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SENATE BILL NO. 697

An Act relating to prescription drugs; defining terms; requiring wholesale drug distributors to make adequate provisions for the return of certain outdated prescription drugs; requiring wholesale drug distributors to establish certain written policy; stating criteria of policy; providing exemption; providing eligibility criteria for drugs; requiring prompt full credit to purchaser; requiring certain notification and documentation; requiring wholesale drug distributors to maintain certain records; prohibiting submission of drugs under certain conditions; providing for disciplinary action; requiring compliance with applicable laws, rules and regulations; providing for codification; and providing an effective date.

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 355.4 of Title 59, unless there is created a duplication in numbering, reads as follows:

1. "Full credit" means a cash refund or credit with the drug
wholesale distributor for the purchase price of the drug as
established by drug invoice less a reasonable fee for handling of

1 the returned drugs. A reasonable fee shall not be more than seven
2 percent (7%) of the total invoice price of the returned drugs; and

3 2. "Reverse drug distributor" means a firm, whether located
4 inside or outside this state, that receives drugs for destruction,
5 return credit or otherwise disposes of drugs received from a
6 registrant located in this state who holds a permit or license to
7 dispense or possess drugs. As used in this paragraph, "registrant"
8 means a person registered by the Director of the Oklahoma State
9 Bureau of Narcotics and Dangerous Drugs Control under Section 2-302
10 of Title 63 of the Oklahoma Statutes.

11 B. Effective with all drug orders placed on or after the
12 effective date of this act, all wholesale drug distributors shall
13 make adequate provisions for the return of outdated prescription
14 drugs, both full and partial containers, for up to six (6) months
15 after the labeled expiration date for prompt full credit.

16 C. Wholesale drug distributors shall establish a written policy
17 providing for the return of outdated prescription drugs sold to a
18 client by such wholesale drug distributor. Such policy may include
19 a procedure for the drugs to be returned to the drug manufacturer,
20 may include a requirement that the drugs be returned in the original
21 containers in which it was purchased, and may include the use of a
22 reverse drug distributor. Such policy shall be available to the
23 State Board of Pharmacy or its agents upon request.
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1 D. Influenza vaccines shall be exempt from the requirements of
2 this provision if they have an expiration date of less than one year
3 from the date such drug is manufactured.

4 E. In order to be eligible for full credit, the drug must be
5 received by the wholesale drug distributor, or if not the wholesale
6 drug distributor, its agent designated in its return policy, no
7 later than the sixth month from the labeled expiration date. A
8 signed delivery receipt shall constitute evidence of the drugs
9 having been returned.

10 F. Prompt full credit to the purchaser shall occur within sixty
11 (60) calendar days from the date the return drugs were received by
12 the wholesale drug distributor or its designated agent. If the
13 wholesale drug distributor determines that the drugs were not
14 returned within six (6) months of the labeled expiration date, or
15 were not returned consistent with the written return policy, then
16 the wholesale drug distributor shall notify the purchaser in writing
17 within thirty (30) calendar days of the receipt of the drugs of its
18 intent not to give full credit. Wholesale drug distributors shall
19 maintain documentation supporting its refusal to give full credit
20 for a period of two (2) years. Such documentation shall be
21 available to the Board or its agent upon request.

22 G. Wholesale drug distributors shall maintain records of all
23 credits made under this section for a period of two (2) years and
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1 such record shall be made available to the Board or its agent upon
2 request.

3 H. The submission of drugs by a purchaser licensed by the Board
4 in this state for refund or credit to a wholesale drug distributor
5 pursuant to this section when the drugs are in a container other
6 than the one in which it was purchased, when the drugs were not
7 purchased from that wholesale drug distributor, or when the drugs
8 were purchased for a pharmacy or facility outside this state shall
9 constitute fraudulent and unprofessional conduct and may subject the
10 purchaser to disciplinary action by the Board.

11 I. The return of drugs under this section shall comply with all
12 other applicable federal, state and local laws, rules and
13 regulations.

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

15 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
16 February 8, 2021 - DO PASS
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