

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.