

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 1991

By: McAffrey

6  
7 COMMITTEE SUBSTITUTE

8 An Act relating to professions and occupations;  
9 amending 63 O.S. 2001, Section 1-1918.2, as  
10 renumbered by Laws 2004, Chapter 374, Section 9 and  
11 as last amended by Section 1, Chapter 109, O.S.L.  
12 2006, and Section 5, Chapter 374, O.S.L. 2004 (59  
13 O.S. Supp. 2006, Sections 367.3 and 367.5), which  
14 relate to the Utilization of Unused Prescription  
15 Medications Act; modifying entities that may  
16 participate in the transfer of unused drugs; and  
17 providing an effective date.

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

19 SECTION 1. AMENDATORY 63 O.S. 2001, Section 1-1918.2, as  
20 renumbered by Laws 2004, Chapter 374, Section 9 and as last amended  
21 by Section 1, Chapter 109, O.S.L. 2006 (59 O.S. Supp. 2006, Section  
22 367.3), is amended to read as follows:

23 Section 367.3 A. The Board of Pharmacy shall implement  
24 statewide a program consistent with public health and safety through  
25 which unused prescription drugs, other than prescription drugs  
26 defined as controlled dangerous substances in Section 2-101 of Title  
27 63 of the Oklahoma Statutes, may be transferred from residential

1 care homes, nursing facilities, assisted living centers, public  
2 intermediate care facilities for people with mental retardation  
3 (ICF/MR), charitable clinics, private mental health facilities, or  
4 pharmaceutical manufacturers to pharmacies operated by a county. If  
5 no county pharmacy exists, or if a county pharmacy chooses not to  
6 participate, ~~such~~ the unused prescription medications may be  
7 transferred to a pharmacy operated by a city-county health  
8 department or a pharmacy under contract with a city-county health  
9 department, a pharmacy operated by the Department of Mental Health  
10 and Substance Abuse Services or a charitable clinic for the purpose  
11 of distributing the unused prescription medications to Oklahoma  
12 residents who are medically indigent, or to county jails for  
13 incarcerated individuals with mental health disorders.

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

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

19 SECTION 2. AMENDATORY Section 5, Chapter 374, O.S.L.  
20 2004 (59 O.S. Supp. 2006, Section 367.5), is amended to read as  
21 follows:

22 Section 367.5 A. Participation in the Utilization of Unused  
23 Prescription Medications Act by pharmacies, residential care homes,  
24 nursing ~~homes~~ facilities, assisted living centers, public

1 intermediate care facilities for people with mental retardation  
2 (ICF/MR), charitable clinics, private mental health facilities, or  
3 ~~prescription drug pharmaceutical~~ manufacturers shall be voluntary.  
4 Nothing in the Utilization of Unused Prescription Medications Act  
5 shall require any pharmacy, residential care home, nursing home  
6 facility, assisted living center, public intermediate care facility  
7 for people with mental retardation (ICF/MR), charitable clinic,  
8 private mental health facility, or prescription drug pharmaceutical  
9 manufacturer to participate in the program.

10 B. A pharmacy or charitable clinic which meets the eligibility  
11 requirements established in the Utilization of Unused Prescription  
12 Medications Act may:

13 1. Dispense prescription drugs donated under the Utilization of  
14 Unused Prescription Medications Act to persons who are medically  
15 indigent residents of Oklahoma as established in rules by the Board  
16 of Pharmacy; and

17 2. Charge persons receiving donated prescription drugs a  
18 handling fee established by rule by the Board of Pharmacy.

19 C. A pharmacy or charitable clinic which meets the eligibility  
20 requirements established and authorized by the Utilization of Unused  
21 Prescription Medications Act which accepts donated prescription  
22 drugs shall:

23 1. Comply with all applicable federal and state laws related to  
24 the storage and distribution of dangerous drugs;

1           2. Inspect all prescription drugs prior to dispensing the  
2 prescription drugs to determine that such drugs are not adulterated;  
3 and

4           3. Dispense prescription drugs only pursuant to a prescription  
5 issued by a health care professional.

6           D. Prescription drugs donated under the Utilization of Unused  
7 Prescription Medications Act shall not be resold.

8           E. For purposes of the Utilization of Unused Prescription  
9 Medications Act, reimbursement from governmental agencies to  
10 charitable clinics shall not be considered resale of prescription  
11 drugs.

12           SECTION 3. This act shall become effective November 1, 2007.

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