

**TITLE 475. OKLAHOMA STATE BUREAU OF NARCOTICS AND DANGEROUS
DRUGS CONTROL
CHAPTER 20. SECURITY REQUIREMENTS**

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

475:20-1-5. Other security controls for nonpractitioner registrants [AMENDED]

AUTHORITY:

The Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, 63 O.S. §§ 2-301, 2-309H.

COMMENT PERIOD:

February 3, 2014 through March 5, 2014

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ADOPTION:

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SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

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APPROVED BY GOVERNOR'S DECLARATION:

Approved by Governor's declaration on June 19, 2014

FINAL ADOPTION:

June 19, 2014

EFFECTIVE:

September 12, 2014

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

ANALYSIS:

475:20-1-5. Other security controls for nonpractitioner registrants [AMENDED] – defines the process that must be followed to distribute samples of controlled dangerous substances.

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(5) AND 308(E), WITH AN EFFECTIVE DATE OF SEPTEMBER 12, 2014:

475:20-1-5. Other security controls for nonpractitioner registrants

(a) Before distributing a controlled dangerous substance to any person whom the registrant does not know to be registered to possess the controlled dangerous substance, the registrant shall make a good-faith inquiry either with the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control or with the Drug Enforcement Administration to determine that the person is registered to possess the controlled substance.

(b) The registrant shall design and operate a system to disclose to the registrant suspicious orders of controlled dangerous substances. The registrant shall inform the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control of suspicious orders when discovered by the registrant. Suspicious orders include orders of unusual size, orders deviating substantially from a normal pattern, and orders of unusual frequency.

(c) All registrants shall notify the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control of any theft or significant loss of any controlled dangerous substances upon discovery of such theft or loss. Notification shall be made in writing and shall contain a list of the substances stolen or diverted by their trade name, quantities, descriptions, amount lost or stolen, and any cost code marks utilized. Thefts must be reported whether or not the controlled dangerous substances are subsequently recovered and/or the responsible parties are identified and action taken against them.

(d) No person acting as an agent of a registered controlled dangerous substances manufacturer or distributor (i.e., detailman, salesman, etc.) shall distribute samples of controlled dangerous substances to a practitioner without first having been registered (no fee required) with the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control.

(1) To register with the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control to distribute samples of controlled dangerous substances a form must be filled out and submitted to the Registration Department. Such forms may be obtained through the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control website or by calling the Registration Department.

(2) A new form shall be completed and submitted to the registration department each time the list of items to be distributed changes.

(3) A copy of the form submitted to the Oklahoma State Bureau of Narcotics shall be retained by the distributor.

(4) The practitioner receiving the samples shall keep a record each time he/she receives or distributes samples of controlled dangerous substances.

(e) When shipping controlled dangerous substances, a registrant is responsible for selecting common or contract carriers which provide adequate security to guard against in-transit losses. When storing controlled dangerous substances in a public warehouse, a registrant is responsible for selecting a warehouseman which will provide adequate security to guard against storage losses; wherever possible, the registrant shall store controlled dangerous substances in a public warehouse which complies with the requirements set forth in this Chapter. In addition, the registrant shall employ precautions (e.g., assuring that shipping containers do not indicate that contents are controlled dangerous substances) to guard against storage or in-transit losses and comply with all current Federal regulations. Reporting the loss of in-transit shipments is the responsibility of the registrant shipping the controlled dangerous substances.

(f) When distributing controlled dangerous substances through agents (e.g., detailmen), a registrant is responsible for providing and requiring adequate security to guard against theft and diversion while the controlled dangerous substances are being stored or handled by the agent(s).

(g) No registrant shall knowingly employ as an agent or employee any person who will have access to controlled dangerous substances if such person has been convicted, pled guilty or nolo contendere or otherwise ordered to complete a period of probation or supervision for a misdemeanor or felony relating to any controlled dangerous substances as defined by the Uniform Controlled Dangerous Substances Act in this state, any other state, or the United States, or any person convicted, pled guilty or nolo contendere or otherwise ordered to complete a

period of probation or supervision for any felony of this state, any other state, or the United States, unless, after full review of the circumstances, the Director waives this requirement in writing with respect to each person on a case-by-case basis.

(h) The registrant shall immediately notify OBN and seek authorization to employ any individual as specified above.

ATTESTATION

I, the undersigned, do hereby attest that the copy enclosed herewith is a true and correct copy of amendments to Chapter 20, Security Requirements, which were considered finally adopted by the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control on June 19, 2014 under permanent rulemaking provisions of the Administrative Procedures Act, 75 O.S., Sections 250 et seq.

I, the undersigned, do hereby attest that such rule was finally adopted in substantial compliance with the Administrative Procedures Act.

s/Marie Schuble
Marie Schuble
Staff Attorney
Oklahoma State Bureau of Narcotics
and Dangerous Drugs Control
June 19, 2014