

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 737

By: Griffin

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5
6 AS INTRODUCED

7 An Act relating to prescriptions for opioid analgesic
8 drug products; providing definitions; prohibiting the
9 issuance of certain drugs covered by the Oklahoma
10 Medicaid Program; requiring use of certain drug
11 products in certain circumstances; requiring certain
12 standards for substitution; providing for
13 codification; and providing an effective date.

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

15 SECTION 1. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 5003.1 of Title 63, unless there
17 is created a duplication in numbering, reads as follows:

18 As used in this act:

19 1. "Opioid analgesic drug" shall mean a drug product in the
20 opioid analgesic drug class prescribed to treat moderate to severe
21 pain and other conditions, whether in immediate release, extended
22 release or long-acting form and whether or not combined with other
23 drug substances to form a single drug product or dosage form;

24 2. "Opioid analgesic drug with abuse-deterrent properties"
means an opioid analgesic drug product determined as such by the

1 United States Food and Drug Administration (FDA) based on
2 incorporation of an abuse-deterrent technology and sufficient
3 evidence to support abuse-deterrent labeling claims according to
4 published FDA guidance; and

5 3. "Pharmacist" means a person licensed as a pharmacist in this
6 state pursuant to the provisions of Sections 353 et seq. of Title 59
7 of the Oklahoma Statutes, including but not limited to community
8 pharmacists, pharmacists in hospital-based pharmacies when filling
9 prescriptions for outpatient care, and pharmacists in mail-order
10 pharmacies licensed by this state to distribute in this state.

11 SECTION 2. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 5003.2 of Title 63, unless there
13 is created a duplication in numbering, reads as follows:

14 A. Notwithstanding any other provision of state law, no
15 pharmacist filling a prescription covered by the Oklahoma Medicaid
16 Program shall interchange or substitute an opioid analgesic drug
17 product, brand or generic equivalent for an opioid analgesic drug
18 product with abuse-deterrent properties if a generic equivalent for
19 opioid analgesic products with drug-deterrent properties has been
20 approved by the United States Food and Drug Administration. The
21 requirements of this subsection shall only be effective following
22 FDA approval of a generic equivalent for an opioid analgesic product
23 with abuse-deterrent properties.
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B. A determination of interchangeability between two abuse-deterrent opioid analgesic drug products shall not require that both products incorporate the same methods of abuse-deterrence, but that the opioid analgesic drug products have the same level of FDA-approved abuse-deterrence labeling claims.

SECTION 3. This act shall become effective November 1, 2015.

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