

By: Senator(s) Tollison

To: Judiciary, Division B

SENATE BILL NO. 2264

1 AN ACT TO AMEND SECTION 41-29-159, MISSISSIPPI CODE OF 1972,
2 TO IMPOSE A DUTY UPON ALL HEALTH CARE PROVIDERS, CORONERS AND LAW
3 ENFORCEMENT OFFICERS TO NOTIFY THE BUREAU OF NARCOTICS OF ALL DRUG
4 OVERDOSE DEATHS WITHIN 24 HOURS; AND FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1.** Section 41-29-159, Mississippi Code of 1972, is
7 amended as follows:

8 41-29-159. (a) Any officer or employee of the Mississippi
9 Bureau of Narcotics, investigative unit of the State Board of
10 Pharmacy, investigative unit of the State Board of Medical
11 Licensure, investigative unit of the State Board of Dental
12 Examiners, investigative unit of the Mississippi Board of Nursing,
13 investigative unit of the State Board of Optometry, any duly sworn
14 peace officer of the State of Mississippi, any enforcement officer
15 of the Mississippi Department of Transportation, or any highway
16 patrolman, may, while engaged in the performance of his statutory
17 duties:

18 (1) Carry firearms;

19 (2) Execute and serve search warrants, arrest warrants,
20 subpoenas, and summonses issued under the authority of this state;

21 (3) Make arrests without warrant for any offense under
22 this article committed in his presence, or if he has probable
23 cause to believe that the person to be arrested has committed or
24 is committing a crime; and

25 (4) Make seizures of property pursuant to this article.

26 (b) As divided among the Mississippi Bureau of Narcotics,
27 the State Board of Pharmacy, the State Board of Medical Licensure,
28 the State Board of Dental Examiners, the Mississippi Board of

29 Nursing and the State Board of Optometry, the primary
30 responsibility of the illicit street traffic or other illicit
31 traffic of drugs is delegated to agents of the Mississippi Bureau
32 of Narcotics. The State Board of Pharmacy is delegated the
33 responsibility of regulating and checking the legitimate drug
34 traffic among pharmacists, pharmacies, hospitals, nursing homes,
35 drug manufacturers, and any other related professions and
36 facilities with the exception of the medical, dental, nursing,
37 optometric and veterinary professions. The State Board of Medical
38 Licensure is responsible for regulating and checking the
39 legitimate drug traffic among physicians, podiatrists and
40 veterinarians. The Mississippi Board of Dental Examiners is
41 responsible for regulating and checking the legitimate drug
42 traffic among dentists and dental hygienists. The Mississippi
43 Board of Nursing is responsible for regulating and checking the
44 legitimate drug traffic among nurses. The State Board of
45 Optometry is responsible for regulating and checking the
46 legitimate drug traffic among optometrists.

47 (c) The provisions of this section shall not be construed to
48 limit or preclude the detection or arrest of persons in violation
49 of Section 41-29-139 by any local law enforcement officer,
50 sheriff, deputy sheriff or peace officer.

51 (d) Agents of the bureau are authorized to investigate the
52 circumstances of deaths which are caused by drug overdose or which
53 are believed to be caused by drug overdose, and health care
54 providers, coroners and law enforcement officers shall notify the
55 bureau of any death caused by a drug overdose within twenty-four
56 (24) hours.

57 (e) Any person who shall impersonate in any way the director
58 or any agent, or who shall in any manner hold himself out as
59 being, or represent himself as being, an officer or agent of the
60 Mississippi Bureau of Narcotics shall be guilty of a misdemeanor,
61 and upon conviction thereof shall be punished by a fine of not

62 less than One Hundred Dollars (\$100.00) nor more than Five Hundred
63 Dollars (\$500.00) or by imprisonment for not more than one (1)
64 year, or by both such fine and imprisonment.

65 **SECTION 2.** This act shall take effect and be in force from
66 and after July 1, 2007.