

Iowa Pseudoephedrine Control Law (Senate File 169)

Passed by Legislature 3-16-05, Signed by Governor 3-22-05

Most Provisions: Effective May 21, 2005

This law is intended to reduce the number of hazardous methamphetamine labs in Iowa, by controlling meth cooks' access to the key meth-making ingredient: pseudoephedrine. In 2004, Iowa law enforcement agencies responded to a record 1,472 meth lab incidents. Below, please find links to: Senate File 169 (Iowa's pseudoephedrine control law); an Iowa meth fact sheet; a brief overview of the law; and general compliance guidelines for consumers, pharmacies, retailers and law enforcement.

Most provisions of this law, pertaining to pseudoephedrine sales, are effective **May 21, 2005**. However, two other provisions were effective immediately—**March 22, 2005**—upon the Governor's signing of this measure into law: (1) removal of exceptions on the Schedule V Controlled Substance status for *ephedrine* [all *ephedrine* products now may only be sold in licensed pharmacies...no retail sales of ephedrine permitted]; and (2) addition of a requirement that *bailable defendants* charged with manufacture, delivery, possession with the intent to deliver, or distribution of methamphetamine, shall, in addition to a substance abuse evaluation, remain under supervision and be required to undergo random drug tests as a condition of release.

<p>Note: this information is for general informational purposes only, and does not constitute legal advice. Anyone with questions about this law is encouraged to seek private legal counsel.</p>

Overview

- NO product containing any amount of pseudoephedrine shall be available for self-service purchase (on the shelf) in any Iowa store, effective May 21, 2005, when pseudoephedrine becomes a Schedule V Controlled Substance in Iowa.
- All pseudoephedrine (*with a very limited retail exception) must be kept in licensed pharmacies, and dispensed—on a *non*-prescription basis—by pharmacists under the following conditions:
 - The purchaser must be 18 years of age and older.
 - The purchaser must be known to the pharmacist (government-issued photo ID may be required).
 - The pharmacist must maintain a log of pseudoephedrine purchases. The pharmacist is not required to disclose contents of the logbook, unless it is the subject of a court order or subpoena.
 - The purchaser may buy no more than 7.5 grams of pseudoephedrine from a pharmacy or retailer, separately or collectively, in a 30-day period.
- *To address potentially urgent consumer needs, limited quantities of *liquid* and *liquid-filled* gel cap pseudoephedrine products only may be sold by retailers outside of licensed pharmacy areas, under the following conditions:

- Liquid and/or liquid-filled gel cap pseudoephedrine must be kept behind the counter or in a locked case. Outside of licensed pharmacies, retailers shall NOT stock or sell any starch-based/solid tablets, gelatin-coated tablets or capsules, or any other pseudoephedrine product in non-liquid form.
 - A purchaser may buy no more than one package of up to 360 milligrams of pseudoephedrine from a retailer in a 24-hour period (Example: One pseudoephedrine package of twelve 30-milligram liquid-filled gel caps or one 6-ounce bottle of liquid pseudoephedrine, depending on dosage strength), and no more than 7.5 grams of pseudoephedrine from a pharmacy or retailer, separately or collectively, in a 30-day period.
 - The retailer must require a government-issued photo ID prior to sale, and maintain a logbook of purchaser's printed names, addresses and signatures for at least 12 months. The retailer is not required to disclose contents of the logbook, unless it is the subject of a court order or subpoena.
- This state law preempts *local* pseudoephedrine control ordinances, effective May 21, 2005.
 - Violators of this law are subject to civil and/or criminal penalties (see below).

Civil penalties for retail violators:

- Civil penalties may be imposed on retailers that fail to comply with the restrictions on the pseudoephedrine products:
 - 1st violation is a \$300 civil penalty.
 - 2nd violation within 2 years is a \$1,500 civil penalty.
 - 3rd violation within 3 years is a \$2,000 civil penalty and may also be prohibited from selling for 3 years.
 - 4th or subsequent violation within 3 years is \$3,000 and a 3-year prohibition on sales.

Criminal penalties for consumer violators:

- A person who purchases more than 7,500 milligrams of pseudoephedrine in a single month is guilty of a serious misdemeanor.
- A person who steals up to \$500 worth of pseudoephedrine is guilty of a serious misdemeanor.
- A person who purchases more than one package of pseudoephedrine product containing 360 milligrams or less from a retailer in a 24-hour period is guilty of a simple misdemeanor and shall be assessed a scheduled fine of \$100. A second offense is a scheduled fine of \$250. A third and subsequent violation is a scheduled fine of \$500.

Criminal penalties for retailer and employee violators:

- A retailer or an employee who either performs a prohibited act or fails to comply with the affirmative requirements stated below is guilty of a simple misdemeanor. An employee of the retailer shall be assessed a scheduled fine of \$100. A second offense is a scheduled fine of \$250. A third and subsequent violation is a scheduled fine of \$500. A retailer is not subject to the schedule of fines. Instead, retailers are subject to the assessment of simple misdemeanor penalties.
 - A retailer or an employee of a retailer is prohibited from doing the following:
 - Selling a product that contains more than 360 milligrams of pseudoephedrine.

- Knowingly selling more than one pseudoephedrine product in a 24-hour period to an individual.
- Selling a package of pseudoephedrine product that can be further broken down or subdivided into two or more separate and distinct packages
- A retailer or an employee of a retailer is required to do the following:
 - Provide for sale of pseudoephedrine product in a locked cabinet or behind the counter.
 - Require a purchaser to present a government issued photo ID.
 - Require the purchaser to sign a logbook
 - Determine the name in the logbook corresponds with the name on the ID.
 - Keep the logbook for 12 months.
 - Post the warning sign.

Penalties for pharmacy violators:

- Pharmacists and/or pharmacies are subject to provisions and penalties set forth in Iowa Code, Chapters 124 and 155A, and rules established by the Iowa Board of Pharmacy Examiners.

Other provisions of law:

- NO product containing any amount of *ephedrine* shall be available for self-service purchase (on the shelf), effective March 22, 2005. As a Schedule V Controlled Substance in Iowa, ephedrine is available only from pharmacies...no exceptions.

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What Iowa Consumers Need to Know

All but a few of the cold and allergy products containing pseudoephedrine that you have been able to buy off the shelf at many stores in the past will be available only from licensed pharmacies, effective May 21, 2005. Iowa's new pseudoephedrine control law makes pseudoephedrine a Schedule V Controlled Substance, because of its potential for abuse in making the illegal drug methamphetamine. This change may cause you minor inconveniences, but it will help reduce the number of hazardous meth labs in Iowa.

To buy pseudoephedrine at a pharmacy, Iowa law requires you to:

- Be at least 18 years of age.
- Show a photo ID, if required by the pharmacist.
- Provide your name for entry into a pharmacy logbook. Note: A prescription is NOT required.
- Limit your purchases to no more than 7.5 grams of pseudoephedrine from a pharmacy or retailer, separately or collectively, in a 30-day period.
- Present a prescription only if you require more than the 7.5 grams per 30-day limit for legitimate medical use.

If you have an immediate need for a product containing pseudoephedrine, and don't ready have access to a pharmacy, you may buy a limited amount of select types at the checkout counters of participating discount, grocery, convenience and other retail stores.

To buy pseudoephedrine at a discount, grocery, convenience or other retail outlet, Iowa law requires you to:

- Be at least 18 years of age.
 - Show a government-issued photo ID.
 - Sign and print your name and address in a logbook.
 - Purchase only *liquid* or *liquid-filled* gel cap products that the retailer must keep behind the counter or in a locked case.
 - Purchase from a retailer only one package of *liquid* or *liquid-filled* gel caps containing no more than 360 milligrams of pseudoephedrine (e.g., one package of twelve 30-milligram strength liquid-filled gel caps or one 6-ounce bottle of liquid pseudoephedrine, depending on dosage strength) in a 24-hour period, and no more than 7.5 grams of pseudoephedrine from a pharmacy or retailer, separately or collectively, in a 30-day period. Outside of licensed pharmacies, retailers shall NOT stock or sell any starch-based/solid tablets, gelatin-coated tablets or capsules, or any other pseudoephedrine product in a non-liquid form.
- Violators of this law are subject to criminal penalties (see below).

Criminal penalties for consumer violators:

- A person who purchases more than 7,500 milligrams of pseudoephedrine in a single month is guilty of a serious misdemeanor.
- A person who steals up to \$500 worth of pseudoephedrine is guilty of a serious misdemeanor.
- A person who purchases more than one package of pseudoephedrine product containing 360 milligrams or less from a retailer in a 24-hour period is guilty of a simple misdemeanor and shall be assessed a scheduled fine of \$100. A second offense is a scheduled fine of \$250. A third and subsequent violation is a scheduled fine of \$500.

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What Iowa Pharmacists Need to Know

- Effective May 21, 2005, pseudoephedrine is a Schedule V Controlled Substance in Iowa. Most cold and allergy products containing pseudoephedrine are available for purchase only in licensed Iowa pharmacies. These products are no longer available for self-service purchase (on the shelf), because of their potential for abuse in making methamphetamine. Pharmacies are reminded that, effective before the start of business on May 21, 2005, they must make a controlled substances inventory record of all pseudoephedrine products in pharmacy stock.

- Licensed pharmacists are charged with dispensing, on a *non*-prescription basis, products containing any amount of pseudoephedrine (see “retail” section for limited exception).
- Pseudoephedrine purchasers must be at least 18 years of age and, if they are unknown to you, must show a photo ID. Customers are allowed to purchase up to 7.5 grams of pseudoephedrine from a pharmacy or retailer, separately or collectively, in a 30-day period. Pharmacies shall maintain a pseudoephedrine purchase logbook. Pharmacies are not required to disclose the contents of a logbook, unless it is the subject of a court order or subpoena.
- Larger amounts of pseudoephedrine may be dispensed by pharmacies for legitimate medical reasons, but only with a prescription issued by an authorized prescriber.
- Retail (non-pharmacy) outlets may sell only limited amounts of select pseudoephedrine products in controlled settings. Consumers may purchase from a retailer only one package of *liquid* or *liquid-filled* gel caps containing no more than 360 milligrams of pseudoephedrine (e.g., one package of twelve 30-milligram strength liquid-filled gel caps or one 6-ounce bottle of liquid pseudoephedrine, depending on dosage strength) in a 24-hour period, and no more than 7.5 grams of pseudoephedrine from a pharmacy or retailer, separately or collectively, in a 30-day period. Outside of licensed pharmacies, retailers shall NOT stock or sell any starch-based/solid tablets, gelatin-coated tablets or capsules, or any other pseudoephedrine product in a non-liquid form.
- Retailers must keep excepted products behind the counter or in locked cases, require a government-issued photo ID, and maintain a pseudoephedrine purchase log for 12 months. Retailers are not required to disclose contents of a logbook, unless it is the subject of a court order or subpoena. These retail controls also apply to stores with pharmacies, where pseudoephedrine is sold outside of the licensed pharmacy. A pharmacy may elect to keep ALL pseudoephedrine products in the pharmacy and dispense the exempt liquid or liquid-filled gel cap products in compliance with requirements and limitations for dispensing Schedule V pseudoephedrine products.

Penalties for pharmacy violators:

- Pharmacists and/or pharmacies are subject to provisions and penalties set forth in Iowa Code, Chapters 124 and 155A, and rules established by the Iowa Board of Pharmacy Examiners.

Other provisions of law:

- NO product containing any amount of *ephedrine* shall be available “over-the-counter,” effective March 22, 2005. As a Schedule V Controlled Substance in Iowa, ephedrine is available only from pharmacies...no exceptions.

NOTE:

- Additional information regarding pharmacist dispensing and wholesale distribution of ephedrine, phenylpropanolamine and pseudoephedrine products is available on the Iowa Board of Pharmacy Examiners website at: www.state.ia.us/ibpe.

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What Iowa Retailers Need to Know

- Effective May 21, 2005, pseudoephedrine is a Schedule V Controlled Substance in Iowa. Cold and allergy products containing pseudoephedrine are available for purchase, on a *non-prescription* basis, in licensed Iowa pharmacies. These products are no longer available for self-service purchase (on the shelf), because of their potential for abuse in making methamphetamine.
- Pharmacy purchasers must be at least 18 years of age, may be required to show a photo ID, and are allowed to purchase up to 7.5 grams of pseudoephedrine from a pharmacy or retailer, separately or collectively, in a 30-day period. Pharmacies shall maintain a pseudoephedrine purchase logbook. Pharmacies are not required to disclose the contents of a logbook, unless it is the subject of a court order or subpoena.
- Retail outlets that are not licensed pharmacies in Iowa may sell limited quantities of select types of pseudoephedrine product, if ALL of the following conditions are met (carefully check product contents to ensure compliance):
 - Consumers may purchase from a retailer only one package of *liquid* or *liquid-filled* gel caps containing no more than 360 milligrams of pseudoephedrine (e.g., one package of twelve 30-milligram strength liquid-filled gel caps or one 6-ounce bottle of liquid pseudoephedrine, depending on dosage strength) in a 24-hour period, and no more than 7.5 grams of pseudoephedrine from a pharmacy or retailer, separately or collectively, in a 30-day period. Outside of licensed pharmacies, retailers shall NOT stock or sell any starch-based/solid tablets, gelatin-coated tablets or capsules, or any other pseudoephedrine product in a non-liquid form.
 - Liquid and liquid-filled gel cap products must be kept behind the counter or in locked cases.
 - Purchasers must be required to show a government-issued photo ID prior to sale.
 - All pseudoephedrine purchasers must legibly sign a logbook, and print their name and address in the logbook. The logbook may be kept in an electronic format upon approval by the Iowa Department of Public Safety. Retailers are not required to disclose contents of a logbook, unless it is the subject of a court order or subpoena.
 - Clerks must determine the signature in the logbook corresponds with the name on the government-issued ID.
 - Retailers must keep the logbook entries 12 months from the date of the last entry.
 - Retailers must post notification in a clear and conspicuous manner in a location where a pseudoephedrine product is offered for sale stating the following:

“Iowa law prohibits the over-the-counter purchase of more than one package of a product containing pseudoephedrine in a 24-hour period, or more than 7,500 milligrams of pseudoephedrine within a 30-day period. If you purchase a product

containing pseudoephedrine, you are required to sign a logbook which may be accessible to law enforcement officers.”

- Retailers shall not sell a package of pseudoephedrine product that can be further broken down or subdivided into two or more separate and distinct packages, or offer promotions where a pseudoephedrine product is given away for free as part of any purchase transaction.
- A retailer or an employee of a retailer who reports to any law enforcement agency alleged criminal activity related to a pseudoephedrine purchase, or who refuses to sell pseudoephedrine to a customer is immune from civil liability for that conduct, except in cases of willful misconduct.
- Violators of this law are subject to civil and/or criminal penalties (see below).

Civil penalties for retail violators:

- Civil penalties may be imposed on retailers that fail to comply with the restrictions on the pseudoephedrine products:
 - 1st violation is a \$300 civil penalty.
 - 2nd violation within 2 years is a \$1,500 civil penalty.
 - 3rd violation within 3 years is a \$2,000 civil penalty and may also be prohibited from selling for 3 years.
 - 4th or subsequent violation within 3 years is \$3,000 and a 3-year prohibition on sales.

Criminal penalties for retailer and employee violators:

- A retailer or an employee who either performs a prohibited act or fails to comply with the affirmative requirements stated below is guilty of a simple misdemeanor. The employee shall be assessed a scheduled fine of \$100. A second offense is a scheduled fine of \$250. A third and subsequent violation is a scheduled fine of \$500. A retailer is not subject to the schedule of fines. Instead, retailers are subject to the assessment of simple misdemeanor penalties.
 - A retailer or an employee of a retailer is prohibited from doing the following:
 - Selling a product that contains more than 360 milligrams of pseudoephedrine.
 - Knowingly selling more than one pseudoephedrine product in a 24-hour period to an individual.
 - Selling a package of pseudoephedrine product that can be further broken down or subdivided into two or more separate and distinct packages
 - A retailer or an employee of a retailer is required to do the following:
 - Provide for sale of pseudoephedrine product in a locked cabinet or behind the counter.
 - Require a purchaser to present a government issued photo ID.
 - Require the purchaser to sign a logbook
 - Determine the name in the logbook corresponds with the name on the ID.
 - Keep the logbook for 12 months.
 - Post the warning sign.

Penalties for pharmacy violators:

- Pharmacists and/or pharmacies are subject to provisions and penalties set forth in Iowa Code, Chapters 124 and 155A, and rules established by the Iowa Board of Pharmacy Examiners.
- The retail controls outlined above also apply to stores with pharmacies, where pseudoephedrine is sold outside of the licensed pharmacy.

Other provisions of law:

- NO product containing any amount of *ephedrine* shall be available “over-the-counter,” effective March 22, 2005. As a Schedule V Controlled Substance in Iowa, ephedrine is available only from pharmacies...no exceptions.

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What Iowa Law Enforcement Agencies Need to Know

- NO product containing any amount of pseudoephedrine shall be available for self-service purchase (on the shelf), effective May 21, 2005, when pseudoephedrine becomes a Schedule V Controlled Substance in Iowa. Pseudoephedrine may not be placed on shelves accessible to the public. Most pseudoephedrine products may only be dispensed by pharmacists in licensed pharmacies. Retail outlets (convenience, discount and grocery stores, etc.) will be allowed to sell limited amounts of select types of pseudoephedrine under controlled conditions set forth below.

Pharmacy Controls:

- All cold and allergy products containing pseudoephedrine may be purchased, on a *non*-prescription basis, in licensed Iowa pharmacies. These products are no longer available for self-service purchase (on the shelf), because of their potential for abuse in making methamphetamine.
- Pseudoephedrine product purchasers must be at least 18 years of age, may be required to show a photo ID, and are allowed to purchase no more than 7.5 grams of pseudoephedrine from a pharmacy or retailer, separately or collectively, in a 30-day period
- Pharmacies shall maintain a pseudoephedrine purchase logbook. Pharmacies are not required to disclose the contents of a logbook, unless it is the subject of a court order or subpoena.
- Iowans requiring larger amounts of pseudoephedrine for legitimate medical reasons may do so from pharmacies, with a valid prescription.

Retail Controls:

- Retail outlets that are not licensed pharmacies in Iowa may sell limited quantities of select types of pseudoephedrine product, if ALL of the following conditions are met (retailers are advised to carefully check product contents to ensure compliance):

- Consumers may purchase from a retailer only one package of *liquid or liquid-filled* gel caps containing no more than 360 milligrams of pseudoephedrine (e.g., one package of twelve 30-milligram strength liquid-filled gel caps or one 6-ounce bottle of liquid pseudoephedrine, depending on dosage strength) in a 24-hour period, and no more than 7.5 grams of pseudoephedrine from a pharmacy or retailer, separately or collectively, in a 30-day period. Outside of licensed pharmacies, retailers shall NOT stock or sell any starch-based/solid tablets, gelatin-coated tablets or capsules, or any other pseudoephedrine product in a non-liquid form.
 - Liquid and liquid-filled gel cap products must be kept behind the counter or in locked cases.
 - Purchasers must be required to show a government-issued photo ID prior to sale.
 - All pseudoephedrine purchasers must legibly sign a logbook, and print their name and address in the logbook. The logbook may be kept in an electronic format upon approval by the Iowa Department of Public Safety. Retailers are not required to disclose contents of a logbook, unless it is the subject of a court order or subpoena.
 - Clerks must determine the signature in the logbook corresponds with the name on the government-issued ID.
 - Retailers must keep the logbook entries 12 months from the date of the last entry.
 - Retailers must post notification in a clear and conspicuous manner in a location where a pseudoephedrine product is offered for sale stating the following:

“Iowa law prohibits the over-the-counter purchase of more than one package of a product containing pseudoephedrine in a 24-hour period, or more than 7,500 milligrams of pseudoephedrine within a 30-day period. If you purchase a product containing pseudoephedrine, you are required to sign a logbook which may be accessible to law enforcement officers.”
 - Retailers shall not sell a package of pseudoephedrine product that can be further broken down or subdivided into two or more separate and distinct packages, or offer promotions where a pseudoephedrine product is given away for free as part of any purchase transaction.
 - A retailer or an employee of a retailer who reports to any law enforcement agency alleged criminal activity related to a pseudoephedrine purchase, or who refuses to sell pseudoephedrine to a customer is immune from civil liability for that conduct, except in cases of willful misconduct.
- Violators of this law are subject to civil and/or criminal penalties (see below).

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- Civil penalties may be imposed on retailers that fail to comply with the restrictions on the pseudoephedrine products:
 - 1st violation is a \$300 civil penalty.
 - 2nd violation within 2 years is a \$1,500 civil penalty.

- 3rd violation within 3 years is a \$2,000 civil penalty and may also be prohibited from selling for 3 years.
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Criminal penalties for consumer violators:

- A person who purchases more than 7,500 milligrams of pseudoephedrine in a single month is guilty of a serious misdemeanor.
- A person who steals up to \$500 worth of pseudoephedrine is guilty of a serious misdemeanor.
- A person who purchases more than one package of pseudoephedrine product containing 360 milligrams or less from a retailer in a 24-hour period is guilty of a simple misdemeanor and shall be assessed a scheduled fine of \$100. A second offense is a scheduled fine of \$250. A third and subsequent violation is a scheduled fine of \$500.

Criminal penalties for retailer and employee violators:

- A retailer or an employee who either performs a prohibited act or fails to comply with the affirmative requirements stated below is guilty of a simple misdemeanor. The employee shall be assessed a scheduled fine of \$100. A second offense is a scheduled fine of \$250. A third and subsequent violation is a scheduled fine of \$500. A retailer is not subject to the schedule of fines. Instead, retailers are subject to the assessment of simple misdemeanor penalties.
 - A retailer or an employee of a retailer is prohibited from doing the following:
 - Selling a product that contains more than 360 milligrams of pseudoephedrine.
 - Knowingly selling more than one pseudoephedrine product in a 24-hour period to an individual.
 - Selling a package of pseudoephedrine product that can be further broken down or subdivided into two or more separate and distinct packages
 - A retailer or an employee of a retailer is required to do the following:
 - Provide for sale of pseudoephedrine product in a locked cabinet or behind the counter.
 - Require a purchaser to present a government issued photo ID.
 - Require the purchaser to sign a logbook
 - Determine the name in the logbook corresponds with the name on the ID.
 - Keep the logbook for 12 months.
 - Post the warning sign.

Penalties for pharmacy violators:

- Pharmacists and/or pharmacies are subject to provisions and penalties set forth in Iowa Code, Chapters 124 and 155A, and rules established by the Iowa Board of Pharmacy Examiners.

Other provisions of law:

- Bailable defendants charged with manufacture, delivery, possession with the intent to deliver, or distribution of methamphetamine, shall, in addition to a substance abuse evaluation, remain under supervision and be required to undergo random drug tests as a condition of release. This provision of the law is effective March 22, 2005.

- NO product containing any amount of *ephedrine* shall be available for self-service purchase (on the shelf), effective March 22, 2005. As a Schedule V Controlled Substance in Iowa, ephedrine is available only from pharmacies...no exceptions.

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