

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 HOUSE BILL 2271

By: Nollan

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5
6 AS INTRODUCED

7 An Act relating to public health and safety; amending
8 63 O.S. 2011, Section 2-309D, as amended by Section
9 1, Chapter 51, O.S.L. 2012 (63 O.S. Supp. 2012,
10 Section 2-309D), which relates to access to central
11 repository information for controlled dangerous
12 substances; requiring registrants to check
13 information in central repository to review patient
14 history prior to prescribing medications; permitting
15 liability of registrants; 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 amended by Section 1, Chapter 51, O.S.L. 2012 (63 O.S. Supp. 2012,
20 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 the disclosure, at the
21 discretion of the Director of the Oklahoma Bureau of Narcotics and
22 Dangerous Drugs Control, of investigative information to peace
23 officers and investigative agents of federal, state, county or
24 municipal law enforcement agencies, district attorneys and the

1 Attorney General in furtherance of criminal investigations or
2 prosecutions within their respective jurisdictions, and to
3 registrants in furtherance of efforts to guard against the diversion
4 of controlled dangerous 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. Any unauthorized disclosure of any information collected at
12 the central repository provided by the Anti-Drug Diversion Act shall
13 be a misdemeanor. Violation of the provisions of this section shall
14 be deemed willful neglect of duty and shall be grounds for removal
15 from office.

16 E. ~~Notwithstanding the provisions of subsection B, registrants~~
17 Registrants shall ~~have no requirement or obligation to~~ access or
18 check the information in the central repository to review a
19 patient's or prospective patient's history as it relates to
20 controlled substances prior to dispensing, prescribing or
21 administering nonemergency medications ~~or, except medications~~
22 dispensed, prescribed or administered in a nursing home or
23 perioperative or peribstetrical setting as part of their
24 professional practices. Registrants shall be required to access or

1 check the information in the central repository upon a patient's
2 initial visit and once a year for each additional year in which the
3 registrant prescribes medication to a patient. Registrants ~~shall~~
4 ~~not~~ may be liable to any person for any claim of damages as a result
5 of accessing or failing to access the information in the central
6 repository and ~~no lawsuit may be predicated thereon.~~ Nothing herein
7 ~~shall be construed to relieve a registrant from any duty to monitor~~
8 ~~and report the sales of certain products pursuant to subsection E of~~
9 ~~Section 2-309C of this title.~~

10 For purposes of this section only, "registrants" shall exclude
11 pharmacists licensed pursuant to the provisions of the Oklahoma
12 Pharmacy Act.

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

22 SECTION 2. This act shall become effective November 1, 2013.

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