

---

By: **Senator Gladden**

Introduced and read first time: February 2, 2005

Assigned to: Judicial Proceedings

---

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Pseudoephedrine - Prohibitions**

3 FOR the purpose of prohibiting, with certain exceptions, the sale, distribution, or  
4 dispensing of certain drugs containing pseudoephedrine; requiring the  
5 authorized provider to affix a label with certain information to the drug  
6 container in transactions involving pseudoephedrine; requiring the person  
7 purchasing, receiving, or otherwise acquiring the pseudoephedrine to take  
8 certain actions; prohibiting a person from purchasing, receiving, or otherwise  
9 acquiring more than a certain amount of pseudoephedrine within a certain  
10 period; establishing certain penalties; defining a certain term; and generally  
11 relating to crimes and pseudoephedrine.

12 BY adding to

13 Article - Criminal Law

14 Section 5-506

15 Annotated Code of Maryland

16 (2002 Volume and 2004 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article - Criminal Law**

20 5-506.

21 (A) IN THIS SECTION, "PSEUDOEPHEDRINE":

22 (1) INCLUDES ANY COMPOUND, MIXTURE, AND PREPARATION  
23 CONTAINING ANY DETECTABLE QUANTITY OF PSEUDOEPHEDRINE, ITS SALTS OR  
24 OPTICAL ISOMERS, OR SALTS OF OPTICAL ISOMERS; BUT

25 (2) DOES NOT INCLUDE ANY COMPOUND, MIXTURE, AND PREPARATION  
26 THAT IS IN LIQUID, LIQUID CAPSULE, OR GEL CAPSULE FORM WHEN  
27 PSEUDOEPHEDRINE IS NOT THE ONLY ACTIVE INGREDIENT.

1 (B) EXCEPT WHEN DISPENSED, SOLD, OR DISTRIBUTED BY, OR UNDER THE  
2 SUPERVISION OF A PHARMACIST LICENSED IN THE STATE, A PERSON MAY NOT  
3 DISPENSE, SELL, OR DISTRIBUTE PSEUDOEPHEDRINE.

4 (C) IN A TRANSACTION INVOLVING THE DISPENSING OF PSEUDOEPHEDRINE:

5 (1) THE AUTHORIZED PROVIDER SHALL AFFIX TO THE CONTAINER, IN  
6 ADDITION TO ANY OTHER LABEL ALREADY THERE, A LABEL WITH:

7 (I) THE DISPENSER'S NAME, SIGNATURE, AND REGISTRY NUMBER;

8 (II) THE DATE ON WHICH THE PSEUDOEPHEDRINE IS DISPENSED;  
9 AND

10 (III) THE NAME OF THE PERSON PURCHASING, RECEIVING, OR  
11 OTHERWISE ACQUIRING PSEUDOEPHEDRINE; AND

12 (2) THE PERSON PURCHASING, RECEIVING, OR OTHERWISE ACQUIRING  
13 THE PSEUDOEPHEDRINE SHALL:

14 (I) PRODUCE FOR INSPECTION A VALID GOVERNMENT-ISSUED  
15 PHOTO IDENTIFICATION WITH DATE OF BIRTH INDICATING THAT THE PERSON IS  
16 OVER THE AGE OF 18 YEARS; AND

17 (II) SIGN A WRITTEN LOG OR MECHANISM APPROVED BY THE  
18 ALCOHOL AND DRUG ABUSE ADMINISTRATION OF THE DEPARTMENT THAT  
19 CONTAINS:

20 1. THE DATE OF THE TRANSACTION;

21 2. THE NAME OF THE PERSON PURCHASING, RECEIVING, OR  
22 OTHERWISE ACQUIRING THE PSEUDOEPHEDRINE; AND

23 3. THE AMOUNT OF PSEUDOEPHEDRINE IN THE  
24 TRANSACTION.

25 (D) EXCEPT WHEN DISPENSED IN ACCORDANCE WITH A VALID  
26 PRESCRIPTION, A PERSON MAY NOT PURCHASE, RECEIVE, OR OTHERWISE ACQUIRE  
27 MORE THAN 9 GRAMS OF PSEUDOEPHEDRINE WITHIN A 30-DAY PERIOD.

28 (E) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR  
29 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A  
30 FINE NOT EXCEEDING \$1,000 OR BOTH.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
32 October 1, 2005.