



1 administered by or on direction of a practitioner, other than a  
2 pharmacist, or medication dispensed directly by a practitioner,  
3 other than a pharmacist, to an ultimate user, no controlled  
4 dangerous substance included in Schedule II, which is a prescription  
5 drug as determined under regulation promulgated by the Board of  
6 Pharmacy, may be dispensed without the written prescription of a  
7 practitioner; provided, that, in emergency situations, as prescribed  
8 by the Board of Pharmacy by regulation, such drug may be dispensed  
9 upon oral prescription reduced promptly to writing and filed by the  
10 pharmacist in a manner to be prescribed by rules and regulations of  
11 the Director of the Oklahoma State Bureau of Narcotics and Dangerous  
12 Drugs Control.

13 2. Electronic prescribing may be utilized for Schedules II,  
14 III, IV, and V, subject to the requirements set forth in 21 CFR,  
15 Section 1311 et seq.

16 3. The transmission of written prescription by practitioner to  
17 dispensing pharmacy by facsimile or electronic transmission with  
18 electronic signature is permitted only under the following  
19 conditions:

20 a. for Schedule II drugs, the original prescription must  
21 be presented and verified against the facsimile at the  
22 time the substances are actually dispensed, and the  
23 original document must be properly annotated and  
24 retained for filing, except:

1 (1) home infusion pharmacy may consider the facsimile  
2 to be a "written prescription" as required by  
3 ~~this act~~ Section 2-101 et seq. of this title and  
4 as required by Title 21 U.S.C., Section 829(a).  
5 The facsimile copy of the prescription shall be  
6 retained as an original prescription, and it must  
7 contain all the information required by ~~this act~~  
8 Section 2-101 et seq. of this title and 21 CFR,  
9 Section 1306.05(a), including date issued, the  
10 patient's full name and address, and the  
11 practitioner's name, address, DEA registration  
12 number, and signature. The exception to the  
13 regulations for home infusion/IV therapy is  
14 intended to facilitate the means by which home  
15 infusion pharmacies obtain prescriptions for  
16 patients requiring the frequently modified  
17 parenteral controlled release administration of  
18 narcotic substances, but does not extend to the  
19 dispensing of oral dosage units of controlled  
20 substances, ~~and~~

21 (2) the same exception is granted to patients in Long  
22 Term Care facilities (LTCF), which are filled by  
23 and delivered to the facility by a dispensing  
24 pharmacy, and

1           (3) an electronic prescription with electronic  
2           signature may serve as an original prescription,  
3           subject to the requirements set forth in 21 CFR,  
4           Section 1311 et seq., and

5           b. for drugs in Schedules III and IV, a facsimile copy of  
6           a written, signed prescription transmitted directly by  
7           the prescribing practitioner to the pharmacy can serve  
8           as an original prescription. Electronic prescribing  
9           may be utilized for Schedules III and IV subject to  
10          the same requirements as set forth in 21 CFR, Section  
11          1311 et seq.

12          ~~3.~~ 4. Prescriptions shall be retained in conformity with the  
13          requirements of this section and Section 2-307 of this title. No  
14          prescription for a Schedule II substance may be refilled.

15          B. 1. Except for dosages medically required for a period not  
16          to exceed forty-eight (48) hours which are administered by or on  
17          direction of a practitioner, other than a pharmacist, or medication  
18          dispensed directly by a practitioner, other than a pharmacist, to an  
19          ultimate user, no controlled dangerous substance included in  
20          Schedule III or IV, which is a prescription drug as determined under  
21          regulation promulgated by the Board of Pharmacy, may be dispensed  
22          without a written or oral prescription.

23          2. A written or oral prescription for a controlled dangerous  
24          substance in Schedule III or IV may not be filled or refilled more

1 than six (6) months after the date thereof or be refilled more than  
2 five times after the date of the prescription, unless renewed by the  
3 practitioner.

4 C. No controlled dangerous substance included in Schedule V may  
5 be distributed or dispensed other than for a legitimate medical or  
6 scientific purpose.

7 D. Except for dosages medically required for a period not to  
8 exceed forty-eight (48) hours which are administered by or on  
9 direction of a practitioner, other than a pharmacist, or medication  
10 dispensed directly by a practitioner, other than a pharmacist, to an  
11 ultimate user, tincture opium camphorated, commonly known as  
12 paregoric, may not be dispensed without a written or oral  
13 prescription. The refilling of a prescription for paregoric shall  
14 be unlawful unless permission is granted by the prescriber, either  
15 written or oral.

16 E. Whenever it appears to the Director that a drug not  
17 considered to be a prescription drug under existing state law or  
18 regulation of the Board of Pharmacy should be so considered because  
19 of its abuse potential, ~~he~~ the Director shall so advise the Board of  
20 Pharmacy and furnish to ~~him~~ the Board all available data relevant  
21 thereto.

22 F. "Prescription", as used herein, means a written or oral  
23 order by a practitioner to a pharmacist for a controlled dangerous  
24 substance for a particular patient, which specifies the date of its

1 issue, and the full name and address of the patient; if the  
2 controlled dangerous substance is prescribed for an animal, the  
3 species of the animal; the name and quantity of the controlled  
4 dangerous substance prescribed; the directions for use; the name and  
5 address of the owner of the animal and, if written, the signature of  
6 the practitioner.

7 G. No person shall solicit, dispense, receive or deliver any  
8 controlled dangerous substance through the mail, unless the ultimate  
9 user is personally known to the practitioner and circumstances  
10 clearly indicate such method of delivery is in the best interest of  
11 the health and welfare of the ultimate user.

12 SECTION 2. AMENDATORY 63 O.S. 2011, Section 2-309C, is  
13 amended to read as follows:

14 Section 2-309C. A. A dispenser of a Schedule II, III, IV or V  
15 controlled dangerous substance including any compound mixture or  
16 preparation containing any detectable quantity of pseudoephedrine,  
17 its salts or optical isomers, or salts of optical isomers when  
18 dispensed pursuant to a valid prescription shall transmit to a  
19 central repository designated by the Oklahoma State Bureau of  
20 Narcotics and Dangerous Drugs Control using the American Society for  
21 Automation in Pharmacy's (ASAP) Telecommunications Format for  
22 Controlled Substances version designated in rules by the Oklahoma  
23 State Bureau of Narcotics and Dangerous Drugs Control, the following  
24 information for each dispensation:

- 1 1. Recipient's and recipient's agent's name;
- 2 2. Recipient's and recipient's agent's address;
- 3 3. Recipient's and recipient's agent's date of birth;
- 4 4. Recipient's and recipient's agent's identification number;
- 5 5. National Drug Code number of the substance dispensed;
- 6 6. Date of the dispensation;
- 7 7. Quantity of the substance dispensed;
- 8 8. Prescriber's United States Drug Enforcement Agency
- 9 registration number;
- 10 9. Dispenser's registration number; and
- 11 10. Other information as required by administrative rule.

12 B. The information required by this section shall be  
13 transmitted:

- 14 1. In a format or other media designated acceptable by the  
15 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control; and
- 16 2. Within twenty-four (24) hours of the time that the substance  
17 is dispensed. Beginning January 1, 2012, all information shall be  
18 submitted on a real-time log.

19 C. When a prescription is written or dispensed to a resident of  
20 a nursing home or a person who is under the care of a hospice  
21 program licensed pursuant to the provisions of the Oklahoma Hospice  
22 Licensing Act who does not have an identification card issued by the  
23 state or another form of a recipient identification number pursuant  
24 to Section 2-309B of this title, a Social Security number may be

1 used for the purpose of complying with the reporting requirements  
2 provided for in this section.

3 D. The provisions of subsection B of this section shall not  
4 apply to a nonresident drug outlet registered pursuant to the  
5 Oklahoma Pharmacy Act or to a resident drug outlet as defined in  
6 Section 353.1 of Title 59 of the Oklahoma Statutes if the  
7 nonresident or resident drug outlet mails or delivers a controlled  
8 substance to a patient or client. Nonresident and resident drug  
9 outlets shall transmit the information required in this section  
10 within seven (7) days of the date that the controlled substance is  
11 dispensed.

12 E. Willful failure to transmit accurate information as required  
13 by this section shall be a misdemeanor punishable, upon conviction,  
14 by not more than one (1) year in the county jail, or by a fine of  
15 not more than One Thousand Dollars (\$1,000.00), or by both such  
16 imprisonment and fine, or administrative action may be taken  
17 pursuant to Section 2-304 of this title.

18 F. The Director of the Bureau shall have the authority to allow  
19 paper submissions on a form designated by the Oklahoma State Bureau  
20 of Narcotics and Dangerous Drugs Control, if the dispenser has an  
21 appropriate hardship.

22 G. The Oklahoma State Bureau of Narcotics and Dangerous Drugs  
23 Control is authorized, by any funds available to it, to implement a  
24 real-time electronic logbook to monitor the sale of nonprescription

1 Schedule V products containing any detectable quantity of  
2 pseudoephedrine, its salts or optical isomers, or salts of optical  
3 isomers. Dispensers of such pseudoephedrine products shall report  
4 all such sales electronically pursuant to rules promulgated by the  
5 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control.

6 H. The Oklahoma State Bureau of Narcotics and Dangerous Drugs  
7 Control shall have the authority to adopt rules for the reporting of  
8 sales of Schedule V product containing any detectable quantity of  
9 pseudoephedrine, its salts or optical isomers, or salts of optical  
10 isomers.

11 SECTION 3. AMENDATORY 63 O.S. 2011, Section 2-329, is  
12 amended to read as follows:

13 Section 2-329. A. In addition to any fine or imprisonment  
14 imposed under ~~Section 10 of this act~~ Section 2-328 of this title,  
15 the following drug cleanup fine ~~shall~~ may be imposed:

16 1. Up to Ten Thousand Dollars (\$10,000.00) for violations  
17 described in subsection A of ~~Section 10 of this act~~ Section 2-328 of  
18 this title or Section 2-401 of this title; and

19 2. Up to One Hundred Thousand Dollars (\$100,000.00) for  
20 violations described in subsections C, D or E of ~~Section 10 of this~~  
21 ~~act~~ Section 2-328 of this title.

22 B. All fines collected under this section shall be transferred  
23 to the ~~OSBI Revolving Fund~~ Bureau of Narcotics Revolving Fund,

24

1 pursuant to ~~Section 150.19a of Title 74 of the Oklahoma Statutes~~  
2 Section 2-107 of this title.

3 SECTION 4. This act shall become effective November 1, 2012.  
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5 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated  
6 04/05/2012 - DO PASS.  
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