

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 HOUSE BILL 1080

By: Ownbey

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5
6 AS INTRODUCED

7 An Act relating to public health and safety; amending
8 63 O.S. 2011, Section 2-309D, as last amended by
9 Section 22, Chapter 293, O.S.L. 2014 (63 O.S. Supp.
10 2014, Section 2-309D), which relates to the Anti-Drug
11 Diversion Act; allowing certain persons to access
12 information from the central repository; and
13 providing an effective date.

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

15 SECTION 1. AMENDATORY 63 O.S. 2011, Section 2-309D, as
16 last amended by Section 22, Chapter 293, O.S.L. 2014 (63 O.S. Supp.
17 2014, Section 2-309D), is amended to read as follows:

18 Section 2-309D. A. The information collected at the central
19 repository pursuant to the Anti-Drug Diversion Act shall be
20 confidential and shall not be open to the public. Access to the
21 information shall be limited to:

22 1. Peace officers certified pursuant to Section 3311 of Title
23 70 of the Oklahoma Statutes who are employed as investigative agents
24 of the Oklahoma State Bureau of Narcotics and Dangerous Drugs
Control;

1 2. The United States Drug Enforcement Administration Diversion
2 Group Supervisor;

3 3. The executive director or chief investigator, as designated
4 by each board, of the following state boards:

- 5 a. Board of Podiatric Medical Examiners,
- 6 b. Board of Dentistry,
- 7 c. State Board of Pharmacy,
- 8 d. State Board of Medical Licensure and Supervision,
- 9 e. State Board of Osteopathic Examiners,
- 10 f. State Board of Veterinary Medical Examiners,
- 11 g. Oklahoma Health Care Authority,
- 12 h. Department of Mental Health and Substance Abuse
13 Services, and
- 14 i. State Board of Health;

15 provided, however, that the executive director or chief investigator
16 of each of these boards shall be limited to access to information
17 relevant to licensees of the employing board of such executive
18 director or chief investigator;

19 4. A multicounty grand jury properly convened pursuant to the
20 Multicounty Grand Jury Act; and

21 5. The Department of Mental Health and Substance Abuse Services
22 and the State Department of Health for statistical, research,
23 substance abuse prevention or educational purposes provided that the
24 consumer's confidentiality is not compromised.

1 B. This section shall not prevent access, at the discretion of
2 the Director of the Oklahoma Bureau of Narcotics and Dangerous Drugs
3 Control, to investigative information by peace officers and
4 investigative agents of federal, state, county or municipal law
5 enforcement agencies, district attorneys and the Attorney General in
6 furtherance of criminal investigations or prosecutions within their
7 respective jurisdictions, and to registrants and staff of
8 registrants in furtherance of efforts to guard against the diversion
9 of controlled dangerous substances.

10 C. This section shall not prevent the disclosure, at the
11 discretion of the Director of the Oklahoma State Bureau of Narcotics
12 and Dangerous Drugs Control, of statistical information gathered
13 from the central repository to the general public which shall be
14 limited to types and quantities of controlled substances dispensed
15 and the county where dispensed.

16 D. This section shall not prevent the disclosure, at the
17 discretion of the Director of the Oklahoma State Bureau of Narcotics
18 and Dangerous Drugs Control, of prescription-monitoring-program
19 information to prescription-monitoring programs of other states
20 provided a reciprocal data-sharing agreement is in place.

21 E. Any unauthorized disclosure of any information collected at
22 the central repository provided by the Anti-Drug Diversion Act shall
23 be a misdemeanor. Violation of the provisions of this section shall
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1 be deemed willful neglect of duty and shall be grounds for removal
2 from office.

3 F. Registrants shall not be liable to any person for any claim
4 of damages as a result of accessing or failing to access the
5 information in the central repository and no lawsuit may be
6 predicated thereon.

7 G. Information regarding nonfatal overdoses, other than
8 statistical information as required by Section 2-106 of this title,
9 shall be completely confidential. Access to this information shall
10 be strictly limited to the Director of the Oklahoma State Bureau of
11 Narcotics and Dangerous Drugs Control or designee, the Chief Medical
12 Examiner, and the registrant that enters the information.
13 Registrants shall not be liable to any person for a claim of damages
14 for information reported pursuant to the provisions of Section 2-105
15 of this title.

16 H. Upon completion of an investigation in which it is
17 determined that a death was caused by an overdose, either
18 intentionally or unintentionally, of a controlled dangerous
19 substance, the medical examiner shall be required to report the
20 decedent's name and date of birth to the Oklahoma State Bureau of
21 Narcotics and Dangerous Drugs Control. The Oklahoma State Bureau of
22 Narcotics and Dangerous Drugs Control shall be required to maintain
23 a database containing the classification of medical practitioners
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1 who prescribed or authorized controlled dangerous substances
2 pursuant to this subsection.

3 SECTION 2. This act shall become effective November 1, 2015.

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