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STATE OF OKLAHOMA

1 2nd Session of the 52nd Legislature (2010)

2 SENATE BILL 1283 By: Wilson

3 AS INTRODUCED

4 An Act relating to professions and occupations;
5 creating the Prescription Drug Reimportation Act;
6 providing short title; defining terms; authorizing
7 certain pharmacists and wholesale drug distributors
8 to procure and import specified prescription drugs;
9 providing for certification of specified
prescription
10 drugs; prohibiting importation of drugs without
11 certain certification; specifying list of entities
12 authorized to import certain drugs; providing
13 exception; providing for violation of provisions and
14 punishment; prohibiting certain action without a
15 license and payment of fees; providing for license
16 application and reciprocity; providing for certain
17 notification; providing for promulgation and content
18 of rules; authorizing certain procurement; providing
19 for codification; and providing an effective date.

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

21 SECTION 1. NEW LAW A new section of law to be
22 codified in the Oklahoma Statutes as Section 374.1 of Title 59,

23 unless there is created a duplication in numbering, reads as
24 follows:

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1 This act shall be known and may be cited as the
2 "Prescription Drug Reimportation Act".

3 SECTION 2. NEW LAW A new section of law to be
4 codified in the Oklahoma Statutes as Section 374.2 of Title 59,
5 unless there is created a duplication in numbering, reads as
6 follows:

7 As used in the Prescription Drug Reimportation Act:

8 1. "Certified Canadian supplier" means a supplier of
9 prescription drugs located in Canada and certified by the State
10 Board of Pharmacy as meeting the standards necessary for the
11 importation of prescription drugs into this state;

12 2. "Delivery" means the actual, constructive or attempted
13 transfer of a drug or drug device from one person to another,
14 whether or not for a consideration;

15 3. "Dispense" or "dispensing" means the preparation and
16 delivery of a drug to a patient or a patient's agent pursuant to
a
17 prescription drug order in a suitable container with appropriate
18 labeling for subsequent administration to or use by a patient;

19 4. "Distributing" means the delivery of a drug other than
20 by administration or dispensing;

21 5. "Drug" or "prescription drug" means any drug for human
22 consumption required by federal law or regulation to be dispensed

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active

only by a prescription, including finished dosage forms and
24 ingredients subject to the provisions of the Federal Food, Drug
25 and Cosmetic Act, Section 503(b), 21 U.S.C., Section 353 as
26 amended through January 1, 1991, other than:

27 a. a controlled dangerous substance as defined in

2

1 Section 2-101 of Title 63 of the Oklahoma Statutes,

2 b. a biological product as defined in the Public
Health

3 Service Act, Section 351, 42 U.S.C., Section 262,

4 c. an infused drug, including peritoneal dialysis
5 solutions,

6 d. an intravenously injected drug, or

7 e. a drug that is inhaled during surgery;

8 6. "Permitted country" means Switzerland or a member
9 country of the European Union as constituted as of January 1,
10 2003;

11 7. "Certified permitted country supplier" means a supplier
12 of prescription drugs located in Switzerland or in a member
13 country of the European Union as constituted as of January 1,
14 2003, and certified by the State Board of Pharmacy as meeting the
15 standards necessary for the importation of prescription drugs
into

16 this state;

17 8. "Pharmacist" means an individual licensed by the State
18 Board of Pharmacy to engage in the practice of pharmacy;

19 9. "Pharmacy" means any place licensed by the State Board

20 of Pharmacy where drugs are dispensed and pharmaceutical care is
21 provided to residents of this state;

22 10. "Prescription drug order" means a written or oral
order
23 of a prescriber for a drug for a specific patient; and

24 11. "Wholesale drug distributor" means an entity engaged
in
25 the wholesale distribution of prescription drugs.

26 SECTION 3. NEW LAW A new section of law to be
27 codified in the Oklahoma Statutes as Section 374.3 of Title 59,

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1 unless there is created a duplication in numbering, reads as
2 follows:

3 A. Any licensed pharmacist in this state is authorized,
4 with a valid prescription, to procure prescription drugs from a
5 certified Canadian supplier or a certified permitted country
6 supplier and to import those drugs into this state for dispensing
7 to patients residing in this state.

8 B. Any licensed wholesale drug distributor in this state
is
9 hereby authorized to procure prescription drugs from a certified
10 Canadian or permitted country supplier and to import those drugs
11 into this state for dispensing to licensed pharmacists.

12 C. The State Board of Pharmacy shall certify Canadian and
13 permitted country suppliers of prescription drugs to distribute
14 prescription drugs within this state who meet the following
15 criteria:

16
their

1. Allow inspection of their facilities and review of

17 safety protocols by the Board;

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to

2. Maintain licensure from Canada or a permitted country

19 operate as a pharmacy and comply with applicable provincial laws
20 and regulations;

21 3. Maintain membership with the Canadian International
22 Pharmacy Association if the supplier is Canadian;

23 4. Require that the pharmacy's employees have necessary
24 licenses from Canada or a permitted country;

25
26
for

5. Provide only prescription medications that are approved
by the Government of Canada's Therapeutic Products Directorate

27 sale in Canada if the supplier is Canadian;

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1 6. Exclude drugs for which there is no equivalent approved
2 by the Food and Drug Administration for sale in the United States
3 and drugs that cannot be safely shipped via mail order;

4 7. Use the unopened manufacturer's packaging whenever
5 possible; and

6 8. Provide periodic reports to the Board regarding any
7 complaints from Oklahoma customers.

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D. No person may import prescription drugs from Canada or
9 permitted country for resale in this state without first being
10 certified by the State Board of Pharmacy or having authority from
11 the Food and Drug Administration pursuant to subchapter VIII of

12 the Federal Food, Drug, and Cosmetic Act, 21 U.S.C., Section 381
13 et seq. A violation of this provision shall be a felony
14 punishable by up to two (2) years imprisonment, or by a fine of
up
15 to Two Thousand Dollars (\$2,000.00), or both.

16 E. Only licensed wholesalers, pharmacies or pharmacists or
17 persons authorized pursuant to subchapter VIII of the Federal
18 Food, Drug, and Cosmetic Act, 21 U.S.C., Section 381 et seq. are
19 authorized to import or facilitate the importation of
prescription
20 drugs from Canada or a permitted country into the United States;
21 provided, however, nothing herein shall be deemed to prevent a
22 citizen of this state from procuring prescription drugs from a
23 pharmacy in Canada or a permitted country for personal use. A
24 violation of this provision shall be a felony punishable by up to
25 two (2) years imprisonment, or by a fine of up to Two Thousand
26 Dollars (\$2,000.00), or both.

27 F. No out-of-state wholesale drug distributor may conduct

1 business in this state without first obtaining a license from the
2 Board and paying the license fee set by the Board. Application
3 for an out-of-state wholesale drug distributor license under this
4 section shall be made on a form provided by the Board. An out-
of-
5 state wholesale drug distributor may obtain the license required
6 by this act on the basis of reciprocity if the out-of-state
7 wholesale drug distributor possesses a valid license granted by

8 another state, a Canadian province or a permitted country
pursuant

9 to standards comparable to those in this state, and the other
10 state, Canadian province or permitted country extends reciprocal
11 treatment under its laws to wholesale drug distributors of this
12 state.

13 G. Any pharmacist in this state dispensing drugs procured
14 from a certified Canadian or permitted country supplier shall
15 notify the consumer or patient of such fact prior to dispensing
16 the drug.

17 H. The State Board of Pharmacy may promulgate rules to
18 implement the issuance of the certification required by
subsection

19 D of this section and the enforcement provisions of this act.
The

20 rules may include the following:

- 21 1. Definition of terms;
- 22 2. Use of prescribed forms;
- 23 3. Reporting requirements;
- 24 4. Enforcement procedures; and
- 25 5. Fee requirements.

26 I. Citizens of this state shall be authorized to procure
27 prescription drugs from Canadian or permitted country pharmacies

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1 for personal use.

2 SECTION 4. This act shall become effective November 1,
3 2010.

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