ENGROSSED SENATE AMENDMENT
TO
ENGROSSED HOUSE
BILL NO. 1268

By: Gilbert and Lindley of the House

and

Cain of the Senate

An Act relating to public health and safety; amending 63 O.S. 2001, Section 1-1918.2, as amended by Section 3, Chapter 462, O.S.L. 2002 (63 O.S. Supp. 2002, Section 1-1918.2), which relates to the Utilization of Unused Prescription Medications Act; modifying time for certain report; specifying content of certain rules; and declaring an emergency.

AMENDMENT NO. 1. Page 1, strike the title, enacting clause and entire bill and insert

"An Act relating to public health and safety; amending 63 O.S. 2001, Section 1-1918.2, as amended by Section 3, Chapter 462, O.S.L. 2002 (63 O.S. Supp. 2002, Section 1-1918.2), which relates to the Utilization of Unused Prescription Medications Act; modifying time for certain report; specifying content of certain rules; and declaring an emergency.

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

SECTION 1. AMENDATORY 63 O.S. 2001, Section 1-1918.2, as amended by Section 3, Chapter 462, O.S.L. 2002 (63 O.S. Supp. 2002, Section 1-1918.2), is amended to read as follows:

Section 1-1918.2 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 and the Oklahoma Health Care Authority shall jointly develop and implement a pilot 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 this title, may be transferred from nursing facilities to pharmacies operated by city-county health departments or county pharmacies 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 review and evaluate the program no later than ~~eighteen (18)~~ twenty-four (24) months after its implementation and shall submit a report and any recommendations to the Governor, the Speaker of the Oklahoma House of Representatives, the President Pro Tempore of the State Senate, and the Chairs of the appropriate legislative committees.

D. 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 program established by this section. The rules and procedures shall provide:

1. For a formulary for the medications to be distributed pursuant to the program;

2. For the protection of the privacy of the individual for whom the medication was originally prescribed;

3. For the integrity and safe storage and safe transfer of the medication, which may include, but shall not be limited to, limiting the drugs made available through the program to those that were originally dispensed by unit dose or an individually sealed dose ~~or which~~ and that remain in intact packaging; provided, however, the rules shall authorize the use of any remaining medications;

4. For the tracking of and accountability for the medications; and

5. For other matters necessary for the implementation of the program.

E. 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 this title, for dispensation to medically indigent persons.

F. Physicians, pharmacists, pharmacies, other health care professionals, and nursing facilities shall not be subject to liability for participation in the program established by the Utilization of Unused Prescription Medications Act when acting within the scope of practice of their license and in good faith compliance with the rules promulgated pursuant to the Utilization of Unused Prescription Medications Act.

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

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.”

Passed the Senate the 8th day of April, 2003.

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Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____, 2003.

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Presiding Officer of the House
of Representatives