

1 ENGROSSED HOUSE
2 BILL NO. 2686

By: West (Rick) and Waldron of
the House

3 and

4 Burns of the Senate
5

6
7 An Act relating to mental health; amending 43A O.S.
8 2021, Section 3-601, which relates to opioid
9 substitution treatment programs and addicted
10 persons; mandating drug screens; and providing an
11 effective date.

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

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

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

- 19 1. In treating persons with a history of addiction;
- 20 2. In treating persons with a one-year history of opioid
21 addiction to or physiologic dependence on controlled dangerous
22 substances, as defined by the Code of Federal Regulations, and
23 documentation of attempting another type of treatment; or
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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 Provided, however, that persons who are participating in the
9 opioid substitution treatment program, pursuant to this subsection,
10 shall be administered a minimum of eight random, witnessed, urine
11 drug screens annually.

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. An opioid substitution treatment program shall
24 be certified by the Board of Mental Health and Substance Abuse

1 Services, or the Commissioner of Mental Health and Substance Abuse
2 Services upon delegation by the Board, and registered with the
3 federal Drug Enforcement Administration for the use of an opioid
4 drug to treat narcotic addiction.

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

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

20 F. Opioid substitution treatment programs shall notify the
21 Department of Mental Health and Substance Abuse Services of plans to
22 close or relocate within a minimum of thirty (30) days prior to
23 closure or relocation.

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

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

6 Passed the House of Representatives the 23rd day of March, 2023.

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Presiding Officer of the House
of Representatives

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Passed the Senate the ____ day of _____, 2023.

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Presiding Officer of the Senate

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