

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 59th Legislature (2024)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3567

By: Manger

7
8 COMMITTEE SUBSTITUTE

9 An Act relating to controlled dangerous drugs;
10 amending 63 O.S. 2021, Sections 2-101, as last
11 amended by Section 1, Chapter 375, O.S.L. 2023, 2-
12 106.2, 2-305, as amended by Section 4, Chapter 375,
13 O.S.L. 2023, 2-304, as amended by Section 3, Chapter
14 375, O.S.L. 2023, 2-309, as amended by Section 2,
15 Chapter 304, O.S.L. 2023 and 2-406, as amended by
16 Section 2, Chapter 235, O.S.L. 2023 (63 O.S. Supp.
17 2023, Sections 2-101, 2-304, 2-305, 2-309 and 2-406),
18 which relate to the Uniform Controlled Dangerous
19 Substances Act; adding and alphabetizing definitions;
20 deleting reference to promulgated rules; clarifying
21 circumstances that provide for the revocation or
22 suspension of registrations; deleting certain penalty
23 provision; updating manner by which controlled
24 dangerous substances are forfeited; deeming written
 order as final under certain circumstances; allowing
 registrations to remain in effect under certain
 circumstances; authorizing proceedings in accordance
 with due process requirements; authorizing the
 utilization of electronic prescriptions under certain
 circumstances; requiring practitioners to purchase
 official prescription forms; providing restrictions
 on use of official prescription forms; modifying
 scope of certain prohibited act; repealing
 63 O.S. 2021, Sections 2-101, as last amended by
 Section 10, Chapter 91, O.S.L. 2019, Section 1,
 Chapter 235, O.S.L. 2023, Section 1, Chapter 304,
 O.S.L. 2023, 2-304, as last amended by Section 1,
 Chapter 176, O.S.L. 2023, 2-305, as amended by
 Section 2, Chapter 176, O.S.L. 2023, 2-309 as last

1 amended by Section 1, Chapter 333, O.S.L. 2021, 2-
2 402, as last amended by Section 1, Chapter 220,
3 O.S.L. 2016 and 2-406, as last amended by Section 7,
4 Chapter 375, O.S.L. 2023 (63 O.S. Supp. 2023,
5 Sections 2-101, 2-304, 2-305, 2-309, 2-402 and 2-
6 406), which relate to the Uniform Controlled
7 Dangerous Substance Act; and declaring an emergency.

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

9 SECTION 1. AMENDATORY 63 O.S. 2021, Section 2-101, as
10 last amended by Section 1, Chapter 375, O.S.L. 2023 (63 O.S. Supp.
11 2023, Section 2-101), is amended to read as follows:

12 Section 2-101. As used in the Uniform Controlled Dangerous
13 Substances Act:

14 1. "Acute pain" means pain, whether resulting from disease,
15 accidental trauma or intentional trauma or other cause that the
16 practitioner reasonably expects to last only a short period of time.
17 Acute pain does not include chronic pain, pain being treated as part
18 of cancer care, hospice or other end-of-life care, or pain being
19 treated as part of palliative care;

20 2. "Administer" means the direct application of a controlled
21 dangerous substance, whether by injection, inhalation, ingestion or
22 any other means, to the body of a patient, animal or research
23 subject by:

1 a. a practitioner (or, in the presence of the
2 practitioner, by the authorized agent of the
3 practitioner), or

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

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

15 4. "Anhydrous ammonia" means any substance that exhibits
16 cryogenic evaporative behavior and tests positive for ammonia;

17 ~~3.~~ 5. "Board" means the Advisory Board to the Director of the
18 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control;

19 ~~4.~~ 6. "Bureau" means the Oklahoma State Bureau of Narcotics and
20 Dangerous Drugs Control;

21 7. "Chronic pain" means pain that persists beyond the usual
22 course of an acute disease or healing of an injury. Chronic pain
23 may or may not be associated with an acute or chronic pathologic
24

1 process that causes continuous or intermittent pain over months or
2 years;

3 ~~5.~~ 8. "Coca leaves" includes cocaine and any compound,
4 manufacture, salt, derivative, mixture or preparation of coca
5 leaves, except derivatives of coca leaves which do not contain
6 cocaine or ecgonine;

7 ~~6.~~ 9. "Commissioner" or "Director" means the Director of the
8 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control;

9 ~~7.~~ 10. "Control" means to add, remove or change the placement
10 of a drug, substance or immediate precursor under the Uniform
11 Controlled Dangerous Substances Act;

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

19 ~~9.~~ 12. "Counterfeit substance" means a controlled substance
20 which, or the container or labeling of which without authorization,
21 bears the trademark, trade name or other identifying marks, imprint,
22 number or device or any likeness thereof of a manufacturer,
23 distributor or dispenser other than the person who in fact
24 manufactured, distributed or dispensed the substance;

1 ~~10.~~ 13. "Deliver" or "delivery" means the actual, constructive
2 or attempted transfer from one person to another of a controlled
3 dangerous substance or drug paraphernalia, whether or not there is
4 an agency relationship;

5 ~~11.~~ 14. "Dispense" means to deliver a controlled dangerous
6 substance to an ultimate user or human research subject by or
7 pursuant to the lawful order of a practitioner, including the
8 prescribing, administering, packaging, labeling or compounding
9 necessary to prepare the substance for such distribution.

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

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

14 ~~13.~~ 16. "Distributor" means a commercial entity engaged in the
15 distribution or reverse distribution of narcotics and dangerous
16 drugs and who complies with all regulations promulgated by the
17 federal Drug Enforcement Administration and the Oklahoma State
18 Bureau of Narcotics and Dangerous Drugs Control;

19 ~~14.~~ 17. "Drug" means articles:

- 20 a. recognized in the official United States Pharmacopeia,
21 official Homeopathic Pharmacopoeia of the United
22 States, or official National Formulary, or any
23 supplement to any of them,

24

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

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

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

8 provided, however, the term drug does not include devices or their
9 components, parts or accessories;

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

19 a. kits used, intended for use, or fashioned specifically
20 for use in planting, propagating, cultivating, growing
21 or harvesting of any species of plant which is a
22 controlled dangerous substance or from which a
23 controlled dangerous substance can be derived,
24

- 1 b. kits used, intended for use, or fashioned specifically
2 for use in manufacturing, compounding, converting,
3 producing, processing, or preparing controlled
4 dangerous substances,
- 5 c. isomerization devices used, intended for use, or
6 fashioned specifically for use in increasing the
7 potency of any species of plant which is a controlled
8 dangerous substance,
- 9 d. testing equipment used, intended for use, or fashioned
10 specifically for use in identifying, or in analyzing
11 the strength, effectiveness, or purity of controlled
12 dangerous substances,
- 13 e. scales and balances used, intended for use, or
14 fashioned specifically for use in weighing or
15 measuring controlled dangerous substances,
- 16 f. diluents and adulterants, such as quinine
17 hydrochloride, mannitol, mannite, dextrose and
18 lactose, used, intended for use, or fashioned
19 specifically for use in cutting controlled dangerous
20 substances,
- 21 g. separation gins and sifters used, intended for use, or
22 fashioned specifically for use in removing twigs and
23 seeds from, or in otherwise cleaning or refining,
24 marijuana,

1 h. blenders, bowls, containers, spoons, and mixing
2 devices used, intended for use, or fashioned
3 specifically for use in compounding controlled
4 dangerous substances,

5 i. capsules, balloons, envelopes, and other containers
6 used, intended for use, or fashioned specifically for
7 use in packaging small quantities of controlled
8 dangerous substances,

9 j. containers and other objects used, intended for use,
10 or fashioned specifically for use in parenterally
11 injecting controlled dangerous substances into the
12 human body,

13 k. hypodermic syringes, needles, and other objects used,
14 intended for use, or fashioned specifically for use in
15 parenterally injecting controlled dangerous substances
16 into the human body, except as authorized by Section
17 2-1101 of this title,

18 l. objects used, intended for use, or fashioned
19 specifically for use in ingesting, inhaling, or
20 otherwise introducing marijuana, cocaine, hashish, or
21 hashish oil into the human body, such as:

22 (1) metal, wooden, acrylic, glass, stone, plastic, or
23 ceramic pipes with or without screens, permanent
24 screens, hashish heads, or punctured metal bowls,

- 1 (2) water pipes,
2 (3) carburetion tubes and devices,
3 (4) smoking and carburetion masks,
4 (5) roach clips, meaning objects used to hold burning
5 material, such as a marijuana cigarette, that has
6 become too small or too short to be held in the
7 hand,
8 (6) miniature cocaine spoons and cocaine vials,
9 (7) chamber pipes,
10 (8) carburetor pipes,
11 (9) electric pipes,
12 (10) air-driven pipes,
13 (11) chillums,
14 (12) bongos, or
15 (13) ice pipes or chillers,
16 m. all hidden or novelty pipes, and
17 n. any pipe that has a tobacco bowl or chamber of less
18 than one-half (1/2) inch in diameter in which there is
19 any detectable residue of any controlled dangerous
20 substance as defined in this section or any other
21 substances not legal for possession or use;
22 provided, however, the term drug paraphernalia shall not include
23 separation gins intended for use in preparing tea or spice, clamps
24 used for constructing electrical equipment, water pipes designed for

1 ornamentation in which no detectable amount of an illegal substance
2 is found or pipes designed and used solely for smoking tobacco,
3 traditional pipes of an American Indian tribal religious ceremony,
4 antique pipes that are thirty (30) years of age or older, or drug
5 testing strips possessed by a person for purposes of determining the
6 presence of fentanyl or a fentanyl-related compound;

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

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

- 16 a. reduce the spread of infectious diseases related to
17 injection drug use,
18 b. reduce drug dependency, overdose deaths and associated
19 complications, and
20 c. increase safe recovery and disposal of used syringes
21 and sharp waste;

22 21. "Hazardous materials" means materials, whether solid,
23 liquid or gas, which are toxic to human, animal, aquatic, or plant
24

1 life, and the disposal of which materials is controlled by state or
2 federal guidelines;

3 ~~16.~~ 22. "Home care agency" means any sole proprietorship,
4 partnership, association, corporation, or other organization which
5 administers, offers, or provides home care services, for a fee or
6 pursuant to a contract for such services, to clients in their place
7 of residence;

8 ~~17.~~ 23. "Home care services" means skilled or personal care
9 services provided to clients in their place of residence for a fee;

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

1 ~~19.~~ 25. "Imitation controlled substance" means a substance that
2 is not a controlled dangerous substance, which by dosage unit
3 appearance, color, shape, size, markings or by representations made,
4 would lead a reasonable person to believe that the substance is a
5 controlled dangerous substance, or is an agricultural drug that is
6 not a controlled dangerous substance being used outside of the scope
7 of practice or normal course of business, as defined by the Oklahoma
8 Veterinary Board, or is a federal Food and Drug Administration-
9 approved drug that is not a controlled dangerous substance being
10 used outside the scope of approval for illicit purposes such as
11 adulterating or lacing other controlled dangerous substances. In
12 the event the appearance of the dosage unit or use is not reasonably
13 sufficient to establish that the substance is an imitation
14 controlled substance, the court or authority concerned should
15 consider, in addition to all other factors, the following factors ~~as~~
16 ~~related to "representations made" in determining whether the~~
17 ~~substance is an imitation controlled substance:~~
18 a. statements made by an owner or by any other person in
19 control of the substance concerning the nature of the
20 substance, or its use or effect,
21 b. statements made to the recipient that the substance
22 may be resold for inordinate profit,
23 c. whether the substance is packaged in a manner normally
24 used for illicit controlled substances,

- 1 d. evasive tactics or actions utilized by the owner or
2 person in control of the substance to avoid detection
3 by law enforcement authorities,
4 e. prior convictions, if any, of an owner, or any other
5 person in control of the object, under state or
6 federal law related to controlled substances or fraud,
7 and
8 f. the proximity of the substances to controlled
9 dangerous substances;

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

17 27. "Initial prescription" means a prescription issued to a
18 patient who:

- 19 a. has never previously been issued a prescription for
20 the drug or its pharmaceutical equivalent in the past
21 year, or
22 b. requires a prescription for the drug or its
23 pharmaceutical equivalent due to a surgical procedure
24 or new acute event and has previously had a

1 prescription for the drug or its pharmaceutical
2 equivalent within the past year.

3 When determining whether a patient was previously issued a
4 prescription for a drug or its pharmaceutical equivalent, the
5 practitioner shall consult with the patient and review the medical
6 record and prescription monitoring information of the patient;

7 28. "Isomer" means the optical isomer, except as used in
8 subsections C and F of Section 2-204 of this title and paragraph 4
9 of subsection A of Section 2-206 of this title. As used in
10 subsections C and F of Section 2-204 of this title, isomer means the
11 optical, positional, or geometric isomer. As used in paragraph 4 of
12 subsection A of Section 2-206 of this title, the term isomer means
13 the optical or geometric isomer;

14 ~~21.~~ 29. "Laboratory" means a laboratory approved by the
15 Director as proper to be entrusted with the custody of controlled
16 dangerous substances and the use of controlled dangerous substances
17 for scientific and medical purposes and for purposes of instruction;

18 ~~22.~~ 30. "Manufacture" means the production, preparation,
19 propagation, compounding or processing of a controlled dangerous
20 substance, either directly or indirectly by extraction from
21 substances of natural or synthetic origin, or independently by means
22 of chemical synthesis or by a combination of extraction and chemical
23 synthesis. "Manufacturer" includes any person who packages,
24 repackages or labels any container of any controlled dangerous

1 substance, except practitioners who dispense or compound
2 prescription orders for delivery to the ultimate consumer;

3 ~~23.~~ 31. "Marijuana" means all parts of the plant Cannabis
4 sativa L., whether growing or not; the seeds thereof; the resin
5 extracted from any part of such plant; and every compound,
6 manufacture, salt, derivative, mixture or preparation of such plant,
7 its seeds or resin, but shall not include:

- 8 a. the mature stalks of such plant or fiber produced from
9 such stalks,
- 10 b. oil or cake made from the seeds of such plant,
11 including cannabidiol derived from the seeds of the
12 marijuana plant,
- 13 c. any other compound, manufacture, salt, derivative,
14 mixture or preparation of such mature stalks (except
15 the resin extracted therefrom), including cannabidiol
16 derived from mature stalks, fiber, oil or cake,
- 17 d. the sterilized seed of such plant which is incapable
18 of germination,
- 19 e. for any person participating in a clinical trial to
20 administer cannabidiol for the treatment of severe
21 forms of epilepsy pursuant to Section 2-802 of this
22 title, a drug or substance approved by the federal
23 Food and Drug Administration for use by those
24 participants,

- 1 f. for any person or the parents, legal guardians or
2 caretakers of the person who have received a written
3 certification from a physician licensed in this state
4 that the person has been diagnosed by a physician as
5 having Lennox-Gastaut syndrome, Dravet syndrome, also
6 known as severe myoclonic epilepsy of infancy, or any
7 other severe form of epilepsy that is not adequately
8 treated by traditional medical therapies, spasticity
9 due to multiple sclerosis or due to paraplegia,
10 intractable nausea and vomiting, appetite stimulation
11 with chronic wasting diseases, the substance
12 cannabidiol, a nonpsychoactive cannabinoid, found in
13 the plant Cannabis sativa L. or any other preparation
14 thereof, that has a tetrahydrocannabinol concentration
15 not more than three-tenths of one percent (0.3%) and
16 that is delivered to the patient in the form of a
17 liquid,
- 18 g. any federal Food-and-Drug-Administration-approved drug
19 or substance, or
- 20 h. industrial hemp, from the plant Cannabis sativa L. and
21 any part of such plant, whether growing or not, with a
22 delta-9 tetrahydrocannabinol concentration not more
23 than three-tenths of one percent (0.3%) on a dry-
24 weight basis which shall only be grown pursuant to the

Oklahoma Industrial Hemp Program and may be shipped
intrastate and interstate;

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

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

~~26.~~ 34. "Narcotic drug" means any of the following, whether
produced directly or indirectly by extraction from substances of
vegetable origin, or independently by means of chemical synthesis,
or by a combination of extraction and chemical synthesis:

- a. opium, coca leaves and opiates,
- b. a compound, manufacture, salt, derivative or
preparation of opium, coca leaves or opiates,

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

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

22 ~~28.~~ 36. "Opium poppy" means the plant of the species *Papaver*
23 *somniferum* L., except the seeds thereof;

1 37. "Palliative care" means a specialized medical service for
2 people of any age and at any stage of a serious illness or life-
3 altering medical event that focuses on navigating complex medical
4 decisions while providing patient autonomy and access to
5 information. Utilizing a holistic and interdisciplinary team
6 approach, palliative care addresses physical, intellectual,
7 emotional, social, and spiritual needs. Palliative care may be
8 provided in the inpatient, outpatient, or home care setting and
9 strives to improve quality of life for both the patient and the
10 family;

11 38. "Patient-provider agreement" means a written contract or
12 agreement that is executed between a practitioner and a patient,
13 prior to the commencement of treatment for chronic pain using an
14 opioid drug as a means to:

- 15 a. explain the possible risk of development of physical
16 or psychological dependence in the patient and prevent
17 the possible development of addiction,
- 18 b. document the understanding of both the practitioner
19 and the patient regarding the patient-provider
20 agreement of the patient,
- 21 c. establish the rights of the patient in association
22 with treatment and the obligations of the patient in
23 relation to the responsible use, discontinuation of
24 use, and storage of opioid drugs, including any

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

21 ~~29.~~ 39. "Peace officer" means a police officer, sheriff, deputy
22 sheriff, district attorney's investigator, investigator from the
23 Office of the Attorney General, or any other person elected or
24

1 appointed by law to enforce any of the criminal laws of this state
2 or of the United States;

3 ~~30.~~ 40. "Person" means an individual, corporation, government
4 or governmental subdivision or agency, business trust, estate,
5 trust, partnership or association, or any other legal entity;

6 ~~31.~~ 41. "Poppy straw" means all parts, except the seeds, of the
7 opium poppy, after mowing;

8 ~~32.~~ 42. "Practitioner" means:

- 9 a. (1) a medical doctor or osteopathic physician,
10 (2) a dentist,
11 (3) a podiatrist,
12 (4) an optometrist,
13 (5) a veterinarian,
14 (6) a physician assistant or Advanced Practice
15 Registered Nurse under the supervision of a
16 licensed medical doctor or osteopathic physician,
17 (7) a scientific investigator, or
18 (8) any other person,
19 licensed, registered or otherwise permitted to
20 prescribe, distribute, dispense, conduct research with
21 respect to, use for scientific purposes or administer
22 a controlled dangerous substance in the course of
23 professional practice or research in this state, or
24

1 b. a pharmacy, hospital, laboratory or other institution
2 licensed, registered or otherwise permitted to
3 distribute, dispense, conduct research with respect
4 to, use for scientific purposes or administer a
5 controlled dangerous substance in the course of
6 professional practice or research in this state;

7 ~~33.~~ 43. "Production" includes the manufacture, planting,
8 cultivation, growing or harvesting of a controlled dangerous
9 substance;

10 44. "Serious illness" means a medical illness or physical
11 injury or condition that substantially affects quality of life for
12 more than a short period of time. Serious illness includes, but is
13 not limited to, Alzheimer's disease or related dementias, lung
14 disease, cancer, heart failure, renal failure, liver failure, or
15 chronic, unremitting, or intractable pain such as neuropathic pain;

16 ~~34.~~ 45. "State" means the State of Oklahoma or any other state
17 of the United States;

18 46. "Straw person" or "straw party", also known as a "front",
19 means a third party who:

20 a. is put up in name only to take part in a transaction
21 or otherwise is a nominal party to a transaction with
22 no actual control,

- 1 b. acts on behalf of another person to obtain title to
2 property and executes documents and instruments the
3 principal may direct respecting property, or
4 c. purchases property for another for the purpose of
5 concealing the identity of the real purchaser or to
6 accomplish some purpose otherwise in violation of
7 Oklahoma statutes;

8 47. "Surgical procedure" means a procedure that is performed
9 for the purpose of structurally altering the human body by incision
10 or destruction of tissues as part of the practice of medicine. This
11 term includes the diagnostic or therapeutic treatment of conditions
12 or disease processes by use of instruments such as lasers,
13 ultrasound, ionizing, radiation, scalpels, probes, or needles that
14 cause localized alteration or transportation of live human tissue by
15 cutting, burning, vaporizing, freezing, suturing, probing, or
16 manipulating by closed reduction for major dislocations or
17 fractures, or otherwise altering by any mechanical, thermal, light-
18 based, electromagnetic, or chemical means;

19 48. a. "Synthetic controlled substance" means a substance:

- 20 (1) the chemical structure of which is substantially
21 similar to the chemical structure of a controlled
22 dangerous substance in Schedule I or II,
23 (2) which has a stimulant, depressant, or
24 hallucinogenic effect on the central nervous

1 system that is substantially similar to or
2 greater than the stimulant, depressant, or
3 hallucinogenic effect on the central nervous
4 system of a controlled dangerous substance in
5 Schedule I or II, or

6 (3) with respect to a particular person, which such
7 person represents or intends to have a stimulant,
8 depressant, or hallucinogenic effect on the
9 central nervous system that is substantially
10 similar to or greater than the stimulant,
11 depressant, or hallucinogenic effect on the
12 central nervous system of a controlled dangerous
13 substance in Schedule I or II.

14 b. The designation of gamma butyrolactone or any other
15 chemical as a precursor, pursuant to Section 2-322 of
16 this title, does not preclude a finding pursuant to
17 subparagraph a of this paragraph that the chemical is
18 a synthetic controlled substance.

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

20 (1) a controlled dangerous substance,

21 (2) any substance for which there is an approved new
22 drug application,

23 (3) with respect to a particular person any

24 substance, if an exemption is in effect for

1 investigational use, for that person under the
2 provisions of Section 505 of the Federal Food,
3 Drug and Cosmetic Act, Title 21 of the United
4 States Code, Section 355, to the extent conduct
5 with respect to such substance is pursuant to
6 such exemption, or

7 (4) any substance to the extent not intended for
8 human consumption before such an exemption takes
9 effect with respect to that substance.

10 d. Prima facie evidence that a substance containing
11 salvia divinorum has been enhanced, concentrated, or
12 chemically or physically altered shall give rise to a
13 rebuttable presumption that the substance is a
14 synthetic controlled substance;

15 49. "Tetrahydrocannabinols" means all substances that have been
16 chemically synthesized to emulate the tetrahydrocannabinols of
17 marijuana, specifically including any tetrahydrocannabinols derived
18 from industrial hemp; and

19 ~~35.~~ 50. "Ultimate user" means a person who lawfully possesses a
20 controlled dangerous substance for the person's own use or for the
21 use of a member of the person's household or for administration to
22 an animal owned by the person or by a member of the person's
23 household;

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

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

1 ~~the strength, effectiveness or purity of controlled~~
2 ~~dangerous substances,~~

3 e. ~~scales and balances used, intended for use, or~~
4 ~~fashioned specifically for use in weighing or~~
5 ~~measuring controlled dangerous substances,~~

6 f. ~~diluents and adulterants, such as quinine~~
7 ~~hydrochloride, mannitol, mannite, dextrose and~~
8 ~~lactose, used, intended for use, or fashioned~~
9 ~~specifically for use in cutting controlled dangerous~~
10 ~~substances,~~

11 g. ~~separation gins and sifters used, intended for use, or~~
12 ~~fashioned specifically for use in removing twigs and~~
13 ~~seeds from, or in otherwise cleaning or refining,~~
14 ~~marijuana,~~

15 h. ~~blenders, bowls, containers, spoons and mixing devices~~
16 ~~used, intended for use, or fashioned specifically for~~
17 ~~use in compounding controlled dangerous substances,~~

18 i. ~~capsules, balloons, envelopes and other containers~~
19 ~~used, intended for use, or fashioned specifically for~~
20 ~~use in packaging small quantities of controlled~~
21 ~~dangerous substances,~~

22 j. ~~containers and other objects used, intended for use,~~
23 ~~or fashioned specifically for use in parenterally~~
24

1 ~~injecting controlled dangerous substances into the~~
2 ~~human body,~~

3 ~~k. hypodermic syringes, needles and other objects used,~~
4 ~~intended for use, or fashioned specifically for use in~~
5 ~~parenterally injecting controlled dangerous substances~~
6 ~~into the human body,~~

7 ~~l. objects used, intended for use, or fashioned~~
8 ~~specifically for use in ingesting, inhaling or~~
9 ~~otherwise introducing marijuana, cocaine, hashish or~~
10 ~~hashish oil into the human body, such as:~~

11 ~~(1) metal, wooden, acrylic, glass, stone, plastic or~~
12 ~~ceramic pipes with or without screens, permanent~~
13 ~~screens, hashish heads or punctured metal bowls,~~

14 ~~(2) water pipes,~~

15 ~~(3) carburetion tubes and devices,~~

16 ~~(4) smoking and carburetion masks,~~

17 ~~(5) roach clips, meaning objects used to hold burning~~
18 ~~material, such as a marijuana cigarette, that has~~
19 ~~become too small or too short to be held in the~~
20 ~~hand,~~

21 ~~(6) miniature cocaine spoons and cocaine vials,~~

22 ~~(7) chamber pipes,~~

23 ~~(8) carburetor pipes,~~

24 ~~(9) electric pipes,~~

1 ~~(10) air-driven pipes,~~

2 ~~(11) chillums,~~

3 ~~(12) bonges, or~~

4 ~~(13) ice pipes or chillers,~~

5 ~~m. all hidden or novelty pipes, and~~

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

11 ~~provided, however, the term drug paraphernalia shall not include~~
12 ~~separation gins intended for use in preparing tea or spice, clamps~~
13 ~~used for constructing electrical equipment, water pipes designed for~~
14 ~~ornamentation in which no detectable amount of an illegal substance~~
15 ~~is found or pipes designed and used solely for smoking tobacco,~~
16 ~~traditional pipes of an American Indian tribal religious ceremony,~~
17 ~~antique pipes that are thirty (30) years of age or older, or drug~~
18 ~~testing strips possessed by a person for purposes of determining the~~
19 ~~presence of fentanyl or a fentanyl-related compound;~~

20 ~~37. a. "Synthetic controlled substance" means a substance:~~

21 ~~(1) the chemical structure of which is substantially~~
22 ~~similar to the chemical structure of a controlled~~
23 ~~dangerous substance in Schedule I or II,~~

24

1 ~~(2) which has a stimulant, depressant, or~~
2 ~~hallucinogenic effect on the central nervous~~
3 ~~system that is substantially similar to or~~
4 ~~greater than the stimulant, depressant or~~
5 ~~hallucinogenic effect on the central nervous~~
6 ~~system of a controlled dangerous substance in~~
7 ~~Schedule I or II, or~~

8 ~~(3) with respect to a particular person, which such~~
9 ~~person represents or intends to have a stimulant,~~
10 ~~depressant, or hallucinogenic effect on the~~
11 ~~central nervous system that is substantially~~
12 ~~similar to or greater than the stimulant,~~
13 ~~depressant, or hallucinogenic effect on the~~
14 ~~central nervous system of a controlled dangerous~~
15 ~~substance in Schedule I or II.~~

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

21 ~~c. "Synthetic controlled substance" does not include:~~

22 ~~(1) a controlled dangerous substance,~~

23 ~~(2) any substance for which there is an approved new~~
24 ~~drug application,~~

1 ~~(3) with respect to a particular person any~~
2 ~~substance, if an exemption is in effect for~~
3 ~~investigational use, for that person under the~~
4 ~~provisions of Section 505 of the Federal Food,~~
5 ~~Drug and Cosmetic Act, Title 21 of the United~~
6 ~~States Code, Section 355, to the extent conduct~~
7 ~~with respect to such substance is pursuant to~~
8 ~~such exemption, or~~

9 ~~(4) any substance to the extent not intended for~~
10 ~~human consumption before such an exemption takes~~
11 ~~effect with respect to that substance.~~

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

17 ~~38. "Tetrahydrocannabinols" means all substances that have been~~
18 ~~chemically synthesized to emulate the tetrahydrocannabinols of~~
19 ~~marijuana, specifically including any tetrahydrocannabinols derived~~
20 ~~from industrial hemp;~~

21 ~~39. "Isomer" means the optical isomer, except as used in~~
22 ~~subsections C and F of Section 2-204 of this title and paragraph 4~~
23 ~~of subsection A of Section 2-206 of this title. As used in~~
24 ~~subsections C and F of Section 2-204 of this title, isomer means the~~

1 ~~optical, positional or geometric isomer. As used in paragraph 4 of~~
2 ~~subsection A of Section 2-206 of this title, the term isomer means~~
3 ~~the optical or geometric isomer;~~

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

8 ~~41. "Anhydrous ammonia" means any substance that exhibits~~
9 ~~eryogenic evaporative behavior and tests positive for ammonia;~~

10 ~~42. "Acute pain" means pain, whether resulting from disease,~~
11 ~~accidental or intentional trauma or other cause, that the~~
12 ~~practitioner reasonably expects to last only a short period of time.~~
13 ~~Acute pain does not include chronic pain, pain being treated as part~~
14 ~~of cancer care, hospice or other end-of-life care, or pain being~~
15 ~~treated as part of palliative care;~~

16 ~~43. "Chronic pain" means pain that persists beyond the usual~~
17 ~~course of an acute disease or healing of an injury. Chronic pain~~
18 ~~may or may not be associated with an acute or chronic pathologic~~
19 ~~process that causes continuous or intermittent pain over months or~~
20 ~~years;~~

21 ~~44. "Initial prescription" means a prescription issued to a~~
22 ~~patient who:~~

23
24

1 a. ~~has never previously been issued a prescription for~~
2 ~~the drug or its pharmaceutical equivalent in the past~~
3 ~~year, or~~

4 b. ~~requires a prescription for the drug or its~~
5 ~~pharmaceutical equivalent due to a surgical procedure~~
6 ~~or new acute event and has previously had a~~
7 ~~prescription for the drug or its pharmaceutical~~
8 ~~equivalent within the past year.~~

9 ~~When determining whether a patient was previously issued a~~
10 ~~prescription for a drug or its pharmaceutical equivalent, the~~
11 ~~practitioner shall consult with the patient and review the medical~~
12 ~~record and prescription monitoring information of the patient;~~

13 45. ~~"Patient-provider agreement" means a written contract or~~
14 ~~agreement that is executed between a practitioner and a patient,~~
15 ~~prior to the commencement of treatment for chronic pain using an~~
16 ~~opioid drug as a means to:~~

17 a. ~~explain the possible risk of development of physical~~
18 ~~or psychological dependence in the patient and prevent~~
19 ~~the possible development of addiction,~~

20 b. ~~document the understanding of both the practitioner~~
21 ~~and the patient regarding the patient-provider~~
22 ~~agreement of the patient,~~

23 c. ~~establish the rights of the patient in association~~
24 ~~with treatment and the obligations of the patient in~~

1 ~~relation to the responsible use, discontinuation of~~
2 ~~use, and storage of opioid drugs, including any~~
3 ~~restrictions on the refill of prescriptions or the~~
4 ~~acceptance of opioid prescriptions from practitioners,~~
5 d. ~~identify the specific medications and other modes of~~
6 ~~treatment, including physical therapy or exercise,~~
7 ~~relaxation or psychological counseling, that are~~
8 ~~included as a part of the patient provider agreement,~~
9 e. ~~specify the measures the practitioner may employ to~~
10 ~~monitor the compliance of the patient including, but~~
11 ~~not limited to, random specimen screens and pill~~
12 ~~counts, and~~
13 f. ~~delineate the process for terminating the agreement,~~
14 ~~including the consequences if the practitioner has~~
15 ~~reason to believe that the patient is not complying~~
16 ~~with the terms of the agreement. Compliance with the~~
17 ~~"consent items" shall constitute a valid, informed~~
18 ~~consent for opioid therapy. The practitioner shall be~~
19 ~~held harmless from civil litigation for failure to~~
20 ~~treat pain if the event occurs because of nonadherence~~
21 ~~by the patient with any of the provisions of the~~
22 ~~patient provider agreement;~~

23 46. ~~"Serious illness" means a medical illness or physical~~
24 ~~injury or condition that substantially affects quality of life for~~

1 ~~more than a short period of time. Serious illness includes, but is~~
2 ~~not limited to, Alzheimer's disease or related dementias, lung~~
3 ~~disease, cancer, heart failure, renal failure, liver failure or~~
4 ~~chronic, unremitting or intractable pain such as neuropathic pain,~~
5 ~~and~~

6 ~~47. "Surgical procedure" means a procedure that is performed~~
7 ~~for the purpose of structurally altering the human body by incision~~
8 ~~or destruction of tissues as part of the practice of medicine. This~~
9 ~~term includes the diagnostic or therapeutic treatment of conditions~~
10 ~~or disease processes by use of instruments such as lasers,~~
11 ~~ultrasound, ionizing, radiation, scalpels, probes or needles that~~
12 ~~cause localized alteration or transportation of live human tissue by~~
13 ~~cutting, burning, vaporizing, freezing, suturing, probing or~~
14 ~~manipulating by closed reduction for major dislocations or~~
15 ~~fractures, or otherwise altering by any mechanical, thermal, light-~~
16 ~~based, electromagnetic or chemical means.~~

17 SECTION 2. AMENDATORY 63 O.S. 2021, Section 2-106.2, is
18 amended to read as follows:

19 Section 2-106.2 A. The Oklahoma State Bureau of Narcotics and
20 Dangerous Drugs Control, ~~pursuant to rules promulgated by the~~
21 ~~Oklahoma State Bureau of Narcotics and Dangerous Drugs Control~~
22 ~~Commission,~~ is hereby authorized to:
23
24

1 1. Make available for sale used vehicles, used equipment and
2 forfeited property to any federal, state, county, or municipal
3 agency, trust authority or public school district;

4 2. Sell at public auction any used vehicles, used equipment and
5 any property forfeited to the Bureau; and

6 3. Donate or transfer title to any surplus property as defined
7 in Section 62.2 of Title 74 of the Oklahoma Statutes, or property
8 forfeited to the Bureau, to any law enforcement agency of any
9 political subdivision of the State of Oklahoma. The use of such
10 donated equipment shall be limited to valid and authorized law
11 enforcement efforts by the receiving agency.

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

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

18 Section 2-304. A. A registration, pursuant to Section 2-303 of
19 this title, to manufacture, distribute, dispense, prescribe,
20 administer or use for scientific purposes a controlled dangerous
21 substance shall be limited, conditioned, denied, suspended,
22 annulled, or revoked by the Director of the Oklahoma State Bureau of
23 Narcotics and Dangerous Drugs Control upon a finding that the
24 registrant or applicant:

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

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

9 b. provide false data or omit material information in any
10 records or reports required by rule or law to be
11 created, maintained or submitted to the Bureau.

12 ~~Any registrant or applicant for a registration or any official,
13 agent or employee of any registrant or applicant for a registration
14 who violates the provisions of this paragraph shall be guilty of a
15 misdemeanor and additionally subject to administrative action;~~

16 2. Has been found guilty of, entered a plea of guilty or
17 entered a plea of nolo contendere to a misdemeanor relating to any
18 substance defined herein as a controlled dangerous substance or any
19 felony under the laws of any state or the United States;

20 3. Has had his or her federal registration retired, suspended
21 or revoked by a competent federal authority and is no longer
22 authorized by federal law to manufacture, distribute, dispense,
23 prescribe, administer or use for scientific purposes controlled
24 dangerous substances;

1 4. Has failed to maintain effective controls against the
2 diversion of controlled dangerous substances to unauthorized persons
3 or entities;

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

7 6. Has had a restriction, suspension, revocation, limitation,
8 condition or probation placed on his or her professional license or
9 certificate or practice as a result of a proceeding pursuant to the
10 general statutes;

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

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

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

21 10. Has been under the influence of alcohol or another
22 intoxicating substance which adversely affected the central nervous
23 system, vision, hearing or other sensory or motor functioning to
24

1 such degree the person was impaired during the performance of his or
2 her job; or

3 11. Has violated any federal law relating to any controlled
4 dangerous substances, any provision of the Uniform Controlled
5 Dangerous Substances Act or any rules of the Oklahoma State Bureau
6 of Narcotics and Dangerous Drugs Control.

7 B. In the event the Director suspends or revokes a registration
8 granted under Section 2-303 of this title, all controlled dangerous
9 substances owned or possessed by the registrant pursuant to such
10 registration at the time of revocation or suspension or the
11 effective date of the revocation order, as the case may be, may in
12 the discretion of the Director be impounded and preserved. All
13 controlled dangerous substances not impounded or preserved by the
14 Director shall be maintained by the registrant. ~~No~~ Upon issuance of
15 a revocation order, no disposition, purchase, distribution, sale, or
16 transfer may be made of controlled dangerous substances until the
17 time for taking an appeal has elapsed or until all appeals have been
18 concluded unless a court, upon application therefor, orders the sale
19 of perishable substances and the deposit of the proceeds of the sale
20 with the court to be distributed to the prevailing party. Upon a
21 revocation order becoming final, all such controlled dangerous
22 substances shall be forfeited to the state or otherwise ~~considered~~
23 ~~waste and submitted to a licensed waste disposal service for~~

24

1 ~~destruction pursuant to Section 430 of this title~~ in accordance with
2 applicable law and by order of the Director.

3 C. The Drug Enforcement Administration shall promptly be
4 notified of all orders suspending or revoking registration and all
5 forfeitures of controlled dangerous substances.

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

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

20 B. The written order shall state with specificity the nature of
21 the violation or basis for the action. The Director may impose any
22 disciplinary action authorized by the Uniform Controlled Dangerous
23 Substances Act or rules of the Oklahoma State Bureau of Narcotics
24

1 and Dangerous Drugs Control including, but not limited to, the
2 assessment of monetary penalties.

3 C. Any written order issued pursuant to the provisions of this
4 section shall become a final order unless the registrant requests an
5 administrative hearing in accordance with the rules and regulations
6 promulgated by the Director within thirty (30) days of issuance.
7 Upon such request, the Director shall promptly initiate
8 administrative proceedings and serve formal notice of the
9 proceedings pursuant to Section 309 of Title 75 of the Oklahoma
10 Statutes. Nothing in this section shall be construed so as to
11 require an individual proceeding for the denial of a new application
12 for registration.

13 D. The Director may authorize the Deputy Director or the
14 General Counsel of the Oklahoma State Bureau of Narcotics and
15 Dangerous Drugs Control to initiate any individual proceedings under
16 this title. Nothing in this section shall be construed so as to
17 delegate the authority of the Director to issue a final agency order
18 of an individual proceeding adverse to a party. If a party fails to
19 request an administrative hearing in a timely manner, the written
20 order as issued shall be deemed adopted by the Director as the final
21 agency order concerning the matter without further action by the
22 Director.

23 E. All proceedings shall be conducted in accordance with the
24 Administrative Procedures Act and the rules and regulations of the

1 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control
2 without regard to any criminal prosecution or other proceeding.

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

10 2. The Director may delegate to an administrative hearing
11 officer the authority to conduct hearings and recommend action for
12 final agency orders in accordance with the rules and regulations of
13 the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control.

14 3. Where claims do not involve factual determinations hinging
15 on the credibility or veracity of witnesses, the Director may
16 authorize proceedings limited to written submissions in accordance
17 with due process of law.

18 F. The Director may issue an order immediately suspending a
19 registration, without notice or a hearing, when he or she finds
20 there is imminent danger to the public health or safety which
21 warrants this action. The suspension shall continue in effect until
22 the conclusion of any administrative proceedings, including judicial
23 review thereof, unless sooner withdrawn by the Director or dissolved
24 by a court of competent jurisdiction. The order shall state the

1 existence of an emergency requiring action be taken that the
2 Director deems necessary to meet the emergency. Such action may
3 include, but is not limited to, ordering the registrant to
4 immediately cease and desist operations. The order shall be
5 effective immediately upon issuance. Any person to whom the order
6 is directed shall comply immediately with the provisions of the
7 order. The Director may assess a penalty not to exceed Ten Thousand
8 Dollars (\$10,000.00) per day of noncompliance with the order. In
9 assessing such a penalty, the Director shall consider the
10 seriousness of the violation and any efforts to comply with
11 applicable requirements. ~~Upon application to the Director, the~~
12 ~~registrant shall be offered a hearing within thirty (30) days of the~~
13 ~~issuance of the order.~~

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

1 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control to
2 assess administrative fines for violations of the provisions of
3 subsection G of Section 2-309D of this title.

4 H. If a judge of competent jurisdiction finds probable cause
5 that a registrant has possessed, transferred, sold, or offered for
6 sale any controlled dangerous substance in violation of this act,
7 all controlled dangerous substances in Schedule I of Section 2-204
8 of this title and all controlled dangerous substances in Schedules
9 II, III, IV, and V that are not in properly labeled containers in
10 accordance with this act then in the possession of the registrant
11 shall be deemed contraband and shall be seized and summarily
12 forfeited pursuant to Section 2-505 of this title. Samples shall be
13 retained of all controlled dangerous substances seized in accordance
14 with Section 2-508 of this title as required. The Director is
15 authorized to assess an eradication or destruction fine not to
16 exceed Fifty Thousand Dollars (\$50,000.00) against the registrant.

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

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

4 Section 2-309. A. 1. Except for dosages medically required
5 for a period not to exceed forty-eight (48) hours which are
6 administered by or on direction of a practitioner, other than a
7 pharmacist, or medication dispensed directly by a practitioner,
8 other than a pharmacist, to an ultimate user, no controlled
9 dangerous substance included in Schedule II, which is a prescription
10 drug as determined under regulation promulgated by the Board of
11 Pharmacy, shall be dispensed without an electronic prescription of a
12 practitioner; provided, that in emergency situations, as prescribed
13 by the Board of Pharmacy by regulation, such drug may be dispensed
14 upon oral prescription reduced promptly to writing and filed by the
15 pharmacist in a manner to be prescribed by rules and regulations of
16 the Director of the Oklahoma State Bureau of Narcotics and Dangerous
17 Drugs Control.

18 2. Electronic prescribing shall be utilized for Schedules II,
19 III, IV and V, subject to the requirements set forth in 21 CFR,
20 Section 1311 et seq.

21 3. An electronic prescription with electronic signature may
22 serve as an original prescription, subject to the requirements set
23 forth in 21 CFR, Section 1311 et seq.

24

1 4. Prescriptions shall be retained in conformity with the
2 requirements of this section and Section 2-307 of this title. No
3 prescription for a Schedule II substance may be refilled.

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

- 7 a. a person licensed to practice veterinary medicine,
- 8 b. a practitioner who experiences temporary technological
9 or electrical failure or other extenuating
10 circumstance that prevents the prescription from being
11 transmitted electronically; provided, however, that
12 the practitioner documents the reason for this
13 exception in the medical record of the patient,
- 14 c. a practitioner, other than a pharmacist, who dispenses
15 directly to an ultimate user,
- 16 d. a practitioner who orders a controlled dangerous
17 substance to be administered through an on-site
18 pharmacy in:
 - 19 (1) a hospital as defined in Section 1-701 of this
20 title,
 - 21 (2) a nursing facility as defined in Section 1-1902
22 of this title,
 - 23 (3) a hospice inpatient facility as defined in
24 Section 1-860.2 of this title,

- 1 (4) an outpatient dialysis facility,
2 (5) a continuum of care facility as defined in
3 Section 1-890.2 of this title, or
4 (6) a penal institution listed in Section 509 of
5 Title 57 of the Oklahoma Statutes,

6 e. a practitioner who orders a controlled dangerous
7 substance to be administered through a hospice program
8 including but not limited to a hospice program that
9 provides hospice services in the private residence of
10 a patient or in a long-term care facility where the
11 patient resides. As used in this subparagraph,
12 "hospice program" has the same meaning as provided by
13 Section 1-860.2 of this title,

14 f. a practitioner who writes a prescription to be
15 dispensed by a pharmacy located on federal property,
16 provided the practitioner documents the reason for
17 this exception in the medical record of the patient,

18 ~~or~~

19 g. a practitioner that has received a waiver or extension
20 from his or her licensing board,

21 h. a practitioner who prescribes a controlled dangerous
22 substance for a supply that when taken as prescribed
23 would be consumed within seventy-two (72) hours, or

1 i. a practitioner who determines that an electronic
2 prescription cannot be issued in a timely manner and
3 the condition of the patient is at risk.

4 6. Electronic prescriptions ~~shall not~~ may be utilized under the
5 following circumstances:

6 a. ~~compound~~ compounded prescriptions ~~containing two or~~
7 ~~more commercially available products or two or more~~
8 ~~active pharmaceutical ingredients,~~

9 b. compounded infusion prescriptions ~~containing two or~~
10 ~~more commercially available products or two or more~~
11 ~~active pharmaceutical ingredients, or~~

12 c. prescriptions issued under approved research
13 protocols, ~~or~~

14 d. ~~if the practitioner determines that an electronic~~
15 ~~prescription cannot be issued in a timely manner and~~
16 ~~the condition of the patient is at risk.~~

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

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

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

9 10. a. ~~Effective January 1, 2020, practitioners~~ Practitioners
10 shall ~~register~~ be registered with the Oklahoma State
11 Bureau of Narcotics and Dangerous Drugs Control in
12 order to ~~be issued~~ purchase official prescription
13 forms. Such registration shall include, but not be
14 limited to, the primary address and the address of
15 each place of business to be imprinted on official
16 prescription forms. Any change to a registered
17 practitioner's registered address shall be promptly
18 reported to the practitioner's licensing board and the
19 Bureau by the practitioner in a manner approved by the
20 Bureau.

21 b. ~~A practitioner's registration shall be without fee and~~
22 ~~subject to approval by the Bureau. Such registration~~
23 ~~shall be valid for a period of two (2) years and may~~
24 ~~be denied, suspended or revoked by the Bureau upon a~~

1 ~~finding by the Bureau or licensing board that the~~
2 ~~registered practitioner has had any license to~~
3 ~~practice a medical profession revoked or suspended by~~
4 ~~any state or federal agency.~~

5 ~~e.~~ Where the Bureau has revoked the registration of a
6 registered practitioner, the Bureau may revoke or
7 cancel any official prescription forms in the
8 possession of the registered practitioner. Any
9 revocation or any suspension shall require the
10 registered practitioner to return all unused official
11 prescription forms to the Bureau within fifteen (15)
12 calendar days after the date of the written
13 notification.

14 ~~d.~~

15 c. A practitioner that has had any license to practice
16 terminated, revoked or suspended by a state or federal
17 agency may, upon restoration of such license or
18 certificate, register ~~to be issued official~~
19 ~~prescription forms~~ with the Bureau.

20 11. a. ~~Except as provided in subparagraph f of this~~
21 ~~paragraph, the Bureau shall issue official~~ Official
22 ~~prescription forms free of charge only to registered~~
23 ~~practitioners in this state. Such forms shall not be~~
24 ~~transferable. The number of official prescription~~

1 ~~forms issued to a registered~~ shall be purchased at the
2 expense of the practitioner at any time shall be at
3 ~~the discretion of~~ or the employer of the practitioner
4 from a list of vendors approved by the Bureau.

5 b. Official prescription forms issued to a registered
6 practitioner shall be imprinted ~~only~~ with the primary
7 address and may include other addresses listed on the
8 registration of the practitioner to identify the place
9 of origin. Such prescriptions shall be sent only to
10 the primary address of the registered practitioner.

11 c. Official prescription forms ~~issued to~~ of a registered
12 practitioner shall be used only by the practitioner ~~to~~
13 ~~whom they are issued~~ designated on the official
14 prescription form.

15 d. The Bureau may revoke or cancel official prescription
16 forms in possession of registered practitioners when
17 the license of such practitioner is suspended,
18 terminated or revoked.

19 e. Official prescription forms of registered
20 practitioners who are deceased or who no longer
21 prescribe shall be returned to the Bureau at a
22 designated address. If the registered practitioner is
23 deceased, it is the responsibility of the registered
24

1 practitioner's estate or lawful designee to return
2 such forms.

3 f. The Bureau may issue official prescription forms to
4 employees or agents of the Bureau and other government
5 agencies for the purpose of preventing, identifying,
6 investigating and prosecuting unacceptable or illegal
7 practices by providers and other persons and assisting
8 in the recovery of overpayments under any program
9 operated by the state or paid for with state funds.
10 Such prescription forms shall be issued for this
11 purpose only to individuals who are authorized to
12 conduct investigations on behalf of the Bureau or
13 other government agencies as part of their official
14 duties. Individuals and agencies receiving such
15 prescription forms for this purpose shall provide
16 appropriate assurances to the Bureau that adequate
17 safeguards and security measures are in place to
18 prevent the use of such prescription forms for
19 anything other than official government purposes.

20 12. a. Adequate safeguards and security measures shall be
21 undertaken by registered practitioners holding
22 official prescription forms to assure against the
23 loss, destruction, theft or unauthorized use of the
24 forms. Registered practitioners shall maintain a

1 sufficient but not excessive supply of such forms in
2 reserve.

3 b. Registered practitioners shall immediately notify the
4 Bureau, in a manner designated by the Bureau, upon
5 their knowledge of the loss, destruction, theft or
6 unauthorized use of any official prescription forms
7 issued to them, as well as the failure to receive
8 official prescription forms within a reasonable time
9 after ordering them from the Bureau.

10 c. Registered practitioners shall immediately notify the
11 Bureau upon their knowledge of any diversion or
12 suspected diversion of drugs pursuant to the loss,
13 theft or unauthorized use of prescriptions.

14 B. 1. Except for dosages medically required for a period not
15 to exceed seventy-two (72) hours which are administered by or on
16 direction of a practitioner, other than a pharmacist, ~~or~~ medication
17 dispensed directly by a practitioner, other than a pharmacist, to an
18 ultimate user or the circumstances provided for in paragraphs 5 and
19 6 of subsection A of this section, no controlled dangerous substance
20 included in Schedule III or IV, which is a prescription drug as
21 determined under regulation promulgated by the Board of Pharmacy,
22 shall be dispensed without an electronic prescription.

23 2. Any prescription for a controlled dangerous substance in
24 Schedule III, IV or V may not be filled or refilled more than six

1 (6) months after the date thereof or be refilled more than five
2 times after the date of the prescription, unless renewed by the
3 practitioner.

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

11 D. 1. "Prescription", as used in this section, means a
12 written, oral or electronic order by a practitioner to a pharmacist
13 for a controlled dangerous substance for a particular patient, which
14 specifies the date of its issue, and the full name and address of
15 the patient and, if the controlled dangerous substance is prescribed
16 for an animal, the species of the animal, the name and quantity of
17 the controlled dangerous substance prescribed, the directions for
18 use, the name and address of the owner of the animal and, if
19 written, the signature of the practitioner. When electronically
20 prescribed, the full name of the patient may include the name and
21 species of the animal.

22 2. "Registered practitioner", as used in this section, means a
23 licensed practitioner duly registered with the Oklahoma State Bureau
24

1 of Narcotics and Dangerous Drugs Control authorized to ~~be issued~~
2 purchase official prescription forms.

3 E. No person shall solicit, dispense, receive or deliver any
4 controlled dangerous substance through the mail, unless the ultimate
5 user is personally known to the practitioner and circumstances
6 clearly indicate such method of delivery is in the best interest of
7 the health and welfare of the ultimate user.

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

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

13 1. ~~To distribute~~ Distribute, other than by dispensing or as
14 otherwise authorized by the Uniform Controlled Dangerous Substances
15 Act, a controlled dangerous substance classified in Schedules I or
16 II, in the course of his or her legitimate business, except pursuant
17 to an order form as required by Section 2-308 of this title;

18 2. ~~To use~~ Use in the course of the manufacture or distribution
19 of a controlled dangerous substance a registration number which is
20 fictitious, revoked, suspended or issued to another person;

21 3. ~~To acquire~~ Acquire or obtain possession of a controlled
22 dangerous substance by misrepresentation, fraud, forgery, deception
23 or subterfuge;

24

1 4. ~~To furnish~~ Furnish false or fraudulent material information
2 in, or omit any material information from, any application, report,
3 or other document required to be kept or filed under the Uniform
4 Controlled Dangerous Substances Act, or any record required to be
5 kept by the Uniform Controlled Dangerous Substances Act;

6 5. ~~To make~~ Make, distribute, or possess any punch, die, plate,
7 stone, or other thing designed to print, imprint, or reproduce the
8 trademark, trade name, or other identifying mark, imprint, or device
9 of another or any likeness of any of the foregoing upon any drug or
10 container or labeling thereof so as to render such drug a
11 counterfeit controlled dangerous substance; and

12 6. ~~To purchase~~ Purchase, or attempt, endeavor, or conspire to
13 obtain or purchase, any license or registration required to
14 distribute, possess, prescribe, or manufacture any controlled
15 dangerous substance on behalf of, or at the request or demand of,
16 any other person through the use of a straw person or straw party.

17 B. Any person who violates this section is guilty of a felony
18 punishable by imprisonment for not more than twenty (20) years or a
19 fine not more than Two Hundred Fifty Thousand Dollars (\$250,000.00),
20 or both.

21 C. Any person convicted of a second or subsequent violation of
22 this section is punishable by a term of imprisonment twice that
23 otherwise authorized and by twice the fine otherwise authorized.
24 Convictions for second or subsequent violations of this section

1 shall not be subject to statutory provisions for suspended
2 sentences, deferred sentences, or probation.

3 D. Any person convicted of any offense described in this
4 section shall, in addition to any fine imposed, pay a special
5 assessment trauma-care fee of One Hundred Dollars (\$100.00) to be
6 deposited into the Trauma Care Assistance Revolving Fund created in
7 Section 1-2530.9 of this title.

8 SECTION 7. REPEALER 63 O.S. 2021, Sections 2-101, as
9 last amended by Section 10, Chapter 91, O.S.L. 2019, Section 1,
10 Chapter 235, O.S.L. 2023, Section 1, Chapter 304, O.S.L. 2023, 2-
11 304, as last amended by Section 1, Chapter 176, O.S.L. 2023, 2-305,
12 as amended by Section 2, Chapter 176, O.S.L. 2023, 2-309, as last
13 amended by Section 1, Chapter 333, O.S.L. 2021, 2-402, as last
14 amended by Section 1, Chapter 220, O.S.L. 2016 and 2-406 as last
15 amended by Section 7, Chapter 375, O.S.L. 2023 (63 O.S. Supp. 2023,
16 Sections 2-101, 2-304, 2-305, 2-309, 2-402 and 2-406), are hereby
17 repealed.

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

22
23 COMMITTEE REPORT BY: COMMITTEE ON ALCOHOL, TOBACCO AND CONTROLLED
24 SUBSTANCES, dated 02/29/2024 - DO PASS, As Amended.