

1 **SENATE FLOOR VERSION**

2 April 4, 2013

3 ENGROSSED HOUSE
4 BILL NO. 1419

By: Morrisette, Sherrer and
Biggs of the House

5 and

6 Standridge of the Senate

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

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

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

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

23 1. Cooperate with federal and other state agencies in
24 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
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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.

19 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
20 April 4, 2013 - DO PASS
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