

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 55th Legislature (2015)

4 ENGROSSED SENATE
5 BILL NO. 140

By: Standridge of the Senate

and

Derby of the House

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9 An Act relating to the Anti-Drug Diversion Act;
10 amending 63 O.S. 2011, Section 2-309D, as last
11 amended by Section 22, Chapter 293, O.S.L. 2014 (63
12 O.S. Supp. 2014, Section 2-309D), which relates to
central repository information; permitting designated
employees to access certain information; providing an
effective date; and declaring an emergency.

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

16 SECTION 1. AMENDATORY 63 O.S. 2011, Section 2-309D, as
17 last amended by Section 22, Chapter 293, O.S.L. 2014 (63 O.S. Supp.
18 2014, Section 2-309D), is amended to read as follows:

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

23 1. Peace officers certified pursuant to Section 3311 of Title
24 70 of the Oklahoma Statutes who are employed as investigative agents

1 of the Oklahoma State Bureau of Narcotics and Dangerous Drugs
2 Control;

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

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

7 a. Board of Podiatric Medical Examiners,

8 b. Board of Dentistry,

9 c. State Board of Pharmacy,

10 d. State Board of Medical Licensure and Supervision,

11 e. State Board of Osteopathic Examiners,

12 f. State Board of Veterinary Medical Examiners,

13 g. Oklahoma Health Care Authority,

14 h. Department of Mental Health and Substance Abuse
15 Services, and

16 i. State Board of Health;

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

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

23 5. The Department of Mental Health and Substance Abuse Services
24 and the State Department of Health for statistical, research,

1 substance abuse prevention or educational purposes provided that the
2 consumer's confidentiality is not compromised.

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

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

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

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

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

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

19 H. Upon completion of an investigation in which it is
20 determined that a death was caused by an overdose, either
21 intentionally or unintentionally, of a controlled dangerous
22 substance, the medical examiner shall be required to report the
23 decedent's name and date of birth to the Oklahoma State Bureau of
24 Narcotics and Dangerous Drugs Control. The Oklahoma State Bureau of

1 Narcotics and Dangerous Drugs Control shall be required to maintain
2 a database containing the classification of medical practitioners
3 who prescribed or authorized controlled dangerous substances
4 pursuant to this subsection.

5 SECTION 2. This act shall become effective July 1, 2015.

6 SECTION 3. It being immediately necessary for the preservation
7 of the public peace, health and safety, an emergency is hereby
8 declared to exist, by reason whereof this act shall take effect and
9 be in full force from and after its passage and approval.

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11 COMMITTEE REPORT BY: COMMITTEE ON ALCOHOL, TOBACCO, AND CONTROLLED
12 SUBSTANCES, dated 04/07/2015 - DO PASS.

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