

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE  
4 FOR ENGROSSED  
5 SENATE BILL NO. 1272

By: Nichols of the Senate

and

6 Martin (Scott) of the House

7  
8  
9 COMMITTEE SUBSTITUTE

10 [ controlled dangerous substances - Anti-Drug

11 Diversion Act - access to information -

12 effective date ]

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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, is  
17 amended to read as follows:

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

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

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, ~~and~~

13 g. Board of Examiners in Optometry,

14 h. Oklahoma Board of Nursing, and

15 i. Oklahoma Health Care Authority;

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

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

23 B. On receipt of a request from a requestor described in  
24 paragraph 3 of subsection A of this section who is from or is

1 participating with a prescription monitoring program of another  
2 state, the Bureau may provide to the requestor information from the  
3 central repository, but only if there is a written agreement under  
4 which the information is to be used and disseminated according to  
5 the laws of this state.

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

15 ~~C.~~ D. Any unauthorized disclosure of any information collected  
16 at the central repository provided by the Anti-Drug Diversion Act  
17 shall be a misdemeanor. Violation of the provisions of this section  
18 shall be deemed willful neglect of duty and shall be grounds for  
19 removal from office.

20 ~~D.~~ E. Notwithstanding the provisions of subsection ~~B~~ C of this  
21 section, registrants shall have no requirement or obligation to  
22 access or check the information in the central repository prior to  
23 dispensing or administering medications or as part of their  
24 professional practices. Registrants shall not be liable to any

1 person for any claim of damages as a result of accessing or failing  
2 to access the information in the central repository and no lawsuit  
3 may be predicated thereon. Nothing herein shall be construed to  
4 relieve a registrant from any duty to monitor and report the sales  
5 of certain products pursuant to subsection ~~E~~ G of Section 2-309C of  
6 this title.

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

16 SECTION 2. AMENDATORY 63 O.S. 2011, Section 2-309F, is  
17 amended to read as follows:

18 Section 2-309F. A. The central repository provided by the  
19 Anti-Drug Diversion Act shall:

- 20 1. Be capable of providing the collected information in forms  
21 required by the Oklahoma State Bureau of Narcotics and Dangerous  
22 Drugs Control, including but not limited to, dispensations by  
23 prescriber name or registration number, dispenser name or  
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1 registration number, recipient name or identification number, type  
2 of substance, frequency, quantity, and location of dispensation;

3 2. Be capable of generating an alert that provides notification  
4 to a person authorized to dispense or prescribe a controlled  
5 dangerous substance that a person is attempting to refill a  
6 prescription for a controlled dangerous substance that was  
7 previously dispensed to the person within the preceding thirty (30)  
8 days. Upon receipt of an alert from the central repository, the  
9 person shall be prohibited from receiving a refill prescription from  
10 a prescriber or from having the prescription refilled by a  
11 dispenser;

12 3. Provide the Bureau with continual, twenty-four-hour per day,  
13 on-line access to the collected information;

14 ~~3.~~ 4. Secure the collected information against access by  
15 unauthorized persons;

16 ~~4.~~ 5. Provide the Bureau, in a reasonable time, with all  
17 collected information in a format readily usable by the Bureau, in  
18 the event the relationship between the state and central repository  
19 is terminated; and

20 ~~5.~~ 6. Not withhold access to the collected information for any  
21 reason other than failure of the Bureau to timely pay agreed fees  
22 and charges for use of the central repository.

23 B. The Bureau is authorized to enter into a contract with a  
24 vendor to serve as the central repository provided for in the Anti-

1 Drug Diversion Act or to purchase the necessary equipment to create  
2 the central repository within the Bureau. The central repository  
3 shall not be subject to the provisions of Sections 34.6 through  
4 34.33 of Title 62 of the Oklahoma Statutes and shall be maintained  
5 and controlled by personnel of the Bureau pursuant to the  
6 confidentiality requirements provided for in Section 2-309D of this  
7 title.

8 SECTION 3. This act shall become effective November 1, 2012.

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