

CS for EHB 1268

THE STATE SENATE
Tuesday, April 1, 2003

Committee Substitute for
ENGROSSED

House Bill No. 1268

COMMITTEE SUBSTITUTE FOR 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.

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

1 the purpose of distributing the medication to Oklahoma residents who
2 are medically indigent.

3 C. The State Board of Health, the ~~Oklahoma~~ Board of Pharmacy,
4 the Oklahoma Health Care Authority, the State Board of Medical
5 Licensure and Supervision, and the State Board of Osteopathic
6 Examiners shall review and evaluate the program no later than
7 ~~eighteen (18)~~ twenty-four (24) months after its implementation and
8 shall submit a report and any recommendations to the Governor, the
9 Speaker of the Oklahoma House of Representatives, the President Pro
10 Tempore of the State Senate, and the Chairs of the appropriate
11 legislative committees.

12 D. The State Board of Health, the ~~Oklahoma~~ Board of Pharmacy
13 and the Oklahoma Health Care Authority shall promulgate rules and
14 establish procedures necessary to implement the program established
15 by this section. The rules and procedures shall provide:

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

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

20 3. For the integrity and safe storage and safe transfer of the
21 medication, which may include, but shall not be limited to, limiting
22 the drugs made available through the program to those that were
23 originally dispensed by unit dose or an individually sealed dose ~~or~~

1 ~~which~~ and that remain in intact packaging; provided, however, the
2 rules shall authorize the use of any remaining medications;

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

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

7 E. In accordance with the rules and procedures of a program
8 established pursuant to this section, the resident of a nursing
9 facility, or the representative or guardian of a resident may donate
10 unused prescription medications, other than prescription drugs
11 defined as controlled dangerous substances by Section 2-101 of this
12 title, for dispensation to medically indigent persons.

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

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

1 SECTION 2. It being immediately necessary for the preservation
2 of the public peace, health and safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.
5 COMMITTEE REPORT BY: COMMITTEE ON HUMAN RESOURCES, dated 3-27-03 -
6 DO PASS, As Amended.