

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 54th Legislature (2014)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2665

By: Derby

7
8 COMMITTEE SUBSTITUTE

9 An Act relating to public health and safety; amending
10 63 O.S. 2011, Section 2-309D, as last amended by
11 Section 5, Chapter 181, O.S.L. 2013 (63 O.S. Supp.
12 2013, Section 2-309D), which relates to the Anti-Drug
13 Diversion Act; authorizing the disclosure of
14 prescription monitoring program information under
15 certain circumstances; and providing an effective
16 date.

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

18 SECTION 1. AMENDATORY 63 O.S. 2011, Section 2-309D, as
19 last amended by Section 5, Chapter 181, O.S.L. 2013 (63 O.S. Supp.
20 2013, Section 2-309D), is amended to read as follows:

21 Section 2-309D. A. The information collected at the central
22 repository pursuant to the Anti-Drug Diversion Act shall be
23 confidential and shall not be open to the public. Access to the
24 information shall be limited to:

- 1. Peace officers certified pursuant to Section 3311 of Title 70 of the Oklahoma Statutes who are employed as investigative agents

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.

20 B. This section shall not prevent access, at the discretion of
21 the Director of the Oklahoma Bureau of Narcotics and Dangerous Drugs
22 Control, to investigative information by peace officers and
23 investigative agents of federal, state, county or municipal law
24 enforcement agencies, district attorneys and the Attorney General in

1 furtherance of criminal investigations or prosecutions within their
2 respective jurisdictions, and to registrants in furtherance of
3 efforts to guard against the diversion of controlled dangerous
4 substances.

5 C. This section shall not prevent the disclosure, at the
6 discretion of the Director of the Oklahoma State Bureau of Narcotics
7 and Dangerous Drugs Control, of statistical information gathered
8 from the central repository to the general public which shall be
9 limited to types and quantities of controlled substances dispensed
10 and the county where dispensed.

11 D. This section shall not prevent the disclosure, at the
12 discretion of the Director of the Oklahoma State Bureau of Narcotics
13 and Dangerous Drugs Control, of prescription-monitoring-program
14 information to prescription-monitoring programs of other states
15 provided a reciprocal data-sharing agreement is in place.

16 E. Any unauthorized disclosure of any information collected at
17 the central repository provided by the Anti-Drug Diversion Act shall
18 be a misdemeanor. Violation of the provisions of this section shall
19 be deemed willful neglect of duty and shall be grounds for removal
20 from office.

21 ~~E.~~ F. Notwithstanding the provisions of subsection B of this
22 section, registrants shall have no requirement or obligation to
23 access or check the information in the central repository prior to
24 dispensing or administering medications or as part of their

1 professional practices. Registrants shall not be liable to any
2 person for any claim of damages as a result of accessing or failing
3 to access the information in the central repository and no lawsuit
4 may be predicated thereon. Nothing herein shall be construed to
5 relieve a registrant from any duty to monitor and report the sales
6 of certain products pursuant to ~~subsection E~~ the provisions of
7 Section 2-309C of this title.

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

17 SECTION 2. This act shall become effective November 1, 2014.

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19 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 02/13/2014 -
20 DO PASS, As Amended.

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UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.