

1 ENGROSSED SENATE AMENDMENT
TO

2 ENGROSSED HOUSE
3 BILL NO. 1783

By: Russ of the House

and

Griffin of the Senate

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7 An Act relating to public health and safety; amending
8 63 O.S. 2011, Section 2-309, as amended by Section 1,
9 Chapter 83, O.S.L. 2012 (63 O.S. Supp. 2012, Section
10 2-309), which relates to prescriptions for controlled
11 dangerous substances; prohibiting more than two
12 refills for any product containing hydrocodone with
13 another active ingredient; and providing an effective
14 date.

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21 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and
entire bill and insert

"An Act relating to public health and safety;
amending 63 O.S. 2011, Section 2-309, as amended by
Section 1, Chapter 83, O.S.L. 2012 (63 O.S. Supp.
2012, Section 2-309), which relates to prescriptions
for controlled dangerous substances; prohibiting
refills for any product containing hydrocodone with
another active ingredient; and providing an effective
date.

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

23 SECTION 1. AMENDATORY 63 O.S. 2011, Section 2-309, as
24 amended by Section 1, Chapter 83, O.S.L. 2012 (63 O.S. Supp. 2012,
Section 2-309), is amended to read as follows:

1 Section 2-309. A. 1. Except for dosages medically required
2 for a period not to exceed forty-eight (48) hours which are
3 administered by or on direction of a practitioner, other than a
4 pharmacist, or medication dispensed directly by a practitioner,
5 other than a pharmacist, to an ultimate user, no controlled
6 dangerous substance included in Schedule II, which is a prescription
7 drug as determined under regulation promulgated by the Board of
8 Pharmacy, may be dispensed without the written prescription of a
9 practitioner; provided, that, in emergency situations, as prescribed
10 by the Board of Pharmacy by regulation, such drug may be dispensed
11 upon oral prescription reduced promptly to writing and filed by the
12 pharmacist in a manner to be prescribed by rules and regulations of
13 the Director of the Oklahoma State Bureau of Narcotics and Dangerous
14 Drugs Control.

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

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

22 a. for Schedule II drugs, the original prescription must
23 be presented and verified against the facsimile at the
24 time the substances are actually dispensed, and the

1 original document must be properly annotated and
2 retained for filing, except:

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

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

7 b. for drugs in Schedules III and IV, a facsimile copy of
8 a written, signed prescription transmitted directly by
9 the prescribing practitioner to the pharmacy can serve
10 as an original prescription. Electronic prescribing
11 may be utilized for Schedules III and IV subject to
12 the same requirements as set forth in 21 CFR, Section
13 1311 et seq.

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

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

1 2. A written or oral prescription for a controlled dangerous
2 substance in Schedule III or IV may not be filled or refilled more
3 than six (6) months after the date thereof or be refilled more than
4 five times after the date of the prescription, unless renewed by the
5 practitioner.

6 3. A written or oral prescription for any product containing
7 hydrocodone with another active ingredient shall not be refilled.

8 C. No controlled dangerous substance included in Schedule V may
9 be distributed or dispensed other than for a legitimate medical or
10 scientific purpose.

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

20 E. Whenever it appears to the Director that a drug not
21 considered to be a prescription drug under existing state law or
22 regulation of the Board of Pharmacy should be so considered because
23 of its abuse potential, the Director shall so advise the Board of
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1 Pharmacy and furnish to the Board all available data relevant
2 thereto.

3 F. "Prescription", as used herein, means a written or oral
4 order by a practitioner to a pharmacist for a controlled dangerous
5 substance for a particular patient, which specifies the date of its
6 issue, and the full name and address of the patient; if the
7 controlled dangerous substance is prescribed for an animal, the
8 species of the animal; the name and quantity of the controlled
9 dangerous substance prescribed; the directions for use; the name and
10 address of the owner of the animal and, if written, the signature of
11 the practitioner.

12 G. No person shall solicit, dispense, receive or deliver any
13 controlled dangerous substance through the mail, unless the ultimate
14 user is personally known to the practitioner and circumstances
15 clearly indicate such method of delivery is in the best interest of
16 the health and welfare of the ultimate user.

17 SECTION 2. This act shall become effective November 1, 2013."
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1 Passed the Senate the 18th day of April, 2013.

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4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2013.

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9 Presiding Officer of the House
10 of Representatives