

States That Schedule Ephedrine



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Arizona

Arizona Revised Statutes Annotated
 Title 36. Public Health and Safety
 Chapter 27. Uniform Controlled Substances Act
 Article 2. Schedules
§ 36-2516. Substances in schedule V

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

...

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

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 2. Uniform Controlled Substances Act--Designation of Controlled Substances
§ 5-64-212. Substances in Schedule V--Ephedrine combination product, pseudoephedrine, and phenylpropanolamine

(a) An ephedrine combination product, pseudoephedrine, and phenylpropanolamine, as defined in § 5-64-1103(g), are designated Schedule V controlled substances in addition to the drugs and other substances listed in Schedule V of the List of Controlled Substances for the State of Arkansas promulgated by the Director of the Division of Health of the Department of Health and Human Services.

(b) The Schedule V classification does not apply to:

(1) An exempt product described in § 5-64-1103(b)(1); or

(2) Any ephedrine or pseudoephedrine in liquid, liquid capsule, or liquid gel capsule form described in § 5-64-1103(b)(2) .

(c) The director may reschedule a product described in subdivision (b)(1) or (b)(2) of this section if it is determined that the conversion of the active ingredient in the product into methamphetamine or its salts or precursors is feasible.

(d) A wholesale distributor with exclusive rights to distribute pseudoephedrine to only licensed pharmacies is exempt from Schedule V requirements for the storage and distribution of pseudoephedrine.

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;

...

Arkansas Administrative Code
Title 007. Department of Health
Division 07. Pharmacy Services and Drug Control
Rule 2. Rules and Regulations Pertaining to Controlled Substance
007.07.2. LIST OF CONTROLLED SUBSTANCES

...

ARTICLE II

...

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.

...

(d) **Stimulants**: unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having stimulant effect on the central nervous system, including its salts, isomers and salts of isomers:

...

(2) Ephedrine

...

...

Pursuant to Ark. Code Ann. § 5-64-212 as amended in 2005, this Schedule V classification shall NOT apply to any ephedrine, phenylpropanolamine, or pseudoephedrine in liquid, liquid capsule, or liquid gel capsule form. However, sales limits mandated by statute shall apply to all products with ephedrine, phenylpropanolamine, or pseudoephedrine as a listed ingredient regardless of the dosage form.

...

Colorado

Colorado Revised Statutes Annotated

Title 18. Criminal Code

Article 18. Uniform Controlled Substances Act of 1992

Part 1. Definitions

§ 18-18-102. Definitions

...

(15) “Immediate precursor” means a substance which is a principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used, or likely to be used, in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail, or limit manufacture.

...

Colorado Revised Statutes Annotated

Title 18. Criminal Code

Article 18. Uniform Controlled Substances Act of 1992

Part 2. Standards and Schedules

§ 18-18-204. Schedule II

...

(2) Unless specifically excepted by Colorado or federal law or Colorado or federal regulation or more specifically included in another schedule, the following controlled substances are listed in schedule II:

...

(f) Any material, compound, mixture, or preparation containing any quantity of the following substances:

(I) Immediate precursor to amphetamine and methamphetamine: phenylacetone (Some trade or other names: phenyl-2-propanone; P2P; benzyl methyl ketone; methyl benzyl ketone.), ephedrine, alpha-phenylacetoacetonitrile, phenylacetic acid, and 1-phenyl-2-nitropropene;

...

Colorado Revised Statutes Annotated

Title 18. Criminal Code

Article 18. Uniform Controlled Substances Act of 1992

Part 4. Offenses and Penalties

§ 18-18-418. Exemptions

(1) The provisions of section 18-18-414 shall not apply to:

...

(2) All combination drugs that are exempted by regulation of the attorney general of the United States department of justice, pursuant to section 1006(b) of Public Law 91-513(84 Stat. 1236), known as the “Comprehensive Drug Abuse Prevention and Control Act of 1970”, on or after July 1, 1981, are exempted from the provisions of part 1 of article 42.5 of title 12, C.R.S., part 2 of article 80 of title 27, C.R.S., and part 3 of this article. (Editorial note: part 3 contains C.R.S.A. § 18-18-308 (3)(a), which requires a prescription for dispensing all Schedule II Controlled Substances).

...

Idaho

Idaho Code Annotated
 Title 37. Food, Drugs, and Oil
 Chapter 27. Uniform Controlled Substances
 Article II

§ 37-2707. Schedule II

(a) Schedule II 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.

...

(g) Immediate precursors. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances:

(1) Immediate precursor to amphetamine and methamphetamine:

...

(b) Ephedrine;

...

Except that any combination or compound containing ephedrine, or any of its salts and isomers, or phenylpropanolamine or its salts and isomers, or pseudoephedrine, or any of its salts and isomers which is prepared for dispensing or over-the-counter distribution is not a controlled substance for the purpose of this section, unless such substance is possessed, delivered, or possessed with intent to deliver to another with the intent to manufacture methamphetamine, amphetamine or any other controlled substance in violation of section 37-2732, Idaho Code. For purposes of this provision, the requirements of the uniform controlled substances act shall not apply to a manufacturer, wholesaler or retailer of over-the-counter products containing the listed substances unless such person possesses, delivers, or possesses with intent to deliver to another the over-the-counter product with intent to manufacture a controlled substance.

...

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

570/210. Schedule IV; enumeration

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

§ 210. (a) The controlled substances listed in this Section are included in Schedule IV.

...

(h) Except as otherwise provided in Section 216, any material, compound, mixture, or preparation that contains any quantity of the following substance having a stimulant effect on the central nervous system, including its salts,

enantiomers (optical isomers) and salts of enantiomers (optical isomers):

- (1) Ephedrine, its salts, optical isomers and salts of optical isomers.

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
570/212. Schedule V; enumeration

§ 212. (a) The controlled substances listed in this section are included in Schedule V.

...

(d-5) Any targeted methamphetamine precursor as defined in the Methamphetamine Precursor Control Act.

...

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:

...

“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.

...

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

570/216. Ephedrine

§ 216. **Ephedrine.**

(a) The following drug products containing ephedrine, its salts, optical isomers and salts of optical isomers shall be exempt from the application of Sections 312 and 313 of this Act if they: (i) may lawfully be sold over-the-counter without a prescription under the Federal Food, Drug, and Cosmetic Act; (ii) are labeled and marketed in a manner consistent with Section 341.76 of Title 21 of the Code of Federal Regulations; (iii) are manufactured and distributed for legitimate medicinal use in a manner that reduces or eliminates the likelihood of abuse; and (iv) are not marketed, advertised, or labeled for the indications of stimulation, mental alertness, weight loss, muscle enhancement, appetite control, or energy:

- (1) Solid oral dosage forms, including soft gelatin caplets, which are formulated pursuant to 21 CFR 341 or its successor, and packaged in blister packs of not more than 2 tablets per blister.

- (2) Anorectal preparations containing not more than 5% ephedrine.
- (b) The marketing, advertising, or labeling of any product containing ephedrine, a salt of ephedrine, an optical isomer of ephedrine, or a salt of an optical isomer of ephedrine, for the indications of stimulation, mental alertness, weight loss, appetite control, or energy, is prohibited. In determining compliance with this requirement the Department may consider the following factors:
- (1) The packaging of the drug product;
 - (2) The name and labeling of the product;
 - (3) The manner of distribution, advertising, and promotion of the product;
 - (4) Verbal representations made concerning the product;
 - (5) The duration, scope, and significance of abuse or misuse of the particular product.
- (c) A violation of this Section is a Class A misdemeanor. A second or subsequent violation of this Section is a Class 4 felony.
- (d) This Section does not apply to dietary supplements, herbs, or other natural products, including concentrates or extracts, which:
- (1) are not otherwise prohibited by law; and
 - (2) 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.
- (e) Nothing in this Section limits the scope or terms of the Methamphetamine Precursor Control Act.

Illinois Administrative Code

Title 77: Public Health

Chapter XX: Department of Alcoholism and Substance Abuse

Subchapter E: Controlled Substances Activities

Part 2070. Schedule of Controlled Substances

Subpart E. Schedule of Controlled Substances--Schedule IV(Refs &Annos)

2070.2105 Schedule IV--Enumeration

The controlled substances listed in these Sections 2070.2110 through 2070.2600 are included in Schedule IV.

Illinois Administrative Code

Title 77: Public Health

Chapter XX: Department of Alcoholism and Substance Abuse

Subchapter E: Controlled Substances Activities

Part 2070. Schedule of Controlled Substances

Subpart E. Schedule of Controlled Substances--Schedule IV(Refs &Annos)

2070.2655 Ephedrine

Ephedrine as the only active medicinal ingredient or in combination with therapeutically insignificant quantities of another active medicinal ingredient. Anything less than 200 milligrams of Guaifenesin shall be considered therapeutically insignificant.

Iowa

Iowa Code Annotated

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

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

Chapter 124. Controlled Substances

Division II. Standards and Schedules

124.212. 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:

a. Ephedrine.

...

Kansas

Kansas Statutes Annotated

Chapter 65. Public Health

Article 41. Controlled Substances

Uniform Controlled Substances Act

65-4113. Substances included in schedule V

(a) The controlled substances or drugs, by whatever official name, common or usual name, chemical name or brand name designated, listed in this section are included in schedule V.

...

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

...

Louisiana

Louisiana Statutes Annotated

Louisiana Revised Statutes

Title 40. Public Health and Safety

Chapter 4. Food and Drugs

Part X. Uniform Controlled Dangerous Substances Law

§ 962.1. Ephedrine products

...

E. Notwithstanding any provision of law to the contrary, unless listed in another schedule, any product that contains any quantity of ephedrine, a salt of ephedrine, an optical isomer of ephedrine, or a salt of an optical isomer of ephedrine is a Schedule V controlled dangerous substance and shall be dispensed, sold, or distributed only in

accordance with the provisions of R.S. 40:1049.1 et seq. Such products shall be exempt from the reporting for Schedule V drugs as provided for in R.S. 40:1001 et. seq.

Louisiana Statutes Annotated

Louisiana Revised Statutes

Title 40. Public Health and Safety

Chapter 4. Food and Drugs

Part X. Uniform Controlled Dangerous Substances Law

§ 962.1.1. Possession of twelve grams or more of ephedrine, pseudoephedrine, or phenylpropanolamine or their salts, optical isomers, and salts of optical isomers

...

F. Notwithstanding any provision of law to the contrary, unless listed in another schedule, any product that contains any detectable quantity of ephedrine, pseudoephedrine, or phenylpropanolamine, their salts or optical isomers, or salts of optical isomers is a Schedule V controlled dangerous substance and shall be dispensed, sold, or distributed only in accordance with the provisions of R.S. 40:1049.1 et seq. Such products shall be exempt from the reporting for Schedule V drugs as provided for in R.S. 40:1001 et. seq.

Louisiana Statutes Annotated

Louisiana Revised Statutes

Title 40. Public Health and Safety

Chapter 4. Food and Drugs

Part X. Uniform Controlled Dangerous Substances Law

§ 964. Composition of schedules

Schedules I, II, III, IV, and V shall, unless and until added to pursuant to R.S. 40:962, consist of the following drugs or other substances, by whatever official name, common or usual name, chemical name, or brand name designated:

...

SCHEDULE V

...

E. (1) Ephedrine, pseudoephedrine, phenylpropanolamine. Unless listed in another schedule, any material, compound, mixture, or preparation containing any detectable quantity of ephedrine, pseudoephedrine, or phenylpropanolamine, their salts or optical isomers, or salts of optical isomers.

...

Maine

Maine Revised Statutes Annotated

Title 17-A. Maine Criminal Code

Part 2. Substantive Offenses

Chapter 45. Drugs

§ 1101. Definitions

As used in this Title, the following words shall, unless the context clearly requires otherwise, have the following meanings.

...

4-A. “Methamphetamine precursor drug” means any drug or product possessed by a person that contains in the

aggregate a quantity of more than 9 grams of ephedrine, pseudoephedrine or phenylpropanolamine or their salts, isomers or salts of isomers, either alone or in combination with other ingredients, in dry or solid nonliquid form.

...

Maine Revised Statutes Annotated
 Title 17-A. Maine Criminal Code
 Part 2. Substantive Offenses
 Chapter 45. Drugs
§ 1102. Schedules W, X, Y and Z

For the purposes of defining crimes under this chapter and of determining the penalties therefor, there are hereby established the following schedules, designated W, X, Y and Z.

...

4. Schedule Z:

...

E. A methamphetamine precursor drug.

...

Michigan

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:

(a) The following drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated:

...

(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 2. Schedules

R 338.3126 Schedule 5; ephedrine; exceptions.

Rule 26. (1) Except as otherwise provided in subrule (2) of this rule, 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 is included in schedule 5.

(2) The following are not included in schedule 5:

(a) 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 over the counter 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:

(i) 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.

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

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

(i) 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.

(ii) It does not contain 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:

(A) The amount in milligrams of ephedrine in a serving or dosage unit.

(B) The amount of the food product or dietary supplement that constitutes a serving or dosage unit.

(C) 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.

(D) That improper use of the product may be hazardous to a person's health.

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

Subdivision 1. Five schedules. There are established five schedules of controlled substances, to be known as Schedules I, II, III, IV, and V. Such schedules shall initially consist of the substances listed in this section by whatever official name, common or usual name, chemical name, or trade name designated.

...

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

...

(b) The following items are listed in Schedule V:

...

(2) any compound, mixture, or preparation containing ephedrine or pseudoephedrine as its sole active ingredient or as one of its active ingredients.

...

(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.

...

Mississippi

Annotated Mississippi Code

Title 41. Public Health

Chapter 29. Poisons, Drugs and Other Controlled Substances

Article 3. Uniform Controlled Substances Law

§ 41-29-117. Schedule III

(A) The controlled substances listed in this section are included in Schedule III.

SCHEDULE III

...

(d) Any material, compound, mixture or preparation which contains any quantity of ephedrine or pseudoephedrine.

...

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

...

8. The controlled substances listed in this subsection are included in Schedule IV:

...

(6) Ephedrine, its salts, optical isomers and salts of optical isomers, when the substance is the only active medicinal ingredient;

...

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;

...

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 30-1.002 Schedules of Controlled Substances

PURPOSE: Chapter 195, RSMo states in section 195.230, RSMo that the Department of Health shall prepare a list of all drugs falling within the purview of controlled substances. Upon preparation, a copy of the list shall be filed in the Office of the Secretary of State. It also requires, in section 195.017.11, RSMo, the Department of Health to revise and republish the schedules semiannually for two years from September 28, 1971, and annually after that.

(1) Schedules of Controlled Substances.

...

(D) Schedule IV 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. Each drug or substance has been assigned the DEA Controlled Substances Code Number set forth opposite it.

...

6. **Ephedrine.** Any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system including their salts, isomers and salts of isomers:

A. Ephedrine or its salts, optical isomers or salts of optical isomers as the only active medicinal ingredient or contains ephedrine or its salts, optical isomers, or salts of optical isomers and therapeutically insignificant quantities of another active medicinal ingredient.

...

Montana

Montana Code Annotated

Title 50. Health and Safety

Chapter 32. Controlled Substances

Part 2. Scheduling of Dangerous Drugs

50-32-205. Nonprescription drugs not to be scheduled

The board shall exclude any nonnarcotic drug from a schedule if the drug may, under the Federal Food, Drug, and Cosmetic Act, be lawfully sold over the counter without a prescription.

Montana Code Annotated

Title 50. Health and Safety

Chapter 32. Controlled Substances

Part 2. Scheduling of Dangerous Drugs

50-32-229. Specific dangerous drugs included in Schedule IV

Schedule IV consists of the drugs and other substances, by whatever official, common, usual, chemical, or brand name designated, listed in this section.

...

(5) Ephedrine.

(a) Except as provided in subsection (5)(b), any material, compound, mixture, or preparation that contains any quantity of ephedrine having a stimulant effect on the central nervous system, including its salts, enantiomers (optical isomers), and salts of enantiomers (optical isomers) when ephedrine is the only active medicinal ingredient or is used in combination with therapeutically insignificant quantities of another active medicinal ingredient.

(b) Ephedrine does not include materials, compounds, mixtures, or preparations labeled in compliance with the Dietary Supplement Health and Education Act of 1994, 21 U.S.C. 321, et seq., that contain only natural ephedra alkaloids or extracts of natural ephedra alkaloids.

(c) Ephedrine may be immediately accessible for use by a licensed physician in a patient care area if it is under the physician's direct supervision.

...

Administrative Rules of Montana

Title 24. Labor and Industry

Chapter 174. Board of Pharmacy

 Sub-chapter 14. Dangerous Drug Act

24.174.1423 SCHEDULE IV DANGEROUS DRUGS

(1) Schedule IV consists of the drugs and other substances, by whatever official, common, usual, chemical, or brand name designated, listed in this rule.

...

(6) Ephedrine.

(a) Except as provided in (6)(b), any material, compound, mixture, or preparation that contains any quantity of ephedrine having a stimulant effect on the central nervous system, including its salts, enantiomers (optical isomers), and salts of enantiomers (optical isomers) when ephedrine is the only active medicinal ingredient or is used in combination with therapeutically insignificant quantities of another active medicinal ingredient.

(b) Ephedrine does not include materials, compounds, mixtures, or preparations labeled in compliance with the Dietary Supplement Health and Education Act of 1994, 21 U.S.C. 321, et seq., that contain only natural ephedra alkaloids or extracts of natural ephedra alkaloids.

(c) Ephedrine may be immediately accessible for use by a licensed physician in a patient care area if it is under the physician's direct supervision.

...

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

(a) Any material, compound, mixture, or preparation which contains any quantity of the following substances, including their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

...

(g)(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 (g)(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;

(ii) Bronkaid Dual Action Caplets; and

(iii) PazoHemorrhoidal Ointment

...

Ohio

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

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

...

SCHEDULE V

...

(C) Stimulants

Unless specifically exempted or excluded under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a

stimulant effect on the central nervous system, including their salts, isomers, and salts of isomers:

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

...

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

...

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

- (a) Amesec capsules;
- (b) Bronitin tablets;
- (c) Bronkotabs;
- (d) Bronkolixir;
- (e) Bronkaid tablets;
- (f) Efedron nasal jelly;
- (g) Guiaphed elixir;
- (h) Haysma;
- (i) Pazo hemorrhoid ointment and suppositories;
- (j) Primatene "M" formula tablets;
- (k) Primatene "P" formula tablets;
- (l) Tedrigen tablets;
- (m) Tedral tablets, suspension and elixir;
- (n) T.E.P.;
- (o) Vatronol nose drops.

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

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

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

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

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

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

(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 4729-12. Ephedrine
4729-12-09 Exceptions

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

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

isomer known as ephedrine or its salts.

(B) “Breathe Easy®” herb tea.

(C) “Bronkaid® Dual Action” caplets.

(D) “Hydrosal® hemorrhoidal ointment.

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

(F) “Primatene®” tablets.

(G) “SnoreStopt” tablets.

Oklahoma

Oklahoma Statutes Annotated

Title 63. Public Health and Safety

Chapter 2. Uniform Controlled Dangerous Substances Act

Article II. Standards and Schedules

§ 2-210. Schedule IV

A. Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant or depressant effect on the central nervous system:

...

34. Ephedrine, its salts, optical isomers, and salts of optical isomers as the only active ingredient, or in combination with other active ingredients;

...

B.

...

2. At the request of any person, the Director may exempt any other drug product containing ephedrine from being included as a Schedule IV controlled substance if such product:

a. is labeled and marketed in a manner consistent with the pertinent OTC tentative final or final monograph issued by the FDA, and

b. is manufactured and distributed for legitimate medicinal use and in a manner that reduces or eliminates the likelihood of abuse.

...

3. In making a determination regarding a drug product, the Director, after notice and hearing, shall consider the following:

a. the history and current pattern of abuse,

b. the name and labeling of the product,

c. the intended manner of distribution, advertising and promotion of the product, and

d. other factors as may be relevant to and consistent with the public health and safety.

4. The hearing shall be held in accordance with the Administrative Procedures Act.

5. A list of current drug products meeting exemption requirements under this subsection may be obtained from the Bureau upon written request.

...

Oklahoma Administrative Code

Title 475. Oklahoma Bureau of Narcotics and Dangerous Drugs Control

Chapter 10. Requirements for Registration

475:10-1-24. Ephedra/mahuang exemption

Products meeting the following criteria are exempt from application of Sections 2-210, 2-322, and 2-402 of the Uniform Controlled Dangerous Substances Act [O.S. Title 63, §§ 2-210, 2-322, 2-402]:

(1) Dietary supplements containing naturally occurring ephedrine alkaloids, provided that all of the following conditions are met:

(A) the alkaloids are contained in an unadulterated naturally occurring organic material; and,

(B) the product contains no hydrochloride or sulfate salts of ephedrine alkaloids; and,

(C) the product contains, per dosage unit or serving, not more than 25 milligrams of ephedrine alkaloids; and,

(D) the product is packaged with a prominent label securely affixed to each package that states the amount in milligrams of ephedrine alkaloids in a serving or dosage unit; the amount of food product or dietary supplement that constitutes a serving or dosage unit; the maximum recommended dosage unit of ephedrine alkaloids for a healthy adult; and that improper use of the product may be hazardous to a person's health; and,

(E) the product is labeled and marketed as "ephedra" or "mahuang" and not as "ephedrine." It shall be acceptable to include descriptions of the ephedra alkaloids such as "contains 25 mg. of naturally occurring ephedrine alkaloids." And,

(2) In the course of selling, offering for sale, or otherwise distributing a product described in section 10-1-24 (A), a person shall not 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, increases muscle mass.

Oregon

Oregon Revised Statutes Annotated

Title 37. Alcoholic Liquors; Controlled Substances; Drugs

Chapter 475. Controlled Substances; Illegal Drug Cleanup; Paraphernalia; Precursors

Precursor Substances

475.973. Unlawful possession of ephedrine, pseudoephedrine or phenylpropanolamine; unlawful distribution of ephedrine, pseudoephedrine or phenylpropanolamine

<Text subject to final change by the Oregon Office of the Legislative Counsel.>

(1)(a) The State Board of Pharmacy may not adopt rules that exempt a product containing ephedrine or pseudoephedrine from classification as a controlled substance. Except as otherwise provided in this paragraph, the State Board of Pharmacy shall adopt rules to classify ephedrine, pseudoephedrine and phenylpropanolamine as Schedule III controlled substances. The Schedule III classification may be modified by the State Board of Pharmacy

if the State Board of Pharmacy finds that restrictions on products containing ephedrine, pseudoephedrine or phenylpropanolamine under a Schedule III designation do not significantly reduce the number of methamphetamine laboratories within the state.

(b) Records of transactions involving products containing ephedrine, pseudoephedrine or phenylpropanolamine are subject to inspection by the State Board of Pharmacy and law enforcement agencies. A person required to make or maintain records of transactions involving products containing ephedrine, pseudoephedrine or phenylpropanolamine shall forward the records to the Department of State Police if directed to do so by the department. Failure to forward records as required by this paragraph is a Class A misdemeanor.

(2) This section does not apply to products that the State Board of Pharmacy, upon application of a manufacturer, exempts by rule because the product is formulated to effectively prevent conversion of the active ingredient into methamphetamine or its salts or precursors. Upon notification from the Department of State Police that the department has probable cause to believe that a product exempted under this subsection does not effectively prevent conversion of the active ingredient into methamphetamine or its salts or precursors, the State Board of Pharmacy may issue an emergency rule revoking the exemption for the product pending a full hearing.

Oregon Administrative Rules Compilation

Chapter 855. Board of Pharmacy

Division 80. Schedule of Controlled Substances

855-080-0023 Schedule III

Schedule III consists of the drugs and other substances by whatever official, common, usual, chemical, or brand name designated, listed in 21 CFR part 1308.13; and

...

(2) Products containing ephedrine or the salts of ephedrine as an active ingredient.

...

South Dakota

South Dakota Codified Laws

Title 34. Public Health and Safety

Chapter 34-20B. Drugs and Substances Control

34-20B-19. Stimulants specifically included in Schedule III

Any material, compound, mixture, or preparation is included in Schedule III which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system:

...

(4) Ephedrine.

South Dakota Codified Laws

Title 34. Public Health and Safety

Chapter 34-20B. Drugs and Substances Control

34-20B-19.1. Ephedrine defined

For the purposes of § 34-20B-19, the term, ephedrine includes ephedra, herbs and herbal products that contain ephedrine alkaloids, including ma huang, Chinese ephedra, ephedra sinica, ephedra herb powder, ephedronin, or any extract of those substances, but the term does not include any drug that contains ephedrine and is lawfully sold, transferred, or furnished over the counter with or without a prescription pursuant to § 34-20B-21.

South Dakota Codified Laws

Title 34. Public Health and Safety

Chapter 34-20B. Drugs and Substances Control

34-20B-21. Exception from Schedule III of stimulants and depressants used in medicinal preparations

The department may by rules promulgated pursuant to chapter 1-26 except any compound, mixture, or preparation containing any stimulant, depressant substance, or anabolic steroid listed in §§ 34-20B-19, 34-20B-20, and 34-20B-22 if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a stimulant, depressant, or anabolic steroid effect. Such admixtures shall be included therein in such combinations, quantity, proportion, or concentration as to vitiate the potential for abuse of the substances which do have a stimulant, depressant, or anabolic steroid effect.

Administrative Rules of South Dakota

Department of Health (Articles 44:06 to 44:68)

Article 44:58 Drug Control

Chapter 44:58:13 Exempted Schedule III Substances

44:58:13:01. Exempted Schedule III substances.

The following combinations of medicinal ingredients and Schedule III substances are exempt from control under the act or this article:

...

(7) Products that contain ephedrine in quantities at or less than:

- (a) 25 milligrams in combination with 400 milligrams of quiaifenesin, packaged in blister packs of not more than two tablets per blister; and
- (b) Five percent by weight in an anorectal preparation in combination with other active medicinal ingredients.

Washington

Washington Administrative Code

Title 246. Health, Department of

Chapter 246-887. Pharmacy-Regulations Implementing The Uniform Controlled Substances Act

246-887-150. Schedule II immediate precursors.

(1) The board finds and designates the following substances as being the principal compound used or produced primarily for use and which are an immediate chemical intermediary used or likely to be used, in the manufacture of a Schedule II controlled substance, the control of which is necessary to prevent, curtail or limit manufacture.

(2) Unless specifically excepted or listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances or their salts or isomers having potential for abuse associated with the preparation of controlled substances shall be a Schedule II controlled substance.

...

(b) Ephedrine.

...

Provided: That any drug or compound containing Ephedrine, or any of its salts or isomers, or Pseudoephedrine, or any of its salts or isomers that are prepared for dispensing or over-the-counter distribution and are in compliance with the Federal Food, Drug and Cosmetic Act and applicable regulations are not controlled substances for the purpose of this section: And Provided Further, That any cosmetic containing lead acetate that is distributed in compliance with the Federal Food, Drug and Cosmetic Act and applicable regulations are not controlled substances.

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 phenylpro-panolamine which shall be subject to the provisions of article ten of this chapter.

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.

...

Wisconsin

Wisconsin Statutes Annotated
 Controlled Substances (Ch. 961)
 Chapter 961. Uniform Controlled Substances Act
 Subchapter I. Definitions
961.01. Definitions

As used in this chapter:

...

(11t) "Ephedrine product" means any material, compound, mixture, or preparation that contains any quantity of ephedrine or any of its salts, isomers, and salts of isomers.

...

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

961.20. Schedule IV

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 IV:

...

(2m) Stimulants. Any material, compound, mixture, or preparation which contains any quantity of any of the following substances having a stimulant effect on the central nervous system, including any of their salts, isomers and salts of isomers that are theoretically possible within the specific chemical designation:

...

(ak) Ephedrine, if ephedrine is the only active medicinal ingredient or if there are only therapeutically insignificant quantities of another active medicinal ingredient.

...