

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 848 By: Rader of the Senate
3 and
4 Echols of the House
5
6

7 [opioid drugs - continuing education - pharmacist
8 discretion - unprofessional conduct - central
9 repository - prescription limits and rules - repealer
- codification -
emergency]

10
11
12 AMENDMENT NO. 1. Delete the stricken title, enacting clause and
entire bill and replace with:

13
14 "An Act relating to opioid drugs; amending 59 O.S.
15 2011, Section 145.1, as amended by Section 4,
Chapter 185, O.S.L. 2013 (59 O.S. Supp. 2018,
16 Section 145.1), which relates to continuing
education requirements for podiatrists; requiring
17 certain continuing education; amending 59 O.S. 2011,
Section 328.41, as last amended by Section 11,
Chapter 151, O.S.L. 2018 (59 O.S. Supp. 2018,
18 Section 328.41), which relates to continuing
education requirements for dentists; requiring
19 certain continuing education; amending Section 3,
Chapter 234, O.S.L. 2017 (59 O.S. Supp. 2018,
20 Section 353.20.2), which relates to pharmacist
discretion; requiring pharmacist to fill certain
21 prescriptions to specified dose; amending 59 O.S.
2011, Section 509, as amended by Section 2, Chapter
22 175, O.S.L. 2018 (59 O.S. Supp. 2018, Section 509),
which relates to definition of unprofessional
23 conduct; modifying prescribing limit authorization;
amending 59 O.S. 2011, Section 519.8, which relates
24 to license renewal for physician assistants;

1 requiring certain continuing medical education;
2 amending 59 O.S. 2011, Section 604, which relates to
3 required attendance on educational or postgraduate
4 programs for optometrists; requiring certain
5 education; updating statutory language; amending 59
6 O.S. 2011, Section 641, which relates to educational
7 programs for osteopathic physicians; requiring
8 licensees to receive certain education; amending 59
9 O.S. 2011, Section 698.7, which relates to powers
10 and duties of State Board of Veterinary Medical
11 Examiners; requiring certain continuing education;
12 amending 63 O.S. 2011, Section 2-101, as last
13 amended by Section 3, Chapter 175, O.S.L. 2018 (63
14 O.S. Supp. 2018, Section 2-101), which relates to
15 definitions used in the Uniform Controlled Dangerous
16 Substances Act; modifying certain definitions;
17 amending 63 O.S. 2011, Section 2-302, as amended by
18 Section 1, Chapter 251, O.S.L. 2018 (63 O.S. Supp.
19 2018, Section 2-302), which relates to registration
20 requirements for certain persons; deleting
21 retroactive applicability; modifying reporting
22 requirements; amending 63 O.S. 2011, Section 2-309D,
23 as last amended by Section 4, Chapter 175, O.S.L.
24 2018 (63 O.S. Supp. 2018, Section 2-309D), which
relates to central repository; modifying certain
grounds for disciplinary action; amending Section 5,
Chapter 175, O.S.L. 2018 (63 O.S. Supp. 2018,
Section 2-309I), which relates to prescription
limits and rules for opioid drugs; modifying
applicability; requiring notated information on
certain prescriptions; modifying prescription limits
for certain persons; modifying required assessment;
requiring Insurance Department to make certain
evaluation and submit report by date certain;
requiring the Oklahoma State Bureau of Narcotics and
Dangerous Drugs Control to submit report to the
Legislature; providing for report requirements;
updating statutory references; repealing Section 6,
Chapter 175, O.S.L. 2018, which relates to Insurance
Department's prescription limits evaluations; and
providing for codification.

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

1 SECTION 1. AMENDATORY 59 O.S. 2011, Section 145.1, as
2 amended by Section 4, Chapter 185, O.S.L. 2013 (59 O.S. Supp. 2018,
3 Section 145.1), is amended to read as follows:

4 Section 145.1 A. Sixty (60) hours of continuing education
5 shall be required for renewal of an individual license to practice
6 podiatric medicine in this state. This must be obtained in the two-
7 year period immediately preceding the two-year period for which the
8 license is to be issued. Such continuing education shall include
9 not less than two (2) hours of education in pain management or two
10 (2) hours of education in opioid use or addiction, unless the
11 licensee has demonstrated to the satisfaction of the Board of
12 Podiatric Medical Examiners that the licensee does not currently
13 hold a valid federal Drug Enforcement Administration registration
14 number. The continuing education required by this section shall be
15 any of the following:

16 1. Education presented by an organization approved by the
17 Council on Continuing Education of the American Podiatric Medical
18 Association;

19 2. A national, state or county podiatric medical association
20 meeting approved by the Board ~~of Podiatric Medical Examiners;~~

21 3. Hospital-sponsored scientific programs approved by the
22 Board; or

23 4. Six (6) hours of continuing education credit may be obtained
24 by attending meetings and hearings of the Board.

1 At least thirty (30) hours of the required sixty (60) hours must be
2 obtained in this state.

3 B. Any practitioner not so satisfying the Board of the
4 fulfillment of the continuing education requirements required by
5 subsection A of this section shall cease to be entitled to have such
6 license renewed.

7 C. Any practitioner fully retired from the practice of
8 podiatric medicine shall be exempt from compliance with the
9 requirements imposed by subsection A of this section. However, upon
10 resuming the practice of podiatric medicine, the individual shall
11 fulfill such requirements which have accrued from ~~the effective date~~
12 ~~of this act~~ October 1, 1979, to the time of resumption of practice.

13 SECTION 2. AMENDATORY 59 O.S. 2011, Section 328.41, as
14 last amended by Section 11, Chapter 151, O.S.L. 2018 (59 O.S. Supp.
15 2018, Section 328.41), is amended to read as follows:

16 Section 328.41 A. 1. On or before the last day of December of
17 each year, every dentist, dental hygienist, dental assistant, oral
18 maxillofacial surgery assistant and other licensee or permit holders
19 previously licensed or permitted by the Board to practice in this
20 state, with the exception of those listed in paragraph 2 of this
21 subsection, shall submit a completed renewal application with
22 information as may be required by the Board, together with an annual
23 renewal fee established by the rules of the Board. Upon receipt of
24 the annual renewal fee, the Board shall issue a renewal certificate

1 authorizing the dentist, dental hygienist, dental assistant, or oral
2 maxillofacial surgery assistant to continue the practice of
3 dentistry or dental hygiene, respectively, in this state for a
4 period of one (1) year. Every license or permit issued by the Board
5 shall begin on January 1 and expire on December 31 of each year.

6 2. Beginning July 1, 2017, resident and fellowship permits
7 shall be valid from July 1 through June 30 of each year and dental
8 student intern permits shall be valid from August 1 through July 31
9 of each year.

10 B. Continuing education requirements shall be due at the end of
11 each three-year period ending in 2019 as follows:

12 1. Dentists shall complete sixty (60) hours. Such continuing
13 education shall include not less than three (3) hours of education
14 in pain management or three (3) hours of education in opioid use or
15 addiction, unless the licensee has demonstrated to the satisfaction
16 of the Board of Dentistry that the licensee does not currently hold
17 a valid federal Drug Enforcement Administration registration number;

18 2. Hygienists shall complete thirty (30) hours;

19 3. Oral maxillofacial surgery assistants shall complete twelve
20 (12) hours; and

21 4. Beginning in 2020, continuing education requirements shall
22 be due at the end of each two-year period as follows:

23 a. dentists shall complete forty (40) hours,

24 b. hygienists shall complete twenty (20) hours,

1 c. OMS assistants shall complete eight (8) hours, and

2 d. dental assistants shall have two (2) hours of
3 infection control.

4 C. Upon failure of a dentist, dental hygienist, dental
5 assistant, or oral maxillofacial surgery assistant to pay the annual
6 renewal fee within two (2) months after January 1, the Board shall
7 notify the dentist, dental hygienist, dental assistant, or oral
8 maxillofacial surgery assistant in writing by certified mail to the
9 last-known mailing address of the dentist, dental hygienist, dental
10 assistant, or oral maxillofacial surgery assistant as reflected in
11 the records of the Board.

12 D. Any dentist, dental hygienist, dental assistant, or oral
13 maxillofacial surgery assistant whose license or permit is
14 automatically canceled by reason of failure, neglect or refusal to
15 secure the renewal certificate may be reinstated by the Board at any
16 time within one (1) year from the date of the expiration of the
17 license, upon payment of the annual renewal fee and a penalty fee
18 established by the rules of the Board. If the dentist, dental
19 hygienist, dental assistant, or oral maxillofacial surgery assistant
20 does not apply for renewal of the license or permit and pay the
21 required fees within one (1) year after the license has expired,
22 then the dentist, dental hygienist, dental assistant, or oral
23 maxillofacial surgery assistant shall be required to file an
24 application for and take the examination or other requirements

1 provided for in the State Dental Act or the rules promulgated by the
2 Board before again commencing practice.

3 E. The Board, by rule, shall provide for the remittance of fees
4 otherwise required by the State Dental Act while a dentist or dental
5 hygienist is on active duty with any of the Armed Forces of the
6 United States.

7 F. In case of a lost or destroyed license or renewal
8 certificate and upon satisfactory proof of the loss or destruction
9 thereof, the Board may issue a duplicate, charging therefor a fee
10 established by the rules of the Board.

11 G. A dentist, dental hygienist, oral maxillofacial surgery
12 assistant or dental assistant that is in good standing and not under
13 investigation that notifies the Board in writing of a voluntary
14 nonrenewal of license or requests retirement status shall have a
15 right to renew or reinstate his or her license within five (5) years
16 from the date of notice. The Board may require any training or
17 continuing education requirements to be met prior to reinstatement.

18 H. A dentist, dental hygienist, oral maxillofacial dental
19 assistant or dental assistant that has not had an active license or
20 permit in excess of five (5) years shall be required to apply as a
21 new applicant.

22 I. Any application for a license or permit that has remained
23 inactive for more than one (1) year shall be closed.

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1 SECTION 3. AMENDATORY Section 3, Chapter 234, O.S.L.
2 2017 (59 O.S. Supp. 2018, Section 353.20.2), is amended to read as
3 follows:

4 Section 353.20.2 A. Unless the prescriber has specified on the
5 prescription that dispensing a prescription for a maintenance
6 medication in an initial amount followed by periodic refills is
7 medically necessary, a pharmacist may exercise his or her
8 professional judgment to dispense varying quantities of medication
9 per fill-up to the total number of dosage units as authorized by the
10 prescriber on the original prescription including any refills.

11 B. Subsection A of this section shall not apply to scheduled
12 medications or any medications for which a report is required under
13 the controlled substance database. Dispensing of medication based
14 on refills authorized by the physician on the prescription shall be
15 limited to no more than a ninety-day supply of the medication.

16 C. Upon receipt of a valid Schedule II opioid prescription
17 issued pursuant to the provisions of Section 2-309I of Title 63 of
18 the Oklahoma Statutes, a pharmacist shall fill the prescription to
19 the specified dose, and shall not be permitted to fill a different
20 dosage than what is prescribed. However, the pharmacist maintains
21 the right not to fill the valid opioid prescription.

22 SECTION 4. AMENDATORY 59 O.S. 2011, Section 509, as
23 amended by Section 2, Chapter 175, O.S.L. 2018 (59 O.S. Supp. 2018,
24 Section 509), is amended to read as follows:

1 Section 509. The words "unprofessional conduct" as used in
2 Sections 481 through 518.1 of this title are hereby declared to
3 include, but shall not be limited to, the following:

4 1. Procuring, aiding or abetting a criminal operation;

5 2. The obtaining of any fee or offering to accept any fee,
6 present or other form of remuneration whatsoever, on the assurance
7 or promise that a manifestly incurable disease can or will be cured;

8 3. Willfully betraying a professional secret to the detriment
9 of the patient;

10 4. Habitual intemperance or the habitual use of habit-forming
11 drugs;

12 5. Conviction of a felony or of any offense involving moral
13 turpitude;

14 6. All advertising of medical business in which statements are
15 made which are grossly untrue or improbable and calculated to
16 mislead the public;

17 7. Conviction or confession of a crime involving violation of:

18 a. the antinarcotic or prohibition laws and regulations
19 of the federal government,

20 b. the laws of this state, or

21 c. State Board of Health rules;

22 8. Dishonorable or immoral conduct which is likely to deceive,
23 defraud, or harm the public;

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1 9. The commission of any act which is a violation of the
2 criminal laws of any state when such act is connected with the
3 physician's practice of medicine. A complaint, indictment or
4 confession of a criminal violation shall not be necessary for the
5 enforcement of this provision. Proof of the commission of the act
6 while in the practice of medicine or under the guise of the practice
7 of medicine shall be unprofessional conduct;

8 10. Failure to keep complete and accurate records of purchase
9 and disposal of controlled drugs or of narcotic drugs;

10 11. The writing of false or fictitious prescriptions for any
11 drugs or narcotics declared by the laws of this state to be
12 controlled or narcotic drugs;

13 12. Prescribing or administering a drug or treatment without
14 sufficient examination and the establishment of a valid physician-
15 patient relationship;

16 13. The violation, or attempted violation, direct or indirect,
17 of any of the provisions of the Oklahoma Allopathic Medical and
18 Surgical Licensure and Supervision Act, either as a principal,
19 accessory or accomplice;

20 14. Aiding or abetting, directly or indirectly, the practice of
21 medicine by any person not duly authorized under the laws of this
22 state;

23 15. The inability to practice medicine with reasonable skill
24 and safety to patients by reason of age, illness, drunkenness,

1 excessive use of drugs, narcotics, chemicals, or any other type of
2 material or as a result of any mental or physical condition. In
3 enforcing this subsection the State Board of Medical Licensure and
4 Supervision may, upon probable cause, request a physician to submit
5 to a mental or physical examination by physicians designated by it.
6 If the physician refuses to submit to the examination, the Board
7 shall issue an order requiring the physician to show cause why the
8 physician will not submit to the examination and shall schedule a
9 hearing on the order within thirty (30) days after notice is served
10 on the physician. The physician shall be notified by either
11 personal service or by certified mail with return receipt requested.
12 At the hearing, the physician and the physician's attorney are
13 entitled to present any testimony and other evidence to show why the
14 physician should not be required to submit to the examination.
15 After a complete hearing, the Board shall issue an order either
16 requiring the physician to submit to the examination or withdrawing
17 the request for examination. The medical license of a physician
18 ordered to submit for examination may be suspended until the results
19 of the examination are received and reviewed by the Board;

- 20 16. a. Prescribing, dispensing or administering of controlled
21 substances or narcotic drugs in excess of the amount
22 considered good medical practice,
23 b. prescribing, dispensing or administering controlled
24 substances or narcotic drugs without medical need in

1 accordance with pertinent licensing board standards,
2 or

3 c. prescribing, dispensing or administering opioid drugs
4 in excess of the maximum ~~dosage authorized under~~
5 ~~Section 5 of this act~~ limits authorized in Section 2-
6 309I of Title 63 of the Oklahoma Statutes;

7 17. Engaging in physical conduct with a patient which is sexual
8 in nature, or in any verbal behavior which is seductive or sexually
9 demeaning to a patient;

10 18. Failure to maintain an office record for each patient which
11 accurately reflects the evaluation, treatment, and medical necessity
12 of treatment of the patient;

13 19. Failure to provide necessary ongoing medical treatment when
14 a doctor-patient relationship has been established, which
15 relationship can be severed by either party providing a reasonable
16 period of time is granted; or

17 20. Failure to provide a proper and safe medical facility
18 setting and qualified assistive personnel for a recognized medical
19 act, including but not limited to an initial in-person patient
20 examination, office surgery, diagnostic service or any other medical
21 procedure or treatment. Adequate medical records to support
22 diagnosis, procedure, treatment or prescribed medications must be
23 produced and maintained.

1 SECTION 5. AMENDATORY 59 O.S. 2011, Section 519.8, is
2 amended to read as follows:

3 Section 519.8 A. Licenses issued to physician assistants shall
4 be renewed annually on a date determined by the State Board of
5 Medical Licensure and Supervision. Each application for renewal
6 shall document that the physician assistant has earned at least
7 twenty (20) hours of continuing medical education during the
8 preceding calendar year. Such continuing medical education shall
9 include not less than one (1) hour of education in pain management
10 or one (1) hour of education in opioid use or addiction.

11 B. The Board shall promulgate, in the manner established by its
12 rules, fees for the following:

- 13 1. Initial licensure;
- 14 2. License renewal;
- 15 3. Late license renewal;
- 16 4. Application to practice; and
- 17 5. Disciplinary hearing.

18 SECTION 6. AMENDATORY 59 O.S. 2011, Section 604, is
19 amended to read as follows:

20 Section 604. Every person holding a license to practice
21 optometry in this state shall be required to present to the Board of
22 Examiners in Optometry, not later than the thirtieth day of June of
23 each year, satisfactory evidence that during the preceding twelve
24 (12) months ~~said~~ the person attended not less than two (2) days of a

1 total of at least twelve (12) hours of educational or postgraduate
2 programs approved by ~~said~~ the Board, or that ~~said~~ the person was
3 prevented, because of sickness or any other reason acceptable to the
4 Board, from attending ~~said~~ the educational or postgraduate program.
5 Such education shall include not less than one (1) hour of education
6 in pain management or one (1) hour of education in opioid use or
7 addiction, unless the person has demonstrated to the satisfaction of
8 the Board that the person does not currently hold a valid federal
9 Drug Enforcement Administration registration number.

10 The filing of proof of attendance at educational programs or
11 clinics shall be a condition precedent to the issuance of a renewal
12 license. The Board may reinstate the license of ~~said~~ the licensee
13 to practice optometry upon presentation of satisfactory proof of
14 postgraduate study of a standard approved by ~~said~~ the examiners and
15 payment of all fees due including a late reinstatement fee not to
16 exceed three times the annual renewal fee.

17 SECTION 7. AMENDATORY 59 O.S. 2011, Section 641, is
18 amended to read as follows:

19 Section 641. A. All persons legally licensed to practice
20 osteopathic medicine in this state, on or before the first day of
21 July of each year, shall apply to the secretary-treasurer of the
22 Board, on forms furnished thereby, for a renewal certificate of
23 registration entitling such licensee to practice osteopathic
24

1 medicine and surgery in Oklahoma during the next ensuing fiscal
2 year.

3 B. Each application shall be accompanied by a renewal fee in an
4 amount sufficient to cover the cost and expense incurred by the
5 State Board of Osteopathic Examiners, for a renewal of the person's
6 certificate to practice osteopathic medicine.

7 C. 1. In addition to the payment of the annual renewal fee
8 each licensee applying for a renewal of the certificate shall
9 furnish to the State Board of Osteopathic Examiners proof that the
10 person has attended at least two (2) days of the annual educational
11 program conducted by the Oklahoma Osteopathic Association, or its
12 equivalent, as determined by the Board, in the fiscal year preceding
13 the application for a renewal; provided, the Board may excuse the
14 failure of the licensee to attend the educational program in the
15 case of illness or other unavoidable casualty rendering it
16 impossible for the licensee to have attended the educational program
17 or its equivalent.

18 2. The Board shall require that the licensee receive not less
19 than one (1) hour of education in pain management or one (1) hour of
20 education in opioid use or addiction each year preceding an
21 application for renewal of a license, unless the licensee has
22 demonstrated to the satisfaction of the Board that the licensee does
23 not currently hold a valid federal Drug Enforcement Administration
24

1 registration number. Such education may be held at the annual
2 educational program referenced in paragraph 1 of this subsection.

3 D. The secretary of the State Board of Osteopathic Examiners
4 shall send a written notice to every person holding a legal
5 certificate to practice osteopathic medicine in this state, at least
6 thirty (30) days prior to the first day of July each year, directed
7 to the last-known address of the licensee, notifying the licensee
8 that it will be necessary for the licensee to pay the renewal
9 license fee as herein provided, and proper forms shall accompany the
10 notice upon which the licensee shall make application for renewal of
11 the certificate.

12 SECTION 8. AMENDATORY 59 O.S. 2011, Section 698.7, is
13 amended to read as follows:

14 Section 698.7 The State Board of Veterinary Medical Examiners
15 shall have the powers and it shall also be its duty to regulate the
16 practice of veterinary medicine. In addition to any other powers
17 placed on it by the Oklahoma Veterinary Practice Act or as otherwise
18 provided by law, the Board shall have the power and duty to:

- 19 1. a. set standards for licensure or certification by
20 examination and develop such examinations as will
21 provide assurance of competency to practice, and
- 22 b. employ or enter into agreements with organizations or
23 agencies to provide examinations acceptable to the
24 Board or employ or enter into agreements with

1 organizations or agencies to provide administration,
2 preparation or scoring of examinations;

3 2. Set fees;

4 3. Prescribe the time, place, method, manner, scope and
5 subjects of examination for licensure;

6 4. Prepare or select, conduct or direct the conduct of, set
7 minimum requirements for, and assure security of licensing and other
8 required examinations;

9 5. a. issue or deny licenses and certificates and renewals
10 thereof,

11 b. acquire information about and evaluate the
12 professional education and training of applicants for
13 licensure or certification; and accept or deny
14 applications for licensure, certification or renewal
15 of either licensure or certification based on the
16 evaluation of information relating to applicant
17 fitness, performance or competency to practice,

18 c. determine which professional schools, colleges,
19 universities, training institutions and educational
20 programs are acceptable in connection with licensure
21 pursuant to the Oklahoma Veterinary Practice Act, and
22 accept the approval of such facilities and programs by
23 American-Veterinary-Medical-Association-accredited
24 institutions in the United States and Canada,

1 d. require supporting documentation or other acceptable
2 verifying evidence for any information provided the
3 Board by an applicant for licensure or certification,
4 and

5 e. require information on an applicant's fitness,
6 qualification and previous professional record and
7 performance from recognized data sources including,
8 but not limited to, other licensing and disciplinary
9 authorities of other jurisdictions, professional
10 education and training institutions, liability
11 insurers, animal health care institutions and law
12 enforcement agencies;

13 6. Develop and use applications and other necessary forms and
14 related procedures for purposes of the Oklahoma Veterinary Practice
15 Act;

16 7. a. review and investigate complaints and adverse
17 information about licensees and certificate holders,
18 b. conduct hearings in accordance with the Oklahoma
19 Veterinary Practice Act and the Administrative
20 Procedures Act, and

21 c. adjudicate matters that come before the Board for
22 judgment pursuant to the Oklahoma Veterinary Practice
23 Act upon clear and convincing evidence and issue final
24

1 decisions on such matters to discipline licensees and
2 certificate holders;

- 3 8. a. impose sanctions, deny licenses and certificates and
4 renewals thereof, levy reimbursement costs, seek
5 appropriate administrative, civil or criminal
6 penalties or any combination of these against those
7 who violate examination security, who attempt to or
8 who do obtain licensure or certification by fraud, who
9 knowingly assist in illegal activities, or who aid and
10 abet the illegal practice of veterinary medicine,
11 b. review and investigate complaints and adverse
12 information about licensees and certificate holders,
13 c. discipline licensees and certificate holders,
14 d. institute proceedings in courts of competent
15 jurisdiction to enforce Board orders and provisions of
16 the Oklahoma Veterinary Practice Act,
17 e. (1) establish mechanisms for dealing with licensees
18 and certificate holders who abuse or are
19 dependent on or addicted to alcohol or other
20 chemical substances, and enter into agreements,
21 at its discretion, with professional
22 organizations whose relevant procedures and
23 techniques it has evaluated and approved for
24 their cooperation or participation in the

1 rehabilitation of the licensee or certificate
2 holder,

3 (2) establish by rules cooperation with other
4 professional organizations for the identification
5 and monitoring of licensees and certificate
6 holders in treatment who are chemically dependent
7 or addicted, and

8 f. issue conditional, restricted or otherwise
9 circumscribed modifications to licensure or
10 certification as determined to be appropriate by due
11 process procedures and summarily suspend a license if
12 the Board has cause to believe by clear and convincing
13 evidence such action is required to protect public or
14 animal health and safety or to prevent continuation of
15 incompetent practices;

16 9. Promulgate rules of professional conduct and require all
17 licensees and certificate holders to practice in accordance
18 therewith;

19 10. Act to halt the unlicensed or illegal practice of
20 veterinary medicine and seek administrative, criminal and civil
21 penalties against those engaged in such practice;

22 11. Establish appropriate fees and charges to ensure active and
23 effective pursuit of Board responsibilities;

1 12. Employ, direct, reimburse, evaluate and dismiss staff in
2 accordance with state procedures;

3 13. Establish policies for Board operations;

4 14. Respond to legislative inquiry regarding those changes in,
5 or amendments to, the Oklahoma Veterinary Practice Act;

6 15. Act on its own motion in disciplinary matters, administer
7 oaths, issue notices, issue subpoenas in the name of the State of
8 Oklahoma, including subpoenas for client and animal records, hold
9 hearings, institute court proceedings for contempt or to compel
10 testimony or obedience to its orders and subpoenas, take evidentiary
11 depositions and perform such other acts as are reasonable and
12 necessary under law to carry out its duties;

13 16. Use clear and convincing evidence as the standard of proof
14 and issue final decisions when acting as trier of fact in the
15 performance of its adjudicatory duties;

16 17. Determine and direct Board operating, administrative,
17 personnel and budget policies and procedures in accordance with
18 applicable statutes;

19 18. Promulgate uniform rules such as may be necessary for
20 carrying out and enforcing the provisions of the Oklahoma Veterinary
21 Practice Act and such as in its discretion may be necessary to
22 protect the health, safety and welfare of the public;

23 19. Determine continuing education requirements. Such
24 continuing education shall include not less than one (1) hour of

1 education in pain management or one (1) hour of education in opioid
2 use or addiction annually, unless the licensee has demonstrated to
3 the satisfaction of the Board that the licensee does not currently
4 hold a valid federal Drug Enforcement Administration registration
5 number;

6 20. Establish minimum standards for veterinary premises;

7 21. Establish standards for veterinary labeling and dispensing
8 of veterinary prescription drugs and federal Food and Drug
9 Administration-approved human drugs for animals which would conform
10 to current applicable state and federal law and regulations;

11 22. Promulgate rules such as may be necessary for carrying out
12 and enforcing provisions relating to certification of animal
13 euthanasia technicians and approval of drugs to be used for
14 euthanasia of animals in an animal shelter pursuant to the
15 requirements of Section 502 of Title 4 of the Oklahoma Statutes;

16 23. Shall conduct a national criminal history records search
17 for certified animal euthanasia technicians:

18 a. the applicant shall furnish the Board two completed
19 fingerprint cards and a money order or cashier's check
20 made payable to the Oklahoma State Bureau of
21 Investigation,

22 b. the Board shall forward the fingerprint cards, along
23 with the applicable fee for a national fingerprint
24 criminal history records search, to the Bureau, and

1 c. the Bureau shall retain one set of fingerprints in the
2 Automated Fingerprint Identification System (AFIS) and
3 submit the other set to the Federal Bureau of
4 Investigation (FBI) for a national criminal history
5 records search;

6 24. Establish standards for animal chiropractic diagnosis and
7 treatment. The standards shall include but not be limited to a
8 requirement that a veterinarian who holds himself or herself out to
9 the public as certified to engage in animal chiropractic diagnosis
10 and treatment shall:

11 a. carry at least One Million Dollars (\$1,000,000.00) of
12 additional malpractice coverage to perform animal
13 chiropractic diagnosis and treatment, and

14 b. have appropriate training in animal chiropractic
15 diagnosis and treatment. The Veterinary Examining
16 Board shall have the authority to establish
17 educational criteria for certification standards in
18 animal chiropractic diagnosis and treatment. The
19 Veterinary Examining Board shall work in conjunction
20 with the Board of Chiropractic Examiners to establish
21 comparable standards for the practice of animal
22 chiropractic diagnosis and treatment for both medical
23 professions within thirty (30) days after the
24 effective date of this act. The Board shall certify

1 any licensed veterinarian wishing to engage in animal
2 chiropractic diagnosis and treatment who meets the
3 standards established by the Board pursuant to this
4 paragraph. Upon request, the Board shall make
5 available to the public a list of licensed
6 veterinarians so certified; and

7 25. Perform such other duties and exercise such other powers as
8 the provisions and enforcement of the Oklahoma Veterinary Practice
9 Act may require.

10 SECTION 9. AMENDATORY 63 O.S. 2011, Section 2-101, as
11 last amended by Section 3, Chapter 175, O.S.L. 2018 (63 O.S. Supp.
12 2018, Section 2-101), is amended to read as follows:

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

15 1. "Administer" means the direct application of a controlled
16 dangerous substance, whether by injection, inhalation, ingestion or
17 any other means, to the body of a patient, animal or research
18 subject by:

- 19 a. a practitioner (or, in the presence of the
20 practitioner, by the authorized agent of the
21 practitioner), or
22 b. the patient or research subject at the direction and
23 in the presence of the practitioner;

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

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

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

14 5. "Coca leaves" includes cocaine and any compound,
15 manufacture, salt, derivative, mixture or preparation of coca
16 leaves, except derivatives of coca leaves which do not contain
17 cocaine or ecgonine;

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

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

23 8. "Controlled dangerous substance" means a drug, substance or
24 immediate precursor in Schedules I through V of the Uniform

1 Controlled Dangerous Substances Act or any drug, substance or
2 immediate precursor listed either temporarily or permanently as a
3 federally controlled substance. Any conflict between state and
4 federal law with regard to the particular schedule in which a
5 substance is listed shall be resolved in favor of state law;

6 9. "Counterfeit substance" means a controlled substance which,
7 or the container or labeling of which without authorization, bears
8 the trademark, trade name or other identifying marks, imprint,
9 number or device or any likeness thereof of a manufacturer,
10 distributor or dispenser other than the person who in fact
11 manufactured, distributed or dispensed the substance;

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

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

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

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

1 13. "Distributor" means a commercial entity engaged in the
2 distribution or reverse distribution of narcotics and dangerous
3 drugs and who complies with all regulations promulgated by the
4 federal Drug Enforcement Administration and the Oklahoma State
5 Bureau of Narcotics and Dangerous Drugs Control;

6 14. "Drug" means articles:

7 a. recognized in the official United States

8 Pharmacopoeia, official Homeopathic Pharmacopoeia of
9 the United States, or official National Formulary, or
10 any supplement to any of them,

11 b. intended for use in the diagnosis, cure, mitigation,
12 treatment or prevention of disease in man or other
13 animals,

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

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

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

20 15. "Drug-dependent person" means a person who is using a
21 controlled dangerous substance and who is in a state of psychic or
22 physical dependence, or both, arising from administration of that
23 controlled dangerous substance on a continuous basis. Drug
24 dependence is characterized by behavioral and other responses which

1 include a strong compulsion to take the substance on a continuous
2 basis in order to experience its psychic effects, or to avoid the
3 discomfort of its absence;

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

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

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

24

1 "Class A" Hospice refers to Medicare certified hospices. "Class B"
2 refers to all other providers of hospice services;

3 19. "Imitation controlled substance" means a substance that is
4 not a controlled dangerous substance, which by dosage unit
5 appearance, color, shape, size, markings or by representations made,
6 would lead a reasonable person to believe that the substance is a
7 controlled dangerous substance. In the event the appearance of the
8 dosage unit is not reasonably sufficient to establish that the
9 substance is an "imitation controlled substance", the court or
10 authority concerned should consider, in addition to all other
11 factors, the following factors as related to "representations made"
12 in determining whether the substance is an "imitation controlled
13 substance":

- 14 a. statements made by an owner or by any other person in
15 control of the substance concerning the nature of the
16 substance, or its use or effect,
- 17 b. statements made to the recipient that the substance
18 may be resold for inordinate profit,
- 19 c. whether the substance is packaged in a manner normally
20 used for illicit controlled substances,
- 21 d. evasive tactics or actions utilized by the owner or
22 person in control of the substance to avoid detection
23 by law enforcement authorities,

24

- 1 e. prior convictions, if any, of an owner, or any other
2 person in control of the object, under state or
3 federal law related to controlled substances or fraud,
4 and
5 f. the proximity of the substances to controlled
6 dangerous substances;

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

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

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

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

3 23. "Marijuana" means all parts of the plant *Cannabis sativa*
4 *L.*, whether growing or not; the seeds thereof; the resin extracted
5 from any part of such plant; and every compound, manufacture, salt,
6 derivative, mixture or preparation of such plant, its seeds or
7 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 of not more than three-tenths of one percent (0.3%)
16 and that is delivered to the patient in the form of a
17 liquid,
- 18 g. any federal Food and Drug Administration-approved
19 cannabidiol drug 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 of not more
23 than three-tenths of one percent (0.3%) on a dry
24 weight basis which shall not be grown anywhere in the

1 State of Oklahoma but may be shipped to Oklahoma
2 pursuant to the provisions of subparagraph e or f of
3 this paragraph;

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

9 25. "Mid-level practitioner" means an advanced practice nurse
10 as defined and within parameters specified in Section 567.3a of
11 Title 59 of the Oklahoma Statutes, or a certified animal euthanasia
12 technician as defined in Section 698.2 of Title 59 of the Oklahoma
13 Statutes, or an animal control officer registered by the Oklahoma
14 State Bureau of Narcotics and Dangerous Drugs Control under
15 subsection B of Section 2-301 of this title within the parameters of
16 such officer's duty under Sections 501 through 508 of Title 4 of the
17 Oklahoma Statutes;

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

- 22 a. opium, coca leaves and opiates,
- 23 b. a compound, manufacture, salt, derivative or
24 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-
10 101 et seq. of this title shall not include
11 decocainized coca leaves or extracts of coca leaves,
12 which extracts do not contain cocaine or ecgonine;

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

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

23 29. "Peace officer" means a police officer, sheriff, deputy
24 sheriff, district attorney's investigator, investigator from the

1 Office of the Attorney General, or any other person elected or
2 appointed by law to enforce any of the criminal laws of this state
3 or of the United States;

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

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

9 32. "Practitioner" means:

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

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

10 34. "State" means the State of Oklahoma or any other state of
11 the United States;

12 35. "Ultimate user" means a person who lawfully possesses a
13 controlled dangerous substance for the person's own use or for the
14 use of a member of the person's household or for administration to
15 an animal owned by the person or by a member of the person's
16 household;

17 36. "Drug paraphernalia" means all equipment, products and
18 materials of any kind which are used, intended for use, or fashioned
19 specifically for use in planting, propagating, cultivating, growing,
20 harvesting, manufacturing, compounding, converting, producing,
21 processing, preparing, testing, analyzing, packaging, repackaging,
22 storing, containing, concealing, injecting, ingesting, inhaling or
23 otherwise introducing into the human body, a controlled dangerous
24

1 substance in violation of the Uniform Controlled Dangerous
2 Substances Act including, but not limited to:

- 3 a. kits used, intended for use, or fashioned specifically
4 for use in planting, propagating, cultivating, growing
5 or harvesting of any species of plant which is a
6 controlled dangerous substance or from which a
7 controlled dangerous substance can be derived,
- 8 b. kits used, intended for use, or fashioned specifically
9 for use in manufacturing, compounding, converting,
10 producing, processing or preparing controlled
11 dangerous substances,
- 12 c. isomerization devices used, intended for use, or
13 fashioned specifically for use in increasing the
14 potency of any species of plant which is a controlled
15 dangerous substance,
- 16 d. testing equipment used, intended for use, or fashioned
17 specifically for use in identifying, or in analyzing
18 the strength, effectiveness or purity of controlled
19 dangerous substances,
- 20 e. scales and balances used, intended for use, or
21 fashioned specifically for use in weighing or
22 measuring controlled dangerous substances,
- 23 f. diluents and adulterants, such as quinine
24 hydrochloride, mannitol, mannite, dextrose and

- 1 lactose, used, intended for use, or fashioned
2 specifically for use in cutting controlled dangerous
3 substances,
- 4 g. separation gins and sifters used, intended for use, or
5 fashioned specifically for use in removing twigs and
6 seeds from, or in otherwise cleaning or refining,
7 marijuana,
- 8 h. blenders, bowls, containers, spoons and mixing devices
9 used, intended for use, or fashioned specifically for
10 use in compounding controlled dangerous substances,
- 11 i. capsules, balloons, envelopes and other containers
12 used, intended for use, or fashioned specifically for
13 use in packaging small quantities of controlled
14 dangerous substances,
- 15 j. containers and other objects used, intended for use,
16 or fashioned specifically for use in parenterally
17 injecting controlled dangerous substances into the
18 human body,
- 19 k. hypodermic syringes, needles and other objects used,
20 intended for use, or fashioned specifically for use in
21 parenterally injecting controlled dangerous substances
22 into the human body,
- 23 l. objects used, intended for use, or fashioned
24 specifically for use in ingesting, inhaling or

1 otherwise introducing marijuana, cocaine, hashish or
2 hashish oil into the human body, such as:

3 (1) metal, wooden, acrylic, glass, stone, plastic or
4 ceramic pipes with or without screens, permanent
5 screens, hashish heads or punctured metal bowls,

6 (2) water pipes,

7 (3) carburetion tubes and devices,

8 (4) smoking and carburetion masks,

9 (5) roach clips, meaning objects used to hold burning
10 material, such as a marijuana cigarette, that has
11 become too small or too short to be held in the
12 hand,

13 (6) miniature cocaine spoons and cocaine vials,

14 (7) chamber pipes,

15 (8) carburetor pipes,

16 (9) electric pipes,

17 (10) air-driven pipes,

18 (11) chillums,

19 (12) bonges, or

20 (13) ice pipes or chillers,

21 m. all hidden or novelty pipes, and

22 n. any pipe that has a tobacco bowl or chamber of less
23 than one-half (1/2) inch in diameter in which there is
24 any detectable residue of any controlled dangerous

1 substance as defined in this section or any other
2 substances not legal for possession or use;
3 provided, however, the term "drug paraphernalia" shall not include
4 separation gins intended for use in preparing tea or spice, clamps
5 used for constructing electrical equipment, water pipes designed for
6 ornamentation in which no detectable amount of an illegal substance
7 is found or pipes designed and used solely for smoking tobacco,
8 traditional pipes of an American Indian tribal religious ceremony,
9 or antique pipes that are thirty (30) years of age or older;

10 37. a. "Synthetic controlled substance" means a substance:

- 11 (1) the chemical structure of which is substantially
12 similar to the chemical structure of a controlled
13 dangerous substance in Schedule I or II,
14 (2) which has a stimulant, depressant, or
15 hallucinogenic effect on the central nervous
16 system that is substantially similar to or
17 greater than the stimulant, depressant or
18 hallucinogenic effect on the central nervous
19 system of a controlled dangerous substance in
20 Schedule I or II, or
21 (3) with respect to a particular person, which such
22 person represents or intends to have a stimulant,
23 depressant, or hallucinogenic effect on the
24 central nervous system that is substantially

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

5 b. The designation of gamma butyrolactone or any other
6 chemical as a precursor, pursuant to Section 2-322 of
7 this title, does not preclude a finding pursuant to
8 subparagraph a of this paragraph that the chemical is
9 a synthetic controlled substance.

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

11 (1) a controlled dangerous substance,

12 (2) any substance for which there is an approved new
13 drug application,

14 (3) with respect to a particular person any
15 substance, if an exemption is in effect for
16 investigational use, for that person under the
17 provisions of Section 505 of the Federal Food,
18 Drug and Cosmetic Act, Title 21 of the United
19 States Code, Section 355, to the extent conduct
20 with respect to such substance is pursuant to
21 such exemption, or

22 (4) any substance to the extent not intended for
23 human consumption before such an exemption takes
24 effect with respect to that substance.

1 d. Prima facie evidence that a substance containing
2 salvia divinorum has been enhanced, concentrated or
3 chemically or physically altered shall give rise to a
4 rebuttable presumption that the substance is a
5 synthetic controlled substance;

6 38. "Tetrahydrocannabinols" means all substances that have been
7 chemically synthesized to emulate the tetrahydrocannabinols of
8 marijuana;

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

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

20 41. "Anhydrous ammonia" means any substance that exhibits
21 cryogenic evaporative behavior and tests positive for ammonia;

22 42. "Acute pain" means pain, whether resulting from disease,
23 accidental or intentional trauma or other cause, that the
24 practitioner reasonably expects to last only a short period of time.

1 "Acute pain" does not include chronic pain, pain being treated as
2 part of cancer care, hospice or other end-of-life care, or pain
3 being treated as part of palliative care;

4 43. "Chronic pain" means pain that persists beyond the usual
5 course of an acute disease or healing of an injury. "Chronic pain"
6 may or may not be associated with an acute or chronic pathologic
7 process that causes continuous or intermittent pain over months or
8 years;

9 44. "Initial prescription" means a prescription issued to a
10 patient who:

- 11 a. has never previously been issued a prescription for
12 the drug or its pharmaceutical equivalent in the past
13 year, or
14 b. requires a prescription for the drug or its
15 pharmaceutical equivalent due to a surgical procedure
16 or new acute event and has previously had a
17 prescription for the drug or its pharmaceutical
18 equivalent within the past year.

19 When determining whether a patient was previously issued a
20 prescription for a drug or its pharmaceutical equivalent, the
21 practitioner shall consult with the patient and review the medical
22 record and prescription monitoring information of the patient;

23 45. "Patient-provider agreement" means a written contract or
24 agreement that is executed between a practitioner and a patient,

1 prior to the commencement of treatment for chronic pain using a
2 ~~Schedule II controlled substance or any~~ an opioid drug ~~which is a~~
3 ~~prescription drug,~~ as a means to:

- 4 a. explain the possible risk of development of physical
5 or psychological dependence in the patient and prevent
6 the possible development of addiction,
- 7 b. document the understanding of both the practitioner
8 and the patient regarding the pain-management plan of
9 the patient,
- 10 c. establish the rights of the patient in association
11 with treatment and the obligations of the patient in
12 relation to the responsible use, discontinuation of
13 use, and storage of ~~Schedule II controlled dangerous~~
14 ~~substances~~ opioid drugs, including any restrictions on
15 the refill of prescriptions or the acceptance of
16 ~~Schedule II~~ opioid prescriptions from practitioners,
- 17 d. identify the specific medications and other modes of
18 treatment, including physical therapy or exercise,
19 relaxation or psychological counseling, that are
20 included as a part of the pain-management plan,
- 21 e. specify the measures the practitioner may employ to
22 monitor the compliance of the patient including, but
23 not limited to, random specimen screens and pill
24 counts, and

1 f. delineate the process for terminating the agreement,
2 including the consequences if the practitioner has
3 reason to believe that the patient is not complying
4 with the terms of the agreement. Compliance with the
5 "consent items" shall constitute a valid, ~~informal~~
6 informed consent for opioid therapy. The ~~provider~~
7 practitioner shall be held harmless from civil
8 litigation for failure to treat pain if the event
9 occurs because of nonadherence by the patient with any
10 of the provisions of the patient-provider agreement;

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

18 47. "Surgical procedure" means a procedure that is performed
19 for the purpose of structurally altering the human body by incision
20 or destruction of tissues as part of the practice of medicine. This
21 term includes the diagnostic or therapeutic treatment of conditions
22 or disease processes by use of instruments such as lasers,
23 ultrasound, ionizing, radiation, scalpels, probes or needles that
24 cause localized alteration or transportation of live human tissue by

1 cutting, burning, vaporizing, freezing, suturing, probing or
2 manipulating by closed reduction for major dislocations or
3 fractures, or otherwise altering by any mechanical, thermal, light-
4 based, electromagnetic or chemical means.

5 SECTION 10. AMENDATORY 63 O.S. 2011, Section 2-302, as
6 amended by Section 1, Chapter 251, O.S.L. 2018 (63 O.S. Supp. 2018,
7 Section 2-302), is amended to read as follows:

8 Section 2-302. A. Every person who manufactures, distributes,
9 dispenses, prescribes, administers or uses for scientific purposes
10 any controlled dangerous substance within or into this state, or who
11 proposes to engage in the manufacture, distribution, dispensing,
12 prescribing, administering or use for scientific purposes of any
13 controlled dangerous substance within or into this state shall
14 obtain a registration issued by the Director of the Oklahoma State
15 Bureau of Narcotics and Dangerous Drugs Control, in accordance with
16 rules promulgated by the Director. Persons registered by the
17 Director under Section 2-101 et seq. of this title to manufacture,
18 distribute, dispense, or conduct research with controlled dangerous
19 substances may possess, manufacture, distribute, dispense, or
20 conduct research with those substances to the extent authorized by
21 their registration and in conformity with the other provisions of
22 this article. Every wholesaler, manufacturer or distributor of any
23 drug product containing pseudoephedrine or phenylpropanolamine, or
24 their salts, isomers, or salts of isomers shall obtain a

1 registration issued by the Director of the Oklahoma State Bureau of
2 Narcotics and Dangerous Drugs Control in accordance with rules
3 promulgated by the Director and as provided for in Section 2-332 of
4 this title.

5 B. Out-of-state pharmaceutical suppliers who provide controlled
6 dangerous substances to individuals within this state shall obtain a
7 registration issued by the Director of the Oklahoma State Bureau of
8 Narcotics and Dangerous Drugs Control, in accordance with rules
9 promulgated by the Director. This provision shall also apply to
10 wholesale distributors who distribute controlled dangerous
11 substances to pharmacies or other entities registered within this
12 state in accordance with rules promulgated by the Director.

13 C. ~~Beginning January 1, 2019, every~~ Every manufacturer and
14 distributor required to register under the provisions of this
15 section shall provide ~~all data required pursuant to federal law,~~
16 ~~federal rules and regulations and 21 U.S.C., Section 827(d)(1)~~
17 information from the sale of controlled dangerous substances on a
18 ~~quarterly~~ monthly basis to the Oklahoma State Bureau of Narcotics
19 and Dangerous Drugs Control. Controlled dangerous substances in
20 Schedule I shall be reported in accordance with rules promulgated by
21 the Director. Reporting of controlled dangerous substances in
22 Schedules II, III, IV and V shall include, but not be limited to:
23
24

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

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

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

7 4. The name and National Drug Code of the controlled dangerous
8 substance sold; and

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

11 D. The information maintained and provided pursuant to
12 subsection C of this section shall be confidential and not open to
13 the public. Access to the information shall, at the discretion of
14 the Director, be limited to:

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

19 2. The United States Drug Enforcement Administration Diversion
20 Group Supervisor; and

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

23 E. Manufacturers, distributors, home care agencies, hospices,
24 home care services, and scientific researchers shall obtain a

1 registration annually. Other practitioners shall obtain a
2 registration for a period to be determined by the Director that will
3 be for a period not less than one (1) year nor more than three (3)
4 years.

5 F. Every trainer or handler of a canine controlled dangerous
6 substances detector who, in the ordinary course of such trainer's or
7 handler's profession, desires to possess any controlled dangerous
8 substance, annually, shall obtain a registration issued by the
9 Director for a fee of Seventy Dollars (\$70.00). Such persons shall
10 be subject to all applicable provisions of Section 2-101 et seq. of
11 this title and such applicable rules promulgated by the Director for
12 those individuals identified in subparagraph a of paragraph 32 of
13 Section 2-101 of this title. Persons registered by the Director
14 pursuant to this subsection may possess controlled dangerous
15 substances to the extent authorized by their registration and in
16 conformity with the other provisions of this article.

17 G. The following persons shall not be required to register and
18 may lawfully possess controlled dangerous substances under the
19 provisions of Section 2-101 et seq. of this title:

20 1. An agent, or an employee thereof, of any registered
21 manufacturer, distributor, dispenser or user for scientific purposes
22 of any controlled dangerous substance, if such agent is acting in
23 the usual course of such agent's or employee's business or
24 employment;

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

4 3. A common or contract carrier or warehouse, or an employee
5 thereof, whose possession of any controlled dangerous substance is
6 in the usual course of such carrier's or warehouse's business or
7 employment;

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

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

13 6. A nursing home licensed by this state;

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

20 8. Registered nurses and licensed practical nurses.

21 H. The Director may, by rule, waive the requirement for
22 registration or fee for registration of certain manufacturers,
23 distributors, dispensers, prescribers, administrators, or users for
24

1 scientific purposes if the Director finds it consistent with the
2 public health and safety.

3 I. A separate registration shall be required at each principal
4 place of business or professional practice where the applicant
5 manufactures, distributes, dispenses, prescribes, administers, or
6 uses for scientific purposes controlled dangerous substances.

7 J. The Director is authorized to inspect the establishment of a
8 registrant or applicant for registration in accordance with rules
9 promulgated by the Director.

10 K. No person engaged in a profession or occupation for which a
11 license to engage in such activity is provided by law shall be
12 registered under this act unless such person holds a valid license
13 of such person's profession or occupation.

14 L. Registrations shall be issued on the first day of November
15 of each year. Registrations may be issued at other times, however,
16 upon certification of the professional licensing board.

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

24

1 N. The licensing board of any professional defined as a mid-
2 level practitioner shall notify and furnish to the Director, not
3 later than the first day of October of each year that such
4 professional holds a valid license, a current listing of individuals
5 licensed and registered with their respective boards to prescribe,
6 order, select, obtain and administer controlled dangerous
7 substances. The licensing board shall immediately notify the
8 Director of any action subsequently taken against any such
9 individual.

10 O. Beginning November 1, 2010, each registrant that prescribes,
11 administers or dispenses methadone shall be required to check the
12 prescription profile of the patient on the central repository of the
13 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control.

14 SECTION 11. AMENDATORY 63 O.S. 2011, Section 2-309D, as
15 last amended by Section 4, Chapter 175, O.S.L. 2018 (63 O.S. Supp.
16 2018, Section 2-309D), is amended to read as follows:

17 Section 2-309D. A. The information collected at the central
18 repository pursuant to the Anti-Drug Diversion Act shall be
19 confidential and shall not be open to the public. Access to the
20 information shall be limited to:

21 1. Peace officers certified pursuant to Section 3311 of Title
22 70 of the Oklahoma Statutes who are employed as investigative agents
23 of the Oklahoma State Bureau of Narcotics and Dangerous Drugs
24 Control;

1 2. The United States Drug Enforcement Administration Diversion
2 Group Supervisor;

3 3. The executive director or chief investigator, as designated
4 by each board, of the following state boards:

- 5 a. Board of Podiatric Medical Examiners,
- 6 b. Board of Dentistry,
- 7 c. State Board of Pharmacy,
- 8 d. State Board of Medical Licensure and Supervision,
- 9 e. State Board of Osteopathic Examiners,
- 10 f. State Board of Veterinary Medical Examiners,
- 11 g. Oklahoma Health Care Authority,
- 12 h. Department of Mental Health and Substance Abuse
13 Services,
- 14 i. Board of Examiners in Optometry,
- 15 j. Board of Nursing,
- 16 k. Office of the Chief Medical Examiner, and
- 17 l. State Board of Health;

18 4. A multicounty grand jury properly convened pursuant to the
19 Multicounty Grand Jury Act;

20 5. Medical practitioners employed by the United States
21 Department of Veterans Affairs, the United States Military, or other
22 federal agencies treating patients in this state; and

23 6. At the discretion of the Director of the Oklahoma State
24 Bureau of Narcotics and Dangerous Drugs Control, medical

1 practitioners and their staff, including those employed by the
2 federal government in this state.

3 B. This section shall not prevent access, at the discretion of
4 the Director of the Oklahoma State Bureau of Narcotics and Dangerous
5 Drugs Control, to investigative information by peace officers and
6 investigative agents of federal, state, county or municipal law
7 enforcement agencies, district attorneys and the Attorney General in
8 furtherance of criminal, civil or administrative investigations or
9 prosecutions within their respective jurisdictions, designated
10 legal, communications, and analytical employees of the Bureau, and
11 to registrants in furtherance of efforts to guard against the
12 diversion of controlled dangerous substances.

13 C. This section shall not prevent the disclosure, at the
14 discretion of the Director of the Oklahoma State Bureau of Narcotics
15 and Dangerous Drugs Control, of statistical information gathered
16 from the central repository to the general public which shall be
17 limited to types and quantities of controlled substances dispensed
18 and the county where dispensed.

19 D. This section shall not prevent the disclosure, at the
20 discretion of the Director of the Oklahoma State Bureau of Narcotics
21 and Dangerous Drugs Control, of prescription-monitoring-program
22 information to prescription-monitoring programs of other states
23 provided a reciprocal data-sharing agreement is in place.

24

1 E. The Department of Mental Health and Substance Abuse Services
2 and the State Department of Health may utilize the information in
3 the central repository for statistical, research, substance abuse
4 prevention, or educational purposes, provided that consumer
5 confidentiality is not compromised.

6 F. Any unauthorized disclosure of any information collected at
7 the central repository provided by the Anti-Drug Diversion Act shall
8 be a misdemeanor. Violation of the provisions of this section shall
9 be deemed willful neglect of duty and shall be grounds for removal
10 from office.

11 G. 1. Registrants shall have access to the central repository
12 for the purposes of patient treatment and for determination in
13 prescribing or screening new patients. The patient's history may be
14 disclosed to the patient for the purposes of treatment of
15 information at the discretion of the physician.

16 2. a. Prior to prescribing or authorizing for refill, if one
17 hundred eighty (180) days have elapsed prior to the
18 previous access and check, of opiates, synthetic
19 opiates, semisynthetic opiates, benzodiazepine or
20 carisoprodol to a patient of record, registrants or
21 members of their medical or administrative staff shall
22 be required ~~until October 31, 2020,~~ to access the
23 information in the central repository to assess
24 medical necessity and the possibility that the patient

1 may be unlawfully obtaining prescription drugs in
2 violation of the Uniform Controlled Dangerous
3 Substances Act. The duty to access and check shall
4 not alter or otherwise amend appropriate medical
5 standards of care. The registrant or medical provider
6 shall note in the patient file that the central
7 repository has been checked and may maintain a copy of
8 the information.

9 b. The requirements set forth in subparagraph a of this
10 paragraph shall not apply:

11 (1) to medical practitioners who prescribe the
12 controlled substances set forth in subparagraph a
13 of this paragraph for hospice or end-of-life
14 care, or

15 (2) for a prescription of a controlled substance set
16 forth in subparagraph a of this paragraph that is
17 issued by a practitioner for a patient residing
18 in a nursing facility as defined by Section 1-
19 1902 of this title, provided that the
20 prescription is issued to a resident of such
21 facility.

22 3. Registrants shall not be liable to any person for any claim
23 of damages as a result of accessing or failing to access the
24

1 information in the central repository and no lawsuit may be
2 predicated thereon.

3 4. The failure of a registrant to access and check the central
4 repository as required under state or federal law or regulation
5 ~~shall~~ may, after investigation, be grounds for the licensing board
6 of the registrant to take disciplinary action against the
7 registrant.

8 H. The State Board of Podiatric Examiners, the State Board of
9 Dentistry, the State Board of Medical Licensure and Supervision, the
10 State Board of Examiners in Optometry, the State Board of Nursing,
11 the State Board of Osteopathic Examiners and the State Board of
12 Veterinary Medical Examiners shall have the sole responsibility for
13 enforcement of the provisions of subsection G of this section.
14 Nothing in this section shall be construed so as to permit the
15 Director of the State Bureau of Narcotics and Dangerous Drugs
16 Control to assess administrative fines provided for in Section 2-304
17 of this title.

18 I. The Director of the Oklahoma State Bureau of Narcotics and
19 Dangerous Drugs Control, or a designee thereof, shall provide a
20 monthly list to the Directors of the State Board of Podiatric
21 Examiners, the State Board of Dentistry, the State Board of Medical
22 Licensure and Supervision, the State Board of Examiners in
23 Optometry, the State Board of Nursing, the State Board of
24 Osteopathic Examiners and the State Board of Veterinary Medical

1 Examiners of the top twenty prescribers of controlled dangerous
2 substances within their respective areas of jurisdiction. Upon
3 discovering that a registrant is prescribing outside the limitations
4 of his or her licensure or outside of drug registration rules or
5 applicable state laws, the respective licensing board shall be
6 notified by the Bureau in writing. Such notifications may be
7 considered complaints for the purpose of investigations or other
8 actions by the respective licensing board. Licensing boards shall
9 have exclusive jurisdiction to take action against a licensee for a
10 violation of subsection G of this section.

11 J. Information regarding fatal and nonfatal overdoses, other
12 than statistical information as required by Section 2-106 of this
13 title, shall be completely confidential. Access to this information
14 shall be strictly limited to the Director of the Oklahoma State
15 Bureau of Narcotics and Dangerous Drugs Control or designee, the
16 Chief Medical Examiner, state agencies and boards provided in
17 subsection A of this section, and the registrant that enters the
18 information. Registrants shall not be liable to any person for a
19 claim of damages for information reported pursuant to the provisions
20 of Section 2-105 of this title.

21 K. The Director of the Oklahoma State Bureau of Narcotics and
22 Dangerous Drugs Control shall provide adequate means and procedures
23 allowing access to central repository information for registrants
24 lacking direct computer access.

1 L. Upon completion of an investigation in which it is
2 determined that a death was caused by an overdose, either
3 intentionally or unintentionally, of a controlled dangerous
4 substance, the medical examiner shall be required to report the
5 decedent's name and date of birth to the Oklahoma State Bureau of
6 Narcotics and Dangerous Drugs Control. The Oklahoma State Bureau of
7 Narcotics and Dangerous Drugs Control shall be required to maintain
8 a database containing the classification of medical practitioners
9 who prescribed or authorized controlled dangerous substances
10 pursuant to this subsection.

11 M. The Oklahoma State Bureau of Narcotics and Dangerous Drugs
12 is authorized to provide unsolicited notification to the licensing
13 board of a pharmacist or practitioner if a patient has received one
14 or more prescriptions for controlled substances in quantities or
15 with a frequency inconsistent with generally recognized standards of
16 safe practice or if a practitioner or prescriber has exhibited
17 prescriptive behavior consistent with generally recognized standards
18 indicating potentially problematic prescribing patterns. An
19 unsolicited notification to the licensing board of the practitioner
20 pursuant to this section:

- 21 1. Is confidential;
- 22 2. May not disclose information that is confidential pursuant
23 to this section; and

24

1 3. May be in a summary form sufficient to provide notice of the
2 basis for the unsolicited notification.

3 SECTION 12. AMENDATORY Section 5, Chapter 175, O.S.L.
4 2018 (63 O.S. Supp. 2018, Section 2-309I), is amended to read as
5 follows:

6 Section 2-309I. A. A practitioner shall not issue an initial
7 prescription for an opioid drug ~~which is a prescription drug~~ in a
8 quantity exceeding a seven-day supply for treatment of acute pain
9 for an adult patient, or a seven-day supply for treatment of acute
10 pain for a patient under the age of eighteen (18) years old. Any
11 opioid prescription for acute pain ~~pursuant to this subsection~~ shall
12 be for the lowest effective dose of an immediate-release opioid drug
13 and "acute pain" shall be notated on the face of the prescription by
14 the practitioner. Any prescription for chronic pain pursuant to
15 this section shall have "chronic pain" notated on the face of the
16 prescription by the practitioner.

17 B. Prior to issuing an initial prescription ~~of a Schedule II~~
18 ~~controlled dangerous substance or any~~ for an opioid drug ~~that is a~~
19 ~~prescription drug~~ in a course of treatment for acute or chronic
20 pain, a practitioner shall:

21 1. Take and document the results of a thorough medical history,
22 including the experience of the patient with nonopioid medication
23 and nonpharmacological pain-management approaches and substance
24 abuse history;

1 2. Conduct, as appropriate, and document the results of a
2 physical examination;

3 3. Develop a treatment plan with particular attention focused
4 on determining the cause of pain of the patient;

5 4. Access relevant prescription monitoring information from the
6 central repository pursuant to Section 2-309D of Title 63 of the
7 Oklahoma Statutes;

8 5. Limit the supply of any opioid drug prescribed for acute
9 pain to a duration of no more than seven (7) days as determined by
10 the directed dosage and frequency of dosage; provided, however, upon
11 issuing an initial prescription for acute pain pursuant to this
12 section, the practitioner may issue one (1) subsequent prescription
13 for an opioid drug in a quantity not to exceed seven (7) days if:

14 a. the subsequent prescription is due to a major surgical
15 procedure or "confined to home" status as defined in
16 42 U.S.C., Section 1395n(a),

17 b. the practitioner provides the subsequent prescription
18 on the same day as the initial prescription,

19 c. the practitioner provides written instructions on the
20 subsequent prescription indicating the earliest date
21 on which the prescription may be filled, otherwise
22 known as a "do not fill until" date, and

1 d. the subsequent prescription is dispensed no more than
2 five (5) days after the "do not fill until" date
3 indicated on the prescription;

4 6. In the case of a patient under the age of eighteen (18)
5 years old, enter into a patient-provider agreement with a parent or
6 guardian of the patient; and

7 7. In the case of a patient who is a pregnant woman, enter into
8 a patient-provider agreement with the patient.

9 C. No less than seven (7) days after issuing the initial
10 prescription pursuant to subsection A of this section, the
11 practitioner, after consultation with the patient, may issue a
12 subsequent prescription for the drug to the patient in a quantity
13 not to exceed seven (7) days, provided that:

14 1. The subsequent prescription would not be deemed an initial
15 prescription under this section;

16 2. The practitioner determines the prescription is necessary
17 and appropriate to the treatment needs of the patient and documents
18 the rationale for the issuance of the subsequent prescription; and

19 3. The practitioner determines that issuance of the subsequent
20 prescription does not present an undue risk of abuse, addiction or
21 diversion and documents that determination.

22 D. Prior to issuing the initial prescription of a ~~Schedule II~~
23 ~~controlled dangerous substance or any~~ an opioid drug ~~that is a~~
24 ~~prescription drug~~ in a course of treatment for acute or chronic pain

1 and again prior to issuing the third prescription of the course of
2 treatment, a practitioner shall discuss with the patient or the
3 parent or guardian of the patient if the patient is under eighteen
4 (18) years of age and is not an emancipated minor, the risks
5 associated with the drugs being prescribed, including but not
6 limited to:

7 1. The risks of addiction and overdose associated with opioid
8 drugs and the dangers of taking opioid drugs with alcohol,
9 benzodiazepines and other central nervous system depressants;

10 2. The reasons why the prescription is necessary;

11 3. Alternative treatments that may be available; and

12 4. Risks associated with the use of the drugs being prescribed,
13 specifically that opioids are highly addictive, even when taken as
14 prescribed, that there is a risk of developing a physical or
15 psychological dependence on the controlled dangerous substance, and
16 that the risks of taking more opioids than prescribed or mixing
17 sedatives, benzodiazepines or alcohol with opioids can result in
18 fatal respiratory depression.

19 The practitioner shall include a note in the medical record of
20 the patient that the patient or the parent or guardian of the
21 patient, as applicable, has discussed with the practitioner the
22 risks of developing a physical or psychological dependence on the
23 controlled dangerous substance and alternative treatments that may
24 be available. The applicable state licensing board of the

1 practitioner shall develop and make available to practitioners
2 guidelines for the discussion required pursuant to this subsection.

3 E. At the time of the issuance of the third prescription for a
4 ~~prescription~~ an opioid drug, the practitioner shall enter into a
5 ~~pain-management~~ patient-provider agreement with the patient.

6 F. When a ~~Schedule II controlled dangerous substance or any~~
7 ~~prescription~~ an opioid drug is continuously prescribed for three (3)
8 months or more for chronic pain, with "chronic pain" notated on the
9 prescription, the practitioner shall:

10 1. Review, at a minimum of every three (3) months, the course
11 of treatment, any new information about the etiology of the pain,
12 and the progress of the patient toward treatment objectives and
13 document the results of that review;

14 2. ~~Assess~~ In the first year of the patient-provider agreement,
15 assess the patient prior to every renewal to determine whether the
16 patient is experiencing problems associated with ~~physical and~~
17 ~~psychological dependence~~ an opioid use disorder and document the
18 results of that assessment;

19 3. Following one (1) year of compliance with the patient-
20 provider agreement, the practitioner shall assess the patient at a
21 minimum of every six (6) months;

22 4. Periodically make reasonable efforts, unless clinically
23 contraindicated, to either stop the use of the controlled substance,
24 decrease the dosage, try other drugs or treatment modalities in an

1 effort to reduce the potential for abuse or the development of
2 ~~physical or psychological dependence~~ an opioid use disorder and
3 document with specificity the efforts undertaken;

4 ~~4.~~ 5. Review the central repository information in accordance
5 with Section 2-309D of Title 63 of the Oklahoma Statutes; and

6 ~~5.~~ 6. Monitor compliance with the ~~pain-management~~ patient-
7 provider agreement and any recommendations that the patient seek a
8 referral.

9 G. This section shall not apply to a prescription for a patient
10 who is currently in active treatment for cancer, receiving hospice
11 care from a licensed hospice or palliative care, or is a resident of
12 a long-term care facility, or to any medications that are being
13 prescribed for use in the treatment of substance abuse or opioid
14 dependence.

15 H. Every policy, contract or plan delivered, issued, executed
16 or renewed in this state, or approved for issuance or renewal in
17 this state by the Insurance Commissioner, and every contract
18 purchased by the Employees Group Insurance Division of the Office of
19 Management and Enterprise Services, on or after ~~the effective date~~
20 ~~of this act~~ November 1, 2018, that provides coverage for
21 prescription drugs subject to a copayment, coinsurance or deductible
22 shall charge a copayment, coinsurance or deductible for an initial
23 prescription of an opioid drug prescribed pursuant to this section
24 that is either:

1 1. Proportional between the cost sharing for a thirty-day
2 supply and the amount of drugs the patient was prescribed; or

3 2. Equivalent to the cost sharing for a full thirty-day supply
4 of the ~~opioid~~ drug, provided that no additional cost sharing may be
5 charged for any additional prescriptions for the remainder of the
6 thirty-day supply.

7 I. Any ~~provider~~ practitioner authorized to prescribe ~~opioids~~ an
8 opioid drug shall adopt and maintain a written policy or policies
9 that include execution of a written agreement to engage in an
10 informed consent process between the prescribing ~~provider~~
11 practitioner and qualifying opioid therapy patient. For the
12 purposes of this section, "qualifying opioid therapy patient" means:

13 1. A patient requiring opioid treatment for more than three (3)
14 months;

15 2. A patient who is prescribed benzodiazepines and opioids
16 together for more than one twenty-four-hour period; or

17 3. A patient who is prescribed a dose of opioids that exceeds
18 one hundred (100) morphine equivalent doses.

19 SECTION 13. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 7402 of Title 36, unless there
21 is created a duplication in numbering, reads as follows:

22 The Insurance Department shall evaluate the effect of the limits
23 on prescriptions for opioid medication established by this act on
24 the claims paid by health insurance carriers and the out-of-pocket

1 costs including copayments, coinsurance and deductibles paid by
2 individual and group health insurance policyholders. On or before
3 January 1, 2021, the Insurance Department shall submit a report on
4 the evaluation, along with any recommended policy and regulatory
5 options that will ensure costs for patients are not increased as a
6 result of new prescribing limitations on the amounts of opioid
7 medications, to the standing committees of the Legislature having
8 jurisdiction over health and human services matters and over
9 insurance and financial services matters. The Insurance
10 Commissioner may adopt reasonable rules and regulations for the
11 implementation and administration of the provisions of this
12 subsection.

13 SECTION 14. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 2-112 of Title 63, unless there
15 is created a duplication in numbering, reads as follows:

16 The Oklahoma State Bureau of Narcotics and Dangerous Drugs
17 Control shall report to the standing committees of the Legislature
18 having jurisdiction over health and human services matters and over
19 occupational and professional regulation matters, no later than
20 January 31, 2020, with progress on implementing the provisions of
21 this act. The report shall contain, at a minimum, the following
22 information:
23
24

1 1. Registration of prescribers and dispensers in the central
2 repository pursuant to Section 2-309A et seq. of Title 63 of the
3 Oklahoma Statutes;

4 2. Data regarding the checking and using of the central
5 repository by data requesters;

6 3. Data from professional boards regarding the implementation
7 of continuing education requirements for prescribers of opioid
8 medication;

9 4. Effects on the prescriber workforce;

10 5. Changes in the numbers of patients taking more than one
11 hundred (100) morphine milligram equivalents of opioid medication
12 per day;

13 6. Data regarding the total quantity of opioid medications
14 prescribed in morphine milligram equivalents;

15 7. Progress on electronic prescribing of opioid medication; and

16 8. Improvements to the central repository through the request
17 for proposals process including feedback from prescribers,
18 dispensers and applicable state licensing boards on those
19 improvements.

20 SECTION 15. REPEALER Section 6, Chapter 175, O.S.L.
21 2018, is hereby repealed."
22
23
24

1 ENGROSSED SENATE
2 BILL NO. 848

By: Rader of the Senate

and

Echols of the House

3
4
5
6 [opioid drugs - continuing education - pharmacist
7 discretion - unprofessional conduct - central
8 repository - prescription limits and rules - repealer
9 - codification -
10 emergency]

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

12 SECTION 16. AMENDATORY 59 O.S. 2011, Section 145.1, as
13 amended by Section 4, Chapter 185, O.S.L. 2013 (59 O.S. Supp. 2018,
14 Section 145.1), is amended to read as follows:

15 Section 145.1. A. Sixty (60) hours of continuing education
16 shall be required for renewal of an individual license to practice
17 podiatric medicine in this state. This must be obtained in the two-
18 year period immediately preceding the two-year period for which the
19 license is to be issued. Such continuing education shall include
20 not less than two (2) hours of education in pain management or two
21 (2) hours of education in opioid use or addiction, unless the
22 licensee has demonstrated to the satisfaction of the Board of
23 Podiatric Medical Examiners that the licensee does not currently
24 hold a valid federal Drug Enforcement Administration registration

1 number. The continuing education required by this section shall be
2 any of the following:

3 1. Education presented by an organization approved by the
4 Council on Continuing Education of the American Podiatric Medical
5 Association;

6 2. A national, state or county podiatric medical association
7 meeting approved by the Board ~~of Podiatric Medical Examiners;~~

8 3. Hospital-sponsored scientific programs approved by the
9 Board; or

10 4. Six (6) hours of continuing education credit may be obtained
11 by attending meetings and hearings of the Board.

12 At least thirty (30) hours of the required sixty (60) hours must be
13 obtained in this state.

14 B. Any practitioner not so satisfying the Board of the
15 fulfillment of the continuing education requirements required by
16 subsection A of this section shall cease to be entitled to have such
17 license renewed.

18 C. Any practitioner fully retired from the practice of
19 podiatric medicine shall be exempt from compliance with the
20 requirements imposed by subsection A of this section. However, upon
21 resuming the practice of podiatric medicine, the individual shall
22 fulfill such requirements which have accrued from ~~the effective date~~
23 ~~of this act~~ October 1, 1979, to the time of resumption of practice.

24

1 SECTION 17. AMENDATORY 59 O.S. 2011, Section 328.41, as
2 last amended by Section 11, Chapter 151, O.S.L. 2018 (59 O.S. Supp.
3 2018, Section 328.41), is amended to read as follows:

4 Section 328.41. A. 1. On or before the last day of December
5 of each year, every dentist, dental hygienist, dental assistant,
6 oral maxillofacial surgery assistant and other licensee or permit
7 holders previously licensed or permitted by the Board to practice in
8 this state, with the exception of those listed in paragraph 2 of
9 this subsection, shall submit a completed renewal application with
10 information as may be required by the Board, together with an annual
11 renewal fee established by the rules of the Board. Upon receipt of
12 the annual renewal fee, the Board shall issue a renewal certificate
13 authorizing the dentist, dental hygienist, dental assistant, or oral
14 maxillofacial surgery assistant to continue the practice of
15 dentistry or dental hygiene, respectively, in this state for a
16 period of one (1) year. Every license or permit issued by the Board
17 shall begin on January 1 and expire on December 31 of each year.

18 2. Beginning July 1, 2017, resident and fellowship permits
19 shall be valid from July 1 through June 30 of each year and dental
20 student intern permits shall be valid from August 1 through July 31
21 of each year.

22 B. Continuing education requirements shall be due at the end of
23 each three-year period ending in 2019 as follows:

24

1 1. Dentists shall complete sixty (60) hours. Such continuing
2 education shall include not less than three (3) hours of education
3 in pain management or three (3) hours of education in opioid use or
4 addiction, unless the licensee has demonstrated to the satisfaction
5 of the Board of Dentistry that the licensee does not currently hold
6 a valid federal Drug Enforcement Administration registration number;

7 2. Hygienists shall complete thirty (30) hours;

8 3. Oral maxillofacial surgery assistants shall complete twelve
9 (12) hours; and

10 4. Beginning in 2020, continuing education requirements shall
11 be due at the end of each two-year period as follows:

12 a. dentists shall complete forty (40) hours,

13 b. hygienists shall complete twenty (20) hours,

14 c. OMS assistants shall complete eight (8) hours, and

15 d. dental assistants shall have two (2) hours of
16 infection control.

17 C. Upon failure of a dentist, dental hygienist, dental
18 assistant, or oral maxillofacial surgery assistant to pay the annual
19 renewal fee within two (2) months after January 1, the Board shall
20 notify the dentist, dental hygienist, dental assistant, or oral
21 maxillofacial surgery assistant in writing by certified mail to the
22 last-known mailing address of the dentist, dental hygienist, dental
23 assistant, or oral maxillofacial surgery assistant as reflected in
24 the records of the Board.

1 D. Any dentist, dental hygienist, dental assistant, or oral
2 maxillofacial surgery assistant whose license or permit is
3 automatically canceled by reason of failure, neglect or refusal to
4 secure the renewal certificate may be reinstated by the Board at any
5 time within one (1) year from the date of the expiration of the
6 license, upon payment of the annual renewal fee and a penalty fee
7 established by the rules of the Board. If the dentist, dental
8 hygienist, dental assistant, or oral maxillofacial surgery assistant
9 does not apply for renewal of the license or permit and pay the
10 required fees within one (1) year after the license has expired,
11 then the dentist, dental hygienist, dental assistant, or oral
12 maxillofacial surgery assistant shall be required to file an
13 application for and take the examination or other requirements
14 provided for in the State Dental Act or the rules promulgated by the
15 Board before again commencing practice.

16 E. The Board, by rule, shall provide for the remittance of fees
17 otherwise required by the State Dental Act while a dentist or dental
18 hygienist is on active duty with any of the Armed Forces of the
19 United States.

20 F. In case of a lost or destroyed license or renewal
21 certificate and upon satisfactory proof of the loss or destruction
22 thereof, the Board may issue a duplicate, charging therefor a fee
23 established by the rules of the Board.

24

1 G. A dentist, dental hygienist, oral maxillofacial surgery
2 assistant or dental assistant that is in good standing and not under
3 investigation that notifies the Board in writing of a voluntary
4 nonrenewal of license or requests retirement status shall have a
5 right to renew or reinstate his or her license within five (5) years
6 from the date of notice. The Board may require any training or
7 continuing education requirements to be met prior to reinstatement.

8 H. A dentist, dental hygienist, oral maxillofacial dental
9 assistant or dental assistant that has not had an active license or
10 permit in excess of five (5) years shall be required to apply as a
11 new applicant.

12 I. Any application for a license or permit that has remained
13 inactive for more than one (1) year shall be closed.

14 SECTION 18. AMENDATORY Section 3, Chapter 234, O.S.L.
15 2017 (59 O.S. Supp. 2018, Section 353.20.2), is amended to read as
16 follows:

17 Section 353.20.2. A. Unless the prescriber has specified on
18 the prescription that dispensing a prescription for a maintenance
19 medication in an initial amount followed by periodic refills is
20 medically necessary, a pharmacist may exercise his or her
21 professional judgment to dispense varying quantities of medication
22 per fill-up to the total number of dosage units as authorized by the
23 prescriber on the original prescription including any refills.

24

1 B. Subsection A of this section shall not apply to scheduled
2 medications or any medications for which a report is required under
3 the controlled substance database. Dispensing of medication based
4 on refills authorized by the physician on the prescription shall be
5 limited to no more than a ninety-day supply of the medication.

6 C. Upon receipt of a valid Schedule II opioid prescription
7 issued pursuant to the provisions of Section 2-309I of Title 63 of
8 the Oklahoma Statutes, a pharmacist shall fill the prescription to
9 the specified dose, and shall not be permitted to fill a different
10 dosage than what is prescribed.

11 SECTION 19. AMENDATORY 59 O.S. 2011, Section 503, as
12 amended by Section 1, Chapter 176, O.S.L. 2014 (59 O.S. Supp. 2018,
13 Section 503), is amended to read as follows:

14 Section 503. The State Board of Medical Licensure and
15 Supervision may suspend, revoke or order any other appropriate
16 sanctions against the license of any physician or surgeon holding a
17 license to practice in this state for unprofessional conduct, but no
18 such suspension, revocation or other penalty shall be made until the
19 licensee is cited to appear for hearing. No such citation shall be
20 issued except upon sworn complaint filed with the secretary of the
21 Board charging the licensee with having been guilty of
22 unprofessional conduct and setting forth the particular act or acts
23 alleged to constitute unprofessional conduct. In the event it comes
24 to the attention of the Board that a violation of the rules of

1 professional conduct may have occurred, even though a formal
2 complaint or charge may not have been filed, the Board staff may
3 conduct an investigation of the possible violation, and may upon its
4 own motion institute a formal complaint. In the course of the
5 investigation persons appearing before the Board may be required to
6 testify under oath. Any expert testifying against a licensee shall
7 be a Board-certified physician in an ongoing clinical practice in
8 the specialty of the licensee who is the subject of the complaint.
9 Upon the filing of a complaint, either by an individual or the Board
10 staff as provided herein, the citation must forthwith be issued by
11 the secretary of the Board over the signature of the secretary and
12 seal of the Board, setting forth the complaint of unprofessional
13 conduct, and giving due notice of the time and place of the hearing
14 by the Board. The citation shall be made returnable at the next
15 regular meeting of the Board occurring at least thirty (30) days
16 after the service of the citation. The defendant shall file a
17 written answer under oath with the secretary of the Board within
18 twenty (20) days after the service of the citation. The secretary
19 of the Board may extend the time of answer upon satisfactory showing
20 that the defendant is for reasonable cause unable to answer within
21 the twenty (20) days, but in no case shall the time be extended
22 beyond the date of the next regular meeting of the Board, unless a
23 continuance is granted by the Board.

24

1 SECTION 20. AMENDATORY 59 O.S. 2011, Section 509, as
2 amended by Section 2, Chapter 175, O.S.L. 2018 (59 O.S. Supp. 2018,
3 Section 509), is amended to read as follows:

4 Section 509. The words "unprofessional conduct" as used in
5 Sections 481 through 518.1 of this title are hereby declared to
6 include, but shall not be limited to, the following:

- 7 1. Procuring, aiding or abetting a criminal operation;
- 8 2. The obtaining of any fee or offering to accept any fee,
9 present or other form of remuneration whatsoever, on the assurance
10 or promise that a manifestly incurable disease can or will be cured;
- 11 3. Willfully betraying a professional secret to the detriment
12 of the patient;
- 13 4. Habitual intemperance or the habitual use of habit-forming
14 drugs;
- 15 5. Conviction of a felony or of any offense involving moral
16 turpitude;
- 17 6. All advertising of medical business in which statements are
18 made which are grossly untrue or improbable and calculated to
19 mislead the public;
- 20 7. Conviction or confession of a crime involving violation of:
 - 21 a. the antinarcotic or prohibition laws and regulations
22 of the federal government,
 - 23 b. the laws of this state, or
 - 24 c. State Board of Health rules;

1 8. Dishonorable or immoral conduct which is likely to deceive,
2 defraud, or harm the public;

3 9. The commission of any act which is a violation of the
4 criminal laws of any state when such act is connected with the
5 physician's practice of medicine. A complaint, indictment or
6 confession of a criminal violation shall not be necessary for the
7 enforcement of this provision. Proof of the commission of the act
8 while in the practice of medicine or under the guise of the practice
9 of medicine shall be unprofessional conduct;

10 10. Failure to keep complete and accurate records of purchase
11 and disposal of controlled drugs or of narcotic drugs;

12 11. The writing of false or fictitious prescriptions for any
13 drugs or narcotics declared by the laws of this state to be
14 controlled or narcotic drugs;

15 12. Prescribing or administering a drug or treatment without
16 sufficient examination and the establishment of a valid physician-
17 patient relationship;

18 13. The violation, or attempted violation, direct or indirect,
19 of any of the provisions of the Oklahoma Allopathic Medical and
20 Surgical Licensure and Supervision Act, either as a principal,
21 accessory or accomplice;

22 14. Aiding or abetting, directly or indirectly, the practice of
23 medicine by any person not duly authorized under the laws of this
24 state;

1 15. The inability to practice medicine with reasonable skill
2 and safety to patients by reason of age, illness, drunkenness,
3 excessive use of drugs, narcotics, chemicals, or any other type of
4 material or as a result of any mental or physical condition. In
5 enforcing this subsection the State Board of Medical Licensure and
6 Supervision may, upon probable cause, request a physician to submit
7 to a mental or physical examination by physicians designated by it.
8 If the physician refuses to submit to the examination, the Board
9 shall issue an order requiring the physician to show cause why the
10 physician will not submit to the examination and shall schedule a
11 hearing on the order within thirty (30) days after notice is served
12 on the physician. The physician shall be notified by either
13 personal service or by certified mail with return receipt requested.
14 At the hearing, the physician and the physician's attorney are
15 entitled to present any testimony and other evidence to show why the
16 physician should not be required to submit to the examination.
17 After a complete hearing, the Board shall issue an order either
18 requiring the physician to submit to the examination or withdrawing
19 the request for examination. The medical license of a physician
20 ordered to submit for examination may be suspended until the results
21 of the examination are received and reviewed by the Board;

22 16. a. Prescribing, dispensing or administering of controlled
23 substances or narcotic drugs in excess of the amount
24 considered good medical practice, or

1 b. prescribing, dispensing or administering controlled
2 substances or narcotic drugs without medical need in
3 accordance with pertinent licensing board standards,
4 ~~or~~

5 ~~c. prescribing, dispensing or administering opioid drugs~~
6 ~~in excess of the maximum dosage authorized under~~
7 ~~Section 5 of this act;~~

8 17. Engaging in physical conduct with a patient which is sexual
9 in nature, or in any verbal behavior which is seductive or sexually
10 demeaning to a patient;

11 18. Failure to maintain an office record for each patient which
12 accurately reflects the evaluation, treatment, and medical necessity
13 of treatment of the patient;

14 19. Failure to provide necessary ongoing medical treatment when
15 a doctor-patient relationship has been established, which
16 relationship can be severed by either party providing a reasonable
17 period of time is granted; or

18 20. Failure to provide a proper and safe medical facility
19 setting and qualified assistive personnel for a recognized medical
20 act, including but not limited to an initial in-person patient
21 examination, office surgery, diagnostic service or any other medical
22 procedure or treatment. Adequate medical records to support
23 diagnosis, procedure, treatment or prescribed medications must be
24 produced and maintained.

1 SECTION 21. AMENDATORY 59 O.S. 2011, Section 519.8, is
2 amended to read as follows:

3 Section 519.8. A. Licenses issued to physician assistants
4 shall be renewed annually on a date determined by the State Board of
5 Medical Licensure and Supervision. Each application for renewal
6 shall document that the physician assistant has earned at least
7 twenty (20) hours of continuing medical education during the
8 preceding calendar year. Such continuing medical education shall
9 include not less than one (1) hour of education in pain management
10 or one (1) hour of education in opioid use or addiction, unless the
11 licensee has demonstrated to the satisfaction of the Board that the
12 licensee does not currently hold a valid federal Drug Enforcement
13 Administration registration number.

14 B. The Board shall promulgate, in the manner established by its
15 rules, fees for the following:

- 16 1. Initial licensure;
- 17 2. License renewal;
- 18 3. Late license renewal;
- 19 4. Application to practice; and
- 20 5. Disciplinary hearing.

21 SECTION 22. AMENDATORY 59 O.S. 2011, Section 604, is
22 amended to read as follows:

23 Section 604. Every person holding a license to practice
24 optometry in this state shall be required to present to the Board of

1 Examiners in Optometry, not later than the thirtieth day of June of
2 each year, satisfactory evidence that during the preceding twelve
3 (12) months ~~said~~ the person attended not less than two (2) days of a
4 total of at least twelve (12) hours of educational or postgraduate
5 programs approved by ~~said~~ the Board, or that ~~said~~ the person was
6 prevented, because of sickness or any other reason acceptable to the
7 Board, from attending ~~said~~ the educational or postgraduate program.
8 Such education shall include not less than one (1) hour of education
9 in pain management or one (1) hour of education in opioid use or
10 addiction, unless the person has demonstrated to the satisfaction of
11 the Board that the person does not currently hold a valid federal
12 Drug Enforcement Administration registration number.

13 The filing of proof of attendance at educational programs or
14 clinics shall be a condition precedent to the issuance of a renewal
15 license. The Board may reinstate the license of ~~said~~ the licensee
16 to practice optometry upon presentation of satisfactory proof of
17 postgraduate study of a standard approved by ~~said~~ the examiners and
18 payment of all fees due including a late reinstatement fee not to
19 exceed three times the annual renewal fee.

20 SECTION 23. AMENDATORY 59 O.S. 2011, Section 641, is
21 amended to read as follows:

22 Section 641. A. All persons legally licensed to practice
23 osteopathic medicine in this state, on or before the first day of
24 July of each year, shall apply to the secretary-treasurer of the

1 Board, on forms furnished thereby, for a renewal certificate of
2 registration entitling such licensee to practice osteopathic
3 medicine and surgery in Oklahoma during the next ensuing fiscal
4 year.

5 B. Each application shall be accompanied by a renewal fee in an
6 amount sufficient to cover the cost and expense incurred by the
7 State Board of Osteopathic Examiners, for a renewal of the person's
8 certificate to practice osteopathic medicine.

9 C. 1. In addition to the payment of the annual renewal fee
10 each licensee applying for a renewal of the certificate shall
11 furnish to the State Board of Osteopathic Examiners proof that the
12 person has attended at least two (2) days of the annual educational
13 program conducted by the Oklahoma Osteopathic Association, or its
14 equivalent, as determined by the Board, in the fiscal year preceding
15 the application for a renewal; provided, the Board may excuse the
16 failure of the licensee to attend the educational program in the
17 case of illness or other unavoidable casualty rendering it
18 impossible for the licensee to have attended the educational program
19 or its equivalent.

20 2. The Board shall require that the licensee receive not less
21 than one (1) hour of education in pain management or one (1) hour of
22 education in opioid use or addiction each year preceding an
23 application for renewal of a license, unless the licensee has
24 demonstrated to the satisfaction of the Board that the licensee does

1 not currently hold a valid federal Drug Enforcement Administration
2 registration number. Such education may be held at the annual
3 educational program referenced in paragraph 1 of this subsection.

4 D. The secretary of the State Board of Osteopathic Examiners
5 shall send a written notice to every person holding a legal
6 certificate to practice osteopathic medicine in this state, at least
7 thirty (30) days prior to the first day of July each year, directed
8 to the last-known address of the licensee, notifying the licensee
9 that it will be necessary for the licensee to pay the renewal
10 license fee as herein provided, and proper forms shall accompany the
11 notice upon which the licensee shall make application for renewal of
12 the certificate.

13 SECTION 24. AMENDATORY 59 O.S. 2011, Section 698.7, is
14 amended to read as follows:

15 Section 698.7. The State Board of Veterinary Medical Examiners
16 shall have the powers and it shall also be its duty to regulate the
17 practice of veterinary medicine. In addition to any other powers
18 placed on it by the Oklahoma Veterinary Practice Act or as otherwise
19 provided by law, the Board shall have the power and duty to:

- 20 1. a. set standards for licensure or certification by
21 examination and develop such examinations as will
22 provide assurance of competency to practice, and
- 23 b. employ or enter into agreements with organizations or
24 agencies to provide examinations acceptable to the

1 Board or employ or enter into agreements with
2 organizations or agencies to provide administration,
3 preparation or scoring of examinations;

4 2. Set fees;

5 3. Prescribe the time, place, method, manner, scope and
6 subjects of examination for licensure;

7 4. Prepare or select, conduct or direct the conduct of, set
8 minimum requirements for, and assure security of licensing and other
9 required examinations;

10 5. a. issue or deny licenses and certificates and renewals
11 thereof,

12 b. acquire information about and evaluate the
13 professional education and training of applicants for
14 licensure or certification; and accept or deny
15 applications for licensure, certification or renewal
16 of either licensure or certification based on the
17 evaluation of information relating to applicant
18 fitness, performance or competency to practice,

19 c. determine which professional schools, colleges,
20 universities, training institutions and educational
21 programs are acceptable in connection with licensure
22 pursuant to the Oklahoma Veterinary Practice Act, and
23 accept the approval of such facilities and programs by
24

1 American-Veterinary-Medical-Association-accredited
2 institutions in the United States and Canada,

3 d. require supporting documentation or other acceptable
4 verifying evidence for any information provided the
5 Board by an applicant for licensure or certification,
6 and

7 e. require information on an applicant's fitness,
8 qualification and previous professional record and
9 performance from recognized data sources including,
10 but not limited to, other licensing and disciplinary
11 authorities of other jurisdictions, professional
12 education and training institutions, liability
13 insurers, animal health care institutions and law
14 enforcement agencies;

15 6. Develop and use applications and other necessary forms and
16 related procedures for purposes of the Oklahoma Veterinary Practice
17 Act;

18 7. a. review and investigate complaints and adverse
19 information about licensees and certificate holders,

20 b. conduct hearings in accordance with the Oklahoma
21 Veterinary Practice Act and the Administrative
22 Procedures Act, and

23 c. adjudicate matters that come before the Board for
24 judgment pursuant to the Oklahoma Veterinary Practice

1 Act upon clear and convincing evidence and issue final
2 decisions on such matters to discipline licensees and
3 certificate holders;

- 4 8. a. impose sanctions, deny licenses and certificates and
5 renewals thereof, levy reimbursement costs, seek
6 appropriate administrative, civil or criminal
7 penalties or any combination of these against those
8 who violate examination security, who attempt to or
9 who do obtain licensure or certification by fraud, who
10 knowingly assist in illegal activities, or who aid and
11 abet the illegal practice of veterinary medicine,
- 12 b. review and investigate complaints and adverse
13 information about licensees and certificate holders,
- 14 c. discipline licensees and certificate holders,
- 15 d. institute proceedings in courts of competent
16 jurisdiction to enforce Board orders and provisions of
17 the Oklahoma Veterinary Practice Act,
- 18 e. (1) establish mechanisms for dealing with licensees
19 and certificate holders who abuse or are
20 dependent on or addicted to alcohol or other
21 chemical substances, and enter into agreements,
22 at its discretion, with professional
23 organizations whose relevant procedures and
24 techniques it has evaluated and approved for

1 their cooperation or participation in the
2 rehabilitation of the licensee or certificate
3 holder,

4 (2) establish by rules cooperation with other
5 professional organizations for the identification
6 and monitoring of licensees and certificate
7 holders in treatment who are chemically dependent
8 or addicted, and

9 f. issue conditional, restricted or otherwise
10 circumscribed modifications to licensure or
11 certification as determined to be appropriate by due
12 process procedures and summarily suspend a license if
13 the Board has cause to believe by clear and convincing
14 evidence such action is required to protect public or
15 animal health and safety or to prevent continuation of
16 incompetent practices;

17 9. Promulgate rules of professional conduct and require all
18 licensees and certificate holders to practice in accordance
19 therewith;

20 10. Act to halt the unlicensed or illegal practice of
21 veterinary medicine and seek administrative, criminal and civil
22 penalties against those engaged in such practice;

23 11. Establish appropriate fees and charges to ensure active and
24 effective pursuit of Board responsibilities;

1 12. Employ, direct, reimburse, evaluate and dismiss staff in
2 accordance with state procedures;

3 13. Establish policies for Board operations;

4 14. Respond to legislative inquiry regarding those changes in,
5 or amendments to, the Oklahoma Veterinary Practice Act;

6 15. Act on its own motion in disciplinary matters, administer
7 oaths, issue notices, issue subpoenas in the name of the State of
8 Oklahoma, including subpoenas for client and animal records, hold
9 hearings, institute court proceedings for contempt or to compel
10 testimony or obedience to its orders and subpoenas, take evidentiary
11 depositions and perform such other acts as are reasonable and
12 necessary under law to carry out its duties;

13 16. Use clear and convincing evidence as the standard of proof
14 and issue final decisions when acting as trier of fact in the
15 performance of its adjudicatory duties;

16 17. Determine and direct Board operating, administrative,
17 personnel and budget policies and procedures in accordance with
18 applicable statutes;

19 18. Promulgate uniform rules such as may be necessary for
20 carrying out and enforcing the provisions of the Oklahoma Veterinary
21 Practice Act and such as in its discretion may be necessary to
22 protect the health, safety and welfare of the public;

23 19. Determine continuing education requirements. Such
24 continuing education shall include not less than one (1) hour of

1 education in pain management or one (1) hour of education in opioid
2 use or addiction annually, unless the licensee has demonstrated to
3 the satisfaction of the Board that the licensee does not currently
4 hold a valid federal Drug Enforcement Administration registration
5 number;

6 20. Establish minimum standards for veterinary premises;

7 21. Establish standards for veterinary labeling and dispensing
8 of veterinary prescription drugs and federal Food and Drug
9 Administration-approved human drugs for animals which would conform
10 to current applicable state and federal law and regulations;

11 22. Promulgate rules such as may be necessary for carrying out
12 and enforcing provisions relating to certification of animal
13 euthanasia technicians and approval of drugs to be used for
14 euthanasia of animals in an animal shelter pursuant to the
15 requirements of Section 502 of Title 4 of the Oklahoma Statutes;

16 23. Shall conduct a national criminal history records search
17 for certified animal euthanasia technicians:

18 a. the applicant shall furnish the Board two completed
19 fingerprint cards and a money order or cashier's check
20 made payable to the Oklahoma State Bureau of
21 Investigation,

22 b. the Board shall forward the fingerprint cards, along
23 with the applicable fee for a national fingerprint
24 criminal history records search, to the Bureau, and

1 c. the Bureau shall retain one set of fingerprints in the
2 Automated Fingerprint Identification System (AFIS) and
3 submit the other set to the Federal Bureau of
4 Investigation (FBI) for a national criminal history
5 records search;

6 24. Establish standards for animal chiropractic diagnosis and
7 treatment. The standards shall include but not be limited to a
8 requirement that a veterinarian who holds himself or herself out to
9 the public as certified to engage in animal chiropractic diagnosis
10 and treatment shall:

11 a. carry at least One Million Dollars (\$1,000,000.00) of
12 additional malpractice coverage to perform animal
13 chiropractic diagnosis and treatment, and

14 b. have appropriate training in animal chiropractic
15 diagnosis and treatment. The Veterinary Examining
16 Board shall have the authority to establish
17 educational criteria for certification standards in
18 animal chiropractic diagnosis and treatment. The
19 Veterinary Examining Board shall work in conjunction
20 with the Board of Chiropractic Examiners to establish
21 comparable standards for the practice of animal
22 chiropractic diagnosis and treatment for both medical
23 professions within thirty (30) days after the
24 effective date of this act. The Board shall certify

1 any licensed veterinarian wishing to engage in animal
2 chiropractic diagnosis and treatment who meets the
3 standards established by the Board pursuant to this
4 paragraph. Upon request, the Board shall make
5 available to the public a list of licensed
6 veterinarians so certified; and

7 25. Perform such other duties and exercise such other powers as
8 the provisions and enforcement of the Oklahoma Veterinary Practice
9 Act may require.

10 SECTION 25. AMENDATORY 63 O.S. 2011, Section 2-101, as
11 last amended by Section 3, Chapter 175, O.S.L. 2018 (63 O.S. Supp.
12 2018, Section 2-101), is amended to read as follows:

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

15 1. "Administer" means the direct application of a controlled
16 dangerous substance, whether by injection, inhalation, ingestion or
17 any other means, to the body of a patient, animal or research
18 subject by:

- 19 a. a practitioner (or, in the presence of the
20 practitioner, by the authorized agent of the
21 practitioner), or
22 b. the patient or research subject at the direction and
23 in the presence of the practitioner;

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

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

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

14 5. "Coca leaves" includes cocaine and any compound,
15 manufacture, salt, derivative, mixture or preparation of coca
16 leaves, except derivatives of coca leaves which do not contain
17 cocaine or ecgonine;

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

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

23 8. "Controlled dangerous substance" means a drug, substance or
24 immediate precursor in Schedules I through V of the Uniform

1 Controlled Dangerous Substances Act or any drug, substance or
2 immediate precursor listed either temporarily or permanently as a
3 federally controlled substance. Any conflict between state and
4 federal law with regard to the particular schedule in which a
5 substance is listed shall be resolved in favor of state law;

6 9. "Counterfeit substance" means a controlled substance which,
7 or the container or labeling of which without authorization, bears
8 the trademark, trade name or other identifying marks, imprint,
9 number or device or any likeness thereof of a manufacturer,
10 distributor or dispenser other than the person who in fact
11 manufactured, distributed or dispensed the substance;

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

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

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

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

1 13. "Distributor" means a commercial entity engaged in the
2 distribution or reverse distribution of narcotics and dangerous
3 drugs and who complies with all regulations promulgated by the
4 federal Drug Enforcement Administration and the Oklahoma State
5 Bureau of Narcotics and Dangerous Drugs Control;

6 14. "Drug" means articles:

7 a. recognized in the official United States

8 Pharmacopoeia, official Homeopathic Pharmacopoeia of
9 the United States, or official National Formulary, or
10 any supplement to any of them,

11 b. intended for use in the diagnosis, cure, mitigation,
12 treatment or prevention of disease in man or other
13 animals,

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

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

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

20 15. "Drug-dependent person" means a person who is using a
21 controlled dangerous substance and who is in a state of psychic or
22 physical dependence, or both, arising from administration of that
23 controlled dangerous substance on a continuous basis. Drug
24 dependence is characterized by behavioral and other responses which

1 include a strong compulsion to take the substance on a continuous
2 basis in order to experience its psychic effects, or to avoid the
3 discomfort of its absence;

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

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

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

24

1 "Class A" Hospice refers to Medicare certified hospices. "Class B"
2 refers to all other providers of hospice services;

3 19. "Imitation controlled substance" means a substance that is
4 not a controlled dangerous substance, which by dosage unit
5 appearance, color, shape, size, markings or by representations made,
6 would lead a reasonable person to believe that the substance is a
7 controlled dangerous substance. In the event the appearance of the
8 dosage unit is not reasonably sufficient to establish that the
9 substance is an "imitation controlled substance", the court or
10 authority concerned should consider, in addition to all other
11 factors, the following factors as related to "representations made"
12 in determining whether the substance is an "imitation controlled
13 substance":

- 14 a. statements made by an owner or by any other person in
15 control of the substance concerning the nature of the
16 substance, or its use or effect,
- 17 b. statements made to the recipient that the substance
18 may be resold for inordinate profit,
- 19 c. whether the substance is packaged in a manner normally
20 used for illicit controlled substances,
- 21 d. evasive tactics or actions utilized by the owner or
22 person in control of the substance to avoid detection
23 by law enforcement authorities,

24

- 1 e. prior convictions, if any, of an owner, or any other
2 person in control of the object, under state or
3 federal law related to controlled substances or fraud,
4 and
5 f. the proximity of the substances to controlled
6 dangerous substances;

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

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

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

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

3 23. "Marijuana" means all parts of the plant *Cannabis sativa*
4 *L.*, whether growing or not; the seeds thereof; the resin extracted
5 from any part of such plant; and every compound, manufacture, salt,
6 derivative, mixture or preparation of such plant, its seeds or
7 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 of not more than three-tenths of one percent (0.3%)
16 and that is delivered to the patient in the form of a
17 liquid,
- 18 g. any federal Food and Drug Administration-approved
19 cannabidiol drug 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 of not more
23 than three-tenths of one percent (0.3%) on a dry
24 weight basis which shall not be grown anywhere in the

1 State of Oklahoma but may be shipped to Oklahoma
2 pursuant to the provisions of subparagraph e or f of
3 this paragraph;

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

9 25. "Mid-level practitioner" means an advanced practice nurse
10 as defined and within parameters specified in Section 567.3a of
11 Title 59 of the Oklahoma Statutes, or a certified animal euthanasia
12 technician as defined in Section 698.2 of Title 59 of the Oklahoma
13 Statutes, or an animal control officer registered by the Oklahoma
14 State Bureau of Narcotics and Dangerous Drugs Control under
15 subsection B of Section 2-301 of this title within the parameters of
16 such officer's duty under Sections 501 through 508 of Title 4 of the
17 Oklahoma Statutes;

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

- 22 a. opium, coca leaves and opiates,
- 23 b. a compound, manufacture, salt, derivative or
24 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-
10 101 et seq. of this title shall not include
11 decocainized coca leaves or extracts of coca leaves,
12 which extracts do not contain cocaine or ecgonine;

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

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

23 29. "Peace officer" means a police officer, sheriff, deputy
24 sheriff, district attorney's investigator, investigator from the

1 Office of the Attorney General, or any other person elected or
2 appointed by law to enforce any of the criminal laws of this state
3 or of the United States;

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

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

9 32. "Practitioner" means:

- 10 a. (1) a medical doctor or osteopathic physician,
11 (2) a dentist,
12 (3) a podiatrist,
13 (4) an optometrist,
14 (5) a veterinarian,
15 (6) a physician assistant 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. "Production" includes the manufacture, planting,
8 cultivation, growing or harvesting of a controlled dangerous
9 substance;

10 34. "State" means the State of Oklahoma or any other state of
11 the United States;

12 35. "Ultimate user" means a person who lawfully possesses a
13 controlled dangerous substance for the person's own use or for the
14 use of a member of the person's household or for administration to
15 an animal owned by the person or by a member of the person's
16 household;

17 36. "Drug paraphernalia" means all equipment, products and
18 materials of any kind which are used, intended for use, or fashioned
19 specifically for use in planting, propagating, cultivating, growing,
20 harvesting, manufacturing, compounding, converting, producing,
21 processing, preparing, testing, analyzing, packaging, repackaging,
22 storing, containing, concealing, injecting, ingesting, inhaling or
23 otherwise introducing into the human body, a controlled dangerous
24

1 substance in violation of the Uniform Controlled Dangerous
2 Substances Act including, but not limited to:

- 3 a. kits used, intended for use, or fashioned specifically
4 for use in planting, propagating, cultivating, growing
5 or harvesting of any species of plant which is a
6 controlled dangerous substance or from which a
7 controlled dangerous substance can be derived,
- 8 b. kits used, intended for use, or fashioned specifically
9 for use in manufacturing, compounding, converting,
10 producing, processing or preparing controlled
11 dangerous substances,
- 12 c. isomerization devices used, intended for use, or
13 fashioned specifically for use in increasing the
14 potency of any species of plant which is a controlled
15 dangerous substance,
- 16 d. testing equipment used, intended for use, or fashioned
17 specifically for use in identifying, or in analyzing
18 the strength, effectiveness or purity of controlled
19 dangerous substances,
- 20 e. scales and balances used, intended for use, or
21 fashioned specifically for use in weighing or
22 measuring controlled dangerous substances,
- 23 f. diluents and adulterants, such as quinine
24 hydrochloride, mannitol, mannite, dextrose and

1 lactose, used, intended for use, or fashioned
2 specifically for use in cutting controlled dangerous
3 substances,

4 g. separation gins and sifters used, intended for use, or
5 fashioned specifically for use in removing twigs and
6 seeds from, or in otherwise cleaning or refining,
7 marijuana,

8 h. blenders, bowls, containers, spoons and mixing devices
9 used, intended for use, or fashioned specifically for
10 use in compounding controlled dangerous substances,

11 i. capsules, balloons, envelopes and other containers
12 used, intended for use, or fashioned specifically for
13 use in packaging small quantities of controlled
14 dangerous substances,

15 j. containers and other objects used, intended for use,
16 or fashioned specifically for use in parenterally
17 injecting controlled dangerous substances into the
18 human body,

19 k. hypodermic syringes, needles and other objects used,
20 intended for use, or fashioned specifically for use in
21 parenterally injecting controlled dangerous substances
22 into the human body,

23 l. objects used, intended for use, or fashioned
24 specifically for use in ingesting, inhaling or

1 otherwise introducing marijuana, cocaine, hashish or
2 hashish oil into the human body, such as:

3 (1) metal, wooden, acrylic, glass, stone, plastic or
4 ceramic pipes with or without screens, permanent
5 screens, hashish heads or punctured metal bowls,

6 (2) water pipes,

7 (3) carburetion tubes and devices,

8 (4) smoking and carburetion masks,

9 (5) roach clips, meaning objects used to hold burning
10 material, such as a marijuana cigarette, that has
11 become too small or too short to be held in the
12 hand,

13 (6) miniature cocaine spoons and cocaine vials,

14 (7) chamber pipes,

15 (8) carburetor pipes,

16 (9) electric pipes,

17 (10) air-driven pipes,

18 (11) chillums,

19 (12) bong, or

20 (13) ice pipes or chillers,

21 m. all hidden or novelty pipes, and

22 n. any pipe that has a tobacco bowl or chamber of less
23 than one-half (1/2) inch in diameter in which there is
24 any detectable residue of any controlled dangerous

1 substance as defined in this section or any other
2 substances not legal for possession or use;
3 provided, however, the term "drug paraphernalia" shall not include
4 separation gins intended for use in preparing tea or spice, clamps
5 used for constructing electrical equipment, water pipes designed for
6 ornamentation in which no detectable amount of an illegal substance
7 is found or pipes designed and used solely for smoking tobacco,
8 traditional pipes of an American Indian tribal religious ceremony,
9 or antique pipes that are thirty (30) years of age or older;

10 37. a. "Synthetic controlled substance" means a substance:

- 11 (1) the chemical structure of which is substantially
12 similar to the chemical structure of a controlled
13 dangerous substance in Schedule I or II,
14 (2) which has a stimulant, depressant, or
15 hallucinogenic effect on the central nervous
16 system that is substantially similar to or
17 greater than the stimulant, depressant or
18 hallucinogenic effect on the central nervous
19 system of a controlled dangerous substance in
20 Schedule I or II, or
21 (3) with respect to a particular person, which such
22 person represents or intends to have a stimulant,
23 depressant, or hallucinogenic effect on the
24 central nervous system that is substantially

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

5 b. The designation of gamma butyrolactone or any other
6 chemical as a precursor, pursuant to Section 2-322 of
7 this title, does not preclude a finding pursuant to
8 subparagraph a of this paragraph that the chemical is
9 a synthetic controlled substance.

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

11 (1) a controlled dangerous substance,

12 (2) any substance for which there is an approved new
13 drug application,

14 (3) with respect to a particular person any
15 substance, if an exemption is in effect for
16 investigational use, for that person under the
17 provisions of Section 505 of the Federal Food,
18 Drug and Cosmetic Act, Title 21 of the United
19 States Code, Section 355, to the extent conduct
20 with respect to such substance is pursuant to
21 such exemption, or

22 (4) any substance to the extent not intended for
23 human consumption before such an exemption takes
24 effect with respect to that substance.

1 d. Prima facie evidence that a substance containing
2 salvia divinorum has been enhanced, concentrated or
3 chemically or physically altered shall give rise to a
4 rebuttable presumption that the substance is a
5 synthetic controlled substance;

6 38. "Tetrahydrocannabinols" means all substances that have been
7 chemically synthesized to emulate the tetrahydrocannabinols of
8 marijuana;

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

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

20 41. "Anhydrous ammonia" means any substance that exhibits
21 cryogenic evaporative behavior and tests positive for ammonia;

22 42. "Acute pain" means pain, whether resulting from disease,
23 accidental or intentional trauma or other cause, that the
24 practitioner reasonably expects to last only a short period of time.

1 "Acute pain" does not include chronic pain, pain being treated as
2 part of cancer care, hospice or other end-of-life care, or pain
3 being treated as part of palliative care;

4 43. "Chronic pain" means pain that persists beyond the usual
5 course of an acute disease or healing of an injury. "Chronic pain"
6 may or may not be associated with an acute or chronic pathologic
7 process that causes continuous or intermittent pain over months or
8 years;

9 44. "Initial prescription" means a prescription issued to a
10 patient who:

- 11 a. has never previously been issued a prescription for
12 the drug or its pharmaceutical equivalent in the past
13 year, or
- 14 b. requires a prescription for the drug or its
15 pharmaceutical equivalent due to a surgical procedure
16 or new acute event and has previously had a
17 prescription for the drug or its pharmaceutical
18 equivalent within the past year.

19 When determining whether a patient was previously issued a
20 prescription for a drug or its pharmaceutical equivalent, the
21 practitioner shall consult with the patient and review the medical
22 record and prescription monitoring information of the patient;

23 45. "Patient-provider agreement" means a written contract or
24 agreement that is executed between a practitioner and a patient,

1 prior to the commencement of treatment for chronic pain using a
2 Schedule II ~~controlled substance or any~~ opioid drug ~~which is a~~
3 ~~prescription drug~~, as a means to:

- 4 a. explain the possible risk of development of physical
5 or psychological dependence in the patient and prevent
6 the possible development of addiction,
- 7 b. document the understanding of both the practitioner
8 and the patient regarding the pain-management plan of
9 the patient,
- 10 c. establish the rights of the patient in association
11 with treatment and the obligations of the patient in
12 relation to the responsible use, discontinuation of
13 use, and storage of Schedule II ~~controlled dangerous~~
14 ~~substances~~ opioid drugs, including any restrictions on
15 the refill of prescriptions or the acceptance of
16 Schedule II opioid prescriptions from practitioners,
- 17 d. identify the specific medications and other modes of
18 treatment, including physical therapy or exercise,
19 relaxation or psychological counseling, that are
20 included as a part of the pain-management plan,
- 21 e. specify the measures the practitioner may employ to
22 monitor the compliance of the patient including, but
23 not limited to, random specimen screens and pill
24 counts, and

1 f. delineate the process for terminating the agreement,
2 including the consequences if the practitioner has
3 reason to believe that the patient is not complying
4 with the terms of the agreement. Compliance with the
5 "consent items" shall constitute a valid, ~~informal~~
6 formal consent for opioid therapy. The provider shall
7 be held harmless from civil litigation for failure to
8 treat pain if the event occurs because of nonadherence
9 by the patient with any of the provisions of the
10 patient-provider agreement;

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

18 47. "Surgical procedure" means a procedure that is performed
19 for the purpose of structurally altering the human body by incision
20 or destruction of tissues as part of the practice of medicine. This
21 term includes the diagnostic or therapeutic treatment of conditions
22 or disease processes by use of instruments such as lasers,
23 ultrasound, ionizing, radiation, scalpels, probes or needles that
24 cause localized alteration or transportation of live human tissue by

1 cutting, burning, vaporizing, freezing, suturing, probing or
2 manipulating by closed reduction for major dislocations or
3 fractures, or otherwise altering by any mechanical, thermal, light-
4 based, electromagnetic or chemical means.

5 SECTION 26. AMENDATORY 63 O.S. 2011, Section 2-309D, as
6 last amended by Section 4, Chapter 175, O.S.L. 2018 (63 O.S. Supp.
7 2018, Section 2-309D), is amended to read as follows:

8 Section 2-309D. A. The information collected at the central
9 repository pursuant to the Anti-Drug Diversion Act shall be
10 confidential and shall not be open to the public. Access to the
11 information shall be limited to:

12 1. Peace officers certified pursuant to Section 3311 of Title
13 70 of the Oklahoma Statutes who are employed as investigative agents
14 of the Oklahoma State Bureau of Narcotics and Dangerous Drugs
15 Control;

16 2. The United States Drug Enforcement Administration Diversion
17 Group Supervisor;

18 3. The executive director or chief investigator, as designated
19 by each board, of the following state boards:

20 a. Board of Podiatric Medical Examiners,

21 b. Board of Dentistry,

22 c. State Board of Pharmacy,

23 d. State Board of Medical Licensure and Supervision,

24 e. State Board of Osteopathic Examiners,

- 1 f. State Board of Veterinary Medical Examiners,
- 2 g. Oklahoma Health Care Authority,
- 3 h. Department of Mental Health and Substance Abuse
- 4 Services,
- 5 i. Board of Examiners in Optometry,
- 6 j. Board of Nursing,
- 7 k. Office of the Chief Medical Examiner, and
- 8 l. State Board of Health;

9 4. A multicounty grand jury properly convened pursuant to the
10 Multicounty Grand Jury Act;

11 5. Medical practitioners employed by the United States
12 Department of Veterans Affairs, the United States Military, or other
13 federal agencies treating patients in this state; and

14 6. At the discretion of the Director of the Oklahoma State
15 Bureau of Narcotics and Dangerous Drugs Control, medical
16 practitioners and their staff, including those employed by the
17 federal government in this state.

18 B. This section shall not prevent access, at the discretion of
19 the Director of the Oklahoma State Bureau of Narcotics and Dangerous
20 Drugs Control, to investigative information by peace officers and
21 investigative agents of federal, state, county or municipal law
22 enforcement agencies, district attorneys and the Attorney General in
23 furtherance of criminal, civil or administrative investigations or
24 prosecutions within their respective jurisdictions, designated

1 legal, communications, and analytical employees of the Bureau, and
2 to registrants in furtherance of efforts to guard against the
3 diversion of controlled dangerous substances.

4 C. This section shall not prevent the disclosure, at the
5 discretion of the Director of the Oklahoma State Bureau of Narcotics
6 and Dangerous Drugs Control, of statistical information gathered
7 from the central repository to the general public which shall be
8 limited to types and quantities of controlled substances dispensed
9 and the county where dispensed.

10 D. This section shall not prevent the disclosure, at the
11 discretion of the Director of the Oklahoma State Bureau of Narcotics
12 and Dangerous Drugs Control, of prescription-monitoring-program
13 information to prescription-monitoring programs of other states
14 provided a reciprocal data-sharing agreement is in place.

15 E. The Department of Mental Health and Substance Abuse Services
16 and the State Department of Health may utilize the information in
17 the central repository for statistical, research, substance abuse
18 prevention, or educational purposes, provided that consumer
19 confidentiality is not compromised.

20 F. Any unauthorized disclosure of any information collected at
21 the central repository provided by the Anti-Drug Diversion Act shall
22 be a misdemeanor. Violation of the provisions of this section shall
23 be deemed willful neglect of duty and shall be grounds for removal
24 from office.

1 G. 1. Registrants shall have access to the central repository
2 for the purposes of patient treatment and for determination in
3 prescribing or screening new patients. The patient's history may be
4 disclosed to the patient for the purposes of treatment of
5 information at the discretion of the physician.

6 2. a. Prior to prescribing or authorizing for refill, if one
7 hundred eighty (180) days have elapsed prior to the
8 previous access and check, of opiates, synthetic
9 opiates, semisynthetic opiates, benzodiazepine or
10 carisoprodol to a patient of record, registrants or
11 members of their medical or administrative staff shall
12 be required until October 31, 2020, to access the
13 information in the central repository to assess
14 medical necessity and the possibility that the patient
15 may be unlawfully obtaining prescription drugs in
16 violation of the Uniform Controlled Dangerous
17 Substances Act. The duty to access and check shall
18 not alter or otherwise amend appropriate medical
19 standards of care. The registrant or medical provider
20 shall note in the patient file that the central
21 repository has been checked and may maintain a copy of
22 the information.

23 b. The requirements set forth in subparagraph a of this
24 paragraph shall not apply:

1 (1) to medical practitioners who prescribe the
2 controlled substances set forth in subparagraph a
3 of this paragraph for hospice or end-of-life
4 care, or

5 (2) for a prescription of a controlled substance set
6 forth in subparagraph a of this paragraph that is
7 issued by a practitioner for a patient residing
8 in a nursing facility as defined by Section 1-
9 1902 of this title, provided that the
10 prescription is issued to a resident of such
11 facility.

12 3. Registrants shall not be liable to any person for any claim
13 of damages as a result of accessing or failing to access the
14 information in the central repository and no lawsuit may be
15 predicated thereon.

16 4. The failure of a registrant to access and check the central
17 repository as required under state or federal law or regulation
18 ~~shall~~ may be grounds for the licensing board of the registrant to
19 take disciplinary action against the registrant.

20 H. The State Board of Podiatric Examiners, the State Board of
21 Dentistry, the State Board of Medical Licensure and Supervision, the
22 State Board of Examiners in Optometry, the State Board of Nursing,
23 the State Board of Osteopathic Examiners and the State Board of
24 Veterinary Medical Examiners shall have the sole responsibility for

1 enforcement of the provisions of subsection G of this section.
2 Nothing in this section shall be construed so as to permit the
3 Director of the State Bureau of Narcotics and Dangerous Drugs
4 Control to assess administrative fines provided for in Section 2-304
5 of this title.

6 I. The Director of the Oklahoma State Bureau of Narcotics and
7 Dangerous Drugs Control, or a designee thereof, shall provide a
8 monthly list to the Directors of the State Board of Podiatric
9 Examiners, the State Board of Dentistry, the State Board of Medical
10 Licensure and Supervision, the State Board of Examiners in
11 Optometry, the State Board of Nursing, the State Board of
12 Osteopathic Examiners and the State Board of Veterinary Medical
13 Examiners of the top twenty prescribers of controlled dangerous
14 substances within their respective areas of jurisdiction. Upon
15 discovering that a registrant is prescribing outside the limitations
16 of his or her licensure or outside of drug registration rules or
17 applicable state laws, the respective licensing board shall be
18 notified by the Bureau in writing. Such notifications may be
19 considered complaints for the purpose of investigations or other
20 actions by the respective licensing board. Licensing boards shall
21 have exclusive jurisdiction to take action against a licensee for a
22 violation of subsection G of this section.

23 J. Information regarding fatal and nonfatal overdoses, other
24 than statistical information as required by Section 2-106 of this

1 title, shall be completely confidential. Access to this information
2 shall be strictly limited to the Director of the Oklahoma State
3 Bureau of Narcotics and Dangerous Drugs Control or designee, the
4 Chief Medical Examiner, state agencies and boards provided in
5 subsection A of this section, and the registrant that enters the
6 information. Registrants shall not be liable to any person for a
7 claim of damages for information reported pursuant to the provisions
8 of Section 2-105 of this title.

9 K. The Director of the Oklahoma State Bureau of Narcotics and
10 Dangerous Drugs Control shall provide adequate means and procedures
11 allowing access to central repository information for registrants
12 lacking direct computer access.

13 L. Upon completion of an investigation in which it is
14 determined that a death was caused by an overdose, either
15 intentionally or unintentionally, of a controlled dangerous
16 substance, the medical examiner shall be required to report the
17 decedent's name and date of birth to the Oklahoma State Bureau of
18 Narcotics and Dangerous Drugs Control. The Oklahoma State Bureau of
19 Narcotics and Dangerous Drugs Control shall be required to maintain
20 a database containing the classification of medical practitioners
21 who prescribed or authorized controlled dangerous substances
22 pursuant to this subsection.

23 M. The Oklahoma State Bureau of Narcotics and Dangerous Drugs
24 is authorized to provide unsolicited notification to the licensing

1 board of a pharmacist or practitioner if a patient has received one
2 or more prescriptions for controlled substances in quantities or
3 with a frequency inconsistent with generally recognized standards of
4 safe practice or if a practitioner or prescriber has exhibited
5 prescriptive behavior consistent with generally recognized standards
6 indicating potentially problematic prescribing patterns. An
7 unsolicited notification to the licensing board of the practitioner
8 pursuant to this section:

9 1. Is confidential;

10 2. May not disclose information that is confidential pursuant
11 to this section; and

12 3. May be in a summary form sufficient to provide notice of the
13 basis for the unsolicited notification.

14 SECTION 27. AMENDATORY Section 5, Chapter 175, O.S.L.
15 2018 (63 O.S. Supp. 2018, Section 2-309I), is amended to read as
16 follows:

17 Section 2-309I. A. A practitioner shall not issue an initial
18 prescription for ~~an opioid drug which is a prescription drug a~~
19 Schedule II opioid drug in a quantity exceeding a seven-day supply
20 for treatment of acute pain ~~for an adult patient, or a seven-day~~
21 ~~supply for treatment of acute pain for a patient under the age of~~
22 ~~eighteen (18) years old.~~ Any Schedule II opioid prescription for
23 acute pain ~~pursuant to this subsection~~ shall be for the lowest
24 effective dose of an immediate-release ~~opioid~~ drug.

1 B. Prior to issuing an initial prescription of a Schedule II
2 ~~controlled dangerous substance or any opioid drug that is a~~
3 ~~prescription drug~~ in a course of treatment for acute or chronic
4 pain, a practitioner shall:

5 1. Take and document the results of a thorough medical history,
6 including the experience of the patient with nonopioid medication
7 and nonpharmacological pain-management approaches and substance
8 abuse history;

9 2. Conduct, as appropriate, and document the results of a
10 physical examination;

11 3. Develop a treatment plan with particular attention focused
12 on determining the cause of pain of the patient;

13 4. Access relevant prescription monitoring information from the
14 central repository pursuant to Section 2-309D of Title 63 of the
15 Oklahoma Statutes;

16 5. Limit the supply of any Schedule II opioid drug prescribed
17 for acute pain to a duration of no more than seven (7) days as
18 determined by the directed dosage and frequency of dosage; provided,
19 however, upon issuing an initial prescription for acute pain
20 pursuant to this section, the practitioner may issue one (1)
21 subsequent prescription for a Schedule II opioid drug in a quantity
22 not to exceed seven (7) days if:

- a. the subsequent prescription is due to a major procedure or "confined to home" status as defined in 42 U.S.C., Section 1395n(a),
- b. the practitioner provides the subsequent prescription on the same day as the initial prescription,
- c. the practitioner provides written instructions on the subsequent prescription indicating the earliest date on which the prescription may be filled, otherwise known as a "do not fill until" date, and
- d. the subsequent prescription is dispensed no more than five (5) days after the "do not fill until" date indicated on the prescription;

6. In the case of a patient under the age of eighteen (18) years old, enter into a patient-provider agreement with a parent or guardian of the patient; and

7. In the case of a patient who is a pregnant woman, enter into a patient-provider agreement with the patient.

C. No less than seven (7) days after issuing the initial prescription pursuant to subsection A of this section, the practitioner, after consultation with the patient, may issue a subsequent prescription for the drug to the patient in a quantity not to exceed seven (7) days, provided that:

1. The subsequent prescription would not be deemed an initial prescription under this section;

1 2. The practitioner determines the prescription is necessary
2 and appropriate to the treatment needs of the patient and documents
3 the rationale for the issuance of the subsequent prescription; and

4 3. The practitioner determines that issuance of the subsequent
5 prescription does not present an undue risk of abuse, addiction or
6 diversion and documents that determination.

7 D. Prior to issuing the initial prescription of a Schedule II
8 ~~controlled dangerous substance or any~~ opioid drug ~~that is a~~
9 ~~prescription drug~~ in a course of treatment for acute or chronic pain
10 and again prior to issuing the third prescription of the course of
11 treatment, a practitioner shall discuss with the patient or the
12 parent or guardian of the patient if the patient is under eighteen
13 (18) years of age and is not an emancipated minor, the risks
14 associated with the drugs being prescribed, including but not
15 limited to:

16 1. The risks of addiction and overdose associated with opioid
17 drugs and the dangers of taking opioid drugs with alcohol,
18 benzodiazepines and other central nervous system depressants;

19 2. The reasons why the prescription is necessary;

20 3. Alternative treatments that may be available; and

21 4. Risks associated with the use of the drugs being prescribed,
22 specifically that opioids are highly addictive, even when taken as
23 prescribed, that there is a risk of developing a physical or
24 psychological dependence on the controlled dangerous substance, and

1 that the risks of taking more opioids than prescribed or mixing
2 sedatives, benzodiazepines or alcohol with opioids can result in
3 fatal respiratory depression.

4 The practitioner shall include a note in the medical record of
5 the patient that the patient or the parent or guardian of the
6 patient, as applicable, has discussed with the practitioner the
7 risks of developing a physical or psychological dependence on the
8 controlled dangerous substance and alternative treatments that may
9 be available. The applicable state licensing board of the
10 practitioner shall develop and make available to practitioners
11 guidelines for the discussion required pursuant to this subsection.

12 E. At the time of the issuance of the third prescription for a
13 ~~prescription~~ Schedule II opioid drug, the practitioner shall enter
14 into a ~~pain-management~~ patient-provider agreement with the patient.

15 F. When a Schedule II ~~controlled dangerous substance or any~~
16 ~~prescription~~ opioid drug is continuously prescribed for three (3)
17 months or more for chronic pain, the practitioner shall:

18 1. Review, at a minimum of every three (3) months, the course
19 of treatment, any new information about the etiology of the pain,
20 and the progress of the patient toward treatment objectives and
21 document the results of that review;

22 2. Assess the patient prior to every renewal to determine
23 whether the patient is experiencing problems associated with
24

1 ~~physical and psychological dependence~~ an opioid use disorder and
2 document the results of that assessment;

3 3. Periodically make reasonable efforts, unless clinically
4 contraindicated, to either stop the use of the controlled substance,
5 decrease the dosage, try other drugs or treatment modalities in an
6 effort to reduce the potential for abuse or the development of
7 ~~physical or psychological dependence~~ an opioid use disorder and
8 document with specificity the efforts undertaken;

9 4. Review the central repository information in accordance with
10 Section 2-309D of Title 63 of the Oklahoma Statutes; and

11 5. Monitor compliance with the ~~pain-management~~ patient-provider
12 agreement and any recommendations that the patient seek a referral.

13 G. This section shall not apply to a prescription for a patient
14 who is currently in active treatment for cancer, receiving hospice
15 care from a licensed hospice or palliative care, or is a resident of
16 a long-term care facility, or to any medications that are being
17 prescribed for use in the treatment of substance abuse or opioid
18 dependence.

19 H. Every policy, contract or plan delivered, issued, executed
20 or renewed in this state, or approved for issuance or renewal in
21 this state by the Insurance Commissioner, and every contract
22 purchased by the Employees Group Insurance Division of the Office of
23 Management and Enterprise Services, on or after ~~the effective date~~
24 ~~of this act~~ November 1, 2018, that provides coverage for

1 prescription drugs subject to a copayment, coinsurance or deductible
2 shall charge a copayment, coinsurance or deductible for an initial
3 prescription of ~~an~~ a Schedule II opioid drug prescribed pursuant to
4 this section that is either:

5 1. Proportional between the cost sharing for a thirty-day
6 supply and the amount of drugs the patient was prescribed; or

7 2. Equivalent to the cost sharing for a full thirty-day supply
8 of the ~~opioid~~ drug, provided that no additional cost sharing may be
9 charged for any additional prescriptions for the remainder of the
10 thirty-day supply.

11 I. Any provider authorized to prescribe ~~opioids~~ a Schedule II
12 opioid drug shall adopt and maintain a written policy or policies
13 that include execution of a written agreement to engage in an
14 informed consent process between the prescribing provider and
15 qualifying opioid therapy patient. For the purposes of this
16 section, "qualifying opioid therapy patient" means:

17 1. A patient requiring opioid treatment for more than three (3)
18 months;

19 2. A patient who is prescribed benzodiazepines and opioids
20 together; or

21 3. A patient who is prescribed a dose of opioids that exceeds
22 one hundred (100) morphine equivalent doses.

23

24

1 SECTION 28. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 7402 of Title 36, unless there
3 is created a duplication in numbering, reads as follows:

4 The Insurance Department shall evaluate the effect of the limits
5 on prescriptions for opioid medication established by this act on
6 the claims paid by health insurance carriers and the out-of-pocket
7 costs including copayments, coinsurance and deductibles paid by
8 individual and group health insurance policyholders. On or before
9 January 1, 2021, the Insurance Department shall submit a report on
10 the evaluation, along with any recommended policy and regulatory
11 options that will ensure costs for patients are not increased as a
12 result of new prescribing limitations on the amounts of opioid
13 medications, to the standing committees of the Legislature having
14 jurisdiction over health and human services matters and over
15 insurance and financial services matters. The Insurance
16 Commissioner may adopt reasonable rules and regulations for the
17 implementation and administration of the provisions of this
18 subsection.

19 SECTION 29. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 2-112 of Title 63, unless there
21 is created a duplication in numbering, reads as follows:

22 The Oklahoma State Bureau of Narcotics and Dangerous Drugs
23 Control shall report to the standing committees of the Legislature
24 having jurisdiction over health and human services matters and over

1 occupational and professional regulation matters, no later than
2 January 31, 2020, with progress on implementing the provisions of
3 this act. The report shall contain, at a minimum, the following
4 information:

5 1. Registration of prescribers and dispensers in the central
6 repository pursuant to Section 2-309A et seq. of Title 63 of the
7 Oklahoma Statutes;

8 2. Data regarding the checking and using of the central
9 repository by data requesters;

10 3. Data from professional boards regarding the implementation
11 of continuing education requirements for prescribers of opioid
12 medication;

13 4. Effects on the prescriber workforce;

14 5. Changes in the numbers of patients taking more than one
15 hundred (100) morphine milligram equivalents of opioid medication
16 per day;

17 6. Data regarding the total quantity of opioid medications
18 prescribed in morphine milligram equivalents;

19 7. Progress on electronic prescribing of opioid medication; and

20 8. Improvements to the central repository through the request
21 for proposals process including feedback from prescribers,
22 dispensers and applicable state licensing boards on those
23 improvements.

24

1 SECTION 30. REPEALER Section 6, Chapter 175, O.S.L.
2 2018, is hereby repealed.

3 ~~SECTION 31. It being immediately necessary for the preservation~~
4 ~~of the public peace, health or safety, an emergency is hereby~~
5 ~~declared to exist, by reason whereof this act shall take effect and~~
6 ~~be in full force from and after its passage and approval.~~

7 Passed the Senate the 12th day of March, 2019.

8
9 _____
10 Presiding Officer of the Senate

11 Passed the House of Representatives the ____ day of _____,
12 2019.

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14 _____
15 Presiding Officer of the House
16 of Representatives

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