

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

HOUSE BILL HB1297

By: Gilbert

AS INTRODUCED

An Act relating to public health; creating the Utilization of Unused Medications Act; directing the State Board of Health, the Oklahoma Board of Pharmacy and the Oklahoma Health Care Authority to develop and implement certain program; providing for certain rules and procedures; providing for definition; 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 2-552 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 Medications Act".

B. The State Board of Health, the Oklahoma Board of Pharmacy and the Oklahoma Health Care Authority 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 and the Oklahoma Health Care Authority shall promulgate rules and

establish procedures necessary to implement the provisions of this section. The rules and procedures shall provide:

1. That participation in the program is voluntary 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. Any other matters necessary for the implementation of the program.

D. For purposes of this section, "medically indigent" means a person who is a Medicaid beneficiary or a person who has no private 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 ~~as~~ through a program pursuant to the Utilization of Unused Medications Act or as otherwise 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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