

**2005 Enacted Methamphetamine Precursor Legislation – A Regional Comparative Perspective
South**

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.

**2005 Enacted Methamphetamine Precursor Legislation – A Regional Comparative Perspective
South**

	Alabama (HB 152)	Florida (HB 1347)	Georgia (HB 216)	Mississippi (HB 607)	Louisiana (SB 24)	Tennessee (HB 2334)
Ephedrine/Pseudoephedrine Products Included in Schedule V ¹						
Schedule V Exemptions/Exceptions						
Purchaser Requirements						
Purchaser Must Show Proof of Identity	X ⁶			X	X ¹¹	X
Minimum Age to Purchase	18 ⁶					
Purchaser Must Sign Written/Electronic Log or Record of Receipt	X ⁶				X ¹¹	X (written log only)
Required Log/Record Information						
Name of Purchaser					X ¹¹	X
Purchaser's Date of Birth						
Address						
Date of Transaction					X ¹¹	X
Driver's License or Other ID Number						X
Record of Purchaser's Identification						X
Name and/or Quantity of Product					X ¹¹	X
Seller's Initials/Signature						X ¹²
Restrictions on Who May Sell E/P Products						
Pharmacy/Pharmacist/Pharmacy Technician/ Pharmacy Intern or Clerk						X ⁸
Pharmacy OR Certified/Authorized Retail Establishment	X					
Pharmacy OR Any Retail Establishment		X	X	X	X	
Age Requirement to Sell						
Restrictions on Sale/Distribution of E/P Products – Display Restrictions ²						
Behind a Counter/In an Area Inaccessible to Public	X	X (sole-active)	X (sole-active pseudoephedrine)	X		
In a Locked Case	X			X		X (case must be within 25 feet of counter)
In a Prescription Area						X
Product is an Area in Direct Line of Sight of an Employee						

**2005 Enacted Methamphetamine Precursor Legislation – A Regional Comparative Perspective
South**

	Alabama	Florida	Georgia	Mississippi	Louisiana	Tennessee
Restrictions on Sale/Distribution of E/P Products – Display Restrictions² (Cont'd)						
Within a Certain Number of Feet of a Staffed Counter				30 feet ⁷	30 feet	25 feet
In an Area Subject to Constant Video Surveillance	X ⁵			X ⁷	X (applies only if no photo ID is required and no log is maintained)	
Use of an Anti-theft Mechanism						
Use of an Alarm System						
Use of Restrictive Shelving						
Only Limited Packages of a Brand on Display in a Public Area					3 packages or 9 grams of each stocked product (display must be within 30 feet of staffed counter)	
Restrictions on Sale/Distribution 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 (applies to 30 mg or more of sole-active E/P product)		X (sole-active pseudo. products must be in blister packs; dosage unit language does not apply in GA)			
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	Illegal to purchase more than 6 grams in 30 days with intent to manufacture methamphetamine					
30-Day Quantity Limitation	6 grams			9 grams of any E/P compound	9 grams or 3 packages	3 packages or products containing more than 9 grams of E/P
7-Day Quantity Limitation						
24-Hour Quantity Limitation						
Single Transaction Quantity Limitation	2 packages, no more than 6 grams	3 packages or 9 grams (sole-active)	3 packages or 9 grams total pseudoephedrine base	2 packages of any E/P compound or 6 grams of E/P	3 packages or 9 grams	

**2005 Enacted Methamphetamine Precursor Legislation – A Regional Comparative Perspective
South**

	Alabama	Florida	Georgia	Mississippi	Louisiana	Tennessee
Exemptions/Exceptions to Restrictions on Sale/Distribution and/or Possession/Acquisition						
Valid Prescription	X			X	X	X
Authorized Course of Business ³			X ¹⁰			X ¹³
Small or Low Dosage Products Generally						
Liquid Products Generally ⁴						X
Liquid Products in which E/P is Not the Sole Active Ingredient	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	X		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 (15 mg of E/P)	
Products that the State Finds Are Not Used in Illegal Manufacture					X	
Products Formulated to Prevent Conversion Into Methamphetamine	X (must apply for exemption)		X (must apply for exemption)		X (must apply for exemption)	X
Products that Present no Significant Risk of Use in the Manufacture of Methamphetamine						
Establishes a METH Watch Program						
Suspicious Transactions Must be Reported	X ⁶		X ⁹			
Retailer/Employee Immunity						
For Reporting to Law Enforcement			X			
For Injuries Resulting From Sales of Regulated Products						
For Compliance With the Law	X					

**2005 Enacted Methamphetamine Precursor Legislation – A Regional Comparative Perspective
South**

	Alabama	Florida	Georgia	Mississippi	Louisiana	Tennessee
Retailer/Owner/Operator Immunity						
For Employee Training	X		X	X		
If Employee Signs Acknowledgement of Restrictions					X	
Retailer/Wholesaler/Manufacturer Registration	X (Beginning Oct. 2005, applies only to those not already licensed by the Bd. Of Pharmacy)		X (applies only to wholesalers that are not already licensed)			
Posting of State Law Required in Retail Locations						
State Law Preempts Local Laws/Ordinances	X	X	X (Effective 1/1/06)		Local governments may legislate or regulate in this area as long as those laws and regulations are neither more or less restrictive than state laws or regulations	X
MISC. Provisions of Note	After Oct. 2009 no E/P products may be sold unless they are manufactured so as to prevent E/P extraction	Basic employee training required for all employees engaging in the sale of regulated products				
Effective Date(s)	July 1, 2005	July 1, 2005	July 1, 2005	July 1, 2005	August 15, 2005	April 5, 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. This is only an option for products that contain other active ingredients in addition to ephedrine or pseudoephedrine
6. This restriction applies ONLY to products that contain ephedrine or pseudoephedrine as the sole active ingredient
7. This is only an option for products that contain other active ingredients in addition to ephedrine or pseudoephedrine

**2005 Enacted Methamphetamine Precursor Legislation – A Regional Comparative Perspective
South**

8. This restriction does not apply to exempted products, such as gel capsules; the Board of Pharmacy can add to its exempted products list
9. Wholesalers must report pseudoephedrine purchases they judge to be excessive
10. The presumption that possession of 24 grams or more of pseudoephedrine constitutes intent to manufacture does NOT apply to authorized businesspersons
11. This restriction is only applicable if a pharmacy or retailer chooses not to place pseudoephedrine products under constant video surveillance
12. Seller's name or identification code can be used in lieu of initials
13. Possession of 20 grams or more of immediate methamphetamine precursors is prima facie evidence of the intent to promote the manufacturing of methamphetamine; this does not apply to authorized businesspersons