



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2019-45A

Dorothy Gourley, Interim Executive Director
Oklahoma State Board of Pharmacy
2920 N Lincoln Blvd, Suite A
Oklahoma City, Oklahoma 73105

February 4, 2019

Dear Interim Executive Director Gourley:

This office has received your request for a written Attorney General Opinion regarding action that the State Board of Pharmacy intends to take with respect to registrant T-9799. The registrant was required to submit to a for-cause drug screening based on his behavior and appearance at work. The screening results were positive for marijuana. The Board proposes to revoke the registrant's pharmacy technician permit.

The Oklahoma Pharmacy Act authorizes the Board to regulate the practice of pharmacy. 59 O.S.Supp.2018, § 353.7. Specifically, "[t]he State Board of Pharmacy may . . . [r]evoke permanently or suspend any certificate, license or permit issued pursuant to the Oklahoma Pharmacy Act or reprimand or place on probation any holder of a certificate, license, or permit who . . . violates any provision of the Uniform Controlled Dangerous Substances Act" or "conducts himself or herself in a manner likely to lower public esteem for the profession of pharmacy." *Id.* § 353.26(A)(1)(b), (e). The Uniform Controlled Dangerous Substances Act states that "[i]t shall be unlawful for any person knowingly or intentionally to possess a controlled dangerous substance." 63 O.S.Supp.2018, § 2-402(A)(1). The Board may reasonably believe the proposed action is necessary to deter future violations.

It is, therefore, the official opinion of the Attorney General that the State Board of Pharmacy has adequate support for the conclusion that this action advances the State's policy to protect public health, safety, and welfare.

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

AMANDA OTIS
ASSISTANT ATTORNEY GENERAL