

HOUSE OF REPRESENTATIVES  
CONFERENCE COMMITTEE REPORT

Mr. President:

Mr. Speaker:

The Conference Committee, to which was referred

**HB1419**

By: Morrissette of the House and Standridge of the Senate

Title: Public health and safety; directing written notification be sent to practitioners under certain circumstances; agreements and contracts regarding data in central repository; effective date.

Together with Engrossed Senate Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

- 1) That the Senate recede from it amendment.

Respectfully submitted,

**HOUSE CONFEREES**

Cox, Doug

Derby, David



Echols, Jon



Enns, John



Grau, Randy

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Hamilton, Rebecca



Hulbert, Arthur

---

McDaniel, Jeannie



Mulready, Glen



Ritze, Mike

---

Shelton, Mike



**SENATE CONFEREES**

Standridge

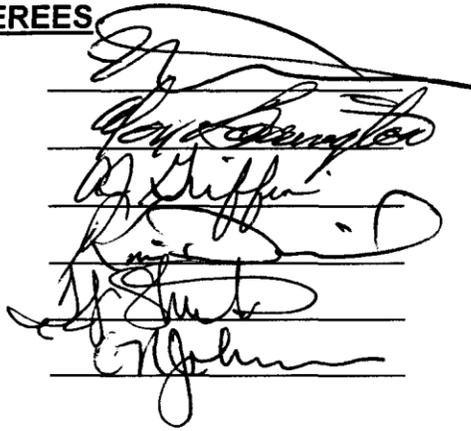
Barrington

Griffin

David

Shumate

Johnson  
(Constance)



The image shows six handwritten signatures, each written over a horizontal line. The signatures are: 1. Standridge (top, large cursive), 2. Barrington (second from top, cursive), 3. Griffin (middle, cursive), 4. David (second from bottom, cursive), 5. Shumate (bottom, cursive), and 6. Johnson (Constance) (bottom, cursive).

**AUTHOR(s)/COAUTHOR(s)CURRENTLY IN THE QUEUE for HB1419**

**As of 5/13/2013 4:42:41 PM**

Add as coauthor Senator Sharp







1 ENGROSSED SENATE AMENDMENT  
TO  
2 ENGROSSED HOUSE  
BILL NO. 1419

By: Morrisette and Sherrer of  
the House

and

Standridge of the Senate

8 An Act relating to public health and safety; \*\*\*  
9 Director of the Oklahoma State Bureau of Narcotics  
and Dangerous Drugs Control; directing certain  
10 notification be sent to practitioners under certain  
circumstances; \*\*\* Anti-Drug Diversion Act; \*\*\* ; and  
11 providing an effective date.

13 AUTHOR: Add the following House Coauthor: Biggs

14 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and  
entire bill and insert

16 "An Act relating to public health and safety;  
17 amending 63 O.S. 2011, Section 2-106, which relates  
to powers and duties of the Director of the Oklahoma  
18 State Bureau of Narcotics and Dangerous Drugs  
Control; directing certain notification be sent to  
19 practitioners under certain circumstances; amending  
63 O.S. 2011, Section 2-309F, which relates to the  
20 Anti-Drug Diversion Act; authorizing the Oklahoma  
State Bureau of Narcotics and Dangerous Drugs Control  
21 to enter into agreements and contracts for certain  
purpose; stating applicability of certain provisions  
22 upon rescheduling certain drugs; and providing an  
effective date.

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

1 SECTION 1. AMENDATORY 63 O.S. 2011, Section 2-106, is  
2 amended to read as follows:

3 Section 2-106. A. The Director of the Oklahoma State Bureau of  
4 Narcotics and Dangerous Drugs Control shall, in addition to other  
5 powers and duties vested in the Director:

6 1. Cooperate with federal and other state agencies in  
7 discharging the responsibilities concerning traffic in narcotics and  
8 dangerous substances and in suppressing the abuse of dangerous  
9 substances;

10 2. Arrange for the exchange of information between governmental  
11 officials concerning the use and abuse of dangerous substances;

12 3. Coordinate and cooperate in training programs on dangerous  
13 substances law enforcement at the local and state levels;

14 4. Cooperate with the Oklahoma State Bureau of Narcotics and  
15 Dangerous Drugs Control by establishing a centralized unit which  
16 will accept, catalog, file and collect statistics, including records  
17 of drug-dependent persons and other dangerous substance law  
18 offenders within the state, and make such information available for  
19 federal, state and local law enforcement purposes; and may collect  
20 and furnish statistics for other appropriate purposes; and

21 5. Coordinate and cooperate in programs of eradication aimed at  
22 destroying wild or illicit growth of plant species from which  
23 controlled dangerous substances may be extracted.

24

1 B. Results, information and evidence received from the Oklahoma  
2 State Bureau of Narcotics and Dangerous Drugs Control relating to  
3 the regulatory functions of this act, including results of  
4 inspections conducted by that agency, may be relied upon and acted  
5 upon by the Director in conformance with the regulatory functions  
6 under this act.

7 C. The Director is further authorized and directed to:

8 1. Coordinate and cooperate in educational programs designed to  
9 prevent and deter misuse and abuse of controlled dangerous  
10 substances;

11 2. Promote better recognition of the problems of misuse and  
12 abuse of controlled dangerous substances within the regulated  
13 industry and among interested groups and organizations;

14 3. Assist the regulated industry, interested groups and  
15 organizations in contributing to the reduction of misuse and abuse  
16 of controlled dangerous substances;

17 4. Consult with interested groups and organizations to aid them  
18 in solving administrative and organizational problems;

19 5. Assist in evaluating procedures, projects, techniques and  
20 controls conducted or proposed as part of educational programs on  
21 misuse and abuse of controlled dangerous substances;

22 6. Disseminate the results of research on misuse and abuse of  
23 controlled dangerous substances to promote a better public  
24

1 understanding of what problems exist and what can be done to combat  
2 them;

3 7. Assist in the education and training of state and local law  
4 enforcement officials in their efforts to control misuse and abuse  
5 of controlled dangerous substances;

6 8. Conduct an annual seminar to be attended by selected law  
7 enforcement officers in order to teach new techniques and advances  
8 in the investigation of violations of the Uniform Controlled  
9 Dangerous Substances Act; and

10 9. Supervise and direct agents appointed in the performance of  
11 their function of enforcement of the provisions of this act.

12 D. The Director is further authorized and directed to:

13 1. Encourage research on misuse and abuse of controlled  
14 dangerous substances;

15 2. Cooperate in establishing methods to assess accurately the  
16 effects of controlled dangerous substances and to identify and  
17 characterize controlled dangerous substances with potential for  
18 abuse; and

19 3. Cooperate in making studies and in undertaking programs of  
20 research to:

21 a. develop new or improved approaches, techniques,  
22 systems, equipment and devices to strengthen the  
23 enforcement of this act,

24

1           b.    determine patterns of misuse and abuse of controlled  
2                    dangerous substances and the social effects thereof,  
3                    and

4           c.    improve methods for preventing, predicting,  
5                    understanding and dealing with the misuse and abuse of  
6                    controlled dangerous substances.

7           E.    The Director shall prepare a yearly report on all deaths and  
8 nonfatal overdoses which were the result or probable result of abuse  
9 of a controlled dangerous substance. The yearly report shall be  
10 limited to statistical information including, but not limited to,  
11 the county where the death or nonfatal overdose occurred, age, race,  
12 gender, type of controlled dangerous substances involved in the  
13 death or nonfatal overdose, and the method in which the controlled  
14 dangerous substance was obtained by the person, when available.

15           F.    The Director may enter into contracts with public agencies,  
16 institutions of higher education and private organizations or  
17 individuals for the purpose of conducting research, demonstrations  
18 or special projects which bear directly on misuse and abuse of  
19 controlled dangerous substances.

20           G.    The Director may enter into contracts for educational and  
21 research activities without performance bonds.

22           H.    The Director may authorize persons engaged in research or  
23 scientific activities on the use and effects of dangerous substances  
24 to withhold the names and other identifying characteristics of

1 persons who are the subjects of such research. Persons who obtain  
2 this authorization may not be compelled in any state civil,  
3 criminal, administrative, legislative or other proceeding to  
4 identify the subjects of research for which such authorization was  
5 obtained.

6 I. The Director may authorize the lawful possession,  
7 distribution and use of controlled dangerous substances by persons  
8 engaged in research or scientific activities; authorization for  
9 possession of controlled dangerous substances may be extended to  
10 persons engaged in a program of drug education or persons in the  
11 performance of an official duty. Persons who obtain this  
12 authorization shall be exempt from state prosecution for possession,  
13 distribution or use of dangerous substances to the extent authorized  
14 by the Director.

15 J. The Director is authorized to accept gifts, bequests,  
16 devises, contributions and grants, public or private, including  
17 federal funds or funds from any other source for use in furthering  
18 the purpose of the office of the Director.

19 K. The Director is authorized to purchase or sell real  
20 property, together with appurtenances, in the name of the Oklahoma  
21 State Bureau of Narcotics and Dangerous Drugs Control upon approval  
22 of the Oklahoma State Bureau of Narcotics and Dangerous Drugs  
23 Control Commission.

24

1 L. The Director is authorized to purchase and maintain motor  
2 vehicles and other equipment for use by the employees of the Bureau.

3 M. The Director shall be in charge of all monies appropriated  
4 for or deposited to the credit of the office of the Director and is  
5 authorized to approve claims and payrolls as provided in Section  
6 41.26 of Title 62 of the Oklahoma Statutes.

7 N. The Director shall have the authority of a peace officer and  
8 is authorized to commission assistants of the office as peace  
9 officers.

10 O. Upon determining that a practitioner is prescribing a  
11 controlled dangerous substance to a person engaged in fraudulent or  
12 deceptive efforts to fill or refill multiple prescriptions for  
13 controlled dangerous substances, the Director shall provide written  
14 or electronic notification alerting the practitioner to the  
15 possibility that the person may be unlawfully obtaining prescription  
16 drugs in violation of the Uniform Controlled Dangerous Substances  
17 Act.

18 SECTION 2. AMENDATORY 63 O.S. 2011, Section 2-309F, is  
19 amended to read as follows:

20 Section 2-309F. A. The central repository provided by the  
21 Anti-Drug Diversion Act shall:

22 1. Be capable of providing the collected information in forms  
23 required by the Oklahoma State Bureau of Narcotics and Dangerous  
24 Drugs Control, including but not limited to, dispensations by

1 prescriber name or registration number, dispenser name or  
2 registration number, recipient name or identification number, type  
3 of substance, frequency, quantity, and location of dispensation;

4 2. Provide the Bureau with continual, twenty-four-hour per day,  
5 on-line access to the collected information;

6 3. Secure the collected information against access by  
7 unauthorized persons;

8 4. Provide the Bureau, in a reasonable time, with all collected  
9 information in a format readily usable by the Bureau, in the event  
10 the relationship between the state and central repository is  
11 terminated; and

12 5. Not withhold access to the collected information for any  
13 reason other than failure of the Bureau to timely pay agreed fees  
14 and charges for use of the central repository.

15 B. The Bureau is authorized to enter into a contract with a  
16 vendor to serve as the central repository provided for in the Anti-  
17 Drug Diversion Act or to purchase the necessary equipment to create  
18 the central repository within the Bureau. The Bureau is authorized  
19 to enter into agreements and contracts with vendors as necessary to  
20 facilitate the electronic transmission of data contained within the  
21 central repository to registrants and other persons as provided for  
22 in Section 2-309D of this title. The central repository shall not  
23 be subject to the provisions of Sections 34.6 through 34.33 of Title  
24 62 of the Oklahoma Statutes and shall be maintained and controlled

1 by personnel of the Bureau pursuant to the confidentiality  
2 requirements provided for in Section 2-309D of this title.

3 C. If hydrocodone or any drug containing hydrocodone is  
4 rescheduled to Schedule II in the future, the prescriptive authority  
5 existing on the effective date of this act of any practitioner  
6 licensed in Oklahoma to prescribe, dispense, or administer  
7 hydrocodone or drugs containing hydrocodone will remain inviolate  
8 and shall continue to exist to the same extent as if those drugs had  
9 remained classified as Schedule III controlled substances.

10 SECTION 3. This act shall become effective November 1, 2013."

11 Passed the Senate the 18th day of April, 2013.

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\_\_\_\_\_  
Presiding Officer of the Senate

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15 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,

16 2013.

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\_\_\_\_\_  
Presiding Officer of the House  
of Representatives

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1 ENGROSSED HOUSE  
2 BILL NO. 1419

By: Morrissette and Sherrer of  
the House

3 and

4 Standridge of the Senate

5  
6  
7 An Act relating to public health and safety; amending  
8 63 O.S. 2011, Section 2-106, which relates to powers  
9 and duties of the Director of the Oklahoma State  
10 Bureau of Narcotics and Dangerous Drugs Control;  
11 directing certain notification be sent to  
12 practitioners under certain circumstances; amending  
13 63 O.S. 2011, Section 2-309F, which relates to the  
14 Anti-Drug Diversion Act; authorizing the Oklahoma  
15 State Bureau of Narcotics and Dangerous Drugs Control  
16 to enter into agreements and contracts for certain  
17 purpose; and providing an effective date.

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

19 SECTION 4. AMENDATORY 63 O.S. 2011, Section 2-106, is  
20 amended to read as follows:

21 Section 2-106. A. The Director of the Oklahoma State Bureau of  
22 Narcotics and Dangerous Drugs Control shall, in addition to other  
23 powers and duties vested in the Director:

24 1. Cooperate with federal and other state agencies in  
discharging the responsibilities concerning traffic in narcotics and  
dangerous substances and in suppressing the abuse of dangerous  
substances;

1           2. Arrange for the exchange of information between governmental  
2 officials concerning the use and abuse of dangerous substances;

3           3. Coordinate and cooperate in training programs on dangerous  
4 substances law enforcement at the local and state levels;

5           4. Cooperate with the Oklahoma State Bureau of Narcotics and  
6 Dangerous Drugs Control by establishing a centralized unit which  
7 will accept, catalog, file and collect statistics, including records  
8 of drug-dependent persons and other dangerous substance law  
9 offenders within the state, and make such information available for  
10 federal, state and local law enforcement purposes; and may collect  
11 and furnish statistics for other appropriate purposes; and

12           5. Coordinate and cooperate in programs of eradication aimed at  
13 destroying wild or illicit growth of plant species from which  
14 controlled dangerous substances may be extracted.

15           B. Results, information and evidence received from the Oklahoma  
16 State Bureau of Narcotics and Dangerous Drugs Control relating to  
17 the regulatory functions of this act, including results of  
18 inspections conducted by that agency, may be relied upon and acted  
19 upon by the Director in conformance with the regulatory functions  
20 under this act.

21           C. The Director is further authorized and directed to:

22           1. Coordinate and cooperate in educational programs designed to  
23 prevent and deter misuse and abuse of controlled dangerous  
24 substances;

1           2. Promote better recognition of the problems of misuse and  
2 abuse of controlled dangerous substances within the regulated  
3 industry and among interested groups and organizations;

4           3. Assist the regulated industry, interested groups and  
5 organizations in contributing to the reduction of misuse and abuse  
6 of controlled dangerous substances;

7           4. Consult with interested groups and organizations to aid them  
8 in solving administrative and organizational problems;

9           5. Assist in evaluating procedures, projects, techniques and  
10 controls conducted or proposed as part of educational programs on  
11 misuse and abuse of controlled dangerous substances;

12           6. Disseminate the results of research on misuse and abuse of  
13 controlled dangerous substances to promote a better public  
14 understanding of what problems exist and what can be done to combat  
15 them;

16           7. Assist in the education and training of state and local law  
17 enforcement officials in their efforts to control misuse and abuse  
18 of controlled dangerous substances;

19           8. Conduct an annual seminar to be attended by selected law  
20 enforcement officers in order to teach new techniques and advances  
21 in the investigation of violations of the Uniform Controlled  
22 Dangerous Substances Act; and

23           9. Supervise and direct agents appointed in the performance of  
24 their function of enforcement of the provisions of this act.

1 D. The Director is further authorized and directed to:

2 1. Encourage research on misuse and abuse of controlled  
3 dangerous substances;

4 2. Cooperate in establishing methods to assess accurately the  
5 effects of controlled dangerous substances and to identify and  
6 characterize controlled dangerous substances with potential for  
7 abuse; and

8 3. Cooperate in making studies and in undertaking programs of  
9 research to:

10 a. develop new or improved approaches, techniques,  
11 systems, equipment and devices to strengthen the  
12 enforcement of this act,

13 b. determine patterns of misuse and abuse of controlled  
14 dangerous substances and the social effects thereof,  
15 and

16 c. improve methods for preventing, predicting,  
17 understanding and dealing with the misuse and abuse of  
18 controlled dangerous substances.

19 E. The Director shall prepare a yearly report on all deaths and  
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24 gender, type of controlled dangerous substances involved in the

1 death or nonfatal overdose, and the method in which the controlled  
2 dangerous substance was obtained by the person, when available.

3 F. The Director may enter into contracts with public agencies,  
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6 or special projects which bear directly on misuse and abuse of  
7 controlled dangerous substances.

8 G. The Director may enter into contracts for educational and  
9 research activities without performance bonds.

10 H. The Director may authorize persons engaged in research or  
11 scientific activities on the use and effects of dangerous substances  
12 to withhold the names and other identifying characteristics of  
13 persons who are the subjects of such research. Persons who obtain  
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15 criminal, administrative, legislative or other proceeding to  
16 identify the subjects of research for which such authorization was  
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20 engaged in research or scientific activities; authorization for  
21 possession of controlled dangerous substances may be extended to  
22 persons engaged in a program of drug education or persons in the  
23 performance of an official duty. Persons who obtain this  
24 authorization shall be exempt from state prosecution for possession,

1 distribution or use of dangerous substances to the extent authorized  
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4 devises, contributions and grants, public or private, including  
5 federal funds or funds from any other source for use in furthering  
6 the purpose of the office of the Director.

7 K. The Director is authorized to purchase or sell real  
8 property, together with appurtenances, in the name of the Oklahoma  
9 State Bureau of Narcotics and Dangerous Drugs Control upon approval  
10 of the Oklahoma State Bureau of Narcotics and Dangerous Drugs  
11 Control Commission.

12 L. The Director is authorized to purchase and maintain motor  
13 vehicles and other equipment for use by the employees of the Bureau.

14 M. The Director shall be in charge of all monies appropriated  
15 for or deposited to the credit of the office of the Director and is  
16 authorized to approve claims and payrolls as provided in Section  
17 41.26 of Title 62 of the Oklahoma Statutes.

18 N. The Director shall have the authority of a peace officer and  
19 is authorized to commission assistants of the office as peace  
20 officers.

21 O. Upon determining that a practitioner is prescribing a  
22 controlled dangerous substance to a person engaged in fraudulent or  
23 deceptive efforts to fill or refill multiple prescriptions for  
24 controlled dangerous substances, the Director shall provide written

1 or electronic notification alerting the practitioner to the  
2 possibility that the person may be unlawfully obtaining prescription  
3 drugs in violation of the Uniform Controlled Dangerous Substances  
4 Act.

5 SECTION 5. AMENDATORY 63 O.S. 2011, Section 2-309F, is  
6 amended to read as follows:

7 Section 2-309F. A. The central repository provided by the  
8 Anti-Drug Diversion Act shall:

9 1. Be capable of providing the collected information in forms  
10 required by the Oklahoma State Bureau of Narcotics and Dangerous  
11 Drugs Control, including but not limited to, dispensations by  
12 prescriber name or registration number, dispenser name or  
13 registration number, recipient name or identification number, type  
14 of substance, frequency, quantity, and location of dispensation;

15 2. Provide the Bureau with continual, twenty-four-hour per day,  
16 on-line access to the collected information;

17 3. Secure the collected information against access by  
18 unauthorized persons;

19 4. Provide the Bureau, in a reasonable time, with all collected  
20 information in a format readily usable by the Bureau, in the event  
21 the relationship between the state and central repository is  
22 terminated; and

23

24

1           5. Not withhold access to the collected information for any  
2 reason other than failure of the Bureau to timely pay agreed fees  
3 and charges for use of the central repository.

4           B. The Bureau is authorized to enter into a contract with a  
5 vendor to serve as the central repository provided for in the Anti-  
6 Drug Diversion Act or to purchase the necessary equipment to create  
7 the central repository within the Bureau. The Bureau is authorized  
8 to enter into agreements and contracts with vendors as necessary to  
9 facilitate the electronic transmission of data contained within the  
10 central repository to registrants and other persons as provided for  
11 in Section 2-309D of this title. The central repository shall not  
12 be subject to the provisions of Sections 34.6 through 34.33 of Title  
13 62 of the Oklahoma Statutes and shall be maintained and controlled  
14 by personnel of the Bureau pursuant to the confidentiality  
15 requirements provided for in Section 2-309D of this title.

16           SECTION 6. This act shall become effective November 1, 2013.

1 Passed the House of Representatives the 14th day of March, 2013.

2  
3 \_\_\_\_\_  
4 Presiding Officer of the House  
of Representatives

5 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2013.

6  
7  
8 \_\_\_\_\_  
9 Presiding Officer of the Senate