

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 SENATE BILL 25

By: Wilson

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5
6 AS INTRODUCED

7 An Act relating to prescription drug reimportation;
8 creating the Prescription Drug Reimportation Act;
9 providing short title; defining terms; authorizing
10 certain pharmacists and wholesale drug distributors
11 to procure and import specified prescription drugs;
12 providing for certification of specified prescription
13 drugs; prohibiting importation of drugs without
14 certain certification; specifying list of entities
15 authorized to import certain drugs; providing
16 exception; providing for violation of provisions and
17 punishment; prohibiting certain action without a
18 license and payment of fees; providing for license
19 application and reciprocity; providing for certain
20 notification; providing for promulgation and content
21 of rules; authorizing certain procurement; providing
22 for codification; and providing an effective date.

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

26 SECTION 1. NEW LAW A new section of law to be codified
27 in the Oklahoma Statutes as Section 374.1 of Title 59, unless there
28 is created a duplication in numbering, reads as follows:

29 This act shall be known and may be cited as the "Prescription
30 Drug Reimportation Act".

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 374.2 of Title 59, unless there
3 is created a duplication in numbering, reads as follows:

4 As used in the Prescription Drug Reimportation Act:

5 1. "Certified Canadian supplier" means a supplier of
6 prescription drugs located in Canada and certified by the State
7 Board of Pharmacy as meeting the standards necessary for the
8 importation of prescription drugs into this state;

9 2. "Delivery" means the actual, constructive or attempted
10 transfer of a drug or drug device from one person to another,
11 whether or not for a consideration;

12 3. "Dispense" or "dispensing" means the preparation and
13 delivery of a drug to a patient or a patient's agent pursuant to a
14 prescription drug order in a suitable container with appropriate
15 labeling for subsequent administration to or use by a patient;

16 4. "Distributing" means the delivery of a drug other than by
17 administration or dispensing;

18 5. "Drug" or "prescription drug" means any drug for human
19 consumption required by federal law or regulation to be dispensed
20 only by a prescription, including finished dosage forms and active
21 ingredients subject to the provisions of the Federal Food, Drug and
22 Cosmetic Act, Section 503(b), 21 U.S.C., Section 353 as amended
23 through January 1, 1991, other than:

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- a. a controlled dangerous substance as defined in Section 2-101 of Title 63 of the Oklahoma Statutes,
- b. a biological product as defined in the Public Health Service Act, Section 351, 42 U.S.C., Section 262,
- c. an infused drug, including peritoneal dialysis solutions,
- d. an intravenously injected drug, or
- e. a drug that is inhaled during surgery;

6. "Permitted country" means Switzerland or a member country of the European Union as constituted as of January 1, 2003;

7. "Certified permitted country supplier" means a supplier of prescription drugs located in Switzerland or in a member country of the European Union as constituted as of January 1, 2003, and certified by the State Board of Pharmacy as meeting the standards necessary for the importation of prescription drugs into this state;

8. "Pharmacist" means an individual licensed by the State Board of Pharmacy to engage in the practice of pharmacy;

9. "Pharmacy" means any place licensed by the State Board of Pharmacy where drugs are dispensed and pharmaceutical care is provided to residents of this state;

10. "Prescription drug order" means a written or oral order of a prescriber for a drug for a specific patient; and

11. "Wholesale drug distributor" means an entity engaged in the wholesale distribution of prescription drugs.

1 SECTION 3. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 374.3 of Title 59, unless there
3 is created a duplication in numbering, reads as follows:

4 A. Any licensed pharmacist in this state is authorized, with a
5 valid prescription, to procure prescription drugs from a certified
6 Canadian supplier or a certified permitted country supplier and to
7 import those drugs into this state for dispensing to patients
8 residing in this state.

9 B. Any licensed wholesale drug distributor in this state is
10 hereby authorized to procure prescription drugs from a certified
11 Canadian or permitted country supplier and to import those drugs
12 into this state for dispensing to licensed pharmacists.

13 C. The State Board of Pharmacy shall certify Canadian and
14 permitted country suppliers of prescription drugs to distribute
15 prescription drugs within this state who meet the following
16 criteria:

17 1. Allow inspection of their facilities and review of their
18 safety protocols by the Board;

19 2. Maintain licensure from Canada or a permitted country to
20 operate as a pharmacy and comply with applicable provincial laws and
21 regulations;

22 3. Maintain membership with the Canadian International Pharmacy
23 Association if the supplier is Canadian;

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1 4. Require that the pharmacy's employees have necessary
2 licenses from Canada or a permitted country;

3 5. Provide only prescription medications that are approved by
4 the Government of Canada's Therapeutic Products Directorate for sale
5 in Canada if the supplier is Canadian;

6 6. Exclude drugs for which there is no equivalent approved by
7 the Food and Drug Administration for sale in the United States and
8 drugs that cannot be safely shipped via mail order;

9 7. Use the unopened manufacturer's packaging whenever possible;
10 and

11 8. Provide periodic reports to the Board regarding any
12 complaints from Oklahoma customers.

13 D. No person may import prescription drugs from Canada or a
14 permitted country for resale in this state without first being
15 certified by the State Board of Pharmacy or having authority from
16 the Food and Drug Administration pursuant to subchapter VIII of the
17 Federal Food, Drug, and Cosmetic Act, 21 U.S.C., Section 381 et seq.
18 A violation of this provision shall be a felony punishable by up to
19 two (2) years imprisonment, or by a fine of up to Two Thousand
20 Dollars (\$2,000.00), or both.

21 E. Only licensed wholesalers, pharmacies or pharmacists or
22 persons authorized pursuant to subchapter VIII of the Federal Food,
23 Drug, and Cosmetic Act, 21 U.S.C., Section 381 et seq. are
24 authorized to import or facilitate the importation of prescription

1 | drugs from Canada or a permitted country into the United States;
2 | provided, however, nothing herein shall be deemed to prevent a
3 | citizen of this state from procuring prescription drugs from a
4 | pharmacy in Canada or a permitted country for personal use. A
5 | violation of this provision shall be a felony punishable by up to
6 | two (2) years imprisonment, or by a fine of up to Two Thousand
7 | Dollars (\$2,000.00), or both.

8 | F. No out-of-state wholesale drug distributor may conduct
9 | business in this state without first obtaining a license from the
10 | Board and paying the license fee set by the Board. Application for
11 | an out-of-state wholesale drug distributor license under this
12 | section shall be made on a form provided by the Board. An out-of-
13 | state wholesale drug distributor may obtain the license required by
14 | this act on the basis of reciprocity if the out-of-state wholesale
15 | drug distributor possesses a valid license granted by another state,
16 | a Canadian province or a permitted country pursuant to standards
17 | comparable to those in this state, and the other state, Canadian
18 | province or permitted country extends reciprocal treatment under its
19 | laws to wholesale drug distributors of this state.

20 | G. Any pharmacist in this state dispensing drugs procured from
21 | a certified Canadian or permitted country supplier shall notify the
22 | consumer or patient of such fact prior to dispensing the drug.

23 | H. The State Board of Pharmacy may promulgate rules to
24 | implement the issuance of the certification required by subsection D

1 of this section and the enforcement provisions of this act. The
2 rules may include the following:

- 3 1. Definition of terms;
- 4 2. Use of prescribed forms;
- 5 3. Reporting requirements;
- 6 4. Enforcement procedures; and
- 7 5. Fee requirements.

8 I. Citizens of this state shall be authorized to procure
9 prescription drugs from Canadian or permitted country pharmacies for
10 personal use.

11 SECTION 4. This act shall become effective November 1, 2011.

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