

1 **SENATE FLOOR VERSION**

2 April 10, 2023

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL NO. 2281

By: Echols of the House

and

Paxton of the Senate

6
7
8
9 An Act relating to public health and safety; amending
10 63 O.S. 2021, Section 2-101, as amended by Section 4,
11 Chapter 265, O.S.L. 2022 (63 O.S. Supp. 2022, Section
12 2-101), which relates to the Uniform Controlled
13 Dangerous Substances Act; defining term; amending 63
14 O.S. 2021, Section 2-406, which relates to penalties
15 for violating the Uniform Controlled Dangerous
16 Substances Act; making certain acts unlawful;
17 updating statutory language; updating statutory
18 reference; and declaring an emergency.

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

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

23 Section 2-101. As used in the Uniform Controlled Dangerous
24 Substances Act:

1. "Administer" means the direct application of a controlled
dangerous substance, whether by injection, inhalation, ingestion or

1 any other means, to the body of a patient, animal or research
2 subject by:

3 a. a practitioner (or, in the presence of the
4 practitioner, by the authorized agent of the
5 practitioner), or

6 b. the patient or research subject at the direction and
7 in the presence of the practitioner;

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

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

19 4. "Bureau" means the Oklahoma State Bureau of Narcotics and
20 Dangerous Drugs Control;

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

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

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

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

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

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

23 11. "Dispense" means to deliver a controlled dangerous
24 substance to an ultimate user or human research subject by or

1 pursuant to the lawful order of a practitioner, including the
2 prescribing, administering, packaging, labeling or compounding
3 necessary to prepare the substance for such distribution.

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

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

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

13 14. "Drug" means articles:

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

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

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

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

1 provided, however, the term "~~drug~~ drug" does not include devices or
2 their components, parts or accessories;

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

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

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

18 18. "Hospice" means a centrally administered, nonprofit or for-
19 profit, medically directed, nurse-coordinated program which provides
20 a continuum of home and inpatient care for the terminally ill
21 patient and the patient's family. Such term shall also include a
22 centrally administered, nonprofit or for-profit, medically directed,
23 nurse-coordinated program if such program is licensed pursuant to
24 the provisions of the Uniform Controlled Dangerous Substances Act.

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

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

21 a. statements made by an owner or by any other person in
22 control of the substance concerning the nature of the
23 substance, or its use or effect,

24

- 1 b. statements made to the recipient that the substance
2 may be resold for inordinate profit,
3 c. whether the substance is packaged in a manner normally
4 used for illicit controlled substances,
5 d. evasive tactics or actions utilized by the owner or
6 person in control of the substance to avoid detection
7 by law enforcement authorities,
8 e. prior convictions, if any, of an owner, or any other
9 person in control of the object, under state or
10 federal law related to controlled substances or fraud,
11 and
12 f. the proximity of the substances to controlled
13 dangerous substances;

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

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

1 22. "Manufacture" means the production, preparation,
2 propagation, compounding or processing of a controlled dangerous
3 substance, either directly or indirectly by extraction from
4 substances of natural or synthetic origin, or independently by means
5 of chemical synthesis or by a combination of extraction and chemical
6 synthesis. "Manufacturer" includes any person who packages,
7 repackages or labels any container of any controlled dangerous
8 substance, except practitioners who dispense or compound
9 prescription orders for delivery to the ultimate consumer;

10 23. "Marijuana" means all parts of the plant *Cannabis sativa*
11 *L.*, whether growing or not; the seeds thereof; the resin extracted
12 from any part of such plant; and every compound, manufacture, salt,
13 derivative, mixture or preparation of such plant, its seeds or
14 resin, but shall not include:

- 15 a. the mature stalks of such plant or fiber produced from
16 such stalks,
- 17 b. oil or cake made from the seeds of such plant,
18 including cannabidiol derived from the seeds of the
19 marijuana plant,
- 20 c. any other compound, manufacture, salt, derivative,
21 mixture or preparation of such mature stalks (except
22 the resin extracted therefrom), including cannabidiol
23 derived from mature stalks, fiber, oil or cake,

24

- 1 d. the sterilized seed of such plant which is incapable
2 of germination,
- 3 e. for any person participating in a clinical trial to
4 administer cannabidiol for the treatment of severe
5 forms of epilepsy pursuant to Section 2-802 of this
6 title, a drug or substance approved by the federal
7 Food and Drug Administration for use by those
8 participants,
- 9 f. for any person or the parents, legal guardians or
10 caretakers of the person who have received a written
11 certification from a physician licensed in this state
12 that the person has been diagnosed by a physician as
13 having Lennox-Gastaut syndrome, Dravet syndrome, also
14 known as severe myoclonic epilepsy of infancy, or any
15 other severe form of epilepsy that is not adequately
16 treated by traditional medical therapies, spasticity
17 due to multiple sclerosis or due to paraplegia,
18 intractable nausea and vomiting, appetite stimulation
19 with chronic wasting diseases, the substance
20 cannabidiol, a nonpsychoactive cannabinoid, found in
21 the plant Cannabis sativa L. or any other preparation
22 thereof, that has a tetrahydrocannabinol concentration
23 of not more than three-tenths of one percent (0.3%)
24

1 and that is delivered to the patient in the form of a
2 liquid,

3 g. any federal Food-and-Drug-Administration-approved drug
4 or substance, or

5 h. industrial hemp, from the plant Cannabis sativa L. and
6 any part of such plant, whether growing or not, with a
7 delta-9 tetrahydrocannabinol concentration of not more
8 than three-tenths of one percent (0.3%) on a dry-
9 weight basis which shall only be grown pursuant to the
10 Oklahoma Industrial Hemp Program and may be shipped
11 intrastate and interstate;

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

17 25. "Mid-level practitioner" means an Advanced Practice
18 Registered Nurse as defined and within parameters specified in
19 Section 567.3a of Title 59 of the Oklahoma Statutes, or a certified
20 animal euthanasia technician as defined in Section 698.2 of Title 59
21 of the Oklahoma Statutes, or an animal control officer registered by
22 the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control
23 under subsection B of Section 2-301 of this title within the
24

1 parameters of such officer's duties under Sections 501 through 508
2 of Title 4 of the Oklahoma Statutes;

3 26. "Narcotic drug" means any of the following, whether
4 produced directly or indirectly by extraction from substances of
5 vegetable origin, or independently by means of chemical synthesis,
6 or by a combination of extraction and chemical synthesis:

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

23 27. "Opiate" or "opioid" means any Schedule II, III, IV or V
24 substance having an addiction-forming or addiction-sustaining

1 liability similar to morphine or being capable of conversion into a
2 drug having such addiction-forming or addiction-sustaining
3 liability. The terms do not include, unless specifically designated
4 as controlled under the Uniform Controlled Dangerous Substances Act,
5 the dextrorotatory isomer of 3-methoxy-n-methyl-morphinan and its
6 salts (dextromethorphan). The terms do include the racemic and
7 levorotatory forms;

8 28. "Opium poppy" means the plant of the species *Papaver*
9 *somniferum* L., except the seeds thereof;

10 29. "Peace officer" means a police officer, sheriff, deputy
11 sheriff, district attorney's investigator, investigator from the
12 Office of the Attorney General, or any other person elected or
13 appointed by law to enforce any of the criminal laws of this state
14 or of the United States;

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

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

20 32. "Practitioner" means:

- 21 a. (1) a medical doctor or osteopathic physician,
- 22 (2) a dentist,
- 23 (3) a podiatrist,
- 24 (4) an optometrist,

- 1 (5) a veterinarian,
2 (6) a physician assistant or Advanced Practice
3 Registered Nurse under the supervision of a
4 licensed medical doctor or osteopathic physician,
5 (7) a scientific investigator, or
6 (8) any other person,

7 licensed, registered or otherwise permitted to
8 prescribe, distribute, dispense, conduct research with
9 respect to, use for scientific purposes or administer
10 a controlled dangerous substance in the course of
11 professional practice or research in this state, or

- 12 b. a pharmacy, hospital, laboratory or other institution
13 licensed, registered or otherwise permitted to
14 distribute, dispense, conduct research with respect
15 to, use for scientific purposes or administer a
16 controlled dangerous substance in the course of
17 professional practice or research in this state;

18 33. "Production" includes the manufacture, planting,
19 cultivation, growing or harvesting of a controlled dangerous
20 substance;

21 34. "State" means the State of Oklahoma or any other state of
22 the United States;

23 35. "Ultimate user" means a person who lawfully possesses a
24 controlled dangerous substance for the person's own use or for the

1 use of a member of the person's household or for administration to
2 an animal owned by the person or by a member of the person's
3 household;

4 36. "Drug paraphernalia" means all equipment, products and
5 materials of any kind which are used, intended for use, or fashioned
6 specifically for use in planting, propagating, cultivating, growing,
7 harvesting, manufacturing, compounding, converting, producing,
8 processing, preparing, testing, analyzing, packaging, repackaging,
9 storing, containing, concealing, injecting, ingesting, inhaling or
10 otherwise introducing into the human body, a controlled dangerous
11 substance in violation of the Uniform Controlled Dangerous
12 Substances Act including, but not limited to:

13 a. kits used, intended for use, or fashioned specifically
14 for use in planting, propagating, cultivating, growing
15 or harvesting of any species of plant which is a
16 controlled dangerous substance or from which a
17 controlled dangerous substance can be derived,

18 b. kits used, intended for use, or fashioned specifically
19 for use in manufacturing, compounding, converting,
20 producing, processing or preparing controlled
21 dangerous substances,

22 c. isomerization devices used, intended for use, or
23 fashioned specifically for use in increasing the
24

1 potency of any species of plant which is a controlled
2 dangerous substance,

3 d. testing equipment used, intended for use, or fashioned
4 specifically for use in identifying, or in analyzing
5 the strength, effectiveness or purity of controlled
6 dangerous substances,

7 e. scales and balances used, intended for use, or
8 fashioned specifically for use in weighing or
9 measuring controlled dangerous substances,

10 f. diluent and adulterants, such as quinine
11 hydrochloride, mannitol, mannite, dextrose and
12 lactose, used, intended for use, or fashioned
13 specifically for use in cutting controlled dangerous
14 substances,

15 g. separation gins and sifters used, intended for use, or
16 fashioned specifically for use in removing twigs and
17 seeds from, or in otherwise cleaning or refining,
18 marijuana,

19 h. blenders, bowls, containers, spoons and mixing devices
20 used, intended for use, or fashioned specifically for
21 use in compounding controlled dangerous substances,

22 i. capsules, balloons, envelopes and other containers
23 used, intended for use, or fashioned specifically for
24

1 use in packaging small quantities of controlled
2 dangerous substances,

3 j. containers and other objects used, intended for use,
4 or fashioned specifically for use in parenterally
5 injecting controlled dangerous substances into the
6 human body,

7 k. hypodermic syringes, needles and other objects used,
8 intended for use, or fashioned specifically for use in
9 parenterally injecting controlled dangerous substances
10 into the human body,

11 l. objects used, intended for use, or fashioned
12 specifically for use in ingesting, inhaling or
13 otherwise introducing marijuana, cocaine, hashish or
14 hashish oil into the human body, such as:

15 (1) metal, wooden, acrylic, glass, stone, plastic or
16 ceramic pipes with or without screens, permanent
17 screens, hashish heads or punctured metal bowls,

18 (2) water pipes,

19 (3) carburetion tubes and devices,

20 (4) smoking and carburetion masks,

21 (5) roach clips, meaning objects used to hold burning
22 material, such as a marijuana cigarette, that has
23 become too small or too short to be held in the
24 hand,

1 (6) miniature cocaine spoons and cocaine vials,
2 (7) chamber pipes,
3 (8) carburetor pipes,
4 (9) electric pipes,
5 (10) air-driven pipes,
6 (11) chillums,
7 (12) bonges, or
8 (13) ice pipes or chillers,
9 m. all hidden or novelty pipes, and
10 n. any pipe that has a tobacco bowl or chamber of less
11 than one-half (1/2) inch in diameter in which there is
12 any detectable residue of any controlled dangerous
13 substance as defined in this section or any other
14 substances not legal for possession or use;
15 provided, however, the term "~~drug paraphernalia~~" drug paraphernalia
16 shall not include separation gins intended for use in preparing tea
17 or spice, clamps used for constructing electrical equipment, water
18 pipes designed for ornamentation in which no detectable amount of an
19 illegal substance is found or pipes designed and used solely for
20 smoking tobacco, traditional pipes of an American Indian tribal
21 religious ceremony, or antique pipes that are thirty (30) years of
22 age or older;

23 37. a. "Synthetic controlled substance" means a substance:
24

- 1 (1) the chemical structure of which is substantially
2 similar to the chemical structure of a controlled
3 dangerous substance in Schedule I or II,
4 (2) which has a stimulant, depressant, or
5 hallucinogenic effect on the central nervous
6 system that is substantially similar to or
7 greater than the stimulant, depressant or
8 hallucinogenic effect on the central nervous
9 system of a controlled dangerous substance in
10 Schedule I or II, or
11 (3) with respect to a particular person, which such
12 person represents or intends to have a stimulant,
13 depressant, or hallucinogenic effect on the
14 central nervous system that is substantially
15 similar to or greater than the stimulant,
16 depressant, or hallucinogenic effect on the
17 central nervous system of a controlled dangerous
18 substance in Schedule I or II.

19 b. The designation of gamma butyrolactone or any other
20 chemical as a precursor, pursuant to Section 2-322 of
21 this title, does not preclude a finding pursuant to
22 subparagraph a of this paragraph that the chemical is
23 a synthetic controlled substance.

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

- 1 (1) a controlled dangerous substance,
2 (2) any substance for which there is an approved new
3 drug application,
4 (3) with respect to a particular person any
5 substance, if an exemption is in effect for
6 investigational use, for that person under the
7 provisions of Section 505 of the Federal Food,
8 Drug and Cosmetic Act, Title 21 of the United
9 States Code, Section 355, to the extent conduct
10 with respect to such substance is pursuant to
11 such exemption, or
12 (4) any substance to the extent not intended for
13 human consumption before such an exemption takes
14 effect with respect to that substance.

15 d. Prima facie evidence that a substance containing
16 salvia divinorum has been enhanced, concentrated or
17 chemically or physically altered shall give rise to a
18 rebuttable presumption that the substance is a
19 synthetic controlled substance;

20 38. "Tetrahydrocannabinols" means all substances that have been
21 chemically synthesized to emulate the tetrahydrocannabinols of
22 marijuana, specifically including any tetrahydrocannabinols derived
23 from industrial hemp;
24

1 39. "Isomer" means the optical isomer, except as used in
2 subsections C and F of Section 2-204 of this title and paragraph 4
3 of subsection A of Section 2-206 of this title. As used in
4 subsections C and F of Section 2-204 of this title, ~~"isomer"~~ isomer
5 means the optical, positional or geometric isomer. As used in
6 paragraph 4 of subsection A of Section 2-206 of this title, the term
7 ~~"isomer"~~ isomer means the optical or geometric isomer;

8 40. "Hazardous materials" means materials, whether solid,
9 liquid or gas, which are toxic to human, animal, aquatic or plant
10 life, and the disposal of which materials is controlled by state or
11 federal guidelines;

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

14 42. "Acute pain" means pain, whether resulting from disease,
15 accidental or intentional trauma or other cause, that the
16 practitioner reasonably expects to last only a short period of time.
17 ~~"Acute pain"~~ Acute pain does not include chronic pain, pain being
18 treated as part of cancer care, hospice or other end-of-life care,
19 or pain being treated as part of palliative care;

20 43. "Chronic pain" means pain that persists beyond the usual
21 course of an acute disease or healing of an injury. ~~"Chronic pain"~~
22 Chronic pain may or may not be associated with an acute or chronic
23 pathologic process that causes continuous or intermittent pain over
24 months or years;

1 44. "Initial prescription" means a prescription issued to a
2 patient who:

- 3 a. has never previously been issued a prescription for
4 the drug or its pharmaceutical equivalent in the past
5 year, or
6 b. requires a prescription for the drug or its
7 pharmaceutical equivalent due to a surgical procedure
8 or new acute event and has previously had a
9 prescription for the drug or its pharmaceutical
10 equivalent within the past year.

11 When determining whether a patient was previously issued a
12 prescription for a drug or its pharmaceutical equivalent, the
13 practitioner shall consult with the patient and review the medical
14 record and prescription monitoring information of the patient;

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

- 19 a. explain the possible risk of development of physical
20 or psychological dependence in the patient and prevent
21 the possible development of addiction,
22 b. document the understanding of both the practitioner
23 and the patient regarding the patient-provider
24 agreement of the patient,

- 1 c. establish the rights of the patient in association
2 with treatment and the obligations of the patient in
3 relation to the responsible use, discontinuation of
4 use, and storage of opioid drugs, including any
5 restrictions on the refill of prescriptions or the
6 acceptance of opioid prescriptions from practitioners,
- 7 d. identify the specific medications and other modes of
8 treatment, including physical therapy or exercise,
9 relaxation or psychological counseling, that are
10 included as a part of the patient-provider agreement,
- 11 e. specify the measures the practitioner may employ to
12 monitor the compliance of the patient including, but
13 not limited to, random specimen screens and pill
14 counts, and
- 15 f. delineate the process for terminating the agreement,
16 including the consequences if the practitioner has
17 reason to believe that the patient is not complying
18 with the terms of the agreement. Compliance with the
19 "consent items" shall constitute a valid, informed
20 consent for opioid therapy. The practitioner shall be
21 held harmless from civil litigation for failure to
22 treat pain if the event occurs because of nonadherence
23 by the patient with any of the provisions of the
24 patient-provider agreement;

1 46. "Serious illness" means a medical illness or physical
2 injury or condition that substantially affects quality of life for
3 more than a short period of time. ~~"Serious illness"~~ Serious illness
4 includes, but is not limited to, Alzheimer's disease or related
5 dementias, lung disease, cancer, heart failure, renal failure, liver
6 failure or chronic, unremitting or intractable pain such as
7 neuropathic pain; ~~and~~

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

19 48. "Straw person" or "straw party" also known as a "front"
20 means a third party who:

21 a. is put up in name only to take part in a transaction
22 or otherwise is a nominal party to a transaction,
23
24

1 b. acts on behalf of another person to obtain title to
2 property and executes documents and instruments the
3 principal may direct respecting property, or

4 c. purchases property for another for the purpose of
5 concealing the identity of the real purchaser or to
6 accomplish some purpose otherwise in violation of
7 Oklahoma Statutes.

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

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

12 1. To distribute, other than by dispensing or as otherwise
13 authorized by ~~this act~~ the Uniform Controlled Dangerous Substances
14 Act, a controlled dangerous substance classified in Schedules I or
15 II, in the course of his or her legitimate business, except pursuant
16 to an order form as required by Section 2-308 of this title;

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

20 3. To acquire or obtain possession of a controlled dangerous
21 substance by misrepresentation, fraud, forgery, deception or
22 subterfuge;

23 4. To furnish false or fraudulent material information in, or
24 omit any material information from, any application, report, or

1 other document required to be kept or filed under ~~this act~~ the
2 Uniform Controlled Dangerous Substances Act, or any record required
3 to be kept by ~~this act~~ the Uniform Controlled Dangerous Substances
4 Act; and

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

11 6. To purchase, or attempt, endeavor, or conspire to obtain or
12 purchase, any license or registration required to distribute,
13 possess, prescribe, or manufacture any controlled dangerous
14 substance on behalf of, or at the request or demand of, any other
15 person through the use of a straw person or straw party.

16 B. Any person who violates this section is guilty of a felony
17 punishable by imprisonment for not more than twenty (20) years or a
18 fine ~~of~~ not more than Two Hundred Fifty Thousand Dollars
19 (\$250,000.00), or both.

20 C. Any person convicted of a second or subsequent violation of
21 this section is punishable by a term of imprisonment twice that
22 otherwise authorized and by twice the fine otherwise authorized.
23 Convictions for second or subsequent violations of this section
24

1 shall not be subject to statutory provisions for suspended
2 sentences, deferred sentences, or probation.

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

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

12 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND COMMERCE
13 April 10, 2023 - DO PASS AS AMENDED BY CS
14
15
16
17
18
19
20
21
22
23
24