

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2799 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: David Derby _____

Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 PROPOSED COMMITTEE
4 SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2799

By: Derby

7 PROPOSED COMMITTEE SUBSTITUTE

8 An Act relating to professions and occupations;
9 amending 59 O.S. 2011, Section 353.24, as amended by
10 Section 16, Chapter 230, O.S.L. 2015 (59 O.S. Supp.
11 2015, Section 353.24), which relates to the Oklahoma
12 Pharmacy Act; authorizing the delivery of
13 prescriptions to locations the patient chooses; and
14 providing an effective date.

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

16 SECTION 1. AMENDATORY 59 O.S. 2011, Section 353.24, as
17 amended by Section 16, Chapter 230, O.S.L. 2015 (59 O.S. Supp. 2015,
18 Section 353.24), is amended to read as follows:

19 Section 353.24 A. It shall be unlawful for any licensee or
20 other person to:

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

1 2. Sell, offer for sale, barter or give away any unused
2 quantity of drugs obtained by prescription, except through a program
3 pursuant to the Utilization of Unused Prescription Medications Act
4 or as otherwise provided by the State Board of Pharmacy;

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

8 4. Enter into any arrangement whereby prescription orders are
9 received, or prescriptions are delivered at a place other than the
10 pharmacy in which they are filled, compounded or dispensed.

11 However, nothing in this paragraph shall prevent a pharmacist or an
12 employee of the pharmacy from personally receiving a prescription or
13 delivering a legally filled prescription to ~~a residence, office or~~
14 ~~place of employment of~~ any location the patient for whom the
15 prescription was written chooses. Provided further, the provisions
16 of this paragraph shall not apply to any Department of Mental Health
17 and 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. Nothing in this paragraph shall prevent veterinary
23 prescription drugs from being shipped directly from an Oklahoma
24 licensed wholesaler or distributor to a client; provided, such drugs

1 may be dispensed only on prescription of a licensed veterinarian and
2 only when an existing veterinary-client-patient relationship exists;

3 5. Sell, offer for sale or barter or buy any professional
4 samples except through a program pursuant to the Utilization of
5 Unused Prescription Medications Act;

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

12 7. Interfere, refuse to participate in, impede or otherwise
13 obstruct any inspection, investigation or disciplinary proceeding
14 authorized by the Oklahoma Pharmacy Act;

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

24

1 **9. Fail to establish and maintain effective**
2 **controls against the diversion of drugs for any**
3 **other purpose than legitimate medical, scientific**
4 **or industrial uses as provided by state, and**
5 **federal, and local law;**
6

7
8 10. Fail to have a written drug diversion detection and
9 prevention policy;

10 11. Possess, sell, offer for sale, barter or give away any
11 quantity of dangerous drugs not listed as a scheduled drug pursuant
12 to Sections 2-201 through 2-212 of Title 63 of the Oklahoma Statutes
13 when obtained by prescription bearing forged, fictitious or altered
14 information.

15 a. A first violation of this section shall constitute a
16 misdemeanor and upon conviction shall be punishable by
17 imprisonment in the county jail for a term not more
18 than one (1) year and a fine in an amount not more
19 than One Thousand Dollars (\$1,000.00).

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

1 12. Violate a Board order or agreed order;

2 13. Compromise the security of licensure examination materials;

3 or

4 14. Fail to notify the Board, in writing, within ten (10) days
5 of a licensee or permit holder's address change.

6 B. 1. It shall be unlawful for any person other than a
7 licensed pharmacist or physician to certify a prescription before
8 delivery to the patient or the patient's representative or
9 caregiver.

10 2. It shall be unlawful for any person to institute or manage a
11 pharmacy unless such person is a licensed pharmacist or has placed a
12 licensed pharmacist in charge of such pharmacy,

13 3. No licensed pharmacist shall manage, supervise or be in
14 charge of more than one pharmacy.

15 4. No pharmacist being requested to sell, furnish or compound
16 any drug, medicine, chemical or other pharmaceutical preparation, by
17 prescription or otherwise, shall substitute or cause to be
18 substituted for it, without authority of the prescriber of
19 purchaser, any like drug, medicine, chemical or pharmaceutical
20 preparation.

21 5. No pharmacy, pharmacist-in-charge or other person shall
22 permit the practice of pharmacy except by a licensed pharmacist or
23 assistant pharmacist.

24

1 6. No person shall subvert the authority of the pharmacist-in-
2 charge of the pharmacy by impeding the management of the
3 prescription department to act in compliance with federal and state
4 law.

5 C. 1. It shall be unlawful for a pharmacy to resell dangerous
6 drugs to any wholesale distributor.

7 2. It shall be unlawful for a wholesale distributor to purchase
8 drugs from a pharmacy.

9 SECTION 2. This act shall become effective November 1, 2016.

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11 55-2-9085 AMM 02/15/16

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