

1 **SENATE FLOOR VERSION**

2 February 25, 2019

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 856

By: Standridge

6  
7 An Act relating to pharmacy; 59 O.S. 2011, Section  
8 353.7, as last amended by Section 4, Chapter 106,  
9 O.S.L. 2018 (59 O.S. Supp. 2018, Section 353.7),  
10 which relates to powers of the State Board of  
11 Pharmacy; adding certain powers and duties; and  
12 providing an 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 last amended by Section 4, Chapter 106, O.S.L. 2018 (59 O.S. Supp.  
16 2018, 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 in the investigation of criminal activity or  
5 preparation of administrative actions at an annual salary to be  
6 fixed by the Board, and to authorize necessary expenses. Any  
7 inspector certified as a peace officer by the Council of Enforcement  
8 Education and Training shall have statewide jurisdiction to perform  
9 the duties authorized by this section. In addition, the inspectors  
10 shall be considered peace officers and shall have the same powers  
11 and authority as that granted to peace officers. In addition, such  
12 inspectors or pharmacist compliance officers shall have the  
13 authority to take and copy records and the duty to confiscate all  
14 drugs, medicines, chemicals or poisons found to be stored, sold,  
15 vended, given away, compounded, dispensed or manufactured contrary  
16 to the provisions of the Oklahoma Pharmacy Act;

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

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

23 12. Reprimand, place on probation, suspend, revoke permanently  
24 and levy fines not to exceed Three Thousand Dollars (\$3,000.00) for

1 each count for which any person charged with violating the Oklahoma  
2 Pharmacy Act or Oklahoma Board of Pharmacy administrative rules has  
3 been convicted in Board hearings. The Board also may take other  
4 disciplinary action. The Board may impose as part of any  
5 disciplinary action the payment of costs expended by the Board for  
6 any legal fees and costs, including, but not limited to, staff time,  
7 salary and travel expense, witness fees and attorney fees. The  
8 Board may also require additional continuing education, including  
9 attendance at a live continuing education program, and may require  
10 participation in a rehabilitation program for the impaired. The  
11 Board may take such actions singly or in combination, as the nature  
12 of the violation requires;

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

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

23 15. Establish and collect appropriate fees for licenses,  
24 permits, inspections, and services provided; and such fees shall be

1 nonrefundable. Such fees shall be promulgated to implement the  
2 provisions of the Oklahoma Pharmacy Act under the provisions of the  
3 Administrative Procedures Act;

4 16. Regulate:

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

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

- 17 a. technician-to-pharmacist ratio, which shall not exceed  
18 a two-to-one (2:1) ratio, and  
19 b. storage requirements for medications until received by  
20 the patient;

21 18. Acquire by purchase, lease, gift, solicitation of gift or  
22 by any other manner, and to maintain, use and operate or to contract  
23 for the maintenance, use and operation of or lease of any and all  
24 property of any kind, real, personal or mixed or any interest

1 therein unless otherwise provided by the Oklahoma Pharmacy Act;  
2 provided, all contracts for real property shall be subject to the  
3 provisions of Section 63 of Title 74 of the Oklahoma Statutes;

4 ~~18.~~ 19. Perform other such duties, exercise other such powers  
5 and employ such personnel as the provisions and enforcement of the  
6 Oklahoma Pharmacy Act may require; and

7 ~~19.~~ 20. Approve pilot projects designed to utilize new or  
8 expanded technology or processes and provide patients with better  
9 pharmacy products or provide pharmacy services in a more safe and  
10 efficient manner. Such approvals may include provisions granting  
11 exemptions to any rule adopted by the Board.

12 SECTION 2. This act shall become effective November 1, 2019.

13 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES  
14 February 25, 2019 - DO PASS AS AMENDED  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24