

1 ENGROSSED SENATE
2 BILL NO. 444

By: Rader of the Senate

and

Caldwell (Chad) of the
House

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6 An Act relating to controlled dangerous substances;
7 amending 63 O.S. 2021, Sections 2-315 and 2-508,
8 which relate to destruction of controlled dangerous
9 substances and disposition of seized property;
10 modifying and removing requirements and procedures
11 related to destruction; modifying terminology;
12 requiring compliance with federal regulation;
13 allowing ultimate user to submit own drugs for
14 destruction under certain conditions; permitting
15 destruction of decedent's prescribed drugs under
16 certain conditions; authorizing qualified hospice
17 program to destroy decedent's prescribed drugs under
18 certain conditions; requiring completion and
19 submission of certain form; defining terms; removing
20 requirement for certain destruction site; updating
21 statutory language; updating statutory references;
22 and providing an effective date.

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

24 SECTION 1. AMENDATORY 63 O.S. 2021, Section 2-315, is
amended to read as follows:

Section 2-315. A. Except as otherwise provided by law, any
person required to obtain an annual registration pursuant to Section
2-302 of this title, or any group home, or residential care home as
defined by Section 1-820 of this title shall ~~submit for destruction~~
destroy all controlled dangerous substances which are out of date,

1 ~~which are unwanted, unused, or which are~~ abandoned by their owner at
2 their facility due to death or other circumstances.

3 B. All controlled dangerous substances described in subsection
4 A of this section shall be ~~submitted to the Oklahoma City laboratory~~
5 ~~of the Oklahoma State Bureau of Investigation, along with all~~
6 ~~required information on forms provided by the Oklahoma State Bureau~~
7 ~~of Investigation, to the federal Drug Enforcement Administration, to~~
8 ~~a duly registered reverse distributor, to the original registered~~
9 ~~supplier or their registered agent, to a duly registered retail~~
10 ~~pharmacy, or to a hospital or clinic with an on-site pharmacy~~
11 destroyed pursuant to the rules set forth in Part 1317 of Title 21
12 ~~of the Code of Federal Regulations~~ 21 C.F.R., Part 1317. When any
13 such substance is transported by private contract or common carrier
14 or United States Postal Service for the purpose of destruction, the
15 sender shall require a receipt from such private contract or common
16 carrier or United States Postal Service, and such receipt shall be
17 retained as a permanent record by the sender.

18 C. ~~Controlled dangerous substances submitted to the Oklahoma~~
19 ~~State Bureau of Investigation pursuant to the provisions of this~~
20 ~~section shall be destroyed pursuant to the procedures provided in~~
21 ~~subsection A of Section 2-508 of this title.~~

22 Controlled dangerous substances submitted to any distributors,
23 reverse distributors, or their original registered suppliers
24 pursuant to the provisions of this section shall be destroyed by

1 ~~incineration so as to make the substance absolutely unusable for~~
2 ~~human purposes~~ in accordance with 21 C.F.R., Part 1317. An official
3 record listing the property destroyed, the location of destruction
4 and disposal, and the name and title of the person supervising the
5 destruction and disposal shall be submitted to the Oklahoma State
6 Bureau of Narcotics and Dangerous Drugs Control and the Diversion
7 Control Division of the federal Drug Enforcement Administration
8 ~~office located nearest the destruction site.~~

9 D. The Office of the Chief Medical Examiner is hereby
10 authorized, in accordance with 21 C.F.R., Part 1317, to perform on-
11 site ~~incineration~~ destruction of all controlled dangerous substances
12 which are obtained in the discharge of the official duties of the
13 Chief Medical Examiner. Any record relating to destruction of a
14 controlled dangerous substance shall be maintained as required by
15 the state or federal government and shall be available for
16 inspection by appropriate state or federal government regulatory
17 agencies.

18 E. 1. An ultimate user who has lawfully obtained a controlled
19 dangerous substance in accordance with state and federal law may,
20 without being registered under Section 2-302 of this title, deliver
21 the controlled dangerous substance to an authorized person for the
22 purpose of destruction of the controlled dangerous substance under
23 the conditions provided by 21 U.S.C., Section 822(g)(1).
24

1 2. If a person dies while lawfully in possession of a
2 controlled dangerous substance for personal use, any person lawfully
3 entitled to dispose of the decedent's property may deliver the
4 controlled dangerous substance to another person for the purpose of
5 destruction under the conditions provided by 21 U.S.C., Section
6 822(g) (4).

7 3. a. In the case of a decedent who was receiving hospice
8 care at the time of death, an employee of a qualified
9 hospice program, acting within the scope of his or her
10 employment, may handle, without being registered under
11 Section 2-302 of this title, any controlled dangerous
12 substance that was lawfully dispensed to the decedent
13 prior to death, under the conditions provided by 21
14 U.S.C., Section 822(g) (5). Such employee shall, under
15 penalty of perjury, complete, sign, and submit to the
16 Oklahoma State Bureau of Narcotics and Dangerous Drugs
17 Control a form to be prescribed by the Bureau. The
18 form shall also be signed by a witness who is either a
19 second employee of the qualified hospice program or a
20 family member of the decedent.

21 b. As used in this paragraph:

22 (1) "employee of a qualified hospice program" has the
23 same meaning as provided by 21 U.S.C., Section
24 822(g) (5) (B), and

1 (2) "qualified hospice program" means a qualified
2 hospice program as defined in 21 U.S.C., Section
3 822(g) (5) (B) that is licensed under the Oklahoma
4 Hospice Licensing Act and registered under
5 Section 2-302 of this title.

6 F. This section shall constitute a part of the Uniform
7 Controlled Dangerous Substances Act.

8 SECTION 2. AMENDATORY 63 O.S. 2021, Section 2-508, is
9 amended to read as follows:

10 Section 2-508. A. Except as otherwise provided, all property
11 described in paragraphs 1 and 2 of subsection A of Section 2-503 of
12 this title which is seized or surrendered pursuant to the provisions
13 of the Uniform Controlled Dangerous Substances Act shall be
14 destroyed pursuant to 21 C.F.R., Part 1317. The destruction shall
15 be done by or at the direction of the Oklahoma State Bureau of
16 Narcotics and Dangerous Drugs Control (OSBNDD), who shall have the
17 discretion prior to destruction to preserve samples of the substance
18 for testing. ~~In any county with a population of four hundred~~
19 ~~thousand (400,000) or more according to the latest Federal Decennial~~
20 ~~Census, there shall be a located site, approved by the OSBNDD, for~~
21 ~~the destruction of the property.~~ Any such property submitted to the
22 OSBNDD which it deems to be of use for investigative training, or
23 educational, or analytical purposes may be retained by the OSBNDD in
24 lieu of destruction.

1 B. 1. With respect to controlled dangerous substances seized
2 or surrendered pursuant to the provisions of the Uniform Controlled
3 Dangerous Substances Act, municipal police departments, sheriffs,
4 the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control
5 ~~Commission~~, the Oklahoma Highway Patrol, and the Oklahoma State
6 Bureau of Investigation shall have the authority to destroy seized
7 controlled dangerous substances when the amount seized in a single
8 incident exceeds ten (10) pounds. The destroying agency shall:

- 9 a. photograph the seized substance with identifying case
10 numbers or other means of identification,
- 11 b. prepare a report describing the seized substance prior
12 to the destruction,
- 13 c. retain at least one (1) pound of the substance
14 randomly selected from the seized substance for the
15 purpose of evidence, and
- 16 d. obtain and retain samples of the substance from enough
17 containers, bales, bricks, or other units of substance
18 seized to establish the presence of a weight of the
19 substance necessary to establish a violation of the
20 Trafficking in Illegal Drugs Act pursuant to
21 subsection C of Section 2-415 of this title, if such a
22 weight is present. If such a weight is not present,
23 samples of the substance from each container, bale,
24 brick, or other unit of substance seized shall be

1 taken. Each sample taken pursuant to this section
2 shall be large enough for the destroying agency and
3 the defendant or suspect to have an independent test
4 performed on the substance for purposes of
5 identification.

6 2. If a defendant or suspect is known to the destroying agency,
7 the destroying agency shall give at least seven (7) days' written
8 notice to the defendant, suspect, or counsel for the defendant or
9 suspect of:

10 a. the date, the time, and the place where the
11 photographing will take place and notice of the right
12 to attend the photographing, and

13 b. the right to obtain samples of the controlled
14 dangerous substance for independent testing and use as
15 evidence.

16 3. The written notice shall also inform the defendant, suspect,
17 or counsel for the defendant or suspect that the destroying agency
18 must be notified in writing within seven (7) days from receipt of
19 the notice of the intent of the suspect or defendant to obtain
20 random samples and make arrangements for the taking of samples. The
21 samples for the defendant or suspect must be taken by a person
22 licensed by the federal Drug Enforcement Administration. If the
23 defendant or counsel for the defendant fails to notify the
24 destroying agency in writing of an intent to obtain samples and

1 fails to make arrangements for the taking of samples, a sample taken
2 pursuant to subparagraph d of paragraph 1 of this subsection shall
3 be made available upon request of the defendant or suspect.

4 The representative samples, ~~the~~ photographs, ~~the~~ reports, and
5 ~~the~~ records made under this section and properly identified shall be
6 admissible in any court or administrative proceeding for any
7 purposes for which the seized substance itself would have been
8 admissible.

9 C. All other property not otherwise provided for in the Uniform
10 Controlled Dangerous Substances Act which has come into the
11 possession of the Oklahoma State Bureau of Narcotics and Dangerous
12 Drugs Control, the Department of Public Safety, the Oklahoma State
13 Bureau of Investigation, the Alcoholic Beverage Laws Enforcement
14 Commission, the Department of Corrections, the Office of the
15 Attorney General, or a district attorney may be disposed of by order
16 of the district court when no longer needed in connection with any
17 litigation. If the owner of the property is unknown to the agency
18 or district attorney, the agency or district attorney shall hold the
19 property for at least six (6) months prior to filing a petition for
20 disposal with the district court except for laboratory equipment
21 which may be forfeited when no longer needed in connection with
22 litigation, unless the property is perishable. The ~~Director~~
23 director or ~~Commissioner~~ commissioner of the agency, ~~the~~ Attorney
24 General, or district attorney shall file a petition in the district

1 court of Oklahoma County or in the case of a district attorney, the
2 petition shall be filed in a county within the jurisdiction of the
3 district attorney requesting the authority to:

4 1. Conduct a sale of the property at a public auction or use an
5 Internet auction, which may include online bidding; or

6 2. Convert title of the property to the Oklahoma State Bureau
7 of Narcotics and Dangerous Drugs Control, the Department of Public
8 Safety, the Oklahoma State Bureau of Investigation, the Alcoholic
9 Beverage Laws Enforcement Commission, the Department of Corrections,
10 the Office of the Attorney General, or to the district attorney's
11 office for the purposes provided for in subsection J, K, or L of
12 this section.

13 The ~~Director~~ director, ~~Commissioner~~ commissioner, Attorney
14 General or district attorney shall attach to the petition:

- 15 a. a list describing the property, including all
16 identifying numbers and marks, if any,
17 b. the date the property came into the possession of the
18 agency or district attorney, and
19 c. the name and address of the owner, if known.

20 For any item having an apparent value in excess of One Hundred
21 Dollars (\$100.00), but less than Five Hundred Dollars (\$500.00), the
22 notice of the hearing of the petition for the sale of the property,
23 except laboratory equipment used in the processing, manufacturing,
24 or compounding of controlled dangerous substances in violation of

1 the provisions of the Uniform Controlled Dangerous Substances Act,
2 shall be given to every known owner, as set forth in the petition,
3 by first-class mail to the last-known address of the owner at least
4 ten (10) days prior to the date of the hearing. An affidavit of
5 notice being sent shall be filed with the court by a representative
6 of the agency, the ~~Director~~ director or ~~Commissioner~~ commissioner of
7 the agency, ~~the~~ Attorney General, or district attorney. For items
8 in excess of Five Hundred Dollars (\$500.00), a notice of the hearing
9 of the petition for the sale of ~~said~~ such property shall be
10 delivered to every known owner as set forth in the petition by
11 certified mail. Notice of a hearing on a petition for forfeiture or
12 sale of laboratory equipment used in the processing, manufacturing,
13 or compounding of controlled dangerous substances in violation of
14 the Uniform Controlled Dangerous Substances Act shall not be
15 required.

16 The notice shall contain a brief description of the property,
17 and the location and date of the hearing. In addition, notice of
18 the hearing shall be posted in three public places in the county,
19 one such place being the county courthouse at the regular place
20 assigned for the posting of legal notices. At the hearing, if no
21 owner appears and establishes ownership of the property, the court
22 may enter an order authorizing the ~~Director~~ director, ~~Commissioner~~
23 commissioner, Attorney General, or district attorney to donate the
24 property pursuant to subsection J, K, or L of this section ~~7~~ 7i to sell

1 the property at a public auction, including an Internet auction,
2 which may include online bidding, to the highest bidder; or to
3 convert title of the property to the Oklahoma State Bureau of
4 Narcotics and Dangerous Drugs Control, the Department of Public
5 Safety, the Oklahoma State Bureau of Investigation, the Alcoholic
6 Beverage Laws Enforcement Commission, the Department of Corrections,
7 or the Office of the Attorney General for the purposes provided for
8 in subsection J, K, or L of this section after at least ten (10)
9 ~~days of~~ days' notice has been given by publication in one issue of a
10 legal newspaper of the county. If the property is offered for sale
11 at public auction, including an Internet auction, and no bid is
12 received that exceeds fifty percent (50%) of the value of the
13 property, such value to be announced prior to the sale, the ~~Director~~
14 director, ~~Commissioner~~ commissioner, Attorney General, or district
15 attorney may refuse to sell the item pursuant to any bid received.
16 The ~~Director~~ director, ~~Commissioner~~ commissioner, Attorney General,
17 or district attorney shall make a return of the sale and, when
18 confirmed by the court, the order confirming the sale shall vest in
19 the purchaser title to the property so purchased.

20 D. The money received from the sale of property by the Oklahoma
21 State Bureau of Narcotics and Dangerous Drugs Control shall be used
22 for general drug enforcement purposes. These funds shall be
23 transferred to the Bureau of Narcotics Revolving Fund established
24 pursuant to Section 2-107 of this title or in the case of a district

1 attorney, the revolving fund provided for in paragraph 3 of
2 subsection L of Section 2-506 of this title.

3 E. At the request of the Department of Public Safety, the
4 district attorney or a designee of the district attorney may conduct
5 any forfeiture proceedings as described in Section 2-503 of this
6 title on any property subject to forfeiture as described in
7 subsection A, B, or C of Section 2-503 of this title. The money
8 received from the sale of property by the Department of Public
9 Safety shall be deposited in the Department of Public Safety
10 Restricted Revolving Fund and shall be expended for law enforcement
11 purposes.

12 F. The money received from the sale of property by the
13 Alcoholic Beverage Laws Enforcement Commission shall be deposited in
14 the General Revenue Fund of the state.

15 G. The money received from the sale of property from the
16 Oklahoma State Bureau of Investigation shall be deposited in the
17 OSBI Revolving Fund and shall be expended for law enforcement
18 purposes.

19 H. The Director of the Department of Corrections shall make a
20 return of the sale and when confirmed by the court, the order
21 confirming the sale shall vest in the purchaser title to the
22 property so purchased. Twenty-five percent (25%) of the money
23 received from the sale shall be disbursed to a revolving fund in the
24 office of the county treasurer of the county wherein the property

1 was seized, ~~said~~ such fund to be used as a revolving fund solely for
2 enforcement of controlled dangerous substances laws, drug abuse
3 prevention, and drug abuse education. The remaining seventy-five
4 percent (75%) shall be deposited in the Department of Corrections
5 Revolving Fund to be expended for equipment for probation and parole
6 officers and correctional officers.

7 I. The money received from the sale of property from the Office
8 of the Attorney General shall be deposited in the ~~Attorney General~~
9 General's Law Enforcement Revolving Fund and shall be expended for
10 law enforcement purposes. The Office of the Attorney General may
11 enter into agreements with municipal, county, or state agencies to
12 return to such an agency a percentage of proceeds of the sale of any
13 property seized by the agency and forfeited under the provisions of
14 this section.

15 J. Any property, including, but not limited to, uncontaminated
16 laboratory equipment used in the processing, manufacturing, or
17 compounding of controlled dangerous substances in violation of the
18 provisions of the Uniform Controlled Dangerous Substances Act, upon
19 a court order, may be donated for classroom or laboratory use by the
20 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control,
21 Department of Public Safety, district attorney, the Alcoholic
22 Beverage Laws Enforcement Commission, the Department of Corrections,
23 or the Office of the Attorney General to any public secondary school
24 or technology center school in this state or any institution of

1 higher education within The Oklahoma State System of Higher
2 Education.

3 K. Any vehicle or firearm which has come into the possession
4 and title vested in the Oklahoma State Bureau of Narcotics and
5 Dangerous Drugs Control, the Department of Public Safety, the
6 Oklahoma State Bureau of Investigation, the Office of the Attorney
7 General, or a district attorney, may be transferred, donated, or
8 offered for lease to any sheriff's office, tribal law enforcement
9 agency, campus police department pursuant to the provisions of the
10 Oklahoma Campus Security Act, or police department in this state on
11 an annual basis to assist with the enforcement of the provisions of
12 the Uniform Controlled Dangerous Substances Act. Each agency shall
13 promulgate rules, regulations, and procedures for leasing vehicles
14 and firearms. No fully automatic weapons will be subject to the
15 leasing agreement. All firearms leased may be utilized only by
16 ~~C.I.E.E.T.-certified~~ CLEET-certified officers who have received
17 training in the type and class of weapon leased. Every lessee shall
18 be required to submit an annual report to the leasing agency stating
19 the condition of all leased property. A lease agreement may be
20 renewed annually at the option of the leasing agency. Upon
21 termination of a lease agreement, the property shall be returned to
22 the leasing agency for sale or other disposition. All funds derived
23 from lease agreements or other disposition of property no longer
24 useful to law enforcement shall be deposited in the agency's

1 revolving fund, or in the case of the Department of Public Safety,
2 the Department of Public Safety Restricted Revolving Fund, and shall
3 be expended for law enforcement purposes.

4 L. Before disposing of any property pursuant to subsections C
5 through I of this section, the Oklahoma State Bureau of Narcotics
6 and Dangerous Drugs Control, the Department of Public Safety, the
7 Alcoholic Beverage Laws Enforcement Commission, the Oklahoma State
8 Bureau of Investigation, the Department of Corrections, the Office
9 of the Attorney General, or a district attorney may transfer or
10 donate the property to another state agency, tribal law enforcement
11 agency, or school district for use upon request. In addition to the
12 provisions of this section, the Oklahoma State Bureau of Narcotics
13 and Dangerous Drugs Control may transfer or donate property for any
14 purpose pursuant to Section 2-106.2 of this title. The agencies and
15 any district attorney that are parties to any transfer of property
16 pursuant to this subsection shall enter into written agreements to
17 carry out any such transfer of property. Any such agreement may
18 also provide for the granting of title to any property being
19 transferred as the parties deem appropriate. If the transfer of
20 property is to a school district, a written agreement shall be
21 entered into with the superintendent of the school district. No
22 weapons may be transferred to a school district except as provided
23 for in subsection K of this section.

24 SECTION 3. This act shall become effective November 1, 2026.

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Passed the Senate the 11th day of March, 2026.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2026.

Presiding Officer of the House
of Representatives