

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 2574

By: Ownbey

6
7 COMMITTEE SUBSTITUTE

8 An Act relating to public health and safety; amending
9 63 O.S. 2011, Section 2-309D, which relates to access
10 to central repository information for certain
11 controlled dangerous substances; requiring
12 registrants to check patient information in central
13 repository under certain circumstances; providing
14 exclusion from certain term; and providing an
15 effective date.

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

17 SECTION 1. AMENDATORY 63 O.S. 2011, Section 2-309D, is
18 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
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, and

10 f. ~~State Board of Veterinary Medical Examiners, and~~

11 ~~g.~~ Oklahoma Health Care Authority;

12 provided, however, that the executive director or chief investigator
13 of each of these boards shall be limited to access to information
14 relevant to licensees of the employing board of such executive
15 director or chief investigator; and

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

19 B. This section shall not prevent the disclosure, at the
20 discretion of the Director of the Oklahoma Bureau of Narcotics and
21 Dangerous Drugs Control, of investigative information to peace
22 officers and investigative agents of federal, state, county or
23 municipal law enforcement agencies, district attorneys and the
24 Attorney General in furtherance of criminal investigations or

1 prosecutions within their respective jurisdictions, and to
2 registrants in furtherance of efforts to guard against the diversion
3 of controlled dangerous substances.

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

9 D. ~~Notwithstanding the provisions of subsection B, registrants~~
10 Registrants shall ~~have no requirement or obligation to~~ access or
11 check the information in the central repository to review a
12 patient's or prospective patient's history as it relates to
13 controlled substances prior to dispensing, prescribing or
14 administering non-emergent medications ~~or~~ as part of their
15 professional practices. Registrants shall be required to access or
16 check the information in the central repository upon a patient's
17 initial visit and once a year for each additional year in which the
18 registrant prescribes medication to a patient. Registrants shall
19 not be liable to any person for any claim of damages as a result of
20 accessing or failing to access the information in the central
21 repository and no lawsuit may be predicated thereon. ~~Nothing herein~~
22 ~~shall be construed to relieve a registrant from any duty to monitor~~
23 ~~and report the sales of certain products pursuant to subsection E of~~
24 ~~Section 2-309C of this title.~~

1 For purposes of this section only, "registrants" shall exclude
2 pharmacists licensed pursuant to the provisions of the Oklahoma
3 Pharmacy Act.

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

13 SECTION 2. This act shall become effective November 1, 2012.

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