

ENROLLED HOUSE
BILL NO. 1016

By: Gilbert, Covey and McCarter
of the House

and

Cain of the Senate

An Act relating to prescription drugs; amending Section 7, Chapter 374, O.S.L. 2004 (59 O.S. Supp. 2004, Section 367.7), which relates to the Utilization of Unused Prescription Medications Act; modifying required content of certain rules; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 7, Chapter 374, O.S.L. 2004 (59 O.S. Supp. 2004, Section 367.7), is amended to read as follows:

Section 367.7 A. The Board of Pharmacy shall promulgate emergency rules by December 1, 2004, to implement the Utilization of Unused Prescription Medications Act. Permanent rules shall be promulgated pursuant to the Administrative Procedures Act. Such rules shall include:

1. Eligibility criteria for pharmacies and charitable clinics authorized to receive and dispense donated prescription drugs under the Utilization of Unused Prescription Medications Act;
2. Establishment of a formulary which shall include all prescription drugs approved by the federal Food and Drug Administration;
3. Standards and procedures for transfer, acceptance, safe storage, security, and dispensing of donated prescription drugs;
4. A process for seeking input from the State Department of Health in establishing provisions which affect nursing homes and assisted living centers;
5. A process for seeking input from the Department of Mental Health and Substance Abuse Services in establishing provisions which affect mental health and substance abuse clients;
6. Standards and procedures for inspecting donated prescription drugs to ensure that the drugs are in compliance with the Utilization of Unused Prescription Medications Act and to ensure that, in the professional judgment of the pharmacist, the medications meet all federal and state standards for product integrity;

~~7. A maximum handling fee not to exceed Ten Dollars (\$10.00) per visit that pharmacies and charitable clinics may charge to drug recipients to cover restocking and dispensing costs;~~

~~8.~~ Procedures for destruction of medications that are donated which are controlled substances;

~~9.~~ 8. Procedures for verifying whether the pharmacy and responsible pharmacist participating in the program are licensed and in good standing with the Board of Pharmacy;

~~10.~~ 9. Establishment of standards for acceptance of unused prescription medications from assisted living centers; and

~~11.~~ 10. Any other standards and procedures the Board of Pharmacy deems appropriate or necessary to implement the provisions of the Utilization of Unused Prescription Medications Act.

B. In accordance with the rules and procedures of the program established pursuant to this section, a resident of a nursing facility or assisted living center, 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 Title 63 of the Oklahoma Statutes, for dispensation to medically indigent persons.

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 House of Representatives the 17th day of March, 2005.

Presiding Officer of the House of
Representatives

Passed the Senate the 12th day of April, 2005.

Presiding Officer of the Senate