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February 18, 2013

SENATE BILL NO. 487

By: Sharp of the Senate

and

Russ of the House

An Act relating to the Anti-Drug Diversion Act; amending 63 O.S. 2011, Section 2-309D, as amended by Section 1, Chapter 51, O.S.L. 2012 (63 O.S. Supp. 2012, Section 2-309D), which relates to the central repository information; authorizing the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control to disclose certain information for certain purposes; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 2011, Section 2-309D, as amended by Section 1, Chapter 51, O.S.L. 2012 (63 O.S. Supp. 2012, Section 2-309D), is amended to read as follows:

Section 2-309D. A. The information collected at the central repository pursuant to the Anti-Drug Diversion Act shall be confidential and shall not be open to the public. Access to the 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 or to state agencies for public
11 health research purposes.

12 D. Any unauthorized disclosure of any information collected at
13 the central repository provided by the Anti-Drug Diversion Act shall
14 be a misdemeanor. Violation of the provisions of this section shall
15 be deemed willful neglect of duty and shall be grounds for removal
16 from office.

17 E. Notwithstanding the provisions of subsection B, registrants
18 shall have no requirement or obligation to access or check the
19 information in the central repository prior to dispensing or
20 administering medications or as part of their professional
21 practices. Registrants shall not be liable to any person for any
22 claim of damages as a result of accessing or failing to access the
23 information in the central repository and no lawsuit may be
24 predicated thereon. Nothing herein shall be construed to relieve a

1 registrant from any duty to monitor and report the sales of certain
2 products pursuant to subsection E of Section 2-309C of this title.

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

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

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

13 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
14 February 18, 2013 - DO PASS
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