

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 56th Legislature (2017)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1821

By: Kannady of the House

and

Standridge of the Senate

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10 COMMITTEE SUBSTITUTE

11 An Act relating to public health and safety; amending
12 63 O.S. 2011, Section 2-103, as last amended by
13 Section 1, Chapter 305, O.S.L. 2015 (63 O.S. Supp.
14 2016, Section 2-103), which relates to powers and
15 duties of the Director of the Oklahoma State Bureau
16 of Narcotics and Dangerous Drugs Control; increasing
17 hours of mandatory training for reserve special
18 agents; providing employees in classified positions
19 the right to return to classified service under
20 certain circumstances; amending 63 O.S. 2011, Section
21 2-502, which relates to inspections of prescriptions,
22 orders and records; authorizing Director to designate
23 certain personnel as compliance inspectors; adding
24 exception to certain prohibited conduct; and
 providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 2011, Section 2-103, as
last amended by Section 1, Chapter 305, O.S.L. 2015 (63 O.S. Supp.
2016, Section 2-103), is amended to read as follows:

1 Section 2-103 A. The Director shall be appointed by the
2 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control
3 Commission. The Director of Narcotics and Dangerous Drugs Control
4 on January 1, 1984, shall be initially appointed as Director. The
5 succeeding Director shall, at the time of the appointment, have a
6 Bachelor's Degree from an accredited college or university and at
7 least five (5) years of experience in drug law enforcement. The
8 Director may appoint necessary assistants, agents, and other
9 personnel to perform the work of the office and may prescribe their
10 titles and duties and fix their compensation pursuant to Merit
11 System rules. The Director may appoint employees to the positions
12 of Chief of Law Enforcement Information and Technology, Public
13 Information/Education Officer, Training Officer, Program
14 Administrators, Grants Administrator, Criminal Analysts, Legal
15 Secretary, and Typist Clerk/Spanish Transcriptionists. The
16 positions shall be unclassified and exempt from the rules and
17 procedures of the Office of Management and Enterprise Services,
18 except leave regulations. The office of the Director shall be
19 located at a suitable place in Oklahoma City, Oklahoma.

20 B. 1. Agents appointed by the Director shall have the powers
21 of peace officers generally; provided, the Director may appoint
22 special agents and reserve special agents, who shall be unclassified
23 employees of the state, to meet specific investigatory needs.
24 Special agents and reserve special agents shall not be required to

1 meet the age and educational requirements as specified in this
2 section.

3 2. Agents appointed on and after November 1, 1998, shall be at
4 least twenty-one (21) years of age and shall have a Bachelor's
5 Degree from an accredited college or university.

6 3. Each entering agent, with the exception of special agents,
7 shall be required to serve one (1) year in a probationary status as
8 a prerequisite to being placed on permanent status.

9 C. Agents appointed pursuant to the provisions of this section
10 shall have the responsibility of investigating alleged violations
11 and shall have the authority to arrest those suspected of having
12 violated the provisions of the Uniform Controlled Dangerous
13 Substances Act, as well as the crimes of money laundering and human
14 trafficking, as otherwise set forth by laws of this state.

15 D. The Director may appoint reserve special agents who shall
16 not be considered employees of the state and shall serve at the will
17 of the Director. Reserve special agents shall complete a minimum of
18 ~~one hundred sixty (160)~~ two hundred forty (240) hours of training
19 pursuant to Section 3311 of Title 70 of the Oklahoma Statutes and
20 may not serve more than one hundred forty (140) hours per calendar
21 month. Upon completion of training, reserve special agents
22 appointed by the Director shall have general peace officer powers
23 and the authority to arrest those suspected of having violated the
24 provisions of the Uniform Controlled Dangerous Substances Act. The

1 agency may expend funds related to training and special reserve
2 agents may receive travel expenses pursuant to the State Travel
3 Reimbursement Act.

4 E. A commissioned employee of the Oklahoma State Bureau of
5 Narcotics and Dangerous Drugs Control shall be entitled to receive,
6 upon retirement by reason of length of service, the continued
7 custody and possession of the sidearm and badge carried by such
8 employee immediately prior to retirement.

9 F. A commissioned employee of the Bureau may be entitled to
10 receive, upon retirement by reason of disability, the continued
11 custody and possession of the sidearm and badge carried by such
12 employee immediately prior to retirement upon written approval of
13 the Director.

14 G. Custody and possession of the sidearm and badge of a
15 commissioned employee killed in the line of duty may be awarded by
16 the Director to the spouse or next of kin of the deceased employee.

17 H. Custody and possession of the sidearm and badge of a
18 commissioned employee who dies while employed at the Oklahoma State
19 Bureau of Narcotics and Dangerous Drugs Control may be awarded by
20 the Director to the spouse or next of kin of the deceased employee.

21 I. Any Director appointed on or after July 1, 2003, shall be
22 eligible to participate in either the Oklahoma Public Employees
23 Retirement System or in the Oklahoma Law Enforcement Retirement
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1 System and shall make an irrevocable election in writing to
2 participate in one of the two retirement systems.

3 J. Any employee of the Oklahoma State Bureau of Narcotics and
4 Dangerous Drugs Control in a classified position under the Merit
5 System of the Personnel Administration who is appointed Director,
6 Deputy Director, Acting Director or Acting Deputy Director shall
7 have a right to return to the highest previously held classified
8 position without any loss of rights, privileges or benefits
9 immediately upon completion of the duties of the employee, provided
10 the employee is not otherwise disqualified.

11 SECTION 2. AMENDATORY 63 O.S. 2011, Section 2-502, is
12 amended to read as follows:

13 Section 2-502 A. Prescriptions, orders, and records, required
14 by this act, and stock of substances specified in this act shall be
15 open for inspection only to specifically designated or assigned
16 state, county, and municipal officers, whose duty it is to enforce
17 the laws of this state relating to controlled dangerous substances.
18 The Director of the Oklahoma State Bureau of Narcotics and Dangerous
19 Drugs Control may designate noncommissioned personnel as compliance
20 inspectors for the purpose of conducting inspections as contemplated
21 herein. No ~~officer~~ person having knowledge by virtue of his or her
22 office of any such prescription, order or record shall divulge such
23 knowledge, except where such use is appropriate to the proper
24 performance of his or her official duties in the prevention of the

1 misuse and abuse of controlled dangerous substances or in connection
2 with a prosecution or proceeding in court or before a licensing or
3 registration board or officer, to which prosecution or proceeding
4 the person to whom such prescriptions, orders, or records relate is
5 a party.

6 B. Any peace officer or agency charged with administration of
7 this act is authorized to make administrative inspections of
8 controlled premises in accordance with the following provisions:

9 1. For purposes of this act only, "controlled premises" means:

10 a. places where persons registered or exempted from
11 registration requirements under this act are required
12 to keep records~~†~~† and

13 b. places including factories, warehouses,
14 establishments, and conveyances where persons
15 registered or exempted from registration requirements
16 under this act are permitted to hold, manufacture,
17 compound, process, sell, deliver, or otherwise dispose
18 of any controlled dangerous substance.

19 2. This section shall not be construed to prevent the
20 inspection of books and records pursuant to the provisions of this
21 act; nor shall this section be construed to prevent entries and
22 administrative inspections at reasonable times without a warrant:

23 a. with the consent of the owner, operator, or agent in
24 charge of the controlled premises~~†~~†

- 1 b. in situations presenting imminent danger to health or
2 safety~~+~~L
- 3 c. in situations involving inspection of conveyances
4 where there is reasonable cause to believe that the
5 mobility of the conveyance makes it impracticable to
6 obtain a warrant~~+~~L
- 7 d. in any other exceptional or emergency circumstance
8 where time or opportunity to apply for a warrant is
9 lacking~~+~~L and
- 10 e. in all other situations where a warrant is not
11 constitutionally required.

12 3. Except when the owner, operator, or agent in charge of the
13 controlled premises so consents in writing, no inspection authorized
14 by this section shall extend to:

- 15 a. financial data~~+~~L
- 16 b. sales data other than shipment data~~+~~L or
- 17 c. pricing data.

18 SECTION 3. This act shall become effective November 1, 2017.

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20 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT OVERSIGHT AND
21 ACCOUNTABILITY, dated 02/13/2017 - DO PASS, As Amended and
22 Coauthored.

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