

1 **SENATE FLOOR VERSION**

2 February 20, 2012

3 SENATE BILL NO. 1065

By: Stanislawski of the Senate

4 and

5 Derby of the House

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7
8 An Act relating to the Anti-Drug Diversion Act;
9 amending 63 O.S. 2011, Section 2-309D, which relates
10 to the central repository information; providing for
disclosure of certain information to the public;
11 limiting types of information to be disclosed; and
providing an effective date.

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

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

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

20 1. Peace officers certified pursuant to Section 3311 of Title
21 70 of the Oklahoma Statutes who are employed as investigative agents
22 of the Oklahoma State Bureau of Narcotics and Dangerous Drugs
23 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,
- 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. 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 statistical information gathered from
7 the central repository to the general public which shall be limited
8 to types and quantities of controlled substances dispensed and the
9 county where dispensed.

10 D. 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.~~ E. Notwithstanding the provisions of subsection B,
16 registrants shall have no requirement or obligation to access or
17 check the information in the central repository prior to dispensing
18 or administering medications or as part of their professional
19 practices. Registrants shall not be liable to any person for any
20 claim of damages as a result of accessing or failing to access the
21 information in the central repository and no lawsuit may be
22 predicated thereon. Nothing herein shall be construed to relieve a
23 registrant from any duty to monitor and report the sales of certain
24 products pursuant to subsection E of Section 2-309C of this title.

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

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

11 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 2-9-12 - DO
12 PASS, As Coauthored.

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