

NEVADA**PRODUCTS:**

- All products containing ephedrine (EPH), pseudoephedrine (PSE), and phenylpropanolamine (PPA) (S.B. 112 / A.B. 148 (2007), Sec. 4)
- Note: All non-OTC PSE, EPH, and PPA products are classified as Schedule III drugs. (NAC 453.530)

PRODUCT EXEMPTIONS:

- Any EPH, PSE or PPA products that the United States Attorney General determines cannot be used to manufacture methamphetamine and exempted by regulation from the provisions of 21 U.S.C. Section 830 (d) are exempted from Nevada's daily sales limit and packaging requirements. (S.B. 112 / A.B. 148 (2007), Sec. 7)

SALES LIMITS:

- A retail distributor may not sell or transfer to the same person in the same calendar day more than 3.6 grams of EPH base, PSE base or PPA base. (S.B. 112 / A.B. 148 (2007), Sec. 7)
- Stipulates that a retail distributor is not to sell or transfer to the same person during any 30-day period, without regard to the number of transactions, more than 9 grams of ephedrine base, pseudoephedrine base or phenylpropanolamine base or the salts, optical isomers or salts of optical isomers of such chemicals in a product that is a precursor to methamphetamine. (A.B. 39)

PURCHASE LIMITS:

- A person may not knowingly or intentionally purchase, receive or otherwise acquire during any calendar day more than 3.6 grams of EPH base, PSE base or PPA base. (S.B. 112 / A.B. 148 (2007), Sec. 10)
- A person may not knowingly or intentionally purchase, receive or otherwise acquire during any 30-day period more than 9 grams of EPH base, PSE base or PPA base. (S.B. 112 (2007), Sec. 10)
- Restricts an individual's ability to purchase a quantity of chemicals used to produce methamphetamine within a 30 day period. (A.B. 39)

SALES RESTRICTIONS:

- A retail distributor may not sell at retail nonliquid forms of EPH, PSE or PPA products including gel caps unless the product is packaged in blister packs, each blister containing not more than two dosage units, or if the blister pack is technically infeasible, the products must be packaged in unit dosage packets or pouches. (S.B. 112 / A.B. 148 (2007), Sec. 7)

ID REQUIREMENTS:

- The prospective purchaser or transferee must present ID with a photograph that has been issued by the US government, the state of Nevada or any other state, or a document that, with respect to ID, is considered acceptable pursuant to 21 U.S.C. 830 (e)(1). (S.B. 112 / A.B. 148 (2007), Sec. 8)

RECORDKEEPING REQUIREMENTS:

- Retail distributors must maintain a logbook in written or electronic form (S.B. 112 / A.B. 148 (2007), Sec. 3 & 8)
- At the time of sale or transfer, the retail distributor must ensure the name and quantity of the product sold or transferred; the name and address of the purchaser or transferee; and the date and time of the sale or transfer is entered into the logbook. The prospective purchaser or transferee must sign his name in the logbook. The retail distributor must determine that the name entered into the logbook corresponds to the name provided on the ID. (S.B. 112 / A.B. 148 (2007), Sec. 8)
- The retail distributor must include in the logbook or otherwise post or provide to a prospective purchaser or transferee a notice that entering a false statement or representation in the logbook may subject the prospective purchaser or transferee to criminal penalties under state law, as set forth in Sec. 11 of S.B. 112 / A.B. 148 (2007) and under federal law, as set forth in 18 U.S.C. Section 1001. (S.B. 112 / A.B. 148 (2007), Sec. 8)
- Retail distributors must maintain each entry in the logbook for not less than 2 years after the date on which the entry is made. (S.B. 112 / A.B. 148 (2007), Sec. 8)
- A retail distributor may not access, use or share information in the logbook unless the accessing, using or sharing of the information is allowed by federal law or unless the purpose of accessing, using or sharing the information is to ensure compliance with EPH, PSE, PPA retail sales laws or to facilitate a product recall to protect the health and safety of the public. (S.B. 112 / A.B. 148 (2007), Sec. 8)
- Upon a request for enforcement purposes by a law enforcement agency of Nevada or a political subdivision thereof or a law enforcement agency of the Federal Government, a retail distributor must disclose information in the logbook to the law enforcement agency. (S.B. 112 / A.B. 148 (2007), Sec. 8)
- The responsibility for the administration of the real-time stop sale is that of the Board of Pharmacy. Clarifies the penalty for failure to use the system as required and provides for immunity for the Board of Pharmacy in the event that the system malfunctions. Makes various changes concerning the sale or acquisition of products that are precursors to the production of methamphetamine:
- The Director of the Department of Public Safety the ability to initiate a stop-sale system for use by pharmacies, which would allow pharmacies to consult with an electronic database before completing a sale. A pharmacy must use a stop-sale

system if the Director of the Department of Public Safety considers it necessary. Requires a retail distributor of products used as precursors to the production of methamphetamine to consult with a stop-sale system, if such a system is approved by the Director of the Department of Public Safety. (A.B. 39)

PRODUCT PLACEMENT:

- A retail distributor must keep, store or place all EPH, PSE and PPA products in a locked case or cabinet, or behind a counter, so that the public does not have direct access to the product before a sale or transfer is made. (S.B. 112 / A.B. 148 (2007), Sec. 6)

PENALTIES:

- A retail distributor that violates product placement requirements, sales limits, sales restrictions or logbook and ID requirements is subject to a civil penalty pursuant to the provisions of NRS 453.553 to 453.5533. (S.B. 112 / A.B. 148 (2007), Sec. 9 & 12)
- The purchase limit does not apply if the person purchasing, receiving or otherwise acquiring EPH, PSE or PPA is a pharmacy, practitioner, retail distributor, wholesale distributor or dispenser that is purchasing, receiving or otherwise acquiring the product for the purpose of administering, distributing or dispensing it in a lawful manner. (S.B. 112 / A.B. 148 (2007), Sec. 10)
- A person who violates the purchase limit is guilty of a misdemeanor. However, if the person violates the purchase limit after a prior conviction under Nevada EPH, PSE or PPA law or the law of the United States or of any state, territory or district relating to a controlled substance, the person is guilty of a gross misdemeanor. Also, if the person violates any the purchase limit after two or more prior convictions under Nevada EPH, PSE or PPA law or the law of the United States or of any state, territory or district relating to a controlled substance, or a combination of two or more such prior convictions, the person is guilty of a category D felony and will be punished as provided in NRS 193.130. (S.B. 112 / A.B. 148 (2007), Sec. 10)
- A person who knowingly or intentionally enters a false statement or representation in a logbook is guilty of a category D felony and will be punished as provided in NRS 193.130. (S.B. 112 / A.