

Legislative Analysis



RESTRICT OTC SALES OF PRODUCTS CONTAINING EPHEDRINE OR PSEUDOEPHEDRINE

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House Bill 4322

Sponsor: Rep. Rick Jones

1st House Committee: Health Policy

2nd House Committee: Judiciary

Complete to 5-23-05

A SUMMARY OF HOUSE BILL 4322 AS INTRODUCED 2-16-05

The bill would add a new section to the Public Health Code to restrict licensed retailers who sell over-the-counter (OTC) cold and allergy medications containing ephedrine or pseudoephedrine. A retailer licensed under the General Sales Tax Act would have to do each of the following:

- If ephedrine or pseudoephedrine is the sole active ingredient in a product, maintain it behind a counter where the public is not permitted or within 20 feet of a counter that allows the attendant to view the products in an unobstructed manner.
- Require the purchaser to produce a valid photo ID that includes the person's name and date of birth and record the same in a written log along with the date of the transaction and a description of the product and the amount purchased.

The bill would not apply to 1) a product containing pseudoephedrine in a liquid, liquid capsule, or gel capsule form if pseudoephedrine was not the only active ingredient; 2) a pediatric product primarily intended for administration to children under 12 years of age according to label instructions; and 3) a product exempted by the state Board of Pharmacy because it has been formulated in such a way as to effectively prevent the conversion of the active ingredient into methamphetamine.

A violation of these provisions would be a misdemeanor punishable by imprisonment for not more than two years or a fine of not more than \$2,000, or both. The same penalty would be applied to furnishing fraudulent identification to purchase a product containing either ephedrine or pseudoephedrine.

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