

New Pseudoephedrine Sales Limits: Combat Methamphetamine Epidemic Act 2005

Products: All non-prescription pseudoephedrine (PSE), ephedrine, and phenylpropanolamine (PPA) drug products. These are now classified under the federal Controlled Substances Act (CSA) as "scheduled listed chemical products." Drug products containing ephedrine, PSE, and phenylpropanolamine are now subject to sales restrictions, storage requirements and record keeping requirements. *If your state has more stringent requirements, the stronger requirements remain in place.*

Effective April 8, 2006:

- 1. Retail Daily Sales Limit of Affected Products:** Retail sales may not exceed 3.6 grams PSE base, ephedrine base, or PPA base per day per purchaser, regardless of the number of transactions. Retailers are **not** required to consult a logbook to determine whether the sales limitation is exceeded in any particular case.
- 2. Consumer 30-Day Purchase Limit of Affected Products:** Individuals are prohibited from purchasing more than 9 g PSE base, ephedrine base, or PPA base per 30 day period. The federal statute does **not** impose liability on retailers with respect to the monthly purchase limit.
- 3. Restriction of Non-Liquid Forms of Affected Products:** All non-liquid forms (including gel caps) of affected products must be sold in blister packs with no more than 2 dosages or in unit dose packets or pouches.
- 4. Mail Order Limits of Affected Products:** Mail order companies may not sell more than 7.5 grams to a customer within a 30 day period. Prior to shipping, the seller must verify the identity of the purchaser in accordance with regulations to be issued by the Department of Justice. Mail orders that must be reported to the Attorney General are not subject to the logbook, training or certification requirements. Retail distributors who are otherwise exempt from the current AG reporting requirement must, however, report transactions related to affected products.

Exemptions: There are no ID or Logbook requirements on 60 mg or less.

Effective September 30, 2006:

- 1. Mobile vendors** (e.g., kiosks, etc) may not sell more than 7.5 grams to a customer within a 30 day period.
- 2. Behind-the-Counter Placement:** All affected products must be placed behind a counter (any counter) that is not accessible to purchasing consumers or in a locked display case that is located on the selling floor. Retailers must give the product directly to the purchaser.
- 3. Logbook Requirements:** Retailers must maintain a logbook of information on transactions involving the affected products - except for sales of products that are 60 mg or less, for which there is no log requirement.
 - Privacy protections exist for information in the logs
 - The logbook may be maintained in either written or electronic form.
 - Each entry must be maintained for two (2) years following the date of entry.
 - Logbooks must capture the following information for all affected products:
 - Purchaser's signature
 - Purchaser's name and address
 - Date and time of sale
 - Name of product sold
 - Quantity sold
 - Must have a notice to purchasers that entering false statements or misrepresentations in the logbook may subject purchasers to criminal penalties under 18 U.S.C. Section 1001 and specify the maximum fine and term of imprisonment under that section
- 4. Photo ID:** In conjunction with the logbook requirement, retailers will be required to ask for photo identification, issued by either a State or the Federal Government or other appropriate identification – except for sales of products that are 60 mg or less, for which there is no ID requirement.
- 5. Training & Certification:**

- Retailers must train and certify all individuals who deliver affected products to purchaser
- Retailers must maintain certifications and records to confirm employee training
- Retailers will be able to submit self-certifications over an internet website to be established by DEA and receive an acknowledgment of that submission
- Certifications must state that the retailer understands the legal requirements and agrees to comply with them
- Separate certifications are required for each place of business
- DEA will establish certification criteria through the regulatory process, but must provide for self-certifications
- State and local officials will have access to certifications

5. Retailers' Obligations:

- Check information entered by purchaser against photo ID and
- Enter name of product sold and quantity.
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6. Immunity: A retailer who releases logbook information in good faith to federal, state or local law enforcement authorities is immune from civil liability.

7. Penalties

For the following violations:

- Knowingly exceeding the daily sales limit, independent of consulting a logbook
- Selling a non-liquid product that is not in a blister package or unit dose package
- Not keeping affected products behind a counter or in a locked cabinet
- Not following logbook and record keeping requirements
- Not complying with privacy restrictions on the sales logbook
- Not requiring the purchaser to show an ID
- Not complying with employee training requirements
- Not complying with self-certification requirements
- Refusing to provide sales logbook information to law enforcement authorities

The penalties are:

- Civil penalty of up to \$25,000; and if committed knowingly, then imprisonment of up to one year in addition to a fine to be determined by existing federal criminal laws
- If committed after a prior conviction of the Controlled Substances Act, then imprisonment of up to two years in addition to a fine of to be determined by existing federal criminal laws
- A retailer (including pharmacy) or distributor may be prohibited from selling any scheduled listed chemical products for any violation above, except for refusal to provide sales logbook information to law enforcement authorities

Equivalency Charts

The following is not found within DEA law or regulations; DEA provides this for informational purposes only:

A. Effective April 8, 2006, the daily sales limit of ephedrine base, pseudoephedrine base, or phenylpropanolamine base is 3.6 grams per purchaser, regardless of number of transactions.

Ingredient	Number of Tablets [as base]
25 mg Ephedrine HCl	175
25 mg Ephedrine Sulfate	186
30 mg Pseudoephedrine HCl	146
60 mg Pseudoephedrine HCl	73
120 mg Pseudoephedrine HCl	36
30 mg Pseudoephedrine Sulfate	155
60 mg Pseudoephedrine Sulfate	77
120 mg Pseudoephedrine Sulfate	38
Phenylpropanolamine	The Food and Drug Administration issued a voluntary recall of this ingredient as being unsafe for human consumption. Veterinary use is by prescription only.

Ingredient	Number of Milliliters (ml) [as base]
6.25 mg/5 ml Ephedrine HCl	3515
15 mg/1.6 ml Pseudoephedrine HCl	468
7.5 mg/5 ml Pseudoephedrine HCl	2929
15 mg/5 ml Pseudoephedrine HCl	1464
15 mg/2.5 ml Pseudoephedrine HCl	732
30 mg/5 ml Pseudoephedrine HCl	732
30 mg/2.5 ml Pseudoephedrine HCl	366
60 mg/5 ml Pseudoephedrine HCl	366
Phenylpropanolamine	The Food and Drug Administration issued a voluntary recall of this ingredient as being unsafe for human consumption. Veterinary use is by prescription only.

B. Effective April 8, 2006, for mail-order sellers, sales are limited to 7.5 grams per customer during a 30-day period.

Ingredient	Number of tablets [as base]
25 mg Ephedrine HCl	366
25 mg Ephedrine Sulfate	389
30 mg Pseudoephedrine HCl	305
60 mg Pseudoephedrine HCl	152
120 mg Pseudoephedrine HCl	76
30 mg Pseudoephedrine Sulfate	324
60 mg Pseudoephedrine Sulfate	162
120 mg Pseudoephedrine Sulfate	81
Phenylpropanolamine	The Food and Drug Administration issued a voluntary recall of this ingredient as being unsafe for human consumption. Veterinary use is by prescription only.

Ingredient	Number of Milliliters (ml) [as base]
6.25 mg/5 ml Ephedrine HCl	7323
15 mg/1.6 ml Pseudoephedrine HCl	976
7.5 mg/5 ml Pseudoephedrine HCl	6103
15 mg/5 ml Pseudoephedrine HCl	3051
15 mg/2.5 ml Pseudoephedrine HCl	1525
30 mg/5 ml Pseudoephedrine HCl	1525
30 mg/2.5 ml Pseudoephedrine HCl	762
60 mg/5 ml Pseudoephedrine HCl	762
Phenylpropanolamine	The Food and Drug Administration issued a voluntary recall of this ingredient as being unsafe for human consumption. Veterinary use is by prescription only.

C. Effective April 8, 2006, it is unlawful for any person to knowingly or intentionally purchase at retail more than 9 grams during a 30-day period (of which no more than 7.5 grams can be imported by private or commercial carrier or the Postal Service).

Ingredient	Number of tablets (7.5 gm) [as base]	Number of tablets (9 gm) [as base]
25 mg Ephedrine HCl	366	439
25 mg Ephedrine Sulfate	389	466
30 mg Pseudoephedrine HCl	305	366
60 mg Pseudoephedrine HCl	152	183
120 mg Pseudoephedrine HCl	76	91
30 mg Pseudoephedrine Sulfate	324	389
60 mg Pseudoephedrine Sulfate	162	194
120 mg Pseudoephedrine Sulfate	81	97
Phenylpropanolamine	The Food and Drug Administration issued a voluntary recall of this ingredient as being unsafe for human consumption. Veterinary use is by prescription only.	

Ingredient	Number of milliliters (ml) (7.5 gm) [as base]	Number of milliliters (9 gm) [as base]
6.25 mg/5 ml Ephedrine HCl	7323	8788
15 mg/1.6 ml Pseudoephedrine HCl	976	1171
7.5 mg/5 ml Pseudoephedrine HCl	6103	7323
15 mg/5 ml Pseudoephedrine HCl	3051	3661
15 mg/2.5 ml Pseudoephedrine HCl	1525	1830
30 mg/5 ml Pseudoephedrine HCl	1525	1830
30 mg/2.5 ml Pseudoephedrine HCl	762	915
60 mg/5 ml Pseudoephedrine HCl	762	915
Phenylpropanolamine	The Food and Drug Administration issued a voluntary recall of this ingredient as being unsafe for human consumption. Veterinary use is by prescription only.	

D. Effective September 30, 2006, for mobile retail vendors, sales are limited to 7.5 grams per customer during a 30-day period.

Ingredient	Number of tablets [as base]
25 mg Ephedrine HCl	366
25 mg Ephedrine Sulfate	389
30 mg Pseudoephedrine HCl	305
60 mg Pseudoephedrine HCl	152
120 mg Pseudoephedrine HCl	76
30 mg Pseudoephedrine Sulfate	324
60 mg Pseudoephedrine Sulfate	162
120 mg Pseudoephedrine Sulfate	81
Phenylpropanolamine	The Food and Drug Administration issued a voluntary recall of this ingredient as being unsafe for human consumption. Veterinary use is by prescription only.

Ingredient	Number of Milliliters (ml) [as base]
6.25 mg/5 ml Ephedrine HCl	7323
15 mg/1.6 ml Pseudoephedrine HCl	976
7.5 mg/5 ml Pseudoephedrine HCl	6103
15 mg/5 ml Pseudoephedrine HCl	3051
15 mg/2.5 ml Pseudoephedrine HCl	1525
30 mg/5 ml Pseudoephedrine HCl	1525
30 mg/2.5 ml Pseudoephedrine HCl	762
60 mg/5 ml Pseudoephedrine HCl	762
Phenylpropanolamine	The Food and Drug Administration issued a voluntary recall of this ingredient as being unsafe for human consumption. Veterinary use is by prescription only.