

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 HOUSE BILL 3251

By: Tibbs

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6 AS INTRODUCED

7 An Act relating to methadone; directing the State
8 Board of Medical Examiners and State Board of
9 Osteopathic Examiners to create a methadone
10 certification program; amending 63 O.S. 2001, Section
11 2-302, as last amended by Section 2, Chapter 40,
12 O.S.L. 2005 (63 O.S. Supp. 2009, Section 2-302),
13 which relates to the Uniform Controlled Dangerous
14 Substances Act; requiring certain practitioners to
15 complete a methadone certification program;
16 prohibiting practitioners from prescribing,
17 administering or dispensing methadone under certain
18 circumstances; providing for reinstatement of certain
19 privileges upon completion of methadone certification
20 program; providing an exception; providing for
21 codification; and providing an effective date.

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

25 SECTION 1. NEW LAW A new section of law to be codified
26 in the Oklahoma Statutes as Section 518.2 of Title 59, unless there
27 is created a duplication in numbering, reads as follows:

28 The State Board of Medical Examiners shall create a
29 certification program for the prescribing, administering and
30 distributing of methadone as listed in Section 2-206 of Title 63 of
31 the Oklahoma Statutes. The Board shall hold a training seminar at

1 | least two times per year. Training for methadone certification
2 | shall not exceed ten (10) hours. The methadone training
3 | certification program may be held in conjunction with other
4 | educational programs.

5 | SECTION 2. NEW LAW A new section of law to be codified
6 | in the Oklahoma Statutes as Section 646 of Title 59, unless there is
7 | created a duplication in numbering, reads as follows:

8 | The State Board of Osteopathic Examiners shall create a
9 | certification program for the prescribing, administering and
10 | distributing of methadone as listed in Section 2-206 of Title 63 of
11 | the Oklahoma Statutes. The Board shall hold a training seminar at
12 | least two times per year. Training for methadone certification
13 | shall not exceed ten (10) hours. The methadone training
14 | certification program may be held in conjunction with other
15 | educational programs.

16 | SECTION 3. AMENDATORY 63 O.S. 2001, Section 2-302, as
17 | last amended by Section 2, Chapter 40, O.S.L. 2005 (63 O.S. Supp.
18 | 2009, Section 2-302), is amended to read as follows:

19 | Section 2-302. A. Every person who manufactures, distributes,
20 | dispenses, prescribes, administers or uses for scientific purposes
21 | any controlled dangerous substance within this state, or who
22 | proposes to engage in the manufacture, distribution, dispensing,
23 | prescribing, administering or use for scientific purposes of any
24 | controlled dangerous substance within this state shall obtain a

1 registration issued by the Director of the Oklahoma State Bureau of
2 Narcotics and Dangerous Drugs Control, in accordance with rules
3 promulgated by the Director. Persons registered by the Director
4 under Section 2-101 et seq. of this title to manufacture,
5 distribute, dispense, or conduct research with controlled dangerous
6 substances may possess, manufacture, distribute, dispense, or
7 conduct research with those substances to the extent authorized by
8 their registration and in conformity with the other provisions of
9 this article. Every wholesaler, manufacturer or distributor of any
10 drug product containing pseudoephedrine or phenylpropanolamine, or
11 their salts, isomers, or salts of isomers shall obtain a
12 registration issued by the Director of the Oklahoma State Bureau of
13 Narcotics and Dangerous Drugs Control in accordance with rules
14 promulgated by the Director and as provided for in Section 2-332 of
15 this title.

16 B. Out-of-state pharmaceutical suppliers who provide controlled
17 dangerous substances to individuals within this state shall obtain a
18 registration issued by the Director of the Oklahoma State Bureau of
19 Narcotics and Dangerous Drugs Control, in accordance with rules
20 promulgated by the Director; provided that this provision shall not
21 apply to wholesale distributors who ship controlled dangerous
22 substances to pharmacies or other entities registered within this
23 state in accordance with rules promulgated by the Director.

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1 C. Manufacturers, distributors, home care agencies, hospices,
2 home care services, and scientific researchers shall obtain a
3 registration annually. Other practitioners shall obtain a
4 registration for a period to be determined by the Director that will
5 be for a period not less than one (1) year nor more than three (3)
6 years.

7 D. Every trainer or handler of a canine controlled dangerous
8 substances detector who, in the ordinary course of such trainer's or
9 handler's profession, desires to possess any controlled dangerous
10 substance, annually, shall obtain a registration issued by the
11 Director for a fee of Seventy Dollars (\$70.00). Such persons shall
12 be subject to all applicable provisions of Section 2-101 et seq. of
13 this title and such applicable rules promulgated by the Director for
14 those individuals identified in subparagraph a of paragraph 32 of
15 Section 2-101 of this title. Persons registered by the Director
16 pursuant to this subsection may possess controlled dangerous
17 substances to the extent authorized by their registration and in
18 conformity with the other provisions of this article.

19 E. The following persons shall not be required to register and
20 may lawfully possess controlled dangerous substances under the
21 provisions of Section 2-101 et seq. of this title:

22 1. An agent, or an employee thereof, of any registered
23 manufacturer, distributor, dispenser or user for scientific purposes
24 of any controlled dangerous substance, if such agent is acting in

1 the usual course of such agent's or employee's business or
2 employment;

3 2. Any person lawfully acting under the direction of a person
4 authorized to administer controlled dangerous substances under
5 Section 2-312 of this title;

6 3. A common or contract carrier or warehouse, or an employee
7 thereof, whose possession of any controlled dangerous substance is
8 in the usual course of such carrier's or warehouse's business or
9 employment;

10 4. An ultimate user or a person in possession of any controlled
11 dangerous substance pursuant to a lawful order of a practitioner;

12 5. An individual pharmacist acting in the usual course of such
13 pharmacist's employment with a pharmacy registered pursuant to the
14 provisions of Section 2-101 et seq. of this title;

15 6. A nursing home licensed by this state;

16 7. Any Department of Mental Health and Substance Abuse Services
17 employee or any person whose facility contracts with the Department
18 of Mental Health and Substance Abuse Services whose possession of
19 any dangerous drug, as defined in Section 353.1 of Title 59 of the
20 Oklahoma Statutes, is for the purpose of delivery of a mental health
21 consumer's medicine to the consumer's home or residence; and

22 8. Registered nurses and licensed practical nurses.

23 F. The Director may, by rule, waive the requirement for
24 registration or fee for registration of certain manufacturers,

1 distributors, dispensers, prescribers, administrators, or users for
2 scientific purposes if the Director finds it consistent with the
3 public health and safety.

4 G. A separate registration shall be required at each principal
5 place of business or professional practice where the applicant
6 manufactures, distributes, dispenses, prescribes, administers, or
7 uses for scientific purposes controlled dangerous substances.

8 H. The Director is authorized to inspect the establishment of a
9 registrant or applicant for registration in accordance with rules
10 promulgated by the Director.

11 I. No person engaged in a profession or occupation for which a
12 license to engage in such activity is provided by law shall be
13 registered under this act unless such person holds a valid license
14 of such person's profession or occupation.

15 J. Registrations shall be issued on the first day of November
16 of each year. Registrations may be issued at other times, however,
17 upon certification of the professional licensing board.

18 K. The licensing boards of all professions and occupations to
19 which the use of controlled dangerous substances is incidental shall
20 furnish a current list to the Director, not later than the first day
21 of October of each year, of the persons holding valid licenses. All
22 such persons except persons exempt from registration requirements
23 under subsection E of this section shall be subject to the
24 registration requirements of Section 2-101 et seq. of this title.

1 L. The licensing board of any professional defined as a mid-
2 level practitioner shall notify and furnish to the Director, not
3 later than the first day of October of each year that such
4 professional holds a valid license, a current listing of individuals
5 licensed and registered with their respective boards to prescribe,
6 order, select, obtain and administer controlled dangerous
7 substances. The licensing board shall immediately notify the
8 Director of any action subsequently taken against any such
9 individual.

10 M. 1. Beginning November 1, 2011, each practitioner applying
11 for a registration or renewal of registration shall have completed a
12 certification program pursuant to the provisions of Section 1 or
13 Section 2 of this act for education in prescribing, administering,
14 and distributing methadone as listed in Section 2-206 of this title.
15 If the practitioner fails to meet the requirements of this section
16 upon the date of applying for a registration or renewal of
17 registration, the practitioner shall be immediately prohibited from
18 prescribing, administering or dispensing methadone.

19 2. Practitioners who complete a methadone certification program
20 after issuance of the registration may present to the Oklahoma State
21 Bureau of Narcotics and Dangerous Drugs Control a certificate of
22 completion issued by the State Board of Osteopathic Examiners or the
23 State Board of Medical Examiners and a fee of Twenty-five Dollars
24 (\$25.00). Upon receipt of the certificate of completion and fee,

1 the practitioner shall have all privileges of prescribing,
2 administering and distributing of methadone reinstated.

3 3. The provisions of this subsection shall not apply to any
4 pharmacy, hospital, laboratory or other institution as provided in
5 paragraph 32 of Section 2-101 of this title.

6 SECTION 4. This act shall become effective November 1, 2010.

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