

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 59th Legislature (2023)

4 HOUSE BILL 2281

                                  By: Echols

7                                   AS INTRODUCED

8                   An Act relating to public health and safety; amending  
9                   63 O.S. 2021, Section 2-101, as amended by Section 4,  
10                  Chapter 265, O.S.L. 2022 (63 O.S. Supp. 2022, Section  
11                  2-101), which relates to the Uniform Controlled  
12                  Dangerous Substances Act; adding definition; amending  
13                  63 O.S. 2021, Section 2-406, which relates to  
14                  penalties for violating the Uniform Controlled  
15                  Dangerous Substances Act; making certain acts  
16                  unlawful; and declaring an emergency.

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

16           SECTION 1.           AMENDATORY           63 O.S. 2021, Section 2-101, as  
17           amended by Section 4, Chapter 265, O.S.L. 2022 (63 O.S. Supp. 2022,  
18           Section 2-101), is amended to read as follows:

19           Section 2-101. As used in the Uniform Controlled Dangerous  
20           Substances Act:

21           1. "Administer" means the direct application of a controlled  
22           dangerous substance, whether by injection, inhalation, ingestion or  
23           any other means, to the body of a patient, animal or research  
24           subject by:

1 a. a practitioner (or, in the presence of the  
2 practitioner, by the authorized agent of the  
3 practitioner), or

4 b. the patient or research subject at the direction and  
5 in the presence of the practitioner;

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

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

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

19 5. "Coca leaves" includes cocaine and any compound,  
20 manufacture, salt, derivative, mixture or preparation of coca  
21 leaves, except derivatives of coca leaves which do not contain  
22 cocaine or ecgonine;

23 6. "Commissioner" or "Director" means the Director of the  
24 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control;

1       7. "Control" means to add, remove or change the placement of a  
2 drug, substance or immediate precursor under the Uniform Controlled  
3 Dangerous Substances Act;

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

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

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

21       11. "Dispense" means to deliver a controlled dangerous  
22 substance to an ultimate user or human research subject by or  
23 pursuant to the lawful order of a practitioner, including the  
24 prescribing, administering, packaging, labeling or compounding

1 necessary to prepare the substance for such distribution.

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

4 12. "Distribute" means to deliver other than by administering  
5 or dispensing a controlled dangerous substance;

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

11 14. "Drug" means articles:

12 a. recognized in the official United States Pharmacopeia,  
13 official Homeopathic Pharmacopoeia of the United  
14 States, or official National Formulary, or any  
15 supplement to any of them,

16 b. intended for use in the diagnosis, cure, mitigation,  
17 treatment or prevention of disease in man or other  
18 animals,

19 c. other than food, intended to affect the structure or  
20 any function of the body of man or other animals, and

21 d. intended for use as a component of any article  
22 specified in this paragraph;

23 provided, however, the term "drug" does not include devices or their  
24 components, parts or accessories;

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

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

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

16       18. "Hospice" means a centrally administered, nonprofit or for-  
17 profit, medically directed, nurse-coordinated program which provides  
18 a continuum of home and inpatient care for the terminally ill  
19 patient and the patient's family. Such term shall also include a  
20 centrally administered, nonprofit or for-profit, medically directed,  
21 nurse-coordinated program if such program is licensed pursuant to  
22 the provisions of the Uniform Controlled Dangerous Substances Act.  
23 A hospice program offers palliative and supportive care to meet the  
24 special needs arising out of the physical, emotional and spiritual

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

7 19. "Imitation controlled substance" means a substance that is  
8 not a controlled dangerous substance, which by dosage unit  
9 appearance, color, shape, size, markings or by representations made,  
10 would lead a reasonable person to believe that the substance is a  
11 controlled dangerous substance. In the event the appearance of the  
12 dosage unit is not reasonably sufficient to establish that the  
13 substance is an "imitation controlled substance", the court or  
14 authority concerned should consider, in addition to all other  
15 factors, the following factors as related to "representations made"  
16 in determining whether the substance is an "imitation controlled  
17 substance":

- 18 a. statements made by an owner or by any other person in  
19 control of the substance concerning the nature of the  
20 substance, or its use or effect,  
21 b. statements made to the recipient that the substance  
22 may be resold for inordinate profit,  
23 c. whether the substance is packaged in a manner normally  
24 used for illicit controlled substances,

- 1           d.    evasive tactics or actions utilized by the owner or  
2                    person in control of the substance to avoid detection  
3                    by law enforcement authorities,  
4            e.    prior convictions, if any, of an owner, or any other  
5                    person in control of the object, under state or  
6                    federal law related to controlled substances or fraud,  
7                    and  
8            f.    the proximity of the substances to controlled  
9                    dangerous substances;

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

16           21. "Laboratory" means a laboratory approved by the Director as  
17 proper to be entrusted with the custody of controlled dangerous  
18 substances and the use of controlled dangerous substances for  
19 scientific and medical purposes and for purposes of instruction;

20           22. "Manufacture" means the production, preparation,  
21 propagation, compounding or processing of a controlled dangerous  
22 substance, either directly or indirectly by extraction from  
23 substances of natural or synthetic origin, or independently by means  
24 of chemical synthesis or by a combination of extraction and chemical

1 synthesis. "Manufacturer" includes any person who packages,  
2 repackages or labels any container of any controlled dangerous  
3 substance, except practitioners who dispense or compound  
4 prescription orders for delivery to the ultimate consumer;

5 23. "Marijuana" means all parts of the plant Cannabis sativa  
6 L., whether growing or not; the seeds thereof; the resin extracted  
7 from any part of such plant; and every compound, manufacture, salt,  
8 derivative, mixture or preparation of such plant, its seeds or  
9 resin, but shall not include:

- 10 a. the mature stalks of such plant or fiber produced from  
11 such stalks,
- 12 b. oil or cake made from the seeds of such plant,  
13 including cannabidiol derived from the seeds of the  
14 marijuana plant,
- 15 c. any other compound, manufacture, salt, derivative,  
16 mixture or preparation of such mature stalks (except  
17 the resin extracted therefrom), including cannabidiol  
18 derived from mature stalks, fiber, oil or cake,
- 19 d. the sterilized seed of such plant which is incapable  
20 of germination,
- 21 e. for any person participating in a clinical trial to  
22 administer cannabidiol for the treatment of severe  
23 forms of epilepsy pursuant to Section 2-802 of this  
24 title, a drug or substance approved by the federal



1 Food and Drug Administration for use by those  
2 participants,

3 f. for any person or the parents, legal guardians or  
4 caretakers of the person who have received a written  
5 certification from a physician licensed in this state  
6 that the person has been diagnosed by a physician as  
7 having Lennox-Gastaut syndrome, Dravet syndrome, also  
8 known as severe myoclonic epilepsy of infancy, or any  
9 other severe form of epilepsy that is not adequately  
10 treated by traditional medical therapies, spasticity  
11 due to multiple sclerosis or due to paraplegia,  
12 intractable nausea and vomiting, appetite stimulation  
13 with chronic wasting diseases, the substance  
14 cannabidiol, a nonpsychoactive cannabinoid, found in  
15 the plant Cannabis sativa L. or any other preparation  
16 thereof, that has a tetrahydrocannabinol concentration  
17 of not more than three-tenths of one percent (0.3%)  
18 and that is delivered to the patient in the form of a  
19 liquid,

20 g. any federal Food-and-Drug-Administration-approved drug  
21 or substance, or

22 h. industrial hemp, from the plant Cannabis sativa L. and  
23 any part of such plant, whether growing or not, with a  
24 delta-9 tetrahydrocannabinol concentration of not more

1 than three-tenths of one percent (0.3%) on a dry-  
2 weight basis which shall only be grown pursuant to the  
3 Oklahoma Industrial Hemp Program and may be shipped  
4 intrastate and interstate;

5 24. "Medical purpose" means an intention to utilize a  
6 controlled dangerous substance for physical or mental treatment, for  
7 diagnosis, or for the prevention of a disease condition not in  
8 violation of any state or federal law and not for the purpose of  
9 satisfying physiological or psychological dependence or other abuse;

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

19 26. "Narcotic drug" means any of the following, whether  
20 produced directly or indirectly by extraction from substances of  
21 vegetable origin, or independently by means of chemical synthesis,  
22 or by a combination of extraction and chemical synthesis:

23 a. opium, coca leaves and opiates,  
24

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

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

1       28. "Opium poppy" means the plant of the species Papaver  
2 somniferum L., except the seeds thereof;

3       29. "Peace officer" means a police officer, sheriff, deputy  
4 sheriff, district attorney's investigator, investigator from the  
5 Office of the Attorney General, or any other person elected or  
6 appointed by law to enforce any of the criminal laws of this state  
7 or of the United States;

8       30. "Person" means an individual, corporation, government or  
9 governmental subdivision or agency, business trust, estate, trust,  
10 partnership or association, or any other legal entity;

11       31. "Poppy straw" means all parts, except the seeds, of the  
12 opium poppy, after mowing;

13       32. "Practitioner" means:

- 14           a. (1) a medical doctor or osteopathic physician,  
15               (2) a dentist,  
16               (3) a podiatrist,  
17               (4) an optometrist,  
18               (5) a veterinarian,  
19               (6) a physician assistant or Advanced Practice  
20               Registered Nurse under the supervision of a  
21               licensed medical doctor or osteopathic physician,  
22               (7) a scientific investigator, or  
23               (8) any other person,  
24

1 licensed, registered or otherwise permitted to  
2 prescribe, distribute, dispense, conduct research with  
3 respect to, use for scientific purposes or administer  
4 a controlled dangerous substance in the course of  
5 professional practice or research in this state, or

6 b. a pharmacy, hospital, laboratory or other institution  
7 licensed, registered or otherwise permitted to  
8 distribute, dispense, conduct research with respect  
9 to, use for scientific purposes or administer a  
10 controlled dangerous substance in the course of  
11 professional practice or research in this state;

12 33. "Production" includes the manufacture, planting,  
13 cultivation, growing or harvesting of a controlled dangerous  
14 substance;

15 34. "State" means the State of Oklahoma or any other state of  
16 the United States;

17 35. "Ultimate user" means a person who lawfully possesses a  
18 controlled dangerous substance for the person's own use or for the  
19 use of a member of the person's household or for administration to  
20 an animal owned by the person or by a member of the person's  
21 household;

22 36. "Drug paraphernalia" means all equipment, products and  
23 materials of any kind which are used, intended for use, or fashioned  
24 specifically for use in planting, propagating, cultivating, growing,

1 harvesting, manufacturing, compounding, converting, producing,  
2 processing, preparing, testing, analyzing, packaging, repackaging,  
3 storing, containing, concealing, injecting, ingesting, inhaling or  
4 otherwise introducing into the human body, a controlled dangerous  
5 substance in violation of the Uniform Controlled Dangerous  
6 Substances Act including, but not limited to:

- 7 a. kits used, intended for use, or fashioned specifically  
8 for use in planting, propagating, cultivating, growing  
9 or harvesting of any species of plant which is a  
10 controlled dangerous substance or from which a  
11 controlled dangerous substance can be derived,
- 12 b. kits used, intended for use, or fashioned specifically  
13 for use in manufacturing, compounding, converting,  
14 producing, processing or preparing controlled  
15 dangerous substances,
- 16 c. isomerization devices used, intended for use, or  
17 fashioned specifically for use in increasing the  
18 potency of any species of plant which is a controlled  
19 dangerous substance,
- 20 d. testing equipment used, intended for use, or fashioned  
21 specifically for use in identifying, or in analyzing  
22 the strength, effectiveness or purity of controlled  
23 dangerous substances,

24

- 1 e. scales and balances used, intended for use, or  
2 fashioned specifically for use in weighing or  
3 measuring controlled dangerous substances,  
4 f. diluents and adulterants, such as quinine  
5 hydrochloride, mannitol, mannite, dextrose and  
6 lactose, used, intended for use, or fashioned  
7 specifically for use in cutting controlled dangerous  
8 substances,  
9 g. separation gins and sifters used, intended for use, or  
10 fashioned specifically for use in removing twigs and  
11 seeds from, or in otherwise cleaning or refining,  
12 marijuana,  
13 h. blenders, bowls, containers, spoons and mixing devices  
14 used, intended for use, or fashioned specifically for  
15 use in compounding controlled dangerous substances,  
16 i. capsules, balloons, envelopes and other containers  
17 used, intended for use, or fashioned specifically for  
18 use in packaging small quantities of controlled  
19 dangerous substances,  
20 j. containers and other objects used, intended for use,  
21 or fashioned specifically for use in parenterally  
22 injecting controlled dangerous substances into the  
23 human body,  
24

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



1 (12) bong, or

2 (13) ice pipes or chillers,

3 m. all hidden or novelty pipes, and

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

9 provided, however, the term "drug paraphernalia" shall not include  
10 separation gins intended for use in preparing tea or spice, clamps  
11 used for constructing electrical equipment, water pipes designed for  
12 ornamentation in which no detectable amount of an illegal substance  
13 is found or pipes designed and used solely for smoking tobacco,  
14 traditional pipes of an American Indian tribal religious ceremony,  
15 or antique pipes that are thirty (30) years of age or older;

16 37. a. "Synthetic controlled substance" means a substance:

17 (1) the chemical structure of which is substantially  
18 similar to the chemical structure of a controlled  
19 dangerous substance in Schedule I or II,

20 (2) which has a stimulant, depressant, or  
21 hallucinogenic effect on the central nervous  
22 system that is substantially similar to or  
23 greater than the stimulant, depressant or  
24 hallucinogenic effect on the central nervous

1 system of a controlled dangerous substance in  
2 Schedule I or II, or

3 (3) with respect to a particular person, which such  
4 person represents or intends to have a stimulant,  
5 depressant, or hallucinogenic effect on the  
6 central nervous system that is substantially  
7 similar to or greater than the stimulant,  
8 depressant, or hallucinogenic effect on the  
9 central nervous system of a controlled dangerous  
10 substance in Schedule I or II.

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

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

- 17 (1) a controlled dangerous substance,  
18 (2) any substance for which there is an approved new  
19 drug application,  
20 (3) with respect to a particular person any  
21 substance, if an exemption is in effect for  
22 investigational use, for that person under the  
23 provisions of Section 505 of the Federal Food,  
24 Drug and Cosmetic Act, Title 21 of the United

1 States Code, Section 355, to the extent conduct  
2 with respect to such substance is pursuant to  
3 such exemption, or

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

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

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

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

23 40. "Hazardous materials" means materials, whether solid,  
24 liquid or gas, which are toxic to human, animal, aquatic or plant

1 life, and the disposal of which materials is controlled by state or  
2 federal guidelines;

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

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

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

16 44. "Initial prescription" means a prescription issued to a  
17 patient who:

18 a. has never previously been issued a prescription for  
19 the drug or its pharmaceutical equivalent in the past  
20 year, or

21 b. requires a prescription for the drug or its  
22 pharmaceutical equivalent due to a surgical procedure  
23 or new acute event and has previously had a  
24

1 prescription for the drug or its pharmaceutical  
2 equivalent within the past year.

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

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

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

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

17 46. "Serious illness" means a medical illness or physical  
18 injury or condition that substantially affects quality of life for  
19 more than a short period of time. "Serious illness" includes, but  
20 is not limited to, Alzheimer's disease or related dementias, lung  
21 disease, cancer, heart failure, renal failure, liver failure or  
22 chronic, unremitting or intractable pain such as neuropathic pain;  
23 and  
24

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

12        48. "Straw person" or "straw party" also known as a "front"  
13 means a third party who is put up in name only to take part in a  
14 transaction or is a nominal party to a transaction. The term also  
15 means one who acts as an agent for another for the purpose of taking  
16 title to property and executing whatever documents and instruments  
17 the principal may direct respecting the property. A person who  
18 purchases property for another to conceal the identity of the real  
19 purchaser or to accomplish some purpose otherwise not allowed is  
20 also known as a "straw person" or "straw party".

21        SECTION 2.        AMENDATORY        63 O.S. 2021, Section 2-406, is  
22 amended to read as follows:

23        Section 2-406. A. It shall be unlawful for any registrant  
24 knowingly or intentionally:

1 1. To distribute, other than by dispensing or as otherwise  
2 authorized by this act, a controlled dangerous substance classified  
3 in Schedules I or II, in the course of his or her legitimate  
4 business, except pursuant to an order form as required by Section 2-  
5 308 of this title;

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

9 3. To acquire or obtain possession of a controlled dangerous  
10 substance by misrepresentation, fraud, forgery, deception or  
11 subterfuge;

12 4. To furnish false or fraudulent material information in, or  
13 omit any material information from, any application, report, or  
14 other document required to be kept or filed under this act, or any  
15 record required to be kept by this act; ~~and~~

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

22 6. To purchase, or attempt, endeavor, or conspire to obtain or  
23 purchase, any license or registration required to distribute,  
24 possess, prescribe, or manufacture any controlled dangerous



1 substance on behalf of, or at the request or demand of, any other  
2 person through the use of a straw person or straw party.

3 B. Any person who violates this section is guilty of a felony  
4 punishable by imprisonment for not more than twenty (20) years or a  
5 fine of not more than Two Hundred Fifty Thousand Dollars  
6 (\$250,000.00), or both.

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

13 D. Any person convicted of any offense described in this  
14 section shall, in addition to any fine imposed, pay a special  
15 assessment trauma-care fee of One Hundred Dollars (\$100.00) to be  
16 deposited into the Trauma Care Assistance Revolving Fund created in  
17 Section ~~1-2522~~ 1-2530.9 of this title.

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

22  
23 COMMITTEE REPORT BY: COMMITTEE ON ALCOHOL, TOBACCO AND CONTROLLED  
24 SUBSTANCES, dated 02/23/2023 - DO PASS.