

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

HOUSE BILL 3067

By: Munson

AS INTRODUCED

An Act relating to public health and safety; creating Mitch's Law; amending 63 O.S. 2011, Section 2-212, as last amended by Section 4, Chapter 181, O.S.L. 2013 (63 O.S. Supp. 2017, Section 2-212), which relates to Schedule V of the Uniform Controlled Dangerous Substances Act; modifying Schedule V to include loperamide; restricting who may dispense products containing loperamide; establishing amount of product that may be acquired per transaction; providing an exception; providing for noncodification; 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 not to be codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as "Mitch's Law".

SECTION 2. AMENDATORY 63 O.S. 2011, Section 2-212, as last amended by Section 4, Chapter 181, O.S.L. 2013 (63 O.S. Supp. 2017, Section 2-212), is amended to read as follows:

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

1 1. Any compound, mixture, or preparation containing limited
2 quantities of any of the following narcotic drugs, which also
3 contains one or more nonnarcotic active medicinal ingredients in
4 sufficient proportion to confer upon the compound, mixture, or
5 preparation, valuable medicinal qualities other than those possessed
6 by the narcotic drug alone:

7 a. not more than two hundred (200) milligrams of codeine,
8 or any of its salts, per one hundred (100) milliliters
9 or per one hundred (100) grams,

10 b. not more than one hundred (100) milligrams of
11 dihydrocodeine, or any of its salts, per one hundred
12 (100) milliliters or per one hundred (100) grams,

13 c. not more than one hundred (100) milligrams of
14 ethylmorphine, or any of its salts, per one hundred
15 (100) milliliters or per one hundred (100) grams,

16 d. not more than two and five-tenths (2.5) milligrams of
17 diphenoxylate and not less than twenty-five (25)
18 micrograms of atropine sulfate per dosage unit, or

19 e. not more than one hundred (100) milligrams of opium
20 per one hundred (100) milliliters or per one hundred
21 (100) grams.

22 2. Any compound, mixture, or preparation containing any
23 detectable quantity of base pseudoephedrine or ephedrine, its salts
24 or optical isomers, or salts of optical isomers. If any compound,

1 mixture, or preparation as specified in this paragraph is dispensed,
2 sold, or distributed in a pharmacy:

3 a. it shall be dispensed, sold, or distributed only by,
4 or under the supervision of, a licensed pharmacist or
5 a registered pharmacy technician,

6 b. a service charge not to exceed the purchase price of
7 the product, mixture or preparation may be assessed
8 and collected by the licensed pharmacist or registered
9 pharmacy technician at the point of sale from the
10 person seeking to purchase, receive or otherwise
11 acquire a pseudoephedrine product or products. Upon
12 receipt of payment of the service charge, the licensed
13 pharmacist or registered pharmacy technician shall
14 access the methamphetamine offender registry and
15 verify whether the person is an individual who is
16 listed on the methamphetamine offender registry. Upon
17 verification that the person is an individual who is
18 not listed on the methamphetamine offender registry,
19 the service charge shall be deducted from the total
20 purchase price of the pseudoephedrine product or
21 products. Upon verification that the person is an
22 individual who is listed on the methamphetamine
23 offender registry, the person shall be prohibited from
24 purchasing the pseudoephedrine product or products and

shall be required to forfeit the service charge previously collected by the licensed pharmacist or registered pharmacy technician. Any pharmacy that requires the assessment and collection of a service charge for pseudoephedrine products shall post a clear and conspicuous sign at each public entrance to the place of business and at each register within the pharmacy that provides notice to customers of the pharmacy that a service charge shall be assessed and collected for pseudoephedrine products and, upon verification that the person is listed on the methamphetamine offender registry, the service charge shall be forfeited and retained by the pharmacy, and

c. any person who is not an individual listed on the methamphetamine offender registry that is purchasing, receiving, or otherwise acquiring any compound, mixture, or preparation shall produce a driver license, passport, military identification, or other state-issued identification card and shall sign a written or electronic log, receipt, or other program or mechanism approved by the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, showing:

- (1) the date and time of the transaction,
- (2) name, address and date of birth of the purchaser,

- 1 (3) driver license number, passport, military
2 identification, or state-issued identification
3 number and state of residence of the purchaser,
4 (4) name and initials of the pharmacist or pharmacy
5 technician conducting the transaction,
6 (5) the product being sold,
7 (6) total quantity, in grams, of base pseudoephedrine
8 or ephedrine purchased, and
9 (7) attestation by the person receiving the compound,
10 mixture or preparation that the person is not
11 subject to the Methamphetamine Offender Registry
12 Act.

13 No person shall purchase, receive, or otherwise acquire more
14 than three and six-tenths (3.6) grams of any product, mixture, or
15 preparation per day or more than seven and two-tenths (7.2) grams of
16 any product, mixture, or preparation within any thirty-day period,
17 or sixty (60) grams of any product, mixture, or preparation within a
18 twelve-month period. Once a person has purchased, received or
19 otherwise acquired the daily limit of three and six-tenths (3.6)
20 grams of any product, mixture or preparation, the person shall be
21 prohibited from purchasing, receiving or otherwise acquiring any
22 additional product, mixture or preparation containing any detectable
23 quantity of base pseudoephedrine or ephedrine for a period of not
24 less than seventy-two (72) hours following the last permitted

1 purchase. The requirements of this paragraph shall not apply to any
2 quantity of such product, mixture or preparation dispensed pursuant
3 to a valid prescription. There shall be no protocol or procedure
4 mandated by any individual or corporate entity that interferes with
5 the professional duty of a pharmacist to counsel and evaluate the
6 appropriate pharmaceutical needs of a patient and the exercise of
7 the professional judgment of a pharmacist as to whether it is
8 appropriate to dispense medication as set forth in this paragraph or
9 otherwise.

10 3. Any compound, mixture, or preparation containing any
11 detectable quantity of pregabalin.

12 4. Any compound, mixture or preparation containing any
13 detectable quantity of loperamide. If any compound, mixture or
14 preparation as specified in this paragraph is dispensed, sold or
15 distributed in a pharmacy it shall be dispensed, sold or distributed
16 only by, or under the supervision of, a licensed pharmacist or a
17 registered pharmacy technician. No person shall purchase, receive,
18 or otherwise acquire more than forty-eight (48) milligrams of any
19 product, mixture or preparation per transaction. The requirements
20 of this paragraph shall not apply to any quantity of such product,
21 mixture or preparation dispensed pursuant to a valid prescription.

22 B. The Director of the Oklahoma State Bureau of Narcotics and
23 Dangerous Drugs Control, by rule, may exempt other products from
24 this Schedule which the Director finds are not used in the illegal

1 manufacture of methamphetamine or other controlled dangerous
2 substances. A manufacturer of a drug product may apply for removal
3 of the product from the Schedule if the product is determined by the
4 Director to have been formulated in such a way as to effectively
5 prevent the conversion of the active ingredient into
6 methamphetamine.

7 SECTION 3. This act shall become effective November 1, 2018.

8
9 56-2-8941 GRS 01/17/18
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24