principal investigator, may  
21 include subinvestigators who are also board certified, practice in  
22 an academic medical center in this state, and treat patients with  
23 severe forms of epilepsy. Such subinvestigators shall be required  
24

1 to comply with the licensing requirement provided in paragraphs 2  
2 and 3 of subsection B of this section.

3 D. The principal investigator and all subinvestigators shall  
4 adhere to the rules and regulations established by the relevant  
5 institutional review board for each participating academic medical  
6 center and by the United States Food and Drug Administration, the  
7 United States Drug Enforcement Administration, the Oklahoma State  
8 Bureau of Narcotics and Dangerous Drugs Control, and the National  
9 Institute on Drug Abuse.

10 E. Nothing in this section shall be construed to prohibit a  
11 physician licensed in Oklahoma from applying for Investigational New  
12 Drug authorization from the United States Food and Drug  
13 Administration.

14 F. The Oklahoma State Bureau of Narcotics and Dangerous Drugs  
15 Control shall have the authority to inspect and test samples of  
16 cannabidiol used in this state pursuant to the provisions of this  
17 act.

18 SECTION 5. NEW LAW A new section of law to be codified  
19 in the Oklahoma Statutes as Section 2-803 of Title 63, unless there  
20 is created a duplication in numbering, reads as follows:

21 A. Clinical trials conducted pursuant to a statewide  
22 investigational new drug application established pursuant to the  
23 provisions of this act shall only utilize cannabidiol which is:

24 1. From an approved source; and



1 2. Approved by the United States Food and Drug Administration  
2 to be used for treatment of a condition specified in an  
3 investigational new drug application.

4 B. The principal investigator and any subinvestigator may  
5 receive cannabidiol directly from an approved source or authorized  
6 distributor for an approved source for use in the clinical trials.

7 SECTION 6. NEW LAW A new section of law to be codified  
8 in the Oklahoma Statutes as Section 2-804 of Title 63, unless there  
9 is created a duplication in numbering, reads as follows:

10 A person acting in compliance with the provisions of this act  
11 shall not be subject to arrest, prosecution, or any civil or  
12 administrative penalty, including a civil penalty or disciplinary  
13 action by a professional licensing board, or be denied any right or  
14 privilege, for the use, prescription, administration, possession,  
15 manufacture, or distribution of medical cannabidiol.

16 SECTION 7. NEW LAW A new section of law to be codified  
17 in the Oklahoma Statutes as Section 2-805 of Title 63, unless there  
18 is created a duplication in numbering, reads as follows:

19 A. The State Commissioner of Health shall have the authority to  
20 approve physicians conducting clinical trials performed pursuant to  
21 the provisions of this act. In the event of a substantial violation  
22 of this act, the Commissioner shall provide written notice to the  
23 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control and  
24 the Governor. The Governor, upon receipt of a notice from the

1 Commissioner, shall have the authority to terminate the operations  
2 of a clinical trial found to be in violation of any provision of  
3 this act.

4 B. The clinical trials and related research authorized by this  
5 act shall adhere to the highest standards of academic research  
6 including, but not limited to, peer review of research conducted  
7 pursuant to this act.

8 C. Clinical trials and related research authorized by this act  
9 shall conclude no later than December 31, 2017. Nothing in this act  
10 shall be construed as to permit the continuation of clinical trials  
11 after December 31, 2017, without approval by a concurrent resolution  
12 approved by the Legislature expressing approval of such  
13 continuation.

14 D. The State Commissioner of Health shall submit a report to  
15 the Chair and Vice Chair of the Senate Health and Human Services  
16 Committee, the Chair and Vice Chair of the House Alcohol, Tobacco  
17 and Dangerous Drugs Committee, and the Chair and Vice Chair of the  
18 House Public Health Committee on or before December 31, 2017. Such  
19 report shall include a summary of findings from clinical trials  
20 authorized by this act. The Commissioner shall, upon request by the  
21 Chair and Vice Chair of the Committees specified in this subsection,  
22 make available any data, excluding individual health records,  
23 relating to clinical trials authorized by this act.

24

1 E. The Oklahoma State Bureau of Narcotics and Dangerous Drugs  
2 Control, the State Board of Health, and the Oklahoma State Regents  
3 for Higher Education shall promulgate rules to implement the  
4 provisions of this act.

5 SECTION 7. It being immediately necessary for the preservation  
6 of the public peace, health and safety, an emergency is hereby  
7 declared to exist, by reason whereof this act shall take effect and  
8 be in full force from and after its passage and approval."

9 Passed the Senate the 15th day of April, 2015.

10  
11 \_\_\_\_\_  
12 Presiding Officer of the Senate

13 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
14 2015.

15  
16 \_\_\_\_\_  
17 Presiding Officer of the House  
18 of Representatives  
19  
20  
21  
22  
23  
24

1 ENGROSSED HOUSE  
2 BILL NO. 2154

By: Echols, Grau, Montgomery,  
Casey, Jordan and Cannaday  
of the House

3  
4 and

5 Crain of the Senate  
6  
7

8 An Act relating to public health and safety; creating  
9 Katie's Law; amending 63 O.S. 2011, Section 2-101, as  
10 last amended by Section 1, Chapter 154, O.S.L. 2014  
11 (63 O.S. Supp. 2014, Section 2-101), which relates to  
12 definitions of the Uniform Controlled Dangerous  
13 Substances Act; modifying exception to certain  
14 definition; defining terms; providing for the  
15 establishment of statewide investigational new drug  
16 applications for certain clinical trials; authorizing  
17 physicians to serve as principal investigators for  
18 clinical trials under certain circumstances;  
19 providing for subinvestigators; directing  
20 investigators and subinvestigators to adhere to  
21 certain rules and regulations; providing guidelines  
22 for establishing statewide investigational new drug  
23 applications; providing exemptions from criminal or  
24 civil penalties; providing for codification;  
providing for noncodification; and declaring an  
emergency.

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

SECTION 8. NEW LAW A new section of law not to be  
codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as "Katie's Law".

1 SECTION 9. AMENDATORY 63 O.S. 2011, Section 2-101, as  
2 last amended by Section 1, Chapter 154, O.S.L. 2014 (63 O.S. Supp.  
3 2014, Section 2-101), is amended to read as follows:

4 Section 2-101. As used in the Uniform Controlled Dangerous  
5 Substances Act:

6 1. "Administer" means the direct application of a controlled  
7 dangerous substance, whether by injection, inhalation, ingestion or  
8 any other means, to the body of a patient, animal or research  
9 subject by:

10 a. a practitioner (or, in the presence of the  
11 practitioner, by the authorized agent of the  
12 practitioner), or

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

15 2. "Agent" means a peace officer appointed by and who acts in  
16 behalf of the Director of the Oklahoma State Bureau of Narcotics and  
17 Dangerous Drugs Control or an authorized person who acts on behalf  
18 of or at the direction of a person who manufactures, distributes,  
19 dispenses, prescribes, administers or uses for scientific purposes  
20 controlled dangerous substances but does not include a common or  
21 contract carrier, public warehouse or employee thereof, or a person  
22 required to register under the Uniform Controlled Dangerous  
23 Substances Act;

24

1           3. "Board" means the Advisory Board to the Director of the  
2 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control;

3           4. "Bureau" means the Oklahoma State Bureau of Narcotics and  
4 Dangerous Drugs Control;

5           5. "Coca leaves" includes cocaine and any compound,  
6 manufacture, salt, derivative, mixture or preparation of coca  
7 leaves, except derivatives of coca leaves which do not contain  
8 cocaine or ecgonine;

9           6. "Commissioner" or "Director" means the Director of the  
10 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control;

11           7. "Control" means to add, remove or change the placement of a  
12 drug, substance or immediate precursor under the Uniform Controlled  
13 Dangerous Substances Act;

14           8. "Controlled dangerous substance" means a drug, substance or  
15 immediate precursor in Schedules I through V of the Uniform  
16 Controlled Dangerous Substances Act or any drug, substance or  
17 immediate precursor listed either temporarily or permanently as a  
18 federally controlled substance. Any conflict between state and  
19 federal law with regard to the particular schedule in which a  
20 substance is listed shall be resolved in favor of state law;

21           9. "Counterfeit substance" means a controlled substance which,  
22 or the container or labeling of which without authorization, bears  
23 the trademark, trade name or other identifying marks, imprint,  
24 number or device or any likeness thereof of a manufacturer,

1 distributor or dispenser other than the person who in fact  
2 manufactured, distributed or dispensed the substance;

3 10. "Deliver" or "delivery" means the actual, constructive or  
4 attempted transfer from one person to another of a controlled  
5 dangerous substance or drug paraphernalia, whether or not there is  
6 an agency relationship;

7 11. "Dispense" means to deliver a controlled dangerous  
8 substance to an ultimate user or human research subject by or  
9 pursuant to the lawful order of a practitioner, including the  
10 prescribing, administering, packaging, labeling or compounding  
11 necessary to prepare the substance for such distribution.

12 "Dispenser" is a practitioner who delivers a controlled dangerous  
13 substance to an ultimate user or human research subject;

14 12. "Distribute" means to deliver other than by administering  
15 or dispensing a controlled dangerous substance;

16 13. "Distributor" means a commercial entity engaged in the  
17 distribution or reverse distribution of narcotics and dangerous  
18 drugs and who complies with all regulations promulgated by the  
19 federal Drug Enforcement Administration and the Oklahoma State  
20 Bureau of Narcotics and Dangerous Drugs Control;

21 14. "Drug" means articles:

22 a. recognized in the official United States

23 Pharmacopoeia, official Homeopathic Pharmacopoeia of  
24

1 the United States, or official National Formulary, or  
2 any supplement to any of them,

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

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

8 d. intended for use as a component of any article  
9 specified in this paragraph;

10 provided, however, the term "drug" does not include devices or their  
11 components, parts or accessories;

12 15. "Drug-dependent person" means a person who is using a  
13 controlled dangerous substance and who is in a state of psychic or  
14 physical dependence, or both, arising from administration of that  
15 controlled dangerous substance on a continuous basis. Drug  
16 dependence is characterized by behavioral and other responses which  
17 include a strong compulsion to take the substance on a continuous  
18 basis in order to experience its psychic effects, or to avoid the  
19 discomfort of its absence;

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



1       17. "Home care services" means skilled or personal care  
2 services provided to clients in their place of residence for a fee;

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

17       19. "Imitation controlled substance" means a substance that is  
18 not a controlled dangerous substance, which by dosage unit  
19 appearance, color, shape, size, markings or by representations made,  
20 would lead a reasonable person to believe that the substance is a  
21 controlled dangerous substance. In the event the appearance of the  
22 dosage unit is not reasonably sufficient to establish that the  
23 substance is an "imitation controlled substance", the court or  
24 authority concerned should consider, in addition to all other

1 factors, the following factors as related to "representations made"  
2 in determining whether the substance is an "imitation controlled  
3 substance":

- 4 a. statements made by an owner or by any other person in  
5 control of the substance concerning the nature of the  
6 substance, or its use or effect,
- 7 b. statements made to the recipient that the substance  
8 may be resold for inordinate profit,
- 9 c. whether the substance is packaged in a manner normally  
10 used for illicit controlled substances,
- 11 d. evasive tactics or actions utilized by the owner or  
12 person in control of the substance to avoid detection  
13 by law enforcement authorities,
- 14 e. prior convictions, if any, of an owner, or any other  
15 person in control of the object, under state or  
16 federal law related to controlled substances or fraud,  
17 and
- 18 f. the proximity of the substances to controlled  
19 dangerous substances;

20 20. "Immediate precursor" means a substance which the Director  
21 has found to be and by regulation designates as being the principal  
22 compound commonly used or produced primarily for use, and which is  
23 an immediate chemical intermediary used, or likely to be used, in  
24

1 the manufacture of a controlled dangerous substance, the control of  
2 which is necessary to prevent, curtail or limit such manufacture;

3 21. "Laboratory" means a laboratory approved by the Director as  
4 proper to be entrusted with the custody of controlled dangerous  
5 substances and the use of controlled dangerous substances for  
6 scientific and medical purposes and for purposes of instruction;

7 22. "Manufacture" means the production, preparation,  
8 propagation, compounding or processing of a controlled dangerous  
9 substance, either directly or indirectly by extraction from  
10 substances of natural or synthetic origin, or independently by means  
11 of chemical synthesis or by a combination of extraction and chemical  
12 synthesis. "Manufacturer" includes any person who packages,  
13 repackages or labels any container of any controlled dangerous  
14 substance, except practitioners who dispense or compound  
15 prescription orders for delivery to the ultimate consumer;

16 23. "Marihuana" means all parts of the plant Cannabis sativa  
17 L., whether growing or not; the seeds thereof; the resin extracted  
18 from any part of such plant; and every compound, manufacture, salt,  
19 derivative, mixture or preparation of such plant, its seeds or  
20 resin, but shall not include:

21 a. the mature stalks of such plant, or fiber produced  
22 from such stalks,  
23  
24

- 1        b.    oil or cake made from the seeds of such plant,  
2                    including cannabidiol derived from the seeds of the  
3                    marihuana plant,
- 4        c.    any other compound, manufacture, salt, derivative,  
5                    mixture or preparation of such mature stalks (except  
6                    the resin extracted therefrom), including cannabidiol  
7                    derived from mature stalks, fiber, oil or cake, ~~or~~
- 8        d.    the sterilized seed of such plant which is incapable  
9                    of germination,
- 10       e.    for persons eighteen (18) years of age or younger  
11                    participating in a clinical trial or in an expanded-  
12                    access program related to administering cannabidiol  
13                    for the treatment of severe forms of epilepsy pursuant  
14                    to Section 4 of this act, a drug or substance approved  
15                    by the federal Food and Drug Administration for use by  
16                    those participants, or
- 17       f.    for persons eighteen (18) years of age or younger, or  
18                    the parents, legal guardians, or caretakers of the  
19                    person, who have received a written certification from  
20                    a physician licensed in this state that the person has  
21                    been diagnosed by a physician as having Lennox-Gastaut  
22                    Syndrome, Dravet Syndrome, also known as Severe  
23                    Myoclonic Epilepsy of Infancy, or any other severe  
24                    form of epilepsy that is not adequately treated by

1 traditional medical therapies, the substance  
2 cannabidiol, a nonpsychoactive cannabinoid, found in  
3 the plant Cannabis sativa L. or any other preparation  
4 thereof, that has a tetrahydrocannabinol concentration  
5 of not more than three-tenths of one percent (0.3%)  
6 and that is delivered to the patient in the form of a  
7 liquid, or

8 g. industrial hemp, from the plant Cannabis sativa L. and  
9 any part of such plant, whether growing or not, with a  
10 delta-9 tetrahydrocannabinol concentration of not more  
11 than three-tenths of one percent (0.3%) on a dry  
12 weight basis which shall not be grown anywhere in the  
13 State of Oklahoma but may be shipped to Oklahoma  
14 pursuant to the provisions of subparagraph e or f of  
15 this paragraph;

16 24. "Medical purpose" means an intention to utilize a  
17 controlled dangerous substance for physical or mental treatment, for  
18 diagnosis, or for the prevention of a disease condition not in  
19 violation of any state or federal law and not for the purpose of  
20 satisfying physiological or psychological dependence or other abuse;

21 25. "Mid-level practitioner" means an advanced practice nurse  
22 as defined and within parameters specified in Section 567.3a of  
23 Title 59 of the Oklahoma Statutes, or a certified animal euthanasia  
24 technician as defined in Section 698.2 of Title 59 of the Oklahoma

1 Statutes, or an animal control officer registered by the Oklahoma  
2 State Bureau of Narcotics and Dangerous Drugs Control under  
3 subsection B of Section 2-301 of this title within the parameters of  
4 such officer's duty under Sections 501 through 508 of Title 4 of the  
5 Oklahoma Statutes;

6 26. "Narcotic drug" means any of the following, whether  
7 produced directly or indirectly by extraction from substances of  
8 vegetable origin, or independently by means of chemical synthesis,  
9 or by a combination of extraction and chemical synthesis:

- 10 a. opium, coca leaves and opiates,
- 11 b. a compound, manufacture, salt, derivative or  
12 preparation of opium, coca leaves or opiates,
- 13 c. cocaine, its salts, optical and geometric isomers, and  
14 salts of isomers,
- 15 d. ecgonine, its derivatives, their salts, isomers and  
16 salts of isomers, and
- 17 e. a substance, and any compound, manufacture, salt,  
18 derivative or preparation thereof, which is chemically  
19 identical with any of the substances referred to in  
20 subparagraphs a through d of this paragraph, except  
21 that the words "narcotic drug" as used in Section 2-  
22 101 et seq. of this title shall not include  
23 decocainized coca leaves or extracts of coca leaves,  
24 which extracts do not contain cocaine or ecgonine;

1        27. "Opiate" means any substance having an addiction-forming or  
2 addiction-sustaining liability similar to morphine or being capable  
3 of conversion into a drug having such addiction-forming or  
4 addiction-sustaining liability. It does not include, unless  
5 specifically designated as controlled under the Uniform Controlled  
6 Dangerous Substances Act, the dextrorotatory isomer of 3-methoxy-n-  
7 methyl-morphinan and its salts (dextromethorphan). It does include  
8 its racemic and levorotatory forms;

9        28. "Opium poppy" means the plant of the species *Papaver*  
10 *somniferum* L., except the seeds thereof;

11        29. "Peace officer" means a police officer, sheriff, deputy  
12 sheriff, district attorney's investigator, investigator from the  
13 Office of the Attorney General, or any other person elected or  
14 appointed by law to enforce any of the criminal laws of this state  
15 or of the United States;

16        30. "Person" means an individual, corporation, government or  
17 governmental subdivision or agency, business trust, estate, trust,  
18 partnership or association, or any other legal entity;

19        31. "Poppy straw" means all parts, except the seeds, of the  
20 opium poppy, after mowing;

21        32. "Practitioner" means:

- 22            a. (1) a medical doctor or osteopathic physician,  
23                    (2) a dentist,  
24                    (3) a podiatrist,

- 1 (4) an optometrist,  
2 (5) a veterinarian,  
3 (6) a physician assistant under the supervision of a  
4 licensed medical doctor or osteopathic physician,  
5 (7) a scientific investigator, or  
6 (8) any other person,

7 licensed, registered or otherwise permitted to  
8 prescribe, distribute, dispense, conduct research with  
9 respect to, use for scientific purposes or administer  
10 a controlled dangerous substance in the course of  
11 professional practice or research in this state, or

- 12 b. a pharmacy, hospital, laboratory or other institution  
13 licensed, registered or otherwise permitted to  
14 distribute, dispense, conduct research with respect  
15 to, use for scientific purposes or administer a  
16 controlled dangerous substance in the course of  
17 professional practice or research in this state;

18 33. "Production" includes the manufacture, planting,  
19 cultivation, growing or harvesting of a controlled dangerous  
20 substance;

21 34. "State" means the State of Oklahoma or any other state of  
22 the United States;

23 35. "Ultimate user" means a person who lawfully possesses a  
24 controlled dangerous substance for the person's own use or for the



1 use of a member of the person's household or for administration to  
2 an animal owned by the person or by a member of the person's  
3 household;

4 36. "Drug paraphernalia" means all equipment, products and  
5 materials of any kind which are used, intended for use, or fashioned  
6 specifically for use in planting, propagating, cultivating, growing,  
7 harvesting, manufacturing, compounding, converting, producing,  
8 processing, preparing, testing, analyzing, packaging, repackaging,  
9 storing, containing, concealing, injecting, ingesting, inhaling or  
10 otherwise introducing into the human body, a controlled dangerous  
11 substance in violation of the Uniform Controlled Dangerous  
12 Substances Act including, but not limited to:

- 13 a. kits used, intended for use, or fashioned specifically  
14 for use in planting, propagating, cultivating, growing  
15 or harvesting of any species of plant which is a  
16 controlled dangerous substance or from which a  
17 controlled dangerous substance can be derived,
- 18 b. kits used, intended for use, or fashioned specifically  
19 for use in manufacturing, compounding, converting,  
20 producing, processing or preparing controlled  
21 dangerous substances,
- 22 c. isomerization devices used, intended for use, or  
23 fashioned specifically for use in increasing the  
24

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           e.   scales and balances used, intended for use, or  
8           fashioned specifically for use in weighing or  
9           measuring controlled dangerous substances,

10          f.   diluent 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          marihuana,

19          h.   blenders, bowls, containers, spoons and mixing devices  
20          used, intended for use, or fashioned specifically for  
21          use in compounding controlled dangerous substances,

22          i.   capsules, balloons, envelopes and other containers  
23          used, intended for use, or fashioned specifically for  
24

1 use in packaging small quantities of controlled  
2 dangerous substances,

3 j. 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 k. 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,

11 l. objects used, intended for use, or fashioned  
12 specifically for use in ingesting, inhaling or  
13 otherwise introducing marihuana, cocaine, hashish or  
14 hashish oil into the human body, such as:

15 (1) metal, wooden, acrylic, glass, stone, plastic or  
16 ceramic pipes with or without screens, permanent  
17 screens, hashish heads or punctured metal bowls,

18 (2) water pipes,

19 (3) carburetion tubes and devices,

20 (4) smoking and carburetion masks,

21 (5) roach clips, meaning objects used to hold burning  
22 material, such as a marihuana cigarette, that has  
23 become too small or too short to be held in the  
24 hand,

- 1 (6) miniature cocaine spoons and cocaine vials,
- 2 (7) chamber pipes,
- 3 (8) carburetor pipes,
- 4 (9) electric pipes,
- 5 (10) air-driven pipes,
- 6 (11) chillums,
- 7 (12) bonges, or
- 8 (13) ice pipes or chillers,

9 m. all hidden or novelty pipes, and

10 n. any pipe that has a tobacco bowl or chamber of less  
11 than one-half (1/2) inch in diameter in which there is  
12 any detectable residue of any controlled dangerous  
13 substance as defined in this section or any other  
14 substances not legal for possession or use;

15 provided, however, the term "drug paraphernalia" shall not include  
16 separation gins intended for use in preparing tea or spice, clamps  
17 used for constructing electrical equipment, water pipes designed for  
18 ornamentation in which no detectable amount of an illegal substance  
19 is found or pipes designed and used solely for smoking tobacco,  
20 traditional pipes of an American Indian tribal religious ceremony,  
21 or antique pipes that are thirty (30) years of age or older;

22 37. a. "Synthetic controlled substance" means a substance:  
23  
24

- 1 (1) the chemical structure of which is substantially  
2 similar to the chemical structure of a controlled  
3 dangerous substance in Schedule I or II,  
4 (2) which has a stimulant, depressant, or  
5 hallucinogenic effect on the central nervous  
6 system that is substantially similar to or  
7 greater than the stimulant, depressant or  
8 hallucinogenic effect on the central nervous  
9 system of a controlled dangerous substance in  
10 Schedule I or II, or  
11 (3) with respect to a particular person, which such  
12 person represents or intends to have a stimulant,  
13 depressant, or hallucinogenic effect on the  
14 central nervous system that is substantially  
15 similar to or greater than the stimulant,  
16 depressant, or hallucinogenic effect on the  
17 central nervous system of a controlled dangerous  
18 substance in Schedule I or II.

19 b. The designation of gamma butyrolactone or any other  
20 chemical as a precursor, pursuant to Section 2-322 of  
21 this title, does not preclude a finding pursuant to  
22 subparagraph a of this paragraph that the chemical is  
23 a synthetic controlled substance.

24 c. "Synthetic controlled substance" does not include:

- 1 (1) a controlled dangerous substance,  
2 (2) any substance for which there is an approved new  
3 drug application,  
4 (3) with respect to a particular person any  
5 substance, if an exemption is in effect for  
6 investigational use, for that person under the  
7 provisions of Section 505 of the Federal Food,  
8 Drug and Cosmetic Act, Title 21 of the United  
9 States Code, Section 355, to the extent conduct  
10 with respect to such substance is pursuant to  
11 such exemption, or  
12 (4) any substance to the extent not intended for  
13 human consumption before such an exemption takes  
14 effect with respect to that substance.

15 d. Prima facie evidence that a substance containing  
16 salvia divinorum has been enhanced, concentrated or  
17 chemically or physically altered shall give rise to a  
18 rebuttable presumption that the substance is a  
19 synthetic controlled substance;

20 38. "Tetrahydrocannabinols" means all substances that have been  
21 chemically synthesized to emulate the tetrahydrocannabinols of  
22 marihuana;

23 39. "Isomer" means the optical isomer, except as used in  
24 subsections C and F of Section 2-204 of this title and paragraph 4

1 of subsection A of Section 2-206 of this title. As used in  
2 subsections C and F of Section 2-204 of this title, "isomer" means  
3 the optical, positional or geometric isomer. As used in paragraph 4  
4 of subsection A of Section 2-206 of this title, the term "isomer"  
5 means the optical or geometric isomer;

6 40. "Hazardous materials" means materials, whether solid,  
7 liquid or gas, which are toxic to human, animal, aquatic or plant  
8 life, and the disposal of which materials is controlled by state or  
9 federal guidelines; and

10 41. "Anhydrous ammonia" means any substance that exhibits  
11 cryogenic evaporative behavior and tests positive for ammonia.

12 SECTION 10. NEW LAW A new section of law to be codified  
13 in the Oklahoma Statutes as Section 2-801 of Title 63, unless there  
14 is created a duplication in numbering, reads as follows:

15 As used in this act:

16 1. "Academic medical center" means a medical school and its  
17 affiliated teaching hospitals and clinics that:

- 18 a. operate a medical residency program for physicians,  
19 and  
20 b. conduct research that is overseen by the federal  
21 Department of Health and Human Services and involves  
22 human subjects;

23 2. "Approved source" means a provider approved by the United  
24 States Food and Drug Administration which produces cannabidiol that:

1 a. has been manufactured and tested in a facility  
2 approved or certified by the United States Food and  
3 Drug Administration or similar national regulatory  
4 agency in another country which has been approved by  
5 the United States Food and Drug Administration, and

6 b. has been tested on animals to demonstrate preliminary  
7 effectiveness and to ensure that it is safe to  
8 administer to humans;

9 3. "Cannabidiol" means a nonpsychoactive cannabinoid found in  
10 the plant *Cannabis sativa* L. or any other preparation thereof, that  
11 has a tetrahydrocannabinol concentration of not more than three-  
12 tenths of one percent (0.3%) and that is delivered to the patient in  
13 the form of a liquid;

14 4. "Physician" means a doctor of medicine or doctor of  
15 osteopathic medicine licensed by the Oklahoma Board of Medical  
16 Examiners; and

17 5. "Qualifying patient" means any person eighteen (18) years of  
18 age or younger who suffers from Lennox-Gastaut Syndrome, Dravet  
19 Syndrome, also known as Severe Myoclonic Epilepsy of Infancy, or any  
20 other form of refractory epilepsy that is not adequately treated by  
21 traditional medical therapies.

22 SECTION 11. NEW LAW A new section of law to be codified  
23 in the Oklahoma Statutes as Section 2-802 of Title 63, unless there  
24 is created a duplication in numbering, reads as follows:



1 A. A statewide investigational new drug application may be  
2 established in this state, if approved by the United States Food and  
3 Drug Administration, to conduct expanded-access clinical trials  
4 using cannabidiol on qualifying patients with severe forms of  
5 epilepsy.

6 B. Any physician who is board certified, practicing in an  
7 academic medical center in this state, and treating patients with  
8 severe forms of epilepsy may serve as the principal investigator for  
9 such clinical trials if such physician:

10 1. Applies to and is approved by the United States Food and  
11 Drug Administration as the principal investigator in a statewide  
12 investigational new drug application; and

13 2. Receives a license from the United States Drug Enforcement  
14 Administration.

15 C. Such physician, acting as principal investigator, may  
16 include subinvestigators who are also board certified, practice in  
17 an academic medical center in this state, and treat patients with  
18 severe forms of epilepsy. Such subinvestigators shall be required  
19 to comply with the licensing requirement provided in paragraph 2 of  
20 subsection B of this section.

21 D. The principal investigator and all subinvestigators shall  
22 adhere to the rules and regulations established by the relevant  
23 institutional review board for each participating academic medical  
24 center and by the United States Food and Drug Administration, the

1 United States Drug Enforcement Administration and the National  
2 Institute on Drug Abuse.

3 E. Nothing in this section shall be construed to prohibit a  
4 physician licensed in Oklahoma from applying for Investigational New  
5 Drug authorization from the United States Food and Drug  
6 Administration.

7 SECTION 12. NEW LAW A new section of law to be codified  
8 in the Oklahoma Statutes as Section 2-803 of Title 63, unless there  
9 is created a duplication in numbering, reads as follows:

10 A. Expanded-access clinical trials conducted pursuant to a  
11 statewide investigational new drug application established pursuant  
12 to the provisions of this act shall only utilize cannabidiol which  
13 is:

- 14 1. From an approved source; and
- 15 2. Approved by the United States Food and Drug Administration  
16 to be used for treatment of a condition specified in an  
17 investigational new drug application.

18 B. The principal investigator and any subinvestigator may  
19 receive cannabidiol directly from an approved source or authorized  
20 distributor for an approved source for use in the expanded-access  
21 clinical trials.

22 SECTION 13. NEW LAW A new section of law to be codified  
23 in the Oklahoma Statutes as Section 2-804 of Title 63, unless there  
24 is created a duplication in numbering, reads as follows:

1 A person acting in compliance with the provisions of this act  
2 shall not be subject to arrest, prosecution, or any civil or  
3 administrative penalty, including a civil penalty or disciplinary  
4 action by a professional licensing board, or be denied any right or  
5 privilege, for the use, prescription, administration, possession,  
6 manufacture, or distribution of medical cannabidiol.

7 SECTION 14. It being immediately necessary for the preservation  
8 of the public peace, health and safety, an emergency is hereby  
9 declared to exist, by reason whereof this act shall take effect and  
10 be in full force from and after its passage and approval.

11 Passed the House of Representatives the 11th day of February,  
12 2015.

13  
14 \_\_\_\_\_  
15 Presiding Officer of the House  
of Representatives

16 Passed the Senate the \_\_\_ day of \_\_\_\_\_, 2015.

17  
18 \_\_\_\_\_  
19 Presiding Officer of the Senate