

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 HOUSE BILL 2335

By: Cox

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5
6 AS INTRODUCED

7 An Act relating to professions and occupations;
8 amending 59 O.S. 2001, Sections 353.13, as last
9 amended by Section 11, Chapter 321, O.S.L. 2009 and
10 353.13A, as last amended by Section 12, Chapter 321,
11 O.S.L. 2009 (59 O.S. Supp. 2009, Sections 353.13 and
12 353.13A), which relate to the Oklahoma Pharmacy Act;
13 providing exception to unlawful act; allowing
14 variance in form of prescription without
15 authorization of practitioner under certain
16 circumstance; and providing an effective date.

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

18 SECTION 1. AMENDATORY 59 O.S. 2001, Section 353.13, as
19 last amended by Section 11, Chapter 321, O.S.L. 2009 (59 O.S. Supp.
20 2009, Section 353.13), is amended to read as follows:

21 Section 353.13 A. It shall be unlawful for any person, other
22 than a licensed pharmacist, to certify the finished prescription, as
23 defined by the Board, before delivery to the patient or the
24 patient's agent or care giver.

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

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

6 D. No pharmacist being requested to sell, furnish or compound
7 any drug, medicine, chemical or other pharmaceutical preparation, by
8 prescription or otherwise, shall substitute or cause to be
9 substituted therefor, without authority of the prescriber or
10 purchaser, any like drug, medicine, chemical or pharmaceutical
11 preparation, except as provided for in Section 353.13A of this
12 title.

13 E. No proprietor of a pharmacy, or other person, shall permit
14 the practice of pharmacy except by a licensed pharmacist or
15 assistant pharmacist.

16 F. No proprietor of a pharmacy, or other person, shall subvert
17 the authority of the pharmacist in charge of the pharmacy by
18 impeding the management of the prescription department in compliance
19 with federal and state pharmacy laws and regulations.

20 G. Nothing in the Oklahoma Pharmacy Act shall prevent
21 veterinary prescription drugs from being shipped directly from an
22 Oklahoma licensed wholesaler or distributor to a client; provided,
23 such drugs may be supplied to the client only on the order of an
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1 Oklahoma licensed veterinarian and only when a valid veterinarian-
2 client-patient relationship exists.

3 1. Drugs supplied pursuant to the provisions of this subsection
4 shall not be required to be certified by a pharmacist prior to being
5 supplied by a wholesaler or distributor.

6 2. It shall be a violation of state law for a client or his or
7 her authorized agent to acquire or use any prescription drug other
8 than according to the label and/or outside of a valid veterinarian-
9 client-patient relationship (VCPR);

10 3. It shall be a violation of state law for an Oklahoma
11 licensed wholesaler or distributor to sell a prescription-labeled
12 drug to a client or his or her authorized agent without a valid VCPR
13 in place; and

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

19 SECTION 2. AMENDATORY 59 O.S. 2001, Section 353.13A, as
20 last amended by Section 12, Chapter 321, O.S.L. 2009 (59 O.S. Supp.
21 2009, Section 353.13A), is amended to read as follows:

22 Section 353.13A A. Prescriptions received by other than
23 written communication shall be promptly recorded in writing by the
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1 pharmacist. The record made by the pharmacist shall constitute the
2 original prescription to be filled by the pharmacist.

3 B. Pharmacists may dispense prescriptions for dangerous drugs
4 and controlled dangerous substances specified in Section 581 of this
5 title for ocular abnormalities prescribed by optometrists licensed
6 by the Oklahoma Board of Examiners in Optometry. All prescriptions
7 issued by licensed optometrists shall include the license number of
8 the optometrist as assigned by the Oklahoma Board of Examiners in
9 Optometry.

10 C. A filled prescription label shall include the name and
11 address of the pharmacy of origin, date of filling, name of patient,
12 name of prescriber, directions for administration, and prescription
13 number. The symptom or purpose for which the drug is being
14 prescribed may appear on the label, if provided by the practitioner
15 and the patient or the patient's authorized representative so
16 requests. If the symptom or purpose for which a drug is being
17 prescribed is not provided by the practitioner, the pharmacist may
18 fill the prescription order without contacting the practitioner,
19 patient, or the patient's representative. The label shall also
20 include the trade or generic name, and the quantity and strength of
21 the drug therein contained, except when otherwise directed by the
22 prescriber. This requirement shall not apply to prescriptions or
23 medicines and drugs supplied or delivered directly to patients for
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1 consumption on the premises while admitted to any hospital or mental
2 institution.

3 D. Pharmacists may dispense prescriptions in a form other than
4 that of the original prescription without contacting the
5 practitioner for authorization if the prescription is not materially
6 altered in substance and the total prescription strength is
7 consistent with the original prescription.

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

11 SECTION 3. This act shall become effective November 1, 2010.

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