STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 668 By: Standridge

AS INTRODUCED

An Act relating to the Uniform Controlled Dangerous Substances Act; amending 63 O.S. 2021, Section 2-322, which relates to precursor substances requiring permit or license; removing certain drugs from requiring certain permitting or licensing; amending 63 O.S. 2021, Section 2-210, which relates to Schedule IV; including certain drug; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 2021, Section 2-322, is amended to read as follows:

Section 2-322. A. No person or business shall possess, sell, manufacture, transfer, or otherwise furnish any of the following precursor substances without first having a permit or license issued by the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, except as provided in Section 2-327 of this title:

1. D-Lysergic acid;

2. Ergotamine and its salts;

3. Ergonovine and its salts;

4. Methylamine;

5. Ethylamine;

6. Phenyl-2-Propanone;

7. Phenylacetic acid and its salts;

~~8. Ephedrine, its salts, optical isomers and salts of optical isomers;~~

~~9.~~ Norpseudoephedrine, its salts, optical isomers, and salts of optical isomers;

~~10. Phenylpropanolamine, its salts, optical isomers and salts of optical isomers;~~

~~11.~~ 9. Benzyl cyanide;

~~12.~~ 10. N-methylephedrine, its salts, optical isomers and salts of optical isomers;

~~13. Pseudoephedrine, its salts, optical isomers and salts of optical isomers;~~

~~14.~~ 11. Chloroephedrine, its salts, optical isomers and salts of optical isomers;

~~15.~~ 12. Piperidine and its salts;

~~16.~~ 13. Pyrrolidine and its salts;

~~17.~~ 14. Propionic anhydride;

~~18.~~ 15. Isosafrole;

~~19.~~ 16. Safrole;

~~20.~~ 17. Piperonal; and

~~21.~~ 18. Red Phosphorus.

B. Upon completion of an application for a license pursuant to Section 2-323 of this title, or a permit pursuant to Section 2-324 of this title, the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control shall either grant or deny such license or permit. A denial of an application for a permit or license shall be handled as provided by Section 2-325 of this title.

SECTION 2. AMENDATORY 63 O.S. 2021, Section 2-210, is amended to read as follows:

Section 2-210. A. Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant or depressant effect on the central nervous system:

1. Chloral betaine;
2. Chloral hydrate;
3. Ethchlorvynol;
4. Ethinamate;
5. Meprobamate;
6. Paraldehyde;
7. Petrichloral;
8. Diethylpropion;
9. Phentermine;
10. Pemoline;
11. Chlordiazepoxide;

12. Chlordiazepoxide and its salts, but not including chlordiazepoxide hydrochloride and clidinium bromide or chlordiazepoxide and water-soluble esterified estrogens;

13. Diazepam;

14. Oxazepam;

15. Clorazepate;

16. Flurazepam and its salts;

17. Clonazepam;

18. Barbital;

19. Mebutamate;

20. Methohexital;

21. Methylphenobarbital;

22. Phenobarbital;

23. Fenfluramine;

24. Pentazocine;

25. Propoxyphene;

26. Butorphanol;

27. Alprazolam;

28. Halazepam;

29. Lorazepam;

30. Prazepam;

31. Temazepam;

32. Triazolam;

33. Carisoprodol;

34. Dichloralphenazone;

35. Estazolam;

36. Eszopiclone;

37. Midazolam;

38. Modafinil;

39. Zaleplon;

40. Zolpidem;

41. Tramadol;

42. Bromazepam;

43. Suvorexant;

44. Phenazepam;

45. Etizolam; ~~or~~

46. Clonazolam; or

47. Xylazine.

B. 1. The following nonnarcotic substances, which may, under the Federal Food, Drug, and Cosmetic Act (21 U.S.C., Section 301), be lawfully sold over the counter without a prescription, are excluded from all schedules of controlled substances under this title:

a. Breathe-Aid,

b. BronCare,

c. Bronchial Congestion,

d. Bronkaid Tablets,

e. Bronkaid Dual Action Caplets,

f. Bronkotabs,

g. Bronkolixir,

h. NeoRespin,

i. Pazo Hemorrhoid Ointment and Suppositories,

j. Primatene Tablets,

k. Primatene "Dual Action" Formula,

l. Quelidrine,

m. Resp, and

n. Vatronal Nose Drops.

2. At the request of any person, the Director may exempt any other drug product containing ephedrine from being included as a Schedule IV controlled substance if such product:

a. is labeled and marketed in a manner consistent with the pertinent OTC tentative final or final monograph issued by the FDA, and

b. is manufactured and distributed for legitimate medicinal use and in a manner that reduces or eliminates the likelihood of abuse.

3. In making a determination regarding a drug product, the Director, after notice and hearing, shall consider the following:

a. the history and current pattern of abuse,

b. the name and labeling of the product,

c. the intended manner of distribution, advertising and promotion of the product, and

d. other factors as may be relevant to and consistent with the public health and safety.

4. The hearing shall be held in accordance with the Administrative Procedures Act.

5. A list of current drug products meeting exemption requirements under this subsection may be obtained from the Bureau upon written request.

C. The Board of Pharmacy may except by rule any compound, mixture, or preparation containing any depressant substance listed in subsection A of this section from the application of all or any part of the Uniform Controlled Dangerous Substances Act, Section 2-101 et seq. of this title, if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a depressant effect on the central nervous system.

SECTION 3. This act shall become effective November 1, 2023.

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