

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015

A Bill

SENATE BILL 698

4
5 By: Senator J. Hutchinson
6

For An Act To Be Entitled

8 AN ACT TO GRANT CERTAIN LAW ENFORCEMENT INVESTIGATORS
9 ACCESS TO THE PRESCRIPTION DRUG MONITORING PROGRAM TO
10 ENHANCE INVESTIGATIVE CAPABILITY; AND FOR OTHER
11 PURPOSES.
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Subtitle

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15 TO GRANT CERTAIN LAW ENFORCEMENT
16 INVESTIGATORS ACCESS TO THE PRESCRIPTION
17 DRUG MONITORING PROGRAM TO ENHANCE
18 INVESTIGATIVE CAPABILITY.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 20-7-603, concerning the definitions of the
24 Prescription Drug Monitoring Program Act, is amended to add new subdivisions
25 to read as follows:

26 (15) "Schedule V" means controlled substances that are placed in
27 Schedule V under § 5-64-211; ~~and~~

28 (16) "Ultimate user" means a person who lawfully possesses a
29 controlled substance for:

- 30 (A) The person's own use;
31 (B) The use of a member of the person's household; or
32 (C) Administering to an animal owned by a person or by a
33 member of the person's household;

34 (17) "Certified law enforcement prescription drug diversion
35 investigator" means a certified law enforcement officer assigned by his or
36 her law enforcement agency to investigate prescription drug diversion and who



1 has completed a certification course in prescription drug diversion approved
 2 by the Arkansas Commission on Law Enforcement Standards and Training; and
 3 (18) "Qualified law enforcement agency" means a law enforcement
 4 agency that has a certified law enforcement prescription drug diversion
 5 investigator and a chief, sheriff, or law enforcement chief executive officer
 6 who has successfully completed a certification course in prescription drug
 7 diversion approved by the commission.

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 9 SECTION 2. Arkansas Code § 20-7-604, concerning the requirements for
 10 the Prescription Drug Monitoring Program, is amended to add additional
 11 subsections to read as follows:

12 (i) A certified law enforcement prescription drug diversion
 13 investigator shall provide to the department the following information in
 14 order to be granted grant access to the Prescription Drug Monitoring Program:

15 (1) The identification credentials assigned by the department;
 16 and

17 (2) The case number of the investigation.

18 (j)(1) A qualified law enforcement agency shall submit to the
 19 department an annual report of the data accessed by all certified law
 20 enforcement prescription drug diversion investigators in the qualified law
 21 enforcement agency, including without limitation:

22 (A) Written verification that the inquires were part of a
 23 lawful prescription drug diversion investigation as provided to the
 24 department through the case number of the investigation; and

25 (B) The disposition of the investigation.

26 (2) The department shall:

27 (A) Create a verification form for use under subdivision
 28 (j)(1) of this section; and

29 (B) Make the verification form available annually to the
 30 qualified law enforcement agency.

31 (3)(A) The verification form under subdivision (j)(1) of this
 32 section shall be submitted to the department within thirty (30) days of
 33 receipt of the form by the qualified law enforcement agency.

34 (B) Failure to submit a verification form under
 35 subdivision (j)(3)(A) of this section shall result in the immediate
 36 suspension of the access to the database by the qualified law enforcement

1 agency and its certified law enforcement prescription drug diversion
2 investigators until a determination is made by the department to allow
3 continued access.
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5 SECTION 3. Arkansas Code § 20-7-606(b)(2), concerning confidentiality
6 of the Prescription Drug Monitoring Program, is amended to read as follows:

7 (2) Information in the controlled substances database may be
8 accessed by:

9 (A) A certified law enforcement officer pursuant to a
10 criminal investigation but only after the law enforcement officer obtains a
11 search warrant signed by a judge that demonstrates probable cause to believe
12 that a violation of federal or state criminal law has occurred, that
13 specified information contained in the database would assist in the
14 investigation of the crime, and that the specified information should be
15 released to the certified law enforcement officer;

16 (B) A regulatory body engaged in the supervision of
17 activities of licensing or regulatory boards of practitioners authorized to
18 prescribe or dispense controlled substances;

19 (C) A person or entity investigating a case involving
20 breaches of privacy involving the database or its records; ~~or~~

21 (D) A certified law enforcement prescription drug
22 diversion investigator of a qualified law enforcement agency; or

23 (E) The Department of Human Services or the Crimes Against
24 Children Division of the Department of Arkansas State Police if:

25 (i) The purpose of the database access is related to
26 an investigation under the Child Maltreatment Act, § 12-18-101 et seq., and
27 not pursuant to a criminal investigation by a certified law enforcement
28 officer; and

29 (ii) The Department of Human Services has obtained a
30 court order to access the database under § 12-18-604.
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32 SECTION 4. Arkansas Code § 20-7-607(a)(2), concerning providing
33 prescription monitoring information, is amended to read as follows:

34 (2) If information of misuse or abuse is identified, the
35 department shall notify the practitioners and dispensers who prescribed or
36 dispensed the prescriptions and the Office of Diversion Control of the United

States Drug Enforcement Administration.

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