

Dextromethorphan (DXM) – State Statutes and State Legislation

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

Statutes

720 ILL. COMP. STAT. 570/218 (West 2007) - 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.

Bills

2007 Georgia House Bill No. 739

- Prohibits the sales of “cough medicine” to persons under the age of 18.
- For purposes of this bill, “cough medicine” is defined as any medicine sold over the counter containing as an active ingredient dextromethorphan (DXM).
- Businesses selling cough medicine are required to mark cough medicine products to indicate that a person must be 18 or older to purchase the marked products.

2007 Maryland Senate Bill No. 939

- Dextromethorphan is defined as any compound, mixture or preparation containing any detectable quantity of dextromethorphan, its salts or optical isomers or salts of optical isomers.
- A person may not purchase a DXM product unless that person:
 - has a valid government government-issued ID certifying the purchaser is an adult;
 - signs a log or receipt showing:
 - the date of the transaction;
 - the name and address of the person; and
 - the amount of DXM purchased.
- Every pharmacy/retail establishment must maintain records of the signed logs and conspicuously post DXM purchase restrictions.
- A person may not purchase more than 3.6 grams of any DXM product in a 30-day period.
- The quantity restriction does not apply to products dispensed pursuant to a valid prescription or by a licensed practitioner.

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2007 New Jersey Senate Bill No. 2709 & Assembly Bill No. 4279

- Levy a penalty of \$250 for persons liable for the sale of products containing dextromethorphan to individuals under the age of 18.
- This civil penalty increases to \$500 for the second violation and \$1,000 for the third and each subsequent violation.

2007 New York Senate Bill No. 3444 & Assembly Bill No. 7509

- Create the crime of giving/selling 2 or more containers of medication containing DXM to a person under the age of 18.
- “Container of medication” is defined as a single container or bottle of medication in the form such medication is customarily sold at retail.

2007 Oklahoma House Bill No. 1794

- Creates the Task Force on Adolescent Substance Abuse and Misuse of Household Items.
- Requires the Oklahoma Department of Mental Health and Substance Abuse Services and the Oklahoma Department of Health to cooperate with Oklahoma retailers in developing and implementing a program to educate retailers, employees of retailers and consumers about the dangers of over-the-counter-product abuse.
- The program shall include:
 - clear goals related to stemming the abuse of over-the-counter products;
 - voluntary age restrictions, which prohibit any person under the age of eighteen (18) from purchasing items containing dextromethorphan;
 - educational materials aimed at clerks in retail establishments about ways to properly scrutinize the sale of harmful over-the-counter products and products containing dextromethorphan;
 - point-of-sale educational materials about over-the-counter-product abuse available for customers;
 - appropriate signage indicating the participation of a retail establishment in this program; and
 - any other materials deemed appropriate that are aimed at preventing the abuse of products containing dextromethorphan.
- Prohibits any person from dispensing, selling or distributing unfinished dextromethorphan.
- Persons possessing unfinished dextromethorphan must register with the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control.
- All sales of unfinished dextromethorphan must be reported to the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control.

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2007 Oklahoma Senate Bill No. 951

- Prohibits any person from dispensing, selling or distributing unfinished dextromethorphan.
- Persons possessing unfinished dextromethorphan must register with the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control.
- All sales of unfinished dextromethorphan must be reported to the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control.

2007 Rhode Island Bill No. 635

- Prohibits persons from transferring (without a prescription) products containing DXM to persons under the age of 18.
- Persons selling DXM products must require and obtain proof of age from the purchaser.
- “Proof of age” is any government-issued document that contains a description or photograph of the person and gives the person's date of birth.
- Retailers selling DXM are not subject to penalties if the retailer can prove it trained employees.