

1 ENGROSSED SENATE  
2 BILL NO. 1502

By: Standridge of the Senate

3 and

4 Marti of the House

5  
6 [ powers and duties of the State Board of Pharmacy -  
7 pharmacy technicians - effective date ]  
8

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

10 SECTION 1. AMENDATORY 59 O.S. 2011, Section 353.7, as  
11 last amended by Section 4, Chapter 106, O.S.L. 2018 (59 O.S. Supp.  
12 2019, Section 353.7), is amended to read as follows:

13 Section 353.7. The State Board of Pharmacy shall have the power  
14 and duty to:

15 1. Regulate the practice of pharmacy;

16 2. Regulate the sale and distribution of drugs, medicines,  
17 chemicals and poisons;

18 3. Regulate the dispensing of drugs and medicines in all places  
19 where drugs and medicines are compounded and/or dispensed;

20 4. Examine and issue appropriate certificates of licensure as  
21 Doctor of Pharmacy to all applicants whom the Board deems qualified  
22 under the provisions of the Oklahoma Pharmacy Act;

23 5. Issue licenses to manufacturers, repackagers, outsourcing  
24 facilities, wholesale distributors, third-party logistics providers,

1 pharmacies, and other dispensers, medical gas suppliers, and medical  
2 gas distributors;

3 6. Issue sterile compounding and drug supplier permits for  
4 pharmacies at the fee set by the Board, with the expiration date of  
5 such permits to coincide with the pharmacy license annual expiration  
6 date;

7 7. Prescribe minimum standards with respect to floor space and  
8 other physical characteristics of pharmacies and hospital drug rooms  
9 as may be reasonably necessary for the maintenance of professional  
10 surroundings and for the protection of the safety and welfare of the  
11 public, and to refuse the issuance of new or renewal licenses for  
12 failure to comply with such standards. Minimum standards for  
13 hospital drug rooms shall be consistent with the State Department of  
14 Health, Hospital Standards, as defined in OAC 310:667;

15 8. Authorize its inspectors, compliance officers, and duly  
16 authorized representatives to enter and inspect any and all places,  
17 including premises, vehicles, equipment, contents and records, where  
18 drugs, medicines, chemicals, or poisons are stored, sold, vended,  
19 given away, compounded, dispensed, manufactured, repackaged or  
20 transported;

21 9. For good cause, inspect a pharmacy that is licensed by the  
22 Board but is not located within this state at the pharmacy's expense  
23 by one or more inspectors, compliance officers or duly authorized  
24 representatives employed by or approved by the Board including, but

1 not limited to, an inspector obtained through the National  
2 Association of Boards of Pharmacy;

3 10. Employ the number of inspectors and pharmacist compliance  
4 officers necessary in the investigation of criminal activity or  
5 preparation of administrative actions at an annual salary to be  
6 fixed by the Board, and to authorize necessary expenses. Any  
7 inspector certified as a peace officer by the Council of Enforcement  
8 Education and Training shall have statewide jurisdiction to perform  
9 the duties authorized by this section. In addition, the inspectors  
10 shall be considered peace officers and shall have the same powers  
11 and authority as that granted to peace officers. In addition, such  
12 inspectors or pharmacist compliance officers shall have the  
13 authority to take and copy records and the duty to confiscate all  
14 drugs, medicines, chemicals or poisons found to be stored, sold,  
15 vended, given away, compounded, dispensed or manufactured contrary  
16 to the provisions of the Oklahoma Pharmacy Act;

17 ~~10.~~ 11. Investigate complaints, subpoena witnesses and records,  
18 initiate prosecution, and hold hearings;

19 ~~11.~~ 12. Administer oaths in all manners pertaining to the  
20 affairs of the Board and to take evidence and compel the attendance  
21 of witnesses on questions pertaining to the enforcement of the  
22 Oklahoma Pharmacy Act;

23 ~~12.~~ 13. Reprimand, place on probation, suspend, revoke  
24 permanently and levy fines not to exceed Three Thousand Dollars

1 (\$3,000.00) for each count for which any person charged with  
2 violating the Oklahoma Pharmacy Act or Oklahoma Board of Pharmacy  
3 administrative rules has been convicted in Board hearings. The  
4 Board also may take other disciplinary action. The Board may impose  
5 as part of any disciplinary action the payment of costs expended by  
6 the Board for any legal fees and costs, including, but not limited  
7 to, staff time, salary and travel expense, witness fees and attorney  
8 fees. The Board may also require additional continuing education,  
9 including attendance at a live continuing education program, and may  
10 require participation in a rehabilitation program for the impaired.  
11 The Board may take such actions singly or in combination, as the  
12 nature of the violation requires;

13 ~~13.~~ 14. Adopt and establish rules of professional conduct  
14 appropriate to the establishment and maintenance of a high standard  
15 of integrity and dignity in the profession of pharmacy. Such rules  
16 shall be subject to amendment or repeal by the Board as the need may  
17 arise;

18 ~~14.~~ 15. Make and publish rules such as may be necessary for  
19 carrying out and enforcing the provisions of the Oklahoma Pharmacy  
20 Act, Oklahoma drug laws and rules, federal drug laws and  
21 regulations, and make such other rules as in its discretion may be  
22 necessary to protect the health, safety, and welfare of the public;

23 ~~15.~~ 16. Establish and collect appropriate fees for licenses,  
24 permits, inspections, and services provided; and such fees shall be

1 nonrefundable. Such fees shall be promulgated to implement the  
2 provisions of the Oklahoma Pharmacy Act under the provisions of the  
3 Administrative Procedures Act;

4 ~~16.~~ 17. Regulate:

- 5 a. personnel working in a pharmacy, such as interns and  
6 supportive personnel, including technicians, and issue  
7 pharmacy technician permits and intern licenses,
- 8 b. interns, preceptors and training areas through which  
9 the training of applicants occurs for licensure as a  
10 pharmacist, and
- 11 c. such persons regarding all aspects relating to the  
12 handling of drugs, medicines, chemicals, and poisons;

13 ~~17.~~ 18. Acquire by purchase, lease, gift, solicitation of gift  
14 or by any other manner, and to maintain, use and operate or to  
15 contract for the maintenance, use and operation of or lease of any  
16 and all property of any kind, real, personal or mixed or any  
17 interest therein unless otherwise provided by the Oklahoma Pharmacy  
18 Act; provided, all contracts for real property shall be subject to  
19 the provisions of Section 63 of Title 74 of the Oklahoma Statutes;

20 ~~18.~~ 19. Perform other such duties, exercise other such powers  
21 and employ such personnel as the provisions and enforcement of the  
22 Oklahoma Pharmacy Act may require; and

23 ~~19.~~ 20. Approve pilot projects designed to utilize new or  
24 expanded technology or processes and provide patients with better

1 pharmacy products or provide pharmacy services in a more safe and  
2 efficient manner. Such approvals may include provisions granting  
3 exemptions to any rule adopted by the Board.

4 SECTION 2. AMENDATORY Section 12, Chapter 230, O.S.L.  
5 2015 (59 O.S. Supp. 2019, Section 353.18A), is amended to read as  
6 follows:

7 Section 353.18A. A. Supportive personnel may perform certain  
8 tasks in the practice of pharmacy if such personnel perform the  
9 tasks in compliance with rules promulgated by the State Board of  
10 Pharmacy.

11 B. 1. No person shall serve as a pharmacy technician without  
12 first procuring a permit from the Board.

13 2. An application for an initial or renewal pharmacy technician  
14 permit issued pursuant to the provisions of this subsection shall be  
15 submitted to the Board and provide any other information deemed  
16 relevant by the Board.

17 3. An application for an initial or renewal permit shall be  
18 accompanied by a permit fee not to exceed ~~Seventy-Five~~ Seventy-five  
19 Dollars (\$75.00) for each period of one (1) year. A permit issued  
20 pursuant to this subsection shall be valid for a period to be  
21 determined by the Board.

22 4. Every permitted pharmacy technician who fails to complete a  
23 renewal form and remit the required renewal fee to the Board by the  
24

1 fifteenth day after the expiration of the permit shall pay a late  
2 fee to be fixed by the Board.

3 5. A pharmacy technician permit shall be cancelled thirty (30)  
4 days after expiration.

5 6. A person may obtain reinstatement of a cancelled pharmacy  
6 technician permit by making application, paying a reinstatement fee,  
7 and satisfactorily completing other requirements set by the Board.

8 C. A pharmacy licensed exclusively as a hospital pharmacy that  
9 does not conduct retail business shall maintain a pharmacy  
10 technician-to-pharmacist ratio of not more than four pharmacy  
11 technicians to one supervising pharmacist.

12 D. A licensed pharmacy that conducts significant compounding  
13 may utilize up to two pharmacy technicians specifically trained in  
14 the art of pharmacy compounding who shall not be counted for the  
15 purposes of the pharmacy technician-to-pharmacist ratio of two  
16 pharmacy technicians to one supervising pharmacist as established by  
17 Board rule. Every pharmacy technician shall be supervised at all  
18 times by a licensed pharmacist. The additional pharmacy technician  
19 or technicians may only perform tasks related to compounding and  
20 shall have completed not less than fifteen (15) hours of training as  
21 a compounding technician. As used in this subsection, "significant  
22 compounding" means activity which equals at least ten percent (10%)  
23 of net profit of the pharmacy.

24 SECTION 3. This act shall become effective November 1, 2020.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

Passed the Senate the 12th day of March, 2020.

\_\_\_\_\_  
Presiding Officer of the Senate

Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
2020.

\_\_\_\_\_  
Presiding Officer of the House  
of Representatives