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**OKLAHOMA BUREAU OF NARCOTICS AND DANGEROUS DRUGS CONTROL**

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February 26, 2008

To: ALL OKLAHOMA PHARMACY'S AND SELLERS OF PSEUDOEPHEDRINE

Re: STATUTE CHANGE ALLOWING FOR ADDITIONAL IDENTIFICATION TO BE USED FOR PURCHASE OF PSEUDOEPHEDRINE

Please be advised that House Bill 1617 changed the language in the Oklahoma State laws that allows purchasers of pseudoephedrine to show a passport or military identification card in lieu of a State issued Drivers license or identification card. This change was made at 63 O.S. § 2-309B(5) This change went into effect on November 1, 2007. The statute now reads as follows (emphasis added). :

5. "Recipient's identification number" means the unique number contained on a recipient's valid passport, military identification card, driver license, or similar statute of another state if the recipient is not a resident of the State of Oklahoma, or, if the recipient is less than eighteen (18) years old and has no such identification, the unique number contained on the recipient's parent's or guardian's valid passport, military identification card, driver license, or valid identification card issued pursuant to Section 6-105 of Title 47 of the Oklahoma Statutes or similar statute of another state if the parent or guardian is not a resident of the State of Oklahoma, or, if the controlled dangerous substance is obtained for an animal, the unique number contained on the animal owner's valid driver license, or valid identification card issued pursuant to Section 6-105 of Title 47 of the Oklahoma Statutes or similar statute of another state if the owner is not a resident of the State of Oklahoma; and

Additionally last year, a major revision of the administrative rules was completed during a similar, but earlier time period. It has been brought to our attention that the language in the administrative rules found at 475:55-1-5 Electronic Reporting are being misinterpreted and have caused some confusion. Under Section 475:55-1-5(b.) it says, Identification number. In parenthesis is added (either the driver's license number or the state issued identification number), however, this language in parenthesis is not intended to be restrictive, but instead was intended to be used as an example for understanding purposes only.

Title 63 O.S. § 2-309B is the Anti-Drug Diversion Act. Under the Anti-Drug Diversion Act all definitions including the above 2-309B(5) defining identification number of the person

receiving the medication. Further, the administrative rules are authorized pursuant to Oklahoma State Statute, and if a conflict were to be found, State Statute supercede any administrative rule.

House Bill 1617 allowing military identifications and passports to be allowed to be used for purchase of pseudoephedrine was a request of the Oklahoma Bureau of Narcotics and Dangerous Drugs to the legislature. It is both the intent of the Oklahoma Bureau of Narcotics and interpretation of the Oklahoma Bureau of Narcotics legal department that all persons and entities selling pseudoephedrine may accept military identifications and passports in addition to the previous allowed forms of identification.

If any questions arise regarding this matter, please contact the Oklahoma Bureau of Narcotics legal department.

Susan Rogers, General Counsel  
Travis White, Deputy General Counsel  
Oklahoma Bureau of Narcotics and Dangerous Drugs



Cc: R. Darrell Weaver, Director  
Melton Edminsten, Chief of Diversion  
Larry Carter, Agent in Charge