

COMMITTEE AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3326 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by
inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Clay Staires

Adopted: _____

Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

PROPOSED COMMITTEE
SUBSTITUTE
FOR
HOUSE BILL NO. 3326

By: Staires

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to narcotic treatment programs;
amending 43A O.S. 2021, Section 3-601, as amended by
Section 2, Chapter 250, O.S.L. 2023 (43A O.S. Supp.
2023, Section 3-601), which relates to opioid
substitution treatment programs and compliance;
modifying observance requirements of drug abuse
testing; 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, as
amended by Section 2, Chapter 250, O.S.L. 2023 (43A O.S. Supp. 2023,
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

1 substances, as defined by the Code of Federal Regulations, and
2 documentation of attempting another type of treatment; or

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

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

13 C. For the purposes of this section, "opioid substitution
14 treatment program" means a person, private physician, or
15 organization that administers or dispenses an opioid drug to a
16 narcotic addict for the purposes of detoxification or maintenance
17 treatment or provides, when necessary and appropriate, comprehensive
18 medical and rehabilitation services. A private physician who
19 administers buprenorphine with a waiver from the Drug Enforcement
20 Administration shall not be considered an opioid substitution
21 treatment program.

22 D. An opioid substitution treatment program shall be certified
23 by the Board of Mental Health and Substance Abuse Services, or the
24 Commissioner of Mental Health and Substance Abuse Services upon

1 delegation by the Board, and registered with the federal Drug
2 Enforcement Administration for the use of an opioid drug to treat
3 narcotic addiction.

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

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

19 G. An opioid substitution treatment program shall comply with
20 all federal requirements for opioid treatment programs provided by
21 42 C.F.R., Subpart C including but not limited to the requirement to
22 provide drug abuse testing services provided by 42 C.F.R., Section
23 8.12(f) (6). Drug abuse testing shall be directly observed by an
24 employee or contractor of the opioid substitution treatment program

1 for the first four tests. After completing the first four tests,
2 the testing shall be directly observed by an employee or contractor
3 of the opioid substitution treatment program at least once every
4 third visit. If a patient fails a drug test then direct supervision
5 shall be required for each test for the next six (6) months.

6 H. Opioid substitution treatment programs shall notify the
7 Department of Mental Health and Substance Abuse Services of plans to
8 close or relocate within a minimum of thirty (30) days prior to
9 closure or relocation.

10 I. Failure to comply with rules and standards promulgated by
11 the Board of Mental Health and Substance Abuse Services pursuant to
12 this section or failure to comply with the requirements of 42
13 C.F.R., Subpart C shall be grounds for reprimand, suspension,
14 revocation or nonrenewal of certification.

15 SECTION 2. This act shall become effective November 1, 2024.

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