

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2574

By: Ownbey

4  
5  
6 AS INTRODUCED

7 An Act relating to public health and safety; amending  
8 63 O.S. 2011, Section 2-309D, which relates to access  
9 to central repository information for certain  
10 controlled dangerous substances; requiring  
11 registrants to check information in central  
repository to review patient history prior to  
prescribing medications; modifying scope of liability  
of registrants; and providing an effective date.

12  
13  
14  
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. Oklahoma Health Care Authority;

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

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

21 B. This section shall not prevent the disclosure, at the  
22 discretion of the Director of the Oklahoma Bureau of Narcotics and  
23 Dangerous Drugs Control, of investigative information to peace  
24 officers and investigative agents of federal, state, county or

1 municipal law enforcement agencies, district attorneys and the  
2 Attorney General in furtherance of criminal investigations or  
3 prosecutions within their respective jurisdictions, and to  
4 registrants in furtherance of efforts to guard against the diversion  
5 of controlled dangerous substances.

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

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

23 E. Information regarding nonfatal overdoses, other than  
24 statistical information as required by Section 2-106 of this title,

1 shall be completely confidential. Access to this information shall  
2 be strictly limited to the Director of the Oklahoma State Bureau of  
3 Narcotics and Dangerous Drugs Control or designee, the Chief Medical  
4 Examiner, and the registrant that enters the information.

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

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

9

10 53-2-8339 AM 01/12/12

11

12

13

14

15

16

17

18

19

20

21

22

23

24