

1 **SENATE FLOOR VERSION**

2 April 13, 2023

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL NO. 2686

By: West (Rick) and Waldron of
the House

6 and

7 Burns of the Senate

8
9 [substance abuse services - opioid substitution
10 treatment programs - federal requirements - drug
11 abuse testing - penalties - effective date]

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

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

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

20 1. In treating persons with a history of addiction;

21 2. In treating persons with a one-year history of opioid
22 addiction to or physiologic dependence on controlled dangerous
23 substances, as defined by the Code of Federal Regulations, and
24 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.

20 D. An opioid substitution treatment program shall be certified
21 by the Board of Mental Health and Substance Abuse Services, or the
22 Commissioner of Mental Health and Substance Abuse Services upon
23 delegation by the Board, and registered with the federal Drug
24

1 Enforcement Administration for the use of an opioid drug to treat
2 narcotic addiction.

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

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

18 ~~F.~~ G. An opioid substitution treatment program shall comply
19 with all federal requirements for opioid treatment programs provided
20 by 42 C.F.R., Subpart C including but not limited to the requirement
21 to provide drug abuse testing services provided by 42 C.F.R.,
22 Section 8.12(f) (6). Drug abuse testing shall be directly observed
23 by an employee or contractor of the opioid substitution treatment
24 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 ~~G.~~ 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, 2023.

11 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
12 April 13, 2023 - DO PASS AS AMENDED BY CS

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