

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 SENATE BILL 253

By: Haste

4  
5 AS INTRODUCED

6 An Act relating to durable medical equipment;  
7 amending Section 5, Chapter 288, O.S.L. 2022 (59 O.S.  
8 Supp. 2022, Section 375.5), which relates to  
9 exemptions from the Oklahoma Durable Medical  
10 Equipment Licensing Act; adding exemption; and  
11 declaring an emergency.

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

13 SECTION 1. AMENDATORY Section 5, Chapter 288, O.S.L.  
14 2022 (59 O.S. Supp. 2022, Section 375.5), is amended to read as  
15 follows:

16 Section 375.5. The Oklahoma Durable Medical Equipment Licensing  
17 Act shall not apply to:

- 18 1. Pharmacies and pharmacists;
- 19 2. Hospitals;
- 20 3. Ambulatory surgical centers;
- 21 4. Health care facilities owned or operated by the state or  
22 federal government;
- 23 5. Skilled nursing facilities;
- 24 6. Assisted living facilities;
- 25 7. Prosthetic or orthotic practitioners;

1 8. Health care practitioners who are licensed to practice  
2 health care in this state and who provide durable medical equipment  
3 within the scope of their health care practice;

4 9. Manufacturers or wholesale distributors that do not sell or  
5 rent durable medical equipment directly to consumers;

6 10. Manufacturers or wholesale distributors that sell or rent  
7 durable medical equipment directly to consumers if:

8 a. the durable medical equipment is limited to  
9 prescription-required specialty devices that are  
10 delivered directly to the patient's home, and

11 b. the initial order for the prescribed product is  
12 delivered by an Oklahoma licensed practitioner  
13 directly to the patient's home for setup and training;

14 11. Suppliers of insulin infusion pumps and related supplies or  
15 services; or

16 ~~11.~~ 12. Suppliers of medical devices approved by the U.S. Food  
17 and Drug Administration that are used in the treatment of cancerous  
18 tumors.

19 SECTION 2. It being immediately necessary for the preservation  
20 of the public peace, health or safety, an emergency is hereby  
21 declared to exist, by reason whereof this act shall take effect and  
22 be in full force from and after its passage and approval.