

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 HOUSE BILL 2205

By: Vaughn

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5
6 AS INTRODUCED

7 An Act relating to public health and safety; amending
8 63 O.S. 2011, Section 2-212, which relates to the
9 Uniform Controlled Dangerous Substances Act;
10 prohibiting purchase of pseudoephedrine products
11 under certain circumstances; and providing an
12 effective date.

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

14 SECTION 1. AMENDATORY 63 O.S. 2011, Section 2-212, is
15 amended to read as follows:

16 Section 2-212. A. The controlled substances listed in this
17 section are included in Schedule V.

18 1. Any compound, mixture, or preparation containing limited
19 quantities of any of the following narcotic drugs, which also
20 contains one or more nonnarcotic active medicinal ingredients in
21 sufficient proportion to confer upon the compound, mixture, or
22 preparation, valuable medicinal qualities other than those possessed
23 by the narcotic drug alone:
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- 1 a. not more than two hundred (200) milligrams of codeine,
2 or any of its salts, per one hundred (100) milliliters
3 or per one hundred (100) grams,
4 b. not more than one hundred (100) milligrams of
5 dihydrocodeine, or any of its salts, per one hundred
6 (100) milliliters or per one hundred (100) grams,
7 c. not more than one hundred (100) milligrams of
8 ethylmorphine, or any of its salts, per one hundred
9 (100) milliliters or per one hundred (100) grams,
10 d. not more than two and five-tenths (2.5) milligrams of
11 diphenoxylate and not less than twenty-five (25)
12 micrograms of atropine sulfate per dosage unit, or
13 e. not more than one hundred (100) milligrams of opium
14 per one hundred (100) milliliters or per one hundred
15 (100) grams.

16 2. Any compound, mixture, or preparation containing any
17 detectable quantity of pseudoephedrine, its salts or optical
18 isomers, or salts of optical isomers. If any compound, mixture, or
19 preparation as specified in this paragraph is dispensed, sold, or
20 distributed in a pharmacy:

- 21 a. it shall be dispensed, sold, or distributed only by,
22 or under the supervision of, a licensed pharmacist or
23 a registered pharmacy technician, and
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- 1 b. any person purchasing, receiving, or otherwise
2 acquiring any compound, mixture, or preparation shall
3 produce a driver license, passport, military
4 identification, or other state-issued identification
5 card and shall sign a written log, receipt, or other
6 program or mechanism approved by the Oklahoma Bureau
7 of Narcotics and Dangerous Drugs Control, showing:
- 8 (1) the date of the transaction,
 - 9 (2) name of the purchaser,
 - 10 (3) driver license number, passport, military
11 identification, or state-issued identification
12 number and state of residence of the purchaser,
 - 13 (4) name and initials of the pharmacist or pharmacy
14 technician conducting the transaction,
 - 15 (5) the product being sold, and
 - 16 (6) total quantity, in grams or milligrams, of
17 pseudoephedrine purchased.

18 No person shall purchase, receive, or otherwise acquire more
19 than nine (9) grams of any product, mixture, or preparation within
20 any thirty-day period. Provided, the requirements of this
21 subsection shall not apply to any quantity of such product, mixture
22 or preparation dispensed pursuant to a valid prescription. When
23 information required by subparagraph b of this paragraph is
24 submitted to the central repository and fails to meet the validation

1 requirements, the person shall be prohibited from purchasing,
2 receiving or otherwise acquiring any compound, mixture, or
3 preparation containing any detectable quantity of pseudoephedrine
4 for a period of not less than seventy-two (72) hours following the
5 failed validation.

6 3. Any compound, mixture, or preparation containing any
7 detectable quantity of pregabalin.

8 B. The Schedule, as specified in paragraph 2 of subsection A,
9 shall not apply to any compounds, mixtures, or preparations which
10 are in liquid, liquid capsule, or gel capsule form if
11 pseudoephedrine is not the only active ingredient.

12 C. The Director of the Oklahoma State Bureau of Narcotics and
13 Dangerous Drugs Control, by rule, may exempt other products from
14 this Schedule which the Director finds are not used in the illegal
15 manufacture of methamphetamine or other controlled dangerous
16 substances. A manufacturer of a drug product may apply for removal
17 of the product from the Schedule if the product is determined by the
18 Director to have been formulated in such a way as to effectively
19 prevent the conversion of the active ingredient into
20 methamphetamine.

21 D. As used in this section:

22 1. "Gel capsule" means any soft gelatin, liquid-filled capsule
23 that contains a liquid suspension, which, in the case of
24 pseudoephedrine, is suspended in a matrix of glycerin, polyethylene

1 glycol, and propylene glycol, along with other liquid substances.

2 Regardless of product manufacturer labeling, a gelatin-covered solid
3 does not constitute a gel capsule under this definition; and

4 2. "Active ingredient" shall include the matrix of glycerin,
5 polyethylene glycol, and propylene glycol that is found in liquid
6 capsules.

7 SECTION 2. This act shall become effective November 1, 2012.

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9 53-2-7887 GRS 12/20/11

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