

1 ENGROSSED HOUSE  
2 BILL NO. 2529

By: Schwartz of the House

and

Schulz of the Senate

3  
4  
5  
6  
7 An Act relating to public health and safety; amending  
8 63 O.S. 2001, Sections 2-105 and 2-106, as last  
9 amended by Section 2, Chapter 442, O.S.L. 2009 (63  
10 O.S. Supp. 2009, Section 2-106), which relate to the  
11 Uniform Controlled Dangerous Substances Act;  
12 directing Oklahoma State Bureau of Narcotics and  
13 Dangerous Drugs Control to compile certain report on  
14 a yearly basis; requiring registrants to report  
15 certain information; making information of the  
16 central repository confidential; requiring report be  
17 prepared by the Director of the Oklahoma State Bureau  
18 of Narcotics and Dangerous Drugs Control; providing  
19 list of information to be included in the report;  
20 amending 63 O.S. 2001, Section 2-309D, as last  
21 amended by Section 4, Chapter 128, O.S.L. 2005 (63  
22 O.S. Supp. 2009, Section 2-309D), which relates to  
23 the Anti-Drug Diversion Act; allowing certain entity  
24 access to the central repository; making information  
submitted to the central repository confidential;  
designating persons who may have access to certain  
information of the central repository; providing  
exemption from liability; and providing an effective  
date.

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

SECTION 1. AMENDATORY 63 O.S. 2001, Section 2-105, is  
amended to read as follows:

1 Section 2-105. A. It shall be the duty of all departments,  
2 officers, agencies, and employees of the state to cooperate with the  
3 Director of the Oklahoma State Bureau of Narcotics and Dangerous  
4 Drugs Control in carrying out the functions of ~~his~~ the office. The  
5 State Medical Examiner shall promptly report to the office of the  
6 Director all deaths occurring within the state which were the result  
7 or probable result of abuse of a controlled dangerous substance.

8 B. The Bureau shall be required to compile a yearly report of  
9 all fatal and nonfatal drug overdoses for the State of Oklahoma.  
10 All registrants, as defined in the Anti-Drug Diversion Act, shall  
11 report any person appearing at a medical facility with a drug  
12 overdose to the central repository as provided in the Anti-Drug  
13 Diversion Act. The determination of a drug overdose shall be made  
14 solely at the discretion of the treating medical professional based  
15 on the education, experience and professional opinion of the medical  
16 professional. This information shall be considered part of the  
17 central repository pursuant to the Anti-Drug Diversion Act and shall  
18 be confidential and not open to the public pursuant to the  
19 provisions of Section 2-309D of this title.

20 SECTION 2. AMENDATORY 63 O.S. 2001, Section 2-106, as  
21 last amended by Section 2, Chapter 442, O.S.L. 2009 (63 O.S. Supp.  
22 2009, Section 2-106), is amended to read as follows:  
23  
24

1 Section 2-106. A. The Director of the Oklahoma State Bureau of  
2 Narcotics and Dangerous Drugs Control shall, in addition to other  
3 powers and duties vested in the Director:

4 1. Cooperate with federal and other state agencies in  
5 discharging ~~his~~ the responsibilities concerning traffic in narcotics  
6 and dangerous substances and in suppressing the abuse of dangerous  
7 substances;

8 2. Arrange for the exchange of information between governmental  
9 officials concerning the use and abuse of dangerous substances;

10 3. Coordinate and cooperate in training programs on dangerous  
11 substances law enforcement at the local and state levels;

12 4. Cooperate with the Oklahoma State Bureau of Narcotics and  
13 Dangerous Drugs Control by establishing a centralized unit which  
14 will accept, catalog, file and collect statistics, including records  
15 of drug-dependent persons and other dangerous substance law  
16 offenders within the state, and make such information available for  
17 federal, state and local law enforcement purposes; and may collect  
18 and furnish statistics for other appropriate purposes; and

19 5. Coordinate and cooperate in programs of eradication aimed at  
20 destroying wild or illicit growth of plant species from which  
21 controlled dangerous substances may be extracted.

22 B. Results, information and evidence received from the Oklahoma  
23 State Bureau of Narcotics and Dangerous Drugs Control relating to  
24 the regulatory functions of this act, including results of

1 inspections conducted by that agency, may be relied upon and acted  
2 upon by the Director in conformance with ~~his~~ the regulatory  
3 functions under this act.

4 C. The Director is further authorized and directed to:

5 1. Coordinate and cooperate in educational programs designed to  
6 prevent and deter misuse and abuse of controlled dangerous  
7 substances;

8 2. Promote better recognition of the problems of misuse and  
9 abuse of controlled dangerous substances within the regulated  
10 industry and among interested groups and organizations;

11 3. Assist the regulated industry, interested groups and  
12 organizations in contributing to the reduction of misuse and abuse  
13 of controlled dangerous substances;

14 4. Consult with interested groups and organizations to aid them  
15 in solving administrative and organizational problems;

16 5. Assist in evaluating procedures, projects, techniques and  
17 controls conducted or proposed as part of educational programs on  
18 misuse and abuse of controlled dangerous substances;

19 6. Disseminate the results of research on misuse and abuse of  
20 controlled dangerous substances to promote a better public  
21 understanding of what problems exist and what can be done to combat  
22 them;

23

24

1           7. Assist in the education and training of state and local law  
2 enforcement officials in their efforts to control misuse and abuse  
3 of controlled dangerous substances;

4           8. Conduct an annual seminar to be attended by selected law  
5 enforcement officers in order to teach new techniques and advances  
6 in the investigation of violations of the Uniform Controlled  
7 Dangerous Substances Act; and

8           9. Supervise and direct agents appointed in the performance of  
9 their function of enforcement of the provisions of this act.

10          D. The Director is further authorized and directed to:

11           1. Encourage research on misuse and abuse of controlled  
12 dangerous substances;

13           2. Cooperate in establishing methods to assess accurately the  
14 effects of controlled dangerous substances and to identify and  
15 characterize controlled dangerous substances with potential for  
16 abuse;

17           3. Cooperate in making studies and in undertaking programs of  
18 research to:

19           a. develop new or improved approaches, techniques,  
20 systems, equipment and devices to strengthen the  
21 enforcement of this act,

22           b. determine patterns of misuse and abuse of controlled  
23 dangerous substances and the social effects thereof,  
24 and

1 c. improve methods for preventing, predicting,  
2 understanding and dealing with the misuse and abuse of  
3 controlled dangerous substances.

4 E. The Director shall prepare a yearly report on all deaths and  
5 nonfatal overdoses which were the result or probable result of abuse  
6 of a controlled dangerous substance. The yearly report shall be  
7 limited to statistical information including, but not limited to,  
8 the county where the death or nonfatal overdose occurred, age, race,  
9 gender, type of controlled dangerous substances involved in the  
10 death or nonfatal overdose, and the method in which the controlled  
11 dangerous substance was obtained by the person, when available.

12 F. The Director may enter into contracts with public agencies,  
13 institutions of higher education and private organizations or  
14 individuals for the purpose of conducting research, demonstrations  
15 or special projects which bear directly on misuse and abuse of  
16 controlled dangerous substances.

17 ~~F.~~ G. The Director may enter into contracts for educational and  
18 research activities without performance bonds.

19 ~~G.~~ H. The Director may authorize persons engaged in research or  
20 scientific activities on the use and effects of dangerous substances  
21 to withhold the names and other identifying characteristics of  
22 persons who are the subjects of such research. Persons who obtain  
23 this authorization may not be compelled in any state civil,  
24 criminal, administrative, legislative or other proceeding to

1 identify the subjects of research for which such authorization was  
2 obtained.

3 ~~H.~~ I. The Director may authorize the lawful possession,  
4 distribution and use of controlled dangerous substances by persons  
5 engaged in research or scientific activities; authorization for  
6 possession of controlled dangerous substances may be extended to  
7 persons engaged in a program of drug education or persons in the  
8 performance of an official duty. Persons who obtain this  
9 authorization shall be exempt from state prosecution for possession,  
10 distribution or use of dangerous substances to the extent authorized  
11 by the Director.

12 ~~I.~~ J. The Director is authorized to accept gifts, bequests,  
13 devises, contributions and grants, public or private, including  
14 federal funds or funds from any other source for use in furthering  
15 the purpose of the office of the Director.

16 ~~J.~~ K. The Director is authorized to purchase or sell real  
17 property, together with appurtenances, in the name of the Oklahoma  
18 State Bureau of Narcotics and Dangerous Drugs Control upon approval  
19 of the Oklahoma State Bureau of Narcotics and Dangerous Drugs  
20 Control Commission.

21 ~~K.~~ L. The Director is authorized to purchase and maintain motor  
22 vehicles and other equipment for use by the employees of the Bureau.

23 ~~L.~~ M. The Director shall be in charge of all monies  
24 appropriated for or deposited to the credit of the office of the

1 Director and is authorized to approve claims and payrolls as  
2 provided in Section 41.26 of Title 62 of the Oklahoma Statutes.

3 ~~M.~~ N. The Director shall have the authority of a peace officer  
4 and is authorized to commission assistants of ~~his~~ the office as  
5 peace officers.

6 SECTION 3. AMENDATORY 63 O.S. 2001, Section 2-309D, as  
7 last amended by Section 4, Chapter 128, O.S.L. 2005 (63 O.S. Supp.  
8 2009, Section 2-309D), is amended to read as follows:

9 Section 2-309D. A. The information collected at the central  
10 repository pursuant to the Anti-Drug Diversion Act shall be  
11 confidential and shall not be open to the public. Access to the  
12 information shall be limited to:

13 1. Peace officers certified pursuant to Section 3311 of Title  
14 70 of the Oklahoma Statutes who are employed as investigative agents  
15 of the Oklahoma State Bureau of Narcotics and Dangerous Drugs  
16 Control;

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

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

21 a. Board of Podiatric Medical Examiners,

22 b. Board of Dentistry,

23 c. State Board of Pharmacy,

24 d. State Board of Medical Licensure and Supervision,

- 1 e. State Board of Osteopathic Examiners, ~~and~~
- 2 f. State Board of Veterinary Medical Examiners, and
- 3 g. Oklahoma Health Care Authority;

4 provided, however, that the executive director or chief investigator  
5 of each of these boards shall be limited to access to information  
6 relevant to licensees of the employing board of such executive  
7 director or chief investigator; and

8 4. A multicounty grand jury properly convened pursuant to the  
9 Multicounty Grand Jury Act, Sections 350 through 363 of Title 22 of  
10 the Oklahoma Statutes.

11 B. This section shall not prevent the disclosure, at the  
12 discretion of the Director of the Oklahoma Bureau of Narcotics and  
13 Dangerous Drugs Control, of investigative information to peace  
14 officers and investigative agents of federal, state, county or  
15 municipal law enforcement agencies, district attorneys and the  
16 Attorney General in furtherance of criminal investigations or  
17 prosecutions within their respective jurisdictions, and to  
18 registrants in furtherance of efforts to guard against the diversion  
19 of controlled dangerous substances.

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

1 D. Notwithstanding the provisions of subsection B, registrants  
2 shall have no requirement or obligation to access or check the  
3 information in the central repository prior to dispensing or  
4 administering medications or as part of their professional  
5 practices. Registrants shall not be liable to any person for any  
6 claim of damages as a result of accessing or failing to access the  
7 information in the central repository and no lawsuit may be  
8 predicated thereon. Nothing herein shall be construed to relieve a  
9 registrant from any duty to monitor and report the sales of certain  
10 products pursuant to subsection E of Section 2-309C of this title.

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

20 SECTION 4. This act shall become effective November 1, 2010.  
21  
22  
23  
24

1 Passed the House of Representatives the 3rd day of March, 2010.

2  
3  
4 Presiding Officer of the House of  
Representatives

5  
6 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2010.

7  
8  
9 Presiding Officer of the Senate