

As Introduced

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H. B. No. 334

Representatives Johnson, Bubp

**Cosponsors: Representatives Amstutz, Barnes, Buchy, Butler, Fende,
Goodwin, Gonzales, Kozlowski, O'Brien, Peterson, Rosenberger, Stebelton,
Uecker, Wachtmann, Yuko**

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A B I L L

To amend sections 2925.55, 2925.56, 2925.57, and 1
3715.05 and to enact sections 109.88, 3715.051, 2
3715.052, and 3715.053 of the Revised Code 3
regarding the participation of pharmacies, 4
retailers, and the Attorney General in 5
electronically tracking pseudoephedrine and 6
ephedrine product sales through a national 7
exchange. 8

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 2925.55, 2925.56, 2925.57, and 9
3715.05 be amended and sections 109.88, 3715.051, 3715.052, and 10
3715.053 of the Revised Code be enacted to read as follows: 11

Sec. 109.88. (A) As used in this section, "pseudoephedrine 12
product," "ephedrine product," "national precursor log exchange," 13
and "exchange" have the same meanings as in section 3715.05 of the 14
Revised Code. 15

(B) The attorney general may enter into a contract with the 16
national association of drug diversion investigators or its 17

successor organization and, if the attorney general determines it 18
to be appropriate, a person to whom the authority to administer 19
the national precursor log exchange has been delegated. 20

(C) If the attorney general enters into a contract authorized 21
by this section, the contract shall govern the attorney general's 22
access to, and use of information from, the exchange and the 23
responsibilities of each party to the contract relative to such 24
access and use. 25

(D) In furtherance of the contract's purpose as described in 26
division (C) of this section, the contract shall include terms 27
that do all of the following: 28

(1) Authorize the attorney general to obtain real-time access 29
to information from the national precursor log exchange; 30

(2) Authorize the attorney general to receive, on a weekly 31
basis, a report regarding pseudoephedrine product and ephedrine 32
product sales transactions made in this state as monitored by the 33
exchange, the specific content of which shall be identified in the 34
contract; 35

(3) Authorize the attorney general to disseminate any 36
information obtained pursuant to division (A)(1) or (2) of this 37
section to other state and local law enforcement officers as 38
determined to be appropriate by the attorney general; 39

(4) Specify that neither the attorney general nor any local 40
or state law enforcement officer is to be charged a fee for access 41
to, or use of, the national precursor log exchange or information 42
from the exchange authorized by this section or the contract; 43

(5) Require all parties to the contract to comply with 44
federal and state laws governing the confidentiality of 45
patient-specific information; 46

(6) Specify how the contract may be amended or revoked. 47

Sec. 2925.55. (A) As used in sections 2925.55 to 2925.58 of 48
the Revised Code: 49

(1) "Consumer product" means any food or drink that is 50
consumed or used by humans and any drug, including a drug that may 51
be provided legally only pursuant to a prescription, that is 52
intended to be consumed or used by humans. 53

(2) "Terminal distributor of dangerous drugs" has the same 54
meaning as in section 4729.01 of the Revised Code. 55

(3) "Pseudoephedrine" means any material, compound, mixture, 56
or preparation that contains any quantity of pseudoephedrine, any 57
of its salts, optical isomers, or salts of optical isomers. 58

(4) "Pseudoephedrine product" means a consumer product 59
~~consisting of a single ingredient preparation of that contains~~ 60
~~pseudoephedrine in which pseudoephedrine is the active ingredient.~~ 61
~~"Pseudoephedrine product" does not include either of the~~ 62
~~following:~~ 63

~~(a) A consumer product containing pseudoephedrine that is in 64
a liquid, liquid capsule, or gel capsule form;~~ 65

~~(b) A consumer product primarily intended for administration 66
to children under twelve years of age, according to the label 67
instructions, in solid dosage form, including chewable tablets, 68
when individual dosage units do not exceed fifteen milligrams of 69
pseudoephedrine.~~ 70

(5) "Retailer" means a place of business that offers consumer 71
products for sale to the general public. 72

(6) "Single-ingredient preparation" means a compound, 73
mixture, preparation, or substance that contains a single active 74
ingredient. 75

(7) "Ephedrine" means any material, compound, mixture, or 76
preparation that contains any quantity of ephedrine, any of its 77

salts, optical isomers, or salts of optical isomers. 78

(8) "Ephedrine product" means a consumer product that 79
contains ephedrine. 80

(B)(1) No individual shall knowingly purchase, receive, or 81
otherwise acquire ~~more than nine grams of any~~ an amount of 82
pseudoephedrine product ~~within a period of thirty consecutive~~ 83
~~days,~~ or ephedrine product that is greater than either of the 84
following unless the pseudoephedrine product or ephedrine product 85
is dispensed by a pharmacist pursuant to a valid prescription 86
issued by a licensed health professional authorized to prescribe 87
drugs and the conduct of the pharmacist and the licensed health 88
professional authorized to prescribe drugs is in accordance with 89
Chapter 3719., 4715., 4723., 4729., 4730., 4731., or 4741. of the 90
Revised Code: 91

(a) Three and six tenths grams within a period of a single 92
day; 93

(b) Nine grams within a period of thirty consecutive days. 94

The limits specified in divisions (B)(1)(a) and (b) of this 95
section apply to the total amount of base pseudoephedrine or base 96
ephedrine in the pseudoephedrine product or ephedrine product, 97
respectively, and not the product's overall weight. 98

(2) It is not a violation of division (B)(1) of this section 99
for an individual to receive or accept more than ~~nine grams of any~~ 100
an amount of pseudoephedrine product ~~within a period of thirty~~ 101
~~consecutive days~~ or ephedrine product specified in division 102
(B)(1)(a) or (b) of this section if the individual is an employee 103
of a retailer or terminal distributor of dangerous drugs, and the 104
employee receives or accepts from the retailer or terminal 105
distributor of dangerous drugs the pseudoephedrine product or 106
ephedrine product in a sealed container in connection with 107
manufacturing, warehousing, placement, stocking, bagging, loading, 108

or unloading of the product. 109

(C)(1) No individual under eighteen years of age shall 110
knowingly purchase, receive, or otherwise acquire a 111
pseudoephedrine product, or ephedrine product unless the 112
pseudoephedrine product or ephedrine product is dispensed by a 113
pharmacist pursuant to a valid prescription issued by a licensed 114
health professional authorized to prescribe drugs and the conduct 115
of the pharmacist and the licensed health professional authorized 116
to prescribe drugs is in accordance with Chapter 3719., 4715., 117
4723., 4729., 4730., 4731., or 4741. of the Revised Code. 118

(2) Division (C)(1) of this section does not apply to an 119
individual under eighteen years of age who purchases, receives, or 120
otherwise acquires a pseudoephedrine product or ephedrine product 121
from any of the following: 122

(a) A licensed health professional authorized to prescribe 123
drugs or pharmacist who dispenses, sells, or otherwise provides 124
the pseudoephedrine product or ephedrine product to that 125
individual and whose conduct is in accordance with Chapter 3719., 126
4715., 4723., 4729., 4730., 4731., or 4741. of the Revised Code; 127

(b) A parent or guardian of that individual who provides the 128
pseudoephedrine product or ephedrine product to the individual; 129

(c) A person, as authorized by that individual's parent or 130
guardian, who dispenses, sells, or otherwise provides the 131
pseudoephedrine product or ephedrine product to the individual; 132

(d) A retailer or terminal distributor of dangerous drugs who 133
provides the pseudoephedrine product or ephedrine product to that 134
individual if the individual is an employee of the retailer or 135
terminal distributor of dangerous drugs and the individual 136
receives or accepts from the retailer or terminal distributor of 137
dangerous drugs the pseudoephedrine product or ephedrine product 138
in a sealed container in connection with manufacturing, 139

warehousing, placement, stocking, bagging, loading, or unloading 140
of the product. 141

(D) No individual under eighteen years of age shall knowingly 142
show or give false information concerning the individual's name, 143
age, or other identification for the purpose of purchasing, 144
receiving, or otherwise acquiring a pseudoephedrine product or 145
ephedrine product. 146

(E) No individual shall knowingly fail to comply with the 147
requirements of division ~~(C)(3)~~(B) of section ~~3715.05~~ 3715.051 of 148
the Revised Code. 149

(F) Whoever violates division (B)(1) of this section is 150
guilty of unlawful purchase of a pseudoephedrine product or 151
ephedrine product, a misdemeanor of the first degree. 152

(G) Whoever violates division (C)(1) of this section is 153
guilty of underage purchase of a pseudoephedrine product or 154
ephedrine product, a delinquent act that would be a misdemeanor of 155
the fourth degree if it could be committed by an adult. 156

(H) Whoever violates division (D) of this section is guilty 157
of using false information to purchase a pseudoephedrine product 158
or ephedrine product, a delinquent act that would be a misdemeanor 159
of the first degree if it could be committed by an adult. 160

(I) Whoever violates division (E) of this section is guilty 161
of improper purchase of a pseudoephedrine product or ephedrine 162
product, a misdemeanor of the fourth degree. 163

Sec. 2925.56. (A)(1) Except as provided in division (A)(2) of 164
this section, no retailer or terminal distributor of dangerous 165
drugs or an employee of a retailer or terminal distributor of 166
dangerous drugs shall knowingly sell, offer to sell, hold for 167
sale, deliver, or otherwise provide to any individual ~~within a~~ 168
~~period of thirty consecutive days~~ an amount of pseudoephedrine 169

product or ephedrine product that is greater than ~~nine grams~~ 170
either of the following: 171

(a) Three and six tenths grams within a period of a single 172
day; 173

(b) Nine grams within a period of thirty consecutive days. 174

The limits specified in divisions (A)(1)(a) and (b) of this 175
section apply to the total amount of base pseudoephedrine or base 176
ephedrine in the pseudoephedrine product or ephedrine product, 177
respectively, and not the product's overall weight. 178

(2) Division (A)(1) of this section does not apply to any 179
quantity of pseudoephedrine product or ephedrine product dispensed 180
by a pharmacist pursuant to a valid prescription issued by a 181
licensed health professional authorized to prescribe drugs if the 182
conduct of the pharmacist and the licensed health professional 183
authorized to prescribe drugs is in accordance with Chapter 3719., 184
4715., 4723., 4729., 4730., 4731., or 4741. of the Revised Code. 185

It is not a violation of division (A)(1) of this section for 186
a retailer, terminal distributor of dangerous drugs, or employee 187
of either to provide to an individual more than ~~nine grams of any~~ 188
an amount of pseudoephedrine product within a period of thirty 189
consecutive days or ephedrine product specified in division 190
(A)(1)(a) or (b) of this section if the individual is an employee 191
of the retailer or terminal distributor of dangerous drugs, and 192
the employee receives or accepts from the retailer, terminal 193
distributor of dangerous drugs, or employee the pseudoephedrine 194
product or ephedrine product in a sealed container in connection 195
with manufacturing, warehousing, placement, stocking, bagging, 196
loading, or unloading of the product. 197

(B)(1) Except as provided in division (B)(2) of this section, 198
no retailer or terminal distributor of dangerous drugs or an 199
employee of a retailer or terminal distributor of dangerous drugs 200

shall sell, offer to sell, hold for sale, deliver, or otherwise 201
provide a pseudoephedrine product or ephedrine product to an 202
individual who is under eighteen years of age. 203

(2) Division (B)(1) of this section does not apply to any of 204
the following: 205

(a) A licensed health professional authorized to prescribe 206
drugs or pharmacist who dispenses, sells, or otherwise provides a 207
pseudoephedrine product or ephedrine product to an individual 208
under eighteen years of age and whose conduct is in accordance 209
with Chapter 3719., 4715., 4723., 4729., 4730., 4731., or 4741. of 210
the Revised Code; 211

(b) A parent or guardian of an individual under eighteen 212
years of age who provides a pseudoephedrine product or ephedrine 213
product to the individual; 214

(c) A person who, as authorized by the individual's parent or 215
guardian, dispenses, sells, or otherwise provides a 216
pseudoephedrine product or ephedrine product to an individual 217
under eighteen years of age; 218

(d) The provision by a retailer, terminal distributor of 219
dangerous drugs, or employee of either of a pseudoephedrine 220
product or ephedrine product in a sealed container to an employee 221
of the retailer or terminal distributor of dangerous drugs who is 222
under eighteen years of age in connection with manufacturing, 223
warehousing, placement, stocking, bagging, loading, or unloading 224
of the product. 225

(C) No retailer or terminal distributor of dangerous drugs 226
shall fail to comply with the requirements of division ~~(C)(2)(A)~~ 227
of section ~~3715.05~~ 3715.051 or division (A)(2) of section 3715.052 228
of the Revised Code. 229

(D) No retailer or terminal distributor of dangerous drugs 230
shall fail to comply with the requirements of division (A)(1) of 231

section 3715.052 of the Revised Code. 232

(E) Whoever violates division (A)(1) of this section is 233
guilty of unlawfully selling a pseudoephedrine product or 234
ephedrine product, a misdemeanor of the first degree. 235

~~(E)~~(F) Whoever violates division (B)(1) of this section is 236
guilty of unlawfully selling a pseudoephedrine product or 237
ephedrine product to a minor, a misdemeanor of the fourth degree. 238

~~(F)~~(G) Whoever violates division (C) of this section is 239
guilty of improper sale of a pseudoephedrine product or ephedrine 240
product, a misdemeanor of the second degree. 241

(H) Whoever violates division (D) of this section is guilty 242
of failing to submit information to the national precursor log 243
exchange, a misdemeanor for which the offender shall be fined not 244
more than one thousand dollars per violation. 245

Sec. 2925.57. (A) As used in this section and section 2925.58 246
of the Revised Code: 247

(1) "Card holder" means any person who presents a driver's or 248
commercial driver's license or an identification card to a seller, 249
or an agent or employee of a seller, to purchase or receive any 250
pseudoephedrine product or ephedrine product from the seller, 251
agent, or employee. 252

(2) "Identification card" and "transaction scan device" have 253
the same meanings as in section 2927.021 of the Revised Code. 254

(3) "Seller" means a retailer or terminal distributor of 255
dangerous drugs. 256

(4) "Transaction scan" means the process by which a seller or 257
an agent or employee of a seller checks by means of a transaction 258
scan device the validity of a driver's or commercial driver's 259
license or an identification card that is presented as a condition 260
for purchasing or receiving any pseudoephedrine product or 261

ephedrine product. 262

(B)(1) A seller or an agent or employee of a seller may 263
perform a transaction scan by means of a transaction scan device 264
to check the validity of a driver's or commercial driver's license 265
or identification card presented by a card holder as a condition 266
for selling, giving away, or otherwise distributing to the card 267
holder a pseudoephedrine product or ephedrine product. 268

(2) If the information deciphered by the transaction scan 269
performed under division (B)(1) of this section fails to match the 270
information printed on the driver's or commercial driver's license 271
or identification card presented by the card holder, or if the 272
transaction scan indicates that the information so printed is 273
false or fraudulent, neither the seller nor any agent or employee 274
of the seller shall sell, give away, or otherwise distribute any 275
pseudoephedrine product or ephedrine product to the card holder. 276

(3) Division (B)(1) of this section does not preclude a 277
seller or an agent or employee of a seller as a condition for 278
selling, giving away, or otherwise distributing a pseudoephedrine 279
product or ephedrine product to the person presenting the document 280
from using a transaction scan device to check the validity of a 281
document other than a driver's or commercial driver's license or 282
an identification card if the document includes a bar code or 283
magnetic strip that may be scanned by the device. 284

(C) Rules adopted by the registrar of motor vehicles under 285
division (C) of section 4301.61 of the Revised Code apply to the 286
use of transaction scan devices for purposes of this section and 287
section 2925.58 of the Revised Code. 288

(D)(1) No seller or agent or employee of a seller shall 289
electronically or mechanically record or maintain any information 290
derived from a transaction scan, except the following: 291

(a) The name, address, and date of birth of the person listed 292

on the driver's or commercial driver's license or identification 293
card presented by a card holder; 294

(b) The expiration date ~~and~~, identification number, and 295
issuing agency of the driver's or commercial driver's license or 296
identification card presented by a card holder. 297

(2) No seller or agent or employee of a seller shall use the 298
information that is derived from a transaction scan or that is 299
permitted to be recorded and maintained under division (D)(1) of 300
this section except for purposes of section 2925.58 or division 301
(A)(1) of section 3715.052 of the Revised Code. 302

(3) No seller or agent or employee of a seller shall use a 303
transaction scan device for a purpose other than the purpose 304
specified in division (B)(1) of this section. 305

(4) No seller or agent or employee of a seller shall sell or 306
otherwise disseminate the information derived from a transaction 307
scan to any third party, including, but not limited to, selling or 308
otherwise disseminating that information for any marketing, 309
advertising, or promotional activities, but a seller or agent or 310
employee of a seller may release that information pursuant to a 311
court order or as specifically authorized by section 2925.58 or 312
another section of the Revised Code. 313

(E) Nothing in this section or section 2925.58 of the Revised 314
Code relieves a seller or an agent or employee of a seller of any 315
responsibility to comply with any other applicable state or 316
federal laws or rules governing the sale, giving away, or other 317
distribution of pseudoephedrine products or ephedrine products. 318

(F) Whoever violates division (B)(2) or (D) of this section 319
is guilty of engaging in an illegal pseudoephedrine product or 320
ephedrine product transaction scan, and the court may impose upon 321
the offender a civil penalty of up to one thousand dollars for 322
each violation. The clerk of the court shall pay each collected 323

civil penalty to the county treasurer for deposit into the county treasury. 324
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Sec. 3715.05. (A) As used in this section and ~~section~~ 326
sections 3715.051 to 3715.053 and 3715.06 of the Revised Code: 327

(1) "Consumer product" means any food or drink that is 328
consumed or used by humans and any drug, including a drug that may 329
be provided legally only pursuant to a prescription, that is 330
intended to be consumed or used by humans. 331

(2) "Drug," "licensed health professional authorized to 332
prescribe drugs," "pharmacy," "prescriber," "prescription," and 333
"terminal distributor of dangerous drugs" have the same meanings 334
as in section 4729.01 of the Revised Code. 335

(3) "Ephedrine" means any material, compound, mixture, or 336
preparation that contains any quantity of ephedrine, any of its 337
salts, optical isomers, or salts of optical isomers. 338

(4) "Ephedrine product" means a consumer product that 339
contains ephedrine. 340

(5) "Law enforcement official" means an officer or employee 341
of any agency or authority of the United States, a state, a 342
territory, a political subdivision of a state or territory, or an 343
Indian tribe, who is empowered by the law to investigate or 344
conduct an official inquiry into a potential violation of law or 345
prosecute or otherwise conduct a criminal, civil, or 346
administrative proceeding arising from an alleged violation of 347
law. 348

(6) "National precursor log exchange" or "exchange" means the 349
electronic system for tracking sales of pseudoephedrine products 350
and ephedrine products on a national basis that is administered by 351
the national association of drug diversion investigators or a 352
successor organization. 353

(7) "Pharmacist" means a person licensed under Chapter 4729. 354
of the Revised Code to engage in the practice of pharmacy. 355

~~(4)~~(8) "Proof of age" means a driver's license, a commercial 356
driver's license, a military identification card, a passport, or 357
an identification card issued under sections 4507.50 to 4507.52 of 358
the Revised Code that shows a person is eighteen years of age or 359
older. 360

~~(5)~~(9) "Pseudoephedrine" means any material, compound, 361
mixture, or preparation that contains any quantity of 362
pseudoephedrine, any of its salts, optical isomers, or salts of 363
optical isomers. 364

~~(6)~~(10) "Pseudoephedrine product" means a consumer product 365
~~consisting of a single ingredient preparation of that contains~~ 366
~~pseudoephedrine in which pseudoephedrine is the active ingredient.~~ 367
~~"Pseudoephedrine product" does not include either of the~~ 368
~~following:~~ 369

~~(a) A consumer product containing pseudoephedrine that is in 370
a liquid, liquid capsule, or gel capsule form;~~ 371

~~(b) A consumer product primarily intended for administration 372
to children under twelve years of age, according to the label 373
instructions, in solid dosage form, including chewable tablets, 374
when individual dosage units do not exceed fifteen milligrams of 375
pseudoephedrine.~~ 376

~~(7)~~(11) "Retailer" means a place of business that offers 377
consumer products for sale to the general public. 378

~~(8)~~(12) "Single-ingredient preparation" means a compound, 379
mixture, preparation, or substance that contains a single active 380
ingredient. 381

~~(9)~~(13) "Stop-sale alert" means a notification sent from the 382
national precursor log exchange to a retailer or terminal 383

distributor of dangerous drugs indicating that the completion of a 384
sale of a pseudoephedrine product or ephedrine product would 385
result in a violation of division (A)(1) of section 2925.56 of the 386
Revised Code or federal law. 387

(14) "Wholesaler" has the same meaning as in section 3719.01 388
of the Revised Code. 389

(B) A retailer or terminal distributor of dangerous drugs 390
that sells, offers to sell, holds for sale, delivers, or otherwise 391
provides a pseudoephedrine product or ephedrine product to the 392
public shall do all of the following: 393

(1) Segregate pseudoephedrine products or ephedrine products 394
from other merchandise so that no member of the public may procure 395
or purchase such products without the direct assistance of a 396
pharmacist or other authorized employee of the retailer or 397
terminal distributor of dangerous drugs; 398

(2) With regard to each time a pseudoephedrine product or 399
ephedrine product is sold or otherwise provided without a valid 400
prescription: 401

(a) Determine, by examination of a valid proof of age, that 402
the purchaser or recipient is at least eighteen years of age; 403

(b) ~~Make~~ Using any information available, including 404
information from the national precursor log exchange, make a 405
reasonable attempt to ensure that no individual purchases or 406
receives ~~more than nine grams~~ an amount of pseudoephedrine 407
~~products within a period of thirty consecutive days;~~ product or 408
ephedrine product that is greater than either of the following: 409

(i) Three and six tenths grams within a period of a single 410
day; 411

(ii) Nine grams within a period of thirty consecutive days. 412

The limits specified in divisions (B)(2)(b)(i) and (ii) of 413

this section apply to the total amount of base pseudoephedrine or 414
base ephedrine in the pseudoephedrine product or ephedrine 415
product, respectively, and not the product's overall weight. 416

(3) Maintain a log book of pseudoephedrine product or 417
ephedrine product purchases, in accordance with division (C) of 418
this section 3715.051 of the Revised Code; 419

(4) Submit, in accordance with section 3715.052 of the 420
Revised Code, information from the log book described in division 421
(B)(3) of this section to the national precursor log exchange. 422

~~(C)(1) As used in division (C) of this section, "law~~ 423
~~enforcement official" means an officer or employee of any agency~~ 424
~~or authority of the United States, a state, a territory, a~~ 425
~~political division of a state or territory, or an Indian tribe,~~ 426
~~who is empowered by the law to investigate or conduct an official~~ 427
~~inquiry into a potential violation of law or prosecute or~~ 428
~~otherwise conduct a criminal, civil, or administrative proceeding~~ 429
~~arising from an alleged violation of law.~~ 430

~~(2) A retailer or terminal distributor of dangerous drugs~~ 431
~~that sells, offers to sell, holds for sale, delivers, or otherwise~~ 432
~~provides a pseudoephedrine product to the public shall maintain a~~ 433
~~log book of all purchases of pseudoephedrine products. The log~~ 434
~~book may be maintained in a tangible format, in an electronic~~ 435
~~format, or in both a tangible format and an electronic format. As~~ 436
~~part of this requirement, the retailer or terminal distributor of~~ 437
~~dangerous drugs shall do all of the following:~~ 438

~~(a) Require each purchaser to sign an entry in the log book~~ 439
~~that is maintained in the electronic or tangible format;~~ 440

~~(b) Determine whether the name signed in the entry in the log~~ 441
~~book corresponds with the name on a government issued~~ 442
~~identification card;~~ 443

~~(c) Retain the log book in a tangible format, in an~~ 444

~~electronic format, or in both a tangible format and an electronic
format for a minimum of one year after the date of the last
purchase recorded in the log book;~~

~~(d) Include in the log book in the manner described in
division (C)(5) of this section or, in the alternative, post, in a
conspicuous location, the following statement: "Ohio law prohibits
the over the counter purchase within any period of thirty
consecutive days of more than nine grams of any consumer product
in which pseudoephedrine is the only active ingredient. If you
purchase a consumer product in which pseudoephedrine is the only
active ingredient, you are required to sign a log book that may be
accessible to law enforcement officers and to provide a
government issued identification card to verify your identity.
Except in limited circumstances, the purchase within any period of
thirty consecutive days of more than nine grams of any consumer
product in which pseudoephedrine is the only active ingredient,
and the purchase by any individual under eighteen years of age of
any consumer product in which pseudoephedrine is the only active
ingredient, are subject to criminal prosecution or delinquency
proceedings in accordance with Ohio law. Also, the provision of
false information concerning an individual's name, age, or other
identification for the purpose of acquiring any consumer product
in which pseudoephedrine is the only active ingredient is subject
to criminal prosecution or delinquency proceedings in accordance
with Ohio law."~~

~~(3) Each purchaser of a pseudoephedrine product shall do all
of the following:~~

~~(a) Sign and print the purchaser's name and address in the
log book;~~

~~(b) Provide a government issued identification card to the
retailer or terminal distributor of dangerous drugs to verify the
purchaser's identity.~~

~~(4) Information contained in the log book may not be used or disclosed except in the following circumstances:~~ 477
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~~(a) In response to a court order or subpoena;~~ 479

~~(b) In response to a request from a law enforcement official to be used for law enforcement purposes.~~ 480
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~~(5) If a retailer or terminal distributor of dangerous drugs chooses to include the statement set forth in division (C)(2)(d) of this section in the log book maintained under division (C)(2) of this section, the statement shall be set forth in the following manner:~~ 482
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~~(a) If the log book is maintained in an electronic format, the statement shall be set forth in such a manner that it is presented on the viewing screen to each purchaser who is signing an entry in the log book before the purchaser may sign the entry.~~ 487
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~~(b) If the log book is maintained in a tangible format, the statement shall be set forth on the cover of the log book and on each page of the log book.~~ 491
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~~(D) Prescriptions, orders, and records maintained pursuant to this section and stocks of pseudoephedrine products and ephedrine products shall be open for inspection to federal, state, county, and municipal officers, and employees of the state board of pharmacy whose duty it is to enforce the laws of this state or of the United States relating to controlled substances. Such prescriptions, orders, records, and stocks shall be open for inspection by the state medical board and its employees for purposes of enforcing Chapter 4731. of the Revised Code.~~ 494
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Sec. 3715.051. (A) A retailer or terminal distributor of dangerous drugs that sells, offers to sell, holds for sale, delivers, or otherwise provides a pseudoephedrine product or ephedrine product to the public shall maintain a log book of all 503
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purchases of pseudoephedrine products or ephedrine products made 507
without a valid prescription. The log book may be maintained in a 508
tangible format, in an electronic format, or in both a tangible 509
format and an electronic format. As part of fulfilling this 510
requirement, the retailer or terminal distributor of dangerous 511
drugs shall do all of the following: 512

(1) Require each individual who purchases a pseudoephedrine 513
product or ephedrine product without a valid prescription to sign 514
an entry in the log book; 515

(2) Determine whether the name signed in the entry in the log 516
book corresponds with the name on a government-issued 517
identification card; 518

(3) Retain the log book in a tangible format, in an 519
electronic format, or in both a tangible format and an electronic 520
format for a minimum of one year after the date of the last 521
purchase recorded in the log book or as required by federal law; 522

(4) Include in the log book in the manner described in 523
division (D) of this section or, in the alternative, post, in a 524
conspicuous location, the following statement: "Ohio law prohibits 525
the over-the-counter purchase of a consumer product containing a 526
total amount of base pseudoephedrine or base ephedrine that 527
exceeds either of the following: (1) three and six tenths grams in 528
a single day, or (2) nine grams within any period of thirty 529
consecutive days. If, without a valid prescription, you purchase a 530
consumer product containing pseudoephedrine or ephedrine, you are 531
required to sign a log book that may be accessible to law 532
enforcement officers and provide a government-issued 533
identification card to verify your identity. Except in limited 534
circumstances, the purchase of more than an amount specified in 535
this paragraph of a consumer product containing pseudoephedrine or 536
ephedrine, and the purchase by any individual under eighteen years 537
of age of a consumer product containing pseudoephedrine or 538

ephedrine, are subject to criminal prosecution or delinquency 539
proceedings in accordance with Ohio law. Also, the provision of 540
false information concerning an individual's name, age, or other 541
identification for the purpose of acquiring a consumer product 542
containing pseudoephedrine or ephedrine is subject to criminal 543
prosecution or delinquency proceedings in accordance with Ohio 544
law." 545

(B) Each individual who purchases a pseudoephedrine product 546
or ephedrine product without a valid prescription shall do both of 547
the following: 548

(1) Sign and print the purchaser's name in the log book; 549

(2) Present a government-issued identification card to the 550
retailer or terminal distributor of dangerous drugs to verify the 551
purchaser's identity. 552

(C) Information contained in the log book may not be used or 553
disclosed except in the following circumstances: 554

(1) In response to a court order or subpoena; 555

(2) In response to a request from a law enforcement official 556
to be used for law enforcement purposes; 557

(3) For purposes of complying with requirements in section 558
3715.052 of the Revised Code regarding the submission of 559
information to the national precursor log exchange. 560

(D) If a retailer or terminal distributor of dangerous drugs 561
chooses to include the statement set forth in division (A)(4) of 562
this section in the log book, the statement shall be set forth in 563
the following manner: 564

(1) If the log book is maintained in an electronic format, 565
the statement shall be set forth in such a manner that it is 566
presented on the viewing screen to each purchaser who is signing 567
an entry in the log book before the purchaser may sign the entry. 568

(2) If the log book is maintained in a tangible format, the statement shall be set forth on the cover of the log book and on each page of the log book. 569
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Sec. 3715.052. (A) Beginning January 12, 2012, a retailer or terminal distributor of dangerous drugs that is provided access to the national precursor log exchange without charge shall do both of the following: 572
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(1) Subject to division (B) of this section, submit the following information to the exchange regarding each sale of pseudoephedrine product or ephedrine product that is not made pursuant to a valid prescription: 576
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(a) The purchaser's name and address; 580

(b) The name and quantity of the product purchased; 581

(c) The date and time of the purchase; 582

(d) The type of government-issued identification provided by the purchaser at the time of purchase, pursuant to division (B)(3) of section 3715.051 of the Revised Code, the identification number, if any, on the identification, and the agency that issued the identification. 583
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(2)(a) Except as provided in division (A)(2)(b) of this section, not complete a sale if the exchange generates a stop-sale alert. 588
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(b) A retailer or terminal distributor of dangerous drugs may complete a sale even though the exchange has generated a stop-sale alert if the retailer or terminal distributor of dangerous drugs has a reasonable fear of imminent bodily harm should the sale not be completed. To accommodate such circumstances, the retailer or terminal distributor of dangerous drugs shall ensure that the override function of the exchange has been enabled. 591
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(B) If a retailer or terminal distributor of dangerous drugs 598

experiences mechanical or electronic failure of the equipment used 599
to complete an information submission required by division (A)(1) 600
of this section, the retailer or terminal distributor of dangerous 601
drugs shall do both of the following: 602

(1) Maintain a written or electronic record of the 603
information in division (A)(1) of this section; 604

(2) Complete the information submission as soon as 605
practicable after the mechanical or electronic failure has been 606
rectified. 607

Sec. 3715.053. A retailer or terminal distributor of 608
dangerous drugs is not liable in damages in a civil action for 609
injury, death, or loss to person or property resulting from any 610
act or omission in carrying out the duties regarding 611
pseudoephedrine product or ephedrine product sales specified in 612
sections 3715.05, 3715.051, and 3715.052 of the Revised Code, 613
unless the act or omission is reckless or constitutes willful or 614
wanton misconduct. 615

Section 2. That existing sections 2925.55, 2925.56, 2925.57, 616
and 3715.05 of the Revised Code are hereby repealed. 617