

1 ENGROSSED HOUSE  
2 BILL NO. 1419

By: Morrisette, Sherrer,  
Biggs, Hoskin and Ownbey of  
the House

3  
4 and

5 Standridge and Sharp of the  
6 Senate

7  
8 An Act relating to public health and safety; amending  
9 63 O.S. 2011, Section 2-106, which relates to powers  
10 and duties of the Director of the Oklahoma State  
11 Bureau of Narcotics and Dangerous Drugs Control;  
12 directing certain notification be sent to  
13 practitioners under certain circumstances; amending  
14 63 O.S. 2011, Section 2-309F, which relates to the  
15 Anti-Drug Diversion Act; authorizing the Oklahoma  
16 State Bureau of Narcotics and Dangerous Drugs Control  
17 to enter into agreements and contracts for certain  
18 purpose; and providing an effective date.

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SUBJECT: Drugs

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

SECTION 1. AMENDATORY 63 O.S. 2011, Section 2-106, is  
amended to read as follows:

Section 2-106. A. The Director of the Oklahoma State Bureau of  
Narcotics and Dangerous Drugs Control shall, in addition to other  
powers and duties vested in the Director:

1. Cooperate with federal and other state agencies in  
discharging the responsibilities concerning traffic in narcotics and

1 dangerous substances and in suppressing the abuse of dangerous  
2 substances;

3 2. Arrange for the exchange of information between governmental  
4 officials concerning the use and abuse of dangerous substances;

5 3. Coordinate and cooperate in training programs on dangerous  
6 substances law enforcement at the local and state levels;

7 4. Cooperate with the Oklahoma State Bureau of Narcotics and  
8 Dangerous Drugs Control by establishing a centralized unit which  
9 will accept, catalog, file and collect statistics, including records  
10 of drug-dependent persons and other dangerous substance law  
11 offenders within the state, and make such information available for  
12 federal, state and local law enforcement purposes; and may collect  
13 and furnish statistics for other appropriate purposes; and

14 5. Coordinate and cooperate in programs of eradication aimed at  
15 destroying wild or illicit growth of plant species from which  
16 controlled dangerous substances may be extracted.

17 B. Results, information and evidence received from the Oklahoma  
18 State Bureau of Narcotics and Dangerous Drugs Control relating to  
19 the regulatory functions of this act, including results of  
20 inspections conducted by that agency, may be relied upon and acted  
21 upon by the Director in conformance with the regulatory functions  
22 under this act.

23 C. The Director is further authorized and directed to:  
24

1        1. Coordinate and cooperate in educational programs designed to  
2 prevent and deter misuse and abuse of controlled dangerous  
3 substances;

4        2. Promote better recognition of the problems of misuse and  
5 abuse of controlled dangerous substances within the regulated  
6 industry and among interested groups and organizations;

7        3. Assist the regulated industry, interested groups and  
8 organizations in contributing to the reduction of misuse and abuse  
9 of controlled dangerous substances;

10       4. Consult with interested groups and organizations to aid them  
11 in solving administrative and organizational problems;

12       5. Assist in evaluating procedures, projects, techniques and  
13 controls conducted or proposed as part of educational programs on  
14 misuse and abuse of controlled dangerous substances;

15       6. Disseminate the results of research on misuse and abuse of  
16 controlled dangerous substances to promote a better public  
17 understanding of what problems exist and what can be done to combat  
18 them;

19       7. Assist in the education and training of state and local law  
20 enforcement officials in their efforts to control misuse and abuse  
21 of controlled dangerous substances;

22       8. Conduct an annual seminar to be attended by selected law  
23 enforcement officers in order to teach new techniques and advances  
24

1 in the investigation of violations of the Uniform Controlled  
2 Dangerous Substances Act; and

3 9. Supervise and direct agents appointed in the performance of  
4 their function of enforcement of the provisions of this act.

5 D. The Director is further authorized and directed to:

6 1. Encourage research on misuse and abuse of controlled  
7 dangerous substances;

8 2. Cooperate in establishing methods to assess accurately the  
9 effects of controlled dangerous substances and to identify and  
10 characterize controlled dangerous substances with potential for  
11 abuse; and

12 3. Cooperate in making studies and in undertaking programs of  
13 research to:

14 a. develop new or improved approaches, techniques,  
15 systems, equipment and devices to strengthen the  
16 enforcement of this act,

17 b. determine patterns of misuse and abuse of controlled  
18 dangerous substances and the social effects thereof,  
19 and

20 c. improve methods for preventing, predicting,  
21 understanding and dealing with the misuse and abuse of  
22 controlled dangerous substances.

23 E. The Director shall prepare a yearly report on all deaths and  
24 nonfatal overdoses which were the result or probable result of abuse

1 of a controlled dangerous substance. The yearly report shall be  
2 limited to statistical information including, but not limited to,  
3 the county where the death or nonfatal overdose occurred, age, race,  
4 gender, type of controlled dangerous substances involved in the  
5 death or nonfatal overdose, and the method in which the controlled  
6 dangerous substance was obtained by the person, when available.

7 F. The Director may enter into contracts with public agencies,  
8 institutions of higher education and private organizations or  
9 individuals for the purpose of conducting research, demonstrations  
10 or special projects which bear directly on misuse and abuse of  
11 controlled dangerous substances.

12 G. The Director may enter into contracts for educational and  
13 research activities without performance bonds.

14 H. The Director may authorize persons engaged in research or  
15 scientific activities on the use and effects of dangerous substances  
16 to withhold the names and other identifying characteristics of  
17 persons who are the subjects of such research. Persons who obtain  
18 this authorization may not be compelled in any state civil,  
19 criminal, administrative, legislative or other proceeding to  
20 identify the subjects of research for which such authorization was  
21 obtained.

22 I. The Director may authorize the lawful possession,  
23 distribution and use of controlled dangerous substances by persons  
24 engaged in research or scientific activities; authorization for

1 possession of controlled dangerous substances may be extended to  
2 persons engaged in a program of drug education or persons in the  
3 performance of an official duty. Persons who obtain this  
4 authorization shall be exempt from state prosecution for possession,  
5 distribution or use of dangerous substances to the extent authorized  
6 by the Director.

7 J. The Director is authorized to accept gifts, bequests,  
8 devises, contributions and grants, public or private, including  
9 federal funds or funds from any other source for use in furthering  
10 the purpose of the office of the Director.

11 K. The Director is authorized to purchase or sell real  
12 property, together with appurtenances, in the name of the Oklahoma  
13 State Bureau of Narcotics and Dangerous Drugs Control upon approval  
14 of the Oklahoma State Bureau of Narcotics and Dangerous Drugs  
15 Control Commission.

16 L. The Director is authorized to purchase and maintain motor  
17 vehicles and other equipment for use by the employees of the Bureau.

18 M. The Director shall be in charge of all monies appropriated  
19 for or deposited to the credit of the office of the Director and is  
20 authorized to approve claims and payrolls as provided in Section  
21 41.26 of Title 62 of the Oklahoma Statutes.

22 N. The Director shall have the authority of a peace officer and  
23 is authorized to commission assistants of the office as peace  
24 officers.

1       O. Upon determining that a practitioner is prescribing a  
2 controlled dangerous substance to a person engaged in fraudulent or  
3 deceptive efforts to fill or refill multiple prescriptions for  
4 controlled dangerous substances, the Director shall provide written  
5 or electronic notification alerting the practitioner to the  
6 possibility that the person may be unlawfully obtaining prescription  
7 drugs in violation of the Uniform Controlled Dangerous Substances  
8 Act.

9       SECTION 2.       AMENDATORY       63 O.S. 2011, Section 2-309F, is  
10 amended to read as follows:

11       Section 2-309F. A. The central repository provided by the  
12 Anti-Drug Diversion Act shall:

13       1. Be capable of providing the collected information in forms  
14 required by the Oklahoma State Bureau of Narcotics and Dangerous  
15 Drugs Control, including but not limited to, dispensations by  
16 prescriber name or registration number, dispenser name or  
17 registration number, recipient name or identification number, type  
18 of substance, frequency, quantity, and location of dispensation;

19       2. Provide the Bureau with continual, twenty-four-hour per day,  
20 on-line access to the collected information;

21       3. Secure the collected information against access by  
22 unauthorized persons;

23       4. Provide the Bureau, in a reasonable time, with all collected  
24 information in a format readily usable by the Bureau, in the event

1 the relationship between the state and central repository is  
2 terminated; and

3 5. Not withhold access to the collected information for any  
4 reason other than failure of the Bureau to timely pay agreed fees  
5 and charges for use of the central repository.

6 B. The Bureau is authorized to enter into a contract with a  
7 vendor to serve as the central repository provided for in the Anti-  
8 Drug Diversion Act or to purchase the necessary equipment to create  
9 the central repository within the Bureau. The Bureau is authorized  
10 to enter into agreements and contracts with vendors as necessary to  
11 facilitate the electronic transmission of data contained within the  
12 central repository to registrants and other persons as provided for  
13 in Section 2-309D of this title. The central repository shall not  
14 be subject to the provisions of Sections 34.6 through 34.33 of Title  
15 62 of the Oklahoma Statutes and shall be maintained and controlled  
16 by personnel of the Bureau pursuant to the confidentiality  
17 requirements provided for in Section 2-309D of this title.

18 SECTION 3. This act shall become effective November 1, 2013.  
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1 Passed the House of Representatives the 14th day of March, 2013.

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4 Presiding Officer of the House  
of Representatives

5 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2013.

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8 Presiding Officer of the Senate