

1 **SENATE FLOOR VERSION**

2 February 15, 2023

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 945

6 By: Jech

7 [ Uniform Controlled Dangerous Substances Act -  
8 controlled dangerous substances - registration fee -  
9 emergency ]

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

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

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

23 1. Maintenance of effective controls against diversion of  
24 particular controlled dangerous substances and any Schedule I or II

1 substance compounded therefrom into other than legitimate medical,  
2 scientific or industrial channels, including examination of the  
3 fitness of his or her employees or agents to handle dangerous  
4 substances;

5 2. Compliance with applicable state and local law;

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

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

14 5. Past experience in the manufacture, distribution,  
15 dispensing, prescribing, administering or use for scientific  
16 purposes of controlled dangerous substances, and the existence in  
17 the establishment of effective controls against diversion;

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

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

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

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

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

1 to safeguard adequately such applicant's supply of such substances  
2 against diversion from legitimate medical or scientific use.

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

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

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

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

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

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

12 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS  
13 February 15, 2023 - DO PASS AS AMENDED BY CS  
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