

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 HOUSE BILL 2769

By: Cox

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5  
6 AS INTRODUCED

7 An Act relating to professions and occupations;  
8 amending 59 O.S. 2001, Sections 353.13, as amended by  
9 Section 2, Chapter 18, O.S.L. 2005 and 353.13A, as  
10 amended by Section 1, Chapter 523, O.S.L. 2004 (59  
11 O.S. Supp. 2007, Sections 353.13 and 353.13A), which  
12 relate to the Oklahoma Pharmacy Act; providing  
13 exception to unlawful act; allowing variance in form  
14 of prescription without authorization of practitioner  
15 under certain circumstance; and providing an  
16 effective date.

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

18 SECTION 1. AMENDATORY 59 O.S. 2001, Section 353.13, as  
19 amended by Section 2, Chapter 18, O.S.L. 2005 (59 O.S. Supp. 2007,  
20 Section 353.13), is amended to read as follows:

21 Section 353.13 A. It shall be unlawful for any person, other  
22 than a registered pharmacist or assistant pharmacist, to certify the  
23 finished prescription, as defined by the Board, before delivery to  
24 the patient or the patient's agent or care giver.

1 B. It shall be unlawful for any person to institute or manage a  
2 pharmacy unless such person shall be a registered pharmacist, or  
3 shall place in charge of said pharmacy a registered pharmacist.

4 C. No registered pharmacist shall manage, supervise nor be in  
5 charge of more than one pharmacy.

6 D. No pharmacist being requested to sell, furnish or compound  
7 any drug, medicine, chemical or other pharmaceutical preparation, by  
8 prescription or otherwise, shall substitute or cause to be  
9 substituted therefor, without authority of the prescriber or  
10 purchaser, any like drug, medicine, chemical or pharmaceutical  
11 preparation, except as provided for in Section 353.13A of this  
12 title.

13 E. No proprietor of a pharmacy, or other person, shall permit  
14 the practice of pharmacy except by a registered pharmacist or  
15 assistant pharmacist.

16 F. No proprietor of a pharmacy, or other person, shall subvert  
17 the authority of the pharmacist in charge of the pharmacy by  
18 impeding the management of the prescription department in compliance  
19 with federal and state pharmacy laws and regulations.

20 G. Nothing in the Oklahoma Pharmacy Act shall prevent  
21 veterinary prescription drugs from being shipped directly from a  
22 wholesaler or distributor to a client; provided, such drugs may be  
23 supplied to the client on the order of an Oklahoma licensed  
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1 veterinarian and only when a valid veterinarian-client-patient  
2 relationship exists.

3 1. Prescriptions dispensed pursuant to the provisions of this  
4 subsection shall not be required to be certified by a pharmacist  
5 prior to being dispensed by a wholesaler or distributor.

6 2. It shall be a violation of state law for an owner or their  
7 authorized agent to acquire or use any prescription drug other than  
8 according to the label and/or outside of a valid veterinarian-client  
9 -patient relationship (VCPR);

10 3. It shall be a violation of state law for a wholesaler or  
11 distributor to sell a prescription labeled drug to an owner or their  
12 authorized agent without a valid VCPR in place; and

13 4. Compliance of this act as it relates to veterinary  
14 prescription labeled drugs shall be done in accordance with and  
15 pursuant to rules that shall be promulgated by the Oklahoma State  
16 Board of Veterinary Medical Examiners and in consultation with the  
17 State Veterinarian in accordance with state law.

18 SECTION 2. AMENDATORY 59 O.S. 2001, Section 353.13A, as  
19 amended by Section 1, Chapter 523, O.S.L. 2004 (59 O.S. Supp. 2007,  
20 Section 353.13A), is amended to read as follows:

21 Section 353.13A A. Prescriptions received by other than  
22 written communication shall be promptly recorded in writing by the  
23 pharmacist. The record made by the pharmacist shall constitute the  
24 original prescription to be filled by the pharmacist.

1 B. 1. Pharmacists may dispense prescriptions for dangerous  
2 drugs and controlled dangerous substances specified in Section 581  
3 of this title for ocular abnormalities prescribed by qualified  
4 optometrists certified by the Board of Examiners in Optometry to use  
5 such dangerous drugs and controlled dangerous substances.

6 2. All prescriptions issued by certified optometrists shall  
7 include the certification number of the optometrist as assigned by  
8 the Board of Examiners in Optometry. The Board of Examiners in  
9 Optometry shall provide an annual list of all certified optometrists  
10 directly to each pharmacy licensed by the Oklahoma State Board of  
11 Pharmacy. Any additions or deletions in certification shall be  
12 mailed to all pharmacies in this state within thirty (30) days of  
13 such change.

14 C. A filled prescription label shall include the name and  
15 address of the pharmacy of origin, date of filling, name of patient,  
16 name of prescriber, directions for administration, and prescription  
17 number. The symptom or purpose for which the drug is being  
18 prescribed may appear on the label, if, after being advised by the  
19 practitioner, the patient or the patient's authorized representative  
20 so requests. If the symptom or purpose for which a drug is being  
21 prescribed is not provided by the practitioner, the pharmacist may  
22 fill the prescription order without contacting the practitioner,  
23 patient, or the patient's representative. The label shall also  
24 include the trade or generic name, and the quantity and strength of

1 the drug therein contained, except when otherwise directed by the  
2 prescriber. This requirement shall not apply to compounded  
3 prescriptions or medicines and drugs supplied or delivered directly  
4 to patients for consumption on the premises while admitted to any  
5 hospital or mental institution.

6 D. Pharmacists may dispense prescriptions in a form other than  
7 that of the original prescription without contacting the  
8 practitioner for authorization if the prescription is not materially  
9 altered in substance and the total prescription strength is  
10 consistent with the original prescription.

11 E. No prescription shall be written in any characters, figures  
12 or ciphers other than in the English or Latin language, generally in  
13 use among medical and pharmaceutical practitioners.

14 SECTION 3. This act shall become effective November 1, 2008.

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16 51-2-8495 SAB 01/14/08

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