

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1297

By: Gilbert

COMMITTEE SUBSTITUTE

An Act relating to public health; creating the Utilization of Unused Prescription Medications Act; directing specified state agencies to develop and implement certain program; providing for certain rules and procedures; providing for definition; authorizing certain donations; amending 59 O.S. 1991, Section 353.24, as amended by Section 18, Chapter 199, O.S.L. 1993 (59 O.S. Supp. 2000, Section 353.24), which relates to the Oklahoma Pharmacy Act; expanding exception for certain action; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified the Oklahoma Statutes as Section 1-1918.2 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. This section shall be known and may be cited as the "Utilization of Unused Prescription Medications Act".

B. The State Board of Health, the Oklahoma Board of Pharmacy, the Oklahoma Health Care Authority, the State Board of Medical Licensure and Supervision, and the State Board of Osteopathic Examiners shall jointly develop and implement a program consistent with public health and safety through which unused prescription drugs, other than prescription drugs defined as controlled dangerous substances by Section 2-101 of Title 63 of the Oklahoma Statutes, may be transferred from nursing homes to repositories established for the purpose of distributing the medication to Oklahoma residents who are medically indigent.

C. The State Board of Health, the Oklahoma Board of Pharmacy, the Oklahoma Health Care Authority, the State Board of Medical Licensure and Supervision, and the State Board of Osteopathic Examiners shall promulgate rules and establish procedures necessary to implement the provisions of this section. The rules and procedures shall provide:

1. For voluntary participation in the program on a county-by-county basis or by multi-county regions;
 2. For the protection of the privacy of the individual for whom the medication was originally prescribed;
 3. For the integrity and safe storage of the medication;
 4. For the tracking of and accountability for the medications;
- and
5. For other matters necessary for the implementation of the program.

D. In accordance with the rules and procedures of a program established pursuant to this section, the resident of a nursing facility, or the representative or guardian of a resident may donate unused prescription medications, other than prescription drugs defined as controlled dangerous substances by Section 2-101 of Title 63 of the Oklahoma Statutes, for dispensation to medically indigent persons.

E. For purposes of this section, "medically indigent" means a person who has no health insurance and who otherwise lacks reasonable means to purchase prescribed medications.

SECTION 2. AMENDATORY 59 O.S. 1991, Section 353.24, as amended by Section 18, Chapter 199, O.S.L. 1993 (59 O.S. Supp. 2000, Section 353.24), is amended to read as follows:

Section 353.24 It shall be unlawful for any person, firm or corporation to:

1. Forge or increase the quantity of drug in any prescription, or to present a prescription bearing forged, fictitious or altered

information or to possess any drug secured by such forged, fictitious or altered prescription;

2. Sell, offer for sale, barter or give away any unused quantity of drugs obtained by prescription, except through a program pursuant to the Utilization of Unused Prescription Medications Act as provided by the State Board of Pharmacy;

3. Sell, offer for sale, barter or give away any drugs damaged by fire, water, or other causes without first obtaining the written approval of the Board or the State Department of Health;

4. Enter into any arrangement whereby prescription orders are received, or prescriptions delivered at a place other than the pharmacy in which they are compounded and dispensed. However, nothing in this paragraph shall prevent a pharmacist or ~~his~~ an employee of the pharmacist from personally receiving a prescription or delivering a legally filled prescription at a residence, office or place of employment of the patient for whom the prescription was written; or

5. Sell, offer for sale or barter or buy any professional samples. For purpose of this paragraph, "professional samples" means complimentary drugs packaged in accordance with federal and state statutes and regulations and provided to a licensed practitioner free of charge by manufacturers or distributors for the purpose of being distributed free of charge in such package by the licensed practitioner to ~~his~~ a patient.

6. Refuse to permit or otherwise prevent members of the Board or such representatives thereof from entering and inspecting any and all places, including premises, equipment, contents, and records, where drugs, medicine, chemicals or poisons are stored, sold, vended, given away, compounded, dispensed or manufactured.

SECTION 3. This act shall become effective November 1, 2001.

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