

BOARD OF PHARMACY



**OREGON REVISED STATUTES
AND
OREGON ADMINISTRATIVE RULES**

**SELECTED SECTIONS
RELATED TO NURSE PRACTITIONER DISPENSING
12/2003**

OREGON REVISED STATUTES, SELECTED SECTIONS

689.155 Authority of board over medications, drugs, devices and other materials; rules. The State Board of Pharmacy shall also have the following responsibilities in regard to medications, drugs, devices and other materials used in this state in the diagnosis, mitigation and treatment or prevention of injury, illness and disease:

(1) The regulation of the sale at retail, the administering by pharmacists to the extent provided in ORS 689.645 and 689.655 and the dispensing of medications, drugs, devices and other materials including the right to seize any such drugs, devices and other materials found to be detrimental to the public health and welfare by the board after appropriate hearing as required under ORS 183.310 to 183.550.

(2) The specifications of minimum professional and technical equipment, environment, supplies and procedures for the compounding, administering and dispensing of such medications, drugs, devices and other materials within the practice of pharmacy and any drug outlet.

(3) The control of the purity and quality of such medications, drugs, devices and other materials within the practice of pharmacy and any drug outlet.

(4) The issuance and renewal of certificates of registration of drug outlets for purposes of ascertaining those persons engaged in the manufacture and distribution of drugs, receiving and collecting annual fees there from and suspending, revoking or refusing to renew such registration in the manner provided in this chapter.

(5) In conjunction with the regularly constituted law enforcement agencies of this state, enforce all laws of the state which pertain to the practice of pharmacy, the manufacture, production, sale or distribution of drugs, chemicals and poisons, and to their standard of strength and purity.

(6) Investigate all complaints of alleged violations of this chapter and take necessary action as the board may require or direct.

(7) Pursuant to ORS 183.310 to 183.550, make such rules as are necessary and feasible for carrying out ORS 453.175, 453.185, 475.005, 475.135 and 475.185 and this chapter and make rules relating to controlled substances, designated as such pursuant to ORS 475.025 and 475.035.

(8) At all reasonable hours, in performance of the duties imposed by this section, enter, or cause its authorized representatives to enter upon, and examine the premises or records required by law of any drug outlet under the jurisdiction of the board.

(9) Assist the regularly constituted law enforcement agencies of this state in enforcing ORS 453.005 to 453.135, 475.005 and 475.135 and this chapter by prosecution in the courts of this state or otherwise.

(10) Cause to have made a regular inspection of all pharmacies.

(11) Pursuant to ORS 183.310 to 183.550, make such rules as are necessary for pharmacies, drug manufacturers and wholesalers to sell or otherwise lawfully distribute designated pharmaceutical agents to licensed optometrists consistent with the provisions of ORS 683.010 to 683.335. [1979 c.777 §19; 1985 c.565 §100; 1999 c.350 §4; 2001 c.632 §5]

PROHIBITED PRACTICES

689.765 Prohibited practices. (1) No drugs shall be dispensed to the public by means of automatic vending machines.

(2) As used in this section, "automatic vending machine" means any mechanical device or contrivance whereby the purchaser is able to secure drugs.

(3) No person shall adulterate for the purpose of sale any drug in such manner as to render it injurious to health, or knowingly sell or offer for sale any adulterated drug.

(4) No person shall manufacture, compound or sell or offer for sale or cause to be manufactured, compounded, sold or offered for sale any drug, compound or preparation for internal or external use under or by a name recognized in the United States Pharmacopoeia, Homeopathic Pharmacopoeia or National Formulary which differs from the standard of strength and purity specified therein as official at the time of manufacture, compounding, sale or offering for sale.

(5) No person shall manufacture, compound, sell or offer for sale, or cause to be manufactured, sold or offered for sale, any drug, the strength and purity of which falls below the professed standard of strength and purity under which it is sold.

(6) The owner or manager of each pharmacy shall keep on file the original prescription on which shall be noted the brand name, or if the drug has no brand name, the generic name and the name of the manufacturer of any drug substituted pursuant to ORS 689.515, the retail cost of the drug at the time of the transaction and the date of the transaction. The prescriptions shall be filed in such a manner as will make them be readily accessible to inspection by the State Board of Pharmacy or its duly authorized agents.

(7) No person shall sell, give away, barter, dispense, distribute, buy, receive or possess any prescription drug except as authorized by law.

(8) No manufacturer or wholesaler shall sell or otherwise distribute, or offer to sell or otherwise distribute, any drug or device except to a person legally authorized to resell, dispense or otherwise redistribute such drug or device. The board may grant an exemption from the requirement of this subsection on the form of a special permit if the board finds that an exemption is in the best interest of the public health and safety.

(9) Any practitioner who receives any complimentary samples of any controlled substance, as defined in ORS 475.005, shall keep the samples in a securely locked, substantially constructed cabinet and shall maintain a record of receipts and withdrawals from each inventory of samples. The record requirements shall be specified by rule of the licensing board which has jurisdiction over the practitioner's license. The licensing board may inspect the records and the inventory of samples.

(10)(a) No person may sell, purchase or trade or offer to sell, purchase or trade any drug sample.

(b) As used in paragraph (a) of this subsection, "drug sample" means a unit of a drug, subject to this chapter, that is not intended to be sold and is intended to promote the sale of the drug, and includes a coupon or other form which may be redeemed for a drug.

(11) For purposes of this section and ORS 678.375, distribution of prepackaged complimentary samples of medications by a nurse practitioner with prescription writing authority shall not constitute dispensing when the sample medication is within the established formulary for that practitioner. [1979 c.777 §39; 1985 c.131 §6; 1987 c.108 §8; 1987 c.736 §2; 1993 c.571 §19]

Note: Section 3f, chapter 350, Oregon Laws 1999, provides:

Sec. 3f. Nothing in this 1999 Act shall be construed to allow a pharmacist to prescribe drugs or to dispense or administer any drug or device that requires a prescription without a prescription or order of a practitioner authorized to prescribe drugs. [1999 c.350 §3f]

OREGON ADMINISTRATIVE RULES, SELECTED SECTIONS

DIVISION 006 DEFINITIONS

Definitions of Elements of Practice of Pharmacy 855-006-0005

The following terms describing the "practice of pharmacy" under ORS Chapter 689 and OAR Chapter 855 have the following meaning:

(1) "Interpretation and evaluation of prescription orders" means the review of the order for therapeutic and legal correctness. Therapeutic review includes identification of the prescription drug ordered, its applicability and its relationship to the other known medications used by the patient and determination of whether or not the dose and time interval of administration are within accepted limits of safety.

The legal review for correctness of the prescription order includes a determination that the order is valid and has not been altered, is not a forgery, is prescribed for a legitimate medical purpose, contains all information required by federal and state law, and is within the practitioner's scope of practice.

(2) "Compounding" means the preparation, mixing, assembling, packaging, or labeling of a drug or device (i) as the result of a practitioner's prescription drug order or initiative based on the practitioner/patient/pharmacist relationship in the course of professional practice, or (ii) for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale or dispensing. Compounding also includes the preparation of drugs or devices in anticipation of prescription drug orders based on routine, regularly observed prescribing patterns.

(3) "Dispensing" means the preparation and delivery of a prescription drug pursuant to a lawful order of a practitioner in a suitable container appropriately labeled for subsequent administration to or use by a patient or other individual entitled to receive the prescription drug.

(4) "Labeling" means the process of preparing and affixing of a label to any drug container exclusive, however, of the labeling by a manufacturer, packer or distributor of a non-prescription drug or commercially packaged legend drug or device.

(5) Participation in Drug Selection and Drug Utilization Review:

- (a) "Participation in drug selection" means the consultation with the practitioner in the selection of the best possible drug for a particular patient.
- (b) "Drug utilization review" means evaluating a prescription drug order in light of the information currently provided to the pharmacist by the patient or the patient's agent and in the light of the information contained in the patient's record for the purpose of promoting therapeutic appropriateness by identifying potential problems and consulting with the prescriber when appropriate. Problems subject to identification during drug utilization review include, but are not limited to:

- (A) Over-utilization or under-utilization;
- (B) Therapeutic duplication;
- (C) Drug-disease contraindications;
- (D) Drug-drug interactions;
- (E) In correct drug dosage;
- (F) Incorrect duration of treatment;
- (G) Drug-allergy interactions; and
- (H) Clinical drug abuse or misuse..

(6) "Proper and safe storage of drugs and devices and maintenance of proper records therefor" means housing drugs and devices under conditions and circumstances that:

- (a) assure retention of their purity and potency;
- (b) avoid confusion due to similarity of appearance, packaging, labeling or for any other reason;
- (c) assure security and minimize the risk of their loss through accident or theft;
- (d) accurately account for and record their receipt, retention, dispensing, distribution or destruction;
- (e) protect the health, safety and welfare of the pharmacist, pharmacy staff and the general public from harmful exposure to hazardous substances.

(7) "Responsibility for advising, when necessary or when regulated, of therapeutic values, content, hazards and use of drugs and devices" means advice directly to the patient, either verbally or in writing as required by these rules or federal regulation, of the possible therapeutic response to the medication, the names of the chemicals in the medication, the possible side effects of major importance, and the methods of use or administration of a medication.

(8) "Monitoring of therapeutic response or adverse effect of drug therapy" means the follow up of the therapeutic or adverse effect of medication upon a patient, including direct consultation with the patient or his agent and review of patient records, as to result and side effect, and the analysis of possible interactions with other medications that may be in the medication regimen of the patient. This section shall not be construed to prohibit monitoring by practitioners or their agents.

(9) "Offering or performing of those acts, services, operations or transactions necessary in the conduct, operation, management and control of pharmacy" means, among other things:

- (a) The creation and retention of accurate and complete patient records;
- (b) Assuming authority and responsibility for product selection of drugs and devices;
- (c) Developing and maintaining a safe practice setting for the pharmacist, for pharmacy staff and for the general public;
- (d) maintaining confidentiality of patient information.

Stat. Auth.: ORS 689.205

Stats. Implemented: 689.005 (30)

Hist.: f. & ef., f. 02-22-1994 & 08-12-1998

Miscellaneous Definitions
855-006-0010

As used in ORS Chapter 689 and OAR Chapter 855:

- (1) The "Container" is the device that holds the drug and that is or may be in direct contact with the drug.
- (2) "Unprofessional conduct" means;
 - (a) Repeated or gross negligence in the practice of pharmacy; or
 - (b) Fraud or misrepresentation in dealings relating to pharmacy practice with:
 - (A) Customers, patients or the public;
 - (B) Practitioners authorized to prescribe drugs, medications or devices;
 - (C) Insurance companies;
 - (D) Wholesalers, manufactures or distributors of drugs, medications or devices.
 - (E) Health care facilities;
 - (F) Government agencies; or
 - (c) Illegal use of drugs, medications or devices without a practitioner's prescription, or otherwise contrary to federal or state law or regulation;
 - (d) Theft of drugs, medications or devices, or theft of any other property or services under circumstances which bear a demonstrable relationship to the practice of pharmacy;
 - (e) Dispensing a drug, medication or device where the pharmacist knows or should know due to the apparent circumstances that the purported prescription is bogus or that the prescription is issued for other than a legitimate medical purpose, including circumstances such as:
 - (A) Type of drug prescribed;
 - (B) Amount prescribed; or
 - (C) When prescribed out of context of dose.
 - (f) Any act or practice relating to the practice of pharmacy which is prohibited by state or federal law or regulation.
 - (g) The disclosure of confidential information in violation of Board rule.
 - (h) Engaging in collaborative drug therapy management in violation of ORS Chapter 689 and the rules of the Board.
- (3) "Non-legend drug" means a drug which does not require dispensing by prescription and which is not restricted to use by practitioners only.
- (4) "Confidential Information" means any patient information obtained by a pharmacist or pharmacy.
- (5) "Pharmaceutical Care" means the responsible provision of drug therapy for the purpose of achieving definite outcomes that improve a patient's quality of life. These outcomes include:
 - (a) cure of a disease,
 - (b) elimination or reduction of a patient's symptomatology,
 - (c) arrest or slowing of a disease process, or
 - (d) prevention of a disease or symptomatology.

(6) “Collaborative Drug Therapy Management” means the participation by a pharmacist in the management of drug therapy pursuant to a written protocol that includes information specific to the dosage, frequency, duration and route of administration of the drug, authorized by a practitioner and initiated upon a prescription order for an individual patient and;

- (a) is agreed to by one pharmacist and one practitioner; or
- (b) is agreed to by one or more pharmacists at a single pharmacy registered by the Board and one or more practitioners in a single organized medical group, such as a hospital medical staff, clinic or group practice, including but not limited to organized medical groups using a pharmacy and therapeutics committee.

(7) “Oral counseling” means an oral communication process between a pharmacist and a patient or patient’s agent in which the pharmacist obtains information from the patient (or agent) and the patient’s pharmacy records, assesses that information and provides the patient (or agent) with professional advice regarding the safe and effective use of the prescription drug for the purpose of assuring therapeutic appropriateness.

(8) “Therapeutic substitution” means the act of dispensing a drug product with a different chemical structure for the drug product prescribed under circumstances where the prescriber has not given clear and concise direction for substitution of the particular drug for the one which may later be ordered.

Stat. Auth.: ORS 689.205

Stats. Implemented: 689.005 (30)

Hist.: f. & ef., f. 04-27-1995, 08-12-1998 & 02-

DIVISION 041

OPERATION OF PHARMACIES (RETAIL AND INSTITUTIONAL DRUG OUTLETS) CONSULTING PHARMACISTS AND OPERATION OF DRUG ROOMS

Disposal of Drugs 855-041-0036

Drugs that are outdated, damaged, deteriorated, misbranded, or adulterated shall be quarantined and physically separated from other drugs until they are destroyed or returned to their supplier.

[Filed 01-31-92]

Reporting Drug Loss 855-041-0037

(1) Disasters, accidents and emergencies which may affect the strength, purity, or labeling of drugs or devices shall immediately be reported to the Board.

(2) When there are reasonable grounds to believe that drugs have been stolen, the pharmacist shall immediately notify the Board.

(3) At the time a Report of Theft or Loss of Controlled Substances (D.E.A. Form 106) is sent to the Drug Enforcement Administration, a copy shall be sent to the Board. When loss of controlled substances is due to burglary or robbery, a copy of the police report shall be sent to the Board.

[Filed 01-31-92]

Prescription Files
855-041-0060

"Filing" shall mean the storage of the information on the prescription in such a manner that this information is safeguarded and readily retrievable. Every pharmacy and pharmacist-in-charge of a pharmacy is responsible for and shall keep in the pharmacy a book or file of original prescriptions as evidence of compliance with this rule. All prescriptions received from a duly licensed medical practitioner and compounded or dispensed and shall be produced in court or before any grand jury whenever lawfully required to do so. Such book or file of original prescriptions shall at all times be open for inspection by the prescriber, the Board of Pharmacy or its duly authorized agent, and this record shall be preserved for a period of not less than three years.

[Filed 02-02-94]

Requirements for Prescriptions - Prescription Refills
855-041-0065

Prescriptions, prescription refills, and drug orders must be correctly dispensed in accordance with the prescribing practitioner's authorization. When a prescription is transmitted orally, both the receiving pharmacist's name or initials and the name of the person transmitting must be noted on the prescription.

- (1) Each pharmacy must document the following information:
 - (a) The name of the patient for whom, or the owner of the animal for which, the drug is dispensed;
 - (b) The full name and, in the case of controlled substances, the address and the Drug Enforcement Administration registration number of the practitioner or other number as authorized under rules adopted by reference under rule OAR 855-080-0085;
 - (c) If the prescription is for an animal, the species of the animal for which the drug is prescribed;
 - (d) The name, strength, dosage forms of the substance, quantity prescribed and, if different from the quantity prescribed, the quantity dispensed;
 - (e) The directions for use, if given by the practitioner;
 - (f) The date of filling, and the total number of refills authorized by the prescribing practitioner, and
 - (g) One of the following phrases or notations, in the prescribing practitioner's handwriting or, if the prohibition was communicated by telephone, the pharmacist's handwriting, if the practitioner wishes to prohibit the substitution of a brand name drug specified in the prescription:
 - (A) No substitution;
 - (B) N.S.;
 - (C) Brand medically necessary;
 - (D) Brand necessary;
 - (E) Medically necessary;
 - (F) D.A.W. (Dispense As Written); and
 - (G) Words with similar meaning.

(2) Where refill authority is given other than by the original prescription, documentation that such refill authorization was given, the date of authorization, and name of the authorizing prescriber or the prescriber's agent must be recorded. This documentation must be readily retrievable. Prescriptions for controlled substances in Schedules III and IV are limited to five refills or six months from date of issue, whichever comes first.

(3) If the practitioner is not available and in the professional judgment of the pharmacist an emergency need for the refill of a prescription drug has been demonstrated, the pharmacist may dispense a sufficient quantity of the drug consistent with the dosage regimen, provided it is not a controlled substance, to last until a practitioner can be contacted for authorization, but not to exceed a 72-hour supply. The practitioner shall be promptly notified of the emergency refill.

(4) Each refilling of a prescription must be accurately documented, readily retrievable, and uniformly maintained for three years. This record must include.

- (a) The identity of the responsible pharmacist;
- (b) Name of the patient;
- (c) Name of the medication;
- (d) Date of refill; and
- (e) Quantity dispensed.

(5) After two years from date of issue, a prescription for a non-controlled substance becomes invalid and must be re-authorized by the prescriber. When used alone as a prescription refill designation the abbreviation, "PRN" for a non-controlled substance means that the medication can be refilled in proper context for a period of one year. When this abbreviation is used alone as a means to authorize refills for a controlled substance, the medication can be refilled in proper context for a period of six months or five refills, whichever comes first. When this abbreviation is used in conjunction with a definite time period, or a specific number of refills, the non-controlled medication can be refilled in proper context for a period not to exceed two years. The prescription shall not be refilled out of context with the approximate dosage schedule unless specifically authorized by the prescriber. A "non-controlled substance" means those drugs defined as "legend" pursuant to ORS 689.005(29) but does not include those drugs or substances controlled under the jurisdiction of the United States Department of Justice Drug Enforcement Administration.

(6) Prescriptions must be labeled with the following information:

- (a) Name, address and telephone number of the pharmacy;
- (b) Date;
- (c) Identifying number;
- (d) Name of patient;
- (e) Name of drug, strength, and quantity dispensed; when a generic name is used, the label shall also contain the name of the manufacturer or distributor;
- (f) Directions for use by the patient;
- (g) Name of practitioner;
- (h) Required precautionary information regarding controlled substances;
- (i) Such other and further accessory cautionary information as required for patient safety;
- (j) An expiration date after which the patient should not use the drug or medicine. Expiration dates on prescriptions must be the same as that on the original container unless, in the pharmacist's professional judgement, a shorter expiration date is warranted. Any drug bearing an expiration date shall not be dispensed beyond the said expiration date of the drug; and

- (k) After July 1, 2000, any dispensed prescription medication, other than those in unit dose or unit of use packaging, shall be labeled with its physical description, including any identification code that may appear on tablets and capsules. Between the implementation date of July 1, 2000, and June 30, 2002, the Board will not take formal disciplinary action against a licensee or registrant for failure to achieve full compliance with this rule. During this period, the Board will issue a letter of noncompliance requiring a response as to the reason(s) for the failure to comply and the plan to reach compliance. A letter of noncompliance will not be considered a disciplinary action, nor will it initiate or affect any other disciplinary action. Failure to respond to a letter of noncompliance or failure to demonstrate a good faith effort to comply may result in disciplinary action.

(7) Upon written request and for good cause, the Board may waive any of the requirements of this rule. A waiver granted under this section shall only be effective when it is issued by the Board in writing.

Stat. Auth.: 689.205

Stats. Implemented: 689.505

Hist.: f. & ef. 02-05-1996, 03-23-1998, 02-16-2000, 06-29-2002, 01-08-2002, 01-14-2003

Returned Drugs and Devices

855-041-0080

(1) Pharmacists shall not accept the return of a controlled substance except as provided in 855-080-0105.

(2) Pharmacists shall not accept the return of drugs or devices as defined by ORS 689.005 from any person once the drugs or devices have been removed from the pharmacy except as provided in subsection 3.

(3) Drugs or devices previously dispensed or distributed by a pharmacist may be returned to and redispensed or redistributed by the pharmacist provided all the following conditions are met:

- (a) The drug is in an unopened, tamper-evident unit;
- (b) The drugs or devices have remained at all times in control of a person trained and knowledgeable in the storage and administration of drugs in long-term- care facilities or supervised living groups using the services of a consultant pharmacist.
- (c) The drug or device has not been adulterated or misbranded and has been stored under conditions meeting United States Pharmacopeia standards.

[Filed 12-05-90]

Pharmaceutical Care

855-041-0100

(1) Patient Counseling and Monitoring:

(a) Prior to dispensing all new prescriptions, the pharmacist or pharmacist intern shall review the patient's record, and initiate and provide oral counseling to the patient or to the patient's agent or caregiver in all ambulatory care settings and for discharge medications in hospitals unless:

- (A) counseling is refused, or
- (B) counseling in a form other than oral counseling is provided pursuant to Board rules.

- (b) Counseling on refill prescriptions shall be such counseling as a reasonable and prudent pharmacist would provide and may include:
 - (A) monitoring for compliance,
 - (B) intended or expected outcomes,
 - (C) adverse drug reaction,
 - (D) inquiries about over-the-counter medications,
 - (E) generic changes, and
 - (F) the accuracy of the medication.
- (c) A pharmacist may provide counseling in a form other than oral counseling when a reasonable and prudent pharmacist would determine in the particular circumstances that a form of counseling other than oral counseling would be more effective.
- (d) Patient counseling shall be in person whenever practicable. Whenever the prescription is delivered outside the confines of the retail drug outlet by mail or other third party delivery, counseling shall be in writing and by free access to the pharmacist by phone.
- (e) Before providing professional advice to the patient or patient's agent, the pharmacist shall, when applicable:
 - (A) assess the patient, including age, sex, height and weight, chronic medical conditions, medication history, allergies, drug reactions and drug idiosyncrasies, other disease states of the patient, and, when the prescription is a refill, whether the drug has been taken according to the prescriber's directions, therapeutic response and adverse events; and
 - (B) perform a drug utilization review as defined by Board rule in OAR 855-006-0005.
- (f) When providing professional advice during oral counseling, the pharmacist shall provide such information as a reasonable and prudent pharmacist would provide in the circumstances, which may include.
 - (A) the name and description of the drug;
 - (B) the dosage form, dose, route of administration, and duration of drug therapy;
 - (C) the intended use of the drug and expected outcomes;
 - (D) special directions and precautions for preparation, administration, and use by the patient;
 - (E) common severe side effects, common severe adverse effects, common severe interactions and therapeutic contraindications that may be encountered, including their avoidance, and the action required if they occur;
 - (F) the possible dangers of taking the drug with alcohol, or taking the drug and then operating a motor vehicle or other hazardous machinery;
 - (G) techniques for self-monitoring drug therapy;
 - (H) proper storage;
 - (I) prescription refill information;
 - (J) action to be taken in the event of a missed dose; and
 - (K) any other information a reasonable and prudent pharmacist would provide relevant to the patient's drug therapy, including information specific to the patient or the drug.

- (g) Counseling shall be initiated and provided confidentially.

(2) Patient Records

- (a) A patient record system shall be maintained by pharmacies for all patients for whom prescription drug orders are dispensed, except for those patients who the pharmacist has good reason to believe will not return to that pharmacy to obtain drugs. The patient record system shall provide for readily retrievable information necessary for the dispensing pharmacist to identify previously dispensed drugs at the time a prescription drug order is presented for dispensing. The pharmacist shall make a reasonable effort to obtain, record, and maintain the following information:
 - (A) full name of the patient for whom the drug is intended;
 - (B) address and telephone number of the patient;
 - (C) patient's age or date of birth;
 - (D) patient's gender;
 - (E) chronic medical conditions;
 - (F) a list of all prescription drug orders obtained by the patient at the pharmacy maintaining the patient record showing the name of the drug or device, prescription number, name and strength of the drug, the quantity and date received, and the name of the prescriber;
 - (G) known allergies, drug reactions, and drug idiosyncrasies; and
 - (H) pharmacist comments relevant to the individual's drug therapy, including any other information peculiar to the specific patient or drug.
- (b) In order to enhance prospective drug review, additional information such as chronic conditions or disease states of the patient, the patient's current weight, and the identity of any other drugs, including over-the-counter drugs, or devices currently being used by the patient which may relate to prospective drug review, may be collected.
- (c) Patient records shall be maintained for a period of not less than three years.

(3) Drug Outlet Procedures

- (a) Each pharmacy registrant is accountable for establishing, maintaining, and enforcing their written procedures for:
 - (A) Securing their legend drugs and the area in which they are prepared, compounded, stored or repackaged;
 - (B) Performing mandatory prospective drug utilization reviews;
 - (C) Verifying the accuracy of all completed prescriptions and medical orders before they leave the pharmacy's secured legend area;
 - (D) Documenting the identification of the pharmacist(s) responsible for the verification of each dispensed medication;
 - (E) Ensuring the delivery of each completed prescription to the correct party;
 - (F) Providing appropriate confidential professional advice concerning medications to patients or their agents; and
 - (G) Ensuring that all who work in the pharmacy are appropriately registered and adequately trained to perform their duties.

Stat. Auth.: ORS 689.205

Stats. Implemented: ORS 689.015

History.: f. & ef., 02-02-1994 & 08-12-1998, 01-08-2002

**DIVISION 043
NON-PHARMACY DISPENSING DRUG OUTLETS
Practitioner Dispensing**

**Practitioner Labeling
855-043-0001**

- (1) All drugs dispensed by a practitioner shall be labeled with the following information:
 - (a) Name, address and telephone number of the practitioner;
 - (b) Date;
 - (c) Name of the patient or the owner of the animal for which the drug is dispensed. If the prescription is for an animal, the species of the animal for which the drug is dispensed.
 - (d) Name of drug, strength, the quantity dispensed. When a generic name is used, the label shall also contain the name of the manufacturer or distributor;
 - (e) Direction for use;
 - (f) Required precautionary information regarding controlled substances;
 - (g) Such other and further accessory cautionary information as required for patient safety, and
 - (h) An expiration date after which the patient should not use the drug or medicine. Expiration dates on drugs dispensed must be the same as that on the original container unless, in the practitioners professional judgement, a shorter expiration date is warranted. Any drug bearing an expiration date shall not be dispensed beyond the said expiration date of the drug.

[Filed 08-25-92]

**DIVISION 080
SCHEDULE OF CONTROLLED SUBSTANCES**

**Definitions
855-080-0015**

As used in rules 855-080-0020 and 855-080-0025:

- (1) "Act" means the Uniform Controlled Substances Act, ORS Chapter 475, and rules thereunder;
- (2) "CFR" means Code of Federal Regulations;
- (3) Except as provided in subparagraph (c) of this paragraph, "controlled substance analog" means a substance that:
 - (a) Has a chemical structure that is substantially similar to the chemical structure of a controlled substance in Schedule I or II;
 - (b) Has a stimulant, depressant or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II;

(c) "Controlled substance analog" does not include:

- (A) A controlled substance;
- (B) Any substance that has an approved drug application;
- (C) Any substance exempted under 21 U.S.C. 355 if the ingestion is within the scope of investigation authorized under 21 U.S.C. 355; or
- (D) Distilled spirits, wine or malt beverages.

(4) "Isomer" means optical isomer. However the term "isomer" means the optical, position or geometric isomer in 855-080-0021(3) and the term "isomer" means optical or geometric isomer when used in 855-080-0022-(1)(d).

(5) "USC" means United States Code;

(6) Terms not defined in this rule have the definitions set forth in ORS 475.005.

[Filed 09-18-91]

Schedules 855-080-020

Pursuant to ORS 475.005(6) those drugs and their immediate precursors classified in Schedules I through V under the **Federal Controlled Substances Act, 21 USC Sections 811 to 812**, and as amended by the Board pursuant to ORS 457.035 are the controlled substances for purposes of regulation and control under the Act. Those schedules are set out in rules 855-080-0021 through 855-080-0026.

[Filed 09-18-91]

Schedule I 855-080-0021

Schedule I consists of the drugs and other substances, by whatever official, common, usual, chemical, or brand name designated, listed in this rule:

(1) **Opiates.** Unless specifically excepted or unless listed in another schedule, any quantity of the following substances, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation:

- (a) Acetyl-Alpha-Methylfentanyl
- (b) Acetylmethadol
- (c) Allylprodine
- (d) Alphacetylmethadol (except levo-alphacetylmethadol also known as levo- alpha-acetylmethadol, levomethadylacetate, or LAAM)
- (e) Alphameprodine
- (f) Alphamethadol
- (g) Alpha-methylfentanyl
- (h) Alpha-methylthiofentanyl
- (i) Benzethidine
- (j) Benzlfentanyl
- (k) Betacetylmethadol
- (l) Beta-hydroxyfentanyl
- (m) Beta-hydroxy-3-methylfentanyl

- (n) Betameprodine
- (o) Betamethadol
- (p) Betaprodine
- (q) Clonitazene
- (r) Dextromoramide
- (s) Diampromide
- (t) Diethylthiambutene
- (u) Difenoxin
- (v) Dimenoxadol
- (w) Dimepheptanol
- (x) Dimethylthiambutene
- (y) Dioxaphetyl butyrate
- (z) Dipipanone
- (aa) Ethylmethylthiambutene
- (bb) Etonitazene
- (cc) Etoxidine
- (dd) Furethidine
- (ee) Hydroxypethidine
- (ff) Ketobemidone
- (gg) Levomoramide
- (hh) Levophenacymorphan
- (ii) 3-methylfentanyl
- (jj) 3-methylthiofentanyl
- (kk) Morpheridine
- (ll) MPPP (1-methyl-4 phenyl-4 propionoxypiperidine)
- (mm) Noracymethadol
- (nn) Norlevorphanol
- (oo) Normethadone
- (pp) Norpipanone
- (qq) Para-fluorofentanyl
- (rr) PEPAP (1-(2 phenethyl)-4-phenyl-4-acetoxypiperidine)
- (ss) Phenadoxone
- (tt) Phenampromide
- (uu) Phenomorphan
- (vv) Phenoperidine
- (ww) Piritramide
- (xx) Proheptazine
- (yy) Properidine
- (zz) Propiram
- (aaa) Racemoramide
- (bbb) Thenylfentanyl
- (ccc) Thiofentanyl
- (ddd) Tilidine
- (eee) Trimeperidine.

(2) **Opium derivatives:** Unless specifically excepted or unless listed in another schedule, any quantity of the following of the following substances, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (a) Acetorphine
- (b) Acetyldihydrocodeine
- (c) Benzylmorphine
- (d) Codeine methylbromide
- (e) Codeine-N-Oxide
- (f) Cyprenorphine

- (g) Desomorphine
- (h) Dihydromorphine
- (i) Drotebanol
- (j) Etorphine (except hydrochloride salt)
- (k) Heroin
- (l) Hydromorphanol
- (m) Methyldesorphine
- (n) Methyldihydromorphine
- (o) Morphine methylbromide
- (p) Morphine methylsulfonate
- (q) Morphine-N-Oxide
- (r) Myrophine
- (s) Nicocodeine
- (t) Nicomorphine
- (u) Normorphine
- (v) Pholcodine
- (w) Thebacon.

(3) **Hallucinogenic substances.** Unless specifically excepted or unless listed in another schedule, any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation (for purposes of this section only, the term "isomer" includes the optical position and geometric isomers):

- (a) Alpha-ethyltryptamine
- (b) 4-bromo-2,5-dimethoxy-amphetamine
- (c) 4-bromo-2,5-dimethoxyphenethylamine
- (d) 2,5 dimethoxyamphetamine
- (e) 2,5 dimethoxy-4-ethylamphetamine
- (f) 4-methoxyamphetamine
- (g) 5-methoxy-3,4-methylenedioxy-amphetamine
- (h) 4-methyl-2,5-dimethoxy-amphetamine
- (i) 3,4-methylenedioxy amphetamine
- (j) 3,4-methylenedioxy methamphetamine (MDMA)
- (k) 3,4-methylenedioxy-N-ethylamphetamine (MDA, MDE, MDED)
- (l) N-hydroxy- 3,4-methylenedioxyamphetamine (N-hydroxy MDA)
- (m) 3,4,5-trimethoxy amphetamine
- (n) Bufotenine
- (o) Diethyltryptamine
- (p) Dimethyltryptamine
- (q) Ibogaine
- (r) Lysergic acid diethylamide
- (s) Marihuana
- (t) Mescaline
- (u) Parahexyl
- (v) Peyote - Meaning all parts of the plant presently classified botanically as *lophophora williamsii* Lemaire, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture, or preparation of such plant, its seeds and extracts.
- (w) N-ethyl-3-piperidyl benzilate
- (x) N-methyl-3-piperidyl benzilate
- (y) Psilocybin
- (z) Psilocyn
- (aa) Tetrahydrocannabinols
- (bb) Ethylamine analog of phencyclidine
- (cc) Pyrrolidine analog of phencyclidine
- (dd) Thiophene analog of phencyclidine.

(ee) 1-[1-(2-thienyl) cyclohexyl] pyrrolidine

(ff) N-Benzylpiperazine (BZP)

(gg) 1-(3-trifluoromethylphenyl) piperazine (TFMPP)

(4) **Depressants.** Unless specifically excepted or unless listed in another schedule, any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(a) Mecloqualone

(b) Methaqualone.

(5) **Stimulants.** Unless specifically excepted or unless listed in another schedule, any quantity of the following substances, including its salts, isomers, and salts of isomers:

(a) Aminorex

(b) Cathinone

(c) Fenethylamine

(d) Methcathinone

(e) (±) cis-4-methylaminorex

(f) N-ethylamphetamine.

(g) N-N Dimethylamphetamine

(6) **Other Substances.** Unless specifically excepted or unless listed in another schedule, any quantity of the following substances, its analog or derivative, including any salt, compound, isomer, ester or ether:

(a) gamma-hydroxybutyric acid (Except that a drug containing gamma-hydroxybutyrate that has been approved by the Food and Drug Administration as a legend drug is a Schedule III controlled substance.)

(b) gamma-butyrolactone, or

(c) 1,4-butanediol

(7) **Exceptions.** The following are exceptions to subsection (6) of this rule:

(a) 1, 4-butanediol and gamma-butyrolactone when in the possession of a person for the purpose of its sale to a legitimate manufacturer of industrial products and the person is in compliance with the Drug Enforcement Administration requirements for List I Chemicals.

(b) 1,4-butanediol and gamma-butyrolactone when in the possession of a person for the purpose of the legitimate manufacture of industrial products.

Stat. Auth.: ORS 689.205

Stats. Implemented: ORS 475.035, 475.940

Hist.: f. & ef., 09-22-1997, 06-29-2000, 07-01-2002, 11-14-2002, 01-13-2003

Schedule II 855-080-0022

Schedule II consists of the drugs and other substances by whatever official, common, usual, chemical, or brand name designated, listed in this rule:

(1) **Substances, vegetable origin or chemical synthesis.** Unless specifically excepted or unless listed in another schedule, any quantity of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, independently by means of chemical synthesis or by a combination of extraction and chemical synthesis:

(a) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate excluding apomorphine, dextrophan, nalbuphine, nalmefene, naloxone, and naltrexone, and their respective salts, but including the following:

- (A) Raw opium
- (B) Opium extracts
- (C) Opium fluid
- (D) Powdered opium
- (E) Granulated opium
- (F) Tincture of opium
- (G) Codeine
- (H) Ethylmorphine
- (I) Etorphine hydrochloride
- (J) Hydrocodone
- (K) Hydromorphone
- (L) Metopon
- (M) 6-monoacetyl morphine
- (N) Morphine
- (O) Oxycodone
- (P) Oxymorphone
- (Q) Thebaine

(b) Any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in subsection (a) of this section except that these substances shall not include the isoquinoline alkaloids of opium.

(c) Opium poppy and poppy straw.

(d) Cocaine, including its salts, isomers (whether optical or geometric) and salts of such isomers; coca leaves, and any salt, compound, derivative or preparation thereof which is chemically equivalent or identical with any of these substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves, which extractions do not contain cocaine or ecognine.

(e) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid or powder form which contains the phenanthrene alkaloids of the opium poppy).

(2) **Opiates.** Unless specifically excepted or unless listed in another schedule any quantity of the following substances, including its isomers, esters, ethers, salts and salts of isomers, esters and ethers whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation, dextrophan and levopropoxyphene excepted:

- (a) Alfentanil
- (b) Alphaprodine
- (c) Anileridine
- (d) Bezitramide
- (e) Bulk Dextropropoxyphene (non-dosage forms)
- (f) Carfentanil
- (g) Dihydrocodeine
- (h) Diphenoxylate
- (i) Fentanyl
- (j) Isomethadone
- (k) Levo-alphaacetylmethadol (levo-alphaacetylmethadol, levomethadyl acetate, LAAM)
- (l) Levomethorphan
- (m) Levorphanol
- (n) Metazocine
- (o) Methadone
- (p) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane
- (q) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid

- (r) Pethidine (meperidine)
- (s) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine
- (t) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate
- (u) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid
- (v) Phenazocine
- (w) Piminodine
- (x) Racemethorphan
- (y) Racemorphan
- (z) Sufentanil.

(3) **Stimulants.** Unless specifically excepted or listed in another schedule, any quantity of the following substances:

- (a) Amphetamine, its salts, optical isomers, and salts of its optical isomers.
- (b) Methamphetamine, its salts, isomers, and salts of its isomers.
- (c) Phenmetrazine and its salts.
- (d) Methylphenidate.

(4) **Depressants.** Unless specifically excepted or listed in another schedule, any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (a) Amobarbital
- (b) Glutethimide
- (c) Pentobarbital
- (d) Phencyclidine
- (e) Secobarbital

(5) **Hallucinogenic Substances:** Unless specifically excepted or unless listed in another schedule, any quantity of the following substances, its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (a) Nabilone.

(6) **Immediate precursors.** Unless specifically excepted or listed in another schedule, any quantity of the following substances:

- (a) Immediate precursor to amphetamine and methamphetamine: Phenylacetone.
- (b) Immediate precursors to phencyclidine
 - (A) 1-phenylcyclohexylamine
 - (B) 1-piperidinocyclohexanecarbonitrile (PCC).

(7) **Other Substances.** Unless specifically excepted or listed in another schedule, any quantity of the following substances or their salts or stereoisomers:

- (a) Anthranilic acid
- (b) Ephedrine
- (c) Hydriodic acid
- (d) Methylamine
- (e) Methylformamide
- (f) Lead Acetate
- (g) Phenylacetic acid
- (h) Pseudoephedrine

(8) A substance containing ephedrine, or any of its salts or stereoisomers, or pseudoephedrine, or any of its salts or stereoisomers or any cosmetic which is prepared for dispensing or over-the-counter distribution and is in compliance with the Federal Food, Drug and Cosmetic Act and applicable regulations is not a controlled substance for the purpose of this section.

Stat. Auth.:ORS 689.205

Stats. Implemented: ORS 475.035

Hist.: f. & ef. 09-22-1997, 08-09-1999, 02-16-2000

Schedule III 855-080-0023

Schedule III consists of the drugs and other substances by whatever official, common, usual, chemical, or brand name designated, listed in this rule:

(1) **Stimulants.** Unless specifically excepted or unless listed in another schedule, any quantity of the following substances, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (a) Those compounds, mixtures, or preparations in dosage unit form containing any stimulant substances listed in Schedule II which compounds, mixtures, or preparations were listed on August 25, 1971, as excepted compounds under Section 1308.32 of **Title 21 of the Code of Federal Regulations**, and any other drug of the quantitative composition shown in that list for those drugs or which is the same except that it contains a lesser quantity of controlled substances.
- (b) Benzphetamine
- (c) Chlorphentermine
- (d) Clortermine
- (e) Phendimetrazine.

(2) **Depressants.** Unless specifically excepted or listed in another schedule, any quantity of the following substances:

- (a) In a compound, mixture or preparation containing:
 - (A) Amobarbital
 - (B) Secobarbital
 - (C) Pentobarbital
 - (D) A salt thereof and one or more other active medicinal ingredients which are not listed in any schedule.
- (b) In a suppository dosage form containing:
 - (A) Amobarbital
 - (B) Secobarbital
 - (C) Pentobarbital
 - (D) Salts of any of these drugs which have been approved by the Food and Drug Administration for marketing as a suppository.
- (c) Derivatives of barbituric acid or any salt thereof.
- (d) Chlorhexadol
- (e) Ketamine
- (f) Lysergic acid
- (g) Lysergic acid amide
- (h) Methyprylon
- (i) Sulfondiethylmethane

- (j) Sulfonethylmethane
- (k) Sulfonmethane.
- (l) Tiletamine and zolazepam or any salt thereof.

(3) Any quantity of the following substances, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers, whenever the existence of such salts, isomers, and salts of isomer is possible:

- (a) Nalorphine.

(4) **Narcotic Drugs.** Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

- (a) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium.
- (b) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, non-narcotic ingredients in recognized therapeutic amounts.
- (c) Not more than 300 milligrams of dihydrocodeinone (hydrocodone) per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium.
- (d) Not more than 300 milligrams of dihydrocodeinone (hydrocodone) per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active non-narcotic ingredients in recognized therapeutic amounts.
- (e) Not more than 1.8 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active non-narcotic ingredients in recognized therapeutic amounts.
- (f) Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, non-narcotic ingredients in recognized therapeutic amounts.
- (g) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams or not more than 25 milligrams per dosage unit, with one or more active non-narcotic ingredients in recognized therapeutic amounts.
- (h) Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams, with one or more active non-narcotic ingredients in recognized therapeutic amounts.

(5) **Anabolic Substances.** Any quantity of the following substances or its isomer, ester, salt, or derivative except that anabolic substances in a dosage form approved by the Food and Drug Administration for administration through implants to cattle or other nonhuman species shall not be classified as controlled substances:

- (a) Boldenone;
- (b) Chlorotestosterone (4-chlortestosterone);
- (c) Clostebol;
- (d) Dehydrochlormethyltestosterone;
- (e) Dihydrotestosterone (4-dihydrotestosterone);
- (f) Dostanolone;
- (g) Ethylestrenol;
- (h) Fluoxymesterone;
- (i) Formebolone (formebolone);
- (j) Human growth hormone;
- (k) Mesterolone;
- (l) Methandienone;

- (m) Methandranone;
- (n) Methandriol;
- (o) Methandrostenolone;
- (p) Methenolone;
- (q) Methyltestosterone;
- (r) Milbolerone
- (s) Nandrolone;
- (t) Norethandrolone;
- (u) Oxandrolone;
- (v) Oxymesterone;
- (w) Oxymetholone;
- (x) Stanolone;
- (y) Stanozolol;
- (z) Testolactone;
- (aa) Testosterone;
- (bb) Trenbolone.

(6) **Hallucinogenic Substances.** Unless specifically excepted or unless listed in another schedule, any quantity of the following substances, its salts, isomer, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible.

- (a) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a U. S. Food and Drug Administration approved drug product.

(7) **Other Substances.** A drug containing gamma-hydroxybutyrate that has been approved by the Food and Drug Administration as a legend drug is a Schedule III controlled substance.

Stat. Auth.: ORS 689.205

Stats. Implemented: ORS 475.035

Hist.: f. & ef. 08-19-1999, f. & ef. 02-16-2000, f. & ef. 06-29-2000

Schedule IV 855-080-0024

Schedule IV consists of the drugs and other substances by whatever official, common, usual, chemical, or brand name designated, listed in this rule.

(1) **Narcotic drugs.** Unless specifically excepted or listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

- (a) Not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.
- (b) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1, 2-diphenyl-3-methyl-2-propionoxybutane).

(2) **Depressants.** Unless specifically excepted or listed in another schedule, any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (a) Alprazolam
- (b) Barbitol
- (c) Bromazepam
- (d) Butorphanol
- (e) Camazepam

- (f) Carisoprodol
- (g) Chloral betaine
- (h) Chloral hydrate
- (i) Chlordiazepoxide
- (j) Clobazam
- (k) Clonazepam
- (l) Clorazepate
- (m) Clotiazepam
- (n) Cloxazolam
- (o) Delorazepam
- (p) Diazepam
- (q) Estazolam
- (r) Ethchlorvynol
- (s) Ethinamate
- (t) Ethyl loflazepate
- (u) Fludiazepam
- (v) Flunitrazepam
- (w) Flurazepam
- (x) Halazepam
- (y) Haloxazolam
- (z) Ketazolam
- (aa) Loprazolam
- (bb) Lorazepam
- (cc) Lormetazepam
- (dd) Mebutamate
- (ee) Medazepam
- (ff) Meprobamate
- (gg) Methohexital
- (hh) Methylphenobarbital (mephobarbital)
- (ii) Midazolam
- (jj) Nimetazepam
- (kk) Nitrazepam
- (ll) Nordiazepam
- (mm) Oxazepam
- (nn) Oxazolam
- (oo) Paraldehyde
- (pp) Petrichloral
- (qq) Phenobarbital
- (rr) Pinazepam
- (ss) Prazepam
- (tt) Quazepam
- (uu) Temazepam
- (vv) Tetrazepam
- (ww) Triazolam
- (xx) Zaleplon
- (yy) Zolpidem

(3) **Fenfluramine.** Any quantity of the following substances, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers, whenever the existence of such salts, isomers, and salts of isomers is possible:

- (a) Fenfluramine.

(4) **Stimulants.** Unless specifically excepted or listed in another schedule, any quantity of the following substances, including its salts, isomers and salts of isomers:

- (a) Cathine;
- (b) Diethylpropion;
- (c) Fencamfamin;
- (d) Fenproporex;
- (e) Mazindol;
- (f) Mefenorex;
- (g) Modafinil
- (h) Pemoline (including organometallic complexes and chelates thereof);
- (i) Phentermine;
- (j) Pipradrol;
- (k) SPA ((-)-1-dimethylamino-1,2-diphenylethane).

(5) **Other substances.** Unless specifically excepted or unless listed in another schedule, any quantity of the following substances, including its salts;

- (a) Pentazocine.

Stat. Auth.:ORS 689.205

Stats. Implemented: ORS 475.035

Hist.: f. & ef. 09-22-1997, 08-09-1999, 02-16-2000, 06-29-2000

Schedule V 855-080-0026

Schedule V consists of the drugs and other substances, by whatever official, common, usual, chemical, or brand name designated, listed in this rule:

(1) **Narcotic drugs.** Unless specifically excepted or unless listed in another schedule, any of the following substances and its salts:

- (a) Buprenorphine.

(2) **Narcotic drugs containing non-narcotic active medicinal ingredients.** Any compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below, which shall include one or more non-narcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation valuable medicinal qualities other than those possessed by narcotic drugs alone:

- (a) Not more than 200 milligrams of codeine per 100 milliliters or per 100 grams.
- (b) Not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams.
- (c) Not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams.
- (d) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atrophine sulfate per dosage unit.
- (e) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams.
- (f) Not more than 0.5 milligrams of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.

(3) **Stimulants.** Unless specifically excepted or listed in another schedule, any quantity of the following substances, including its salts, isomers and salts of isomers:

- (a) Propylhexedrine
- (b) Pyrovalerone

[Filed 09-18-91]

**Excluded Substances
855-080-0028**

The following drugs and their generic equivalents are excepted from the schedules in OAR 855-080-0021 through 855-080-0026:

- (a) Theophed
- (b) Guiaphed Elixir
- (c) Tedrigen Tablets
- (d) Choate's Leg Freeze
- (e) Tedral
- (f) Tedral Elixir
- (g) Tedral SA
- (h) Tedral Suspension
- (i) Asma-Ese
- (j) Asma-Aids
- (k) Benzedex
- (l) Bronkolixir
- (m) Bronkotabs
- (n) Vicks Inhaler
- (o) Primatine (P-Tablets)
- (p) Estratest
- (q) Estratest HS
- (r) Premarin with Methyltestosterone
- (s) Estradiol Cypionate Injection
- (t) Estradiol Valerate Injection

[Filed 04-27-95]