

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 SENATE BILL 1881

By: Paddack

4
5
6 AS INTRODUCED

7 An Act relating to public health; amending 63 O.S.
8 2011, Section 2-309, as last amended by Section 1,
9 Chapter 323, O.S.L. 2013 (63 O.S. Supp. 2013, Section
10 2-309), which relates to prescriptions; exempting
11 certain facilities from restrictions on certain
12 prescriptions; and providing an effective date.

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

14 SECTION 1. AMENDATORY 63 O.S. 2011, Section 2-309, as
15 last amended by Section 1, Chapter 323, O.S.L. 2013 (63 O.S. Supp.
16 2013, Section 2-309), is amended to read as follows:

17 Section 2-309. A. 1. Except for dosages medically required
18 for a period not to exceed forty-eight (48) hours which are
19 administered by or on direction of a practitioner, other than a
20 pharmacist, or medication dispensed directly by a practitioner,
21 other than a pharmacist, to an ultimate user, no controlled
22 dangerous substance included in Schedule II, which is a prescription
23 drug as determined under regulation promulgated by the Board of
24 Pharmacy, may be dispensed without the written prescription of a
practitioner; provided, that in emergency situations, as prescribed

1 by the Board of Pharmacy by regulation, such drug may be dispensed
2 upon oral prescription reduced promptly to writing and filed by the
3 pharmacist in a manner to be prescribed by rules and regulations of
4 the Director of the Oklahoma State Bureau of Narcotics and Dangerous
5 Drugs Control.

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

9 3. The transmission of written prescription by practitioner to
10 dispensing pharmacy by facsimile or electronic transmission with
11 electronic signature is permitted only under the following
12 conditions:

13 a. for Schedule II drugs, the original prescription must
14 be presented and verified against the facsimile at the
15 time the substances are actually dispensed, and the
16 original document must be properly annotated and
17 retained for filing, except:

18 (1) home infusion pharmacy may consider the facsimile
19 to be a "written prescription" as required by
20 Section 2-101 et seq. of this title and as
21 required by Title 21 U.S.C., Section 829(a). The
22 facsimile copy of the prescription shall be
23 retained as an original prescription, and it must
24 contain all the information required by Section

1 2-101 et seq. of this title and 21 CFR, Section
2 1306.05(a), including date issued, the patient's
3 full name and address, and the practitioner's
4 name, address, DEA registration number, and
5 signature. The exception to the regulations for
6 home infusion/IV therapy is intended to
7 facilitate the means by which home infusion
8 pharmacies obtain prescriptions for patients
9 requiring the frequently modified parenteral
10 controlled release administration of narcotic
11 substances, but does not extend to the dispensing
12 of oral dosage units of controlled substances,

13 (2) the same exception is granted to patients in Long
14 Term Care facilities (LTCF), which are filled by
15 and delivered to the facility by a dispensing
16 pharmacy, and

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

21 b. for drugs in Schedules III and IV, a facsimile copy of
22 a written, signed prescription transmitted directly by
23 the prescribing practitioner to the pharmacy can serve
24 as an original prescription. Electronic prescribing

1 may be utilized for Schedules III and IV subject to
2 the same requirements as set forth in 21 CFR, Section
3 1311 et seq.

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

7 B. 1. Except for dosages medically required for a period not
8 to 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, no controlled dangerous substance included in
12 Schedule III or IV, which is a prescription drug as determined under
13 regulation promulgated by the Board of Pharmacy, may be dispensed
14 without a written or oral prescription.

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

20 3. A written or oral prescription for any product containing
21 hydrocodone with another active ingredient shall not be refilled.
22 The provisions of this subsection shall not apply to Oklahoma
23 Veterans Centers operated pursuant to the provisions of Section 221
24 et seq. of Title 72 of the Oklahoma Statutes, or to facilities under

1 contract with the Oklahoma Department of Veterans Affairs or United
2 States Department of Veterans Affairs for the provision of
3 ambulatory care services to veterans.

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, the Director shall so advise the Board of
20 Pharmacy and furnish to 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. This act shall become effective November 1, 2014.

13

14 54-2-2547 JAM 1/16/2014 3:14:22 PM

15

16

17

18

19

20

21

22

23

24