

**2005 Enacted Methamphetamine Precursor Legislation – A Regional Comparative Perspective  
California, Hawaii & Northwest**

**This chart is intended for educational purposes and you should not act or rely on the information contained herein without first seeking the advice of an attorney within your jurisdiction.**

**The categories listed on this chart are limited so as to provide a comparative perspective of newly enacted legislation from the 2005 legislative session. Please note that there are provisions in the listed bills/acts that are not summarized in this chart. Additionally, there may be relevant information in bills that have not yet passed—that information is not included in this comparison.**

**Detailed summaries of each bill enacted during the 2005 legislative sessions will be forthcoming. In conjunction with this chart, the summaries will help to explain the nuances and differences among the state laws that implement restrictions on over-the-counter sales of pseudoephedrine products.**

**Please note that new legislation often amends an existing statute as opposed to creating an entirely new statutory subject. For that reason, components that appear in this chart may in fact be part of an existing statute, not a new bill.**

**For full view please print on legal-sized paper. This information is current as of November 8, 2005.**

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	California (AB 465)	Hawaii (SB 1100)	Montana (SB 287)	Oregon (Pharmacy Board Rules 855-050-0037 to 0043)	Washington (HB 2266)	Wyoming (HB 293)
Ephedrine/Pseudoephedrine Products Included in Schedule V <sup>1</sup>				Schedule III <sup>2</sup> (Please see footnote below)		
Schedule V Exemptions/Exceptions						
<b>Purchaser Requirements</b>						
Purchaser Must Show Proof of Identity	X		X	X	X	
Minimum Age to Purchase	18				18	
Purchaser Must Sign Written/Electronic Log or Record of Receipt			X			
<b>Required Log/Record of Receipt Information</b>					Pilot project implemented	
Name of Purchaser			X	X		
Purchaser's Date of Birth						
Address						
Date of Transaction			X			
Driver's License or Other ID Number						
Record of Purchaser's Identification	X			X		
Name and/or Quantity of Product			X	X		
Seller's Initials/Signature	X			X		
<b>Restrictions on Who May Sell E/P Products</b>						
Pharmacy/Pharmacist/Pharmacy Technician/ Pharmacy Intern or Clerk				X		
Pharmacy OR Certified/Authorized Retail Establishment	X		X		X (sellers must be licensed by or registered with the Department of Health)	Resident and nonresident retailers must register with the State
Pharmacy OR Any Retail Establishment		X				
Age Requirement to Sell						

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<b>Restrictions on Sale/Distribution of E/P Products – Display Restrictions<sup>3</sup></b>						
Behind a Counter/In an Area Inaccessible to Public		X	X		X (product must be in a central location not accessible to customers)	X
In a Locked Case		X	X	X (case must be in full view of the pharmacy)		X
In a Prescription Area				X		
Product is in an Area in Direct Line of Sight of an Employee		X				X
Within a Certain Number of Feet of a Staffed Counter						30 feet
In an Area Subject to Constant Video Surveillance		X (signage required warning that area is under surveillance)				X (signage required warning that area is under surveillance)
Use of an Anti-theft Mechanism						
Use of an Alarm System						X <sup>6</sup>
Use of Restrictive Shelving						
Only One (1) Package of a Brand on Display in a Public Area						
<b>Restrictions on Sale/Distribution of E/P Products – Packaging Restrictions</b>						
Blister Packs, Each With a Maximum of 2 Dosage Units (Unit Dose Packages if Blister Packs Are Infeasible)						X
Maximum Amount of E/P Allowed in One Package						3 grams
<b>Restrictions on Sale/Distribution and/or Purchase/Acquisition of E/P Products – Quantity Restrictions</b>						Persons cannot possess more than 15 grams of E/P
30-Day Quantity Limitation			9 grams of product with any detectable quantity of ephedrine or pseudoephedrine	9 total grams of pseudoephedrine		
7-Day Quantity Limitation						

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Restrictions on Sale/Distribution and/or Purchase/Acquisition of E/P Products – Quantity Restrictions (Cont'd)						Persons cannot possess more than 15 grams of E/P <sup>7</sup>
24-Hour Quantity Limitation					2 packages of one or more products containing E/P or a single package containing more than 3 grams of E/P	
Single Transaction Quantity Limitation	3 packages or 9 grams of E/P products	3 packages or 9 grams of products with any detectable quantity of pseudoephedrine (sole-active and multi-active)			2 packages of one or more products containing E/P or a single package containing more than 3 grams of E/P	Packages containing no more than 3 grams of methamphetamine precursors; no more than 2 packages
Exemptions/Exceptions to Restrictions on Sale/Distribution and/or Possession/Acquisition	In addition to exemptions below, CA includes those products that are exempt under Federal DEA laws/regs					
Valid Prescription	X	X	X	X	X	X <sup>7</sup>
Authorized Course of Business <sup>4</sup>	X		X	X		X
Small or Low Dosage Products Generally						
Liquid Products Generally <sup>5</sup>				X		
Liquid Products in which E/P is Not the Sole Active Ingredient		X	X		X	X
Liquid Products in Small or Low Dosage Amounts						
Liquid Products With a Single Transaction Quantity Limitation						
Liquid Products if a State Agency Retains Authority to Regulate Products Found to be Used in Illegal Manufacturing						
Pediatric Products Intended for Administration to Children Under 12						

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Exemptions/Exceptions to Restrictions on Sale/Distribution and/or Possession/Acquisition (Cont'd)						
Pediatric Products Intended for Administration to Children Under 12 if There is a Limit on the Amount of E/P in One Dose	15 milligrams per 5 milliliters of liquid product					
Products that the State Finds Are Not Used in Illegal Manufacture		This includes extended release products			X (multi-active E/P products)	
Products Formulated to Prevent Conversion Into Methamphetamine		Manufacturers can apply for removal of their product from the law's provisions	Manufacturers must apply for this exemption	Law provides a list of 5 criteria that persons must meet to have an exemption granted for a particular product	X (must apply for exemption)	
Products that Present no Significant Risk of Use in the Manufacture of Methamphetamine				X		
Establishes a METH Watch Program			X			
Suspicious Transactions Must be Reported	X (Only wholesalers must report)					
Retailer/Employee Immunity						
For Reporting to Law Enforcement			X			
For Injuries Resulting From Sales of Regulated Products						
For Compliance With the Law					X	
Retailer/Owner/Operator Immunity						
For Employee Training						
If Employee Signs Acknowledgement of Restrictions						
Retailer/Wholesaler/Manufacturer Registration	Permit required		Retailer certification required		X	X
Posting of State Law Required in Retail Locations						
State Law Preempts Local Laws/Ordinances	X					

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MISC. Provisions of Note	This measure subjects transactions involving more than 3 packages or 9 grams of E/P to state controlled substance reporting requirements	Persons must obtain a pseudoephedrine permit to transport more than 3 packages of a restricted product			Shopkeepers may not sell any quantities of E/P if the total monthly sales of these products exceeds 10% of the shopkeeper's total prior monthly sales of nonprescription sales; the percentage rises to 20% during the months of November through February	
Effective Date(s)	January 1, 2006	July 1, 2005	July 1, 2005	1) May 14, 2005 2) HB 2485 goes into effect on the bill's passage, August 16, 2005 <sup>5</sup>	1) Quantity limitations (January 1, 2006) 2) Display restrictions, ID restrictions (October 1, 2006) 3) Log pilot project (Immediately)	July 1, 2005

1. Ephedrine/Pseudoephedrine a.k.a. E/P
2. Newly passed HB 2485 includes ephedrine and pseudoephedrine in the list of Schedule III controlled substances, effectively requiring a prescription to buy products that contain ephedrine/pseudoephedrine.
3. In many cases the law only requires one display restriction but lists several options, as noted in this chart
4. Pharmacists, licensed health care professional, wholesale and retail distributors, manufacturers and others to possess in the course of their profession
5. Liquid products include liquids, liquid capsules and liquid gel capsules unless otherwise indicated
6. An alarm system must be used in conjunction with placement of the product no more than 30 feet from a counter, in the direct line of site of an employee
7. Possession of more than 15 grams in a person's home or residence is exempted if the circumstances surrounding the possession are consistent with typical medicinal or household use