

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

SENATE BILL 1438

By: Allen

AS INTRODUCED

An Act relating to substance abuse services; amending 43A O.S. 2021, Section 3-601, which relates to opioid substitution treatment programs; prohibiting sale or dispensing of methadone for unsupervised use; and providing an effective date.

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

SECTION 1. AMENDATORY 43A O.S. 2021, Section 3-601, is amended to read as follows:

Section 3-601. A. Any Class II controlled dangerous substance, when used in this state by an opioid substitution treatment program for persons with a history of opioid addiction to or physiologic dependence on controlled dangerous substances, shall only be used:

1. In treating persons with a history of addiction;
2. In treating persons with a one-year history of opioid addiction to or physiologic dependence on controlled dangerous substances, as defined by the Code of Federal Regulations, and documentation of attempting another type of treatment; or

1 3. If clinically appropriate, the program physician may waive
2 the requirement of a one-year history of opioid addiction for
3 consumers within six (6) months of release from a penal institution,
4 for consumers with a pregnancy verified by the program physician, or
5 for consumers having previously received treatment for opioid
6 addiction and within two (2) years of discharge from that treatment
7 episode.

8 B. Any conviction for a violation of the provisions of this
9 section or any rules promulgated pursuant to the provisions of this
10 section shall be a felony.

11 C. For the purposes of this section, "opioid substitution
12 treatment program" means a person, private physician, or
13 organization that administers or dispenses an opioid drug to a
14 narcotic addict for the purposes of detoxification or maintenance
15 treatment or provides, when necessary and appropriate, comprehensive
16 medical and rehabilitation services. A private physician who
17 administers buprenorphine with a waiver from the Drug Enforcement
18 Administration shall not be considered an opioid substitution
19 treatment program. An opioid substitution treatment program shall
20 be certified by the Board of Mental Health and Substance Abuse
21 Services, or the Commissioner of Mental Health and Substance Abuse
22 Services upon delegation by the Board, and registered with the
23 federal Drug Enforcement Administration for the use of an opioid
24 drug to treat narcotic addiction.

1 D. The Board of Mental Health and Substance Abuse Services
2 shall promulgate rules and standards for the certification of all
3 programs, private facilities, and organizations which provide opioid
4 substitution treatment directed to those physiologically dependent
5 on or addicted to opioids. These facilities and organizations shall
6 be known as ~~"Opioid Substitution Treatment Programs"~~ "opioid
7 substitution treatment programs". Only certified facilities may
8 receive and assist opioid-dependent and addicted persons by
9 providing Class II controlled substances in opioid substitution
10 treatment and rehabilitation.

11 E. The Board of Mental Health and Substance Abuse Services
12 shall promulgate rules and standards regulating the treatment and
13 services provided by opioid substitution treatment programs.
14 Failure to comply with rules and standards promulgated by the Board
15 shall be grounds for revocation, suspension or nonrenewal of
16 certification.

17 F. Opioid substitution treatment programs shall notify the
18 Department of Mental Health and Substance Abuse Services of plans to
19 close or relocate within a minimum of thirty (30) days prior to
20 closure or relocation.

21 G. Failure to comply with rules and standards promulgated by
22 the Board of Mental Health and Substance Abuse Services pursuant to
23 this section shall be grounds for reprimand, suspension, revocation
24 or nonrenewal of certification.

1 H. An opioid substitution treatment program or any other
2 healthcare provider or healthcare facility shall not sell or
3 dispense methadone to any consumer for unsupervised use. The opioid
4 substitution treatment program or other provider or facility may
5 only administer or dispense methadone to a consumer for onsite
6 consumption.

7 SECTION 2. This act shall become effective November 1, 2022.

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