

# **BOARD OF PHARMACY**

## **DIVISION 80**

### **SCHEDULE OF CONTROLLED SUBSTANCES**

#### **855-080-0020**

##### **Schedules**

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 U.S.C. Sections 811 to 812 and as amended by the Board pursuant to ORS 475.035 are the controlled substances for purposes of regulation and control under the Act. Those schedules are set out in OAR 855-080-0021 through 855-080-0026.

Stat. Auth.: ORS 689.205

Stats. Implemented: ORS 475.035

#### **855-080-0021**

##### **Schedule I**

(1) Schedule I consists of the drugs and other substances, by whatever official, common, usual, chemical, or brand name designated, listed in 21CFR part 1308.11, and 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) Benzylfentanyl;

(b) Thenylfentanyl;

(c) N-Benzylpiperazine (BZP);

(d) 1,4-butanediol.

(e) Methamphetamine, except as listed in OAR 855-080-0022.

(2) Exceptions. The following are exceptions to subsection (1) 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.

(c) Marijuana.

Stat. Auth.: ORS 689.205

Stats. Implemented: ORS 475.035, 475.059, 475.065, 475.940

## **855-080-0022**

### **Schedule II**

Schedule II consists of the drugs and other substances by whatever official, common, usual, chemical, or brand name designated, listed in 21 CFR part 1308.12 and any quantity of the following substances:

(a) Marijuana;

(b) Methamphetamine, when in the form of an FDA approved product containing methamphetamine, its salts, isomers and salts of its isomers as an active ingredient for the purposes of currently accepted medical use.

Stat. Auth.: ORS 689.205

Stats. Implemented: ORS 475.035, 475.059, 475.065

## **855-080-0028**

### **Excluded Substances**

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

(1) Benzedrex inhaler (Propylhexedrine).

(2) Vicks -- Vapor inhaler (Levmetamfetamine).

Stat. Auth.: ORS 689.205  
Stats. Implemented: ORS 689.155

## **855-080-0055**

### **Separate Registration for Independent Activities**

The manufacturing and distributing of controlled substances are deemed activities independent of each other. A separate registration is required for each activity; however, a person registered to manufacture may distribute or dispense any controlled substance which they are registered to manufacture, provided that, unless specifically exempted, they comply with all requirements and duties prescribed by statute and rules for persons registered to distribute or dispense as applicable.

Stat. Auth.: 689.205  
Stats. Implemented: ORS 475.125, 689.155

## **Controlled Substances Prescriptions**

### **855-080-0085**

#### **Prescription Requirements**

- (1) Except as provided in sections (2) and (3) of this rule, the provisions of 21 CFR 1306.01 through 1306.27 and 1304.03(d) shall be complied with by the registrants, practitioners and pharmacists as specified therein in the issuance, preparation, labeling dispensing, recordkeeping and filing of prescriptions for controlled substances. An electronic prescription is permitted for any substance listed in OAR 855-080-0022 through 855-080-0026 when so permitted by federal regulations.
- (2) The provisions of 21 CFR 1306.11(a) under section (1) of this rule are amended by deleting "which is a prescription drug as determined under the Federal Food, Drug, and Cosmetic Act."
- (3) The provisions of 21 CFR 1306.21 through 1306.27 under section (1) of this rule shall be deemed to apply also to controlled substances listed in Schedule V.
- (4) Controlled substances in Schedules III, IV, and V which are prescription drugs determined by the Board pursuant to ORS 475.185(3) are those prescription drugs as determined under the Federal Food, Drug, and Cosmetic Act. Such drugs are "Legend Drugs" and bear the legend "Caution: Federal law prohibits dispensing without a prescription", or an equivalent legend. In addition, any preparation containing any amount of codeine or its salts, opium, or paregoric in Schedules III, IV, or V is a prescription drug as determined by the Board pursuant to ORS 475.185(3).

(5) "Emergency Situations" as referred to in ORS 475.185(2) mean the same as specified in 21 CFR 290.10.

Stat. Auth.: ORS 689.205

Stats. Implemented: ORS 475.185, 475.188

## **855-080-0105**

### **Disposal of Drugs**

(1) 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.

(2) Controlled substances which are expired, deteriorated or unwanted shall be disposed of in conformance with **21 CFR 1307.21**.

(3) Expired, deteriorated, discontinued, or unwanted controlled substances in a long-term care facility shall be destroyed and the destruction jointly witnessed on the premises by any two of the following:

- (a) The consultant pharmacist or registered nurse designee.
- (b) The Director of Nursing Services or supervising nurse designee
- (c) The administrator of the facility or an administrative designee
- (d) A Registered Nurse employed by the facility

(4) The destruction shall be documented and signed by the witnesses and the document retained at the facility for a period of at least three years. Copies of the document shall be sent to the consultant pharmacist. Any destruction of controlled substances deviating from this procedure must be approved by the Board prior to implementation.

(5) Upon written request, the Board may waive any of the requirements of this rule if a waiver will further public health or safety or the health and safety of a patient. A waiver granted under this section shall only be effective when it is issued by the Board in writing.

Stat. Auth.: ORS 475.035 & 689.205

Stats. Implemented: ORS 689.305