NACDS NATIONAL ASSOCIATION OF CHAIN DRUG STORES

NEW MEXICO

PRODUCTS:

- ALL PSE products are Schedule V (NMSA 30-31-10; NMAC 16.19.20.69)
- Single entity and combination pseudoephedrine (PSE) products. (NMAC 16.19.21.35)

PRODUCT EXEMPTIONS:

- PSE products in liquid form including liquid filled gel caps are exempt from all requirements. (NMAC 16.19.20.69)
- PSE products dispensed pursuant to a prescription are exempt from sales limit, ID and log requirements. (NMAC 16.19.20.53)
- The following exemptions apply *prior to* July 1, 2006:
- Liquid PSE products including liquid gel products for oral administration, inhalation, injection (NMAC 16.19.21.35);
- Any PSE product intended for pediatric use (NMAC 16.19.21.35);
- Any solid oral dosage form PSE product for which the manufacturer of said product presents scientific evidence to the board verifying that the product cannot be converted into a controlled substance. (NMAC 16.19.21.35)

SALES & PURCHASE LIMITS:

- Effective July 1, 2006: unless pursuant to a prescription, purchases are limited to 3.6 grams per day and no more than 9 grams per 30 days. (NMSA 30-31-10; NMAC 16.19.20.53)
- Retail distribution limited to no more than 2 blister packages not to exceed 6 grams of nonexempt PSE products in a single transaction (NMAC 16.19.21.23)
- Retailer distributor registrants may not knowingly sell more than 2 blister packages not to exceed 6 grams in any 7 day period to one person.

SALES RESTRICTIONS:

- Effective July 1, 2006, All PSE products may be dispensed, sold, or distributed only by a licensed pharmacist, pharmacist intern, or registered pharmacy technician. (NMSA 30-31-10; NMAC 16.19.20.53)

ID REQUIREMENTS:

- Effective July 1, 2006, unless pursuant to a prescription, a person purchasing, receiving, or otherwise acquiring any PSE product must produce a driver's license or other government-issued photo identification showing date of birth. (NMSA 30-31-10; NMAC 16.19.20.53)

RECORDKEEPING REQUIREMENTS:

- Effective July 1, 2006, unless pursuant to a prescription, a person purchasing, receiving, or otherwise acquiring any PSE product must sign a written or

electronic log, receipt or other program or mechanism indicating the date and time of the transaction, name, address and driver's license number or government issued identification number of the purchaser, name of the pharmacist, pharmacist intern or pharmacy technician conducting the transaction, the product sold and the total quantity, in grams or milligrams, of pseudoephedrine purchased. (NMSA 30-31-10; NMAC 16.19.20.53)

- Prior to signing the log, purchaser must read the "purchaser statement", stating "I have not purchased more than 3.6 grams today or more than a total of 9 grams of pseudoephedrine as a single entity or in a combination with other medications in the last 30 days. Entering false statements or misrepresentations in this logbook may subject me to criminal penalties. (NMAC 16.19.20.53)
- The log must be produced in a way that a customer's personal information is not available to other purchasers. (NMAC 16.19.20.53)
- The log is only for CV PSE products and must be kept separate from all other records. (NMAC 16.19.20.53)

PRODUCT PLACEMENT:

- The following provisions apply *prior to* July 1, 2006:
- All PSE products must be kept in the direct line of sight of an employee no more than 20 feet from a checkout counter in a locked case accessible only by employee;
- Single entity PSE products must be displayed behind a store counter, in an area not accessible to customers, or be displayed in a locked case so that customers wanting access to the products must receive seller assistance;
- Combination PSE products may be displayed in the same manner as required of single entity PSE products or can be secured by utilizing a reliable anti-theft device using special package tags and detection alarms (if one of every four packages is tagged). If retail anti-theft devices are employed, packages must be kept under constant video surveillance with the video camera meeting certain positioning and image preservation standards with a sign posted in a prominent manner stating "For your protection, New Mexico Board of Pharmacy Regulations require that certain products containing pseudoephedrine be displayed in an area under constant video surveillance."

INVENTORY:

- Via a letter dated June 1, 2006 from the Board of Pharmacy's Executive Director to each Pharmacist-In-Charge, all Schedule V PSE should be inventoried at the close of business on June 30, 2006 or at the beginning of business on July 1, 2006 (or July 3 if a particular establishment is closed on the 1st and 2nd.) Products must be inventoried annually thereafter.

OTHER:

- The pharmacy board will issue licenses to manufacture, possess, transfer or transport drug precursors unless it determines that the issuance of that license would be inconsistent with the public interest. Entities currently licensed by the board are exempt from this registration. (NMAC 16.19.21.8)
- Effective July 1, 2006, the board of pharmacy shall monitor prices charged for compounds, mixtures and preparations that contain pseudoephedrine and may adopt rules to prevent unwarranted price increases as a result of compliance with this section. (NMSA 30-31-10)