

FLOOR AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB1056 \_\_\_\_\_  
 \_\_\_\_\_ Of the printed Bill  
 Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
 \_\_\_\_\_ Of the Engrossed Bill

by deleting on page 2, Section 2, line 12 the definition of "Board";  
 by deleting on page 3, Section 2, lines 4-14 the definition of "Covered  
 entity";  
 by deleting on page 4, Section 2, lines 5-9 the definition of "Pharmacy  
 benefits manager";  
 and by renumbering the definitions in Section 2 as applicable;

by deleting Section 4 in its entirety and by replacing in lieu thereof  
 Section 4 as attached;

by adding a new Section 5 to read as follows:

SECTION 5. NEW LAW A new section of law to be codified in the  
 Oklahoma Statutes as Section 353.10A of Title 59, unless there is created  
 a duplication in numbering, reads as follows:

Non-resident pharmacist in charge are required to be licensed in the  
 State of Oklahoma.

by adding a new Section 6 to read as follows:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: David Derby \_\_\_\_\_

Adopted: \_\_\_\_\_

\_\_\_\_\_  
 Reading Clerk

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 353.18A of Title 59, unless there is created a duplication in numbering, reads as follows:

Out of state pharmacies shall be required to comply with the provisions of the Oklahoma Pharmacy Act.

SECTION 7. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

The Executive Director of the State Board of Pharmacy or designee shall attend all meetings of the Oklahoma Employers Insurance and Benefits Board and the State Board of Insurance.

and by renumbering the subsequent section.

1 "SECTION 4. AMENDATORY 59 O.S. 2011, Section 353.1, is  
2 amended to read as follows:

3 Section 353.1 For the purposes of the Oklahoma Pharmacy Act:

4 1. "Accredited program" means those seminars, classes,  
5 meetings, work projects and other educational courses approved by  
6 the Board for purposes of continuing professional education;

7 2. "Administer" means the direct application of a drug, whether  
8 by injection, inhalation, ingestion or any other means, to the body  
9 of a patient;

10 3. "Assistant pharmacist" means any person presently licensed  
11 as an assistant pharmacist in the State of Oklahoma by the Board  
12 pursuant to Section 353.10 of this title and for the purposes of  
13 this act shall be considered the same as a pharmacist, except where  
14 otherwise specified;

15 4. "Board" or "State Board" means the State Board of Pharmacy;

16 5. "Chemical" means any medicinal substance, whether simple or  
17 compound or obtained through the process of the science and art of  
18 chemistry, whether of organic or inorganic origin;

19 6. "Compounding" means the preparation, mixing, assembling,  
20 packaging, or labeling of a drug or device:

21 a. in accordance with a licensed practitioner's  
22 prescription drug order under an initiative based on  
23 the practitioner/patient/pharmacist relationship in  
24 the course of professional practice, or

1           b.    for the purpose of, or incident to, research,  
2                    teaching, or chemical analysis and not for sale or  
3                    dispensing.

4           Compounding includes the preparation of drugs or devices in  
5 anticipation of prescription drug orders based on routine, regularly  
6 observed prescribing patterns;

7           7.    "Continuing professional education" means professional,  
8 pharmaceutical education in the general areas of the socioeconomic  
9 and legal aspects of health care; the properties and actions of  
10 drugs and dosage forms; and the etiology, characteristics and  
11 therapeutics of the diseased state;

12           8.    "Dangerous drug", "legend drug", "prescription drug" or "Rx  
13 Only" means a drug which:

14           a.    under federal law, is required, prior to being  
15 dispensed or delivered, to be labeled with one of the  
16 following statements:

17           (1)   "Caution: Federal law prohibits dispensing  
18                    without prescription",

19           (2)   "Caution: Federal law restricts this drug to use  
20                    by or on the order of a licensed veterinarian",  
21                    or

22           (3)   "Rx Only", or  
23  
24

1           b.    is required by any applicable federal or state law or  
2                    regulation to be dispensed on prescription only or is  
3                    restricted to use by licensed practitioners only;

4           9.    "Dispense" or "dispensing" means the interpretation,  
5   evaluation, and implementation of a prescription drug order,  
6   including the preparation and delivery of a drug or device to a  
7   patient or a patient's agent in a suitable container appropriately  
8   labeled for subsequent administration to, or use by, a patient.  
9   Dispense includes sell, distribute, leave with, give away, dispose  
10  of, deliver or supply;

11          10.   "Doctor of Pharmacy" means a person licensed by the Board  
12  to engage in the practice of pharmacy. The terms "pharmacist" and  
13  "Doctor of Pharmacy" shall be interchangeable and shall have the  
14  same meaning wherever they appear in the Oklahoma Statutes and the  
15  rules promulgated by the Board;

16          11.   "Drug outlet" means all pharmacies, wholesalers,  
17  manufacturers and facilities which are engaged in dispensing,  
18  delivery, distribution or storage of dangerous drugs;

19          12.   "Drugs" means all medicinal substances and preparations  
20  recognized by the United States Pharmacopoeia and National  
21  Formulary, or any revision thereof, and all substances and  
22  preparations intended for external and/or internal use in the cure,  
23  diagnosis, mitigation, treatment or prevention of disease in humans  
24  or animals and all substances and preparations, other than food,

1 intended to affect the structure or any function of the body of a  
2 human or animals;

3 13. "Filled prescription" means a packaged prescription  
4 medication to which a label has been affixed which contains such  
5 information as is required by the Oklahoma Pharmacy Act;

6 14. "Hospital" means any institution licensed as a hospital by  
7 this state for the care and treatment of patients;

8 15. "Licensed practitioner" means an allopathic physician,  
9 osteopathic physician, podiatric physician, dentist, veterinarian or  
10 optometrist licensed to practice and authorized to prescribe  
11 dangerous drugs within the scope of practice of such practitioner;

12 16. "Manufacturer" means a person engaged in the manufacturing  
13 of drugs;

14 17. "Manufacturing" means the production, preparation,  
15 propagation, compounding, conversion or processing of a device or a  
16 drug, either directly or indirectly by extraction from substances of  
17 natural origin or independently by means of chemical or biological  
18 synthesis and includes any packaging or repackaging of the  
19 substances or labeling or relabeling of its container, and the  
20 promotion and marketing of such drugs or devices. The term  
21 "manufacturing" also includes the preparation and promotion of  
22 commercially available products from bulk compounds for resale by  
23 licensed pharmacies, licensed practitioners or other persons;

24

1 18. "Medical gas" means those gases including those in liquid  
2 state upon which the manufacturer or distributor has placed one of  
3 several cautions, such as "Rx Only", in compliance with federal law;

4 19. "Medical gas order" means an order for medical gas issued  
5 by a licensed medical practitioner;

6 20. "Medical gas distributor" means a person licensed to  
7 distribute, transfer, wholesale, deliver or sell medical gases on  
8 drug orders to suppliers or other entities licensed to use,  
9 administer or distribute medical gas and may also include a patient  
10 or ultimate user;

11 21. "Medical gas supplier" means a person who dispenses medical  
12 gases on drug orders only to a patient or ultimate user;

13 22. "Medicine" means any drug or combination of drugs which has  
14 the property of curing, preventing, treating, diagnosing or  
15 mitigating diseases, or which is used for that purpose;

16 23. "Nonprescription drugs" means medicines or drugs which are  
17 sold without a prescription and which are prepackaged for use by the  
18 consumer and labeled in accordance with the requirements of the  
19 statutes and regulations of this state and the federal government.  
20 Such items shall also include medical and dental supplies and  
21 bottled or nonbulk chemicals which are sold or offered for sale to  
22 the general public if such articles or preparations meet the  
23 requirements of the Federal Food, Drug and Cosmetic Act, 21  
24 U.S.C.A., Section 321 et seq.;

1       24. "Packager" means any person, firm or corporation, except a  
2 pharmacy, who transfers dangerous drugs including, but not limited  
3 to, compressed medical gases from one container to another of any  
4 type;

5       25. "Person" means an individual, partnership, limited  
6 liability company, corporation or association, unless the context  
7 otherwise requires;

8       26. "Pharmacy" means a place regularly licensed by the Board of  
9 Pharmacy in which prescriptions, drugs, medicines, chemicals and  
10 poisons are compounded or dispensed or where the practice of  
11 pharmacy is occurring;

12       27. "Poison" means any substance which when introduced into the  
13 body, either directly or by absorption, produces violent, morbid or  
14 fatal changes, or which destroys living tissue with which such  
15 substance comes into contact;

16       28. "Practice of pharmacy" means:

- 17       a. the interpretation and evaluation of prescription  
18             orders,
- 19       b. the compounding, dispensing, administering and  
20             labeling of drugs and devices, except labeling by a  
21             manufacturer, packer or distributor of nonprescription  
22             drugs and commercially packaged legend drugs and  
23             devices,

24

- 1 c. the participation in drug selection and drug  
2 utilization reviews,
- 3 d. the proper and safe storage of drugs and devices and  
4 the maintenance of proper records thereof,
- 5 e. the responsibility for advising by counseling and  
6 providing information, where professionally necessary  
7 or where regulated, of therapeutic values, content,  
8 hazards and use of drugs and devices,
- 9 f. the offering or performing of those acts, services,  
10 operations or transactions necessary in the conduct,  
11 operation, management and control of a pharmacy, ~~and~~  
12 or
- 13 g. the provision of those acts or services that are  
14 necessary to provide pharmaceutical care;

15 29. "Prescription" means and includes any order for drug or  
16 medical supplies written or signed, or transmitted by word of mouth,  
17 telephone or other means of communication by:

- 18 a. a licensed practitioner of allopathic or osteopathic  
19 medicine, dentistry, podiatry, optometry, or  
20 veterinary medicine, or
- 21 b. under the supervision of an Oklahoma licensed  
22 physician, an Oklahoma licensed advanced practice  
23 nurse or an Oklahoma licensed physician assistant, or  
24

1 c. an Oklahoma licensed wholesaler or distributor as  
2 authorized in subsection G of Section 353.13 of this  
3 title;

4 30. "Professional samples" means complimentary drugs packaged  
5 in accordance with federal and state statutes and regulations;

6 31. "Supervising physician" means an individual holding a  
7 current license to practice as a physician from the State Board of  
8 Medical Licensure and Supervision, pursuant to the provisions of the  
9 Oklahoma Allopathic Medical and Surgical Licensure and Supervision  
10 Act, or the State Board of Osteopathic Examiners, pursuant to the  
11 provisions of the Oklahoma Osteopathic Medicine Act, who supervises  
12 an advanced practice nurse as defined in Section 567.3a of this  
13 title, and who is not in training as an intern, resident, or fellow.  
14 To be eligible to supervise an advanced practice nurse, such  
15 physician shall remain in compliance with the rules promulgated by  
16 the State Board of Medical Licensure and Supervision or the State  
17 Board of Osteopathic Examiners;

18 32. "Supportive personnel" means technicians and auxiliary  
19 supportive persons who are regularly paid employees of a pharmacy  
20 who work and perform tasks in the pharmacy as authorized by Section  
21 353.29 of this title; and

22 33. "Wholesaler" or "distributor" means a person engaged in the  
23 business of distributing dangerous drugs or medicines at wholesale  
24 to pharmacies, hospitals, practitioners, government agencies or

1 other lawful drug outlets permitted to sell or use drugs or  
2 medicines, or as authorized in subsection G of Section 353.13 of  
3 this title."  
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