

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 56th Legislature (2018)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 2796

By: Downing, McCall, Sanders,  
West (Tammy), Blancett,  
Bush and Frix of the House

7 and

8 Griffin of the Senate

9  
10  
11 COMMITTEE SUBSTITUTE

12 An Act relating to public health and safety; amending  
13 63 O.S. 2011, Section 2-302, which relates to the  
14 Uniform Controlled Dangerous Substances Act;  
15 requiring manufacturers and distributors to make  
16 certain data available for review to the Director of  
17 the Oklahoma State Bureau of Narcotics and Dangerous  
18 Drugs Control; requiring manufacturers and  
19 distributors to make data available on a monthly  
20 basis; making information maintained and provided to  
21 the Bureau confidential; allowing certain persons  
22 access to information at the discretion of the  
23 Director; and providing an effective date.

24  
BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 63 O.S. 2011, Section 2-302, is  
amended to read as follows:

1 Section 2-302. A. Every person who manufactures, distributes,  
2 dispenses, prescribes, administers or uses for scientific purposes  
3 any controlled dangerous substance within or into this state, or who  
4 proposes to engage in the manufacture, distribution, dispensing,  
5 prescribing, administering or use for scientific purposes of any  
6 controlled dangerous substance within or into this state shall  
7 obtain a registration issued by the Director of the Oklahoma State  
8 Bureau of Narcotics and Dangerous Drugs Control, in accordance with  
9 rules promulgated by the Director. Persons registered by the  
10 Director under Section 2-101 et seq. of this title to manufacture,  
11 distribute, dispense, or conduct research with controlled dangerous  
12 substances may possess, manufacture, distribute, dispense, or  
13 conduct research with those substances to the extent authorized by  
14 their registration and in conformity with the other provisions of  
15 this article. Every wholesaler, manufacturer or distributor of any  
16 drug product containing pseudoephedrine or phenylpropanolamine, or  
17 their salts, isomers, or salts of isomers shall obtain a  
18 registration issued by the Director of the Oklahoma State Bureau of  
19 Narcotics and Dangerous Drugs Control in accordance with rules  
20 promulgated by the Director and as provided for in Section 2-332 of  
21 this title.

22 B. Out-of-state pharmaceutical suppliers who provide controlled  
23 dangerous substances to individuals within this state shall obtain a  
24 registration issued by the Director of the Oklahoma State Bureau of

1 Narcotics and Dangerous Drugs Control, in accordance with rules  
2 promulgated by the Director; ~~provided that this.~~ This provision  
3 shall ~~not~~ also apply to wholesale distributors who ~~ship~~ distribute  
4 controlled dangerous substances to pharmacies or other entities  
5 registered within this state in accordance with rules promulgated by  
6 the Director.

7 C. Beginning November 1, 2018, every manufacturer and  
8 distributor required to register under the provisions of this  
9 section shall, at such time or times and in such form as the  
10 Director of the Oklahoma State Bureau of Narcotics and Dangerous  
11 Drugs Control may require, make available for review all data  
12 required pursuant to federal law, federal rules and regulations and  
13 Section 827 of Title 21 of the United States Code. Beginning  
14 November 1, 2019, every manufacturer and distributor required to  
15 register under the provisions of this section shall provide all data  
16 required pursuant to federal law, federal rules and regulations and  
17 Section 827 of Title 21 of the United States Code on a monthly basis  
18 to the Oklahoma State Bureau of Narcotics and Dangerous Drugs  
19 Control in accordance with rules promulgated by the Director.

20 D. The information maintained and provided pursuant to  
21 subsection C of this section shall be confidential and not open to  
22 the public. Access to the information shall, at the discretion of  
23 the Director, be limited to:

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

5        2. The United States Drug Enforcement Administration Diversion  
6 Group Supervisor; and

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

9        E. Manufacturers, distributors, home care agencies, hospices,  
10 home care services, and scientific researchers shall obtain a  
11 registration annually. Other practitioners shall obtain a  
12 registration for a period to be determined by the Director that will  
13 be for a period not less than one (1) year nor more than three (3)  
14 years.

15        ~~D.~~ F. Every trainer or handler of a canine controlled dangerous  
16 substances detector who, in the ordinary course of such trainer's or  
17 handler's profession, desires to possess any controlled dangerous  
18 substance, annually, shall obtain a registration issued by the  
19 Director for a fee of Seventy Dollars (\$70.00). Such persons shall  
20 be subject to all applicable provisions of Section 2-101 et seq. of  
21 this title and such applicable rules promulgated by the Director for  
22 those individuals identified in subparagraph a of paragraph 32 of  
23 Section 2-101 of this title. Persons registered by the Director  
24 pursuant to this subsection may possess controlled dangerous

1 substances to the extent authorized by their registration and in  
2 conformity with the other provisions of this article.

3 ~~E.~~ G. The following persons shall not be required to register  
4 and may lawfully possess controlled dangerous substances under the  
5 provisions of Section 2-101 et seq. of this title:

6 1. An agent, or an employee thereof, of any registered  
7 manufacturer, distributor, dispenser or user for scientific purposes  
8 of any controlled dangerous substance, if such agent is acting in  
9 the usual course of such agent's or employee's business or  
10 employment;

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

14 3. A common or contract carrier or warehouseman, or an employee  
15 thereof, whose possession of any controlled dangerous substance is  
16 in the usual course of such carrier's or warehouseman's business or  
17 employment;

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

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

23 6. A nursing home licensed by this state;

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

7           8. Registered nurses and licensed practical nurses.

8           ~~F.~~ H. The Director may, by rule, waive the requirement for  
9 registration or fee for registration of certain manufacturers,  
10 distributors, dispensers, prescribers, administrators, or users for  
11 scientific purposes if the Director finds it consistent with the  
12 public health and safety.

13           ~~G.~~ I. A separate registration shall be required at each  
14 principal place of business or professional practice where the  
15 applicant manufactures, distributes, dispenses, prescribes,  
16 administers, or uses for scientific purposes controlled dangerous  
17 substances.

18           ~~H.~~ J. The Director is authorized to inspect the establishment  
19 of a registrant or applicant for registration in accordance with  
20 rules promulgated by the Director.

21           ~~F.~~ K. No person engaged in a profession or occupation for which  
22 a license to engage in such activity is provided by law shall be  
23 registered under this act unless such person holds a valid license  
24 of such person's profession or occupation.

1       ~~J.~~ L. Registrations shall be issued on the first day of  
2 November of each year. Registrations may be issued at other times,  
3 however, upon certification of the professional licensing board.

4       ~~K.~~ M. The licensing boards of all professions and occupations  
5 to which the use of controlled dangerous substances is incidental  
6 shall furnish a current list to the Director, not later than the  
7 first day of October of each year, of the persons holding valid  
8 licenses. All such persons except persons exempt from registration  
9 requirements under subsection ~~F.~~ G. of this section shall be subject  
10 to the registration requirements of Section 2-101 et seq. of this  
11 title.

12       ~~L.~~ N. The licensing board of any professional defined as a mid-  
13 level practitioner shall notify and furnish to the Director, not  
14 later than the first day of October of each year that such  
15 professional holds a valid license, a current listing of individuals  
16 licensed and registered with their respective boards to prescribe,  
17 order, select, obtain and administer controlled dangerous  
18 substances. The licensing board shall immediately notify the  
19 Director of any action subsequently taken against any such  
20 individual.

21       ~~M.~~ O. Beginning November 1, 2010, each registrant that  
22 prescribes, administers or dispenses methadone shall be required to  
23 check the prescription profile of the patient on the central  
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1 repository of the Oklahoma State Bureau of Narcotics and Dangerous  
2 Drugs Control.

3 SECTION 2. This act shall become effective November 1, 2018.  
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5 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 03/01/2018 - DO  
6 PASS, As Amended and Coauthored.  
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