An Act

ENROLLED SENATE
BILL NO. 787

By: Standridge of the Senate

and

Derby of the House

An Act relating to pharmacy; amending 59 O.S. 2011, Section 353.1, as amended by Section 1, Chapter 340, O.S.L. 2014 (59 O.S. Supp. 2014, Section 353.1), which relates to definitions; modifying, adding, and removing certain definitions; amending 59 O.S. 2011, Section 353.3, which relates to the State Board of Pharmacy; removing certain provision relating to service of terms by Board members; amending 59 O.S. 2011, Section 353.5, which relates to the Executive Director of the State Board of Pharmacy; removing certain requirements relating to determination of salary; authorizing employment of an Executive Director; establishing qualifications; providing for duties of Executive Director; amending 59 O.S. 2011, Section 353.6, which relates to meetings for examination of applicants; modifying language term; amending 59 O.S. 2011, Section 353.7, which relates to powers of the Board; adding and deleting certain powers and duties; amending 59 O.S. 2011, Section 353.9, which relates to licensing of pharmacists; deleting obsolete language; requiring certain persons to submit applications and payments for certain purposes; amending 59 O.S. 2011, Section 353.11, which relates to pharmacist license renewal fees; removing time limitation for renewal of certain license; requiring candidates to meet certain conditions for renewal of license; permitting Board to impose certain requirements for reinstatement; requiring continuing education for renewal of pharmacist licenses; permitting Board to use alternative methods for continuing education requirements; providing for an inactive renewal

certificate; prohibiting practice of pharmacy under certain circumstances; amending 59 O.S. 2011, Section 353.12, which relates to the display of licenses; requiring certain persons to display certain documentation; requiring certain persons to remove licenses after expiration; amending 59 O.S. 2011, Section 353.17, which relates to unlawful uses of certain titles; expanding prohibition on use of certain titles without Board authorization; amending 59 O.S. 2011, Section 353.18, which relates to the sale, manufacturing, and packaging of certain products; requiring licensure for certain entities delivering certain products; modifying standards and procedures for licensure of certain entities; requiring additional licensure for certain facilities; removing certain exemptions; permitting supportive personnel to perform certain tasks following acquisition of certain permit; providing standards for permits; providing standards for expiration and reinstatement of permits; amending 59 O.S. 2011, Section 353.20, which relates to pharmaceutical equipment; requiring pharmacy premises and drugs to be maintained in certain conditions; permitting cancellation of licenses under certain circumstances; requiring dispensers to maintain certain records; requiring pharmacists to record certain prescriptions; providing standards for prescription labels; amending 59 O.S. 2011, Section 353.22, which relates to the sale of poisons; clarifying language; modifying certain exemption; amending 59 O.S. 2011, Section 353.24, which relates to unlawful acts; deleting certain definition; broadening scope of unlawful acts; prohibiting management of more than one pharmacy by certain persons; prohibiting certain substitutions of certain products; requiring licensure prior to practice of pharmacy; prohibiting subversion of certain persons; prohibiting certain commercial activities; amending 59 O.S. 2011, Section 353.26, which relates to revocation and suspension of licenses; permitting Board to permanently revoke licenses for certain acts; providing standards for hearings, service, and

entry of judgment; permitting shipment of certain products under certain circumstances; waiving certain requirements relating to shipment of certain products; prohibiting certain uses of certain products under certain circumstances; permitting pharmacists to dispense prescriptions by optometrists under certain circumstances; requiring certain information for prescriptions; requiring certain compliance; amending 59 O.S. 2011, Section 354, which relates to prescriptions of patients; requiring pharmacists to transfer certain prescriptions; prohibiting certain refusal by prescribers; amending 59 O.S. 2011, Section 355.1, which relates to dispensing dangerous drugs; requiring prescribers to obtain certain registration; providing certain exemption; amending 59 O.S. 2011, Section 355.2, which relates to violations of the Oklahoma Pharmacy Act; requiring prescribers to be subject to certain actions for violations; repealing 59 O.S. 2011, Section 353.13A, which relates to certain records; clarifying language; providing for codification; and providing an effective date.

SUBJECT: Pharmacy

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

SECTION 1. AMENDATORY 59 O.S. 2011, Section 353.1, as amended by Section 1, Chapter 340, O.S.L. 2014 (59 O.S. Supp. 2014, Section 353.1), is amended to read as follows:

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

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

2. "Act" means the Oklahoma Pharmacy Act;

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

~~3.~~ 4. "Assistant pharmacist" means any person presently licensed as an assistant pharmacist in the State of Oklahoma by the Board pursuant to Section 353.10 of this title and for the purposes of ~~this act~~ the Oklahoma Pharmacy Act shall be considered the same as a pharmacist, except where otherwise specified;

~~4.~~ 5. "Board" or "State Board" means the State Board of Pharmacy;

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

~~5.~~ 7. "Chemical" means any medicinal substance, whether simple or compound or obtained through the process of the science and art of chemistry, whether of organic or inorganic origin;

~~6.~~ 8. "Compounding" means the ~~preparation, mixing, assembling, packaging, or labeling of a drug or device:~~

~~a. in accordance with a licensed practitioner's prescription drug order under an initiative based on the practitioner/patient/pharmacist relationship in the course of professional practice, or~~

~~b. for the purpose of, or incident to, research, teaching, or chemical analysis and not for sale or dispensing.~~

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

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

~~8.~~ 10. "Dangerous drug", "legend drug", "prescription drug" or "Rx Only" means a drug ~~which~~:

a. ~~under federal law, is required, prior to being dispensed or delivered, to be labeled with one of the following statements:~~

~~(1) "Caution: Federal law prohibits dispensing without prescription",~~

~~(2) "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian", or~~

~~(3) "Rx Only", or~~

~~b. is required by any applicable federal or state law or regulation to be dispensed on prescription only or is restricted to use by licensed practitioners only~~ for human use subject to 21 U.S.C. 353(b)(1); or

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

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

~~9.~~ 12. "Dispense" or "dispensing" means the interpretation, evaluation, and implementation of a prescription drug order, including the preparation and delivery of a drug or device to a patient or a patient's agent in a suitable container appropriately labeled for subsequent administration to, or use by, a patient.

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

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

14. "Distribute" or "distribution" means the sale, purchase, trade, delivery, handling, storage, or receipt of a product, and does not include the dispensing of a product pursuant to a prescription executed in accordance with 21 U.S.C. 353(b)(1) or the dispensing of a product approved under 21 U.S.C. 360b(b);

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

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

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

18. "Drug sample" means a unit of a prescription drug packaged under the authority and responsibility of the manufacturer that is

not intended to be sold and is intended to promote the sale of the drug;

~~13.~~ 19. "Filled prescription" means a packaged prescription medication to which a label has been affixed which contains such information as is required by the Oklahoma Pharmacy Act;

~~14.~~ 20. "Hospital" means any institution licensed as a hospital by this state for the care and treatment of patients, or a pharmacy operated by the Oklahoma Department of Veterans Affairs;

~~15.~~ 21. "Licensed practitioner" means an allopathic physician, osteopathic physician, podiatric physician, dentist, veterinarian or optometrist licensed to practice and authorized to prescribe dangerous drugs within the scope of practice of such practitioner;

~~16.~~ 22. "Manufacturer" or "virtual manufacturer" means ~~a person engaged in the manufacturing of drugs~~ with respect to a product:

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

b. a co-licensed partner of the person described in subparagraph a that obtains the product directly from a person described in this subparagraph or subparagraph a, or

c. an affiliate of a person described in subparagraph a or b who receives the product directly from a person described in this subparagraph or in subparagraph a or b;

~~17.~~ 23. "Manufacturing" means the production, preparation, propagation, compounding, conversion or processing of a device or a drug, either directly or indirectly by extraction from substances of natural origin or independently by means of chemical or biological synthesis and includes any packaging or repackaging of the substances or labeling or relabeling of its container, and the promotion and marketing of such drugs or devices. The term

"manufacturing" also includes the preparation and promotion of commercially available products from bulk compounds for resale by licensed pharmacies, licensed practitioners or other persons;

~~18.~~ 24. "Medical gas" means those gases including those in liquid state upon which the manufacturer or distributor has placed one of several cautions, such as "Rx Only", in compliance with federal law;

~~19.~~ 25. "Medical gas order" means an order for medical gas issued by a licensed ~~medical practitioner~~ prescriber;

~~20.~~ 26. "Medical gas distributor" means a person licensed to distribute, transfer, wholesale, deliver or sell medical gases on drug orders to suppliers or other entities licensed to use, administer or distribute medical gas and may also include a patient or ultimate user;

~~21.~~ 27. "Medical gas supplier" means a person who dispenses medical gases on drug orders only to a patient or ultimate user;

~~22.~~ 28. "Medicine" means any drug or combination of drugs which has the property of curing, preventing, treating, diagnosing or mitigating diseases, or which is used for that purpose;

~~23.~~ 29. "Nonprescription drugs" means medicines or drugs which are sold without a prescription and which are prepackaged for use by the consumer and labeled in accordance with the requirements of the statutes and regulations of this state and the federal government. Such items shall also include medical and dental supplies and bottled or nonbulk chemicals which are sold or offered for sale to the general public if such articles or preparations meet the requirements of the Federal Food, Drug and Cosmetic Act, 21 U.S.C.A., Section 321 et seq.;

~~24. "Packager" means any person, firm or corporation, except a pharmacy, who transfers dangerous drugs including, but not limited to, compressed medical gases from one container to another of any type;~~

30. "Outsourcing facility", including "virtual outsourcing facility" means a facility at one geographic location or address that:

a. is engaged in the compounding of sterile drugs,

b. has elected to register as an outsourcing facility, and

c. complies with all requirements of 21 U.S.C. 353b;

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

~~25.~~ 32. "Person" means an individual, partnership, limited liability company, corporation or association, unless the context otherwise requires;

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

~~26.~~ 34. "Pharmacy" means a place regularly licensed by the Board of Pharmacy in which prescriptions, drugs, medicines, chemicals and poisons are compounded or dispensed or such place where pharmacists practice the profession of pharmacy, or a pharmacy operated by the Oklahoma Department of Veterans Affairs;

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

~~27.~~ 36. "Poison" means any substance which when introduced into the body, either directly or by absorption, produces violent, morbid or fatal changes, or which destroys living tissue with which such substance comes into contact;

~~28.~~ 37. "Practice of pharmacy" means:

a. the interpretation and evaluation of prescription orders,

b. the compounding, dispensing, administering and labeling of drugs and devices, except labeling by a manufacturer, ~~packer~~ repackager or distributor of nonprescription drugs and commercially packaged legend drugs and devices,

c. the participation in drug selection and drug utilization reviews,

d. the proper and safe storage of drugs and devices and the maintenance of proper records thereof,

e. the responsibility for advising by counseling and providing information, where professionally necessary or where regulated, of therapeutic values, content, hazards and use of drugs and devices,

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

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

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

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

~~29.~~ 40. "Prescription" means and includes any order for drug or medical supplies written or signed, or transmitted by word of mouth, telephone or other means of communication ~~by~~:

a. by a licensed practitioner ~~of allopathic or osteopathic medicine, dentistry, podiatry, optometry, or veterinary medicine, or~~

b. under the supervision of an Oklahoma licensed ~~physician~~ practitioner, an Oklahoma licensed advanced practice registered nurse or an Oklahoma licensed physician assistant, or

c. by an Oklahoma licensed wholesaler or distributor as authorized in ~~subsection G of~~ Section ~~353.13~~ 353.29 of this title;

~~30. "Professional samples" means complimentary drugs packaged in accordance with federal and state statutes and regulations;~~

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

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

43. "Sterile drug" means a drug that is intended for parental administration, an ophthalmic or oral inhalation drug in aqueous format, or a drug that is required to be sterile under state and federal law;

~~31.~~ 44. "Supervising physician" means an individual holding a current license to practice as a physician from the State Board of Medical Licensure and Supervision, pursuant to the provisions of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision

Act, or the State Board of Osteopathic Examiners, pursuant to the provisions of the Oklahoma Osteopathic Medicine Act, who supervises an advanced practice registered nurse as defined in Section 567.3a of this title, and who is not in training as an intern, resident, or fellow. To be eligible to supervise an advanced practice registered nurse, such physician shall remain in compliance with the rules promulgated by the State Board of Medical Licensure and Supervision or the State Board of Osteopathic Examiners;

~~32.~~ 45. "Supportive personnel" means technicians and auxiliary supportive persons who are regularly paid employees of a pharmacy who work and perform tasks in the pharmacy as authorized by Section ~~353.29~~ 353.19 of this title; ~~and~~

~~33. "Wholesaler" or "distributor" means a person engaged in the business of distributing dangerous drugs or medicines at wholesale to pharmacies, hospitals, practitioners, government agencies or other lawful drug outlets permitted to sell or use drugs or medicines, or as authorized in subsection G of Section 353.13 of this title.~~

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

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

SECTION 2. AMENDATORY 59 O.S. 2011, Section 353.3, is amended to read as follows:

Section 353.3. A. The State Board of Pharmacy shall consist of six (6) persons, five who shall be licensed as pharmacists by this state and one who shall be a public member.

1. The pharmacist members shall be appointed by the Governor by and with the advice and consent of the Senate and shall:

a. be registered and in good standing in the State of Oklahoma, and

b. have been actively engaged in the practice of pharmacy within this state for a period of not less than five (5) years immediately prior to serving on the Board.

2. The public member shall be appointed by the Governor and shall:

a. be a resident of the State of Oklahoma for not less than five (5) years, and

b. not be a pharmacist or be related by blood or marriage within the third degree of consanguinity to a pharmacist.

B. The present members of the Board ~~shall continue to serve the remainder of their terms. Successors~~ shall be appointed for a term of five (5) years. The public member of the Board shall serve a term coterminous with the Governor and shall serve at the pleasure of the Governor. The terms of the members of the Board shall expire on the 30th day of June of the year designated for the expiration of the term for which appointed but the member shall serve until a qualified successor has been duly appointed. No person shall be appointed to serve more than two consecutive terms. ~~Said appointments~~ Appointments of pharmacists to the Board shall be made from a list of ten (10) names representative of the pharmacy profession submitted annually by the Executive Director of the Oklahoma ~~Pharmaceutical~~ Pharmacists Association after an election has been held by mail ballot.

SECTION 3. AMENDATORY 59 O.S. 2011, Section 353.5, is amended to read as follows:

Section 353.5. A. The State Board of Pharmacy shall annually elect a president and vice-president of the Board. The president and vice-president shall serve for a term of one (1) year and shall perform the duties prescribed by the Board~~. The Board shall employ an Executive Director who is a licensed pharmacist or is eligible to become a licensed pharmacist in this state. The Executive Director shall perform such duties as required by the Board~~.

B. Each member of the Board shall receive necessary travel expenses incurred in the discharge of official duties pursuant to the State Travel Reimbursement Act.

C. The Board shall employ an Executive Director who is a licensed pharmacist in this state. The Executive Director shall perform such duties as required by the Board. The Executive Director of the Board shall receive an annual salary to be fixed by the Board~~. The Board shall determine and base the annual salary of the Executive Director upon data obtained from a survey of U.S. regional average annual salaries for licensed pharmacists, compiled and published each year by the National Community Pharmacist's Association~~.

D. The Executive Director shall:

1. Deposit funds with the State Treasurer to be expended in the manner and for the purposes provided by law; and

2. Report to the Board ~~each month~~ at each meeting, presenting an accurate monthly account as to the funds of the Board and make available written and acknowledged claims for all disbursements made.

SECTION 4. AMENDATORY 59 O.S. 2011, Section 353.6, is amended to read as follows:

Section 353.6. Meetings for the examination of applicants for licensing and granting of certificates shall be held at least one time each year at a time and place to be fixed by the State Board of Pharmacy. At least ten (10) days' notice shall be publicly given of the time and place of each meeting at which there is an examination of ~~candidates~~ applicants for licensure.

SECTION 5. AMENDATORY 59 O.S. 2011, Section 353.7, is amended to read as follows:

Section 353.7. The State Board of Pharmacy shall have the power and duty to:

1. Regulate the practice of pharmacy;

2. Regulate the sale and distribution of drugs, medicines, chemicals and poisons;

3. Regulate the dispensing of drugs and medicines in all places where drugs and medicines are compounded and/or dispensed;

4. ~~Enter and inspect, by its members or by its duly authorized representatives, any and all places, including premises, equipment, contents and records, where drugs, medicines, chemicals or poisons are stored, sold, vended, given away, compounded, dispensed or manufactured~~ Examine and issue appropriate certificates of licensure as Doctor of Pharmacy to all applicants whom the Board deems qualified under the provisions of the Oklahoma Pharmacy Act;

5. ~~Administer oaths in all matters pertaining to the affairs of the Board and to take evidence and compel the attendance of witnesses on questions pertaining to the enforcement of the Oklahoma Pharmacy Act~~ Issue licenses to manufacturers, repackagers, outsourcing facilities, wholesale distributors, third-party logistics providers, pharmacies, and other dispensers, medical gas suppliers, and medical gas distributors;

6. ~~Employ the number of inspectors and/or pharmacist compliance officers necessary to carry out the provisions of the Oklahoma Pharmacy Act at an annual salary to be fixed by the Board, and to authorize necessary expenses. Such inspectors shall have the same powers and authority as that granted to peace officers by the laws of this state for the purpose of enforcing the Oklahoma Pharmacy Act. In addition, such inspectors or pharmacist compliance officers shall have the authority to take and copy records and the duty to confiscate all drugs, medicines, chemicals or poisons found to be stored, sold, vended, given away, compounded, dispensed or manufactured contrary to the provisions of the Oklahoma Pharmacy Act~~ Issue sterile compounding and drug supplier permits for pharmacies

at the fee set by the Board, with the expiration date of such permits to coincide with the pharmacy license annual expiration date;

7. Prescribe minimum standards with respect to floor space and other physical characteristics of pharmacies and hospital drug rooms as may be reasonably necessary ~~to~~ for the maintenance of professional surroundings and ~~to~~ for the protection of the safety and welfare of the public, and to refuse the issuance of new or renewal licenses for failure to comply with such standards. Minimum standards for hospital drug rooms shall be consistent with the State Department of Health, Hospital Standards, as defined in OAC 310:667;

8. ~~Examine and issue appropriate certificates of licensure as Doctor of Pharmacy to all applicants who the Board deems are qualified to be such under the provisions of the Oklahoma Pharmacy Act~~ Authorize its inspectors, compliance officers, and duly authorized representatives to enter and inspect any and all places, including premises, vehicles, equipment, contents and records, where drugs, medicines, chemicals, or poisons are stored, sold, vended, given away, compounded, dispensed, manufactured, repackaged or transported;

9. ~~Investigate complaints, hold hearings and subpoena witnesses and records~~ Employ the number of inspectors and pharmacist compliance officers necessary to carry out the provisions of the Oklahoma Pharmacy Act at an annual salary to be fixed by the Board, and to authorize necessary expenses. Such inspectors shall have the same powers and authority as that granted to peace officers by the laws of this state for the purpose of enforcing the Oklahoma Pharmacy Act. In addition, such inspectors or pharmacist compliance officers shall have the authority to take and copy records and the duty to confiscate all drugs, medicines, chemicals or poisons found to be stored, sold, vended, given away, compounded, dispensed or manufactured contrary to the provisions of the Oklahoma Pharmacy Act;

10. ~~Initiate prosecution~~ Investigate complaints, subpoena witnesses and records, initiate prosecution, and hold hearings;

11. Administer oaths in all manners pertaining to the affairs of the Board and to take evidence and compel the attendance of

witnesses on questions pertaining to the enforcement of the Oklahoma Pharmacy Act;

~~11.~~ 12. Reprimand, place on probation, suspend, revoke or take other disciplinary action and/or levy fines not to exceed Three Thousand Dollars ($3,000.00) for each count for which any holder of a certificate, license or permit has been convicted in Board hearings. The Board may impose as part of any disciplinary action the payment of costs expended by the Board for any legal fees and costs, including, but not limited to, staff time, salary and travel expense, witness fees and attorney fees. The Board may also require additional continuing education, including attendance at a live continuing education program, and may require participation in a rehabilitation program for the impaired. The Board may take such actions singly or in combination, as the nature of the violation requires;

~~12.~~ 13. Adopt and establish rules of professional conduct appropriate to the establishment and maintenance of a high standard of integrity and dignity in the profession of pharmacy. Such rules shall be subject to amendment or repeal by the Board as the need may arise;

~~13. Perform such other duties, exercise such other powers and employ such other personnel as the provisions and enforcement of the Oklahoma Pharmacy Act may require;~~

14. Make and publish ~~uniform~~ rules such as may be necessary for carrying out and enforcing the provisions of the Oklahoma Pharmacy Act, Oklahoma drug laws and rules, federal drug laws and regulations, and make such other rules as in its discretion may be necessary to protect the health, safety, and welfare of the public;

15. Establish and collect appropriate fees for licenses, permits, inspections, and services provided; and such fees shall be nonrefundable. Such fees shall be promulgated to implement the provisions of the Oklahoma Pharmacy Act under the provisions of the Administrative Procedures Act;

16. Regulate:

a. personnel working in a pharmacy, such as interns and supportive personnel, including technicians, and issue pharmacy technician permits and intern licenses,

b. interns, preceptors and training areas through which the training of applicants ~~in the practice of pharmacy~~ occurs for licensure as a pharmacist, and

c. such persons regarding all aspects relating to the handling of drugs, medicines, chemicals, and poisons; ~~and~~

17. Acquire by purchase, lease, gift, solicitation of gift or by any other manner, and to maintain, use and operate or to contract for the maintenance, use and operation of or lease of any and all property of any kind, real, personal or mixed or any interest therein unless otherwise provided by the Oklahoma Pharmacy Act; provided, all contracts for real property shall be subject to the provisions of Section 63 of Title 74 of the Oklahoma Statutes; and

18. Perform other such duties, exercise other such powers and employ such personnel as the provisions and enforcement of the Oklahoma Pharmacy Act may require.

SECTION 6. AMENDATORY 59 O.S. 2011, Section 353.9, is amended to read as follows:

Section 353.9. A. ~~Licensed pharmacists shall be persons regularly licensed as such in the State of Oklahoma on or before the effective date of this act.~~ All other qualified persons may become licensed as a Doctor of Pharmacy upon passing an examination approved by the State Board of Pharmacy. Before any applicant is allowed to sit for such examinations, such applicant shall submit to the Board sufficient proof that the applicant:

1. Is of good moral character;

2. Is a graduate of an accredited School or College of Pharmacy approved by the Board, or is a foreign pharmacy school graduate who has received an FPGEC equivalency certification by the National Association of Boards of Pharmacy; and

3. Has attained experience in the practice of pharmacy, obtained in a place and in a manner prescribed and approved by the Board.

B. Interns, preceptors and training areas shall make application for a license, and shall pay a fee set by the Board, not to exceed One Hundred Dollars ($100.00).

C. All Doctor of Pharmacy applicants shall make application in the form and manner prescribed by the Board, and deposit with the Executive Director of the Board a fee set by the Board not to exceed Two Hundred Fifty Dollars ($250.00) plus the purchase price of the examination. Upon passing an examination and meeting such other requirements specified by the Board pursuant to the Oklahoma Pharmacy Act, the applicant shall be granted ~~an appropriate certificate~~ a license setting forth the qualifications to practice pharmacy. Any applicant failing an examination shall not sit for an additional examination until such applicant has made a new application and paid the fee provided herein.

D. The Board shall have the power to issue reciprocal certificates of licensure to applicants licensed in other states having like requirements. Such applicants shall be charged a fee not to exceed Two Hundred Fifty Dollars ($250.00).

E. The Board shall have the power to issue original certificates of licensure to applicants for the score transfer process administered by the National Association of Boards of Pharmacy; provided, such applicants shall provide sufficient proof of compliance with the requirements of paragraphs 1 through 3 of subsection A of this section. Such applicants shall be charged a fee not to exceed Two Hundred Fifty Dollars ($250.00).

SECTION 7. AMENDATORY 59 O.S. 2011, Section 353.11, is amended to read as follows:

Section 353.11. A. 1. Every licensed pharmacist who desires to continue in the profession of pharmacy in this state shall, on or before the expiration date of the license, complete a renewal form and remit to the State Board of Pharmacy a renewal fee ~~for each year~~ to be fixed by the Board. Upon compliance with the provisions of the Oklahoma Pharmacy Act and payment of such renewal fee by a

licensee in good standing with the Board, a renewal certificate of licensure shall be issued.

2. Every licensed pharmacist who fails to complete a renewal form and remit the required renewal fee to the Board by the fifteenth day after the expiration of the license shall pay a late fee to be fixed by the Board.

B. If any pharmacist fails or neglects to procure the renewal of his or her license, as herein required, the Board may, after the expiration of thirty (30) days following the issue of the notice, deprive the person of his or her license and all other privileges conferred by the Oklahoma Pharmacy Act.

C. In order to regain licensure, the pharmacist shall apply in writing to the Board requesting reinstatement. The pharmacist shall pay back all fees and provide proof of having obtained all delinquent continuing education plus an additional fifteen (15) hours of continuing education. The Board may require the pharmacist to appear before the Board at a regular meeting. The Board may require evidence of competency through examination or impose other requirements for reinstatement.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 353.11a of Title 59, unless there is created a duplication in numbering, reads as follows:

A. No annual renewal certificate shall be issued to a pharmacist until such pharmacist has submitted proof to the State Board of Pharmacy that the pharmacist has satisfactorily completed no less than fifteen (15) clock hours of an accredited or Board-approved program of continuing professional education during the previous calendar year.

B. The Board may grant alternate methods of obtaining continuing education hours to a pharmacist who meets all necessary requirements for licensure except the continuing education requirements.

C. 1. Any pharmacist who does not meet the requirements for continuing education may obtain an inactive renewal certificate of licensure.

2. The holder of an inactive renewal certificate of licensure shall not engage in the practice of pharmacy in this state.

3. The holder of an inactive renewal certificate of licensure may apply to the Board to the removed from inactive status.

SECTION 9. AMENDATORY 59 O.S. 2011, Section 353.12, is amended to read as follows:

Section 353.12. A. Every ~~person~~ pharmacist, upon receiving a certificate of licensure pursuant to the Oklahoma Pharmacy Act, ~~or who has heretofore received a certificate of licensure in this state,~~ shall keep such certificate conspicuously displayed in the pharmacy where such pharmacist is actively engaged in the practice of pharmacy or in such a location as is otherwise prescribed by the State Board of Pharmacy. The current renewal receipt for licensure shall be attached to the lower left corner of the original certificate. ~~Every licensed pharmacist~~

B. Every other registrant shall keep the license or permit conspicuously displayed in the licensee or permit holder's pharmacy or place of business.

C. Every licensee or permit holder shall, within ten (10) days after discontinuing or changing his or her place of practice, remove his or her ~~certificate~~ license or permit and notify the Executive Director of the Board, in writing, of his or her new place of practice. Upon receipt of the notification, the Executive Director shall make the necessary change in the Board records.

~~B.~~ D. Any member of the Board, inspector or pharmacist compliance officer duly authorized by the Board shall have authority to confiscate and void any certificate of licensure issued by the Board which has been displayed in any place not authorized by the Board, provided that the holder of the certificate, license or permit shall be entitled to a hearing before the Board and show cause why his or her certificate, license or permit should not be canceled.

SECTION 10. AMENDATORY 59 O.S. 2011, Section 353.17, is amended to read as follows:

Section 353.17. A. No person shall take, use or exhibit the title of pharmacist, licensed pharmacist or Doctor of Pharmacy, "D.Ph." or "R.Ph.", either expressly or by implication, except as otherwise authorized by the Oklahoma Pharmacy Act.

B. No person~~, firm or corporation~~ other than one licensed under the Oklahoma Pharmacy Act shall take, use or exhibit the title "Druggist", ~~"Doctor of Pharmacy", "R.Ph.", "D.Ph.",~~ "Pharmacy", "Drug Store", "Drug Department", "Drugs", "Drug Sundries", "Prescriptions", or any other term, sign or device or any word in similitude thereof.

SECTION 11. AMENDATORY 59 O.S. 2011, Section 353.18, is amended to read as follows:

Section 353.18. A. 1. It shall be unlawful for any person, including, but not limited to, Internet, website or online pharmacies, to ~~engage in selling~~ sell at retail~~,~~ or ~~offering~~ to offer for sale, dangerous drugs, medicines, chemicals or poisons for the treatment of disease, excluding agricultural chemicals and drugs, or to accept prescriptions for same, without first procuring a license from the State Board of Pharmacy. This licensure requirement applies whether such sale, offer for sale or acceptance of prescriptions occurs ~~from~~ in this state, or such sale, offer for sale, or acceptance of prescription occurs out of state and the dangerous drug, medicine, chemical or poison is to be delivered, distributed or dispensed to patients or customers in this state. ~~The provisions of this subsection shall not apply to medical gas suppliers or medical gas distributors regulated pursuant to the provisions of subsection B of this section.~~

2. A pharmacy license shall be issued to such person as the Board shall deem qualified upon evidence satisfactory to the Board that:

a. the place for which the license is sought will be conducted in full compliance with the law and the rules of the Board,

b. the location~~, appointments~~ and physical characteristics of the place are reasonably consistent

with the maintenance of professional surroundings and constitute no known danger to the public health and safety,

c. the place will be under the management and control of a licensed pharmacist or pharmacist-in-charge who shall be licensed as a pharmacist in Oklahoma, and

d. a licensed pharmacist ~~will~~ shall be present and on duty at all business hours ~~the pharmacy is open for business~~; provided, however, the provisions of this subparagraph shall not apply to ~~a~~ hospital drug ~~room~~ rooms.

3. a. An application for ~~a~~ an initial or renewal license issued pursuant to the provisions of this subsection shall:

(1) be submitted to the Board in writing, ~~and~~

(2) contain the name or names of persons owning the pharmacy, and

(3) provide other such information deemed relevant by the Board.

b. An application for ~~each~~ an initial or renewal license shall be accompanied by a licensing fee not to exceed Three Hundred Dollars ($300.00) for each period of one (1) year. Prior to opening for business, all applicants for an initial license or permit shall be inspected. ~~Applicants~~ An initial licensure applicant shall pay an inspection fee not to exceed Two Hundred Dollars ($200.00); provided, however, that no charge shall be made for the licensing of any Federal Veterans Hospital in the State of Oklahoma. Non-resident pharmacies shall reimburse the Board for any actual expenses incurred for inspections.

c. A license issued pursuant to the provisions of this subsection shall be valid for a period set by the Board and shall contain the name of the licensee and

the address of the place at which such business shall be conducted.

4. A retail pharmacy that prepares sterile ~~therapeutic preparations that shall be free from living microorganisms (aseptic)~~ drugs shall obtain a pharmacy license, and shall also obtain a ~~parenteral~~ sterile compounding permit at a fee set by the Board, not to exceed Seventy-five Dollars ($75.00). Such pharmacy shall meet requirements set by the Board by rule for ~~parenteral~~ sterile compounding permits.

5. An outsourcing facility desiring to dispense prescriptions to patients must additionally license and meet the requirements of a pharmacy.

B. 1. It shall be unlawful for any person to manufacture, ~~package, or wholesale any dangerous drugs, or to engage in selling, or offering for sale at retail, medical gases, except under the management and control of a licensed pharmacist or such other persons as may be approved by the Board after an investigation and determination of such person's qualifications. No person shall sell medical gases, or manufacture, package, or wholesale dangerous drugs offered for sale in this state without first obtaining a permit from the Board.~~

~~2. a. An application for an initial or renewal permit issued pursuant to the provisions of this subsection shall be:~~

~~(1) made in writing, and~~

~~(2) accompanied by a permit fee not to exceed Three Hundred Dollars ($300.00) for each period of one (1) year.~~

~~b. Prior to opening for business, all applicants for an initial permit shall be inspected. Applicants shall pay an inspection fee not to exceed Two Hundred Dollars ($200.00).~~

~~3. A permit issued pursuant to the provisions of this subsection shall be valid for a period determined by the Board and~~

~~shall contain the name of the permittee and the address of the place at which such business shall be conducted~~ repackage, distribute, or have an outsourcing facility, third-party logistics provider, or warehouse any dangerous drugs, medicines, chemicals, or poisons for the treatment of disease, excluding agricultural chemicals and drugs, or to sell or offer to sale at retail or wholesale medical gases without first procuring a license from the Board. This licensure requirement shall apply when the manufacturing, repackaging, distributing, warehousing, outsourcing facility or third-party logistics provider or facility sale or offer to sell occurs in this state or when such dangerous drugs, medicines, chemicals or poisons are sold or offered to be sold out of state for delivery, distribution, or dispensing to patients or customers in this state.

2. A license shall be issued to such person as the Board shall deem qualified upon satisfactory evidence to the Board that:

a. the place for which the license is sought will be conducted in full compliance with the laws of this state and the administrative rules of the Board,

b. the location and physical characteristics of the place of business are reasonably consistent with the maintenance of professional surroundings and constitute no known danger to public health and safety,

c. the place shall be under the management and control of such persons as may be approved by the Board after a review and determination of the persons' qualifications, and

d. an outsourcing facility shall designate in writing on a Board-approved form a person to serve as the pharmacist-in-charge who is a pharmacist licensed by the Board,

3. a. An application for an initial or renewal license issued pursuant to the provisions of this subsection shall:

(1) be submitted to the Board in writing,

(2) contain the name or names of the owners or the applicants, and

(3) provide such other information deemed relevant by the Board,

b. An application for an initial or renewal license shall be accompanied by a licensing fee not to exceed Three Hundred Dollars ($300.00) for each period of one (1) year. Prior to opening for business, all applicants for initial or renewal license shall be inspected. An initial licensure applicant shall pay an inspection fee not to exceed Two Hundred Dollars ($200.00). Non-resident applicants shall reimburse the Board for any actual expenses incurred for inspections.

c. A license issued pursuant to the provisions of this subsection shall contain the name of the licensee and the address of the place at which such business shall be conducted and shall be valid for a period of time set by the Board.

C. A licensee or ~~permittee~~ permit holder who, pursuant to the provisions of this section, fails to complete an application for a renewal license or permit by the fifteenth day after the expiration of the license or permit shall pay a late fee to be fixed by the Board.

D. 1. The Board shall promulgate rules regarding the issuance and renewal of licenses and permits pursuant to the Oklahoma Pharmacy Act which shall include, but need not be limited to~~:~~

~~a.~~

provisions for new or renewal application requirements for ~~both in- and out-of-state wholesale distributors, chain pharmacy warehouses and repackagers that ship into Oklahoma~~ its licensees and permit holders. Requirements for new and renewal applications~~, if such~~

~~information has not been previously provided to the Board,~~ may include, but need not be limited to, the following:

~~(1)~~

a. type of ownership, whether individual, partnership, limited liability company or corporation,

~~(2)~~

b. names and addresses of principal owners or officers and their Social Security numbers, including applicant's full name, all trade or business names used, full business address, telephone numbers, and email addresses,

~~(3)~~

c. names of designated representatives and facility managers and their Social Security numbers and dates of birth,

~~(4) applicant's and designated managers' fingerprints,~~

~~(5) criminal background check information for the applicants and designated managers as required by rule~~

d. evidence of a criminal background check and fingerprinting of the applicant, if a person, and all of the applicant's designated representatives and facility managers,

~~(6)~~

e. a copy of the license from the applicant's ~~or designated managers'~~ home state, and if applicable, from the federal government,

~~(7)~~

f. bond requirements, and

g. any other information deemed by the Board to be necessary to protect the public health and safety.

~~b. provisions for the establishment of a pedigree or electronic file to be used by wholesale distributors, chain pharmacy warehouses and repackagers for the purpose of ensuring the integrity of drugs owned, purchased, distributed, returned, transferred and sold when the products leave the normal distribution channel.~~

2. The Board shall be authorized to use an outside agency, such as the National Association of Boards of Pharmacy (NABP) or the Verified-Accredited Wholesale Distributors (VAWD), to accredit wholesale distributors and repackagers.

~~3. The Board may exempt by rule wholesalers accredited by VAWD from the provisions of subparagraphs a and b of paragraph 1 of this subsection.~~

~~4. The Board shall exempt from the provisions of this subsection logistics providers that receive prescription drugs from original sponsors or manufacturers, deliver the drug products in commerce at the direction of the original sponsor or manufacturer, and do not purchase, sell, trade, or take title to any prescription drug.~~

~~5. In promulgating such rules, the Board shall seek input from manufacturers, wholesale distributors, chain pharmacy warehouses, logistics providers and repackagers.~~

E. ~~A wholesale distributor shall accept prescription drug returns pursuant to the terms and conditions of the agreement between the wholesale distributor and a hospital, pharmacy, chain pharmacy warehouse or other healthcare entity and these returns shall not be subject to any pedigree or electronic file requirement unless the returns appear suspicious or are greater than the purchases from the wholesale distributor. Wholesale distributors shall be held accountable for maintaining their return process and ensuring that items returned originated from their operations, that~~

~~the return process is secure, and that the return process does not permit the entry of adulterated and counterfeit product.~~

~~F.~~ The Oklahoma Pharmacy Act shall not be construed to prevent the sale of nonprescription drugs in original manufacturer packages by any merchant or dealer.

SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 353.18A of Title 59, unless there is created a duplication in numbering, reads as follows:

A. Supportive personnel may perform certain tasks in the practice of pharmacy if such personnel perform the tasks in compliance with rules promulgated by the State Board of Pharmacy.

B. 1. No person shall serve as a pharmacy technician without first procuring a permit from the Board.

2. An application for an initial or renewal pharmacy technician permit issued pursuant to the provisions of this subsection shall be submitted to the Board and provide any other information deemed relevant by the Board.

3. An application for an initial or renewal permit shall be accompanied by a permit fee not to exceed Seventy Five Dollars ($75.00) for each period of one (1) year. A permit issued pursuant to this subsection shall be valid for a period to be determined by the Board.

4. Every permitted pharmacy technician who fails to complete a renewal form and remit the required renewal fee to the Board by the fifteenth day after the expiration of the permit shall pay a late fee to be fixed by the Board.

5. A pharmacy technician permit shall be cancelled thirty (30) days after expiration.

6. A person may obtain reinstatement of a cancelled pharmacy technician permit by making application, paying a reinstatement fee, and satisfactorily completing other requirements set by the Board.

SECTION 13. AMENDATORY 59 O.S. 2011, Section 353.20, is amended to read as follows:

Section 353.20. A. Every pharmacy shall have the proper pharmaceutical equipment so that prescriptions can be filled, and the practice of pharmacy can be properly conducted. The State Board of Pharmacy shall prescribe the minimum professional and technical equipment and library which a pharmacy shall at all times possess. The premises and equipment of such pharmacy shall be kept in a clean and orderly manner. Drugs shall be maintained under conditions recommended by the manufacturer until delivery to the patient. No pharmacy license shall be issued or continued until or unless such pharmacy has complied with the Oklahoma Pharmacy Act.

B. The Board may from time to time require that scales and balances be condemned, or other specific equipment changes be made. Failure by the pharmacy to comply with such requirements within sixty (60) days may result in revocation of the pharmacy license ~~for the place of business upon which such requirement is made~~.

C. ~~No license shall be issued or continued for a pharmacy to do business unless the premises of such pharmacy are equipped with proper sanitary appliances and kept in a clean and orderly manner.~~

~~D. There shall be kept in every pharmacy~~ Every dispenser shall keep a suitable book, file or record in which shall be preserved for a period of not less than five (5) years every prescription compounded or dispensed at the pharmacy, and the book or file of prescriptions shall at all times be open to inspection by the members of the Board or its duly authorized agents.

SECTION 14. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 353.20.1 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. Prescriptions received by other than written communication shall be promptly recorded in writing by the pharmacist. The record made by the pharmacist shall constitute the original prescription to be filled by the pharmacist.

B. A filled prescription label shall include the name and address of the pharmacy of origin, date of filling, name of patient,

name of prescriber, directions for administration, and prescription number. The symptom or purpose for which the drug is prescribed may appear on the label if provided by the practitioner and requested by the patient or the patient's authorized representative. If the symptom or purpose for which a drug is prescribed is not provided by the practitioner, the pharmacist may fill the prescription without contacting the practitioner, patient, or patient's representative. The label shall also include the trade or generic name, prescribed quantity, and prescription strength of the drug therein contained, except when otherwise directed by the prescriber. This requirement shall not apply to prescriptions or medicines and drugs supplied or delivered directly to patients for consumption on the premises of any hospital or mental institution.

C. No prescription shall be written in any characters, figures, or ciphers other than in the English or Latin language generally in use among medical and pharmaceutical practitioners.

SECTION 15. AMENDATORY 59 O.S. 2011, Section 353.22, is amended to read as follows:

Section 353.22. A. It shall be unlawful for:

1. Any person to sell any poison without distinctly labeling the box, vessel or paper in which the poison is contained with the name of the ~~article~~ poison, the word "poison", and the name and the place of business of the seller; or

2. Any ~~licensed~~ pharmacist, or other person, to sell any poison without causing an entry to be made in a book kept for that purpose before delivering the same to the purchaser, stating the date of the sale, the name and address of the purchaser, the name of the poison sold, the purpose for which it is represented by the purchaser to be required, and the name of the dispenser. Such book shall always be available for inspection by the proper authorities and shall be preserved for at least five (5) years.

B. The provisions of this section shall not apply to the dispensing of poisons in not unusual quantities or doses upon the prescription of ~~practitioners of medicine~~ a prescriber.

SECTION 16. AMENDATORY 59 O.S. 2011, Section 353.24, is amended to read as follows:

Section 353.24. A. It shall be unlawful for any licensee or other person~~, firm or business entity~~ to:

1. Forge or increase the quantity of drug in any prescription, or to present a prescription bearing forged, fictitious or altered information or to possess any drug secured by such forged, fictitious or altered prescription;

2. Sell, offer for sale, barter or give away any unused quantity of drugs obtained by prescription, except through a program pursuant to the Utilization of Unused Prescription Medications Act or as otherwise provided by the State Board of Pharmacy;

3. Sell, offer for sale, barter or give away any drugs damaged by fire, water, or other causes without first obtaining the written approval of the Board or the State Department of Health;

4. Enter into any arrangement whereby prescription orders are received, or prescriptions are delivered at a place other than the pharmacy in which they are filled, compounded ~~and~~ or dispensed. However, nothing in this paragraph shall prevent a pharmacist or an employee of the pharmacy from personally receiving a prescription or delivering a legally filled prescription ~~at~~ to a residence, office or place of employment of the patient for whom the prescription was written. Provided further, the provisions of this paragraph shall not apply to any Department of Mental Health and Substance Abuse Services employee or any person whose facility contracts with the Department of Mental Health and Substances Abuse Services whose possession of any dangerous drug, as defined in Section 353.1 of this title, is for the purpose of delivery of a mental health consumer's medicine to the consumer's home or residence. Nothing in this paragraph shall prevent veterinary prescription drugs from being shipped directly from an Oklahoma licensed wholesaler or distributor to a client; provided, such drugs may be dispensed only on prescription of a licensed veterinarian and only when an existing veterinary-client-patient relationship exists;

5. Sell, offer for sale or barter or buy any professional samples except through a program pursuant to the Utilization of

Unused Prescription Medications Act~~. For purpose of this paragraph, "professional samples" means complimentary drugs packaged in accordance with federal and state statutes and regulations and provided to a licensed practitioner free of charge by manufacturers or distributors for the purpose of being distributed free of charge in such package by the licensed practitioner to a patient~~;

6. Refuse to permit or otherwise prevent members of the Board or such representatives thereof from entering and inspecting any and all places, including premises, vehicles, equipment, contents, and records, where drugs, medicine, chemicals or poisons are stored, sold, vended, given away, compounded, dispensed, repackaged, transported, or manufactured;

7. Interfere, refuse to participate in, impede or otherwise obstruct any inspection, investigation or disciplinary proceeding authorized by the Oklahoma Pharmacy Act;

~~7.~~ 8. Possess dangerous drugs without a valid prescription or a valid license to possess such drugs; provided, however, this provision shall not apply to any Department of Mental Health and Substance Abuse Services employee or any person whose facility contracts with the Department of Mental Health and Substances Abuse Services whose possession of any dangerous drug, as defined in Section 353.1 of this title, is for the purpose of delivery of a mental health consumer's medicine to the consumer's home or residence;

9. Fail to establish and maintain effective controls against the diversion of drugs for any other purpose than legitimate medical, scientific or industrial uses as provided by state, and federal, and local law;

10. Fail to have a written drug diversion detection and prevention policy;

~~8.~~ 11. Possess, sell, offer for sale, barter or give away any quantity of dangerous drugs not listed as a scheduled drug pursuant to Sections 2-201 through 2-212 of Title 63 of the Oklahoma Statutes when obtained by prescription bearing forged, fictitious or altered information.

a. A first violation of this section shall constitute a misdemeanor and upon conviction shall be punishable by imprisonment in the county jail for a term not more than one (1) year and a fine in an amount not more than One Thousand Dollars ($1,000.00).

b. A second violation of this section shall constitute a felony and upon conviction shall be punishable by imprisonment in the Department of Corrections for a term not exceeding five (5) years and a fine in an amount not more than Two Thousand Dollars ($2,000.00);

~~9. Knowingly violate~~ 12. Violate a Board order or agreed order;

~~10.~~ 13. Compromise the security of licensure examination materials; or

~~11.~~ 14. Fail to notify the Board, in writing, within ten (10) days of ~~an~~ a licensee or permit holder's address change.

B. 1. It shall be unlawful for any person other than a licensed pharmacist or physician to certify a prescription before delivery to the patient or the patient's representative or caregiver.

2. It shall be unlawful for any person to institute or manage a pharmacy unless such person is a licensed pharmacist or has placed a licensed pharmacist in charge of such pharmacy,

3. No licensed pharmacist shall manage, supervise or be in charge of more than one pharmacy.

4. No pharmacist being requested to sell, furnish or compound any drug, medicine, chemical or other pharmaceutical preparation, by prescription or otherwise, shall substitute or cause to be substituted for it, without authority of the prescriber of purchaser, any like drug, medicine, chemical or pharmaceutical preparation.

5. No pharmacy, pharmacist-in-charge or other person shall permit the practice of pharmacy except by a licensed pharmacist or assistant pharmacist.

6. No person shall subvert the authority of the pharmacist-in-charge of the pharmacy by impeding the management of the prescription department to act in compliance with federal and state law.

C. 1. It shall be unlawful for a pharmacy to resell dangerous drugs to any wholesale distributor.

2. It shall be unlawful for a wholesale distributor to purchase drugs from a pharmacy.

SECTION 17. AMENDATORY 59 O.S. 2011, Section 353.26, is amended to read as follows:

Section 353.26. A. The State Board of Pharmacy may:

1. Revoke permanently or suspend any certificate, license or permit issued pursuant to the Oklahoma Pharmacy Act or reprimand or place on probation any holder of a certificate, license, or permit who:

a. violates any provision of the Oklahoma Pharmacy Act or any other applicable state or federal law,

b. violates any of the provisions of the Uniform Controlled Dangerous Substances Act,

c. has been convicted of a felony or has pleaded guilty or no contest to a felony,

d. engages in the practice of pharmacy while incapacitated or abuses intoxicating liquors or other chemical substances,

e. conducts himself or herself in a manner likely to lower public esteem for the profession of pharmacy,

f. has been disciplined by another State Board of Pharmacy or by another state or federal entity,

g. has been legally adjudged to be not mentally competent, or

h. exercises conduct and habits inconsistent with the rules of professional conduct established by the Board; and

2. Levy administrative fines not to exceed Three Thousand Dollars ($3,000.00) for each count of which any holder of a certificate, license, or permit has been convicted in Board hearings.

B. 1. The Board, its employees, or other agents of the Board shall keep confidential information obtained during an investigation into violations of the Oklahoma Pharmacy Act; provided, however, such information may be introduced by the state in administrative proceedings before the Board and the information then becomes a public record.

To ensure the confidentiality of such information obtained during the investigation but not introduced in administrative proceedings, this information shall not be deemed to be a record as that term is defined in the Oklahoma Open Records Act, nor shall the information be subject to subpoena or discovery in any civil or criminal proceedings, except that the Board may give such information to law enforcement and other state agencies as necessary and appropriate in the discharge of the duties of that agency and only under circumstances that ensure against unauthorized access to the information.

2. The respondent may acquire information obtained during an investigation, unless the disclosure of the information is otherwise prohibited, except for the investigative report, if the respondent signs a protective order whereby the respondent agrees to use the information solely for the purpose of defense in the Board proceeding and in any appeal therefrom and agrees not to otherwise disclose the information.

C. 1. The Board shall mail by certified mail to respondent at the last address provided by respondent to the Board, postmarked at least ten (10) days before the hearing, the sworn complaint filed with its Executive Director against respondent and notice of the date and place of a hearing thereon. Alternatively, at least ten (10) days before the hearing, the Board may serve respondent personally by any person appointed to make service by the Executive Director of the Board and in any manner authorized by the law of this state for the personal service of summonses in proceedings in a state court. Such service shall be effective upon the personal service or mailing of the complaint and notice shall constitute good service. If the Board finds that the allegations of the complaint are supported by the evidence rendered at the hearing, the Board is hereby authorized and empowered to, by written order, revoke permanently or suspend for a designated period, the certificate, license or permit of the respondent and/or reprimand, place on probation and/or fine the respondent.

2. ~~The Board may, upon written application therefor and in the exercise of its official discretion, cancel the order.~~

~~3.~~ A person whose certificate, license or permit has been revoked or suspended or who has been reprimanded or placed on probation or fined may appeal such Board order pursuant to the Administrative Procedures Act.

3. The Board's order shall constitute a judgment and may be entered on the judgment docket of the district court in a county in which the respondent has property and execution thereon in the same manner as any other judgment of a court of record, unless the fine is paid within thirty days after the appeal time has run.

D. A person, other than a pharmacy technician, whose license or permit has been suspended by the Board or by operation of law shall pay a reinstatement fee not to exceed One Hundred Fifty Dollars ($150.00) as a condition of reinstatement of the license.

SECTION 18. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 353.29.1 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. Nothing in the Oklahoma Pharmacy Act shall prevent veterinary prescription drugs from being shipped directly from an Oklahoma licensed wholesaler or distributor to a client, provided such drugs may be supplied to the client only on the order of a veterinarian licensed in this state and only when a valid veterinarian-client-patient relationship exists.

B. Drugs supplied pursuant to the provision of this section shall not be required to be certified by a pharmacist prior to being supplied by a wholesaler or distributor.

C. It shall be unlawful for a client or the client's authorized agent to acquire or use any prescription drug other than according to the label or outside of a valid veterinarian-client-patient relationship.

D. It shall be unlawful for a wholesaler or distributor licensed in this state to sell a prescription-labeled drug to a client or the client's authorized agent without a valid veterinarian-client-patient relationship in place.

E. Compliance with the Oklahoma Pharmacy Act as it relates to veterinary prescription-labeled drugs shall be pursuant to rules promulgated by the Oklahoma State Board of Veterinary Medical Examiners and in consultation with the State Veterinarian in accordance with state law.

SECTION 19. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 353.29.2 of Title 59, unless there is created a duplication in numbering, reads as follows:

Pharmacists may dispense prescriptions for dangerous drugs and controlled dangerous substances specified in Section 581 of Title 59 of the Oklahoma Statutes for the treatment of ocular abnormalities, provided that such prescriptions are written by optometrists licensed by the State Board of Examiners in Optometry. Prescriptions issued by licensed optometrists shall include the optometrist's license number. Prescriptions for controlled dangerous substances shall include the optometrist's license and the optometrist's identification number issued by the United States Drug Enforcement Administration.

SECTION 20. AMENDATORY 59 O.S. 2011, Section 354, is amended to read as follows:

Section 354. A. A prescription is the property of the patient for whom it is prescribed.

B. No pharmacist shall refuse, upon request by that customer in person or through an authorized pharmacist, to transfer a prescription to another pharmacy, or to supply a reference copy in writing or by telephone.

C. No licensed ~~practitioner~~ prescriber shall refuse to honor the request of his or her patient to have his or her prescription ~~transferred~~ transmitted to the licensed pharmacist or licensed pharmacy of the patient's choice.

SECTION 21. AMENDATORY 59 O.S. 2011, Section 355.1, is amended to read as follows:

Section 355.1. A. Except as provided for in Section 353.1 et seq. of this title, only a licensed practitioner may dispense dangerous drugs to such practitioner's patients, and only for the expressed purpose of serving the best interests and promoting the welfare of such patients. The dangerous drugs shall be dispensed in an appropriate container to which a label has been affixed~~, such~~. Such label ~~to~~ shall include the name and office address of the licensed practitioner, date dispensed, name of patient, directions for administration, prescription number, the trade or generic name and the quantity and strength, not meaning ingredients, of the drug therein contained; provided, this requirement shall not apply to compounded medicines. The licensed practitioner shall keep a suitable book, file or record in which shall be preserved for a period of not less than five (5) years a record of every dangerous drug compounded or dispensed by the licensed practitioner.

B. A ~~licensed~~ ~~practitioner~~ prescriber desiring to dispense dangerous drugs pursuant to this section shall register annually with the appropriate licensing board as a dispenser, through a regulatory procedure adopted and prescribed by such licensing board.

C. A ~~licensed~~ ~~practitioner~~ prescriber who dispenses professional samples to patients shall be exempt from the requirement of subsection B of this section if:

1. The ~~licensed~~ ~~practitioner~~ prescriber furnishes the professional samples to the patient in the package provided by the manufacturer;

2. No charge is made to the patient; and

3. An appropriate record is entered in the patient's chart.

D. This section shall not apply to the services provided through the State Department of Health, city/county health departments, or the Department of Mental Health and Substance Abuse Services.

E. This section shall not apply to organizations and services incorporated as state or federal tax-exempt charitable nonprofit entities and/or organizations and services receiving all or part of their operating funds from a local, state or federal governmental entity; provided, such organizations and services shall comply with the labeling and recordkeeping requirements set out in subsection A of this section.

SECTION 22. AMENDATORY 59 O.S. 2011, Section 355.2, is amended to read as follows:

Section 355.2. A. A licensed ~~practitioner~~ prescriber violating any of the provisions of ~~this act~~ the Oklahoma Pharmacy Act shall be subject to appropriate actions established in the rules and regulations of his or her licensing board.

B. Rules relating to the Oklahoma Pharmacy Act shall be adopted by the appropriate licensing boards after consultation and review with the Oklahoma State Board of Pharmacy ~~prior to the effective date of this act~~.

SECTION 23. REPEALER 59 O.S. 2011, Section 353.13A, is hereby repealed.

SECTION 24. This act shall become effective November 1, 2015.

Passed the Senate the 11th day of March, 2015.

_____
Presiding Officer of the Senate

Passed the House of Representatives the 21st day of April, 2015.

_____
Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

_____
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20 _____, at _____ o'clock _____ M.

By: _____