

**NEBRASKA****PRODUCTS:**

- All products containing pseudoephedrine (PSE) or phenylpropanolamine (PPA) both in liquid and solid form. (Neb. Rev. Stat. § 28-456)
- All products containing ephedrine.

**PRODUCT EXEMPTIONS:**

- EPH products exempt from Schedule IV if the seller meets product placement requirements
- Products sold upon medical order or prescription may:
  - exceed 3.6 g of PSE / PPA base sales limit,
  - exceed 3.6 g of PSE/PPA base package size limit,
  - be sold to a person under age 18,
  - be sold without requiring purchaser's ID.
- (Neb. Rev. Stat. § 28-456)

**SALES LIMITS:**

- No more than 3.6 g of PSE/ PPA/EPH to be sold to or purchased by a customer per 24 hours, unless pursuant to a prescription or medical order (Neb. Rev. Stat. § 28-456);
- No customer may purchase, receive, or otherwise acquire more than 9 g of PSE / PPA/ EPH base during a 30-day period unless purchased pursuant to a medical order. (Neb. Rev. Stat. § 28-456.01 (2) )

**SALES RESTRICTIONS:**

- Package size limited to 3.6 g of PSE / PPA base for all dosage forms (Neb. Rev. Stat. § 28-456);
- Solid products must be sold in blister packs (each blister containing no more than 2 dosage units), or if use of blister packs is technical infeasible, sold in unit dose packets or pouches (Neb. Rev. Stat. § 28-456);
- Transaction / sale may only be performed by employee 18 years of age or older (Neb. Rev. Stat. § 28-456);
- No sales to persons under 18 years old. (Neb. Rev. Stat. § 28-456)

**ID REQUIREMENTS:**

- Purchaser must display valid driver's license or operator's license, a Nebraska state ID card, a military ID card, an alien registration card, or a passport. (Neb. Rev. Stat. § 28-456)

**PRODUCT PLACEMENT:**

- PSE, PPA, and non C-IV EPH products must be stored behind a counter in an area not accessible to customers, or in a locked case so that a customer needs employee assistance to access. (Neb. Rev. Stat. § 28-456)

**METHAMPHETAMINE LOG PRECURSOR EXCHANGE:**

- Beginning January 1, 2012 each seller of methamphetamine precursor shall before completing a sale must electronically submit required information to the exchange if the exchange is available to sellers.
- Required information shall include but not limited to: name, age, address of the person purchasing, receiving, or otherwise acquiring the methamphetamine precursor ; name of the product, quantity of the product purchased; date and time of purchase; name or initials of seller who sold product, type of ID presented by customer; governmental entity that issued ID, and number on the ID. Neb. (Rev. Stat. § 28-456.01 (4))
- If seller experiences mechanical or electronic failure of the electronic logging equipment on the sales of the transaction or a failure of the exchange is unable to comply, the seller shall maintain a written log or an alternative electronic recordkeeping mechanism or may refrain from selling any methamphetamine precursor until such time the seller is able to comply. (Rev. Stat. § 28-456.01 (4))
- Attorney General may grant a waiver exempting a seller from compliance upon showing a good cause by the seller that he or she is otherwise unable to submit log information by electronic means, including, but not limited to, any financial, technological, or other reason which would place an undue burden on the seller, as established by the AG. (Rev. Stat. § 28-456.01 (4))
- When an exchange (the National Precursor Log Exchange administered by NADDI) generates a stop alert (notification sent to the seller indicating completion meth precursor would result in violation), the seller shall not complete the sale unless the seller has reasonable fear of imminent bodily harm if he or she doesn't complete the sale. The exchange shall contain an override function to the stop-sale alert for the seller to use in situation in which a reasonable fear of imminent bodily harm is present. (Rev. Stat. § 28-456.01 (4))
- National Association of Drug Diversion Investigators (NADDI) shall provide real-time access to the exchange through its online portal to law enforcement in Nebraska as authorized by the Attorney General and no fee or charge shall be imposed on a seller for the use of the exchange. (Rev. Stat. § 28-456.01 (5))
- Seller who sells methamphetamine precursors may scan machine-readable information encoded on an operator's license or state ID card presented for the purpose of such a sale. Seller may store only the following information obtained from license or card: name, address, age, type of ID presented, governmental entity that issued ID, and number on the ID. Seller shall post sign at the point of sale stating that the license or card will scanned or stating what information will be stored. Stored information may only be used by law enforcement agencies,

regulatory agencies, and the exchange for the purpose of enforcement of the restrictions on the sale or purchase of meth precursors and may not be shared with any other person or entity. (Rev. Stat. § 28-456.01 (9) (b))

**IMMUNITY:**

- Seller utilizing the electronic methamphetamine precursor exchange system in good faith shall be immune from any civil cause of action based upon act or omission.

**PENALTIES:**

- Violations of sales limits and restrictions, product placement, and ID requirements are subject to civil penalty of \$50 per day for the first offense, and \$100 per day for the second offense and those thereafter (Neb. Rev. Stat. § 28-456);
- Drug products sold in violation of sales limits and restrictions, product placement, and ID requirements may be seized and destroyed upon finding of the violation. (Neb. Rev. Stat. § 28-456)
- Beginning January 1, 2013, seller that knowingly fails to submit methamphetamine precursor information to the exchange or knowingly submits incorrect information to the exchange shall be guilty of a class IV misdemeanor for the 1<sup>st</sup> offense and a Class III misdemeanor for each subsequent offense.

**OTHER:**

- The Department of Health and Human Services Regulation and Licensure has the authority in conjunction with the state Attorney General, the Nebraska State Patrol and local law enforcement to make inspections and investigations as part of enforcement efforts (Neb. Rev. Stat. § 28-456);
- Strengthens penalties for knowing / intentional manufacture, distribution, delivery, dispensing or possession with intent to manufacture, distribute deliver, dispense or possess a controlled substance (Neb. Rev. Stat. § 28-416);
- Strengthens penalties that can be levied specifically against methamphetamine manufacturers. (Neb. Rev. Stat. § 28-416)