

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

SENATE BILL 65

By: Weaver

AS INTRODUCED

An Act relating to controlled dangerous substances; amending 63 O.S. 2021, Sections 2-315 and 2-508, which relate to destruction of controlled dangerous substances and disposition of seized property; authorizing destruction of controlled dangerous substances by certain individuals; removing requirement for submission to destroy controlled dangerous substances; removing incineration requirement; requiring destruction of controlled dangerous substances be in compliance with certain federal regulations; removing requirement for certain site; updating statutory language; updating statutory references; and providing an effective date.

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

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by Section 1-820 of this title shall ~~submit for destruction~~ destroy all controlled dangerous substances which are out of date,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, or~~ unused or which are abandoned by their owner
2 at 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 21 C.F.R. Part 1317 ~~of~~
12 ~~Title 21 of the Code of Federal Regulations.~~ When any such
13 substance is transported by private contract or common carrier or
14 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
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1 ~~incineration so as to make the substance absolutely unusable for~~
2 ~~human purposes~~ pursuant to the rules set forth in 21 C.F.R. Part
3 1317. An official record listing the property destroyed, the
4 location of destruction and disposal, and the name and title of the
5 person supervising the destruction and disposal shall be submitted
6 to the Oklahoma State Bureau of Narcotics and Dangerous Drugs
7 Control and the federal Drug Enforcement Administration office
8 located nearest the destruction site.

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

19 E. This section shall constitute a part of the Uniform
20 Controlled Dangerous Substances Act.

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

23 Section 2-508. A. Except as otherwise provided, all property
24 described in paragraphs 1 and 2 of subsection A of Section 2-503 of

1 this title which is seized or surrendered pursuant to the provisions
2 of the Uniform Controlled Dangerous Substances Act shall be
3 destroyed pursuant to 21 C.F.R. Part 1317. The destruction shall be
4 done by or at the direction of the Oklahoma State Bureau of
5 Narcotics and Dangerous Drugs Control (OSBNDD), who shall have the
6 discretion prior to destruction to preserve samples of the substance
7 for testing. ~~In any county with a population of four hundred~~
8 ~~thousand (400,000) or more according to the latest Federal Decennial~~
9 ~~Census, there shall be a located site, approved by the OSBNDD, for~~
10 ~~the destruction of the property.~~ Any such property submitted to the
11 OSBNDD which it deems to be of use for investigative training, or
12 educational, or analytical purposes may be retained by the OSBNDD in
13 lieu of destruction.

14 B. 1. With respect to controlled dangerous substances seized
15 or surrendered pursuant to the provisions of the Uniform Controlled
16 Dangerous Substances Act, municipal police departments, sheriffs,
17 the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control
18 ~~Commission~~, the Oklahoma Highway Patrol, and the Oklahoma State
19 Bureau of Investigation shall have the authority to destroy seized
20 controlled dangerous substances when the amount seized in a single
21 incident exceeds ten (10) pounds. The destroying agency shall:

- 22 a. photograph the seized substance with identifying case
23 numbers or other means of identification,
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- 1 b. prepare a report describing the seized substance prior
2 to the destruction,
- 3 c. retain at least one (1) pound of the substance
4 randomly selected from the seized substance for the
5 purpose of evidence, and
- 6 d. obtain and retain samples of the substance from enough
7 containers, bales, bricks, or other units of substance
8 seized to establish the presence of a weight of the
9 substance necessary to establish a violation of the
10 Trafficking in Illegal Drugs Act pursuant to
11 subsection C of Section 2-415 of this title, if such a
12 weight is present. If such weight is not present,
13 samples of the substance from each container, bale,
14 brick, or other unit of substance seized shall be
15 taken. Each sample taken pursuant to this section
16 shall be large enough for the destroying agency and
17 the defendant or suspect to have an independent test
18 performed on the substance for purposes of
19 identification.

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

- a. the date, the time, and the place where the photographing will take place and notice of the right to attend the photographing, and
- b. the right to obtain samples of the controlled dangerous substance for independent testing and use as evidence.

3. The written notice shall also inform the defendant, suspect, or counsel for the defendant or suspect that the destroying agency must be notified in writing within seven (7) days from receipt of the notice of the intent of the suspect or defendant to obtain random samples and make arrangements for the taking of samples. The samples for the defendant or suspect must be taken by a person licensed by the Drug Enforcement Administration. If the defendant or counsel for the defendant fails to notify the destroying agency in writing of an intent to obtain samples and fails to make arrangements for the taking of samples, a sample taken pursuant to subparagraph d of paragraph 1 of this subsection shall be made available upon request of the defendant or suspect.

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

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

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

22 2. Convert title of the property to the Oklahoma State Bureau
23 of Narcotics and Dangerous Drugs Control, the Department of Public
24 Safety, the Oklahoma State Bureau of Investigation, the Alcoholic
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1 Beverage Laws Enforcement Commission, the Department of Corrections,
2 the Office of the Attorney General, or to the district attorney's
3 office for the purposes provided for in subsection J, K, L or L of
4 this section.

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

- 7 a. a list describing the property, including all
8 identifying numbers and marks, if any,
- 9 b. the date the property came into the possession of the
10 agency or district attorney, and
- 11 c. the name and address of the owner, if known.

12 For any item having an apparent value in excess of One Hundred
13 Dollars (\$100.00), but less than Five Hundred Dollars (\$500.00), the
14 notice of the hearing of the petition for the sale of the property,
15 except laboratory equipment used in the processing, manufacturing,
16 or compounding of controlled dangerous substances in violation of
17 the provisions of the Uniform Controlled Dangerous Substances Act,
18 shall be given to every known owner, as set forth in the petition,
19 by first-class mail to the last-known address of the owner at least
20 ten (10) days prior to the date of the hearing. An affidavit of
21 notice being sent shall be filed with the court by a representative
22 of the agency, the Director or Commissioner of the agency, the
23 Attorney General, or district attorney. For items in excess of Five
24 Hundred Dollars (\$500.00), a notice of the hearing of the petition

1 for the sale of ~~said~~ such property shall be delivered to every known
2 owner as set forth in the petition by certified mail. Notice of a
3 hearing on a petition for forfeiture or sale of laboratory equipment
4 used in the processing, manufacturing, or compounding of controlled
5 dangerous substances in violation of the Uniform Controlled
6 Dangerous Substances Act shall not be required.

7 The notice shall contain a brief description of the property,
8 and the location and date of the hearing. In addition, notice of
9 the hearing shall be posted in three public places in the county,
10 one such place being the county courthouse at the regular place
11 assigned for the posting of legal notices. At the hearing, if no
12 owner appears and establishes ownership of the property, the court
13 may enter an order authorizing the Director, Commissioner, Attorney
14 General, or district attorney to donate the property pursuant to
15 subsection J, K, or L of this section~~;~~ to sell the property at a
16 public auction~~;~~ including an Internet auction, which may include
17 online bidding, to the highest bidder~~;~~ or to convert title of the
18 property to the Oklahoma State Bureau of Narcotics and Dangerous
19 Drugs Control, the Department of Public Safety, the Oklahoma State
20 Bureau of Investigation, the Alcoholic Beverage Laws Enforcement
21 Commission, the Department of Corrections, or the Office of the
22 Attorney General for the purposes provided for in subsection J, K, or
23 or L of this section after at least ten (10) days of notice has been
24 given by publication in one issue of a legal newspaper of the

1 county. If the property is offered for sale at public auction,
2 including an Internet auction, and no bid is received that exceeds
3 fifty percent (50%) of the value of the property, such value to be
4 announced prior to the sale, the Director, Commissioner, Attorney
5 General, or district attorney may refuse to sell the item pursuant
6 to any bid received. The Director, Commissioner, Attorney General,
7 or district attorney shall make a return of the sale and, when
8 confirmed by the court, the order confirming the sale shall vest in
9 the purchaser title to the property so purchased.

10 D. The money received from the sale of property by the Oklahoma
11 State Bureau of Narcotics and Dangerous Drugs Control shall be used
12 for general drug enforcement purposes. These funds shall be
13 transferred to the Bureau of Narcotics Revolving Fund established
14 pursuant to Section 2-107 of this title or in the case of a district
15 attorney, the revolving fund provided for in paragraph 3 of
16 subsection L of Section 2-506 of this title.

17 E. At the request of the Department of Public Safety, the
18 district attorney or a designee of the district attorney may conduct
19 any forfeiture proceedings as described in Section 2-503 of this
20 title on any property subject to forfeiture as described in
21 subsection A, B, C or C of Section 2-503 of this title. The money
22 received from the sale of property by the Department of Public
23 Safety shall be deposited in the Department of Public Safety
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1 Restricted Revolving Fund and shall be expended for law enforcement
2 purposes.

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

6 G. The money received from the sale of property from the
7 Oklahoma State Bureau of Investigation shall be deposited in the
8 OSBI Revolving Fund and shall be expended for law enforcement
9 purposes.

10 H. The Director of the Department of Corrections shall make a
11 return of the sale and when confirmed by the court, the order
12 confirming the sale shall vest in the purchaser title to the
13 property so purchased. Twenty-five percent (25%) of the money
14 received from the sale shall be disbursed to a revolving fund in the
15 office of the county treasurer of the county wherein the property
16 was seized, ~~said~~ such fund to be used as a revolving fund solely for
17 enforcement of controlled dangerous substances laws, drug abuse
18 prevention, and drug abuse education. The remaining seventy-five
19 percent (75%) shall be deposited in the Department of Corrections
20 Revolving Fund to be expended for equipment for probation and parole
21 officers and correctional officers.

22 I. The money received from the sale of property from the Office
23 of the Attorney General shall be deposited in the Attorney General
24 Law Enforcement Revolving Fund and shall be expended for law
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1 enforcement purposes. The Office of the Attorney General may enter
2 into agreements with municipal, county, or state agencies to return
3 to such an agency a percentage of proceeds of the sale of any
4 property seized by the agency and forfeited under the provisions of
5 this section.

6 J. Any property~~7~~ including but not limited to uncontaminated
7 laboratory equipment used in the processing, manufacturing, or
8 compounding of controlled dangerous substances in violation of the
9 provisions of the Uniform Controlled Dangerous Substances Act, upon
10 a court order, may be donated for classroom or laboratory use by the
11 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control,
12 Department of Public Safety, district attorney, the Alcoholic
13 Beverage Laws Enforcement Commission, the Department of Corrections,
14 or the Office of the Attorney General to any public secondary school
15 or technology center school in this state or any institution of
16 higher education within The Oklahoma State System of Higher
17 Education.

18 K. Any vehicle or firearm which has come into the possession
19 and title vested in the Oklahoma State Bureau of Narcotics and
20 Dangerous Drugs Control, the Department of Public Safety, the
21 Oklahoma State Bureau of Investigation, the Office of the Attorney
22 General, or a district attorney~~7~~ may be transferred, donated, or
23 offered for lease to any sheriff's office, tribal law enforcement
24 agency, campus police department pursuant to the provisions of the

1 Oklahoma Campus Security Act, or police department in this state on
2 an annual basis to assist with the enforcement of the provisions of
3 the Uniform Controlled Dangerous Substances Act. Each agency shall
4 promulgate rules, regulations, and procedures for leasing vehicles
5 and firearms. No fully automatic weapons will be subject to the
6 leasing agreement. All firearms leased may be utilized only by
7 ~~C.I.E.E.T.-certified~~ CLEET-certified officers who have received
8 training in the type and class of weapon leased. Every lessee shall
9 be required to submit an annual report to the leasing agency stating
10 the condition of all leased property. A lease agreement may be
11 renewed annually at the option of the leasing agency. Upon
12 termination of a lease agreement, the property shall be returned to
13 the leasing agency for sale or other disposition. All funds derived
14 from lease agreements or other disposition of property no longer
15 useful to law enforcement shall be deposited in the agency's
16 revolving fund, or in the case of the Department of Public Safety,
17 the Department of Public Safety Restricted Revolving Fund, and shall
18 be expended for law enforcement purposes.

19 L. Before disposing of any property pursuant to subsections C
20 through I of this section, the Oklahoma State Bureau of Narcotics
21 and Dangerous Drugs Control, the Department of Public Safety, the
22 Alcoholic Beverage Laws Enforcement Commission, the Oklahoma State
23 Bureau of Investigation, the Department of Corrections, the Office
24 of the Attorney General, or a district attorney may transfer or

1 donate the property to another state agency, tribal law enforcement
2 agency, or school district for use upon request. In addition to the
3 provisions of this section, the Oklahoma State Bureau of Narcotics
4 and Dangerous Drugs Control may transfer or donate property for any
5 purpose pursuant to Section 2-106.2 of this title. The agencies and
6 any district attorney that are parties to any transfer of property
7 pursuant to this subsection shall enter into written agreements to
8 carry out any such transfer of property. Any such agreement may
9 also provide for the granting of title to any property being
10 transferred as the parties deem appropriate. If the transfer of
11 property is to a school district, a written agreement shall be
12 entered into with the superintendent of the school district. No
13 weapons may be transferred to a school district except as provided
14 for in subsection K of this section.

15 SECTION 3. This act shall become effective November 1, 2025.

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