

1 ENGROSSED HOUSE
2 BILL NO. 2574

By: Ownbey of the House

3 and

4 Simpson of the Senate

5
6
7 (public health and safety - amending 63 O.S.,
8 Section 2-309D - controlled dangerous substances -
9 effective date)

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

13 SECTION 1. SECTION 1. AMENDATORY 63 O.S. 2011,
14 Section 2-309D, is amended to read as follows:

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

19 1. Peace officers certified pursuant to Section 3311 of Title
20 70 of the Oklahoma Statutes who are employed as investigative agents
21 of the Oklahoma State Bureau of Narcotics and Dangerous Drugs
22 Control;

23 2. The United States Drug Enforcement Administration Diversion
24 Group Supervisor;

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

- 3 a. Board of Podiatric Medical Examiners,
- 4 b. Board of Dentistry,
- 5 c. State Board of Pharmacy,
- 6 d. State Board of Medical Licensure and Supervision,
- 7 e. State Board of Osteopathic Examiners, and
- 8 f. ~~State Board of Veterinary Medical Examiners, and~~
- 9 ~~g.~~ Oklahoma Health Care Authority;

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

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

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

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

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

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

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

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

16 Passed the House of Representatives the 6th day of March, 2012.

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Presiding Officer of the House of
Representatives

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Passed the Senate the ____ day of _____, 2012.

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Presiding Officer of the Senate