

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1282

By: Wyrick

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5  
6 AS INTRODUCED

7 An Act relating to pseudoephedrine; amending 63 O.S.  
8 2011, Section 2-212, which relates to Schedule V  
9 substances; providing for certain local regulation;  
10 and providing an effective date.

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

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

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

16 1. Any compound, mixture, or preparation containing limited  
17 quantities of any of the following narcotic drugs, which also  
18 contains one or more nonnarcotic active medicinal ingredients in  
19 sufficient proportion to confer upon the compound, mixture, or  
20 preparation, valuable medicinal qualities other than those possessed  
21 by the narcotic drug alone:

- 22 a. not more than two hundred (200) milligrams of codeine,  
23 or any of its salts, per one hundred (100) milliliters  
24 or per one hundred (100) grams,

- 1           b. not more than one hundred (100) milligrams of  
2           dihydrocodeine, or any of its salts, per one hundred  
3           (100) milliliters or per one hundred (100) grams,  
4           c. not more than one hundred (100) milligrams of  
5           ethylmorphine, or any of its salts, per one hundred  
6           (100) milliliters or per one hundred (100) grams,  
7           d. not more than two and five-tenths (2.5) milligrams of  
8           diphenoxylate and not less than twenty-five (25)  
9           micrograms of atropine sulfate per dosage unit, or  
10          e. not more than one hundred (100) milligrams of opium  
11          per one hundred (100) milliliters or per one hundred  
12          (100) grams.

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

- 18           a. it shall be dispensed, sold, or distributed only by,  
19           or under the supervision of, a licensed pharmacist or  
20           a registered pharmacy technician, and  
21           b. any person purchasing, receiving, or otherwise  
22           acquiring any compound, mixture, or preparation shall  
23           produce a driver license, passport, military  
24           identification, or other state-issued identification

1 card and shall sign a written log, receipt, or other  
2 program or mechanism approved by the Oklahoma Bureau  
3 of Narcotics and Dangerous Drugs Control, showing:

- 4 (1) the date of the transaction,  
5 (2) name of the purchaser,  
6 (3) driver license number, passport, military  
7 identification, or state-issued identification  
8 number and state of residence of the purchaser,  
9 (4) name and initials of the pharmacist or pharmacy  
10 technician conducting the transaction,  
11 (5) the product being sold, and  
12 (6) total quantity, in grams or milligrams, of  
13 pseudoephedrine purchased.

14 No person shall purchase, receive, or otherwise acquire more  
15 than nine (9) grams of any product, mixture, or preparation within  
16 any thirty-day period. Provided, the requirements of this  
17 subsection shall not apply to any quantity of such product, mixture  
18 or preparation dispensed pursuant to a valid prescription.

19 3. Any compound, mixture, or preparation containing any  
20 detectable quantity of pregabalin.

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

1 C. The Director of the Oklahoma State Bureau of Narcotics and  
2 Dangerous Drugs Control, by rule, may exempt other products from  
3 this Schedule which the Director finds are not used in the illegal  
4 manufacture of methamphetamine or other controlled dangerous  
5 substances. A manufacturer of a drug product may apply for removal  
6 of the product from the Schedule if the product is determined by the  
7 Director to have been formulated in such a way as to effectively  
8 prevent the conversion of the active ingredient into  
9 methamphetamine.

10 D. Any agency, or other political subdivision of the state,  
11 including, but not limited to, municipalities, counties or any  
12 agency thereof, may adopt and enforce any order, ordinance, rule or  
13 regulation concerning the sale, purchase, distribution or possession  
14 of any compound, mixture or preparation containing any detectible  
15 quantity of pseudoephedrine, its salts or optical isomers or salts  
16 of optical isomers, including, but not limited to, any order,  
17 ordinance, rule or regulation which would require a valid  
18 prescription for any quantity of such substances; provided, however,  
19 an order, ordinance, rule or regulation shall not be less stringent  
20 than any state law, rule or regulation concerning the sale,  
21 purchase, distribution or possession of such substances.

22 E. As used in this section:

23 1. "Gel capsule" means any soft gelatin, liquid-filled capsule  
24 that contains a liquid suspension, which, in the case of

1 pseudoephedrine, is suspended in a matrix of glycerin, polyethylene  
2 glycol, and propylene glycol, along with other liquid substances.  
3 Regardless of product manufacturer labeling, a gelatin-covered solid  
4 does not constitute a gel capsule under this definition; and

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

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

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