

By: Representative Willis

To: Drug Policy

HOUSE BILL NO. 1020
(As Passed the House)

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 business hours of receipt of written confirmation of the cause of
56 death.

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

61 A. First failure to report, Five Hundred Dollars
62 (\$500.00);

63 B. Second failure to report, One Thousand Dollars
64 (\$1,000.00); and

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



68 Any person whose license is suspended may regain such license if
69 all fines and fees are paid and any other conditions required for
70 such license are met.

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

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

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



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

