SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION

☐ FLOOR AMENDMENT No. _____ _____

☐ COMMITTEE AMENDMENT _____

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 4, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

_____

Senator Garvin

Garvin-DC-FS-Req#1883
3/9/2021 4:50 PM

(Floor Amendments Only) Date and Time Filed: _____

☐ Untimely ☐ Amendment Cycle Extended ☐ Secondary Amendment

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

FLOOR SUBSTITUTE
FOR
SENATE BILL NO. 4 By: Garvin of the Senate

and

Marti of the House

FLOOR SUBSTITUTE

An Act relating to pharmacy; providing definitions; allowing a pharmacist to substitute interchangeable product for certain prescribed product under specified conditions; requiring a pharmacist or designee to make entry of provided products into an electronic records system; specifying method of certain communication; providing for notice to prescriber; directing the State Board of Pharmacy to maintain certain link on its website; providing certain construction; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 355.4 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. For the purposes of this section:

1. "Biological product" has the same meaning given to that term in 42 U.S.C., Section 262; and

2. "Interchangeable biological product" means a biological product that the U.S. Food and Drug Administration (FDA):

a. has licensed, and determined to meet the standards for interchangeability pursuant to 42 U.S.C., Section 262(k)(4), or

b. has determined is therapeutically equivalent as set forth in the latest edition of or supplement to the United States Food and Drug Administration's (FDA) Approved Drug Products with Therapeutic Equivalence Evaluations.

B. A pharmacist may substitute an interchangeable biological product for a prescribed biological product if:

1. The substituted product has been determined by the FDA to be interchangeable, as defined in subsection A of this section, with the prescribed biological product;

2. The prescribing health care provider does not express a preference against substitution in writing, verbally or electronically; and

3. The pharmacy informs the patient of the substitution.

C. The dispensing pharmacist or the pharmacist's designee shall make an entry into an electronic records system of the specific product provided to the patient including the name of the product and the manufacturer. The communication shall be conveyed by making an entry through:

1. An interoperable electronic medical records system;

2. An electronic prescribing technology;

3. A pharmacy benefit management system; or

4. A pharmacy record.

D. Entry into an electronic records system as described in subsection C of this section is presumed to provide notice to the prescriber.

E. The State Board of Pharmacy shall maintain a link on its Internet website to the current list of all biological products determined by the FDA to be interchangeable with a specific biological product.

F. Nothing in this section shall preclude existing approved brand and generic substitutions.

SECTION 2. This act shall become effective November 1, 2021.

58-1-1883 DC 3/9/2021 4:50:12 PM