

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL NO. 1019

By: Hicks

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5
6 AS INTRODUCED

7 An Act relating to pharmacies; amending Section 3,
8 Chapter 234, O.S.L. 2017 (59 O.S. Supp. 2018, Section
9 353.20.2), which relates to prescription refills;
10 providing exception to applicability of section;
11 authorizing refills of medications in certain
12 circumstances without a prescription; and providing
13 an effective date.

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

15 SECTION 1. AMENDATORY Section 3, Chapter 234, O.S.L.
16 2017 (59 O.S. Supp. 2018, Section 353.20.2), is amended to read as
17 follows:

18 Section 353.20.2. A. ~~Unless~~ Except as provided in subsection C
19 of this section, unless the prescriber has specified on the
20 prescription that dispensing a prescription for a maintenance
21 medication in an initial amount followed by periodic refills is
22 medically necessary, a pharmacist may exercise his or her
23 professional judgment to dispense varying quantities of medication
24 per fill-up to the total number of dosage units as authorized by the
25 prescriber on the original prescription including any refills.

1 B. Subsection A of this section shall not apply to scheduled
2 medications or any medications for which a report is required under
3 the controlled substance database. Dispensing of medication based
4 on refills authorized by the physician on the prescription shall be
5 limited to no more than a ninety-day supply of the medication.

6 C. A pharmacist may dispense or sell a dangerous medication or
7 medications, other than those for which a report is required under
8 the controlled substance database, without a written or oral
9 prescription if the following conditions are met:

10 1. The pharmacy at which the pharmacist works has a record of a
11 prescription for the drug prescribed in the name of the patient who
12 is requesting it, but the prescription does not provide for a refill
13 or the time permitted by rules adopted by the state board of
14 pharmacy for providing refills has elapsed;

15 2. The pharmacist is unable to obtain authorization to refill
16 the prescription from the health care professional who issued the
17 prescription or another health professional responsible for the care
18 of the patient;

19 3. In the exercise of the professional judgment of the
20 pharmacist:

21 a. the drug is essential to sustain the life of the
22 patient or continue therapy for a chronic condition of
23 the patient, and

1 b. failure to dispense or sell the drug to the patient
2 could result in harm to the health of the patient; and

3 4. The patient has been on a consistent drug therapy as
4 demonstrated by records maintained by a pharmacy, the amount of the
5 drug dispensed or sold does not exceed a thirty-day supply as
6 provided in the prescription or if the standard unit of dispensing
7 for the drug exceeds a thirty-day supply, and the amount of the drug
8 dispensed or sold does not exceed the standard unit of dispensing;
9 provided a pharmacist shall not dispense or sell a particular drug
10 to the same patient in an amount described in this paragraph more
11 than once in any twelve-month period.

12 SECTION 2. This act shall become effective November 1, 2019.

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