

1 STATE OF OKLAHOMA

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

3 SENATE BILL 925

By: Sykes

4  
5  
6 AS INTRODUCED

7 An Act relating to pharmacy; amending 59 O.S. 2001,  
8 Section 353.24, as last amended by Section 18,  
9 Chapter 321, O.S.L. 2009 (59 O.S. Supp. 2010, Section  
10 353.24), which relates to the Oklahoma Pharmacy Act;  
11 expanding unlawful conduct to include certain  
12 dangerous drugs; providing penalty; and providing an  
13 effective date.

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

15 SECTION 1. AMENDATORY 59 O.S. 2001, Section 353.24, as  
16 last amended by Section 18, Chapter 321, O.S.L. 2009 (59 O.S. Supp.  
17 2010, Section 353.24), is amended to read as follows:

18 Section 353.24. It shall be unlawful for any person, firm or  
19 business entity to:

20 1. Forge or increase the quantity of drug in any prescription,  
21 or to present a prescription bearing forged, fictitious or altered  
22 information or to possess any drug secured by such forged,  
23 fictitious or altered prescription;

24 2. Sell, offer for sale, barter or give away any unused  
quantity of drugs obtained by prescription, except through a program

1 pursuant to the Utilization of Unused Prescription Medications Act  
2 or as otherwise provided by the State Board of Pharmacy;

3 3. Sell, offer for sale, barter or give away any drugs damaged  
4 by fire, water, or other causes without first obtaining the written  
5 approval of the Board or the State Department of Health;

6 4. Enter into any arrangement whereby prescription orders are  
7 received, or prescriptions delivered at a place other than the  
8 pharmacy in which they are compounded and dispensed. However,  
9 nothing in this paragraph shall prevent a pharmacist or an employee  
10 of the pharmacy from personally receiving a prescription or  
11 delivering a legally filled prescription at a residence, office or  
12 place of employment of the patient for whom the prescription was  
13 written. Provided further, the provisions of this paragraph shall  
14 not apply to any Department of Mental Health and Substance Abuse  
15 Services employee or any person whose facility contracts with the  
16 Department of Mental Health and Substances Abuse Services whose  
17 possession of any dangerous drug, as defined in Section 353.1 of  
18 this title, is for the purpose of delivery of a mental health  
19 consumer's medicine to the consumer's home or residence. Nothing in  
20 this paragraph shall prevent veterinary prescription drugs from  
21 being shipped directly from an Oklahoma licensed wholesaler or  
22 distributor to a client; provided, such drugs may be dispensed only  
23 on prescription of a licensed veterinarian and only when an existing  
24 veterinary-client-patient relationship exists;

1       5. Sell, offer for sale or barter or buy any professional  
2 samples except through a program pursuant to the Utilization of  
3 Unused Prescription Medications Act. For purpose of this paragraph,  
4 "professional samples" means complimentary drugs packaged in  
5 accordance with federal and state statutes and regulations and  
6 provided to a licensed practitioner free of charge by manufacturers  
7 or distributors for the purpose of being distributed free of charge  
8 in such package by the licensed practitioner to a patient;

9       6. Refuse to permit or otherwise prevent members of the Board  
10 or such representatives thereof from entering and inspecting any and  
11 all places, including premises, equipment, contents, and records,  
12 where drugs, medicine, chemicals or poisons are stored, sold,  
13 vended, given away, compounded, dispensed or manufactured;

14       7. Possess dangerous drugs without a valid prescription or a  
15 valid license to possess such drugs; provided, however, this  
16 provision shall not apply to any Department of Mental Health and  
17 Substance Abuse Services employee or any person whose facility  
18 contracts with the Department of Mental Health and Substances Abuse  
19 Services whose possession of any dangerous drug, as defined in  
20 Section 353.1 of this title, is for the purpose of delivery of a  
21 mental health consumer's medicine to the consumer's home or  
22 residence;

23       8. Possess, sell, offer for sale, barter or give away any  
24 quantity of dangerous drugs not listed as a scheduled drug pursuant

1 to Sections 2-201 through 2-212 of Title 63 of the Oklahoma Statutes  
2 when obtained by prescription bearing forged, fictitious or altered  
3 information.

4 a. a first violation of this section shall constitute a  
5 misdemeanor and upon conviction shall be punishable by  
6 imprisonment in the county jail for a term not more  
7 than one (1) year and a fine in an amount not more  
8 than One Thousand Dollars (\$1,000.00),

9 b. a second violation of this section shall constitute a  
10 felony and upon conviction shall be punishable by  
11 imprisonment in the Department of Corrections for a  
12 term not exceeding five (5) years and a fine in an  
13 amount not more than Two Thousand Dollars (\$2,000.00);

14 9. Knowingly violate a Board order or agreed order;

15 ~~9.~~ 10. Compromise the security of licensure examination  
16 materials; or

17 ~~10.~~ 11. Fail to notify the Board, in writing, within ten (10)  
18 days of an address change.

19 SECTION 2. This act shall become effective November 1, 2011.

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