

1 ENGROSSED SENATE  
2 BILL NO. 1272

By: Nichols of the Senate

3 and

4 Martin (Scott) of the House

5  
6 [ controlled dangerous substances - Anti-Drug  
7 Diversion Act - access to information - effective  
8 date ]

9  
10 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

17 1. Peace officers certified pursuant to Section 3311 of Title  
18 70 of the Oklahoma Statutes who are employed as investigative agents  
19 of the Oklahoma State Bureau of Narcotics and Dangerous Drugs  
20 Control;

21 2. The United States Drug Enforcement Administration Diversion  
22 Group Supervisor;

23 3. A licensed medical doctor, osteopathic physician, doctor of  
24 podiatry, or doctor of psychiatry of this state or other licensed

1 medical personnel authorized by law to prescribe those controlled  
2 dangerous substances eligible for the central repository. The  
3 doctors, physicians, or authorized medical personnel shall access  
4 the central repository prior to prescribing a controlled dangerous  
5 substance eligible for the central repository; however, the  
6 prescribing doctor, physician or other authorized medical personnel  
7 shall be limited to accessing information relevant only to the  
8 recipient being treated and only at the time prior to the substance  
9 being prescribed to the recipient;

10 4. The executive director or chief investigator, as designated  
11 by each board, of the following state boards:

- 12 a. Board of Podiatric Medical Examiners,
- 13 b. Board of Dentistry,
- 14 c. State Board of Pharmacy,
- 15 d. State Board of Medical Licensure and Supervision,
- 16 e. State Board of Osteopathic Examiners,
- 17 f. State Board of Veterinary Medical Examiners, and
- 18 g. Oklahoma Health Care Authority;

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

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1       ~~4.~~ 5. A multicounty grand jury properly convened pursuant to  
2 the Multicounty Grand Jury Act, ~~Sections 350 through 363 of Title 22~~  
3 ~~of the Oklahoma Statutes.~~

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

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

18       D. Notwithstanding the provisions of subsection B of this  
19 section, registrants shall have no requirement or obligation to  
20 access or check the information in the central repository prior to  
21 dispensing or administering medications or as part of their  
22 professional practices. Registrants shall not be liable to any  
23 person for any claim of damages as a result of accessing or failing  
24 to access the information in the central repository and no lawsuit

1 may be predicated thereon. Nothing herein shall be construed to  
2 relieve a registrant from any duty to monitor and report the sales  
3 of certain products pursuant to subsection ~~F~~ G of Section 2-309C of  
4 this title.

5 E. Information regarding nonfatal overdoses, other than  
6 statistical information as required by Section 2-106 of this title,  
7 shall be completely confidential. Access to this information shall  
8 be strictly limited to the Director of the Oklahoma State Bureau of  
9 Narcotics and Dangerous Drugs Control or designee, the Chief Medical  
10 Examiner, and the registrant that enters the information.

11 Registrants shall not be liable to any person for a claim of damages  
12 for information reported pursuant to the provisions of Section 2-105  
13 of this title.

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

15 Passed the Senate the 14th day of March, 2012.

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17 \_\_\_\_\_  
18 Presiding Officer of the Senate

19 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
20 2012.

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22 \_\_\_\_\_  
23 Presiding Officer of the House  
24 of Representatives