

1 **SENATE FLOOR VERSION**

2 February 24, 2014

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 1820

By: Griffin of the Senate

and

Cox of the House

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9 An Act relating to the Anti-Drug Diversion Act;  
10 amending 63 O.S. 2011, Section 2-309D, as last  
11 amended by Section 1, Chapter 162, O.S.L. 2013 (63  
12 O.S. Supp. 2013, Section 2-309D), which relates to  
13 central repository information; permitting certain  
14 persons to access certain information; and providing  
15 an effective date.

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

17 SECTION 1. AMENDATORY 63 O.S. 2011, Section 2-309D, as  
18 last amended by Section 1, Chapter 162, O.S.L. 2013 (63 O.S. Supp.  
19 2013, Section 2-309D), is amended to read as follows:

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

24 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,

13 g. Oklahoma Health Care Authority,

14 h. Department of Mental Health and Substance Abuse  
15 Services, and

16 i. State Board of Health;

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

21 4. A multicounty grand jury properly convened pursuant to the  
22 Multicounty Grand Jury Act; ~~and~~

23 5. The Department of Mental Health and Substance Abuse Services  
24 and the State Department of Health for statistical, research,

1 substance abuse prevention or educational purposes provided that the  
2 consumer's confidentiality is not compromised; and

3 6. At the discretion of the Director of the Oklahoma Bureau of  
4 Narcotics and Dangerous Drugs Control, medical practitioners and  
5 their staff employed by the federal government within this state.

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

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

21 D. Any unauthorized disclosure of any information collected at  
22 the central repository provided by the Anti-Drug Diversion Act shall  
23 be a misdemeanor. Violation of the provisions of this section shall  
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1 be deemed willful neglect of duty and shall be grounds for removal  
2 from office.

3 E. Notwithstanding the provisions of subsection B of this  
4 section, registrants shall have no requirement or obligation to  
5 access or check the information in the central repository prior to  
6 dispensing or administering medications or as part of their  
7 professional practices. Registrants shall not be liable to any  
8 person for any claim of damages as a result of accessing or failing  
9 to access the information in the central repository and no lawsuit  
10 may be predicated thereon. Nothing herein shall be construed to  
11 relieve a registrant from any duty to monitor and report the sales  
12 of certain products pursuant to subsection E of Section 2-309C of  
13 this title.

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

23 SECTION 2. This act shall become effective November 1, 2014.  
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1 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES  
February 24, 2014 - DO PASS AS AMENDED

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