

Amendment to SB 376-FN

1 Amend RSA 318-B:48, I-III as inserted by section 1 of the bill by replacing it with the following:

2  
3 I. No person shall knowingly and unlawfully possess a drug product containing ephedrine,  
4 pseudoephedrine, or phenylpropanolamine with the intent to use the product as a precursor to  
5 manufacture methamphetamine or another controlled substance.

6 II. A drug product containing ephedrine, pseudoephedrine, or phenylpropanolamine shall  
7 not be distributed at retail to the general public unless it is maintained in a locked display case or  
8 behind the counter out of the public's reach.

9 III.(a) A retail establishment shall not knowingly complete a sale to a person if the drug  
10 product or combination of drug products purchased would surpass a total of more than 3.6 grams  
11 within a 24-hour period or 9 grams within a 30-day period of ephedrine base, pseudoephedrine base,  
12 or phenylpropanolamine base or their isomers. The "base" form means the fraction of ephedrine,  
13 pseudoephedrine, or phenylpropanolamine present within a formulation containing a salt form of  
14 those respective drugs.

15 (b) This section shall not apply to drug products dispensed pursuant to a valid  
16 prescription.

17  
18 Amend RSA 318-B:49, I(a) as inserted by section 1 of the bill by replacing it with the following:

19  
20 I.(a) Retail establishments shall use an electronic registry system to record the sale of  
21 products made pursuant to RSA 318-B:48. The electronic registry system shall have the capacity to  
22 block a sale of nonprescription drug products containing ephedrine, pseudoephedrine, or  
23 phenylpropanolamine that would result in a purchaser exceeding the lawful daily or monthly  
24 amount. The system shall contain an override function that may be used by an agent of a retail  
25 establishment who is dispensing the drug product and who has a reasonable fear of imminent bodily  
26 harm to his or her person or to another person if the transaction is not completed. The system shall  
27 create a record of each use of the override mechanism.

28  
29 Amend RSA 318-B:49, II(a)(2) as inserted by section 1 of the bill by replacing it with the following:

30  
31 (2) The name of the drug product and quantity of ephedrine, pseudoephedrine, and  
32 phenylpropanolamine sold in grams;

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1 Amend the introductory paragraph of RSA 318-B:49, III as inserted by section 1 of the bill by  
2 replacing it with the following:

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4           III. A retail establishment shall display a sign at the register provided by NPLEEx or its  
5 equivalent to notify purchasers of drug products containing ephedrine, pseudoephedrine, or  
6 phenylpropanolamine that: