

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

HOUSE BILL 2419

By: Alonso-Sandoval

AS INTRODUCED

An Act relating to prescription drugs; requiring the Oklahoma State Board of Pharmacy adopt rules for limited English proficiency; allowing the Board to contract with a third party; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1010.50 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma State Board of Pharmacy shall adopt rules to require that, if a patient is of limited English proficiency and the prescribing practitioner, patient or an authorized representative of the patient so requests, a prescription drug dispensed by a pharmacy bear a label in both English and in the language requested and, if authorized by the Board by rule, include an informational insert in both English and the language requested. The rules adopted under this section must:

1. Define "limited English proficiency";

1        2. Determine the pharmacies to which the requirements of this  
2 section apply, and include at least retail drug outlets and other  
3 drug outlets that dispense prescription drugs;

4        3. Determine for which prescription drugs it is appropriate to  
5 include an informational insert in addition to the label. In  
6 adopting rules under this paragraph, the Board shall consider the  
7 complexity and length of the directions for use of the prescription  
8 drug;

9        4. a.        require that labels and informational inserts shall be  
10                    available in at least fourteen (14) languages other  
11                    than English that are spoken in Oklahoma by  
12                    individuals who are of limited English proficiency, as  
13                    determined by the most recent American Community  
14                    Survey from the United States Census Bureau and in  
15                    consultation with the Oklahoma Health Care Authority  
16                    and other necessary resources, and

17                    b.        the Board shall reassess, and update as necessary, the  
18                    languages described in subsection A of this section at  
19                    least once every ten (10) years, in consultation with  
20                    the Authority and other stakeholders.

21        SECTION 2.        NEW LAW        A new section of law to be codified  
22 in the Oklahoma Statutes as Section 1010.51 of Title 56, unless  
23 there is created a duplication in numbering, reads as follows:  
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1       A. A pharmacy may contract with a third party for the  
2 translation of the labels and informational inserts required under  
3 Section 1 of this act.

4       1. A pharmacy, pharmacist or pharmacy intern that dispenses a  
5 prescription drug in compliance with the requirements of this act  
6 may not be held liable for injuries resulting from the actions of a  
7 third party if the pharmacy from which the label or informational  
8 insert was dispensed entered into a contract with the third party in  
9 good faith, and the pharmacy, pharmacist or pharmacy intern was not  
10 negligent with regard to the alleged misconduct of the third party.

11       B. This act does not apply to an institutional drug outlet.

12       C. The Board may adopt other rules as necessary to carry out  
13 this act.

14       D. The Board shall, in consultation with the Oklahoma Health  
15 Care Authority, adopt rules to require that a pharmacy post signage  
16 to provide notification of the right to free, competent oral  
17 interpretation and translation services for patients who are of  
18 limited English proficiency. Rules adopted under this subsection  
19 must comply with any relevant federal laws and regulations.

20       SECTION 3. This act shall become effective November 1, 2023.

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