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February 22, 2021

SENATE BILL NO. 782

By: Garvin of the Senate

and

McEntire of the House

An Act relating to pharmacy; amending 59 O.S. 2011, Section 367.8, as amended by Section 11, Chapter 106, O.S.L. 2018 (59 O.S. Supp. 2020, Section 367.8), which relates to maintenance of drugs in emergency medication kits by pharmacies; specifying entity that maintains emergency medication kits; authorizing establishment of certain policy and procedures; requiring certain oversight; providing limits for certain category of drugs; requiring prescription and reporting in specified timeframe; and providing an effective date.

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

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

Section 367.8. A. A pharmacy may ~~maintain~~ establish a policy  
and procedures to dispense drugs to any facility for the maintenance  
of the drugs by the facility in an emergency medication kit used at  
a facility. The drugs may be used only for the emergency medication  
needs of a resident at the facility. ~~A pharmacy may maintain drugs~~

1 ~~in an emergency medication kit for any facility.~~ The pharmacy shall  
2 perform oversight of the maintenance of drugs in an emergency  
3 medication kit.

4 B. The State Board of Pharmacy shall promulgate rules relating  
5 to emergency medication kits, including, but not limited to:

6 1. The amount and type of drugs that may be maintained in an  
7 emergency medication kit. Under the category of analgesic oral  
8 controlled dangerous substances, the Board shall set a limit of four  
9 medications maintained at the facility at any given time, of which  
10 only two may be Schedule II controlled dangerous substances. The  
11 volume of each Schedule II controlled dangerous substance shall be  
12 limited to the lesser of three (3) doses per licensed bed or sixty  
13 (60) individual doses. Administration of controlled dangerous  
14 substances from emergency medication kits must be accompanied by a  
15 prescription and shall be reported to the dispensing pharmacy within  
16 eight (8) hours of being administered to the patient;

17 2. Procedures regarding the use of drugs from an emergency  
18 medication kit;

19 3. Recordkeeping requirements; and

20 4. Security requirements.

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

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

COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES  
February 22, 2021 - DO PASS