

NAMSDL



National Alliance for Model State Drug Laws

State Control of Dextromethorphan (a.k.a. DXM) Statutory Highlights

Please note: This document does not contain provisions related to state definitions or scheduling of the substance dextromethorphan

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The following statutes are related to state regulation of Dextromethorphan (DXM), a cough suppressing substance commonly found in over-the-counter cold medications and known to be prone to abuse in high doses.

Statutes

California Senate Bill 514 (2011) – Signed by the Governor August 31st, 2011
This bill will add Sections 11110 & 11111 to the Health and Safety Code

- Makes it an infraction, punishable by a fine not exceeding \$250, for any person, corporation, or retail distributor, in an over-the-counter sale to, without a prescription, willfully and knowingly supply, deliver, or give possession of a nonprescription drug containing dextromethorphan to a person under the age of 18.
- Requires a person, corporation, or retail distributor that sells a product containing dextromethorphan to use a cash register that is equipped with an age-verification feature that directs the retail clerk to request identification before the product may be purchased.

720 ILL. COMP. STAT. 570/218 (2011) - Dextromethorphan

- Prohibits the possession of drug products containing dextromethorphan and classifies possession as a Class 4 felony.
- Classifies the sale, delivery, distribution, or possession with intent to sell, deliver, or distribute a drug product containing dextromethorphan as a Class 2 felony.

R.I. GEN. LAWS § 21-28.7-1 (2011) – Possession of Dextromethorphan

- Prohibits persons from possessing one gram or more of pure dextromethorphan.
- Medical facilities, medical practitioners, pharmacists or licensed pharmacies are exempted from the prohibition.
- Violations carry a civil penalty of one thousand dollars (\$1,000) for the first offense, and two thousand five hundred dollars (\$2,500) for the second and subsequent offenses.