

EHB 1297

THE STATE SENATE
Tuesday, March 27, 2001

ENGROSSED

House Bill No. 1297

As Amended

ENGROSSED HOUSE BILL NO. 1297 - By: GILBERT, PETERS, RICE, ADKINS, BALKMAN, BENGE, CARGILL, COVEY, EASLEY, ERICSON, LINDLEY, LIOTTA, MILLER (Ray), O'NEAL, PETERSON, ROGGOW, SMALIGO, SWEEDEN and TIBBS of the House and CAIN of the Senate.

[public health - Utilization of Unused Prescription Medications Act - implement certain program - amending 59 O.S., Section 353.24 - Oklahoma Pharmacy Act - codification - effective date]

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,

1 may be transferred from nursing homes to repositories established
2 for the purpose of distributing the medication to Oklahoma residents
3 who are medically indigent.

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

- 10 1. For voluntary participation in the program on a county-by-
11 county basis or by multicounty regions;
- 12 2. For the protection of the privacy of the individual for whom
13 the medication was originally prescribed;
- 14 3. For the integrity and safe storage of the medication;
- 15 4. For the tracking of and accountability for the medications;
- 16 and
- 17 5. For other matters necessary for the implementation of the
18 program.

19 D. In accordance with the rules and procedures of a program
20 established pursuant to this section, the resident of a nursing
21 facility, or the representative or guardian of a resident may donate
22 unused prescription medications, other than prescription drugs
23 defined as controlled dangerous substances by Section 2-101 of Title

1 63 of the Oklahoma Statutes, for dispensation to medically indigent
2 persons.

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

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

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

11 1. Forge or increase the quantity of drug in any prescription,
12 or to present a prescription bearing forged, fictitious or altered
13 information or to possess any drug secured by such forged,
14 fictitious or altered prescription;

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

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

22 4. Enter into any arrangement whereby prescription orders are
23 received, or prescriptions delivered at a place other than the

1 pharmacy in which they are compounded and dispensed. However,
2 nothing in this paragraph shall prevent a pharmacist or ~~his~~ an
3 employee of the pharmacist from personally receiving a prescription
4 or delivering a legally filled prescription at a residence, office
5 or place of employment of the patient for whom the prescription was
6 written; or

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

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

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

20 COMMITTEE REPORT BY: COMMITTEE ON HUMAN RESOURCES, dated 3-22-01 -
21 DO PASS, As Amended.