

OKLAHOMA**PRODUCTS:**

- Any products containing pseudoephedrine (“PSE”) or ephedrine (“EPH”). (63 O.S. § 2-212)

PRODUCT EXEMPTIONS:

- Products dispensed pursuant to prescription are exempt from classification as C-V, and need not comply with sales limit (63 O.S. § 2-212; OAC 475:55-1-2);

SALES LIMITS:

- 3.6 g of any product, mixture, or preparation per day; 7.2 g of product, mixture, or preparation per 30-day period; and no more than 60 g of any product, mixture, or preparation within a 12-month period, (63 O.S. § 2-212)
- Pharmacists must ensure that the purchaser who has reached their daily limit waits 72 hours before purchasing again. (63 O.S. § 2-212)

PURCHASE RESTRICTIONS:

- It shall be unlawful for any person subject to the registry created by Oklahoma State Bureau of Narcotics and Dangerous Drugs Control to purchase, possess or have control of any Schedule V compound, mixture, or preparation containing any detectable quantity of pseudoephedrine, its salts or optical isomers, or salts of optical isomers. (63 O.S. § 2-701)
- A prescription for pseudoephedrine shall not provide an exemption for any person to this prohibition.

SALES RESTRICTIONS:

- May only be sold, dispensed, or distributed in a pharmacy by or under the supervision of a licensed pharmacist or registered pharmacy technician (63 O.S. § 2-212);
- May not be sold to anyone under age 18 without a prescription. (63 O.S. § 2-401)
- Allows the pharmacist to apply the service charge collected by the pharmacist who dispenses a non-prescription PSE product/products to verify whether a person is on the meth registry to the purchase price of the product. (63 O.S. § 2-212)

ID REQUIREMENT:

- Purchasers must produce a valid, government issued photo identification (a valid driver’s license, passport, military identification, or valid state identification card). (63 O.S. § 2-212; OAC § 475:55-1-5)

RECORDKEEPING REQUIREMENTS/ STATEWIDE ELECTRONIC SALES TRACKING SYSTEMS:

- Any pharmacy that dispenses, sells or distributes any compound mixture or preparation containing any detectable quantity of base pseudoephedrine or ephedrine, its salts or optical isomers, or salts of optical isomers shall maintain an electronic record of the sale. The electronic record of the sale shall include the following information (63 O.S. § 2-341):
 - Name and address of the purchaser;
 - Date of birth of the purchaser;
 - Type of identification and number;
 - Date and time of the purchase;
 - Name and quantity of base pseudoephedrine or ephedrine purchased in grams, but not the overall weight of the products;
 - Name, initials and registration number of the licensed pharmacist or registered pharmacy technician.
- If the electronic tracking service is not available, experiencing mechanical or having electronic failure, the pharmacy must maintain a written log. (63 O.S. § 2-341)
- The Oklahoma State Bureau of Narcotics and Dangerous Drugs Control stating the reasons for such exemption may grant an exemption for good cause, but in no event shall such exemption exceed one hundred eighty (180) days. (63 O.S. § 2-341)
- Before completing a sale the pharmacy the pharmacy must submit the required information to see if the tracking service generates a stop-sale alert. (63 O.S. § 2-341)
- Pharmacies shall be permitted to access only the information that is submitted by the pharmacy, free of charge. (63 O.S. § 2-341)
- The electronic tracking service shall contain an override function that may be used by a dispenser of pseudoephedrine or ephedrine products who has a reasonable fear of imminent bodily harm if the sale is not completed. (63 O.S. § 2-341)

PRODUCT PLACEMENT:

- EPH or PSE products must be kept in a locked environment (shelving unit, safe, cabinet, etc.) that is within view of the pharmacy or behind the pharmacy counter. (OAC 475:55-1-3)

LIABILITY:

- Pharmacists and those with access to PSE products have an affirmative duty to guard against theft and diversion of products. (OAC 475:55-1-3)

PENALTIES:

- It shall be a violation for any person to assist another person who is subject to the registry in the purchase of any pseudoephedrine products. Any person convicted of violating this shall, for a first offense, be guilty of a misdemeanor, punishable by incarceration in the county jail for not more than one (1) year, or by a fine of not more than One Thousand Dollars (\$1,000), or by such fine and imprisonment. Any second or subsequent conviction for a violation of this subsection shall be a felony, punishable by incarceration in the custody of the Dept. of Corrections for not more than two (2) years, or by a fine of not less than two thousand five hundred dollars (\$2500) or by both such fine and imprisonment. (63 O.S. § 2-341)
- Except as authorized by the Uniform Controlled Dangerous Substances Act, it shall be unlawful for any person to manufacture or attempt to manufacture any controlled dangerous substance or possess any substance listed in Section 2-322. Any person violating the provisions of this subsection, upon conviction, is guilty of a felony and shall be punished by imprisonment for not less than seven (7) years nor more than life and by a fine of not less than Fifty Thousand Dollars (\$50,000.00), which shall be in addition to other punishment provided by law and shall not be imposed in lieu of other punishment. (63 O.S. § 2-341)
- Any person who has been convicted of manufacturing or attempting to manufacture methamphetamine pursuant to the provisions of this subsection and who, after such conviction, purchases or attempts to purchase, receive or otherwise acquire any product, mixture, or preparation containing any detectable quantity of base pseudoephedrine or ephedrine shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term in the range of twice the minimum term provided listed in the above section. (63 O.S. § 2-341)
- A person who violates the requirements of the electronic tracking system, upon conviction, be guilty of a misdemeanor punishable by a fine of not more than 1,000 dollars. If the violator is a licensed pharmacist or registered pharmacy technician it will be reported to the State Board of Pharmacy. (63 O.S. § 2-341)