

**Department of Legislative Services**  
Maryland General Assembly  
2007 Session

**FISCAL AND POLICY NOTE**

Senate Bill 939  
Judicial Proceedings

(Senator Hooper, *et al.*)

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**Controlled Dangerous Substances - Dextromethorphan Products**

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This bill prohibits a person from purchasing a “dextromethorphan product” unless the person produces a valid government-issued photo identification with date of birth indicating the person is an adult and signs a log or receipt showing the transaction’s date, the person’s name and address, and the amount of the product purchased. Each pharmacy must maintain a record of the signed logs or receipts according to Department of Health and Mental Hygiene (DHMH) requirements and post signs in conspicuous locations explaining the restrictions and the public health and safety reasons for the restrictions. A person may not purchase more than 3.6 grams of any dextromethorphan product within any 30-day period. This requirement does not apply to any quantity of the product that is dispensed according to a valid prescription or by a licensed health care practitioner carrying out his/her profession. A violator is guilty of a misdemeanor and on conviction is subject to maximum penalties of a \$1,000 fine and/or one year imprisonment.

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**Fiscal Summary**

**State Effect:** Potential minimal increase in general fund revenues and expenditures due to the bill’s penalty provision.

**Local Effect:** Potential minimal increase in revenues and expenditures due to the bill’s penalty provision.

**Small Business Effect:** Minimal.

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## Analysis

**Current Law:** Dextromethorphan is not listed under federal or State laws or regulations as a controlled dangerous substance.

**Background:** Dextromethorphan (DXM) is a cough-suppressing ingredient in many over-the-counter cold and cough medications. A semisynthetic narcotic, it is an ingredient in any cold medicine with “DM” or “Tuss” in the title or name. There are approximately 70 products on the market that contain (DXM).

At recommended doses of one-sixth to one-third of an ounce, a product containing DXM is safe and effective. At higher doses of four ounces or more, DXM produces effects such as euphoria, enhanced awareness, impaired judgment, dizziness, nausea, seizures, panic attacks, psychosis, brain damage, and addiction. Cold medicines with DXM also can cause coma and death.

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### Additional Information

**Prior Introductions:** A similar bill, SB 450 of 2006, received an unfavorable report from the Judicial Proceedings Committee.

**Cross File:** None.

**Information Source(s):** Department of Health and Mental Hygiene, Department of Public Safety and Correctional Services, [www.streetdrugs.org](http://www.streetdrugs.org), Department of Legislative Services

**Fiscal Note History:** First Reader - March 20, 2007  
mll/jr

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