

**2005/2006 Enacted Methamphetamine Precursor Legislation – A Regional Comparative Perspective
South & Southwest**

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 2005/2006 legislative session. Also included are provisions from Oklahoma's 2004 law, which many states use as a reference in drafting their bills. 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 2005/2006 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 August 26, 2005.

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	Arizona (SB 1473)	Colorado (HB 1110)	Oklahoma (HB 1507) ⁵ OKLA. STAT. ANN. tit. 63, § 2-212	Texas (HB 164 & SB 66) ⁷
Ephedrine/Pseudoephedrine Products Included in Schedule V ¹			Any detectable quantity of pseudoephedrine	
Schedule V Exemptions/Exceptions			Liquid Products in which E/P is Not the Sole Active Ingredient	
Restrictions on Possession/Acquisition of Ephedrine/Pseudoephedrine Products				
30-Day Quantity Limitation			9 grams	
7-Day Quantity Limitation				
24-Hour Quantity Limitation				
Single Transaction Quantity Limitation	3 packages not to exceed 9 grams of E/P			
Purchaser Must Show Proof of Identity			X	X
Minimum Age to Purchase				16
Purchaser Must Sign Written/Electronic Log or Record of Receipt			X	X
Required Log/Record Information				
Name of Purchaser			X	X
Purchaser's Date of Birth				
Address				
Date of Transaction			X	X
Driver's License or Other ID Number			X	
Record of Purchaser's Identification				
Quantity of Product			X	X
Seller's Initials/Signature			X	
Exemptions/Exceptions to Restrictions on Possession/Acquisition				
Valid Prescription	X		X	
Authorized Course of Business ²				
Small or Low Dosage Products Generally				
Liquid Products Generally ³				
Liquid Products in which E/P is Not the Sole Active Ingredient				

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	Arizona	Colorado	Oklahoma	Texas
Exemptions/Exceptions to Restrictions on Possession/Acquisition (Cont'd)				
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				
Pediatric Products Intended for Administration to Children Under 12 if There is a Limit on the Amount of E/P in One Dose				
Products that the State Finds Are Not Used in Illegal Manufacture				
Products Formulated to Prevent Conversion Into Methamphetamine				
Products that Present no Significant Risk of Use in the Manufacture of Methamphetamine				
Restrictions on Who May Sell E/P Products				
Pharmacy/Pharmacist/Pharmacy Technician/ Pharmacy Intern or Clerk			Licensed pharmacist or registered pharmacy technician only	
Pharmacy OR Certified/Authorized Retail Establishment				X
Pharmacy OR Any Retail Establishment	X	X		
Age Requirement to Sell				
Restrictions on Sale/Distribution/Transfer of E/P Products – Display Restrictions⁴				
Behind a Counter/In an Area Inaccessible to Public	Sole active products			In licensed establishment – behind sales counter
In a Locked Case	Sole active products			X
In a Prescription Area				Pharmacy – pharmacy counter
Product is an Area in Direct Line of Sight of an Employee				

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Restrictions on Sale/Distribution/Transfer of E/P Products – Display Restrictions⁴ (Cont'd)				
Within a Certain Number of Feet of a Staffed Counter				30 feet
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/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		
Maximum Amount of E/P Allowed in One Package				
Restrictions on Sale/Distribution/Transfer of E/P Products – Quantity Restrictions				
30-Day Quantity Limitation				
7-Day Quantity Limitation				
24-Hour Quantity Limitation				
Single Transaction Quantity Limitation	3 packages not to exceed 9 grams of E/P	3 packages of E/P or combination thereof		2 packages or 6 grams E/P
Exemptions/Exceptions to Restrictions on Sale/Distribution/Transfer of E/P Products				
Valid Prescription	X			X
Authorized Course of Business ²				
Small or Low Dosage Products Generally				
Liquid Products Generally ³	X			X
Liquid Products in which E/P is Not the Sole Active Ingredient				
Liquid Products in Small or Low Dosage Amounts				

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Exemptions/Exceptions to Restrictions on Sale/Distribution/Transfer of E/P Products (Cont'd)				
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		X		
Pediatric Products Intended for Administration to Children Under 12 if There is a Limit on the Amount of E/P in One Dose				
Products that the State Finds Are Not Used in Illegal Manufacture				
Products Formulated to Prevent Conversion Into Methamphetamine				
Products that Present no Significant Risk of Use in the Manufacture of Methamphetamine				
Establishes a METH Watch Program				X
Suspicious Transactions Must be Reported				
Retailer/Employee Immunity				
For Reporting to Law Enforcement				
For Injuries Resulting From Sales of Regulated Products				
For Compliance With the Law				
Retailer/Owner/Operator Immunity				
For Employee Training				
If Employee Signs Acknowledgement of Restrictions				
Retailer/Wholesaler/Manufacturer Registration				
Posting of State Law Required in Retail Locations				
State Law Preempts Local Laws/Ordinances	X			X
MISC. Provisions of Note				
Effective Date(s)	October 31, 2005	July 1, 2005	November 1, 2005 ⁶	HB 164 - August 1, 2005 ⁸

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1. Ephedrine/Pseudoephedrine a.k.a. E/P
2. Pharmacists, licensed health care professional, wholesale and retail distributors, manufacturers and others to possess in the course of their profession
3. Liquid products include liquid capsules and liquid gel capsules unless otherwise indicated
4. In many cases the law only requires one display restriction but lists several options, as noted in this chart
5. This citation references the codification of the 2004 Oklahoma bill; HB 1507, from the current legislative session, amended the ID requirements
6. This is the effective date for HB 1507; the majority of Oklahoma's restrictions went into effect after the passage of the 2004 legislation
7. HB 164 covers the restrictions on ephedrine and pseudoephedrine; SB 66 establishes the METH Watch program
8. SB 66, establishing the METH Watch program , takes effect immediately on passage May 25, 2005