

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 COMMITTEE SUBSTITUTE

4 FOR

5 SENATE BILL 945

6 By: Jech

7 COMMITTEE SUBSTITUTE

8 An Act relating to the Uniform Controlled Dangerous
9 Substances Act; amending 63 O.S. 2021, Section 2-303,
10 which relates to the registration and regulation of
11 manufacture, distribution, dispensing, prescribing,
12 administering, and using for scientific purposes of
13 controlled dangerous substances; increasing certain
14 registration fee; updating statutory reference; and
15 declaring an emergency.

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

17 SECTION 1. AMENDATORY 63 O.S. 2021, Section 2-303, is
18 amended to read as follows:

19 Section 2-303. A. The Director of the Oklahoma State Bureau of
20 Narcotics and Dangerous Drugs Control shall register an applicant to
21 own a medical facility as described in subsection C of Section 2-302
22 of this title, or to manufacture, distribute, dispense, prescribe,
23 administer or use for scientific purposes controlled dangerous
24 substances included in Schedules I through V of Section 2-101 et
seq. of this title unless the Director determines that the issuance
of such registration is inconsistent with the public interest. In

1 determining the public interest, the following factors shall be
2 considered:

3 1. Maintenance of effective controls against diversion of
4 particular controlled dangerous substances and any Schedule I or II
5 substance compounded therefrom into other than legitimate medical,
6 scientific or industrial channels, including examination of the
7 fitness of his or her employees or agents to handle dangerous
8 substances;

9 2. Compliance with applicable state and local law;

10 3. Has been found guilty of, entered a plea of guilty or nolo
11 contendere to a charge under the Uniform Controlled Dangerous
12 Substances Act or any other state or federal law relating to any
13 substance defined herein as a controlled dangerous substance or any
14 felony under the laws of any state or the United States;

15 4. Furnishing by the applicant false or fraudulent material
16 information in any application filed under Section 2-101 et seq. of
17 this title;

18 5. Past experience in the manufacture, distribution,
19 dispensing, prescribing, administering or use for scientific
20 purposes of controlled dangerous substances, and the existence in
21 the establishment of effective controls against diversion;

22 6. Denial, suspension or revocation of the applicant's federal
23 registration to manufacture, distribute or dispense controlled
24 dangerous substances as authorized by federal law; and

1 7. Such other factors as may be relevant to and consistent with
2 the public health and safety.

3 Nothing herein shall be deemed to require individual licensed
4 pharmacists to register under the provisions of the Uniform
5 Controlled Dangerous Substances Act.

6 B. Registration granted under subsection A of this section
7 shall not entitle a registrant to manufacture, distribute, dispense,
8 prescribe, administer or use for scientific purposes controlled
9 dangerous substances in Schedule I or II other than those specified
10 in the registration.

11 C. Practitioners shall be registered to dispense, prescribe,
12 administer or use for scientific purposes substances in Schedules II
13 through V if they are authorized to carry on their respective
14 activities under the laws of this state. A registration application
15 by a practitioner who wishes to conduct research with Schedule I
16 substances shall be accompanied by evidence of the applicant's
17 federal registration to conduct such activity and shall be referred
18 to the Medical Research Commission for advice. The Medical Research
19 Commission shall promptly advise the Director concerning the
20 qualifications of each practitioner requesting such registration.
21 Registration for the purpose of bona fide research or of use for
22 scientific purposes with Schedule I substances by a practitioner
23 deemed qualified by the Medical Research Commission may be denied
24 only on a ground specified in subsection A of Section 2-304 of this

1 title or if there are reasonable grounds to believe that the
2 applicant will abuse or unlawfully transfer such substances or fail
3 to safeguard adequately such applicant's supply of such substances
4 against diversion from legitimate medical or scientific use.

5 D. 1. The Director shall initially permit persons to register
6 who own or operate any establishment engaged in the manufacture,
7 distribution, dispensing, prescribing, administering or use for
8 scientific purposes of any controlled dangerous substances prior to
9 June 4, 1991, and who are registered or licensed by the state. Fees
10 for registration under this section shall be as follows:

11	Practitioners and mid-level		
12	practitioners	\$140.00	per year
13			of registration
14	Home Care Agencies, Hospices &		
15	Home Care Services	\$140.00	annually
16	Medical Facility Owners	\$300.00	annually
17	Distributors	\$300.00	annually
18	Manufacturers	\$500.00	<u>\$2,500.00</u> annually
19	Manufacturer, Wholesaler, or		
20	Distributor of drug products		
21	containing pseudoephedrine		
22	or phenylpropanolamine	\$300.00	annually

1 2. A registrant shall be required to pay double the amount of
2 the above-listed fee for any renewal of registration received more
3 than thirty (30) days late.

4 3. A Ten Dollar (\$10.00) fee shall be charged for a duplicate
5 registration certificate.

6 E. Compliance by manufacturers and distributors with the
7 provisions of the Federal Controlled Substances Act, 21 U.S.C.,
8 Section 801 et seq., respecting registration, excluding fees, shall
9 be deemed sufficient to qualify for registration under ~~this act~~
10 Section 2-101 et seq. of this title.

11 SECTION 2. It being immediately necessary for the preservation
12 of the public peace, health or safety, an emergency is hereby
13 declared to exist, by reason whereof this act shall take effect and
14 be in full force from and after its passage and approval.

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