

Delegates Shott and Ellington move to amend the committee amendment on page 5, section 4, after line 20, by inserting a new subsection to read as follows:

"(f) (1) Notwithstanding any provision of this code to the contrary, a county commission may adopt an ordinance to provide that a pharmacy, wholesaler or other entity operating a retail establishment in the county may not sell, transfer or dispense ephedrine, pseudoephedrine or phenylpropanolamine without a prescription, unless the product has been determined by the Board of Pharmacy to be in an extraction- or conversion-resistant form.

(2) The ordinance:

(A) Shall provide that the provisions of subdivision (3), subsection (a), section seven, article seven, chapter sixty-one of this code are inapplicable to persons possessing ephedrine, pseudoephedrine or phenylpropanolamine which has been lawfully purchased in the jurisdiction of sale and which is possessed with the intent that it be used in the manner and form intended by the manufacturer;

(B) Shall provide that the ordinance does not apply to drug products containing ephedrine, pseudoephedrine or phenylpropanolamine which are for pediatric use primarily intended for administration to children under the age of twelve; and

(C) May provide that any person in violation of the ordinance

1 is guilty of a misdemeanor and, upon conviction, may be fined not
2 more than \$1,000 for the first offense, or more than \$10,000 for
3 each subsequent offense.

4 (3) A county commission may conduct a referendum on the
5 question of the adoption of an ordinance pursuant to this section
6 by entry of an order providing that the ordinance not become
7 effective until it is ratified by a majority of the legal votes
8 cast on the referendum by the qualified voters of the county at any
9 primary, general or special election as the county commission
10 directs.

11 Adopted

12 Rejected