

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 54th Legislature (2013)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1419

By: Morrissette of the House

and

Standridge 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 2-106, which relates to powers
13 and duties of the Director of the Oklahoma State
14 Bureau of Narcotics and Dangerous Drugs Control;
15 directing certain notification be sent to
16 practitioners under certain circumstances; amending
17 63 O.S. 2011, Section 2-309F, which relates to the
18 Anti-Drug Diversion Act; authorizing the Oklahoma
19 State Bureau of Narcotics and Dangerous Drugs Control
20 to enter into agreements and contracts for certain
21 purpose; and providing an effective date.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 6. Disseminate the results of research on misuse and abuse of
21 controlled dangerous substances to promote a better public
22 understanding of what problems exist and what can be done to combat
23 them;

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

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

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

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

11 1. Encourage research on misuse and abuse of controlled
12 dangerous substances;

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

17 3. Cooperate in making studies and in undertaking programs of
18 research to:

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

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

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

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

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

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

5 M. The Director shall be in charge of all monies appropriated
6 for or deposited to the credit of the office of the Director and is
7 authorized to approve claims and payrolls as provided in Section
8 41.26 of Title 62 of the Oklahoma Statutes.

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

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

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

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

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1 1. Be capable of providing the collected information in forms
2 required by the Oklahoma State Bureau of Narcotics and Dangerous
3 Drugs Control, including but not limited to, dispensations by
4 prescriber name or registration number, dispenser name or
5 registration number, recipient name or identification number, type
6 of substance, frequency, quantity, and location of dispensation;

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

9 3. Secure the collected information against access by
10 unauthorized persons;

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

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

18 B. The Bureau is authorized to enter into a contract with a
19 vendor to serve as the central repository provided for in the Anti-
20 Drug Diversion Act or to purchase the necessary equipment to create
21 the central repository within the Bureau. The Bureau is authorized
22 to enter into agreements and contracts with vendors as necessary to
23 facilitate the electronic transmission of data contained within the

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1 central repository to registrants and other persons as provided for
2 in Section 2-309D of this title. The central repository shall not
3 be subject to the provisions of Sections 34.6 through 34.33 of Title
4 62 of the Oklahoma Statutes and shall be maintained and controlled
5 by personnel of the Bureau pursuant to the confidentiality
6 requirements provided for in Section 2-309D of this title.

7 SECTION 3. This act shall become effective November 1, 2013.
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9 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 02/28/2013 -
10 DO PASS, As Amended and Coauthored.
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