

1 ENGROSSED SENATE AMENDMENT
TO
2 ENGROSSED HOUSE
BILL NO. 3567

By: Manger of the House

and

Paxton of the Senate

7 An Act relating to controlled dangerous drugs;
8 amending 63 O.S. 2021, Sections 2-101, as last
9 amended by Section 1, Chapter 375, O.S.L. 2023, ***
10 which relate to the Uniform Controlled Dangerous
11 Substances Act; adding and alphabetizing definitions;
12 deleting reference to promulgated rules; clarifying
13 circumstances that provide for the revocation or ***
14 electronic prescriptions under certain circumstances;
15 requiring practitioners to purchase official
16 prescription forms; providing restrictions on use of
17 official prescription forms; modifying scope of ***
18 176, O.S.L. 2023, 2-309 as last amended by Section 1,
19 Chapter 333, O.S.L. 2021, 2-402, as last amended by
20 Section 1, Chapter 220, O.S.L. 2016 and 2-406, as
21 last amended by Section 7, Chapter 375, O.S.L. 2023
22 *** Uniform Controlled Dangerous Substance Act; and
23 declaring an emergency.

18 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and
19 entire bill and insert

20 "An Act relating to controlled dangerous drugs;
21 amending 63 O.S. 2021, Sections 2-101, as last
22 amended by Section 1, Chapter 375, O.S.L. 2023, 2-
23 106.2, 2-204, as last amended by Section 1, Chapter
24 120, O.S.L. 2023, 2-304, as last amended by Section
3, Chapter 375, O.S.L. 2023, 2-305, as last amended
by Section 4, Chapter 375, O.S.L. 2023, 2-309, as
amended by Section 2, Chapter 304, O.S.L. 2023, and
2-406, as amended by Section 2, Chapter 235, O.S.L.

1 2023 (63 O.S. Supp. 2023, Sections 2-101, 2-204, 2-
2 304, 2-305, 2-309, and 2-406), which relate to the
3 Uniform Controlled Dangerous Substances Act; adding
4 and alphabetizing definitions; deleting reference to
5 promulgated rules; adding substances to list of
6 Schedule I controlled substances; updating statutory
7 reference; clarifying circumstances that provide for
8 the revocation or suspension of registrations;
9 deleting certain penalty provision; updating manner
10 by which controlled dangerous substances are
11 forfeited; deeming written order as final under
12 certain circumstances; allowing registrations to
13 remain in effect under certain circumstances;
14 authorizing the utilization of electronic
15 prescriptions under certain circumstances; requiring
16 practitioners to purchase official prescription
17 forms; providing restrictions on use of official
18 prescription forms; modifying scope of certain
19 prohibited act; repealing 63 O.S. 2021, Sections 2-
20 101, as amended by Section 10, Chapter 91, O.S.L.
21 2019, as last amended by Section 1, Chapter 235,
22 O.S.L. 2023, and as last amended by Section 1,
23 Chapter 304, O.S.L. 2023, 2-304, as amended by
24 Section 1, Chapter 176, O.S.L. 2023, 2-305, as
amended by Section 2, Chapter 176, O.S.L. 2023, 2-
309, as amended by Section 1, Chapter 333, O.S.L.
2021, 2-402, as amended by Section 1, Chapter 220,
O.S.L. 2016, and 2-406, as last amended by Section 7,
Chapter 375, O.S.L. 2023 (63 O.S. Supp. 2023,
Sections 2-101, 2-304, 2-305, 2-309, 2-402, and 2-
406), which relate to the Uniform Controlled
Dangerous Substance Act; and declaring an emergency.

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

20 SECTION 1. AMENDATORY 63 O.S. 2021, Section 2-101, as
21 last amended by Section 1, Chapter 375, O.S.L. 2023 (63 O.S. Supp.
22 2023, Section 2-101), is amended to read as follows:

23 Section 2-101. As used in the Uniform Controlled Dangerous
24 Substances Act:

1 1. "Acute pain" means pain, whether resulting from disease,
2 accidental trauma, intentional trauma, or other cause that the
3 practitioner reasonably expects to last only a short period of time.
4 Acute pain does not include chronic pain, pain being treated as part
5 of cancer care, hospice or other end-of-life care, or pain being
6 treated as part of palliative care;

7 2. "Administer" means the direct application of a controlled
8 dangerous substance, whether by injection, inhalation, ingestion or
9 any other means, to the body of a patient, animal or research
10 subject by:

- 11 a. a practitioner (or, in the presence of the
12 practitioner, by the authorized agent of the
13 practitioner), or
- 14 b. the patient or research subject at the direction and
15 in the presence of the practitioner;

16 ~~2.~~ 3. "Agent" means a peace officer appointed by and who acts
17 on behalf of the Director of the Oklahoma State Bureau of Narcotics
18 and Dangerous Drugs Control or an authorized person who acts on
19 behalf of or at the direction of a person who manufactures,
20 distributes, dispenses, prescribes, administers or uses for
21 scientific purposes controlled dangerous substances but does not
22 include a common or contract carrier, public warehouse or employee
23 thereof, or a person required to register under the Uniform
24 Controlled Dangerous Substances Act;

1 4. "Anhydrous ammonia" means any substance that exhibits
2 cryogenic evaporative behavior and tests positive for ammonia;

3 ~~3.~~ 5. "Board" means the Advisory Board to the Director of the
4 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control;

5 ~~4.~~ 6. "Bureau" means the Oklahoma State Bureau of Narcotics and
6 Dangerous Drugs Control;

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

12 ~~5.~~ 8. "Coca leaves" includes cocaine and any compound,
13 manufacture, salt, derivative, mixture or preparation of coca
14 leaves, except derivatives of coca leaves which do not contain
15 cocaine or ecgonine;

16 ~~6.~~ 9. "Commissioner" or "Director" means the Director of the
17 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control;

18 ~~7.~~ 10. "Control" means to add, remove or change the placement
19 of a drug, substance or immediate precursor under the Uniform
20 Controlled Dangerous Substances Act;

21 ~~8.~~ 11. "Controlled dangerous substance" means a drug, substance
22 or immediate precursor in Schedules I through V of the Uniform
23 Controlled Dangerous Substances Act or any drug, substance or
24 immediate precursor listed either temporarily or permanently as a

1 federally controlled substance. Any conflict between state and
2 federal law with regard to the particular schedule in which a
3 substance is listed shall be resolved in favor of state law;

4 ~~9.~~ 12. "Counterfeit substance" means a controlled substance
5 which, or the container or labeling of which without authorization,
6 bears the trademark, trade name or other identifying marks, imprint,
7 number or device or any likeness thereof of a manufacturer,
8 distributor or dispenser other than the person who in fact
9 manufactured, distributed or dispensed the substance;

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

14 ~~11.~~ 14. "Dispense" means to deliver a controlled dangerous
15 substance to an ultimate user or human research subject by or
16 pursuant to the lawful order of a practitioner, including the
17 prescribing, administering, packaging, labeling or compounding
18 necessary to prepare the substance for such distribution.

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

21 ~~12.~~ 15. "Distribute" means to deliver other than by
22 administering or dispensing a controlled dangerous substance;

23 ~~13.~~ 16. "Distributor" means a commercial entity engaged in the
24 distribution or reverse distribution of narcotics and dangerous

1 drugs and who complies with all regulations promulgated by the
2 federal Drug Enforcement Administration and the Oklahoma State
3 Bureau of Narcotics and Dangerous Drugs Control;

4 ~~14.~~ 17. "Drug" means articles:

- 5 a. recognized in the official United States Pharmacopeia,
6 official Homeopathic Pharmacopoeia of the United
7 States, or official National Formulary, or any
8 supplement to any of them,
- 9 b. intended for use in the diagnosis, cure, mitigation,
10 treatment or prevention of disease in man or other
11 animals,
- 12 c. other than food, intended to affect the structure or
13 any function of the body of man or other animals, and
- 14 d. intended for use as a component of any article
15 specified in this paragraph;

16 provided, however, the term drug does not include devices or their
17 components, parts or accessories;

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

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,
5 growing, or harvesting of any species of plant which
6 is a 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
9 devices used, intended for use, or fashioned
10 specifically for use in compounding controlled
11 dangerous substances,

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

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

20 k. hypodermic syringes, needles, and other objects used,
21 intended for use, or fashioned specifically for use in
22 parenterally injecting controlled dangerous substances
23 into the human body, except as authorized by Section
24 2-1101 of this title,

- 1 1. objects used, intended for use, or fashioned
2 specifically for use in ingesting, inhaling, or
3 otherwise introducing marijuana, cocaine, hashish, or
4 hashish oil into the human body, such as:
- 5 (1) metal, wooden, acrylic, glass, stone, plastic, or
6 ceramic pipes with or without screens, permanent
7 screens, hashish heads, or punctured metal bowls,
- 8 (2) water pipes,
- 9 (3) carburetion tubes and devices,
- 10 (4) smoking and carburetion masks,
- 11 (5) roach clips, meaning objects used to hold burning
12 material, such as a marijuana cigarette, that has
13 become too small or too short to be held in the
14 hand,
- 15 (6) miniature cocaine spoons and cocaine vials,
- 16 (7) chamber pipes,
- 17 (8) carburetor pipes,
- 18 (9) electric pipes,
- 19 (10) air-driven pipes,
- 20 (11) chillums,
- 21 (12) bong, or
- 22 (13) ice pipes or chillers,
- 23 m. all hidden or novelty pipes, and
24

1 n. any pipe that has a tobacco bowl or chamber of less
2 than one-half (1/2) inch in diameter in which there is
3 any detectable residue of any controlled dangerous
4 substance as defined in this section or any other
5 substances not legal for possession or use;

6 provided, however, the term drug paraphernalia shall not include
7 separation gins intended for use in preparing tea or spice, clamps
8 used for constructing electrical equipment, water pipes designed for
9 ornamentation in which no detectable amount of an illegal substance
10 is found or pipes designed and used solely for smoking tobacco,
11 traditional pipes of an American Indian tribal religious ceremony,
12 antique pipes that are thirty (30) years of age or older, or drug
13 testing strips possessed by a person for purposes of determining the
14 presence of fentanyl or a fentanyl-related compound;

15 ~~15.~~ 19. "Drug-dependent person" means a person who is using a
16 controlled dangerous substance and who is in a state of psychic or
17 physical dependence, or both, arising from administration of that
18 controlled dangerous substance on a continuous basis. Drug
19 dependence is characterized by behavioral and other responses which
20 include a strong compulsion to take the substance on a continuous
21 basis in order to experience its psychic effects, or to avoid the
22 discomfort of its absence;

23 20. "Harm-reduction services" means programs established to:
24

- 1 a. reduce the spread of infectious diseases related to
2 injection drug use,
3 b. reduce drug dependency, overdose deaths, and
4 associated complications, and
5 c. increase safe recovery and disposal of used syringes
6 and sharp waste;

7 21. "Hazardous materials" means materials, whether solid,
8 liquid, or gas, which are toxic to human, animal, aquatic, or plant
9 life, and the disposal of such materials is controlled by state or
10 federal guidelines;

11 ~~16.~~ 22. "Home care agency" means any sole proprietorship,
12 partnership, association, corporation, or other organization which
13 administers, offers, or provides home care services, for a fee or
14 pursuant to a contract for such services, to clients in their place
15 of residence;

16 ~~17.~~ 23. "Home care services" means skilled or personal care
17 services provided to clients in their place of residence for a fee;

18 ~~18.~~ 24. "Hospice" means a centrally administered, nonprofit or
19 for-profit, medically directed, nurse-coordinated program which
20 provides a continuum of home and inpatient care for the terminally
21 ill patient and the patient's family. Such term shall also include
22 a centrally administered, nonprofit or for-profit, medically
23 directed, nurse-coordinated program if such program is licensed
24 pursuant to the provisions of the Uniform Controlled Dangerous

1 Substances Act. A hospice program offers palliative and supportive
2 care to meet the special needs arising out of the physical,
3 emotional and spiritual stresses which are experienced during the
4 final stages of illness and during dying and bereavement. This care
5 is available twenty-four (24) hours a day, seven (7) days a week,
6 and is provided on the basis of need, regardless of ability to pay.
7 "Class A" Hospice refers to Medicare-certified hospices. "Class B"
8 refers to all other providers of hospice services;

9 ~~19.~~ 25. "Imitation controlled substance" means a substance that
10 is not a controlled dangerous substance, which by dosage unit
11 appearance, color, shape, size, markings or by representations made,
12 would lead a reasonable person to believe that the substance is a
13 controlled dangerous substance, or is a drug intended solely for
14 veterinary purposes that is not a controlled dangerous substance and
15 is being used outside of the scope of practice or normal course of
16 business, as defined by the State Board of Veterinary Medical
17 Examiners, or is a federal Food and Drug Administration-approved
18 drug that is not a controlled dangerous substance and is being used
19 outside the scope of approval for illicit purposes such as
20 adulterating or lacing other controlled dangerous substances. In
21 the event the appearance of the dosage unit or use is not reasonably
22 sufficient to establish that the substance is an imitation
23 controlled substance, the court or authority concerned should
24 consider, in addition to all other factors, the following factors as

1 ~~related to "representations made" in determining whether the~~
2 ~~substance is an imitation controlled substance:~~

- 3 a. statements made by an owner or by any other person in
4 control of the substance concerning the nature of the
5 substance, or its use or effect,
- 6 b. statements made to the recipient that the substance
7 may be resold for inordinate profit,
- 8 c. whether the substance is packaged in a manner normally
9 used for illicit controlled substances,
- 10 d. evasive tactics or actions utilized by the owner or
11 person in control of the substance to avoid detection
12 by law enforcement authorities,
- 13 e. prior convictions, if any, of an owner, or any other
14 person in control of the object, under state or
15 federal law related to controlled substances or fraud,
16 and
- 17 f. the proximity of the substances to controlled
18 dangerous substances;

19 ~~20.~~ 26. "Immediate precursor" means a substance which the
20 Director has found to be and by regulation designates as being the
21 principal compound commonly used or produced primarily for use, and
22 which is an immediate chemical intermediary used, or likely to be
23 used, in the manufacture of a controlled dangerous substance, the
24

1 control of which is necessary to prevent, curtail or limit such
2 manufacture;

3 27. "Initial prescription" means a prescription issued to a
4 patient who:

5 a. has never previously been issued a prescription for
6 the drug or its pharmaceutical equivalent in the past
7 year, or

8 b. requires a prescription for the drug or its
9 pharmaceutical equivalent due to a surgical procedure
10 or new acute event and has previously had a
11 prescription for the drug or its pharmaceutical
12 equivalent within the past year.

13 When determining whether a patient was previously issued a
14 prescription for a drug or its pharmaceutical equivalent, the
15 practitioner shall consult with the patient and review the medical
16 record and prescription monitoring information of the patient;

17 28. "Isomer" means the optical isomer, except as used in
18 subsections C and F of Section 2-204 of this title and paragraph 4
19 of subsection A of Section 2-206 of this title. As used in
20 subsections C and F of Section 2-204 of this title, isomer means the
21 optical, positional, or geometric isomer. As used in paragraph 4 of
22 subsection A of Section 2-206 of this title, the term isomer means
23 the optical or geometric isomer;

24

1 ~~21.~~ 29. "Laboratory" means a laboratory approved by the
2 Director as proper to be entrusted with the custody of controlled
3 dangerous substances and the use of controlled dangerous substances
4 for scientific and medical purposes and for purposes of instruction;

5 ~~22.~~ 30. "Manufacture" means the production, preparation,
6 propagation, compounding or processing of a controlled dangerous
7 substance, either directly or indirectly by extraction from
8 substances of natural or synthetic origin, or independently by means
9 of chemical synthesis or by a combination of extraction and chemical
10 synthesis. "Manufacturer" includes any person who packages,
11 repackages or labels any container of any controlled dangerous
12 substance, except practitioners who dispense or compound
13 prescription orders for delivery to the ultimate consumer;

14 ~~23.~~ 31. "Marijuana" means all parts of the plant Cannabis
15 sativa L., whether growing or not; the seeds thereof; the resin
16 extracted from any part of such plant; and every compound,
17 manufacture, salt, derivative, mixture or preparation of such plant,
18 its seeds or resin, but shall not include:

- 19 a. the mature stalks of such plant or fiber produced from
20 such stalks,
21 b. oil or cake made from the seeds of such plant,
22 including cannabidiol derived from the seeds of the
23 marijuana plant,

24

- 1 c. any other compound, manufacture, salt, derivative,
2 mixture or preparation of such mature stalks (except
3 the resin extracted therefrom), including cannabidiol
4 derived from mature stalks, fiber, oil or cake,
5 d. the sterilized seed of such plant which is incapable
6 of germination,
7 e. for any person participating in a clinical trial to
8 administer cannabidiol for the treatment of severe
9 forms of epilepsy pursuant to Section 2-802 of this
10 title, a drug or substance approved by the federal
11 Food and Drug Administration for use by those
12 participants,
13 f. for any person or the parents, legal guardians or
14 caretakers of the person who have received a written
15 certification from a physician licensed in this state
16 that the person has been diagnosed by a physician as
17 having Lennox-Gastaut syndrome, Dravet syndrome, also
18 known as severe myoclonic epilepsy of infancy, or any
19 other severe form of epilepsy that is not adequately
20 treated by traditional medical therapies, spasticity
21 due to multiple sclerosis or due to paraplegia,
22 intractable nausea and vomiting, appetite stimulation
23 with chronic wasting diseases, the substance
24 cannabidiol, a nonpsychoactive cannabinoid, found in

1 the plant Cannabis sativa L. or any other preparation
2 thereof, that has a tetrahydrocannabinol concentration
3 not more than three-tenths of one percent (0.3%) and
4 that is delivered to the patient in the form of a
5 liquid,

6 g. any federal ~~Food and Drug Administration~~ Food and Drug
7 Administration-approved drug or substance, or

8 h. industrial hemp, from the plant Cannabis sativa L. and
9 any part of such plant, whether growing or not, with a
10 delta-9 tetrahydrocannabinol concentration not more
11 than three-tenths of one percent (0.3%) on a dry-
12 weight basis which shall only be grown pursuant to the
13 Oklahoma Industrial Hemp Program and may be shipped
14 intrastate and interstate;

15 ~~24.~~ 32. "Medical purpose" means an intention to utilize a
16 controlled dangerous substance for physical or mental treatment, for
17 diagnosis, or for the prevention of a disease condition not in
18 violation of any state or federal law and not for the purpose of
19 satisfying physiological or psychological dependence or other abuse;

20 ~~25.~~ 33. "Mid-level practitioner" means an Advanced Practice
21 Registered Nurse as defined and within parameters specified in
22 Section 567.3a of Title 59 of the Oklahoma Statutes, or a certified
23 animal euthanasia technician as defined in Section 698.2 of Title 59
24 of the Oklahoma Statutes, or an animal control officer registered by

1 the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control
2 under subsection B of Section 2-301 of this title within the
3 parameters of such officer's duties under Sections 501 through 508
4 of Title 4 of the Oklahoma Statutes;

5 ~~26.~~ 34. "Narcotic drug" means any of the following, whether
6 produced directly or indirectly by extraction from substances of
7 vegetable origin, or independently by means of chemical synthesis,
8 or by a combination of extraction and chemical synthesis:

- 9 a. opium, coca leaves and opiates,
- 10 b. a compound, manufacture, salt, derivative or
11 preparation of opium, coca leaves or opiates,
- 12 c. cocaine, its salts, optical and geometric isomers, and
13 salts of isomers,
- 14 d. ecgonine, its derivatives, their salts, isomers and
15 salts of isomers, and
- 16 e. a substance, and any compound, manufacture, salt,
17 derivative or preparation thereof, which is chemically
18 identical with any of the substances referred to in
19 subparagraphs a through d of this paragraph, except
20 that the words narcotic drug as used in Section 2-101
21 et seq. of this title shall not include decocainized
22 coca leaves or extracts of coca leaves, which extracts
23 do not contain cocaine or ecgonine;

24

1 ~~27.~~ 35. "Opiate" or "opioid" means any Schedule II, III, IV or
2 V substance having an addiction-forming or addiction-sustaining
3 liability similar to morphine or being capable of conversion into a
4 drug having such addiction-forming or addiction-sustaining
5 liability. The terms do not include, unless specifically designated
6 as controlled under the Uniform Controlled Dangerous Substances Act,
7 the dextrorotatory isomer of 3-methoxy-n-methyl-morphinan and its
8 salts (dextromethorphan). The terms do include the racemic and
9 levorotatory forms;

10 ~~28.~~ 36. "Opium poppy" means the plant of the species *Papaver*
11 *somniferum* L., except the seeds thereof;

12 37. "Palliative care" means a specialized medical service for
13 people of any age and at any stage of a serious illness or life-
14 altering medical event that focuses on navigating complex medical
15 decisions while providing patient autonomy and access to
16 information. Utilizing a holistic and interdisciplinary team
17 approach, palliative care addresses physical, intellectual,
18 emotional, social, and spiritual needs. Palliative care may be
19 provided in the inpatient, outpatient, or home care setting and
20 strives to improve quality of life for both the patient and the
21 family;

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

1 prior to the commencement of treatment for chronic pain using an
2 opioid drug as a means to:

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

1 reason to believe that the patient is not complying
2 with the terms of the agreement. Compliance with the
3 consent items described in this paragraph shall
4 constitute a valid, informed consent for opioid
5 therapy. The practitioner shall be held harmless from
6 civil litigation for failure to treat pain if the
7 event occurs because of nonadherence by the patient
8 with any of the provisions of the patient-provider
9 agreement;

10 ~~29.~~ 39. "Peace officer" means a police officer, sheriff, deputy
11 sheriff, district attorney's investigator, investigator from the
12 Office of the Attorney General, or any other person elected or
13 appointed by law to enforce any of the criminal laws of this state
14 or of the United States;

15 ~~30.~~ 40. "Person" means an individual, corporation, government
16 or governmental subdivision or agency, business trust, estate,
17 trust, partnership or association, or any other legal entity;

18 ~~31.~~ 41. "Poppy straw" means all parts, except the seeds, of the
19 opium poppy, after mowing;

20 ~~32.~~ 42. "Practitioner" means:

- 21 a. (1) a medical doctor or osteopathic physician,
- 22 (2) a dentist,
- 23 (3) a podiatrist,
- 24 (4) an optometrist,

- 1 (5) a veterinarian,
2 (6) a physician assistant or Advanced Practice
3 Registered Nurse under the supervision of a
4 licensed medical doctor or osteopathic physician,
5 (7) a scientific investigator, or
6 (8) any other person,

7 licensed, registered or otherwise permitted to
8 prescribe, distribute, dispense, conduct research with
9 respect to, use for scientific purposes or administer
10 a controlled dangerous substance in the course of
11 professional practice or research in this state, or

- 12 b. a pharmacy, hospital, laboratory or other institution
13 licensed, registered or otherwise permitted to
14 distribute, dispense, conduct research with respect
15 to, use for scientific purposes or administer a
16 controlled dangerous substance in the course of
17 professional practice or research in this state;

18 ~~33.~~ 43. "Production" includes the manufacture, planting,
19 cultivation, growing or harvesting of a controlled dangerous
20 substance;

21 44. "Serious illness" means a medical illness or physical
22 injury or condition that substantially affects quality of life for
23 more than a short period of time. Serious illness includes, but is
24 not limited to, Alzheimer's disease or related dementias, lung

1 disease, cancer, heart failure, renal failure, liver failure, or
2 chronic, unremitting, or intractable pain such as neuropathic pain;

3 ~~34.~~ 45. "State" means the State of Oklahoma or any other state
4 of the United States;

5 46. "Straw person" or "straw party", also known as a "front",
6 means a third party who:

7 a. is put up in name only to take part in a transaction
8 or otherwise is a nominal party to a transaction with
9 no actual control,

10 b. acts on behalf of another person to obtain title to
11 property and executes documents and instruments the
12 principal may direct respecting property, or

13 c. purchases property for another for the purpose of
14 concealing the identity of the real purchaser or to
15 accomplish some purpose otherwise in violation of the
16 Oklahoma Statutes;

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

1 manipulating by closed reduction for major dislocations or
2 fractures, or otherwise altering by any mechanical, thermal, light-
3 based, electromagnetic, or chemical means;

4 48. a. "Synthetic controlled substance" means a substance:

5 (1) the chemical structure of which is substantially
6 similar to the chemical structure of a controlled
7 dangerous substance in Schedule I or II,

8 (2) which has a stimulant, depressant, or
9 hallucinogenic effect on the central nervous
10 system that is substantially similar to or
11 greater than the stimulant, depressant, or
12 hallucinogenic effect on the central nervous
13 system of a controlled dangerous substance in
14 Schedule I or II, or

15 (3) with respect to a particular person, which such
16 person represents or intends to have a stimulant,
17 depressant, or hallucinogenic effect on the
18 central nervous system that is substantially
19 similar to or greater than the stimulant,
20 depressant, or hallucinogenic effect on the
21 central nervous system of a controlled dangerous
22 substance in Schedule I or II.

23 b. The designation of gamma-butyrolactone or any other
24 chemical as a precursor, pursuant to Section 2-322 of

1 this title, does not preclude a finding pursuant to
2 subparagraph a of this paragraph that the chemical is
3 a synthetic controlled substance.

4 c. Synthetic controlled substance does not include:

5 (1) a controlled dangerous substance,

6 (2) any substance for which there is an approved new
7 drug application,

8 (3) with respect to a particular person any
9 substance, if an exemption is in effect for
10 investigational use, for that person under the
11 provisions of Section 505 of the Federal Food,
12 Drug, and Cosmetic Act, 21 U.S.C., Section 355,

13 to the extent conduct with respect to such
14 substance is pursuant to such exemption, or

15 (4) any substance to the extent not intended for
16 human consumption before such an exemption takes
17 effect with respect to that substance.

18 d. Prima facie evidence that a substance containing
19 salvia divinorum has been enhanced, concentrated, or
20 chemically or physically altered shall give rise to a
21 rebuttable presumption that the substance is a
22 synthetic controlled substance;

23 49. "Tetrahydrocannabinols" means all substances that have been
24 chemically synthesized to emulate the tetrahydrocannabinols of

1 marijuana, specifically including any tetrahydrocannabinols derived
2 from industrial hemp; and

3 ~~35.~~ 50. "Ultimate user" means a person who lawfully possesses a
4 controlled dangerous substance for the person's own use or for the
5 use of a member of the person's household or for administration to
6 an animal owned by the person or by a member of the person's
7 household;

8 ~~36.~~ "Drug paraphernalia" means ~~all equipment, products and~~
9 ~~materials of any kind which are used, intended for use, or fashioned~~
10 ~~specifically for use in planting, propagating, cultivating, growing,~~
11 ~~harvesting, manufacturing, compounding, converting, producing,~~
12 ~~processing, preparing, testing, analyzing, packaging, repackaging,~~
13 ~~storing, containing, concealing, injecting, ingesting, inhaling or~~
14 ~~otherwise introducing into the human body, a controlled dangerous~~
15 ~~substance in violation of the Uniform Controlled Dangerous~~
16 ~~Substances Act including, but not limited to:~~

- 17 a. ~~kits used, intended for use, or fashioned specifically~~
18 ~~for use in planting, propagating, cultivating, growing~~
19 ~~or harvesting of any species of plant which is a~~
20 ~~controlled dangerous substance or from which a~~
21 ~~controlled dangerous substance can be derived,~~
- 22 b. ~~kits used, intended for use, or fashioned specifically~~
23 ~~for use in manufacturing, compounding, converting,~~

24

1 ~~producing, processing or preparing controlled~~
2 ~~dangerous substances,~~

3 e. ~~isomerization devices used, intended for use, or~~
4 ~~fashioned specifically for use in increasing the~~
5 ~~potency of any species of plant which is a controlled~~
6 ~~dangerous substance,~~

7 d. ~~testing equipment used, intended for use, or fashioned~~
8 ~~specifically for use in identifying, or in analyzing~~
9 ~~the strength, effectiveness or purity of controlled~~
10 ~~dangerous substances,~~

11 e. ~~scales and balances used, intended for use, or~~
12 ~~fashioned specifically for use in weighing or~~
13 ~~measuring controlled dangerous substances,~~

14 f. ~~diluents and adulterants, such as quinine~~
15 ~~hydrochloride, mannitol, mannite, dextrose and~~
16 ~~lactose, used, intended for use, or fashioned~~
17 ~~specifically for use in cutting controlled dangerous~~
18 ~~substances,~~

19 g. ~~separation gins and sifters used, intended for use, or~~
20 ~~fashioned specifically for use in removing twigs and~~
21 ~~seeds from, or in otherwise cleaning or refining,~~
22 ~~marijuana,~~

- 1 ~~h. blenders, bowls, containers, spoons and mixing devices~~
2 ~~used, intended for use, or fashioned specifically for~~
3 ~~use in compounding controlled dangerous substances,~~
- 4 ~~i. capsules, balloons, envelopes and other containers~~
5 ~~used, intended for use, or fashioned specifically for~~
6 ~~use in packaging small quantities of controlled~~
7 ~~dangerous substances,~~
- 8 ~~j. containers and other objects used, intended for use,~~
9 ~~or fashioned specifically for use in parenterally~~
10 ~~injecting controlled dangerous substances into the~~
11 ~~human body,~~
- 12 ~~k. hypodermic syringes, needles and other objects used,~~
13 ~~intended for use, or fashioned specifically for use in~~
14 ~~parenterally injecting controlled dangerous substances~~
15 ~~into the human body,~~
- 16 ~~l. objects used, intended for use, or fashioned~~
17 ~~specifically for use in ingesting, inhaling or~~
18 ~~otherwise introducing marijuana, cocaine, hashish or~~
19 ~~hashish oil into the human body, such as:~~
- 20 ~~(1) metal, wooden, acrylic, glass, stone, plastic or~~
21 ~~ceramic pipes with or without screens, permanent~~
22 ~~screens, hashish heads or punctured metal bowls,~~
- 23 ~~(2) water pipes,~~
- 24 ~~(3) carburetion tubes and devices,~~

- 1 ~~(4) smoking and carburetion masks,~~
- 2 ~~(5) roach clips, meaning objects used to hold burning~~
- 3 ~~material, such as a marijuana cigarette, that has~~
- 4 ~~become too small or too short to be held in the~~
- 5 ~~hand,~~
- 6 ~~(6) miniature cocaine spoons and cocaine vials,~~
- 7 ~~(7) chamber pipes,~~
- 8 ~~(8) carburetor pipes,~~
- 9 ~~(9) electric pipes,~~
- 10 ~~(10) air-driven pipes,~~
- 11 ~~(11) chillums,~~
- 12 ~~(12) bongs, or~~
- 13 ~~(13) ice pipes or chillers,~~
- 14 m. ~~all hidden or novelty pipes, and~~
- 15 n. ~~any pipe that has a tobacco bowl or chamber of less~~
- 16 ~~than one-half (1/2) inch in diameter in which there is~~
- 17 ~~any detectable residue of any controlled dangerous~~
- 18 ~~substance as defined in this section or any other~~
- 19 ~~substances not legal for possession or use;~~
- 20 ~~provided, however, the term drug paraphernalia shall not include~~
- 21 ~~separation gins intended for use in preparing tea or spice, clamps~~
- 22 ~~used for constructing electrical equipment, water pipes designed for~~
- 23 ~~ornamentation in which no detectable amount of an illegal substance~~
- 24 ~~is found or pipes designed and used solely for smoking tobacco,~~

1 ~~traditional pipes of an American Indian tribal religious ceremony,~~
2 ~~antique pipes that are thirty (30) years of age or older, or drug~~
3 ~~testing strips possessed by a person for purposes of determining the~~
4 ~~presence of fentanyl or a fentanyl-related compound;~~

5 37. a. ~~"Synthetic controlled substance" means a substance:~~

6 ~~(1) the chemical structure of which is substantially~~
7 ~~similar to the chemical structure of a controlled~~
8 ~~dangerous substance in Schedule I or II,~~

9 ~~(2) which has a stimulant, depressant, or~~
10 ~~hallucinogenic effect on the central nervous~~
11 ~~system that is substantially similar to or~~
12 ~~greater than the stimulant, depressant or~~
13 ~~hallucinogenic effect on the central nervous~~
14 ~~system of a controlled dangerous substance in~~
15 ~~Schedule I or II, or~~

16 ~~(3) with respect to a particular person, which such~~
17 ~~person represents or intends to have a stimulant,~~
18 ~~depressant, or hallucinogenic effect on the~~
19 ~~central nervous system that is substantially~~
20 ~~similar to or greater than the stimulant,~~
21 ~~depressant, or hallucinogenic effect on the~~
22 ~~central nervous system of a controlled dangerous~~
23 ~~substance in Schedule I or II.~~

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

6 ~~e. "Synthetic controlled substance" does not include:~~

7 ~~(1) a controlled dangerous substance,~~

8 ~~(2) any substance for which there is an approved new~~
9 ~~drug application,~~

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

18 ~~(4) any substance to the extent not intended for~~
19 ~~human consumption before such an exemption takes~~
20 ~~effect with respect to that substance.~~

21 ~~d. Prima facie evidence that a substance containing~~
22 ~~salvia divinorum has been enhanced, concentrated or~~
23 ~~chemically or physically altered shall give rise to a~~
24

1 ~~rebuttable presumption that the substance is a~~
2 ~~synthetic controlled substance;~~

3 ~~38. "Tetrahydrocannabinols" means all substances that have been~~
4 ~~chemically synthesized to emulate the tetrahydrocannabinols of~~
5 ~~marijuana, specifically including any tetrahydrocannabinols derived~~
6 ~~from industrial hemp;~~

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

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

18 ~~41. "Anhydrous ammonia" means any substance that exhibits~~
19 ~~eryogenic evaporative behavior and tests positive for ammonia;~~

20 ~~42. "Acute pain" means pain, whether resulting from disease,~~
21 ~~accidental or intentional trauma or other cause, that the~~
22 ~~practitioner reasonably expects to last only a short period of time.~~
23 ~~Acute pain does not include chronic pain, pain being treated as part~~
24

1 ~~of cancer care, hospice or other end-of-life care, or pain being~~
2 ~~treated as part of palliative care;~~

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

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

10 ~~a. has never previously been issued a prescription for~~
11 ~~the drug or its pharmaceutical equivalent in the past~~
12 ~~year, or~~

13 ~~b. requires a prescription for the drug or its~~
14 ~~pharmaceutical equivalent due to a surgical procedure~~
15 ~~or new acute event and has previously had a~~
16 ~~prescription for the drug or its pharmaceutical~~
17 ~~equivalent within the past year.~~

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

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

24

1 ~~prior to the commencement of treatment for chronic pain using an~~
2 ~~opioid drug as a means to:~~

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

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

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

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

1 ~~fractures, or otherwise altering by any mechanical, thermal, light-~~
2 ~~based, electromagnetic or chemical means.~~

3 SECTION 2. AMENDATORY 63 O.S. 2021, Section 2-106.2, is
4 amended to read as follows:

5 Section 2-106.2. A. The Oklahoma State Bureau of Narcotics and
6 Dangerous Drugs Control, ~~pursuant to rules promulgated by the~~
7 ~~Oklahoma State Bureau of Narcotics and Dangerous Drugs Control~~
8 ~~Commission,~~ is hereby authorized to:

9 1. Make available for sale used vehicles, used equipment and
10 forfeited property to any federal, state, county, or municipal
11 agency, trust authority or public school district;

12 2. Sell at public auction any used vehicles, used equipment and
13 any property forfeited to the Bureau; and

14 3. Donate or transfer title to any surplus property as defined
15 in Section 62.2 of Title 74 of the Oklahoma Statutes, or property
16 forfeited to the Bureau, to any law enforcement agency of any
17 political subdivision of the State of Oklahoma. The use of such
18 donated equipment shall be limited to valid and authorized law
19 enforcement efforts by the receiving agency.

20 B. Any property subject to this section shall be exempted from
21 the provisions set forth in Section 62.3 of Title 74 of the Oklahoma
22 Statutes.

23
24

1 SECTION 3. AMENDATORY 63 O.S. 2021, Section 2-204, as
2 last amended by Section 1, Chapter 120, O.S.L. 2023 (63 O.S. Supp.
3 2023, Section 2-204), is amended to read as follows:

4 Section 2-204. The controlled substances listed in this section
5 are included in Schedule I and include any material, compound,
6 mixture or preparation that contains any quantity of the following
7 hallucinogenic substances, their salts, isomers and salts of
8 isomers, unless specifically excepted, when the existence of these
9 salts, isomers and salts of isomers is possible within the specific
10 chemical designation.

11 A. Any of the following opiates including their isomers,
12 esters, ethers, salts, and salts of isomers, esters, and ethers,
13 unless specifically excepted, when the existence of these isomers,
14 esters, ethers, and salts is possible within the specific chemical
15 designation:

- 16 1. Acetylmethadol;
- 17 2. Allylprodine;
- 18 3. Alphacetylmethadol;
- 19 4. Alphameprodine;
- 20 5. Alphamethadol;
- 21 6. Benzethidine;
- 22 7. Betacetylmethadol;
- 23 8. Betameprodine;
- 24 9. Betamethadol;

- 1 10. Betaprodine;
- 2 11. Clonitazene;
- 3 12. Dextromoramide;
- 4 13. Dextrorphan (except its methyl ether);
- 5 14. Diampromide;
- 6 15. Diethylthiambutene;
- 7 16. Dimenoxadol;
- 8 17. Dimepheptanol;
- 9 18. Dimethylthiambutene;
- 10 19. Dioxaphetyl butyrate;
- 11 20. Dipipanone;
- 12 21. Ethylmethylthiambutene;
- 13 22. Etonitazene;
- 14 23. Etoxeridine;
- 15 24. Furethidine;
- 16 25. Hydroxypethidine;
- 17 26. Isotonitazene;
- 18 27. Ketobemidone;
- 19 28. Levomoramide;
- 20 29. Levophenacylmorphan;
- 21 30. Metonitazene;
- 22 31. Morpheridine;
- 23 32. N-desethyl isotonitazene;
- 24 33. N-pyrrolidino protonitazene;

- 1 34. Noracymethadol;
- 2 ~~34.~~ 35. Norlevorphanol;
- 3 ~~35.~~ 36. Normethadone;
- 4 ~~36.~~ 37. Norpipanone;
- 5 ~~37.~~ 38. Phenadoxone;
- 6 ~~38.~~ 39. Phenampromide;
- 7 ~~39.~~ 40. Phenomorphan;
- 8 ~~40.~~ 41. Phenoperidine;
- 9 ~~41.~~ 42. Piritramide;
- 10 ~~42.~~ 43. Proheptazine;
- 11 ~~43.~~ 44. Properidine;
- 12 ~~44.~~ 45. Protonitazene;
- 13 ~~45.~~ 46. Racemoramide; or
- 14 ~~46.~~ 47. Trimeperidine.

15 B. Any of the following opium derivatives, their salts,
16 isomers, and salts of isomers, unless specifically excepted, when
17 the existence of these salts, isomers, and salts of isomers is
18 possible within the specific chemical designation:

- 19 1. Acetorphine;
- 20 2. Acetyldihydrocodeine;
- 21 3. Benzylmorphine;
- 22 4. Codeine methylbromide;
- 23 5. Codeine-N-Oxide;
- 24 6. Cyprenorphine;

- 1 7. Desomorphine;
- 2 8. Dihydromorphine;
- 3 9. Etorphine;
- 4 10. Heroin;
- 5 11. Hydromorphinol;
- 6 12. Methyldesorphine;
- 7 13. Methylhydromorphine;
- 8 14. Morphine methylbromide;
- 9 15. Morphine methylsulfonate;
- 10 16. Morphine-N-Oxide;
- 11 17. Myrophine;
- 12 18. Nicocodeine;
- 13 19. Nicomorphine;
- 14 20. Normorphine;
- 15 21. Phoclodine;
- 16 22. Thebacon;
- 17 23. N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-acetamide
- 18 (Acetyl fentanyl);
- 19 24. N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-butenamide
- 20 (Crotonyl fentanyl);
- 21 25. N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-2-
- 22 furancarboxamide (Furanyl fentanyl);
- 23 26. N-phenyl-1-(2-phenylethyl)-4-piperidinamine (4-ANPP);
- 24

1 27. N-(1-phenethylpiperidin-4-yl)-N-
2 phenylcyclopropanecarboxamide (Cyclopropyl fentanyl); or

3 28. N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-butanamide
4 (Butyrl fentanyl).

5 C. Any material, compound, mixture, or preparation which
6 contains any quantity of the following hallucinogenic substances,
7 their salts, isomers, and salts of isomers, unless specifically
8 excepted, when the existence of these salts, isomers, and salts of
9 isomers is possible within the specific chemical designation:

- 10 1. Methcathinone;
- 11 2. 3, 4-methylenedioxy amphetamine;
- 12 3. 3, 4-methylenedioxy methamphetamine;
- 13 4. 5-methoxy-3, 4-methylenedioxy amphetamine;
- 14 5. 3, 4, 5-trimethoxy amphetamine;
- 15 6. Bufotenine;
- 16 7. Diethyltryptamine;
- 17 8. Dimethyltryptamine;
- 18 9. 4-methyl-2, 5-dimethoxyamphetamine;
- 19 10. Ibogaine;
- 20 11. Lysergic acid diethylamide;
- 21 12. Marijuana;
- 22 13. Mescaline;
- 23 14. N-benzylpiperazine;
- 24 15. N-ethyl-3-piperidyl benzilate;

- 1 16. N-methyl-3-piperidyl benzilate;
- 2 17. Psilocybin;
- 3 18. Psilocyn;
- 4 19. 2, 5 dimethoxyamphetamine;
- 5 20. 4 Bromo-2, 5-dimethoxyamphetamine;
- 6 21. 4 methoxyamphetamine;
- 7 22. Cyclohexamine;
- 8 23. Salvia Divinorum;
- 9 24. Salvinorin A;
- 10 25. Thiophene Analog of Phencyclidine. Also known as: 1-(1-(2-
- 11 thienyl) cyclohexyl) piperidine; 2-Thienyl Analog of Phencyclidine;
- 12 TPCP, TCP;
- 13 26. Phencyclidine (PCP);
- 14 27. Pyrrolidine Analog for Phencyclidine. Also known as 1-(1-
- 15 Phenylcyclohexyl) - Pyrrolidine, PCPy, PHP;
- 16 28. 1-(3-trifluoromethylphenyl) piperazine;
- 17 29. Flunitrazepam;
- 18 30. B-hydroxy-amphetamine;
- 19 31. B-ketoamphetamine;
- 20 32. 2,5-dimethoxy-4-nitroamphetamine;
- 21 33. 2,5-dimethoxy-4-bromophenethylamine;
- 22 34. 2,5-dimethoxy-4-chlorophenethylamine;
- 23 35. 2,5-dimethoxy-4-iodoamphetamine;
- 24 36. 2,5-dimethoxy-4-iodophenethylamine;

- 1 37. 2,5-dimethoxy-4-methylphenethylamine;
- 2 38. 2,5-dimethoxy-4-ethylphenethylamine;
- 3 39. 2,5-dimethoxy-4-fluorophenethylamine;
- 4 40. 2,5-dimethoxy-4-nitrophenethylamine;
- 5 41. 2,5-dimethoxy-4-ethylthio-phenethylamine;
- 6 42. 2,5-dimethoxy-4-isopropylthio-phenethylamine;
- 7 43. 2,5-dimethoxy-4-propylthio-phenethylamine;
- 8 44. 2,5-dimethoxy-4-cyclopropylmethylthio-phenethylamine;
- 9 45. 2,5-dimethoxy-4-tert-butylthio-phenethylamine;
- 10 46. 2,5-dimethoxy-4-(2-fluoroethylthio)-phenethylamine;
- 11 47. 5-methoxy-N, N-dimethyltryptamine;
- 12 48. N-methyltryptamine;
- 13 49. A-ethyltryptamine;
- 14 50. A-methyltryptamine;
- 15 51. N, N-diethyltryptamine;
- 16 52. N, N-diisopropyltryptamine;
- 17 53. N, N-dipropyltryptamine;
- 18 54. 5-methoxy- α -methyltryptamine;
- 19 55. 4-hydroxy-N, N-diethyltryptamine;
- 20 56. 4-hydroxy-N, N-diisopropyltryptamine;
- 21 57. 5-methoxy-N, N-diisopropyltryptamine;
- 22 58. 4-hydroxy-N-isopropyl-N-methyltryptamine;
- 23 59. 3,4-Methylenedioxy-methcathinone (Methylone);
- 24 60. 3,4-Methylenedioxy-pyrovalerone (MDPV);

- 1 61. 3-Methylmethcathinone (Metaphedrone);
- 2 62. 4-Methylmethcathinone (Mephedrone);
- 3 ~~62.~~ 63. 4-methoxymethcathinone;
- 4 ~~63.~~ 64. 4-Fluoromethcathinone;
- 5 ~~64.~~ 65. 3-Fluoromethcathinone;
- 6 ~~65.~~ 66. 1-(8-bromobenzo 1,2-b;4,5-b' difuran-4-yl)-2-
- 7 aminopropane;
- 8 ~~66.~~ 67. 2,5-Dimethoxy-4-chloroamphetamine;
- 9 ~~67.~~ 68. 4-Methylethcathinone;
- 10 ~~68.~~ 69. Pyrovalerone;
- 11 ~~69.~~ 70. N,N-diallyl-5-methoxytryptamine;
- 12 ~~70.~~ 71. 3,4-Methylenedioxy-N-ethylcathinone (Ethylone);
- 13 ~~71.~~ 72. B-keto-N-Methylbenzodioxolylbutanamine (Butylone);
- 14 ~~72.~~ 73. B-keto-Methylbenzodioxolylpentanamine (Pentylone);
- 15 ~~73.~~ 74. Alpha-Pyrrolidinopentiophenone;
- 16 ~~74.~~ 75. 4-Fluoroamphetamine;
- 17 ~~75.~~ 76. Pentedrone;
- 18 ~~76.~~ 77. 4'-Methyl-a-pyrrolidinohexaphenone;
- 19 ~~77.~~ 78. 2,5-dimethoxy-4-(n)-propylphenethylamine;
- 20 ~~78.~~ 79. 2,5-dimethoxyphenethylamine;
- 21 ~~79.~~ 80. 1,4-Dibenzylpiperazine;
- 22 ~~80.~~ 81. N,N-Dimethylamphetamine;
- 23 ~~81.~~ 82. 4-Fluoromethamphetamine;

24

- 1 ~~82.~~ 83. 4-Chloro-2,5-dimethoxy-N-(2-
2 methoxybenzyl)phenethylamine (25C-NBOMe);
- 3 ~~83.~~ 84. 4-Iodo-2,5-dimethoxy-N-(2-methoxybenzyl)phenethylamine
4 (25I-NBOMe);
- 5 ~~84.~~ 85. 4-Bromo-2,5-dimethoxy-N-(2-methoxybenzy)phenethylamine
6 (25B-NBOMe);
- 7 ~~85.~~ 86. 1-(4-Fluorophenyl)piperazine;
- 8 ~~86.~~ 87. Methoxetamine;
- 9 ~~87.~~ 88. 3,4-dichloro-N[2-dimethylamino)cyclohexyl]-N-
10 methylbenzamide;
- 11 ~~88.~~ 89. N-ethyl hexadrone;
- 12 ~~89.~~ 90. Isopropyl-U-47700;
- 13 ~~90.~~ 91. Para-fluorobutyrl fentanyl;
- 14 92. Para-fluorofentanyl (pFF);
- 15 ~~91.~~ 93. Fluoro isobutryrl fentanyl;
- 16 ~~92.~~ 94. 3-Hydroxy Phencyclidine (PCP);
- 17 ~~93.~~ 95. 3-methoxy Phencyclidine (PCP);
- 18 ~~94.~~ 96. Flualprazolam; or
- 19 ~~95.~~ 97. Flubromazolam.

20 D. Unless specifically excepted or unless listed in a different
21 schedule, any material, compound, mixture, or preparation which
22 contains any quantity of the following substances having stimulant
23 or depressant effect on the central nervous system:

- 24 1. Fenethylamine;

- 1 2. Mecloqualone;
- 2 3. N-ethylamphetamine;
- 3 4. Methaqualone;
- 4 5. Gamma-Hydroxybutyric Acid, also known as GHB, gamma-
- 5 hydroxybutyrate, 4-hydroxybutyrate, 4-hydroxybutanoic acid, sodium
- 6 oxybate, and sodium oxybutyrate;
- 7 6. Gamma-Butyrolactone (GBL) as packaged, marketed,
- 8 manufactured or promoted for human consumption, with the exception
- 9 of legitimate food additive and manufacturing purposes;
- 10 7. Gamma Hydroxyvalerate (GHV) as packaged, marketed, or
- 11 manufactured for human consumption, with the exception of legitimate
- 12 food additive and manufacturing purposes;
- 13 8. Gamma Valerolactone (GVL) as packaged, marketed, or
- 14 manufactured for human consumption, with the exception of legitimate
- 15 food additive and manufacturing purposes;
- 16 9. 1,4 Butanediol (1,4 BD or BDO) as packaged, marketed,
- 17 manufactured, or promoted for human consumption with the exception
- 18 of legitimate manufacturing purposes; or
- 19 10. N-ethylpentylone.
- 20 E. 1. The following industrial uses of Gamma-Butyrolactone,
- 21 Gamma Hydroxyvalerate, Gamma Valerolactone, or 1,4 Butanediol are
- 22 excluded from all schedules of controlled substances under this
- 23 title:
- 24 a. pesticides,

- b. photochemical etching,
- c. electrolytes of small batteries or capacitors,
- d. viscosity modifiers in polyurethane,
- e. surface etching of metal coated plastics,
- f. organic paint disbursements for water soluble inks,
- g. pH regulators in the dyeing of wool and polyamide fibers,
- h. foundry chemistry as a catalyst during curing,
- i. curing agents in many coating systems based on urethanes and amides,
- j. additives and flavoring agents in food, confectionary, and beverage products,
- k. synthetic fiber and clothing production,
- l. tetrahydrofuran production,
- m. gamma butyrolactone production,
- n. polybutylene terephthalate resin production,
- o. polyester raw materials for polyurethane elastomers and foams,
- p. coating resin raw material, and
- q. as an intermediate in the manufacture of other chemicals and pharmaceuticals.

2. At the request of any person, the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control may exempt any other product containing Gamma-Butyrolactone, Gamma Hydroxyvalerate,

1 Gamma Valerolactone, or 1,4 Butanediol from being included as a
2 Schedule I controlled substance if such product is labeled,
3 marketed, manufactured and distributed for legitimate industrial use
4 in a manner that reduces or eliminates the likelihood of abuse.

5 3. In making a determination regarding an industrial product,
6 the Director, after notice and hearing, shall consider the
7 following:

- 8 a. the history and current pattern of abuse,
- 9 b. the name and labeling of the product,
- 10 c. the intended manner of distribution, advertising and
11 promotion of the product, and
- 12 d. other factors as may be relevant to and consistent
13 with the public health and safety.

14 4. The hearing shall be held in accordance with the procedures
15 of the Administrative Procedures Act.

16 F. Any material, compound, mixture, or preparation, whether
17 produced directly or indirectly from a substance of vegetable origin
18 or independently by means of chemical synthesis, or by a combination
19 of extraction and chemical synthesis, that contains any quantity of
20 the following substances, or that contains any of their salts,
21 isomers, and salts of isomers when the existence of these salts,
22 isomers, and salts of isomers is possible within the specific
23 chemical designation:

- 24 1. JWH-004;

- 1 2. JWH-007;
- 2 3. JWH-009;
- 3 4. JWH-015;
- 4 5. JWH-016;
- 5 6. JWH-018;
- 6 7. JWH-019;
- 7 8. JWH-020;
- 8 9. JWH-030;
- 9 10. JWH-046;
- 10 11. JWH-047;
- 11 12. JWH-048;
- 12 13. JWH-049;
- 13 14. JWH-050;
- 14 15. JWH-070;
- 15 16. JWH-071;
- 16 17. JWH-072;
- 17 18. JWH-073;
- 18 19. JWH-076;
- 19 20. JWH-079;
- 20 21. JWH-080;
- 21 22. JWH-081;
- 22 23. JWH-082;
- 23 24. JWH-094;
- 24 25. JWH-096;

- 1 26. JWH-098;
- 2 27. JWH-116;
- 3 28. JWH-120;
- 4 29. JWH-122;
- 5 30. JWH-145;
- 6 31. JWH-146;
- 7 32. JWH-147;
- 8 33. JWH-148;
- 9 34. JWH-149;
- 10 35. JWH-150;
- 11 36. JWH-156;
- 12 37. JWH-167;
- 13 38. JWH-175;
- 14 39. JWH-180;
- 15 40. JWH-181;
- 16 41. JWH-182;
- 17 42. JWH-184;
- 18 43. JWH-185;
- 19 44. JWH-189;
- 20 45. JWH-192;
- 21 46. JWH-193;
- 22 47. JWH-194;
- 23 48. JWH-195;
- 24 49. JWH-196;

- 1 50. JWH-197;
- 2 51. JWH-198;
- 3 52. JWH-199;
- 4 53. JWH-200;
- 5 54. JWH-201;
- 6 55. JWH-202;
- 7 56. JWH-203;
- 8 57. JWH-204;
- 9 58. JWH-205;
- 10 59. JWH-206;
- 11 60. JWH-207;
- 12 61. JWH-208;
- 13 62. JWH-209;
- 14 63. JWH-210;
- 15 64. JWH-211;
- 16 65. JWH-212;
- 17 66. JWH-213;
- 18 67. JWH-234;
- 19 68. JWH-235;
- 20 69. JWH-236;
- 21 70. JWH-237;
- 22 71. JWH-239;
- 23 72. JWH-240;
- 24 73. JWH-241;

- 1 74. JWH-242;
- 2 75. JWH-243;
- 3 76. JWH-244;
- 4 77. JWH-245;
- 5 78. JWH-246;
- 6 79. JWH-248;
- 7 80. JWH-249;
- 8 81. JWH-250;
- 9 82. JWH-251;
- 10 83. JWH-252;
- 11 84. JWH-253;
- 12 85. JWH-262;
- 13 86. JWH-292;
- 14 87. JWH-293;
- 15 88. JWH-302;
- 16 89. JWH-303;
- 17 90. JWH-304;
- 18 91. JWH-305;
- 19 92. JWH-306;
- 20 93. JWH-307;
- 21 94. JWH-308;
- 22 95. JWH-311;
- 23 96. JWH-312;
- 24 97. JWH-313;

- 1 98. JWH-314;
- 2 99. JWH-315;
- 3 100. JWH-316;
- 4 101. JWH-346;
- 5 102. JWH-348;
- 6 103. JWH-363;
- 7 104. JWH-364;
- 8 105. JWH-365;
- 9 106. JWH-367;
- 10 107. JWH-368;
- 11 108. JWH-369;
- 12 109. JWH-370;
- 13 110. JWH-371;
- 14 111. JWH-373;
- 15 112. JWH-386;
- 16 113. JWH-387;
- 17 114. JWH-392;
- 18 115. JWH-394;
- 19 116. JWH-395;
- 20 117. JWH-397;
- 21 118. JWH-398;
- 22 119. JWH-399;
- 23 120. JWH-400;
- 24 121. JWH-412;

- 1 122. JWH-413;
- 2 123. JWH-414;
- 3 124. JWH-415;
- 4 125. CP-55, 940;
- 5 126. CP-47, 497;
- 6 127. HU-210;
- 7 128. HU-211;
- 8 129. WIN-55, 212-2;
- 9 130. AM-2201;
- 10 131. AM-2233;
- 11 132. JWH-018 adamantyl-carboxamide;
- 12 133. AKB48;
- 13 134. JWH-122 N-(4-pentenyl) analog;
- 14 135. MAM2201;
- 15 136. URB597;
- 16 137. URB602;
- 17 138. URB754;
- 18 139. UR144;
- 19 140. XLR11;
- 20 141. A-796,260;
- 21 142. STS-135;
- 22 143. AB-FUBINACA;
- 23 144. AB-PINACA;
- 24 145. PB-22;

1 146. AKB48 N-5-Fluoropentyl;

2 147. AM1248;

3 148. FUB-PB-22;

4 149. ADB-FUBINACA;

5 150. BB-22;

6 151. 5-Fluoro PB-22; or

7 152. 5-Fluoro AKB-48.

8 G. In addition to those substances listed in subsection F of
9 this section, unless specifically excepted or unless listed in
10 another schedule, any material, compound, mixture, or preparation
11 which contains any quantity of a synthetic cannabinoid found to be
12 in any of the following chemical groups:

13 1. Naphthoylindoles: any compound containing a 3-(1-
14 naphthoyl)indole structure with or without substitution at the
15 nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl,
16 alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-
17 (N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-
18 2-pyrrolidinyl)methyl, 1-(N-methyl-3- morpholinyl)methyl,
19 (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or
20 halophenyl group, whether or not further substituted on the indole
21 ring to any extent, and whether or not substituted on the naphthyl
22 ring to any extent. Naphthoylindoles include, but are not limited
23 to:

- 1 a. 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-
2 200),
- 3 b. 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM2201),
- 4 c. 1-pentyl-3-(1-naphthoyl)indole (JWH-018),
- 5 d. 1-butyl-3-(1-naphthoyl)indole (JWH-073),
- 6 e. 1-pentyl-3-(4-methoxy-1-naphthoyl)indole (JWH-081),
- 7 f. 1-propyl-2-methyl-3-(1-naphthoyl)indole (JWH-015),
- 8 g. 1-hexyl-3-(1-naphthoyl)indole (JWH-019),
- 9 h. 1-pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122),
- 10 i. 1-pentyl-3-(4-ethyl-1-naphthoyl)indole (JWH-210),
- 11 j. 1-pentyl-3-(4-chloro-1-naphthoyl)indole (JWH-398),
- 12 k. 1-pentyl-2-methyl-3-(1-naphthoyl)indole (JWH-007),
- 13 l. 1-pentyl-3-(7-methoxy-1-naphthoyl)indole (JWH-164),
- 14 m. 1-pentyl-2-methyl-3-(4-methoxy-1-naphthoyl)indole
15 (JWH-098),
- 16 n. 1-pentyl-3-(4-fluoro-1-naphthoyl)indole (JWH-412),
- 17 o. 1-[1-(N-methyl-2-piperidinyl)methyl]-3-(1-
18 naphthoyl)indole (AM-1220),
- 19 p. 1-(5-fluoropentyl)-3-(4-methyl-1-naphthoyl)indole
20 (MAM-2201), or
- 21 q. 1-(4-cyanobutyl)-3-(1-naphthoyl)indole (AM-2232);

22 2. Naphthylmethylindoles: any compound containing a 1H-indol-3-
23 yl-(1-naphthyl)methane structure with or without substitution at the
24 nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl,

1 alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-
2 (N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-
3 2-pyrrolidinyl)methyl, 1-(N-methyl-3- morpholinyl)methyl,
4 (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or
5 halophenyl group, whether or not further substituted on the indole
6 ring to any extent, and whether or not substituted on the naphthyl
7 ring to any extent. Naphthylmethyloindoles include, but are not
8 limited to, (1-pentylindol-3-yl)(1-naphthyl)methane (JWH-175);

9 3. Naphthoylpyrroles: any compound containing a 3-(1-
10 naphthoyl)pyrrole structure with or without substitution at the
11 nitrogen atom of the pyrrole ring by an alkyl, haloalkyl,
12 cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl,
13 halobenzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-
14 morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-
15 morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, 1-methylazepanyl,
16 phenyl, or halophenyl group, whether or not further substituted on
17 the pyrrole ring to any extent, and whether or not substituted on
18 the naphthyl group to any extent. Naphthoylpyrroles include, but
19 are not limited to:

- 20 a. 1-hexyl-2-phenyl-4-(1-naphthoyl)pyrrole (JWH-147),
- 21 b. 1-pentyl-5-(2-methylphenyl)-3-(1-naphthoyl)pyrrole
22 (JWH-370),
- 23 c. 1-pentyl-3-(1-naphthoyl)pyrrole (JWH-030), or
- 24 d. 1-hexyl-5-phenyl-3-(1-naphthoyl)pyrrole (JWH-147);

1 4. Naphthylideneindenes: any compound containing a 1-(1-
2 naphthylmethylene)indene structure with or without substitution at
3 the 3-position of the indene ring by an alkyl, haloalkyl,
4 cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl,
5 halobenzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-
6 morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-
7 morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, 1-methylazepanyl,
8 phenyl, or halophenyl group, whether or not further substituted on
9 the indene group to any extent, and whether or not substituted on
10 the naphthyl group to any extent. Naphthylmethylindenes include,
11 but are not limited to, (1-[(3-pentyl)-1H-inden-1-
12 ylidene)methyl]naphthalene (JWH-176);

13 5. Phenylacetylindoles: any compound containing a 3-
14 phenylacetylindole structure with or without substitution at the
15 nitrogen atom of the indole ring by alkyl, haloalkyl, cyanoalkyl,
16 alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-
17 (N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-
18 2-pyrrolidinyl)methyl, 1-(N-methyl-3- morpholinyl)methyl,
19 (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or
20 halophenyl group, whether or not further substituted on the indole
21 ring to any extent, and whether or not substituted on the phenyl
22 ring to any extent. Phenylacetylindoles include, but are not
23 limited to:

24 a. 1-pentyl-3-(2-methoxyphenylacetyl)indole (JWH-250),

- 1 b. 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole
2 (RCS-8),
3 c. 1-pentyl-3-(2-chlorophenylacetyl)indole (JWH-203),
4 d. 1-pentyl-3-(2-methylphenylacetyl)indole (JWH-251),
5 e. 1-pentyl-3-(4-methoxyphenylacetyl)indole (JWH-201), or
6 f. 1-pentyl-3-(3-methoxyphenylacetyl)indole (JWH-302);

7 6. Cyclohexylphenols: any compound containing a 2-(3-
8 hydroxycyclohexyl)phenol structure with or without substitution at
9 the 5-position of the phenolic ring by an alkyl, haloalkyl,
10 cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl,
11 halobenzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-
12 morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-
13 morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, 1-methylazepanyl,
14 phenyl, or halophenyl group, and whether or not further substituted
15 on the cyclohexyl ring to any extent. Cyclohexylphenols include,
16 but are not limited to:

- 17 a. 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-
18 hydroxycyclohexyl]-phenol (CP-47,497),
19 b. 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-
20 phenol (cannabicyclohexanol; CP-47,497 C8 homologue),
21 or
22 c. 5-(1,1-dimethylheptyl)-2-[(1R,2R)-5-hydroxy-2-(3-
23 hydroxypropyl)cyclohexyl]-phenol (CP 55, 940);
24

1 7. Benzoylindoles: any compound containing a 3-(benzoyl)indole
2 structure with or without substitution at the nitrogen atom of the
3 indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl,
4 cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-
5 2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-
6 pyrrolidinyl)methyl, 1-(N-methyl-3- morpholinyl)methyl,
7 (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or
8 halophenyl group, whether or not further substituted on the indole
9 ring to any extent, and whether or not substituted on the phenyl
10 group to any extent. Benzoylindoles include, but are not limited
11 to:

- 12 a. 1-pentyl-3-(4-methoxybenzoyl)indole (RCS-4),
- 13 b. 1-[2-(4-morpholinyl)ethyl]-2-methyl-3-(4-
14 methoxybenzoyl)indole (Pravadoline or WIN 48, 098),
- 15 c. 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM-694),
- 16 d. 1-pentyl-3-(2-iodobenzoyl)indole (AM-679), or
- 17 e. 1-[1-(N-methyl-2-piperidinyl)methyl]-3-(2-
18 iodobenzoyl)indole (AM-2233);

19 8. Cyclopropoylindoles: Any compound containing a 3-
20 (cyclopropoyl)indole structure with substitution at the nitrogen
21 atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl,
22 cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-
23 2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-
24 pyrrolidinyl)methyl, 1-(N-methyl-3- morpholinyl)methyl,

1 (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or
2 halophenyl group, whether or not further substituted in the indole
3 ring to any extent and whether or not substituted in the
4 cyclopropoyl ring to any extent. Cyclopropoylindoles include, but
5 are not limited to:

- 6 a. 1-pentyl-3-(2,2,3,3-tetramethylcyclopropoyl)indole
7 (UR-144),
- 8 b. 1-(5-chloropentyl)-3-(2,2,3,3-
9 tetramethylcyclopropoyl)indole (5Cl-UR-144), or
- 10 c. 1-(5-fluoropentyl)-3-(2,2,3,3-
11 tetramethylcyclopropoyl)indole (XLR11);

12 9. Indole Amides: Any compound containing a 1H-Indole-3-
13 carboxamide structure with or without substitution at the nitrogen
14 atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl,
15 cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-
16 2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-
17 pyrrolidinyl)methyl, 1-(N-methyl-3- morpholinyl)methyl,
18 (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or
19 halophenyl group, whether or not substituted at the carboxamide
20 group by an adamantyl, naphthyl, phenyl, benzyl, quinolinyl,
21 cycloalkyl, 1-amino-3-methyl-1-oxobutan-2-yl, 1-amino-3,3-dimethyl-
22 1-oxobutan-2-yl, 1-methoxy-3-methyl-1-oxobutan-2-yl, 1-methoxy-3,3-
23 dimethyl-1-oxobutan-2-yl or pyrrole group, and whether or not
24 further substituted in the indole, adamantyl, naphthyl, phenyl,

1 pyrrole, quinolinyl, or cycloalkyl rings to any extent. Indole

2 Amides include, but are not limited to:

3 a. N-(1-adamantyl)-1-pentyl-1H-indole-3-carboxamide
4 (2NE1),

5 b. N-(1-adamantyl)-1-(5-fluoropentyl-1H-indole-3-
6 carboxamide (STS-135),

7 c. N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-
8 indole-3-carboxamide (ADBICA),

9 d. N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(5-
10 fluoropentyl)-1H-indole-3-carboxamide (5F-ADBICA),

11 e. N-(naphthalen-1-yl)-1-pentyl-1H-indole-3-carboxamide
12 (NNE1),

13 f. 1-(5-fluoropentyl)-N-(naphthalene-1-yl)-1H-indole-3-
14 carboxamide (5F-NNE1),

15 g. N-benzyl-1-pentyl-1H-indole-3-carboxamide (SDB-006),
16 or

17 h. N-benzyl-1-(5-fluoropentyl)-1H-indole-3-carboxamide
18 (5F-SDB-006);

19 10. Indole Esters: Any compound containing a 1H-Indole-3-
20 carboxylate structure with or without substitution at the nitrogen
21 atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl,
22 cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-
23 2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-
24 pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl,

1 (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or
2 halophenyl group, whether or not substituted at the carboxylate
3 group by an adamantyl, naphthyl, phenyl, benzyl, quinolinyl,
4 cycloalkyl, 1-amino-3-methyl-1-oxobutan-2-yl, 1-amino-3,3-dimethyl-
5 1-oxobutan-2-yl, 1-methoxy-3-methyl-1-oxobutan-2-yl, 1-methoxy-3,3-
6 dimethyl-1-oxobutan-2-yl or pyrrole group, and whether or not
7 further substituted in the indole, adamantyl, naphthyl, phenyl,
8 pyrrole, quinolinyl, or cycloalkyl rings to any extent. Indole
9 Esters include, but are not limited to:

- 10 a. quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate (PB-
11 22),
- 12 b. quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-
13 carboxylate (5F-PB-22),
- 14 c. quinolin-8-yl 1-(cyclohexylmethyl)-1H-indole-3-
15 carboxylate (BB-22),
- 16 d. naphthalen-1-yl 1-(4-fluorobenzyl)-1H-indole-3-
17 carboxylate (FDU-PB-22), or
- 18 e. naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-
19 carboxylate (NM2201);

20 11. Adamantanoylindoles: Any compound containing an
21 adamantanyl-(1H-indol-3-yl)methanone structure with or without
22 substitution at the nitrogen atom of the indole ring by an alkyl,
23 haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
24 benzyl, halobenzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-

1 morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-
2 morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, 1-methylazepanyl,
3 phenyl, or halophenyl group, whether or not further substituted in
4 the indole ring to any extent and whether or not substituted in the
5 adamantyl ring to any extent. Adamantanoylindoles include, but are
6 not limited to:

7 a. adamantan-1-yl[1-[(1-methyl-2-piperidinyl)methyl]-1H-
8 indol-3-yl]methanone (AM1248), or

9 b. adamantan-1-yl-(1-pentyl-1H-indol-3-yl)methanone (AB-
10 001);

11 12. Carbazole Ketone: Any compound containing (9H-carbazole-3-
12 yl) methanone structure with or without substitution at the nitrogen
13 atom of the carbazole ring by an alkyl, haloalkyl, cyanoalkyl,
14 alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-
15 (N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-
16 2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl,
17 (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or
18 halophenyl group, with substitution at the carbon of the methanone
19 group by an adamantyl, naphthyl, phenyl, benzyl, quinolinyl,
20 cycloalkyl, 1-amino-3-methyl-1-oxobutan-2-yl, 1-amino-3,3-dimethyl-
21 1-oxobutan-2-yl, 1-methoxy-3-methyl-1-oxobutan-2-yl, 1-methoxy-3,3-
22 dimethyl-1-oxobutan-2-yl or pyrrole group, and whether or not
23 further substituted at the carbazole, adamantyl, naphthyl, phenyl,
24 pyrrole, quinolinyl, or cycloalkyl rings to any extent. Carbazole

1 Ketones include, but are not limited to, naphthalen-1-yl(9-pentyl-
2 9H-carbazol-3-yl)methanone (EG-018);

3 13. Benzimidazole Ketone: Any compound containing
4 (benzimidazole-2-yl) methanone structure with or without
5 substitution at either nitrogen atom of the benzimidazole ring by an
6 alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl,
7 cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-2-
8 piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-
9 pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl,
10 (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or
11 halophenyl group, with substitution at the carbon of the methanone
12 group by an adamantyl, naphthyl, phenyl, benzyl, quinolinyl,
13 cycloalkyl, 1-amino-3-methyl-1-oxobutan-2-yl, 1-amino-3,3-dimethyl-
14 1-oxobutan-2-yl, 1-methoxy-3-methyl-1-oxobutan-2-yl, 1-methoxy-3,3-
15 dimethyl-1-oxobutan-2-yl or pyrrole group, and whether or not
16 further substituted in the benzimidazole, adamantyl, naphthyl,
17 phenyl, pyrrole, quinolinyl, or cycloalkyl rings to any extent.

18 Benzimidazole Ketones include, but are not limited to:

- 19 a. naphthalen-1-yl(1-pentyl-1H-benzo[d]imidazol-2-
20 1)methanone (JWH-018 benzimidazole analog), or
21 b. (1-(5-fluoropentyl)-1H-benzo[d]imidazol-2-
22 yl)(naphthalen-1-yl)methanone (FUBIMINA); and
23
24

1 14. Modified by Replacement: any compound defined in this
2 subsection that is modified by replacement of a carbon with nitrogen
3 in the indole, naphthyl, indene, benzimidazole, or carbazole ring.

4 H. Any prescription drug approved by the federal Food and Drug
5 Administration under the provisions of Section 505 of the Federal
6 Food, Drug and Cosmetic Act, Title 21 of the United States Code,
7 Section 355, that is designated, rescheduled or deleted as a
8 controlled substance under federal law by the United States Drug
9 Enforcement Administration shall be excluded from Schedule I and
10 shall be prescribed, distributed, dispensed or used in accordance
11 with federal law upon the issuance of a notice, final rule or
12 interim final rule by the United States Drug Enforcement
13 Administration designating, rescheduling or deleting as a controlled
14 substance such a drug product under federal law, unless and until
15 the State Board of Pharmacy takes action pursuant to Section 2-201
16 of this title. If the Board of Pharmacy does not take action
17 pursuant to Section 2-201 of this title, the drug product shall be
18 deemed to be designated, rescheduled or deleted as a controlled
19 substance in accordance with federal law and in compliance with the
20 Uniform Controlled Dangerous Substances Act.

21 SECTION 4. AMENDATORY 63 O.S. 2021, Section 2-304, as
22 last amended by Section 3, Chapter 375, O.S.L. 2023 (63 O.S. Supp.
23 2023, Section 2-304), is amended to read as follows:

24

1 Section 2-304. A. A registration, pursuant to Section 2-303 of
2 this title, to manufacture, distribute, dispense, prescribe,
3 administer or use for scientific purposes a controlled dangerous
4 substance shall be limited, conditioned, denied, suspended,
5 annulled, or revoked by the Director of the Oklahoma State Bureau of
6 Narcotics and Dangerous Drugs Control upon a finding that the
7 registrant or applicant:

8 1. Has materially falsified any application filed pursuant to
9 the Uniform Controlled Dangerous Substances Act or required by the
10 Uniform Controlled Dangerous Substances Act. It shall be unlawful
11 to knowingly ~~and willfully~~ or intentionally:

12 a. make false statements, include false data or omit
13 material information on an application for a
14 registration with the Oklahoma State Bureau of
15 Narcotics and Dangerous Drugs Control, or

16 b. provide false data or omit material information in any
17 records or reports required by rule or law to be
18 created, maintained or submitted to the Bureau.

19 ~~Any registrant or applicant for a registration or any official,~~
20 ~~agent or employee of any registrant or applicant for a registration~~
21 ~~who violates the provisions of this paragraph shall be guilty of a~~
22 ~~misdemeanor and additionally subject to administrative action;~~

23 2. Has been found guilty of, entered a plea of guilty or
24 entered a plea of nolo contendere to a misdemeanor relating to any

1 substance defined herein as a controlled dangerous substance or any
2 felony under the laws of any state or the United States;

3 3. Has had his or her federal registration retired, suspended
4 or revoked by a competent federal authority and is no longer
5 authorized by federal law to manufacture, distribute, dispense,
6 prescribe, administer or use for scientific purposes controlled
7 dangerous substances;

8 4. Has failed to maintain effective controls against the
9 diversion of controlled dangerous substances to unauthorized persons
10 or entities;

11 5. Has prescribed, dispensed or administered a controlled
12 dangerous substance from schedules other than those specified in his
13 or her state or federal registration;

14 6. Has had a restriction, suspension, revocation, limitation,
15 condition or probation placed on his or her professional license or
16 certificate or practice as a result of a proceeding pursuant to the
17 general statutes;

18 7. Is abusing or, within the past five (5) years, has abused or
19 excessively used drugs or controlled dangerous substances;

20 8. Has prescribed, sold, administered or ordered any controlled
21 dangerous substance for an immediate family member, himself or
22 herself; provided that this shall not apply to a medical emergency
23 when no other doctor is available to respond to the emergency;

24

1 9. Has possessed, used, prescribed, dispensed or administered
2 drugs or controlled dangerous substances for other than legitimate
3 medical or scientific purposes or for purposes outside the normal
4 course of his or her professional practice;

5 10. Has been under the influence of alcohol or another
6 intoxicating substance which adversely affected the central nervous
7 system, vision, hearing or other sensory or motor functioning to
8 such degree the person was impaired during the performance of his or
9 her job; or

10 11. Has violated any federal law relating to any controlled
11 dangerous substances, any provision of the Uniform Controlled
12 Dangerous Substances Act or any rules of the Oklahoma State Bureau
13 of Narcotics and Dangerous Drugs Control.

14 B. In the event the Director suspends or revokes a registration
15 granted under Section 2-303 of this title, all controlled dangerous
16 substances owned or possessed by the registrant pursuant to such
17 registration at the time of revocation or suspension or the
18 effective date of the revocation order, as the case may be, may in
19 the discretion of the Director be impounded and preserved. All
20 controlled dangerous substances not impounded or preserved by the
21 Director shall be maintained by the registrant. ~~No~~ Upon issuance of
22 a revocation order, no disposition, purchase, distribution, sale, or
23 transfer may be made of controlled dangerous substances until the
24 time for taking an appeal has elapsed or until all appeals have been

1 concluded unless a court, upon application therefor, orders the sale
2 of perishable substances and the deposit of the proceeds of the sale
3 with the court to be distributed to the prevailing party. Upon a
4 revocation order becoming final, all such controlled dangerous
5 substances shall be forfeited to the state or otherwise ~~considered~~
6 ~~waste and submitted to a licensed waste disposal service for~~
7 ~~destruction pursuant to Section 430 of this title~~ in accordance with
8 applicable law and by order of the Director.

9 C. The Drug Enforcement Administration shall promptly be
10 notified of all orders suspending or revoking registration and all
11 forfeitures of controlled dangerous substances.

12 SECTION 5. AMENDATORY 63 O.S. 2021, Section 2-305, as
13 last amended by Section 4, Chapter 375, O.S.L. 2023 (63 O.S. Supp.
14 2023, Section 2-305), is amended to read as follows:

15 Section 2-305. A. In addition to any other remedies provided
16 for by law, the Director shall issue a written order to be served on
17 the parties before annulling, conditioning, suspending or revoking
18 any registration that the Director has reason to believe is
19 operating inconsistent with any provision of Section 2-303 of this
20 title, pursuant to Section 2-304 of this title or otherwise where
21 there has been a violation of any federal law, any rule or
22 regulation of the Drug Enforcement Administration, any provision of
23 the Uniform Controlled Dangerous Substances Act, or any rules or
24

1 regulations of the Oklahoma State Bureau of Narcotics and Dangerous
2 Drugs Control.

3 B. The written order shall state with specificity the nature of
4 the violation or basis for the action. The Director may impose any
5 disciplinary action authorized by the Uniform Controlled Dangerous
6 Substances Act or rules of the Oklahoma State Bureau of Narcotics
7 and Dangerous Drugs Control including, but not limited to, the
8 assessment of monetary penalties.

9 C. Any written order issued pursuant to the provisions of this
10 section shall become a final order unless the registrant requests an
11 administrative hearing in accordance with the rules and regulations
12 promulgated by the Director within thirty (30) days of issuance.
13 Upon such request, the Director shall promptly initiate
14 administrative proceedings and serve formal notice of the
15 proceedings pursuant to Section 309 of Title 75 of the Oklahoma
16 Statutes. Nothing in this section shall be construed so as to
17 require an individual proceeding for the denial of a new application
18 for registration.

19 D. The Director may authorize the Deputy Director or the
20 General Counsel of the Oklahoma State Bureau of Narcotics and
21 Dangerous Drugs Control to initiate any individual proceedings under
22 this title. Nothing in this section shall be construed so as to
23 delegate the authority of the Director to issue a final agency order
24 of an individual proceeding adverse to a party. If a party fails to

1 request an administrative hearing in a timely manner, the written
2 order as issued shall be deemed adopted by the Director as the final
3 agency order concerning the matter without further action by the
4 Director.

5 E. All proceedings shall be conducted in accordance with the
6 Administrative Procedures Act and the rules and regulations of the
7 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control
8 without regard to any criminal prosecution or other proceeding.

9 1. Proceedings to refuse renewal, revoke, or suspend a
10 registration shall not abate the existing registration which shall
11 remain in effect pending the outcome of those administrative
12 proceedings; provided, the registrant submits timely and sufficient
13 renewal applications annually. This abatement shall not apply when
14 the Director finds there is an imminent danger to the public health
15 or safety requiring an immediate suspension.

16 2. The Director may delegate to an administrative hearing
17 officer the authority to conduct hearings and recommend action for
18 final agency orders in accordance with the rules and regulations of
19 the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control.

20 F. The Director may issue an order immediately suspending a
21 registration, without notice or a hearing, when he or she finds
22 there is imminent danger to the public health or safety which
23 warrants this action. The suspension shall continue in effect until
24 the conclusion of any administrative proceedings, including judicial

1 review thereof, unless sooner withdrawn by the Director or dissolved
2 by a court of competent jurisdiction. The order shall state the
3 existence of an emergency requiring action be taken that the
4 Director deems necessary to meet the emergency. Such action may
5 include, but is not limited to, ordering the registrant to
6 immediately cease and desist operations. The order shall be
7 effective immediately upon issuance. Any person to whom the order
8 is directed shall comply immediately with the provisions of the
9 order. The Director may assess a penalty not to exceed Ten Thousand
10 Dollars (\$10,000.00) per day of noncompliance with the order. In
11 assessing such a penalty, the Director shall consider the
12 seriousness of the violation and any efforts to comply with
13 applicable requirements. ~~Upon application to the Director, the~~
14 ~~registrant shall be offered a hearing within thirty (30) days of the~~
15 ~~issuance of the order.~~

16 G. In lieu of or in addition to any other remedies available to
17 the Director, if a finding is made that a registrant has committed
18 any act in violation of federal law relating to any controlled
19 substance, any provision of the Uniform Controlled Dangerous
20 Substances Act or any rules of the Oklahoma State Bureau of
21 Narcotics and Dangerous Drugs Control, the Director is hereby
22 authorized to assess an administrative penalty not to exceed Five
23 Thousand Dollars (\$5,000.00) per day for each such act. The
24 provisions of this subsection shall not apply to violations of

1 subsection G of Section 2-309D of this title. Nothing in this
2 section shall be construed so as to permit the Director of the
3 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control to
4 assess administrative fines for violations of the provisions of
5 subsection G of Section 2-309D of this title.

6 H. If a judge of competent jurisdiction finds probable cause
7 that a registrant has possessed, transferred, sold, or offered for
8 sale any controlled dangerous substance in violation of this act,
9 all controlled dangerous substances in Schedule I of Section 2-204
10 of this title and all controlled dangerous substances in Schedules
11 II, III, IV, and V that are not in properly labeled containers in
12 accordance with this act then in the possession of the registrant
13 shall be deemed contraband and shall be seized and summarily
14 forfeited pursuant to Section 2-505 of this title. Samples shall be
15 retained of all controlled dangerous substances seized in accordance
16 with Section 2-508 of this title as required. The Director is
17 authorized to assess an eradication or destruction fine not to
18 exceed Fifty Thousand Dollars (\$50,000.00) against the registrant.

19 ~~H.~~ I. Upon an annulment, revocation, or denial of a
20 registration the Director may prohibit the registrant or applicant
21 from reapplying for registration for a period up to five (5) years
22 following the date of the final order. The length of any
23 prohibition shall not be used as grounds to contest the validity of
24 the annulment, revocation, or denial of a registration.

1 SECTION 6. AMENDATORY 63 O.S. 2021, Section 2-309, as
2 amended by Section 2, Chapter 304, O.S.L. 2023 (63 O.S. Supp. 2023,
3 Section 2-309), is amended to read as follows:

4 Section 2-309. A. 1. Except for dosages medically required
5 for a period not to exceed forty-eight (48) hours which are
6 administered by or on direction of a practitioner, other than a
7 pharmacist, or medication dispensed directly by a practitioner,
8 other than a pharmacist, to an ultimate user, no controlled
9 dangerous substance included in Schedule II, which is a prescription
10 drug as determined under regulation promulgated by the Board of
11 Pharmacy, shall be dispensed without an electronic prescription of a
12 practitioner; provided, that in emergency situations, as prescribed
13 by the Board of Pharmacy by regulation, such drug may be dispensed
14 upon oral prescription reduced promptly to writing and filed by the
15 pharmacist in a manner to be prescribed by rules and regulations of
16 the Director of the Oklahoma State Bureau of Narcotics and Dangerous
17 Drugs Control.

18 2. Electronic prescribing shall be utilized for Schedules II,
19 III, IV and V, subject to the requirements set forth in 21 CFR,
20 Section 1311 et seq.

21 3. An electronic prescription with electronic signature may
22 serve as an original prescription, subject to the requirements set
23 forth in 21 CFR, Section 1311 et seq.

24

1 4. Prescriptions shall be retained in conformity with the
2 requirements of this section and Section 2-307 of this title. No
3 prescription for a Schedule II substance may be refilled.

4 5. The electronic prescription requirement provided for in this
5 section shall not apply to prescriptions for controlled dangerous
6 substances issued by any of the following:

- 7 a. a person licensed to practice veterinary medicine,
- 8 b. a practitioner who experiences temporary technological
9 or electrical failure or other extenuating
10 circumstance that prevents the prescription from being
11 transmitted electronically; provided, however, that
12 the practitioner documents the reason for this
13 exception in the medical record of the patient,
- 14 c. a practitioner, other than a pharmacist, who dispenses
15 directly to an ultimate user,
- 16 d. a practitioner who orders a controlled dangerous
17 substance to be administered through an on-site
18 pharmacy in:
 - 19 (1) a hospital as defined in Section 1-701 of this
20 title,
 - 21 (2) a nursing facility as defined in Section 1-1902
22 of this title,
 - 23 (3) a hospice inpatient facility as defined in
24 Section 1-860.2 of this title,

- 1 (4) an outpatient dialysis facility,
2 (5) a continuum of care facility as defined in
3 Section 1-890.2 of this title, or
4 (6) a penal institution listed in Section 509 of
5 Title 57 of the Oklahoma Statutes,

6 e. a practitioner who orders a controlled dangerous
7 substance to be administered through a hospice program
8 including but not limited to a hospice program that
9 provides hospice services in the private residence of
10 a patient or in a long-term care facility where the
11 patient resides. As used in this subparagraph,
12 "hospice program" has the same meaning as provided by
13 Section 1-860.2 of this title,

14 f. a practitioner who writes a prescription to be
15 dispensed by a pharmacy located on federal property,
16 provided the practitioner documents the reason for
17 this exception in the medical record of the patient,

18 ~~or~~

19 g. a practitioner that has received a waiver or extension
20 from his or her licensing board,

21 h. a practitioner who prescribes a controlled dangerous
22 substance for a supply that when taken as prescribed
23 would be consumed within seventy-two (72) hours, or

1 i. a practitioner who determines that an electronic
2 prescription cannot be issued in a timely manner and
3 the condition of the patient is at risk.

4 6. Electronic prescriptions ~~shall not~~ may be utilized under the
5 following circumstances:

6 a. ~~compound~~ compounded prescriptions ~~containing two or~~
7 ~~more commercially available products or two or more~~
8 ~~active pharmaceutical ingredients,~~

9 b. compounded infusion prescriptions ~~containing two or~~
10 ~~more commercially available products or two or more~~
11 ~~active pharmaceutical ingredients, or~~

12 c. prescriptions issued under approved research
13 protocols, ~~or~~

14 d. ~~if the practitioner determines that an electronic~~
15 ~~prescription cannot be issued in a timely manner and~~
16 ~~the condition of the patient is at risk.~~

17 7. A pharmacist who receives a written, oral or facsimile
18 prescription shall not be required to verify that the prescription
19 falls under one of the exceptions provided for in paragraph 6 of
20 this subsection. Pharmacists may continue to dispense medications
21 from otherwise valid written, oral or facsimile prescriptions that
22 are consistent with the provisions of this section.

1 8. Practitioners shall indicate in the health record of a
2 patient that an exception to the electronic prescription requirement
3 was utilized.

4 9. All prescriptions issued pursuant to ~~paragraphs~~ paragraph 5
5 and subparagraph c of paragraph 6 of this subsection shall be ~~issued~~
6 on an official prescription form ~~provided~~ approved by the Oklahoma
7 State Bureau of Narcotics and Dangerous Drugs Control if not issued
8 electronically.

9 10. a. ~~Effective January 1, 2020, practitioners~~ Practitioners
10 shall ~~register~~ be registered with the Oklahoma State
11 Bureau of Narcotics and Dangerous Drugs Control in
12 order to ~~be issued~~ purchase official prescription
13 forms. Such registration shall include, but not be
14 limited to, the primary address and the address of
15 each place of business to be imprinted on official
16 prescription forms. Any change to a registered
17 practitioner's registered address shall be promptly
18 reported to the practitioner's licensing board and the
19 Bureau by the practitioner in a manner approved by the
20 Bureau.

21 b. ~~A practitioner's registration shall be without fee and~~
22 ~~subject to approval by the Bureau. Such registration~~
23 ~~shall be valid for a period of two (2) years and may~~
24 ~~be denied, suspended or revoked by the Bureau upon a~~

1 ~~finding by the Bureau or licensing board that the~~
2 ~~registered practitioner has had any license to~~
3 ~~practice a medical profession revoked or suspended by~~
4 ~~any state or federal agency.~~

5 ~~e.~~ Where the Bureau has revoked the registration of a
6 registered practitioner, the Bureau may revoke or
7 cancel any official prescription forms in the
8 possession of the registered practitioner. Any
9 revocation or any suspension shall require the
10 registered practitioner to return all unused official
11 prescription forms to the Bureau within fifteen (15)
12 calendar days after the date of the written
13 notification.

14 ~~d.~~

15 c. A practitioner that has had any license to practice
16 terminated, revoked or suspended by a state or federal
17 agency may, upon restoration of such license or
18 certificate, register ~~to be issued official~~
19 ~~prescription forms~~ with the Bureau.

20 11. a. ~~Except as provided in subparagraph f of this~~
21 ~~paragraph, the Bureau shall issue official~~ Official
22 ~~prescription forms free of charge only to registered~~
23 ~~practitioners in this state. Such forms shall not be~~
24 ~~transferable. The number of official prescription~~

1 ~~forms issued to a registered~~ shall be purchased at the
2 expense of the practitioner at any time shall be at
3 ~~the discretion of~~ or the employer of the practitioner
4 from a list of vendors approved by the Bureau.

5 b. Official prescription forms issued to a registered
6 practitioner shall be imprinted ~~only~~ with the primary
7 address and may include other addresses listed on the
8 registration of the practitioner to identify the place
9 of origin. Such prescriptions shall be sent only to
10 the primary address of the registered practitioner.

11 c. Official prescription forms ~~issued to~~ of a registered
12 practitioner shall be used only by the practitioner ~~to~~
13 ~~whom they are issued~~ designated on the official
14 prescription form.

15 d. The Bureau may revoke or cancel official prescription
16 forms in possession of registered practitioners when
17 the license of such practitioner is suspended,
18 terminated or revoked.

19 e. Official prescription forms of registered
20 practitioners who are deceased or who no longer
21 prescribe shall be returned to the Bureau at a
22 designated address. If the registered practitioner is
23 deceased, it is the responsibility of the registered
24

1 practitioner's estate or lawful designee to return
2 such forms.

3 f. The Bureau may issue official prescription forms to
4 employees or agents of the Bureau and other government
5 agencies for the purpose of preventing, identifying,
6 investigating and prosecuting unacceptable or illegal
7 practices by providers and other persons and assisting
8 in the recovery of overpayments under any program
9 operated by the state or paid for with state funds.
10 Such prescription forms shall be issued for this
11 purpose only to individuals who are authorized to
12 conduct investigations on behalf of the Bureau or
13 other government agencies as part of their official
14 duties. Individuals and agencies receiving such
15 prescription forms for this purpose shall provide
16 appropriate assurances to the Bureau that adequate
17 safeguards and security measures are in place to
18 prevent the use of such prescription forms for
19 anything other than official government purposes.

20 12. a. Adequate safeguards and security measures shall be
21 undertaken by registered practitioners holding
22 official prescription forms to assure against the
23 loss, destruction, theft or unauthorized use of the
24 forms. Registered practitioners shall maintain a

1 sufficient but not excessive supply of such forms in
2 reserve.

3 b. Registered practitioners shall immediately notify the
4 Bureau, in a manner designated by the Bureau, upon
5 their knowledge of the loss, destruction, theft or
6 unauthorized use of any official prescription forms
7 issued to them, as well as the failure to receive
8 official prescription forms within a reasonable time
9 after ordering them from the Bureau.

10 c. Registered practitioners shall immediately notify the
11 Bureau upon their knowledge of any diversion or
12 suspected diversion of drugs pursuant to the loss,
13 theft or unauthorized use of prescriptions.

14 B. 1. Except for dosages medically required for a period not
15 to exceed seventy-two (72) hours which are administered by or on
16 direction of a practitioner, other than a pharmacist, or medication
17 dispensed directly by a practitioner, other than a pharmacist, to an
18 ultimate user, or the circumstances provided for in paragraphs 5 and
19 6 of subsection A of this section, no controlled dangerous substance
20 included in Schedule III or IV, which is a prescription drug as
21 determined under regulation promulgated by the Board of Pharmacy,
22 shall be dispensed without an electronic prescription.

23 2. Any prescription for a controlled dangerous substance in
24 Schedule III, IV or V may not be filled or refilled more than six

1 (6) months after the date thereof or be refilled more than five
2 times after the date of the prescription, unless renewed by the
3 practitioner.

4 C. Whenever it appears to the Director of the Oklahoma State
5 Bureau of Narcotics and Dangerous Drugs Control that a drug not
6 considered to be a prescription drug under existing state law or
7 regulation of the Board of Pharmacy should be so considered because
8 of its abuse potential, the Director shall so advise the Board of
9 Pharmacy and furnish to the Board all available data relevant
10 thereto.

11 D. 1. "Prescription", as used in this section, means a
12 written, oral or electronic order by a practitioner to a pharmacist
13 for a controlled dangerous substance for a particular patient, which
14 specifies the date of its issue, and the full name and address of
15 the patient and, if the controlled dangerous substance is prescribed
16 for an animal, the species of the animal, the name and quantity of
17 the controlled dangerous substance prescribed, the directions for
18 use, the name and address of the owner of the animal and, if
19 written, the signature of the practitioner. When electronically
20 prescribed, the full name of the patient may include the name and
21 species of the animal.

22 2. "Registered practitioner", as used in this section, means a
23 licensed practitioner duly registered with the Oklahoma State Bureau
24

1 of Narcotics and Dangerous Drugs Control authorized to ~~be issued~~
2 purchase official prescription forms.

3 E. No person shall solicit, dispense, receive or deliver any
4 controlled dangerous substance through the mail, unless the ultimate
5 user is personally known to the practitioner and circumstances
6 clearly indicate such method of delivery is in the best interest of
7 the health and welfare of the ultimate user.

8 SECTION 7. AMENDATORY 63 O.S. 2021, Section 2-406, as
9 amended by Section 2, Chapter 235, O.S.L. 2023 (63 O.S. Supp. 2023,
10 Section 2-406), is amended to read as follows:

11 Section 2-406. A. It shall be unlawful for any registrant or
12 person applying for registration to knowingly or intentionally:

13 1. ~~To distribute~~ Distribute, other than by dispensing or as
14 otherwise authorized by the Uniform Controlled Dangerous Substances
15 Act, a controlled dangerous substance classified in Schedules I or
16 II, in the course of his or her legitimate business, except pursuant
17 to an order form as required by Section 2-308 of this title;

18 2. ~~To use~~ Use in the course of the manufacture or distribution
19 of a controlled dangerous substance a registration number which is
20 fictitious, revoked, suspended or issued to another person;

21 3. ~~To acquire~~ Acquire or obtain possession of a controlled
22 dangerous substance by misrepresentation, fraud, forgery, deception
23 or subterfuge;

24

1 4. ~~To furnish~~ Furnish false or fraudulent material information
2 in, or omit any material information from, any application, report,
3 or other document required to be kept or filed under the Uniform
4 Controlled Dangerous Substances Act, or any record required to be
5 kept by the Uniform Controlled Dangerous Substances Act;

6 5. ~~To make~~ Make, distribute, or possess any punch, die, plate,
7 stone, or other thing designed to print, imprint, or reproduce the
8 trademark, trade name, or other identifying mark, imprint, or device
9 of another or any likeness of any of the foregoing upon any drug or
10 container or labeling thereof so as to render such drug a
11 counterfeit controlled dangerous substance; and

12 6. ~~To purchase~~ Purchase, or attempt, endeavor, or conspire to
13 obtain or purchase, any license or registration required to
14 distribute, possess, prescribe, or manufacture any controlled
15 dangerous substance on behalf of, or at the request or demand of,
16 any other person through the use of a straw person or straw party.

17 B. Any person who violates this section is guilty of a felony
18 punishable by imprisonment for not more than twenty (20) years or a
19 fine not more than Two Hundred Fifty Thousand Dollars (\$250,000.00),
20 or both.

21 C. Any person convicted of a second or subsequent violation of
22 this section is punishable by a term of imprisonment twice that
23 otherwise authorized and by twice the fine otherwise authorized.
24 Convictions for second or subsequent violations of this section

1 shall not be subject to statutory provisions for suspended
2 sentences, deferred sentences, or probation.

3 D. Any person convicted of any offense described in this
4 section shall, in addition to any fine imposed, pay a special
5 assessment trauma-care fee of One Hundred Dollars (\$100.00) to be
6 deposited into the Trauma Care Assistance Revolving Fund created in
7 Section 1-2530.9 of this title.

8 SECTION 8. REPEALER 63 O.S. 2021, Sections 2-101, as
9 amended by Section 10, Chapter 91, O.S.L. 2019, as last amended by
10 Section 1, Chapter 235, O.S.L. 2023, and as last amended by Section
11 1, Chapter 304, O.S.L. 2023, 2-304, as amended by Section 1, Chapter
12 176, O.S.L. 2023, 2-305, as amended by Section 2, Chapter 176,
13 O.S.L. 2023, 2-309, as amended by Section 1, Chapter 333, O.S.L.
14 2021, 2-402, as amended by Section 1, Chapter 220, O.S.L 2016, and
15 2-406, as last amended by Section 7, Chapter 375, O.S.L. 2023 (63
16 O.S. Supp. 2023, Sections 2-101, 2-304, 2-305, 2-309, 2-402, and 2-
17 406), are hereby repealed.

18 SECTION 9. It being immediately necessary for the preservation
19 of the public peace, health or safety, an emergency is hereby
20 declared to exist, by reason whereof this act shall take effect and
21 be in full force from and after its passage and approval.”
22
23
24

1 Passed the Senate the 24th day of April, 2024.

2
3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2024.

7
8 _____
9 Presiding Officer of the House
10 of Representatives

1 ENGROSSED HOUSE
2 BILL NO. 3567

By: Manger of the House

and

Paxton of the Senate

3
4
5
6
7 An Act relating to controlled dangerous drugs;
8 amending 63 O.S. 2021, Sections 2-101, as last
9 amended by Section 1, Chapter 375, O.S.L. 2023, 2-
10 106.2, 2-304, as amended by Section 3, Chapter 375,
11 O.S.L. 2023, 2-305, as amended by Section 4, Chapter
12 375, O.S.L. 2023, 2-309, as amended by Section 2,
13 Chapter 304, O.S.L. 2023 and 2-406, as amended by
14 Section 2, Chapter 235, O.S.L. 2023 (63 O.S. Supp.
15 2023, Sections 2-101, 2-304, 2-305, 2-309 and 2-406),
16 which relate to the Uniform Controlled Dangerous
17 Substances Act; adding and alphabetizing definitions;
18 deleting reference to promulgated rules; clarifying
19 circumstances that provide for the revocation or
20 suspension of registrations; deleting certain penalty
21 provision; updating manner by which controlled
22 dangerous substances are forfeited; deeming written
23 order as final under certain circumstances; allowing
24 registrations to remain in effect under certain
circumstances; authorizing the utilization of
electronic prescriptions under certain circumstances;
requiring practitioners to purchase official
prescription forms; providing restrictions on use of
official prescription forms; modifying scope of
certain prohibited act; repealing
63 O.S. 2021, Sections 2-101, as last amended by
Section 10, Chapter 91, O.S.L. 2019, Section 1,
Chapter 235, O.S.L. 2023, Section 1, Chapter 304,
O.S.L. 2023, 2-304, as last amended by Section 1,
Chapter 176, O.S.L. 2023, 2-305, as amended by
Section 2, Chapter 176, O.S.L. 2023, 2-309 as last
amended by Section 1, Chapter 333, O.S.L. 2021, 2-
402, as last amended by Section 1, Chapter 220,
O.S.L. 2016 and 2-406, as last amended by Section 7,
Chapter 375, O.S.L. 2023 (63 O.S. Supp. 2023,
Sections 2-101, 2-304, 2-305, 2-309, 2-402 and 2-

1 406), which relate to the Uniform Controlled
2 Dangerous Substance Act; and declaring an emergency.

3
4
5
6 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

7 SECTION 10. AMENDATORY 63 O.S. 2021, Section 2-101, as
8 last amended by Section 1, Chapter 375, O.S.L. 2023 (63 O.S. Supp.
9 2023, Section 2-101), is amended to read as follows:

10 Section 2-101. As used in the Uniform Controlled Dangerous
11 Substances Act:

12 1. "Acute pain" means pain, whether resulting from disease,
13 accidental trauma or intentional trauma or other cause that the
14 practitioner reasonably expects to last only a short period of time.
15 Acute pain does not include chronic pain, pain being treated as part
16 of cancer care, hospice or other end-of-life care, or pain being
17 treated as part of palliative care;

18 2. "Administer" means the direct application of a controlled
19 dangerous substance, whether by injection, inhalation, ingestion or
20 any other means, to the body of a patient, animal or research
21 subject by:

22 a. a practitioner (or, in the presence of the
23 practitioner, by the authorized agent of the
24 practitioner), or

1 b. the patient or research subject at the direction and
2 in the presence of the practitioner;

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

12 4. "Anhydrous ammonia" means any substance that exhibits
13 cryogenic evaporative behavior and tests positive for ammonia;

14 ~~3.~~ 5. "Board" means the Advisory Board to the Director of the
15 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control;

16 ~~4.~~ 6. "Bureau" means the Oklahoma State Bureau of Narcotics and
17 Dangerous Drugs Control;

18 7. "Chronic pain" means pain that persists beyond the usual
19 course of an acute disease or healing of an injury. Chronic pain
20 may or may not be associated with an acute or chronic pathologic
21 process that causes continuous or intermittent pain over months or
22 years;

23 ~~5.~~ 8. "Coca leaves" includes cocaine and any compound,
24 manufacture, salt, derivative, mixture or preparation of coca

1 leaves, except derivatives of coca leaves which do not contain
2 cocaine or ecgonine;

3 ~~6.~~ 9. "Commissioner" or "Director" means the Director of the
4 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control;

5 ~~7.~~ 10. "Control" means to add, remove or change the placement
6 of a drug, substance or immediate precursor under the Uniform
7 Controlled Dangerous Substances Act;

8 ~~8.~~ 11. "Controlled dangerous substance" means a drug, substance
9 or immediate precursor in Schedules I through V of the Uniform
10 Controlled Dangerous Substances Act or any drug, substance or
11 immediate precursor listed either temporarily or permanently as a
12 federally controlled substance. Any conflict between state and
13 federal law with regard to the particular schedule in which a
14 substance is listed shall be resolved in favor of state law;

15 ~~9.~~ 12. "Counterfeit substance" means a controlled substance
16 which, or the container or labeling of which without authorization,
17 bears the trademark, trade name or other identifying marks, imprint,
18 number or device or any likeness thereof of a manufacturer,
19 distributor or dispenser other than the person who in fact
20 manufactured, distributed or dispensed the substance;

21 ~~10.~~ 13. "Deliver" or "delivery" means the actual, constructive
22 or attempted transfer from one person to another of a controlled
23 dangerous substance or drug paraphernalia, whether or not there is
24 an agency relationship;

1 ~~11.~~ 14. "Dispense" means to deliver a controlled dangerous
2 substance to an ultimate user or human research subject by or
3 pursuant to the lawful order of a practitioner, including the
4 prescribing, administering, packaging, labeling or compounding
5 necessary to prepare the substance for such distribution.

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

8 ~~12.~~ 15. "Distribute" means to deliver other than by
9 administering or dispensing a controlled dangerous substance;

10 ~~13.~~ 16. "Distributor" means a commercial entity engaged in the
11 distribution or reverse distribution of narcotics and dangerous
12 drugs and who complies with all regulations promulgated by the
13 federal Drug Enforcement Administration and the Oklahoma State
14 Bureau of Narcotics and Dangerous Drugs Control;

15 ~~14.~~ 17. "Drug" means articles:

- 16 a. recognized in the official United States Pharmacopeia,
17 official Homeopathic Pharmacopoeia of the United
18 States, or official National Formulary, or any
19 supplement to any of them,
- 20 b. intended for use in the diagnosis, cure, mitigation,
21 treatment or prevention of disease in man or other
22 animals,
- 23 c. other than food, intended to affect the structure or
24 any function of the body of man or other animals, and

1 d. intended for use as a component of any article
2 specified in this paragraph;
3 provided, however, the term drug does not include devices or their
4 components, parts or accessories;

5 18. "Drug paraphernalia" means all equipment, products, and
6 materials of any kind which are used, intended for use, or fashioned
7 specifically for use in planting, propagating, cultivating, growing,
8 harvesting, manufacturing, compounding, converting, producing,
9 processing, preparing, testing, analyzing, packaging, repackaging,
10 storing, containing, concealing, injecting, ingesting, inhaling, or
11 otherwise introducing into the human body, a controlled dangerous
12 substance in violation of the Uniform Controlled Dangerous
13 Substances Act including, but not limited to:

14 a. kits used, intended for use, or fashioned specifically
15 for use in planting, propagating, cultivating, growing
16 or harvesting of any species of plant which is a
17 controlled dangerous substance or from which a
18 controlled dangerous substance can be derived,

19 b. kits used, intended for use, or fashioned specifically
20 for use in manufacturing, compounding, converting,
21 producing, processing, or preparing controlled
22 dangerous substances,

23 c. isomerization devices used, intended for use, or
24 fashioned specifically for use in increasing the

1 potency of any species of plant which is a controlled
2 dangerous substance,

3 d. testing equipment used, intended for use, or fashioned
4 specifically for use in identifying, or in analyzing
5 the strength, effectiveness, or purity of controlled
6 dangerous substances,

7 e. scales and balances used, intended for use, or
8 fashioned specifically for use in weighing or
9 measuring controlled dangerous substances,

10 f. diluents and adulterants, such as quinine
11 hydrochloride, mannitol, mannite, dextrose and
12 lactose, used, intended for use, or fashioned
13 specifically for use in cutting controlled dangerous
14 substances,

15 g. separation gins and sifters used, intended for use, or
16 fashioned specifically for use in removing twigs and
17 seeds from, or in otherwise cleaning or refining,
18 marijuana,

19 h. blenders, bowls, containers, spoons, and mixing
20 devices used, intended for use, or fashioned
21 specifically for use in compounding controlled
22 dangerous substances,

23 i. capsules, balloons, envelopes, and other containers
24 used, intended for use, or fashioned specifically for

1 use in packaging small quantities of controlled
2 dangerous substances,

3 j. containers and other objects used, intended for use,
4 or fashioned specifically for use in parenterally
5 injecting controlled dangerous substances into the
6 human body,

7 k. hypodermic syringes, needles, and other objects used,
8 intended for use, or fashioned specifically for use in
9 parenterally injecting controlled dangerous substances
10 into the human body, except as authorized by Section
11 2-1101 of this title,

12 l. objects used, intended for use, or fashioned
13 specifically for use in ingesting, inhaling, or
14 otherwise introducing marijuana, cocaine, hashish, or
15 hashish oil into the human body, such as:

16 (1) metal, wooden, acrylic, glass, stone, plastic, or
17 ceramic pipes with or without screens, permanent
18 screens, hashish heads, or punctured metal bowls,

19 (2) water pipes,

20 (3) carburetion tubes and devices,

21 (4) smoking and carburetion masks,

22 (5) roach clips, meaning objects used to hold burning
23 material, such as a marijuana cigarette, that has
24

1 become too small or too short to be held in the
2 hand,

3 (6) miniature cocaine spoons and cocaine vials,

4 (7) chamber pipes,

5 (8) carburetor pipes,

6 (9) electric pipes,

7 (10) air-driven pipes,

8 (11) chillums,

9 (12) bongs, or

10 (13) ice pipes or chillers,

11 m. all hidden or novelty pipes, and

12 n. any pipe that has a tobacco bowl or chamber of less
13 than one-half (1/2) inch in diameter in which there is
14 any detectable residue of any controlled dangerous
15 substance as defined in this section or any other
16 substances not legal for possession or use;

17 provided, however, the term drug paraphernalia shall not include
18 separation gins intended for use in preparing tea or spice, clamps
19 used for constructing electrical equipment, water pipes designed for
20 ornamentation in which no detectable amount of an illegal substance
21 is found or pipes designed and used solely for smoking tobacco,
22 traditional pipes of an American Indian tribal religious ceremony,
23 antique pipes that are thirty (30) years of age or older, or drug

1 testing strips possessed by a person for purposes of determining the
2 presence of fentanyl or a fentanyl-related compound;

3 ~~15.~~ 19. "Drug-dependent person" means a person who is using a
4 controlled dangerous substance and who is in a state of psychic or
5 physical dependence, or both, arising from administration of that
6 controlled dangerous substance on a continuous basis. Drug
7 dependence is characterized by behavioral and other responses which
8 include a strong compulsion to take the substance on a continuous
9 basis in order to experience its psychic effects, or to avoid the
10 discomfort of its absence;

11 20. "Harm-reduction services" means programs established to:

- 12 a. reduce the spread of infectious diseases related to
13 injection drug use,
- 14 b. reduce drug dependency, overdose deaths and associated
15 complications, and
- 16 c. increase safe recovery and disposal of used syringes
17 and sharp waste;

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

22 ~~16.~~ 22. "Home care agency" means any sole proprietorship,
23 partnership, association, corporation, or other organization which
24 administers, offers, or provides home care services, for a fee or

1 pursuant to a contract for such services, to clients in their place
2 of residence;

3 ~~17.~~ 23. "Home care services" means skilled or personal care
4 services provided to clients in their place of residence for a fee;

5 ~~18.~~ 24. "Hospice" means a centrally administered, nonprofit or
6 for-profit, medically directed, nurse-coordinated program which
7 provides a continuum of home and inpatient care for the terminally
8 ill patient and the patient's family. Such term shall also include
9 a centrally administered, nonprofit or for-profit, medically
10 directed, nurse-coordinated program if such program is licensed
11 pursuant to the provisions of the Uniform Controlled Dangerous
12 Substances Act. A hospice program offers palliative and supportive
13 care to meet the special needs arising out of the physical,
14 emotional and spiritual stresses which are experienced during the
15 final stages of illness and during dying and bereavement. This care
16 is available twenty-four (24) hours a day, seven (7) days a week,
17 and is provided on the basis of need, regardless of ability to pay.
18 "Class A" Hospice refers to Medicare-certified hospices. "Class B"
19 refers to all other providers of hospice services;

20 ~~19.~~ 25. "Imitation controlled substance" means a substance that
21 is not a controlled dangerous substance, which by dosage unit
22 appearance, color, shape, size, markings or by representations made,
23 would lead a reasonable person to believe that the substance is a
24 controlled dangerous substance, or is an agricultural drug that is

1 not a controlled dangerous substance being used outside of the scope
2 of practice or normal course of business, as defined by the Oklahoma
3 Veterinary Board, or is a federal Food and Drug Administration-
4 approved drug that is not a controlled dangerous substance being
5 used outside the scope of approval for illicit purposes such as
6 adulterating or lacing other controlled dangerous substances. In
7 the event the appearance of the dosage unit or use is not reasonably
8 sufficient to establish that the substance is an imitation
9 controlled substance, the court or authority concerned should
10 consider, in addition to all other factors, the following factors ~~as~~
11 ~~related to "representations made" in determining whether the~~
12 ~~substance is an imitation controlled substance:~~

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

1 federal law related to controlled substances or fraud,
2 and

3 f. the proximity of the substances to controlled
4 dangerous substances;

5 ~~20.~~ 26. "Immediate precursor" means a substance which the
6 Director has found to be and by regulation designates as being the
7 principal compound commonly used or produced primarily for use, and
8 which is an immediate chemical intermediary used, or likely to be
9 used, in the manufacture of a controlled dangerous substance, the
10 control of which is necessary to prevent, curtail or limit such
11 manufacture;

12 27. "Initial prescription" means a prescription issued to a
13 patient who:

14 a. has never previously been issued a prescription for
15 the drug or its pharmaceutical equivalent in the past
16 year, or

17 b. requires a prescription for the drug or its
18 pharmaceutical equivalent due to a surgical procedure
19 or new acute event and has previously had a
20 prescription for the drug or its pharmaceutical
21 equivalent within the past year.

22 When determining whether a patient was previously issued a
23 prescription for a drug or its pharmaceutical equivalent, the
24

1 practitioner shall consult with the patient and review the medical
2 record and prescription monitoring information of the patient;

3 28. "Isomer" means the optical isomer, except as used in
4 subsections C and F of Section 2-204 of this title and paragraph 4
5 of subsection A of Section 2-206 of this title. As used in
6 subsections C and F of Section 2-204 of this title, isomer means the
7 optical, positional, or geometric isomer. As used in paragraph 4 of
8 subsection A of Section 2-206 of this title, the term isomer means
9 the optical or geometric isomer;

10 ~~21.~~ 29. "Laboratory" means a laboratory approved by the
11 Director as proper to be entrusted with the custody of controlled
12 dangerous substances and the use of controlled dangerous substances
13 for scientific and medical purposes and for purposes of instruction;

14 ~~22.~~ 30. "Manufacture" means the production, preparation,
15 propagation, compounding or processing of a controlled dangerous
16 substance, either directly or indirectly by extraction from
17 substances of natural or synthetic origin, or independently by means
18 of chemical synthesis or by a combination of extraction and chemical
19 synthesis. "Manufacturer" includes any person who packages,
20 repackages or labels any container of any controlled dangerous
21 substance, except practitioners who dispense or compound
22 prescription orders for delivery to the ultimate consumer;

23 ~~23.~~ 31. "Marijuana" means all parts of the plant Cannabis
24 sativa L., whether growing or not; the seeds thereof; the resin

1 extracted from any part of such plant; and every compound,
2 manufacture, salt, derivative, mixture or preparation of such plant,
3 its seeds or resin, but shall not include:

- 4 a. the mature stalks of such plant or fiber produced from
5 such stalks,
- 6 b. oil or cake made from the seeds of such plant,
7 including cannabidiol derived from the seeds of the
8 marijuana plant,
- 9 c. any other compound, manufacture, salt, derivative,
10 mixture or preparation of such mature stalks (except
11 the resin extracted therefrom), including cannabidiol
12 derived from mature stalks, fiber, oil or cake,
- 13 d. the sterilized seed of such plant which is incapable
14 of germination,
- 15 e. for any person participating in a clinical trial to
16 administer cannabidiol for the treatment of severe
17 forms of epilepsy pursuant to Section 2-802 of this
18 title, a drug or substance approved by the federal
19 Food and Drug Administration for use by those
20 participants,
- 21 f. for any person or the parents, legal guardians or
22 caretakers of the person who have received a written
23 certification from a physician licensed in this state
24 that the person has been diagnosed by a physician as

1 having Lennox-Gastaut syndrome, Dravet syndrome, also
2 known as severe myoclonic epilepsy of infancy, or any
3 other severe form of epilepsy that is not adequately
4 treated by traditional medical therapies, spasticity
5 due to multiple sclerosis or due to paraplegia,
6 intractable nausea and vomiting, appetite stimulation
7 with chronic wasting diseases, the substance
8 cannabidiol, a nonpsychoactive cannabinoid, found in
9 the plant Cannabis sativa L. or any other preparation
10 thereof, that has a tetrahydrocannabinol concentration
11 not more than three-tenths of one percent (0.3%) and
12 that is delivered to the patient in the form of a
13 liquid,

14 g. any federal ~~Food and Drug Administration~~ Food and Drug
15 Administration-approved drug or substance, or

16 h. industrial hemp, from the plant Cannabis sativa L. and
17 any part of such plant, whether growing or not, with a
18 delta-9 tetrahydrocannabinol concentration not more
19 than three-tenths of one percent (0.3%) on a dry-
20 weight basis which shall only be grown pursuant to the
21 Oklahoma Industrial Hemp Program and may be shipped
22 intrastate and interstate;

23 ~~24.~~ 32. "Medical purpose" means an intention to utilize a
24 controlled dangerous substance for physical or mental treatment, for

1 diagnosis, or for the prevention of a disease condition not in
2 violation of any state or federal law and not for the purpose of
3 satisfying physiological or psychological dependence or other abuse;

4 ~~25.~~ 33. "Mid-level practitioner" means an Advanced Practice
5 Registered Nurse as defined and within parameters specified in
6 Section 567.3a of Title 59 of the Oklahoma Statutes, or a certified
7 animal euthanasia technician as defined in Section 698.2 of Title 59
8 of the Oklahoma Statutes, or an animal control officer registered by
9 the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control
10 under subsection B of Section 2-301 of this title within the
11 parameters of such officer's duties under Sections 501 through 508
12 of Title 4 of the Oklahoma Statutes;

13 ~~26.~~ 34. "Narcotic drug" means any of the following, whether
14 produced directly or indirectly by extraction from substances of
15 vegetable origin, or independently by means of chemical synthesis,
16 or by a combination of extraction and chemical synthesis:

- 17 a. opium, coca leaves and opiates,
- 18 b. a compound, manufacture, salt, derivative or
19 preparation of opium, coca leaves or opiates,
- 20 c. cocaine, its salts, optical and geometric isomers, and
21 salts of isomers,
- 22 d. ecgonine, its derivatives, their salts, isomers and
23 salts of isomers, and

1 e. a substance, and any compound, manufacture, salt,
2 derivative or preparation thereof, which is chemically
3 identical with any of the substances referred to in
4 subparagraphs a through d of this paragraph, except
5 that the words narcotic drug as used in Section 2-101
6 et seq. of this title shall not include decocainized
7 coca leaves or extracts of coca leaves, which extracts
8 do not contain cocaine or ecgonine;

9 ~~27.~~ 35. "Opiate" or "opioid" means any Schedule II, III, IV or
10 V substance having an addiction-forming or addiction-sustaining
11 liability similar to morphine or being capable of conversion into a
12 drug having such addiction-forming or addiction-sustaining
13 liability. The terms do not include, unless specifically designated
14 as controlled under the Uniform Controlled Dangerous Substances Act,
15 the dextrorotatory isomer of 3-methoxy-n-methyl-morphinan and its
16 salts (dextromethorphan). The terms do include the racemic and
17 levorotatory forms;

18 ~~28.~~ 36. "Opium poppy" means the plant of the species *Papaver*
19 *somniferum* L., except the seeds thereof;

20 37. "Palliative care" means a specialized medical service for
21 people of any age and at any stage of a serious illness or life-
22 altering medical event that focuses on navigating complex medical
23 decisions while providing patient autonomy and access to
24 information. Utilizing a holistic and interdisciplinary team

1 approach, palliative care addresses physical, intellectual,
2 emotional, social, and spiritual needs. Palliative care may be
3 provided in the inpatient, outpatient, or home care setting and
4 strives to improve quality of life for both the patient and the
5 family;

6 38. "Patient-provider agreement" means a written contract or
7 agreement that is executed between a practitioner and a patient
8 prior to the commencement of treatment for chronic pain using an
9 opioid drug as a means to:

- 10 a. explain the possible risk of development of physical
11 or psychological dependence in the patient and prevent
12 the possible development of addiction,
- 13 b. document the understanding of both the practitioner
14 and the patient regarding the patient-provider
15 agreement of the patient,
- 16 c. establish the rights of the patient in association
17 with treatment and the obligations of the patient in
18 relation to the responsible use, discontinuation of
19 use, and storage of opioid drugs, including any
20 restrictions on the refill of prescriptions or the
21 acceptance of opioid prescriptions from practitioners,
- 22 d. identify the specific medications and other modes of
23 treatment, including physical therapy or exercise,

24

1 relaxation, or psychological counseling, that are
2 included as a part of the patient-provider agreement,
3 e. specify the measures the practitioner may employ to
4 monitor the compliance of the patient including, but
5 not limited to, random specimen screens and pill
6 counts, and
7 f. delineate the process for terminating the agreement,
8 including the consequences if the practitioner has
9 reason to believe that the patient is not complying
10 with the terms of the agreement. Compliance with the
11 "consent items" shall constitute a valid, informed
12 consent for opioid therapy. The practitioner shall be
13 held harmless from civil litigation for failure to
14 treat pain if the event occurs because of nonadherence
15 by the patient with any of the provisions of the
16 patient-provider agreement;

17 ~~29.~~ 39. "Peace officer" means a police officer, sheriff, deputy
18 sheriff, district attorney's investigator, investigator from the
19 Office of the Attorney General, or any other person elected or
20 appointed by law to enforce any of the criminal laws of this state
21 or of the United States;

22 ~~30.~~ 40. "Person" means an individual, corporation, government
23 or governmental subdivision or agency, business trust, estate,
24 trust, partnership or association, or any other legal entity;

1 ~~31.~~ 41. "Poppy straw" means all parts, except the seeds, of the
2 opium poppy, after mowing;

3 ~~32.~~ 42. "Practitioner" means:

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

1 ~~33.~~ 43. "Production" includes the manufacture, planting,
2 cultivation, growing or harvesting of a controlled dangerous
3 substance;

4 44. "Serious illness" means a medical illness or physical
5 injury or condition that substantially affects quality of life for
6 more than a short period of time. Serious illness includes, but is
7 not limited to, Alzheimer's disease or related dementias, lung
8 disease, cancer, heart failure, renal failure, liver failure, or
9 chronic, unremitting, or intractable pain such as neuropathic pain;

10 ~~34.~~ 45. "State" means the State of Oklahoma or any other state
11 of the United States;

12 46. "Straw person" or "straw party", also known as a "front",
13 means a third party who:

14 a. is put up in name only to take part in a transaction
15 or otherwise is a nominal party to a transaction with
16 no actual control,

17 b. acts on behalf of another person to obtain title to
18 property and executes documents and instruments the
19 principal may direct respecting property, or

20 c. purchases property for another for the purpose of
21 concealing the identity of the real purchaser or to
22 accomplish some purpose otherwise in violation of
23 Oklahoma Statutes;

1 47. "Surgical procedure" means a procedure that is performed
2 for the purpose of structurally altering the human body by incision
3 or destruction of tissues as part of the practice of medicine. This
4 term includes the diagnostic or therapeutic treatment of conditions
5 or disease processes by use of instruments such as lasers,
6 ultrasound, ionizing, radiation, scalpels, probes, or needles that
7 cause localized alteration or transportation of live human tissue by
8 cutting, burning, vaporizing, freezing, suturing, probing, or
9 manipulating by closed reduction for major dislocations or
10 fractures, or otherwise altering by any mechanical, thermal, light-
11 based, electromagnetic, or chemical means;

12 48. a. "Synthetic controlled substance" means a substance:

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

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

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

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

13 (1) a controlled dangerous substance,

14 (2) any substance for which there is an approved new
15 drug application,

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

1 (4) any substance to the extent not intended for
2 human consumption before such an exemption takes
3 effect with respect to that substance.

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

9 49. "Tetrahydrocannabinols" means all substances that have been
10 chemically synthesized to emulate the tetrahydrocannabinols of
11 marijuana, specifically including any tetrahydrocannabinols derived
12 from industrial hemp; and

13 ~~35. 50. "Ultimate user" means a person who lawfully possesses a~~
14 ~~controlled dangerous substance for the person's own use or for the~~
15 ~~use of a member of the person's household or for administration to~~
16 ~~an animal owned by the person or by a member of the person's~~
17 ~~household;~~

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

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 ~~antique pipes that are thirty (30) years of age or older, or drug~~
10 ~~testing strips possessed by a person for purposes of determining the~~
11 ~~presence of fentanyl or a fentanyl-related compound;~~

12 37. a. ~~"Synthetic controlled substance" means a substance:~~

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

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

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

12 ~~e. "Synthetic controlled substance" does not include:~~

- 13 ~~(1) a controlled dangerous substance,~~
14 ~~(2) any substance for which there is an approved new~~
15 ~~drug application,~~
16 ~~(3) with respect to a particular person any~~
17 ~~substance, if an exemption is in effect for~~
18 ~~investigational use, for that person under the~~
19 ~~provisions of Section 505 of the Federal Food,~~
20 ~~Drug and Cosmetic Act, Title 21 of the United~~
21 ~~States Code, Section 355, to the extent conduct~~
22 ~~with respect to such substance is pursuant to~~
23 ~~such exemption, or~~

1 ~~(4) any substance to the extent not intended for~~
2 ~~human consumption before such an exemption takes~~
3 ~~effect with respect to that substance.~~

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

9 ~~38. "Tetrahydrocannabinols" means all substances that have been~~
10 ~~chemically synthesized to emulate the tetrahydrocannabinols of~~
11 ~~marijuana, specifically including any tetrahydrocannabinols derived~~
12 ~~from industrial hemp;~~

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

20 ~~40. "Hazardous materials" means materials, whether solid,~~
21 ~~liquid or gas, which are toxic to human, animal, aquatic or plant~~
22 ~~life, and the disposal of which materials is controlled by state or~~
23 ~~federal guidelines;~~

1 ~~41. "Anhydrous ammonia" means any substance that exhibits~~
2 ~~eryogenic evaporative behavior and tests positive for ammonia;~~

3 ~~42. "Acute pain" means pain, whether resulting from disease,~~
4 ~~accidental or intentional trauma or other cause, that the~~
5 ~~practitioner reasonably expects to last only a short period of time.~~
6 ~~Acute pain does not include chronic pain, pain being treated as part~~
7 ~~of cancer care, hospice or other end-of-life care, or pain being~~
8 ~~treated as part of palliative care;~~

9 ~~43. "Chronic pain" means pain that persists beyond the usual~~
10 ~~course of an acute disease or healing of an injury. Chronic pain~~
11 ~~may or may not be associated with an acute or chronic pathologic~~
12 ~~process that causes continuous or intermittent pain over months or~~
13 ~~years;~~

14 ~~44. "Initial prescription" means a prescription issued to a~~
15 ~~patient who:~~

- 16 ~~a. has never previously been issued a prescription for~~
17 ~~the drug or its pharmaceutical equivalent in the past~~
18 ~~year, or~~
- 19 ~~b. requires a prescription for the drug or its~~
20 ~~pharmaceutical equivalent due to a surgical procedure~~
21 ~~or new acute event and has previously had a~~
22 ~~prescription for the drug or its pharmaceutical~~
23 ~~equivalent within the past year.~~

1 ~~When determining whether a patient was previously issued a~~
2 ~~prescription for a drug or its pharmaceutical equivalent, the~~
3 ~~practitioner shall consult with the patient and review the medical~~
4 ~~record and prescription monitoring information of the patient;~~

5 ~~45. "Patient provider agreement" means a written contract or~~
6 ~~agreement that is executed between a practitioner and a patient,~~
7 ~~prior to the commencement of treatment for chronic pain using an~~
8 ~~opioid drug as a means to:~~

- 9 ~~a. explain the possible risk of development of physical~~
10 ~~or psychological dependence in the patient and prevent~~
11 ~~the possible development of addiction,~~
- 12 ~~b. document the understanding of both the practitioner~~
13 ~~and the patient regarding the patient-provider~~
14 ~~agreement of the patient,~~
- 15 ~~c. establish the rights of the patient in association~~
16 ~~with treatment and the obligations of the patient in~~
17 ~~relation to the responsible use, discontinuation of~~
18 ~~use, and storage of opioid drugs, including any~~
19 ~~restrictions on the refill of prescriptions or the~~
20 ~~acceptance of opioid prescriptions from practitioners,~~
- 21 ~~d. identify the specific medications and other modes of~~
22 ~~treatment, including physical therapy or exercise,~~
23 ~~relaxation or psychological counseling, that are~~
24 ~~included as a part of the patient-provider agreement,~~

1 e. ~~specify the measures the practitioner may employ to~~
2 ~~monitor the compliance of the patient including, but~~
3 ~~not limited to, random specimen screens and pill~~
4 ~~counts, and~~

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

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

22 47. ~~"Surgical procedure" means a procedure that is performed~~
23 ~~for the purpose of structurally altering the human body by incision~~
24 ~~or destruction of tissues as part of the practice of medicine. This~~

1 ~~term includes the diagnostic or therapeutic treatment of conditions~~
2 ~~or disease processes by use of instruments such as lasers,~~
3 ~~ultrasound, ionizing, radiation, scalpels, probes or needles that~~
4 ~~cause localized alteration or transportation of live human tissue by~~
5 ~~cutting, burning, vaporizing, freezing, suturing, probing or~~
6 ~~manipulating by closed reduction for major dislocations or~~
7 ~~fractures, or otherwise altering by any mechanical, thermal, light-~~
8 ~~based, electromagnetic or chemical means.~~

9 SECTION 11. AMENDATORY 63 O.S. 2021, Section 2-106.2, is
10 amended to read as follows:

11 Section 2-106.2 A. The Oklahoma State Bureau of Narcotics and
12 Dangerous Drugs Control, ~~pursuant to rules promulgated by the~~
13 ~~Oklahoma State Bureau of Narcotics and Dangerous Drugs Control~~
14 ~~Commission,~~ is hereby authorized to:

15 1. Make available for sale used vehicles, used equipment and
16 forfeited property to any federal, state, county, or municipal
17 agency, trust authority or public school district;

18 2. Sell at public auction any used vehicles, used equipment and
19 any property forfeited to the Bureau; and

20 3. Donate or transfer title to any surplus property as defined
21 in Section 62.2 of Title 74 of the Oklahoma Statutes, or property
22 forfeited to the Bureau, to any law enforcement agency of any
23 political subdivision of the State of Oklahoma. The use of such
24

1 donated equipment shall be limited to valid and authorized law
2 enforcement efforts by the receiving agency.

3 B. Any property subject to this section shall be exempted from
4 the provisions set forth in Section 62.3 of Title 74 of the Oklahoma
5 Statutes.

6 SECTION 12. AMENDATORY 63 O.S. 2021, Section 2-304, as
7 amended by Section 3, Chapter 375, O.S.L. 2023 (63 O.S. Supp. 2023,
8 Section 2-304), is amended to read as follows:

9 Section 2-304. A. A registration, pursuant to Section 2-303 of
10 this title, to manufacture, distribute, dispense, prescribe,
11 administer or use for scientific purposes a controlled dangerous
12 substance shall be limited, conditioned, denied, suspended,
13 annulled, or revoked by the Director of the Oklahoma State Bureau of
14 Narcotics and Dangerous Drugs Control upon a finding that the
15 registrant or applicant:

16 1. Has materially falsified any application filed pursuant to
17 the Uniform Controlled Dangerous Substances Act or required by the
18 Uniform Controlled Dangerous Substances Act. It shall be unlawful
19 to knowingly and ~~willfully~~ intentionally:

20 a. make false statements, include false data or omit
21 material information on an application for a
22 registration with the Oklahoma State Bureau of
23 Narcotics and Dangerous Drugs Control, or
24

1 b. provide false data or omit material information in any
2 records or reports required by rule or law to be
3 created, maintained or submitted to the Bureau-

4 ~~Any registrant or applicant for a registration or any official,~~
5 ~~agent or employee of any registrant or applicant for a registration~~
6 ~~who violates the provisions of this paragraph shall be guilty of a~~
7 ~~misdemeanor and additionally subject to administrative action;~~

8 2. Has been found guilty of, entered a plea of guilty or
9 entered a plea of nolo contendere to a misdemeanor relating to any
10 substance defined herein as a controlled dangerous substance or any
11 felony under the laws of any state or the United States;

12 3. Has had his or her federal registration retired, suspended
13 or revoked by a competent federal authority and is no longer
14 authorized by federal law to manufacture, distribute, dispense,
15 prescribe, administer or use for scientific purposes controlled
16 dangerous substances;

17 4. Has failed to maintain effective controls against the
18 diversion of controlled dangerous substances to unauthorized persons
19 or entities;

20 5. Has prescribed, dispensed or administered a controlled
21 dangerous substance from schedules other than those specified in his
22 or her state or federal registration;

23 6. Has had a restriction, suspension, revocation, limitation,
24 condition or probation placed on his or her professional license or

1 certificate or practice as a result of a proceeding pursuant to the
2 general statutes;

3 7. Is abusing or, within the past five (5) years, has abused or
4 excessively used drugs or controlled dangerous substances;

5 8. Has prescribed, sold, administered or ordered any controlled
6 dangerous substance for an immediate family member, himself or
7 herself; provided that this shall not apply to a medical emergency
8 when no other doctor is available to respond to the emergency;

9 9. Has possessed, used, prescribed, dispensed or administered
10 drugs or controlled dangerous substances for other than legitimate
11 medical or scientific purposes or for purposes outside the normal
12 course of his or her professional practice;

13 10. Has been under the influence of alcohol or another
14 intoxicating substance which adversely affected the central nervous
15 system, vision, hearing or other sensory or motor functioning to
16 such degree the person was impaired during the performance of his or
17 her job; or

18 11. Has violated any federal law relating to any controlled
19 dangerous substances, any provision of the Uniform Controlled
20 Dangerous Substances Act or any rules of the Oklahoma State Bureau
21 of Narcotics and Dangerous Drugs Control.

22 B. In the event the Director suspends or revokes a registration
23 granted under Section 2-303 of this title, all controlled dangerous
24 substances owned or possessed by the registrant pursuant to such

1 registration at the time of revocation or suspension or the
2 effective date of the revocation order, as the case may be, may in
3 the discretion of the Director be impounded and preserved. All
4 controlled dangerous substances not impounded or preserved by the
5 Director shall be maintained by the registrant. ~~No~~ Upon issuance of
6 a revocation order, no disposition, purchase, distribution, sale, or
7 transfer may be made of controlled dangerous substances until the
8 time for taking an appeal has elapsed or until all appeals have been
9 concluded unless a court, upon application therefor, orders the sale
10 of perishable substances and the deposit of the proceeds of the sale
11 with the court to be distributed to the prevailing party. Upon a
12 revocation order becoming final, all such controlled dangerous
13 substances shall be forfeited to the state or otherwise ~~considered~~
14 ~~waste and submitted to a licensed waste disposal service for~~
15 ~~destruction pursuant to Section 430 of this title~~ in accordance with
16 applicable law and by order of the Director.

17 C. The Drug Enforcement Administration shall promptly be
18 notified of all orders suspending or revoking registration and all
19 forfeitures of controlled dangerous substances.

20 SECTION 13. AMENDATORY 63 O.S. 2021, Section 2-305, as
21 amended by Section 4, Chapter 375, O.S.L. 2023 (63 O.S. Supp. 2023,
22 Section 2-305), is amended to read as follows:

23 Section 2-305. A. In addition to any other remedies provided
24 for by law, the Director shall issue a written order to be served on

1 the parties before annulling, conditioning, suspending or revoking
2 any registration that the Director has reason to believe is
3 operating inconsistent with any provision of Section 2-303 of this
4 title, pursuant to Section 2-304 of this title or otherwise where
5 there has been a violation of any federal law, any rule or
6 regulation of the Drug Enforcement Administration, any provision of
7 the Uniform Controlled Dangerous Substances Act, or any rules or
8 regulations of the Oklahoma State Bureau of Narcotics and Dangerous
9 Drugs Control.

10 B. The written order shall state with specificity the nature of
11 the violation or basis for the action. The Director may impose any
12 disciplinary action authorized by the Uniform Controlled Dangerous
13 Substances Act or rules of the Oklahoma State Bureau of Narcotics
14 and Dangerous Drugs Control including, but not limited to, the
15 assessment of monetary penalties.

16 C. Any written order issued pursuant to the provisions of this
17 section shall become a final order unless the registrant requests an
18 administrative hearing in accordance with the rules and regulations
19 promulgated by the Director within thirty (30) days of issuance.
20 Upon such request, the Director shall promptly initiate
21 administrative proceedings and serve formal notice of the
22 proceedings pursuant to Section 309 of Title 75 of the Oklahoma
23 Statutes. Nothing in this section shall be construed so as to
24

1 require an individual proceeding for the denial of a new application
2 for registration.

3 D. The Director may authorize the Deputy Director or the
4 General Counsel of the Oklahoma State Bureau of Narcotics and
5 Dangerous Drugs Control to initiate any individual proceedings under
6 this title. Nothing in this section shall be construed so as to
7 delegate the authority of the Director to issue a final agency order
8 of an individual proceeding adverse to a party. If a party fails to
9 request an administrative hearing in a timely manner, the written
10 order as issued shall be deemed adopted by the Director as the final
11 agency order concerning the matter without further action by the
12 Director.

13 E. All proceedings shall be conducted in accordance with the
14 Administrative Procedures Act and the rules and regulations of the
15 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control
16 without regard to any criminal prosecution or other proceeding.

17 1. Proceedings to refuse renewal, revoke, or suspend a
18 registration shall not abate the existing registration which shall
19 remain in effect pending the outcome of those administrative
20 proceedings; provided, the registrant submits timely and sufficient
21 renewal applications annually. This abatement shall not apply when
22 the Director finds there is an imminent danger to the public health
23 or safety requiring an immediate suspension.

24

1 2. The Director may delegate to an administrative hearing
2 officer the authority to conduct hearings and recommend action for
3 final agency orders in accordance with the rules and regulations of
4 the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control.

5 F. The Director may issue an order immediately suspending a
6 registration, without notice or a hearing, when he or she finds
7 there is imminent danger to the public health or safety which
8 warrants this action. The suspension shall continue in effect until
9 the conclusion of any administrative proceedings, including judicial
10 review thereof, unless sooner withdrawn by the Director or dissolved
11 by a court of competent jurisdiction. The order shall state the
12 existence of an emergency requiring action be taken that the
13 Director deems necessary to meet the emergency. Such action may
14 include, but is not limited to, ordering the registrant to
15 immediately cease and desist operations. The order shall be
16 effective immediately upon issuance. Any person to whom the order
17 is directed shall comply immediately with the provisions of the
18 order. The Director may assess a penalty not to exceed Ten Thousand
19 Dollars (\$10,000.00) per day of noncompliance with the order. In
20 assessing such a penalty, the Director shall consider the
21 seriousness of the violation and any efforts to comply with
22 applicable requirements. ~~Upon application to the Director, the~~
23 ~~registrant shall be offered a hearing within thirty (30) days of the~~
24 ~~issuance of the order.~~

1 G. In lieu of or in addition to any other remedies available to
2 the Director, if a finding is made that a registrant has committed
3 any act in violation of federal law relating to any controlled
4 substance, any provision of the Uniform Controlled Dangerous
5 Substances Act or any rules of the Oklahoma State Bureau of
6 Narcotics and Dangerous Drugs Control, the Director is hereby
7 authorized to assess an administrative penalty not to exceed Five
8 Thousand Dollars (\$5,000.00) per day for each such act. The
9 provisions of this subsection shall not apply to violations of
10 subsection G of Section 2-309D of this title. Nothing in this
11 section shall be construed so as to permit the Director of the
12 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control to
13 assess administrative fines for violations of the provisions of
14 subsection G of Section 2-309D of this title.

15 H. If a judge of competent jurisdiction finds probable cause
16 that a registrant has possessed, transferred, sold, or offered for
17 sale any controlled dangerous substance in violation of this act,
18 all controlled dangerous substances in Schedule I of Section 2-204
19 of this title and all controlled dangerous substances in Schedules
20 II, III, IV, and V that are not in properly labeled containers in
21 accordance with this act then in the possession of the registrant
22 shall be deemed contraband and shall be seized and summarily
23 forfeited pursuant to Section 2-505 of this title. Samples shall be
24 retained of all controlled dangerous substances seized in accordance

1 with Section 2-508 of this title as required. The Director is
2 authorized to assess an eradication or destruction fine not to
3 exceed Fifty Thousand Dollars (\$50,000.00) against the registrant.

4 ~~H.~~ I. Upon an annulment, revocation, or denial of a
5 registration the Director may prohibit the registrant or applicant
6 from reapplying for registration for a period up to five (5) years
7 following the date of the final order. The length of any
8 prohibition shall not be used as grounds to contest the validity of
9 the annulment, revocation, or denial of a registration.

10 SECTION 14. AMENDATORY 63 O.S. 2021, Section 2-309, as
11 amended by Section 2, Chapter 304, O.S.L. 2023 (63 O.S. Supp. 2023,
12 Section 2-309), is amended to read as follows:

13 Section 2-309. A. 1. Except for dosages medically required
14 for a period not to exceed forty-eight (48) hours which are
15 administered by or on direction of a practitioner, other than a
16 pharmacist, or medication dispensed directly by a practitioner,
17 other than a pharmacist, to an ultimate user, no controlled
18 dangerous substance included in Schedule II, which is a prescription
19 drug as determined under regulation promulgated by the Board of
20 Pharmacy, shall be dispensed without an electronic prescription of a
21 practitioner; provided, that in emergency situations, as prescribed
22 by the Board of Pharmacy by regulation, such drug may be dispensed
23 upon oral prescription reduced promptly to writing and filed by the
24 pharmacist in a manner to be prescribed by rules and regulations of

1 the Director of the Oklahoma State Bureau of Narcotics and Dangerous
2 Drugs Control.

3 2. Electronic prescribing shall be utilized for Schedules II,
4 III, IV and V, subject to the requirements set forth in 21 CFR,
5 Section 1311 et seq.

6 3. An electronic prescription with electronic signature may
7 serve as an original prescription, subject to the requirements set
8 forth in 21 CFR, Section 1311 et seq.

9 4. Prescriptions shall be retained in conformity with the
10 requirements of this section and Section 2-307 of this title. No
11 prescription for a Schedule II substance may be refilled.

12 5. The electronic prescription requirement provided for in this
13 section shall not apply to prescriptions for controlled dangerous
14 substances issued by any of the following:

- 15 a. a person licensed to practice veterinary medicine,
- 16 b. a practitioner who experiences temporary technological
17 or electrical failure or other extenuating
18 circumstance that prevents the prescription from being
19 transmitted electronically; provided, however, that
20 the practitioner documents the reason for this
21 exception in the medical record of the patient,
- 22 c. a practitioner, other than a pharmacist, who dispenses
23 directly to an ultimate user,

24

1 d. a practitioner who orders a controlled dangerous
2 substance to be administered through an on-site
3 pharmacy in:

4 (1) a hospital as defined in Section 1-701 of this
5 title,

6 (2) a nursing facility as defined in Section 1-1902
7 of this title,

8 (3) a hospice inpatient facility as defined in
9 Section 1-860.2 of this title,

10 (4) an outpatient dialysis facility,

11 (5) a continuum of care facility as defined in
12 Section 1-890.2 of this title, or

13 (6) a penal institution listed in Section 509 of
14 Title 57 of the Oklahoma Statutes,

15 e. a practitioner who orders a controlled dangerous
16 substance to be administered through a hospice program
17 including but not limited to a hospice program that
18 provides hospice services in the private residence of
19 a patient or in a long-term care facility where the
20 patient resides. As used in this subparagraph,
21 "hospice program" has the same meaning as provided by
22 Section 1-860.2 of this title,

23 f. a practitioner who writes a prescription to be
24 dispensed by a pharmacy located on federal property,

1 provided the practitioner documents the reason for
2 this exception in the medical record of the patient,
3 ~~or~~

4 g. a practitioner that has received a waiver or extension
5 from his or her licensing board,

6 h. a practitioner who prescribes a controlled dangerous
7 substance for a supply that when taken as prescribed
8 would be consumed within seventy-two (72) hours, or

9 i. a practitioner who determines that an electronic
10 prescription cannot be issued in a timely manner and
11 the condition of the patient is at risk.

12 6. Electronic prescriptions ~~shall not~~ may be utilized under the
13 following circumstances:

14 a. ~~compound~~ compounded prescriptions ~~containing two or~~
15 ~~more commercially available products or two or more~~
16 ~~active pharmaceutical ingredients,~~

17 b. compounded infusion prescriptions ~~containing two or~~
18 ~~more commercially available products or two or more~~
19 ~~active pharmaceutical ingredients, or~~

20 c. prescriptions issued under approved research
21 protocols, ~~or~~

22 ~~if the practitioner determines that an electronic~~
23 ~~prescription cannot be issued in a timely manner and~~
24 ~~the condition of the patient is at risk.~~

1 7. A pharmacist who receives a written, oral or facsimile
2 prescription shall not be required to verify that the prescription
3 falls under one of the exceptions provided for in paragraph 6 of
4 this subsection. Pharmacists may continue to dispense medications
5 from otherwise valid written, oral or facsimile prescriptions that
6 are consistent with the provisions of this section.

7 8. Practitioners shall indicate in the health record of a
8 patient that an exception to the electronic prescription requirement
9 was utilized.

10 9. All prescriptions issued pursuant to ~~paragraphs~~ paragraph 5
11 and subparagraph c of paragraph 6 of this subsection shall be ~~issued~~
12 on an official prescription form ~~provided~~ approved by the Oklahoma
13 State Bureau of Narcotics and Dangerous Drugs Control if not issued
14 electronically.

15 10. a. ~~Effective January 1, 2020, practitioners~~ Practitioners
16 shall ~~register~~ be registered with the Oklahoma State
17 Bureau of Narcotics and Dangerous Drugs Control in
18 order to ~~be issued~~ purchase official prescription
19 forms. Such registration shall include, but not be
20 limited to, the primary address and the address of
21 each place of business to be imprinted on official
22 prescription forms. Any change to a registered
23 practitioner's registered address shall be promptly
24 reported to the practitioner's licensing board and the

1 Bureau by the practitioner in a manner approved by the
2 Bureau.

3 ~~b. A practitioner's registration shall be without fee and~~
4 ~~subject to approval by the Bureau. Such registration~~
5 ~~shall be valid for a period of two (2) years and may~~
6 ~~be denied, suspended or revoked by the Bureau upon a~~
7 ~~finding by the Bureau or licensing board that the~~
8 ~~registered practitioner has had any license to~~
9 ~~practice a medical profession revoked or suspended by~~
10 ~~any state or federal agency.~~

11 ~~e.~~ Where the Bureau has revoked the registration of a
12 registered practitioner, the Bureau may revoke or
13 cancel any official prescription forms in the
14 possession of the registered practitioner. Any
15 revocation or any suspension shall require the
16 registered practitioner to return all unused official
17 prescription forms to the Bureau within fifteen (15)
18 calendar days after the date of the written
19 notification.

20 ~~d.~~

21 c. A practitioner that has had any license to practice
22 terminated, revoked or suspended by a state or federal
23 agency may, upon restoration of such license or
24

1 certificate, register ~~to be issued official~~
2 ~~prescription forms~~ with the Bureau.

3 11. a. ~~Except as provided in subparagraph f of this~~
4 ~~paragraph, the Bureau shall issue official~~ Official
5 ~~prescription forms free of charge only to registered~~
6 ~~practitioners in this state. Such forms shall not be~~
7 ~~transferable. The number of official prescription~~
8 ~~forms issued to a registered~~ shall be purchased at the
9 expense of the practitioner at any time shall be at
10 the discretion of or the employer of the practitioner
11 from a list of vendors approved by the Bureau.

12 b. Official prescription forms issued to a registered
13 practitioner shall be imprinted ~~only~~ with the primary
14 address and may include other addresses listed on the
15 registration of the practitioner to identify the place
16 of origin. Such prescriptions shall be sent only to
17 the primary address of the registered practitioner.

18 c. Official prescription forms ~~issued to~~ of a registered
19 practitioner shall be used only by the practitioner ~~to~~
20 ~~whom they are issued~~ designated on the official
21 prescription form.

22 d. The Bureau may revoke or cancel official prescription
23 forms in possession of registered practitioners when
24

1 the license of such practitioner is suspended,
2 terminated or revoked.

3 e. Official prescription forms of registered
4 practitioners who are deceased or who no longer
5 prescribe shall be returned to the Bureau at a
6 designated address. If the registered practitioner is
7 deceased, it is the responsibility of the registered
8 practitioner's estate or lawful designee to return
9 such forms.

10 f. The Bureau may issue official prescription forms to
11 employees or agents of the Bureau and other government
12 agencies for the purpose of preventing, identifying,
13 investigating and prosecuting unacceptable or illegal
14 practices by providers and other persons and assisting
15 in the recovery of overpayments under any program
16 operated by the state or paid for with state funds.
17 Such prescription forms shall be issued for this
18 purpose only to individuals who are authorized to
19 conduct investigations on behalf of the Bureau or
20 other government agencies as part of their official
21 duties. Individuals and agencies receiving such
22 prescription forms for this purpose shall provide
23 appropriate assurances to the Bureau that adequate
24 safeguards and security measures are in place to

1 prevent the use of such prescription forms for
2 anything other than official government purposes.

3 12. a. Adequate safeguards and security measures shall be
4 undertaken by registered practitioners holding
5 official prescription forms to assure against the
6 loss, destruction, theft or unauthorized use of the
7 forms. Registered practitioners shall maintain a
8 sufficient but not excessive supply of such forms in
9 reserve.

10 b. Registered practitioners shall immediately notify the
11 Bureau, in a manner designated by the Bureau, upon
12 their knowledge of the loss, destruction, theft or
13 unauthorized use of any official prescription forms
14 issued to them, as well as the failure to receive
15 official prescription forms within a reasonable time
16 after ordering them from the Bureau.

17 c. Registered practitioners shall immediately notify the
18 Bureau upon their knowledge of any diversion or
19 suspected diversion of drugs pursuant to the loss,
20 theft or unauthorized use of prescriptions.

21 B. 1. Except for dosages medically required for a period not
22 to exceed seventy-two (72) hours which are administered by or on
23 direction of a practitioner, other than a pharmacist, ~~or~~ medication
24 dispensed directly by a practitioner, other than a pharmacist, to an

1 ultimate user or the circumstances provided for in paragraphs 5 and
2 6 of subsection A of this section, no controlled dangerous substance
3 included in Schedule III or IV, which is a prescription drug as
4 determined under regulation promulgated by the Board of Pharmacy,
5 shall be dispensed without an electronic prescription.

6 2. Any prescription for a controlled dangerous substance in
7 Schedule III, IV or V may not be filled or refilled more than six
8 (6) months after the date thereof or be refilled more than five
9 times after the date of the prescription, unless renewed by the
10 practitioner.

11 C. Whenever it appears to the Director of the Oklahoma State
12 Bureau of Narcotics and Dangerous Drugs Control that a drug not
13 considered to be a prescription drug under existing state law or
14 regulation of the Board of Pharmacy should be so considered because
15 of its abuse potential, the Director shall so advise the Board of
16 Pharmacy and furnish to the Board all available data relevant
17 thereto.

18 D. 1. "Prescription", as used in this section, means a
19 written, oral or electronic order by a practitioner to a pharmacist
20 for a controlled dangerous substance for a particular patient, which
21 specifies the date of its issue, and the full name and address of
22 the patient and, if the controlled dangerous substance is prescribed
23 for an animal, the species of the animal, the name and quantity of
24 the controlled dangerous substance prescribed, the directions for

1 use, the name and address of the owner of the animal and, if
2 written, the signature of the practitioner. When electronically
3 prescribed, the full name of the patient may include the name and
4 species of the animal.

5 2. "Registered practitioner", as used in this section, means a
6 licensed practitioner duly registered with the Oklahoma State Bureau
7 of Narcotics and Dangerous Drugs Control authorized to ~~be issued~~
8 purchase official prescription forms.

9 E. No person shall solicit, dispense, receive or deliver any
10 controlled dangerous substance through the mail, unless the ultimate
11 user is personally known to the practitioner and circumstances
12 clearly indicate such method of delivery is in the best interest of
13 the health and welfare of the ultimate user.

14 SECTION 15. AMENDATORY 63 O.S. 2021, Section 2-406, as
15 amended by Section 2, Chapter 235, O.S.L. 2023 (63 O.S. Supp. 2023,
16 Section 2-406), is amended to read as follows:

17 Section 2-406. A. It shall be unlawful for any registrant or
18 person applying for registration to knowingly or intentionally:

19 1. ~~To distribute~~ Distribute, other than by dispensing or as
20 otherwise authorized by the Uniform Controlled Dangerous Substances
21 Act, a controlled dangerous substance classified in Schedules I or
22 II, in the course of his or her legitimate business, except pursuant
23 to an order form as required by Section 2-308 of this title;

24

1 2. ~~To use~~ Use in the course of the manufacture or distribution
2 of a controlled dangerous substance a registration number which is
3 fictitious, revoked, suspended or issued to another person;

4 3. ~~To acquire~~ Acquire or obtain possession of a controlled
5 dangerous substance by misrepresentation, fraud, forgery, deception
6 or subterfuge;

7 4. ~~To furnish~~ Furnish false or fraudulent material information
8 in, or omit any material information from, any application, report,
9 or other document required to be kept or filed under the Uniform
10 Controlled Dangerous Substances Act, or any record required to be
11 kept by the Uniform Controlled Dangerous Substances Act;

12 5. ~~To make~~ Make, distribute, or possess any punch, die, plate,
13 stone, or other thing designed to print, imprint, or reproduce the
14 trademark, trade name, or other identifying mark, imprint, or device
15 of another or any likeness of any of the foregoing upon any drug or
16 container or labeling thereof so as to render such drug a
17 counterfeit controlled dangerous substance; and

18 6. ~~To purchase~~ Purchase, or attempt, endeavor, or conspire to
19 obtain or purchase, any license or registration required to
20 distribute, possess, prescribe, or manufacture any controlled
21 dangerous substance on behalf of, or at the request or demand of,
22 any other person through the use of a straw person or straw party.

23 B. Any person who violates this section is guilty of a felony
24 punishable by imprisonment for not more than twenty (20) years or a

1 fine not more than Two Hundred Fifty Thousand Dollars (\$250,000.00),
2 or both.

3 C. Any person convicted of a second or subsequent violation of
4 this section is punishable by a term of imprisonment twice that
5 otherwise authorized and by twice the fine otherwise authorized.
6 Convictions for second or subsequent violations of this section
7 shall not be subject to statutory provisions for suspended
8 sentences, deferred sentences, or probation.

9 D. Any person convicted of any offense described in this
10 section shall, in addition to any fine imposed, pay a special
11 assessment trauma-care fee of One Hundred Dollars (\$100.00) to be
12 deposited into the Trauma Care Assistance Revolving Fund created in
13 Section 1-2530.9 of this title.

14 SECTION 16. REPEALER 63 O.S. 2021, Sections 2-101, as
15 last amended by Section 10, Chapter 91, O.S.L. 2019, Section 1,
16 Chapter 235, O.S.L. 2023, and Section 1, Chapter 304, O.S.L. 2023,
17 2-304, as last amended by Section 1, Chapter 176, O.S.L. 2023, 2-
18 305, as amended by Section 2, Chapter 176, O.S.L. 2023, 2-309, as
19 last amended by Section 1, Chapter 333, O.S.L. 2021, 2-402, as last
20 amended by Section 1, Chapter 220, O.S.L. 2016 and 2-406 as last
21 amended by Section 7, Chapter 375, O.S.L. 2023 (63 O.S. Supp. 2023,
22 Sections 2-101, 2-304, 2-305, 2-309, 2-402 and 2-406), are hereby
23 repealed.

24

1 SECTION 17. It being immediately necessary for the preservation
2 of the public peace, health or safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.

5 Passed the House of Representatives the 12th day of March, 2024.

6

7

Presiding Officer of the House
of Representatives

8

9

Passed the Senate the ____ day of _____, 2024.

10

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Presiding Officer of the Senate

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