

FLORIDA**PRODUCTS:**

- Single entity pseudoephedrine (PSE), ephedrine (EPH) and phenylpropanolamine (PPA), their salts or isomers, or salts of optical isomers.

SALES LIMITS:

- In any single day, a person may not knowingly obtain or deliver to an individual through an OTC (retail) sale any number of packages of a nonprescription compound, mixture, or preparation containing more than 3.6 grams of PSE/EPH/PPA.
- In any single day, a person may not knowingly obtain or deliver to an individual through an OTC (retail) more than 3 packages of a nonprescription compound, mixture, or preparation containing PSE/EPH/PPA (regardless of weight).
- In any 30-day period, a person may not knowingly obtain or deliver to an individual through an OTC (retail) sale more than 9 grams of PSE/EPH/PPA. (FL Statutes §893.1495)
- Person purchasing PSE/EPH/PPA products must be 18yrs old.

ID REQUIREMENTS:

- Person purchasing PSE/EPH/PPA products must produce a government ID reflecting name, date of birth, address, and photo identification number or alternative form of identification acceptable under federal regulation. (FL Statutes §893.1495)
- Person must sign his/her name on record of the purchase, either on paper or on an electronic signature capture device.

PRODUCT PLACEMENT:

- A person may not knowingly display and offer for retail sale any nonprescription compound, mixture, or preparation containing PSE/EPH/PPA other than behind a checkout counter where the public is not permitted or other such location that is not otherwise accessible to the general public. (FL Statutes §893.1495)

ELECTRONIC RECORDING REQUIREMENTS:

- Dept of Law Enforcement shall approve of electronic recordkeeping system for the purpose of recording and monitoring the real time purchase of products containing PSE/EPH/PPA to prevent or investigate illegal purchases of these products. (FL Statutes §893.1495)
- Approved electronic system will be provided to pharmacy or retailer w/out any additional cost or expense. (FL Statutes §893.1495)

ELECTRONIC RECORDING SYSTEM:

- Electronic Recording System shall record: date, time of transaction, name, birth date, address, photo ID # of purchaser, as well as the type of ID and the government of issuance, number of packages purchased, total grams per package, name of compound, mixture, or preparation containing EPH or related compounds. Signature of purchaser, unique # relating transaction to a paper signature at retail premises.
- System shall provide for real time tracking of nonprescription over-the counter sales. The blocking of nonprescription over-the counter sales in excess of 3.6grams of PSE/EPH/PPA in any single retail, 3 packages, regardless of weight, and 9 grams or more in a 30 day period.
- A nonprescription compound, mixture, or preparation containing any quantity of EPH or related compounds may not be sold over the counter unless reported to an electronic recordkeeping system approved by the Dept. of Law Enforcement. This does apply to exempted pharmacies and retailers.
- Prior to completing a transaction, a pharmacy or retailer distributing products containing EPH or related compounds to consumers shall submit all required data into an electronic recordkeeping system approved by the Dept of Law of Enforcement at the point of sale or through an interface with the electronic recording keeping system, unless exempted
- Data submitted through the system must be retained for no less than 2yrs following entry. (FL Statutes §893.1495)
- Information contained within the electronic recordkeeping system shall be disclosed in a manner authorized by state or federal law. Any retailer or entity that collects information on behalf of a retailer as required by the Combat Methamphetamine Epidemic Act of 2005 and this section may not access or use that information, except for law enforcement purposes pursuant to state or federal law or to facilitate a product recall for public health and safety. (FL Statutes §893.1495)
- The Department of Law enforcement shall contract or enter into a memorandum of understanding, as applicable, with a private third-party administrator to implement the electronic recordkeeping system required. (FL Statutes §893.1495)
- The Department of Law Enforcement shall adopt rules necessary to implement the system.

EXEMPTION TO ELECTRONIC REPORTING REQUIREMENTS:

- A pharmacy or retailer may request an exemption from electronic reporting from the Department of Law Enforcement if the pharmacy or retailer lacks the technology to access the electronic recordkeeping system and such pharmacy or retailer maintains a sales volume of less than 72 grams of PSE/EPH/PPA in a 30–day period. (FL Statutes §893.1495)

EMPLOYER TRAINING PROGRAM:

- Owners or primary operators of retail establishments where any nonprescription compound, mixture, or preparation containing PSE/EPH/PPA is available for sale may not allow an employee to engage in the retail sale of such compound, mixture, or preparation unless the employee has completed an employee training program that includes at a minimum, basic instruction on state and federal regulations relating to sale and distribution of such compound, mixture, or preparations. (FL Statutes §893.1495)

PENALTIES:

- Any individual who knowingly violates sales limits, product placement requirements or employee training requirements are on first offense, guilty of a second degree misdemeanor punishable by a \$500 fine; on second offense guilty of a first degree misdemeanor punishable by a \$1000 fine and/or 1 year jail time; and on third and subsequent offenses, guilty of a felony punishable by a fine ranging from \$10,000-15,000, minimum 5 years jail time. (FL Statutes §893.1495; §775.082; §775.083; §775.084)
- Person who sells any product containing EPH or related compounds who in good faith releases information to federal, state, or local law enforcement officers, or any person acting on behalf of such an officer is immune from civil liability for the release unless the release constitute gross negligence or intentional, wanton, or willful misconduct.

PREEMPTION:

- All local ordinances and regulations passed by counties, municipalities, or other local government authorities relating to the marketing, sale or distribution of products containing EPH or related compounds are preempted. (FL Statutes §893.1495)

CIVIL LIABILITY:

- A person who sells any product containing PSE/EPH/PPA who in good faith releases information under this section to federal, state, or local law enforcement officers, or any person acting on behalf of such an officer, is immune from civil liability for the release unless the release constitutes gross negligence or intentional, wanton, or willful misconduct. (FL Statutes §893.1495)