

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 3326

By: Staires

AS INTRODUCED

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 mandatory observance 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  
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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~~ may be directly observed by an  
24 employee or contractor of the opioid substitution treatment program.

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

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

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

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