

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 6**

4 (By Senators Tucker, Kessler (Mr. President), Stollings, Laird  
5 and Plymale)

6 \_\_\_\_\_  
7 [Originating in the Committee on Health and Human Resources;  
8 reported February 5, 2014.]  
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11  
12 A BILL to repeal §60A-10-8 of the Code of West Virginia, 1931, as  
13 amended; to amend and reenact §60A-2-210 and §60A-2-212 of  
14 said code; and to amend and reenact §60A-10-2, §60A-10-3,  
15 §60A-10-4 and §60A-10-7 of said code, all relating to the  
16 Methamphetamine Lab Eradication Act and the prevention of the  
17 production of methamphetamine; requiring certain drug products  
18 be obtained by prescription only; moving certain drug products  
19 from Schedule V to Schedule IV; providing an exception for  
20 drug products that cannot be feasibly converted into  
21 methamphetamine; making legislative findings; defining terms;  
22 prohibiting pharmacies from selling certain drugs that can be  
23 used in the production of methamphetamine without a  
24 prescription; creating a criminal offense for possession of

1 certain substances without a prescription with intent to  
2 transfer to another to make methamphetamine; permitting the  
3 sale of certain drugs without a prescription where the Board  
4 of Pharmacy determines that the drugs are not feasible for  
5 being used for the manufacture of methamphetamine; updating  
6 the maximum amounts persons are permitted to purchase of  
7 certain drugs that cannot feasibly be converted into  
8 methamphetamine; adjusting the requirements of the Multi-State  
9 Real-Time Tracking System; removing certain outdated language;  
10 and providing rule-making authority to the Board of Pharmacy  
11 to implement emergency and legislative rules, which will  
12 provide procedures for which products may be sold over the  
13 counter and which require a prescription and other information  
14 necessary to implement the Methamphetamine Lab Eradication  
15 Act.

16 *Be it enacted by the Legislature of West Virginia:*

17 That §60A-10-8 of the Code of West Virginia, 1931, as amended,  
18 be repealed; that §60A-2-210 and §60A-2-212 of said code be amended  
19 and reenacted; and that §60A-10-2, §60A-10-3, §60A-10-4 and  
20 §60A-10-7 of said code be amended and reenacted, all to read as  
21 follows:

22 **ARTICLE 2. STANDARDS AND SCHEDULES.**

23 **§60A-2-210. Schedule IV.**

24 (a) Schedule IV shall consist of the drugs and other

1 substances, by whatever official name, common or usual name,  
2 chemical name, or brand name designated, listed in this section.

3 (b) *Narcotic drugs.* Unless specifically excepted or unless  
4 listed in another schedule, any material, compound, mixture, or  
5 preparation containing any of the following narcotic drugs, or  
6 their salts calculated as the free anhydrous base or alkaloid, in  
7 limited quantities as set forth below:

8 (1) Not more than 1 milligram of difenoxin and not less than  
9 25 micrograms of atropine sulfate per dosage unit;

10 ( 2 ) D e x t r o p r o p o x y p h e n e  
11 (alpha-(+)-4-dimethylamino-1,2-diphenyl-3-methyl-2-propionoxybuta  
12 ne).

13 (c) *Depressants.* Unless specifically excepted or unless  
14 listed in another schedule, any material, compound, mixture or  
15 preparation which contains any quantity of the following  
16 substances, including its salts, isomers and salts of isomers  
17 whenever the existence of such salts, isomers and salts of isomers  
18 is possible within the specific chemical designation:

19 (1) Alprazolam;

20 (2) Barbital;

21 (3) Bromazepam;

22 (4) Camazepam;

23 (5) Carisoprodol;

24 (6) Chloral betaine;

- 1 (7) Chloral hydrate;
- 2 (8) Chlordiazepoxide;
- 3 (9) Clobazam;
- 4 (10) Clonazepam;
- 5 (11) Clorazepate;
- 6 (12) Clotiazepam;
- 7 (13) Cloxazolam;
- 8 (14) Delorazepam;
- 9 (15) Diazepam;
- 10 (16) Estazolam;
- 11 (17) Ethchlorvynol;
- 12 (18) Ethinamate;
- 13 (19) Ethyl loflazepate;
- 14 (20) Fludiazepam;
- 15 (21) Flunitrazepam;
- 16 (22) Flurazepam;
- 17 (23) Halazepam;
- 18 (24) Haloxazolam;
- 19 (25) Ketazolam;
- 20 (26) Loprazolam;
- 21 (27) Lorazepam;
- 22 (28) Lormetazepam;
- 23 (29) Mebutamate;
- 24 (30) Medazepam;

- 1 (31) Meproamate;
- 2 (32) Methohexital;
- 3 (33) Methylphenobarbital (mephobarbital);
- 4 (34) Midazolam;
- 5 (35) Nimetazepam;
- 6 (36) Nitrazepam;
- 7 (37) Nordiazepam;
- 8 (38) Oxazepam;
- 9 (39) Oxazolam;
- 10 (40) Paraldehyde;
- 11 (41) Petrichloral;
- 12 (42) Phenobarbital;
- 13 (43) Pinazepam;
- 14 (44) Prazepam;
- 15 (45) Quazepam;
- 16 (46) Temazepam;
- 17 (47) Tetrazepam;
- 18 (48) Triazolam;
- 19 (49) Zolpidem.

20 (d) *Fenfluramine*. Any material, compound, mixture or  
21 preparation which contains any quantity of the following substance,  
22 including its salts, isomers (whether optical, position or  
23 geometric) and salts of such isomers whenever the existence of such  
24 salts, isomers and salts of isomers is possible: *Fenfluramine*.

1 (e) *Stimulants*. Unless specifically excepted or unless listed  
2 in another schedule, any material, compound, mixture or preparation  
3 which contains any quantity of the following substances having a  
4 stimulant effect on the central nervous system, including its salts,  
5 isomers and salts of isomers:

- 6 (1) Cathine ((+)-norpseudoephedrine);
- 7 (2) Diethylpropion;
- 8 (3) Fencamfamin;
- 9 (4) Fenproporex;
- 10 (5) Mazindol;
- 11 (6) Mefenorex;
- 12 (7) Pemoline (including organometallic complexes and chelates  
13 thereof);
- 14 (8) Phentermine;
- 15 (9) Pipradrol;
- 16 (10) SPA ((-)-1-dimethylamino-1,2-diphenylethane).

17 (f) Any compound, mixture or preparation containing ephedrine,  
18 pseudoephedrine or phenylpropanolamine, their salts or optical  
19 isomers, or salts of optical isomers except products which are for  
20 pediatric use primarily intended for administration to children  
21 under the age of twelve and products which have been determined by  
22 the Board of Pharmacy to be in a form which is not feasible for  
23 being used for the manufacture of methamphetamine, as set forth in  
24 article ten of this chapter: Provided, That neither the offenses

1 set forth in section four hundred one, article four of this chapter,  
2 nor the penalties therein, shall be applicable to ephedrine,  
3 pseudoephedrine or phenylpropanolamine, which shall be subject to  
4 the provisions of article ten of this chapter.

5 ~~(f)~~ (g) Other substances. -- Unless specifically excepted or  
6 unless listed in another schedule, any material, compound, mixture  
7 or preparation which contains any quantity of the following  
8 substances, including its salts:

9 (1) Pentazocine;

10 (2) Butorphanol.

11 Amyl nitrite, butyl nitrite, isobutyl nitrite and the other  
12 organic nitrites are controlled substances and no product containing  
13 these compounds as a significant component shall be possessed,  
14 bought or sold other than pursuant to a bona fide prescription or  
15 for industrial or manufacturing purposes.

16 **§60A-2-212. Schedule V.**

17 (a) Schedule V shall consist of the drugs and other substances,  
18 by whatever official name, common or usual name, chemical name, or  
19 brand name designated, listed in this section.

20 (b) *Narcotic drugs.* -- Unless specifically excepted or unless  
21 listed in another schedule, any material, compound, mixture or  
22 preparation containing any of the following narcotic drugs and their  
23 salts, as set forth below:

24 (1) Buprenorphine.

1 (c) Narcotic drugs containing nonnarcotic active medicinal  
2 ingredients. Any compound, mixture or preparation containing any  
3 of the following narcotic drugs or their salts calculated as the  
4 free anhydrous base or alkaloid in limited quantities as set forth  
5 below, which shall include one or more nonnarcotic active medicinal  
6 ingredients in sufficient proportion to confer upon the compound,  
7 mixture or preparation valuable medicinal qualities other than those  
8 possessed by the narcotic drug alone:

9 (1) Not more than 200 milligrams of codeine per 100 milliliters  
10 or per 100 grams;

11 (2) Not more than 100 milligrams of dihydrocodeine per 100  
12 milliliters or per 100 grams;

13 (3) Not more than 100 milligrams of ethylmorphine per 100  
14 milliliters or per 100 grams;

15 (4) Not more than 2.5 milligrams of diphenoxylate and not less  
16 than 25 micrograms of atropine sulfate per dosage unit;

17 (5) Not more than 100 milligrams of opium per 100 milliliters  
18 or per 100 grams;

19 (6) Not more than 0.5 milligrams of difenoxin and not less than  
20 25 micrograms of atropine sulfate per dosage unit.

21 (d) *Stimulants*. -- Unless specifically exempted or excluded or  
22 unless listed in another schedule, any material, compound, mixture  
23 or preparation which contains any quantity of the following  
24 ~~substances~~ substance having a stimulant effect on the central



1 nervous system, including its salts, isomers and salts of isomers:

2 ~~(1) Pyrovalerone.~~

3 ~~(e) Any compound, mixture or preparation containing as its~~  
4 ~~single active ingredient ephedrine, pseudoephedrine or~~  
5 ~~phenylpropanolamine, their salts or optical isomers, or salts of~~  
6 ~~optical isomers except products which are for pediatric use~~  
7 ~~primarily intended for administration to children under the age of~~  
8 ~~twelve: *Provided*, That neither the offenses set forth in section~~  
9 ~~four hundred one, article four of this chapter, nor the penalties~~  
10 ~~therein, shall be applicable to ephedrine, pseudoephedrine or~~  
11 ~~phenylpropanolamine, which shall be subject to the provisions of~~  
12 ~~article ten of this chapter.~~

13 **ARTICLE 10. METHAMPHETAMINE LABORATORY ERADICATION ACT.**

14 **§60A-10-2. Purpose; findings.**

15 The Legislature finds:

16 (a) That the illegal production and distribution of  
17 methamphetamine is an increasing problem nationwide and particularly  
18 prevalent in rural states such as West Virginia.

19 (b) That methamphetamine is a highly addictive drug that can  
20 be manufactured in small and portable laboratories. These  
21 laboratories are operated by individuals who manufacture the drug  
22 in a clandestine and unsafe manner, often resulting in explosions  
23 and fires that can injure not only the individuals involved, but  
24 their families, neighbors, law-enforcement officers and firemen.

1 (c) That use of methamphetamine can result in fatal kidney and  
2 lung disorders, brain damage, liver damage, blood clots, chronic  
3 depression, hallucinations, violent and aggressive behavior,  
4 malnutrition, disturbed personality development, deficient immune  
5 system and psychosis. Children born to mothers who are abusers of  
6 methamphetamine can be born addicted and suffer birth defects, low  
7 birth weight, tremors, excessive crying, attention deficit disorder  
8 and behavior disorders.

9 (d) That in addition to the physical consequences to an  
10 individual who uses methamphetamine, usage of the drug also produces  
11 an increase in automobile accidents, explosions and fires, increased  
12 criminal activity, increased medical costs due to emergency room  
13 visits, increases in domestic violence, increased spread of  
14 infectious diseases and a loss in worker productivity.

15 (e) That environmental damage is another consequence of the  
16 methamphetamine epidemic. Each pound of methamphetamine produced  
17 leaves behind five to six pounds of toxic waste. Chemicals and  
18 byproducts that result from the manufacture of methamphetamine are  
19 often poured into plumbing systems, storm drains or directly onto  
20 the ground. Clean up of methamphetamine laboratories is extremely  
21 resource-intensive, with an average remediation cost of \$5,000.

22 (f) That it is in the best interest of every West Virginian to  
23 develop a viable solution to address the growing methamphetamine  
24 problem in the State of West Virginia. The Legislature finds that

1 conversion-proof pseudoephedrine hydrochloride can provide an  
2 over-the-counter option that cannot be used in the manufacture of  
3 methamphetamine. The Legislature finds that requiring a  
4 prescription for ~~restricting access to over-the-counter~~ drugs that  
5 can be converted ~~used~~ to facilitate production of methamphetamine  
6 is necessary to protect the public safety of all West Virginians.

7 (g) That it is further in the best interests of every West  
8 Virginian to create impediments to the manufacture of  
9 methamphetamine by requiring persons purchasing chemicals necessary  
10 to the process to provide identification.

11 **§60A-10-3. Definitions.**

12 In this article:

13 (a) "Board of Pharmacy" or "board" means the West Virginia  
14 Board of Pharmacy established by the provisions of article five,  
15 chapter thirty of this code.

16 (b) "Designated precursor" means any drug product made subject  
17 to the requirements of this article by the provisions of section ten  
18 of this article.

19 (c) "Distributor" means any person within this state or another  
20 state, other than a manufacturer or wholesaler, who sells, delivers,  
21 transfers or in any manner furnishes a drug product to any person  
22 who is not the ultimate user or consumer of the product.

23 (d) "Drug product" means a pharmaceutical product that contains  
24 ephedrine, pseudoephedrine or phenylpropanolamine or a substance

1 identified on the supplemental list provided in section seven of  
2 this article ~~which may be sold without a prescription~~ and which is  
3 labeled for use by a consumer in accordance with the requirements  
4 of the laws and rules of this state and the federal government.

5 (e) "Ephedrine " means ephedrine, its salts or optical isomers  
6 or salts of optical isomers.

7 (f) "Manufacturer" means any person within this state who  
8 produces, compounds, packages or in any manner initially prepares  
9 for sale or use any drug product or any such person in another state  
10 if they cause the products to be compounded, packaged or transported  
11 into this state.

12 (g) "National Association of Drug Diversion Investigators" or  
13 "NADDI" means the non-profit 501(c)(3) organization established in  
14 1989, made up of members who are responsible for investigating and  
15 prosecuting pharmaceutical drug diversion, and that facilitates  
16 cooperation between law enforcement, health care professionals,  
17 state regulatory agencies and pharmaceutical manufacturers in the  
18 investigation and prevention of prescription drug abuse and  
19 diversion.

20 (h) "Multi-State Real-Time Tracking System" or "MSRTTS" means  
21 the real-time electronic logging system provided by NADDI at no cost  
22 to states that have legislation requiring real-time electronic  
23 monitoring of precursor purchases, and agree to use the system.  
24 MSRTTS is used by pharmacies and law enforcement to track sales of

1 over-the-counter (OTC) cold and allergy medications containing  
2 precursors to the illegal drug, methamphetamine.

3 (i) "Phenylpropanolamine" means phenylpropanolamine, its salts,  
4 optical isomers and salts of optical isomers.

5 (j) "Pseudoephedrine" means pseudoephedrine, its salts, optical  
6 isomers and salts of optical isomers.

7 (k) "Precursor" means any substance which may be used along  
8 with other substances as a component in the production and  
9 distribution of illegal methamphetamine.

10 (l) "Pharmacist" means an individual currently licensed by this  
11 state to engage in the practice of pharmacist care as defined in  
12 article five, chapter thirty of this code.

13 (m) "Pharmacy intern" has the same meaning as the term "intern"  
14 as set forth in section one-b, article five, chapter thirty of this  
15 code.

16 (n) "Pharmacy" means any drugstore, apothecary or place within  
17 this state where drugs are dispensed and sold at retail or display  
18 for sale at retail and pharmacist care is provided outside of this  
19 state where drugs are dispensed and pharmacist care is provided to  
20 residents of this state.

21 (o) "Pharmacy counter" means an area in the pharmacy restricted  
22 to the public where controlled substances are stored and housed and  
23 where controlled substances may only be sold, transferred or  
24 dispensed by a pharmacist, pharmacy intern or pharmacy technician.

1 (p) "Pharmacy technician" means a registered technician who  
2 meets the requirements for registration as set forth in article  
3 five, chapter thirty of this code.

4 (q) "Retail establishment" means any entity or person within  
5 this state who sells, transfers or distributes goods, including  
6 over-the-counter drug products, to an ultimate consumer.

7 (r) "Schedule V" means the schedule of controlled substances  
8 set out in section two hundred twelve, ~~section~~ article two of this  
9 chapter.

10 (s) "Superintendent of the State Police" or "Superintendent"  
11 means the Superintendent of the West Virginia State Police as set  
12 forth in section five, article two, chapter fifteen of this code.

13 (t) "Wholesaler" means any person within this state or another  
14 state, other than a manufacturer, who sells, transfers or in any  
15 manner furnishes a drug product to any other person in this state  
16 for the purpose of being resold.

17 **§60A-10-4. Purchase, receipt, acquisition and possession of**  
18 **substances to be used as precursor to manufacture**  
19 **of methamphetamine or another controlled substance;**  
20 **offenses; exceptions; penalties.**

21 (a) A pharmacy may not sell, transfer or dispense ~~to the same~~  
22 ~~person, and a person may not purchase more than three and six-tenths~~  
23 ~~grams per day, more than seven and two-tenths grams in a thirty-day~~  
24 ~~period or more than forty-eight grams annually of ephedrine,~~

1 pseudoephedrine or phenylpropanolamine without a prescription,  
2 unless the product has been determined by the Board of Pharmacy to  
3 be in a form which is not feasible for being used for the  
4 manufacture of methamphetamine: Provided, That a pharmacy may not  
5 sell, transfer or dispense to the same person, and a person may not  
6 purchase more than three and six-tenths grams per day, more than  
7 seven and two-tenths grams in a thirty-day period or more than  
8 forty-eight grams annually of ephedrine, pseudoephedrine or  
9 phenylpropanolamine that has been determined by the Board of  
10 Pharmacy to be in a form which is not feasible for being used for  
11 the manufacture of methamphetamine. The limits shall apply to the  
12 total amount of ephedrine, pseudoephedrine and phenylpropanolamine  
13 contained in the products, and not the overall weight of the  
14 products.

15 (1) Any person who ~~or~~ knowingly purchases, receives or  
16 otherwise possesses more than seven and two-tenths grams in a  
17 thirty-day period of ephedrine, pseudoephedrine or  
18 phenylpropanolamine in any form without a prescription is guilty of  
19 a misdemeanor and, upon conviction, shall be confined in a jail for  
20 not more than one year, fined not more than \$1,000, or both fined  
21 and confined.

22 (2) Any person who knowingly purchases, receives or otherwise  
23 possesses ephedrine, pseudoephedrine or phenylpropanolamine in any  
24 form with the intent to transfer the substance to someone that the

1 person knows or should know will use the substance to manufacture  
2 methamphetamine is guilty of a misdemeanor and, upon conviction,  
3 shall be confined in a jail for not more than one year, fined not  
4 more than \$1,000, or both fined and confined.

5       ~~(2)~~ (3) Any pharmacy, wholesaler or other entity operating the  
6 retail establishment which sells, transfers or dispenses a product  
7 in violation of this section is guilty of a misdemeanor and, upon  
8 conviction, shall be fined not more than \$1,000 for the first  
9 offense, or more than \$10,000 for each subsequent offense.

10       (b) Notwithstanding the provisions of ~~subdivision (a)(1)~~  
11 subdivisions (1) and (2) of subsection (a) of this section, any  
12 person convicted of a second or subsequent violation of the  
13 provisions of said subdivisions or a statute or ordinance of the  
14 United States or another state which contains the same essential  
15 elements is guilty of a felony and, upon conviction, shall be  
16 imprisoned in a state correctional facility for not less than one  
17 nor more than five years, fined not more than \$25,000, or both  
18 imprisoned and fined.

19       (c) The provisions of subsection (a) of this section shall not  
20 apply to:

21       (1) Products dispensed pursuant to a valid prescription;

22       (2) Drug products which are for pediatric use primarily  
23 intended for administration to children under the age of twelve; or

24 ~~—— (3) Drug products containing ephedrine, pseudoephedrine or~~



~~1 phenylpropanolamine, their salts or optical isomers or salts of  
2 optical isomers or other designated precursor which have been  
3 determined by the Board of Pharmacy to be in a form which is not  
4 feasible for being used for the manufacture of methamphetamine; or~~

5       (4) (3) Persons lawfully possessing drug products in their  
6 capacities as distributors, wholesalers, manufacturers, pharmacists,  
7 pharmacy interns, pharmacy technicians, or health care  
8 professionals.

9       (d) Notwithstanding any provision of this code to the contrary,  
10 any person who knowingly possesses any amount of ephedrine,  
11 pseudoephedrine, phenylpropanolamine or other designated precursor  
12 with the intent to use it in the manufacture of methamphetamine, who  
13 knowingly compensates, hires or provides other incentives for  
14 another person to purchase, obtain or transfer any amount of  
15 ephedrine, pseudoephedrine, phenylpropanolamine or other designated  
16 precursor with the intent to use it in the manufacture of  
17 methamphetamine or who knowingly possesses a substance containing  
18 ephedrine, pseudoephedrine or phenylpropanolamine or their salts,  
19 optical isomers or salts of optical isomers in a state or form which  
20 is, or has been altered or converted from the state or form in which  
21 these chemicals are, or were, commercially distributed is guilty of  
22 a felony and, upon conviction, shall be imprisoned in a state  
23 correctional facility for not less than two nor more than ten years,  
24 fined not more than \$25,000, or both imprisoned and fined.

1 (e) (1) Any pharmacy, wholesaler, manufacturer or distributor  
2 of drug products containing ephedrine, pseudoephedrine,  
3 phenylpropanolamine, their salts or optical isomers or salts of  
4 optical isomers or other designated precursor shall obtain a  
5 registration annually from the State Board of Pharmacy as described  
6 in section six of this article. Any such pharmacy, wholesaler,  
7 manufacturer or distributor shall keep complete records of all sales  
8 and transactions as provided in section eight of this article. The  
9 records shall be gathered and maintained pursuant to legislative  
10 rule promulgated by the Board of Pharmacy.

11 (2) Any drug products possessed without a registration as  
12 provided in this section are subject to forfeiture upon conviction  
13 for a violation of this section.

14 (3) In addition to any administrative penalties provided by  
15 law, any violation of this subsection is a misdemeanor, punishable  
16 upon conviction by a fine in an amount not more than \$10,000.

17 **§60A-10-7. Restricted products; rule-making authority.**

18 (a) On or before July 1, 2014, ~~2005~~ the Board of Pharmacy shall  
19 promulgate emergency and legislative rules pursuant to the provision  
20 of article three, chapter twenty-nine-a of this code to ~~implement~~  
21 continue the a program wherein the Board of Pharmacy ~~shall consult~~  
22 consults with the Superintendent of the State Police in identifying  
23 drug products which are a designated precursor, in addition to those  
24 that contain ephedrine, pseudoephedrine or phenylpropanolamine, that

1 are commonly being used in the production and distribution of  
2 methamphetamine. Those drug products which the Superintendent of  
3 the State Police have demonstrated by empirical evidence are  
4 commonly used in the manufacture of methamphetamine shall be added  
5 to a supplemental list and shall be subject to all of the  
6 restrictions of this article. These rules established pursuant to  
7 this section shall include:

8 (1) A process whereby pharmacies are made aware of all drug  
9 products that contain ephedrine, pseudoephedrine and  
10 phenylpropanolamine that will be listed as a ~~Schedule V~~ Schedule IV  
11 substance and must be sold, transferred or dispensed from behind a  
12 pharmacy counter. This process shall specifically state which  
13 products have been determined by the Board of Pharmacy to be in a  
14 form which is not feasible for being used for the manufacture of  
15 methamphetamine and may, therefore, be sold without a prescription.  
16 The process shall specify that all other drug products which have  
17 not been determined by the Board of Pharmacy to be in a form which  
18 is not feasible for being used for the manufacture of  
19 methamphetamine may be distributed by prescription only;

20 (2) A process whereby pharmacies and retail establishments are  
21 made aware of additional drug products added to Schedule V,  
22 including whether that product has been determined by the Board of  
23 Pharmacy to be in a form which is not feasible for being used for  
24 the manufacture of methamphetamine, that are required to be placed

1 behind the pharmacy counter for sale, transfer or distribution can  
2 be periodically reviewed and updated.

3 (b) At any time after July 1, 2005, the Board of Pharmacy, upon  
4 the recommendation of the Superintendent of the State Police, shall  
5 promulgate emergency and legislative rules pursuant to the provision  
6 of article three, chapter twenty-nine-a of this code to implement  
7 an updated supplemental list of products containing the controlled  
8 substances ephedrine, pseudoephedrine or phenylpropanolamine as an  
9 active ingredient or any other drug used as a precursor in the  
10 manufacture of methamphetamine, which the Superintendent of the  
11 State Police has demonstrated by empirical evidence is being used  
12 in the manufacture of methamphetamine. This list shall also note  
13 any products containing ephedrine, pseudoephedrine or  
14 phenylpropanolamine as an active ingredient but which has been  
15 determined by the Board of Pharmacy to be in a form which is not  
16 feasible for being used for the manufacture of methamphetamine.  
17 This listing process shall comport with the requirements of  
18 subsection (a) of this section.

NOTE: The purpose of this bill is to allow for the sale of drug products determined by the Board of Pharmacy to be in a form which is not feasible for being used for the manufacture of methamphetamine to be sold in an over-the-counter transaction, while requiring drug products that may be converted to use in the manufacture of methamphetamine to be sold by prescription only.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would

be added.