

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 COMMITTEE SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 4431

6 By: Hilbert

7 COMMITTEE SUBSTITUTE

8 An Act relating to professions and occupations;
9 amending 59 O.S. 2021, Section 353.1, as last amended
10 by Section 5, Chapter 340, O.S.L. 2025 (59 O.S. Supp.
11 2025, Section 353.1), which relates to definitions
12 within the Oklahoma Pharmacy Act; modifying
13 references; amending 59 O.S. 2021, Section 353.1a, as
14 amended by Section 6, Chapter 340, O.S.L. 2025 (59
15 O.S. Supp. 2025, Section 353.1a), which relates to
16 prescribing authority for Advanced Practice
17 Registered Nurse, Certified Nurse Practitioner,
18 Clinical Nurse Specialist, Certified Midwife;
19 modifying references; repealing 59 O.S. 2021, Section
20 353.1, as last amended by Section 1, Chapter 343,
21 O.S.L. 2025 (59 O.S. Supp. 2025, Section 353.1),
22 which relates to a duplicate section; repealing 59
23 O.S. 2021, Section 353.1a, as amended by Section 2,
24 Chapter 343, O.S.L. 2025 (59 O.S. Supp. 2025, Section
353.1a), which relates to a duplicate section; and
providing an effective date.

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

SECTION 1. AMENDATORY 59 O.S. 2021, Section 353.1, as
last amended by Section 5, Chapter 340, O.S.L. 2025 (59 O.S. Supp.
2025, Section 353.1), is amended to read as follows:

Section 353.1. For the purposes of the Oklahoma Pharmacy Act:

- 1 1. "Accredited program" means those seminars, classes,
2 meetings, work projects, and other educational courses approved by
3 the State Board of Pharmacy for purposes of continuing professional
4 education;
- 5 2. "Act" means the Oklahoma Pharmacy Act;
- 6 3. "Administer" means the direct application of a drug, whether
7 by injection, inhalation, ingestion, or any other means, to the body
8 of a patient;
- 9 4. "Assistant pharmacist" means any person presently licensed
10 as an assistant pharmacist in this state by the Board pursuant to
11 Section 353.10 of this title and for the purposes of the Oklahoma
12 Pharmacy Act shall be considered the same as a pharmacist, except
13 where otherwise specified;
- 14 5. "Board" or "State Board" means the State Board of Pharmacy;
- 15 6. "Certify" or "certification of a prescription" means the
16 review of a filled prescription by a licensed pharmacist or a
17 licensed practitioner with dispensing authority to confirm that the
18 medication, labeling, and packaging of the filled prescription are
19 accurate and meet all requirements prescribed by state and federal
20 law. For the purposes of this paragraph, "licensed practitioner"
21 shall not include optometrists with dispensing authority;
- 22 7. "Chemical" means any medicinal substance, whether simple or
23 compound or obtained through the process of the science and art of
24 chemistry, whether of organic or inorganic origin;

1 8. "Compounding" means the combining, admixing, mixing,
2 diluting, pooling, reconstituting, or otherwise altering of a drug
3 or bulk drug substance to create a drug. Compounding includes the
4 preparation of drugs or devices in anticipation of prescription drug
5 orders based on routine, regularly observed prescribing patterns;

6 9. "Continuing professional education" means professional,
7 pharmaceutical education in the general areas of the socioeconomic
8 and legal aspects of health care; the properties and actions of
9 drugs and dosage forms; and the etiology, characteristics, and
10 therapeutics of the diseased state;

11 10. "Dangerous drug", "legend drug", "prescription drug", or
12 "Rx Only" means a drug:

13 a. for human use subject to 21 U.S.C., Section 353(b)(1),

14 or

15 b. is labeled "Prescription Only", or labeled with the
16 following statement: "Caution: Federal law restricts
17 this drug to use by or on the order of a licensed
18 veterinarian.";

19 11. "Director" means the Executive Director of the State Board
20 of Pharmacy unless context clearly indicates otherwise;

21 12. "Dispense" or "dispensing" means the interpretation,
22 evaluation, and implementation of a prescription drug order
23 including the preparation and delivery of a drug or device to a
24 patient or a patient's agent in a suitable container appropriately

1 labeled for subsequent administration to, or use by, a patient.

2 Dispense includes sell, distribute, leave with, give away, dispose
3 of, deliver, or supply;

4 13. "Dispenser" means a retail pharmacy, hospital pharmacy, a
5 group of chain pharmacies under common ownership and control that do
6 not act as a wholesale distributor, or any other person authorized
7 by law to dispense or administer prescription drugs, and the
8 affiliated warehouses or distributions of such entities under common
9 ownership and control that do not act as a wholesale distributor.
10 For the purposes of this paragraph, dispenser does not mean a person
11 who dispenses only products to be used in animals in accordance with
12 21 U.S.C., Section 360b(a) (5);

13 14. "Distribute" or "distribution" means the sale, purchase,
14 trade, delivery, handling, storage, or receipt of a product, and
15 does not include the dispensing of a product pursuant to a
16 prescription executed in accordance with 21 U.S.C., Section
17 353(b) (1) or the dispensing of a product approved under 21 U.S.C.,
18 Section 360b(b); provided, taking actual physical possession of a
19 product or title shall not be required;

20 15. "Doctor of Pharmacy" means a person licensed by the Board
21 to engage in the practice of pharmacy. The terms "pharmacist",
22 "D.Ph.", and "Doctor of Pharmacy" shall be interchangeable and shall
23 have the same meaning wherever they appear in the Oklahoma Statutes
24 and the rules promulgated by the Board;

1 16. "Drug outlet" means all manufacturers, repackagers,
2 outsourcing facilities, wholesale distributors, third-party
3 logistics providers, pharmacies, and all other facilities which are
4 engaged in dispensing, delivery, distribution, or storage of
5 dangerous drugs;

6 17. "Drugs" means all medicinal substances and preparations
7 recognized by the United States Pharmacopeia and National Formulary,
8 or any revision thereof, and all substances and preparations
9 intended for external and/or internal use in the cure, diagnosis,
10 mitigation, treatment, or prevention of disease in humans or animals
11 and all substances and preparations, other than food, intended to
12 affect the structure or any function of the body of a human or
13 animals;

14 18. "Drug sample" means a unit of a prescription drug packaged
15 under the authority and responsibility of the manufacturer that is
16 not intended to be sold and is intended to promote the sale of the
17 drug;

18 19. "Durable medical equipment" has the same meaning as
19 provided by Section 375.2 of this title;

20 20. "Filled prescription" means a packaged prescription
21 medication to which a label has been affixed which contains such
22 information as is required by the Oklahoma Pharmacy Act;

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1 21. "Hospital" means any institution licensed as a hospital by
2 this state for the care and treatment of patients, or a pharmacy
3 operated by the Oklahoma Department of Veterans Affairs;

4 22. "Licensed practitioner" means:

- 5 a. an allopathic physician,
- 6 b. an osteopathic physician,
- 7 c. a podiatric physician,
- 8 d. a dentist,
- 9 e. a veterinarian,
- 10 f. an optometrist, ~~or~~
- 11 g. an Advanced Practice Registered Nurse, or
- 12 h. a physician assistant

13 licensed to practice and authorized to prescribe dangerous drugs
14 within the scope of practice of such practitioner;

15 23. "Manufacturer" or "virtual manufacturer" means with respect
16 to a product:

- 17 a. a person that holds an application approved under 21
18 U.S.C., Section 355 or a license issued under 42
19 U.S.C., Section 262 for such product, or if such
20 product is not the subject of an approved application
21 or license, the person who manufactured the product,
 - 22 b. a co-licensed partner of the person described in
23 subparagraph a of this paragraph that obtains the
- 24

- 1 product directly from a person described in this
2 subparagraph or subparagraph a of this paragraph,
3 c. an affiliate of a person described in subparagraph a
4 or b of this paragraph who receives the product
5 directly from a person described in this subparagraph
6 or in subparagraph a or b of this paragraph, or
7 d. a person who contracts with another to manufacture a
8 product;

9 24. "Manufacturing" means the production, preparation,
10 propagation, compounding, conversion, or processing of a device or a
11 drug, either directly or indirectly by extraction from substances of
12 natural origin or independently by means of chemical or biological
13 synthesis and includes any packaging or repackaging of the
14 substances or labeling or relabeling of its container, and the
15 promotion and marketing of such drugs or devices. The term
16 manufacturing also includes the preparation and promotion of
17 commercially available products from bulk compounds for resale by
18 licensed pharmacies, licensed practitioners, or other persons;

19 25. "Medical gas" means those gases including those in liquid
20 state upon which the manufacturer or distributor has placed one of
21 several cautions, such as "Rx Only", in compliance with federal law;

22 26. "Medical gas order" means an order for medical gas issued
23 by a licensed prescriber;

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1 27. "Medical gas distributor" means a person licensed to
2 distribute, transfer, wholesale, deliver, or sell medical gases on
3 drug orders to suppliers or other entities licensed to use,
4 administer, or distribute medical gas and may also include a patient
5 or ultimate user;

6 28. "Medical gas supplier" means a person who dispenses medical
7 gases on drug orders only to a patient or ultimate user;

8 29. "Medicine" means any drug or combination of drugs which has
9 the property of curing, preventing, treating, diagnosing, or
10 mitigating diseases, or which is used for that purpose;

11 30. "Nonprescription drugs" means medicines or drugs which are
12 sold without a prescription and which are prepackaged for use by the
13 consumer and labeled in accordance with the requirements of the
14 statutes and regulations of this state and the federal government.
15 Such items shall also include medical and dental supplies and
16 bottled or nonbulk chemicals which are sold or offered for sale to
17 the general public if such articles or preparations meet the
18 requirements of the Federal Food, Drug, and Cosmetic Act, 21
19 U.S.C.A., Section 321 et seq.;

20 31. "Outsourcing facility" including "virtual outsourcing
21 facility" means a facility at one geographic location or address
22 that:

23 a. is engaged in the compounding of sterile drugs,
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1 b. has elected to register as an outsourcing facility,
2 and

3 c. complies with all requirements of 21 U.S.C., Section
4 353b;

5 32. "Package" means the smallest individual saleable unit of
6 product for distribution by a manufacturer or repackager that is
7 intended by the manufacturer for ultimate sale to the dispenser of
8 such product. For the purposes of this paragraph, "individual
9 saleable unit" means the smallest container of a product introduced
10 into commerce by the manufacturer or repackager that is intended by
11 the manufacturer or repackager for individual sale to a dispenser;

12 33. "Person" means an individual, partnership, limited
13 liability company, corporation, or association, unless the context
14 otherwise requires;

15 34. "Pharmacist-in-charge" or "PIC" means the pharmacist
16 licensed in this state responsible for the management control of a
17 pharmacy and all other aspects of the practice of pharmacy in a
18 licensed pharmacy as provided by Section 353.18 of this title;

19 35. "Pharmacy" means a place regularly licensed by the State
20 Board of Pharmacy in which prescriptions, drugs, medicines,
21 chemicals, and poisons are compounded or dispensed or such place
22 where pharmacists practice the profession of pharmacy, or a pharmacy
23 operated by the Oklahoma Department of Veterans Affairs;

1 36. "Pharmacy technician", "technician", "Rx tech", or "tech"
2 means a person issued a technician permit by the State Board of
3 Pharmacy to assist the pharmacist and perform nonjudgmental,
4 technical, manipulative, non-discretionary functions in the
5 prescription department under the immediate and direct supervision
6 of a pharmacist;

7 37. "Poison" means any substance which when introduced into the
8 body, either directly or by absorption, produces violent, morbid, or
9 fatal changes, or which destroys living tissue with which such
10 substance comes into contact;

11 38. "Practice of pharmacy" means:

- 12 a. the interpretation and evaluation of prescription
13 orders,
- 14 b. the compounding, dispensing, administering, and
15 labeling of drugs and devices, except labeling by a
16 manufacturer, repackager, or distributor of
17 nonprescription drugs and commercially packaged legend
18 drugs and devices,
- 19 c. the participation in drug selection and drug
20 utilization reviews,
- 21 d. the proper and safe storage of drugs and devices and
22 the maintenance of proper records thereof,
- 23 e. the responsibility for advising by counseling and
24 providing information, where professionally necessary

1 or where regulated, of therapeutic values, content,
2 hazards, and use of drugs and devices,

3 f. the offering or performing of those acts, services,
4 operations, or transactions necessary in the conduct,
5 operation, management, and control of a pharmacy, or

6 g. the provision of those acts or services that are
7 necessary to provide pharmaceutical care;

8 39. "Preparation" means an article which may or may not contain
9 sterile products compounded in a licensed pharmacy pursuant to the
10 order of a licensed prescriber;

11 40. "Prescriber" means a person licensed in this state who is
12 authorized to prescribe dangerous drugs within the scope of practice
13 of the person's profession;

14 41. "Prescription" means and includes any order for drug or
15 medical supplies written or signed, or transmitted by word of mouth,
16 telephone, or other means of communication:

17 a. by a licensed prescriber, including:

18 (1) a Certified Nurse Practitioner, Clinical Nurse
19 Specialist, or Certified Nurse-Midwife licensed
20 in the state who has obtained independent
21 prescriptive authority under Section 567.4c of
22 Title 59 of the Oklahoma Statutes, and

23 (2) a physician assistant entitled to practice
24 without the supervision of a delegating physician

1 under Section 519.6 of Title 59 of the Oklahoma
2 Statutes;

3 b. by a physician assistant pursuant to a practice
4 agreement,

5 c. ~~(1) under the supervision of a supervising physician,~~
6 by a Certified Nurse Practitioner, Clinical Nurse
7 Specialist, or Certified Nurse-Midwife licensed
8 in this state who has not obtained independent
9 prescriptive authority under ~~Section 1 of this~~
10 ~~act~~ Section 567.4c of Title 59 of the Oklahoma
11 Statutes under the supervision of a supervising
12 physician, or

13 ~~(2) by a Certified Nurse Practitioner, Clinical Nurse~~
14 ~~Specialist, or Certified Nurse-Midwife licensed~~
15 ~~in this state who has obtained independent~~
16 ~~prescriptive authority under Section 1 of this~~
17 ~~act, or~~

18 d. by an Oklahoma licensed wholesaler or distributor as
19 authorized in Section 353.29.1 of this title;

20 42. "Product" means a prescription drug in a finished dosage
21 form for administration to a patient without substantial further
22 manufacturing, such as capsules, tablets, and lyophilized products
23 before reconstitution. Product does not include blood components
24

1 intended for transfusion, radioactive drugs or biologics and medical
2 gas;

3 43. "Repackager", including "virtual repackager", means a
4 person who owns or operates an establishment that repacks and
5 relabels a product or package for further sale or distribution
6 without further transaction;

7 44. "Sterile drug" means a drug that is intended for parenteral
8 administration, an ophthalmic or oral inhalation drug in aqueous
9 format, or a drug that is required to be sterile under state and
10 federal law;

11 45. "Supervising physician" means an individual holding a
12 current license to practice as a physician from the State Board of
13 Medical Licensure and Supervision, pursuant to the provisions of the
14 Oklahoma Allopathic Medical and Surgical Licensure and Supervision
15 Act, or the State Board of Osteopathic Examiners, pursuant to the
16 provisions of the Oklahoma Osteopathic Medicine Act, who supervises
17 a Certified Nurse Practitioner, Clinical Nurse Specialist, or
18 Certified Nurse-Midwife as defined in Section 567.3a of this title
19 who has not obtained independent prescriptive authority under
20 Section ~~1 of this act~~ 567.4c of this title, and who is not in
21 training as an intern, resident, or fellow. The supervising
22 physician shall remain in compliance with the rules promulgated by
23 the State Board of Medical Licensure and Supervision or the State
24 Board of Osteopathic Examiners;

1 46. "Supportive personnel" means technicians and auxiliary
2 supportive persons who are regularly paid employees of a pharmacy
3 who work and perform tasks in the pharmacy as authorized by Section
4 353.18A of this title;

5 47. "Third-party logistics provider" including "virtual third-
6 party logistics provider" means an entity that provides or
7 coordinates warehousing, or other logistics services of a product in
8 interstate commerce on behalf of a manufacturer, wholesale
9 distributor, or dispenser of a product but does not take ownership
10 of the product, nor have responsibility to direct the sale or
11 disposition of the product. For the purposes of this paragraph,
12 third-party logistics provider does not include shippers and the
13 United States Postal Service;

14 48. "Wholesale distributor" including "virtual wholesale
15 distributor" means a person other than a manufacturer, a
16 manufacturer's co-licensed partner, a third-party logistics
17 provider, or repackager engaged in wholesale distribution as defined
18 by 21 U.S.C., Section 353(e)(4) as amended by the Drug Supply Chain
19 Security Act;

20 49. "County jail" means a facility operated by a county for the
21 physical detention and correction of persons charged with, or
22 convicted of, criminal offenses or ordinance violations or persons
23 found guilty of civil or criminal contempt;

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1 50. "State correctional facility" means a facility or
2 institution that houses a prisoner population under the jurisdiction
3 of the Department of Corrections;

4 51. "Unit dose package" means a package that contains a single
5 dose drug with the name, strength, control number, and expiration
6 date of that drug on the label; and

7 52. "Unit of issue package" means a package that provides
8 multiple doses of the same drug, but each drug is individually
9 separated and includes the name, lot number, and expiration date.

10 SECTION 2. AMENDATORY 59 O.S. 2021, Section 353.1a, as
11 amended by Section 6, Chapter 340, O.S.L. 2025 (59 O.S. Supp. 2025,
12 Section 353.1a), is amended to read as follows:

13 Section 353.1a. A. Prescriptive authority for certain licensed
14 Advanced Practice Registered Nurses:

15 1. Prescriptive authority shall be allowed, under a current
16 supervision agreement with a supervising physician, for a licensed
17 Advanced Practice Registered Nurse recognized by the Oklahoma Board
18 of Nursing as a Certified Nurse Practitioner, Clinical Nurse
19 Specialist, or Certified Nurse-Midwife who has not obtained
20 independent prescriptive authority ~~under Section 1 of this act.~~
21 pursuant to Section 567.4c of Title 59 of the Oklahoma Statutes; and

22 2. Prescriptive authority shall be allowed, independent of a
23 current supervision agreement with a supervising physician, for a
24 licensed Advanced Practice Registered Nurse recognized by the

1 Oklahoma Board of Nursing as a Certified Nurse Practitioner,
2 Clinical Nurse Specialist, or Certified Nurse-Midwife who has
3 obtained independent prescriptive authority ~~under Section 1 of this~~
4 ~~act~~ pursuant to Section 567.4c of Title 59 of the Oklahoma Statutes.

5 B. Prescriptive authority for physician assistants:

6 1. Prescriptive authority shall be allowed, pursuant to a
7 practice agreement, for a physician assistant required to practice
8 under supervision of a delegating physician; and

9 2. Prescriptive authority shall be allowed for a physician
10 assistant not required to practice under supervision of a delegating
11 physician.

12 C. ~~The~~ An Advanced Practice Registered Nurse may write or sign,
13 or transmit by word of mouth, telephone, or other means of
14 communication an order for drugs or medical supplies that is
15 intended to be filled, compounded, or dispensed by a pharmacist.
16 The supervising physician, if applicable, and the prescribing
17 Advanced Practice Registered Nurse shall be identified at the time
18 of origination of the prescription and the name of the prescribing
19 Advanced Practice Registered Nurse shall be printed on the
20 prescription label.

21 ~~C.~~ D. Pharmacists may dispense prescriptions for non-controlled
22 prescription drugs authorized by an Advanced Practice Registered
23 Nurse or physician assistant, not located in this state, provided
24

1 that they are licensed in the state in which they are actively
2 prescribing.

3 ~~D.~~ 1. E. Pharmacists may only dispense prescriptions for
4 controlled dangerous substances prescribed by:

5 1. an An Advanced Practice Registered Nurse licensed in this
6 state who meets the criteria in paragraph 1 or 2 of subsection A of
7 this section.

8 ~~2. Pharmacists may only dispense prescriptions for controlled~~
9 ~~dangerous substances prescribed by a~~ A physician assistant licensed
10 in this state pursuant to a practice agreement.

11 F. Pharmacies and pharmacists may rely on the Board of Medical
12 Licensure and Supervision list of physician assistants who have
13 reported completion of six thousand two hundred forty (6,240) or
14 more postgraduate clinical experience hours and are thus entitled to
15 prescribe without a practice agreement.

16 SECTION 3. REPEALER 59 O.S. 2021, Section 353.1, as last
17 amended by Section 1, Chapter 343, O.S.L. 2025 (59 O.S. Supp. 2025,
18 Section 353.1), is hereby repealed.

19 SECTION 4. REPEALER 59 O.S. 2021, Section 353.1a, as
20 amended by Section 2, Chapter 343, O.S.L. 2025 (59 O.S. Supp. 2025,
21 Section 353.1a), is hereby repealed.

22 SECTION 5. This act shall become effective November 1, 2026.

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