# An Act

ENROLLED HOUSE
BILL NO. 2931

By: Mulready and Downing of the House

and

Griffin, Standridge, Yen and Pittman of the Senate

An Act relating to controlled dangerous substances; amending 63 O.S. 2011, Section 2-309, as last amended by Section 1, Chapter 323, O.S.L. 2013 (63 O.S. Supp. 2017, Section 2-309), which relates to the Uniform Controlled Dangerous Substances Act; requiring electronic prescribing for all scheduled drugs; providing exceptions; requiring exempted prescriptions to be issued on official prescription form; requiring practitioner registration for obtainment of official prescription form; providing for registration, suspension and revocation; providing for issuance of official prescription form; providing security measures for official prescription form; modifying time period for 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 and adding certain definition; and providing an effective date.

SUBJECT: Uniform Controlled Dangerous Substances Act

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

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

Section 2-309. A. 1. Except for dosages medically required for a period not to exceed forty-eight (48) hours which are administered by or on direction of a practitioner, other than a pharmacist, or medication dispensed directly by a practitioner, other than a pharmacist, to an ultimate user, no controlled dangerous substance included in Schedule II, which is a prescription drug as determined under regulation promulgated by the Board of Pharmacy, ~~may~~ shall be dispensed without ~~the written~~ an electronic prescription of a practitioner; provided, that in emergency situations, as prescribed by the Board of Pharmacy by regulation, such drug may be dispensed upon oral prescription reduced promptly to writing and filed by the pharmacist in a manner to be prescribed by rules and regulations of the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control.

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

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

~~a. for Schedule II drugs, the original prescription must be presented and verified against the facsimile at the time the substances are actually dispensed, and the original document must be properly annotated and retained for filing, except:~~

~~(1) home infusion pharmacy may consider the facsimile to be a "written prescription" as required by Section 2-101 et seq. of this title and as required by Title 21 U.S.C., Section 829(a). The facsimile copy of the prescription shall be retained as an original prescription, and it must contain all the information required by Section 2-101 et seq. of this title and 21 CFR, Section 1306.05(a), including date issued, the patient's full name and address, and the practitioner's name, address, DEA registration number, and signature. The exception to the regulations for home infusion/IV therapy is intended to facilitate the means by which home infusion~~

~~pharmacies obtain prescriptions for patients requiring the frequently modified parenteral controlled release administration of narcotic substances, but does not extend to the dispensing of oral dosage units of controlled substances,~~

~~(2) the same exception is granted to patients in Long Term Care facilities (LTCF), which are filled by and delivered to the facility by a dispensing pharmacy, and~~

~~(3)~~ ~~an~~ An electronic prescription with electronic signature may serve as an original prescription, subject to the requirements set forth in 21 CFR, Section 1311 et seq.~~, and~~

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

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

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

a. a person licensed to practice veterinary medicine,

b. a practitioner who experiences temporary technological or electrical failure or other extenuating circumstance that prevents the prescription from being transmitted electronically; provided, however, that the practitioner documents the reason for this exception in the medical record of the patient,

c. a practitioner, other than a pharmacist, who dispenses directly to an ultimate user,

d. a practitioner who orders a controlled dangerous substance to be administered through an on-site pharmacy in:

(1) a hospital as defined in Section 1-701 of this title,

(2) a nursing facility as defined in Section 1-1902 of this title,

(3) a hospice inpatient facility as defined in Section 1-860.2 of this title,

(4) an outpatient dialysis facility,

(5) a continuum of care facility as defined in Section 1-890.2 of this title, or

(6) a penal institution listed in Section 509 of Title 57 of the Oklahoma Statutes,

e. a practitioner who writes a prescription to be dispensed by a pharmacy located on federal property, provided the practitioner documents the reason for this exception in the medical record of the patient, or

f. a practitioner that has received a waiver or extension from his or her licensing board.

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

a. compound prescriptions containing two or more commercially available products or two or more active pharmaceutical ingredients,

b. compounded infusion prescriptions containing two or more commercially available products or two or more active pharmaceutical ingredients,

c. prescriptions issued under approved research protocols, or