

1 **SENATE FLOOR VERSION**

2 February 9, 2023

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 475

6 By: Paxton of the Senate

7 and

8 Echols of the House

9 An Act relating to the Uniform Controlled Dangerous  
10 Substances Act; amending 63 O.S. 2021, Section 2-101,  
11 as amended by Section 4, Chapter 265, O.S.L. 2022 (63  
12 O.S. Supp. 2022, Section 2-101), which relates to  
13 definitions; defining certain term; amending 63 O.S.  
14 2021, Section 2-304, which relates to denial,  
15 revocation, or suspension of registration;  
16 authorizing certain action; modifying certain  
17 registration suspension and revocation guidelines;  
18 removing certain administrative penalty  
19 authorization; amending 63 O.S. 2021, Section 2-305,  
20 which relates to the order to show cause; removing  
21 certain order servicing guidelines; requiring certain  
22 servicing guidelines; removing certain suspension  
23 guidelines; requiring certain written order  
24 guidelines; requiring certain final order guidelines;  
requiring certain administrative proceedings  
guidelines; permitting certain delegation authority;  
prohibiting certain delegation authority; requiring  
certain proceedings guidelines; creating certain  
suspension exception; permitting certain authority to  
administrative hearing officers; permitting certain  
suspensions; permitting certain assessed penalties;  
requiring certain hearing guideline; authorizing  
certain assessed penalties; prohibiting certain  
assessed fees; requiring certain seizures; requiring  
certain sample retention; authorizing certain fines;  
permitting the Director of the Oklahoma State Bureau  
of Narcotics and Dangerous Drugs Control to prohibit  
certain reapplication; requiring certain exemption;  
amending 63 O.S. 2021, Section 2-322, which relates

1 to precursor substances requiring permit or license;  
2 removing certain statutory reference; amending 63  
3 O.S. 2021, Section 2-325, which relates to denial,  
4 revocation, or suspension of registration; modifying  
5 certain requirement; requiring certain registration  
6 guideline; amending 63 O.S. 2021, Section 2-406,  
7 which relates to penalties; adding certain unlawful  
8 act; updating statutory references; updating  
9 statutory language; and declaring an emergency.

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

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

14 Section 2-101. As used in the Uniform Controlled Dangerous  
15 Substances Act:

16 1. "Administer" means the direct application of a controlled  
17 dangerous substance, whether by injection, inhalation, ingestion or  
18 any other means, to the body of a patient, animal or research  
19 subject by:

20 a. a practitioner (or, in the presence of the  
21 practitioner, by the authorized agent of the  
22 practitioner), or

23 b. the patient or research subject at the direction and  
24 in the presence of the practitioner;

25 2. "Agent" means a peace officer appointed by and who acts on  
26 behalf of the Director of the Oklahoma State Bureau of Narcotics and

1 Dangerous Drugs Control or an authorized person who acts on behalf  
2 of or at the direction of a person who manufactures, distributes,  
3 dispenses, prescribes, administers or uses for scientific purposes  
4 controlled dangerous substances but does not include a common or  
5 contract carrier, public warehouser or employee thereof, or a person  
6 required to register under the Uniform Controlled Dangerous  
7 Substances Act;

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

10 4. "Bureau" means the Oklahoma State Bureau of Narcotics and  
11 Dangerous Drugs Control;

12 5. "Coca leaves" includes cocaine and any compound,  
13 manufacture, salt, derivative, mixture or preparation of coca  
14 leaves, except derivatives of coca leaves which do not contain  
15 cocaine or ecgonine;

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

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

21 8. "Controlled dangerous substance" means a drug, substance or  
22 immediate precursor in Schedules I through V of the Uniform  
23 Controlled Dangerous Substances Act or any drug, substance or  
24 immediate precursor listed either temporarily or permanently as a

1 federally controlled substance. Any conflict between state and  
2 federal law with regard to the particular schedule in which a  
3 substance is listed shall be resolved in favor of state law;

4 9. "Counterfeit substance" means a controlled substance which,  
5 or the container or labeling of which without authorization, bears  
6 the trademark, trade name or other identifying marks, imprint,  
7 number or device or any likeness thereof of a manufacturer,  
8 distributor or dispenser other than the person who in fact  
9 manufactured, distributed or dispensed the substance;

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

14 11. "Dispense" means to deliver a controlled dangerous  
15 substance to an ultimate user or human research subject by or  
16 pursuant to the lawful order of a practitioner, including the  
17 prescribing, administering, packaging, labeling or compounding  
18 necessary to prepare the substance for such distribution.

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

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

23 13. "Distributor" means a commercial entity engaged in the  
24 distribution or reverse distribution of narcotics and dangerous

1 drugs and who complies with all regulations promulgated by the  
2 federal Drug Enforcement Administration and the Oklahoma State  
3 Bureau of Narcotics and Dangerous Drugs Control;

4 14. "Drug" means articles:

- 5 a. recognized in the official United States Pharmacopeia,  
6 official Homeopathic Pharmacopoeia of the United  
7 States, or official National Formulary, or any  
8 supplement to any of them,
- 9 b. intended for use in the diagnosis, cure, mitigation,  
10 treatment or prevention of disease in man or other  
11 animals,
- 12 c. other than food, intended to affect the structure or  
13 any function of the body of man or other animals, and
- 14 d. intended for use as a component of any article  
15 specified in this paragraph;

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

18 15. "Drug-dependent person" means a person who is using a  
19 controlled dangerous substance and who is in a state of psychic or  
20 physical dependence, or both, arising from administration of that  
21 controlled dangerous substance on a continuous basis. Drug  
22 dependence is characterized by behavioral and other responses which  
23 include a strong compulsion to take the substance on a continuous  
24

1 basis in order to experience its psychic effects, or to avoid the  
2 discomfort of its absence;

3 16. "Home care agency" means any sole proprietorship,  
4 partnership, association, corporation, or other organization which  
5 administers, offers, or provides home care services, for a fee or  
6 pursuant to a contract for such services, to clients in their place  
7 of residence;

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

10 18. "Hospice" means a centrally administered, nonprofit or for-  
11 profit, medically directed, nurse-coordinated program which provides  
12 a continuum of home and inpatient care for the terminally ill  
13 patient and the patient's family. Such term shall also include a  
14 centrally administered, nonprofit or for-profit, medically directed,  
15 nurse-coordinated program if such program is licensed pursuant to  
16 the provisions of the Uniform Controlled Dangerous Substances Act.  
17 A hospice program offers palliative and supportive care to meet the  
18 special needs arising out of the physical, emotional and spiritual  
19 stresses which are experienced during the final stages of illness  
20 and during dying and bereavement. This care is available twenty-  
21 four (24) hours a day, seven (7) days a week, and is provided on the  
22 basis of need, regardless of ability to pay. "Class A" Hospice  
23 refers to Medicare-certified hospices. "Class B" refers to all  
24 other providers of hospice services;

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

- 13 a. statements made by an owner or by any other person in  
14 control of the substance concerning the nature of the  
15 substance, or its use or effect,
- 16 b. statements made to the recipient that the substance  
17 may be resold for inordinate profit,
- 18 c. whether the substance is packaged in a manner normally  
19 used for illicit controlled substances,
- 20 d. evasive tactics or actions utilized by the owner or  
21 person in control of the substance to avoid detection  
22 by law enforcement authorities,
- 23 e. prior convictions, if any, of an owner, or any other  
24 person in control of the object, under state or

1 federal law related to controlled substances or fraud,  
2 and

3 f. the proximity of the substances to controlled  
4 dangerous substances;

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

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

15 22. "Manufacture" means the production, preparation,  
16 propagation, compounding or processing of a controlled dangerous  
17 substance, either directly or indirectly by extraction from  
18 substances of natural or synthetic origin, or independently by means  
19 of chemical synthesis or by a combination of extraction and chemical  
20 synthesis. "Manufacturer" includes any person who packages,  
21 repackages or labels any container of any controlled dangerous  
22 substance, except practitioners who dispense or compound  
23 prescription orders for delivery to the ultimate consumer;

24



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

6           a. the mature stalks of such plant or fiber produced from  
7               such stalks,

8           b. oil or cake made from the seeds of such plant,  
9               including cannabidiol derived from the seeds of the  
10              marijuana plant,

11          c. any other compound, manufacture, salt, derivative,  
12              mixture or preparation of such mature stalks (except  
13              the resin extracted therefrom), including cannabidiol  
14              derived from mature stalks, fiber, oil or cake,

15          d. the sterilized seed of such plant which is incapable  
16              of germination,

17          e. for any person participating in a clinical trial to  
18              administer cannabidiol for the treatment of severe  
19              forms of epilepsy pursuant to Section 2-802 of this  
20              title, a drug or substance approved by the federal  
21              Food and Drug Administration for use by those  
22              participants,

23          f. for any person or the parents, legal guardians or  
24              caretakers of the person who have received a written

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

16 g. any federal Food-and-Drug-Administration-approved drug  
17 or substance, or

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

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

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

15       26. "Narcotic drug" means any of the following, whether  
16 produced directly or indirectly by extraction from substances of  
17 vegetable origin, or independently by means of chemical synthesis,  
18 or by a combination of extraction and chemical synthesis:

- 19           a. opium, coca leaves and opiates,
- 20           b. a compound, manufacture, salt, derivative or  
21           preparation of opium, coca leaves or opiates,
- 22           c. cocaine, its salts, optical and geometric isomers, and  
23           salts of isomers,

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

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

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

23 29. "Peace officer" means a police officer, sheriff, deputy  
24 sheriff, district attorney's investigator, investigator from the

1 Office of the Attorney General, or any other person elected or  
2 appointed by law to enforce any of the criminal laws of this state  
3 or of the United States;

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

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

9 32. "Practitioner" means:

- 10 a. (1) a medical doctor or osteopathic physician,  
11 (2) a dentist,  
12 (3) a podiatrist,  
13 (4) an optometrist,  
14 (5) a veterinarian,  
15 (6) a physician assistant or Advanced Practice  
16 Registered Nurse under the supervision of a  
17 licensed medical doctor or osteopathic physician,  
18 (7) a scientific investigator, or  
19 (8) any other person,  
20 licensed, registered or otherwise permitted to  
21 prescribe, distribute, dispense, conduct research with  
22 respect to, use for scientific purposes or administer  
23 a controlled dangerous substance in the course of  
24 professional practice or research in this state, or

1           b.    a pharmacy, hospital, laboratory or other institution  
2                    licensed, registered or otherwise permitted to  
3                    distribute, dispense, conduct research with respect  
4                    to, use for scientific purposes or administer a  
5                    controlled dangerous substance in the course of  
6                    professional practice or research in this state;

7           33.  "Production" includes the manufacture, planting,  
8 cultivation, growing or harvesting of a controlled dangerous  
9 substance;

10          34.  "State" means the State of Oklahoma or any other state of  
11 the United States;

12          35.  "Ultimate user" means a person who lawfully possesses a  
13 controlled dangerous substance for the person's own use or for the  
14 use of a member of the person's household or for administration to  
15 an animal owned by the person or by a member of the person's  
16 household;

17          36.  "Drug paraphernalia" means all equipment, products and  
18 materials of any kind which are used, intended for use, or fashioned  
19 specifically for use in planting, propagating, cultivating, growing,  
20 harvesting, manufacturing, compounding, converting, producing,  
21 processing, preparing, testing, analyzing, packaging, repackaging,  
22 storing, containing, concealing, injecting, ingesting, inhaling or  
23 otherwise introducing into the human body, a controlled dangerous  
24

1 substance in violation of the Uniform Controlled Dangerous  
2 Substances Act including, but not limited to:

- 3 a. kits used, intended for use, or fashioned specifically  
4 for use in planting, propagating, cultivating, growing  
5 or harvesting of any species of plant which is a  
6 controlled dangerous substance or from which a  
7 controlled dangerous substance can be derived,
- 8 b. kits used, intended for use, or fashioned specifically  
9 for use in manufacturing, compounding, converting,  
10 producing, processing or preparing controlled  
11 dangerous substances,
- 12 c. isomerization devices used, intended for use, or  
13 fashioned specifically for use in increasing the  
14 potency of any species of plant which is a controlled  
15 dangerous substance,
- 16 d. testing equipment used, intended for use, or fashioned  
17 specifically for use in identifying, or in analyzing  
18 the strength, effectiveness or purity of controlled  
19 dangerous substances,
- 20 e. scales and balances used, intended for use, or  
21 fashioned specifically for use in weighing or  
22 measuring controlled dangerous substances,
- 23 f. diluents and adulterants, such as quinine  
24 hydrochloride, mannitol, mannite, dextrose and

1 lactose, used, intended for use, or fashioned  
2 specifically for use in cutting controlled dangerous  
3 substances,

4 g. separation gins and sifters used, intended for use, or  
5 fashioned specifically for use in removing twigs and  
6 seeds from, or in otherwise cleaning or refining,  
7 marijuana,

8 h. blenders, bowls, containers, spoons and mixing devices  
9 used, intended for use, or fashioned specifically for  
10 use in compounding controlled dangerous substances,

11 i. capsules, balloons, envelopes and other containers  
12 used, intended for use, or fashioned specifically for  
13 use in packaging small quantities of controlled  
14 dangerous substances,

15 j. containers and other objects used, intended for use,  
16 or fashioned specifically for use in parenterally  
17 injecting controlled dangerous substances into the  
18 human body,

19 k. hypodermic syringes, needles and other objects used,  
20 intended for use, or fashioned specifically for use in  
21 parenterally injecting controlled dangerous substances  
22 into the human body,

23 l. objects used, intended for use, or fashioned  
24 specifically for use in ingesting, inhaling or



1 otherwise introducing marijuana, cocaine, hashish or  
2 hashish oil into the human body, such as:

3 (1) metal, wooden, acrylic, glass, stone, plastic or  
4 ceramic pipes with or without screens, permanent  
5 screens, hashish heads or punctured metal bowls,

6 (2) water pipes,

7 (3) carburetion tubes and devices,

8 (4) smoking and carburetion masks,

9 (5) roach clips, meaning objects used to hold burning  
10 material, such as a marijuana cigarette, that has  
11 become too small or too short to be held in the  
12 hand,

13 (6) miniature cocaine spoons and cocaine vials,

14 (7) chamber pipes,

15 (8) carburetor pipes,

16 (9) electric pipes,

17 (10) air-driven pipes,

18 (11) chillums,

19 (12) bongs, or

20 (13) ice pipes or chillers,

21 m. all hidden or novelty pipes, and

22 n. any pipe that has a tobacco bowl or chamber of less  
23 than one-half (1/2) inch in diameter in which there is  
24 any detectable residue of any controlled dangerous

1 substance as defined in this section or any other  
2 substances not legal for possession or use;  
3 provided, however, the term "~~drug paraphernalia~~" drug paraphernalia  
4 shall not include separation gins intended for use in preparing tea  
5 or spice, clamps used for constructing electrical equipment, water  
6 pipes designed for ornamentation in which no detectable amount of an  
7 illegal substance is found or pipes designed and used solely for  
8 smoking tobacco, traditional pipes of an American Indian tribal  
9 religious ceremony, or antique pipes that are thirty (30) years of  
10 age or older;

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

- 12 (1) the chemical structure of which is substantially  
13 similar to the chemical structure of a controlled  
14 dangerous substance in Schedule I or II,  
15 (2) which has a stimulant, depressant, or  
16 hallucinogenic effect on the central nervous  
17 system that is substantially similar to or  
18 greater than the stimulant, depressant or  
19 hallucinogenic effect on the central nervous  
20 system of a controlled dangerous substance in  
21 Schedule I or II, or  
22 (3) with respect to a particular person, which such  
23 person represents or intends to have a stimulant,  
24 depressant, or hallucinogenic effect on the

1 central nervous system that is substantially  
2 similar to or greater than the stimulant,  
3 depressant, or hallucinogenic effect on the  
4 central nervous system of a controlled dangerous  
5 substance in Schedule I or II.

6 b. The designation of gamma butyrolactone or any other  
7 chemical as a precursor, pursuant to Section 2-322 of  
8 this title, does not preclude a finding pursuant to  
9 subparagraph a of this paragraph that the chemical is  
10 a synthetic controlled substance.

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

12 (1) a controlled dangerous substance,

13 (2) any substance for which there is an approved new  
14 drug application,

15 (3) with respect to a particular person any  
16 substance, if an exemption is in effect for  
17 investigational use, for that person under the  
18 provisions of Section 505 of the Federal Food,  
19 Drug and Cosmetic Act, Title 21 of the United  
20 States Code, Section 355, to the extent conduct  
21 with respect to such substance is pursuant to  
22 such exemption, or  
23  
24

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

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

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

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

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

24

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

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

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

14           44. "Initial prescription" means a prescription issued to a  
15 patient who:

- 16           a. has never previously been issued a prescription for  
17 the drug or its pharmaceutical equivalent in the past  
18 year, or  
19           b. requires a prescription for the drug or its  
20 pharmaceutical equivalent due to a surgical procedure  
21 or new acute event and has previously had a  
22 prescription for the drug or its pharmaceutical  
23 equivalent within the past year.

24

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

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

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

1 e. specify the measures the practitioner may employ to  
2 monitor the compliance of the patient including, but  
3 not limited to, random specimen screens and pill  
4 counts, and

5 f. delineate the process for terminating the agreement,  
6 including the consequences if the practitioner has  
7 reason to believe that the patient is not complying  
8 with the terms of the agreement. Compliance with the  
9 "consent items" shall constitute a valid, informed  
10 consent for opioid therapy. The practitioner shall be  
11 held harmless from civil litigation for failure to  
12 treat pain if the event occurs because of nonadherence  
13 by the patient with any of the provisions of the  
14 patient-provider agreement;

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

22 47. "Straw person or party" means a third party who is put up  
23 in name only to take part in a transaction. This term includes but  
24 is not limited to a nominal party to a transaction, one who acts as

1 an agent for another for the purpose of taking title to property and  
2 executing whatever documents and instruments the principal may  
3 direct respecting the property, or a person who purchases property  
4 for another to conceal the identity of the real purchaser or to  
5 accomplish some purpose otherwise not allowed; and

6       ~~47.~~ 48. "Surgical procedure" means a procedure that is  
7 performed for the purpose of structurally altering the human body by  
8 incision or destruction of tissues as part of the practice of  
9 medicine. This term includes the diagnostic or therapeutic  
10 treatment of conditions or disease processes by use of instruments  
11 such as lasers, ultrasound, ionizing, radiation, scalpels, probes or  
12 needles that cause localized alteration or transportation of live  
13 human tissue by cutting, burning, vaporizing, freezing, suturing,  
14 probing or manipulating by closed reduction for major dislocations  
15 or fractures, or otherwise altering by any mechanical, thermal,  
16 light-based, electromagnetic or chemical means.

17       SECTION 2.       AMENDATORY       63 O.S. 2021, Section 2-304, is  
18 amended to read as follows:

19       Section 2-304. A. A registration, pursuant to Section 2-303 of  
20 this title, to manufacture, distribute, dispense, prescribe,  
21 administer or use for scientific purposes a controlled dangerous  
22 substance shall be limited, conditioned, denied, suspended,  
23 annulled, or revoked by the Director of the Oklahoma State Bureau of  
24



1 Narcotics and Dangerous Drugs Control upon a finding that the  
2 registrant:

3 1. Has materially falsified any application filed pursuant to  
4 the Uniform Controlled Dangerous Substances Act or required by the  
5 Uniform Controlled Dangerous Substances Act. It shall be unlawful  
6 to knowingly and willfully:

7 a. make false statements, include false data or omit  
8 material information on an application for a  
9 registration with the Oklahoma State Bureau of  
10 Narcotics and Dangerous Drugs Control, or

11 b. provide false data or omit material information in any  
12 records or reports required by rule or law to be  
13 created, maintained or submitted to the Bureau.

14 Any registrant or applicant for a registration or any official,  
15 agent or employee of any registrant or applicant for a registration  
16 who violates the provisions of this paragraph shall be guilty of a  
17 misdemeanor and additionally subject to administrative action;

18 2. Has been found guilty of, entered a plea of guilty or  
19 entered a plea of nolo contendere to a misdemeanor relating to any  
20 substance defined herein as a controlled dangerous substance or any  
21 felony under the laws of any state or the United States;

22 3. Has had his or her federal registration retired, suspended  
23 or revoked by a competent federal authority and is no longer  
24 authorized by federal law to manufacture, distribute, dispense,

1 prescribe, administer or use for scientific purposes controlled  
2 dangerous substances;

3 4. Has failed to maintain effective controls against the  
4 diversion of controlled dangerous substances to unauthorized persons  
5 or entities;

6 5. Has prescribed, dispensed or administered a controlled  
7 dangerous substance from schedules other than those specified in his  
8 or her state or federal registration;

9 6. Has had a restriction, suspension, revocation, limitation,  
10 condition or probation placed on his or her professional license or  
11 certificate or practice as a result of a proceeding pursuant to the  
12 general statutes;

13 7. Is abusing or, within the past five (5) years, has abused or  
14 excessively used drugs or controlled dangerous substances;

15 8. Has prescribed, sold, administered or ordered any controlled  
16 substance for an immediate family member, himself or herself;  
17 provided that this shall not apply to a medical emergency when no  
18 other doctor is available to respond to the emergency;

19 9. Has possessed, used, prescribed, dispensed or administered  
20 drugs or controlled dangerous substances for other than legitimate  
21 medical or scientific purposes or for purposes outside the normal  
22 course of his or her professional practice;

23 10. Has been under the influence of alcohol or another  
24 intoxicating substance which adversely affected the central nervous

1 system, vision, hearing or other sensory or motor functioning to  
2 such degree the person was impaired during the performance of his or  
3 her job; or

4 11. Has violated any federal law relating to any controlled  
5 substances, any provision of the Uniform Controlled Dangerous  
6 Substances Act or any rules of the Oklahoma State Bureau of  
7 Narcotics and Dangerous Drugs Control.

8 B. In the event the Director suspends or revokes a registration  
9 granted under Section 2-303 of this title, all controlled dangerous  
10 substances owned or possessed by the registrant pursuant to such  
11 registration at the time of ~~denial~~ revocation or suspension or the  
12 effective date of the revocation order, as the case may be, may in  
13 the discretion of the Director be impounded and preserved. All  
14 controlled dangerous substances not impounded or preserved by the  
15 Director shall be maintained by the registrant. No disposition,  
16 purchase, distribution, sale, or transfer may be made of substances  
17 ~~impounded and preserved~~ until the time for taking an appeal has  
18 elapsed or until all appeals have been concluded unless a court,  
19 upon application therefor, orders the sale of perishable substances  
20 and the deposit of the proceeds of the sale with the court. Upon a  
21 revocation order becoming final, all such controlled dangerous  
22 substances shall be forfeited to the state or otherwise considered  
23 waste and submitted to a licensed waste disposal service for  
24 destruction pursuant to Section 430 of this title.

1 C. The Drug Enforcement Administration shall promptly be  
2 notified of all orders suspending or revoking registration and all  
3 forfeitures of controlled dangerous substances.

4 ~~D. In lieu of or in addition to any other remedies available to~~  
5 ~~the Director, if a finding is made that a registrant has committed~~  
6 ~~any act in violation of federal law relating to any controlled~~  
7 ~~substance, any provision of the Uniform Controlled Dangerous~~  
8 ~~Substances Act or any rules of the Oklahoma State Bureau of~~  
9 ~~Narcotics and Dangerous Drugs Control, the Director is hereby~~  
10 ~~authorized to assess an administrative penalty not to exceed Two~~  
11 ~~Thousand Dollars (\$2,000.00) for each such act. The provisions of~~  
12 ~~this subsection shall not apply to violations of subsection G of~~  
13 ~~Section 2-309D of this title. Nothing in this section shall be~~  
14 ~~construed so as to permit the Director of the State Bureau of~~  
15 ~~Narcotics and Dangerous Drugs Control to assess administrative fines~~  
16 ~~for violations of the provisions of subsection G of Section 2-309D~~  
17 ~~of this title.~~

18 SECTION 3. AMENDATORY 63 O.S. 2021, Section 2-305, is  
19 amended to read as follows:

20 Section 2-305. A. ~~Before denying, suspending or revoking a~~  
21 ~~registration, refusing a renewal of registration or taking~~  
22 ~~administrative action on a nonregistrant engaged in manufacturing,~~  
23 ~~distributing, dispensing, prescribing, administering or using for~~  
24 ~~scientific purposes any controlled dangerous substance within or~~

1 ~~into this state, the Director shall serve upon the applicant or~~  
2 ~~registrant an order to show cause why registration should not be~~  
3 ~~denied, revoked or suspended or why the renewal should not be~~  
4 ~~refused. The order to show cause shall contain a statement of the~~  
5 ~~basis therefor and shall call upon the applicant or registrant to~~  
6 ~~appear before the appropriate person or agency at a time and place~~  
7 ~~within thirty (30) days after the date of service of the order, but~~  
8 ~~in the case of a denial or renewal of registration the show cause~~  
9 ~~order shall be served within thirty (30) days before the expiration~~  
10 ~~of the registration. These proceedings shall be conducted in~~  
11 ~~accordance with the Administrative Procedures Act without regard to~~  
12 ~~any criminal prosecution or other proceeding. Proceedings to refuse~~  
13 ~~renewal of registration shall not abate the existing registration~~  
14 ~~which shall remain in effect pending the outcome of the~~  
15 ~~administrative hearing~~ In addition to any other remedies provided  
16 for by law, the Director shall issue a written order to be served on  
17 the parties before annulling, conditioning, suspending or revoking  
18 any registration that the Director has reason to believe is  
19 operating inconsistent with any provision of Section 2-303 of this  
20 title, pursuant to Section 2-304 of this title or otherwise where  
21 there has been a violation of any federal law, any rule or  
22 regulation of the Drug Enforcement Administration, any provision of  
23 the Uniform Controlled Dangerous Substances Act, or any rules or

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1 regulations of the Oklahoma State Bureau of Narcotics and Dangerous  
2 Drugs Control.

3 B. ~~The Director shall suspend, without an order to show cause,~~  
4 ~~any registration simultaneously with the institution of proceedings~~  
5 ~~under Section 2-304 of this title, if he or she finds there is~~  
6 ~~imminent danger to the public health or safety which warrants this~~  
7 ~~action. The suspension shall continue in effect until the~~  
8 ~~conclusion of the proceedings, including judicial review thereof,~~  
9 ~~unless sooner withdrawn by the Director or dissolved by a court of~~  
10 ~~competent jurisdiction~~ The written order shall state with  
11 specificity the nature of the violation or basis for the action.

12 The Director may impose any disciplinary action authorized by the  
13 Uniform Controlled Dangerous Substances Act or rules of the Oklahoma  
14 State Bureau of Narcotics and Dangerous Drugs Control including, but  
15 not limited to, the assessment of monetary penalties.

16 C. Any written order issued pursuant to the provisions of this  
17 section shall become a final order unless the registrant requests an  
18 administrative hearing in accordance with the rules and regulations  
19 promulgated by the Director within thirty (30) days of issuance.  
20 Upon such request, the Director shall promptly initiate  
21 administrative proceedings and serve formal notice of the  
22 proceedings pursuant to Section 309 of Title 75 of the Oklahoma  
23 Statutes. Nothing in this section shall be construed so as to

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1 require an individual proceeding for the denial of a new application  
2 for registration.

3 D. The Director may authorize the Deputy Director or the  
4 General Counsel of the Oklahoma State Bureau of Narcotics and  
5 Dangerous Drugs Control to initiate any individual proceedings under  
6 this title. Nothing in this section shall be construed so as to  
7 delegate the authority of the Director to issue a final agency order  
8 adverse to a party.

9 E. All proceedings shall be conducted in accordance with the  
10 Administrative Procedures Act and the rules and regulations of the  
11 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control  
12 without regard to any criminal prosecution or other proceeding.  
13 Proceedings to refuse renewal, revoke, or suspend a registration  
14 shall not abate the existing registration which shall remain in  
15 effect pending the outcome of those administrative proceedings.  
16 This abatement shall not apply when the Director finds there is an  
17 imminent danger to the public health or safety requiring an  
18 immediate suspension.

19 The Director may delegate to an administrative hearing officer  
20 the authority to conduct hearings and recommend action for final  
21 agency orders in accordance with the rules and regulations of the  
22 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control.

23 F. The Director may issue an order immediately suspending a  
24 registration, without notice or a hearing, when he or she finds

1 there is imminent danger to the public health or safety which  
2 warrants this action. The suspension shall continue in effect until  
3 the conclusion of any administrative proceedings, including judicial  
4 review thereof, unless sooner withdrawn by the Director or dissolved  
5 by a court of competent jurisdiction. The order shall state the  
6 existence of an emergency requiring action be taken that the  
7 Director deems necessary to meet the emergency. Such action may  
8 include, but is not limited to, ordering the registrant to  
9 immediately cease and desist operations. The order shall be  
10 effective immediately upon issuance. Any person to whom the order  
11 is directed shall comply immediately with the provisions of the  
12 order. The Director may assess a penalty not to exceed Ten Thousand  
13 Dollars (\$10,000.00) per day of noncompliance with the order. In  
14 assessing such a penalty, the Director shall consider the  
15 seriousness of the violation and any efforts to comply with  
16 applicable requirements. Upon application to the Director, the  
17 registrant shall be offered a hearing within thirty (30) days of the  
18 issuance of the order.

19 G. In lieu of or in addition to any other remedies available to  
20 the Director, if a finding is made that a registrant has committed  
21 any act in violation of federal law relating to any controlled  
22 substance, any provision of the Uniform Controlled Dangerous  
23 Substances Act or any rules of the Oklahoma State Bureau of  
24 Narcotics and Dangerous Drugs Control, the Director is hereby



1 authorized to assess an administrative penalty not to exceed Five  
2 Thousand Dollars (\$5,000.00) per day for each such act. The  
3 provisions of this subsection shall not apply to violations of  
4 subsection G of Section 2-309D of this title. Nothing in this  
5 section shall be construed so as to permit the Director of the State  
6 Bureau of Narcotics and Dangerous Drugs Control to assess  
7 administrative fines for violations of the provisions of subsection  
8 G of Section 2-309D of this title.

9 If a judge of competent jurisdiction finds probable cause that a  
10 registrant has possessed, transferred, sold, or offered for sale any  
11 controlled dangerous in violation of this act, all controlled  
12 dangerous substances in Schedule I of Section 2-204 of this title  
13 and all controlled dangerous substances in Schedules II, III, IV,  
14 and V that are not in properly labeled containers in accordance with  
15 this act then in the possession of the registrant shall be deemed  
16 contraband and shall be seized and summarily forfeited pursuant to  
17 Section 2-505 of this title. Samples shall be retained of all  
18 controlled dangerous substances seized in accordance with Section 2-  
19 508 of this title as required. The Director is authorized to assess  
20 an eradication or destruction fine not to exceed Fifty Thousand  
21 Dollars (\$50,000.00) against the registrant.

22 H. Upon an annulment, revocation, or denial of a registration  
23 the Director may prohibit the registrant or applicant from  
24 reapplying for registration for a period up to five years following

1 the date of the final order. The length of any prohibition shall  
2 not be used as grounds to contest the validity of the annulment,  
3 revocation, or denial of a registration.

4 SECTION 4. AMENDATORY 63 O.S. 2021, Section 2-322, is  
5 amended to read as follows:

6 Section 2-322. A. No person or business shall possess, sell,  
7 manufacture, transfer, or otherwise furnish any of the following  
8 precursor substances without first having a permit or license issued  
9 by the Director of the Oklahoma State Bureau of Narcotics and  
10 Dangerous Drugs Control, except as provided in Section 2-327 of this  
11 title:

- 12 1. D-Lysergic acid;
- 13 2. Ergotamine and its salts;
- 14 3. Ergonovine and its salts;
- 15 4. Methylamine;
- 16 5. Ethylamine;
- 17 6. Phenyl-2-Propanone;
- 18 7. Phenylacetic acid and its salts;
- 19 8. Ephedrine, its salts, optical isomers and salts of optical  
20 isomers;
- 21 9. Norpseudoephedrine, its salts, optical isomers, and salts of  
22 optical isomers;
- 23 10. Phenylpropanolamine, its salts, optical isomers and salts  
24 of optical isomers;

- 1 11. Benzyl cyanide;
- 2 12. N-methylephedrine, its salts, optical isomers and salts of
- 3 optical isomers;
- 4 13. Pseudoephedrine, its salts, optical isomers and salts of
- 5 optical isomers;
- 6 14. Chloroephedrine, its salts, optical isomers and salts of
- 7 optical isomers;
- 8 15. Piperidine and its salts;
- 9 16. Pyrrolidine and its salts;
- 10 17. Propionic anhydride;
- 11 18. Isosafrole;
- 12 19. Safrole;
- 13 20. Piperonal; and
- 14 21. Red Phosphorus.

15 B. Upon completion of an application for a license pursuant to  
16 Section 2-323 of this title, or a permit pursuant to Section 2-324  
17 of this title, the Director of the Oklahoma State Bureau of  
18 Narcotics and Dangerous Drugs Control shall either grant or deny  
19 such license or permit. ~~A denial of an application for a permit or~~  
20 ~~license shall be handled as provided by Section 2-325 of this title.~~

21 SECTION 5. AMENDATORY 63 O.S. 2021, Section 2-325, is  
22 amended to read as follows:

23 Section 2-325. A. A license or permit, obtained pursuant to  
24 ~~Sections 5~~ Section 2-323 or ~~6~~ 2-324 of this ~~act~~ title, shall be

1 ~~denied~~ annulled, suspended, or revoked by the Director upon finding  
2 that the licensee or permit holder has:

3 1. Materially falsified any application filed pursuant to ~~this~~  
4 ~~act~~ Section 2-321 et seq. of this title or required by ~~this act~~ the  
5 Precursor Substances Act;

6 2. Been convicted of a misdemeanor relating to any precursor  
7 substance defined in Section ~~4~~ 2-322 of this ~~act~~ title or any felony  
8 under the laws of this state or the United States; or

9 3. Failed to maintain effective controls against the diversion  
10 of ~~said~~ the precursors to unauthorized persons or entities.

11 B. Before ~~denying~~ annulling, suspending, or revoking a license  
12 or permit, the Director shall cause to be served upon the ~~applicant,~~  
13 licensee, or permit holder an order to show cause why a license or a  
14 permit should not be ~~denied~~ annulled, suspended, or revoked. The  
15 order to show cause shall contain a statement of the basis therefor  
16 and shall call upon the ~~applicant,~~ licensee, or permit holder to  
17 appear before the appropriate person or agency at the time and place  
18 within ~~thirty (30)~~ sixty (60) days after the date of service of the  
19 order. The proceedings shall be conducted in accordance with the  
20 Administrative Procedures Act without regard to any criminal  
21 prosecution or other proceeding. Nothing in this section shall be  
22 construed so as to require an individual proceeding for the denial  
23 of a new license or permit.

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1 C. The Director shall suspend, without an order to show cause,  
2 any license or permit simultaneously with the institution of  
3 proceedings described in subsection B of this section if he finds  
4 there is imminent danger to the public health or safety which  
5 warrants this action. The suspension shall continue in effect until  
6 the conclusion of the proceedings, including judicial review  
7 thereof, unless withdrawn by the Director or dissolved by a court of  
8 competent jurisdiction.

9 SECTION 6. AMENDATORY 63 O.S. 2021, Section 2-406, is  
10 amended to read as follows:

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

13 1. To distribute, other than by dispensing or as otherwise  
14 authorized by ~~this act~~ Section 2-101 et seq. of this title, a  
15 controlled dangerous substance classified in Schedules I or II, in  
16 the course of his legitimate business, except pursuant to an order  
17 form as required by Section 2-308 of this title;

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

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

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1 4. To furnish false or fraudulent material information in, or  
2 omit any material information from, any application, report, or  
3 other document required to be kept or filed under this act, or any  
4 record required to be kept by ~~this act~~ Section 2-101 et seq. of this  
5 title; and

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

12 6. To purchase, attempt, endeavor and conspire or endeavor or  
13 conspire to obtain and purchase or obtain or purchase, any license  
14 or registration required to distribute, possess, prescribe, or  
15 manufacture any controlled dangerous substance, on behalf of or at  
16 the request or demand of any person, through the use of a straw  
17 person or party as defined in Section 2-101 of this title.

18 B. Any person who violates this section is guilty of a felony  
19 punishable by imprisonment for not more than twenty (20) years or a  
20 fine of not more than Two Hundred Fifty Thousand Dollars  
21 (\$250,000.00), or both.

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

1 Convictions for second or subsequent violations of this section  
2 shall not be subject to statutory provisions for suspended  
3 sentences, deferred sentences, or probation.

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

9 SECTION 7. It being immediately necessary for the preservation  
10 of the public peace, health or safety, an emergency is hereby  
11 declared to exist, by reason whereof this act shall take effect and  
12 be in full force from and after its passage and approval.

13 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY  
14 February 9, 2023 - DO PASS AS AMENDED BY CS  
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