SB848 FA1 EcholsJo-SH
4/23/2019 1:48:23 pm

FLOOR AMENDMENT

HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB848

Of the printed Bill

Page _____ Section _____ Lines _____

Of the Engrossed Bill

On page 8, line 20, after the word and punctuation "prescribed." By adding a new sentence to read: "However, the pharmacist maintains their right not to fill the valid opioid prescription.";

On page 8, line 21, by deleting Section 4 in its entirety;

And by renumbering subsequent sections;

On page 13, line 10, by deleting the word "or";

On page 13, line 14, by restoring the word "or";

On page 13, lines 15 and 16, by restoring in part subparagraph c beginning with the word "prescribing" and ending with the word "maximum" and thereafter adding after the word "maximum" the words "limits authorized in Section 2-309I of this title";

On page 14, lines 21 through 24, by deleting the following ", unless the licensee has demonstrated to the satisfaction of the Board that the licensee does not currently hold a valid federal Drug Enforcement Administration registration number";

On page 37, line 7, by adding after the word "assistant" the words "or advanced practice registered nurse";

On page 45, lines 20 and 21, by deleting the words "a Schedule II" and inserting in lieu thereof the word "an";

On page 46, line 10, by deleting "Schedule II";

On page 46, line 13, by deleting "Schedule II";

On page 47, line 3, by deleting the word "formal" and inserting in lieu thereof the word "informed";

On page 47, line 3, by striking the word "provider" and inserting in lieu thereof the word "practitioner";

On page 48, line 2 ½, by inserting a new "Section 11" as attached;
And by renumbering subsequent Sections;

On page 51, line 12, by deleting "until October 31, 2020,";

On page 52, line 18, by adding after the word may the following words and punctuation: ", after investigation,";

On page 55, lines 18 and 19, by deleting the words "a Schedule II" and inserting in lieu thereof the word "an";

On page 55, lines 20 through 22, by restoring the stricken words starting with the word "for" and ending with the word "old";

On page 55, line 22, by deleting "Schedule II";

On page 55, line 24, by adding after the word "drug" the following: "and "acute pain" shall be notated on the face of the prescription by the practitioner. Any prescription for chronic pain pursuant to this section shall have "chronic pain" notated on the face of the prescription by the practitioner";

On page 56, line 1, by deleting "of a Schedule II" and inserting in lieu thereof "for an";

On page 57, line 1, by inserting after the word "major" the word "surgical";

On page 58, line 7, by deleting "a Schedule II" and inserting in lieu thereof the word "an";

On page 59, line 17, by adding after "pain," the following "with "chronic pain" notated on the prescription,";

On page 59, line 22, by striking the word "Assess" and inserting in lieu thereof "In the first year of the patient provider agreement, assess";

On page 60, line 2 ½, by inserting a new paragraph 3 to read as follows:
"3. Following one year of compliance with the patient provider agreement, the practitioner shall assess the patient at a minimum of every six (6) months;";
And by renumbering subsequent paragraphs;

On page 61, line 3, by restoring the word "an" and deleting the words "a Schedule II";

On page 61, line 11, by deleting he word "provider" and inserting in lieu thereof the word "practitioner";

On page 61, line 11, by deleting the words "a Schedule II" and inserting in lieu thereof the word "an";

On page 61, line 14, by deleting the word "provider" and inserting in lieu thereof the word "practitioner";

On page 61, line 20, by adding after the word "together" the words "for more than one twenty-four (24) hour period".

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Jon Echols

Adopted: _____

_____
Reading Clerk

"SECTION 11. AMENDATORY 63 O.S. 2011, Section 2-302, as amended by Section 1, Chapter 251, O.S.L. 2018 (63 O.S. Supp. 2018, Section 2-302), is amended to read as follows:

Section 2-302. A. Every person who manufactures, distributes, dispenses, prescribes, administers or uses for scientific purposes any controlled dangerous substance within or into this state, or who proposes to engage in the manufacture, distribution, dispensing, prescribing, administering or use for scientific purposes of any controlled dangerous substance within or into this state shall obtain a registration issued by the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, in accordance with rules promulgated by the Director. Persons registered by the Director under Section 2-101 et seq. of this title to manufacture, distribute, dispense, or conduct research with controlled dangerous substances may possess, manufacture, distribute, dispense, or conduct research with those substances to the extent authorized by their registration and in conformity with the other provisions of this article. Every wholesaler, manufacturer or distributor of any drug product containing pseudoephedrine or phenylpropanolamine, or their salts, isomers, or salts of isomers shall obtain a registration issued by the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control in accordance with rules promulgated by the Director and as provided for in Section 2-332 of this title.

B. Out-of-state pharmaceutical suppliers who provide controlled dangerous substances to individuals within this state shall obtain a registration issued by the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, in accordance with rules promulgated by the Director. This provision shall also apply to wholesale distributors who distribute controlled dangerous substances to pharmacies or other entities registered within this state in accordance with rules promulgated by the Director.

C. ~~Beginning January 1, 2019, every~~ Every manufacturer and distributor required to register under the provisions of this section shall provide ~~all data required pursuant to federal law, federal rules and regulations and 21 U.S.C., Section 827(d)(1)~~ information from the sale of controlled dangerous substances on a ~~quarterly~~ monthly basis to the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control. Controlled dangerous substances in Schedule I shall be reported in accordance with rules promulgated by the Director. Reporting of controlled dangerous substances in Schedules II, III, IV and V shall include, but not be limited to:

1. The manufacturer's or distributor's name, address, phone number, DEA registration number and controlled dangerous substance registration number issued by the Bureau;

2. The name, address and DEA registration number of the entity to whom the controlled dangerous substance was sold;

3. The date of the sale of the controlled dangerous substance;

4. The name and National Drug Code of the controlled dangerous substance sold; and

5. The number of containers and the strength and quantity of controlled dangerous substances in each container sold.

D. The information maintained and provided pursuant to subsection C of this section shall be confidential and not open to the public. Access to the information shall, at the discretion of the Director, be limited to:

1. Peace officers certified pursuant to the provisions of Section 3311 of Title 70 of the Oklahoma Statutes who are employed as investigative agents of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control or the Office of the Attorney General;

2. The United States Drug Enforcement Administration Diversion Group Supervisor; and

3. A multicounty grand jury properly convened pursuant to the provisions of the Multicounty Grand Jury Act.

E. Manufacturers, distributors, home care agencies, hospices, home care services, and scientific researchers shall obtain a registration annually. Other practitioners shall obtain a registration for a period to be determined by the Director that will be for a period not less than one (1) year nor more than three (3) years.

F. Every trainer or handler of a canine controlled dangerous substances detector who, in the ordinary course of such trainer's or

handler's profession, desires to possess any controlled dangerous substance, annually, shall obtain a registration issued by the Director for a fee of Seventy Dollars ($70.00). Such persons shall be subject to all applicable provisions of Section 2-101 et seq. of this title and such applicable rules promulgated by the Director for those individuals identified in subparagraph a of paragraph 32 of Section 2-101 of this title. Persons registered by the Director pursuant to this subsection may possess controlled dangerous substances to the extent authorized by their registration and in conformity with the other provisions of this article.

G. The following persons shall not be required to register and may lawfully possess controlled dangerous substances under the provisions of Section 2-101 et seq. of this title:

1. An agent, or an employee thereof, of any registered manufacturer, distributor, dispenser or user for scientific purposes of any controlled dangerous substance, if such agent is acting in the usual course of such agent's or employee's business or employment;

2. Any person lawfully acting under the direction of a person authorized to administer controlled dangerous substances under Section 2-312 of this title;

3. A common or contract carrier or warehouser, or an employee thereof, whose possession of any controlled dangerous substance is

in the usual course of such carrier's or warehouser's business or employment;

4. An ultimate user or a person in possession of any controlled dangerous substance pursuant to a lawful order of a practitioner;

5. An individual pharmacist acting in the usual course of such pharmacist's employment with a pharmacy registered pursuant to the provisions of Section 2-101 et seq. of this title;

6. A nursing home licensed by this state;

7. Any Department of Mental Health and Substance Abuse Services employee or any person whose facility contracts with the Department of Mental Health and Substance Abuse Services whose possession of any dangerous drug, as defined in Section 353.1 of Title 59 of the Oklahoma Statutes, is for the purpose of delivery of a mental health consumer's medicine to the consumer's home or residence; and

8. Registered nurses and licensed practical nurses.

H. The Director may, by rule, waive the requirement for registration or fee for registration of certain manufacturers, distributors, dispensers, prescribers, administrators, or users for scientific purposes if the Director finds it consistent with the public health and safety.

I. A separate registration shall be required at each principal place of business or professional practice where the applicant manufactures, distributes, dispenses, prescribes, administers, or uses for scientific purposes controlled dangerous substances.

J. The Director is authorized to inspect the establishment of a registrant or applicant for registration in accordance with rules promulgated by the Director.

K. No person engaged in a profession or occupation for which a license to engage in such activity is provided by law shall be registered under this act unless such person holds a valid license of such person's profession or occupation.

L. Registrations shall be issued on the first day of November of each year. Registrations may be issued at other times, however, upon certification of the professional licensing board.

M. The licensing boards of all professions and occupations to which the use of controlled dangerous substances is incidental shall furnish a current list to the Director, not later than the first day of October of each year, of the persons holding valid licenses. All such persons except persons exempt from registration requirements under subsection G of this section shall be subject to the registration requirements of Section 2-101 et seq. of this title.

N. The licensing board of any professional defined as a mid-level practitioner shall notify and furnish to the Director, not later than the first day of October of each year that such professional holds a valid license, a current listing of individuals licensed and registered with their respective boards to prescribe, order, select, obtain and administer controlled dangerous substances. The licensing board shall immediately notify the

Director of any action subsequently taken against any such individual.

O. Beginning November 1, 2010, each registrant that prescribes, administers or dispenses methadone shall be required to check the prescription profile of the patient on the central repository of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control."

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