STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL 2686

By: West (Rick) and Waldron of the House

and

Burns of the Senate

COMMITTEE SUBSTITUTE

An Act relating to substance abuse services; amending 43A O.S. 2021, Section 3-601, which relates to opioid substitution treatment programs; requiring opioid substitution treatment programs to comply with certain federal requirements; requiring drug abuse testing to be directly observed; broadening grounds for certain penalties; 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, 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 substances, as defined by the Code of Federal Regulations, and documentation of attempting another type of treatment; or

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

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

C. For the purposes of this section, “opioid substitution treatment program” means a person, private physician, or organization that administers or dispenses an opioid drug to a narcotic addict for the purposes of detoxification or maintenance treatment or provides, when necessary and appropriate, comprehensive medical and rehabilitation services. A private physician who administers buprenorphine with a waiver from the Drug Enforcement Administration shall not be considered an opioid substitution treatment program.
D. An opioid substitution treatment program shall be certified by the Board of Mental Health and Substance Abuse Services, or the Commissioner of Mental Health and Substance Abuse Services upon delegation by the Board, and registered with the federal Drug Enforcement Administration for the use of an opioid drug to treat narcotic addiction.

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

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

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

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

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

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