

By: Representative Willis

To: Drug Policy

HOUSE BILL NO. 1020

1 AN ACT TO AMEND SECTION 41-29-159, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE CIVIL PENALTIES FOR CERTAIN PERSONS WHO FAIL TO REPORT  
3 DRUG OVERDOSES; AND FOR RELATED PURPOSES.

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

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

7 41-29-159. (a) Any officer or employee of the Mississippi  
8 Bureau of Narcotics, investigative unit of the State Board of  
9 Pharmacy, investigative unit of the State Board of Medical  
10 Licensure, investigative unit of the State Board of Dental  
11 Examiners, investigative unit of the Mississippi Board of Nursing,  
12 investigative unit of the State Board of Optometry, any duly sworn  
13 peace officer of the State of Mississippi, any enforcement officer  
14 of the Mississippi Department of Transportation, or any highway  
15 patrolman, may, while engaged in the performance of his statutory  
16 duties:

17 (1) Carry firearms;



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

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

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

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



43 legitimate drug traffic among nurses. The State Board of  
44 Optometry is responsible for regulating and checking the  
45 legitimate drug traffic among optometrists.

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

50 (d) (1) Agents of the bureau are authorized to investigate  
51 the circumstances of deaths which are caused by drug overdose or  
52 which are believed to be caused by drug overdose and health care  
53 providers \* \* \* and coroners \* \* \* shall notify the bureau of any  
54 death caused by a drug overdose within \* \* \* forty-eight (48)  
55 hours of receipt of written confirmation of the cause of death.

56 (2) Any person listed in paragraph (1) of this  
57 subsection (d) who fails to report a drug overdose shall be fined  
58 for each death that is not reported as required by this subsection  
59 (d), a civil penalty as follows:

60 A. First failure to report, Five Hundred Dollars  
61 (\$500.00);

62 B. Second failure to report, One Thousand Dollars  
63 (\$1,000.00); and

64 C. Third failure to report, Five Thousand Dollars  
65 (\$5,000.00) plus a suspension of the person's professional license  
66 to practice in the applicable profession for twelve (12) months.

67 Any person whose license is suspended may regain such license if



68 all fines and fees are paid and any other conditions required for  
69 such license are met.

70 (3) The Mississippi Bureau of Narcotics shall assess  
71 the penalties authorized in subsection (d) against any person with  
72 reporting responsibility described in paragraph (1) of this  
73 subsection (d) upon a finding of a violation of paragraph (1) of  
74 this subsection after written notice and a hearing are provided to  
75 the person.

76 (4) All monies due pursuant to this subsection (d)  
77 shall be paid to the Mississippi Bureau of Narcotics and the  
78 Mississippi Bureau of Narcotics shall have the authority to  
79 receive, budget and expend these funds in accordance with the  
80 rules and regulations of the Department of Finance and  
81 Administration in a manner consistent with the escalation to the  
82 bureau of federal funds.

83 (e) Any person who shall impersonate in any way the director  
84 or any agent, or who shall in any manner hold himself out as  
85 being, or represent himself as being, an officer or agent of the  
86 Mississippi Bureau of Narcotics shall be guilty of a misdemeanor,  
87 and upon conviction thereof shall be punished by a fine of not  
88 less than One Thousand Dollars (\$1,000.00) nor more than Five  
89 Thousand Dollars (\$5,000.00) or by imprisonment for not more than  
90 one (1) year, or by both such fine and imprisonment.

91 **SECTION 2.** This act shall take effect and be in force from  
92 and after July 1, 2018.

