

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 53rd Legislature (2012)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2574

By: Ownbey of the House

and

Simpson of the Senate

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10 COMMITTEE SUBSTITUTE

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

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

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

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

1 1. Peace officers certified pursuant to Section 3311 of Title
2 70 of the Oklahoma Statutes who are employed as investigative agents
3 of the Oklahoma State Bureau of Narcotics and Dangerous Drugs
4 Control;

5 2. The United States Drug Enforcement Administration Diversion
6 Group Supervisor;

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

9 a. Board of Podiatric Medical Examiners,

10 b. Board of Dentistry,

11 c. State Board of Pharmacy,

12 d. State Board of Medical Licensure and Supervision,

13 e. State Board of Osteopathic Examiners, and

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

15 ~~g.~~ 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.

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

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

15 D. ~~Notwithstanding the provisions of subsection B, registrants~~
16 Registrants shall ~~have no requirement or obligation to~~ access or
17 check the information in the central repository to review a
18 patient's or prospective patient's history as it relates to
19 controlled substances prior to dispensing, prescribing or
20 administering non-emergent medications ~~or~~ as part of their
21 professional practices. Registrants shall be required to access or
22 check the information in the central repository upon a patient's
23 initial visit and once a year for each additional year in which the

1 registrant prescribes medication to a patient. Registrants shall
2 not be liable to any person for any claim of damages as a result of
3 accessing or failing to access the information in the central
4 repository and no lawsuit may be predicated thereon. ~~Nothing herein~~
5 ~~shall be construed to relieve a registrant from any duty to monitor~~
6 ~~and report the sales of certain products pursuant to subsection E of~~
7 ~~Section 2-309C of this title.~~

8 For purposes of this section only, "registrants" shall exclude
9 pharmacists licensed pursuant to the provisions of the Oklahoma
10 Pharmacy Act.

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

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22 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02/23/2012 -
23 DO PASS, As Amended and Coauthored.