



OFFICE OF THE ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2021-30A

Marty Hendrick, Executive Director
Oklahoma State Board of Pharmacy
2920 N. Lincoln Blvd., Suite A
Oklahoma City, OK 73105

June 15, 2021

Dear Executive Director Hendrick:

This office has received your request for a written Attorney General Opinion regarding action that the State Board of Pharmacy intends to take in Case No. 1617. In February 2021, respondent technician tested positive for Alprazolam along with metabolite a-Hydroxyalprazolam, Naloxone Buprenorphine with metabolite Norbuprenorphine, Amphetamine, and Methamphetamine after exhibiting impaired behavior at work. The Board proposes to revoke the respondent's permit.

The Oklahoma Pharmacy Act authorizes the Board to regulate the practice of pharmacy. 59 O.S.Supp.2020, § 353.7. Specifically, "[t]he State Board of Pharmacy may . . . revoke 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 "[c]onducts 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.2020, § 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.

A handwritten signature in black ink, appearing to read "D. G. [unclear]".

ACTING ATTORNEY GENERAL OF OKLAHOMA

A handwritten signature in blue ink, appearing to read "Ethan Shaner".

ETHAN SHANER
DEPUTY GENERAL COUNSEL