STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 3567 By: Manger

COMMITTEE SUBSTITUTE

An Act relating to controlled dangerous drugs; amending 63 O.S. 2021, Sections 2-101, as last amended by Section 1, Chapter 375, O.S.L. 2023, 2-106.2, 2-305, as amended by Section 4, Chapter 375, O.S.L. 2023, 2-304, as amended by Section 3, Chapter 375, O.S.L. 2023, 2-309, as amended by Section 2, Chapter 304, O.S.L. 2023 and 2-406, as amended by Section 2, Chapter 235, O.S.L. 2023 (63 O.S. Supp. 2023, Sections 2-101, 2-304, 2-305, 2-309 and 2-406), which relate to the Uniform Controlled Dangerous Substances Act; adding and alphabetizing definitions; deleting reference to promulgated rules; clarifying circumstances that provide for the revocation or suspension of registrations; deleting certain penalty provision; updating manner by which controlled dangerous substances are forfeited; deeming written order as final under certain circumstances; allowing registrations to remain in effect under certain circumstances; authorizing proceedings in accordance with due process requirements; authorizing the utilization of electronic prescriptions under certain circumstances; requiring practitioners to purchase official prescription forms; providing restrictions on use of official prescription forms; modifying scope of certain prohibited act; repealing 63 O.S. 2021, Sections 2-101, as last amended by Section 10, Chapter 91, O.S.L. 2019, Section 1, Chapter 235, O.S.L. 2023, Section 1, Chapter 304, O.S.L. 2023, 2-304, as last amended by Section 1, Chapter 176, O.S.L. 2023, 2-305, as amended by Section 2, Chapter 176, O.S.L. 2023, 2-309 as last amended by Section 1, Chapter 333, O.S.L. 2021, 2-402, as last amended by Section 1, Chapter 220,

O.S.L. 2016 and 2-406, as last amended by Section 7, Chapter 375, O.S.L. 2023 (63 O.S. Supp. 2023, Sections 2-101, 2-304, 2-305, 2-309, 2-402 and 2-406), which relate to the Uniform Controlled Dangerous Substance Act; and declaring an emergency.

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

SECTION 1. AMENDATORY 63 O.S. 2021, Section 2-101, as last amended by Section 1, Chapter 375, O.S.L. 2023 (63 O.S. Supp. 2023, Section 2-101), is amended to read as follows:

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

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

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

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

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

~~2.~~ 3. "Agent" means a peace officer appointed by and who acts on behalf of the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control or an authorized person who acts on behalf of or at the direction of a person who manufactures, distributes, dispenses, prescribes, administers or uses for scientific purposes controlled dangerous substances but does not include a common or contract carrier, public warehouser or employee thereof, or a person required to register under the Uniform Controlled Dangerous Substances Act;

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

~~3.~~ 5. "Board" means the Advisory Board to the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control;

~~4.~~ 6. "Bureau" means the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control;

7. "Chronic pain" means pain that persists beyond the usual course of an acute disease or healing of an injury. Chronic pain may or may not be associated with an acute or chronic pathologic

process that causes continuous or intermittent pain over months or years;

~~5.~~ 8. "Coca leaves" includes cocaine and any compound, manufacture, salt, derivative, mixture or preparation of coca leaves, except derivatives of coca leaves which do not contain cocaine or ecgonine;

~~6.~~ 9. "Commissioner" or "Director" means the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control;

~~7.~~ 10. "Control" means to add, remove or change the placement of a drug, substance or immediate precursor under the Uniform Controlled Dangerous Substances Act;

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

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

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

~~11.~~ 14. "Dispense" means to deliver a controlled dangerous substance to an ultimate user or human research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling or compounding necessary to prepare the substance for such distribution. "Dispenser" is a practitioner who delivers a controlled dangerous substance to an ultimate user or human research subject;

~~12.~~ 15. "Distribute" means to deliver other than by administering or dispensing a controlled dangerous substance;

~~13.~~ 16. "Distributor" means a commercial entity engaged in the distribution or reverse distribution of narcotics and dangerous drugs and who complies with all regulations promulgated by the federal Drug Enforcement Administration and the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control;

~~14.~~ 17. "Drug" means articles:

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

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

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

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

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

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

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

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

c. isomerization devices used, intended for use, or fashioned specifically for use in increasing the potency of any species of plant which is a controlled dangerous substance,

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

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

f. diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or fashioned specifically for use in cutting controlled dangerous substances,

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

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

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

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

k. hypodermic syringes, needles, and other objects used, intended for use, or fashioned specifically for use in parenterally injecting controlled dangerous substances into the human body, except as authorized by Section 2-1101 of this title,

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

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

(2) water pipes,

(3) carburetion tubes and devices,

(4) smoking and carburetion masks,

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

(6) miniature cocaine spoons and cocaine vials,

(7) chamber pipes,

(8) carburetor pipes,

(9) electric pipes,

(10) air-driven pipes,

(11) chillums,

(12) bongs, or

(13) ice pipes or chillers,

m. all hidden or novelty pipes, and

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

provided, however, the term drug paraphernalia shall not include separation gins intended for use in preparing tea or spice, clamps used for constructing electrical equipment, water pipes designed for

ornamentation in which no detectable amount of an illegal substance is found or pipes designed and used solely for smoking tobacco, traditional pipes of an American Indian tribal religious ceremony, antique pipes that are thirty (30) years of age or older, or drug testing strips possessed by a person for purposes of determining the presence of fentanyl or a fentanyl-related compound;

~~15.~~ 19. "Drug-dependent person" means a person who is using a controlled dangerous substance and who is in a state of psychic or physical dependence, or both, arising from administration of that controlled dangerous substance on a continuous basis. Drug dependence is characterized by behavioral and other responses which include a strong compulsion to take the substance on a continuous basis in order to experience its psychic effects, or to avoid the discomfort of its absence;

20. "Harm-reduction services" means programs established to:

a. reduce the spread of infectious diseases related to injection drug use,

b. reduce drug dependency, overdose deaths and associated complications, and

c. increase safe recovery and disposal of used syringes and sharp waste;

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

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

~~16.~~ 22. "Home care agency" means any sole proprietorship, partnership, association, corporation, or other organization which administers, offers, or provides home care services, for a fee or pursuant to a contract for such services, to clients in their place of residence;

~~17.~~ 23. "Home care services" means skilled or personal care services provided to clients in their place of residence for a fee;

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

~~19.~~ 25. "Imitation controlled substance" means a substance that is not a controlled dangerous substance, which by dosage unit appearance, color, shape, size, markings or by representations made, would lead a reasonable person to believe that the substance is a controlled dangerous substance, or is an agricultural drug that is not a controlled dangerous substance being used outside of the scope of practice or normal course of business, as defined by the Oklahoma Veterinary Board, or is a federal Food and Drug Administration-approved drug that is not a controlled dangerous substance being used outside the scope of approval for illicit purposes such as adulterating or lacing other controlled dangerous substances. In the event the appearance of the dosage unit or use is not reasonably sufficient to establish that the substance is an imitation controlled substance, the court or authority concerned should consider, in addition to all other factors, the following factors ~~as related to "representations made" in determining whether the substance is an imitation controlled substance~~:

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

b. statements made to the recipient that the substance may be resold for inordinate profit,

c. whether the substance is packaged in a manner normally used for illicit controlled substances,

d. evasive tactics or actions utilized by the owner or person in control of the substance to avoid detection by law enforcement authorities,

e. prior convictions, if any, of an owner, or any other person in control of the object, under state or federal law related to controlled substances or fraud, and

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

~~20.~~ 26. "Immediate precursor" means a substance which the Director has found to be and by regulation designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used, or likely to be used, in the manufacture of a controlled dangerous substance, the control of which is necessary to prevent, curtail or limit such manufacture;

27. "Initial prescription" means a prescription issued to a patient who:

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

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

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

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

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

~~21.~~ 29. "Laboratory" means a laboratory approved by the Director as proper to be entrusted with the custody of controlled dangerous substances and the use of controlled dangerous substances for scientific and medical purposes and for purposes of instruction;

~~22.~~ 30. "Manufacture" means the production, preparation, propagation, compounding or processing of a controlled dangerous substance, either directly or indirectly by extraction from substances of natural or synthetic origin, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis. "Manufacturer" includes any person who packages, repackages or labels any container of any controlled dangerous

substance, except practitioners who dispense or compound prescription orders for delivery to the ultimate consumer;

~~23.~~ 31. "Marijuana" means all parts of the plant Cannabis sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture or preparation of such plant, its seeds or resin, but shall not include:

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

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

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

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

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

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

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

h. industrial hemp, from the plant Cannabis sativa L. and any part of such plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration not more than three-tenths of one percent (0.3%) on a dry-weight basis which shall only be grown pursuant to the

Oklahoma Industrial Hemp Program and may be shipped intrastate and interstate;

~~24.~~ 32. "Medical purpose" means an intention to utilize a controlled dangerous substance for physical or mental treatment, for diagnosis, or for the prevention of a disease condition not in violation of any state or federal law and not for the purpose of satisfying physiological or psychological dependence or other abuse;

~~25.~~ 33. "Mid-level practitioner" means an Advanced Practice Registered Nurse as defined and within parameters specified in Section 567.3a of Title 59 of the Oklahoma Statutes, or a certified animal euthanasia technician as defined in Section 698.2 of Title 59 of the Oklahoma Statutes, or an animal control officer registered by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control under subsection B of Section 2-301 of this title within the parameters of such officer's duties under Sections 501 through 508 of Title 4 of the Oklahoma Statutes;

~~26.~~ 34. "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

a. opium, coca leaves and opiates,

b. a compound, manufacture, salt, derivative or preparation of opium, coca leaves or opiates,

c. cocaine, its salts, optical and geometric isomers, and salts of isomers,

d. ecgonine, its derivatives, their salts, isomers and salts of isomers, and

e. a substance, and any compound, manufacture, salt, derivative or preparation thereof, which is chemically identical with any of the substances referred to in subparagraphs a through d of this paragraph, except that the words narcotic drug as used in Section 2-101 et seq. of this title shall not include decocainized coca leaves or extracts of coca leaves, which extracts do not contain cocaine or ecgonine;

~~27.~~ 35. "Opiate" or "opioid" means any Schedule II, III, IV or V substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having such addiction-forming or addiction-sustaining liability. The terms do not include, unless specifically designated as controlled under the Uniform Controlled Dangerous Substances Act, the dextrorotatory isomer of 3-methoxy-n-methyl-morphinan and its salts (dextromethorphan). The terms do include the racemic and levorotatory forms;

~~28.~~ 36. "Opium poppy" means the plant of the species Papaver somniferum L., except the seeds thereof;

37. "Palliative care" means a specialized medical service for people of any age and at any stage of a serious illness or life-altering medical event that focuses on navigating complex medical decisions while providing patient autonomy and access to information. Utilizing a holistic and interdisciplinary team approach, palliative care addresses physical, intellectual, emotional, social, and spiritual needs. Palliative care may be provided in the inpatient, outpatient, or home care setting and strives to improve quality of life for both the patient and the family;

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

a. explain the possible risk of development of physical or psychological dependence in the patient and prevent the possible development of addiction,

b. document the understanding of both the practitioner and the patient regarding the patient-provider agreement of the patient,

c. establish the rights of the patient in association with treatment and the obligations of the patient in relation to the responsible use, discontinuation of use, and storage of opioid drugs, including any

restrictions on the refill of prescriptions or the acceptance of opioid prescriptions from practitioners,

d. identify the specific medications and other modes of treatment, including physical therapy or exercise, relaxation or psychological counseling, that are included as a part of the patient-provider agreement,

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

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

~~29.~~ 39. "Peace officer" means a police officer, sheriff, deputy sheriff, district attorney's investigator, investigator from the Office of the Attorney General, or any other person elected or

appointed by law to enforce any of the criminal laws of this state or of the United States;

~~30.~~ 40. "Person" means an individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity;

~~31.~~ 41. "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing;

~~32.~~ 42. "Practitioner" means:

a. (1) a medical doctor or osteopathic physician,

(2) a dentist,

(3) a podiatrist,

(4) an optometrist,

(5) a veterinarian,

(6) a physician assistant or Advanced Practice Registered Nurse under the supervision of a licensed medical doctor or osteopathic physician,

(7) a scientific investigator, or

(8) any other person,

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

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

~~33.~~ 43. "Production" includes the manufacture, planting, cultivation, growing or harvesting of a controlled dangerous substance;

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

~~34.~~ 45. "State" means the State of Oklahoma or any other state of the United States;

46. "Straw person" or "straw party", also known as a "front", means a third party who:

a. is put up in name only to take part in a transaction or otherwise is a nominal party to a transaction with no actual control,

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

c. purchases property for another for the purpose of concealing the identity of the real purchaser or to accomplish some purpose otherwise in violation of Oklahoma statutes;

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

48. a. "Synthetic controlled substance" means a substance:

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

(2) which has a stimulant, depressant, or hallucinogenic effect on the central nervous

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

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

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

c. "Synthetic controlled substance" does not include:

(1) a controlled dangerous substance,

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

(3) with respect to a particular person any substance, if an exemption is in effect for

investigational use, for that person under the provisions of Section 505 of the Federal Food, Drug and Cosmetic Act, Title 21 of the United States Code, Section 355, to the extent conduct with respect to such substance is pursuant to such exemption, or

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

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

49. "Tetrahydrocannabinols" means all substances that have been chemically synthesized to emulate the tetrahydrocannabinols of marijuana, specifically including any tetrahydrocannabinols derived from industrial hemp; and

~~35.~~ 50. "Ultimate user" means a person who lawfully possesses a controlled dangerous substance for the person's own use or for the use of a member of the person's household or for administration to an animal owned by the person or by a member of the person's household~~;~~

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

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

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

~~c. isomerization devices used, intended for use, or fashioned specifically for use in increasing the potency of any species of plant which is a controlled dangerous substance,~~

~~d. testing equipment used, intended for use, or fashioned specifically for use in identifying, or in analyzing~~

~~the strength, effectiveness or purity of controlled dangerous substances,~~

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

~~f.~~ ~~diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or fashioned specifically for use in cutting controlled dangerous substances,~~

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

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

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

~~j.~~ ~~containers and other objects used, intended for use, or fashioned specifically for use in parenterally~~

~~injecting controlled dangerous substances into the human body,~~

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

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

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

~~(2) water pipes,~~

~~(3) carburetion tubes and devices,~~

~~(4) smoking and carburetion masks,~~

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

~~(6) miniature cocaine spoons and cocaine vials,~~

~~(7) chamber pipes,~~

~~(8) carburetor pipes,~~

~~(9) electric pipes,~~

~~(10) air-driven pipes,~~

~~(11) chillums,~~

~~(12) bongs, or~~

~~(13) ice pipes or chillers,~~

~~m. all hidden or novelty pipes, and~~

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

~~provided, however, the term drug paraphernalia shall not include separation gins intended for use in preparing tea or spice, clamps used for constructing electrical equipment, water pipes designed for ornamentation in which no detectable amount of an illegal substance is found or pipes designed and used solely for smoking tobacco, traditional pipes of an American Indian tribal religious ceremony, antique pipes that are thirty (30) years of age or older, or drug testing strips possessed by a person for purposes of determining the presence of fentanyl or a fentanyl-related compound;~~

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

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

~~(2) which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled dangerous substance in Schedule I or II, or~~

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

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

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

~~(1) a controlled dangerous substance,~~

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

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

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

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

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

~~39. "Isomer" means the optical isomer, except as used in subsections C and F of Section 2-204 of this title and paragraph 4 of subsection A of Section 2-206 of this title. As used in subsections C and F of Section 2-204 of this title, isomer means the~~

~~optical, positional or geometric isomer. As used in paragraph 4 of subsection A of Section 2-206 of this title, the term isomer means the optical or geometric isomer;~~

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

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

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

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

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

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

b. requires a prescription for the drug or its pharmaceutical equivalent due to a surgical procedure or new acute event and has previously had a prescription for the drug or its pharmaceutical equivalent within the past year.

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

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

a. explain the possible risk of development of physical or psychological dependence in the patient and prevent the possible development of addiction,

b. document the understanding of both the practitioner and the patient regarding the patient-provider agreement of the patient,

c. establish the rights of the patient in association with treatment and the obligations of the patient in

relation to the responsible use, discontinuation of use, and storage of opioid drugs, including any restrictions on the refill of prescriptions or the acceptance of opioid prescriptions from practitioners,

d. identify the specific medications and other modes of treatment, including physical therapy or exercise, relaxation or psychological counseling, that are included as a part of the patient-provider agreement,

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

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

46. "Serious illness" means a medical illness or physical injury or condition that substantially affects quality of life for

~~more than a short period of time. Serious illness includes, but is not limited to, Alzheimer's disease or related dementias, lung disease, cancer, heart failure, renal failure, liver failure or chronic, unremitting or intractable pain such as neuropathic pain; and~~

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

SECTION 2. AMENDATORY 63 O.S. 2021, Section 2-106.2, is amended to read as follows:

Section 2-106.2 A. The Oklahoma State Bureau of Narcotics and Dangerous Drugs Control~~, pursuant to rules promulgated by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control Commission,~~ is hereby authorized to:

1. Make available for sale used vehicles, used equipment and forfeited property to any federal, state, county, or municipal agency, trust authority or public school district;

2. Sell at public auction any used vehicles, used equipment and any property forfeited to the Bureau; and

3. Donate or transfer title to any surplus property as defined in Section 62.2 of Title 74 of the Oklahoma Statutes, or property forfeited to the Bureau, to any law enforcement agency of any political subdivision of the State of Oklahoma. The use of such donated equipment shall be limited to valid and authorized law enforcement efforts by the receiving agency.

B. Any property subject to this section shall be exempted from the provisions set forth in Section 62.3 of Title 74 of the Oklahoma Statutes.

SECTION 3. AMENDATORY 63 O.S. 2021, Section 2-304, as amended by Section 3, Chapter 375, O.S.L. 2023 (63 O.S. Supp. 2023, Section 2-304), is amended to read as follows:

Section 2-304. A. A registration, pursuant to Section 2-303 of this title, to manufacture, distribute, dispense, prescribe, administer or use for scientific purposes a controlled dangerous substance shall be limited, conditioned, denied, suspended, annulled, or revoked by the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control upon a finding that the registrant or applicant:

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

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

b. provide false data or omit material information in any records or reports required by rule or law to be created, maintained or submitted to the Bureau~~.~~ ~~Any registrant or applicant for a registration or any official, agent or employee of any registrant or applicant for a registration who violates the provisions of this paragraph shall be guilty of a misdemeanor and additionally subject to administrative action~~;

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

3. Has had his or her federal registration retired, suspended or revoked by a competent federal authority and is no longer authorized by federal law to manufacture, distribute, dispense, prescribe, administer or use for scientific purposes controlled dangerous substances;

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

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

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

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

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

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

10. Has been under the influence of alcohol or another intoxicating substance which adversely affected the central nervous system, vision, hearing or other sensory or motor functioning to

such degree the person was impaired during the performance of his or her job; or

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

B. In the event the Director suspends or revokes a registration granted under Section 2-303 of this title, all controlled dangerous substances owned or possessed by the registrant pursuant to such registration at the time of revocation or suspension or the effective date of the revocation order, as the case may be, may in the discretion of the Director be impounded and preserved. All controlled dangerous substances not impounded or preserved by the Director shall be maintained by the registrant. ~~No~~ Upon issuance of a revocation order, no disposition, purchase, distribution, sale, or transfer may be made of controlled dangerous substances until the time for taking an appeal has elapsed or until all appeals have been concluded unless a court, upon application therefor, orders the sale of perishable substances and the deposit of the proceeds of the sale with the court to be distributed to the prevailing party. Upon a revocation order becoming final, all such controlled dangerous substances shall be forfeited to the state or otherwise ~~considered waste and~~ submitted ~~to a licensed waste disposal service~~ for

destruction ~~pursuant to Section 430 of this title~~ in accordance with applicable law and by order of the Director.

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

SECTION 4. AMENDATORY 63 O.S. 2021, Section 2-305, as amended by Section 4, Chapter 375, O.S.L. 2023 (63 O.S. Supp. 2023, Section 2-305), is amended to read as follows:

Section 2-305. A. In addition to any other remedies provided for by law, the Director shall issue a written order to be served on the parties before annulling, conditioning, suspending or revoking any registration that the Director has reason to believe is operating inconsistent with any provision of Section 2-303 of this title, pursuant to Section 2-304 of this title or otherwise where there has been a violation of any federal law, any rule or regulation of the Drug Enforcement Administration, any provision of the Uniform Controlled Dangerous Substances Act, or any rules or regulations of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control.

B. The written order shall state with specificity the nature of the violation or basis for the action. The Director may impose any disciplinary action authorized by the Uniform Controlled Dangerous Substances Act or rules of the Oklahoma State Bureau of Narcotics

and Dangerous Drugs Control including, but not limited to, the assessment of monetary penalties.

C. Any written order issued pursuant to the provisions of this section shall become a final order unless the registrant requests an administrative hearing in accordance with the rules and regulations promulgated by the Director within thirty (30) days of issuance. Upon such request, the Director shall promptly initiate administrative proceedings and serve formal notice of the proceedings pursuant to Section 309 of Title 75 of the Oklahoma Statutes. Nothing in this section shall be construed so as to require an individual proceeding for the denial of a new application for registration.

D. The Director may authorize the Deputy Director or the General Counsel of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control to initiate any individual proceedings under this title. Nothing in this section shall be construed so as to delegate the authority of the Director to issue a final agency order of an individual proceeding adverse to a party. If a party fails to request an administrative hearing in a timely manner, the written order as issued shall be deemed adopted by the Director as the final agency order concerning the matter without further action by the Director.

E. All proceedings shall be conducted in accordance with the Administrative Procedures Act and the rules and regulations of the

Oklahoma State Bureau of Narcotics and Dangerous Drugs Control without regard to any criminal prosecution or other proceeding.

1. Proceedings to refuse renewal, revoke, or suspend a registration shall not abate the existing registration which shall remain in effect pending the outcome of those administrative proceedings; provided, the registrant submits timely and sufficient renewal applications annually. This abatement shall not apply when the Director finds there is an imminent danger to the public health or safety requiring an immediate suspension.

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

3. Where claims do not involve factual determinations hinging on the credibility or veracity of witnesses, the Director may authorize proceedings limited to written submissions in accordance with due process of law.

F. The Director may issue an order immediately suspending a registration, without notice or a hearing, when he or she finds there is imminent danger to the public health or safety which warrants this action. The suspension shall continue in effect until the conclusion of any administrative proceedings, including judicial review thereof, unless sooner withdrawn by the Director or dissolved by a court of competent jurisdiction. The order shall state the

existence of an emergency requiring action be taken that the Director deems necessary to meet the emergency. Such action may include, but is not limited to, ordering the registrant to immediately cease and desist operations. The order shall be effective immediately upon issuance. Any person to whom the order is directed shall comply immediately with the provisions of the order. The Director may assess a penalty not to exceed Ten Thousand Dollars ($10,000.00) per day of noncompliance with the order. In assessing such a penalty, the Director shall consider the seriousness of the violation and any efforts to comply with applicable requirements. ~~Upon application to the Director, the registrant shall be offered a hearing within thirty (30) days of the issuance of the order.~~

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

Oklahoma State Bureau of Narcotics and Dangerous Drugs Control to assess administrative fines for violations of the provisions of subsection G of Section 2-309D of this title.

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

~~H.~~ I. Upon an annulment, revocation, or denial of a registration the Director may prohibit the registrant or applicant from reapplying for registration for a period up to five years following the date of the final order. The length of any prohibition shall not be used as grounds to contest the validity of the annulment, revocation, or denial of a registration.

SECTION 5. AMENDATORY 63 O.S. 2021, Section 2-309, as amended by Section 2, Chapter 304, O.S.L. 2023 (63 O.S. Supp. 2023, Section 2-309), is amended to read as follows:

Section 2-309. A. 1. Except for dosages medically required for a period not to exceed forty-eight (48) hours which are administered by or on direction of a practitioner, other than a pharmacist, or medication dispensed directly by a practitioner, other than a pharmacist, to an ultimate user, no controlled dangerous substance included in Schedule II, which is a prescription drug as determined under regulation promulgated by the Board of Pharmacy, shall be dispensed without an electronic prescription of a practitioner; provided, that in emergency situations, as prescribed by the Board of Pharmacy by regulation, such drug may be dispensed upon oral prescription reduced promptly to writing and filed by the pharmacist in a manner to be prescribed by rules and regulations of the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control.

2. Electronic prescribing shall be utilized for Schedules II, III, IV and V, subject to the requirements set forth in 21 CFR, Section 1311 et seq.

3. An electronic prescription with electronic signature may serve as an original prescription, subject to the requirements set forth in 21 CFR, Section 1311 et seq.

4. Prescriptions shall be retained in conformity with the requirements of this section and Section 2-307 of this title. No prescription for a Schedule II substance may be refilled.

5. The electronic prescription requirement provided for in this section shall not apply to prescriptions for controlled dangerous substances issued by any of the following:

a. a person licensed to practice veterinary medicine,

b. a practitioner who experiences temporary technological or electrical failure or other extenuating circumstance that prevents the prescription from being transmitted electronically; provided, however, that the practitioner documents the reason for this exception in the medical record of the patient,

c. a practitioner, other than a pharmacist, who dispenses directly to an ultimate user,

d. a practitioner who orders a controlled dangerous substance to be administered through an on-site pharmacy in:

(1) a hospital as defined in Section 1-701 of this title,

(2) a nursing facility as defined in Section 1-1902 of this title,

(3) a hospice inpatient facility as defined in Section 1-860.2 of this title,

(4) an outpatient dialysis facility,

(5) a continuum of care facility as defined in Section 1-890.2 of this title, or

(6) a penal institution listed in Section 509 of Title 57 of the Oklahoma Statutes,

e. a practitioner who orders a controlled dangerous substance to be administered through a hospice program including but not limited to a hospice program that provides hospice services in the private residence of a patient or in a long-term care facility where the patient resides. As used in this subparagraph, "hospice program" has the same meaning as provided by Section 1-860.2 of this title,

f. a practitioner who writes a prescription to be dispensed by a pharmacy located on federal property, provided the practitioner documents the reason for this exception in the medical record of the patient, ~~or~~

g. a practitioner that has received a waiver or extension from his or her licensing board,

h. a practitioner who prescribes a controlled dangerous substance for a supply that when taken as prescribed would be consumed within seventy-two (72) hours, or

i. a practitioner who determines that an electronic prescription cannot be issued in a timely manner and the condition of the patient is at risk.

6. Electronic prescriptions ~~shall not~~ may be utilized under the following circumstances:

a. ~~compound~~ compounded prescriptions ~~containing two or more commercially available products or two or more active pharmaceutical ingredients~~,

b. compounded infusion prescriptions ~~containing two or more commercially available products or two or more active pharmaceutical ingredients~~, or

c. prescriptions issued under approved research protocols~~, or~~

~~d. if the practitioner determines that an electronic prescription cannot be issued in a timely manner and the condition of the patient is at risk~~.

7. A pharmacist who receives a written, oral or facsimile prescription shall not be required to verify that the prescription falls under one of the exceptions provided for in paragraph 6 of this subsection. Pharmacists may continue to dispense medications from otherwise valid written, oral or facsimile prescriptions that are consistent with the provisions of this section.

8. Practitioners shall indicate in the health record of a patient that an exception to the electronic prescription requirement was utilized.

9. All prescriptions issued pursuant to ~~paragraphs~~ paragraph 5 and subparagraph c of paragraph 6 of this subsection shall be ~~issued~~ on an official prescription form ~~provided~~ approved by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control if not issued electronically.

10. a. ~~Effective January 1, 2020, practitioners~~ Practitioners shall ~~register~~ be registered with the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control in order to ~~be issued~~ purchase official prescription forms. Such registration shall include, but not be limited to, the primary address and the address of each place of business to be imprinted on official prescription forms. Any change to a registered practitioner's registered address shall be promptly reported to the practitioner's licensing board and the Bureau by the practitioner in a manner approved by the Bureau.

b. ~~A practitioner's registration shall be without fee and subject to approval by the Bureau. Such registration shall be valid for a period of two (2) years and may be denied, suspended or revoked by the Bureau upon a~~

~~finding by the Bureau or licensing board that the registered practitioner has had any license to practice a medical profession revoked or suspended by any state or federal agency.~~

~~c.~~ Where the Bureau has revoked the registration of a registered practitioner, the Bureau may revoke or cancel any official prescription forms in the possession of the registered practitioner. Any revocation or any suspension shall require the registered practitioner to return all unused official prescription forms to the Bureau within fifteen (15) calendar days after the date of the written notification.

~~d.~~

c. A practitioner that has had any license to practice terminated, revoked or suspended by a state or federal agency may, upon restoration of such license or certificate, register ~~to be issued official prescription forms~~ with the Bureau.

11. a. ~~Except as provided in subparagraph f of this paragraph, the Bureau shall issue official~~ Official prescription forms ~~free of charge only to registered practitioners in this state. Such forms shall not be transferable. The number of official prescription~~

~~forms issued to a registered~~ shall be purchased at the expense of the practitioner ~~at any time shall be at the discretion of~~ or the employer of the practitioner from a list of vendors approved by the Bureau.

b. Official prescription forms issued to a registered practitioner shall be imprinted ~~only~~ with the primary address and may include other addresses listed on the registration of the practitioner to identify the place of origin. Such prescriptions shall be sent only to the primary address of the registered practitioner.

c. Official prescription forms ~~issued to~~ of a registered practitioner shall be used only by the practitioner ~~to whom they are issued~~ designated on the official prescription form.

d. The Bureau may revoke or cancel official prescription forms in possession of registered practitioners when the license of such practitioner is suspended, terminated or revoked.

e. Official prescription forms of registered practitioners who are deceased or who no longer prescribe shall be returned to the Bureau at a designated address. If the registered practitioner is deceased, it is the responsibility of the registered

practitioner's estate or lawful designee to return such forms.

f. The Bureau may issue official prescription forms to employees or agents of the Bureau and other government agencies for the purpose of preventing, identifying, investigating and prosecuting unacceptable or illegal practices by providers and other persons and assisting in the recovery of overpayments under any program operated by the state or paid for with state funds. Such prescription forms shall be issued for this purpose only to individuals who are authorized to conduct investigations on behalf of the Bureau or other government agencies as part of their official duties. Individuals and agencies receiving such prescription forms for this purpose shall provide appropriate assurances to the Bureau that adequate safeguards and security measures are in place to prevent the use of such prescription forms for anything other than official government purposes.

12. a. Adequate safeguards and security measures shall be undertaken by registered practitioners holding official prescription forms to assure against the loss, destruction, theft or unauthorized use of the forms. Registered practitioners shall maintain a

sufficient but not excessive supply of such forms in reserve.

b. Registered practitioners shall immediately notify the Bureau, in a manner designated by the Bureau, upon their knowledge of the loss, destruction, theft or unauthorized use of any official prescription forms issued to them, as well as the failure to receive official prescription forms within a reasonable time after ordering them from the Bureau.

c. Registered practitioners shall immediately notify the Bureau upon their knowledge of any diversion or suspected diversion of drugs pursuant to the loss, theft or unauthorized use of prescriptions.

B. 1. Except for dosages medically required for a period not to exceed seventy-two (72) hours which are administered by or on direction of a practitioner, other than a pharmacist, ~~or~~ medication dispensed directly by a practitioner, other than a pharmacist, to an ultimate user or the circumstances provided for in paragraphs 5 and 6 of subsection A of this section, no controlled dangerous substance included in Schedule III or IV, which is a prescription drug as determined under regulation promulgated by the Board of Pharmacy, shall be dispensed without an electronic prescription.

2. Any prescription for a controlled dangerous substance in Schedule III, IV or V may not be filled or refilled more than six

(6) months after the date thereof or be refilled more than five times after the date of the prescription, unless renewed by the practitioner.

C. Whenever it appears to the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control that a drug not considered to be a prescription drug under existing state law or regulation of the Board of Pharmacy should be so considered because of its abuse potential, the Director shall so advise the Board of Pharmacy and furnish to the Board all available data relevant thereto.

D. 1. "Prescription", as used in this section, means a written, oral or electronic order by a practitioner to a pharmacist for a controlled dangerous substance for a particular patient, which specifies the date of its issue, and the full name and address of the patient and, if the controlled dangerous substance is prescribed for an animal, the species of the animal, the name and quantity of the controlled dangerous substance prescribed, the directions for use, the name and address of the owner of the animal and, if written, the signature of the practitioner. <u>When electronically prescribed, the full name of the patient may include the name and species of the animal.</u>

2. "Registered practitioner", as used in this section, means a licensed practitioner duly registered with the Oklahoma State Bureau

of Narcotics and Dangerous Drugs Control authorized to ~~be issued~~ purchase official prescription forms.

E. No person shall solicit, dispense, receive or deliver any controlled dangerous substance through the mail, unless the ultimate user is personally known to the practitioner and circumstances clearly indicate such method of delivery is in the best interest of the health and welfare of the ultimate user.

SECTION 6. AMENDATORY 63 O.S. 2021, Section 2-406, as amended by Section 2, Chapter 235, O.S.L. 2023 (63 O.S. Supp. 2023, Section 2-406), is amended to read as follows:

Section 2-406. A. It shall be unlawful for any registrant or person applying for registration to knowingly or intentionally:

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

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

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

4. ~~To furnish~~ Furnish false or fraudulent material information in, or omit any material information from, any application, report, or other document required to be kept or filed under the Uniform Controlled Dangerous Substances Act, or any record required to be kept by the Uniform Controlled Dangerous Substances Act;

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

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

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

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

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

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

SECTION 7. REPEALER 63 O.S. 2021, Sections 2-101, as last amended by Section 10, Chapter 91, O.S.L. 2019, Section 1, Chapter 235, O.S.L. 2023, Section 1, Chapter 304, O.S.L. 2023, 2-304, as last amended by Section 1, Chapter 176, O.S.L. 2023, 2-305, as amended by Section 2, Chapter 176, O.S.L. 2023, 2-309, as last amended by Section 1, Chapter 333, O.S.L. 2021, 2-402, as last amended by Section 1, Chapter 220, O.S.L 2016 and 2-406 as last amended by Section 7, Chapter 375, O.S.L. 2023 (63 O.S. Supp. 2023, Sections 2-101, 2-304, 2-305, 2-309, 2-402 and 2-406), are hereby repealed.

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

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