

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL 2686

By: West (Rick) and Waldron of
the House

6 and

7 Burns of the Senate

8
9 COMMITTEE SUBSTITUTE

10 An Act relating to substance abuse services; amending
11 43A O.S. 2021, Section 3-601, which relates to opioid
12 substitution treatment programs; requiring opioid
13 substitution treatment programs to comply with
14 certain federal requirements; requiring drug abuse
15 testing to be directly observed; broadening grounds
16 for certain penalties; and providing an effective
17 date.

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

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

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

1. In treating persons with a history of addiction;

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

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

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

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

1 D. An opioid substitution treatment program shall be certified
2 by the Board of Mental Health and Substance Abuse Services, or the
3 Commissioner of Mental Health and Substance Abuse Services upon
4 delegation by the Board, and registered with the federal Drug
5 Enforcement Administration for the use of an opioid drug to treat
6 narcotic addiction.

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

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

22 ~~F.~~ G. An opioid substitution treatment program shall comply
23 with all federal requirements for opioid treatment programs provided
24 by 42 C.F.R., Subpart C including but not limited to the requirement

1 to provide drug abuse testing services provided by 42 C.F.R.,
2 Section 8.12(f)(6). Drug abuse testing shall be directly observed
3 by an employee or contractor of the opioid substitution treatment
4 program.

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

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

14 SECTION 2. This act shall become effective November 1, 2023.

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