

2018 Oklahoma Opioid Legislative Changes

In early spring of 2018, Oklahoma Attorney General Mike Hunter and members of the Oklahoma Commission on Opioid Abuse released their findings and recommendations for changes to Oklahoma law, policy and rules.

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This document highlights recent legislative successes by both houses based on some the recommendation to improve regulation surrounding opioids in the State of Oklahoma.

Bill Number	Author(s)	Summary	Status
<p>HB2798</p>	<p>Downing</p>	<p><i>Opioid Abuse Prevention and Treatment Act of 2018</i> The proposed committee substitute creates an 18 member Opioid Overdose Fatality Review Board with a sunset date of July 1, 2023. The AG will provide administrative assistance and services to the board. The review board is tasked with several duties, including:</p> <ul style="list-style-type: none"> • conducting case reviews of death of persons 18 years of age or older due to licit or illicit opioid use; • collecting, analyzing, and interpreting state and local data on opioid overdose deaths; and • developing a state and local database on opioid overdose deaths. <p>The review and discussions of individual cases will be conducted in executive session, but all other business will be conducted in accordance with the Open Meeting Act. The board must submit an annual statistical report on the incidences and causes of opioid overdose deaths that have been reviewed by the board during the past calendar year, including recommendations for the medical and law enforcement system.</p> <p>Beginning November 1, 2018, the Center for Health Statistics within the State Department of Health will begin forwarding copies of death certificates for adults over the age of 18 when the cause of death was due to an overdose of licit or illicit drugs, including opioids, to the Chief Medical Examiner. The medical examiner will review the death certificate in accordance with the criteria established by the board and refer those cases that meet the criteria for specific case review. Lastly, the measure directs the medical and law enforcement system to provide any information requested by the board.</p>	<p>Signed into Law 3/12/2018</p>
<p>HB2931</p>	<p>Griffin</p>	<p><i>Electronic Prescribing Act of 2018</i> Requiring electronic prescribing for all scheduled drugs The proposed committee substitute to HB 2931 requires the use of electronic prescribing for all scheduled drugs. The measure exempts licensed veterinarians, practitioners who experience temporary technological or electrical failure or other extenuating circumstance that prevents the prescription from being transmitted electronically, a practitioner, other than a pharmacist, who dispenses directly to an ultimate user, a practitioner who orders a controlled dangerous substance to be administered in a state-certified and recognized hospital, nursing home, hospice facility, a practitioner who writes a</p>	<p>Approved by Governor 05/08/2018</p>

		prescription to be dispensed by a pharmacy located on federal property, or a prescriber that has received a waiver or extension from the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control. The measure provides circumstances under which electronic prescriptions are not to be used. The measure provides that a Schedule V controlled substance may not be filled or refilled more than 5 times after the date of the prescription. The measure delays the effective date of the requirements for electronic prescribing depending on county population.	
HB2795	Downing and Griffin	Controlled dangerous substances; directing medical facility owners that prescribe certain drugs on a monthly basis to register with the State Bureau of Narcotics and Dangerous Drugs Control; effective date. Co-authors: Sanders, Russ, McCall, O'Donnell, Blancett, Bush, Frix, West	Approved by Governor 05/08/18
SB 1078	Griffin Downing McCall Sanders O'Donnell	<i>Fentanyl Control Act of 2018</i> Adding fentanyl to list of substances subject to trafficking penalties; providing fine amount for fentanyl trafficking convictions; and providing an effective date. (Nov 1, 2018) Fentanyl and its analogs and derivatives: One (1) gram or more of a mixture containing fentanyl or carfentanil, or any fentanyl analogs or derivatives shall be punishable by a fine of not less than One Hundred Thousand Dollars (\$100,000.00) and not more than Five Hundred Thousand Dollars (\$500,000.00) Widens the scope of a felony which could increase the statewide incarceration rate. Currently the average cost of incarceration for one individual in DOC custody is \$58.70/day or \$21,425.50/year. Ultimately the exact impact is contingent upon how many individuals are convicted of the crime and the amount of the fine they are mandated to pay.	Approved by Governor: 4/9/2018
SB1367	Yen Downing Derby	<i>Good Samaritan Bill of 2018</i> An Act relating to public health and safety; providing immunity from prosecution for drug-related offenses under certain circumstances; providing exceptions; prohibiting the filing of certain actions against peace officers; defining certain term; providing for codification; and providing an effective date.	Approved by Governor: 5/7/2018

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