

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

HOUSE BILL NO. 1107

By: Smith (Bill)

AS INTRODUCED

An Act relating to professions and occupations;
amending 59 O.S. 1991, Section 353.18, which
relates to the regulation of pharmacies;
prohibiting the sale of drugs at certain prices;
and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 59 O.S. 1991, Section 353.18, is amended to read as follows:

Section 353.18 A. It shall be unlawful:

~~For~~ for any person, firm or corporation to engage in selling at retail, or offering for sale, drugs, medicines, chemicals or poisons for the treatment of disease, excluding agricultural chemicals and drugs, or to accept prescriptions for same, without first procuring a license from the Board of Pharmacy. On evidence satisfactory to the Board:

1. That the said place for which the license is sought will be conducted in full compliance with the law and the rules ~~and regulations~~ of the Board;

2. That the location, appointments and physical characteristics of said place are reasonably consistent with the

maintenance of professional surroundings and constitute no known danger to the public health and safety;

3. That said place will be under the management and control of a registered pharmacist; and

4. That a registered pharmacist or assistant pharmacist will be present and on duty at all hours the pharmacy is open for business, a license shall be issued to such person as the Board shall deem qualified. Application for such license shall be in writing, shall contain the name or names of persons who shall own the pharmacy and shall be accompanied by a payment to the Board of a sum not to exceed One Hundred Fifty Dollars (\$150.00) as a license fee; prior to opening for business, all applicants for an initial license or permit shall receive the required inspection during the next scheduled routine inspections to be made in that geographical area and there shall be no extra fee for such initial inspection. However, applicants requesting a special nonscheduled initial inspection shall pay a special inspection fee not to exceed One Hundred Dollars (\$100.00); provided however, that no charge shall be made for the licensing of any Federal Veterans Hospital in the State of Oklahoma. A registered pharmacist shall be on duty during regular working hours. Such license shall be valid for a period of one (1) year, commencing on July 1 and ending on June 30, and such license shall contain the name of the licensee and the address of the place at which such business shall be conducted.

B. It shall further be unlawful for any person to manufacture, make, produce, package, pack or prepare within this state any drugs except under the management and control of a registered pharmacist or such other persons as may be approved by the Board after an investigation and determination of such person's qualification. No person shall manufacture, make, produce, pack, package, prepare or sell or offer for sale at wholesale such articles without first obtaining a permit to do so from the Board. Application for such

permit shall be made in writing and shall be accompanied by a payment to the Board of a sum of not to exceed Three Hundred Dollars (\$300.00) as a permit fee. Such permit shall be valid for a period of one (1) year, commencing on July 1 and ending on June 30, and such permit shall contain the name of the permittee and the address of the place at which such business shall be conducted. Such permit shall be subject to such rules ~~and regulations~~ with respect to sanitation and equipment as the said Board may from time to time adopt and invoke for the protection of public health and safety.

Nothing in Section 353.1 et seq. of this title shall be construed to prevent the sale of patent or proprietary medicines in original packages by any merchant or dealer.

C. No manufacturer of drugs or pharmaceutical company may sell or offer for sale in this state any drugs at prices higher than the lowest price at which the specific or comparable item is being currently sold or offered for sale to any wholesaler anywhere in any state which adjoins the State of Oklahoma.

D. Any person violating any portion of the provisions of Section 353.1 et seq. of this title shall be guilty of a misdemeanor.

SECTION 2. This act shall become effective September 1, 1993.

44-1-5193

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