

Please note: The NC Board of Pharmacy does not have rule-making authority as far as this statute is concerned. For questions on Methamphetamine legislation, please contact:

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METHAMPHETAMINE LEGISLATION

On September 27, 2005, Governor Easley signed into law House Bill 248 entitled the "Methamphetamine Lab Prevention Act of 2005." The effective date for the provisions impacting retail sales is January 15, 2006. The following will summarize the primary requirements governing the retail sale of pseudoephedrine products. The legislation can be found at the General Assembly website, <http://www.ncleg.net/Sessions/2005/Bills/House/HTML/H248v5.html>. The following provisions do not apply to any pseudoephedrine product that is in the form of a liquid, liquid capsule, gel capsule, or pediatric product intended for administration to children under 12 years of age according to label instruction, unless the Commission for Mental Health, Developmental Disability, and Substance Abuse Services (Commission) issues an order specifically including the product.

I. Restrictions on Sales

If the sole active ingredient of the product is pseudoephedrine in an amount of 30 milligrams or more per dosage unit, it shall be sold only in blister packages and not loose in bottles. A product containing any detectable quantity of pseudoephedrine or ephedrine base (pseudoephedrine product) shall not be offered for retail sale by self service but shall be stored and sold behind a pharmacy counter.

A pseudoephedrine product may be sold at retail without a prescription only to a person at least 18 years of age, who shall be required to furnish photo identification. The name and address of every purchaser shall be on a form provided by the Commission. Each pseudoephedrine product purchased is recorded, including the number of grams the product contains, and the purchase date. The purchaser signs the form, which shall be constructed to allow for entry of information in electronic format, including electronic signature. Records of disposition of pseudoephedrine products shall be maintained for a period of 2 years from the date of each transaction. The records shall be readily available for inspection by authorized agencies but are not public records.

II. Pseudoephedrine Transaction Limits

Unless the pseudoephedrine product is dispensed pursuant to a valid prescription, a person can not purchase more than 2 packages containing a combined total of more than 6 grams of any pseudoephedrine product in a single over-the-counter retail sale. No more than 3 packages containing a combined total of more than 9 grams of pseudoephedrine products may be purchased by a person within a 30 day period, unless dispensed pursuant to a valid prescription.

III. Miscellaneous Provisions

Unless exclusively handling exempted pseudoephedrine products, employees of an establishment involved in the sale of pseudoephedrine products must be trained in a program conducted by or approved by the Commission. The Commission shall develop training and education programs for employees of establishments where pseudoephedrine products are available for sale and may conduct employee training programs.

A retailer must post a sign in a clear and conspicuous manner in the area of the store where pseudoephedrine products are offered for sale stating: "North Carolina law strictly prohibits a single transaction purchase of more than 2 packages (6 grams total) of products containing pseudoephedrine, and no more than 3 packages (9 grams total) of certain products containing pseudoephedrine within a 30-day period. This store will maintain a record of all sales of these products which may be accessible to law enforcement officers."

Willful and knowing violations of the Act by a retailer are misdemeanors for first offenses but become felonies for second and subsequent offenses. Failure to train, adequately supervise, or reasonably discipline employees for violating the Act can result in fines of \$500.00 for the first violation, \$750.00 for the second violation, and \$1,000.00 for a third or subsequent violation.

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