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By: **Senators Hooper, Colburn, Gladden, Hafer, and Lawlah**

Introduced and read first time: February 2, 2006

Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Controlled Dangerous Substances - Dextromethorphan Products**

3 FOR the purpose of prohibiting a person from purchasing a dextromethorphan  
4 product unless the person adheres to certain requirements; requiring a  
5 pharmacy or a retail establishment to maintain a certain record and post certain  
6 signs; limiting the quantity of a dextromethorphan product that a person may  
7 purchase within a certain time period; providing a certain exception;  
8 establishing certain criminal penalties; defining a certain term; and generally  
9 relating to restrictions on sales and purchases of dextromethorphan products.

10 BY adding to

11 Article - Criminal Law

12 Section 5-711

13 Annotated Code of Maryland

14 (2002 Volume and 2005 Supplement)

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

17 **Article - Criminal Law**

18 5-711.

19 (A) IN THIS SECTION, "DEXTROMETHORPHAN PRODUCT" MEANS A  
20 COMPOUND, MIXTURE, OR PREPARATION CONTAINING ANY DETECTABLE QUANTITY  
21 OF DEXTROMETHORPHAN, ITS SALTS OR OPTICAL ISOMERS, OR SALTS OF OPTICAL  
22 ISOMERS.

23 (B) A PERSON MAY NOT PURCHASE A DEXTROMETHORPHAN PRODUCT  
24 UNLESS THE PERSON:

25 (1) PRODUCES A VALID GOVERNMENT-ISSUED PHOTO IDENTIFICATION  
26 WITH DATE OF BIRTH INDICATING THAT THE PERSON IS OVER THE AGE OF 18 YEARS;  
27 AND

28 (2) SIGNS A LOG OR RECEIPT SHOWING:

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1 (I) THE DATE OF THE TRANSACTION;

2 (II) THE NAME AND ADDRESS OF THE PERSON; AND

3 (III) THE AMOUNT OF THE DEXTROMETHORPHAN PRODUCT  
4 PURCHASED.

5 (C) EACH PHARMACY OR RETAIL ESTABLISHMENT SHALL:

6 (1) MAINTAIN A RECORD OF THE SIGNED LOGS OR RECEIPTS  
7 ACCORDING TO THE FORM, MANNER, AND DURATION REQUIRED BY THE  
8 DEPARTMENT; AND

9 (2) POST SIGNS IN CONSPICUOUS LOCATIONS EXPLAINING THE  
10 RESTRICTIONS ON DEXTROMETHORPHAN PRODUCT PURCHASES AND THE PUBLIC  
11 HEALTH AND SAFETY REASONS FOR THE RESTRICTIONS.

12 (D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A  
13 PERSON MAY NOT PURCHASE MORE THAN 3.6 GRAMS OF ANY DEXTROMETHORPHAN  
14 PRODUCT WITHIN ANY 30-DAY PERIOD.

15 (2) THE LIMIT IN PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY  
16 TO ANY QUANTITY OF DEXTROMETHORPHAN PRODUCT DISPENSED:

17 (I) IN ACCORDANCE WITH A VALID PRESCRIPTION; OR

18 (II) BY A LICENSED HEALTH CARE PRACTITIONER IN THE COURSE  
19 OF CARRYING OUT THE PROFESSION OF THE LICENSED HEALTH CARE  
20 PRACTITIONER.

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

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
25 October 1, 2006.