

2008
End-of-Session Overview
Prepared for the
Oklahoma Pharmacists Association

HB 2490- by Rep. Wes Hilliard, D - Sulphur and Sen. John Sparks, D - Norman was our OPhA request bill dealing with Pharmacy Audits. Our major efforts on this bill were related to introduction and committee assignments. We recruited the legislative authors and made sure the bill was assigned to House Public Health Committee. We made sure other healthcare groups understood our legislation and we actively lobbied House members. The bill passed the House and was sent to the Senate. When the bill got to the Senate, we learned the PBM's had already "poisoned the well" and had gotten the bill assigned to the Senate Rules Committee. We coordinated communications to reach a compromise with the PBM's. After an incredibly involved compromise process, an agreement was reached and we were able to have the bill reassigned to Senate Health Committee. In the final form as a compromise, we were able to pass the bill and it was signed into law.

HB 2794 by Rep. Dr. Doug Cox, R - Grove and Sen. Tom Adelson, D- Tulsa At OPhA's request, in response to a last minute request from the Board of Pharmacy, we scrambled to get their request bill introduced. We recommended a lobbying strategy for the Board of Pharmacy but took no additional action. When they were unsuccessful in getting their bill moved, again responding to their request, we were able to get the FTE increase included in SB 1369 by Rep. Ken Miller, R - Edmond and Sen. Mike Johnson, R - Kingfisher. SB 1369 passed and was signed by the Governor.

SB 1523 by Sen. Debbe Leftwich, D - OKC Proposed the creation of the Retail Health Clinic Act. We opposed this bill but were very careful in our actions because Sen. Leftwich is such a very good friend. We encouraged other health care groups to take the lead in opposing this and "quietly" encouraged legislative leadership to make it go away. This bill was sent to Senate Rules and did not receive a hearing.

SB 1712 by Sen. Andrew Rice, D - OKC Proposed the creation of the Prescription Retail Price Registry Act. We actively opposed this bill and worked to get it assigned to Senate Rules Committee. Our efforts were successful and the bill was not heard in Senate Rules.

DXM "again"

Please note that we have worked hard to organize and maintain a lobbying coalition against unnecessarily restrictive controls on the sale of DXM products. This coalition includes the Oklahoma Petroleum Marketers and Convenience Store Association, the Oklahoma Grocers Association and the State Chamber of Commerce.

SB 1794, by Sen. Charles Laster, D - Shawnee and Rep. David Derby, R - Owasso – was the 2008 version of DXM restrictions. This bill was similar to other bills that we have defeated in previous years, as it proposed restricting sales to those 18 and older, placing \$500 fine for selling to anyone under 18, limiting amount of purchase at any one time, and requiring mandatory education on the dangers of misuse of over the counter medications.

Once again on the basis of the “DXM Epidemic” that is supposedly sweeping through our schools, the State Department of Mental Health and Substance Abuse Services was promoting legislation that would be severely restrictive. SB 1794 was introduced by Senator Laster, who has consistently supported the proposed restrictions.

However, this year we were able to take control of the bill in the House before the proponents of the bill realized what we had done. We took the lead in convincing our friend Freshman Rep. Derby to sign on as House Author and “capture” the bill for us. Because we were successful in this effort, we were able to prevent the bill from moving in the House.

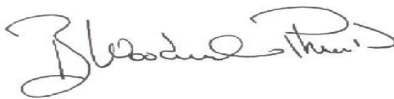
Late in the Session Rep. Derby stripped out the language dealing with DXM and used HB 1794 for an unrelated issue.

SB 951 by Sen. Charles Laster, R - Shawnee and Rep. Dr. Doug Cox, R - Grove was the carryover DXM bill that was still alive from the 2007 session. This bill proposed that DXM products would be required to be stored behind the counter and require a Photo ID be presented to purchase.

Last year, we were successful in keeping this bill from being heard in the House Judiciary and Public Safety Committee. When Session started this year, SB 951 was still alive and available to be heard this session. We again worked successfully with Committee Chairman Rep. Rex Duncan, R-Sand Springs to prevent the bill from being heard and it died without ever being brought back up.

HB 1794 (2007 carryover) by Rep. Don Armes, R - Faxon, and Sen. Ron Justice, R - Chickasha was another carryover DXM bill that was still alive from the 2007 Session. This bill proposed the creation of the Household Product Misuse Task Force to “again” study the issue and make recommendations for controlling / restricting DXM.

Because of support from Rep. Armes, we were again able to keep this bill from passing. Throughout the entire 2008 Session, HB 1794 was still pending in Joint Conference Committee from 2007, but was never brought back up.



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