

Author: Sykes

STATE OF OKLAHOMA

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1st Session of the 53rd Legislature (2011)

SENATE BILL 919 By: Sykes

AS INTRODUCED

An Act relating to narcotics and dangerous drugs;
amending 63 O.S. 2001, Sections 2-204, as last
amended by Section 1, Chapter 182, O.S.L. 2010, 2-
206, as last amended by Section 2, Chapter 332,
O.S.L. 2008, 2-208, as amended by Section 3, Chapter
283, O.S.L. 2005, 2-210, as last amended by Section
3, Chapter 248, O.S.L. 2007, 2-212, as last amended
by Section 4, Chapter 458, O.S.L. 2010, and 2-309, as
amended by Section 2, Chapter 273, O.S.L. 2008 (63
O.S. Supp. 2010, Sections 2-103, 2-204, 2-206, 2-208,
2-210, 2-212 and 2-309), which relate to the Uniform
Controlled Dangerous Substances Act; designating
certain substances as Schedule I substances;
designating certain substances as schedule II
substances; designating certain substances as
schedule III substances; designating certain
substances as schedule IV substances; designating
certain substance as a schedule V substance;
authorizing electronic prescription method for
certain substances under certain circumstances; and
providing an effective date.

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

2 SECTION 1. AMENDATORY 63 O.S. 2001, Section 2-204,
3 as last amended by Section 1, Chapter 182, O.S.L. 2010 (63 O.S.
4 Supp. 2010, Section 2-204), is amended to read as follows:

5 Section 2-204. The controlled substances listed in this
6 section are included in Schedule I.

7 A. Any of the following opiates, including their isomers,
8 esters, ethers, salts, and salts of isomers, esters, and ethers,
9 unless specifically excepted, when the existence of these isomers,
10 esters, ethers, and salts is possible within the specific chemical
11 designation:

- 12 1. Acetylmethadol;
- 13 2. Allylprodine;
- 14 3. Alphacetylmethadol;
- 15 4. Alphameprodine;
- 16 5. Alphamethadol;
- 17 6. Benzethidine;
- 18 7. Betacetylmethadol;
- 19 8. Betameprodine;
- 20 9. Betamethadol;
- 21 10. Betaprodine;
- 22 11. Clonitazene;
- 23 12. Dextromoramide;
- 24 13. Dextrorphan (except its methyl ether);
- 25 14. Diampromide;
- 26 15. Diethylthiambutene;
- 27 16. Dimenoxadol;

- 1 17. Dimepheptanol;
- 2 18. Dimethylthiambutene;
- 3 19. Dioxaphetyl butyrate;
- 4 20. Dipipanone;
- 5 21. Ethylmethylthiambutene;
- 6 22. Etonitazene;
- 7 23. Etoxeridine;
- 8 24. Furethidine;
- 9 25. Hydroxypethidine;
- 10 26. Ketobemidone;
- 11 27. Levomoramide;
- 12 28. Levophenacylmorphane;
- 13 29. Morpheridine;
- 14 30. Noracymethadol;
- 15 31. Norlevorphanol;
- 16 32. Normethadone;
- 17 33. Norpipanone;
- 18 34. Phenadoxone;
- 19 35. Phenampromide;
- 20 36. Phenomorphan;
- 21 37. Phenoperidine;
- 22 38. Piritramide;
- 23 39. Proheptazine;
- 24 40. Properidine;
- 25 41. Racemoramide;
- 26 42. Trimeperidine;
- 27 43. Flunitrazepam;

- 1 44. B-hydroxy-amphetamine;
- 2 45. B-ketoamphetamine;
- 3 46. 3,4-methylenedioxy-N-methyl-B-ketoamphetamine;
- 4 47. 2,5-dimethoxy-4-methylamphetamine;
- 5 48. 2,5-dimethoxy-4-bromoamphetamine;
- 6 49. 2,5-dimethoxy-4-nitroamphetamine;
- 7 50. 2,5-dimethoxy-4-bromophenethylamine;
- 8 51. 2,5-dimethoxy-4-chlorophenethylamine;
- 9 52. 2,5-dimethoxy-4-iodoamphetamine;
- 10 53. 2,5-dimethoxy-4-iodophenethylamine;
- 11 54. 2,5-dimethoxy-4-methylphenethylamine;
- 12 55. 2,5-dimethoxy-4-ethylphenethylamine;
- 13 56. 2,5-dimethoxy-4-fluorophenethylamine;
- 14 57. 2,5-dimethoxy-4-nitrophenethylamine;
- 15 58. 2,5-dimethoxy-4-ethylthio-phenethylamine;
- 16 59. 2,5-dimethoxy-4-isopropylthio-phenethylamine;
- 17 60. 2,5-dimethoxy-4-propylthio-phenethylamine;
- 18 61. 2,5-dimethoxy-4-cyclopropylmethylthio-phenethylamine;
- 19 62. 2,5-dimethoxy-4-tert-butylthio-phenethylamine;
- 20 63. 2,5-dimethoxy-4-(2-fluoroethylthio)-phenethylamine;
- 21 64. 5-methoxy-N, N-dimethyltryptamine;
- 22 65. N-methyltryptamine;
- 23 66. A-ethyltryptamine;
- 24 67. A-methyltryptamine;
- 25 68. N, N-diethyltryptamine;
- 26 69. N, N-diisopropyltryptamine;

27 70. N, N-dipropyltryptamine;

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1 71. 5-methoxy- α -methyltryptamine;

2 72. 4-hydroxy-N, N-diethyltryptamine;

3 73. 4-hydroxy-N, N-diisopropyltryptamine;

4 74. 5-methoxy-N, N-diisopropyltryptamine; [~~ox~~]

5 75. 4-hydroxy-N-isopropyl-N-methyltryptamine;

6 76. 3,4-Methylenedioxymethcathinone (Methylone);

7 77. 3,4-Methyenedioxypyrovalerone (MDPV);

8 78. 4-Methylmethcathinone (Mephedrone);

9 79. 4-methoxymethcathinone;

10 80. 4-Fluoromethcathinone; or

11 81. 3-Fluoromethcathinone.

12 B. Any of the following opium derivatives, their salts,
13 isomers, and salts of isomers, unless specifically excepted, when
14 the existence of these salts, isomers, and salts of isomers is
15 possible within the specific chemical designation:

16 1. Acetorphine;

17 2. Acetyldihydrocodeine;

18 3. Benzylmorphine;

19 4. Codeine methylbromide;

20 5. Codeine-N-Oxide;

21 6. Cyprenorphine;

22 7. Desomorphine;

23 8. Dihydromorphine;

24 9. Etorphine;

25 10. Heroin;

26 11. Hydromorphanol;

27 12. Methyldesorphine;

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1 13. Methylhydromorphine;

2 14. Morphine methylbromide;

3 15. Morphine methylsulfonate;

4 16. Morphine-N-Oxide;

5 17. Myrophine;

6 18. Nicocodeine;

7 19. Nicomorphine;

8 20. Normorphine;

9 21. Phoclodine; or

10 22. Thebacon.

11 C. Any material, compound, mixture, or preparation which
12 contains any quantity of the following hallucinogenic substances,
13 their salts, isomers, and salts of isomers, unless specifically
14 excepted, when the existence of these salts, isomers, and salts of
15 isomers is possible within the specific chemical designation:

16 1. Methcathinone;

17 2. 3, 4-methylenedioxy amphetamine;

18 3. 3, 4-methylenedioxy methamphetamine;

19 4. 5-methoxy-3, 4-methylenedioxy amphetamine;

20 5. 3, 4, 5-trimethoxy amphetamine;

21 6. Bufotenine;

22 7. Diethyltryptamine;

23 8. Dimethyltryptamine;

24 9. 4-methyl-2, 5-dimethoxyamphetamine;

25 10. Ibogaine;

26 11. Lysergic acid diethylamide;

27 12. Marihuana;

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1 13. Mescaline;

2 14. N-benzylpiperazine;

3 15. N-ethyl-3-piperidyl benzilate;

4 16. N-methyl-3-piperidyl benzilate;

5 17. Psilocybin;

6 18. Psilocyn;

7 19. 2, 5 dimethoxyamphetamine;

8 20. 4 Bromo-2, 5-dimethoxyamphetamine;

9 21. 4 methoxyamphetamine;

10 22. Cyclohexamine;

11 23. Salvia Divinorum;

12 24. Salvinorin A;

13 25. Thiophene Analog of Phencyclidine. Also known as: 1-

14 (1-(2-thienyl) cyclohexyl) piperidine; 2-Thienyl Analog of

15 Phencyclidine; TPCP, TCP;

16 26. Phencyclidine (PCP);

17 27. Pyrrolidine Analog for Phencyclidine. Also known as 1-

18 (1-Phencyclohexyl) - Pyrrolidine, PCPy, PHP;

19 28. 1-(2-~~trifluoromethylphenyl~~) piperazine;

20 29. 1-Butyl-3-(1-naphthoyl)indole;

21 30. 1-Pentyl-3-(1-naphthoyl)indole; [~~or~~]

22 31. (6aR,10aR)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2-

23 methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[e]chromen-1-ol; or

24 32. Any quantity of a synthetic chemical compound that

25 is a cannabinoid receptor agonist and mimics the

26 pharmacological

27 effect of naturally occurring substances including:

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1 a. naphthoylindoles structurally derived from 3-(1-
2 naphthoyl) indole by substitution at the nitrogen atom of the
3 indole ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
4 or 2-(4-morpholinyl) ethyl, whether or not further substituted in
5 the indole ring to any extent, whether or not substituted in the
6 naphthyl ring to any extent, including:

- 7 (1) JWH-004,
- 8 (2) JWH-007,
- 9 (3) JWH-009,
- 10 (4) JWH-015,
- 11 (5) JWH-016,
- 12 (6) JWH-018,
- 13 (7) JWH-019,
- 14 (8) JWH-020,
- 15 (9) JWH-046,
- 16 (10) JWH-047,
- 17 (11) JWH-048,
- 18 (12) JWH-049,
- 19 (13) JWH-050,
- 20 (14) JWH-070,
- 21 (15) JWH-071,
- 22 (16) JWH-072,
- 23 (17) JWH-073,
- 24 (18) JWH-076,

25 (19) JWH-079,

26 (20) JWH-080,

27 (21) JWH-081,

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1 (22) JWH-082,

2 (23) JWH-094,

3 (24) JWH-096,

4 (25) JWH-098,

5 (26) JWH-116,

6 (27) JWH-120,

7 (28) JWH-122,

8 (29) JWH-148,

9 (30) JWH-149,

10 (31) JWH-180,

11 (32) JWH-181,

12 (33) JWH-182,

13 (34) JWH-189,

14 (35) JWH-193,

15 (36) JWH-198,

16 (37) JWH-200,

17 (38) JWH-210,

18 (39) JWH-211,

19 (40) JWH-212,

20 (41) JWH-213,

21 (42) JWH-234,

22 (43) JWH-235,

23 (44) JWH-236,

24 (45) JWH-239,

- 25 (46) JWH-240,
26 (47) JWH-241,
27 (48) JWH-242,

- 1 (49) JWH-262,
2 (50) JWH-386,
3 (51) JWH-387,
4 (52) JWH-394,
5 (53) JWH-395,
6 (54) JWH-397,
7 (55) JWH-398,
8 (56) JWH-399,
9 (57) JWH-400,
10 (58) JWH-412,
11 (59) JWH-413,
12 (60) JWH-414, and
13 (61) JWH-415,

14 b. naphthylmethylinones structurally derived from
15 1H-indol-3-yl-(1-naphthyl) methane by substitution at the nitrogen
16 atom of the indole ring by alkyl, alkenyl, cycloalkylmethyl,
17 cycloalkylethyl, or 2-(4-morpholinyl) ethyl, whether or not
18 further substituted in the indole ring to any extent, whether or
19 not substituted in the naphthyl ring to any extent, including:

- 20 (1) JWH-175,
21 (2) JWH-184,
22 (3) JWH-185,
23 (4) JWH-192,

- 24 (5) JWH-194,
- 25 (6) JWH-195,
- 26 (7) JWH-196,
- 27 (8) JWH-197, and

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1 (9) JWH-199,
2 c. naphthoylpyrroles structurally derived from 3-(1-
3 naphthoyl) pyrrole by substitution at the nitrogen atom of the
4 pyrrole ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
5 or 2-(4-morpholinyl) ethyl, whether or not further substituted in
6 the pyrrole ring to any extent, whether or not substituted in the
7 naphthyl ring to any extent, including:

- 8 (1) JWH-030,
- 9 (2) JWH-145,
- 10 (3) JWH-146,
- 11 (4) JWH-147,
- 12 (5) JWH-150,
- 13 (6) JWH-156,
- 14 (7) JWH-243,
- 15 (8) JWH-244,
- 16 (9) JWH-245,
- 17 (10) JWH-246,
- 18 (11) JWH-292,
- 19 (12) JWH-293,
- 20 (13) JWH-307,
- 21 (14) JWH-308,
- 22 (15) JWH-346,
- 23 (16) JWH-348,

- 24 (17) JWH-363,
25 (18) JWH-364,
26 (19) JWH-365,
27 (20) JWH-367,

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- 1 (21) JWH-368,
2 (22) JWH-369,
3 (23) JWH-370,
4 (24) JWH-371,
5 (25) JWH-373, and
6 (26) JWH-392,

7 d. naphthylmethylenes structurally derived from
8 1-(1-naphthylmethyl) indene by substitution at the 3-position of
9 the indene ring by alkyl, alkenyl, cycloalkylmethyl,
10 cycloalkylethyl, or 2-(4-morpholinyl) ethyl, whether or not
11 further substituted in the indene ring to any extent, whether or
12 not substituted in the naphthyl ring to any extent, including JWH-
13 176; phenylacetylindoles structurally derived from 3-
14 phenylacetylindole by substitution at the nitrogen atom of the
15 indole ring with alkyl, alkenyl, cycloalkylmethyl,
16 cycloalkylethyl, or 2-(4-morpholinyl) ethyl, whether or not
17 further substituted in the indole ring to any extent, whether or
18 not substituted in the phenyl ring to any extent, including:

- 19 (1) JWH-167,
20 (2) JWH-201,
21 (3) JWH-202,
22 (4) JWH-203,

23 (5) JWH-204,
24 (6) JWH-205,
25 (7) JWH-206,
26 (8) JWH-207,
27 (9) JWH-208,

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1 (10) JWH-209,
2 (11) JWH-237,
3 (12) JWH-248,
4 (13) JWH-249,
5 (14) JWH-250,
6 (15) JWH-251,
7 (16) JWH-252,
8 (17) JWH-253,
9 (18) JWH-302,
10 (19) JWH-303,
11 (20) JWH-304,
12 (21) JWH-305,
13 (22) JWH-306,
14 (23) JWH-311,
15 (24) JWH-312,
16 (25) JWH-313,
17 (26) JWH-314,
18 (27) JWH-315, and
19 (28) JWH-316,

20 e. cyclohexylphenols structurally derived from 2-(3-
21 hydroxycyclohexyl) phenol by substitution at the 5-position of the
22 phenolic ring by alkyl, alkenyl, cycloalkylmethyl,

23 cycloalkylethyl, or 2-(4-morpholinyl) ethyl, whether or not
24 substituted in the cyclohexyl ring to any extent, including:
25 (1) CP-55, 940,
26 (2) CP-47, 497, and
27 (3) analogues of CP-47, 497, including VII, V, VIII,

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1 I, II, III, IV, IX, X, XI, XII, XIII, XV, and XVI, and
2 f. cannabinol derivatives, except where contained in
3 cannabis or cannabis resin, including tetrahydro derivatives of
4 cannabinol and 3-alkyl homologues of cannabinol or of its
5 tetrahydro derivatives, such as:
6 (1) delta-9-THC,
7 (2) delta-8-THC,
8 (3) nabilone,
9 (4) HU-210,
10 (5) HU-211, and
11 (6) WIN-55, 212-2.

12 D. Unless specifically excepted or unless listed in a
13 different schedule, any material, compound, mixture, or
14 preparation which contains any quantity of the following
15 substances having stimulant or depressant effect on the central
16 nervous system:

- 17 1. Fenethylamine;
- 18 2. Mecloqualone;
- 19 3. N-ethylamphetamine;
- 20 4. Methaqualone;
- 21 5. Gamma-Hydroxybutyric Acid, also known as GHB, gamma-

22 hydroxybutyrate, 4-hydroxybutyrate, 4-hydroxybutanoic acid, sodium
23 oxybate, and sodium oxybutyrate;

24 6. Gamma-Butyrolactone (GBL) as packaged, marketed,
25 manufactured or promoted for human consumption, with the exception
26 of legitimate food additive and manufacturing purposes;

27 7. Gamma Hydroxyvalerate (GHV) as packaged, marketed, or

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1 manufactured for human consumption, with the exception of
2 legitimate food additive and manufacturing purposes;

3 8. Gamma Valerolactone (GVL) as packaged, marketed, or
4 manufactured for human consumption, with the exception of
5 legitimate food additive and manufacturing purposes; or

6 9. 1,4 Butanediol (1,4 BD or BDO) as packaged, marketed,
7 manufactured, or promoted for human consumption with the exception
8 of legitimate manufacturing purposes.

9 E. 1. The following industrial uses of Gamma-
10 Butyrolactone, Gamma Hydroxyvalerate, Gamma Valerolactone, or 1,4
11 Butanediol are excluded from all schedules of controlled
12 substances under this title:

- 13 a. pesticides,
- 14 b. photochemical etching,
- 15 c. electrolytes of small batteries or capacitors,
- 16 d. viscosity modifiers in polyurethane,
- 17 e. surface etching of metal coated plastics,
- 18 f. organic paint disbursements for water soluble inks,
- 19 g. pH regulators in the dyeing of wool and polyamide
20 fibers,
- 21 h. foundry chemistry as a catalyst during curing,

- 22 i. curing agents in many coating systems based on
23 urethanes and amides,
24 j. additives and flavoring agents in food,
25 confectionary, and beverage products,
26 k. synthetic fiber and clothing production,
27 l. tetrahydrofuran production,

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- 1 m. gamma butyrolactone production,
2 n. polybutylene terephthalate resin production,
3 o. polyester raw materials for polyurethane elastomers
4 and foams,
5 p. coating resin raw material, and
6 q. as an intermediate in the manufacture of other
7 chemicals and pharmaceuticals.

8 2. At the request of any person, the Director may exempt
9 any other product containing Gamma-Butyrolactone, Gamma
10 Hydroxyvalerate, Gamma Valerolactone, or 1,4 Butanediol from being
11 included as a Schedule I controlled substance if such product is
12 labeled, marketed, manufactured and distributed for legitimate
13 industrial use in a manner that reduces or eliminates the
14 likelihood of abuse.

15 3. In making a determination regarding an industrial
16 product, the Director, after notice and hearing, shall consider
17 the following:

- 18 a. the history and current pattern of abuse,
19 b. the name and labeling of the product,
20 c. the intended manner of distribution, advertising and

21 promotion of the product, and

22 d. other factors as may be relevant to and consistent
23 with the public health and safety.

24 4. The hearing shall be held in accordance with the
25 procedures of the Administrative Procedures Act.

26 SECTION 2. AMENDATORY 63 O.S. 2001, Section 2-206, as
27 last amended by Section 2, Chapter 332, O.S.L. 2008 (63 O.S. Supp.

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1 2010, Section 2-206), is amended to read as follows:

2 Section 2-206. The controlled substances listed in this
3 section are included in Schedule II.

4 A. Any of the following substances except those narcotic
5 drugs listed in other schedules whether produced directly or
6 indirectly by extraction from substances of vegetable origin, or
7 independently by means of chemical synthesis, or by combination of
8 extraction and chemical synthesis:

9 1. Opium and opiate, and any salt, compound, derivative, or
10 preparation of opium or opiate;

11 2. Any salt, compound, isomer, derivative, or preparation
12 thereof which is chemically equivalent or identical with any of
13 the substances referred to in paragraph 1 of this subsection, but
14 not including the isoquinoline alkaloids of opium;

15 3. Opium poppy and poppy straw; or

16 4. Coca leaves except coca leaves and extracts of coca
17 leaves from which cocaine, ecgonine, and derivatives of ecgonine
18 or their salts have been removed; cocaine, its salts, optical and
19 geometric isomers, and salts of isomers; ecgonine, its
20 derivatives, their salts, isomers and salts of isomers; or any

21 compound, mixture or preparation which contains any quantity of
22 any of the substances referred to in this paragraph.

23 B. Any of the following opiates, including their isomers,
24 esters, ethers, salts, and salts of isomers, esters and ethers,
25 when the existence of these isomers, esters, ethers, and salts is
26 possible within the specific chemical designation:

27 1. Alphaprodine;

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1 2. Anileridine;

2 3. Bezitramide;

3 4. Dihydrocodeine;

4 5. Diphenoxylate;

5 6. Fentanyl;

6 7. Hydromorphone;

7 8. Isomethadone;

8 9. Levomethorphan;

9 10. Levorphanol;

10 11. Metazocine;

11 12. Methadone;

12 13. Methadone - Intermediate, 4-cyano-2-dimethylamino-4, 4-
13 diphenyl butane;

14 14. Moramide - Intermediate, 2-methyl-3-morpholino-1, 1-
15 diphenyl-propane-carboxylic acid;

16 15. Oxycodone;

17 16. Oxymorphone;

18 17. Pethidine (Meperidine);

19 18. Pethidine - Intermediate - A, 4-cyano-1-methyl-4-

20 phenylpiperidine;

21 19. Pethidine - Intermediate - B, ethyl-4-phenylpiperidine-
22 4-carboxylate;

23 20. Pethidine - Intermediate - C, 1-methyl-4-
24 phenylpiperidine-4-carboxylic acid;

25 21. Phenazocine;

26 22. Piminodine;

27 23. Racemethorphan;

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1 24. Racemorphan;

2 25. Etorphine Hydrochloride salt only;

3 26. Alfentanil hydrochloride; [~~or~~]

4 27. Levo-alphaacetylmethadol;

5 28. Codeine;

6 29. Hydrocodone;

7 30. Morphine;

8 31. Remifentanil; or

9 32. Sufentanil.

10 C. Any substance which contains any quantity of:

11 1. Methamphetamine, including its salts, isomers, and salts
12 of isomers; or

13 2. Amphetamine, its salts, optical isomers, and salts of
14 its optical isomers.

15 D. Unless specifically excepted or unless listed in another
16 schedule, any material, compound, mixture, or preparation, which
17 contains any quantity of the following substances having stimulant
18 or depressant effect on the central nervous system:

19 1. Phenmetrazine and its salts;

- 20 2. Methylphenidate;
- 21 3. Amobarbital;
- 22 4. Pentobarbital; or
- 23 5. Secobarbital.

24 SECTION 3. AMENDATORY 63 O.S. 2001, Section 2-208,
25 as amended by Section 3, Chapter 283, O.S.L. 2005 (63 O.S. Supp.
26 2010, Section 2-208), is amended to read as follows:

27 Section 2-208. The controlled substances listed in this

1 section are included in Schedule III.

2 A. Unless listed in another schedule, any material,
3 compound, mixture, or preparation, which contains any quantity of
4 the following substances or any other substance having a potential
5 for abuse associated with a stimulant or depressant effect on the
6 central nervous system:

7 1. Any substance which contains any quantity of a
8 derivative of barbituric acid, or any salt of a derivative of
9 barbituric acid unless specifically excepted or unless listed in
10 another schedule;

- 11 2. Chlorhexadol;
- 12 3. Glutethimide;
- 13 4. Lysergic acid;
- 14 5. Lysergic acid amide;
- 15 6. Methyprylon;
- 16 7. Sulfondiethylmethane;
- 17 8. Sulfonethylmethane;
- 18 9. Sulfonmethane;

- 19 10. Benzphetamine and its salts;
20 11. Chlorphentermine and its salts;
21 12. Clortermine;
22 13. Mazindol;
23 14. Phendimetrazine;
24 15. Phenylacetone (P2P);
25 16. 1-Phenycyclohexylamine;
26 17. 1-Piperidinocyclohexanecarbo nitrile (PCC);
27 18. Ketamine, its salts, isomers, and salts of isomers;

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1 19. Any material, compound, mixture, or preparation which
2 contains any quantity of the following hormonal substances or
3 steroids, including their salts, isomers, esters and salts of
4 isomers and esters, when the existence of these salts, isomers,
5 esters, and salts of isomers and esters is possible within the
6 specific chemical designation:

- 7 a. Boldenone,
8 b. Chlorotestosterone,
9 c. Clostebol,
10 d. Dehydrochlormethyltestosterone,
11 e. Dihydrotestosterone,
12 f. Drostanolone,
13 g. Ethylestrenol,
14 h. Fluoxymesterone,
15 i. Formebolone,
16 j. Mesterolone,
17 k. Methandienone,
18 l. Methandranone,

- 19 m. Methandriol,
20 n. Methandrostenolone,
21 o. Methenolone,
22 p. Methyltestosterone, except as provided in subsection
23 E of this section,
24 q. Mibolerone,
25 r. Nandrolone,
26 s. Norethandrolone,
27 t. Oxandrolone,

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- 1 u. Oxymesterone,
2 v. Oxymetholone,
3 w. Stanolone,
4 x. Stanozolol,
5 y. Testolactone,
6 z. Testosterone, except as provided in subsection E of
7 this section, and
8 aa. Trenbolone;
9 20. Tetrahydrocannabinols; ~~[ex]~~
10 21. Any drug product containing gamma-hydroxybutyric acid,
11 including its salts, isomers, and salts of isomers, for which an
12 application has been approved under Section 505 of the Federal
13 Food, Drug, and Cosmetic Act;
14 22. Buprenorphine; or
15 23. Hydrocodone with another active ingredient.
16 Livestock implants as regulated by the Federal Food and Drug
17 Administration shall be exempt.

18 B. Nalorphine.

19 C. Unless listed in another schedule, any material,
20 compound, mixture, or preparation containing limited quantities of
21 any of the following narcotic drugs, or any salts thereof:

22 1. Not more than one and eight-tenths (1.8) grams of
23 codeine or any of its salts, per one hundred (100) milliliters or
24 not more than ninety (90) milligrams per dosage unit, with an
25 equal or greater quantity of an isoquinoline alkaloid of opium;

26 2. Not more than one and eight-tenths (1.8) grams of
27 codeine or any of its salts, per one hundred (100) milliliters or

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1 not more than ninety (90) milligrams per dosage unit, with one or
2 more active, nonnarcotic ingredients in recognized therapeutic
3 amounts;

4 3. Not more than three hundred (300) milligrams of
5 dihydrocodeinone or any of its salts, per one hundred (100)
6 milliliters or not more than fifteen (15) milligrams per dosage
7 unit, with a fourfold or greater quantity of an isoquinoline
8 alkaloid of opium;

9 4. Not more than three hundred (300) milligrams of
10 dihydrocodeinone or any of its salts, per one hundred (100)
11 milliliters or not more than fifteen (15) milligrams per dosage
12 unit, with one or more active, nonnarcotic ingredients in
13 recognized therapeutic amounts;

14 5. Not more than one and eight-tenths (1.8) grams of
15 dihydrocodeine or any of its salts, per one hundred (100)
16 milliliters or not more than ninety (90) milligrams per dosage
17 unit, with one or more active, nonnarcotic ingredients in

18 recognized therapeutic amounts;

19 6. Not more than three hundred (300) milligrams of
20 ethylmorphine or any of its salts, per one hundred (100)
21 milliliters or not more than fifteen (15) milligrams per dosage
22 unit, with one or more ingredients in recognized therapeutic
23 amounts;

24 7. Not more than five hundred (500) milligrams of opium per
25 one hundred (100) milliliters or per one hundred (100) grams, or
26 not more than twenty-five (25) milligrams per dosage unit, with
27 one or more active, nonnarcotic ingredients in recognized

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1 therapeutic amounts; or

2 8. Not more than fifty (50) milligrams of morphine or any
3 of its salts, per one hundred (100) milliliters or per one hundred
4 (100) grams with one or more active, nonnarcotic ingredients in
5 recognized therapeutic amounts.

6 D. The Board of Pharmacy may except by rule any compound,
7 mixture, or preparation containing any stimulant or depressant
8 substance listed in subsections A and B of this section from the
9 application of all or any part of the Uniform Controlled Dangerous
10 Substances Act if the compound, mixture, or preparation contains
11 one or more active medicinal ingredients not having a stimulant or
12 depressant effect on the central nervous system, and if the
13 admixtures are included therein in combinations, quantity,
14 proportion, or concentration that vitiate the potential for abuse
15 of the substances which have a stimulant or depressant effect on
16 the central nervous system.

17 E. The following hormonal substances or steroids are exempt
18 from classification as Schedule III controlled dangerous
19 substances:

20 1. Estratest, containing 1.25 mg esterified estrogens and
21 2.5 mg methyltestosterone;

22 2. Estratest HS, containing 0.625 mg esterified estrogens
23 and 1.25 mg methyltestosterone;

24 3. Premarin with Methyltestosterone, containing 1.25 mg
25 conjugated estrogens and 10.0 mg methyltestosterone;

26 4. Premarin with Methyltestosterone, containing 0.625 mg
27 conjugated estrogens and 5.0 mg methyltestosterone;

24

1 5. Testosterone Cypionate - Estradiol Cypionate injection,
2 containing 50 mg/ml Testosterone Cypionate; and

3 6. Testosterone Enanthate - Estradiol Valerate injection,
4 containing 90 mg/ml Testosterone Enanthate and 4 mg/ml Estradiol
5 Valerate.

6 SECTION 4. AMENDATORY 63 O.S. 2001, Section 2-210, as
7 last amended by Section 3, Chapter 248, O.S.L. 2007 (63 O.S. Supp.
8 2010, Section 2-210), is amended to read as follows:

9 Section 2-210. A. Any material, compound, mixture, or
10 preparation which contains any quantity of the following
11 substances having a potential for abuse associated with a
12 stimulant or depressant effect on the central nervous system:

13 1. Chloral betaine;

14 2. Chloral hydrate;

15 3. Ethchlorvynol;

16 4. Ethinamate;

- 17 5. Meprobamate;
- 18 6. Paraldehyde;
- 19 7. Petrichloral;
- 20 8. Diethylpropion;
- 21 9. Phentermine;
- 22 10. Pemoline;
- 23 11. Chlordiazepoxide;
- 24 12. Chlordiazepoxide and its salts, but not including
- 25 chlordiazepoxide hydrochloride and clidinium bromide or
- 26 chlordiazepoxide and water-soluble esterified estrogens;
- 27 13. Diazepam;

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- 1 14. Oxazepam;
- 2 15. Clorazepate;
- 3 16. Flurazepam and its salts;
- 4 17. Clonazepam;
- 5 18. Barbital;
- 6 19. Mebutamate;
- 7 20. Methohexital;
- 8 21. Methylphenobarbital;
- 9 22. Phenobarbital;
- 10 23. Fenfluramine;
- 11 24. Pentazocine;
- 12 25. Propoxyphene;
- 13 26. Butorphanol;
- 14 27. Alprazolam;
- 15 28. Halazepam;

- 16 29. Lorazepam;
- 17 30. Prazepam;
- 18 31. Temazepam;
- 19 32. Triazolam;
- 20 33. Carisoprodol;
- 21 34. Ephedrine, its salts, optical isomers, and salts of
- 22 optical isomers as the only active ingredient, or in combination
- 23 with other active ingredients; [~~ex~~]
- 24 35. Dichloralphenazone;
- 25 36. Estazolam;
- 26 37. Eszopiclone;
- 27 38. Midazolam;

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- 1 39. Modafinil;
- 2 40. Zaleplon; or
- 3 41. Zolpidem.
- 4 B. 1. The following nonnarcotic substances, which may,
- 5 under the Federal Food, Drug, and Cosmetic Act (21 U.S.C., Section
- 6 301), be lawfully sold over the counter without a prescription,
- 7 are excluded from all schedules of controlled substances under
- 8 this title:
- 9 a. Breathe-Aid,
- 10 b. BronCare,
- 11 c. Bronchial Congestion,
- 12 d. Bronkaid Tablets,
- 13 e. Bronkaid Dual Action Caplets,
- 14 f. Bronkotabs,
- 15 g. Bronkolixir,

- 16 h. NeoRespin,
- 17 i. Pazo Hemorrhoid Ointment and Suppositories,
- 18 j. Primatene Tablets,
- 19 k. Primatene "Dual Action" Formula,
- 20 l. Quelidrine,
- 21 m. Resp, and
- 22 n. Vatronal Nose Drops.

23 2. At the request of any person, the Director may exempt
24 any other drug product containing ephedrine from being included as
25 a Schedule IV controlled substance if such product:

- 26 a. is labeled and marketed in a manner consistent with
27 the pertinent OTC tentative final or final monograph issued by the

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1 FDA, and

- 2 b. is manufactured and distributed for legitimate
3 medicinal use and in a manner that reduces or eliminates the
4 likelihood of abuse.

5 3. In making a determination regarding a drug product, the
6 Director, after notice and hearing, shall consider the following:

- 7 a. the history and current pattern of abuse,
- 8 b. the name and labeling of the product,
- 9 c. the intended manner of distribution, advertising and
10 promotion of the product, and
- 11 d. other factors as may be relevant to and consistent
12 with the public health and safety.

13 4. The hearing shall be held in accordance with the
14 Administrative Procedures Act.

15 5. A list of current drug products meeting exemption
16 requirements under this subsection may be obtained from the Bureau
17 upon written request.

18 C. The Board of Pharmacy may except by rule any compound,
19 mixture, or preparation containing any depressant substance listed
20 in subsection A of this section from the application of all or any
21 part of the Uniform Controlled Dangerous Substances Act, Section
22 2-101 et seq. of this title, if the compound, mixture, or
23 preparation contains one or more active medicinal ingredients not
24 having a depressant effect on the central nervous system, and if
25 the admixtures are included therein in combinations, quantity,
26 proportion, or concentration that vitiate the potential for abuse
27 of the substances which have a depressant effect on the central

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1 nervous system.

2 SECTION 5. AMENDATORY 63 O.S. 2001, Section 2-212,
3 as last amended by Section 4, Chapter 458, O.S.L. 2010 (63 O.S.
4 Supp. 2010, Section 2-212), is amended to read as follows:

5 Section 2-212. A. The controlled substances listed in this
6 section are included in Schedule V.

7 1. Any compound, mixture, or preparation containing limited
8 quantities of any of the following narcotic drugs, which also
9 contains one or more nonnarcotic active medicinal ingredients in
10 sufficient proportion to confer upon the compound, mixture, or
11 preparation, valuable medicinal qualities other than those
12 possessed by the narcotic drug alone:

13 a. not more than two hundred (200) milligrams of
14 codeine, or any of its salts, per one hundred (100) milliliters or

15 per one hundred (100) grams,

16 b. not more than one hundred (100) milligrams of
17 dihydrocodeine, or any of its salts, per one hundred (100)
18 milliliters or per one hundred (100) grams,

19 c. not more than one hundred (100) milligrams of
20 ethylmorphine, or any of its salts, per one hundred (100)
21 milliliters or per one hundred (100) grams,

22 d. not more than two and five-tenths (2.5) milligrams
23 of diphenoxylate and not less than twenty-five (25) micrograms of
24 atropine sulfate per dosage unit, or

25 e. not more than one hundred (100) milligrams of opium
26 per one hundred (100) milliliters or per one hundred (100) grams.

27 2. Any compound, mixture, or preparation containing any

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1 detectable quantity of pseudoephedrine, its salts or optical
2 isomers, or salts of optical isomers. If any compound, mixture,
3 or preparation as specified in this paragraph is dispensed, sold,
4 or distributed in a pharmacy:

5 a. it shall be dispensed, sold, or distributed only by,
6 or under the supervision of, a licensed pharmacist or a registered
7 pharmacy technician, and

8 b. any person purchasing, receiving, or otherwise
9 acquiring any compound, mixture, or preparation shall produce a
10 driver license, passport, military identification, or other state-
11 issued identification card and shall sign a written log, receipt,
12 or other program or mechanism approved by the Oklahoma Bureau of
13 Narcotics and Dangerous Drugs Control, showing:

- 14 (1) the date of the transaction,
15 (2) name of the purchaser,
16 (3) driver license number, passport, military
17 identification, or state-issued identification number and state of
18 residence of the purchaser,
19 (4) name and initials of the pharmacist or pharmacy
20 technician conducting the transaction,
21 (5) the product being sold, and
22 (6) total quantity, in grams or milligrams, of
23 pseudoephedrine purchased.

24 No person shall purchase, receive, or otherwise acquire more
25 than nine (9) grams of any product, mixture, or preparation within
26 any thirty-day period. Provided, the requirements of this
27 subsection shall not apply to any quantity of such product,

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1 mixture or preparation dispensed pursuant to a valid prescription.

2 B. The Schedule, as specified in paragraph 2 of subsection
3 A, shall not apply to any compounds, mixtures, or preparations
4 which are in liquid, liquid capsule, or gel capsule form if
5 pseudoephedrine is not the only active ingredient.

6 C. The Director of the Oklahoma State Bureau of Narcotics
7 and Dangerous Drugs Control, by rule, may exempt other products
8 from this Schedule which the Director finds are not used in the
9 illegal manufacture of methamphetamine or other controlled
10 dangerous substances. A manufacturer of a drug product may apply
11 for removal of the product from the Schedule if the product is
12 determined by the Director to have been formulated in such a way
13 as to effectively prevent the conversion of the active ingredient

14 into methamphetamine.

15 D. As used in this section:

16 1. "Gel capsule" means any soft gelatin, liquid-filled
17 capsule that contains a liquid suspension, which, in the case of
18 pseudoephedrine, is suspended in a matrix of glycerin,
19 polyethylene glycol, and propylene glycol, along with other liquid
20 substances. Regardless of product manufacturer labeling, a
21 gelatin-covered solid does not constitute a gel capsule under this
22 definition; and

23 2. "Active ingredient" shall include the matrix of
24 glycerin, polyethylene glycol, and propylene glycol that is found
25 in liquid capsules.

26 E. Pregabalin.

27 SECTION 6. AMENDATORY 63 O.S. 2001, Section 2-309,

1 as amended by Section 2, Chapter 273, O.S.L. 2008 (63 O.S. Supp.
2 2010, Section 2-309), is amended to read as follows:

3 Section 2-309. A. 1. Except for dosages medically
4 required for a period not to exceed forty-eight (48) hours which
5 are administered by or on direction of a practitioner, other than
6 a pharmacist, or medication dispensed directly by a practitioner,
7 other than a pharmacist, to an ultimate user, no controlled
8 dangerous substance included in Schedule II, which is a
9 prescription drug as determined under regulation promulgated by
10 the Board of Pharmacy, may be dispensed without the written
11 prescription of a practitioner; provided, that, in emergency
12 situations, as prescribed by the Board of Pharmacy by regulation,

13 such drug may be dispensed upon oral prescription reduced promptly
14 to writing and filed by the pharmacist in a manner to be
15 prescribed by rules and regulations of the Director.

16 2. The transmission of written prescription by practitioner
17 to dispensing pharmacy by facsimile or electronic transmission
18 with electronic signature is permitted only under the following
19 conditions:

20 a. for Schedule II drugs, the original prescription
21 must be presented and verified against the facsimile at the time
22 the substances are actually dispensed, and the original document
23 must be properly annotated and retained for filing, except:

24 (1) home infusion pharmacy may consider the facsimile
25 to be a "written prescription" as required by this act and as
26 required by Title 21 U.S.C., Section 829(a). The facsimile copy
27 of the prescription shall be retained as an original prescription,

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1 and it must contain all the information required by this act and
2 21 CFR, Section 1306.05(a), including date issued, the patient's
3 full name and address, and the practitioner's name, address, DEA
4 registration number, and signature. The exception to the
5 regulations for home infusion/IV therapy is intended to facilitate
6 the means by which home infusion pharmacies obtain prescriptions
7 for patients requiring the frequently modified parenteral
8 controlled release administration of narcotic substances, but does
9 not extend to the dispensing of oral dosage units of controlled
10 substances, and

11 (2) the same exception is granted to patients in Long
12 Term Care facilities (LTCF), which are filled by and delivered to

13 the facility by a dispensing pharmacy, and

14 b. for drugs in Schedules III and IV, a facsimile copy
15 of a written, signed prescription transmitted directly by the
16 prescribing practitioner to the pharmacy can serve as an original
17 prescription. Electronic prescribing may be utilized for
18 Schedules III and IV subject to the same requirements as set forth
19 in 21 CFR, Section 1311 et seq.

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

23 B. 1. Except for dosages medically required for a period
24 not to exceed forty-eight (48) hours which are administered by or
25 on direction of a practitioner, other than a pharmacist, or
26 medication dispensed directly by a practitioner, other than a
27 pharmacist, to an ultimate user, no controlled dangerous substance

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1 included in Schedule III or IV, which is a prescription drug as
2 determined under regulation promulgated by the Board of Pharmacy,
3 may be dispensed without a written or oral prescription.

4 2. A written or oral prescription for a controlled
5 dangerous substance in Schedule III or IV may not be filled or
6 refilled more than six (6) months after the date thereof or be
7 refilled more than five times after the date of the prescription,
8 unless renewed by the practitioner.

9 C. No controlled dangerous substance included in Schedule V
10 may be distributed or dispensed other than for a legitimate
11 medical or scientific purpose.

12 D. Except for dosages medically required for a period not
13 to exceed forty-eight (48) hours which are administered by or on
14 direction of a practitioner, other than a pharmacist, or
15 medication dispensed directly by a practitioner, other than a
16 pharmacist, to an ultimate user, tincture opium camphorated,
17 commonly known as paregoric, may not be dispensed without a
18 written or oral prescription. The refilling of a prescription for
19 paregoric shall be unlawful unless permission is granted by the
20 prescriber, either written or oral.

21 E. Whenever it appears to the Director that a drug not
22 considered to be a prescription drug under existing state law or
23 regulation of the Board of Pharmacy should be so considered
24 because of its abuse potential, he shall so advise the Board of
25 Pharmacy and furnish to him all available data relevant thereto.

26 F. "Prescription", as used herein, means a written or oral
27 order by a practitioner to a pharmacist for a controlled dangerous

1 substance for a particular patient, which specifies the date of
2 its issue, and the full name and address of the patient; if the
3 controlled dangerous substance is prescribed for an animal, the
4 species of the animal; the name and quantity of the controlled
5 dangerous substance prescribed; the directions for use; the name
6 and address of the owner of the animal and, if written, the
7 signature of the practitioner.

8 G. No person shall solicit, dispense, receive or deliver
9 any controlled dangerous substance through the mail, unless the
10 ultimate user is personally known to the practitioner and
11 circumstances clearly indicate such method of delivery is in the

12 best interest of the health and welfare of the ultimate user.

13 SECTION 7. This act shall become effective November 1,

14 2011.

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