

**2005 Enacted Methamphetamine Precursor Legislation – A Regional Comparative Perspective
Lower Midwest**

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 September November 8, 2005.

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	Arkansas (SB 109)	Iowa (SF 169)	Kansas (SB 27)	Kentucky (SB 63)	Missouri (HB 441)	Nebraska (LB 117)
Ephedrine/Pseudoephedrine Products Included in Schedule V ¹	X	X	X		X	
Schedule V Exemptions/Exceptions	-Liquids/gelcaps -Prescription products -Products formulated to prevent conversion	Products that are in liquid/gelcap form containing 360 milligrams (.36 grams) or less of E/P	Liquids, liquid capsules and gelcaps		Liquids or liquid-filled gel-capsules; products not used illegal manufacture	
Purchaser Requirements						
Purchaser Must Show Proof of Identity	X	X ⁷	X	X	X ⁹	X
Minimum Age to Purchase	18			18	18	18
Purchaser Must Sign Written/Electronic Log or Record of Receipt	X	X ⁷	X	X		
Required Log/Record Information						
Name of Purchaser	X	X ⁷		X	X	
Purchaser's Date of Birth				X		
Address		X ⁷		X	X	
Date of Transaction	X			X	X	
Driver's License or Other ID Number						
Record of Purchaser's Identification						
Name and/or Quantity of Product	X			X	X	
Seller's Initials/Signature				X	X	
Restrictions on Who May Sell E/P Products						
Pharmacy/Pharmacist/Pharmacy Technician/ Pharmacy Intern or Clerk	X	X ⁵	X	X	X	
Pharmacy OR Certified/Authorized Retail Establishment						
Pharmacy OR Any Retail Establishment						X
Age Requirement to Sell						18
Restrictions on Sale/Distribution of E/P Products – Display Restrictions ²						
Behind a Counter/In an Area Inaccessible to Public		X ⁷				X
In a Locked Case		X ⁷				X
In a Prescription Area					Behind the pharmacy counter	

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Restrictions on Sale/Distribution of E/P Products – Display Restrictions² (Cont'd)						
Product is an Area in Direct Line of Sight of an Employee						
Within a Certain Number of Feet of a Staffed Counter						
In an Area Subject to Constant Video Surveillance						
Use of an Anti-theft Mechanism						
Use of an Alarm System						
Use of Restrictive Shelving						
Only One (1) Package of a Brand on Display in a Public Area						
Restrictions on Sale/Distribution of E/P Products – Packaging Restrictions		Sales of multi-packs are prohibited ⁷				
Blister Packs, Each With a Maximum of 2 Dosage Units (Unit Dose Packages if Blister Packs Are Infeasible)	X					X
Maximum Amount of E/P Allowed in One Package	3 grams					1,440 milligrams (1.44 grams)
Restrictions on Sale/Distribution and/or Purchase/Acquisition of E/P Products – Quantity Restrictions						
30-Day Quantity Limitation	5 grams of ephedrine or 9 grams of pseudoephedrine	7,500 milligrams (7.5 grams)		9 grams of E/P	9 grams	
7-Day Quantity Limitation			3 packages			
24-Hour Quantity Limitation		1 package of a liquid pseudoephedrine product				1,440 milligrams (1.44 grams)

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Restrictions on Sale/Distribution and/or Purchase/Acquisition of E/P Products – Quantity Restrictions (Cont'd)						
Single Transaction Quantity Limitation	3 packages of 1 or more products containing E/P OR any single package that contains no more than 96 units or no more than 3 grams			3 packages		
Exemptions/Exceptions to Restrictions on Sale/Distribution and/or Possession/Acquisition						
Valid Prescription	X	X	X	X	X	X
Authorized Course of Business ³	X			X		X
Small or Low Dosage Products Generally						
Liquid Products Generally ⁴				X		
Liquid Products in which E/P is Not the Sole Active Ingredient						
Liquid Products in Small or Low Dosage Amounts						
Liquid Products With a Single Transaction Quantity Limitation	X (no more than 3 packages, each package containing no more than 96 capsules OR no more than 3 grams E/P) ⁶				X (9 grams)	
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						
Pediatric Products Intended for Administration to Children Under 12 if There is a Limit on the Amount of E/P in One Dose						X (applies to liquid products containing 15 milligrams or less) ⁸
Products that the State Finds Are Not Used in Illegal Manufacture						

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Products Formulated to Prevent Conversion Into Methamphetamine	X				X	
Products that Present no Significant Risk of Use in the Manufacture of Methamphetamine				X		
Establishes a METH Watch Program						
Suspicious Transactions Must be Reported	X					
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					X	
Posting of State Law Required in Retail Locations		X				
State Law Preempts Local Laws/Ordinances		X	X	X	X	
MISC. Provisions of Note	A prosecutor may waive civil penalties incurred by retailers if the retailer establishes that he/she acted in good faith; in determining waiver, prosecutors may take employee training into account					
Effective Date(s)	30 days after passage and approval of the bill on 2/22/05	July 1, 2005; Schedule V provision effective 3/22/05	After publication in the Kansas Register	90 days after Assembly adjournment on March 22, 2005	June 15, 2005	May 31, 2005

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1. Ephedrine/Pseudoephedrine a.k.a. E/P
2. In many cases the law only requires one display restriction but lists several options, as noted in this chart
3. Pharmacists, licensed health care professional, wholesale and retail distributors, manufacturers and others to possess in the course of their profession
4. Liquid products include liquid capsules and liquid gel capsules unless otherwise indicated
5. This restriction does not apply to products that are in liquid/gelcap form containing 360 milligrams (.36 grams) or less of pseudoephedrine
6. The Department of Health can schedule liquid products if it determines that it is feasible to use those products to manufacture methamphetamine
7. This restriction applies to liquid products containing 360 mg or less of pseudoephedrine
8. These products are exempt from Nebraska's display restrictions, but the Chief Medical office can remove the exemption upon sufficient evidence that the products are being found at methamphetamine laboratories
9. Identity must be proven if the purchaser is not known to the pharmacist or technician