

1 STATE OF OKLAHOMA

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

3 SENATE BILL 372

By: Garvin

4
5
6 AS INTRODUCED

7 An Act relating to the practice of pharmacy; amending
8 59 O.S. 2021, Section 367.8, which relates to
9 maintenance of drugs in emergency kits by pharmacies;
10 removing certain power of the State Board of
11 Pharmacy; authorizing certain fee; prohibiting Board
12 from restricting amount or type of drugs maintained
13 in emergency medication kit; permitting pharmacy to
14 make certain determination under specified
15 conditions; requiring certain reporting; and
16 providing an effective date.

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

18 SECTION 1. AMENDATORY 59 O.S. 2021, Section 367.8, is
19 amended to read as follows:

20 Section 367.8. A. A pharmacy may maintain drugs in an
21 emergency medication kit for dispensation in a facility as provided
22 by this section. The pharmacy shall establish a policy and
23 procedures governing the maintenance and dispensation of such drugs
24 in accordance with the provisions of this section. The drugs may be
used only for the emergency medication needs of a resident at the
facility. The pharmacy shall maintain the drugs in the emergency
medication kit for the facility.

1 B. The pharmacy may establish a pharmacy designee at the
2 facility who shall be responsible for transmitting required
3 information for dispensation of controlled dangerous substances to
4 the central repository of the Oklahoma State Bureau of Narcotics and
5 Dangerous Drugs Control as provided by the Anti-Drug Diversion Act.

6 C. The pharmacy shall register the emergency medication kit as
7 a pharmacy location with the Oklahoma State Bureau of Narcotics and
8 Dangerous Drugs Control and shall comply with the requirements for
9 controlled dangerous substances prescribed by rules of the Oklahoma
10 State Bureau of Narcotics and Dangerous Drugs Control Commission.

11 D. The State Board of Pharmacy shall promulgate rules relating
12 to emergency medication kits including, but not limited to:

13 ~~1. The amount and type of drugs that may be maintained in an~~
14 ~~emergency medication kit. The total volume of each controlled~~
15 ~~dangerous substance shall be limited to the lesser of three doses~~
16 ~~per licensed bed or sixty individual doses. Controlled dangerous~~
17 ~~substances stored in emergency medication kits must be dispensed~~
18 ~~pursuant to a valid prescription and shall be reported to the~~
19 ~~registered pharmacy;~~

20 ~~2.~~ Procedures regarding the use of drugs from an emergency
21 medication kit;

22 2. A one-time application fee; however, the fee shall be a
23 fixed fee assessed per facility, not per kit;

24 3. Recordkeeping requirements; and
25

1 4. Security requirements.

2 E. The Board shall not restrict the amount or type of drugs
3 that may be maintained in an emergency medication kit. The amount
4 and type of drugs to be maintained in an emergency medication kit
5 shall be determined by the pharmacy in coordination with the
6 facility through the policy and procedures established under
7 subsection A of this section based on the number of residents in the
8 facility and the medical needs of the residents. The pharmacy shall
9 report the amount of each drug maintained in an emergency medication
10 kit in a facility to the Board.

11 F. As used in this section, "facility" means a facility as
12 defined by the Nursing Home Care Act or an assisted living center as
13 defined by the Continuum of Care and Assisted Living Act.

14 SECTION 2. This act shall become effective November 1, 2023.

15
16 59-1-219 DC 1/15/2023 3:34:13 PM
17
18
19
20
21
22
23
24
25