

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 241

By: Thompson

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5  
6 AS INTRODUCED

7 An Act relating to Uniform Controlled Dangerous  
8 Substances Act; amending 63 O.S. 2011, Section 2-302,  
9 as last amended by Section 57, Chapter 161, O.S.L.  
10 2020 (63 O.S. Supp. 2020, Section 2-302), which  
relates to registration requirements; modifying  
required documentation; updating statutory reference;  
and providing an effective date.

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

14 SECTION 1. AMENDATORY 63 O.S. 2011, Section 2-302, as  
15 last amended by Section 57, Chapter 161, O.S.L. 2020 (63 O.S. Supp.  
16 2020, Section 2-302), is amended to read as follows:

17 Section 2-302. A. Every person who manufactures, distributes,  
18 dispenses, prescribes, administers or uses for scientific purposes  
19 any controlled dangerous substance within or into this state, or who  
20 proposes to engage in the manufacture, distribution, dispensing,  
21 prescribing, administering or use for scientific purposes of any  
22 controlled dangerous substance within or into this state shall  
23 obtain a registration issued by the Director of the Oklahoma State  
24 Bureau of Narcotics and Dangerous Drugs Control, in accordance with

1 rules promulgated by the Director. Persons registered by the  
2 Director under Section 2-101 et seq. of this title to manufacture,  
3 distribute, dispense, or conduct research with controlled dangerous  
4 substances may possess, manufacture, distribute, dispense, or  
5 conduct research with those substances to the extent authorized by  
6 their registration and in conformity with the other provisions of  
7 the Uniform Controlled Dangerous Substances Act. Every wholesaler,  
8 manufacturer or distributor of any drug product containing  
9 pseudoephedrine or phenylpropanolamine, or their salts, isomers, or  
10 salts of isomers shall obtain a registration issued by the Director  
11 of the Oklahoma State Bureau of Narcotics and Dangerous Drugs  
12 Control in accordance with rules promulgated by the Director and as  
13 provided for in Section 2-332 of this title.

14 B. Out-of-state pharmaceutical suppliers who provide controlled  
15 dangerous substances to individuals within this state shall obtain a  
16 registration issued by the Director of the Oklahoma State Bureau of  
17 Narcotics and Dangerous Drugs Control, in accordance with rules  
18 promulgated by the Director. This provision shall also apply to  
19 wholesale distributors who distribute controlled dangerous  
20 substances to pharmacies or other entities registered within this  
21 state in accordance with rules promulgated by the Director.

22 C. Every person who owns in whole or in part a public or  
23 private medical facility for which a majority of patients are issued  
24 on a reoccurring monthly basis a prescription for opioids,

1 benzodiazepines, barbiturates or carisoprodol, but not including  
2 Suboxone or buprenorphine, shall obtain a registration issued by the  
3 Director of the Oklahoma State Bureau of Narcotics and Dangerous  
4 Drugs Control.

5 D. Every manufacturer and distributor required to register  
6 under the provisions of this section shall provide ~~all data required~~  
7 ~~pursuant to 21 U.S.C., Section 827(d)(1)~~ information regarding the  
8 sale of controlled dangerous substances on a monthly basis to the  
9 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control.

10 Controlled dangerous substances in Schedule I shall be reported in  
11 accordance with rules promulgated by the Director. Reporting of  
12 controlled dangerous substances ~~pursuant to 21 U.S.C., Section~~  
13 ~~827(d)(1)~~ in Schedules II, III, IV and V may be in the same format  
14 used in reporting the same or similar information to the federal  
15 Drug Enforcement Administration and shall include, but not be  
16 limited to:

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

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

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

23 4. The name and National Drug Code of the controlled dangerous  
24 substance sold; and

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

3           E. The information maintained and provided pursuant to  
4 subsection D of this section shall be confidential and not open to  
5 the public. Access to the information shall, at the discretion of  
6 the Director, be limited to:

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

11           2. The United States Drug Enforcement Administration Diversion  
12 Group Supervisor; and

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

15           F. Manufacturers, distributors, home care agencies, hospices,  
16 home care services, medical facility owners referred to in  
17 subsection C of this section and scientific researchers shall obtain  
18 a registration annually. Other practitioners shall obtain a  
19 registration for a period to be determined by the Director that will  
20 be for a period not less than one (1) year nor more than three (3)  
21 years.

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

11 H. The following persons shall not be required to register and  
12 may lawfully possess controlled dangerous substances under the  
13 provisions of Section 2-101 et seq. of this title:

14 1. An agent, or an employee thereof, of any registered  
15 manufacturer, distributor, dispenser or user for scientific purposes  
16 of any controlled dangerous substance, if such agent is acting in  
17 the usual course of such agent's or employee's business or  
18 employment;

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

22 3. A common or contract carrier or warehouse, or an employee  
23 thereof, whose possession of any controlled dangerous substance is  
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1 in the usual course of such carrier's or warehouse's business or  
2 employment;

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

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

8 6. A nursing home licensed by this state;

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

15 8. Registered nurses and licensed practical nurses; and

16 9. An assisted living facility licensed by the State of  
17 Oklahoma.

18 I. The Director may, by rule, waive the requirement for  
19 registration or fee for registration of certain manufacturers,  
20 distributors, dispensers, prescribers, administrators, or users for  
21 scientific purposes if the Director finds it consistent with the  
22 public health and safety.

23 J. A separate registration shall be required at each principal  
24 place of business or professional practice where the applicant

1 manufactures, distributes, dispenses, prescribes, administers, or  
2 uses for scientific purposes controlled dangerous substances.

3 K. The Director is authorized to inspect the establishment of a  
4 registrant or applicant for registration in accordance with rules  
5 promulgated by the Director.

6 L. No person engaged in a profession or occupation for which a  
7 license to engage in such activity is provided by law shall be  
8 registered under the Uniform Controlled Dangerous Substances Act  
9 unless such person holds a valid license of such person's profession  
10 or occupation.

11 M. Registrations shall be issued on the first day of November  
12 of each year. Registrations may be issued at other times, ; however,  
13 upon certification of the professional licensing board.

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

21 O. The licensing board of any professional defined as a mid-  
22 level practitioner shall notify and furnish to the Director, not  
23 later than the first day of October of each year that such  
24 professional holds a valid license, a current listing of individuals

1 licensed and registered with their respective boards to prescribe,  
2 order, select, obtain and administer controlled dangerous  
3 substances. The licensing board shall immediately notify the  
4 Director of any action subsequently taken against any such  
5 individual.

6 P. Beginning November 1, 2010, each registrant that prescribes,  
7 administers or dispenses methadone shall be required to check the  
8 prescription profile of the patient on the central repository of the  
9 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control.

10 SECTION 2. This act shall become effective November 1, 2021.

12 58-1-1387 BG 1/4/2021 1:58:47 PM