

STATE OF OKLAHOMA

1st Session of the 54th Legislature (2013)

HOUSE BILL 1419

By: Morrisette

AS INTRODUCED

An Act relating to public health and safety; amending 63 O.S. 2011, Section 2-106, which relates to powers and duties of the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control; directing written notification be sent to practitioners under certain circumstances; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 2011, Section 2-106, 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 dangerous substances and in suppressing the abuse of dangerous substances;

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

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

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

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

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

19 C. The Director is further authorized and directed to:

20 1. Coordinate and cooperate in educational programs designed to
21 prevent and deter misuse and abuse of controlled dangerous
22 substances;

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

4 3. Assist the regulated industry, interested groups and
5 organizations in contributing to the reduction of misuse and abuse
6 of controlled dangerous substances;

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

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

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

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

19 8. Conduct an annual seminar to be attended by selected law
20 enforcement officers in order to teach new techniques and advances
21 in the investigation of violations of the Uniform Controlled
22 Dangerous Substances Act; and

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

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

2 1. Encourage research on misuse and abuse of controlled
3 dangerous substances;

4 2. Cooperate in establishing methods to assess accurately the
5 effects of controlled dangerous substances and to identify and
6 characterize controlled dangerous substances with potential for
7 abuse;

8 3. Cooperate in making studies and in undertaking programs of
9 research to:

10 a. develop new or improved approaches, techniques,
11 systems, equipment and devices to strengthen the
12 enforcement of this act,

13 b. determine patterns of misuse and abuse of controlled
14 dangerous substances and the social effects thereof,
15 and

16 c. improve methods for preventing, predicting,
17 understanding and dealing with the misuse and abuse of
18 controlled dangerous substances.

19 E. The Director shall prepare a yearly report on all deaths and
20 nonfatal overdoses which were the result or probable result of abuse
21 of a controlled dangerous substance. The yearly report shall be
22 limited to statistical information including, but not limited to,
23 the county where the death or nonfatal overdose occurred, age, race,
24 gender, type of controlled dangerous substances involved in the

1 death or nonfatal overdose, and the method in which the controlled
2 dangerous substance was obtained by the person, when available.

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

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

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

18 I. The Director may authorize the lawful possession,
19 distribution and use of controlled dangerous substances by persons
20 engaged in research or scientific activities; authorization for
21 possession of controlled dangerous substances may be extended to
22 persons engaged in a program of drug education or persons in the
23 performance of an official duty. Persons who obtain this
24 authorization shall be exempt from state prosecution for possession,

1 distribution or use of dangerous substances to the extent authorized
2 by the Director.

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

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

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

14 M. The Director shall be in charge of all monies appropriated
15 for or deposited to the credit of the office of the Director and is
16 authorized to approve claims and payrolls as provided in Section
17 41.26 of Title 62 of the Oklahoma Statutes.

18 N. The Director shall have the authority of a peace officer and
19 is authorized to commission assistants of the office as peace
20 officers.

21 O. Upon determining that a practitioner is prescribing a
22 controlled dangerous substance to a person that has previously
23 sought to fill or refill multiple prescriptions for controlled
24 dangerous substances, the Director shall provide written

1 notification alerting the practitioner to the possibility that the
2 person may be unlawfully obtaining prescription drugs in violation
3 of the Uniform Controlled Dangerous Substances Act. A practitioner
4 may submit a request for waiver to the Director for patients who
5 require long-term pain management that necessitates the continual
6 prescribing of controlled dangerous substances.

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

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