

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1371

By: Standridge

6 AS INTRODUCED

7 An Act relating to the Oklahoma Pharmacy Act;
8 amending 59 O.S. 2011, Section 353.7, as amended by
9 Section 5, Chapter 230, O.S.L. 2015 (59 O.S. Supp.
10 2017, Section 353.7), which relates to State Board of
11 Pharmacy; requiring Board to ensure that all
12 pharmacies are in compliance with laws and
13 regulations governing pharmacy; and providing an
14 effective date.

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

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

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

- 19 1. Regulate the practice of pharmacy;
- 20 2. Regulate the sale and distribution of drugs, medicines,
21 chemicals and poisons;
- 22 3. Regulate the dispensing of drugs and medicines in all places
23 where drugs and medicines are compounded and/or dispensed;
- 24

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

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

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

21 12. Reprimand, place on probation, suspend, revoke or take
22 other disciplinary action and/or levy fines not to exceed Three
23 Thousand Dollars (\$3,000.00) for each count for which any holder of
24 a certificate, license or permit has been convicted in Board

1 hearings. The Board may impose as part of any disciplinary action
2 the payment of costs expended by the Board for any legal fees and
3 costs, including, but not limited to, staff time, salary and travel
4 expense, witness fees and attorney fees. The Board may also require
5 additional continuing education, including attendance at a live
6 continuing education program, and may require participation in a
7 rehabilitation program for the impaired. The Board may take such
8 actions singly or in combination, as the nature of the violation
9 requires;

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

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

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

1 16. Regulate:

- 2 a. personnel working in a pharmacy, such as interns and
3 supportive personnel, including technicians, and issue
4 pharmacy technician permits and intern licenses,
5 b. interns, preceptors and training areas through which
6 the training of applicants occurs for licensure as a
7 pharmacist, and
8 c. such persons regarding all aspects relating to the
9 handling of drugs, medicines, chemicals, and poisons;

10 17. Ensure that all Oklahoma-licensed pharmacies, inside and
11 outside the state, are in compliance with all laws and regulations
12 governing pharmacy, including but not limited to laws and
13 regulations related to:

- 14 a. technician-to-pharmacist ratio, and
15 b. storage requirements for medications until received by
16 the patient;

17 18. Acquire by purchase, lease, gift, solicitation of gift or
18 by any other manner, and to maintain, use and operate or to contract
19 for the maintenance, use and operation of or lease of any and all
20 property of any kind, real, personal or mixed or any interest
21 therein unless otherwise provided by the Oklahoma Pharmacy Act;
22 provided, all contracts for real property shall be subject to the
23 provisions of Section 63 of Title 74 of the Oklahoma Statutes; and
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1 ~~18.~~ 19. Perform other such duties, exercise other such powers
2 and employ such personnel as the provisions and enforcement of the
3 Oklahoma Pharmacy Act may require.

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

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