

1 ENGROSSED HOUSE
2 BILL NO. 1821

By: Kannady of the House

and

Standridge of the Senate

3
4
5
6
7 An Act relating to public health and safety; amending
8 63 O.S. 2011, Section 2-103, as last amended by
9 Section 1, Chapter 305, O.S.L. 2015 (63 O.S. Supp.
10 2016, Section 2-103), which relates to powers and
11 duties of the Director of the Oklahoma State Bureau
12 of Narcotics and Dangerous Drugs Control; increasing
13 hours of mandatory training for reserve special
14 agents; providing employees in classified positions
15 the right to return to classified service under
16 certain circumstances; amending 63 O.S. 2011, Section
17 2-502, which relates to inspections of prescriptions,
18 orders and records; authorizing Director to designate
19 certain personnel as compliance inspectors; adding
20 exception to certain prohibited conduct; and
21 providing an effective date.

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

23 SECTION 1. AMENDATORY 63 O.S. 2011, Section 2-103, as
24 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:

Section 2-103. A. The Director shall be appointed by the
Oklahoma State Bureau of Narcotics and Dangerous Drugs Control
Commission. The Director of Narcotics and Dangerous Drugs Control
on January 1, 1984, shall be initially appointed as Director. The
succeeding Director shall, at the time of the appointment, have a

1 Bachelor's Degree from an accredited college or university and at
2 least five (5) years of experience in drug law enforcement. The
3 Director may appoint necessary assistants, agents, and other
4 personnel to perform the work of the office and may prescribe their
5 titles and duties and fix their compensation pursuant to Merit
6 System rules. The Director may appoint employees to the positions
7 of Chief of Law Enforcement Information and Technology, Public
8 Information/Education Officer, Training Officer, Program
9 Administrators, Grants Administrator, Criminal Analysts, Legal
10 Secretary, and Typist Clerk/Spanish Transcriptionists. The
11 positions shall be unclassified and exempt from the rules and
12 procedures of the Office of Management and Enterprise Services,
13 except leave regulations. The office of the Director shall be
14 located at a suitable place in Oklahoma City, Oklahoma.

15 B. 1. Agents appointed by the Director shall have the powers
16 of peace officers generally; provided, the Director may appoint
17 special agents and reserve special agents, who shall be unclassified
18 employees of the state, to meet specific investigatory needs.
19 Special agents and reserve special agents shall not be required to
20 meet the age and educational requirements as specified in this
21 section.

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

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

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

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

23 E. A commissioned employee of the Oklahoma State Bureau of
24 Narcotics and Dangerous Drugs Control shall be entitled to receive,

1 upon retirement by reason of length of service, the continued
2 custody and possession of the sidearm and badge carried by such
3 employee immediately prior to retirement.

4 F. A commissioned employee of the Bureau may be entitled to
5 receive, upon retirement by reason of disability, the continued
6 custody and possession of the sidearm and badge carried by such
7 employee immediately prior to retirement upon written approval of
8 the Director.

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

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

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

21 J. Any employee of the Oklahoma State Bureau of Narcotics and
22 Dangerous Drugs Control in a classified position under the Merit
23 System of the Personnel Administration who is appointed Director,
24 Deputy Director, Acting Director or Acting Deputy Director shall

1 have a right to return to the highest previously held classified
2 position without any loss of rights, privileges or benefits
3 immediately upon completion of the duties of the employee, provided
4 the employee is not otherwise disqualified.

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

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

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

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

5 a. places where persons registered or exempted from
6 registration requirements under this act are required
7 to keep records[†], and

8 b. places including factories, warehouses,
9 establishments, and conveyances where persons
10 registered or exempted from registration requirements
11 under this act are permitted to hold, manufacture,
12 compound, process, sell, deliver, or otherwise dispose
13 of any controlled dangerous substance.

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

18 a. with the consent of the owner, operator, or agent in
19 charge of the controlled premises[†],

20 b. in situations presenting imminent danger to health or
21 safety[†],

22 c. in situations involving inspection of conveyances
23 where there is reasonable cause to believe that the
24

1 mobility of the conveyance makes it impracticable to
2 obtain a warrant~~†~~‡

3 d. in any other exceptional or emergency circumstance
4 where time or opportunity to apply for a warrant is
5 lacking~~†~~‡ and

6 e. in all other situations where a warrant is not
7 constitutionally required.

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

11 a. financial data~~†~~‡

12 b. sales data other than shipment data~~†~~‡ or

13 c. pricing data.

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

15 Passed the House of Representatives the 21st day of February,
16 2017.

17
18 _____
19 Presiding Officer of the House
of Representatives

20 Passed the Senate the ___ day of _____, 2017.

21
22 _____
23 Presiding Officer of the Senate
24