

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

RULE IMPACT STATEMENT

Description of proposed rule: The proposed rule amendments require any pharmacy that sells pseudoephedrine products to inform purchasers of the Oklahoma Methamphetamine Offender Registry Act, meaning that those individuals who have been convicted or are on probation for a methamphetamine related offense, as of November 1, 2010, may not possess pseudoephedrine products. Further, those individuals purchasing pseudoephedrine products must attest that they are not subject to the Oklahoma Methamphetamine Offender Registry Act. This will, in effect, provide notice and a way of proving that notice was provided.

Persons most likely affected: Pharmacies and purchasers of pseudoephedrine will be affected by these rule amendments.

Persons benefitting from proposed rules: Persons purchasing pseudoephedrine products will benefit from the added notification requirements of the Meth Registry Act and law enforcement will benefit by having a way to prove notification.

Probable economic impact: There may be an economic impact upon businesses that sell pseudoephedrine if they wish to make the changes to their IT systems in order to provide notification on electronic keypads.

Probable costs/benefits to agencies: The proposed rule amendments will not subject State agencies to any additional costs.

Impact upon political subdivisions: The proposed rule amendments have no economic impact upon political subdivisions, nor do they require any cooperation or effort from them to implement.

Impact upon small business: The proposed rule amendments could have an impact upon small businesses that sell pseudoephedrine in that they may have IT costs to add the notification to the electronic keypad.

Consideration of alternative methods and means: There are no less intrusive means of achieving the goals of the proposed rules, which is to provide an avenue to give notice and prove notice was obtained by purchasers of pseudoephedrine products.

Effects upon public health, safety and environment: The proposed rule amendments have no environmental impact, nor a direct effect upon public health and safety.

Public health, safety and environmental threats in absence of rules: In the absence of the rule amendment, there are not implementation instructions for the changes made to the provisions of the Methamphetamine Offender Registry Act, 63 O.S. section 2-701, by HB 2217 of the 2013

legislative session that went into effect November 1, 2013, which were required by the Oklahoma Court of Criminal Appeals in *Wolf v. State of Oklahoma*, 2012 OK CR 16.

Date of preparation of rule impact statement:

This Rule Impact Statement was prepared on December 26, 2013 by Marie Schuble, Staff Attorney, Oklahoma Bureau of Narcotics and Dangerous Drugs Control. It has not been modified since its preparation.