

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1065

By: Stanislawski

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5  
6 AS INTRODUCED

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

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;

24 2. The United States Drug Enforcement Administration Diversion  
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,
- 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. This section shall not prevent the disclosure, at the  
4 discretion of the Director of the Oklahoma Bureau of Narcotics and  
5 Dangerous Drugs Control, of statistical information gathered from  
6 the central repository to the general public which shall be limited  
7 to types and quantities of controlled substances dispensed and the  
8 county where dispensed.

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

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

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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.

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