

## **States That Require Identification for Over-the-Counter Purchases of Ephedrine and Pseudoephedrine**



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## Alabama

Code of Alabama

Title 20. Food, Drugs, and Cosmetics.

Chapter 2. Controlled Substances.

Article 9. . Precursor Chemicals.

**§ 20-2-181. Board to designate by rule listed precursor chemicals; interim list established.**

...

(d) Until the Board of Pharmacy adopts a rule designating listed precursor chemicals, as required by subsection (a), the following chemicals or substances are hereby deemed listed precursor chemicals:

...

(4) Ephedrine, its salts, optical isomers, and salts of optical isomers;

...

(15) Pseudoephedrine, its salts, optical isomers, and salts of optical isomers;

...

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.

...

**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.

...

**Arizona**

Arizona Revised Statutes Annotated

Title 32. Professions and Occupations

Chapter 18. Pharmacy

Article 3. Regulation

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

...

C. The retailer shall require a person purchasing a nonprescription product that contains pseudoephedrine or ephedrine to present valid government issued photo identification at the point of sale. The retailer shall record all of the following:

...

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:

...

4. The pharmacist, pharmacy intern or graduate intern requires every purchaser of a controlled substance under this subsection not known to that person to furnish suitable identification, including proof of age where appropriate.

...

### 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

**§ 5-64-1104. Sales records--Written or electronic log--Proof of purchaser's identity**

...

(b) A person purchasing, receiving, or otherwise acquiring ephedrine, pseudoephedrine, or phenylpropanolamine shall:

(1) Produce current and valid proof of identity; and

...

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 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.

...

Arkansas Administrative Code

Title 070. Board of Pharmacy

Division 00.

Rule 7. Drug Products/Prescriptions

07-04. Controlled Substances

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

...

(b) A pharmacist may not dispense and a pharmacy technician or intern may not sell or transfer ephedrine, pseudoephedrine, or phenylpropanolamine unless the patient has provided a driver's license or non-driver's identification card issued by the Arkansas 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. In addition to documenting the professional determination required by Regulation 07-04-0006(a), a sale of ephedrine, pseudoephedrine, or phenylpropanolamine must also be approved by scanning the license or identification card into the real-time electronic logbook using the magnetic stripe or bar code.

...

**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:

...

2. Produce a government-issued photo identification showing his or her name, date of birth, address, and photo identification number or an alternative form of identification acceptable under federal regulation 8 C.F.R. s. 274a.2(b)(1)(v)(A) and (B).

...

(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.

...

### Georgia

Georgia Administrative Code

Title 480. Georgia State Board of Pharmacy

Chapter 480-19. Exempt Over-The-Counter (Otc) Schedule V Controlled Substances

**480-19-.03. Over-the-counter (OTC) Sales of Exempt Schedule V Controlled Substance Drug Products containing Pseudoephedrine**

...

(C) A registered pharmacist, or pharmacy intern or pharmacy extern acting under the direct supervision of a registered pharmacist may personally, or may direct designated pharmacy to, ask the patient to produce a photo identification issued by a state or the federal government to use in verifying that the patient's name on the photo identification matches the name the patient wrote in the logbook; No exempt Schedule V pseudoephedrine containing drug product can be sold to a patient unless they present appropriate identification.

...

3) For electronic logbooks used to record patient information for the sale of an exempt Schedule V pseudoephedrine containing drug product:

(A) A registered pharmacist, or pharmacy intern or pharmacy extern acting under the direct supervision of a registered pharmacist, must approve all such sales or transactions. Approval means verifying the patient's identification and ensuring the patient has a valid reason for obtaining the pseudoephedrine. After approval, the registered pharmacist, or pharmacy intern or pharmacy extern acting under the direct supervision of a registered pharmacist may direct designated pharmacy personnel, to complete any sales transactions to a patient by entering, at a minimum, the name of the pseudoephedrine containing drug product, strength, and quantity sold; the patient's name, date of birth, address, and zip code, or entering this information may be accomplished through a point of sales system and bar code reader. The pharmacy may require additional patient information for the logbook as long as the required information is obtained.

...

(D) A registered pharmacist, or pharmacy intern or pharmacy extern acting under the direct supervision of a registered pharmacist may personally, or may direct designated pharmacy personnel to, must ask the patient to produce a photo identification issued by a state or the federal government to use in verifying that the patient's name on the photo identification matches the name the patient wrote in the logbook; No exempt Schedule V pseudoephedrine containing drug product can be sold to a patient unless they present appropriate photo identification

## Hawaii

Hawai'i Revised Statutes Annotated

Division 1. Government

Title 19. Health

Chapter 329. Uniform Controlled Substances Act

Part VI. Regulated Chemicals for the Manufacture of Controlled Substances

### § 329-61. Substances subject to reporting

(a) List 1 chemicals. Any manufacturer, wholesaler, retailer, or other person who sells, transfers, or otherwise furnishes any of the following substances to any person in this State or for use in this State shall submit a report to the department of all those transactions:

...

(4) Ephedrine, its salts, optical isomers, and salts of optical isomers;

(5) Pseudoephedrine, its salts, optical isomers, and salts of optical isomers;

...

Hawai'i Revised Statutes Annotated Currentness

Division 1. Government

Title 19. Health

Chapter 329. Uniform Controlled Substances Act (Refs & Annos)

Part VI. Regulated Chemicals for the Manufacture of Controlled Substances

### [§ 329-62]. Proper identification

(a) Any manufacturer, wholesaler, retailer, or other person who receives from a source outside of the State any substance specified in section 329-61 prior to selling, transferring, or otherwise furnishing any substance specified in section 329-61 to a person in this State, shall require proper identification from the purchaser.

(b) For the purposes of this section, "proper identification" means a motor vehicle operator's license or other official state-issued identification of the purchaser which contains a photograph of the purchaser; the residential or mailing address of the purchaser other than a post office box number, or the tax map key number if no other address is available; the motor vehicle license number of any motor vehicle owned or operated by the purchaser; a letter of authorization from the business for which any substance specified in section 329-61 is being furnished, which includes the general excise license number and address of the business; a full description of how the substance is to be used; and the signature of the purchaser. The person selling, transferring, or otherwise furnishing any substance specified in section 329-61 shall sign as a witness to the signature and identification of the purchaser.

(c) Any manufacturer, wholesaler, retailer or other person who does not obtain the proper identification as required by this section shall be fined not more than \$5,000, or imprisoned not more than thirty days, or both.

Hawai'i Revised Statutes Annotated

Division 1. Government

Title 19. Health

Chapter 329. Uniform Controlled Substances Act

Part VI. Regulated Chemicals for the Manufacture of Controlled Substances

### § 329-64. Exceptions

(a) The requirements imposed by sections 329-62 and 329-63(a) of this part shall not apply to any of the following:

...

4) Any sale, transfer, furnishing, or receipt of any drug that contains pseudoephedrine or norpseudoephedrine that

is lawfully sold, transferred, or furnished over the counter without a prescription pursuant to the federal Food, Drug, and Cosmetic Act (21 United States Code section 301 et seq.) or regulations adopted thereunder as long as it complies with the requirements of sections 329-73, 329-74, and 329-75.

...

Hawai'i Revised Statutes Annotated

Division 1. Government

Title 19. Health

Chapter 329. Uniform Controlled Substances Act

Part VI. Regulated Chemicals for the Manufacture of Controlled Substances

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

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

...

(2) Any person purchasing or otherwise obtaining any product, mixture, or preparation shall produce valid, government-issued identification containing the photograph, date of birth, printed name, signature, and address of the person purchasing or obtaining the substance;

...

**Idaho**

Idaho Code Annotated

Title 37. Food, Drugs, and Oil

Chapter 33. Retail Sales of Pseudoephedrine Products

**§ 37-3301. Definitions**

As used in this chapter:

(1) "Pseudoephedrine product" means any compound, mixture or preparation containing any detectable quantity of pseudoephedrine, its salts or optical isomers, or salts of optical isomers.

(2) "Retailer" means any person, other than a wholesaler, who sells or offers for sale or distributes at retail pseudoephedrine products, irrespective of the quantity or amount or the amount of sales of such pseudoephedrine products.

Idaho Code Annotated

Title 37. Food, Drugs, and Oil

Chapter 33. Retail Sales of Pseudoephedrine Products

**§ 37-3303. Limitations on sales and purchases**

...

(3) The retailer shall not sell the pseudoephedrine product unless the purchaser presents a photographic identification card issued by a state or by the federal government.

...

Idaho Code Annotated  
 Title 37. Food, Drugs, and Oil  
 Chapter 33. Retail Sales of Pseudoephedrine Products  
**§ 37-3306. Application**

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

**Illinois**

Smith-Hurd Illinois Compiled Statutes Annotated  
 Chapter 720. Criminal Offenses  
 Offenses Against the Public  
 Act 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.

...

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

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

...

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

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

(a) Except as provided in subsection (e) of this Section, any person 18 years of age or older wishing to purchase, receive, or otherwise acquire a targeted methamphetamine precursor shall, prior to taking possession of the targeted methamphetamine precursor:

- (1) provide a driver's license or other government-issued identification showing the person's name, date of birth, and photograph; and

...

Smith-Hurd Illinois Compiled Statutes Annotated

Chapter 720. Criminal Offenses  
 Offenses Against the Public  
 Act 648. Methamphetamine Precursor Control Act  
**648/25. 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

...

(j) A pharmacist or pharmacy technician may distribute a targeted methamphetamine precursor to a person who is without a form of identification specified in paragraph (1) of subsection (a) of Section 20 of this Act only if all other provisions of this Act are followed and either:

(1) the person presents a driver's license issued without a photograph by the State of Illinois pursuant to the Illinois Administrative Code, Title 92, Section 1030.90(b)(1) or 1030.90(b)(2); or

(2) the person is known to the pharmacist or pharmacy technician, the person presents some form of identification, and the pharmacist or pharmacy technician reasonably believes that the targeted methamphetamine precursor will be used for a legitimate medical purpose and not to manufacture methamphetamine.

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  
**648/40. 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.

...

(e) Any person who, in order to acquire a targeted methamphetamine precursor, knowingly uses or provides the driver's license or government-issued identification of another person, or who knowingly uses or provides a fictitious or unlawfully altered driver's license or government-issued identification, or who otherwise knowingly provides false information, is guilty of a Class 4 felony for a first offense, a Class 3 felony for a second offense, and a Class 2 felony for a third or subsequent offense.

For purposes of this subsection (e), the terms "fictitious driver's license", "unlawfully altered driver's license", and "false information" have the meanings ascribed to them in Section 6-301.1 of the Illinois Vehicle Code.

**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:

...

(3) The retailer requires:

- (A) the purchaser to produce a valid government issued photo identification card showing the date of birth of the person;

...

(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**

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

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

Chapter 124. Controlled Substances

Division II. Standards and Schedules

**124.212. Schedule V--substances included**

1. Schedule V shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section.

...

**4. Precursors to amphetamine and methamphetamine.** Unless specifically excepted in paragraph "d" or "e" or listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following precursors to amphetamine or methamphetamine, including their salts, optical isomers, and salts of their optical isomers:

...

**c. Pseudoephedrine.** A person shall present a government-issued photo identification card when purchasing a pseudoephedrine product from a pharmacy. A person shall not purchase a quantity of pseudoephedrine in violation of section 124.213 from a pharmacy, unless the person has a prescription for a pseudoephedrine product in excess of that quantity. A pseudoephedrine product not excepted from this schedule shall be sold by a pharmacy as provided in section 124.212A.

...

Iowa Code Annotated

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

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

Chapter 124. Controlled Substances

Division II. Standards and Schedules

**124.212A. Pharmacy pseudoephedrine sale--restrictions--records--contingent applicability**

A pharmacy, an employee of a pharmacy, or a licensed pharmacist shall do the following:

...

2. Require the purchaser to present a government-issued photo identification card identifying the purchaser prior to purchasing a pseudoephedrine product.

...

Iowa Code Annotated

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

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

Chapter 126. Drugs, Devices, and Cosmetics

**126.23A. Pseudoephedrine retail restrictions**

1. a. ...

...

b. A retailer or an employee of a retailer shall do the following:

...

(2) Require a purchaser to present a government-issued photo identification card identifying the purchaser prior to purchasing a pseudoephedrine product.

...

8. If a retailer or an employee of a retailer violates any provision of this section, a city or county may assess a civil penalty against the retailer upon hearing and notice as provided in section 126.23B.

9. An employee of a retailer who commits a violation of subsection 1 or a purchaser who commits a violation of subsection 2 commits a simple misdemeanor punishable by a scheduled fine under section 805.8C, subsection 6.

10. As used in this section, “retailer” means a person or business entity engaged in this state in the business of selling products on a retail basis. An “employee of a retailer” means any employee, contract employee, or agent of the retailer.

Iowa Code Annotated

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

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

Chapter 126. Drugs, Devices, and Cosmetics

**126.23B. Civil penalty**

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

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

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

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

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

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

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

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

Iowa Code Annotated

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

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

Chapter 805. Citations in Lieu of Arrest

Traffic and Scheduled Violations

**805.8C. Miscellaneous scheduled violations**

<[Text subject to final changes by the Iowa Code Editor for Code 2013.]>

...

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

- a. If the violation is a first offense, the scheduled fine is two hundred dollars.
- b. If the violation is a second offense, the scheduled fine is two hundred fifty dollars.
- c. If the violation is a third or subsequent offense, the scheduled fine is five hundred dollars.

...

Iowa Administrative Code

Agency 657 Pharmacy Board

Chapter 10 Controlled Substances

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

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

...

**10.32(5)Identification.** The pharmacist shall require every purchaser under this rule to present a current government-issued photo identification, including proof of age when appropriate. The pharmacist shall be responsible for verifying that the name on the identification matches the name provided by the purchaser and that the photo image depicts the purchaser.

...

## Kansas

Kansas Statutes Annotated

Chapter 65. Public Health

Article 16. Regulation of Pharmacists

**65-1643. Registration or permit required; pharmacies, manufacturers, wholesalers, auctions, sales, distribution or dispensing of samples, retailers, institutional drug rooms, pharmacy students, veterinary medical teaching hospital pharmacies; certain acts declared unlawful**

It shall be unlawful:

...

(k) For any person to sell or distribute in a pharmacy a controlled substance designated in subsection (e) or (f) of K.S.A. 65-4113, and amendments thereto, unless:

(1)...

(B) any person purchasing, receiving or otherwise acquiring any such controlled substance produces a photo identification showing the date of birth of the person and signs a log and enters in the log, or allows the seller to enter in the log, such person's address and the date and time of sale or allows the seller to enter such information into an electronic logging system pursuant to K.S.A. 65-16,102, and amendments thereto. The log or database required by the board shall be available for inspection during regular business hours to the board of pharmacy and any law enforcement officer;

...

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**

...

(2) Any person purchasing, receiving, or otherwise acquiring any nonprescription compound, mixture, or preparation containing any detectable quantity of ephedrine, pseudoephedrine, or phenylpropanolamine, their salts or optical isomers, or salts of optical isomers shall:

(a) Produce a government issued photo identification showing the date of birth of the person; and

...

(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.

...

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**

...

(2) Any person purchasing, receiving, or otherwise acquiring any nonprescription compound, mixture, or preparation containing any detectable quantity of ephedrine, pseudoephedrine, or phenylpropanolamine, their salts or optical isomers, or salts of optical isomers shall:

(a) Produce a government issued photo identification showing the date of birth of the person; and

...

### Louisiana

Louisiana Statutes Annotated

Louisiana Revised Statutes

Title 40. Public Health and Safety

Chapter 4. Food and Drugs

Part X-F. Ephedrine, Pseudoephedrine, and Phenylpropranolamine Monitoring Act

**§ 1049.3. Restriction on the sale of nonprescription products containing ephedrine, pseudoephedrine, or phenylpropranolamine or their salts, optical isomers, and salts of optical isomers**

...

B. A nonprescription material, compound, mixture, or preparation containing any detectable quantity of ephedrine, pseudoephedrine, or phenylpropranolamine, their salts or optical isomers, or salts of optical isomers shall not be dispensed, sold, or distributed by a pharmacist, certified pharmacy technician, or pharmacy employee to any person unless the following occur:

(1) The purchaser produces a federal or state issued photo identification, or a document that, with respect to identification, is considered acceptable for purposes of Sections 274a.2(b)(1)(v)(A) and 274a.2(b)(1)(v)(B) of Title 8, Code of Federal Regulations (as in effect on or after March 9, 2006).

Louisiana Revised Statutes

Title 40. Public Health and Safety

Chapter 4. Food and Drugs

Part X-F. Ephedrine, Pseudoephedrine, and Phenylpropranolamine Monitoring Act

**§ 1049.4. Central computer monitoring system; system requirements**

A. In order to facilitate the monitoring of sales of nonprescription products containing ephedrine, pseudoephedrine, or phenylpropranolamine the pharmacist, certified pharmacy technician, or other pharmacy employee shall record all of the following information at the point of sale regarding the transaction:

...

(2) The name and address of the purchaser verified through photo identification of the purchaser as provided for in R.S. 40:1049.3(B)(1).

...

Louisiana Statutes Annotated

Louisiana Revised Statutes

Title 40. Public Health and Safety

Chapter 4. Food and Drugs

Part X-F. Ephedrine, Pseudoephedrine, and Phenylpropranolamine Monitoring Act

**§ 1049.11. Limitation of liability**

A. The owner or operator of a retail pharmacy, who has submitted to the United States Attorney General a self-certification in accordance with the requirements of 21 U.S.C. 830(e) regarding training of employees engaged in the sale of products containing ephedrine, pseudoephedrine, or phenylpropranolamine shall not be liable for



violations of this Part by the retail pharmacy's employees.

B. No licensed pharmacist, certified pharmacy technician, or pharmacy employee at a pharmacy located in Louisiana and permitted by the Louisiana Board of Pharmacy shall be personally liable for any act or omission resulting in damage, injury, or loss arising out of the dispensing of a compound containing ephedrine, pseudoephedrine, or phenylpropranolamine and the transmittal of that transaction to the central computer monitoring program as authorized by the provisions of this Part; however, this limitation of liability shall not be applicable if the damage, injury, or loss was caused by the gross negligence or willful or wanton misconduct of the pharmacist, certified pharmacy technician, or pharmacy employee.

Louisiana Statutes Annotated

Louisiana Revised Statutes

Title 40. Public Health and Safety

Chapter 4. Food and Drugs

Part X-F. Ephedrine, Pseudoephedrine, and Phenylpropranolamine Monitoring Act

**§ 1049.9. Licensed practitioner with prescriptive authority exempted**

A health care practitioner with prescriptive authority who is licensed in the state of Louisiana shall be exempt from the requirements of the provisions of this Part in dispensing any product containing ephedrine, pseudoephedrine, or phenylpropranolamine to his patient.

## Maine

Maine Revised Statutes Annotated

Title 32. Professions and Occupations

Chapter 117. Maine Pharmacy Act

Subchapter 1. Title and Definitions

**§ 13702-A. Definitions**

...

**33. Targeted methamphetamine precursor.** "Targeted methamphetamine precursor" means any product containing any amount of ephedrine, pseudoephedrine or phenylpropranolamine or their salts, isomers or salts of isomers, either alone or in combination with other ingredients:

**A.** In dry or solid nonliquid form; or

**B.** In liquid, liquid-filled capsule or glycerin matrix form if designation as a targeted methamphetamine precursor has been completed by rule adopted pursuant to section 13795, subsection 5, paragraph A.

...

Maine Revised Statutes Annotated

Title 32. Professions and Occupations

Chapter 117. Maine Pharmacy Act

Subchapter 9. Miscellaneous Provisions

**§ 13795. Photographic proof of identification; discretion to sell or dispense; immunity**

**1. Photographic proof of identification.** As a precondition to filling any prescription, dispensing any drug or selling any targeted methamphetamine precursor, a pharmacist or person acting at the direction of a pharmacist may demand, inspect and record proof of identification, including valid photographic identification, from any patient presenting a prescription or any person acting on behalf of the patient or person purchasing a targeted methamphetamine precursor. Valid photographic identification includes but is not limited to the following:

**A.** A valid Maine motor vehicle operator's license;

**B.** A valid Maine identification card issued under Title 29-A, section 1410;

**C.** A valid United States passport;

**D.** A valid passport, motor vehicle operator's license of another state, territory, possession or foreign country or official identification card issued by the United States Government only if it:

(1) Contains a photograph of the person presenting the identification;

(2) Is encased in tamper-resistant plastic or otherwise possesses indicia of tamper-resistance; and

(3) Identifies the person's date of birth; or

**E.** Other valid, tamper-resistant, photographic identification as provided in rules adopted by the board pursuant to section 13722, subsection 1, paragraph A and in accordance with Title 5, chapter 375.

**2. Refusal to fill prescription, dispense drug or sell targeted methamphetamine precursor; law enforcement reporting.** A pharmacist or person acting at the direction of a pharmacist may exercise discretion and refuse to fill any prescription, dispense any drug or sell any targeted methamphetamine precursor if unsatisfied as to the legitimacy or appropriateness of any prescription presented, the validity of any photographic identification or the identity of any patient presenting a prescription or any person acting on behalf of the patient, or the intention of the customer to use the drug or targeted methamphetamine precursor according to the instructions for use. A pharmacist or person acting at the direction of a pharmacist may make a report to a law enforcement agency when that person has reasonable cause to suspect that a prescription is not legitimate or appropriate, that a person has presented photographic identification that is not valid or that a customer has the intention to use a drug or targeted methamphetamine precursor in a manner inconsistent with the instructions for use.

...

**5. Rulemaking.** The Director of the Office of Substance Abuse within the Department of Health and Human Services may adopt rules to implement this subsection. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

**A.** If the Director of the Maine Drug Enforcement Agency within the Department of Public Safety finds that the ease of availability of liquid, liquid-filled capsule or glycerin matrix forms of products containing ephedrine, pseudoephedrine or phenylpropanolamine or their salts, isomers or salts of isomers, either alone or in combination with other ingredients, referred to in this paragraph as "products," is a threat to the public health, safety and welfare, then the Director of the Maine Drug Enforcement Agency shall notify the Director of the Office of Substance Abuse. The Director of the Office of Substance Abuse shall consult with the joint standing committee of the Legislature having jurisdiction over health and human services matters, providing the reasons for undertaking rulemaking, and may, after consultation, adopt rules designating the products as targeted methamphetamine precursors pursuant to section 13702-A, subsection 33, paragraph B.

**B.** If the Director of the Maine Drug Enforcement Agency finds that sales of targeted methamphetamine precursors that are made without verifying the identity of the purchaser pose a threat to public health, safety and welfare, then the Director of the Maine Drug Enforcement Agency shall notify the Director of the Office of Substance Abuse. The Director of the Office of Substance Abuse shall consult with the joint standing committee of the Legislature having jurisdiction over health and human services matters, providing the reasons for undertaking rulemaking, and may, after consultation, adopt rules requiring a person making a sale of a targeted methamphetamine precursor pursuant to section 13796 to demand from the purchaser and to inspect and record prior to the sale proof of identification, including valid photographic identification, and to keep a log of sales.

## Michigan

Michigan Compiled Laws Annotated

Chapter 333. Health

Public Health Code

Article 15. Occupations

Part 177. Pharmacy Practice and Drug Control

**333.17766e. Retail sale of products containing ephedrine or pseudoephedrine; security measures; identification and recordkeeping; penalties; report**

Sec. 17766e. (1) Except as otherwise provided under this section, a person who possesses ephedrine or pseudoephedrine for retail sale pursuant to a license issued under the general sales tax act, 1933 PA 167, MCL 205.51 to 205.78, shall maintain all 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 in accordance with 1 of the following:

...

(2) A person who sells a product described in subsection (1) shall do each of the following:

(a) Require the purchaser of a product described under subsection (1) to produce a valid government-issued photo identification that includes the individual's name and date of birth.

...

(3) 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.

(4) 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.

...

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 schedule 5 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:

...

(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

...

(d) Over-the-counter sales of methamphetamine precursor drugs are limited to:

...

(1) to provide photographic identification showing the buyer's date of birth; and

...

(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:

...

(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;

...

4. Identification of the form of valid photo identification presented by the purchaser; including issuing agency of the photo identification and identification number appearing on the photo identification;

...

(L) Denials of Sales and Dispensings.

...

2. Sales of methamphetamine precursor products shall be denied to purchasers who are not able to produce a valid government issued identification card with the required information displayed on it.

...

**Montana**

Montana Code Annotated

Title 50. Health and Safety

Chapter 32. Controlled Substances

Part 5. Regulation of Ephedrine and Pseudoephedrine

**50-32-502. Restricted sale and access to ephedrine or pseudoephedrine products--exceptions—penalties**

...

(3) Except as provided in subsection (5), a licensed pharmacy or certified retail establishment provided for in subsection (1) that dispenses, sells, or distributes products containing ephedrine or pseudoephedrine shall:

...

(c) require the person purchasing, receiving, or otherwise acquiring any product, mixture, or preparation containing ephedrine or pseudoephedrine to produce a driver's license or other form of photo identification and sign a record of sale or acquisition that includes the date of the transaction, the name of the person purchasing or acquiring the ephedrine or pseudoephedrine, and the number of grams of the product, mixture, or preparation purchased or acquired;

...

(5) This section does not apply to:

(a) any quantity of a product, mixture, or preparation dispensed pursuant to a valid prescription;

(b) products containing ephedrine or pseudoephedrine that are in liquid, liquid capsule, or gel capsule form if

ephedrine or pseudoephedrine is not the only active ingredient;

(c) a product that the board, upon application by a manufacturer, exempts from this section by rule because the product has been formulated in a manner as to effectively prevent the conversion of the active ingredient into methamphetamine or its salts or precursors.

(6) A person who knowingly or negligently violates any provision of this section is guilty of a misdemeanor and shall be punished by a fine of not less than \$100 or more than \$500 and by imprisonment in the county jail for not more than 1 year.

### 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:

...

(iii) 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; and

...

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

Revised Statutes of Nebraska Annotated

Chapter 60. Motor Vehicles

Article 4. Motor Vehicle Operators' Licenses

(f) Provisions Applicable to All Operators' Licenses

**60-4,111.01. Storage or compilation of information; retailer; authorized acts; sign posted; use of stored information; approval of negotiable instrument or certain payments; authorized acts; violations; penalty**

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

...

(3)(a) For purposes of compliance with and enforcement of restrictions on the purchase of alcohol, lottery tickets, and tobacco products, a retailer who sells any of such items pursuant to a license issued or a contract under the applicable statutory provision may scan machine-readable information encoded on an operator's license or a state identification card presented for the purpose of such a sale. The retailer may store only the following information obtained from the license or card: Age and license or card identification number. The retailer shall post a sign at the point of sale of any of such items stating that the license or card will be scanned and that the age and identification number will be stored. The stored information may only be used by a law enforcement agency for purposes of enforcement of the restrictions on the purchase of alcohol, lottery tickets, and tobacco products and may not be shared with any other person or entity.

(b) For purposes of compliance with the provisions of sections 28-458 to 28-462, a seller who sells methamphetamine precursors pursuant to such sections may scan machine-readable information encoded on an operator's license or a state identification card presented for the purpose of such a sale. The seller may store only the following information obtained from the license or card: Name, age, address, type of identification presented by the customer, the governmental entity that issued the identification, and the number on the identification. The seller shall post a sign at the point of sale stating that the license or card will be scanned and stating what information will be stored. The stored information may only be used by law enforcement agencies, regulatory agencies, and the exchange for purposes of enforcement of the restrictions on the sale or purchase of methamphetamine precursors pursuant to sections 28-458 to 28-462 and may not be shared with any other person or entity. For purposes of this subsection, the terms exchange, methamphetamine precursor, and seller have the same meanings as in section 28-458.

...

## Nevada

Nevada Revised Statutes Annotated  
 Title 40. Public Health and Safety (Chapters 439-461A)  
 Chapter 453. Controlled Substances  
 Methamphetamine Precursors  
**453.352. Definitions**

As used in NRS 453.352 to 453.359, inclusive, unless the context otherwise requires, the words and terms defined in NRS 453.3525, 453.353 and 453.3535 have the meanings ascribed to them in those sections.

Nevada Revised Statutes Annotated  
 Title 40. Public Health and Safety (Chapters 439-461A)  
 Chapter 453. Controlled Substances  
 Methamphetamine Precursors  
**453.353. “Product that is a precursor to methamphetamine” defined**

“Product that is a precursor to methamphetamine” means a product that contains ephedrine, pseudoephedrine or phenylpropanolamine or the salts, optical isomers or salts of optical isomers of such chemicals and may be marketed or distributed lawfully in the United States under the Federal Food, Drug and Cosmetic Act, 21 U.S.C. §§ 301 et seq., as a nonprescription drug.

Nevada Revised Statutes Annotated  
 Title 40. Public Health and Safety (Chapters 439-461A)  
 Chapter 453. Controlled Substances  
 Methamphetamine Precursors  
**453.3535. “Retail distributor” defined**

“Retail distributor” means a grocery store, general merchandise store, drugstore, pharmacy or other entity or person whose activities as a distributor of a product that is a precursor to methamphetamine 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.

Nevada Revised Statutes Annotated  
 Title 40. Public Health and Safety (Chapters 439-461A)  
 Chapter 453. Controlled Substances  
 Methamphetamine Precursors  
**453.357. Retail distributor required to maintain logbook; information required to be entered in logbook at time of sale or transfer of methamphetamine precursor; requirements for sale or transfer of methamphetamine precursor; notice concerning entering false statement or representation in logbook; maintenance of entries in logbook; limitation on accessing, using, sharing or disclosing information in logbook**

...

3. A retail distributor shall not sell or transfer a product that is a precursor to methamphetamine unless:

(a) The prospective purchaser or transferee:

(1) Presents an identification card that provides a photograph and is issued by the Government of the United States or the Government of this State or any other state, or a document that, with respect to identification, is considered acceptable pursuant to 21 U.S.C. § 830(e)(1); and

...

Nevada Revised Statutes Annotated  
 Title 40. Public Health and Safety (Chapters 439-461A)  
 Chapter 453. Controlled Substances  
 Methamphetamine Precursors  
**453.358. Civil penalty for violation**

If a retail distributor violates any provision of NRS 453.354, 453.355 or 453.357, the retail distributor is subject to a civil penalty pursuant to the provisions of NRS 453.553 to 453.5533, inclusive.

**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. A compound, mixture or preparation as specified in this paragraph shall be dispensed, sold or distributed only by a licensed pharmacist or pharmacist intern or a registered pharmacy technician. Unless pursuant to a valid prescription, a person purchasing, receiving or otherwise acquiring the compound, mixture or preparation shall:

(a) produce a driver's license or other government-issued photo identification showing the date of birth of the person;

...

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);

...

**16.19.20.69 SCHEDULE V:**

...

**B. Exempt pseudoephedrine product.**

(1) Any pseudoephedrine containing product listed as a Schedule V Controlled Substance in Paragraph (2) of Subsection B of 16.19.20.69 NMAC shall be dispensed, sold or distributed only by a licensed pharmacist, pharmacist intern, or a registered pharmacy technician.

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

(a) produce a driver's license or other government-issued photo identification showing the date of birth of the persons;

...

**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.

...

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, pseudoephedrin, 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**

...

4. a. When offering scheduled listed chemical products for retail sale, a person shall require, obtain, and make a written record of the identification of the person purchasing the scheduled listed chemical product, the identification being a document issued by a government agency as described in subdivisions a and b of subsection 6, and shall deliver the product directly into the custody of the purchaser.

b. The person shall maintain a written list of sales that identifies the product by name, the quantity sold, the names and addresses of the purchasers, the dates and times of the sales, a unique identification number relating to the electronic record submitted into the electronic recordkeeping system described in subsection 13, and a notice to a purchaser that the making of false statements or misrepresentations may subject the purchaser to federal and state criminal penalties. The purchaser shall sign the written list of sales and enter the purchaser's name, address, and the date and time of the sale. The person making the sale shall determine that the name entered by the purchaser corresponds with the name on the identification provided by the purchaser and that the date and time of the purchase is correct. The person making the sale shall enter the name of the product and the quantity sold on the list.

...

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**

...

(E) No individual shall knowingly fail to comply with the requirements of division (C)(3) of section 3715.05 of the Revised Code.

...

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

Baldwin's Ohio Revised Code Annotated

Title XXIX. Crimes--Procedure

## Chapter 2925. Drug Offenses

## Pseudoephedrine Sales

**2925.57 Seller may perform transaction scan on driver's license or identification card; illegal pseudoephedrine product transaction scan**

(A) As used in this section and section 2925.58 of the Revised Code:

(1) "Card holder" means any person who presents a driver's or commercial driver's license or an identification card to a seller, or an agent or employee of a seller, to purchase or receive any pseudoephedrine product from the seller, agent, or employee.

(2) "Identification card" and "transaction scan device" have the same meanings as in section 2927.021 of the Revised Code.

(3) "Seller" means a retailer or terminal distributor of dangerous drugs.

(4) "Transaction scan" means the process by which a seller or an agent or employee of a seller checks by means of a transaction scan device the validity of a driver's or commercial driver's license or an identification card that is presented as a condition for purchasing or receiving any pseudoephedrine product.

(B)(1) A seller or an agent or employee of a seller may perform a transaction scan by means of a transaction scan device to check the validity of a driver's or commercial driver's license or identification card presented by a card holder as a condition for selling, giving away, or otherwise distributing to the card holder a pseudoephedrine product.

(2) If the information deciphered by the transaction scan performed under division (B)(1) of this section fails to match the information printed on the driver's or commercial driver's license or identification card presented by the card holder, or if the transaction scan indicates that the information so printed is false or fraudulent, neither the seller nor any agent or employee of the seller shall sell, give away, or otherwise distribute any pseudoephedrine product to the card holder.

(3) Division (B)(1) of this section does not preclude a seller or an agent or employee of a seller as a condition for selling, giving away, or otherwise distributing a pseudoephedrine product to the person presenting the document from using a transaction scan device to check the validity of a document other than a driver's or commercial driver's license or an identification card if the document includes a bar code or magnetic strip that may be scanned by the device.

(C) Rules adopted by the registrar of motor vehicles under division (C) of section 4301.61 of the Revised Code apply to the use of transaction scan devices for purposes of this section and section 2925.58 of the Revised Code.

(D)(1) No seller or agent or employee of a seller shall electronically or mechanically record or maintain any information derived from a transaction scan, except the following:

(a) The name and date of birth of the person listed on the driver's or commercial driver's license or identification card presented by a card holder;

(b) The expiration date and identification number of the driver's or commercial driver's license or identification card presented by a card holder.

(2) No seller or agent or employee of a seller shall use the information that is derived from a transaction scan or that is permitted to be recorded and maintained under division (D)(1) of this section except for purposes of section 2925.58 of the Revised Code.

(3) No seller or agent or employee of a seller shall use a transaction scan device for a purpose other than the purpose specified in division (B)(1) of this section.

(4) No seller or agent or employee of a seller shall sell or otherwise disseminate the information derived from a transaction scan to any third party, including, but not limited to, selling or otherwise disseminating that information for any marketing, advertising, or promotional activities, but a seller or agent or employee of a seller may release that information pursuant to a court order or as specifically authorized by section 2925.58 or another section of the Revised Code.

(E) Nothing in this section or section 2925.58 of the Revised Code relieves a seller or an agent or employee of a seller of any responsibility to comply with any other applicable state or federal laws or rules governing the sale, giving away, or other distribution of pseudoephedrine products.

(F) Whoever violates division (B)(2) or (D) of this section is guilty of engaging in an illegal pseudoephedrine product transaction scan, and the court may impose upon the offender a civil penalty of up to one thousand dollars for each violation. The clerk of the court shall pay each collected civil penalty to the county treasurer for deposit into the county treasury.

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**

...

#### SCHEDULE V

...

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.

(c) No person in the course of selling, offering for sale, or otherwise distributing a product described in division (K)(2)(a) of this section shall advertise or represent in any manner that the product causes euphoria, ecstasy, a "buzz" or "high," or an altered mental state; heightens sexual performance; or, because it contains ephedrine alkaloids, increased muscle mass.

(3) A drug product that contains the isomer pseudoephedrine, or any of its salts, optical isomers, or salts of optical isomers, shall not be considered a controlled substance if the drug product is labeled in a manner consistent with federal law or with the product's over-the-counter tentative final monograph or final monograph issued by the United States food and drug administration.

(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.

Baldwin's Ohio Administrative Code Annotated

4729 Pharmacy Board

Chapter 4729-11. Controlled Substances

**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).

...

## 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:

...

c. any person who is not an individual listed on the methamphetamine offender registry that is purchasing,

receiving, or otherwise acquiring any compound, mixture, or preparation shall produce a driver license, passport, military identification, or other state-issued identification card and shall sign a written or electronic log, receipt, or other program or mechanism approved by the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, showing:

...

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

**475:55-1-1. Purpose**

(a) The Oklahoma Bureau of Narcotics and Dangerous Drugs Control has been granted statutory authority by 63 O.S., 2-301 to “promulgate rules and regulations relating to the registration and control of the manufacture, distribution, dispensing, prescribing, administering or use for scientific purposes of controlled dangerous substances within this state.” Furthermore, 63 O.S., 2-212 authorizes the Oklahoma Bureau of Narcotics and Dangerous Drugs Control to promulgate rules specifically for Schedule V pseudoephedrine products. These statutes, as well as the entire Oklahoma Uniform Controlled Dangerous Substances Act, O.S. 63 Chapter 2, and the Oklahoma Administrative Code Title 475, are used as guiding authorities for the specific points of these rules and regulations.

(b) The rules of this Chapter specify the requirements for pseudoephedrine control in Oklahoma. Included in this Chapter are characteristics of exempt pseudoephedrine products, pharmacy requirements, dispensing pseudoephedrine products, thirty-day requirement, special registration for distribution centers, lawful possession of Schedule V pseudoephedrine products, records and invoices, labeling, prescriptions, distributor and warehouse storage of Schedule V pseudoephedrine, and criteria for exemption.

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.

#### Oklahoma Administrative Code

Title 475. Oklahoma Bureau of Narcotics and Dangerous Drugs Control

Chapter 55. Pseudoephedrine Control

#### **475:55-1-5. Electronic Reporting**

Pharmacists or other authorized persons who sell Schedule V pseudoephedrine products shall exercise reasonable care in assuring that the purchaser has not exceeded the nine (9) gram limit for a thirty (30) day period. The pharmacist or other authorized person must utilize the real-time electronic pseudoephedrine tracking system and the Methamphetamine Registry as set forth pursuant to 63 O.S. § 2-701, which are established and maintained by the Oklahoma Bureau of Narcotics and Dangerous Drugs Control. The following provisions are necessary for compliance with this system:

...

(2) Pseudoephedrine products regulated by Oklahoma law will only be sold to customers who present a valid form of identification;

...

#### **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.

### South Carolina

Code of Laws of South Carolina 1976 Annotated

Title 44. Health

Chapter 53. Poisons, Drugs and Other Controlled Substances

Article 3. Narcotics and Controlled Substances

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

...

(D)(1) A retailer selling nonprescription products containing ephedrine, pseudoephedrine, or phenylpropanolamine shall require the purchaser to produce a government issued photo identification showing the date of birth of the person and require the purchaser to sign an electronic log showing the date and time of the transaction, the person's name and address, the type, issuing governmental entity, identification number, and the amount of the compound, mixture, or preparation. The retailer shall determine that the name entered in the log corresponds to the name on the identification and that the date and time entered are correct and shall enter in the log the name of the product and the quantity sold. The retailer shall ensure that the product is delivered directly into the custody of that purchaser. The log must include a notice to purchasers that entering false statements or misrepresentations in the log may subject the purchaser to criminal penalties.

...

(F) It is unlawful for a person to enter false statements or misrepresentations on the log required pursuant to subsection (D)(1).

...

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

...

(4) A retailer convicted of a violation of subsection (D)(1), (D)(2), or (J)(2) is guilty of a misdemeanor and, upon conviction for a first offense, must be fined not more than one thousand dollars and not less than five hundred dollars. Upon conviction for a second offense, a retailer must be fined not more than five thousand dollars and not less than one thousand dollars. Upon conviction for a third or subsequent offense, a person must be fined not more than ten thousand dollars and not less than five thousand dollars.

...

(7) It is an affirmative defense to a violation of subsection (A), (C), or (D)(1) if a retailer provided the training, maintained records, and obtained employee and agent statements of agreement required by subsection (I) for all employees and agents at the retail location where the violation occurred and at the time the violation occurred.

...

(L) This section does not apply to:

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

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

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

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

### South Dakota

South Dakota Codified Laws

Title 34. Public Health and Safety

Chapter 34-20D. Products Containing Pseudoephedrine or Ephedrine

#### **34-20D-8. Identification and record of buyer of product containing pseudoephedrine or ephedrine**

If offering for sale a product containing pseudoephedrine or ephedrine as an active ingredient, a retailer shall, before making such a sale, require and make a record of the identification of the person purchasing the product containing pseudoephedrine or ephedrine. For purposes of this section, the term, identification, means a document issued by a governmental agency which contains a description of the person or a photograph of the person, or both, and gives the person's date of birth, such as a driver license, passport, or military identification card. The retailer shall maintain the record of identification, including the purchaser's name and date of birth. On August 1, 2006, and no later than the fifth day of every month thereafter, the retailer shall submit, electronically or in writing, any such records to the Office of the Attorney General. No retailer may use or maintain the record for any private or commercial purpose or disclose the record to any person, except as authorized by law. The retailer shall disclose the record, upon request, to a law enforcement agency for a law enforcement purpose.

### Tennessee

Tennessee Code Annotated

Title 39. Criminal Offenses

Chapter 17. Offenses Against Public Health, Safety and Welfare

Part 4. Drugs

#### **§ 39-17-402. Definitions; schedules**

As used in this part and title 53, chapter 11, parts 3 and 4, unless the context otherwise requires:

...

(20) "Person" means an individual, corporation, governmental subdivision or agency, business trust, estate, trust, partnership or association or any other legal entity;

(21) "Pharmacist" means a licensed pharmacist as defined by the laws of this state, and where the context so requires, the owner of a store or other place of business where controlled substances are compounded or dispensed by a licensed pharmacist; but nothing in this part or title 53, chapter 11, parts 3 and 4 shall be construed as conferring on a person who is not registered or licensed as a pharmacist any authority, right or privilege that is not granted to that person by the pharmacy laws of this state;

Tennessee Code Annotated

## Title 39. Criminal Offenses

## Chapter 17. Offenses Against Public Health, Safety and Welfare

## Part 4. Drugs

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

...

(d) The pharmacist or pharmacy intern under the supervision of the pharmacist shall require any person purchasing an over-the-counter product containing pseudoephedrine or ephedrine to present valid government issued photo identification at the point of sale. The pharmacist or pharmacy intern shall counsel with the person seeking to purchase the product as to the reasons for needing the product and may decline the sale if the pharmacist or pharmacy intern believes the sale is not for a legitimate medical purpose. The pharmacist, pharmacy technician, or pharmacy intern shall maintain an electronic record of the sale under this subsection (d) and the record may be maintained in the form of a pharmacist prescription order as provided by § 63-10-206(c). The electronic record shall include the name and address of purchaser; name and quantity of product purchased; date and time purchased; purchaser identification type and number, such as driver license state and number; and the identity, such as name, initials or identification code, of the dispensing pharmacist or pharmacy intern. If a system is not able to record the identification type and number, the pharmacist, pharmacy technician, or pharmacy intern shall write the identification type and number on the prescription order. The electronic record shall also be maintained in a manner that allows for the determination of the equivalent number of packages purchased and total quantity of base ephedrine or pseudoephedrine purchased.

...

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

...

(p) For the purposes of this section, "pharmacy" means only a pharmacy operating under title 63, chapter 10, which sells any immediate methamphetamine precursor at retail to the public.

**Texas**

Vernon's Texas Statutes and Codes Annotated

Health and Safety Code

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

Subtitle C. Substance Abuse Regulation and Crimes

Chapter 481. Texas Controlled Substances Act

Subchapter A. General Provisions

**§ 481.002. Definitions**

In this chapter:

...

(51) "Chemical precursor" means:

...

(N) Ephedrine;

(O) Pseudoephedrine;



...

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 481. Texas Controlled Substances Act

Subchapter C. Regulation of Manufacture, Distribution, and Dispensation of Controlled Substances,  
Chemical Precursors, and Chemical Laboratory Apparatus

**§ 481.077. Chemical Precursor Records and Reports**

...

(c) This section and Section 481.078 do not apply to a person to whom a registration has been issued under Section 481.063.

(d) Before selling, transferring, or otherwise furnishing to a person in this state a chemical precursor subject to Subsection (a), a manufacturer, wholesaler, retailer, or other person shall:

(1) if the recipient does not represent a business, obtain from the recipient:

(A) the recipient's driver's license number or other personal identification certificate number, date of birth, and residential or mailing address, other than a post office box number, from a driver's license or personal identification certificate issued by the department that contains a photograph of the recipient;

...

(l) This section does not apply to the sale or transfer of any compound, mixture, or preparation containing ephedrine, pseudoephedrine, or norpseudoephedrine that is in liquid, liquid capsule, or liquid gel capsule form.

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.

**Utah**

Utah Code Annotated

Title 58. Occupations and Professions

Chapter 37C. Utah Controlled Substance Precursor Act

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

- (1) As used in this section:
- (a) "Mobile retail vendor" means a person or entity that sells product at retail from a stand that is intended to be temporary, or that is capable of being moved from one location to another, whether the stand is located within or on the premises of a fixed facility or is located on unimproved real estate; and
  - (b) "Product" means any product, mixture, or preparation, or any combination of products that contain ephedrine,

pseudoephedrine, or phenylpropanolamine, their salts or isomers, or salts of optical isomers, or a combination of any of these substances.

...

(4) A retail distributor or a mobile retail vendor may not distribute or sell any product, unless the retail distributor or mobile retail vendor:

...

(c) requires the purchaser of the product to provide photo identification issued by a governmental agency and that includes the purchaser's date of birth;

...

(e) provides a notice concerning federal penalties for making false statements or misrepresentations, as provided in Subsection (5)(d).

...

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

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

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

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

(a) are not otherwise prohibited by law; and

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

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

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

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

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

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

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

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

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

...

b. Any person purchasing, receiving, or otherwise acquiring any such substance shall, prior to taking possession, present photo identification issued by a government or an educational institution;

...

D. Any person who willfully violates this section is guilty of a Class 1 misdemeanor.

Annotated Code of Virginia  
 Title 18.2. Crimes and Offenses Generally  
 Chapter 7. Crimes Involving Health and Safety  
 Article 1.2. Sale of Ephedrine or Related Compounds  
**§ 18.2-265.6. Definitions**

<Section becomes effective January 1, 2013>

As used in this article, unless the context requires a different meaning:

...

“Ephedrine or related compounds” means ephedrine and pseudoephedrine base or their salts, isomers, or salts of isomers.

...

Annotated Code of Virginia  
 Title 18.2. Crimes and Offenses Generally  
 Chapter 7. Crimes Involving Health and Safety  
 Article 1.2. Sale of Ephedrine or Related Compounds  
**§ 18.2-265.7. Sale of the methamphetamine precursors ephedrine or related compounds; penalty**

<Section becomes effective January 1, 2013>

...

C. Any person purchasing, receiving, or otherwise acquiring ephedrine or related compounds shall, prior to taking possession, present photo identification issued by a government or an educational institution.

...

G. The provisions of this article do not apply to sales of ephedrine or related compounds pursuant to a valid prescription.

H. Any person who willfully violates this section is guilty of a Class 1 misdemeanor.

### 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.

...

(3) A person buying or receiving a product at retail containing any detectable quantity of ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or salts of isomers, from a 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 must first produce photo identification of the person that shows the date of birth of the person.

...

(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:

- (1) Verify the purchaser's identity by means of acceptable identification as defined in this chapter.

...

Washington Administrative Code  
 Title 246. Health, Department of  
 Chapter 246-889. Pharmaceutical-Precursor Substance Control-Precursor Substance Control  
**246-889-090. Acceptable forms of photo identification.**

Acceptable forms of identification are defined as current foreign, federal, state, or tribal government-issued identification which include the person's photograph, name, date of birth, signature, and physical description.



Acceptable forms of identification include, but are not limited to:

- (1) A valid driver's license or instruction permit issued by any U.S. state or foreign government. If the purchaser's driver's license has expired, he or she must also show a valid temporary driver's license with the expired card.
- (2) A United States armed forces identification card issued to active duty, reserve, and retired personnel and the personnel's dependents.
- (3) A merchant marine identification card issued by the United States Coast Guard.
- (4) An identification card issued by any foreign, federal, or state government.
- (5) An official U.S. passport or an unexpired foreign passport that contains a temporary I-551 stamp.
- (6) An enrollment card issued by the governing authority of a federally recognized Indian tribe located in Washington state, if the enrollment card incorporates security features comparable to those implemented by the department of licensing for Washington state drivers' licenses.

### West Virginia

Annotated Code of West Virginia

Chapter 60A. Uniform Controlled Substances Act

Article 2. Standards and Schedules

#### § 60A-2-212. Schedule V

(a) Schedule V shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section.

...

(e) 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 except products which are for pediatric use primarily intended for administration to children under the age of twelve: *Provided*, That neither the offenses set forth in section four hundred one, article four of this chapter, nor the penalties therein, shall be applicable to ephedrine, pseudoephedrine or phenylpropanolamine which shall be subject to the provisions of article ten of this chapter.

Annotated Code of West Virginia

Chapter 60A. Uniform Controlled Substances Act

Article 3. Regulation of Manufacture, Distribution and Dispensing of Controlled Substances

#### § 60A-3-308. Prescriptions

...

(d)(1) A controlled substance included in Schedule V shall not be distributed or dispensed other than for a medicinal purpose: *Provided*, That buprenorphine shall be dispensed only by prescription pursuant to subsections (a), (b) and (c) of this section: *Provided, however*, That the controlled substances included in subsection (e), section two hundred twelve, article two of this chapter shall be dispensed, sold or distributed only by a physician, in a pharmacy by a pharmacist or pharmacy technician, or health care professional.

(2) If the substance described in subsection (e), section two hundred twelve, article two of this chapter is dispensed, sold or distributed in a pharmacy:

...

(B) Any person purchasing, receiving or otherwise acquiring any such substance shall produce a photographic identification issued by a state or federal governmental entity reflecting his or her date of birth.

...

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**

...

(e) If a drug product regulated by the provisions of this section is transferred, sold or delivered, the individual, pharmacy or retail establishment transferring, selling or delivering the drug product shall require the person purchasing, receiving or otherwise acquiring the drug product to:

(1) Produce a valid government-issued photo identification showing his or her date of birth; and

...

(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

**§ 15-11-2. 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.**

...

3.4. Any pharmacy that sells Schedule V pseudoephedrine products shall require the person purchasing, receiving or otherwise acquiring the drug product to:

(a) Produce a drivers license or government-issued photo identification showing his or her date of birth; and

...

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 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:

...

(4) Any person purchasing such a substance shall, at the time of purchase, present to the seller that person's correct name, address, and, if the person is purchasing a pseudoephedrine product, an identification card containing the person's photograph. The seller shall record the name and address and the name and quantity of the product sold. The purchaser and either the seller or, if the substance is a pseudoephedrine product and is being sold by a person who is not a registered pharmacist, the pharmacist supervising the seller shall sign the record of this transaction. The giving of a false name or false address by the purchaser shall be prima facie evidence of a violation of s. 961.43(1)(a).

...

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.

...

## Wyoming

Wyoming Rules and Regulations  
 Department of Administration and Information  
 Board of Pharmacy - Commissioner of Drugs and Substances Control  
 Chapter 4. Records and Inventories of Registrants  
**Section 4. Methamphetamine Precursor Records**

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

...

(c) The sale shall be documented as follows:

(i) The prospective purchaser shall present an identification card that provides a photograph and is issued by a state or the federal government, an alien registration receipt card, a foreign passport, or an employment authorization document which contains a photograph

...