

State Daily Gram Limits for Over-The-Counter Transactions Involving Ephedrine and Pseudoephedrine



This project was supported by Cooperative Agreement No. 2012-DC-BX-K002 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, the Community Capacity Development Office, and the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.

© 2013 Research is current as of December 31, 2012. In order to ensure that the information contained herein is as current as possible, research is conducted using both nationwide legal database software and individual state legislative websites. Headquarters Office: THE NATIONAL ALLIANCE FOR MODEL STATE DRUG LAWS (NAMSDL). 215 Lincoln Ave., Suite 201, Santa Fe, NM 87501

Alabama

Code of Alabama

Title 20. Food, Drugs, and Cosmetics.

Chapter 2. Controlled Substances.

Article 9. . Precursor Chemicals.

§ 20-2-190. Penalties; sale of ephedrine, etc.; Alabama Drug Abuse Task Force.

...

(c)...

...

(4) No person shall deliver, sell, or purchase products sold over-the-counter that contain a combined total of more than 3.6 grams per calendar day or more than 7.5 grams per 30 days, of ephedrine base or pseudoephedrine base. It shall not be a defense under this subdivision if no money was exchanged during a transaction that would otherwise be unlawful under this subdivision.

...

Alaska

Alaska Statutes Annotated

Title 17. Food and Drugs

Chapter 30. Controlled Substances

Article 1. Regulation of Manufacture, Distribution, Prescription, and Dispensing of Controlled Substances

§ 17.30.090. Sale or purchase of certain listed chemicals

(a) A seller, retailer, or vendor may not sell for personal use and a person may not purchase for personal use ephedrine base, pseudoephedrine base, or phenylpropanolamine base, as those terms are used in P.L. 109-177, 120 Stat. 192, unless that sale or purchase complies with and meets the requirements of P.L. 109-177, 120 Stat. 192, with regard to amounts, identification required, storage, access and availability, and logbooks. A seller, retailer, or vendor shall maintain the logbook for the period required under P.L. 109- 177, 120 Stat. 192, and shall allow law enforcement officers access to the logbook. Each seller, retailer, and vendor shall provide training to the seller's, retailer's, or vendor's employees and agents in the requirements of this section. The Department of Public Safety shall provide assistance and information to sellers, retailers, and vendors to meet the requirements of this section.

...

(d) A seller, retailer, or vendor does not violate this section if the seller, retailer, or vendor proves by a preponderance of the evidence that the seller, retailer, or vendor

(1) exercised the degree of care of a reasonable employer to ensure compliance with (a)--(c) of this section; and

(2) determined that the employees and agents of the seller, retailer, or vendor had been notified of the requirements of this section by

(A) securing each employee's or agent's written acknowledgment of notification of those requirements; or

(B) making another appropriate determination.

(e) A person who violates this section shall forfeit and pay to the state a civil penalty of not more than \$10,000 for each violation.

Arizona

Arizona Revised Statutes Annotated
 Title 32. Professions and Occupations
 Chapter 18. Pharmacy
 Article 3. Regulation

§ 32-1977. Sale of methamphetamine precursors; electronic sales tracking system; violation; classification; state preemption

A. A retailer shall not sell to the same person, and a person shall not purchase, products containing more than three and six-tenths grams per day or more than nine grams per thirty-day period of ephedrine or pseudoephedrine base, or their salts, isomers or salts of isomers. These limits apply to the total amount of base ephedrine and pseudoephedrine contained in the products and not to the overall weight of the products.

...

Arkansas

Arkansas Administrative Code
 Title 070. Board of Pharmacy
 Division 00.
 Rule 7. Drug Products/Prescriptions
 07-04. Controlled Substances

070.00.7-07-04-0008. Schedule V--Ephedrine, Pseudoephedrine or Phenylpropranolamine

...

(c) A pharmacist, pharmacy or pharmacy employee must also comply with Federal law prohibiting the sale of more than 3.6 grams of ephedrine, pseudoephedrine, or phenylpropanolamine to a patient in any 24 hour period.

Colorado

Colorado Revised Statutes Annotated
 Title 18. Criminal Code
 Article 18. Uniform Controlled Substances Act of 1992
 Part 4. Offenses and Penalties

§ 18-18-412.8. Retail sale of methamphetamine precursor drugs--unlawful acts--penalty

...

(2)(a) A person may not knowingly deliver in or from a store to the same individual during any twenty-four-hour period more than three and six-tenths grams of a methamphetamine precursor drug or a combination of two or more methamphetamine precursor drugs.

(b) A person may not purchase more than three and six-tenths grams of a methamphetamine precursor drug or a combination of two or more methamphetamine precursor drugs during any twenty-four-hour period.

...

(4) For purposes of this section:

(a)(I) Except as otherwise provided in subparagraph (II) of this paragraph (a), "methamphetamine precursor drug" means ephedrine, pseudoephedrine, or phenylpropanolamine or their salts, isomers, or salts of isomers.

(II) "Methamphetamine precursor drug" does not include a substance contained in any package or container that is

labeled by the manufacturer as intended for pediatric use.

(b) "Person" means an individual who owns, operates, is employed by, or is an agent of a store.

(c) "Store" means any establishment primarily engaged in the sale of goods at retail.

...

Florida

Florida Statutes Annotated

Title XLVI. Crimes (Chapters 775-899)

Chapter 893. Drug Abuse Prevention and Control

893.1495. Retail sale of ephedrine and related compounds

(1) For purposes of this section, the term "ephedrine or related compounds" means ephedrine, pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical isomers.

(2) A person may not knowingly obtain or deliver to an individual in any retail over-the-counter sale any nonprescription compound, mixture, or preparation containing ephedrine or related compounds in excess of the following amounts:

(a) In any single day, any number of packages that contain a total of 3.6 grams of ephedrine or related compounds;

...

Hawaii

Hawai'i Revised Statutes Annotated

Division 1. Government

Title 19. Health

Chapter 329. Uniform Controlled Substances Act

Part VI. Regulated Chemicals for the Manufacture of Controlled Substances

§ 329-75. Sales of products, mixtures, or preparations containing pseudoephedrine; reporting requirement for wholesalers

(a) Notwithstanding any other law to the contrary, a pharmacy or retailer may sell or distribute to a person without a prescription products containing not more than 3.6 grams per day or not more than nine grams per thirty-day period of pseudoephedrine, without regard to the number of transactions; provided that the pharmacy or retailer shall comply with the following conditions:

...

(g) No person shall knowingly purchase, receive, or otherwise acquire products containing more than 3.6 grams per day or more than nine grams per thirty-day period of pseudoephedrine, except that this limit shall not apply to any quantity of such product, mixture, or preparation dispensed pursuant to a valid prescription.

(h) Any person who violates subsections (b) through (g) is guilty of a class C felony.

...

Idaho

Idaho Code Annotated

Title 37. Food, Drugs, and Oil

Chapter 33. Retail Sales of Pseudoephedrine Products

§ 37-3301. Definitions

As used in this chapter:

- (1) “Pseudoephedrine product” means any compound, mixture or preparation containing any detectable quantity of pseudoephedrine, its salts or optical isomers, or salts of optical isomers.
- (2) “Retailer” means any person, other than a wholesaler, who sells or offers for sale or distributes at retail pseudoephedrine products, irrespective of the quantity or amount or the amount of sales of such pseudoephedrine products.

Idaho Code Annotated

Title 37. Food, Drugs, and Oil

Chapter 33. Retail Sales of Pseudoephedrine Products

§ 37-3303. Limitations on sales and purchases

- (1) It shall be unlawful for any retailer to knowingly sell, transfer or otherwise furnish in a single day a pseudoephedrine product or products containing more than a base amount of three and six-tenths (3.6) grams of pseudoephedrine.
- (2) It shall be unlawful for any person to knowingly purchase from a retailer more than the daily sales limit of a pseudoephedrine product or products containing a base amount of three and six-tenths (3.6) grams per purchaser or more than a base amount of nine (9) grams of pseudoephedrine in a single thirty (30) day period, regardless of the number of transactions.

...

Idaho Code Annotated

Title 37. Food, Drugs, and Oil

Chapter 33. Retail Sales of Pseudoephedrine Products

§ 37-3306. Application

The provisions of this chapter shall not apply to a pseudoephedrine product dispensed pursuant to a valid prescription unless otherwise provided by law.

Illinois

Smith-Hurd Illinois Compiled Statutes Annotated

Chapter 720. Criminal Offenses

Offenses Against the Public

Act 648. Methamphetamine Precursor Control Act

648/10. Definitions

...

“Convenience package” means any package that contains 360 milligrams or less of ephedrine or pseudoephedrine, their salts or optical isomers, or salts of optical isomers in liquid or liquid-filled capsule form.

“Covered pharmacy” means any pharmacy that distributes any amount of targeted methamphetamine precursor that is physically located in Illinois.

...

“Retail distributor” means a grocery store, general merchandise store, drug store, other merchandise store, or other entity or person whose activities as a distributor relating to drug products containing targeted methamphetamine precursor are limited exclusively or almost exclusively to sales for personal use by an ultimate user, both in number of sales and volume of sales, either directly to walk-in customers or in face-to-face transactions by direct sales.

“Sales employee” means any employee or agent, other than a pharmacist or pharmacy technician who at any time (a) operates a cash register at which convenience packages may be sold, (b) stocks shelves containing convenience packages, or (c) trains or supervises any other employee or agent who engages in any of the preceding activities.

...

“Targeted methamphetamine precursor” means any compound, mixture, or preparation that contains any detectable quantity of ephedrine or pseudoephedrine, their salts or optical isomers, or salts of optical isomers.

“Targeted package” means a package, including a convenience package, containing any amount of targeted methamphetamine precursor.

...

Smith-Hurd Illinois Compiled Statutes Annotated
 Chapter 720. Criminal Offenses
 Offenses Against the Public
 Act 648. Methamphetamine Precursor Control Act
648/20. Restrictions on purchase, receipt, or acquisition

§ 20. Restrictions on purchase, receipt, or acquisition.

...

(d) Except as provided in subsection (e) of this Section, no person shall knowingly purchase, receive, or otherwise acquire more than one convenience package from a retail location other than a pharmacy counter in a 24-hour period.

(e) This Section shall not apply to any person who purchases, receives, or otherwise acquires a targeted methamphetamine precursor for the purpose of dispensing, distributing, or administering it in a lawful manner described in subsection (e) of Section 15 of this Act.

Smith-Hurd Illinois Compiled Statutes Annotated
 Chapter 720. Criminal Offenses
 Offenses Against the Public
 Act 648. Methamphetamine Precursor Control Act
648/30. Retail distributors; general requirements

§ 30. Retail distributors; general requirements.

...

(g) No retail distributor shall knowingly distribute to a single person in any 24-hour period more than one convenience package.

...

Smith-Hurd Illinois Compiled Statutes Annotated
 Chapter 720. Criminal Offenses
 Offenses Against the Public
 Act 648. Methamphetamine Precursor Control Act
648/35. Retail distributors; training requirements

§ 35. Retail distributors; training requirements.

(a) Every retail distributor of any targeted methamphetamine precursor shall train each sales employee on the topics listed on the certification form described in subsection (b) of this Section. This training may be conducted by a live trainer or by means of a computer-based training program. This training shall be completed within 30 days of the effective date of this Act or within 30 days of the date that each sales employee begins working for the retail distributor, whichever of these 2 dates comes later.

(b) Immediately after training each sales employee as required in subsection (a) of this Section, every retail distributor of any targeted methamphetamine precursor shall have each sales employee read, sign, and date a certification containing the following language:

...

(6) I understand that under Illinois law, I cannot sell more than one “convenience package” to a single customer in one 24-hour period.

...

Smith-Hurd Illinois Compiled Statutes Annotated
 Chapter 720. Criminal Offenses
 Offenses Against the Public
 Act 648. Methamphetamine Precursor Control Act
648/40. Penalties

§ 40. Penalties.

...

(b) Violations of Section 15, 20, 25, 30, or 35 of this Act, other than violations of subsection (b) of Section 20 of this Act.

(1) Any pharmacy or retail distributor that violates Section 15, 20, 25, 30, or 35 of this Act, other than subsection (b) of Section 20 of this Act, is guilty of a petty offense and subject to a fine of \$500 for a first offense; and \$1,000 for a second offense occurring at the same retail location as and within 3 years of the prior offense. A pharmacy or retail distributor that violates this Act is guilty of a business offense and subject to a fine of \$5,000 for a third or subsequent offense occurring at the same retail location as and within 3 years of the prior offenses.

(2) An employee or agent of a pharmacy or retail distributor who violates Section 15, 20, 25, 30, or 35 of this Act, other than subsection (b) of Section 20 of this Act, is guilty of a Class A misdemeanor for a first offense, a Class 4 felony for a second offense, and a Class 1 felony for a third or subsequent offense.

(3) Any other person who violates Section 15, 20, 25, 30, or 35 of this Act, other than subsection (b) of Section 20 of this Act, is guilty of a Class B misdemeanor for a first offense, a Class A misdemeanor for a second offense, and a Class 4 felony for a third or subsequent offense.

...

Indiana

Annotated Indiana Code

Title 35. Criminal Law and Procedure

Article 48. Controlled Substances

Chapter 4. Offenses Relating to Controlled Substances

35-48-4-14.7 Restrictions on sale and purchase of ephedrine or pseudoephedrine; reporting of suspicious activities or theft

Sec. 14.7. (a) This section does not apply to the following:

- (1) Ephedrine or pseudoephedrine dispensed pursuant to a prescription.
- (2) The sale of a drug containing ephedrine or pseudoephedrine to a licensed health care provider, pharmacist, retail distributor, wholesaler, manufacturer, or an agent of any of these persons if the sale occurs in the regular course of lawful business activities. However, a retail distributor, wholesaler, or manufacturer is required to report a suspicious order to the state police department in accordance with subsection (f).
- (3) The sale of a drug containing ephedrine or pseudoephedrine by a person who does not sell exclusively to walk-in customers for the personal use of the walk-in customers. However, if the person described in this subdivision is a retail distributor, wholesaler, or manufacturer, the person is required to report a suspicious order to the state police department in accordance with subsection (f).

...

(2) "Convenience package" means a package that contains a drug having as an active ingredient not more than sixty (60) milligrams of ephedrine or pseudoephedrine, or both.

(3) "Ephedrine" means pure or adulterated ephedrine.

(4) "Pseudoephedrine" means pure or adulterated pseudoephedrine.

(5) "Retailer" means a grocery store, general merchandise store, drug store, or other similar establishment where ephedrine or pseudoephedrine products are available for sale.

...

(c) This subsection does not apply to a convenience package. A retailer may sell a drug that contains the active ingredient of ephedrine, pseudoephedrine, or both only if the retailer complies with the following conditions:

...

(2) The retailer does not sell drugs containing more than three and six-tenths (3.6) grams of ephedrine or pseudoephedrine, or both, to one (1) individual on one (1) day, or seven and two-tenths (7.2) grams of ephedrine or pseudoephedrine, or both, to one (1) individual in a thirty (30) day period.

...

(d) A person may not purchase drugs containing more than three and six-tenths (3.6) grams of ephedrine or pseudoephedrine, or both, on one (1) day, or more than seven and two-tenths (7.2) grams of ephedrine or pseudoephedrine, or both, in a thirty (30) day period. These limits apply to the total amount of base ephedrine and pseudoephedrine contained in the products and not to the overall weight of the products.

...

Iowa

Iowa Code Annotated

Title IV. Public Health [Chs. 123-158]

Subtitle 1. Alcoholic Beverages and Controlled Substances [Chs. 123-134]

Chapter 124. Controlled Substances

Division II. Standards and Schedules

124.213. Pseudoephedrine purchase restrictions from pharmacy or retailer--penalty

1. A person shall not purchase more than three thousand six hundred milligrams of pseudoephedrine, either separately or collectively, within a twenty-four-hour period from a pharmacy, or more than one package of a product containing pseudoephedrine within a twenty-four-hour period from a retailer in violation of section 126.23A.

...

3. A person who violates this section commits a serious misdemeanor.

Iowa Code Annotated

Title IV. Public Health [Chs. 123-158]

Subtitle 1. Alcoholic Beverages and Controlled Substances [Chs. 123-134]

Chapter 126. Drugs, Devices, and Cosmetics

126.23A. Pseudoephedrine retail restrictions

...

2. A purchaser shall not do any of the following:

a. Purchase more than one package of a pseudoephedrine product within a twenty-four-hour period from a retailer.

...

Iowa Code Annotated

Title IV. Public Health

Subtitle 1. Alcoholic Beverages and Controlled Substances

Chapter 126. Drugs, Devices, and Cosmetics

126.23B. Civil penalty

1. A city or a county may enforce section 126.23A, after giving the retailer an opportunity to be heard upon ten days' written notice by restricted certified mail stating the alleged violation and the time and place at which the retailer may appear and be heard.

2. For a violation of section 126.23A by the retailer or an employee of the retailer a civil penalty shall be assessed against the retailer as follows:

a. For a first violation, the retailer shall be assessed a civil penalty in the amount of three hundred dollars.

b. For a second violation within a period of two years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars.

c. For a third violation within a period of three years, the retailer shall be assessed a civil penalty in the amount of two thousand dollars. The retailer may also be prohibited from selling pseudoephedrine for up to three years from the date of assessment of the civil penalty.

d. For a fourth or subsequent violation within a period of three years, the retailer shall be assessed a civil penalty in the amount of three thousand dollars. On a fourth or subsequent violation, the retailer shall be prohibited from

selling pseudoephedrine products for three years from the date of the assessment of the civil penalty.

3. The city or county that takes legal action against a retailer under this section shall report the assessment of a civil penalty to the department of public safety within thirty days of the penalty being assessed.

4. The civil penalty shall be collected by the clerk of the district court and shall be distributed as provided in section 602.8105, subsection 4.

Iowa Code Annotated

Title XVI. Criminal Law and Procedure [Chs. 687-915]

Subtitle 2. Criminal Procedure [Chs. 748-899]

Chapter 805. Citations in Lieu of Arrest

Traffic and Scheduled Violations

805.8C. Miscellaneous scheduled violations

...

6. Pseudoephedrine sales violations. For violations of section 126.23A, subsection 1, by an employee of a retailer, or for violations of section 126.23A, subsection 2, paragraph "a", by a purchaser, the scheduled fine is as follows:

a. If the violation is a first offense, the scheduled fine is two hundred dollars.

b. If the violation is a second offense, the scheduled fine is two hundred fifty dollars.

c. If the violation is a third or subsequent offense, the scheduled fine is five hundred dollars.

...

Iowa Administrative Code

Agency 657 Pharmacy Board

Chapter 10 Controlled Substances

657-10.32(124,155A) Dispensing products containing ephedrine, pseudoephedrine, or phenylpropanolamine without a prescription.

A product containing ephedrine, pseudoephedrine, or phenylpropanolamine, which substance is a Schedule V controlled substance and is not listed in another controlled substance schedule, may be dispensed or administered without a prescription by a pharmacist to a purchaser at retail pursuant to the conditions of this rule.

...

10.32(3)Frequency and quantity. Dispensing at retail to the same purchaser within any 30-day period shall be limited to products collectively containing no more than 7,500 mg of ephedrine, pseudoephedrine, or phenylpropanolamine; dispensing at retail to the same purchaser within a single calendar day shall not exceed 3,600 mg.

...

Iowa Administrative Code

Agency 657 Pharmacy Board

Chapter 100 Iowa Real-Time Electronic Pseudoephedrine Tracking System

657-100.3(124) Electronic pseudoephedrine tracking system (PTS).

...

100.3(2)Frequency and quantity. Dispensing at retail to the same purchaser within any 30-day period shall be limited to products collectively containing no more than 7,500 mg of ephedrine, pseudoephedrine, or phenylpropanolamine; dispensing at retail to the same purchaser within a single calendar day shall not exceed 3,600 mg.

...

Michigan

Michigan Compiled Laws Annotated

Chapter 333. Health

Public Health Code

Article 15. Occupations

Part 177. Pharmacy Practice and Drug Control

333.17766c. Purchase or possession of ephedrine or pseudoephedrine; penalties

Sec. 17766c. (1) A person shall not do any of the following:

(a) Purchase more than 3.6 grams of ephedrine or pseudoephedrine alone or in a mixture within a single calendar day.

...

(2) A person who violates this section is guilty of a crime as follows:

(a) A person who violates subsection (1)(a) or (b) is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.

...

(3) This section does not apply to any of the following:

(a) A person who possesses ephedrine or pseudoephedrine pursuant to a license issued by this state or the United States to manufacture, deliver, dispense, possess with intent to manufacture or deliver, or possess a controlled substance, prescription drug, or other drug.

(b) An individual who possesses ephedrine or pseudoephedrine pursuant to a prescription.

(c) A person who possesses ephedrine or pseudoephedrine for retail sale pursuant to a license issued under the general sales tax act, 1933 PA 167, MCL 205.51 to 205.78.

(d) A person who possesses ephedrine or pseudoephedrine in the course of his or her business of selling or transporting ephedrine or pseudoephedrine to a person described in subdivision (a) or (c).

(e) A person who, in the course of his or her business, stores ephedrine or pseudoephedrine for sale or distribution to a person described in subdivision (a), (c), or (d).

(f) Any product that the state board of pharmacy, upon application of a manufacturer, exempts from this section because the product has been formulated in such a way as to effectively prevent the conversion of the active ingredient into methamphetamine.

(g) Possession of any pediatric product primarily intended for administration to children under 12 years of age according to label instructions.

Michigan Compiled Laws Annotated

Chapter 333. Health

Public Health Code

Article 15. Occupations

Part 177. Pharmacy Practice and Drug Control

333.17766f. Retail sale of product containing ephedrine or pseudoephedrine; penalties; affirmative defense; rebuttal testimony; enactment of conflicting laws by cities, villages, counties, etc.

Sec. 17766f. (1) A person who possesses products that contain any compound, mixture, or preparation containing any detectable quantity of ephedrine or pseudoephedrine, a salt or optical isomer of ephedrine or pseudoephedrine, or a salt of an optical isomer of ephedrine or pseudoephedrine for retail sale pursuant to a license issued under the general sales tax act, 1933 PA 167, MCL 205.51 to 205.78, shall not knowingly do any of the following:

...

(b) Sell more than 3.6 grams of ephedrine or pseudoephedrine alone or in a mixture to any individual on any single calendar day.

...

(2) This section does not apply to the following:

(a) A pediatric product primarily intended for administration to children under 12 years of age according to label instructions.

(b) A product containing pseudoephedrine that is in a liquid form if pseudoephedrine is not the only active ingredient.

(c) A product that the state board of pharmacy, upon application of a manufacturer or certification by the United States drug enforcement administration as inconvertible, exempts from this section because the product has been formulated in such a way as to effectively prevent the conversion of the active ingredient into methamphetamine.

(d) A product that is dispensed pursuant to a prescription.

(3) A person who violates this section is responsible for a state civil infraction as provided under chapter 88 of the revised judiciary act of 1961, 1961 PA 236, MCL 600.8801 to 600.8835, and may be ordered to pay a civil fine of not more than \$500.00 for each violation.

...

(6) Notwithstanding any other provision of law, beginning December 15, 2005, a city, township, village, county, other local unit of government, or political subdivision of this state shall not impose any new requirement or prohibition pertaining to the sale of a product described under subsection (1) that is contrary to, or in any way conflicting with, this section. This subsection does not invalidate or otherwise restrict a requirement or prohibition described in this subsection existing on December 15, 2005.

Missouri

Annotated Missouri Statutes

Title XII. Public Health and Welfare

Chapter 195. Drug Regulations

Manufacturers--Wholesalers--Retailers--Sale or Transfer of Chemicals, Regulation

195.417. Limit on sale or dispensing of certain drugs, exceptions--accessibility of records--violations, penalty

1. The limits specified in this section shall not apply to any quantity of such product, mixture, or preparation which must be dispensed, sold, or distributed in a pharmacy pursuant to a valid prescription.

...

3. Within any twenty-four hour period, no pharmacist, intern pharmacist, or registered pharmacy technician shall sell, dispense, or otherwise provide to the same individual, and no person shall purchase, receive, or otherwise acquire more than the following amount: any number of packages of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, either as:

(1) The sole active ingredient; or

(2) One of the active ingredients of a combination drug; or

(3) A combination of any of the products specified in subdivisions (1) and (2) of this subsection; in any total amount greater than three and six tenths grams without regard to the number of transactions.

...

9. Any person who knowingly or recklessly violates this section is guilty of a class A misdemeanor.

Missouri Code of State Regulations

Title 19 - Department of Health and Senior Services

Division 30 - Division of Regulation and Licensure

Chapter 1 - Controlled Substances

19 CSR 30-1.074 Dispensing Without a Prescription

PURPOSE: This rule provides for dispensing Schedule V controlled substances without a prescription in certain situations.

(1) Definitions. For the purposes of this rule, the following terms shall apply:

(A) "Dispenser" means a pharmacist, intern pharmacist, or registered pharmacy technician who sells, dispenses, or otherwise provides methamphetamine precursor products to purchasers.

(B) Methamphetamine precursor products" means both Schedule V pseu-doeephedrine products and any other drug product containing any detectable amount of ephedrine, pseudoephedrine, or phenyl-propanolamine, including the salts or opticalisomers or salts of optical isomers or ephedrine, its salts or optical isomers, or salts of optical isomers of ephedrine, pseudoephedrine, or phenylpropanolamine.

...

(3) Methamphetamine precursor products may be sold, dispensed, distributed, or otherwise provided only as follows:

...

(B) Dispensers of methamphetamine precursor products shall exercise reasonable care in assuring that the purchaser has not exceeded the three and six-tenths (3.6)-gram limit per day or the nine (9)-gram limit per thirty (30)-day period;

...

(L) Denials of Sales and Dispensings.

1. Except as provided in subsection (D) of this section, if an individual attempts to purchase a methamphetamine precursor product in violation of the three and six-tenths(3.6) gram per day or nine (9) gram per month quantity restrictions or age restriction established by sections 195.017 and 195.417,RSMo, the dispenser shall refuse to make the sale. The purchaser must be at least eighteen(18) years of age.

...

Nebraska

Revised Statutes of Nebraska Annotated
Chapter 28. Crimes and Punishments
Article 4. Drugs and Narcotics

28-405. Controlled substances; schedules; enumerated

...

Schedule IV

...

(h)(1) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substance, including its salts, optical isomers, and salts of such optical isomers: Ephedrine.

(2) The following drug products containing ephedrine, its salts, optical isomers, and salts of such optical isomers, are excepted from subdivision (h)(1) of Schedule IV if they ... No customer shall be allowed to purchase, receive, or otherwise acquire more than three and six-tenths grams of ephedrine base during a twenty-four-hour period; no customer shall purchase, receive, or otherwise acquire more than nine grams of ephedrine base during a thirty-day period; ...

(i) Primatene Tablets; and

(ii) Bronkaid Dual Action Caplets.

...

Revised Statutes of Nebraska Annotated
Chapter 28. Crimes and Punishments
Article 4. Drugs and Narcotics

28-456. Phenylpropanolamine or pseudoephedrine; sold without a prescription; requirements; enforcement

(1) Any drug products containing phenylpropanolamine, pseudoephedrine, or their salts, optical isomers, or salts of such optical isomers may be sold without a prescription only if they are:

...

(d) Sold by a person, eighteen years of age or older, in the course of his or her employment to a customer, eighteen years of age or older, with the following restrictions:

(i) No customer shall be allowed to purchase, receive, or otherwise acquire more than three and six-tenths grams of pseudoephedrine base or three and six-tenths grams of phenylpropanolamine base during a twenty-four-hour period;

...

(2) Any person who sells drug products in violation of this section may be subject to a civil penalty of fifty dollars per day, and for a second or any subsequent violation, the penalty may be one hundred dollars per day. Any such drug products shall be seized and destroyed upon the finding of a violation of this section. The department, in conjunction with the Attorney General, the Nebraska State Patrol, and local law enforcement agencies, shall have authority to make inspections and investigations to enforce this section. In addition, the department may seek injunctive relief for suspected violations of this section.

Revised Statutes of Nebraska Annotated

Chapter 28. Crimes and Punishments

Article 4. Drugs and Narcotics

28-456.01. Pseudoephedrine or phenylpropanolamine; limitation on acquisition; violation; penalty

<Text of section effective Jan. 1, 2012. See, also, text of section effective until Jan. 1, 2012.>

(1) No person shall purchase, receive, or otherwise acquire, other than wholesale acquisition by a retail business in the normal course of its trade or business, any drug product containing more than three and six-tenths grams of pseudoephedrine base or three and six-tenths grams of phenylpropanolamine base during a twenty-four-hour period unless purchased pursuant to a medical order. Any person who violates this section shall be guilty of a Class IV misdemeanor for the first offense and a Class III misdemeanor for each subsequent offense.

...

Nevada

Nevada Revised Statutes Annotated

Title 40. Public Health and Safety (Chapters 439-461A)

Chapter 453. Controlled Substances

Methamphetamine Precursors

453.355. Limitations on sale or transfer of methamphetamine precursor by retail distributor; exception

1. Except as otherwise provided in subsection 2, a retail distributor shall not:

(a) Sell or transfer to the same person during any calendar day, without regard to the number of transactions, more than 3.6 grams of ephedrine base, pseudoephedrine base or phenylpropanolamine base or the salts, optical isomers or salts of optical isomers of such chemicals in a product that is a precursor to methamphetamine.

...

2. The provisions of subsection 1 do not apply if, pursuant to 21 U.S.C. § 830(e)(3), the Attorney General of the United States has determined that a product that is a precursor to methamphetamine cannot be used to manufacture methamphetamine and provided by regulation that the product is exempt from the provisions of 21 U.S.C. § 830(d).

Nevada Revised Statutes Annotated

Title 40. Public Health and Safety (Chapters 439-461A)

Chapter 453. Controlled Substances

Methamphetamine Precursors

453.3585. Limitations on acquisition of methamphetamine precursor; exception; penalties

1. Except as otherwise provided in subsection 2, a person shall not knowingly or intentionally purchase, receive or otherwise acquire:

(a) During any calendar day more than 3.6 grams of ephedrine base, pseudoephedrine base or phenylpropanolamine base or the salts, optical isomers or salts of optical isomers of such chemicals in a product that is a precursor to methamphetamine; or

...

2. The provisions of this section do not apply if the person purchasing, receiving or otherwise acquiring a product that is a precursor to methamphetamine is a pharmacy, practitioner, retail distributor, wholesale distributor or dispenser that is purchasing, receiving or otherwise acquiring the product for the purpose of administering, distributing or dispensing it in a lawful manner.

3. A person who violates any of the provisions of this section is guilty of a misdemeanor, except that:

(a) If the person violates any of the provisions of this section after a prior conviction under this chapter or the law of the United States or of any state, territory or district relating to a controlled substance has become final, the person is guilty of a gross misdemeanor; and

(b) If the person violates any of the provisions of this section after two or more prior convictions under this chapter or the law of the United States or of any state, territory or district relating to a controlled substance, or a combination of two or more such prior convictions, have become final, the person is guilty of a category D felony and shall be punished as provided in NRS 193.130.

New Mexico

Code of New Mexico Rules

Title 16. Occupational and Professional Licensing

Chapter 19. Pharmacists

Part 20. Controlled Substances

16.19.20. CONTROLLED SUBSTANCES

...

B. Exempt pseudoephedrine product.

...

(2) Unless pursuant to a valid prescription, a person purchasing, receiving or otherwise acquiring the compound, mixture or preparation shall:

...

(c) be limited to no more than 3.6 grams per day or more than a total of 9 grams of a product, mixture or preparation containing pseudoephedrine within a thirty-day period.

(3) Pseudoephedrine purchaser statement must state in addition to any federal requirements "I have not purchased more than 3.6 grams today or more than a total of 9 grams of pseudoephedrine as a single entity

or in a combination with other medications in the last 30 days. Entering false statements or misrepresentations in this logbook may subject me to criminal penalties.’

...

North Carolina

North Carolina General Statutes Annotated

Chapter 90. Medicine and Allied Occupations

Article 5D. Control of Methamphetamine Precursors

§ 90-113.53. Pseudoephedrine transaction limits

(a) No person shall deliver to any one person, attempt to deliver to any one person, purchase, or attempt to purchase at retail more than 3.6 grams of any pseudoephedrine products per calendar day. This limit does not apply if the product is dispensed under a valid prescription.

...

(c) This section does not apply to any pseudoephedrine products that are in the form of liquids, liquid capsules, gel capsules, or pediatric products labeled pursuant to federal regulation primarily intended for administration to children under 12 years of age according to label instruction, except as to those specific products for which the Commission issues an order pursuant to G.S. 90-113.58 subjecting the product to requirements under this Article.

North Carolina General Statutes Annotated

Chapter 90. Medicine and Allied Occupations

Article 5D. Control of Methamphetamine Precursors

§ 90-113.56. Penalties

(a) If a retailer willfully and knowingly violates the provisions of G.S. 90-113.52, 90-113.52A, 90-113.53, or 90-113.54, the retailer shall be guilty of a Class A1 misdemeanor for the first offense and a Class I felony for a second or subsequent offense. A retailer convicted of a third offense occurring on the premises of a single establishment shall be prohibited from making pseudoephedrine products available for sale at that establishment.

(b) Any purchaser or employee who willfully and knowingly violates G.S. 90-113.52A, G.S. 90-113.52(c) or G.S. 90-113.53 shall be guilty of a Class 1 misdemeanor for the first offense, a Class A1 misdemeanor for a second offense, and a Class I felony for a third or subsequent offense. This subsection shall not be construed to apply to bona fide innocent purchasers.

...

North Carolina General Statutes Annotated

Chapter 90. Medicine and Allied Occupations

Article 5D. Control of Methamphetamine Precursors

§ 90-113.61. Regulation of pseudoephedrine products in the form of liquids, liquid capsules, gel capsules, and pediatric products

Except as to those specific products for which the Commission issues an order pursuant to G.S. 90-113.58 subjecting the product to requirements under this Article, any pseudoephedrine products that are in the form of liquids, liquid capsules, gel capsules, or pediatric products labeled pursuant to federal regulation primarily intended for administration to children under 12 years of age according to label instruction shall not be subject to requirements under this Article, but such products shall be subject to the requirements of the Combat Methamphetamine Act of 2005, Title VII of the USA PATRIOT Improvement and Reauthorization Act of 2005, P.L. 109-177.

North Dakota

North Dakota Century Code Annotated

Title 19. Foods, Drugs, Oils, and Compounds

Chapter 19-03.4. Drug Paraphernalia

§ 19-03.4-08. Retail or over-the-counter sale of scheduled listed chemical products--Penalty

...

2. A person may not:

...

b. Without regard to the number of over-the-counter sales, deliver more than a daily amount of three and six-tenths grams of scheduled listed chemical products, calculated in terms of ephedrine base, pseudoephedrine base, and phenylpropanolamine base, to a purchaser.

...

8. This section does not apply to a product that the state board of pharmacy, upon application of a manufacturer, exempts from this section because the product has been formulated in such a way as to effectively prevent the conversion of the active ingredient into methamphetamine, or its salts or precursors.

...

10. A person who willfully violates subsection 1 or 9 is guilty of a class A misdemeanor. A person who willfully violates subsection 2, 3, 4, or 5 is guilty of an infraction.

11. A person who is the owner, operator, or manager of the retail outlet or who is the supervisor of the employee or agent committing a violation of this section of the outlet where scheduled listed chemical products are available for sale is not subject to the penalties of this section if the person:

a. Did not have prior knowledge of, participate in, or direct the employee or agent to commit, the violation of this section; and

b. Certifies to the attorney general that the employee or agent, at the time of initial employment and each calendar year thereafter, participated in a training program approved by the attorney general providing the employee or agent with information regarding the state and federal regulations governing the sale, possession, and packaging of such products.

...

Ohio

Baldwin's Ohio Revised Code Annotated

Title XXIX. Crimes--Procedure

Chapter 2925. Drug Offenses

Pseudoephedrine Sales

2925.55 Unlawful purchase or receipt of pseudoephedrine product

(A) As used in sections 2925.55 to 2925.58 of the Revised Code:

...

(2) "Terminal distributor of dangerous drugs" has the same meaning as in section 4729.01 of the Revised Code.

(3) "Pseudoephedrine" means any material, compound, mixture, or preparation that contains any quantity of pseudoephedrine, any of its salts, optical isomers, or salts of optical isomers.

(4) "Pseudoephedrine product" means a consumer product that contains pseudoephedrine.

(5) "Retailer" means a place of business that offers consumer products for sale to the general public.

(6) "Single-ingredient preparation" means a compound, mixture, preparation, or substance that contains a single active ingredient.

(7) "Ephedrine" means any material, compound, mixture, or preparation that contains any quantity of ephedrine, any of its salts, optical isomers, or salts of optical isomers.

(8) "Ephedrine product" means a consumer product that contains ephedrine.

(B)(1) No individual shall knowingly purchase, receive, or otherwise acquire an amount of pseudoephedrine product or ephedrine product that is greater than either of the following unless the pseudoephedrine product or ephedrine product is dispensed by a pharmacist pursuant to a valid prescription issued by a licensed health professional authorized to prescribe drugs and the conduct of the pharmacist and the licensed health professional authorized to prescribe drugs is in accordance with Chapter 3719., 4715., 4723., 4729., 4730., 4731., or 4741. of the Revised Code:

(a) Three and six tenths grams within a period of a single day;

...

The limits specified in divisions (B)(1)(a) and (b) of this section apply to the total amount of base pseudoephedrine or base ephedrine in the pseudoephedrine product or ephedrine product, respectively. The limits do not apply to the products overall weight.

(2) It is not a violation of division (B)(1) of this section for an individual to receive or accept more than an amount of pseudoephedrine product or ephedrine product specified in division (B)(1)(a) or (b) of this section if the individual is an employee of a retailer or terminal distributor of dangerous drugs, and the employee receives or accepts from the retailer or terminal distributor of dangerous drugs the pseudoephedrine product or ephedrine product in a sealed container in connection with manufacturing, warehousing, placement, stocking, bagging, loading, or unloading of the product.

...

(E) No individual shall knowingly fail to comply with the requirements of division (B) of section 3715.051 of the Revised Code.

(F) Whoever violates division (B)(1) of this section is guilty of unlawful purchase of a pseudoephedrine product or ephedrine product, a misdemeanor of the first degree.

...

(I) Whoever violates division (E) of this section is guilty of improper purchase of a pseudoephedrine product or ephedrine product, a misdemeanor of the fourth degree.

2925.56 Unlawfully selling pseudoephedrine product or ephedrine product; unlawfully selling pseudoephedrine product or ephedrine product to minor; improper sale of pseudoephedrine product or ephedrine product; failing to submit information to national precursor log exchange

<Note: See also version(s) of this section with earlier effective date(s).>

(A)(1) Except as provided in division (A)(2) of this section, no retailer or terminal distributor of dangerous drugs or an employee of a retailer or terminal distributor of dangerous drugs shall knowingly sell, offer to sell, hold for sale, deliver, or otherwise provide to any individual an amount of pseudoephedrine product or ephedrine product that is greater than either of the following:

(a) Three and six tenths grams within a period of a single day;

...

The maximum amounts specified in divisions (A)(1)(a) and (b) of this section apply to the total amount of base pseudoephedrine or base ephedrine in the pseudoephedrine product or ephedrine product, respectively. The maximum amounts do not apply to the product's overall weight.

(2)(a) Division (A)(1) of this section does not apply to any quantity of pseudoephedrine product or ephedrine product dispensed by a pharmacist pursuant to a valid prescription issued by a licensed health professional authorized to prescribe drugs if the conduct of the pharmacist and the licensed health professional authorized to prescribe drugs is in accordance with Chapter 3719., 4715., 4723., 4729., 4730., 4731., or 4741. of the Revised Code.

(b) It is not a violation of division (A)(1) of this section for a retailer, terminal distributor of dangerous drugs, or employee of either to provide to an individual more than an amount of pseudoephedrine product or ephedrine product specified in division (A)(1)(a) or (b) of this section under either of the following circumstances:

(i) The individual is an employee of the retailer or terminal distributor of dangerous drugs, and the employee receives or accepts from the retailer, terminal distributor of dangerous drugs, or employee the pseudoephedrine product or ephedrine product in a sealed container in connection with manufacturing, warehousing, placement, stocking, bagging, loading, or unloading of the product;

(ii) A stop-sale alert is generated after the submission of information to the national precursor log exchange under the conditions described in division (A)(2) of section 3715.052 of the Revised Code.

...

(C) No retailer or terminal distributor of dangerous drugs shall fail to comply with the requirements of division (A) of section 3715.051 or division (A)(2) of section 3715.052 of the Revised Code.

(D) No retailer or terminal distributor of dangerous drugs shall fail to comply with the requirements of division (A)(1) of section 3715.052 of the Revised Code.

(E) Whoever violates division (A)(1) of this section is guilty of unlawfully selling a pseudoephedrine product or ephedrine product, a misdemeanor of the first degree.

...

(H) Whoever violates division (D) of this section is guilty of failing to submit information to the national precursor log exchange, a misdemeanor for which the offender shall be fined not more than one thousand dollars per violation.

Oklahoma

Chapter 2. Uniform Controlled Dangerous Substances Act
Article II. Standards and Schedules
§ 2-212. Schedule V

A. The controlled substances listed in this section are included in Schedule V.

...

2. Any compound, mixture, or preparation containing any detectable quantity of base pseudoephedrine or ephedrine, its salts or optical isomers, or salts of optical isomers. If any compound, mixture, or preparation as specified in this paragraph is dispensed, sold, or distributed in a pharmacy:

...

No person shall purchase, receive, or otherwise acquire more than three and six-tenths (3.6) grams of any product, mixture, or preparation per day or more than seven and two-tenths (7.2) grams of any product, mixture, or preparation within any thirty-day period, or sixty (60) grams of any product, mixture, or preparation within a twelve-month period. Once a person has purchased, received or otherwise acquired the daily limit of three and six-tenths (3.6) grams of any product, mixture or preparation, the person shall be prohibited from purchasing, receiving or otherwise acquiring any additional product, mixture or preparation containing any detectable quantity of base pseudoephedrine or ephedrine for a period of not less than seventy-two (72) hours following the last permitted purchase. The requirements of this paragraph shall not apply to any quantity of such product, mixture or preparation dispensed pursuant to a valid prescription. There shall be no protocol or procedure mandated by any individual or corporate entity that interferes with the professional duty of a pharmacist to counsel and evaluate the appropriate pharmaceutical needs of a patient and the exercise of the professional judgment of a pharmacist as to whether it is appropriate to dispense medication as set forth in this paragraph or otherwise.

...

B. The Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, by rule, may exempt other products from this Schedule which the Director finds are not used in the illegal manufacture of methamphetamine or other controlled dangerous substances. A manufacturer of a drug product may apply for removal of the product from the Schedule if the product is determined by the Director to have been formulated in such a way as to effectively prevent the conversion of the active ingredient into methamphetamine.

Oklahoma Administrative Code

Title 475. Oklahoma Bureau of Narcotics and Dangerous Drugs Control

Chapter 55. Pseudoephedrine Control

475:55-1-2. Characteristics of exempt pseudoephedrine products

(a) All products that are either: (1) soft gelatin liquid-filled capsules; or, (2) liquid preparations, are exempt from Schedule V. Conversely, all solid dosage forms of medications, including powders, that contain any quantity of pseudoephedrine are classified as Schedule V controlled dangerous substances and are subject to the rules of this section.

(b) The term “gel capsule,” as specified in O.S. Title 63, means any soft gelatin liquid-filled capsule that contains a liquid suspension, which, in the case of pseudoephedrine, is suspended in a matrix of glycerin, polyethylene glycol, and propylene glycol, along with other liquid substances. Regardless of the product manufacturers' labeling, a gelatin-covered solid does not constitute a “gel capsule” under this provision.

(c) The term “active ingredient,” as specified in O.S. Title 63, shall include the matrix of glycerin, polyethylene glycol, and propylene glycol that is found in liquid capsules.

(d) Nothing in this section shall exempt from Schedule V status any liquid preparation that is found in an illegal laboratory, is associated with an illegal laboratory, or is in any form other than that manufactured and sold by a registered manufacturer for medicinal purposes.

South Carolina

Code of Laws of South Carolina 1976 Annotated

Title 44. Health

Chapter 53. Poisons, Drugs and Other Controlled Substances

Article 3. Narcotics and Controlled Substances

§ 44-53-398. Sale of products containing ephedrine or pseudoephedrine; penalties; training of sales personnel.

...

(B)(1) A retailer may not sell to an individual in any single day a nonprescription product or a combination of nonprescription products containing more than 3.6 grams of ephedrine, pseudoephedrine, or phenylpropanolamine; and a retailer may not sell to an individual in a thirty-day period a nonprescription product or a combination of nonprescription products containing more than nine grams of ephedrine, pseudoephedrine, or phenylpropanolamine.

(2) An individual may not purchase in any single day a nonprescription product or a combination of nonprescription products containing more than 3.6 grams of ephedrine, pseudoephedrine, or phenylpropanolamine; and an individual may not purchase in a thirty-day period a nonprescription product or a combination of nonprescription products containing more than nine grams of ephedrine, pseudoephedrine, or phenylpropanolamine.

...

(H)(1) Except as otherwise provided in this section, it is unlawful for a retailer knowingly to violate subsection (A), (B)(1), (C), (D)(1), or (D)(2), and it is unlawful for a person knowingly to violate subsection (B)(2), (E), or (F).

(2) A retailer convicted of a violation of subsection (A) or (B)(1) is guilty of a misdemeanor and, upon conviction for a first offense, must be fined not more than five thousand dollars and, upon conviction for a second or subsequent offense, must be fined not more than ten thousand dollars.

...

(L) This section does not apply to:

(1) pediatric products labeled pursuant to federal regulation as primarily intended for administration to children under twelve years of age according to label instructions;

(2) products that the Board of Pharmacy, upon application of a manufacturer, exempts because the product is formulated in such a way as to effectively prevent the conversion of the active ingredient into methamphetamine or its salts or precursors; and

(3) a purchase of a single sales package containing not more than sixty milligrams of pseudoephedrine.

(M) For purposes of this section "retailer" means a retail distributor, including a pharmacy, where ephedrine, pseudoephedrine, or phenylpropanolamine products are available for sale and does not include an employee or agent

of a retailer.

Tennessee

Tennessee Code Annotated

Title 39. Criminal Offenses

Chapter 17. Offenses Against Public Health, Safety and Welfare

Part 4. Drugs

§ 39-17-431. Products containing immediate methamphetamine precursors; violations and penalties

...

(c)(1) A pharmacy shall not sell to the same person products containing more than three and six tenths (3.6) grams per day, or more than nine (9) grams per thirty-day period, of ephedrine or pseudoephedrine base, or their salts, isomers or salts of isomers. The limits shall apply to the total amount of base ephedrine and pseudoephedrine contained in the products, and not the overall weight of the products. The prohibition contained in this subsection (c) shall not apply to a person who obtains the product or products pursuant to a valid prescription issued by a licensed healthcare practitioner authorized to prescribe by the law of this state.

(2) A person shall not purchase products containing more than three and six tenths (3.6) grams per day, or more than nine (9) grams per thirty-day period, of ephedrine or pseudoephedrine base, or their salts, isomers or salts of isomers. The limits in this subsection (c) apply whether one form of ID is used to make the purchase or if two (2) or more are used to purchase the products. The limits shall apply to the total amount of base ephedrine and pseudoephedrine contained in the products, and not the overall weight of the products. The prohibition contained in this subsection (c) shall not apply to a person who obtains the product or products pursuant to a valid prescription issued by a licensed healthcare practitioner authorized to prescribe by the law of the state.

(3) This subsection (c) also shall apply to pharmacist-generated prescription orders of the product pursuant to § 63-10-206. The provision of the patient education and counseling as a part of the practice of pharmacy shall be required when product is issued under this subsection (c).

...

(k) A violation of subsections (a)-(j) is a Class A misdemeanor, punishable by fine only. If the person in violation is a licensed pharmacy or pharmacist, the violation shall be reported to the board of pharmacy for review and appropriate action. If a product is dispensed in violation of subsection (a), the owner or operator of the wholesale or retail establishment dispensing the product shall be in violation of subsection (a).

...

Texas

Vernon's Texas Statutes and Codes Annotated

Health and Safety Code

Title 6. Food, Drugs, Alcohol, and Hazardous Substances

Subtitle C. Substance Abuse Regulation and Crimes

Chapter 486. Over-The-Counter Sales of Ephedrine, Pseudoephedrine, and Norpseudoephedrine

Subchapter A. General Provisions

§ 486.002. Applicability

This chapter does not apply to the sale of any product dispensed or delivered by a pharmacist according to a prescription issued by a practitioner for a valid medical purpose and in the course of professional practice.

Vernon's Texas Statutes and Codes Annotated

Health and Safety Code

Title 6. Food, Drugs, Alcohol, and Hazardous Substances

Subtitle C. Substance Abuse Regulation and Crimes

Chapter 486. Over-The-Counter Sales of Ephedrine, Pseudoephedrine, and Norpseudoephedrine

Subchapter B. Over-The-Counter Sales

§ 486.014. Prerequisites to and Restrictions on Sale

...

(b) A business establishment may not sell to a person who makes over-the-counter purchases of one or more products containing ephedrine, pseudoephedrine, or norpseudoephedrine:

(1) within any calendar day, more than 3.6grams of ephedrine, pseudoephedrine, norpseudoephedrine, or a combination of those substances; and

...

Texas Administrative Code

Title 25. Health Services

Part 1. Department of State Health Services

Chapter 230. Specific Additional Requirements for Drugs

Subchapter B. Limitations on Sales of Products Containing Ephedrine, Pseudoephedrine, and Norpseudoephedrine

§ 230.11. General Provisions

...

(b) Definitions. The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

...

Texas Administrative Code

Title 25. Health Services

Part 1. Department of State Health Services

Chapter 230. Specific Additional Requirements for Drugs

Subchapter B. Limitations on Sales of Products Containing Ephedrine, Pseudoephedrine, and Norpseudoephedrine

§ 230.11. General Provisions

...

(b) Definitions. The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

...

(8) Over-the-counter sale--The sale within any calendar day of no more than 3.6 grams of ephedrine, pseudoephedrine, norpseudoephedrine, or a combination of those substances; and within any 30-day period, no more than nine grams of ephedrine, pseudoephedrine, norpseudoephedrine, or a combination of those substances to an individual.

...

Texas Administrative Code

Title 25. Health Services

Part 1. Department of State Health Services

Chapter 230. Specific Additional Requirements for Drugs

Subchapter B. Limitations on Sales of Products Containing Ephedrine, Pseudoephedrine, and

Norpseudoephedrine

§ 230.15. Records

...

(b) A business establishment may not sell to a person who makes over-the-counter purchases of one or more products containing ephedrine, pseudoephedrine, or norpseudoephedrine:

(1) within any calendar day, more than 3.6 grams of ephedrine, pseudoephedrine, norpseudoephedrine, or a combination of those substances; and

...

Utah

Utah Code Annotated

Title 58. Occupations and Professions

Chapter 37C. Utah Controlled Substance Precursor Act

§ 58-37c-3. Definitions

...

(10) "Retail distributor" means a grocery store, general merchandise store, drug store, or other entity or person whose activities as a distributor are limited almost exclusively to sales for personal use:

(a) in both number of sales and volume of sales; and

(b) either directly to walk-in customers or in face-to-face transactions by direct sales.

...

Utah Code Annotated

Title 58. Occupations and Professions

Chapter 37C. Utah Controlled Substance Precursor Act

§ 58-37c-20.5. Pseudoephedrine products--Limitations on retail sale

(1) As used in this section:

(a) "Mobile retail vendor" means a person or entity that sells product at retail from a stand that is intended to be temporary, or that is capable of being moved from one location to another, whether the stand is located within or on the premises of a fixed facility or is located on unimproved real estate; and

(b) "Product" means any product, mixture, or preparation, or any combination of products that contain ephedrine, pseudoephedrine, or phenylpropanolamine, their salts or isomers, or salts of optical isomers, or a combination of

any of these substances.

(2) A retail distributor or a mobile retail vendor may not distribute or sell any product that exceeds the threshold amount of 3.6 grams of ephedrine, pseudoephedrine, or phenylpropanolamine, or any combination of these, regardless of the number of transactions, during any 24-hour period.

...

(7)(a) A person may not purchase product that exceeds the threshold amount of 3.6 grams of ephedrine, pseudoephedrine, or phenylpropanolamine, or any combination of these, regardless of the number of transactions, during any 24-hour period.

...

(c) A violation of this Subsection (7) is a class B misdemeanor.

(8) This section does not apply to any quantity of product possessed by:

(a) a physician, pharmacist, veterinarian, retail distributor, wholesaler, manufacturer, warehouseman, or common carrier, or any agent of these persons, who possess the product in the regular course of lawful business activities; or

(b) a person who possesses the product pursuant to a valid prescription as defined in Section 58-37-2.

(9) This section does not apply to dietary supplements, herbs, or other natural products, including concentrates or extracts, which:

(a) are not otherwise prohibited by law; and

(b) may contain naturally occurring ephedrine, ephedrine alkaloids, or pseudoephedrine, or their salts, isomers, or salts of isomers, or a combination of these substances, that:

(i) are contained in a matrix of organic material; and

(ii) do not exceed 15% of the total weight of the natural product.

(10) This section does not apply to an individual sales transaction in which the purchaser purchases a single package containing no more than 60 mg of pseudoephedrine.

(11)(a) A violation of this section is a class B misdemeanor, and a second or subsequent violation of this section is a class A misdemeanor.

(b) For purposes of this section, a plea of guilty or no contest to a violation of this section which is held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance, is the equivalent of a conviction for a violation of this section, even if the charge has been subsequently reduced or dismissed in accordance with a plea in abeyance agreement.

Vermont

Vermont Statutes Annotated
 Title Eighteen. Health
 Part 5. Foods and Drugs
 Chapter 84. Possession and Control of Regulated Drugs
 Subchapter 1. Regulated Drugs

§ 4234b. Ephedrine and pseudoephedrine

...

(b) Sale.

...

(2)(A) A retail establishment shall not knowingly sell to a person within a calendar day any drug product or combination of drug products containing a total of more than 3.6 grams of ephedrine base, pseudoephedrine base, or phenylpropanolamine base.

(B) This subdivision shall not apply to drug products dispensed pursuant to a valid prescription.

(3) A person or business which violates this subdivision shall:

(A) for a first violation be assessed a civil penalty of not more than \$100.00.

(B) for a second and subsequent violation be assessed a civil penalty of not more than \$500.00.

(c) This section shall not apply to a manufacturer which has obtained an exemption from the Attorney General of the United States under section 711(d) of the federal Combat Methamphetamine Epidemic Act of 2005.

(d) As used in this section:

...

(2) "Knowingly" means having actual knowledge of the relevant facts.

(3) "Manufacturer" means a person who produces, compounds, packages, or in any manner initially prepares a drug product for sale or use.

...

Virginia

Annotated Code of Virginia
 Title 18.2. Crimes and Offenses Generally
 Chapter 7. Crimes Involving Health and Safety
 Article 1. Drugs

§ 18.2-248.8. Sale of the methamphetamine precursors ephedrine and pseudoephedrine; penalty

A. The sale of any product containing ephedrine, pseudoephedrine, or any of their salts, isomers, or salts of isomers, alone or in a mixture, shall be restricted when provided or sold by a retail distributor or pharmacy as follows:

1. Retail sales shall be limited to no more than 3.6 grams total of either ephedrine or pseudoephedrine daily per individual customer.

...

Washington

Revised Code of Washington Annotated
 Title 69. Food, Drugs, Cosmetics, and Poisons
 Chapter 69.43. Precursor Drugs

69.43.110. Ephedrine, pseudoephedrine, phenylpropanolamine--Sales restrictions--Electronic sales tracking system--Penalty

(1) It is unlawful for a pharmacy licensed by, or shopkeeper or itinerant vendor registered with, the department of health under chapter 18.64 RCW, or an employee thereof, or a practitioner as defined in RCW 18.64.011, knowingly to sell, transfer, or to otherwise furnish, in a single transaction a total of more than 3.6 grams of ephedrine, pseudoephedrine, or phenylpropanolamine, their salts, isomers, or salts of isomers, in any twenty-four hour period or more than a total of nine grams per purchaser in any thirty-day period.

(2) It is unlawful for a person who is not a manufacturer, wholesaler, pharmacy, practitioner, shopkeeper, or itinerant vendor licensed by or registered with the department of health under chapter 18.64 RCW to purchase or acquire more than 3.6 grams in any twenty-four hour period, or more than a total of nine grams in any thirty-day period, of the substances specified in subsection (1) of this section.

...

Revised Code of Washington Annotated
 Title 69. Food, Drugs, Cosmetics, and Poisons
 Chapter 69.43. Precursor Drugs

69.43.130. Exemptions--Pediatric products--Products exempted by the state board of pharmacy

RCW 69.43.110 and 69.43.120 do not apply to:

(1) Pediatric products primarily intended for administration to children under twelve years of age, according to label instructions, either: (a) In solid dosage form whose individual dosage units do not exceed fifteen milligrams of ephedrine, pseudoephedrine, or phenylpropanolamine; or (b) in liquid form whose recommended dosage, according to label instructions, does not exceed fifteen milligrams of ephedrine, pseudoephedrine, or phenylpropanolamine per five milliliters of liquid product;

(2) Pediatric liquid products primarily intended for administration to children under two years of age for which the recommended dosage does not exceed two milliliters and the total package content does not exceed one fluid ounce;

(3) Products that the state board of pharmacy, upon application of a manufacturer, exempts by rule from RCW 69.43.110 and 69.43.120 because the product has been formulated in such a way as to effectively prevent the conversion of the active ingredient into methamphetamine, or its salts or precursors; or

(4) Products, as packaged, that the board of pharmacy, upon application of a manufacturer, exempts from RCW *69.43.110(1)(b) and 69.43.120 because:

(a) The product meets the federal definition of an ordinary over-the-counter pseudoephedrine product as defined in 21 U.S.C. 802;

(b) The product is a salt, isomer, or salts of isomers of pseudoephedrine and, as packaged, has a total weight of more than three grams but the net weight of the pseudoephedrine base is equal to or less than three grams; and

(c) The board of pharmacy determines that the value to the people of the state of having the product, as packaged, available for sale to consumers outweighs the danger, and the product, as packaged, has not been used in the illegal manufacture of methamphetamine.

West Virginia

Annotated Code of West Virginia

Chapter 60A. Uniform Controlled Substances Act

Article 10. Methamphetamine Laboratory Eradication Act

§ 60A-10-4. Purchase, receipt, acquisition and possession of substances to be used as precursor to manufacture of methamphetamine or another controlled substance; offenses; exceptions; penalties

(a) A pharmacy may not sell, transfer or dispense to the same person, and a person may not purchase more than three and six-tenths grams per day, more than seven and two-tenths grams in a thirty-day period or more than forty-eight grams annually of ephedrine, pseudoephedrine or phenylpropanolamine without a prescription. The limits shall apply to the total amount of ephedrine, pseudoephedrine and phenylpropanolamine contained in the products, and not the overall weight of the products.

...

(2) Any pharmacy, wholesaler or other entity operating the retail establishment which sells, transfers or dispenses a product in violation of this section is guilty of a misdemeanor and, upon conviction, shall be fined not more than \$1,000 for the first offense, or more than \$10,000 for each subsequent offense.

...

(c) The provisions of subsection (a) of this section shall not apply to:

(1) Products dispensed pursuant to a valid prescription;

(2) Drug products which are for pediatric use primarily intended for administration to children under the age of twelve;

(3) Drug products containing ephedrine, pseudoephedrine or phenylpropanolamine, their salts or optical isomers or salts of optical isomers or other designated precursor which have been determined by the Board of Pharmacy to be in a form which is not feasible for being used for the manufacture of methamphetamine; or

(4) Persons lawfully possessing drug products in their capacities as distributors, wholesalers, manufacturers, pharmacists, pharmacy interns, pharmacy technicians, or health care professionals.

...

Wyoming

Wyoming Statutes Annotated

Title 35. Public Health and Safety

Chapter 7. Food and Drugs

Article 10. Controlled Substances

Article IX

§ 35-7-1059. Unlawful clandestine laboratory operations; methamphetamine precursors; presumptively illegal amount; methamphetamine precursor sales limitations; registration requirements; reports; penalties

...

(g) The retail sale of methamphetamine precursor drugs shall be limited as follows:

(i) No person shall obtain more than a total of three and six-tenths (3.6) grams per calendar day, regardless of the number of transactions, of one (1) or more methamphetamine precursor drugs, calculated in terms of the active equivalent of ephedrine base, pseudoephedrine base or phenylpropanolamine base;

...

(k) A person who intentionally or knowingly violates subsection (g), (h) or (j) of this section is guilty of a misdemeanor punishable by a fine of one hundred dollars (\$100.00) for a first offense, five hundred dollars (\$500.00) for a second offense within two (2) years and one thousand dollars (\$1,000.00) and up to six (6) months imprisonment, or both, for a third offense within three (3) years.

...

(p) For purposes of this section, "methamphetamine precursor drug" means any product that contains ephedrine, pseudoephedrine or phenylpropanolamine or liquid products with ephedrine or pseudoephedrine as the sole active ingredient and may be marketed or distributed lawfully in the United States under the Federal Food, Drug and Cosmetic Act as a nonprescription drug.

Wyoming Rules and Regulations

Department of Administration and Information

Board of Pharmacy - Commissioner of Drugs and Substances Control

Chapter 4. Records and Inventories of Registrants

Section 4. Methamphetamine Precursor Records

(a) The retail sale of nonliquid methamphetamine precursor drugs or liquid products with ephedrine or pseudoephedrine as the sole active ingredient shall be limited to those amounts as described in W.S. § 35-7-1059