

UTAH**PRODUCTS:**

- Any single entity or combination product containing ephedrine (EPH), pseudoephedrine (PSE), or phenylpropanolamine (PPA), their salts or isomers, or salts of optical isomers, or a combination of any of these substances.

PRODUCT EXEMPTIONS:

- EPH, PSE and PPA products purchased pursuant to a valid prescription are exempted from all of the requirements that follow. (Utah Code 58-37c-20.5)
- Dietary supplements, herbs, or other natural products which are not otherwise prohibited by law and may contain naturally occurring EPH, EPH alkaloids, or PSE, or their salts, isomers, or salts of isomers, or a combination of these substances, that are contained in a matrix of organic material and do not exceed 15% of the total weight of the natural product are exempted from all of the requirements that follow. (Utah Code 58-37c-20.5)
- Individual sales transactions in which the purchaser purchases a single package containing no more than 60 mg of PSE are exempted from all of the requirements that follow. (Utah Code 58-37c-20.5)

SALES AND PURCHASE LIMITS:

- Retail distributors and mobile retailer vendors may not distribute or sell, and no person may purchase, any product containing 3.6 grams of EPH, PSE or PPA, regardless of the number of transactions, during any 24-hour period. *Note, this differs from the federal requirement, which bases the daily sales limited on a calendar day and limits sales to 3.6 grams of EPH, PSE or PPA base.* (Utah Code 58-37c-20.5)
- Mobile retail vendor may not distribute or sell, and no person may purchase, any product containing more than 7.5 grams of EPH, PSE or PPA, regardless of the number of transactions, during any 30-day period. (Utah Code 58-37c-20.5) *Note, this differs from the federal requirement, which limits sales to 7.5 grams of EPH, PSE or PPA base per 30 days.*
- A person may not purchase more than 9 grams of EPH, PSE or PPA or any combination regardless of the number of transactions during any 24 hour period. (Utah Code 58-37c-20.5) *Note, this differs from the federal requirement, which limits purchases to 9 grams of EPH, PSE or PPA base per 30 days.*

SALES RESTRICTIONS:

- Retail distributors and mobile retail vendors must store all non-liquid scheduled listed chemical products in packaging containing blister packs, with each blister containing no more than two dosage units. (Utah Code 58-37c-20.5)

ID REQUIREMENTS:

- Retail distributors and mobile retail vendors must require individual purchasing a product containing EPH, PSE or PPA to provide photo identification issued by a governmental agency and that includes the purchaser's date of birth. (Utah Code 58-37c-20.5)

RECORDKEEPING REQUIREMENTS:

- Retailer distributors and mobile retail vendors must maintain a written or electronic log containing sales information for each person to whom EPH, PSE or PPA products are distributed or sold. The purchaser must provide or enter the following information into the log: purchaser's name, address, and date of birth, as demonstrated by a form of personal identification issued by the state or the federal government and that provides an identifying photograph of the person; the date and time of the transaction; and the purchaser's signature. (Utah Code 58-37c-20.5)
- The retail distributor or mobile retail vendor must verify or write the following information into the log: identity of the purchases per the identification presented by the purchaser, the date and time of the transaction entered into the log is correct, and the entry of the brand name and quantity sold in the transaction. (Utah Code 58-37c-20.5)
- Retailers and mobile retail vendors must keep the sales logs for two years from the most recent date contained in the log. (Utah Code 58-37c-20.5)
- Retailers may only provide access to the information in the log to:
 - Federal, state, and local law enforcement authorities engaged as a duty of their employment in enforcing laws regulating controlled substances; and
 - An individual whose request is for records in the log of that individual's purchase or receipt of product who has provided evidence satisfactory to the retailer that the individual is in fact the person regarding whom the requested log entry is made.
 - (Utah Code 58-37c-20.5)

PUBLIC NOTICE:

- Retail distributors and mobile retail vendors must provides a notice concerning federal penalties for making false statements or misrepresentations in the sales log. The log or a prominently displayed sign visible to purchasers of the product must contain the following statement verbatim:
 - "WARNING: Section 1001 of Title 18, United States Code, states that whoever, with respect to the information to be provided in this log, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any materially false, fictitious, or fraudulent statement or representation, or makes or uses any false writing or document, knowing the same to contain any materially false,

fictitious, or fraudulent statement or entry, shall be fined not more than \$250,000 if an individual or \$500,000 if an organization, imprisoned for not more than five years, or both.”

- (Utah Code 58-37c-20.5)

PRODUCT PLACEMENT:

- Retailer distributors and mobile retail vendors must store EPH, PSE and PPA products in an area that is not accessible to customers prior to the sale, which may include a locked cabinet to display the product in an area accessible to customers *if* the locked cabinet may be opened only with retail employee assistance. (Utah Code 58-37c-20.5)

PENALTIES:

- A person who possesses more than 9 grams of EPH/PSE/PPA except it is affirmative defense if the person is a physician, pharmacist, retail distributor, wholesaler, manufacturer, warehouseman or common carrier in possession in regular course of business or pursuant to a prescription. This does not apply to dietary supplements, herbs, or other natural products which are not otherwise prohibited by law and may contain naturally occurring EPH, ephedrine alkaloids, PSE or their salts or isomers or a combination contained in a matrix of organic material and do not exceed 15% of the total weight of the natural product. (Utah Code 58-37c—20)
- A violation of all sales and purchase limits, sales restrictions, ID and recordkeeping requirements, public notice requirements, and product placement requirements is a class B misdemeanor, and a second or subsequent violation of this section is a class A misdemeanor. (Utah Code 58-37c-20.5)
- Persons may not who knowingly and intentionally use, release, publish, or otherwise make available to any person or entity information from the sales log, except to federal, state, and local law enforcement authorities engaged as a duty of their employment in enforcing laws regulating controlled substances, or to an individual whose request is for their own history of purchases from the log and who has provided satisfactory evidence to the retail distributor that the person is in fact the same person. Any person who knowingly and intentionally releases or modifies information in the log is guilty of a class B misdemeanor. (Utah Code 58-37c-20.5)
- A violation of the retail purchase limit is a class B misdemeanor. (Utah Code 58-37c-20.5)
- Those who enter plea of guilty or no contest to any violation which is held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance, is the equivalent of a conviction for a violation of this section, even if the charge has been subsequently reduced or dismissed in accordance with a plea in abeyance agreement. (Utah Code 58-37c-20.5)

ADDITIONAL INFORMATION:

- The Division of Occupational Licensing and Professional Licensing has the ability to issue a controlled substance precursor license, which combines the current controlled substance precursor purchaser and the controlled substance precursor distributor licenses. Utah Code 58-37c-7