

ALABAMA**PRODUCTS:**

- Pseudoephedrine (PSE) or Ephedrine (EPH), or any product containing Pseudoephedrine (PSE) or Ephedrine (EPH) (AL Code §20-2-190)

SALES LIMITS:

- No person shall deliver, sell, or purchase products sold over-the-counter that contain a combined total of more than 3.6 grams per calendar day or more than 7.5 grams per 30 days, of ephedrine base or pseudoephedrine base. (AL §20-2-190)

SALES RESTRICTIONS:

- Products whose sole active ingredient is EPH or PSE in strength of 30 mg. or more per tablet cannot be offered for retail sale loose in bottles – may only be sold in blister packages. (AL Code §20-2-190);
- Sales to persons under 18 years prohibited. (AL Code §20-2-190);
- Prohibits the sale of any product containing pseudoephedrine and ephedrine, their salts or optical isomers, or salts of optical isomers unless sold by a pharmacy licensed by the Alabama Board of Pharmacy (AL Code §20-2-190);
- Any person who resides within any state that requires a prescription for any purchase of pseudoephedrine and ephedrine, their salts or optical isomers, or salts of optical isomers must present a valid prescription (AL Code §20-2-190).

ID REQUIREMENTS:

- The purchaser must be 18 years of age and present a valid, unsuspended driver's license or non-driver identification card issued by this state, a valid, unsuspended driver's license or non-driver identification card issued by another state, a United States Uniformed Services Privilege and Identification Card, or a United States or foreign passport (AL Code §20-2-190).

RECORDKEEPING REQUIREMENTS:

- Purchaser must sign a record for each transaction (AL Code §20-2-190);
- Register must be maintained as a record of such a sale for inspection by any law enforcement officer or Board of Pharmacy inspector during normal business hours (AL Code §20-2-190);
- A record of each transaction shall include the magnetic transfer or electronic entry of information data from the identification card into the system, as well as the type of identification card used, including the number, name, date of birth, and current, valid address of the purchaser, the date and time of the sale, the name of the product being sold, as well as the total quantity in grams, of ephedrine or pseudoephedrine being sold. The system required shall be

available to the state and to pharmacies accessing the system without cost (AL Code §20-2-190);

- A retailer pharmacy shall submit the required information to the electronic sales tracking system established under subdivision (AL Code §20-2-190).

PRODUCT PLACEMENT:

- All products containing PSE and EPH must be placed behind the pharmacy counter where the public is not permitted (AL Code §20-2-190).

PENALTIES:

- A violation of product placement and sales restrictions shall constitute a Class C misdemeanor on a first offense and a Class C felony on subsequent offenses, and violations shall be punishable as provided by law (AL Code §20-2-190);
- Sale of PSE or EPH products by a wholesaler, manufacturer, repackager, or retailer without an appropriate license is a Class A misdemeanor on a first offense and a Class C felony on subsequent offenses (AL Code §20-2-190);
- Sales of EPH or PSE products by a wholesaler, manufacturer, repackager, or retailer in violation of established laws will result in cancellation of the required registration and forfeiture of the right to sell the products for at least one year or longer as determined by the ABC Board (AL Code §20-2-190).
- Failure to comply with the record keeping requirements subsections Class A misdemeanor for a first offense and a Class C felony for a second or subsequent offense (AL Code §20-2-190);
- A person who possesses, sells, transfers, or furnishes or otherwise attempts to solicit another or conspires to possess, sell, transfer, or otherwise furnish a listed precursor chemical or a product containing a precursor chemical or ephedrine or pseudoephedrine, their salts or optical isomers, or salts of optical isomers commits an offense if the person possesses, sells, transfers, or furnishes the substance with the knowledge or intent that the substance will be used in the unlawful manufacture of a controlled substance. An offense under this subsection shall constitute a Class B felony (AL §20-2-190).

PHARMACIST LIABILITY EXEMPTION:

- A pharmacist who is general owner or operator of an establishment where EPH or PSE products are sold shall not be penalized for conduct of an employee if the retailer documents that an employee training program was conducted by or approved by the Alabama Drug Abuse Task Force (AL Code §20-2-190).

RETAILER LIABILITY EXEMPTION:

- Retailer maintaining special register in accordance with record keeping requirements shall not be civilly liable as a result of any act or omission in carrying out appropriate duties and shall be immune from liability to any third

party unless the retailer has violated any provision of this subsection in relation to a claim brought for such violation (AL Code §20-2-190.2).

REPORTING SUSPICIOUS TRANSACTIONS:

- Any excessive or suspicious sales of such a product by any wholesaler, manufacturer, or repackager shall be reported to the Alcohol Beverage Control Board and the Board of Pharmacy (AL Code §20-2-190).

WHOLESALE DISTRIBUTION REQUIREMENTS:

- Requires those wholesalers, manufacturers, or repackagers of drug products other than those licensed by the Board of Pharmacy to obtain an annual registration from the ABC Board (AL Code §20-2-190);
- Wholesalers must keep complete records of all sales and transactions including the names of all parties involved in the transaction and amount of the precursor chemical or product involved. Such records to be maintained for at least 12 months and be available for inspection by any law enforcement officer or inspector of the Board of Pharmacy during normal business hours (AL Code §20-2-190).

PREEMPTION:

- Preempts all local ordinances governing possession by individuals or retail sales (AL Code §20-2-190).

OTHER:

- ABC Board authorized to promulgate and implement administrative rules for registration for any wholesaler, manufacturer, or repackager of drug products as defined in Section 34-23-1, not otherwise licensed by the Board of Pharmacy (AL Code §20-2-190);
- Every retailer of ephedrine or pseudoephedrine, or product containing, is required to be registered with the Alcoholic Beverage Control Board to lawfully sell (AL Code §20-2-190);
- The Alabama Drug Abuse Task Force (ADATF) approve or develop drug awareness, enforcement, education, prevention, and training programs (AL Code §20-2-190).