

1 **SENATE FLOOR VERSION**

2 March 25, 2013

3 **AS AMENDED**

4 ENGROSSED HOUSE
5 BILL NO. 1781

6 By: Russ and Hoskin of the
7 House

8 and

9 Griffin of the Senate

10 **[public health and safety - central repository**
11 **information - effective date]**

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

13 SECTION 1. AMENDATORY 63 O.S. 2011, Section 2-309D, as
14 amended by Section 1, Chapter 51, O.S.L. 2012 (63 O.S. Supp. 2012,
15 Section 2-309D), is 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;

1 2. The United States Drug Enforcement Administration Diversion
2 Group Supervisor;

3 3. The executive director or chief investigator, as designated
4 by each board, of the following state boards:

- 5 a. Board of Podiatric Medical Examiners,
- 6 b. Board of Dentistry,
- 7 c. State Board of Pharmacy,
- 8 d. State Board of Medical Licensure and Supervision,
- 9 e. State Board of Osteopathic Examiners,
- 10 f. State Board of Veterinary Medical Examiners, ~~and~~
- 11 g. Oklahoma Health Care Authority,
- 12 h. Department of Mental Health and Substance Abuse
- 13 Services, and
- 14 i. State Board of Health;

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

19 4. A multicounty grand jury properly convened pursuant to the
20 Multicounty Grand Jury Act; and

21 5. The Department of Mental Health and Substance Abuse Services
22 and the State Department of Health for statistical, research,
23 substance abuse prevention or educational purposes provided that the
24 consumer's confidentiality is not compromised.

1 B. This section shall not prevent the disclosure, at the
2 discretion of the Director of the Oklahoma Bureau of Narcotics and
3 Dangerous Drugs Control, of investigative information to peace
4 officers and investigative agents of federal, state, county or
5 municipal law enforcement agencies, district attorneys and the
6 Attorney General in furtherance of criminal investigations or
7 prosecutions within their respective jurisdictions, and to
8 registrants in furtherance of efforts to guard against the diversion
9 of controlled dangerous substances.

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

16 D. 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. 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 of Section 2-309C of
7 this title.

8 F. 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, 2013.

18 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
19 March 25, 2013 - DO PASS AS AMENDED
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