

ENGROSSED HOUSE
BILL NO. 1347

By: Terrill and Kiesel of the
House

and

Paddack of the Senate

An Act relating to public health and safety; amending 63 O.S. 2001, Section 1-1918.2, as last amended by Section 3, Chapter 374, O.S.L. 2004, and as renumbered by Section 9, Chapter 374, O.S.L. 2004 (59 O.S. Supp. 2004, Section 367.3), which relates to unused prescription medications; expanding program for certain facilities; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 2001, Section 1-1918.2, as last amended by Section 3, Chapter 374, O.S.L. 2004, and as renumbered by Section 9, Chapter 374, O.S.L. 2004 (59 O.S. Supp. 2004, Section 367.3), is amended to read as follows:

Section 367.3 A. 1. The State Board of Health, the 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 Title 63 of the Oklahoma Statutes, may be transferred from nursing facilities and public intermediate care facilities for people with mental retardation (ICF-MR) 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.

2. The pilot program established pursuant to the provisions of paragraph 1 of this subsection shall conform to the requirements

established in rules promulgated by the State Board of Health, the Board of Pharmacy and the Oklahoma Health Care Authority prior to the effective date of this act, and shall remain in effect until January 1, 2005.

B. The State Board of Health, the 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 pilot program 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 on or before January 1, 2005.

C. 1. Beginning January 1, 2005, the Board of Pharmacy shall implement statewide a program consistent with public health and safety through which unused prescription drugs, other than prescription drugs defined as controlled dangerous substances in Section 2-101 of Title 63 of the Oklahoma Statutes, may be transferred from nursing facilities, assisted living centers or pharmaceutical manufacturers to pharmacies operated by a county. If no county pharmacy exists, or if a county pharmacy chooses not to participate, such unused prescription medications may be transferred to a pharmacy operated by a city-county health department or a pharmacy under contract with a city-county health department, a pharmacy operated by the Department of Mental Health and Substance Abuse Services or a charitable clinic for the purpose of distributing the unused prescription medications to Oklahoma residents who are medically indigent.

2. The Board of Pharmacy shall promulgate rules and establish procedures necessary to implement the program established by the Utilization of Unused Prescription Medications Act.

3. The Board of Pharmacy shall provide technical assistance to entities who may wish to participate in the program.

SECTION 2. This act shall become effective November 1, 2005.

Passed the House of Representatives the 15th day of March, 2005.

Presiding Officer of the House of
Representatives

Passed the Senate the ____ day of _____, 2005.

Presiding Officer of the Senate