

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL NO. 863

By: Allen

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5  
6 AS INTRODUCED

7 An Act relating to industrial hemp; creating the  
8 Industrial Hemp Production Act; providing short  
9 title; defining terms; requiring the Oklahoma  
10 Department of Agriculture, Food, and Forestry to  
11 develop a plan to regulate and license industrial  
12 hemp production; requiring the Department to consult  
13 with state agencies; requiring the Department to  
14 submit a plan before a certain date; requiring  
15 resubmission of a plan under certain circumstances;  
16 requiring the Department to promulgate rules and  
17 establish a fee; creating revolving fund; authorizing  
18 expenditures of funds under certain conditions;  
19 amending 63 O.S. 2011, Section 2-101, as last amended  
20 by Section 11, Chapter 64, O.S.L. 2018 (63 O.S. Supp.  
21 2018, Section 2-101), which relates to definitions;  
22 modifying definition; repealing Sections 1 through  
23 10, Chapter 64, O.S.L. 2018 (63 O.S. Supp. 2018,  
24 Sections 3-401 through 3-410), which relate to the  
25 Oklahoma Industrial Hemp Agricultural Pilot Program,  
26 short title, definitions, licensee authorization,  
27 criminal liability exemption, licensee application,  
28 promulgation of rules, certified seed program,  
29 harvest report, inspection and sampling, license  
30 denial, feasibility study and Oklahoma Industrial  
31 Hemp Agricultural Pilot Program Fund; providing for  
32 codification; and providing an effective date.

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

1 SECTION 1. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 3-420 of Title 2, unless there  
3 is created a duplication in numbering, reads as follows:

4 This act shall be known and may be cited as the "Industrial Hemp  
5 Production Act".

6 SECTION 2. NEW LAW A new section of law to be codified  
7 in the Oklahoma Statutes as Section 3-421 of Title 2, unless there  
8 is created a duplication in numbering, reads as follows:

9 As used in this act:

10 1. "Department" means the Oklahoma Department of Agriculture,  
11 Food, and Forestry; and

12 2. "Industrial Hemp Production License" or "License" means  
13 authorization by the Department to grow and cultivate industrial  
14 hemp.

15 SECTION 3. NEW LAW A new section of law to be codified  
16 in the Oklahoma Statutes as Section 3-422 of Title 2, unless there  
17 is created a duplication in numbering, reads as follows:

18 A. The Oklahoma Department of Agriculture, Food, and Forestry  
19 shall develop a plan to license and regulate industrial hemp  
20 production.

21 B. The Department shall consult with the Office of the Attorney  
22 General and the Office of the Governor regarding the development of  
23 the plan.

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1 C. The Department shall submit the plan to the United States  
2 Secretary of Agriculture for approval. Submission of the plan shall  
3 occur no later than January 1, 2020.

4 D. If the United States Secretary of Agriculture disapproves of  
5 the plan, the Department shall consult with the Office of the  
6 Attorney General and the Office of the Governor and submit a revised  
7 plan. The revised plan shall be submitted within ninety (90) days  
8 of receipt of the notice of disapproval.

9 SECTION 4. NEW LAW A new section of law to be codified  
10 in the Oklahoma Statutes as Section 3-423 of Title 2, unless there  
11 is created a duplication in numbering, reads as follows:

12 A. Upon the receipt of approval from the United States  
13 Secretary of Agriculture for the plan to license and regulate  
14 industrial hemp production, the Oklahoma Department of Agriculture,  
15 Food, and Forestry shall promulgate rules to implement the plan and  
16 issue licenses.

17 B. The Department shall establish a fee for an industrial hemp  
18 license that shall cost no more than One Dollar and twenty-five  
19 cents (\$1.25) per acre of land and no more than nine cents (\$0.09)  
20 per square foot of greenhouse area.

21 SECTION 5. NEW LAW A new section of law to be codified  
22 in the Oklahoma Statutes as Section 3-424 of Title 2, unless there  
23 is created a duplication in numbering, reads as follows:

1           There is hereby created in the State Treasury a revolving fund  
2 for the State Board of Agriculture to be designated the "Oklahoma  
3 Industrial Hemp Production Fund". The fund shall be a continuing  
4 fund, not subject to fiscal year limitations and shall consist of  
5 all monies received by the State Board of Agriculture from fees  
6 received and collected pursuant to the Oklahoma Industrial Hemp  
7 Production Act, donations, grants, contributions and gifts from any  
8 public or private source. The Board may expend funds for the  
9 purposes set forth in the Oklahoma Industrial Hemp Production Act.  
10 Expenditures from the fund shall be made upon warrants issued by the  
11 State Treasurer against claims filed as prescribed by law with the  
12 Director of the Office of Management and Enterprise Services for  
13 approval and payment.

14           SECTION 6.           AMENDATORY           63 O.S. 2011, Section 2-101, as  
15 last amended by Section 11, Chapter 64, O.S.L. 2018 (63 O.S. Supp.  
16 2018, Section 2-101), is amended to read as follows:

17           Section 2-101. As used in the Uniform Controlled Dangerous  
18 Substances Act:

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

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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 warehouser 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

13 Pharmacopoeia, official Homeopathic Pharmacopoeia of  
14 the United States, or official National Formulary, or  
15 any 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  
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 profit, medically directed,  
21 nurse-coordinated program if such program is licensed pursuant to  
22 the provisions of this act. A hospice program offers palliative and  
23 supportive care to meet the special needs arising out of the  
24 physical, emotional and spiritual stresses which are experienced



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

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

- 17 a. statements made by an owner or by any other person in  
18 control of the substance concerning the nature of the  
19 substance, or its use or effect,
- 20 b. statements made to the recipient that the substance  
21 may be resold for inordinate profit,
- 22 c. whether the substance is packaged in a manner normally  
23 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  
21 cannabidiol drug 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  
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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 Agricultural Pilot Program~~  
4 ~~and may be shipped to Oklahoma pursuant to the~~  
5 ~~provisions of subparagraph e or f of this paragraph;~~

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

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

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

24 a. opium, coca leaves and opiates,

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

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

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

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

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

11          32. "Practitioner" means:

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

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

12 34. "State" means the State of Oklahoma or any other state of  
13 the United States;

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

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



1 otherwise introducing into the human body, a controlled dangerous  
2 substance in violation of the Uniform Controlled Dangerous  
3 Substances Act including, but not limited to:

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

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

- 1           1.   objects used, intended for use, or fashioned  
2                   specifically for use in ingesting, inhaling or  
3                   otherwise introducing marijuana, cocaine, hashish or  
4                   hashish oil into the human body, such as:
- 5                   (1)  metal, wooden, acrylic, glass, stone, plastic or
  - 6                               ceramic pipes with or without screens, permanent
  - 7                               screens, hashish heads or punctured metal bowls,
  - 8                   (2)  water pipes,
  - 9                   (3)  carburetion tubes and devices,
  - 10                  (4)  smoking and carburetion masks,
  - 11                  (5)  roach clips, meaning objects used to hold burning
  - 12                               material, such as a marijuana cigarette, that has
  - 13                               become too small or too short to be held in the
  - 14                               hand,
  - 15                  (6)  miniature cocaine spoons and cocaine vials,
  - 16                  (7)  chamber pipes,
  - 17                  (8)  carburetor pipes,
  - 18                  (9)  electric pipes,
  - 19                  (10) air-driven pipes,
  - 20                  (11) chillums,
  - 21                  (12) bongs, or
  - 22                  (13) ice pipes or chillers,
  - 23           m.   all hidden or novelty pipes, and
  - 24
  - 25

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

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

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

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

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

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

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

15 (1) a controlled dangerous substance,

16 (2) any substance for which there is an approved new  
17 drug application,

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

1 with respect to such substance is pursuant to  
2 such exemption, or

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

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

11 38. "Tetrahydrocannabinols" means all substances that have been  
12 chemically synthesized to emulate the tetrahydrocannabinols of  
13 marijuana;

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

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

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

3           SECTION 7.        REPEALER        Sections 1 through 10, Chapter 64,  
4 O.S.L. 2018 (2 O.S. Supp. 2018, Section 3-401 through 3-410), are  
5 hereby repealed.

6           SECTION 8.   This act shall become effective November 1, 2019.

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8           57-1-530           QD           2/6/2019 9:32:52 AM

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