

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 56th Legislature (2018)

4 ENGROSSED SENATE
5 BILL NO. 956

By: Griffin of the Senate

and

Caldwell of the House

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9 An Act relating to pharmacy; amending 59 O.S. 2011,
10 Section 353.1, as last amended by Section 1, Chapter
11 285, O.S.L. 2016 (59 O.S. Supp. 2017, Section 353.1),
12 which relates to definitions; modifying and adding
13 definitions; amending 59 O.S. 2011, Section 353.1a,
14 which relates to advanced practice registered nurses;
15 clarifying dispensing authority of pharmacists;
16 amending 59 O.S. 2011, Section 353.5, as amended by
17 Section 3, Chapter 230, O.S.L. 2015 (59 O.S. Supp.
18 2017, Section 353.5), which relates to Board
19 officers; specifying powers and duties of the
20 Executive Director; amending 59 O.S. 2011, Section
21 353.7, as amended by Section 5, Chapter 230, O.S.L.
22 2015 (59 O.S. Supp. 2017, Section 353.7), which
23 relates to powers and duties of the Board; modifying
24 powers of the Board; amending Section 14, Chapter
25 230, O.S.L. 2015, (59 O.S. Supp. 2017, Section
26 353.20.1), which relates to prescriptions; clarifying
27 prescription label requirements; providing exception;
28 amending 59 O.S. 2011, Section 353.24, as last
29 amended by Section 1, Chapter 234, O.S.L. 2017 (59
30 O.S. Supp. 2017, Section 353.24), which relates to
31 unlawful acts; modifying exceptions; amending 59 O.S.
32 2011, Section 353.26, as last amended by Section 6,
33 Chapter 285, O.S.L. 2016 (59 O.S. Supp. 2017, Section
34 353.26), which relates to revocation or suspension of
35 certificate, license or permit; modifying penalties;
36 amending Section 19, Chapter 230, O.S.L. 2015 (59
37 O.S. Supp. 2017, Section 353.29.2), which relates to
38 prescriptions for ocular abnormalities; specifying
39 dispensing authority of pharmacists; updating

1 requirements; amending 59 O.S. 2011, Section 353.30,
2 which relates to use of agreements; broadening who
3 may order immunizations and therapeutic injections;
4 authorizing certain pharmacies to accept prescription
5 drugs for purpose of resale or redistribution under
6 certain conditions; specifying protocols to accept or
7 return prescription drugs; mandating redistribution
8 procedures; providing exemptions; amending 59 O.S.
9 2011, Section 367.8, which relates to maintenance of
10 controlled dangerous substances; broadening drugs
11 which a pharmacy may maintain at certain facilities;
12 amending Section 3, Chapter 277, O.S.L. 2015 (63 O.S.
13 Supp. 2017, Section 1-293), which relates to
14 epinephrine auto-injector prescriptions; modifying a
15 requirement for certain certificates; amending
16 Section 2, Chapter 322, O.S.L. 2013 (63 O.S. Supp.
17 2017, Section 1-2506.2), which relates to
18 prescription of opiate antagonists; granting immunity
19 to providers for certain actions; repealing 59 O.S.
20 2011, Section 353.6, as amended by Section 4, Chapter
21 230, O.S.L. 2015 (59 O.S. Supp. 2017, Section 353.6),
22 which relates to meetings of applicants for
23 licensing; providing for codification; and providing
24 an effective date.

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

SECTION 1. AMENDATORY 59 O.S. 2011, Section 353.1, as
last amended by Section 1, Chapter 285, O.S.L. 2016 (59 O.S. Supp.
2017, Section 353.1), is amended to read as follows:

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

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

2. "Act" means the Oklahoma Pharmacy Act;

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

4 4. "Assistant pharmacist" means any person presently licensed
5 as an assistant pharmacist in the State of Oklahoma by the Board
6 pursuant to Section 353.10 of this title and for the purposes of the
7 Oklahoma Pharmacy Act shall be considered the same as a pharmacist,
8 except where otherwise specified;

9 5. "Board" or "State Board" means the State Board of Pharmacy;

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

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

20 8. "Compounding" means the combining, admixing, mixing,
21 diluting, pooling, reconstituting or otherwise altering of a drug or
22 bulk drug substance to create a drug. Compounding includes the
23 preparation of drugs or devices in anticipation of prescription drug
24 orders based on routine, regularly observed prescribing patterns;

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

6 10. "Dangerous drug", "legend drug", "prescription drug" or "Rx
7 Only" means a drug:

8 a. for human use subject to 21 U.S.C. 353(b)(1), or

9 b. is labeled "Prescription Only", or labeled with the
10 following statement: "Caution: Federal law restricts
11 this drug except for use by or on the order of a
12 licensed veterinarian".

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

15 12. "Dispense" or "dispensing" means the interpretation,
16 evaluation, and implementation of a prescription drug order,
17 including the preparation and delivery of a drug or device to a
18 patient or a patient's agent in a suitable container appropriately
19 labeled for subsequent administration to, or use by, a patient.
20 Dispense includes sell, distribute, leave with, give away, dispose
21 of, deliver or supply;

22 13. "Dispenser" means a retail pharmacy, hospital pharmacy, a
23 group of chain pharmacies under common ownership and control that do
24 not act as a wholesale distributor, or any other person authorized

1 by law to dispense or administer prescription drugs, and the
2 affiliated warehouses or distributions of such entities under common
3 ownership and control that do not act as a wholesale distributor.
4 For the purposes of this paragraph, "dispenser" does not mean a
5 person who dispenses only products to be used in animals in
6 accordance with 21 U.S.C. 360b(a)(5);

7 14. "Distribute" or "distribution" means the sale, purchase,
8 trade, delivery, handling, storage, or receipt of a product, and
9 does not include the dispensing of a product pursuant to a
10 prescription executed in accordance with 21 U.S.C. 353(b)(1) or the
11 dispensing of a product approved under 21 U.S.C. 360b(b); provided,
12 taking actual physical possession of a product or title shall not be
13 required;

14 15. "Doctor of Pharmacy" means a person licensed by the Board
15 to engage in the practice of pharmacy. The terms "pharmacist",
16 "D.Ph.", and "Doctor of Pharmacy" shall be interchangeable and shall
17 have the same meaning wherever they appear in the Oklahoma Statutes
18 and the rules promulgated by the Board;

19 16. "Drug outlet" means all manufacturers, repackagers,
20 outsourcing facilities, wholesale distributors, third-party
21 logistics providers, pharmacies, and all other facilities which are
22 engaged in dispensing, delivery, distribution or storage of
23 dangerous drugs;

1 17. "Drugs" means all medicinal substances and preparations
2 recognized by the United States Pharmacopoeia and National
3 Formulary, or any revision thereof, and all substances and
4 preparations intended for external and/or internal use in the cure,
5 diagnosis, mitigation, treatment or prevention of disease in humans
6 or animals and all substances and preparations, other than food,
7 intended to affect the structure or any function of the body of a
8 human or animals;

9 18. "Drug sample" means a unit of a prescription drug packaged
10 under the authority and responsibility of the manufacturer that is
11 not intended to be sold and is intended to promote the sale of the
12 drug;

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

16 20. "Hospital" means any institution licensed as a hospital by
17 this state for the care and treatment of patients, or a pharmacy
18 operated by the Oklahoma Department of Veterans Affairs;

19 21. "Licensed practitioner" means an allopathic physician,
20 osteopathic physician, podiatric physician, dentist, veterinarian or
21 optometrist licensed to practice and authorized to prescribe
22 dangerous drugs within the scope of practice of such practitioner;

23 22. "Manufacturer" or "virtual manufacturer" means with respect
24 to a product:

- 1 a. a person that holds an application approved under 21
2 U.S.C. 355 or a license issued under 42 U.S.C. 262 for
3 such product, or if such product is not the subject of
4 an approved application or license, the person who
5 manufactured the product,
- 6 b. a co-licensed partner of the person described in
7 subparagraph a that obtains the product directly from
8 a person described in this subparagraph or
9 subparagraph a, ~~or~~
- 10 c. an affiliate of a person described in subparagraph a
11 or b who receives the product directly from a person
12 described in this subparagraph or in subparagraph a or
13 b; or
- 14 d. a person who contracts with another to manufacture a
15 product;

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

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

6 25. "Medical gas order" means an order for medical gas issued
7 by a licensed prescriber;

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

13 27. "Medical gas supplier" means a person who dispenses medical
14 gases on drug orders only to a patient or ultimate user;

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

18 29. "Nonprescription drugs" means medicines or drugs which are
19 sold without a prescription and which are prepackaged for use by the
20 consumer and labeled in accordance with the requirements of the
21 statutes and regulations of this state and the federal government.
22 Such items shall also include medical and dental supplies and
23 bottled or nonbulk chemicals which are sold or offered for sale to
24 the general public if such articles or preparations meet the

1 requirements of the Federal Food, Drug and Cosmetic Act, 21
2 U.S.C.A., Section 321 et seq.;

3 30. "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 31. "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 32. "Person" means an individual, partnership, limited
18 liability company, corporation or association, unless the context
19 otherwise requires;

20 33. "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;

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

6 35. "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 36. "Poison" means any substance which when introduced into the
13 body, either directly or by absorption, produces violent, morbid or
14 fatal changes, or which destroys living tissue with which such
15 substance comes into contact;

16 37. "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, repackager or distributor of
22 nonprescription drugs and commercially packaged legend
23 drugs and devices,

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

38. "Preparation" means an article which may or may not contain sterile products compounded in a licensed pharmacy pursuant to the order of a licensed prescriber;

39. "Prescriber" means a person licensed in this state who is authorized to prescribe dangerous drugs within the scope of practice of the person's profession;

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

- a. by a licensed ~~practitioner~~, prescriber,

- b. under the supervision of an Oklahoma licensed practitioner, an Oklahoma licensed advanced practice registered nurse or an Oklahoma licensed physician assistant, or
- c. by an Oklahoma licensed wholesaler or distributor as authorized in Section 353.29.1 of this title;

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

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

43. "Sterile drug" means a drug that is intended for ~~parental~~ parenteral administration, an ophthalmic or oral inhalation drug in aqueous format, or a drug that is required to be sterile under state and federal law;

44. "Supervising physician" means an individual holding a current license to practice as a physician from the State Board of Medical Licensure and Supervision, pursuant to the provisions of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision

1 Act, or the State Board of Osteopathic Examiners, pursuant to the
2 provisions of the Oklahoma Osteopathic Medicine Act, who supervises
3 an advanced practice registered nurse as defined in Section 567.3a
4 of this title, and who is not in training as an intern, resident, or
5 fellow. To be eligible to supervise an advanced practice registered
6 nurse, such physician shall remain in compliance with the rules
7 promulgated by the State Board of Medical Licensure and Supervision
8 or the State Board of Osteopathic Examiners;

9 45. "Supportive personnel" means technicians and auxiliary
10 supportive persons who are regularly paid employees of a pharmacy
11 who work and perform tasks in the pharmacy as authorized by Section
12 353.18A of this title;

13 46. "Third-party logistics provider", including "virtual third-
14 party logistics provider" means an entity that provides or
15 coordinates warehousing, or other logistics services of a product in
16 interstate commerce on behalf of a manufacturer, wholesale
17 distributor, or dispenser of a product but does not take ownership
18 of the product, nor have responsibility to direct the sale or
19 disposition of the product. For the purposes of this paragraph,
20 "third-party logistics provider" does not include shippers and the
21 United States Postal Service; ~~and~~

22 47. "Wholesale distributor", including "virtual wholesale
23 distributor" means a person other than a manufacturer, a
24 manufacturer's co-licensed partner, a third-party logistics

1 provider, or repackager engaged in wholesale distribution as defined
2 by 21 U.S.C. 353(e)(4) as amended by the Drug Supply Chain Security
3 Act;

4 48. "County jail" means a facility operated by a county for the
5 physical detention and correction of persons charged with, or
6 convicted of, criminal offenses or ordinance violations or persons
7 found guilty of civil or criminal contempt;

8 49. "State correctional facility" means a facility or
9 institution that houses a prisoner population under the jurisdiction
10 of the Department of Corrections;

11 50. "Unit dose package" means a package that contains a single
12 dose drug with the name, strength, control number, and expiration
13 date of that drug on the label; and

14 51. "Unit of issue package" means a package that provides
15 multiple doses of the same drug, but each drug is individually
16 separated and includes the name, lot number, and expiration date.

17 SECTION 2. AMENDATORY 59 O.S. 2011, Section 353.1a, is
18 amended to read as follows:

19 Section 353.1a. A. Prescribing authority shall be allowed,
20 under the medical direction of a supervising physician, for an
21 advanced practice nurse recognized by the Oklahoma Board of Nursing
22 in one of the following categories: advanced registered nurse
23 practitioners, clinical nurse specialists, or certified nurse-
24 midwives. The advanced practice nurse may write or sign, or

1 transmit by word of mouth, telephone or other means of communication
2 an order for drugs or medical supplies that is intended to be
3 filled, compounded, or dispensed by a pharmacist. The supervising
4 physician and the advanced practice nurse shall be identified at the
5 time of origination of the prescription and the name of the advanced
6 practice nurse shall be printed on the prescription label.

7 B. Pharmacists may dispense prescriptions for non-controlled
8 prescription drugs authorized by an advanced practice nurse or
9 physician assistant, not located in Oklahoma, provided that they are
10 licensed in the state in which they are actively prescribing.

11 C. Pharmacists may only dispense prescriptions for controlled
12 dangerous substances prescribed by an advanced practice nurse or
13 physician assistant licensed in the State of Oklahoma and supervised
14 by an Oklahoma-licensed practitioner.

15 SECTION 3. AMENDATORY 59 O.S. 2011, Section 353.5, as
16 amended by Section 3, Chapter 230, O.S.L. 2015 (59 O.S. Supp. 2017,
17 Section 353.5), is amended to read as follows:

18 Section 353.5. A. The State Board of Pharmacy shall annually
19 elect a president and vice-president of the Board. The president
20 and vice-president shall serve for a term of one (1) year and shall
21 perform the duties prescribed by the Board.

22 B. Each member of the Board shall receive necessary travel
23 expenses incurred in the discharge of official duties pursuant to
24 the State Travel Reimbursement Act.

1 C. The Board shall employ an Executive Director who is a
2 licensed pharmacist in this state. The Executive Director shall
3 serve as the Chief Administrative Officer for the agency, the Chief
4 Executive Officer of the Board, and may serve as the Chief Inspector
5 if certified as a peace officer. The Executive Director shall
6 perform such duties as required by the Board. The Executive
7 Director of the Board shall receive an annual salary to be fixed by
8 the Board.

9 D. The Executive Director shall:

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

12 2. Report to the Board at each meeting, presenting an accurate
13 monthly account as to the funds of the Board and make available
14 written and acknowledged claims for all disbursements made.

15 SECTION 4. AMENDATORY 59 O.S. 2011, Section 353.7, as
16 amended by Section 5, Chapter 230, O.S.L. 2015 (59 O.S. Supp. 2017,
17 Section 353.7), is amended to read as follows:

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

20 1. Regulate the practice of pharmacy;

21 2. Regulate the sale and distribution of drugs, medicines,
22 chemicals and poisons;

23 3. Regulate the dispensing of drugs and medicines in all places
24 where drugs and medicines are compounded and/or dispensed;

1 4. Examine and issue appropriate certificates of licensure as
2 Doctor of Pharmacy to all applicants whom the Board deems qualified
3 under the provisions of the Oklahoma Pharmacy Act;

4 5. Issue licenses to manufacturers, repackagers, outsourcing
5 facilities, wholesale distributors, third-party logistics providers,
6 pharmacies, and other dispensers, medical gas suppliers, and medical
7 gas distributors;

8 6. Issue sterile compounding and drug supplier permits for
9 pharmacies at the fee set by the Board, with the expiration date of
10 such permits to coincide with the pharmacy license annual expiration
11 date;

12 7. Prescribe minimum standards with respect to floor space and
13 other physical characteristics of pharmacies and hospital drug rooms
14 as may be reasonably necessary for the maintenance of professional
15 surroundings and for the protection of the safety and welfare of the
16 public, and to refuse the issuance of new or renewal licenses for
17 failure to comply with such standards. Minimum standards for
18 hospital drug rooms shall be consistent with the State Department of
19 Health, Hospital Standards, as defined in OAC 310:667;

20 8. Authorize its inspectors, compliance officers, and duly
21 authorized representatives to enter and inspect any and all places,
22 including premises, vehicles, equipment, contents and records, where
23 drugs, medicines, chemicals, or poisons are stored, sold, vended,
24

1 given away, compounded, dispensed, manufactured, repackaged or
2 transported;

3 9. Employ the number of inspectors and pharmacist compliance
4 officers necessary ~~to carry out the provisions of the Oklahoma~~
5 ~~Pharmacy Act~~ in the investigation of criminal activity or
6 preparation of administrative actions at an annual salary to be
7 fixed by the Board, and to authorize necessary expenses. ~~Such~~ Any
8 inspector certified as a peace officer by the Council of Enforcement
9 Education and Training shall have statewide jurisdiction to perform
10 the duties authorized by this section. In addition, the inspectors
11 shall be considered peace officers and shall have the same powers
12 and authority as that granted to peace officers ~~by the laws of this~~
13 ~~state for the purpose of enforcing the Oklahoma Pharmacy Act.~~ In
14 addition, such inspectors or pharmacist compliance officers shall
15 have the authority to take and copy records and the duty to
16 confiscate all drugs, medicines, chemicals or poisons found to be
17 stored, sold, vended, given away, compounded, dispensed or
18 manufactured contrary to the provisions of the Oklahoma Pharmacy
19 Act;

20 10. Investigate complaints, subpoena witnesses and records,
21 initiate prosecution, and hold hearings;

22 11. Administer oaths in all manners pertaining to the affairs
23 of the Board and to take evidence and compel the attendance of
24

1 witnesses on questions pertaining to the enforcement of the Oklahoma
2 Pharmacy Act;

3 12. Reprimand, place on probation, suspend, revoke permanently
4 ~~or take other disciplinary action~~ and/or levy fines not to exceed
5 Three Thousand Dollars (\$3,000.00) for each count for which any
6 ~~holder of a certificate, license or permit~~ person charged with
7 violating the Oklahoma Pharmacy Act or Oklahoma Board of Pharmacy
8 administrative rules has been convicted in Board hearings. The
9 Board also may take other disciplinary action. The Board may impose
10 as part of any disciplinary action the payment of costs expended by
11 the Board for any legal fees and costs, including, but not limited
12 to, staff time, salary and travel expense, witness fees and attorney
13 fees. The Board may also require additional continuing education,
14 including attendance at a live continuing education program, and may
15 require participation in a rehabilitation program for the impaired.
16 The Board may take such actions singly or in combination, as the
17 nature of the violation requires;

18 13. Adopt and establish rules of professional conduct
19 appropriate to the establishment and maintenance of a high standard
20 of integrity and dignity in the profession of pharmacy. Such rules
21 shall be subject to amendment or repeal by the Board as the need may
22 arise;

23 14. Make and publish rules such as may be necessary for
24 carrying out and enforcing the provisions of the Oklahoma Pharmacy

1 Act, Oklahoma drug laws and rules, federal drug laws and
2 regulations, and make such other rules as in its discretion may be
3 necessary to protect the health, safety, and welfare of the public;

4 15. Establish and collect appropriate fees for licenses,
5 permits, inspections, and services provided; and such fees shall be
6 nonrefundable. Such fees shall be promulgated to implement the
7 provisions of the Oklahoma Pharmacy Act under the provisions of the
8 Administrative Procedures Act;

9 16. Regulate:

- 10 a. personnel working in a pharmacy, such as interns and
11 supportive personnel, including technicians, and issue
12 pharmacy technician permits and intern licenses,
13 b. interns, preceptors and training areas through which
14 the training of applicants occurs for licensure as a
15 pharmacist, and
16 c. such persons regarding all aspects relating to the
17 handling of drugs, medicines, chemicals, and poisons;

18 17. Acquire by purchase, lease, gift, solicitation of gift or
19 by any other manner, and to maintain, use and operate or to contract
20 for the maintenance, use and operation of or lease of any and all
21 property of any kind, real, personal or mixed or any interest
22 therein unless otherwise provided by the Oklahoma Pharmacy Act;
23 provided, all contracts for real property shall be subject to the
24 provisions of Section 63 of Title 74 of the Oklahoma Statutes; ~~and~~

1 18. Perform other such duties, exercise other such powers and
2 employ such personnel as the provisions and enforcement of the
3 Oklahoma Pharmacy Act may require; and

4 19. Approve pilot projects designed to utilize new or expanded
5 technology or processes and provide patients with better pharmacy
6 products or provide pharmacy services in a more safe and efficient
7 manner. Such approvals may include provisions granting exemptions
8 to any rule adopted by the Board.

9 SECTION 5. AMENDATORY Section 14, Chapter 230, O.S.L.
10 2015 (59 O.S. Supp. 2017, Section 353.20.1), is amended to read as
11 follows:

12 Section 353.20.1. A. Prescriptions received by other than
13 written communication shall be promptly recorded in writing by the
14 pharmacist. The record made by the pharmacist shall constitute the
15 original prescription to be filled by the pharmacist.

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

1 Filled prescriptions issued for veterinarian drugs shall be labeled
2 according to rules promulgated by the Oklahoma State Board of
3 Veterinary Medical Examiners. The label shall also include the
4 trade or generic name, prescribed quantity, and prescription
5 strength of the drug therein contained, except when otherwise
6 directed by the prescriber. This requirement shall not apply to
7 prescriptions or medicines and drugs supplied or delivered directly
8 to patients for consumption on the premises of any hospital or
9 mental institution. This requirement shall not apply to dialysate
10 sold, dispensed or delivered in their original, sealed packaging
11 upon receipt of a prescriber's order.

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

15 SECTION 6. AMENDATORY 59 O.S. 2011, Section 353.24, as
16 last amended by Section 1, Chapter 234, O.S.L. 2017 (59 O.S. Supp.
17 2017, Section 353.24), is amended to read as follows:

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

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

24

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. No person, firm or business establishment shall offer to the
9 public, in any manner, their services as a "pick-up station" or
10 intermediary for the purpose of having prescriptions filled or
11 delivered, whether for profit or gratuitously. Nor may the owner of
12 any pharmacy or drug store authorize any person, firm or business
13 establishment to act for them in this manner with these exceptions:

14 a. patient-specific filled prescriptions may be delivered
15 or shipped to a prescriber's clinic for pick-up by
16 those patients whom the prescriber has individually
17 determined and documented do not have a permanent or
18 secure mailing address,

19 b. patient-specific filled prescriptions for drugs which
20 require special handling written by a prescriber may
21 be delivered or shipped to the prescriber's clinic for
22 administration or pick-up at the prescriber's office,

23 c. patient-specific filled prescriptions, including
24 sterile compounded drugs, may be delivered or shipped

1 to a prescriber's clinic where they shall be
2 administered,

3 d. patient-specific filled prescriptions for patients
4 ~~under Medicare and/or Medicaid for~~ with End Stage
5 Renal Disease (ESRD) may be delivered or shipped to a
6 prescriber's clinic for administration or final
7 delivery to the patient, ~~or~~

8 e. patient-specific filled prescriptions for
9 radiopharmaceuticals may be delivered or shipped to a
10 prescriber's clinic for administration or pick-up, or

11 f. patient-specific filled prescriptions may be delivered
12 or shipped by an Indian Health Services (IHS) or
13 federally recognized tribal health organization
14 operating under the IHS in the delivery of the
15 prescriptions to a pharmacy operated by the IHS or a
16 federally recognized tribal health organization for
17 pickup by an IHS or tribal patient.

18 However, nothing in this paragraph shall prevent a pharmacist or
19 an employee of the pharmacy from personally receiving a prescription
20 or delivering a legally filled prescription to a residence, office
21 or place of employment of the patient for whom the prescription was
22 written. Provided further, the provisions of this paragraph shall
23 not apply to any Department of Mental Health and Substance Abuse
24 Services employee or any person whose facility contracts with the

1 Department of Mental Health and Substance Abuse Services whose
2 possession of any dangerous drug, as defined in Section 353.1 of
3 this title, is for the purpose of delivery of a mental health
4 consumer's medicine to the consumer's home or residence. Nothing in
5 this paragraph shall prevent veterinary prescription drugs from
6 being shipped directly from an Oklahoma licensed wholesaler or
7 distributor registered with the Oklahoma Board of Veterinary Medical
8 Examiners to a client; provided, such drugs may be dispensed only on
9 prescription of a licensed veterinarian and only when an existing
10 veterinary-client-patient relationship exists;

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

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

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

23 8. Possess dangerous drugs without a valid prescription or a
24 valid license to possess such drugs; provided, however, this

1 provision shall not apply to any Department of Mental Health and
2 Substance Abuse Services employee or any person whose facility
3 contracts with the Department of Mental Health and Substance Abuse
4 Services whose possession of any dangerous drug, as defined in
5 Section 353.1 of this title, is for the purpose of delivery of a
6 mental health consumer's medicine to the consumer's home or
7 residence;

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

12 10. Fail to have a written drug diversion detection and
13 prevention policy;

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

19 a. A first violation of this section shall constitute a
20 misdemeanor and upon conviction shall be punishable by
21 imprisonment in the county jail for a term not more
22 than one (1) year and a fine in an amount not more
23 than One Thousand Dollars (\$1,000.00).
24

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

6 12. Violate a Board order or agreed order;

7 13. Compromise the security of licensure examination materials;

8 or

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

11 B. 1. It shall be unlawful for any person other than a
12 licensed pharmacist or physician to certify a prescription before
13 delivery to the patient or the patient's representative or
14 caregiver.

15 2. It shall be unlawful for any person to institute or manage a
16 pharmacy unless such person is a licensed pharmacist or has placed a
17 licensed pharmacist in charge of such pharmacy.

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

20 4. No pharmacist being requested to sell, furnish or compound
21 any drug, medicine, chemical or other pharmaceutical preparation, by
22 prescription or otherwise, shall substitute or cause to be
23 substituted for it, without authority of the prescriber or
24

1 purchaser, any like drug, medicine, chemical or pharmaceutical
2 preparation.

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

6 6. No person shall subvert the authority of the pharmacist-in-
7 charge of the pharmacy by impeding the management of the
8 prescription department to act in compliance with federal and state
9 law.

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

12 2. It shall be unlawful for a wholesale distributor to purchase
13 drugs from a pharmacy.

14 SECTION 7. AMENDATORY 59 O.S. 2011, Section 353.26, as
15 last amended by Section 6, Chapter 285, O.S.L. 2016 (59 O.S. Supp.
16 2017, Section 353.26), is amended to read as follows:

17 Section 353.26. A. The State Board of Pharmacy may reprimand,
18 place on probation, suspend, revoke permanently and levy fines not
19 to exceed Three Thousand Dollars (\$3,000.00) per count and take
20 other disciplinary action against any person who:

21 1. ~~Revoke permanently or suspend any certificate, license or~~
22 ~~permit issued pursuant to the Oklahoma Pharmacy Act or reprimand or~~
23 ~~place on probation any holder of a certificate, license, or permit~~
24 ~~who:~~

1 ~~a. violates~~ Violates any provision of the Oklahoma
2 Pharmacy Act or any other applicable state or federal
3 law~~;~~i

4 ~~b. violates~~

5 2. Violates any of the provisions of the Uniform Controlled
6 Dangerous Substances Act~~;~~i

7 ~~c. has~~

8 3. Has been convicted of a felony or has pleaded guilty or no
9 contest to a felony~~;~~i

10 ~~d. engages~~

11 4. Engages in the practice of pharmacy while incapacitated or
12 abuses intoxicating liquors or other chemical substances~~;~~i

13 ~~e. conducts~~

14 5. Conducts himself or herself in a manner likely to lower
15 public esteem for the profession of pharmacy~~;~~i

16 ~~f. has~~

17 6. Has been disciplined by another State Board of Pharmacy or
18 by another state or federal entity~~;~~i

19 ~~g. has~~

20 7. Has been legally adjudged to be not mentally competent~~;~~i or

21 ~~h. exercises~~

22 8. Exercises conduct and habits inconsistent with the rules of
23 professional conduct established by the Board~~;~~and

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

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

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

21 2. The respondent may acquire information obtained during an
22 investigation, unless the disclosure of the information is otherwise
23 prohibited, except for the investigative report, if the respondent
24 signs a protective order whereby the respondent agrees to use the

1 information solely for the purpose of defense in the Board
2 proceeding and in any appeal therefrom and agrees not to otherwise
3 disclose the information.

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

21 2. A person whose certificate, license, or permit has been
22 revoked or suspended or who has been reprimanded or placed on
23 probation or fined may appeal such Board order pursuant to the
24 Administrative Procedures Act.

1 3. The Board's order shall constitute a judgment and may be
2 entered on the judgment docket of the district court in a county in
3 which the respondent has property and may be executed thereon in the
4 same manner as any other judgment of a court of record, unless the
5 fine is paid within thirty (30) days after the appeal time has run.

6 D. A person, other than a pharmacy technician, whose license or
7 permit has been suspended by the Board or by operation of law shall
8 pay a reinstatement fee not to exceed One Hundred Fifty Dollars
9 (\$150.00) as a condition of reinstatement of the license.

10 SECTION 8. AMENDATORY Section 19, Chapter 230, O.S.L.
11 2015 (59 O.S. Supp. 2017, Section 353.29.2), is amended to read as
12 follows:

13 Section 353.29.2. A. Pharmacists may dispense prescriptions
14 for dangerous drugs and for the treatment of ocular abnormalities,
15 provided that such prescriptions are written by optometrists who are
16 certified by the state in which they are actively practicing.
17 Prescriptions for dangerous drugs issued by licensed optometrists
18 shall include the optometrist's license number.

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

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

7 SECTION 9. AMENDATORY 59 O.S. 2011, Section 353.30, is
8 amended to read as follows:

9 Section 353.30. A. The use of agreements in the practice of
10 pharmacy shall be acceptable within the rules promulgated by the
11 State Board of Pharmacy and in consultation with the State Board of
12 Medical Licensure and Supervision and the State Board of Osteopathic
13 Examiners.

14 B. The Board shall develop and prepare permanent rules relating
15 to training requirements and administration of immunizations and
16 therapeutic injections in consultation within the State Board of
17 Medical Licensure and Supervision and the State Board of Osteopathic
18 Examiners.

19 C. A pharmacist who has completed a requisite course of
20 training as approved by the Board in consultation with the State
21 Board of Medical Licensure and Supervision and the State Board of
22 Osteopathic Examiners may administer immunizations and therapeutic
23 injections on orders from ~~an osteopathic physician or allopathic~~
24 ~~physician~~ a licensed prescriber.

SECTION 10. NEW LAW A new section of law to be codified

in the Oklahoma Statutes as Section 367.5.1 of Title 59, unless
there is created a duplication in numbering, reads as follows:

A. A pharmacy operated by the Department of Corrections or
under contract with the Department of Corrections or a county jail
may accept for the purpose of resale or redispensing a prescription
drug that has been dispensed and has left the control of the
pharmacist if the prescription drug is being returned by a state
correctional facility or a county jail that has a licensed
physician's assistant, a registered professional nurse, or a
licensed practical nurse, who is responsible for the security,
handling, and administration of prescription drugs within that state
correctional facility or county jail and if all of the following
conditions are met:

1. The pharmacist is satisfied that the conditions under which
the prescription drug has been delivered, stored and handled before
and during its return were such as to prevent damage, deterioration
or contamination that would adversely affect the identity, strength,
quality, purity, stability, integrity or effectiveness of the
prescription drug;

2. The pharmacist is satisfied that the prescription drug did
not leave the control of the registered professional nurse or
licensed practical nurse responsible for the security, handling, and
administration of that prescription drug and that the prescription

1 drug did not come into the physical possession of the individual for
2 whom it was prescribed;

3 3. The pharmacist is satisfied that the labeling and packaging
4 of the prescription drug are accurate, have not been altered,
5 defaced or tampered with, and include the identity, strength,
6 expiration date and lot number of the prescription drug; and

7 4. The prescription drug was dispensed in a unit dose package
8 or unit of issue package.

9 B. A pharmacy operated by the Department of Corrections or
10 under contract with the Department of Corrections or a county jail
11 shall not accept or return prescription drugs as provided under this
12 section until the pharmacist in charge develops a written set of
13 protocols for accepting, returning to stock, repackaging, labeling
14 and redispensing prescription drugs. The written protocols shall be
15 maintained on the premises and shall be readily accessible to each
16 pharmacist on duty and available for review by the Board. The
17 written protocols shall include, but not be limited to:

18 1. Methods to ensure that damage, deterioration or
19 contamination has not occurred during the delivery, handling,
20 storage and return of the prescription drugs which would adversely
21 affect the identity, strength, quality, purity, stability, integrity
22 or effectiveness of those prescription drugs or otherwise render
23 those drugs unfit for distribution;

1 2. Methods for accepting, returning to stock, repackaging,
2 labeling and redispensing the prescription drugs returned pursuant
3 to this section; and

4 3. A uniform system of recording and tracking prescription
5 drugs that are returned to stock, repackaged, labeled, and
6 redistributed pursuant to this section.

7 C. If the integrity of a prescription drug and its package is
8 maintained, a prescription drug returned pursuant to this section
9 shall be returned to stock and redistributed as follows:

10 1. A prescription drug that was originally dispensed in the
11 manufacturer's unit dose package or unit of issue package and is
12 returned in that same package may be returned to stock, repackaged
13 and redispensed as needed;

14 2. A prescription drug that is repackaged into a unit dose
15 package or a unit of issue package by the pharmacy, dispensed and
16 returned to that pharmacy in that unit dose package or unit of issue
17 package may be returned to stock, but it shall not be repackaged. A
18 unit dose package or unit of issue package prepared by the
19 pharmacist and returned to stock shall only be redispensed in that
20 same unit dose package or unit of issue package. A pharmacist shall
21 not add unit dose package drugs to a partially used unit of issue
22 package.

23 D. This section does not apply to any of the following:

24 1. A controlled dangerous substance;

1 2. A prescription drug that is dispensed as part of customized
2 adherence medication packaging;

3 3. A prescription drug that is not dispensed as a unit dose
4 package or a unit of issue package; or

5 4. A prescription drug that is not properly labeled with the
6 identity, strength, lot number and expiration date.

7 SECTION 11. AMENDATORY 59 O.S. 2011, Section 367.8, is
8 amended to read as follows:

9 Section 367.8. A. A pharmacy may maintain ~~controlled dangerous~~
10 ~~substances~~ drugs in an emergency medication kit used at a facility.
11 The ~~controlled dangerous substances~~ drugs may be used only for the
12 emergency medication needs of a resident at the facility. A
13 pharmacy may maintain drugs in an emergency medication kit for any
14 facility.

15 B. The State Board of Pharmacy shall promulgate rules relating
16 to emergency medication kits, including, but not limited to:

17 1. The amount and type of ~~controlled dangerous substances~~ drugs
18 that may be maintained in an emergency medication kit;

19 2. Procedures regarding the use of drugs from an emergency
20 medication kit;

21 3. Recordkeeping requirements; and

22 4. Security requirements.
23
24

1 C. As used in this section, "facility" means a facility as
2 defined by the Nursing Home Care Act or an assisted living center as
3 defined by the Continuum of Care and Assisted Living Act.

4 SECTION 12. AMENDATORY Section 3, Chapter 277, O.S.L.
5 2015 (63 O.S. Supp. 2017, Section 1-293), is amended to read as
6 follows:

7 Section 1-293. A. A licensed practitioner may prescribe
8 epinephrine auto-injectors in the name of an authorized entity for
9 use in accordance with this section, and pharmacists and physicians
10 may dispense epinephrine auto-injectors pursuant to a prescription
11 issued in the name of an authorized entity; provided, however, such
12 prescriptions shall only be filled by pharmacists licensed in this
13 state by the State Board of Pharmacy.

14 B. An authorized entity may acquire and stock a supply of
15 epinephrine auto-injectors pursuant to a prescription issued in
16 accordance with this section. Such epinephrine auto-injectors shall
17 be stored in a location readily accessible in an emergency and in
18 accordance with the epinephrine auto-injector's instructions for use
19 and any additional requirements that may be established by the Board
20 of Pharmacy. An authorized entity shall designate employees or
21 agents who have completed the training required by this act to be
22 responsible for the storage, maintenance, and general oversight of
23 epinephrine auto-injectors acquired by the authorized entity.

1 C. An employee or agent of an authorized entity, or other
2 individual, who has completed the training required by this act may,
3 on the premises of or in connection with the authorized entity, use
4 epinephrine auto-injectors prescribed pursuant to this act to:

5 1. Provide an epinephrine auto-injector to any individual who
6 the employee, agent or other individual believes in good faith is
7 experiencing anaphylaxis for immediate self-administration,
8 regardless of whether the individual has a prescription for an
9 epinephrine auto-injector or has previously been diagnosed with an
10 allergy; and

11 2. Administer an epinephrine auto-injector to any individual
12 who the employee, agent or other individual believes in good faith
13 is experiencing anaphylaxis, regardless of whether the individual
14 has a prescription for an epinephrine auto-injector or has
15 previously been diagnosed with an allergy.

16 D. An employee, agent or other individual described in
17 subsection C of this section must complete an anaphylaxis training
18 program prior to providing or administering an epinephrine auto-
19 injector made available by an authorized entity. Such training
20 shall be conducted by a nationally recognized organization
21 experienced in training laypersons in emergency health treatment or
22 other entity or an individual approved by the Board of Pharmacy.
23 The entity conducting training shall issue a certificate, ~~on a form~~
24 ~~developed and approved by the Board,~~ to each person who successfully

1 completes the anaphylaxis training program. Training may be
2 conducted online or in person and, at a minimum, shall cover:

3 1. Techniques on how to recognize symptoms of severe allergic
4 reactions, including anaphylaxis;

5 2. Standards and procedures for the storage and administration
6 of an epinephrine auto-injector; and

7 3. Emergency follow-up procedures.

8 E. An authorized entity that possesses and makes available
9 epinephrine auto-injectors and its employees, agents, and other
10 trained individuals; an individual who uses an epinephrine auto-
11 injector made available pursuant to the provisions of this act; a
12 licensed practitioner that prescribes epinephrine auto-injectors to
13 an authorized entity; and an individual or entity that conducts the
14 training described in subsection D of this section shall not be
15 liable for any injuries or related damages that result from the
16 administration of, self-administration of or failure to administer
17 an epinephrine auto-injector in accordance with this section that
18 may constitute ordinary negligence.

19 1. This immunity shall not apply to acts or omissions
20 constituting gross, willful or wanton negligence. The
21 administration of an epinephrine auto-injector in accordance with
22 this section is not the practice of medicine. The immunity from
23 liability provided under this subsection is in addition to and not
24 in lieu of that provided under the Good Samaritan Act.

1 2. An entity located in this state shall not be liable for any
2 injuries or related damages that result from the provision or
3 administration of an epinephrine auto-injector by its employees or
4 agents outside of this state if the entity or its employee or agent
5 would not have been liable for such injuries or related damages had
6 the provision or administration occurred within this state.

7 F. The Board of Pharmacy, the State Board of Medical Licensure
8 and Supervision, and the State Board of Osteopathic Examiners shall
9 promulgate any rules necessary to implement the provisions of this
10 act.

11 SECTION 13. AMENDATORY Section 2, Chapter 322, O.S.L.
12 2013 (63 O.S. Supp. 2017, Section 1-2506.2), is amended to read as
13 follows:

14 Section 1-2506.2. A. Upon request, a provider may prescribe an
15 opiate antagonist to an individual for use by that individual when
16 encountering a family member exhibiting signs of an opiate overdose.

17 B. When an opiate antagonist is prescribed in accordance with
18 subsection A of this section, the provider shall provide:

- 19 1. Information on how to spot symptoms of an overdose;
 - 20 2. Instruction in basic resuscitation techniques;
 - 21 3. Instruction on proper naloxone administration; and
 - 22 4. The importance of calling 911 for help.
- 23
24

1 C. Any family member administering an opiate antagonist in a
2 manner consistent with addressing opiate overdose shall be covered
3 under the Good Samaritan Act.

4 D. Any provider prescribing or administering an opiate
5 antagonist in a manner consistent with addressing opiate overdose
6 shall be covered under the Good Samaritan Act.

7 SECTION 14. REPEALER 59 O.S. 2011, Section 353.6, as
8 amended by Section 4, Chapter 230, O.S.L. 2015 (59 O.S. Supp. 2017,
9 Section 353.6), is hereby repealed.

10 SECTION 15. This act shall become effective November 1, 2018.

11
12 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 04/03/2018 -
13 DO PASS.