

**2005 Enacted Methamphetamine Precursor Legislation – A Regional Comparative Perspective
New England & Mid-Atlantic**

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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	Delaware (SB 110)	Maine (LD 1601) ⁵	New Jersey (SB 2320)	N.Carolina (HB 248)	Virginia (Emergency Order) ⁸	West Virginia (SB 147)
Ephedrine/Pseudoephedrine Products Included in Schedule V ¹						X (any single-active E/P product)
Schedule V Exemptions/Exceptions						Pediatric products intended primarily for children under 12
Purchaser Requirements						
Purchaser Must Show Proof of Identity	X	X ⁶		X	X	X
Minimum Age to Purchase	18			18		18
Purchaser Must Sign Written/Electronic Log or Record of Receipt	X			X	X	X
Required Log/Record Information						
Name of Purchaser	X	X ⁶		X	X	X
Purchaser's Date of Birth		X ⁶				
Address		X ⁶		X	X	X
Date of Transaction	X			X		X
Driver's License or Other ID Number						X
Record of Purchaser's Identification						
Name and/or Quantity of Product	X	X ⁶		X	X	X
Seller's Initials/Signature						
Restrictions on Who May Sell E/P Products						
Pharmacy/Pharmacist/Pharmacy Technician/Pharmacy Intern or Clerk		X ⁷				X
Pharmacy OR Certified/Authorized Retail Establishment						
Pharmacy OR Any Retail Establishment	X		X	X	X	
Age Requirement to Sell						
Restrictions on Sale/Distribution of E/P Products – Display Restrictions²						
Behind a Counter/In an Area Inaccessible to Public	X	X ⁷			X	
In a Locked Case	X	X ⁷			X	Products must be in a locked access location

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Restrictions on Sale/Distribution of E/P Products – Display Restrictions ² (Cont'd)						
In a Prescription Area				Behind pharmacy counter		Products must be kept behind pharmacy counter
Product is an Area in Direct Line of Sight of an Employee					Multi-active products	
Within a Certain Number of Feet of a Staffed Counter					30 feet for multi-active products	
In an Area Subject to Constant Video Surveillance					Multi-active products	
Use of an Anti-theft Mechanism					Multi-active products	
Use of an Alarm System						
Use of Restrictive Shelving					Multi-active products	
Only One (1) Package of a Brand on Display in a Public Area						
Restrictions on Sale/Distribution/Transfer of E/P Products – Packaging Restrictions						
Blister Packs, Each With a Maximum of 2 Dosage Units (Unit Dose Packages if Blister Packs Are Infeasible)		X		Tablets with 30 mg or more of sole-active pseudo. must be in blister packs		
Maximum Amount of E/P Allowed in One Package		3 grams				
Restrictions on Sale/Distribution and/or Purchase/Acquisition of E/P Products – Quantity Restrictions						
30-Day Quantity Limitation	9 grams of ephedrine or pseudoephedrine			3 packages or 9 grams of pseudo. products		3 packages of single-active product or 9 grams total product
7-Day Quantity Limitation						
24-Hour Quantity Limitation						
Single Transaction Quantity Limitation		3 packages	3 packages or 9 grams	2 packages or 6 grams of pseudo. products	3 packages or 9 grams	

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Exemptions/Exceptions to Restriction on Sale/Distribution and/or Possession/Acquisition						
Valid Prescription		X	X	X	X	X
Authorized Course of Business ³		X				X
Small or Low Dosage Products Generally						
Liquid Products Generally ⁴				X ¹⁰	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						
Liquid Products if a State Agency Retains Authority to Regulate Products Found to be Used in Illegal Manufacturing		X ⁹				
Pediatric Products Intended for Administration to Children Under 12				X ¹⁰		X
Pediatric Products Intended for Administration to Children Under 12 if There is a Limit on the Amount of E/P in One Dose					X (limit is 15 mg per dose)	
Products that the State Finds Are Not Used in Illegal Manufacture					X	
Products Formulated to Prevent Conversion Into Methamphetamine						X
Products that Present no Significant Risk of Use in the Manufacture of Methamphetamine						
Establishes a METH Watch Program		X		Employee training is mandatory		
Suspicious Transactions Must be Reported						
Retailer/Employee Immunity						
For Reporting to Law Enforcement		X		X		
For Injuries Resulting From Sales of Regulated Products						
For Compliance With the Law		X		X		

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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		
MISC. Provisions of Note				Purchasers of pseudo. products must sign an acknowledgement form that states NC's law regarding OTC sales;		
Effective Date(s)	June 14, 2005	October 1, 2005	90 days after the enactment date of June 9, 2005	January 15, 2006	October 1, 2005	90 days after the passage date of April 9, 2005

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. The provisions of the Maine law apply to “targeted methamphetamine precursors,” which are defined as products containing any amount of ephedrine, pseudoephedrine or phenylpropanolamine in dry or solid non-liquid form; the definition can also include liquid products if such products are designated as targeted precursors by the Department of Public Safety
6. Record-keeping provisions and the requirement that pharmacists demand proof of identity are currently voluntary in Maine
7. Restriction does not apply to single-dose packages containing no more than 60 milligrams of a methamphetamine precursor, if such packages are kept within 30 feet and in direct line of sight of a cash register or staffed store counter
8. Virginia’s restrictions are included in an Emergency Order of the Department of Health, promulgated as a result of the Governor’s Executive Directive # 8
9. The Department of Public Safety can designate liquid products as targeted methamphetamine precursors or methamphetamine precursors if it finds the ease of availability of these products is threat to public health and safety
10. The Commission on Mental Health, Developmental Disabilities and Substance Abuse Services may add or remove a specific pseudoephedrine product from the requirements of this law