

1 **SENATE FLOOR VERSION**

2 February 24, 2020

3 SENATE BILL NO. 1187

By: Thompson and Weaver

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6 An Act relating to the Uniform Controlled Dangerous
7 Substances Act; amending 63 O.S. 2011, Section 2-302,
8 as last amended by Section 17, Chapter 428, O.S.L.
9 2019 (63 O.S. Supp. 2019, Section 2-302), which
relates to registration requirements; modifying
required documentation; updating statutory reference;
and providing an effective date.

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

13 SECTION 1. AMENDATORY 63 O.S. 2011, Section 2-302, as
14 last amended by Section 17, Chapter 428, O.S.L. 2019 (63 O.S. Supp.
15 2019, Section 2-302), is amended to read as follows:

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

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

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

21 C. Every manufacturer and distributor required to register
22 under the provisions of this section shall provide ~~all data required~~
23 ~~pursuant to 21 U.S.C., Section 827(d)(1)~~ information regarding the
24 sale of controlled dangerous substances on a monthly basis to the

1 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control.
2 Controlled dangerous substances in Schedule I shall be reported in
3 accordance with rules promulgated by the Director. Reporting of
4 controlled dangerous substances ~~pursuant to 21 U.S.C., Section~~
5 ~~827(d)(1)~~ Schedules II, III, IV and V shall include, but not be
6 limited to:

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

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

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

13 4. The name and National Drug Code of the controlled dangerous
14 substance sold; and

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

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

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

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

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

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

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

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

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

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

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

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

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

21 6. A nursing home licensed by this state;

22 7. Any Department of Mental Health and Substance Abuse Services
23 employee or any person whose facility contracts with the Department
24 of Mental Health and Substance Abuse Services whose possession of

1 any dangerous drug, as defined in Section 353.1 of Title 59 of the
2 Oklahoma Statutes, is for the purpose of delivery of a mental health
3 consumer's medicine to the consumer's home or residence; and

4 8. Registered nurses and licensed practical nurses.

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

10 I. A separate registration shall be required at each principal
11 place of business or professional practice where the applicant
12 manufactures, distributes, dispenses, prescribes, administers, or
13 uses for scientific purposes controlled dangerous substances.

14 J. The Director is authorized to inspect the establishment of a
15 registrant or applicant for registration in accordance with rules
16 promulgated by the Director.

17 K. No person engaged in a profession or occupation for which a
18 license to engage in such activity is provided by law shall be
19 registered under ~~this act~~ the Uniform Controlled Dangerous
20 Substances Act unless such person holds a valid license of such
21 person's profession or occupation.

22 L. Registrations shall be issued on the first day of November
23 of each year. Registrations may be issued at other times, however,
24 upon certification of the professional licensing board.

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

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

17 O. Beginning November 1, 2010, each registrant that prescribes,
18 administers or dispenses methadone shall be required to check the
19 prescription profile of the patient on the central repository of the
20 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control.

21 SECTION 2. This act shall become effective November 1, 2020.

22 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
23 February 24, 2020 - DO PASS
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