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STATE OF OKLAHOMA

1 1st Session of the 53rd Legislature (2011)

2 SENATE BILL 925 By: Sykes

3 AS INTRODUCED

4 An Act relating to pharmacy; amending 59 O.S. 2001,
5 Section 353.24, as last amended by Section 18,
6 Chapter 321, O.S.L. 2009 (59 O.S. Supp. 2010, Section
7 353.24), which relates to the Oklahoma Pharmacy Act;
8 expanding unlawful conduct to include certain
9 dangerous drugs; providing penalty; and providing an
10 effective date.

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

12 SECTION 1. AMENDATORY 59 O.S. 2001, Section 353.24,
13 as last amended by Section 18, Chapter 321, O.S.L. 2009 (59 O.S.
14 Supp. 2010, Section 353.24), is amended to read as follows:

15 Section 353.24. It shall be unlawful for any person, firm
16 or business entity to:

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

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

1 Pharmacy;

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

6 4. Enter into any arrangement whereby prescription orders
7 are received, or prescriptions delivered at a place other than the
8 pharmacy in which they are compounded and dispensed. However,
9 nothing in this paragraph shall prevent a pharmacist or an
10 employee of the pharmacy from personally receiving a prescription
11 or delivering a legally filled prescription at a residence, office
12 or place of employment of the patient for whom the prescription
13 was written. Provided further, the provisions of this paragraph
14 shall not apply to any Department of Mental Health and Substance
15 Abuse Services employee or any person whose facility contracts
16 with the Department of Mental Health and Substances Abuse Services
17 whose possession of any dangerous drug, as defined in Section
18 353.1 of this title, is for the purpose of delivery of a mental
19 health consumer's medicine to the consumer's home or residence.
20 Nothing in this paragraph shall prevent veterinary prescription
21 drugs from being shipped directly from an Oklahoma licensed
22 wholesaler or distributor to a client; provided, such drugs may be
23 dispensed only on prescription of a licensed veterinarian and only
24 when an existing veterinary-client-patient relationship exists;

25 5. Sell, offer for sale or barter or buy any professional
26 samples except through a program pursuant to the Utilization of
27 Unused Prescription Medications Act. For purpose of this

1 paragraph, "professional samples" means complimentary drugs
2 packaged in accordance with federal and state statutes and
3 regulations and provided to a licensed practitioner free of charge
4 by manufacturers or distributors for the purpose of being
5 distributed free of charge in such package by the licensed
6 practitioner to a patient;

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

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

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

26 a. a first violation of this section shall constitute
27 a misdemeanor and upon conviction shall be punishable by

1 imprisonment in the county jail for a term not more than one (1)
2 year and a fine in an amount not more than One Thousand Dollars
3 (\$1,000.00),

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

9 9. Knowingly violate a Board order or agreed order;

10 ~~9.~~ 10. Compromise the security of licensure examination
11 materials; or

12 ~~10.~~ 11. Fail to notify the Board, in writing, within
13 ten (10) days of an address change.

14 SECTION 2. This act shall become effective November 1,
15 2011.

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