

1 STATE OF OKLAHOMA

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

3 SENATE BILL 787

By: Standridge

4  
5  
6 AS INTRODUCED

7 An Act relating to pharmacy; amending 59 O.S. 2011,  
8 Section 353.1, as amended by Section 1, Chapter 340,  
9 O.S.L. 2014 (59 O.S. Supp. 2014, Section 353.1),  
10 which relates to definitions; modifying, adding, and  
11 removing certain definitions; amending 59 O.S. 2011,  
12 Section 353.3, which relates to the State Board of  
13 Pharmacy; removing certain provision relating to  
14 service of terms by Board members; amending 59 O.S.  
15 2011, Section 353.5, which relates to the Executive  
16 Director of the State Board of Pharmacy; removing  
17 certain requirements relating to determination of  
18 salary; authorizing employment of an Executive  
19 Director; establishing qualifications; providing for  
20 duties of Executive Director; amending 59 O.S. 2011,  
21 Section 353.6, which relates to meetings for  
22 examination of applicants; modifying language term;  
23 amending 59 O.S. 2011, Section 353.7, which relates  
24 to powers of the Board; adding and deleting certain  
powers and duties; amending 59 O.S. 2011, Section  
353.9, which relates to licensing of pharmacists;  
deleting obsolete language; requiring certain persons  
to submit applications and payments for certain  
purposes; amending 59 O.S. 2011, Section 353.11,  
which relates to pharmacist license renewal fees;  
removing time limitation for renewal of certain  
license; requiring candidates to meet certain  
conditions for renewal of license; permitting Board  
to impose certain requirements for reinstatement;  
requiring continuing education for renewal of  
pharmacist licenses; permitting Board to use  
alternative methods for continuing education  
requirements; providing for an inactive renewal  
certificate; prohibiting practice of pharmacy under  
certain circumstances; amending 59 O.S. 2011, Section  
353.12, which relates to the display of licenses;

1 requiring certain persons to display certain  
2 documentation; requiring certain persons to remove  
3 licenses after expiration; amending 59 O.S. 2011,  
4 Section 353.17, which relates to unlawful uses of  
5 certain titles; expanding prohibition on use of  
6 certain titles without Board authorization; amending  
7 59 O.S. 2011, Section 353.18, which relates to the  
8 sale, manufacturing, and packaging of certain  
9 products; requiring licensure for certain entities  
10 delivering certain products; modifying standards and  
11 procedures for licensure of certain entities;  
12 requiring additional licensure for certain  
13 facilities; removing certain exemptions; permitting  
14 supportive personnel to perform certain tasks  
15 following acquisition of certain permit; providing  
16 standards for permits; providing standards for  
17 expiration and reinstatement of permits; amending 59  
18 O.S. 2011, Section 353.20, which relates to  
19 pharmaceutical equipment; requiring pharmacy premises  
20 and drugs to be maintained in certain conditions;  
21 permitting cancellation of licenses under certain  
22 circumstances; requiring dispensers to maintain  
23 certain records; requiring pharmacists to record  
24 certain prescriptions; providing standards for  
prescription labels; amending 59 O.S. 2011, Section  
353.22, which relates to the sale of poisons;  
clarifying language; modifying certain exemption;  
amending 59 O.S. 2011, Section 353.24, which relates  
to unlawful acts; deleting certain definition;  
broadening scope of unlawful acts; prohibiting  
management of more than one pharmacy by certain  
persons; prohibiting certain substitutions of certain  
products; requiring licensure prior to practice of  
pharmacy; prohibiting subversion of certain persons;  
prohibiting certain commercial activities; amending  
59 O.S. 2011, Section 353.26, which relates to  
revocation and suspension of licenses; permitting  
Board to permanently revoke licenses for certain  
acts; providing standards for hearings, service, and  
entry of judgment; permitting shipment of certain  
products under certain circumstances; waiving certain  
requirements relating to shipment of certain  
products; prohibiting certain uses of certain  
products under certain circumstances; permitting  
pharmacists to dispense prescriptions by optometrists  
under certain circumstances; requiring certain  
information for prescriptions; requiring certain

1 compliance; amending 59 O.S. 2011, Section 354, which  
2 relates to prescriptions of patients; requiring  
3 pharmacists to transfer certain prescriptions;  
4 prohibiting certain refusal by prescribers; amending  
5 59 O.S. 2011, Section 355.1, which relates to  
6 dispensing dangerous drugs; requiring prescribers to  
7 obtain certain registration; providing certain  
8 exemption; amending 59 O.S. 2011, Section 355.2,  
9 which relates to violations of the Oklahoma Pharmacy  
10 Act; requiring prescribers to be subject to certain  
11 actions for violations; repealing 59 O.S. 2011,  
12 Section 353.13A, which relates to certain records;  
13 clarifying language; providing for codification; 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 353.1, as  
17 amended by Section 1, Chapter 340, O.S.L. 2014 (59 O.S. Supp. 2014,  
18 Section 353.1), is amended to read as follows:

19 Section 353.1. For the purposes of the Oklahoma Pharmacy Act:

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

23 2. "Act" means the Oklahoma Pharmacy Act;

24 3. "Administer" means the direct application of a drug, whether  
25 by injection, inhalation, ingestion or any other means, to the body  
26 of a patient;

27 ~~3.~~ 4. "Assistant pharmacist" means any person presently  
28 licensed as an assistant pharmacist in the State of Oklahoma by the  
29 Board pursuant to Section 353.10 of this title and for the purposes

1 of ~~this act~~ the Oklahoma Pharmacy Act shall be considered the same  
2 as a pharmacist, except where otherwise specified;

3 ~~4.~~ 5. "Board" or "State Board" means the State Board of  
4 Pharmacy;

5 6. "Certify" or "certification of a prescription" means the  
6 review of a filled prescription by a licensed pharmacist or a  
7 licensed practitioner with dispensing authority to confirm that the  
8 medication, labeling and packaging of the filled prescription are  
9 accurate and meet all requirements prescribed by state and federal  
10 law. For the purposes of this paragraph, "licensed practitioner"  
11 shall not include optometrists with dispensing authority;

12 ~~5.~~ 7. "Chemical" means any medicinal substance, whether simple  
13 or compound or obtained through the process of the science and art  
14 of chemistry, whether of organic or inorganic origin;

15 ~~6.~~ 8. "Compounding" means the ~~preparation, mixing, assembling,~~  
16 ~~packaging, or labeling of a drug or device:~~

17 ~~a. in accordance with a licensed practitioner's~~  
18 ~~prescription drug order under an initiative based on~~  
19 ~~the practitioner/patient/pharmacist relationship in~~  
20 ~~the course of professional practice, or~~

21 ~~b. for the purpose of, or incident to, research,~~  
22 ~~teaching, or chemical analysis and not for sale or~~  
23 ~~dispensing~~

24 combining, admixing, mixing, diluting, pooling, reconstituting,

1 or otherwise altering of a drug or bulk drug substance to create a  
2 drug. Compounding includes the preparation of drugs or devices in  
3 anticipation of prescription drug orders based on routine, regularly  
4 observed prescribing patterns;

5 ~~7.~~ 9. "Continuing professional education" means professional,  
6 pharmaceutical education in the general areas of the socioeconomic  
7 and legal aspects of health care; the properties and actions of  
8 drugs and dosage forms; and the etiology, characteristics and  
9 therapeutics of the diseased state;

10 ~~8.~~ 10. "Dangerous drug", "legend drug", "prescription drug" or  
11 "Rx Only" means a drug which:

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

15 ~~(1) "Caution: Federal law prohibits dispensing~~  
16 ~~without prescription",~~

17 ~~(2) "Caution: Federal law restricts this drug to use~~  
18 ~~by or on the order of a licensed veterinarian",~~

19 ~~or~~

20 ~~(3) "Rx Only", or~~

21 ~~b. is required by any applicable federal or state law or~~  
22 ~~regulation to be dispensed on prescription only or is~~  
23 ~~restricted to use by licensed practitioners only for~~  
24 ~~human use subject to 21 U.S.C. 353(b) (1); or~~

1           b. is labeled "Prescription Only", or labeled with the  
2           following statement: "Caution: Federal law restricts  
3           this drug except for use by or on the order of a  
4           licensed veterinarian".

5           11. "Director" means the Executive Director of the State Board  
6           of Pharmacy unless context clearly indicates otherwise;

7           ~~9.~~ 12. "Dispense" or "dispensing" means the interpretation,  
8           evaluation, and implementation of a prescription drug order,  
9           including the preparation and delivery of a drug or device to a  
10          patient or a patient's agent in a suitable container appropriately  
11          labeled for subsequent administration to, or use by, a patient.  
12          Dispense includes sell, distribute, leave with, give away, dispose  
13          of, deliver or supply;

14          13. "Dispenser" means a retail pharmacy, hospital pharmacy, a  
15          group of chain pharmacies under common ownership and control that do  
16          not act as a wholesale distributor, or any other person authorized  
17          by law to dispense or administer prescription drugs, and the  
18          affiliated warehouses or distributions of such entities under common  
19          ownership and control that do not act as a wholesale distributor.  
20          For the purposes of this paragraph, "dispenser" does not mean a  
21          person who dispenses only products to be used in animals in  
22          accordance with 21 U.S.C. 360b(a) (5);

23          14. "Distribute" or "distribution" means the sale, purchase,  
24          trade, delivery, handling, storage, or receipt of a product, and

1 does not include the dispensing of a product pursuant to a  
2 prescription executed in accordance with 21 U.S.C. 353(b) (1) or the  
3 dispensing of a product approved under 21 U.S.C. 360b(b);

4 ~~10.~~ 15. "Doctor of Pharmacy" means a person licensed by the  
5 Board to engage in the practice of pharmacy. The terms  
6 "pharmacist", "D.Ph.", and "Doctor of Pharmacy" shall be  
7 interchangeable and shall have the same meaning wherever they appear  
8 in the Oklahoma Statutes and the rules promulgated by the Board;

9 ~~11.~~ 16. "Drug outlet" means all ~~pharmacies, wholesalers,~~  
10 ~~manufacturers and facilities~~ manufacturers, repackagers, outsourcing  
11 facilities, wholesale distributors, third-party logistics providers,  
12 pharmacies and all other facilities which are engaged in dispensing,  
13 delivery, distribution or storage of dangerous drugs;

14 ~~12.~~ 17. "Drugs" means all medicinal substances and preparations  
15 recognized by the United States Pharmacopoeia and National  
16 Formulary, or any revision thereof, and all substances and  
17 preparations intended for external and/or internal use in the cure,  
18 diagnosis, mitigation, treatment or prevention of disease in humans  
19 or animals and all substances and preparations, other than food,  
20 intended to affect the structure or any function of the body of a  
21 human or animals;

22 18. "Drug sample" means a unit of a prescription drug packaged  
23 under the authority and responsibility of the manufacturer that is  
24

1 not intended to be sold and is intended to promote the sale of the  
2 drug;

3 ~~13.~~ 19. "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.~~ 20. "Hospital" means any institution licensed as a hospital  
7 by this state for the care and treatment of patients, or a pharmacy  
8 operated by the Oklahoma Department of Veterans Affairs;

9 ~~15.~~ 21. "Licensed practitioner" means an allopathic physician,  
10 osteopathic physician, podiatric physician, dentist, veterinarian or  
11 optometrist licensed to practice and authorized to prescribe  
12 dangerous drugs within the scope of practice of such practitioner;

13 ~~16.~~ 22. "Manufacturer" or "virtual manufacturer" means ~~a person~~  
14 ~~engaged in the manufacturing of drugs~~ with respect to a product:

15 a. a person that holds an application approved under 21  
16 U.S.C. 355 or a license issued under 42 U.S.C. 262 for  
17 such product, or if such product is not the subject of  
18 an approved application or license, the person who  
19 manufactured the product,

20 b. a co-licensed partner of the person described in  
21 subparagraph a that obtains the product directly from  
22 a person described in this subparagraph or  
23 subparagraph a, or  
24

1           c.    an affiliate of a person described in subparagraph a  
2                   or b who receives the product directly from a person  
3                   described in this subparagraph or in subparagraph a or  
4                   b;

5           ~~17.~~ 23. "Manufacturing" means the production, preparation,  
6 propagation, compounding, conversion or processing of a device or a  
7 drug, either directly or indirectly by extraction from substances of  
8 natural origin or independently by means of chemical or biological  
9 synthesis and includes any packaging or repackaging of the  
10 substances or labeling or relabeling of its container, and the  
11 promotion and marketing of such drugs or devices. The term  
12 "manufacturing" also includes the preparation and promotion of  
13 commercially available products from bulk compounds for resale by  
14 licensed pharmacies, licensed practitioners or other persons;

15           ~~18.~~ 24. "Medical gas" means those gases including those in  
16 liquid state upon which the manufacturer or distributor has placed  
17 one of several cautions, such as "Rx Only", in compliance with  
18 federal law;

19           ~~19.~~ 25. "Medical gas order" means an order for medical gas  
20 issued by a licensed ~~medical practitioner~~ prescriber;

21           ~~20.~~ 26. "Medical gas distributor" means a person licensed to  
22 distribute, transfer, wholesale, deliver or sell medical gases on  
23 drug orders to suppliers or other entities licensed to use,  
24

1 administer or distribute medical gas and may also include a patient  
2 or ultimate user;

3 ~~21.~~ 27. "Medical gas supplier" means a person who dispenses  
4 medical gases on drug orders only to a patient or ultimate user;

5 ~~22.~~ 28. "Medicine" means any drug or combination of drugs which  
6 has the property of curing, preventing, treating, diagnosing or  
7 mitigating diseases, or which is used for that purpose;

8 29. "Mid-level practitioner" means an advanced practice nurse  
9 or a certified registered nurse anesthetist licensed by the Oklahoma  
10 Nursing Board with prescribing authority, or a physician assistant  
11 licensed by the Oklahoma State Board of Medical Licensure and  
12 Supervision;

13 ~~23.~~ 30. "Nonprescription drugs" means medicines or drugs which  
14 are sold without a prescription and which are prepackaged for use by  
15 the consumer and labeled in accordance with the requirements of the  
16 statutes and regulations of this state and the federal government.  
17 Such items shall also include medical and dental supplies and  
18 bottled or nonbulk chemicals which are sold or offered for sale to  
19 the general public if such articles or preparations meet the  
20 requirements of the Federal Food, Drug and Cosmetic Act, 21  
21 U.S.C.A., Section 321 et seq.;

22 ~~24. "Packager" means any person, firm or corporation, except a~~  
23 ~~pharmacy, who transfers dangerous drugs including, but not limited~~  
24

1 ~~to, compressed medical gases from one container to another of any~~  
2 ~~type;~~

3 31. "Outsourcing facility", including "virtual outsourcing  
4 facility" means a facility at one geographic location or address  
5 that:

- 6 a. is engaged in the compounding of sterile drugs,  
7 b. has elected to register as an outsourcing facility,  
8 and  
9 c. complies with all requirements of 21 U.S.C. 353b;

10 32. "Package" means the smallest individual saleable unit of  
11 product for distribution by a manufacturer or repackager that is  
12 intended by the manufacturer for ultimate sale to the dispenser of  
13 such product. For the purposes of this paragraph, "individual  
14 saleable unit" means the smallest container of a product introduced  
15 into commerce by the manufacturer or repackager that is intended by  
16 the manufacturer or repackager for individual sale to a dispenser;

17 ~~25.~~ 33. "Person" means an individual, partnership, limited  
18 liability company, corporation or association, unless the context  
19 otherwise requires;

20 34. "Pharmacist-in-charge" or "PIC" means the pharmacist  
21 licensed in this state responsible for the management control of a  
22 pharmacy and all other aspects of the practice of pharmacy in a  
23 licensed pharmacy as defined by Section 353.18 of this title;  
24

1        ~~26.~~ 35. "Pharmacy" means a place regularly licensed by the  
2 Board of Pharmacy in which prescriptions, drugs, medicines,  
3 chemicals and poisons are compounded or dispensed or such place  
4 where pharmacists practice the profession of pharmacy, or a pharmacy  
5 operated by the Oklahoma Department of Veterans Affairs;

6        36. "Pharmacy technician", "technician", "Rx tech", or "tech"  
7 means a person issued a Technician permit by the State Board of  
8 Pharmacy to assist the pharmacist and perform nonjudgmental,  
9 technical, manipulative, non-discretionary functions in the  
10 prescription department under the immediate and direct supervision  
11 of a pharmacist;

12        ~~27.~~ 37. "Poison" means any substance which when introduced into  
13 the body, either directly or by absorption, produces violent, morbid  
14 or fatal changes, or which destroys living tissue with which such  
15 substance comes into contact;

16        ~~28.~~ 38. "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~~ repackager or distributor of  
22                    nonprescription drugs and commercially packaged legend  
23                    drugs and 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 39. "Preparation" means an article which may or may not contain  
16 sterile products compounded in a licensed pharmacy pursuant to the  
17 order of a licensed prescriber;

18 40. "Prescriber" means a licensed practitioner or a mid-level  
19 practitioner;

20 ~~29.~~ 41. "Prescription" means and includes any order for drug or  
21 medical supplies written or signed, or transmitted by word of mouth,  
22 telephone or other means of communication ~~by~~:

23  
24

- 1 a. by a licensed practitioner ~~of allopathic or~~  
2 ~~osteopathic medicine, dentistry, podiatry, optometry,~~  
3 ~~or veterinary medicine, or~~
- 4 b. under the supervision of an Oklahoma licensed  
5 ~~physician practitioner~~, an Oklahoma licensed advanced  
6 practice nurse or an Oklahoma licensed physician  
7 assistant, or
- 8 c. by an Oklahoma licensed wholesaler or distributor as  
9 authorized in ~~subsection G of Section 353.13~~ 353.29 of  
10 this title;

11 ~~30. "Professional samples" means complimentary drugs packaged~~  
12 ~~in accordance with federal and state statutes and regulations;~~

13 42. "Product" means a prescription drug in a finished dosage  
14 form for administration to a patient without substantial further  
15 manufacturing, such as capsules, tablets, and lyophilized products  
16 before reconstitution. "Product" does not include blood components  
17 intended for transfusion, radioactive drugs or biologics and medical  
18 gas;

19 43. "Repackager", including "virtual repackager", means a  
20 person who owns or operates an establishment that repacks and  
21 relabels a product or package for further sale or distribution  
22 without further transaction;

23 44. "Sterile drug" means a drug that is intended for parental  
24 administration, an ophthalmic or oral inhalation drug in aqueous

1 format, or a drug that is required to be sterile under state and  
2 federal law;

3 ~~31.~~ 45. "Supervising physician" means an individual holding a  
4 current license to practice as a physician from the State Board of  
5 Medical Licensure and Supervision, pursuant to the provisions of the  
6 Oklahoma Allopathic Medical and Surgical Licensure and Supervision  
7 Act, or the State Board of Osteopathic Examiners, pursuant to the  
8 provisions of the Oklahoma Osteopathic Medicine Act, who supervises  
9 an advanced practice nurse as defined in Section 567.3a of this  
10 title, and who is not in training as an intern, resident, or fellow.  
11 To be eligible to supervise an advanced practice nurse, such  
12 physician shall remain in compliance with the rules promulgated by  
13 the State Board of Medical Licensure and Supervision or the State  
14 Board of Osteopathic Examiners;

15 ~~32.~~ 46. "Supportive personnel" means technicians and auxiliary  
16 supportive persons who are regularly paid employees of a pharmacy  
17 who work and perform tasks in the pharmacy as authorized by Section  
18 ~~353.29~~ 353.19 of this title; and

19 ~~33. "Wholesaler" or "distributor" means a person engaged in the~~  
20 ~~business of distributing dangerous drugs or medicines at wholesale~~  
21 ~~to pharmacies, hospitals, practitioners, government agencies or~~  
22 ~~other lawful drug outlets permitted to sell or use drugs or~~  
23 ~~medicines, or as authorized in subsection G of Section 353.13 of~~  
24 ~~this title.~~

1        47. "Third-party logistics provider", including "virtual third-  
2 party logistics provider" means an entity that provides or  
3 coordinates warehousing, or other logistics services of a product in  
4 interstate commerce on behalf of a manufacturer, wholesale  
5 distributor, or dispenser of a product but does not take ownership  
6 of the product, nor have responsibility to direct the sale or  
7 disposition of the product. For the purposes of this paragraph,  
8 "third-party logistics provider" does not include shippers and the  
9 United States Postal Service; and

10        48. "Wholesale distributor", including "virtual wholesale  
11 distributor" means a person other than a manufacturer, a  
12 manufacturer's co-licensed partner, a third-party logistics  
13 provider, or repackager engaged in wholesale distribution as defined  
14 by 21 U.S.C 353(e) (4) as amended by the Drug Supply Chain Security  
15 Act.

16        SECTION 2.        AMENDATORY        59 O.S. 2011, Section 353.3, is  
17 amended to read as follows:

18        Section 353.3. A. The State Board of Pharmacy shall consist of  
19 six (6) persons, five who shall be licensed as pharmacists by this  
20 state and one who shall be a public member.

21        1. The pharmacist members shall be appointed by the Governor by  
22 and with the advice and consent of the Senate and shall:

- 23            a. be registered and in good standing in the State of  
24                            Oklahoma, and

1           b.    have been actively engaged in the practice of pharmacy  
2                    within this state for a period of not less than five  
3                    (5) years immediately prior to serving on the Board.

4           2.    The public member shall be appointed by the Governor and  
5 shall:

6           a.    be a resident of the State of Oklahoma for not less  
7                    than five (5) years, and

8           b.    not be a pharmacist or be related by blood or marriage  
9                    within the third degree of consanguinity to a  
10                  pharmacist.

11           B.    The present members of the Board ~~shall continue to serve the~~  
12 ~~remainder of their terms.~~ Successors shall be appointed for a term  
13 of five (5) years. The public member of the Board shall serve a  
14 term coterminous with the Governor and shall serve at the pleasure  
15 of the Governor. The terms of the members of the Board shall expire  
16 on the 30th day of June of the year designated for the expiration of  
17 the term for which appointed but the member shall serve until a  
18 qualified successor has been duly appointed. No person shall be  
19 appointed to serve more than two consecutive terms. ~~Said~~  
20 ~~appointments~~ Appointments of pharmacists to the Board shall be made  
21 from a list of ten (10) names representative of the pharmacy  
22 profession submitted annually by the Executive Director of the  
23 Oklahoma ~~Pharmaceutical~~ Pharmacists Association after an election  
24 has been held by mail ballot.

1 SECTION 3. AMENDATORY 59 O.S. 2011, Section 353.5, is  
2 amended to read as follows:

3 Section 353.5. A. The State Board of Pharmacy shall annually  
4 elect a president and vice-president of the Board. The president  
5 and vice-president shall serve for a term of one (1) year and shall  
6 perform the duties prescribed by the Board. ~~The Board shall employ~~  
7 ~~an Executive Director who is a licensed pharmacist or is eligible to~~  
8 ~~become a licensed pharmacist in this state. The Executive Director~~  
9 ~~shall perform such duties as required by the Board.~~

10 B. Each member of the Board shall receive necessary travel  
11 expenses incurred in the discharge of official duties pursuant to  
12 the State Travel Reimbursement Act.

13 C. The Board shall employ an Executive Director who is a  
14 licensed pharmacist in this state. The Executive Director shall  
15 perform such duties as required by the Board. The Executive  
16 Director of the Board shall receive an annual salary to be fixed by  
17 the Board. ~~The Board shall determine and base the annual salary of~~  
18 ~~the Executive Director upon data obtained from a survey of U.S.~~  
19 ~~regional average annual salaries for licensed pharmacists, compiled~~  
20 ~~and published each year by the National Community Pharmacist's~~  
21 ~~Association.~~

22 D. The Executive Director shall:

23 1. Deposit funds with the State Treasurer to be expended in the  
24 manner and for the purposes provided by law; and

1           2. Report to the Board ~~each month~~ at each meeting, presenting  
2 an accurate monthly account as to the funds of the Board and make  
3 available written and acknowledged claims for all disbursements  
4 made.

5           SECTION 4.           AMENDATORY           59 O.S. 2011, Section 353.6, is  
6 amended to read as follows:

7           Section 353.6. Meetings for the examination of applicants for  
8 licensing and granting of certificates shall be held at least one  
9 time each year at a time and place to be fixed by the State Board of  
10 Pharmacy. At least ten (10) days' notice shall be publicly given of  
11 the time and place of each meeting at which there is an examination  
12 of ~~candidates~~ applicants for licensure.

13           SECTION 5.           AMENDATORY           59 O.S. 2011, Section 353.7, is  
14 amended to read as follows:

15           Section 353.7. The State Board of Pharmacy shall have the power  
16 and duty to:

- 17           1. Regulate the practice of pharmacy;
- 18           2. Regulate the sale and distribution of drugs, medicines,  
19 chemicals and poisons;
- 20           3. Regulate the dispensing of drugs and medicines in all places  
21 where drugs and medicines are compounded and/or dispensed;
- 22           4. ~~Enter and inspect, by its members or by its duly authorized~~  
23 ~~representatives, any and all places, including premises, equipment,~~  
24 ~~contents and records, where drugs, medicines, chemicals or poisons~~

1 ~~are stored, sold, vended, given away, compounded, dispensed or~~  
2 ~~manufactured~~ Examine and issue appropriate certificates of licensure  
3 as Doctor of Pharmacy to all applicants whom the Board deems  
4 qualified under the provisions of the Oklahoma Pharmacy Act;

5 5. ~~Administer oaths in all matters pertaining to the affairs of~~  
6 ~~the Board and to take evidence and compel the attendance of~~  
7 ~~witnesses on questions pertaining to the enforcement of the Oklahoma~~  
8 ~~Pharmacy Act~~ Issue licenses to manufacturers, repackagers,  
9 outsourcing facilities, wholesale distributors, third-party  
10 logistics providers, pharmacies and other dispensers, medical gas  
11 suppliers, and medical gas distributors;

12 6. ~~Employ the number of inspectors and/or pharmacist compliance~~  
13 ~~officers necessary to carry out the provisions of the Oklahoma~~  
14 ~~Pharmacy Act at an annual salary to be fixed by the Board, and to~~  
15 ~~authorize necessary expenses. Such inspectors shall have the same~~  
16 ~~powers and authority as that granted to peace officers by the laws~~  
17 ~~of this state for the purpose of enforcing the Oklahoma Pharmacy~~  
18 ~~Act. In addition, such inspectors or pharmacist compliance officers~~  
19 ~~shall have the authority to take and copy records and the duty to~~  
20 ~~confiscate all drugs, medicines, chemicals or poisons found to be~~  
21 ~~stored, sold, vended, given away, compounded, dispensed or~~  
22 ~~manufactured contrary to the provisions of the Oklahoma Pharmacy Act~~  
23 Issue sterile compounding and drug supplier permits for pharmacies  
24 at the fee set by the Board, with the expiration date of such

1 permits to coincide with the pharmacy license annual expiration  
2 date;

3 7. Prescribe minimum standards with respect to floor space and  
4 other physical characteristics of pharmacies and hospital drug rooms  
5 as may be reasonably necessary ~~to~~ for the maintenance of  
6 professional surroundings and ~~to~~ for the protection of the safety  
7 and welfare of the public, and to refuse the issuance of new or  
8 renewal licenses for failure to comply with such standards. Minimum  
9 standards for hospital drug rooms shall be consistent with the State  
10 Department of Health, Hospital Standards, as defined in OAC 310:667;

11 ~~8. Examine and issue appropriate certificates of licensure as~~  
12 ~~Doctor of Pharmacy to all applicants who the Board deems are~~  
13 ~~qualified to be such under the provisions of the Oklahoma Pharmacy~~  
14 ~~Act~~ Enter and inspect, by its members or by its duly authorized  
15 representatives, any and all places, including premises, vehicles,  
16 equipment, contents and records, where drugs, medicines, chemicals,  
17 or poisons are stored, sold, vended, given away, compounded,  
18 dispensed, manufactured, repackaged or transported;

19 ~~9. Investigate complaints, hold hearings and subpoena witnesses~~  
20 ~~and records~~ Employ the number of inspectors and pharmacist  
21 compliance officers necessary to carry out the provisions of the  
22 Oklahoma Pharmacy Act at an annual salary to be fixed by the Board,  
23 and to authorize necessary expenses. Such inspectors shall have the  
24 same powers and authority as that granted to peace officers by the

1 laws of this state for the purpose of enforcing the Oklahoma  
2 Pharmacy Act. In addition, such inspectors or pharmacist compliance  
3 officers shall have the authority to take and copy records and the  
4 duty to confiscate all drugs, medicines, chemicals or poisons found  
5 to be stored, sold, vended, given away, compounded, dispensed or  
6 manufactured contrary to the provisions of the Oklahoma Pharmacy  
7 Act;

8 10. ~~Initiate prosecution~~ Investigate complaints, subpoena  
9 witnesses and records, initiate prosecution, and hold hearings;

10 11. Administer oaths in all manners pertaining to the affairs  
11 of the Board and to take evidence and compel the attendance of  
12 witnesses on questions pertaining to the enforcement of the Oklahoma  
13 Pharmacy Act;

14 ~~11.~~ 12. Reprimand, place on probation, suspend, revoke or take  
15 other disciplinary action and/or levy fines not to exceed Three  
16 Thousand Dollars (\$3,000.00) for each count for which any holder of  
17 a certificate, license or permit has been convicted in Board  
18 hearings. The Board may impose as part of any disciplinary action  
19 the payment of costs expended by the Board for any legal fees and  
20 costs, including, but not limited to, staff time, salary and travel  
21 expense, witness fees and attorney fees. The Board may also require  
22 additional continuing education, including attendance at a live  
23 continuing education program, and may require participation in a  
24 rehabilitation program for the impaired. The Board may take such

1 actions singly or in combination, as the nature of the violation  
2 requires;

3 ~~12.~~ 13. Adopt and establish rules of professional conduct  
4 appropriate to the establishment and maintenance of a high standard  
5 of integrity and dignity in the profession of pharmacy. Such rules  
6 shall be subject to amendment or repeal by the Board as the need may  
7 arise;

8 ~~13. Perform such other duties, exercise such other powers and  
9 employ such other personnel as the provisions and enforcement of the  
10 Oklahoma Pharmacy Act may require;~~

11 14. Make and publish ~~uniform~~ rules such as may be necessary for  
12 carrying out and enforcing the provisions of the Oklahoma Pharmacy  
13 Act, Oklahoma drug laws and rules, federal drug laws and  
14 regulations, and make such other rules as in its discretion may be  
15 necessary to protect the health, safety and welfare of the public;

16 15. Establish and collect appropriate fees for licenses,  
17 permits, inspections and services provided and such fees shall be  
18 nonrefundable. Such fees shall be promulgated to implement the  
19 provisions of the Oklahoma Pharmacy Act under the provisions of the  
20 Administrative Procedures Act;

21 16. Regulate:

- 22 a. personnel working in a pharmacy, such as interns and  
23 supportive personnel, including technicians, and issue  
24 pharmacy technician permits and intern licenses,

- 1           b.    interns, preceptors and training areas through which  
2                    the training of applicants ~~in the practice of pharmacy~~  
3                    occurs for licensure as a pharmacist, and  
4            c.    such persons regarding all aspects relating to the  
5                    handling of drugs, medicines, chemicals and poisons;  
6                    and

7           17.  Acquire by purchase, lease, gift, solicitation of gift or  
8 by any other manner, and to maintain, use and operate or to contract  
9 for the maintenance, use and operation of or lease of any and all  
10 property of any kind, real, personal or mixed or any interest  
11 therein unless otherwise provided by the Oklahoma Pharmacy Act;  
12 provided, all contracts for real property shall be subject to the  
13 provisions of Section 63 of Title 74 of the Oklahoma Statutes; and

14           18.  Perform other such duties, exercise other such powers and  
15 employ such personnel as the provisions and enforcement of the  
16 Oklahoma Pharmacy Act may require.

17           SECTION 6.        AMENDATORY        59 O.S. 2011, Section 353.9, is  
18 amended to read as follows:

19           Section 353.9.  A.  ~~Licensed pharmacists shall be persons~~  
20 ~~regularly licensed as such in the State of Oklahoma on or before the~~  
21 ~~effective date of this act.~~  All other qualified persons may become  
22 licensed as a Doctor of Pharmacy upon passing an examination  
23 approved by the State Board of Pharmacy.  Before any applicant is  
24

1 allowed to sit for such examinations, such applicant shall submit to  
2 the Board sufficient proof that the applicant:

3 1. Is of good moral character;

4 2. Is a graduate of an accredited School or College of Pharmacy  
5 approved by the Board, or is a foreign pharmacy school graduate who  
6 has received an FPGEC equivalency certification by the National  
7 Association of Boards of Pharmacy; and

8 3. Has attained experience in the practice of pharmacy,  
9 obtained in a place and in a manner prescribed and approved by the  
10 Board.

11 B. Interns, preceptors and training areas shall make  
12 application for a license, and shall pay a fee set by the Board, not  
13 to exceed One Hundred Dollars (\$100.00).

14 C. All Doctor of Pharmacy applicants shall make application in  
15 the form and manner prescribed by the Board, and deposit with the  
16 Executive Director of the Board a fee set by the Board not to exceed  
17 Two Hundred Fifty Dollars (\$250.00) plus the purchase price of the  
18 examination. Upon passing an examination and meeting such other  
19 requirements specified by the Board pursuant to the Oklahoma  
20 Pharmacy Act, the applicant shall be granted ~~an appropriate~~  
21 ~~certificate~~ a license setting forth the qualifications to practice  
22 pharmacy. Any applicant failing an examination shall not sit for an  
23 additional examination until such applicant has made a new  
24 application and paid the fee provided herein.

1 D. The Board shall have the power to issue reciprocal  
2 certificates of licensure to applicants licensed in other states  
3 having like requirements. Such applicants shall be charged a fee  
4 not to exceed Two Hundred Fifty Dollars (\$250.00).

5 E. The Board shall have the power to issue original  
6 certificates of licensure to applicants for the score transfer  
7 process administered by the National Association of Boards of  
8 Pharmacy; provided, such applicants shall provide sufficient proof  
9 of compliance with the requirements of paragraphs 1 through 3 of  
10 subsection A of this section. Such applicants shall be charged a  
11 fee not to exceed Two Hundred Fifty Dollars (\$250.00).

12 SECTION 7. AMENDATORY 59 O.S. 2011, Section 353.11, is  
13 amended to read as follows:

14 Section 353.11. A. 1. Every licensed pharmacist who desires  
15 to continue in the profession of pharmacy in this state shall, on or  
16 before the expiration date of the license, complete a renewal form  
17 and remit to the State Board of Pharmacy a renewal fee ~~for each year~~  
18 to be fixed by the Board. Upon compliance with the provisions of  
19 the Oklahoma Pharmacy Act and payment of such renewal fee by a  
20 licensee in good standing with the Board, a renewal certificate of  
21 licensure shall be issued.

22 2. Every licensed pharmacist who fails to complete a renewal  
23 form and remit the required renewal fee to the Board by the  
24

1 fifteenth day after the expiration of the license shall pay a late  
2 fee to be fixed by the Board.

3 B. If any pharmacist fails or neglects to procure the renewal  
4 of his or her license, as herein required, the Board may, after the  
5 expiration of thirty (30) days following the issue of the notice,  
6 deprive the person of his or her license and all other privileges  
7 conferred by the Oklahoma Pharmacy Act.

8 C. In order to regain licensure, the pharmacist shall apply in  
9 writing to the Board requesting reinstatement. The pharmacist shall  
10 pay back all fees and provide proof of having obtained all  
11 delinquent continuing education plus an additional fifteen (15)  
12 hours of continuing education. The Board may require the pharmacist  
13 to appear before the Board at a regular meeting. The Board may  
14 require evidence of competency through examination or impose other  
15 requirements for reinstatement.

16 SECTION 8. NEW LAW A new section of law to be codified  
17 in the Oklahoma Statutes as Section 353.11a of Title 59, unless  
18 there is created a duplication in numbering, reads as follows:

19 A. No annual renewal certificate shall be issued to a  
20 pharmacist until such pharmacist has submitted proof to the State  
21 Board of Pharmacy that the pharmacist has satisfactorily completed  
22 no less than fifteen (15) clock hours of an accredited or Board-  
23 approved program of continuing professional education during the  
24 previous calendar year.

1 B. The Board may grant alternate methods of obtaining  
2 continuing education hours to a pharmacist who meets all necessary  
3 requirements for licensure except the continuing education  
4 requirements.

5 C. 1. Any pharmacist who does not meet the requirements for  
6 continuing education may obtain an inactive renewal certificate of  
7 licensure.

8 2. The holder of an inactive renewal certificate of licensure  
9 shall not engage in the practice of pharmacy in this state.

10 3. The holder of an inactive renewal certificate of licensure  
11 may apply to the Board to be removed from inactive status.

12 SECTION 9. AMENDATORY 59 O.S. 2011, Section 353.12, is  
13 amended to read as follows:

14 Section 353.12. A. Every ~~person~~ pharmacist, upon receiving a  
15 certificate of licensure pursuant to the Oklahoma Pharmacy Act, ~~or~~  
16 ~~who has heretofore received a certificate of licensure in this~~  
17 ~~state,~~ shall keep such certificate conspicuously displayed in the  
18 pharmacy where such pharmacist is actively engaged in the practice  
19 of pharmacy or in such a location as is otherwise prescribed by the  
20 State Board of Pharmacy. The current renewal receipt for licensure  
21 shall be attached to the lower left corner of the original  
22 certificate. ~~Every licensed pharmacist~~

1        B. Every other registrant shall keep the license or permit  
2 conspicuously displayed in the licensee or permit holder's pharmacy  
3 or place of business.

4        C. Every licensee or permit holder shall, within ten (10) days  
5 after discontinuing or changing his or her place of practice, remove  
6 his or her ~~certificate~~ license or permit and notify the Executive  
7 Director of the Board, in writing, of his or her new place of  
8 practice. Upon receipt of the notification, the Executive Director  
9 shall make the necessary change in the Board records.

10        ~~B.~~ D. Any member of the Board, inspector or pharmacist  
11 compliance officer duly authorized by the Board shall have authority  
12 to confiscate and void any certificate of licensure issued by the  
13 Board which has been displayed in any place not authorized by the  
14 Board, provided that the holder of the certificate, license or  
15 permit shall be entitled to a hearing before the Board and show  
16 cause why his or her certificate, license or permit should not be  
17 canceled.

18        SECTION 10.        AMENDATORY        59 O.S. 2011, Section 353.17, is  
19 amended to read as follows:

20        Section 353.17. A. No person shall take, use or exhibit the  
21 title of pharmacist, licensed pharmacist or Doctor of Pharmacy,  
22 "D.Ph." or "R.Ph.", either expressly or by implication, except as  
23 otherwise authorized by the Oklahoma Pharmacy Act.  
24

1 B. No person, ~~firm or corporation~~ other than one licensed under  
2 the Oklahoma Pharmacy Act shall take, use or exhibit the title  
3 "Druggist", "~~Doctor of Pharmacy~~", "~~R.Ph.~~", "~~D.Ph.~~", "Pharmacy",  
4 "Drug Store", "Drug Department", "Drugs", "Drug Sundries",  
5 "Prescriptions", or any other term, sign or device or any word in  
6 similitude thereof.

7 SECTION 11. AMENDATORY 59 O.S. 2011, Section 353.18, is  
8 amended to read as follows:

9 Section 353.18. A. 1. It shall be unlawful for any person,  
10 including, but not limited to, Internet, website or online  
11 pharmacies, to ~~engage in selling~~ sell at retail, ~~or offering to~~  
12 offer for sale, dangerous drugs, medicines, chemicals or poisons for  
13 the treatment of disease, excluding agricultural chemicals and  
14 drugs, or to accept prescriptions for same, without first procuring  
15 a license from the State Board of Pharmacy. This licensure  
16 requirement applies whether such sale, offer for sale or acceptance  
17 of prescriptions occurs ~~from~~ in this state, or such sale, offer for  
18 sale, or acceptance of prescription occurs out of state and the  
19 dangerous drug, medicine, chemical or poison is to be delivered,  
20 distributed or dispensed to patients or customers in this state.  
21 ~~The provisions of this subsection shall not apply to medical gas~~  
22 ~~suppliers or medical gas distributors regulated pursuant to the~~  
23 ~~provisions of subsection B of this section.~~

1           2. A pharmacy license shall be issued to such person as the  
2 Board shall deem qualified upon evidence satisfactory to the Board  
3 that:

- 4           a. the place for which the license is sought will be  
5           conducted in full compliance with the law and the  
6           rules of the Board,
- 7           b. the location, ~~appointments~~ and physical  
8           characteristics of the place are reasonably consistent  
9           with the maintenance of professional surroundings and  
10          constitute no known danger to the public health and  
11          safety,
- 12          c. the place will be under the management and control of  
13          a licensed pharmacist or pharmacist-in-charge who  
14          shall be licensed as a pharmacist in Oklahoma, and
- 15          d. a licensed pharmacist ~~will~~ shall be present and on  
16          duty at all business hours ~~the pharmacy is open for~~  
17          ~~business~~; provided, however, the provisions of this  
18          subparagraph shall not apply to ~~a~~ hospital drug ~~room~~  
19          rooms.

20          3. a. An application for ~~a~~ an initial or renewal license  
21          issued pursuant to the provisions of this subsection  
22          shall:

- 23               (1) be submitted to the Board in writing, ~~and~~
- 24

1 (2) contain the name or names of persons owning the  
2 pharmacy, and

3 (3) provide other such information deemed relevant by  
4 the Board.

5 b. An application for ~~each~~ an initial or renewal license  
6 shall be accompanied by a licensing fee not to exceed  
7 Three Hundred Dollars (\$300.00) for each period of one  
8 (1) year. Prior to opening for business, all  
9 applicants for an initial license or permit shall be  
10 inspected. ~~Applicants~~ An initial licensure applicant  
11 shall pay an inspection fee not to exceed Two Hundred  
12 Dollars (\$200.00); provided, however, that no charge  
13 shall be made for the licensing of any Federal  
14 Veterans Hospital in the State of Oklahoma. Non-  
15 resident pharmacies shall reimburse the Board for any  
16 actual expenses incurred for inspections.

17 c. A license issued pursuant to the provisions of this  
18 subsection shall be valid for a period set by the  
19 Board and shall contain the name of the licensee and  
20 the address of the place at which such business shall  
21 be conducted.

22 4. A retail pharmacy that prepares sterile ~~therapeutic~~  
23 ~~preparations that shall be free from living microorganisms (aseptic)-~~  
24 drugs shall obtain a pharmacy license, and shall also obtain a

1 ~~parenteral~~ sterile compounding permit at a fee set by the Board, not  
2 to exceed Seventy-five Dollars (\$75.00). Such pharmacy shall meet  
3 requirements set by the Board by rule for ~~parenteral~~ sterile  
4 compounding permits.

5 5. An outsourcing facility desiring to dispense prescriptions  
6 to patients must additionally license and meet the requirements of a  
7 pharmacy.

8 B. 1. It shall be unlawful for any person to manufacture,  
9 ~~package, or wholesale any dangerous drugs, or to engage in selling,~~  
10 ~~or offering for sale at retail, medical gases, except under the~~  
11 ~~management and control of a licensed pharmacist or such other~~  
12 ~~persons as may be approved by the Board after an investigation and~~  
13 ~~determination of such person's qualifications. No person shall sell~~  
14 ~~medical gases, or manufacture, package, or wholesale dangerous drugs~~  
15 ~~offered for sale in this state without first obtaining a permit from~~  
16 ~~the Board.~~

17 ~~2. a. An application for an initial or renewal permit issued~~  
18 ~~pursuant to the provisions of this subsection shall~~  
19 ~~be:~~  
20 ~~(1) made in writing, and~~  
21 ~~(2) accompanied by a permit fee not to exceed Three~~  
22 ~~Hundred Dollars (\$300.00) for each period of one~~  
23 ~~(1) year.~~

1           ~~b. Prior to opening for business, all applicants for an~~  
2           ~~initial permit shall be inspected. Applicants shall~~  
3           ~~pay an inspection fee not to exceed Two Hundred~~  
4           ~~Dollars (\$200.00).~~

5           ~~3. A permit issued pursuant to the provisions of this~~  
6           ~~subsection shall be valid for a period determined by the Board and~~  
7           ~~shall contain the name of the permittee and the address of the place~~  
8           ~~at which such business shall be conducted repackage, distribute, or~~  
9           ~~have an outsourcing facility, third-party logistics provider, or~~  
10           ~~warehouse any dangerous drugs, medicines, chemicals, or poisons for~~  
11           ~~the treatment of disease, excluding agricultural chemicals and~~  
12           ~~drugs, or to sell or offer to sale at retail or wholesale medical~~  
13           ~~gases without first procuring a license from the Board. This~~  
14           ~~licensure requirement shall apply when the manufacturing,~~  
15           ~~repackaging, distributing, warehousing, outsourcing facility or~~  
16           ~~third-party logistics provider or facility sale or offer to sell~~  
17           ~~occurs in this state or when such dangerous drugs, medicines,~~  
18           ~~chemicals or poisons are sold or offered to be sold out of state for~~  
19           ~~delivery, distribution, or dispensing to patients or customers in~~  
20           ~~this state.~~

21           ~~2. A license shall be issued to such person as the Board shall~~  
22           ~~deem qualified upon satisfactory evidence to the Board that:~~

- 1           a. the place for which the license is sought will be  
2           conducted in full compliance with the laws of this  
3           state and the administrative rules of the Board,
- 4           b. the location and physical characteristics of the place  
5           of business are reasonably consistent with the  
6           maintenance of professional surroundings and  
7           constitute no known danger to public health and  
8           safety,
- 9           c. the place shall be under the management and control of  
10           such persons as may be approved by the Board after a  
11           review and determination of the persons'  
12           qualifications, and
- 13           d. an outsourcing facility shall designate in writing on  
14           a Board-approved form a person to serve as the  
15           pharmacist-in-charge who is a pharmacist licensed by  
16           the Board,

17       3. a. An application for an initial or renewal license  
18       issued pursuant to the provisions of this subsection  
19       shall:

- 20           (1) be submitted to the Board in writing,  
21           (2) contain the name or names of the owners or the  
22           applicants, and  
23           (3) provide such other information deemed relevant by  
24           the Board,

1           b. An application for an initial or renewal license  
2           shall be accompanied by a licensing fee not to exceed  
3           Three Hundred Dollars (\$300.00) for each period of  
4           one (1) year. Prior to opening for business, all  
5           applicants for initial or renewal license shall be  
6           inspected. An initial licensure applicant shall pay  
7           an inspection fee not to exceed Two Hundred Dollars  
8           (\$200.00). Non-resident applicants shall reimburse  
9           the Board for any actual expenses incurred for  
10           inspections.

11           c. A license issued pursuant to the provisions of this  
12           subsection shall contain the name of the licensee and  
13           the address of the place at which such business shall  
14           be conducted and shall be valid for a period of time  
15           set by the Board.

16           C. A licensee or ~~permitter~~ permit holder who, pursuant to the  
17 provisions of this section, fails to complete an application for a  
18 renewal license or permit by the fifteenth day after the expiration  
19 of the license or permit shall pay a late fee to be fixed by the  
20 Board.

21           D. 1. The Board shall promulgate rules regarding the issuance  
22 and renewal of licenses and permits pursuant to the Oklahoma  
23 Pharmacy Act which shall include, but need not be limited to+

24           a.

1 provisions for new or renewal application requirements for ~~both in-~~  
2 ~~and out-of-state~~ wholesale distributors, chain pharmacy warehouses  
3 ~~and repackagers that ship into Oklahoma~~ its licensees and permit  
4 holders. Requirements for new and renewal applications, ~~if such~~  
5 ~~information has not been previously provided to the Board,~~ may  
6 include, but need not be limited to, the following:

7 ~~(1)~~

8 a. type of ownership, whether individual, partnership,  
9 limited liability company or corporation,

10 ~~(2)~~

11 b. names and addresses of principal owners or officers  
12 and their Social Security numbers, including  
13 applicant's full name, all trade or business names  
14 used, full business address, telephone numbers and  
15 email addresses,

16 ~~(3)~~

17 c. names of designated representatives and facility  
18 managers and their Social Security numbers and dates  
19 of birth,

20 ~~(4) applicant's and designated managers'~~  
21 ~~fingerprints,~~

22 ~~(5) criminal background check information for the~~  
23 ~~applicants and designated managers as required by~~  
24 ~~rule~~

1           d. evidence of a criminal background check and  
2           fingerprinting of the applicant, if a person, and all  
3           of the applicant's designated representatives and  
4           facility managers,

5           ~~(6)~~

6           e. a copy of the license from the applicant's ~~or~~  
7           ~~designated managers'~~ home state, and if applicable,  
8           from the federal government,

9           ~~(7)~~

10          f. bond requirements, and

11          g. any other information deemed by the Board to be  
12          necessary to protect the public health and safety.

13          ~~b. provisions for the establishment of a pedigree or~~  
14          ~~electronic file to be used by wholesale distributors,~~  
15          ~~chain pharmacy warehouses and repackagers for the~~  
16          ~~purpose of ensuring the integrity of drugs owned,~~  
17          ~~purchased, distributed, returned, transferred and sold~~  
18          ~~when the products leave the normal distribution~~  
19          ~~channel.~~

20           2. The Board shall be authorized to use an outside agency, such  
21 as the National Association of Boards of Pharmacy (NABP) or the  
22 Verified-Accredited Wholesale Distributors (VAWD), to accredit  
23 wholesale distributors and repackagers.  
24

1           ~~3. The Board may exempt by rule wholesalers accredited by VAWD~~  
2 ~~from the provisions of subparagraphs a and b of paragraph 1 of this~~  
3 ~~subsection.~~

4           ~~4. The Board shall exempt from the provisions of this~~  
5 ~~subsection logistics providers that receive prescription drugs from~~  
6 ~~original sponsors or manufacturers, deliver the drug products in~~  
7 ~~commerce at the direction of the original sponsor or manufacturer,~~  
8 ~~and do not purchase, sell, trade, or take title to any prescription~~  
9 ~~drug.~~

10          ~~5. In promulgating such rules, the Board shall seek input from~~  
11 ~~manufacturers, wholesale distributors, chain pharmacy warehouses,~~  
12 ~~logistics providers and repackagers.~~

13          ~~E. A wholesale distributor shall accept prescription drug~~  
14 ~~returns pursuant to the terms and conditions of the agreement~~  
15 ~~between the wholesale distributor and a hospital, pharmacy, chain~~  
16 ~~pharmacy warehouse or other healthcare entity and these returns~~  
17 ~~shall not be subject to any pedigree or electronic file requirement~~  
18 ~~unless the returns appear suspicious or are greater than the~~  
19 ~~purchases from the wholesale distributor. Wholesale distributors~~  
20 ~~shall be held accountable for maintaining their return process and~~  
21 ~~ensuring that items returned originated from their operations, that~~  
22 ~~the return process is secure, and that the return process does not~~  
23 ~~permit the entry of adulterated and counterfeit product.~~

1       ~~F.~~ The Oklahoma Pharmacy Act shall not be construed to prevent  
2 the sale of nonprescription drugs in original manufacturer packages  
3 by any merchant or dealer.

4       SECTION 12.       NEW LAW       A new section of law to be codified  
5 in the Oklahoma Statutes as Section 353.18A of Title 59, unless  
6 there is created a duplication in numbering, reads as follows:

7       A. Supportive personnel may perform certain tasks in the  
8 practice of pharmacy if such personnel perform the tasks in  
9 compliance with rules promulgated by the State Board of Pharmacy.

10       B. 1. No person shall serve as a pharmacy technician without  
11 first procuring a permit from the Board.

12       2. An application for an initial or renewal pharmacy technician  
13 permit issued pursuant to the provisions of this subsection shall be  
14 submitted to the Board and provide any other information deemed  
15 relevant by the Board.

16       3. An application for an initial or renewal permit shall be  
17 accompanied by a permit fee not to exceed Seventy Five Dollars  
18 (\$75.00) for each period of one (1) year. A permit issued pursuant  
19 to this subsection shall be valid for a period to be determined by  
20 the Board.

21       4. Every permitted pharmacy technician who fails to complete a  
22 renewal form and remit the required renewal fee to the Board by the  
23 fifteenth day after the expiration of the permit shall pay a late  
24 fee to be fixed by the Board.

1           5. A pharmacy technician permit shall be cancelled thirty (30)  
2 days after expiration.

3           6. A person may obtain reinstatement of a cancelled pharmacy  
4 technician permit by making application, paying a reinstatement fee,  
5 and satisfactorily completing other requirements set by the Board.

6           SECTION 13.           AMENDATORY           59 O.S. 2011, Section 353.20, is  
7 amended to read as follows:

8           Section 353.20. A. Every pharmacy shall have the proper  
9 pharmaceutical equipment so that prescriptions can be filled, and  
10 the practice of pharmacy can be properly conducted. The State Board  
11 of Pharmacy shall prescribe the minimum professional and technical  
12 equipment and library which a pharmacy shall at all times possess.  
13 The premises and equipment of such pharmacy shall be kept in a clean  
14 and orderly manner. Drugs shall be maintained under conditions  
15 recommended by the manufacturer until delivery to the patient. No  
16 pharmacy license shall be issued or continued until or unless such  
17 pharmacy has complied with the Oklahoma Pharmacy Act.

18           B. The Board may from time to time require that scales and  
19 balances be condemned, or other specific equipment changes be made.  
20 Failure by the pharmacy to comply with such requirements within  
21 sixty (60) days may result in revocation of the pharmacy license ~~for~~  
22 ~~the place of business upon which such requirement is made.~~

1 C. ~~No license shall be issued or continued for a pharmacy to do~~  
2 ~~business unless the premises of such pharmacy are equipped with~~  
3 ~~proper sanitary appliances and kept in a clean and orderly manner.~~

4 ~~D. There shall be kept in every pharmacy~~ Every dispenser shall  
5 keep a suitable book, file or record in which shall be preserved for  
6 a period of not less than five (5) years every prescription  
7 compounded or dispensed at the pharmacy, and the book or file of  
8 prescriptions shall at all times be open to inspection by the  
9 members of the Board or its duly authorized agents.

10 SECTION 14. NEW LAW A new section of law to be codified  
11 in the Oklahoma Statutes as Section 353.20.1 of Title 59, unless  
12 there is created a duplication in numbering, reads as follows:

13 A. Prescriptions received by other than written communication  
14 shall be promptly recorded in writing by the pharmacist. The record  
15 made by the pharmacist shall constitute the original prescription to  
16 be filled by the pharmacist.

17 B. A filled prescription label shall include the name and  
18 address of the pharmacy of origin, date of filling, name of patient,  
19 name of prescriber, directions for administration and prescription  
20 number. The symptom or purpose for which the drug is prescribed may  
21 appear on the label if provided by the practitioner and requested by  
22 the patient or the patient's authorized representative. If the  
23 symptom or purpose for which a drug is prescribed is not provided by  
24 the practitioner, the pharmacist may fill the prescription without

1 contacting the practitioner, patient, or patient's representative.  
2 The label shall also include the trade or generic name, prescribed  
3 quantity, and prescription strength of the drug therein contained,  
4 except when otherwise directed by the prescriber. This requirement  
5 shall not apply to prescriptions or medicines and drugs supplied or  
6 delivered directly to patients for consumption on the premises of  
7 any hospital or mental institution.

8 C. No prescription shall be written in any characters, figures,  
9 or ciphers other than in the English or Latin language generally in  
10 use among medical and pharmaceutical practitioners.

11 SECTION 15. AMENDATORY 59 O.S. 2011, Section 353.22, is  
12 amended to read as follows:

13 Section 353.22. A. It shall be unlawful for:

14 1. Any person to sell any poison without distinctly labeling  
15 the box, vessel or paper in which the poison is contained with the  
16 name of the ~~article~~ poison, the word "poison", and the name and the  
17 place of business of the seller; or

18 2. Any ~~licensed~~ pharmacist, or other person, to sell any poison  
19 without causing an entry to be made in a book kept for that purpose  
20 before delivering the same to the purchaser, stating the date of the  
21 sale, the name and address of the purchaser, the name of the poison  
22 sold, the purpose for which it is represented by the purchaser to be  
23 required, and the name of the dispenser. Such book shall always be  
24

1 available for inspection by the proper authorities and shall be  
2 preserved for at least five (5) years.

3 B. The provisions of this section shall not apply to the  
4 dispensing of poisons in not unusual quantities or doses upon the  
5 prescription of ~~practitioners of medicine~~ a prescriber.

6 SECTION 16. AMENDATORY 59 O.S. 2011, Section 353.24, is  
7 amended to read as follows:

8 Section 353.24. A. It shall be unlawful for any licensee or  
9 other person, ~~firm or business entity~~ to:

10 1. Forge or increase the quantity of drug in any prescription,  
11 or to present a prescription bearing forged, fictitious or altered  
12 information or to possess any drug secured by such forged,  
13 fictitious or altered prescription;

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

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

21 4. Enter into any arrangement whereby prescription orders are  
22 received, or prescriptions are delivered at a place other than the  
23 pharmacy in which they are filled, compounded ~~and~~ or dispensed.

24 However, nothing in this paragraph shall prevent a pharmacist or an

1 employee of the pharmacy from personally receiving a prescription or  
2 delivering a legally filled prescription ~~at~~ to a residence, office  
3 or place of employment of the patient for whom the prescription was  
4 written. Provided further, the provisions of this paragraph shall  
5 not apply to any Department of Mental Health and Substance Abuse  
6 Services employee or any person whose facility contracts with the  
7 Department of Mental Health and Substances Abuse Services whose  
8 possession of any dangerous drug, as defined in Section 353.1 of  
9 this title, is for the purpose of delivery of a mental health  
10 consumer's medicine to the consumer's home or residence. Nothing in  
11 this paragraph shall prevent veterinary prescription drugs from  
12 being shipped directly from an Oklahoma licensed wholesaler or  
13 distributor to a client; provided, such drugs may be dispensed only  
14 on prescription of a licensed veterinarian and only when an existing  
15 veterinary-client-patient relationship exists;

16 5. Sell, offer for sale or barter or buy any professional  
17 samples except through a program pursuant to the Utilization of  
18 Unused Prescription Medications Act. ~~For purpose of this paragraph,~~  
19 ~~"professional samples" means complimentary drugs packaged in~~  
20 ~~accordance with federal and state statutes and regulations and~~  
21 ~~provided to a licensed practitioner free of charge by manufacturers~~  
22 ~~or distributors for the purpose of being distributed free of charge~~  
23 ~~in such package by the licensed practitioner to a patient;~~

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

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

10          ~~7.~~ 8. Possess dangerous drugs without a valid prescription or a  
11 valid license to possess such drugs; provided, however, this  
12 provision shall not apply to any Department of Mental Health and  
13 Substance Abuse Services employee or any person whose facility  
14 contracts with the Department of Mental Health and Substances Abuse  
15 Services whose possession of any dangerous drug, as defined in  
16 Section 353.1 of this title, is for the purpose of delivery of a  
17 mental health consumer's medicine to the consumer's home or  
18 residence;

19          9. Fail to establish and maintain effective controls against  
20 the diversion of drugs for any other purpose than legitimate  
21 medical, scientific or industrial uses as provided by state, and  
22 federal, and local law;

23          10. Fail to have a written drug diversion detection and  
24 prevention policy;

1       ~~8.~~ 11. Possess, sell, offer for sale, barter or give away any  
2 quantity of dangerous drugs not listed as a scheduled drug pursuant  
3 to Sections 2-201 through 2-212 of Title 63 of the Oklahoma Statutes  
4 when obtained by prescription bearing forged, fictitious or altered  
5 information.

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

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

16       ~~9. Knowingly violate~~ 12. Violate a Board order or agreed  
17 order;

18       ~~10.~~ 13. Compromise the security of licensure examination  
19 materials; or

20       ~~11.~~ 14. Fail to notify the Board, in writing, within ten (10)  
21 days of ~~an~~ a licensee or permit holder's address change.

22       B. 1. It shall be unlawful for any person other than a  
23 licensed pharmacist or physician to certify a prescription before  
24

1 delivery to the patient or the patient's representative or  
2 caregiver.

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

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

8 4. No pharmacist being requested to sell, furnish or compound  
9 any drug, medicine, chemical or other pharmaceutical preparation, by  
10 prescription or otherwise, shall substitute or cause to be  
11 substituted for it, without authority of the prescriber of  
12 purchaser, any like drug, medicine, chemical or pharmaceutical  
13 preparation.

14 5. No pharmacy, pharmacist-in-charge or other person shall  
15 permit the practice of pharmacy except by a licensed pharmacist or  
16 assistant pharmacist.

17 6. No person shall subvert the authority of the pharmacist-in-  
18 charge of the pharmacy by impeding the management of the  
19 prescription department to act in compliance with federal and state  
20 law.

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

23 2. It shall be unlawful for a wholesale distributor to purchase  
24 drugs from a pharmacy.

1 SECTION 17. AMENDATORY 59 O.S. 2011, Section 353.26, is  
2 amended to read as follows:

3 Section 353.26. A. The State Board of Pharmacy may:

4 1. Revoke permanently or suspend any certificate, license or  
5 permit issued pursuant to the Oklahoma Pharmacy Act or reprimand or  
6 place on probation any holder of a certificate, license, or permit  
7 who:

- 8 a. violates any provision of the Oklahoma Pharmacy Act or  
9 any other applicable state or federal law,
- 10 b. violates any of the provisions of the Uniform  
11 Controlled Dangerous Substances Act,
- 12 c. has been convicted of a felony or has pleaded guilty  
13 or no contest to a felony,
- 14 d. engages in the practice of pharmacy while  
15 incapacitated or abuses intoxicating liquors or other  
16 chemical substances,
- 17 e. conducts himself or herself in a manner likely to  
18 lower public esteem for the profession of pharmacy,
- 19 f. has been disciplined by another State Board of  
20 Pharmacy or by another state or federal entity,
- 21 g. has been legally adjudged to be not mentally  
22 competent, or  
23  
24

1           h.     exercises conduct and habits inconsistent with the  
2                   rules of professional conduct established by the  
3                   Board; and

4           2.    Levy administrative fines not to exceed Three Thousand  
5    Dollars (\$3,000.00) for each count of which any holder of a  
6    certificate, license, or permit has been convicted in Board  
7    hearings.

8           B.   1.   The Board, its employees, or other agents of the Board  
9    shall keep confidential information obtained during an investigation  
10   into violations of the Oklahoma Pharmacy Act; provided, however,  
11   such information may be introduced by the state in administrative  
12   proceedings before the Board and the information then becomes a  
13   public record.

14           To ensure the confidentiality of such information obtained  
15   during the investigation but not introduced in administrative  
16   proceedings, this information shall not be deemed to be a record as  
17   that term is defined in the Oklahoma Open Records Act, nor shall the  
18   information be subject to subpoena or discovery in any civil or  
19   criminal proceedings, except that the Board may give such  
20   information to law enforcement and other state agencies as necessary  
21   and appropriate in the discharge of the duties of that agency and  
22   only under circumstances that ensure against unauthorized access to  
23   the information.

1           2. The respondent may acquire information obtained during an  
2 investigation, unless the disclosure of the information is otherwise  
3 prohibited, except for the investigative report, if the respondent  
4 signs a protective order whereby the respondent agrees to use the  
5 information solely for the purpose of defense in the Board  
6 proceeding and in any appeal therefrom and agrees not to otherwise  
7 disclose the information.

8           C. 1. The Board shall mail by certified mail to respondent at  
9 the last address provided by respondent to the Board, postmarked at  
10 least ten (10) days before the hearing, the sworn complaint filed  
11 with its Executive Director against respondent and notice of the  
12 date and place of a hearing thereon. Alternatively, at least ten  
13 (10) days before the hearing, the Board may serve respondent  
14 personally by any person appointed to make service by the Executive  
15 Director of the Board and in any manner authorized by the law of  
16 this state for the personal service of summonses in proceedings in a  
17 state court. Such service shall be effective upon the personal  
18 service or mailing of the complaint and notice shall constitute good  
19 service. If the Board finds that the allegations of the complaint  
20 are supported by the evidence rendered at the hearing, the Board is  
21 hereby authorized and empowered to, by written order, revoke  
22 permanently or suspend for a designated period, the certificate,  
23 license or permit of the respondent and/or reprimand, place on  
24 probation and/or fine the respondent.

1           2. ~~The Board may, upon written application therefor and in the~~  
2 ~~exercise of its official discretion, cancel the order.~~

3           ~~3.~~ A person whose certificate, license or permit has been  
4 revoked or suspended or who has been reprimanded or placed on  
5 probation or fined may appeal such Board order pursuant to the  
6 Administrative Procedures Act.

7           3. The Board's order shall constitute a judgment and may be  
8 entered on the judgment docket of the district court in a county in  
9 which the respondent has property and execution thereon in the same  
10 manner as any other judgment of a court of record, unless the fine  
11 is paid within thirty days after the appeal time has run.

12           D. A person, other than a pharmacy technician, whose license or  
13 permit has been suspended by the Board or by operation of law shall  
14 pay a reinstatement fee not to exceed One Hundred Fifty Dollars  
15 (\$150.00) as a condition of reinstatement of the license.

16           SECTION 18.       NEW LAW       A new section of law to be codified  
17 in the Oklahoma Statutes as Section 353.29.1 of Title 59, unless  
18 there is created a duplication in numbering, reads as follows:

19           A. Nothing in the Oklahoma Pharmacy Act shall prevent  
20 veterinary prescription drugs from being shipped directly from an  
21 Oklahoma licensed wholesaler or distributor to a client, provided  
22 such drugs may be supplied to the client only on the order of a  
23 veterinarian licensed in this state and only when a valid  
24 veterinarian-client-patient relationship exists.

1 B. Drugs supplied pursuant to the provision of this section  
2 shall not be required to be certified by a pharmacist prior to being  
3 supplied by a wholesaler or distributor.

4 C. It shall be unlawful for a client or the client's authorized  
5 agent to acquire or use any prescription drug other than according  
6 to the label or outside of a valid veterinarian-client-patient  
7 relationship.

8 D. It shall be unlawful for a wholesaler or distributor  
9 licensed in this state to sell a prescription-labeled drug to a  
10 client or the client's authorized agent without a valid  
11 veterinarian-client-patient relationship in place.

12 E. Compliance with the Oklahoma Pharmacy Act as it relates to  
13 veterinary prescription-labeled drugs shall be pursuant to rules  
14 promulgated by the Oklahoma State Board of Veterinary Medical  
15 Examiners and in consultation with the State Veterinarian in  
16 accordance with state law.

17 SECTION 19. NEW LAW A new section of law to be codified  
18 in the Oklahoma Statutes as Section 353.29.2 of Title 59, unless  
19 there is created a duplication in numbering, reads as follows:

20 Pharmacists may dispense prescriptions for dangerous drugs and  
21 controlled dangerous substances specified in Section 581 of Title 59  
22 of the Oklahoma Statutes for the treatment of ocular abnormalities,  
23 provided that such prescriptions are written by optometrists  
24 licensed by the State Board of Examiners in Optometry.

1 Prescriptions issued by licensed optometrists shall include the  
2 optometrist's license number. Prescriptions for controlled  
3 dangerous substances shall include the optometrist's license and the  
4 optometrist's identification number issued by the United States Drug  
5 Enforcement Administration.

6 SECTION 20. AMENDATORY 59 O.S. 2011, Section 354, is  
7 amended to read as follows:

8 Section 354. A. A prescription is the property of the patient  
9 for whom it is prescribed.

10 B. No pharmacist shall refuse, upon request by that customer in  
11 person or through an authorized pharmacist, to transfer a  
12 prescription to another pharmacy, or to supply a reference copy in  
13 writing or by telephone.

14 C. No licensed ~~practitioner~~ prescriber shall refuse to honor  
15 the request of his or her patient to have his or her prescription  
16 ~~transferred~~ transmitted to the licensed pharmacist or licensed  
17 pharmacy of the patient's choice.

18 SECTION 21. AMENDATORY 59 O.S. 2011, Section 355.1, is  
19 amended to read as follows:

20 Section 355.1. A. Except as provided for in Section 353.1 et  
21 seq. of this title, only a licensed practitioner may dispense  
22 dangerous drugs to such practitioner's patients, and only for the  
23 expressed purpose of serving the best interests and promoting the  
24 welfare of such patients. The dangerous drugs shall be dispensed in

1 an appropriate container to which a label has been affixed, ~~such~~.  
2 Such label ~~to~~ shall include the name and office address of the  
3 licensed practitioner, date dispensed, name of patient, directions  
4 for administration, prescription number, the trade or generic name  
5 and the quantity and strength, not meaning ingredients, of the drug  
6 therein contained; provided, this requirement shall not apply to  
7 compounded medicines. The licensed practitioner shall keep a  
8 suitable book, file or record in which shall be preserved for a  
9 period of not less than five (5) years a record of every dangerous  
10 drug compounded or dispensed by the licensed practitioner.

11 B. A ~~licensed practitioner~~ prescriber desiring to dispense  
12 dangerous drugs pursuant to this section shall register annually  
13 with the appropriate licensing board as a dispenser, through a  
14 regulatory procedure adopted and prescribed by such licensing board.

15 C. A ~~licensed practitioner~~ prescriber who dispenses  
16 professional samples to patients shall be exempt from the  
17 requirement of subsection B of this section if:

18 1. The ~~licensed practitioner~~ prescriber furnishes the  
19 professional samples to the patient in the package provided by the  
20 manufacturer;

21 2. No charge is made to the patient; and

22 3. An appropriate record is entered in the patient's chart.

23 D. This section shall not apply to the services provided  
24 through the State Department of Health, city/county health

1 departments, or the Department of Mental Health and Substance Abuse  
2 Services.

3 E. This section shall not apply to organizations and services  
4 incorporated as state or federal tax-exempt charitable nonprofit  
5 entities and/or organizations and services receiving all or part of  
6 their operating funds from a local, state or federal governmental  
7 entity; provided, such organizations and services shall comply with  
8 the labeling and recordkeeping requirements set out in subsection A  
9 of this section.

10 SECTION 22. AMENDATORY 59 O.S. 2011, Section 355.2, is  
11 amended to read as follows:

12 Section 355.2. A. A licensed ~~practitioner~~ prescriber violating  
13 any of the provisions of ~~this act~~ the Oklahoma Pharmacy Act shall be  
14 subject to appropriate actions established in the rules and  
15 regulations of his or her licensing board.

16 B. Rules relating to the Oklahoma Pharmacy Act shall be adopted  
17 by the appropriate licensing boards after consultation and review  
18 with the Oklahoma State Board of Pharmacy ~~prior to the effective~~  
19 ~~date of this act.~~

20 SECTION 23. REPEALER 59 O.S. 2011, Section 353.13A, is  
21 hereby repealed.

22 SECTION 24. This act shall become effective November 1, 2015.

23  
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