

ENGROSSED HOUSE
JOINT
RESOLUTION NO. 1035

By: Reynolds of the House

and

Snyder of the Senate

A Joint Resolution relating to proposed permanent rules of the Oklahoma State Board of Pharmacy; disapproving in part proposed permanent rules regarding administrative operations and fees; expressing legislative intent; directing distribution; and declaring an emergency.

WHEREAS, pursuant to Sections 250.2 and 308 of Title 75 of the Oklahoma Statutes, the Legislature reserves the right to designate the method for rule promulgation, establish policy, determine that a rule is not consistent with legislative intent and disapprove any rule or any portion thereof at any time; and

WHEREAS, pursuant to Section 353.7 of Title 59 of the Oklahoma Statutes, the Oklahoma State Board of Pharmacy shall regulate the practice of pharmacy and perform such duties and exercise such powers as the provisions of the Oklahoma Pharmacy Act, which may be found in Section 353 et seq. of Title 59 of the Oklahoma Statutes, may require; and

WHEREAS, proposed permanent rules OAC 535:1-11-1, OAC 535:1-11-2, OAC 535:1-11-3 and OAC 535:1-11-5 establish licensure and registration fees for the practice of pharmacy; and

WHEREAS, the Legislature recognizes that paragraph (b)(12) of proposed permanent rule OAC 535:1-11-1, paragraphs (a)(3) and (b) of proposed permanent rule OAC 535:1-11-2, proposed permanent rule OAC 535:1-11-3 and paragraphs (1), (2), (3), (4), (6), (8), (9), (10), (11) and (12) of proposed permanent rule OAC 535:1-11-5, which were

adopted by the State Board of Pharmacy on March 20, 2003, and submitted to the Legislature and the Governor on March 28, 2003, for consideration, are not consistent with legislative intent, exceed the statutory authority of the Oklahoma State Board of Pharmacy, violate state statutes and violate the public policy of this state.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 1ST SESSION OF THE 49TH OKLAHOMA LEGISLATURE:

SECTION 1. The Legislature hereby disapproves paragraph (b) (12) of proposed permanent rule OAC 535:1-11-1, paragraphs (a) (3) and (b) of proposed permanent rule OAC 535:1-11-2, proposed permanent rule OAC 535:1-11-3 and paragraphs (1), (2), (3), (4), (6), (8), (9), (10), (11) and (12) of proposed permanent rule OAC 535:1-11-5.

SECTION 2. The Legislature hereby directs, in accordance with Section 250.10 of Title 75 of the Oklahoma Statutes, the Oklahoma State Board of Pharmacy to review its rules regarding fees to determine whether statutory authority exists and repeal those rules with fees for which no statutory authority exists.

SECTION 3. The Secretary of State is hereby directed to distribute copies of this resolution to the Governor, the Executive Director of the Oklahoma State Board of Pharmacy and the Editor of "The Oklahoma Register".

SECTION 4. 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 resolution shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 8th day of May, 2003.

Presiding Officer of the House of
Representatives

Passed the Senate the ____ day of _____, 2003.

Presiding Officer of the Senate