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AS AMENDED

By: Standridge

[Oklahoma Pharmacy Act - State Board of Pharmacy -
laws and regulations governing pharmacy - effective
date]

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

SECTION 1. AMENDATORY 59 O.S. 2011, Section 353.7, as amended by Section 5, Chapter 230, O.S.L. 2015 (59 O.S. Supp. 2017, Section 353.7), is amended to read as follows:

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

1. Regulate the practice of pharmacy;
2. Regulate the sale and distribution of drugs, medicines, chemicals and poisons;
3. Regulate the dispensing of drugs and medicines in all places where drugs and medicines are compounded and/or dispensed;
4. Examine and issue appropriate certificates of licensure as Doctor of Pharmacy to all applicants whom the Board deems qualified under the provisions of the Oklahoma Pharmacy Act;

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

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

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

17 8. Authorize its inspectors, compliance officers, and duly
18 authorized representatives to enter and inspect any and all places,
19 including premises, vehicles, equipment, contents and records, where
20 drugs, medicines, chemicals, or poisons are stored, sold, vended,
21 given away, compounded, dispensed, manufactured, repackaged or
22 transported;

23 9. Employ the number of inspectors and pharmacist compliance
24 officers necessary to carry out the provisions of the Oklahoma

Pharmacy Act at an annual salary to be fixed by the Board, and to authorize necessary expenses. Such inspectors shall have the same powers and authority as that granted to peace officers by the laws of this state for the purpose of enforcing the Oklahoma Pharmacy Act. In addition, such inspectors or pharmacist compliance officers shall have the authority to take and copy records and the duty to confiscate all drugs, medicines, chemicals or poisons found to be stored, sold, vended, given away, compounded, dispensed or manufactured contrary to the provisions of the Oklahoma Pharmacy Act;

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

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

12. Reprimand, place on probation, suspend, revoke or take other disciplinary action and/or levy fines not to exceed Three Thousand Dollars (\$3,000.00) for each count for which any holder of a certificate, license or permit has been convicted in Board hearings. The Board may impose as part of any disciplinary action the payment of costs expended by the Board for any legal fees and costs, including, but not limited to, staff time, salary and travel expense, witness fees and attorney fees. The Board may also require

1 additional continuing education, including attendance at a live
2 continuing education program, and may require participation in a
3 rehabilitation program for the impaired. The Board may take such
4 actions singly or in combination, as the nature of the violation
5 requires;

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

11 14. Make and publish 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 occurs for licensure as a
3 pharmacist, and

4 c. such persons regarding all aspects relating to the
5 handling of drugs, medicines, chemicals, and poisons;

6 17. Ensure that all Oklahoma-licensed pharmacies, inside and
7 outside the state, are in compliance with all laws and regulations
8 governing pharmacy, including but not limited to laws and
9 regulations related to:

10 a. technician-to-pharmacist ratio, and

11 b. storage requirements for medications until received by
12 the patient;

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

20 ~~18.~~ 19. Perform other such duties, exercise other such powers
21 and employ such personnel as the provisions and enforcement of the
22 Oklahoma Pharmacy Act may require.

SECTION 2. This act shall become effective November 1, 2018.

COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
February 19, 2018 - DO PASS AS AMENDED