

1 **SENATE FLOOR VERSION**

2 March 3, 2025

3 **AS AMENDED**

4 SENATE BILL NO. 741

5 By: Gollihare

6 **[practice of pharmacy - drug therapy - tests -**
7 **codification - effective date]**

8
9 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

10 SECTION 1. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 353.31 of Title 59, unless there
12 is created a duplication in numbering, reads as follows:

13 A. In accordance with a standing order issued by a licensed
14 allopathic or osteopathic physician or by the medical director of a
15 county or local health department, a pharmacist may test or screen
16 for and initiate drug therapy for minor, nonchronic health
17 conditions as defined in Section 353.1 of Title 59 of the Oklahoma
18 Statutes.

19 B. To test for minor, nonchronic health conditions under this
20 section, the pharmacist may use any test that may guide clinical
21 decision-making and that is:

22 1. Approved by, cleared by, or authorized under an emergency
23 use authorization by the United States Food and Drug Administration;
24 and

1 2. Waived under the federal Clinical Laboratory Improvement
2 Amendments of 1988 (CLIA) or deemed to be CLIA-waived for use in
3 patient care settings operating under a CLIA certificate.

4 C. A pharmacist shall not test or screen for streptococcus or
5 initiate drug therapy for streptococcus to individuals under six (6)
6 years of age.

7 SECTION 2. AMENDATORY 59 O.S. 2021, Section 353.1, as
8 amended by Section 6, Chapter 288, O.S.L. 2022 (59 O.S. Supp. 2024,
9 Section 353.1), is amended to read as follows:

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

11 1. "Accredited program" means those seminars, classes,
12 meetings, work projects, and other educational courses approved by
13 the ~~Board~~ State Board of Pharmacy for purposes of continuing
14 professional education;

15 2. "Act" means the Oklahoma Pharmacy Act;

16 3. "Administer" means the direct application of a drug, whether
17 by injection, inhalation, ingestion, or any other means, to the body
18 of a patient;

19 4. "Assistant pharmacist" means any person presently licensed
20 as an assistant pharmacist in ~~the State of Oklahoma~~ this state by
21 the Board pursuant to Section 353.10 of this title and for the
22 purposes of the Oklahoma Pharmacy Act shall be considered the same
23 as a pharmacist, except where otherwise specified;

24 5. "Board" or "State Board" means the State Board of Pharmacy;

1 6. "Certify" or "certification of a prescription" means the
2 review of a filled prescription by a licensed pharmacist or a
3 licensed practitioner with dispensing authority to confirm that the
4 medication, labeling, and packaging of the filled prescription are
5 accurate and meet all requirements prescribed by state and federal
6 law. For the purposes of this paragraph, "licensed practitioner"
7 shall not include optometrists with dispensing authority;

8 7. "Chemical" means any medicinal substance, whether simple or
9 compound or obtained through the process of the science and art of
10 chemistry, whether of organic or inorganic origin;

11 8. "Compounding" means the combining, admixing, mixing,
12 diluting, pooling, reconstituting, or otherwise altering of a drug
13 or bulk drug substance to create a drug. Compounding includes the
14 preparation of drugs or devices in anticipation of prescription drug
15 orders based on routine, regularly observed prescribing patterns;

16 9. "Continuing professional education" means professional,
17 pharmaceutical education in the general areas of the socioeconomic
18 and legal aspects of health care; the properties and actions of
19 drugs and dosage forms; and the etiology, characteristics, and
20 therapeutics of the diseased state;

21 10. "Dangerous drug", "legend drug", "prescription drug", or
22 "Rx Only" means a drug:

23 a. for human use subject to 21 U.S.C. 353(b)(1), or
24

1 b. is labeled "Prescription Only", or labeled with the
2 following statement: "Caution: Federal law restricts
3 this drug ~~except for~~ to use by or on the order of a
4 licensed veterinarian.";

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

7 12. "Dispense" or "dispensing" means the interpretation,
8 evaluation, and implementation of a prescription drug order
9 including the preparation and delivery of a drug or device to a
10 patient or a patient's agent in a suitable container appropriately
11 labeled for subsequent administration to, or use by, a patient.
12 Dispense includes sell, distribute, leave with, give away, dispose
13 of, deliver, or supply;

14 13. "Dispenser" means a retail pharmacy, hospital pharmacy, a
15 group of chain pharmacies under common ownership and control that do
16 not act as a wholesale distributor, or any other person authorized
17 by law to dispense or administer prescription drugs, and the
18 affiliated warehouses or distributions of such entities under common
19 ownership and control that do not act as a wholesale distributor.
20 For the purposes of this paragraph, ~~"dispenser"~~ dispenser does not
21 mean a person who dispenses only products to be used in animals in
22 accordance with 21 U.S.C. 360b(a) (5);

23 14. "Distribute" or "distribution" means the sale, purchase,
24 trade, delivery, handling, storage, or receipt of a product, and

1 does not include the dispensing of a product pursuant to a
2 prescription executed in accordance with 21 U.S.C. 353(b)(1) or the
3 dispensing of a product approved under 21 U.S.C. 360b(b); provided,
4 taking actual physical possession of a product or title shall not be
5 required;

6 15. "Doctor of Pharmacy" means a person licensed by the Board
7 to engage in the practice of pharmacy. The terms "pharmacist",
8 "D.Ph.", and "Doctor of Pharmacy" shall be interchangeable and shall
9 have the same meaning wherever they appear in the Oklahoma Statutes
10 and the rules promulgated by the Board;

11 16. "Drug outlet" means all manufacturers, repackagers,
12 outsourcing facilities, wholesale distributors, third-party
13 logistics providers, pharmacies, and all other facilities which are
14 engaged in dispensing, delivery, distribution, or storage of
15 dangerous drugs;

16 17. "Drugs" means all medicinal substances and preparations
17 recognized by the United States ~~Pharmacopoeia~~ Pharmacopeia and
18 National Formulary, or any revision thereof, and all substances and
19 preparations intended for external and/or internal use in the cure,
20 diagnosis, mitigation, treatment, or prevention of disease in humans
21 or animals and all substances and preparations, other than food,
22 intended to affect the structure or any function of the body of a
23 human or animals;

24

1 18. "Drug sample" means a unit of a prescription drug packaged
2 under the authority and responsibility of the manufacturer that is
3 not intended to be sold and is intended to promote the sale of the
4 drug;

5 19. "Durable medical equipment" has the same meaning as
6 provided by Section ~~2 of this act~~ 375.2 of this title;

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

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

13 22. "Licensed practitioner" means an allopathic physician,
14 osteopathic physician, podiatric physician, dentist, veterinarian,
15 or optometrist licensed to practice and authorized to prescribe
16 dangerous drugs within the scope of practice of such practitioner;

17 23. "Manufacturer" or "virtual manufacturer" means with respect
18 to a product:

- 19 a. a person that holds an application approved under 21
20 U.S.C. 355 or a license issued under 42 U.S.C. 262 for
21 such product, or if such product is not the subject of
22 an approved application or license, the person who
23 manufactured the product,

24

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

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

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

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

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

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

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

13 30. "Minor, nonchronic health condition" means a typically
14 short-term health condition that is generally managed with
15 noncontrolled drug therapies, minimal treatment, or self-care, and
16 is limited to the following:

- 17 a. influenzas,
- 18 b. streptococcus,
- 19 c. SARS-CoV-2,
- 20 d. lice, and
- 21 e. other emerging and existing public health threats
22 identified by the State Commissioner of Health if
23 permitted by an order, rule, or regulation;

24

1 31. "Nonprescription drugs" means medicines or drugs which are
2 sold without a prescription and which are prepackaged for use by the
3 consumer and labeled in accordance with the requirements of the
4 statutes and regulations of this state and the federal government.
5 Such items shall also include medical and dental supplies and
6 bottled or nonbulk chemicals which are sold or offered for sale to
7 the general public if such articles or preparations meet the
8 requirements of the Federal Food, Drug, and Cosmetic Act, 21
9 U.S.C.A., Section 321 et seq.;

10 ~~31.~~ 32. "Outsourcing facility" including "virtual outsourcing
11 facility" means a facility at one geographic location or address
12 that:

- 13 a. is engaged in the compounding of sterile drugs,
- 14 b. has elected to register as an outsourcing facility,
- 15 and
- 16 c. complies with all requirements of 21 U.S.C. 353b;

17 ~~32.~~ 33. "Package" means the smallest individual saleable unit
18 of product for distribution by a manufacturer or repackager that is
19 intended by the manufacturer for ultimate sale to the dispenser of
20 such product. For the purposes of this paragraph, "individual
21 saleable unit" means the smallest container of a product introduced
22 into commerce by the manufacturer or repackager that is intended by
23 the manufacturer or repackager for individual sale to a dispenser;

24

1 ~~33.~~ 34. "Person" means an individual, partnership, limited
2 liability company, corporation, or association, unless the context
3 otherwise requires;

4 ~~34.~~ 35. "Pharmacist-in-charge" or "PIC" means the pharmacist
5 licensed in this state responsible for the management control of a
6 pharmacy and all other aspects of the practice of pharmacy in a
7 licensed pharmacy as defined by Section 353.18 of this title;

8 ~~35.~~ 36. "Pharmacy" means a place regularly licensed by the
9 State Board of Pharmacy in which prescriptions, drugs, medicines,
10 chemicals, and poisons are compounded or dispensed or such place
11 where pharmacists practice the profession of pharmacy, or a pharmacy
12 operated by the Oklahoma Department of Veterans Affairs;

13 ~~36.~~ 37. "Pharmacy technician", "technician", "Rx tech", or
14 "tech" means a person issued a ~~Technician~~ technician permit by the
15 State Board of Pharmacy to assist the pharmacist and perform
16 nonjudgmental, technical, manipulative, non-discretionary functions
17 in the prescription department under the immediate and direct
18 supervision of a pharmacist;

19 ~~37.~~ 38. "Poison" means any substance which when introduced into
20 the body, either directly or by absorption, produces violent,
21 morbid, or fatal changes, or which destroys living tissue with which
22 such substance comes into contact;

23 ~~38.~~ 39. "Practice of pharmacy" means:
24

- 1 a. the interpretation and evaluation of prescription
2 orders,
- 3 b. the compounding, dispensing, administering, and
4 labeling of drugs and devices, except labeling by a
5 manufacturer, repackager, or distributor of
6 nonprescription drugs and commercially packaged legend
7 drugs and devices,
- 8 c. the participation in drug selection and drug
9 utilization reviews,
- 10 d. the proper and safe storage of drugs and devices and
11 the maintenance of proper records thereof,
- 12 e. the responsibility for advising by counseling and
13 providing information, where professionally necessary
14 or where regulated, of therapeutic values, content,
15 hazards, and use of drugs and devices,
- 16 f. the offering or performing of those acts, services,
17 operations, or transactions necessary in the conduct,
18 operation, management, and control of a pharmacy, ~~or~~
- 19 g. the ordering, performing, and interpreting of tests
20 for minor, nonchronic health conditions that meet the
21 requirements of Section 1 of this act and the
22 initiation of drug therapy for minor, nonchronic
23 health conditions, or
24

1 h. the provision of those acts or services that are
2 necessary to provide pharmaceutical care;

3 ~~39.~~ 40. "Preparation" means an article which may or may not
4 contain sterile products compounded in a licensed pharmacy pursuant
5 to the order of a licensed prescriber;

6 ~~40.~~ 41. "Prescriber" means a person licensed in this state who
7 is authorized to prescribe dangerous drugs within the scope of
8 practice of the person's profession;

9 ~~41.~~ 42. "Prescription" means and includes any order for drug or
10 medical supplies written or signed, or transmitted by word of mouth,
11 telephone, or other means of communication:

12 a. by a licensed prescriber,

13 b. under the supervision of an Oklahoma licensed
14 practitioner, an Oklahoma licensed ~~advanced practice~~
15 ~~registered nurse~~ Advanced Practice Registered Nurse,
16 or an Oklahoma licensed physician assistant, or

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

19 ~~42.~~ 43. "Product" means a prescription drug in a finished
20 dosage form for administration to a patient without substantial
21 further manufacturing, such as capsules, tablets, and lyophilized
22 products before reconstitution. ~~"Product"~~ Product does not include
23 blood components intended for transfusion, radioactive drugs or
24 biologics and medical gas;

1 ~~43.~~ 44. "Repackager", including "virtual repackager", means a
2 person who owns or operates an establishment that repacks and
3 relabels a product or package for further sale or distribution
4 without further transaction;

5 ~~44.~~ 45. "Sterile drug" means a drug that is intended for
6 parenteral administration, an ophthalmic or oral inhalation drug in
7 aqueous format, or a drug that is required to be sterile under state
8 and federal law;

9 ~~45.~~ 46. "Supervising physician" means an individual holding a
10 current license to practice as a physician from the State Board of
11 Medical Licensure and Supervision, pursuant to the provisions of the
12 Oklahoma Allopathic Medical and Surgical Licensure and Supervision
13 Act, or the State Board of Osteopathic Examiners, pursuant to the
14 provisions of the Oklahoma Osteopathic Medicine Act, who supervises
15 an ~~advanced practice registered nurse~~ Advanced Practice Registered
16 Nurse as defined in Section 567.3a of this title, and who is not in
17 training as an intern, resident, or fellow. To be eligible to
18 supervise an ~~advanced practice registered nurse~~ Advanced Practice
19 Registered Nurse, such physician shall remain in compliance with the
20 rules promulgated by the State Board of Medical Licensure and
21 Supervision or the State Board of Osteopathic Examiners;

22 ~~46.~~ 47. "Supportive personnel" means technicians and auxiliary
23 supportive persons who are regularly paid employees of a pharmacy
24

1 who work and perform tasks in the pharmacy as authorized by Section
2 353.18A of this title;

3 ~~47.~~ 48. "Third-party logistics provider" including "virtual
4 third-party logistics provider" means an entity that provides or
5 coordinates warehousing, or other logistics services of a product in
6 interstate commerce on behalf of a manufacturer, wholesale
7 distributor, or dispenser of a product but does not take ownership
8 of the product, nor have responsibility to direct the sale or
9 disposition of the product. For the purposes of this paragraph,
10 ~~"third-party logistics provider"~~ third-party logistics provider does
11 not include shippers and the United States Postal Service;

12 ~~48.~~ 49. "Wholesale distributor" including "virtual wholesale
13 distributor" means a person other than a manufacturer, a
14 manufacturer's co-licensed partner, a third-party logistics
15 provider, or repackager engaged in wholesale distribution as defined
16 by 21 U.S.C. 353(e) (4) as amended by the Drug Supply Chain Security
17 Act;

18 ~~49.~~ 50. "County jail" means a facility operated by a county for
19 the physical detention and correction of persons charged with, or
20 convicted of, criminal offenses or ordinance violations or persons
21 found guilty of civil or criminal contempt;

22 ~~50.~~ 51. "State correctional facility" means a facility or
23 institution that houses a prisoner population under the jurisdiction
24 of the Department of Corrections;

1 ~~51.~~ 52. "Unit dose package" means a package that contains a
2 single dose drug with the name, strength, control number, and
3 expiration date of that drug on the label; and

4 ~~52.~~ 53. "Unit of issue package" means a package that provides
5 multiple doses of the same drug, but each drug is individually
6 separated and includes the name, lot number, and expiration date.

7 SECTION 3. This act shall become effective November 1, 2025.

8 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
9 March 3, 2025 - DO PASS AS AMENDED

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