

1 **SENATE FLOOR VERSION**

2 February 5, 2015

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 140

6 By: Standridge of the Senate

7 [Anti-Drug Diversion Act - permitting access to
8 central repository information by certain persons -
9 ~~effective date -~~ emergency]

10
11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

12 SECTION 1. AMENDATORY 63 O.S. 2011, Section 2-309D, as
13 last amended by Section 22, Chapter 293, O.S.L. 2014 (63 O.S. Supp.
14 2014, Section 2-309D), is amended to read as follows:

15 Section 2-309D. A. The information collected at the central
16 repository pursuant to the Anti-Drug Diversion Act shall be
17 confidential and shall not be open to the public. Access to the
18 information shall be limited to:

19 1. Peace officers certified pursuant to Section 3311 of Title
20 70 of the Oklahoma Statutes who are employed as investigative agents
21 of the Oklahoma State Bureau of Narcotics and Dangerous Drugs
22 Control;

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

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

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

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

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

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

23 B. This section shall not prevent access, at the discretion of
24 the Director of the Oklahoma Bureau of Narcotics and Dangerous Drugs

1 Control, to investigative information by peace officers and
2 investigative agents of federal, state, county or municipal law
3 enforcement agencies, district attorneys and the Attorney General in
4 furtherance of criminal investigations or prosecutions within their
5 respective jurisdictions, designated legal, communications, and
6 analytical employees of the Bureau, and to registrants in
7 furtherance of efforts to guard against the diversion of controlled
8 dangerous substances.

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

15 D. 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 prescription-monitoring-program
18 information to prescription-monitoring programs of other states
19 provided a reciprocal data-sharing agreement is in place.

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

1 F. Registrants shall not be liable to any person for any claim
2 of damages as a result of accessing or failing to access the
3 information in the central repository and no lawsuit may be
4 predicated thereon.

5 G. Information regarding nonfatal overdoses, other than
6 statistical information as required by Section 2-106 of this title,
7 shall be completely confidential. Access to this information shall
8 be strictly limited to the Director of the Oklahoma State Bureau of
9 Narcotics and Dangerous Drugs Control or designee, the Chief Medical
10 Examiner, and the registrant that enters the information.

11 Registrants shall not be liable to any person for a claim of damages
12 for information reported pursuant to the provisions of Section 2-105
13 of this title.

14 H. Upon completion of an investigation in which it is
15 determined that a death was caused by an overdose, either
16 intentionally or unintentionally, of a controlled dangerous
17 substance, the medical examiner shall be required to report the
18 decedent's name and date of birth to the Oklahoma State Bureau of
19 Narcotics and Dangerous Drugs Control. The Oklahoma State Bureau of
20 Narcotics and Dangerous Drugs Control shall be required to maintain
21 a database containing the classification of medical practitioners
22 who prescribed or authorized controlled dangerous substances
23 pursuant to this subsection.

24 ~~SECTION 2. This act shall become effective July 1, 2015.~~

1 ~~SECTION 3. It being immediately necessary for the preservation~~
2 ~~of the public peace, health and safety, an emergency is hereby~~
3 ~~declared to exist, by reason whereof this act shall take effect and~~
4 ~~be in full force from and after its passage and approval.~~

5 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
6 February 5, 2015 - DO PASS AS AMENDED
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24