

**TITLE 475. OKLAHOMA STATE BUREAU OF NARCOTICS AND DANGEROUS
DRUGS CONTROL
CHAPTER 55. PSEUDOEPHEDRINE CONTROL**

475:55-1-2. Characteristics of exempt pseudoephedrine products [AMENDED]

(a) All products that are either: (1) soft gelatin liquid-filled capsules; or, (2) liquid preparations, are exempt from Schedule V. Conversely, all solid dosage forms of medications, including powders, that contain any quantity of pseudoephedrine are classified as Schedule V controlled dangerous substances and are subject to the rules of this section.

(b) The term "gel capsule," as specified in O.S. Title 63, means any soft gelatin liquid-filled capsule that contains a liquid suspension, which, in the case of pseudoephedrine, is suspended in a matrix of glycerin, polyethylene glycol, and propylene glycol, along with other liquid substances. Regardless of the product manufacturers' labeling, a gelatin-covered solid does not constitute a "gel capsule" under this provision.

(c) The term "active ingredient," as specified in O.S. Title 63, shall include the matrix of glycerin, polyethylene glycol, and propylene glycol that is found in liquid capsules.

(d) Nothing in this section shall exempt from Schedule V status any liquid preparation that is found in an illegal laboratory, is associated with an illegal laboratory, or is in any form other than that manufactured and sold by a registered manufacturer for medicinal purposes.

~~(e) Products containing pseudoephedrine that are dispensed pursuant to a valid prescription by a registrant are exempt from classification as Schedule V. As such, these are not restricted to the limitations of five (5) refills within a six (6) month period -instead, they are regulated the same as any non-scheduled prescription drug. Any product that is dispensed by prescription must be kept in a container that is supplied by the pharmacy and must be labeled in a manner consistent with any other prescription.~~

[Source: Added at 22 Ok Reg 1030, eff 6-16-05 (emergency); Added at 22 Ok Reg 2685, eff 7-25-05]

475:55-1-5. Electronic Reporting [AMENDED]

Pharmacists or other authorized persons who sell Schedule V pseudoephedrine products shall exercise reasonable care in assuring that the purchaser has not exceeded the nine (9) gram limit for a thirty (30) day period. The pharmacist or other authorized person must utilize the real-time electronic pseudoephedrine tracking system and the Methamphetamine Registry as set forth pursuant to 63 O.S. §2-701, which are established and maintained by the Oklahoma Bureau of Narcotics and Dangerous Drugs Control. The following provisions are necessary for compliance with this system:

(1) All pseudoephedrine transactions regulated by Oklahoma law must be approved through submitting the request to the electronic log and Methamphetamine Registry;

(2) Pseudoephedrine products regulated by Oklahoma law will only be sold to customers who present a valid form of identification, ~~which shall be a valid state driver's license or valid~~

~~state identification card;~~

(3) The customer information must be the same as that on the presented identification, and shall include the following information (fields that are required for submitting information as required by Oklahoma law):

(A) Pharmacy identification;

(B) Identification number ~~(either the driver's license number or the state issued identification number)~~;

(C) Last name;

(D) First name;

(E) Purchase quantity (in grams);

(F) Initials of the pharmacist or other authorized person conducting the transaction;

(G) Product name;

(H) Form of pseudoephedrine if it is liquid or gel-caps;

(I) Customer's current street address;

(J) Customer's current city, state, and zip code; and

(K) Date of birth.

(4) If the electronic log is unavailable (time-out of ~~twenty three~~ (30) seconds or more) because of a failure on the Oklahoma Bureau of Narcotics and Dangerous Drugs Control network, the pharmacist or other authorized person may continue with the transactions until the system is available; if the electronic log is unavailable because of a failure attributable to systems other than the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, all transactions must be recorded manually and entered into the electronic logbook by the registrant as soon as is practicable after the problem is resolved.

(5) If at any time a pharmacist or other authorized person discovers that the information submitted to the electronic log is inaccurate, the authorized person may continue regulated transactions for twenty-four (24) hours provided that all sales are manually recorded. The authorized person shall suspend all sales if the reporting problem is not corrected within twenty-four (24) hours of discovery. Regulated sales may be resumed only when the reporting problem is corrected and all manually recorded sales are correctly submitted to the electronic log.

[Source: Reserved at 22 Ok Reg 2685, eff 7-25-05; Added at 24 Ok Reg 601, eff 12-21-06 through 7-14-07 (emergency)¹; Added at 24 Ok Reg 2749, eff 8-11-07]

EDITOR'S NOTE: ¹This emergency action expired before being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 7-15-07 (after the 7-14-07 expiration of the emergency action), Section 475:55-1-5 reverted back to its previous reserved status, and remained as such until added again by permanent action on 8-11-07.