STATE OF OKLAHOMA

2nd Session of the 49th Legislature (2004)

HOUSE JOINT
RESOLUTION HJR1075: Reynolds

AS INTRODUCED

A Joint Resolution relating to proposed permanent rules of the Oklahoma State Board of Pharmacy; disapproving in part permanent and proposed permanent rules regarding 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, permanent rules OAC 535:1-11-1, OAC 535:1-11-2, OAC 535:1-11-3, OAC 535:1-11-4 and OAC 535:1-11-5 establish licensure and registration fees for the practice of pharmacy, permanent rule OAC 535:15-13-8 and the proposed amendments thereto establish a fee for pharmacy technicians; and

WHEREAS, the Legislature recognizes that permanent rules OAC 535:1-11-1, paragraphs (2), (4), (5), (9), (10), and (11), OAC 535:1-11-2, paragraph (3), OAC 535:1-11-3, OAC 535:1-11-4, paragraphs (1), (2), (3), (4), (5), (7), (8), (9), (10), (11), (12),

(13), and (14), and OAC 535:1-11-5, paragraphs (1), (2),(3), (5), (7), (8), (9), and (10) are not consistent with legislative intent, exceed the statutory authority of the State Board of Pharmacy, violate state statutes and violate the public policy of this state; and

WHEREAS, the Legislature recognizes that permanent rule OAC 535:15-13-8, paragraphs (a)(1) and (a)(3), and the proposed amendments to those paragraphs, which were adopted by the State Board of Pharmacy on March 11, 2004, and submitted to the Legislature and the Governor on March 19, 2004, 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 2ND SESSION OF THE 49TH OKLAHOMA LEGISLATURE:

SECTION 1. The Legislature hereby disapproves permanent rules OAC 535:1-11-1, paragraphs (2), (4), (5), (9), (10), and (11), OAC 535:1-11-2, paragraph (3), OAC 535:1-11-3, OAC 535:1-11-4, paragraphs (1), (2), (3), (4), (5), (7), (8), (9), (10), (11), (12), (13), and (14), and OAC 535:1-11-5, paragraphs (1), (2), (3), (5), (7), (8), (9), and (10). Further, the Legislature hereby disapproves permanent rule OAC 535:15-13-8, paragraphs (a)(1) and (a)(3), and the proposed amendments to those paragraphs, which were adopted by the State Board of Pharmacy on March 11, 2004, and submitted to the Legislature and the Governor on March 19, 2004, for consideration.

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 review all administrative rules promulgated by the Board to determine whether statutory authority exists and repeal those rules for which no statutory authority exists. Further, the Legislature hereby directs that the State Board of

Pharmacy submit a report regarding all fees charged by the Board and identify the statutory authority for such fees to the Speaker of the House of Representatives, the President Pro Tempore of the Senate and the members of the House Government Operations, Agency Oversight, and Administrative Rules Committee.

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.

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