

Minimum Age for Over-the-Counter Purchases of 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)(1) It shall be unlawful for any person, business, or entity to knowingly sell any ephedrine or pseudoephedrine, their salts or optical isomers, or salts of optical isomers unless sold from a pharmacy licensed by the Alabama Board of Pharmacy. Any ephedrine or pseudoephedrine, their salts or optical isomers, or salts of optical isomers sold within a pharmacy must be sold by an individual licensed as a pharmacist, a pharmacy technician licensed by the Alabama Board of Pharmacy, or by an employee of the pharmacy under the direct supervision and control of a licensed pharmacist.

...

(5)a. Each pharmacy selling an over-the-counter product in compliance with paragraph b. of this subdivision shall require the purchaser of the product or products to be at least 18 years of age, to provide a valid, unsuspended driver's license or nondriver identification card issued by this state, a valid, unsuspended driver's license or nondriver identification card issued by another state, a United States Uniformed Services Privilege and Identification Card, or a United States or foreign passport, and to sign a record of each transaction. A record of each transaction shall include the magnetic transfer or electronic entry of information data from the identification card into the system, as well as the type of identification card used, including the number, name, date of birth, and current, valid address of the purchaser, the date and time of the sale, the name of the product being sold, as well as the total quantity in grams, of ephedrine or pseudoephedrine being sold. ...

...

(6) This subsection does not apply to products dispensed pursuant to a legitimate prescription.

...

(9) A violation of subdivision (1), (2), (3), or (4) shall constitute a Class A misdemeanor on a first offense and a Class C felony on subsequent offenses. The violations shall be punishable as provided by law.

...

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.

(b) A seller, retailer, or vendor may not sell to a person under 16 years of age and a person under 16 years of age may not purchase a product or substance identified in (a) 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 36. Public Health and Safety
 Chapter 27. Uniform Controlled Substances Act
 Article 2. Schedules
§ 36-2516. Substances in schedule V

The following controlled substances or controlled substance precursors are included in schedule V:

...

3. Any compound or preparation containing the single active ingredient ephedrine or any of its salts.

Arizona Revised Statutes Annotated
 Title 36. Public Health and Safety
 Chapter 27. Uniform Controlled Substances Act
 Article 3. Regulation of Manufacture, Distribution and Dispensing of Controlled Substances
§ 36-2525. Prescription orders; labels

...

J. A controlled substance that is listed in schedule III, IV or V and that does not require a prescription order as determined under state or federal laws may be dispensed at retail by a pharmacist, a pharmacy intern or a graduate intern under the pharmacist's supervision without a prescription order to a purchaser who is at least eighteen years of age if all of the following are true:

...

Arkansas

Arkansas Code Annotated
 Title 5. Criminal Offenses
 Subtitle 6. Offenses Against Public Health, Safety, or Welfare (Chapters 60 to 79)
 Chapter 64. Controlled Substances
 Subchapter 11. Ephedrine, Pseudoephedrine, Phenylpropanolamine
§ 5-64-1103. Sales limits

...

(b) Unless the product has been rescheduled pursuant to § 5-64-212(c), this section does not apply to a retail distributor sale for personal use of a product:

(1) That the Department of Health, in collaboration with the Arkansas State Board of Pharmacy, upon application of a manufacturer, exempts by rule 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; or

(2) Containing ephedrine or pseudoephedrine in liquid, liquid capsule, or liquid gel capsule form if the drug is dispensed, sold, transferred, or otherwise furnished in a single transaction limited to no more than three (3) packages, with any single package containing not more than ninety-six (96) liquid capsules or liquid gel capsules or not more than three grams (3 g) of ephedrine or pseudoephedrine base.

...

(d) Except under a valid prescription, it is unlawful for a licensed pharmacist to dispense or a registered pharmacy technician to knowingly sell, transfer, or otherwise furnish in a single transaction:

...

(4)(A) Any product containing ephedrine, pseudoephedrine, or phenylpropanolamine to any person under eighteen (18) years of age, unless the person is purchasing an exempt product under subdivision (b)(1) or (2) of this section.

(B) The person making the sale shall require proof of age from the purchaser.

(e)(1)(A) A person who violates subsections (a) or (d) of this section for a first or second offense upon conviction is guilty of a Class A misdemeanor and also may be subject to a civil fine not to exceed five thousand dollars (\$5,000).

(B) A person who violates subsections (a) or (d) of this section for a third offense upon conviction is guilty of a Class D felony and also may be subject to a civil fine not to exceed five thousand dollars (\$5,000).

(C) A person who violates subsections (a) or (d) of this section for a fourth or subsequent offense upon conviction is guilty of a Class C felony and also may be subject to a civil fine not to exceed ten thousand dollars (\$10,000).

(2) A plea of guilty or nolo contendere to or a finding of guilt under a penal law of the United States or another state that is equivalent to subsections (a) or (d) of this section is considered a previous offense for purposes of this subsection.

(3)(A) The prosecuting attorney may waive any civil penalty under this section if a person establishes that he or she acted in good faith to prevent a violation of this section, and the violation occurred despite the exercise of due diligence.

(B) In making this determination, the prosecuting attorney may consider evidence that an employer trained

employees how to sell, transfer, or otherwise furnish substances specified in this subchapter in accordance with applicable laws.

...

(h) Nothing in this section prohibits a person under eighteen (18) years of age from possessing and selling a product described in subsections (a) and (b) of this section as an agent of the minor's employer acting within the scope of the minor's employment.

Arkansas Code Annotated

Title 5. Criminal Offenses

Subtitle 6. Offenses Against Public Health, Safety, or Welfare (Chapters 60 to 79)

Chapter 64. Controlled Substances

Subchapter 11. Ephedrine, Pseudoephedrine, Phenylpropanolamine

§ 5-64-1105. Definitions

As used in this subchapter:

(1) "Ephedrine", "pseudoephedrine", and "phenylpropanolamine" means any product containing ephedrine, pseudoephedrine, or phenylpropanolamine or any of their salts, isomers, or salts of isomers, alone or in a mixture;

(2) "Proof of age" and "proof of identity" means a driver's license or identification card issued by the Department of Finance and Administration or an identification card issued by the United States Department of Defense to active duty military personnel that contains a photograph of the person, the person's date of birth, and a functioning magnetic stripe or bar code;

...

Arkansas Code Annotated

Title 5. Criminal Offenses

Subtitle 6. Offenses Against Public Health, Safety, or Welfare (Chapters 60 to 79)

Chapter 64. Controlled Substances

Subchapter 11. Ephedrine, Pseudoephedrine, Phenylpropanolamine

§ 5-64-1111. Liability of pharmacy or pharmacist

...

(b) A pharmacy or pharmacist is not civilly liable for a determination made under § 5-64-1103(c) or for any refusal to dispense, sell, transfer, or otherwise furnish ephedrine, pseudoephedrine, or phenylpropanolamine based on a determination of age or identity.

Arkansas Code Annotated

Title 5. Criminal Offenses

Subtitle 6. Offenses Against Public Health, Safety, or Welfare (Chapters 60 to 79)

Chapter 64. Controlled Substances

Subchapter 11. Ephedrine, Pseudoephedrine, Phenylpropanolamine

§ 5-64-1113. Pharmacist-authorized drugs

...

(b) A pharmacy or a pharmacist has the same immunity from civil liability with regard to actions regarding non-prescription drugs under subsection (a) of this section as is provided under § 5-64-1111 for actions concerning ephedrine, pseudoephedrine, or phenylpropanolamine.

Arkansas Administrative Code
 Title 070. Board of Pharmacy
 Division 00.
 Rule 7. Drug Products/Prescriptions
 07-04. Controlled Substances
070.00.7-07-04-0006. Schedule V--Exempt Products & Pharmacist-Authorized Drugs

...

(e) A pharmacist is immune from civil liability for refusing to dispense, sell, transfer or otherwise furnish a Schedule V exempt product or Pharmacist Authorized Drug based on a professional determination or a determination of age or identity.

...

California

Annotated California Codes
 Health and Safety Code
 Division 104. Environmental Health
 Part 5. Sherman Food, Drug, and Cosmetic Laws
 Chapter 4. Packaging, Labeling, and Advertising
 Article 4. Dietary Supplements
§ 110423.2. Sale, transfer, or furnishing of certain dietary supplements prohibited; request by seller for valid identification from purchaser; liability of retail clerk

(a) It is a misdemeanor for any manufacturer, wholesaler, retailer, or other person, to sell, transfer, or otherwise furnish any of the following to a person under 18 years of age:

(1) A dietary supplement containing an ephedrine group alkaloid.

...

(b) A seller shall request valid identification from any individual who attempts to purchase a dietary supplement set forth in subdivision (a) if that individual reasonably appears to the seller to be under 18 years of age.

(c) Notwithstanding subdivisions (a) and (b), a retail clerk who fails to request identification pursuant to subdivision (b) shall not be guilty of a misdemeanor pursuant to subdivision (a), subject to any civil penalties, or subject to any disciplinary action or discharge by his or her employer. This subdivision shall not apply to a retail clerk who is a willful participant in an ongoing criminal conspiracy to violate this article.

Annotated California Codes
 Health and Safety Code
 Division 104. Environmental Health
 Part 5. Sherman Food, Drug, and Cosmetic Laws
 Chapter 4. Packaging, Labeling, and Advertising
 Article 4. Dietary Supplements
§ 110423.4. Application to licensed health care practitioners

(a) This article shall not apply to a licensed health care practitioner practicing within his or her scope of practice who prescribes, dispenses, or both, herbs in the course of treatment of patients under the care of the licensed practitioner.

(b) This article shall not apply to herbal products that are sold or distributed directly to a licensed health care

practitioner when the herbal product is used solely for the purpose of the treatment of patients under the care of the practitioner.

Annotated California Codes

Health and Safety Code

Division 104. Environmental Health

Part 5. Sherman Food, Drug, and Cosmetic Laws

Chapter 4. Packaging, Labeling, and Advertising

Article 4. Dietary Supplements

§ 110423.6. Retail establishments; exception from criminal liability; conditions; liability for repeated violations

(a) Except as provided in subdivision (b), a retail establishment that sells, transfers, or otherwise furnishes a dietary supplement product in violation of Section 110423.2 shall not be guilty of a misdemeanor pursuant to subdivision (a) of Section 110423.2 if all of the following conditions are met:

(1) Every checkout clerk at the retail establishment has completed standardized training that includes, but is not limited to, the law with respect to selling dietary supplement products subject to this article, methods of easily identifying dietary supplement products subject to this article when checking out customers, and procedures for requesting identification from any customer attempting to purchase dietary supplement products subject to this article who reasonably appears to the clerk to be a minor.

(2) Every checkout clerk at the retail establishment is provided with training updates that cover any changes in the law with respect to selling dietary supplement products subject to this article and any other responsibilities of the retail establishment under this article.

(3) Every programmable checkout scanner or computer used to check out customers with purchases is programmed to identify dietary supplement products subject to this article at the checkout station. A retail establishment that does not use programmable checkout scanners or computers is not required to satisfy this condition.

(4) Every checkout clerk has received a written list of dietary supplement products subject to this article that are sold by the retail establishment that may be posted at the checkout station for easy access.

(b) Notwithstanding the fact that a retail establishment has met all of the conditions specified in subdivision (a), the retail establishment shall be guilty of a misdemeanor pursuant to subdivision (a) of Section 110423.2 if the retail establishment violates this article three or more times in a 12-month period.

Annotated California Codes

Health and Safety Code

Division 104. Environmental Health

Part 5. Sherman Food, Drug, and Cosmetic Laws

Chapter 4. Packaging, Labeling, and Advertising

Article 4.5. Ephedrine Group Alkaloids

§ 110423.101. Non-application of this article and application of Article 4 to enumerated activities involving dietary supplement products containing ephedrine group alkaloids

This article shall not apply, but Article 4 (commencing with Section 110423) shall apply, to any of the following:

(a) A California licensed health care practitioner who is practicing within his or her scope of practice and who prescribes or dispenses, or both, dietary supplement products containing ephedrine group alkaloids in the course of the treatment of a patient under the direct care of that licensed health care practitioner, except that a licensed health care practitioner shall not prescribe or dispense dietary supplements containing ephedrine group alkaloids for purposes of weight loss, body building, or athletic performance enhancement.

(b) Dietary supplement products containing ephedrine group alkaloids that are sold or distributed directly to a licensed health care practitioner when the dietary supplement product containing ephedrine group alkaloids is used solely for the purpose of the treatment of patients under the direct care of the health care practitioner.

(c) Dietary supplement products containing ephedrine group alkaloids that are sold or distributed directly to a licensed pharmacist for resale to a patient for whom the products have been prescribed pursuant to subdivision (a).

(d) Dietary supplement products containing ephedrine group alkaloids that are not for resale in California and that are sold or distributed directly to businesses not located in California.

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

...

(2.5)(a) A person may not deliver in a retail sale in or from a store a methamphetamine precursor drug to a minor under eighteen years of age.

(b) It shall be an affirmative defense to a prosecution under this subsection (2.5) that the person performing the retail sale was presented with and reasonably relied upon a document that identified the person receiving the methamphetamine precursor drug as being eighteen years of age or older.

...

(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.

...

Delaware

Delaware Code Annotated

Title 16. Health and Safety

Part IV. Food and Drugs

Chapter 47. Uniform Controlled Substances Act

Subchapter III. Regulation of Manufacture, Distribution and Dispensing of Controlled Substances

§ 4740. Sale of pseudoephedrine or ephedrine

(a) If any material, compound, mixture, or preparation containing any detectable quantity of pseudoephedrine or ephedrine, its salts or optical isomers, or salts of optical isomers is dispensed, offered for sale, sold or distributed:

...

(2) A licensed pharmacist, sales clerk, or pharmacy technician shall require that any person purchasing, receiving, or otherwise acquiring any such substance shall be age 18 or older, produce a photo identification showing the date of birth of the person, and sign a written log or receipt showing the date of the transaction, name of the person, and the amount of such substance. The written log or receipt shall be retained for at least 12 months.

...

(b) A violation of this section is a class A misdemeanor.

Florida

Florida Statutes Annotated

Title XXXIII. Regulation of Trade, Commerce, Investments, and Solicitations (Chapters 494-560)

Chapter 501. Consumer Protection

Part I. General Provisions

501.0583. Selling, delivering, bartering, furnishing, or giving weight-loss pills to persons under age 18; penalties; defense

(1) As used in this section, the term "weight-loss pill" means a pill that is available without a prescription, the marketing, advertising, or packaging of which indicates that its primary purpose is for facilitating or causing weight loss. The term includes a pill that contains at least one of the following ingredients: *ephedra* species, ephedrine alkaloid containing dietary supplements, or *Sida cordifolia*. However, the term does not include a pill containing one or more of such ingredients which is marketed or intended for a primary purpose other than weight loss.

(2) It is unlawful to sell, deliver, barter, furnish, or give, directly or indirectly, a weight-loss pill to a person under 18 years of age. However, it is a defense to a charge of violating this subsection if the buyer or recipient of the weight-loss pill displayed to the person alleged to have committed the violation a driver's license or identification card issued by this state or another state, a passport, or a United States armed services identification card that indicated that the buyer or recipient was 18 years of age or older and the appearance of the buyer or recipient was such that a prudent person would reasonably believe that the buyer or recipient was not under 18 years of age.

(3) A first violation of subsection (2) or this subsection is punishable by a fine of \$100. A second violation of subsection (2) or this subsection is punishable by a fine of \$250. A third violation of subsection (2) or this subsection is punishable by a fine of \$500. A fourth or subsequent violation of subsection (2) or this subsection is punishable by a fine as determined by the Department of Agriculture and Consumer Services, not to exceed \$1,000.

(4) The Department of Agriculture and Consumer Services is authorized to adopt rules to implement this section.

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.

...

(5)(a) Any person purchasing, receiving, or otherwise acquiring any nonprescription compound, mixture, or preparation containing any detectable quantity of ephedrine or related compounds must:

1. Be at least 18 years of age.

...

(10) This section does not apply to:

- (a) Licensed manufacturers manufacturing and lawfully distributing products in the channels of commerce.
- (b) Wholesalers lawfully distributing products in the channels of commerce.
- (c) Health care facilities licensed under chapter 395.
- (d) Licensed long-term care facilities.
- (e) Government-operated health departments.
- (f) Physicians' offices.
- (g) Publicly operated prisons, jails, or juvenile correctional facilities or private adult or juvenile correctional facilities under contract with the state.
- (h) Public or private educational institutions maintaining health care programs.
- (i) Government-operated or industry-operated medical facilities serving employees of the government or industry operating them.

...

Illinois

Smith-Hurd Illinois Compiled Statutes Annotated
 Chapter 720. Criminal Offenses
 Offenses Against the Public
 Act 570. Illinois Controlled Substances Act
 Article II. Schedules of Controlled Substances

570/219. Dietary supplements containing ephedrine or anabolic steroid precursors

§ 219. Dietary supplements containing ephedrine or anabolic steroid precursors.

(a) It is a Class A misdemeanor for any manufacturer, wholesaler, retailer, or other person to sell, transfer, or otherwise furnish any of the following to a person under 18 years of age:

- (1) a dietary supplement containing an ephedrine group alkaloid; or

...

(b) A seller shall request valid identification from any individual who attempts to purchase a dietary supplement set forth in subsection (a) if that individual reasonably appears to the seller to be under 18 years of age.

Smith-Hurd Illinois Compiled Statutes Annotated
 Chapter 720. Criminal Offenses
 Offenses Against the Public
 Act 648. Methamphetamine Precursor Control Act
648/10. Definitions

§ 10. Definitions. In this Act:

...

“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.

“Deliver” has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

“Dispense” has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

“Distribute” has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

...

“Identification type” means the type of identification furnished by the recipient of a targeted methamphetamine precursor such as, by way of example only, an Illinois driver's license or United States passport.

...

“Methamphetamine precursor” has the meaning provided in Section 10 of the Methamphetamine Control and Community Protection Act.

...

“Pharmacist” has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

“Pharmacy” has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

...

“Recipient” means a person purchasing, receiving, or otherwise acquiring a targeted methamphetamine precursor from a pharmacy in Illinois, as described in Section 25 of this Act.

“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
648/25. Pharmacies

§ 25. Pharmacies.

(a) No targeted methamphetamine precursor may be knowingly distributed through a pharmacy, including a pharmacy located within, owned by, operated by, or associated with a retail distributor unless all terms of this Section are satisfied.

...

(e) Any retail distributor operating a pharmacy, and any pharmacist or pharmacy technician involved in the transaction or transactions, shall verify that:

(1) The person purchasing, receiving, or otherwise acquiring the targeted methamphetamine precursor is 18 years of age or older and resembles the photograph of the person on the government-issued identification presented by the person; and

...

(g) No retail distributor operating a pharmacy, and no pharmacist or pharmacy technician, shall knowingly distribute any targeted methamphetamine precursor to any person under 18 years of age.

...

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.

(a) No retail distributor shall distribute any convenience package except in accordance with this Section and Section 35 of this Act.

...

(c) The retailer distributor shall ensure that any person purchasing, receiving, or otherwise acquiring the targeted methamphetamine precursor complies with subsection (a) of Section 20 of this Act.

(d) The retail distributor shall verify that:

(1) The person purchasing, receiving, or otherwise acquiring the targeted methamphetamine precursor is 18 years of age or older and resembles the photograph of the person on the government-issued identification presented by

the person; and

(2) The name entered into the log referred to in subsection (a) of Section 20 of this Act corresponds to the name on the government-issued identification presented by the person.

...

(f) No retail distributor shall knowingly distribute any targeted methamphetamine precursor to any person under 18 years of age.

...

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:

...

(5) I understand that under Illinois law, customers can only purchase these “convenience packages” if they are 18 years of age or older, show identification, and sign a log according to procedures that have been described to me.

...

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).

(b) The following definitions apply throughout this section:

...

- (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:

- (1) The retailer does not sell the drug to a person less than eighteen (18) years of age.

...

(i) A person who knowingly or intentionally violates this section commits a Class C misdemeanor. However, the offense is a Class A misdemeanor if the person has a prior unrelated conviction under this section.

...

Iowa

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(4)Age of purchaser. The purchaser shall be at least 18 years of age.

...

Iowa Administrative Code

Agency 657 Pharmacy Board

Chapter 100 Iowa Real-Time Electronic Pseudoephedrine Tracking System

657-100.2(124) Definitions.

As used in this chapter:

...

“*Product*” means a Schedule V drug product that is not listed in another controlled substance schedule and that contains any detectable amount of pseudoephedrine, its salts, or optical isomers, or salts of optical isomers; ephedrine; or phenylpropanolamine.

...

“*Purchaser*” means an individual 18 years of age or older who purchases or attempts to purchase a product.

Kansas

Kansas Statutes Annotated

Chapter 65. Public Health

Article 41. Controlled Substances

Uniform Controlled Substances Act

65-4113. Substances included in schedule V

(a) The controlled substances or drugs, by whatever official name, common or usual name, chemical name or brand

name designated, listed in this section are included in schedule V.

...

(d) Any compound, mixture or preparation containing any detectable quantity of ephedrine, its salts or optical isomers, or salts of optical isomers.

(e) Any compound, mixture or preparation containing any detectable quantity of pseudoephedrine, its salts or optical isomers, or salts of optical isomers.

Kansas Administrative Regulations

Agency 68. Board of Pharmacy

Article 20. Controlled Substances

68-20-22 Dispensing without prescription.

A controlled substance listed in schedule V and a controlled substance listed in schedule II, III or IV which is not a prescription drug as determined under the federal food, drug, and cosmetic act, may be dispensed by a pharmacist without a prescription to a purchaser at retail, provided that:

...

(c) The purchaser is at least eighteen (18) years of age.

(d) The pharmacist requires every purchaser of a controlled substance under this section not known to him or her to furnish suitable identification (including proof of age where appropriate).

...

Kentucky

Baldwin's Kentucky Revised Statutes Annotated

Title XVIII. Public Health

Chapter 218A. Controlled Substances

218A.1446 Requirements for dispensing of certain nonprescription drugs; log or other electronic recordkeeping mechanism; exemption request; exceptions; preemption of local laws

...

(6) A person under eighteen (18) years of age shall not purchase or attempt to purchase any quantity of a ephedrine, pseudoephedrine, or phenylpropanolamine product as described in subsection (1) of this section. No person shall aid or assist a person under eighteen (18) years of age in purchasing any quantity of a ephedrine, pseudoephedrine, or phenylpropanolamine product as described in subsection (1) of this section.

(7) The requirements of this section shall not apply to any compounds, mixtures, or preparation containing ephedrine, pseudoephedrine, or phenylpropanolamine, their salts or optical isomers, or salts of optical isomers which are in liquid, liquid capsule, or gel capsule form or to any compounds, mixtures, or preparations containing ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts or optical isomers which are deemed to be not subject to abuse upon joint review and agreement of the Office of Drug Control Policy, the Board of Pharmacy, and the Cabinet for Health and Family Services.

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

(a) Licensed manufacturer manufacturing and lawfully distributing a product in the channels of commerce;

- (b) Wholesaler lawfully distributing a product in the channels of commerce;
- (c) Pharmacy with a valid permit from the Kentucky Board of Pharmacy;
- (d) Health care facility licensed pursuant to KRS Chapter 216B;
- (e) Licensed long-term care facility;
- (f) Government-operated health department;
- (g) Physician's office;
- (h) Publicly operated prison, jail, or juvenile correctional facility, or a private adult or juvenile correctional facility under contract with the Commonwealth;
- (i) Public or private educational institution maintaining a health care program; or
- (j) Government-operated or industrial medical facility serving its own employees.

...

Kentucky Administrative Regulations

Title 906. Cabinet for Health and Family Services

Chapter 1. Office of Inspector General

906 KAR 1:160. Monitoring system for products containing ephedrine, pseudoephedrine, or phenylpropanolamine

...

(9) "Purchaser" means an individual age eighteen (18) or older who purchases, or attempts to purchase, a nonprescription compound, mixture, or preparation containing any detectable quantity of ephedrine, pseudoephedrine, or phenylpropanolamine, their salts or optical isomers, or salts of optical isomers.

...

Section 5. Denial of Transactions and Overrides. (1) If an individual attempts to purchase a precursor to methamphetamine in violation of the nine (9) gram restriction established by KRS 218A.1446(5) or age restriction established by KRS 218A.1446(6), the KEMPT system shall:

- (a) Notify the pharmacy at the time of sale; and
- (b) Recommend that the pharmacy deny the transaction.

Kentucky Administrative Regulations

Title 906. Cabinet for Health and Family Services

Chapter 1. Office of Inspector General

906 KAR 1:160E. Monitoring system for products containing ephedrine, pseudoephedrine, or phenylpropanolamine

EMERGENCY REGULATION

...

(8) "Purchaser" means an individual age eighteen (18) or older who purchases, or attempts to purchase, a nonprescription compound, mixture, or preparation containing any detectable quantity of ephedrine, pseudoephedrine, or phenylpropanolamine, their salts or optical isomers, or salts of optical isomers.

...

Michigan

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 pseudopod; 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:

(a) Sell any product described under this subsection to an individual under 18 years of age.

...

(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 judicature 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.

(4) It is an affirmative defense to a citation issued pursuant to subsection (1)(a) that the defendant had in force at the time of the citation and continues to have in force a written policy for employees to prevent the sale of 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 to persons under 18 years of age and that the defendant enforced and continues to enforce the policy. A defendant who proposes to offer evidence of the affirmative defense described in this subsection shall file and serve notice of the defense, in writing, upon the court and the prosecuting attorney. The notice shall be served not less than 14 days before the hearing date.

(5) A prosecuting attorney who proposes to offer testimony to rebut the affirmative defense described in subsection

(4) shall file and serve a notice of rebuttal, in writing, upon the court and the defendant. The notice shall be served not less than 7 days before the hearing date and shall contain the name and address of each rebuttal witness.

(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.

Michigan Compiled Laws Annotated

Chapter 333. Health

Public Health Code

Article 7. Controlled Substances

Part 72. Standards and Schedules

333.7220. Schedule 5; substances included

Sec. 7220. (1) The following controlled substances are included in schedule 5:

...

(c) Except as otherwise provided in this subdivision, ephedrine, a salt of ephedrine, an optical isomer of ephedrine, a salt of an optical isomer of ephedrine, or a compound, mixture, or preparation containing ephedrine, a salt of ephedrine, an optical isomer of ephedrine, or a salt of an optical isomer of ephedrine. However, the following are not included in schedule 5:

(i) A product containing ephedrine, a salt of ephedrine, an optical isomer of ephedrine, or a salt of an optical isomer of ephedrine if the drug product may lawfully be sold over the counter without a prescription under federal law, is labeled and marketed in a manner consistent with the pertinent OTC tentative final or final monograph, is manufactured and distributed for legitimate medical use in a manner that reduces or eliminates the likelihood for abuse, and is not marketed, advertised, or labeled for an indication of stimulation, mental alertness, energy, weight loss, appetite control, or muscle enhancement and if the drug product is 1 of the following:

(A) A solid dosage form, including but not limited to a soft gelatin caplet, that combines as active ingredients not less than 400 milligrams of guaifenesin and not more than 25 milligrams of ephedrine per dose, packaged in blister packs with not more than 2 tablets or caplets per blister.

(B) An anorectal preparation containing not more than 5% ephedrine.

(ii) A food product or a dietary supplement containing ephedrine, if the food product or dietary supplement meets all of the following criteria:

(A) It contains, per dosage unit or serving, not more than the lesser of 25 milligrams of ephedrine alkaloids or the maximum amount of ephedrine alkaloids provided in applicable regulations adopted by the United States food and drug administration and contains no other controlled substance.

(B) It contains no hydrochloride or sulfate salts of ephedrine alkaloids.

(C) It is packaged with a prominent label securely affixed to each package that states the amount in milligrams of ephedrine in a serving or dosage unit; the amount of the food product or dietary supplement that constitutes a serving or dosage unit; that the maximum recommended dosage of ephedrine for a healthy adult human is the lesser of 100 milligrams in a 24-hour period or the maximum recommended dosage or period of use provided in applicable regulations adopted by the United States food and drug administration; and that improper use of the product may be hazardous to a person's health.

(2) Inclusion of the substances described in subsection (1)(c) into schedule 5 does not preclude prosecution for a crime involving those schedule 5 substances under section 17766c.

Michigan Administrative Code

Department of Community Health (R 338.3101 through R 338.3199q)

Director's Office

Pharmacy - Controlled Substances

Part 6. Dispensing and Administering Prescriptions Prescriptions

R 338.3167 Dispensing schedule 5 substances without prescriptions.

Rule 67. (1) A pharmacist may, without a prescription, dispense a controlled substance listed in schedule5 which is not a prescription medication as determined under the federal food, drug, and cosmetic act, 21 U.S.C. §§301 to 392, if all of the following provisions are met:

...

(c) The purchaser is at least 18 years of age.

(d) The pharmacist requires a purchaser not known to the pharmacist to furnish suitable identification, including proof of age where appropriate.

...

Minnesota

Minnesota Statutes Annotated

Health (Ch. 144-159)

Chapter 152. Drugs; Controlled Substances

Definitions and Schedules of Controlled Substances

152.02. Schedules of controlled substances; administration of chapter

Subd. 6. Schedule V; restrictions on methamphetamine precursor drugs. (a) As used in this subdivision, the following terms have the meanings given:

(1) "methamphetamine precursor drug" means any compound, mixture, or preparation intended for human consumption containing ephedrine or pseudoephedrine as its sole active ingredient or as one of its active ingredients; and

(2) "over-the-counter sale" means a retail sale of a drug or product but does not include the sale of a drug or product pursuant to the terms of a valid prescription.

...

(g) No person may sell in an over-the-counter sale a methamphetamine precursor drug to a person under the age of 18 years. It is an affirmative defense to a charge under this paragraph if the defendant proves by a preponderance of the evidence that the defendant reasonably and in good faith relied on proof of age as described in section 340A.503, subdivision 6.

...

(k) Paragraphs (b) to (j) do not apply to:

(1) pediatric products labeled pursuant to federal regulation primarily intended for administration to children under 12 years of age according to label instructions;

- (2) methamphetamine precursor drugs that are certified by the Board of Pharmacy as being manufactured in a manner that prevents the drug from being used to manufacture methamphetamine;
- (3) methamphetamine precursor drugs in gel capsule or liquid form; or
- (4) compounds, mixtures, or preparations in powder form where pseudoephedrine constitutes less than one percent of its total weight and is not its sole active ingredient.

Missouri

Vernon's Annotated Missouri Statutes
 Title XII. Public Health and Welfare
 Chapter 195. Drug Regulations
 Narcotic Drug Act

195.017. Substances, how placed in schedules--list of scheduled substances-- publication of schedules annually--electronic log of transactions to be maintained, when--certain products to be located behind pharmacy counter-- exemption from requirements, when--rulemaking authority

...

10. The controlled substances listed in this subsection are included in Schedule V:

...

(3) Any compound, mixture, or preparation containing any detectable quantity of pseudoephedrine or its salts or optical isomers, or salts of optical isomers or any compound, mixture, or preparation containing any detectable quantity of ephedrine or its salts or optical isomers, or salts of optical isomers;

...

11. If any compound, mixture, or preparation as specified in subdivision (3) of subsection 10 of this section is dispensed, sold, or distributed in a pharmacy without a prescription:

...

(2) Any person purchasing, receiving or otherwise acquiring any compound, mixture, or preparation containing any detectable quantity of pseudoephedrine, its salts or optical isomers, or salts of optical isomers or ephedrine, its salts or optical isomers, or salts of optical isomers shall be at least eighteen years of age; and

(3) The pharmacist, intern pharmacist, or registered pharmacy technician shall require any person, prior to their purchasing, receiving or otherwise acquiring such compound, mixture, or preparation to furnish suitable photo identification that is issued by a state or the federal government or a document that, with respect to identification, is considered acceptable and showing the date of birth of the person;

...

16. Any person who knowingly or recklessly violates the provisions of subsections 11 to 15 of this section is guilty of a class A misdemeanor.

17. The scheduling of substances specified in subdivision (3) of subsection 10 of this section and subsections 11, 12, 14, and 15 of this section shall not apply to any compounds, mixtures, or preparations that are in liquid or liquid-filled gel capsule form or to any compound, mixture, or preparation specified in subdivision (3) of subsection 10 of this section which must be dispensed, sold, or distributed in a pharmacy pursuant to a prescription.

...

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 pseudoephedrine products and any other drug product containing any detectable amount of ephedrine, pseudoephedrine, or phenyl-propranolamine, including the salts or optical isomers or salts of optical isomers or ephedrine, its salts or optical isomers, or salts of optical isomers of ephedrine, pseudoephedrine, or phenylpropranolamine.

(C) “Valid photo identification” means a photo identification that is issued by a state or the federal government or a document that, with respect to identification, is considered acceptable and showing the date of birth of the person, including forms of identification acceptable under federal regulations 8 CFR 274a.2(b)(1)(v)(A) and (B).

...

(D) Methamphetamine precursor products regulated by Missouri law as controlled substances shall only be sold to customers eighteen (18) years of age or older who present a valid photo identification;

...

(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

The following are the schedules of controlled substances referred to in the Uniform Controlled Substances Act:

...

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 (A) are stored behind a counter, in an area not accessible to customers, or in a locked case so that a customer needs assistance from an employee to access the drug product; (B) are 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: 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; and the customer shall display a valid driver's or operator's license, a Nebraska state identification card, a military identification card, an alien registration card, or a passport as proof of identification; (C) are labeled and marketed in a manner consistent with the pertinent OTC Tentative Final or Final Monograph; (D) are manufactured and distributed for legitimate medicinal use in a manner that reduces or eliminates the likelihood of abuse; and (E) are not marketed, advertised, or represented in any manner for the indication of stimulation, mental alertness, euphoria, ecstasy, a buzz or high, heightened sexual performance, or increased muscle mass:

(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:

...

(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.

New Jersey

New Jersey Statutes Annotated

Title 24. Food and Drugs

Subtitle 1. Food and Drugs

Chapter 6H. Ephedrine Alkaloids

24:6H-1. Sale of ephedrine alkaloids to minors

A person who knowingly sells, transfers or otherwise furnishes a product containing ephedrine alkaloids to a minor who is under 18 years of age is a disorderly person, unless:

- a. the person is a health care professional licensed pursuant to Title 45 of the Revised Statutes who has obtained consent, as required by law, to the treatment of the minor to whom the product is furnished or the parent or guardian of the minor; or
- b. the product is a drug as defined in R.S.24:1-1.

New Jersey Statutes Annotated

Title 24. Food and Drugs

Subtitle 1. Food and Drugs

Chapter 6H. Ephedrine Alkaloids

24:6H-2. Products containing ephedrine alkaloids

A product that contains ephedrine alkaloids that is not a drug as defined in R.S.24:1-1, shall not be sold or offered for sale in this State after the effective date of this act unless its label indicates that the sale of the product to minors under 18 years of age is prohibited by State law, in accordance with regulations adopted by the Commissioner of Health .

New Mexico

New Mexico Statutes Annotated

Chapter 30. Criminal Offenses

Article 31. Controlled Substances

§ 30-31-10. Schedule V

A. The following controlled substances are included in Schedule V:

...

(2) any compound, mixture or preparation that contains any detectable quantity of pseudoephedrine, its salts or its optical isomers, or salts of its optical isomers. ...

...

Code of New Mexico Rules

Title 16. Occupational and Professional Licensing

Chapter 19. Pharmacists

Part 20. Controlled Substances

16.19.20. CONTROLLED SUBSTANCES

...

16.19.20.53 DISPENSING WITHOUT PRESCRIPTION:

A. A controlled substance listed in Schedule V and a substance listed in Schedules II, III, or IV *which is not a*

prescription drug as determined by FDA and the Drug and Cosmetic Act, may be dispensed by a pharmacist without a prescription provided:

...

(4) the purchaser is at least 18 years of age;

(5) the pharmacist requires every purchaser of such substance, not known to him to furnish suitable identification (including proof of age where appropriate);

...

North Carolina

North Carolina General Statutes Annotated

Chapter 90. Medicine and Allied Occupations

Article 5D. Control of Methamphetamine Precursors

§ 90-113.51. Definitions

(a) For purposes of this Article, “pseudoephedrine product” means a product containing any detectable quantity of pseudoephedrine or ephedrine base, their salts or isomers, or salts of their isomers.

(b) For purposes of this Article, a “retailer” means an individual or entity that is the general owner of an establishment where pseudoephedrine products are available for sale.

...

North Carolina General Statutes Annotated

Chapter 90. Medicine and Allied Occupations

Article 5D. Control of Methamphetamine Precursors

§ 90-113.52. Pseudoephedrine: restrictions on sales

(c) A pseudoephedrine product may be sold at retail without a prescription only to a person at least 18 years of age. The retailer shall require every retail purchaser of a pseudoephedrine product to furnish a valid, unexpired, government-issued photo identification and to provide, in print or orally, a current valid personal residential address. If the retailer has reasonable grounds to believe that the prospective purchaser is under 18 years of age, the retailer shall require the prospective purchaser to furnish photo identification showing the date of birth of the person. The name and address of every purchaser shall be entered in a record of disposition of pseudoephedrine products to the consumer on a form approved by the Commission. The record of disposition shall also identify each pseudoephedrine product purchased, including the number of grams the product contains and the purchase date of the transaction. The retailer shall require that every purchaser sign the form attesting to the validity of the information. The form approved by the Commission shall be constructed so that it allows for entry of information in electronic format, including electronic signature. The form shall also be constructed and maintained so as to minimize disclosure of personal information to unauthorized persons.

...

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.

...

North Dakota

North Dakota Century Code Annotated

Title 19. Foods, Drugs, Oils, and Compounds

Chapter 19-03.1. Uniform Controlled Substances Act

§ 19-03.1-01. Definitions

As used in this chapter and in chapters 19-03.2 and 19-03.4, unless the context otherwise requires:

...

27. "Scheduled listed chemical product" means a product that contains ephedrine, pseudoephedrine, or phenylpropanolamine, or each of the salts, optical isomers, and salts of optical isomers of each chemical, and that may be marketed or distributed in the United States under the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 301 et seq.] as a nonprescription drug unless prescribed by a licensed physician.

...

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

...

5. A person may not deliver in an over-the-counter sale a scheduled listed chemical product to a person under the age of eighteen years.

6. It is a prima facie case of a violation of subsection 5 if the person making the sale did not require and obtain proof of age from the purchaser. "Proof of age" means a document issued by a governmental agency which:

a. Contains a description of the person or a photograph of the person, or both, and gives the person's date of birth; and

b. Includes a passport, military identification card, or driver's license.

7. It is an affirmative defense to a violation of subsection 5 if:

a. The person making the sale required and obtained proof of age from the purchaser;

b. The purchaser falsely represented the purchaser's proof of age by use of a false, forged, or altered document;

c. The appearance of the purchaser was such that an ordinary and prudent person would believe the purchaser to be at least eighteen years of age; and

d. The sale was made in good faith and in reliance upon the appearance and representation of proof of age of the 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.

...

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.

...

(C)(1) No individual under eighteen years of age shall knowingly purchase, receive, or otherwise acquire a pseudoephedrine product or ephedrine product 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.

(2) Division (C)(1) of this section does not apply to an individual under eighteen years of age who purchases, receives, or otherwise acquires a pseudoephedrine product or ephedrine product from any of the following:

(a) A licensed health professional authorized to prescribe drugs or pharmacist who dispenses, sells, or otherwise

provides the pseudoephedrine product or ephedrine product to that individual and whose conduct is in accordance with Chapter 3719., 4715., 4723., 4729., 4730., 4731., or 4741. of the Revised Code;

(b) A parent or guardian of that individual who provides the pseudoephedrine product or ephedrine product to the individual;

(c) A person, as authorized by that individual's parent or guardian, who dispenses, sells, or otherwise provides the pseudoephedrine product or ephedrine product to the individual;

(d) A retailer or terminal distributor of dangerous drugs who provides the pseudoephedrine product or ephedrine product to that individual if the individual is an employee of the retailer or terminal distributor of dangerous drugs and the individual 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.

(D) No individual under eighteen years of age shall knowingly show or give false information concerning the individual's name, age, or other identification for the purpose of purchasing, receiving, or otherwise acquiring a pseudoephedrine product or ephedrine product.

...

(G) Whoever violates division (C)(1) of this section is guilty of underage purchase of a pseudoephedrine product or ephedrine product, a delinquent act that would be a misdemeanor of the fourth degree if it could be committed by an adult.

(H) Whoever violates division (D) of this section is guilty of using false information to purchase a pseudoephedrine product or ephedrine product, a delinquent act that would be a misdemeanor of the first degree if it could be committed by an adult.

...

Baldwin's Ohio Revised Code Annotated

Title XXIX. Crimes—Procedure

Chapter 2925. Drug Offenses

Pseudoephedrine Sales

2925.56 Unlawful sale of pseudoephedrine product

...

(B)(1) Except as provided in division (B)(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 sell, offer to sell, hold for sale, deliver, or otherwise provide a pseudoephedrine product or ephedrine product to an individual who is under eighteen years of age.

(2) Division (B)(1) of this section does not apply to any of the following:

(a) A licensed health professional authorized to prescribe drugs or pharmacist who dispenses, sells, or otherwise provides a pseudoephedrine product or ephedrine product to an individual under eighteen years of age and whose conduct is in accordance with Chapter 3719., 4715., 4723., 4729., 4730., 4731., or 4741. of the Revised Code;

(b) A parent or guardian of an individual under eighteen years of age who provides a pseudoephedrine product or ephedrine product to the individual;

(c) A person who, as authorized by the individual's parent or guardian, dispenses, sells, or otherwise provides a

pseudoephedrine product or ephedrine product to an individual under eighteen years of age;

(d) The provision by a retailer, terminal distributor of dangerous drugs, or employee of either of a pseudoephedrine product or ephedrine product in a sealed container to an employee of the retailer or terminal distributor of dangerous drugs who is under eighteen years of age in connection with manufacturing, warehousing, placement, stocking, bagging, loading, or unloading of the product.

...

(F) Whoever violates division (B)(1) of this section is guilty of unlawfully selling a pseudoephedrine product or ephedrine product to a minor, a misdemeanor of the fourth degree.

...

Baldwin's Ohio Revised Code Annotated

Title XXIX. Crimes--Procedure

Chapter 2925. Drug Offenses

Pseudoephedrine Sales

2925.58 Affirmative defense available to seller

(A) A seller or an agent or employee of a seller may not be found guilty of a charge of a violation of section 2925.56 of the Revised Code in which the age of the purchaser or other recipient of a pseudoephedrine product is an element of the alleged violation if the seller, agent, or employee raises and proves as an affirmative defense that all of the following occurred:

(1) A card holder attempting to purchase or receive a pseudoephedrine product presented a driver's or commercial driver's license or an identification card.

(2) A transaction scan of the driver's or commercial driver's license or identification card that the card holder presented indicated that the license or card was valid.

(3) The pseudoephedrine product was sold, given away, or otherwise distributed to the card holder in reasonable reliance upon the identification presented and the completed transaction scan.

(B) In determining whether a seller or an agent or employee of a seller has proven the affirmative defense provided by division (A) of this section, the trier of fact in the action for the alleged violation of section 2925.56 of the Revised Code shall consider any written policy that the seller has adopted and implemented and that is intended to prevent violations of section 2925.56 of the Revised Code. For purposes of division (A)(3) of this section, the trier of fact shall consider that reasonable reliance upon the identification presented and the completed transaction scan may require a seller or an agent or employee of a seller to exercise reasonable diligence to determine, and that the use of a transaction scan device does not excuse a seller or an agent or employee of a seller from exercising reasonable diligence to determine, the following:

(1) Whether a person to whom the seller or agent or employee of a seller sells, gives away, or otherwise distributes a pseudoephedrine product is eighteen years of age or older;

(2) Whether the description and picture appearing on the driver's or commercial driver's license or identification card presented by a card holder is that of the card holder.

(C) In any criminal action in which the affirmative defense provided by division (A) of this section is raised, the registrar of motor vehicles or a deputy registrar who issued an identification card under sections 4507.50 to 4507.52 of the Revised Code shall be permitted to submit certified copies of the records of that issuance in lieu of the testimony of the personnel of or contractors with the bureau of motor vehicles in the action.

Baldwin's Ohio Revised Code Annotated
 Title XXXVII. Health--Safety--Morals
 Chapter 3715. Pure Food and Drug Law
 General Provisions

3715.05 Requirements of retailers or terminal distributors providing pseudoephedrine to public; inspection of prescriptions and records by government officials and employees

(A) As used in this section and section 3715.06 of the Revised Code:

...

(3) "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.

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

...

(8) "Proof of age" means a driver's license, a commercial driver's license, a military identification card, a passport, or an identification card issued under sections 4507.50 to 4507.52 of the Revised Code that shows a person is eighteen years of age or older.

(9) "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.

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

...

(B) A retailer or terminal distributor of dangerous drugs that sells, offers to sell, holds for sale, delivers, or otherwise provides a pseudoephedrine product or ephedrine product to the public shall do all of the following:

...

(2) With regard to each time a pseudoephedrine product or ephedrine product is sold or otherwise provided without a valid prescription:

(a) Determine, by examination of a valid proof of age, that the purchaser or recipient is at least eighteen years of age;

...

Baldwin's Ohio Revised Code Annotated
 Title XXXVII. Health--Safety--Morals
 Chapter 3719. Controlled Substances
 Schedules of Controlled Substances

3719.41 Schedules of controlled substances

Publisher's Note: Pursuant to RC 3719.43, changes to the federal schedules of controlled substances (see, e.g., 21 USCA § 811, et seq., and 21 CFR § 1308.01, et seq.) automatically become part of the corresponding schedule or schedules in RC 3719.41. Pursuant to RC 3719.44, the State Board of Pharmacy may also change the schedules in RC 3719.41.

Controlled substance schedules I, II, III, IV, and V are hereby established, which schedules include the following, subject to amendment pursuant to section 3719.43 or 3719.44 of the Revised Code.

...

SCHEDULE V

...

(C) Stimulants

Unless specifically exempted or excluded under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, isomers, and salts of isomers:

(1) Ephedrine, except as provided in division (K) of section 3719.44 of the Revised Code

...

Baldwin's Ohio Revised Code Annotated
 Title XXXVII. Health--Safety--Morals
 Chapter 3719. Controlled Substances
 Schedules of Controlled Substances
3719.44 Board of pharmacy may change schedules

...

(K)(1) A drug product containing ephedrine that is known as one of the following and is in the form specified shall not be considered a schedule V controlled substance:

- (a) Amesec capsules;
- (b) Bronitin tablets;
- (c) Bronkotabs;
- (d) Bronkolixir;
- (e) Bronkaid tablets;
- (f) Efedron nasal jelly;
- (g) Guiaphed elixir;
- (h) Haysma;
- (i) Pazo hemorrhoid ointment and suppositories;
- (j) Primatene "M" formula tablets;
- (k) Primatene "P" formula tablets;
- (l) Tedrigen tablets;

(m) Tedral tablets, suspension and elixir;

(n) T.E.P.;

(o) Vatronol nose drops.

(2)(a) A product containing ephedrine shall not be considered a controlled substance if the product is a food product or dietary supplement that meets all of the following criteria:

(i) It contains, per dosage unit or serving, not more than the lesser of twenty-five milligrams of ephedrine alkaloids or the maximum amount of ephedrine alkaloids provided in applicable regulations adopted by the United States food and drug administration, and no other controlled substance.

(ii) It contains no hydrochloride or sulfate salts of ephedrine alkaloids.

(iii) It is packaged with a prominent label securely affixed to each package that states all of the following: the amount in milligrams of ephedrine in a serving or dosage unit; the amount of the food product or dietary supplement that constitutes a serving or dosage unit; that the maximum recommended dosage of ephedrine for a healthy adult human is the lesser of one hundred milligrams in a twenty-four-hour period for not more than twelve weeks or the maximum recommended dosage or period of use provided in applicable regulations adopted by the United States food and drug administration; and that improper use of the product may be hazardous to a person's health.

(b)(i) Subject to division (K)(2)(b)(ii) of this section, no person shall dispense, sell, or otherwise give a product described in division (K)(2)(a) of this section to any individual under eighteen years of age.

(ii) Division (K)(2)(b)(i) of this section does not apply to a physician or pharmacist who dispenses, sells, or otherwise gives a product described in division (K)(2)(a) of this section to an individual under eighteen years of age, to a parent or guardian of an individual under eighteen years of age who dispenses, sells, or otherwise gives a product of that nature to the individual under eighteen years of age, or to a person who, as authorized by the individual's parent or legal guardian, dispenses, sells, or otherwise gives a product of that nature to an individual under eighteen years of age.

...

(4) At the request of any person, the board may except any product containing ephedrine not described in division (K)(1) or (2) of this section or any class of products containing ephedrine from being included as a schedule V controlled substance if it determines that the product or class of products does not contain any other controlled substance. The board shall make the determination in accordance with this section and by rule adopted in accordance with Chapter 119. of the Revised Code.

(L) As used in this section:

(1) "Food" has the same meaning as in section 3715.01 of the Revised Code.

(2) "Dietary supplement" has the same meaning as in the "Federal Food, Drug, and Cosmetic Act," 108 Stat. 4327 (1994), 21 U.S.C.A. 321 (ff), as amended.

(3) "Ephedrine alkaloids" means ephedrine, pseudoephedrine, norephedrine, norpseudoephedrine, methylephedrine, and methylpseudoephedrine.

4729-11-09 Sale of schedule V controlled substance products without a prescription

A schedule V controlled substance product which is not a prescription drug as determined under the “Federal Food, Drug and Cosmetic Act” may be sold at retail by a pharmacist without a prescription to a purchaser at retail provided that:

(A) The sale is made only by a pharmacist or a pharmacy intern under the direct supervision of a pharmacist and not by a nonpharmacist employee even if under the supervision of a pharmacist (although after the pharmacist has fulfilled his professional and legal responsibilities in this section, the actual cash, credit transaction, or delivery may be completed by a nonpharmacist).

(B) The purchaser is at least eighteen years of age.

(C) The pharmacist requires every purchaser of a controlled substance under this rule not known to him to furnish suitable identification (including proof of age where appropriate).

...

Baldwin's Ohio Administrative Code Annotated
4729 Pharmacy Board
Chapter 4729-12. Ephedrine
4729-12-09 Exceptions

Pursuant to division (K) of section 3719.44 of the Revised Code, each of the following products containing ephedrine, its salts, its isomers, or the salts of its isomers is declared to be excepted from classification as a schedule V controlled substance:

(A) All products that contain the isomer known as pseudoephedrine or its salts, but do not also contain any of the isomer known as ephedrine or its salts.

(B) “Breathe Easy®” herb tea.

(C) “Bronkaid® Dual Action” caplets.

(D) “Hydrosal® hemorrhoidal ointment.

(E) “Primatene® Dual Action Formula” tablets.

(F) “Primatene®” tablets.

(G) “SnoreStopt” tablets.

Oklahoma

Oklahoma Statutes Annotated
Title 63. Public Health and Safety
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:

...

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 30. Labeling Requirements

475:30-1-14. Dispensing, prescribing, administering or distributing without prescription

A controlled dangerous substance listed in Schedule V which is not a prescription drug as determined by the Oklahoma State Board of Pharmacy and/or the Federal Food and Drug Administration, may be dispensed by a pharmacy without a prescription to a purchaser at retail level; PROVIDED that:

...

(5) The pharmacy, through its agent who is duly licensed by the Oklahoma State Board of Pharmacy, shall not dispense to persons under eighteen (18) years of age.

(6) The pharmacy requires every purchaser of controlled dangerous substances under this Chapter not known to him/her to furnish suitable identification (including proof of age where appropriate).

...

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.

Pennsylvania

Purdon's Pennsylvania Statutes and Consolidated Statutes

Title 18 Pa.C.S.A. Crimes and Offenses

Part II. Definition of Specific Offenses

Article G. Miscellaneous Offenses

Chapter 63. Minors

§ 6316. Selling or furnishing certain stimulants to minors

(a) Offense defined.--A person commits a summary offense if he knowingly sells or purchases with the intent to sell **ephedrine** to a person who is less than 18 years of age.

(b) Penalty.--A person who is convicted of violating subsection (a) shall be sentenced to pay a fine of not less than \$250 nor more than \$500 for the first violation and a fine of \$500 for each subsequent violation.

(c) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Ephedrine."

(1) Except as provided in paragraph (2), any product that contains any quantity of ephedrine, a salt of ephedrine, an optical isomer of ephedrine or a salt of an optical isomer of ephedrine.

(2) The term does not include a product containing ephedrine if it may lawfully be sold over the counter without a prescription under the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 21 U.S.C. § 301 et seq.); is labeled and marketed in a manner consistent with the pertinent OTC Tentative Final or Final Monograph; is manufactured and distributed for legitimate medicinal use in a manner that reduces or eliminates the likelihood of abuse; and as described as follows:

(i) Solid oral dosage forms, including soft gelatin caplets, that combine active ingredients in the following ranges for each dosage unit:

(A) Theophylline (100-130 mg), ephedrine (12.5-24 mg).

(B) Theophylline (60-100 mg), ephedrine (12.5-24 mg), guaifenesin (200-400 mg).

(C) Ephedrine (12.5-25 mg), guaifenesin (200-400 mg).

(D) Phenobarbital (not greater than 8 mg) in combination with the ingredients of clause (A) or (B).

(ii) Liquid oral dosage forms that combine active ingredients in the following ranges for each 5 ml dose:

(A) Theophylline (not greater than 45 mg), ephedrine (not greater than 36 mg), guaifenesin (not greater than 100 mg), phenobarbital (not greater than 12 mg).

(B) Phenylephrine (not greater than 5 mg), ephedrine (not greater than 5 mg), chlorpheniramine (not greater than 2 mg), dextromethorphan (not greater than 10 mg), ammonium Cl (not greater than 40 mg), ipecac fluid extract (not greater than 0.005 ml).

(iii) Anorectal preparations containing less than 5% ephedrine.

(iv) Any liquid compound, mixture or preparation containing 0.5% or less of ephedrine.

Rhode Island

General Laws of Rhode Island Annotated

Title 11. Criminal Offenses

Chapter 9. Children

§ 11-9-21. Prohibition of sale of certain dietary supplements to minors

(a) It shall be a misdemeanor for any manufacturer, wholesaler, retailer, or other person, to sell, transfer, or otherwise furnish any of the following to a person under 18 years of age:

(1) A dietary supplement containing an ephedrine group alkaloid.

...

(b) The seller shall request valid identification from any individual who attempts to purchase a dietary supplement set forth in subsection (a) if that individual reasonably appears to the seller to be under 18 years of age.

(c) Notwithstanding subsections (a) and (b), a retail clerk who fails to request identification pursuant to subsection (b) of this section shall not be guilty of a misdemeanor, subject to any civil penalties, or subject to any disciplinary action or discharge by his or her employer.

Texas

Vernon's Texas Statutes and Codes Annotated

Health and Safety Code

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

Subtitle A. Food and Drug Health Regulations

Chapter 431. Texas Food, Drug, and Cosmetic Act

Subchapter B. Prohibited Acts

§ 431.022. Offense: Transfer of Product Containing Ephedrine

(a) A person commits an offense if the person knowingly sells, transfers, or otherwise furnishes a product containing ephedrine to a person 17 years of age or younger, unless:

(1) the actor is:

(A) a practitioner or other health care provider licensed by this state who has obtained, as required by law, consent to the treatment of the person to whom the product is furnished; or

(B) the parent, guardian, or managing conservator of the person to whom the product is furnished;

(2) the person to whom the product is furnished has had the disabilities of minority removed for general purposes under Chapter 31, Family Code; or

(3) the product is a drug.

(b) An offense under this section is a Class C misdemeanor unless it is shown on the trial of the offense that the defendant has been previously convicted of an offense under this section, in which event the offense is a Class B misdemeanor.

(c) A product containing ephedrine that is not described in Subsection (a)(3) must be labeled in accordance with rules adopted by the Texas Department of Health to indicate that sale to persons 17 years of age or younger is prohibited.

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
§ 486.001. Definitions

(a) In this chapter:

...

(4) "Ephedrine," "pseudoephedrine," and "norpseudoephedrine" mean any compound, mixture, or preparation containing any detectable amount of that substance, including its salts, optical isomers, and salts of optical isomers. The term does not include any compound, mixture, or preparation that is in liquid, liquid capsule, or liquid gel capsule form.

(5) "Sale" includes a conveyance, exchange, barter, or trade.

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

(a) Before completing an over-the-counter sale of a product containing ephedrine, pseudoephedrine, or norpseudoephedrine, a business establishment that engages in those sales shall:

(1) require the person making the purchase to:

(A) display a driver's license or other form of government-issued identification containing the person's photograph and indicating that the person is 16 years of age or older; and

...

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 C. Administrative Penalty
§ 486.021. Imposition of Penalty

The department may impose an administrative penalty on a person who violates this chapter.

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 C. Administrative Penalty

§ 486.022. Amount of Penalty

(a) The amount of the penalty may not exceed \$1,000 for each violation, and each day a violation continues or occurs is a separate violation for purposes of imposing a penalty. The total amount of the penalty assessed for a violation continuing or occurring on separate days under this subsection may not exceed \$20,000.

(b) The amount shall be based on:

- (1) the seriousness of the violation, including the nature, circumstances, extent, and gravity of the violation;
- (2) the threat to health or safety caused by the violation;
- (3) the history of previous violations;
- (4) the amount necessary to deter a future violation;
- (5) whether the violator demonstrated good faith, including when applicable whether the violator made good faith efforts to correct the violation; and
- (6) any other matter that justice may require.

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. Unless otherwise specified, the terms have the meaning assigned by HSC, Chapters 481 and 486, or their common use meaning.

...

(7) Regulated products--Any compound, mixture, or preparation containing any detectable amount of ephedrine, pseudoephedrine, or norpseudoephedrine, including its salts, optical isomers, and salts of optical isomers. The term does not include any compound, mixture, or preparation that is in liquid, liquid capsule, or liquid gel capsule form. A list of regulated products, by name and universal product code (UPC) or stock-keeping unit (SKU) identifiers, may be obtained from the Department of State Health Services, 1100 West 49th, Austin, Texas 78756.

...

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

(a) Before completing a sale of a regulated product, an employee with authority to access regulated products must:

(1) require the person making the purchase to:

(A) display a driver's license or other form of identification containing the person's photograph and indicating that the person is 16 years of age or older; 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
§ 230.16. Enforcement

(a) The department may impose an administrative penalty for a violation of HSC, Chapter 486, or these rules.

(b) The amount of the administrative penalty may be up to \$1000 per violation per day, not to exceed \$20,000 for a violation of a continuing nature.

(c) The amount of the penalty is based on:

(1) the seriousness of the violation;

(2) the threat to health or safety caused by the violation;

(3) the history of previous violations;

(4) the amount necessary to deter a future violation;

(5) whether the violator demonstrated good faith, including good faith efforts to correct the violation; and

(6) any other matter that justice may require.

(d) The department may revoke a COA for a violation of HSC, Chapter 486, or these rules. The department may also revoke a COA if the COA holder is convicted of any offense related to the manufacture or distribution of illegal drugs.

(e) A request for a hearing by a COA holder in response to a notice of violation will be referred to the State Office of Administrative Hearings. An informal enforcement conference with the department may be held prior to a hearing

to dispose of all matters related to the notice of violation.

(f) Failure to respond within 15 days to a Notice of Violation letter issued by the department may result in the factual allegations listed in the notice being deemed admitted, and the relief sought in the notice of hearing may be granted by default. The Commissioner of the Department of State Health Services or his designee may sign the default order.

(g) Hearings at the State Office of Administrative Hearings are governed by the procedures in Government Code, Chapter 2001, and by Health and Safety Code, Chapter 486.

Washington

Revised Code of Washington Annotated

Title 69. Food, Drugs, Cosmetics, and Poisons

Chapter 69.43. Precursor Drugs

69.43.105. Ephedrine, pseudoephedrine, phenylpropanolamine--Sales restrictions--Record of transaction--Exceptions--Penalty

(1) For purposes of this section, “traditional Chinese herbal practitioner” means a person who is certified as a diplomate in Chinese herbology from the national certification commission for acupuncture and oriental medicine or who has received a certificate in Chinese herbology from a school accredited by the accreditation council on acupuncture and oriental medicine.

...

(5) No pharmacy licensed by, or shopkeeper or itinerant vendor registered with, the department of health under chapter 18.64 RCW, or an employee thereof, a practitioner as defined in RCW 18.64.011, or a traditional Chinese herbal practitioner may sell any product containing any detectable quantity of ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or salts of isomers, to a person that is not at least eighteen years old.

...

(7) The board of pharmacy, by rule, may exempt products containing ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or salts of isomers, in combination with another active ingredient from the requirements of this section if they are found not to be 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 requirements of this section if the product is determined by the board to have been formulated in such a way as to effectively prevent the conversion of the active ingredient into methamphetamine. The burden of proof for exemption is upon the person requesting the exemption. The petitioner shall provide the board with evidence that the product has been formulated in such a way as to serve as an effective general deterrent to the conversion of pseudoephedrine into methamphetamine. The evidence must include the furnishing of a valid scientific study, conducted by an independent, professional laboratory and evincing professional quality chemical analysis. Factors to be considered in whether a product should be excluded from this section include but are not limited to:

...

(8) Nothing in this section applies:

(a) To any product containing ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or salts of isomers that is not the only active ingredient and that is in liquid, liquid capsule, or gel capsule form;

(b) To the sale of a product that may only be sold upon the presentation of a prescription;

(c) To the sale of a product by a traditional Chinese herbal practitioner to a patient; or

(d) When the details of the transaction are recorded in a pharmacy profile individually identified with the recipient and maintained by a licensed pharmacy.

...

(10) A violation of this section is a gross misdemeanor.

Revised Code of Washington Annotated

Title 69. Food, Drugs, Cosmetics, and Poisons

Chapter 69.43. Precursor Drugs

69.43.140. Civil penalty--State board of pharmacy waiver

(1) In addition to the other penalties provided for in this chapter or in chapter 18.64 RCW, the state board of pharmacy may impose a civil penalty, not to exceed ten thousand dollars for each violation, on any licensee or registrant who has failed to comply with this chapter or the rules adopted under this chapter. In the case of a continuing violation, every day the violation continues shall be considered a separate violation.

(2) The state board of pharmacy may waive the suspension or revocation of a license or registration issued under chapter 18.64 RCW, or waive any civil penalty under this chapter, if the licensee or registrant establishes that he or she acted in good faith to prevent violations of this chapter, and the violation occurred despite the licensee's or registrant's exercise of due diligence. In making such a determination, the state board of pharmacy may consider evidence that an employer trained employees on how to sell, transfer, or otherwise furnish substances specified in RCW 69.43.010(1) in accordance with applicable laws.

Washington Administrative Code

Title 246. Health, Department of

Chapter 246-889. Pharmaceutical-Precursor Substance Control-Precursor Substance Control

246-889-010. Definitions.

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

...

(5) 'Purchaser' means an individual who purchases or attempts to purchase a restricted product.

(6) 'Restricted product' means any nonprescription product containing any detectable quantity of ephedrine, pseudoephedrine, and phenylpropanolamine or their salts or isomers, or salts of isomers.

(7) 'Retailer' means a pharmacy licensed by, or shopkeeper or itinerant vendor registered with, the department of health under chapter 18.64 RCW that sells, dispenses, or otherwise provides restricted products to purchasers.

(8) 'Sale' means the transfer, selling, or otherwise furnishing of any restricted product to any person.

Washington Administrative Code

Title 246. Health, Department of

Chapter 246-889. Pharmaceutical-Precursor Substance Control-Precursor Substance Control

246-889-085. Requirements for the sale of restricted product.

Unless exempted in RCW 69.43.110, a retailer must:

...

(2) Ensure that the purchaser is at least eighteen years of age.

...

West Virginia

West Virginia Code of State Rules
 Title 15. West Virginia Board of Pharmacy
 Legislative Rule (Ser. 11)
 Series 11. Ephedrine and Pseudoephedrine Control
§ 15-11-2. Definitions.

...

2.2. "Schedule V pseudoephedrine products" means any compound, mixture or preparation containing as its single active ingredient ephedrine, pseudoephedrine or phenylpropanolamine, their salts or optical isomers, or salts of optical isomers, including any drug products added to the supplemental list pursuant to W. Va. Code § 60A-10-7, except products which are for pediatric use primarily intended for administration to children under the age of twelve.

2.3. The following products have been added to the supplemental list pursuant to W. Va. Code § 60A-10-7.

- (a) products that contain pseudoephedrine and tripolidine; and
- (b) products that contain pseudoephedrine and loratadine.

West Virginia Code of State Rules
 Title 15. West Virginia Board of Pharmacy
 Legislative Rule (Ser. 11)
 Series 11. Ephedrine and Pseudoephedrine Control
§ 15-11-3. Pharmacy Requirements.

3.1. Schedule V pseudoephedrine products may be sold, delivered, or provided only in licensed pharmacies by a pharmacist or registered pharmacy technician and may not be sold, delivered, or provided to any person who is under the age of eighteen.

...

Annotated Code of West Virginia
 Chapter 60A. Uniform Controlled Substances Act
 Article 10. Methamphetamine Laboratory Eradication Act
§ 60A-10-3. Definitions

In this article:

...

(d) "Drug product" means a pharmaceutical product that contains ephedrine, pseudoephedrine or phenylpropanolamine or a substance identified on the supplemental list provided in section seven of this article which may be sold without a prescription and which is labeled for use by a consumer in accordance with the requirements of the laws and rules of this state and the federal government.

(e) "Ephedrine" means ephedrine, its salts or optical isomers or salts of optical isomers.

...

(j) “Pseudoephedrine” means pseudoephedrine, its salts, optical isomers and salts of optical isomers.

...

Annotated Code of West Virginia

Chapter 60A. Uniform Controlled Substances Act

Article 10. Methamphetamine Laboratory Eradication Act

§ 60A-10-5. Restrictions on the sale, transfer or delivery of certain drug products; penalties

...

(c) No pharmacy may sell, deliver or provide any drug product regulated by the provisions of this section to any person who is under the age of eighteen.

...

(f) Any person who knowingly makes a false representation or statement pursuant to the requirements of this section is guilty of a misdemeanor and, upon conviction, be confined in a jail for not more than six months, fined not more than \$5,000, or both fined and confined.

(g)(1) The pharmacist, pharmacy intern or pharmacy technician processing the transaction shall determine that the name entered in the logbook corresponds to the name provided on the identification.

...

(h) This section does not apply to drug products that are dispensed pursuant to a prescription, are pediatric products primarily intended for administration, according to label instructions, to children under twelve years of age.

(i) Any violation of this section is a misdemeanor, punishable upon conviction by a fine in an amount not more than \$10,000.

...

West Virginia Code of State Rules

Title 15. West Virginia Board of Pharmacy

Legislative Rule (Ser. 11)

Series 11. Ephedrine and Pseudoephedrine Control

§ 15-11-6. Prescriptions for Schedule V Pseudoephedrine Products.

6.1. Products containing pseudoephedrine that are dispensed pursuant to a valid prescription are exempt from classification as Schedule V and are subject to the requirements of non-scheduled prescription drugs. Any product that is dispensed by prescription must be provided in a container that is supplied by the pharmacy and must be labeled with the information required on a prescription label.

Wisconsin

Wisconsin Statutes Annotated

Controlled Substances (Ch. 961)

Chapter 961. Uniform Controlled Substances Act

Subchapter I. Definitions

961.01. Definitions

As used in this chapter:

...

(12t) "Liquid-filled pseudoephedrine gelcap" means a soft, liquid-filled gelatin capsule that is intended to be sold at retail and that contains pseudoephedrine or any of its salts, isomers, or salts of isomers.

...

(20c) "Pseudoephedrine product" means a material, compound, mixture, or preparation containing any quantity of pseudoephedrine or any of its salts, isomers, or salts of isomers but does not include such a product if any of the following applies:

(a) The product is a pseudoephedrine liquid or a liquid-filled pseudoephedrine gelcap. This paragraph does not apply if the controlled substances board has determined, by rule, that the product can be readily used in the manufacture of methamphetamine.

(b) The controlled substances board has determined, by rule, that the product cannot be readily used in the manufacture of methamphetamine.

(20e) "Pseudoephedrine liquid" means a product that is intended to be sold at retail, that is a liquid at room temperature, and that contains pseudoephedrine or any of its salts, isomers, or salts of isomers.

...

Wisconsin Statutes Annotated
 Controlled Substances (Ch. 961)
 Chapter 961. Uniform Controlled Substances Act
 Subchapter II. Standards and Schedules
961.22. Schedule V

Unless specifically excepted by state or federal law or regulation or more specifically included in another schedule, the following controlled substances are listed in schedule V:

...

(2m) Pseudoephedrine. Pseudoephedrine or any of its salts, isomers, or salts of isomers.

...

Wisconsin Statutes Annotated
 Controlled Substances (Ch. 961)
 Chapter 961. Uniform Controlled Substances Act
 Subchapter II. Standards and Schedules
961.23. Dispensing of schedule V substances

The dispensing of schedule V substances is subject to the following conditions:

...

(8) No person may sell a pseudoephedrine product to a person under 18 years of age, and no person under 18 years of age may purchase a pseudoephedrine product.

Wisconsin Statutes Annotated
Controlled Substances (Ch. 961)
Chapter 961. Uniform Controlled Substances Act
Subchapter IV. Offenses and Penalties
961.452. Defenses in certain schedule V prosecutions

(1) A person who proves all of the following by a preponderance of the evidence has a defense to prosecution under s. 961.41(1)(j) that is based on the person's violation of a condition specified in s. 961.23 with respect to the person's distribution or delivery of a pseudoephedrine product:

(a) The person did not knowingly or recklessly violate the condition under s. 961.23.

(b) The person reported his or her own violation of the condition under s. 961.23 to a law enforcement officer in the county or municipality in which the violation occurred within 30 days after the violation.

(2) A seller who proves all of the following by a preponderance of the evidence has a defense to prosecution under s. 961.41(1)(j) that is based on the person's violation of a condition specified in s. 961.23 with respect to the person's distribution or delivery of a pseudoephedrine product:

(a) The person did not knowingly or recklessly violate the condition under s. 961.23.

(b) The acts or omissions constituting the violation of the condition under s. 961.23 were the acts or omissions of one or more of the person's employees.

(c) The person provided training to each of those employees regarding the restrictions imposed under s. 961.23 on the delivery of pseudoephedrine products.

...

(4) A person who proves all of the following by a preponderance of the evidence has a defense to prosecution under s. 961.41(1)(j) for a violation of s. 961.23(8):

(a) The purchaser presented an identification card that indicated that he or she was 18 years of age or older.

(b) The appearance of the purchaser was such that an ordinary and prudent person would believe that the purchaser was 18 years of age or older.

(c) The sale was made in good faith, in reasonable reliance on the identification card and appearance of the purchaser, and with the belief that the purchaser was 18 years of age or older.