

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 83rd General Assembly  
3 Regular Session, 2001

# A Bill

HOUSE BILL 1090

4  
5 By: Representative Hutchinson  
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7

## For An Act To Be Entitled

9 AN ACT TO RESTRICT SALES OF PRODUCTS CONTAINING  
10 EPHEDRINE, PSEUDOEPHEDRINE, NORPSEUDOEPHEDRINE, OR  
11 PHENYLPROPANOLAMINE; AND FOR OTHER PURPOSES.  
12

## Subtitle

13 AN ACT TO RESTRICT SALES OF PRODUCTS  
14 CONTAINING EPHEDRINE, PSEUDOEPHEDRINE,  
15 NORPSEUDOEPHEDRINE, OR  
16 PHENYLPROPANOLAMINE.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. (a)(1) It is unlawful for any retail distributor to:

23 (A) Sell in a single transaction more than three (3)  
24 packages of a product that he or she knows to contain ephedrine,  
25 pseudoephedrine, norpseudoephedrine, or phenylpropanolamine, or

26 (B) Knowingly sell more than five (5) grams of ephedrine,  
27 pseudoephedrine, norpseudoephedrine, or phenylpropanolamine, other than  
28 pediatric liquids.

29 (2) Except as otherwise provided in this section, the three (3)  
30 package per transaction limitation or five (5) grams per transaction  
31 limitation imposed by this section shall apply to any product that is lawfully  
32 sold, transferred, or furnished over the counter without a prescription  
33 pursuant to the federal Food, Drug, and Cosmetic Act, which begins at 21  
34 U.S.C. § 301, or regulations adopted thereunder, unless exempted from the  
35 requirements of the federal Controlled Substances Act by the federal Drug  
36 Enforcement Administration pursuant to Section 814 of Title 21 of the United

1 States Code.

2 (b) A violation of this subdivision is a Class A misdemeanor.

3 (c) For the purposes of this section:

4 (1) "Drug store" means any entity described in Code 5912 of the  
5 Standard Industrial Classification (SIC) Manual published by the United States  
6 Office of Management and Budget, 1987 edition.

7 (2) "General merchandise store" means any entity described in  
8 Codes 5311 to 5399, inclusive, and Code 5499 of the Standard Industrial  
9 Classification (SIC) Manual published by the United States Office of  
10 Management and Budget, 1987 edition.

11 (3) "Grocery store" is any entity described in Code 5411 of the  
12 Standard Industrial Classification (SIC) Manual published by the United States  
13 Office of Management and Budget, 1987 edition.

14 (4) "Pediatric liquid" means a nonencapsulated liquid whose unit  
15 measure according to product labeling is stated in milligrams, ounces, or  
16 other similar measure. In no instance shall the dosage units exceed fifteen  
17 (15) milligrams of phenylpropanolamine or pseudoephedrine per five (5)  
18 milliliters of liquid product, except for liquid products primarily intended  
19 for administration to children under two (2) years of age for which the  
20 recommended dosage unit does not exceed two (2) milliliters and the total  
21 package content does not exceed one (1) fluid ounce.

22 (5)(A) "Retail distributor" means a grocery store, general  
23 merchandise store, drugstore, or other related entity, the activities of  
24 which, as a distributor of ephedrine, pseudoephedrine, norpseudoephedrine, or  
25 phenylpropanolamine products, are limited exclusively to the sale of  
26 ephedrine, pseudoephedrine, norpseudoephedrine, or phenylpropanolamine  
27 products for personal use both in number of sales and volume of sales, either  
28 directly to walk-in customers or in face-to-face transactions by direct sales.

29 (B) "Retail distributor" includes an entity that makes a  
30 direct sale, but does not include the parent company of that entity if the  
31 company is not involved in direct sales regulated by this article.

32 (6)(A) "Sale for personal use" means the sale in a single  
33 transaction to an individual customer for a legitimate medical use of a  
34 product containing ephedrine, pseudoephedrine, norpseudoephedrine, or  
35 phenylpropanolamine in dosages at or below that specified in subsection (a).

36 (B) "Sale for personal use" also includes the sale of those

1 products to employers to be dispensed to employees from first-aid kits or  
2 medicine chests.

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