



1 substance; authorizing electronic prescription method  
2 for certain substances under certain circumstances;  
3 amending 63 O.S. 2001, Section 2-415, as last amended  
4 by Section 5, Chapter 199, O.S.L. 2007 (63 O.S. Supp.  
5 2010, Section 2-415), which relates to the  
6 Trafficking in Illegal Drugs Act; clarifying weight  
7 amounts for certain substances; amending 63 O.S.  
8 2001, Section 2-508, as last amended by Section 15,  
9 Chapter 442, O.S.L. 2009 (63 O.S. Supp. 2010, Section  
10 2-508), which relates to the disposition of seized  
11 property; modifying agency that shall be responsible  
12 for the destruction of seized or surrendered  
13 property; amending Section 2, Chapter 458, O.S.L.  
14 2010 (63 O.S. Supp. 2010, Section 2-701), which  
15 relates to the Oklahoma State Bureau of Narcotics and  
16 Dangerous Drugs Control registry; requiring  
17 registration of persons convicted of crimes in other  
18 jurisdictions; modifying time limitation for  
19 submitting registration form; and providing an  
20 effective date.

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1           2. Sell, offer for sale, barter or give away any unused  
2 quantity of drugs obtained by prescription, except through a program  
3 pursuant to the Utilization of Unused Prescription Medications Act  
4 or as otherwise provided by the State Board of Pharmacy;

5           3. Sell, offer for sale, barter or give away any drugs damaged  
6 by fire, water, or other causes without first obtaining the written  
7 approval of the Board or the State Department of Health;

8           4. Enter into any arrangement whereby prescription orders are  
9 received, or prescriptions delivered at a place other than the  
10 pharmacy in which they are compounded and dispensed. However,  
11 nothing in this paragraph shall prevent a pharmacist or an employee  
12 of the pharmacy from personally receiving a prescription or  
13 delivering a legally filled prescription at a residence, office or  
14 place of employment of the patient for whom the prescription was  
15 written. Provided further, the provisions of this paragraph shall  
16 not apply to any Department of Mental Health and Substance Abuse  
17 Services employee or any person whose facility contracts with the  
18 Department of Mental Health and Substances Abuse Services whose  
19 possession of any dangerous drug, as defined in Section 353.1 of  
20 this title, is for the purpose of delivery of a mental health  
21 consumer's medicine to the consumer's home or residence. Nothing in  
22 this paragraph shall prevent veterinary prescription drugs from  
23 being shipped directly from an Oklahoma licensed wholesaler or

1 distributor to a client; provided, such drugs may be dispensed only  
2 on prescription of a licensed veterinarian and only when an existing  
3 veterinary-client-patient relationship exists;

4 5. Sell, offer for sale or barter or buy any professional  
5 samples except through a program pursuant to the Utilization of  
6 Unused Prescription Medications Act. For purpose of this paragraph,  
7 "professional samples" means complimentary drugs packaged in  
8 accordance with federal and state statutes and regulations and  
9 provided to a licensed practitioner free of charge by manufacturers  
10 or distributors for the purpose of being distributed free of charge  
11 in such package by the licensed practitioner to a patient;

12 6. Refuse to permit or otherwise prevent members of the Board  
13 or such representatives thereof from entering and inspecting any and  
14 all places, including premises, equipment, contents, and records,  
15 where drugs, medicine, chemicals or poisons are stored, sold,  
16 vended, given away, compounded, dispensed or manufactured;

17 7. Possess dangerous drugs without a valid prescription or a  
18 valid license to possess such drugs; provided, however, this  
19 provision shall not apply to any Department of Mental Health and  
20 Substance Abuse Services employee or any person whose facility  
21 contracts with the Department of Mental Health and Substances Abuse  
22 Services whose possession of any dangerous drug, as defined in  
23 Section 353.1 of this title, is for the purpose of delivery of a

1 mental health consumer's medicine to the consumer's home or  
2 residence;

3 8. Possess, sell, offer for sale, barter or give away any  
4 quantity of dangerous drugs not listed as a scheduled drug pursuant  
5 to Sections 2-201 through 2-212 of Title 63 of the Oklahoma Statutes  
6 when obtained by prescription bearing forged, fictitious or altered  
7 information.

8 a. A first violation of this section shall constitute a  
9 misdemeanor and upon conviction shall be punishable by  
10 imprisonment in the county jail for a term not more  
11 than one (1) year and a fine in an amount not more  
12 than One Thousand Dollars (\$1,000.00).

13 b. A second violation of this section shall constitute a  
14 felony and upon conviction shall be punishable by  
15 imprisonment in the Department of Corrections for a  
16 term not exceeding five (5) years and a fine in an  
17 amount not more than Two Thousand Dollars (\$2,000.00);

18 9. Knowingly violate a Board order or agreed order;

19 ~~9.~~ 10. Compromise the security of licensure examination  
20 materials; or

21 ~~10.~~ 11. Fail to notify the Board, in writing, within ten (10)  
22 days of an address change.

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1 SECTION 2. AMENDATORY 63 O.S. 2001, Section 2-204, as  
2 last amended by Section 1, Chapter 182, O.S.L. 2010 (63 O.S. Supp.  
3 2010, 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.

6 A. Any of the following opiates, including their isomers,  
7 esters, ethers, salts, and salts of isomers, esters, and ethers,  
8 unless specifically excepted, when the existence of these isomers,  
9 esters, ethers, and salts is possible within the specific chemical  
10 designation:

- 11 1. Acetylmethadol;
- 12 2. Allylprodine;
- 13 3. Alphacetylmethadol;
- 14 4. Alphameprodine;
- 15 5. Alphamethadol;
- 16 6. Benzethidine;
- 17 7. Betacetylmethadol;
- 18 8. Betameprodine;
- 19 9. Betamethadol;
- 20 10. Betaprodine;
- 21 11. Clonitazene;
- 22 12. Dextromoramide;
- 23 13. Dextrorphan (except its methyl ether);

- 1 14. Diampromide;
- 2 15. Diethylthiambutene;
- 3 16. Dimenoxadol;
- 4 17. Dimepheptanol;
- 5 18. Dimethylthiambutene;
- 6 19. Dioxaphetyl butyrate;
- 7 20. Dipipanone;
- 8 21. Ethylmethylthiambutene;
- 9 22. Etonitazene;
- 10 23. Etoxeridine;
- 11 24. Furethidine;
- 12 25. Hydroxypethidine;
- 13 26. Ketobemidone;
- 14 27. Levomoramide;
- 15 28. Levophenacetylmorphan;
- 16 29. Morpheridine;
- 17 30. Noracymethadol;
- 18 31. Norlevorphanol;
- 19 32. Normethadone;
- 20 33. Norpipanone;
- 21 34. Phenadoxone;
- 22 35. Phenampromide;
- 23 36. Phenomorphan;

UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

- 1 37. Phenoperidine;
- 2 38. Piritramide;
- 3 39. Proheptazine;
- 4 40. Properidine;
- 5 41. Racemoramide; or
- 6 42. Trimeperidine;
- 7 ~~43. Flunitrazepam;~~
- 8 ~~44. B hydroxy amphetamine;~~
- 9 ~~45. B ketoamphetamine;~~
- 10 ~~46. 3,4 methylenedioxy N methyl B ketoamphetamine;~~
- 11 ~~47. 2,5 dimethoxy 4 methylamphetamine;~~
- 12 ~~48. 2,5 dimethoxy 4 bromoamphetamine;~~
- 13 ~~49. 2,5 dimethoxy 4 nitroamphetamine;~~
- 14 ~~50. 2,5 dimethoxy 4 bromophenethylamine;~~
- 15 ~~51. 2,5 dimethoxy 4 chlorophenethylamine;~~
- 16 ~~52. 2,5 dimethoxy 4 iodoamphetamine;~~
- 17 ~~53. 2,5 dimethoxy 4 iodophenethylamine;~~
- 18 ~~54. 2,5 dimethoxy 4 methylphenethylamine;~~
- 19 ~~55. 2,5 dimethoxy 4 ethylphenethylamine;~~
- 20 ~~56. 2,5 dimethoxy 4 fluorophenethylamine;~~
- 21 ~~57. 2,5 dimethoxy 4 nitrophenethylamine;~~
- 22 ~~58. 2,5 dimethoxy 4 ethylthio phenethylamine;~~
- 23 ~~59. 2,5 dimethoxy 4 isopropylthio phenethylamine;~~

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- 1 ~~60. 2,5 dimethoxy 4 propylthio phenethylamine;~~  
2 ~~61. 2,5 dimethoxy 4 cyclopropylmethylthio phenethylamine;~~  
3 ~~62. 2,5 dimethoxy 4 tert butylthio phenethylamine;~~  
4 ~~63. 2,5 dimethoxy 4 (2 fluoroethylthio) phenethylamine;~~  
5 ~~64. 5 methoxy N, N dimethyltryptamine;~~  
6 ~~65. N methyltryptamine;~~  
7 ~~66. A ethyltryptamine;~~  
8 ~~67. A methyltryptamine;~~  
9 ~~68. N, N diethyltryptamine;~~  
10 ~~69. N, N diisopropyltryptamine;~~  
11 ~~70. N, N dipropyltryptamine;~~  
12 ~~71. 5 methoxy a methyltryptamine;~~  
13 ~~72. 4 hydroxy N, N diethyltryptamine;~~  
14 ~~73. 4 hydroxy N, N diisopropyltryptamine;~~  
15 ~~74. 5 methoxy N, N diisopropyltryptamine; or~~  
16 ~~75. 4 hydroxy N isopropyl N methyltryptamine.~~

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

- 21 1. Acetorphine;  
22 2. Acetyldihydrocodeine;  
23 3. Benzylmorphine;

- 1 4. Codeine methylbromide;
- 2 5. Codeine-N-Oxide;
- 3 6. Cyprenorphine;
- 4 7. Desomorphine;
- 5 8. Dihydromorphine;
- 6 9. Etorphine;
- 7 10. Heroin;
- 8 11. Hydromorphinol;
- 9 12. Methyldesorphine;
- 10 13. Methylhydromorphine;
- 11 14. Morphine methylbromide;
- 12 15. Morphine methylsulfonate;
- 13 16. Morphine-N-Oxide;
- 14 17. Myrophine;
- 15 18. Nicocodeine;
- 16 19. Nicomorphine;
- 17 20. Normorphine;
- 18 21. Phoclodine; or
- 19 22. Thebacon.

20 C. Any material, compound, mixture, or preparation which  
21 contains any quantity of the following hallucinogenic substances,  
22 their salts, isomers, and salts of isomers, unless specifically  
23  
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1 | excepted, when the existence of these salts, isomers, and salts of  
2 | isomers is possible within the specific chemical designation:

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

- 1 22. Cyclohexamine;
- 2 23. Salvia Divinorum;
- 3 24. Salvinorin A;
- 4 25. Thiophene Analog of Phencyclidine. Also known as: 1-(1-(2-
- 5 thienyl) cyclohexyl) piperidine; 2-Thienyl Analog of Phencyclidine;
- 6 TPCP, TCP;
- 7 26. Phencyclidine (PCP);
- 8 27. Pyrrolidine Analog for Phencyclidine. Also known as 1-(1-
- 9 Phenylcyclohexyl) - Pyrrolidine, PCPy, PHP;
- 10 28. ~~1-(2-[trifluoromethylphenyl])~~ 1-(3-[trifluorometh-
- 11 ylphenyl]) piperazine;
- 12 29. ~~1-Butyl 3-(1-naphthoyl)indole~~ Flunitrazepam;
- 13 30. ~~1-Pentyl 3-(1-naphthoyl)indole~~ B-hydroxy-amphetamine; or
- 14 31. ~~(6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-~~
- 15 ~~methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol~~ B-
- 16 ketoamphetamine;
- 17 32. 2,5-dimethoxy-4-nitroamphetamine;
- 18 33. 2,5-dimethoxy-4-bromophenethylamine;
- 19 34. 2,5-dimethoxy-4-chlorophenethylamine;
- 20 35. 2,5-dimethoxy-4-iodoamphetamine;
- 21 36. 2,5-dimethoxy-4-iodophenethylamine;
- 22 37. 2,5-dimethoxy-4-methylphenethylamine;
- 23 38. 2,5-dimethoxy-4-ethylphenethylamine;
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- 1     39. 2,5-dimethoxy-4-fluorophenethylamine;  
2     40. 2,5-dimethoxy-4-nitrophenethylamine;  
3     41. 2,5-dimethoxy-4-ethylthio-phenethylamine;  
4     42. 2,5-dimethoxy-4-isopropylthio-phenethylamine;  
5     43. 2,5-dimethoxy-4-propylthio-phenethylamine;  
6     44. 2,5-dimethoxy-4-cyclopropylmethylthio-phenethylamine;  
7     45. 2,5-dimethoxy-4-tert-butylthio-phenethylamine;  
8     46. 2,5-dimethoxy-4-(2-fluoroethylthio)-phenethylamine;  
9     47. 5-methoxy-N, N-dimethyltryptamine;  
10    48. N-methyltryptamine;  
11    49. A-ethyltryptamine;  
12    50. A-methyltryptamine;  
13    51. N, N-diethyltryptamine;  
14    52. N, N-diisopropyltryptamine;  
15    53. N, N-dipropyltryptamine;  
16    54. 5-methoxy-a-methyltryptamine;  
17    55. 4-hydroxy-N, N-diethyltryptamine;  
18    56. 4-hydroxy-N, N-diisopropyltryptamine;  
19    57. 5-methoxy-N, N-diisopropyltryptamine;  
20    58. 4-hydroxy-N-isopropyl-N-methyltryptamine;  
21    59. 3,4-Methylenedioxymethcathinone (Methylone);  
22    60. 3,4-Methylenedioxypyrovalerone (MDPV);  
23    61. 4-Methylmethcathinone (Mephedrone);

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1        62. 4-methoxymethcathinone;

2        63. 4-Fluoromethcathinone; or

3        64. 3-Fluoromethcathinone.

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

8            1. Fenethylline;

9            2. Mecloqualone;

10           3. N-ethylamphetamine;

11           4. Methaqualone;

12           5. Gamma-Hydroxybutyric Acid, also known as GHB, gamma-  
13 hydroxybutyrate, 4-hydroxybutyrate, 4-hydroxybutanoic acid, sodium  
14 oxybate, and sodium oxybutyrate;

15           6. Gamma-Butyrolactone (GBL) as packaged, marketed,  
16 manufactured or promoted for human consumption, with the exception  
17 of legitimate food additive and manufacturing purposes;

18           7. Gamma Hydroxyvalerate (GHV) as packaged, marketed, or  
19 manufactured for human consumption, with the exception of legitimate  
20 food additive and manufacturing purposes;

21           8. Gamma Valerolactone (GVL) as packaged, marketed, or  
22 manufactured for human consumption, with the exception of legitimate  
23 food additive and manufacturing purposes; or

1 9. 1,4 Butanediol (1,4 BD or BDO) as packaged, marketed,  
2 manufactured, or promoted for human consumption with the exception  
3 of legitimate manufacturing purposes.

4 E. 1. The following industrial uses of Gamma-Butyrolactone,  
5 Gamma Hydroxyvalerate, Gamma Valerolactone, or 1,4 Butanediol are  
6 excluded from all schedules of controlled substances under this  
7 title:

- 8 a. pesticides,
- 9 b. photochemical etching,
- 10 c. electrolytes of small batteries or capacitors,
- 11 d. viscosity modifiers in polyurethane,
- 12 e. surface etching of metal coated plastics,
- 13 f. organic paint disbursements for water soluble inks,
- 14 g. pH regulators in the dyeing of wool and polyamide  
15 fibers,
- 16 h. foundry chemistry as a catalyst during curing,
- 17 i. curing agents in many coating systems based on  
18 urethanes and amides,
- 19 j. additives and flavoring agents in food, confectionary,  
20 and beverage products,
- 21 k. synthetic fiber and clothing production,
- 22 l. tetrahydrofuran production,
- 23 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 may exempt any other product containing Gamma-Butyrolactone, Gamma Hydroxyvalerate, Gamma Valerolactone, or 1,4 Butanediol from being included as a Schedule I controlled substance if such product is labeled, marketed, manufactured and distributed for legitimate industrial use in a manner that reduces or eliminates the likelihood of abuse.

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

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

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



1 F. Any quantity of a synthetic chemical compound that  
2 is a cannabinoid receptor agonist and mimics the pharmacological  
3 effect of naturally occurring substances including:

4 1. JWH-004;

5 2. JWH-007;

6 3. JWH-009;

7 4. JWH-015;

8 5. JWH-016;

9 6. JWH-018;

10 7. JWH-019;

11 8. JWH-020;

12 9. JWH-030;

13 10. JWH-046;

14 11. JWH-047;

15 12. JWH-048;

16 13. JWH-049;

17 14. JWH-050;

18 15. JWH-070;

19 16. JWH-071;

20 17. JWH-072;

21 18. JWH-073;

22 19. JWH-076;

23 20. JWH-079;

- 1        21.    JWH-080;
- 2        22.    JWH-081;
- 3        23.    JWH-082;
- 4        24.    JWH-094;
- 5        25.    JWH-096;
- 6        26.    JWH-098;
- 7        27.    JWH-116;
- 8        28.    JWH-120;
- 9        29.    JWH-122;
- 10       30.    JWH-145;
- 11       31.    JWH-146;
- 12       32.    JWH-147;
- 13       33.    JWH-148;
- 14       34.    JWH-149;
- 15       35.    JWH-150;
- 16       36.    JWH-156;
- 17       37.    JWH-167;
- 18       38.    JWH-175;
- 19       39.    JWH-180;
- 20       40.    JWH-181;
- 21       41.    JWH-182;
- 22       42.    JWH-184;
- 23       43.    JWH-185;

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- 1        44.    JWH-189;
- 2        45.    JWH-192;
- 3        46.    JWH-193;
- 4        47.    JWH-194;
- 5        48.    JWH-195;
- 6        49.    JWH-196;
- 7        50.    JWH-197;
- 8        51.    JWH-198;
- 9        52.    JWH-199;
- 10       53.    JWH-200;
- 11       54.    JWH-201;
- 12       55.    JWH-202;
- 13       56.    JWH-203;
- 14       57.    JWH-204;
- 15       58.    JWH-205;
- 16       59.    JWH-206;
- 17       60.    JWH-207;
- 18       61.    JWH-208;
- 19       62.    JWH-209;
- 20       63.    JWH-210;
- 21       64.    JWH-211;
- 22       65.    JWH-212;
- 23       66.    JWH-213;

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- 1        67.    JWH-234;
- 2        68.    JWH-235;
- 3        69.    JWH-236;
- 4        70.    JWH-237;
- 5        71.    JWH-239;
- 6        72.    JWH-240;
- 7        73.    JWH-241;
- 8        74.    JWH-242;
- 9        75.    JWH-243;
- 10       76.    JWH-244;
- 11       77.    JWH-245;
- 12       78.    JWH-246;
- 13       79.    JWH-248;
- 14       80.    JWH-249;
- 15       81.    JWH-250;
- 16       82.    JWH-251;
- 17       83.    JWH-252;
- 18       84.    JWH-253;
- 19       85.    JWH-262;
- 20       86.    JWH-292;
- 21       87.    JWH-293;
- 22       88.    JWH-302;
- 23       89.    JWH-303;

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- 1     90.   JWH-304;
- 2     91.   JWH-305;
- 3     92.   JWH-306;
- 4     93.   JWH-307;
- 5     94.   JWH-308;
- 6     95.   JWH-311;
- 7     96.   JWH-312;
- 8     97.   JWH-313;
- 9     98.   JWH-314;
- 10    99.   JWH-315;
- 11    100.  JWH-316;
- 12    101.  JWH-346;
- 13    102.  JWH-348;
- 14    103.  JWH-363;
- 15    104.  JWH-364;
- 16    105.  JWH-365;
- 17    106.  JWH-367;
- 18    107.  JWH-368;
- 19    108.  JWH-369;
- 20    109.  JWH-370;
- 21    110.  JWH-371;
- 22    111.  JWH-373;
- 23    112.  JWH-386;

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- 1        113. JWH-387;
- 2        114. JWH-392;
- 3        115. JWH-394;
- 4        116. JWH-395;
- 5        117. JWH-397;
- 6        118. JWH-398;
- 7        119. JWH-399;
- 8        120. JWH-400;
- 9        121. JWH-412;
- 10       122. JWH-413;
- 11       123. JWH-414;
- 12       124. JWH-415;
- 13       125. CP-55, 940;
- 14       126. CP-47, 497;
- 15       127. HU-210;
- 16       128. HU-211;
- 17       129. WIN-55, 212-2; and
- 18       130. AM-2201.

19       SECTION 3.       AMENDATORY       63 O.S. 2001, Section 2-206, as  
20 last amended by Section 2, Chapter 332, O.S.L. 2008 (63 O.S. Supp.  
21 2010, Section 2-206), is amended to read as follows:

22       Section 2-206. The controlled substances listed in this section  
23 are included in Schedule II.

UNDERLINED language denotes Amendments to present Statutes.  
BOLD FACE CAPITALIZED language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

1       A. Any of the following substances except those narcotic drugs  
2 listed in other schedules whether produced directly or indirectly by  
3 extraction from substances of vegetable origin, or independently by  
4 means of chemical synthesis, or by combination of extraction and  
5 chemical synthesis:

6       1. Opium and opiate, and any salt, compound, derivative, or  
7 preparation of opium or opiate;

8       2. Any salt, compound, isomer, derivative, or preparation  
9 thereof which is chemically equivalent or identical with any of the  
10 substances referred to in paragraph 1 of this subsection, but not  
11 including the isoquinoline alkaloids of opium;

12       3. Opium poppy and poppy straw; or

13       4. Coca leaves except coca leaves and extracts of coca leaves  
14 from which cocaine, ecgonine, and derivatives of ecgonine or their  
15 salts have been removed; cocaine, its salts, optical and geometric  
16 isomers, and salts of isomers; ecgonine, its derivatives, their  
17 salts, isomers and salts of isomers; or any compound, mixture or  
18 preparation which contains any quantity of any of the substances  
19 referred to in this paragraph.

20       B. Any of the following opiates, including their isomers,  
21 esters, ethers, salts, and salts of isomers, esters and ethers, when  
22 the existence of these isomers, esters, ethers, and salts is  
23 possible within the specific chemical designation:

- 1 1. Alphaprodine;
- 2 2. Anileridine;
- 3 3. Bezitramide;
- 4 4. Dihydrocodeine;
- 5 5. Diphenoxylate;
- 6 6. Fentanyl;
- 7 7. Hydromorphone;
- 8 8. Isomethadone;
- 9 9. Levomethorphan;
- 10 10. Levorphanol;
- 11 11. Metazocine;
- 12 12. Methadone;
- 13 13. Methadone - Intermediate, 4-cyano-2-dimethylamino-4, 4-
- 14 diphenyl butane;
- 15 14. Moramide - Intermediate, 2-methyl-3-morpholino-1, 1-
- 16 diphenyl-propane-carboxylic acid;
- 17 15. Oxycodone;
- 18 16. Oxymorphone;
- 19 17. Pethidine (Meperidine);
- 20 18. Pethidine - Intermediate - A, 4-cyano-1-methyl-4-
- 21 phenylpiperidine;
- 22 19. Pethidine - Intermediate - B, ethyl-4-phenylpiperidine-4-
- 23 carboxylate;



- 1 20. Pethidine - Intermediate - C, 1-methyl-4-phenylpiperidine-  
2 4-carboxylic acid;
- 3 21. Phenazocine;
- 4 22. Piminodine;
- 5 23. Racemethorphan;
- 6 24. Racemorphan;
- 7 25. Etorphine Hydrochloride salt only;
- 8 26. Alfentanil hydrochloride; ~~or~~
- 9 27. Levo-alphaacetylmethadol;
- 10 28. Codeine;
- 11 29. Hydrocodone;
- 12 30. Morphine;
- 13 31. Remifentanil; or
- 14 32. Sufentanil.

15 C. Any substance which contains any quantity of:

- 16 1. Methamphetamine, including its salts, isomers, and salts of  
17 isomers; ~~or~~
- 18 2. Amphetamine, its salts, optical isomers, and salts of its  
19 optical isomers; or
- 20 3. Nabilone.

21 D. Unless specifically excepted or unless listed in another  
22 schedule, any material, compound, mixture, or preparation, which  
23  
24

1 contains any quantity of the following substances having stimulant  
2 or depressant effect on the central nervous system:

- 3 1. Phenmetrazine and its salts;
- 4 2. Methylphenidate;
- 5 3. Amobarbital;
- 6 4. Pentobarbital; or
- 7 5. Secobarbital.

8 SECTION 4. AMENDATORY 63 O.S. 2001, Section 2-208, as  
9 amended by Section 3, Chapter 283, O.S.L. 2005 (63 O.S. Supp. 2010,  
10 Section 2-208), is amended to read as follows:

11 Section 2-208. The controlled substances listed in this section  
12 are included in Schedule III.

13 A. Unless listed in another schedule, any material, compound,  
14 mixture, or preparation, which contains any quantity of the  
15 following substances or any other substance having a potential for  
16 abuse associated with a stimulant or depressant effect on the  
17 central nervous system:

- 18 1. Any substance which contains any quantity of a derivative of  
19 barbituric acid, or any salt of a derivative of barbituric acid  
20 unless specifically excepted or unless listed in another schedule;
- 21 2. Chlorhexadol;
- 22 3. Glutethimide;
- 23 4. Lysergic acid;

- 1 5. Lysergic acid amide;
- 2 6. Methyprylon;
- 3 7. Sulfondiethylmethane;
- 4 8. Sulfonethylmethane;
- 5 9. Sulfonmethane;
- 6 10. Benzephetamine and its salts;
- 7 11. Chlorphentermine and its salts;
- 8 12. Clortermine;
- 9 13. Mazindol;
- 10 14. Phendimetrazine;
- 11 15. Phenylacetone (P2P);
- 12 16. 1-Phenycyclohexylamine;
- 13 17. 1-Piperidinocyclohexanecarbo nitrile (PCC);
- 14 18. Ketamine, its salts, isomers, and salts of isomers;
- 15 19. Any material, compound, mixture, or preparation which
- 16 contains any quantity of the following hormonal substances or
- 17 steroids, including their salts, isomers, esters and salts of
- 18 isomers and esters, when the existence of these salts, isomers,
- 19 esters, and salts of isomers and esters is possible within the
- 20 specific chemical designation:
  - 21 a. Boldenone,
  - 22 b. Chlorotestosterone,
  - 23 c. Clostebol,

- 1 d. Dehydrochlormethyltestosterone,  
2 e. Dihydrotestosterone,  
3 f. Drostanolone,  
4 g. Ethylestrenol,  
5 h. Fluoxymesterone,  
6 i. Formebolone,  
7 j. Mesterolone,  
8 k. Methandienone,  
9 l. Methandranone,  
10 m. Methandriol,  
11 n. Methandrostenolone,  
12 o. Methenolone,  
13 p. Methyltestosterone, except as provided in subsection E  
14 of this section,  
15 q. Mibolerone,  
16 r. Nandrolone,  
17 s. Norethandrolone,  
18 t. Oxandrolone,  
19 u. Oxymesterone,  
20 v. Oxymetholone,  
21 w. Stanolone,  
22 x. Stanozolol,  
23 y. Testolactone,

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1 z. Testosterone, except as provided in subsection E of  
2 this section, and

3 aa. Trenbolone;

4 20. Tetrahydrocannabinols; ~~or~~

5 21. Any drug product containing gamma-hydroxybutyric acid,  
6 including its salts, isomers, and salts of isomers, for which an  
7 application has been approved under Section 505 of the Federal Food,  
8 Drug, and Cosmetic Act;

9 22. Buprenorphine; or

10 23. Hydrocodone with another active ingredient.

11 Livestock implants as regulated by the Federal Food and Drug  
12 Administration shall be exempt.

13 B. Nalorphine.

14 C. Unless listed in another schedule, any material, compound,  
15 mixture, or preparation containing limited quantities of any of the  
16 following narcotic drugs, or any salts thereof:

17 1. Not more than one and eight-tenths (1.8) grams of codeine or  
18 any of its salts, per one hundred (100) milliliters or not more than  
19 ninety (90) milligrams per dosage unit, with an equal or greater  
20 quantity of an isoquinoline alkaloid of opium;

21 2. Not more than one and eight-tenths (1.8) grams of codeine or  
22 any of its salts, per one hundred (100) milliliters or not more than  
23

1 ninety (90) milligrams per dosage unit, with one or more active,  
2 nonnarcotic ingredients in recognized therapeutic amounts;

3 ~~3. Not more than three hundred (300) milligrams of~~  
4 ~~dihydrocodeinone or any of its salts, per one hundred (100)~~  
5 ~~milliliters or not more than fifteen (15) milligrams per dosage~~  
6 ~~unit, with a fourfold or greater quantity of an isoquinoline~~  
7 ~~alkaloid of opium;~~

8 ~~4. Not more than three hundred (300) milligrams of~~  
9 ~~dihydrocodeinone or any of its salts, per one hundred (100)~~  
10 ~~milliliters or not more than fifteen (15) milligrams per dosage~~  
11 ~~unit, with one or more active, nonnarcotic ingredients in recognized~~  
12 ~~therapeutic amounts;~~

13 ~~5. Not more than one and eight-tenths (1.8) grams of~~  
14 ~~dihydrocodeine or any of its salts, per one hundred (100)~~  
15 ~~milliliters or not more than ninety (90) milligrams per dosage unit,~~  
16 ~~with one or more active, nonnarcotic ingredients in recognized~~  
17 ~~therapeutic amounts;~~

18 ~~6. 4. Not more than three hundred (300) milligrams of~~  
19 ~~ethylmorphine or any of its salts, per one hundred (100) milliliters~~  
20 ~~or not more than fifteen (15) milligrams per dosage unit, with one~~  
21 ~~or more ingredients in recognized therapeutic amounts;~~

22 ~~7. 5. Not more than five hundred (500) milligrams of opium per~~  
23 ~~one hundred (100) milliliters or per one hundred (100) grams, or not~~

24

1 more than twenty-five (25) milligrams per dosage unit, with one or  
2 more active, nonnarcotic ingredients in recognized therapeutic  
3 amounts; or

4 ~~8-~~ 6. Not more than fifty (50) milligrams of morphine or any of  
5 its salts, per one hundred (100) milliliters or per one hundred  
6 (100) grams with one or more active, nonnarcotic ingredients in  
7 recognized therapeutic amounts.

8 D. The Board of Pharmacy may except by rule any compound,  
9 mixture, or preparation containing any stimulant or depressant  
10 substance listed in subsections A and B of this section from the  
11 application of all or any part of the Uniform Controlled Dangerous  
12 Substances Act if the compound, mixture, or preparation contains one  
13 or more active medicinal ingredients not having a stimulant or  
14 depressant effect on the central nervous system, and if the  
15 admixtures are included therein in combinations, quantity,  
16 proportion, or concentration that vitiate the potential for abuse of  
17 the substances which have a stimulant or depressant effect on the  
18 central nervous system.

19 E. The following hormonal substances or steroids are exempt  
20 from classification as Schedule III controlled dangerous substances:

21 1. Estratest, containing 1.25 mg esterified estrogens and 2.5  
22 mg methyltestosterone;

23

24

- 1        2. Estratest HS, containing 0.625 mg esterified estrogens and  
2 1.25 mg methyltestosterone;
- 3        3. Premarin with Methyltestosterone, containing 1.25 mg  
4 conjugated estrogens and 10.0 mg methyltestosterone;
- 5        4. Premarin with Methyltestosterone, containing 0.625 mg  
6 conjugated estrogens and 5.0 mg methyltestosterone;
- 7        5. Testosterone Cypionate - Estrodiol Cypionate injection,  
8 containing 50 mg/ml Testosterone Cypionate; and
- 9        6. Testosterone Enanthate - Estradiol Valerate injection,  
10 containing 90 mg/ml Testosterone Enanthate and 4 mg/ml Estradiol  
11 Valerate.

12        SECTION 5.        AMENDATORY        63 O.S. 2001, Section 2-210, as  
13 last amended by Section 3, Chapter 248, O.S.L. 2007 (63 O.S. Supp.  
14 2010, Section 2-210), is amended to read as follows:

15        Section 2-210. A. Any material, compound, mixture, or  
16 preparation which contains any quantity of the following substances  
17 having a potential for abuse associated with a stimulant or  
18 depressant effect on the central nervous system:

- 19        1. Chloral betaine;
- 20        2. Chloral hydrate;
- 21        3. Ethchlorvynol;
- 22        4. Ethinamate;
- 23        5. Meprobamate;



- 1 6. Paraldehyde;
- 2 7. Petrichloral;
- 3 8. Diethylpropion;
- 4 9. Phentermine;
- 5 10. Pemoline;
- 6 11. Chlordiazepoxide;
- 7 12. Chlordiazepoxide and its salts, but not including
- 8 chlordiazepoxide hydrochloride and clidinium bromide or
- 9 chlordiazepoxide and water-soluble esterified estrogens;
- 10 13. Diazepam;
- 11 14. Oxazepam;
- 12 15. Clorazepate;
- 13 16. Flurazepam and its salts;
- 14 17. Clonazepam;
- 15 18. Barbitol;
- 16 19. Mebutamate;
- 17 20. Methohexital;
- 18 21. Methylphenobarbital;
- 19 22. Phenobarbital;
- 20 23. Fenfluramine;
- 21 24. Pentazocine;
- 22 25. Propoxyphene;
- 23 26. Butorphanol;

- 1 27. Alprazolam;  
2 28. Halazepam;  
3 29. Lorazepam;  
4 30. Prazepam;  
5 31. Temazepam;  
6 32. Triazolam;  
7 33. Carisoprodol;  
8 34. Ephedrine, its salts, optical isomers, and salts of optical  
9 isomers as the only active ingredient, or in combination with other  
10 active ingredients; ~~or~~  
11 35. Dichloralphenazone;  
12 36. Estazolam;  
13 37. Eszopiclone;  
14 38. Midazolam;  
15 39. Modafinil;  
16 40. Zaleplon; or  
17 41. Zolpidem.

18 B. 1. The following nonnarcotic substances, which may, under  
19 the Federal Food, Drug, and Cosmetic Act (21 U.S.C., Section 301),  
20 be lawfully sold over the counter without a prescription, are  
21 excluded from all schedules of controlled substances under this  
22 title:

- 23 a. Breathe-Aid,  
24

- b. BronCare,
- c. Bronchial Congestion,
- d. Bronkaid Tablets,
- e. Bronkaid Dual Action Caplets,
- f. Bronkotabs,
- g. Bronkolixir,
- h. NeoRespin,
- i. Pazo Hemorrhoid Ointment and Suppositories,
- j. Primatene Tablets,
- k. Primatene "Dual Action" Formula,
- l. Quelidrine,
- m. Resp, and
- n. Vatronal Nose Drops.

2. At the request of any person, the Director may exempt any other drug product containing ephedrine from being included as a Schedule IV controlled substance if such product:

- a. is labeled and marketed in a manner consistent with the pertinent OTC tentative final or final monograph issued by the FDA, and
- b. is manufactured and distributed for legitimate medicinal use and in a manner that reduces or eliminates the likelihood of abuse.

1           3. In making a determination regarding a drug product, the  
2 Director, after notice and hearing, shall consider the following:

- 3           a. the history and current pattern of abuse,
- 4           b. the name and labeling of the product,
- 5           c. the intended manner of distribution, advertising and  
6           promotion of the product, and
- 7           d. other factors as may be relevant to and consistent  
8           with the public health and safety.

9           4. The hearing shall be held in accordance with the  
10 Administrative Procedures Act.

11           5. A list of current drug products meeting exemption  
12 requirements under this subsection may be obtained from the Bureau  
13 upon written request.

14           C. The Board of Pharmacy may except by rule any compound,  
15 mixture, or preparation containing any depressant substance listed  
16 in subsection A of this section from the application of all or any  
17 part of the Uniform Controlled Dangerous Substances Act, Section 2-  
18 101 et seq. of this title, if the compound, mixture, or preparation  
19 contains one or more active medicinal ingredients not having a  
20 depressant effect on the central nervous system, and if the  
21 admixtures are included therein in combinations, quantity,  
22 proportion, or concentration that vitiate the potential for abuse of  
23  
24

1 the substances which have a depressant effect on the central nervous  
2 system.

3 SECTION 6. AMENDATORY 63 O.S. 2001, Section 2-212, as  
4 last amended by Section 4, Chapter 458, O.S.L. 2010 (63 O.S. Supp.  
5 2010, Section 2-212), is amended to read as follows:

6 Section 2-212. A. The controlled substances listed in this  
7 section are included in Schedule V.

8 1. Any compound, mixture, or preparation containing limited  
9 quantities of any of the following narcotic drugs, which also  
10 contains one or more nonnarcotic active medicinal ingredients in  
11 sufficient proportion to confer upon the compound, mixture, or  
12 preparation, valuable medicinal qualities other than those possessed  
13 by the narcotic drug alone:

14 a. not more than two hundred (200) milligrams of codeine,  
15 or any of its salts, per one hundred (100) milliliters  
16 or per one hundred (100) grams,

17 b. not more than one hundred (100) milligrams of  
18 dihydrocodeine, or any of its salts, per one hundred  
19 (100) milliliters or per one hundred (100) grams,

20 c. not more than one hundred (100) milligrams of  
21 ethylmorphine, or any of its salts, per one hundred  
22 (100) milliliters or per one hundred (100) grams,  
23  
24

- 1 d. not more than two and five-tenths (2.5) milligrams of  
2 diphenoxylate and not less than twenty-five (25)  
3 micrograms of atropine sulfate per dosage unit, or  
4 e. not more than one hundred (100) milligrams of opium  
5 per one hundred (100) milliliters or per one hundred  
6 (100) grams.

7 2. Any compound, mixture, or preparation containing any  
8 detectable quantity of pseudoephedrine, its salts or optical  
9 isomers, or salts of optical isomers. If any compound, mixture, or  
10 preparation as specified in this paragraph is dispensed, sold, or  
11 distributed in a pharmacy:

- 12 a. it shall be dispensed, sold, or distributed only by,  
13 or under the supervision of, a licensed pharmacist or  
14 a registered pharmacy technician, and  
15 b. any person purchasing, receiving, or otherwise  
16 acquiring any compound, mixture, or preparation shall  
17 produce a driver license, passport, military  
18 identification, or other state-issued identification  
19 card and shall sign a written log, receipt, or other  
20 program or mechanism approved by the Oklahoma Bureau  
21 of Narcotics and Dangerous Drugs Control, showing:  
22 (1) the date of the transaction,  
23 (2) name of the purchaser,

- 1 (3) driver license number, passport, military  
2 identification, or state-issued identification  
3 number and state of residence of the purchaser,  
4 (4) name and initials of the pharmacist or pharmacy  
5 technician conducting the transaction,  
6 (5) the product being sold, and  
7 (6) total quantity, in grams or milligrams, of  
8 pseudoephedrine purchased.

9 No person shall purchase, receive, or otherwise acquire more  
10 than nine (9) grams of any product, mixture, or preparation within  
11 any thirty-day period. Provided, the requirements of this  
12 subsection shall not apply to any quantity of such product, mixture  
13 or preparation dispensed pursuant to a valid prescription.

14 3. Any compound, mixture, or preparation containing any  
15 detectable quantity of pregabalin.

16 B. The Schedule, as specified in paragraph 2 of subsection A,  
17 shall not apply to any compounds, mixtures, or preparations which  
18 are in liquid, liquid capsule, or gel capsule form if  
19 pseudoephedrine is not the only active ingredient.

20 C. The Director of the Oklahoma State Bureau of Narcotics and  
21 Dangerous Drugs Control, by rule, may exempt other products from  
22 this Schedule which the Director finds are not used in the illegal  
23 manufacture of methamphetamine or other controlled dangerous  
24

1 substances. A manufacturer of a drug product may apply for removal  
2 of the product from the Schedule if the product is determined by the  
3 Director to have been formulated in such a way as to effectively  
4 prevent the conversion of the active ingredient into  
5 methamphetamine.

6 D. As used in this section:

7 1. "Gel capsule" means any soft gelatin, liquid-filled capsule  
8 that contains a liquid suspension, which, in the case of  
9 pseudoephedrine, is suspended in a matrix of glycerin, polyethylene  
10 glycol, and propylene glycol, along with other liquid substances.  
11 Regardless of product manufacturer labeling, a gelatin-covered solid  
12 does not constitute a gel capsule under this definition; and

13 2. "Active ingredient" shall include the matrix of glycerin,  
14 polyethylene glycol, and propylene glycol that is found in liquid  
15 capsules.

16 SECTION 7. AMENDATORY 63 O.S. 2001, Section 2-309, as  
17 amended by Section 2, Chapter 273, O.S.L. 2008 (63 O.S. Supp. 2010,  
18 Section 2-309), is amended to read as follows:

19 Section 2-309. A. 1. Except for dosages medically required  
20 for a period not to exceed forty-eight (48) hours which are  
21 administered by or on direction of a practitioner, other than a  
22 pharmacist, or medication dispensed directly by a practitioner,  
23 other than a pharmacist, to an ultimate user, no controlled



1 dangerous substance included in Schedule II, which is a prescription  
2 drug as determined under regulation promulgated by the Board of  
3 Pharmacy, may be dispensed without the written prescription of a  
4 practitioner; provided, that, in emergency situations, as prescribed  
5 by the Board of Pharmacy by regulation, such drug may be dispensed  
6 upon oral prescription reduced promptly to writing and filed by the  
7 pharmacist in a manner to be prescribed by rules and regulations of  
8 the Director.

9 2. The transmission of written prescription by practitioner to  
10 dispensing pharmacy by facsimile or electronic transmission with  
11 electronic signature is permitted only under the following  
12 conditions:

13 a. for Schedule II drugs, the original prescription must  
14 be presented and verified against the facsimile at the  
15 time the substances are actually dispensed, and the  
16 original document must be properly annotated and  
17 retained for filing, except:

18 (1) home infusion pharmacy may consider the facsimile  
19 to be a "written prescription" as required by  
20 this act and as required by Title 21 U.S.C.,  
21 Section 829(a). The facsimile copy of the  
22 prescription shall be retained as an original  
23 prescription, and it must contain all the

1 information required by this act and 21 CFR,  
2 Section 1306.05(a), including date issued, the  
3 patient's full name and address, and the  
4 practitioner's name, address, DEA registration  
5 number, and signature. The exception to the  
6 regulations for home infusion/IV therapy is  
7 intended to facilitate the means by which home  
8 infusion pharmacies obtain prescriptions for  
9 patients requiring the frequently modified  
10 parenteral controlled release administration of  
11 narcotic substances, but does not extend to the  
12 dispensing of oral dosage units of controlled  
13 substances, and

14 (2) the same exception is granted to patients in Long  
15 Term Care facilities (LTCF), which are filled by  
16 and delivered to the facility by a dispensing  
17 pharmacy, and

18 b. for drugs in Schedules III and IV, a facsimile copy of  
19 a written, signed prescription transmitted directly by  
20 the prescribing practitioner to the pharmacy can serve  
21 as an original prescription. Electronic prescribing  
22 may be utilized for Schedules III and IV subject to  
23  
24

1                   the same requirements as set forth in 21 CFR, Section  
2                   1311 et seq.

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

6           B. 1. Except for dosages medically required for a period not  
7 to exceed forty-eight (48) hours which are administered by or on  
8 direction of a practitioner, other than a pharmacist, or medication  
9 dispensed directly by a practitioner, other than a pharmacist, to an  
10 ultimate user, no controlled dangerous substance included in  
11 Schedule III or IV, which is a prescription drug as determined under  
12 regulation promulgated by the Board of Pharmacy, may be dispensed  
13 without a written or oral prescription.

14           2. A written or oral prescription for a controlled dangerous  
15 substance in Schedule III or IV may not be filled or refilled more  
16 than six (6) months after the date thereof or be refilled more than  
17 five times after the date of the prescription, unless renewed by the  
18 practitioner.

19           C. No controlled dangerous substance included in Schedule V may  
20 be distributed or dispensed other than for a legitimate medical or  
21 scientific purpose.

22           D. Except for dosages medically required for a period not to  
23 exceed forty-eight (48) hours which are administered by or on  
24

1 direction of a practitioner, other than a pharmacist, or medication  
2 dispensed directly by a practitioner, other than a pharmacist, to an  
3 ultimate user, tincture opium camphorated, commonly known as  
4 paregoric, may not be dispensed without a written or oral  
5 prescription. The refilling of a prescription for paregoric shall  
6 be unlawful unless permission is granted by the prescriber, either  
7 written or oral.

8 E. Whenever it appears to the Director that a drug not  
9 considered to be a prescription drug under existing state law or  
10 regulation of the Board of Pharmacy should be so considered because  
11 of its abuse potential, he shall so advise the Board of Pharmacy and  
12 furnish to him all available data relevant thereto.

13 F. "Prescription", as used herein, means a written or oral  
14 order by a practitioner to a pharmacist for a controlled dangerous  
15 substance for a particular patient, which specifies the date of its  
16 issue, and the full name and address of the patient; if the  
17 controlled dangerous substance is prescribed for an animal, the  
18 species of the animal; the name and quantity of the controlled  
19 dangerous substance prescribed; the directions for use; the name and  
20 address of the owner of the animal and, if written, the signature of  
21 the practitioner.

22 G. No person shall solicit, dispense, receive or deliver any  
23 controlled dangerous substance through the mail, unless the ultimate  
24

1 user is personally known to the practitioner and circumstances  
2 clearly indicate such method of delivery is in the best interest of  
3 the health and welfare of the ultimate user.

4 SECTION 8. AMENDATORY 63 O.S. 2001, Section 2-415, as  
5 last amended by Section 5, Chapter 199, O.S.L. 2007 (63 O.S. Supp.  
6 2010, Section 2-415), is amended to read as follows:

7 Section 2-415. A. The provisions of the Trafficking in Illegal  
8 Drugs Act shall apply to persons convicted of violations with  
9 respect to the following substances:

- 10 1. Marihuana;
- 11 2. Cocaine or coca leaves;
- 12 3. Heroin;
- 13 4. Amphetamine or methamphetamine;
- 14 5. Lysergic acid diethylamide (LSD);
- 15 6. Phencyclidine (PCP);
- 16 7. Cocaine base, commonly known as "crack" or "rock"; or
- 17 8. 3,4-Methylenedioxy methamphetamine, commonly known as  
18 "ecstasy" or MDMA.

19 B. Except as otherwise authorized by the Uniform Controlled  
20 Dangerous Substances Act, it shall be unlawful for any person to:

- 21 1. Knowingly distribute, manufacture, bring into this state or  
22 possess a controlled substance specified in subsection A of this  
23 section in the quantities specified in subsection C of this section;

1           2. Possess any controlled substance with the intent to  
2 manufacture a controlled substance specified in subsection A of this  
3 section in quantities specified in subsection C of this section; or

4           3. Use or solicit the use of services of a person less than  
5 eighteen (18) years of age to distribute or manufacture a controlled  
6 dangerous substance specified in subsection A of this section in  
7 quantities specified in subsection C of this section.

8           Violation of this section shall be known as "trafficking in  
9 illegal drugs". Separate types of controlled substances described  
10 in subsection A of this section when possessed at the same time in  
11 violation of any provision of this section shall constitute a  
12 separate offense for each substance.

13           Any person who commits the conduct described in paragraph 1, 2  
14 or 3 of this subsection and represents the quantity of the  
15 controlled substance to be an amount described in subsection C of  
16 this section shall be punished under the provisions appropriate for  
17 the amount of controlled substance represented, regardless of the  
18 actual amount.

19           C. In the case of a violation of the provisions of subsection B  
20 of this section, involving:

21           1. Marihuana:

22               a. twenty-five (25) pounds or more of a mixture or  
23               substance containing a detectable amount of marihuana,

24

1 such violation shall be punishable by a fine of not  
2 less than Twenty-five Thousand Dollars (\$25,000.00)  
3 and not more than One Hundred Thousand Dollars  
4 (\$100,000.00), or

- 5 b. one thousand (1,000) pounds or more of a mixture or  
6 substance containing a detectable amount of marihuana,  
7 such violation shall be deemed aggravated trafficking  
8 punishable by a fine of not less than One Hundred  
9 Thousand Dollars (\$100,000.00) and not more than Five  
10 Hundred Thousand Dollars (\$500,000.00);

11 2. Cocaine or coca leaves:

- 12 a. twenty-eight (28) grams or more of a mixture or  
13 substance containing a detectable amount of cocaine or  
14 coca leaves, such violation shall be punishable by a  
15 fine of not less than Twenty-five Thousand Dollars  
16 (\$25,000.00) and not more than One Hundred Thousand  
17 Dollars (\$100,000.00),
- 18 b. three hundred (300) grams or more of a mixture or  
19 substance containing a detectable amount of cocaine or  
20 coca leaves, such violation shall be punishable by a  
21 fine of not less than One Hundred Thousand Dollars  
22 (\$100,000.00) and not more than Five Hundred Thousand  
23 Dollars (\$500,000.00), or

1 c. ~~one (1) pound~~ four hundred fifty (450) grams or more  
2 of a mixture or substance containing a detectable  
3 amount of cocaine or coca leaves, such violation shall  
4 be deemed aggravated trafficking punishable by a fine  
5 of not less than One Hundred Thousand Dollars  
6 (\$100,000.00) and not more than Five Hundred Thousand  
7 Dollars (\$500,000.00);

8 3. Heroin:

- 9 a. ten (10) grams or more of a mixture or substance  
10 containing a detectable amount of heroin, such  
11 violation shall be punishable by a fine of not less  
12 than Twenty-five Thousand Dollars (\$25,000.00) and not  
13 more than Fifty Thousand Dollars (\$50,000.00), or  
14 b. twenty-eight (28) grams or more of a mixture or  
15 substance containing a detectable amount of heroin,  
16 such violation shall be punishable by a fine of not  
17 less than Fifty Thousand Dollars (\$50,000.00) and not  
18 more than Five Hundred Thousand Dollars (\$500,000.00);

19 4. Amphetamine or methamphetamine:

- 20 a. twenty (20) grams or more of a mixture or substance  
21 containing a detectable amount of amphetamine or  
22 methamphetamine, such violation shall be punishable by  
23 a fine of not less than Twenty-five Thousand Dollars  
24



1 (\$25,000.00) and not more than Two Hundred Thousand  
2 Dollars (\$200,000.00),

3 b. two hundred (200) grams or more of a mixture or  
4 substance containing a detectable amount of  
5 amphetamine or methamphetamine, such violation shall  
6 be punishable by a fine of not less than Fifty  
7 Thousand Dollars (\$50,000.00) and not more than Five  
8 Hundred Thousand Dollars (\$500,000.00), or

9 c. ~~one (1) pound~~ four hundred fifty (450) grams or more  
10 of a mixture or substance containing a detectable  
11 amount of amphetamine or methamphetamine, such  
12 violation shall be deemed aggravated trafficking  
13 punishable by a fine of not less than Fifty Thousand  
14 Dollars (\$50,000.00) and not more than Five Hundred  
15 Thousand Dollars (\$500,000.00);

16 5. Lysergic acid diethylamide (LSD):

17 a. ~~if the quantity involved is not less than fifty (50)~~  
18 ~~dosage units and not more than one thousand (1,000)~~  
19 ~~dosage units~~ one (1) gram or more of a mixture or  
20 substance containing a detectable amount of lysergic  
21 acid diethylamide (LSD), such violation shall be  
22 punishable by a fine of not less than Fifty Thousand  
23  
24

1 Dollars (\$50,000.00) and not more than One Hundred  
2 Thousand Dollars (\$100,000.00), or

- 3 b. ~~if the quantity involved is more than one thousand~~  
4 ~~(1,000) dosage units~~ ten (10) grams or more of a  
5 mixture or substance containing a detectable amount of  
6 lysergic acid diethylamide (LSD), such violation shall  
7 be punishable by a fine of not less than One Hundred  
8 Thousand Dollars (\$100,000.00) and not more than Two  
9 Hundred Fifty Thousand Dollars (\$250,000.00);

10 6. Phencyclidine (PCP):

- 11 a. ~~one (1) ounce~~ twenty (20) grams or more of a substance  
12 containing a mixture or substance containing a  
13 detectable amount of phencyclidine (PCP), such  
14 violation shall be punishable by a fine of not less  
15 than Twenty Thousand Dollars (\$20,000.00) and not more  
16 than Fifty Thousand Dollars (\$50,000.00), or  
17 b. ~~eight (8) ounces~~ one hundred fifty (150) grams or more  
18 of a substance containing a mixture or substance  
19 containing a detectable amount of phencyclidine (PCP),  
20 such violation shall be punishable by a fine of not  
21 less than Fifty Thousand Dollars (\$50,000.00) and not  
22 more than Two Hundred Fifty Thousand Dollars  
23 (\$250,000.00);

1 7. Cocaine base:

2 a. five (5) grams or more of a mixture or substance  
3 described in paragraph 2 of this subsection which  
4 contains cocaine base, such violation shall be  
5 punishable by a fine of not less than Twenty-five  
6 Thousand Dollars (\$25,000.00) and not more than One  
7 Hundred Thousand Dollars (\$100,000.00), or

8 b. fifty (50) grams or more of a mixture or substance  
9 described in paragraph 2 of this subsection which  
10 contains cocaine base, such violation shall be  
11 punishable by a fine of not less than One Hundred  
12 Thousand Dollars (\$100,000.00) and not more than Five  
13 Hundred Thousand Dollars (\$500,000.00); and

14 8. Methylenedioxy methamphetamine:

15 a. thirty (30) tablets or ten (10) grams of a mixture or  
16 substance containing a detectable amount of 3,4-  
17 Methylenedioxy methamphetamine, such violation shall  
18 be punishable by a fine of not less than Twenty-five  
19 Thousand Dollars (\$25,000.00) and not more than One  
20 Hundred Thousand Dollars (\$100,000.00), or

21 b. one hundred (100) tablets or thirty (30) grams of a  
22 mixture or substance containing a detectable amount of  
23 3,4-Methylenedioxy methamphetamine, such violation

24

1 shall be punishable by a fine of not less than One  
2 Hundred Thousand Dollars (\$100,000.00) and not more  
3 than Five Hundred Thousand Dollars (\$500,000.00).

4 D. Any person who violates the provisions of this section with  
5 respect to a controlled substance specified in subsection A of this  
6 section in a quantity specified in subsection C of this section  
7 shall, in addition to any fines specified by this section, be  
8 punishable by a term of imprisonment as follows:

9 1. Not less than twice the term of imprisonment provided for in  
10 Section 2-401 of this title;

11 2. If the person has previously been convicted of one violation  
12 of this section or has been previously convicted of a felony  
13 violation of the Uniform Controlled Dangerous Substances Act arising  
14 from separate and distinct transactions, not less than three times  
15 the term of imprisonment provided for in Section 2-401 of this  
16 title;

17 3. If the person has previously been convicted of two or more  
18 violations of this section or any provision of the Uniform  
19 Controlled Dangerous Substances Act which constitutes a felony, or a  
20 combination of such violations arising out of separate and distinct  
21 transactions, life without parole; and

22 4. If the person is convicted of aggravated trafficking as  
23 provided in subparagraph b of paragraph 1 of subsection C of this  
24

1 section, subparagraph c of paragraph 2 of subsection C of this  
2 section or subparagraph c of paragraph 4 of subsection C of this  
3 section, a mandatory minimum sentence of imprisonment in the custody  
4 of the Department of Corrections for a term of fifteen (15) years of  
5 which the person shall serve eighty-five percent (85%) of such  
6 mandatory sentence before being eligible for parole consideration or  
7 any earned credits.

8 The terms of imprisonment specified in this subsection shall not  
9 be subject to statutory provisions for suspension, deferral or  
10 probation, or state correctional institution earned credits accruing  
11 from and after November 1, 1989, except for the achievement earned  
12 credits authorized by subsection H of Section 138 of Title 57 of the  
13 Oklahoma Statutes. To qualify for such achievement credits, such  
14 inmates must also be in compliance with the standards for Class  
15 level 2 behavior, as defined in subsection D of Section 138 of Title  
16 57 of the Oklahoma Statutes.

17 Persons convicted of violations of this section shall not be  
18 eligible for appeal bonds.

19 E. Any person convicted of any offense described in this  
20 section shall, in addition to any fine imposed, pay a special  
21 assessment trauma-care fee of One Hundred Dollars (\$100.00) to be  
22 deposited into the Trauma Care Assistance Revolving Fund created in  
23  
24

1 Section 1-2530.9 of this title and the assessment pursuant to  
2 Section 2-503.2 of this title.

3 SECTION 9. AMENDATORY 63 O.S. 2001, Section 2-508, as  
4 last amended by Section 15, Chapter 442, O.S.L. 2009 (63 O.S. Supp.  
5 2010, Section 2-508), is amended to read as follows:

6 Section 2-508. A. Except as otherwise provided, all property  
7 described in paragraphs 1 and 2 of subsection A of Section 2-503 of  
8 this title which is seized or surrendered pursuant to the provisions  
9 of the Uniform Controlled Dangerous Substances Act shall be  
10 destroyed. The destruction shall be done by or at the direction of  
11 the Oklahoma State Bureau of ~~Investigation~~ Narcotics and Dangerous  
12 Drugs Control (OSBNDD), who shall have the discretion prior to  
13 destruction to preserve samples of the substance for testing. In  
14 any county with a population of four hundred thousand (400,000) or  
15 more according to the latest Federal Decennial Census, there shall  
16 be a located site, approved by the ~~Oklahoma State Bureau of~~  
17 ~~Investigation~~ OSBNDD, for the destruction of the property. Any such  
18 property submitted to the ~~Oklahoma State Bureau of Investigation~~  
19 OSBNDD which it deems to be of use for investigative training,  
20 educational, or analytical purposes may be retained by the ~~Oklahoma~~  
21 ~~State Bureau of Investigation~~ OSBNDD in lieu of destruction.

22 B. 1. With respect to controlled dangerous substances seized  
23 or surrendered pursuant to the provisions of the Uniform Controlled  
24

1 Dangerous Substances Act, municipal police departments, sheriffs,  
2 the Oklahoma Bureau of Narcotics and Dangerous Drugs Control  
3 Commission, the Oklahoma Highway Patrol, and the Oklahoma State  
4 Bureau of Investigation shall have the authority to destroy seized  
5 controlled dangerous substances when the amount seized in a single  
6 incident exceeds ten (10) pounds. The destroying agency shall:

- 7 a. photograph the seized substance with identifying case  
8 numbers or other means of identification,
- 9 b. prepare a report describing the seized substance prior  
10 to the destruction,
- 11 c. retain at least one (1) pound of the substance  
12 randomly selected from the seized substance for the  
13 purpose of evidence, and
- 14 d. obtain and retain samples of the substance from enough  
15 containers, bales, bricks, or other units of substance  
16 seized to establish the presence of a weight of the  
17 substance necessary to establish a violation of the  
18 Trafficking in Illegal Drugs Act pursuant to  
19 subsection C of Section 2-415 of this title, if such a  
20 weight is present. If such weight is not present,  
21 samples of the substance from each container, bale,  
22 brick or other unit of substance seized shall be  
23 taken. Each sample taken pursuant to this section

24

1 shall be large enough for the destroying agency and  
2 the defendant or suspect to have an independent test  
3 performed on the substance for purposes of  
4 identification.

5 2. If a defendant or suspect is known to the destroying agency,  
6 the destroying agency shall give at least seven (7) days' written  
7 notice to the defendant, suspect or counsel for the defendant or  
8 suspect of:

9 a. the date, the time, and the place where the  
10 photographing will take place and notice of the right  
11 to attend the photographing, and

12 b. the right to obtain samples of the controlled  
13 dangerous substance for independent testing and use as  
14 evidence.

15 3. The written notice shall also inform the defendant, suspect  
16 or counsel for the defendant or suspect that the destroying agency  
17 must be notified in writing within seven (7) days from receipt of  
18 the notice of the intent of the suspect or defendant to obtain  
19 random samples and make arrangements for the taking of samples. The  
20 samples for the defendant or suspect must be taken by a person  
21 licensed by the Drug Enforcement Administration. If the defendant  
22 or counsel for the defendant fails to notify the destroying agency  
23 in writing of an intent to obtain samples and fails to make



1 arrangements for the taking of samples, a sample taken pursuant to  
2 subparagraph d of paragraph 1 of this subsection shall be made  
3 available upon request of the defendant or suspect.

4 The representative samples, the photographs, the reports, and  
5 the records made under this section and properly identified shall be  
6 admissible in any court or administrative proceeding for any  
7 purposes for which the seized substance itself would have been  
8 admissible.

9 C. All other property not otherwise provided for in the Uniform  
10 Controlled Dangerous Substances Act which has come into the  
11 possession of the Oklahoma State Bureau of Narcotics and Dangerous  
12 Drugs Control, the Department of Public Safety, the Oklahoma State  
13 Bureau of Investigation, the Alcoholic Beverage Laws Enforcement  
14 Commission, the Department of Corrections, the Office of the  
15 Attorney General, or a district attorney may be disposed of by order  
16 of the district court when no longer needed in connection with any  
17 litigation. If the owner of the property is unknown to the agency  
18 or district attorney, the agency or district attorney shall hold the  
19 property for at least six (6) months prior to filing a petition for  
20 disposal with the district court except for laboratory equipment  
21 which may be forfeited when no longer needed in connection with  
22 litigation, unless the property is perishable. The Director or  
23 Commissioner of the agency, the Attorney General, or district

1 attorney shall file a petition in the district court of Oklahoma  
2 County or in the case of a district attorney, the petition shall be  
3 filed in a county within the jurisdiction of the district attorney  
4 requesting the authority to:

5 1. Conduct a sale of the property; or

6 2. Convert title of the property to the Oklahoma State Bureau  
7 of Narcotics and Dangerous Drugs Control, the Department of Public  
8 Safety, the Oklahoma State Bureau of Investigation, the Alcoholic  
9 Beverage Laws Enforcement Commission, the Department of Corrections,  
10 the Office of the Attorney General, or to the district attorney's  
11 office for the purposes provided for in subsection J, K or L of this  
12 section.

13 The Director, Commissioner, Attorney General or district  
14 attorney shall attach to the petition:

15 a. a list describing the property, including all  
16 identifying numbers and marks, if any,

17 b. the date the property came into the possession of the  
18 agency or district attorney, and

19 c. the name and address of the owner, if known.

20 For any item having an apparent value in excess of One Hundred  
21 Dollars (\$100.00), but less than Five Hundred Dollars (\$500.00), the  
22 notice of the hearing of the petition for the sale of the property,  
23 except laboratory equipment used in the processing, manufacturing or

1 compounding of controlled dangerous substances in violation of the  
2 provisions of the Uniform Controlled Dangerous Substances Act, shall  
3 be given to every known owner, as set forth in the petition, by  
4 first-class mail to the last-known address of the owner at least ten  
5 (10) days prior to the date of the hearing. An affidavit of notice  
6 being sent shall be filed with the court by a representative of the  
7 agency, the Director or Commissioner of the agency, the Attorney  
8 General or district attorney. For items in excess of Five Hundred  
9 Dollars (\$500.00), a notice of the hearing of the petition for the  
10 sale of said property shall be delivered to every known owner as set  
11 forth in the petition by certified mail. Notice of a hearing on a  
12 petition for forfeiture or sale of laboratory equipment used in the  
13 processing, manufacturing or compounding of controlled dangerous  
14 substances in violation of the Uniform Controlled Dangerous  
15 Substances Act shall not be required.

16 The notice shall contain a brief description of the property, and  
17 the location and date of the hearing. In addition, notice of the  
18 hearing shall be posted in three public places in the county, one  
19 such place being the county courthouse at the regular place assigned  
20 for the posting of legal notices. At the hearing, if no owner  
21 appears and establishes ownership of the property, the court may  
22 enter an order authorizing the Director, Commissioner, Attorney  
23 General, or district attorney to donate the property pursuant to

1 subsection J, K or L of this section, to sell the property at a  
2 public auction to the highest bidder, or to convert title of the  
3 property to the Oklahoma State Bureau of Narcotics and Dangerous  
4 Drugs Control, the Department of Public Safety, the Oklahoma State  
5 Bureau of Investigation, the Alcoholic Beverage Laws Enforcement  
6 Commission, the Department of Corrections, or the Office of the  
7 Attorney General for the purposes provided for in subsection J, K or  
8 L of this section after at least ten (10) days of notice has been  
9 given by publication in one issue of a legal newspaper of the  
10 county. If the property is offered for sale at public auction and  
11 no bid is received that exceeds fifty percent (50%) of the value of  
12 the property, such value to be announced prior to the sale, the  
13 Director, Commissioner, Attorney General, or district attorney may  
14 refuse to sell the item pursuant to any bid received. The Director,  
15 Commissioner, Attorney General, or district attorney shall make a  
16 return of the sale and, when confirmed by the court, the order  
17 confirming the sale shall vest in the purchaser title to the  
18 property so purchased.

19 D. The money received from the sale of property by the Oklahoma  
20 State Bureau of Narcotics and Dangerous Drugs Control shall be used  
21 for general drug enforcement purposes. These funds shall be  
22 transferred to the Bureau of Narcotics Revolving Fund established  
23 pursuant to Section 2-107 of this title or in the case of a district  
24

1 attorney, the revolving fund provided for in paragraph 3 of  
2 subsection L of Section 2-506 of this title.

3 E. At the request of the Department of Public Safety, the  
4 district attorney or a designee of the district attorney may conduct  
5 any forfeiture proceedings as described in Section 2-503 of this  
6 title on any property subject to forfeiture as described in  
7 subsection A, B or C of Section 2-503 of this title. The money  
8 received from the sale of property by the Department of Public  
9 Safety shall be deposited in the Department of Public Safety  
10 Revolving Fund and shall be expended for law enforcement purposes.

11 F. The money received from the sale of property by the  
12 Alcoholic Beverage Laws Enforcement Commission shall be deposited in  
13 the General Revenue Fund of the state.

14 G. The money received from the sale of property from the  
15 Oklahoma State Bureau of Investigation shall be deposited in the  
16 OSBI Revolving Fund and shall be expended for law enforcement  
17 purposes.

18 H. The Director of the Oklahoma Department of Corrections shall  
19 make a return of the sale and when confirmed by the court, the order  
20 confirming the sale shall vest in the purchaser title to the  
21 property so purchased. Twenty-five percent (25%) of the money  
22 received from the sale shall be disbursed to a revolving fund in the  
23 office of the county treasurer of the county wherein the property

1 was seized, said fund to be used as a revolving fund solely for  
2 enforcement of controlled dangerous substances laws, drug abuse  
3 prevention and drug abuse education. The remaining seventy-five  
4 percent (75%) shall be deposited in the Department of Corrections  
5 Revolving Fund to be expended for equipment for probation and parole  
6 officers and correctional officers.

7 I. The money received from the sale of property from the Office  
8 of the Attorney General shall be deposited in the Attorney General  
9 Law Enforcement Revolving Fund and shall be expended for law  
10 enforcement purposes. The Office of the Attorney General may enter  
11 into agreements with municipal, county or state agencies to return  
12 to such an agency a percentage of proceeds of the sale of any  
13 property seized by the agency and forfeited under the provisions of  
14 this section.

15 J. Any property, including but not limited to uncontaminated  
16 laboratory equipment used in the processing, manufacturing or  
17 compounding of controlled dangerous substances in violation of the  
18 provisions of the Uniform Controlled Dangerous Substances Act, upon  
19 a court order, may be donated for classroom or laboratory use by the  
20 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control,  
21 Oklahoma Department of Public Safety, district attorney, the  
22 Alcoholic Beverage Laws Enforcement Commission, the Oklahoma  
23 Department of Corrections, or the Office of the Attorney General to

1 any public secondary school or technology center school in this  
2 state or any institution of higher education within The Oklahoma  
3 State System of Higher Education.

4 K. Any vehicle or firearm which has come into the possession  
5 and title vested in the Oklahoma State Bureau of Narcotics and  
6 Dangerous Drugs Control, the Oklahoma Department of Public Safety,  
7 the Oklahoma State Bureau of Investigation, or the Office of the  
8 Attorney General, may be transferred, donated or offered for lease  
9 to any sheriff's office, tribal law enforcement agency, campus  
10 police department pursuant to the provisions of the Oklahoma Campus  
11 Security Act, or police department in this state on an annual basis  
12 to assist with the enforcement of the provisions of the Uniform  
13 Controlled Dangerous Substances Act. Each agency shall promulgate  
14 rules, regulations and procedures for leasing vehicles and firearms.  
15 No fully automatic weapons will be subject to the leasing agreement.  
16 All firearms leased may be utilized only by C.L.E.E.T. certified  
17 officers who have received training in the type and class of weapon  
18 leased. Every lessee shall be required to submit an annual report  
19 to the leasing agency stating the condition of all leased property.  
20 A lease agreement may be renewed annually at the option of the  
21 leasing agency. Upon termination of a lease agreement, the property  
22 shall be returned to the leasing agency for sale or other  
23 disposition. All funds derived from lease agreements or other

1 disposition of property no longer useful to law enforcement shall be  
2 deposited in the agency's revolving fund and shall be expended for  
3 law enforcement purposes.

4 L. Before disposing of any property pursuant to subsections C  
5 through I of this section, the Oklahoma State Bureau of Narcotics  
6 and Dangerous Drugs Control, the Department of Public Safety, the  
7 Alcoholic Beverage Laws Enforcement Commission, the Oklahoma State  
8 Bureau of Investigation, the Department of Corrections, the Office  
9 of the Attorney General, or a district attorney may transfer or  
10 donate the property to another state agency, tribal law enforcement  
11 agency, or school district for use upon request. In addition to the  
12 provisions of this section, the Oklahoma State Bureau of Narcotics  
13 and Dangerous Drugs Control may transfer or donate property for any  
14 purpose pursuant to Section 2-106.2 of this title. The agencies and  
15 any district attorney that are parties to any transfer of property  
16 pursuant to this subsection shall enter into written agreements to  
17 carry out any such transfer of property. Any such agreement may  
18 also provide for the granting of title to any property being  
19 transferred as the parties deem appropriate. If the transfer of  
20 property is to a school district, a written agreement shall be  
21 entered into with the superintendent of the school district. No  
22 weapons may be transferred to a school district except as provided  
23 for in subsection K of this section.



1 SECTION 10. AMENDATORY Section 2, Chapter 458, O.S.L.  
2 2010 (63 O.S. Supp. 2010, Section 2-701), is amended to read as  
3 follows:

4 Section 2-701. A. There is hereby created within the Oklahoma  
5 State Bureau of Narcotics and Dangerous Drugs Control a registry of  
6 persons who, after November 1, 2010, have been convicted, whether  
7 upon a verdict or plea of guilty or upon a verdict or plea of nolo  
8 contendere, or received a suspended sentence or any deferred or  
9 probationary term, or are currently serving a sentence or any form  
10 of probation or parole for a crime or attempt to commit a crime  
11 including, but not limited to, unlawful possession, conspiring,  
12 endeavoring, manufacturing, distribution or trafficking of a  
13 precursor or methamphetamines under the provisions of Section 2-322,  
14 2-332, 2-401, 2-402, 2-408 or 2-415 of ~~Title 63 of the Oklahoma~~  
15 ~~Statutes~~ this title, or any crime including, but not limited to,  
16 crimes involving the possession, distribution, manufacturing or  
17 trafficking of methamphetamines or illegal amounts of or uses of  
18 pseudoephedrine in any federal court, Indian tribal court, or any  
19 court of another state if the person is a resident of the State of  
20 Oklahoma or seeks to remain in the State of Oklahoma in excess of  
21 ten (10) days.

22 B. It shall be unlawful for any person subject to the registry  
23 created in subsection A of this section to purchase, possess or have  
24

1 control of any Schedule V compound, mixture, or preparation  
2 containing any detectable quantity of pseudoephedrine, its salts or  
3 optical isomers, or salts of optical isomers. As provided in  
4 Section 2-212 of ~~Title 63 of the Oklahoma Statutes~~ this title, the  
5 provisions of this subsection shall not apply to any compounds,  
6 mixtures, or preparations which are in liquid, liquid capsule, or  
7 gel capsule form if pseudoephedrine is not the only active  
8 ingredient. A prescription for pseudoephedrine shall not provide an  
9 exemption for any person to this law. Any person convicted of  
10 violating the provisions of this subsection shall be guilty of a  
11 felony, punishable by imprisonment in the custody of the Department  
12 of Corrections for not less than two (2) years and not more than ten  
13 (10) years, or by a fine of not more than Five Thousand Dollars  
14 (\$5,000.00), or by both such fine and imprisonment.

15 C. The registry created in subsection A of this section shall  
16 be maintained by the Bureau. The registry shall be made available  
17 for registrants who sell or dispense pseudoephedrine-related  
18 products and to law enforcement agencies for law enforcement  
19 purposes through the Central Repository and the prescription  
20 monitoring program. Every registrant selling, dispensing or  
21 otherwise delivering pseudoephedrine products shall deny any sale of  
22 pseudoephedrine to any individual listed on the methamphetamine  
23 offender registry.

24

1 D. The registry shall consist of the following information:

2 1. Name of the person;

3 2. Date of birth of the person;

4 3. The offense or offenses which made the person eligible for  
5 inclusion on the registry;

6 4. The date of conviction or the date that a plea of guilty or  
7 nolo contendere was accepted by the court for any violation of an  
8 offense provided for in subsection A of this section;

9 5. The county where the offense or offenses occurred; and

10 6. Such other identifying data as the Bureau determines is  
11 necessary to properly identify the person.

12 E. Beginning November 1, 2010, all district court clerks shall  
13 forward a copy of the judgment and sentence or other applicable  
14 information relating to the disposition of the criminal case and  
15 date of birth of all persons who are subject to the provisions of  
16 this act for a violation of the offenses described in subsection A  
17 of this section to the Bureau. The information shall be sent in an  
18 electronic format in a manner prescribed by the Bureau within thirty  
19 (30) days of the date of final disposition of the case. ~~Every~~ Any  
20 ~~person that receives~~ subject to the registry pursuant to subsection  
21 A of this section, having received a deferred sentence or ~~is~~  
22 ~~otherwise not in the custody of the Department of Corrections~~  
23 conviction in a federal court, Indian tribal court, or any court of

1 another state, shall be required to register and submit a  
2 methamphetamine offender registration form in a format prescribed by  
3 the Bureau within ~~thirty (30) days of entering a plea or receiving a~~  
4 ~~sentence for an offense described in subsection A of this section~~  
5 ten (10) days of entering the State of Oklahoma or if incarcerated  
6 in a federal institution within the boundaries of Oklahoma, within  
7 ten (10) days of release from said institution. Failure to submit  
8 the form required by this subsection shall constitute a misdemeanor.

9 F. The Bureau shall remove from the registry the name and other  
10 identifying information of a person who has been convicted of a  
11 violation of any of the offenses described in subsection A of this  
12 section ten (10) years after the date of the most recent judgment  
13 and sentence. Any person having received a deferred sentence that  
14 expires prior to the ten-year time limitation may apply to the  
15 Bureau to be removed from the registry upon the completion of the  
16 deferred sentence by providing to the Bureau a certified copy of the  
17 dismissal of the case by certified mail. The Bureau may remove the  
18 person from the registry upon expiration of the deferred sentence.

19 G. It shall be a violation for any person to assist another  
20 person who is subject to the registry in the purchase of any  
21 pseudoephedrine products. Any person convicted of violating the  
22 provisions of this subsection shall, for a first offense, be guilty  
23 of a misdemeanor, punishable by incarceration in the county jail for  
24

1 not more than one (1) year, or by a fine of not more than One  
2 Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.  
3 Any second or subsequent conviction for a violation of this  
4 subsection shall be a felony, punishable by incarceration in the  
5 custody of the Department of Corrections for not more than two (2)  
6 years, or by a fine of not less than Two Thousand Five Hundred  
7 Dollars (\$2,500.00) or by both such fine and imprisonment. For the  
8 purposes of this subsection, knowledge that a person was subject to  
9 the methamphetamine offender registry may be proven through court  
10 testimony or any other public notice or publicly available record  
11 including, but not limited to, court records maintained by the  
12 Oklahoma Supreme Court Network and the Oklahoma Court Information  
13 System. On or prior to November 1, 2011, the Oklahoma State Bureau  
14 of Narcotics and Dangerous Drugs Control shall maintain a  
15 methamphetamine offender registry website available for viewing by  
16 the public.

17 SECTION 11. This act shall become effective November 1, 2011.

18  
19 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 03-31-2011 -  
20 DO PASS, As Amended and Coauthored.