

1 ENGROSSED SENATE
2 BILL NO. 665

By: Standridge of the Senate

3 and

4 Worthen of the House

5
6 An Act relating to controlled dangerous substances;
7 amending 63 O.S. 2021, Section 2-302, which relates
8 to registration requirements; modifying applicability
9 of certain exception; updating statutory language;
and providing an effective date.

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

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

13 Section 2-302. A. Every person who manufactures, distributes,
14 dispenses, prescribes, administers or uses for scientific purposes
15 any controlled dangerous substance within or into this state, or who
16 proposes to engage in the manufacture, distribution, dispensing,
17 prescribing, administering or use for scientific purposes of any
18 controlled dangerous substance within or into this state shall
19 obtain a registration issued by the Director of the Oklahoma State
20 Bureau of Narcotics and Dangerous Drugs Control, in accordance with
21 rules promulgated by the Director. Persons registered by the
22 Director under Section 2-101 et seq. of this title to manufacture,
23 distribute, dispense or conduct research with controlled dangerous
24 substances may possess, manufacture, distribute, dispense or conduct

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

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

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

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

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

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

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

23 4. The name and National Drug Code of the controlled dangerous
24 substance sold; and

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

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

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

11 2. The United States Drug Enforcement Administration Diversion
12 Group Supervisor; and

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

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

22 G. Every trainer or handler of a canine controlled dangerous
23 substances detector who, in the ordinary course of such trainer's or
24 handler's profession, desires to possess any controlled dangerous

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

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

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

19 2. Any person lawfully acting under the direction of a person
20 authorized to administer controlled dangerous substances under
21 Section 2-312 of this title;

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

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

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

8 6. A nursing home licensed by this state;

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

15 8. Registered nurses and licensed practical nurses; and

16 9. An assisted living facility licensed by ~~the State of~~
17 ~~Oklahoma~~ this state.

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

23 J. A separate registration shall be required at each principal
24 place of business or professional practice where the applicant

1 manufactures, distributes, dispenses, prescribes, administers or
2 uses for scientific purposes controlled dangerous substances.

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

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

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

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

21 O. The licensing board of any professional defined as a mid-
22 level practitioner shall notify and furnish to the Director, not
23 later than the first day of October of each year, that such
24 professional holds a valid license, a current listing of individuals

1 licensed and registered with their respective boards to prescribe,
2 order, select, obtain and administer controlled dangerous
3 substances. The licensing board shall immediately notify the
4 Director of any action subsequently taken against any such
5 individual.

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

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

11 Passed the Senate the 8th day of March, 2023.

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13 _____
14 Presiding Officer of the Senate

15 Passed the House of Representatives the ____ day of _____,
16 2023.

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18 _____
19 Presiding Officer of the House
20 of Representatives
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