

1 ENGROSSED HOUSE  
2 BILL NO. 2931

By: Mulready of the House

3 and

4 Griffin of the Senate

5  
6  
7 An Act relating to controlled dangerous substances;  
8 amending 63 O.S. 2011, Section 2-309, as last amended  
9 by Section 1, Chapter 323, O.S.L. 2013 (63 O.S. Supp.  
10 2017, Section 2-309), which relates to the Uniform  
11 Controlled Dangerous Substances Act; requiring  
12 electronic prescribing for all scheduled drugs;  
13 providing exceptions; modifying time period for  
14 certain exception; deleting prohibition concerning  
hydrocodone refills and restrictions on dispensing or  
distributing Schedule V substances; deleting  
restrictions related to the dispensing of paregoric;  
modifying certain definition; directing counties with  
certain populations to comply with electronic  
prescription requirements by certain date; and  
providing an effective date.

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16  
17 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

18 SECTION 1. AMENDATORY 63 O.S. 2011, Section 2-309, as  
19 last amended by Section 1, Chapter 323, O.S.L. 2013 (63 O.S. Supp.  
20 2017, Section 2-309), is amended to read as follows:

21 Section 2-309. A. 1. Except for dosages medically required  
22 for a period not to exceed forty-eight (48) hours which are  
23 administered by or on direction of a practitioner, other than a  
24 pharmacist, or medication dispensed directly by a practitioner,

1 other than a pharmacist, to an ultimate user, no controlled  
2 dangerous substance included in Schedule II, which is a prescription  
3 drug as determined under regulation promulgated by the Board of  
4 Pharmacy, ~~may~~ shall be dispensed without ~~the written~~ an electronic  
5 prescription of a practitioner; provided, that in emergency  
6 situations, as prescribed by the Board of Pharmacy by regulation,  
7 such drug may be dispensed upon oral prescription reduced promptly  
8 to writing and filed by the pharmacist in a manner to be prescribed  
9 by rules and regulations of the Director of the Oklahoma State  
10 Bureau of Narcotics and Dangerous Drugs Control.

11 2. Electronic prescribing ~~may~~ shall be utilized for Schedules  
12 II, III, IV, and V, subject to the requirements set forth in 21 CFR,  
13 Section 1311 et seq.

14 3. ~~The transmission of written prescription by practitioner to~~  
15 ~~dispensing pharmacy by facsimile or electronic transmission with~~  
16 ~~electronic signature is permitted only under the following~~  
17 ~~conditions:~~

18 a. ~~for Schedule II drugs, the original prescription must~~  
19 ~~be presented and verified against the facsimile at the~~  
20 ~~time the substances are actually dispensed, and the~~  
21 ~~original document must be properly annotated and~~  
22 ~~retained for filing, except:~~  
23 ~~(1) home infusion pharmacy may consider the facsimile~~  
24 ~~to be a "written prescription" as required by~~

1                   ~~Section 2-101 et seq. of this title and as~~  
2                   ~~required by Title 21 U.S.C., Section 829(a). The~~  
3                   ~~faesimile copy of the prescription shall be~~  
4                   ~~retained as an original prescription, and it must~~  
5                   ~~contain all the information required by Section~~  
6                   ~~2-101 et seq. of this title and 21 CFR, Section~~  
7                   ~~1306.05(a), including date issued, the patient's~~  
8                   ~~full name and address, and the practitioner's~~  
9                   ~~name, address, DEA registration number, and~~  
10                  ~~signature. The exception to the regulations for~~  
11                  ~~home infusion/IV therapy is intended to~~  
12                  ~~facilitate the means by which home infusion~~  
13                  ~~pharmacies obtain prescriptions for patients~~  
14                  ~~requiring the frequently modified parenteral~~  
15                  ~~controlled release administration of narcotic~~  
16                  ~~substances, but does not extend to the dispensing~~  
17                  ~~of oral dosage units of controlled substances,~~  
18                  (2) ~~the same exception is granted to patients in Long~~  
19                  ~~Term Care facilities (LTCF), which are filled by~~  
20                  ~~and delivered to the facility by a dispensing~~  
21                  ~~pharmacy, and~~  
22                  (3) ~~an~~ An ~~electronic prescription with electronic~~  
23                  ~~signature may serve as an original prescription,~~  
24

1 subject to the requirements set forth in 21 CFR,  
2 Section 1311 et seq., and

3 ~~b. for drugs in Schedules III and IV, a facsimile copy of~~  
4 ~~a written, signed prescription transmitted directly by~~  
5 ~~the prescribing practitioner to the pharmacy can serve~~  
6 ~~as an original prescription. Electronic prescribing~~  
7 ~~may be utilized for Schedules III and IV subject to~~  
8 ~~the same requirements as set forth in 21 CFR, Section~~  
9 ~~1311 et seq.~~

10 4. Prescriptions shall be retained in conformity with the  
11 requirements of this section and Section 2-307 of this title. No  
12 prescription for a Schedule II substance may be refilled.

13 5. The electronic prescription requirement provided for in this  
14 section shall not apply to prescriptions for controlled dangerous  
15 substances issued by any of the following:

- 16 a. a person licensed to practice veterinary medicine,  
17 b. a practitioner who experiences temporary technological  
18 or electrical failure or other extenuating  
19 circumstance that prevents the prescription from being  
20 transmitted electronically; provided, however, that  
21 the practitioner documents the reason for this  
22 exception in the medical record of the patient,  
23 c. a practitioner, other than a pharmacist, who dispenses  
24 directly to an ultimate user,

- 1        d. a practitioner who orders a controlled dangerous  
2        substance to be administered in a state-certified and  
3        recognized hospital, nursing home, hospice facility,  
4        outpatient dialysis facility, residential care  
5        facility or correctional facility,
- 6        e. a practitioner who writes a prescription to be  
7        dispensed by a pharmacy located on federal property,  
8        provided the practitioner documents the reason for  
9        this exception in the medical record of the patient,  
10       or
- 11       f. a prescriber that has received a waiver or extension  
12       from the Oklahoma State Bureau of Narcotics and  
13       Dangerous Drugs Control.

14       6. Electronic prescriptions shall not be utilized under the  
15       following circumstances:

- 16       a. prescriptions that have complicated directions,  
17       b. prescriptions that have directions that exceed one  
18       hundred forty characters,
- 19       c. compound prescriptions containing two or more  
20       commercially available products or two or more active  
21       pharmaceutical ingredients,
- 22       d. compounded infusion prescriptions containing two or  
23       more commercially available products or two or more  
24       active pharmaceutical ingredients,

- 1           e. prescriptions issued under approved research  
2           protocols,  
3           f. prescriptions that will be dispensed out-of-state, or  
4           g. if the practitioner determines that an electronic  
5           prescription cannot be issued in a timely manner and  
6           the condition of the patient is at risk.

7           7. A pharmacist who receives a written, oral or facsimile  
8 prescription shall not be required to verify that the prescription  
9 falls under one of the exceptions provided for in paragraph 6 of  
10 this subsection. Pharmacists may continue to dispense medications  
11 from otherwise valid written, oral or facsimile prescriptions that  
12 are consistent with current laws and regulations.

13           8. Practitioners must indicate in the health record of a  
14 patient that an exception to the electronic prescription requirement  
15 was utilized.

16           B. 1. Except for dosages medically required for a period not  
17 to exceed ~~forty-eight (48)~~ seventy-two (72) hours which are  
18 administered by or on direction of a practitioner, other than a  
19 pharmacist, or medication dispensed directly by a practitioner,  
20 other than a pharmacist, to an ultimate user, no controlled  
21 dangerous substance included in Schedule III or IV, which is a  
22 prescription drug as determined under regulation promulgated by the  
23 Board of Pharmacy, ~~may~~ shall be dispensed without ~~a written or oral~~  
24 an electronic prescription.

1           2. ~~A written or oral~~ Any prescription for a controlled  
2 dangerous substance in Schedule III ~~or~~, IV or V may not be filled or  
3 refilled more than six (6) months after the date thereof or be  
4 refilled more than five times after the date of the prescription,  
5 unless renewed by the practitioner.

6           3. ~~A written or oral prescription for any product containing~~  
7 ~~hydrocodone with another active ingredient shall not be refilled.~~

8           C. ~~No controlled dangerous substance included in Schedule V may~~  
9 ~~be distributed or dispensed other than for a legitimate medical or~~  
10 ~~scientific purpose.~~

11           D. ~~Except for dosages medically required for a period not to~~  
12 ~~exceed forty-eight (48) hours which are administered by or on~~  
13 ~~direction of a practitioner, other than a pharmacist, or medication~~  
14 ~~dispensed directly by a practitioner, other than a pharmacist, to an~~  
15 ~~ultimate user, tincture opium camphorated, commonly known as~~  
16 ~~paregoric, may not be dispensed without a written or oral~~  
17 ~~prescription. The refilling of a prescription for paregoric shall~~  
18 ~~be unlawful unless permission is granted by the prescriber, either~~  
19 ~~written or oral.~~

20           E. Whenever it appears to the Director of the Oklahoma State  
21 Bureau of Narcotics and Dangerous Drugs Control that a drug not  
22 considered to be a prescription drug under existing state law or  
23 regulation of the Board of Pharmacy should be so considered because  
24 of its abuse potential, the Director shall so advise the Board of

1 Pharmacy and furnish to the Board all available data relevant  
2 thereto.

3 ~~F.~~ D. "Prescription", as used herein, means a written ~~or~~, oral  
4 or electronic order by a practitioner to a pharmacist for a  
5 controlled dangerous substance for a particular patient, which  
6 specifies the date of its issue, and the full name and address of  
7 the patient, ~~and~~, and, if the controlled dangerous substance is  
8 prescribed for an animal, the species of the animal, ~~the~~ name and  
9 quantity of the controlled dangerous substance prescribed, ~~the~~  
10 directions for use, ~~the~~ name and address of the owner of the animal  
11 and, if written, the signature of the practitioner.

12 ~~G.~~ E. No person shall solicit, dispense, receive or deliver any  
13 controlled dangerous substance through the mail, unless the ultimate  
14 user is personally known to the practitioner and circumstances  
15 clearly indicate such method of delivery is in the best interest of  
16 the health and welfare of the ultimate user.

17 F. Beginning November 1, 2018, the electronic prescription  
18 requirement provided for in this section shall apply to all counties  
19 having more than two hundred thousand (200,000) population according  
20 to the latest Federal Decennial Census. All remaining counties  
21 having less than two hundred thousand (200,000) population according  
22 to the latest Federal Decennial Census shall comply with the  
23 electronic prescription requirement provided for in this section on  
24 or before November 1, 2019.



