

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 59th Legislature (2023)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 2686

By: West (Rick) and **Waldron**

7  
8                                   COMMITTEE SUBSTITUTE

9                   An Act relating to mental health; amending 43a O.S.  
10                   2021, Section 3-601, which relates to opioid  
11                   substitution treatment programs and addicted persons;  
12                   mandating drug screens; and providing an effective  
13                   date.

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

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

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

- 21                   1.   In treating persons with a history of addiction;
- 22                   2.   In treating persons with a one-year history of opioid  
23 addiction to or physiologic dependence on controlled dangerous  
24

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 Provided, however, that persons who are participating in the  
11 opioid substitution treatment program, pursuant to this subsection,  
12 shall be administered a minimum of eight (8) random, witnessed,  
13 urine drug screens annually.

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

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

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

7 D. 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. 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. Opioid substitution treatment programs shall notify the  
23 Department of Mental Health and Substance Abuse Services of plans to  
24

1 close or relocate within a minimum of thirty (30) days prior to  
2 closure or relocation.

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

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

8

9 COMMITTEE REPORT BY: COMMITTEE ON ALCOHOL, TOBACCO AND CONTROLLED  
10 SUBSTANCES, dated 03/02/2023 - DO PASS, As Amended and Coauthored.

11

12

13

14

15

16

17

18

19

20

21

22

23

24