

**2005/2006 Enacted Methamphetamine Precursor Legislation – A Regional Comparative Perspective  
Upper 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 2005/2006 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 2005/2006 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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	Indiana (SB 444)	Michigan (SB 189 & HB 4322) <sup>10</sup>	Minnesota (HF 1)	North Dakota (HB 1346)	South Dakota (SB 221)	Wisconsin (SB 78)
Ephedrine/Pseudoephedrine Products Included in Schedule V <sup>1</sup>			X (sole-active & multi-active)			X (any pseudoephedrine product)
Schedule V Exemptions/Exceptions						Liquid pseudoephedrine products, products that cannot be used in methamphetamine manufacture
Restrictions on Possession/Acquisition of Ephedrine/Pseudoephedrine Products						
30-Day Quantity Limitation			6 grams of E/P			7.5 grams
7-Day Quantity Limitation	3 grams of ephedrine, pseudoephedrine or both <sup>5</sup>					
24-Hour Quantity Limitation						
Single Transaction Quantity Limitation					2 packages containing E/P as an active ingredient	
Purchaser Must Show Proof of Identity	X <sup>5</sup>	X	X			X
Minimum Age to Purchase	18 <sup>5</sup>	18	18	18		18
Purchaser Must Sign Written/Electronic Log or Record of Receipt	X <sup>5</sup>		X			X
Required Log/Record Information						
Name of Purchaser	X	X <sup>8</sup>	X			X
Purchaser's Date of Birth		X <sup>8</sup>				
Address	X					X
Date of Transaction		X <sup>8</sup>	X			
Driver's License or Other ID Number	X					
Record of Purchaser's Identification				X		
Quantity of Product		X <sup>8</sup>	X			X
Seller's Initials/Signature	X					X
Exemptions/Exceptions to Restrictions on Possession/Acquisition						
Valid Prescription			X	X		

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<b>Exemptions/Exceptions to Restrictions on Possession/Acquisition (Cont'd)</b>						
Authorized Course of Business <sup>2</sup>						
Small or Low Dosage Products Generally						
Liquid Products Generally <sup>3</sup>						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						
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				X		X
Products that Present no Significant Risk of Use in the Manufacture of Methamphetamine						
<b>Restrictions on Who May Sell E/P Products</b>						
Pharmacy/Pharmacist/Pharmacy Technician/ Pharmacy Intern or Clerk			X			X
Pharmacy OR Certified/Authorized Retail Establishment						
Pharmacy OR Any Retail Establishment	X	X		X	X	
Age Requirement to Sell						
<b>Restrictions on Sale/Distribution/Transfer of E/P Products – Display Restrictions <sup>4</sup></b>						
Behind a Counter/In an Area Inaccessible to Public	X <sup>5</sup>	X	X	X	X (sole-active products)	

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<b>Restrictions on Sale/Distribution/Transfer of E/P Products – Display Restrictions<sup>4</sup> (Cont'd)</b>						
In a Locked Case	X <sup>5</sup>	X			X (sole-active products)	
In a Prescription Area						
Product is in Direct Line of Sight of an Employee	X <sup>7</sup>					
Within a Certain Number of Feet of a Staffed Counter	30 feet <sup>6</sup>	20 feet			20 feet (multi-active products, liquid products, pediatric products)	
In an Area Subject to Constant Video Surveillance	X <sup>7</sup> (signage required warning that area is under 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	X <sup>6</sup>	X			X (sole-active products, multi-active products, liquid products, pediatric products)	
Use of an Alarm System		X				
Use of Restrictive Shelving	X <sup>6</sup>					
Only One (1) Package of a Brand on Display in a Public Area				X		
<b>Restrictions on Sale/Distribution/Transfer 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	X		
Maximum Amount of E/P Allowed in One Package	E/P sold in convenience packages is limited to 120 milligrams		No more than 3 grams total of E/P	No more than 2 grams of E/P		
<b>Restrictions on Sale/Distribution/Transfer of E/P Products – Quantity Restrictions</b>						
30-Day Quantity Limitation						
7-Day Quantity Limitation						

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Restrictions on Sale/Distribution/Transfer of E/P Products – Quantity Restrictions (Cont'd)						
24-Hour Quantity Limitation						
Single Transaction Quantity Limitation	3 grams of ephedrine, pseudoephedrine or both <sup>5</sup>	-2 packages or 48 tablets/capsules -2 convenience packages <sup>9</sup>	2 packages containing E/P or any number of packages exceeding 6 grams total weight	2 packages of E/P	2 packages containing E/P as an active ingredient	
Exemptions/Exceptions to Restrictions on Sale/Distribution/Transfer of E/P Products						
Valid Prescription	X	X	X	X		
Authorized Course of Business <sup>2</sup>	X					
Small or Low Dosage Products Generally						
Liquid Products Generally <sup>3</sup>			X		X	X
Liquid Products in which E/P is Not the Sole Active Ingredient		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	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						
Products that the State Finds Are Not Used in Illegal Manufacture						
Products Formulated to Prevent Conversion Into Methamphetamine		X	X	X		X
Products that Present no Significant Risk of Use in the Manufacture of Methamphetamine						
Establishes a METH Watch Program	X					

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Suspicious Transactions Must be Reported	X		X			
Retailer/Employee Immunity						
For Reporting to Law Enforcement						
For Injuries Resulting From Sales of Regulated Products					X	
For Compliance With the Law	X					
Retailer/Owner/Operator Immunity						
For Employee Training		Defendant must have a written policy for employees, at the time of citation, to prevent illegal sales	X	X		X
If Employee Signs Acknowledgement of Restrictions						
Retailer/Wholesaler/Manufacturer Registration						
Posting of State Law Required in Retail Locations		X			X	
State Law Preempts Local Laws/Ordinances	After 2/1/05 no ordinances more stringent than the state law may be adopted	X	X	X	X	
MISC. Provisions of Note						
Effective Date(s)	July 1, 2005	December 15, 2005	July 1, 2005	June 1, 2005	February 25, 2005	The pseudoephedrine provisions of this bill take effect on the 1 <sup>st</sup> day of the 4 <sup>th</sup> month after publication; publication date is June 21, 2005

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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. Restriction/Regulation does NOT apply to “convenience packages,” which are defined as packages containing no more than 120 milligrams of E/P
6. Restriction/Regulation applies ONLY to “convenience packages”
7. Restriction/Regulation applies to BOTH “convenience packages” and other products containing E/P
8. Sales records are NOT required if products are stored behind a counter or in a locked case
9. A convenience package contains 2 tablets/capsules
10. The Michigan provisions summarized in this chart are found in 2 separate measures, both passed by the legislature