

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

SENATE BILL 544

By: Adelson

AS INTRODUCED

An Act relating to public health and safety; creating the Oklahoma Drug Importation Act; citing act; defining terms; requiring the State Department of Health to establish a website and a hotline for specified purpose; requiring specified pharmacies to register certain information; requiring safety inspection; allowing reliance upon certain inspection and safety standards; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-1420.1 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. This act shall be known and may be cited as the "Oklahoma Drug Importation Act".

B. As used in this act:

1. "Qualifying drug" means a prescription drug prescribed by a physician licensed in this state, other than any of the following:

- a. a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802),
- b. a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262),
- c. an infused drug, including a peritoneal dialysis solution,
- d. an intravenously injected drug, and
- e. a drug that is inhaled during surgery; and

2. "Permitted country" means:

- a. Canada,

- b. a member country of the European Union as it was constituted as of January 1, 2003, and
- c. Switzerland.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-1420.2 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. The State Department of Health shall establish an Internet website and a hotline to facilitate the purchase by Oklahoma residents of qualifying drugs from a permitted country. A pharmacy listed on the website shall register the following with the Department:

1. The name of the pharmacy and an identification of all places of business of the pharmacy that relate to qualifying drugs, including each warehouse or other facility owned, controlled by, or operated for the pharmacy;

2. Such information as the Department determines to be necessary to demonstrate that the pharmacy is in compliance and duly licensed within the permitted country;

3. An agreement by the pharmacy that the pharmacy will not export any drug that is not a qualifying drug;

4. An agreement by the pharmacy to:

- a. notify the Department of a recall or withdrawal of a drug distributed in a permitted country that the pharmacy has exported to the United States,
- b. provide for the return to the pharmacy of such drug, and
- c. cease, or not begin, the exportation of such drug unless the Department has notified the pharmacy that exportation of such drug may proceed;

5. An agreement by the pharmacy to permit inspection by the Department of any and all facilities from which a qualifying drug may be exported; and

6. An agreement by the pharmacy to export qualifying drugs inspected for safety by the permitted country in which the pharmacy is domiciled and not reimported from elsewhere.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-1420.3 of Title 63, unless there is created a duplication in numbering, reads as follows:

The State Department of Health shall inspect for safety each pharmacy listed on the Department's Internet website and hotline and shall not permit the listing of any pharmacy until such inspection is completed. For purposes of this paragraph, the Department may rely upon the inspection and safety standards of the permitted country.

SECTION 4. This act shall become effective November 1, 2005.

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CJ

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