

SENATE BILL 939

E1
SB 450/06 – JPR

71r2528

By: **Senators Hooper, Colburn, Dyson, Exum, Haines, and Munson**
Introduced and read first time: February 26, 2007
Assigned to: Rules

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 product
4 unless the person adheres to certain requirements; requiring a pharmacy or a
5 retail establishment to maintain a certain record and post certain signs;
6 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 2006 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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **QUANTITY OF DEXTROMETHORPHAN, ITS SALTS OR OPTICAL ISOMERS, OR**
2 **SALTS OF OPTICAL ISOMERS.**

3 **(B) A PERSON MAY NOT PURCHASE A DEXTROMETHORPHAN PRODUCT**
4 **UNLESS THE PERSON:**

5 **(1) PRODUCES A VALID GOVERNMENT-ISSUED PHOTO**
6 **IDENTIFICATION WITH DATE OF BIRTH INDICATING THAT THE PERSON IS AN**
7 **ADULT; AND**

8 **(2) SIGNS A LOG OR RECEIPT SHOWING:**

9 **(I) THE DATE OF THE TRANSACTION;**

10 **(II) THE NAME AND ADDRESS OF THE PERSON; AND**

11 **(III) THE AMOUNT OF THE DEXTROMETHORPHAN PRODUCT**
12 **PURCHASED.**

13 **(C) EACH PHARMACY OR RETAIL ESTABLISHMENT SHALL:**

14 **(1) MAINTAIN A RECORD OF THE SIGNED LOGS OR RECEIPTS**
15 **ACCORDING TO THE FORM, MANNER, AND DURATION REQUIRED BY THE**
16 **DEPARTMENT; AND**

17 **(2) POST SIGNS IN CONSPICUOUS LOCATIONS EXPLAINING THE**
18 **RESTRICTIONS ON DEXTROMETHORPHAN PRODUCT PURCHASES AND THE**
19 **PUBLIC HEALTH AND SAFETY REASONS FOR THE RESTRICTIONS.**

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

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

25 **(I) IN ACCORDANCE WITH A VALID PRESCRIPTION; OR**

1 **(II) BY A LICENSED HEALTH CARE PRACTITIONER IN THE**
2 **COURSE OF CARRYING OUT THE PROFESSION OF THE LICENSED HEALTH CARE**
3 **PRACTITIONER.**

4 **(E) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A**
5 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING**
6 **\$1,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.**

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2007.