

1 ENGROSSED SENATE
2 BILL NO. 782

By: Garvin of the Senate

3 and

4 McEntire of the House

5
6 An Act relating to pharmacy; amending 59 O.S. 2011,
7 Section 367.8, as amended by Section 11, Chapter 106,
8 O.S.L. 2018 (59 O.S. Supp. 2020, Section 367.8),
9 which relates to maintenance of drugs in emergency
10 medication kits by pharmacies; requiring pharmacy to
11 establish certain policy and procedures; specifying
12 entity that maintains emergency medication kits;
13 authorizing pharmacy to establish pharmacy designee
14 for specified purpose; requiring pharmacy to register
15 emergency medication kit as pharmacy location and
16 comply with certain requirements; providing limits
17 for controlled dangerous substances; requiring
18 prescription and reporting; and providing an
19 effective date.

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

21 SECTION 1. AMENDATORY 59 O.S. 2011, Section 367.8, as
22 amended by Section 11, Chapter 106, O.S.L. 2018 (59 O.S. Supp. 2020,
23 Section 367.8), is amended to read as follows:

24 Section 367.8. A. A pharmacy may maintain drugs in an
emergency medication kit ~~used at~~ for dispensation in a facility as
provided by this section. The pharmacy shall establish a policy and
procedures governing the maintenance and dispensation of such drugs
in accordance with the provisions of this section. The drugs may be
used only for the emergency medication needs of a resident at the

1 facility. ~~A~~ The pharmacy may shall maintain the drugs in an the
2 emergency medication kit for ~~any~~ the facility.

3 B. The pharmacy may establish a pharmacy designee at the
4 facility who shall be responsible for transmitting required
5 information for dispensation of controlled dangerous substances to
6 the central repository of the Oklahoma State Bureau of Narcotics and
7 Dangerous Drugs Control as provided by the Anti-Drug Diversion Act.

8 C. The pharmacy shall register the emergency medication kit as
9 a pharmacy location with the Oklahoma State Bureau of Narcotics and
10 Dangerous Drugs Control and shall comply with the requirements for
11 controlled dangerous substances prescribed by rules of the Oklahoma
12 State Bureau of Narcotics and Dangerous Drugs Control Commission.

13 D. The State Board of Pharmacy shall promulgate rules relating
14 to emergency medication kits, including, but not limited to:

15 1. The amount and type of drugs that may be maintained in an
16 emergency medication kit. The total volume of each controlled
17 dangerous substance shall be limited to the lesser of three doses
18 per licensed bed or sixty individual doses. Controlled dangerous
19 substances stored in emergency medication kits must be dispensed
20 pursuant to a valid prescription and shall be reported to the
21 registered pharmacy;

22 2. Procedures regarding the use of drugs from an emergency
23 medication kit;

24 3. Recordkeeping requirements; and

4. Security requirements.

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

SECTION 2. This act shall become effective November 1, 2021.

Passed the Senate the 10th day of March, 2021.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2021.

Presiding Officer of the House
of Representatives