

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

COMMITTEE SUBSTITUTE
FOR

HOUSE BILL NO. 1821

By: Kannady

COMMITTEE SUBSTITUTE

An Act relating to public health and safety; amending 63 O.S. 2011, Section 2-103, as last amended by Section 1, Chapter 305, O.S.L. 2015 (63 O.S. Supp. 2016, Section 2-103), which relates to powers and duties of the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control; increasing hours of mandatory training for reserve special agents; providing employees in classified positions the right to return to classified service under certain circumstances; amending 63 O.S. 2011, Section 2-502, which relates to inspections of prescriptions, orders and records; authorizing Director to designate certain personnel as compliance inspectors; adding exception to certain prohibited conduct; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 2011, Section 2-103, as last amended by Section 1, Chapter 305, O.S.L. 2015 (63 O.S. Supp. 2016, Section 2-103), is amended to read as follows:

Section 2-103 A. The Director shall be appointed by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control Commission. The Director of Narcotics and Dangerous Drugs Control

1 on January 1, 1984, shall be initially appointed as Director. The
2 succeeding Director shall, at the time of the appointment, have a
3 Bachelor's Degree from an accredited college or university and at
4 least five (5) years of experience in drug law enforcement. The
5 Director may appoint necessary assistants, agents, and other
6 personnel to perform the work of the office and may prescribe their
7 titles and duties and fix their compensation pursuant to Merit
8 System rules. The Director may appoint employees to the positions
9 of Chief of Law Enforcement Information and Technology, Public
10 Information/Education Officer, Training Officer, Program
11 Administrators, Grants Administrator, Criminal Analysts, Legal
12 Secretary, and Typist Clerk/Spanish Transcriptionists. The
13 positions shall be unclassified and exempt from the rules and
14 procedures of the Office of Management and Enterprise Services,
15 except leave regulations. The office of the Director shall be
16 located at a suitable place in Oklahoma City, Oklahoma.

17 B. 1. Agents appointed by the Director shall have the powers
18 of peace officers generally; provided, the Director may appoint
19 special agents and reserve special agents, who shall be unclassified
20 employees of the state, to meet specific investigatory needs.
21 Special agents and reserve special agents shall not be required to
22 meet the age and educational requirements as specified in this
23 section.

1 2. Agents appointed on and after November 1, 1998, shall be at
2 least twenty-one (21) years of age and shall have a Bachelor's
3 Degree from an accredited college or university.

4 3. Each entering agent, with the exception of special agents,
5 shall be required to serve one (1) year in a probationary status as
6 a prerequisite to being placed on permanent status.

7 C. Agents appointed pursuant to the provisions of this section
8 shall have the responsibility of investigating alleged violations
9 and shall have the authority to arrest those suspected of having
10 violated the provisions of the Uniform Controlled Dangerous
11 Substances Act, as well as the crimes of money laundering and human
12 trafficking, as otherwise set forth by laws of this state.

13 D. The Director may appoint reserve special agents who shall
14 not be considered employees of the state and shall serve at the will
15 of the Director. Reserve special agents shall complete a minimum of
16 ~~one hundred sixty (160)~~ two hundred forty (240) hours of training
17 pursuant to Section 3311 of Title 70 of the Oklahoma Statutes and
18 may not serve more than one hundred forty (140) hours per calendar
19 month. Upon completion of training, reserve special agents
20 appointed by the Director shall have general peace officer powers
21 and the authority to arrest those suspected of having violated the
22 provisions of the Uniform Controlled Dangerous Substances Act. The
23 agency may expend funds related to training and special reserve
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1 agents may receive travel expenses pursuant to the State Travel
2 Reimbursement Act.

3 E. A commissioned employee of the Oklahoma State Bureau of
4 Narcotics and Dangerous Drugs Control shall be entitled to receive,
5 upon retirement by reason of length of service, the continued
6 custody and possession of the sidearm and badge carried by such
7 employee immediately prior to retirement.

8 F. A commissioned employee of the Bureau may be entitled to
9 receive, upon retirement by reason of disability, the continued
10 custody and possession of the sidearm and badge carried by such
11 employee immediately prior to retirement upon written approval of
12 the Director.

13 G. Custody and possession of the sidearm and badge of a
14 commissioned employee killed in the line of duty may be awarded by
15 the Director to the spouse or next of kin of the deceased employee.

16 H. Custody and possession of the sidearm and badge of a
17 commissioned employee who dies while employed at the Oklahoma State
18 Bureau of Narcotics and Dangerous Drugs Control may be awarded by
19 the Director to the spouse or next of kin of the deceased employee.

20 I. Any Director appointed on or after July 1, 2003, shall be
21 eligible to participate in either the Oklahoma Public Employees
22 Retirement System or in the Oklahoma Law Enforcement Retirement
23 System and shall make an irrevocable election in writing to
24 participate in one of the two retirement systems.

1 J. Any employee of the Oklahoma State Bureau of Narcotics and
2 Dangerous Drugs Control in a classified position under the Merit
3 System of the Personnel Administration who is appointed Director,
4 Deputy Director, Acting Director or Acting Deputy Director shall
5 have a right to return to the highest previously held classified
6 position without any loss of rights, privileges or benefits
7 immediately upon completion of the duties of the employee, provided
8 the employee is not otherwise disqualified.

9 SECTION 2. AMENDATORY 63 O.S. 2011, Section 2-502, is
10 amended to read as follows:

11 Section 2-502 A. Prescriptions, orders, and records, required
12 by this act, and stock of substances specified in this act shall be
13 open for inspection only to specifically designated or assigned
14 state, county, and municipal officers, whose duty it is to enforce
15 the laws of this state relating to controlled dangerous substances.
16 The Director of the Oklahoma State Bureau of Narcotics and Dangerous
17 Drugs Control may designate noncommissioned personnel as compliance
18 inspectors for the purpose of conducting inspections as contemplated
19 herein. No ~~officer~~ person having knowledge by virtue of his or her
20 office of any such prescription, order or record shall divulge such
21 knowledge, except where such use is appropriate to the proper
22 performance of his or her official duties in the prevention of the
23 misuse and abuse of controlled dangerous substances or in connection
24 with a prosecution or proceeding in court or before a licensing or

1 registration board or officer, to which prosecution or proceeding
2 the person to whom such prescriptions, orders, or records relate is
3 a party.

4 B. Any peace officer or agency charged with administration of
5 this act is authorized to make administrative inspections of
6 controlled premises in accordance with the following provisions:

7 1. For purposes of this act only, "controlled premises" means:

8 a. places where persons registered or exempted from
9 registration requirements under this act are required
10 to keep records~~+~~and

11 b. places including factories, warehouses,
12 establishments, and conveyances where persons
13 registered or exempted from registration requirements
14 under this act are permitted to hold, manufacture,
15 compound, process, sell, deliver, or otherwise dispose
16 of any controlled dangerous substance.

17 2. This section shall not be construed to prevent the
18 inspection of books and records pursuant to the provisions of this
19 act; nor shall this section be construed to prevent entries and
20 administrative inspections at reasonable times without a warrant:

21 a. with the consent of the owner, operator, or agent in
22 charge of the controlled premises~~+~~and

23 b. in situations presenting imminent danger to health or
24 safety~~+~~and

- 1 c. in situations involving inspection of conveyances
2 where there is reasonable cause to believe that the
3 mobility of the conveyance makes it impracticable to
4 obtain a warrant~~+~~L
5 d. in any other exceptional or emergency circumstance
6 where time or opportunity to apply for a warrant is
7 lacking~~+~~L and
8 e. in all other situations where a warrant is not
9 constitutionally required.

10 3. Except when the owner, operator, or agent in charge of the
11 controlled premises so consents in writing, no inspection authorized
12 by this section shall extend to:

- 13 a. financial data~~+~~L
14 b. sales data other than shipment data~~+~~L or
15 c. pricing data.

16 SECTION 3. This act shall become effective November 1, 2017.

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