

**As Reported by the House Health and Aging Committee**

**129th General Assembly**

**Regular Session**

**2011-2012**

**Sub. 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, Antonio, Duffey, Garland, Hackett**

**A B I L L**

To amend sections 2925.55, 2925.56, 2925.57, and 1  
3715.05 and to enact sections 109.89, 3715.051, 2  
3715.052, 3715.053, and 3715.054 of the Revised 3  
Code 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 109.89, 3715.051, 3715.052, 10  
3715.053, and 3715.054 of the Revised Code be enacted to read as 11  
follows: 12

**Sec. 109.89.** (A) As used in this section, "pseudoephedrine 13  
product," "ephedrine product," "national precursor log exchange," 14  
and "exchange" have the same meanings as in section 3715.05 of the 15  
Revised Code. 16

(B) The attorney general may enter into a contract or 17

memorandum of understanding with the national association of drug diversion investigators or its successor organization and, if the attorney general determines it to be appropriate, a person to whom the authority to administer the national precursor log exchange has been delegated. The contract or memorandum shall govern the attorney general's access to and use of information from the exchange and the responsibilities of each party to the contract or memorandum relative to the access and use of the information.

(C) In furtherance of the purpose of the contract or memorandum of understanding as described in division (B) of this section, the contract or memorandum shall include terms that do all of the following:

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

(2) Authorize the attorney general to receive, on a weekly basis, a report regarding sales of pseudoephedrine products and ephedrine products in this state as monitored by the exchange, the specific content of which shall be identified in the contract or memorandum;

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

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

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

(6) Specify how the contract or memorandum may be amended or 49  
revoked. 50

**Sec. 2925.55.** (A) As used in sections 2925.55 to 2925.58 of 51  
the Revised Code: 52

(1) "Consumer product" means any food or drink that is 53  
consumed or used by humans and any drug, including a drug that may 54  
be provided legally only pursuant to a prescription, that is 55  
intended to be consumed or used by humans. 56

(2) "Terminal distributor of dangerous drugs" has the same 57  
meaning as in section 4729.01 of the Revised Code. 58

(3) "Pseudoephedrine" means any material, compound, mixture, 59  
or preparation that contains any quantity of pseudoephedrine, any 60  
of its salts, optical isomers, or salts of optical isomers. 61

(4) "Pseudoephedrine product" means a consumer product 62  
~~consisting of a single ingredient preparation of that contains~~ 63  
~~pseudoephedrine in which pseudoephedrine is the active ingredient.~~ 64  
~~"Pseudoephedrine product" does not include either of the~~ 65  
~~following:~~ 66

~~(a) A consumer product containing pseudoephedrine that is in~~ 67  
~~a liquid, liquid capsule, or gel capsule form;~~ 68

~~(b) A consumer product primarily intended for administration~~ 69  
~~to children under twelve years of age, according to the label~~ 70  
~~instructions, in solid dosage form, including chewable tablets,~~ 71  
~~when individual dosage units do not exceed fifteen milligrams of~~ 72  
~~pseudoephedrine.~~ 73

(5) "Retailer" means a place of business that offers consumer 74  
products for sale to the general public. 75

(6) "Single-ingredient preparation" means a compound, 76  
mixture, preparation, or substance that contains a single active 77  
ingredient. 78

(7) "Ephedrine" means any material, compound, mixture, or preparation that contains any quantity of ephedrine, any of its salts, optical isomers, or salts of optical isomers. 79  
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(8) "Ephedrine product" means a consumer product that contains ephedrine. 82  
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(B)(1) No individual shall knowingly purchase, receive, or otherwise acquire ~~more than nine grams of any~~ an amount of pseudoephedrine product ~~within a period of thirty consecutive days,~~ or ephedrine product that is greater than either of the following unless the pseudoephedrine product or ephedrine product is dispensed by a pharmacist pursuant to a valid prescription issued by a licensed health professional authorized to prescribe drugs and the conduct of the pharmacist and the licensed health professional authorized to prescribe drugs is in accordance with Chapter 3719., 4715., 4723., 4729., 4730., 4731., or 4741. of the Revised Code: 84  
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(a) Three and six tenths grams within a period of a single day; 95  
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(b) Nine grams within a period of thirty consecutive days. 97

The limits specified in divisions (B)(1)(a) and (b) of this section apply to the total amount of base pseudoephedrine or base ephedrine in the pseudoephedrine product or ephedrine product, respectively. The limits do not apply to the product's overall weight. 98  
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(2) It is not a violation of division (B)(1) of this section for an individual to receive or accept ~~more than nine grams of any~~ an amount of pseudoephedrine product ~~within a period of thirty consecutive days~~ or ephedrine product specified in division (B)(1)(a) or (b) of this section if the individual is an employee of a retailer or terminal distributor of dangerous drugs, and the employee receives or accepts from the retailer or terminal 103  
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distributor of dangerous drugs the pseudoephedrine product or 110  
ephedrine product in a sealed container in connection with 111  
manufacturing, warehousing, placement, stocking, bagging, loading, 112  
or unloading of the product. 113

(C)(1) No individual under eighteen years of age shall 114  
knowingly purchase, receive, or otherwise acquire a 115  
pseudoephedrine product, or ephedrine product unless the 116  
pseudoephedrine product or ephedrine product is dispensed by a 117  
pharmacist pursuant to a valid prescription issued by a licensed 118  
health professional authorized to prescribe drugs and the conduct 119  
of the pharmacist and the licensed health professional authorized 120  
to prescribe drugs is in accordance with Chapter 3719., 4715., 121  
4723., 4729., 4730., 4731., or 4741. of the Revised Code. 122

(2) Division (C)(1) of this section does not apply to an 123  
individual under eighteen years of age who purchases, receives, or 124  
otherwise acquires a pseudoephedrine product or ephedrine product 125  
from any of the following: 126

(a) A licensed health professional authorized to prescribe 127  
drugs or pharmacist who dispenses, sells, or otherwise provides 128  
the pseudoephedrine product or ephedrine product to that 129  
individual and whose conduct is in accordance with Chapter 3719., 130  
4715., 4723., 4729., 4730., 4731., or 4741. of the Revised Code; 131

(b) A parent or guardian of that individual who provides the 132  
pseudoephedrine product or ephedrine product to the individual; 133

(c) A person, as authorized by that individual's parent or 134  
guardian, who dispenses, sells, or otherwise provides the 135  
pseudoephedrine product or ephedrine product to the individual; 136

(d) A retailer or terminal distributor of dangerous drugs who 137  
provides the pseudoephedrine product or ephedrine product to that 138  
individual if the individual is an employee of the retailer or 139  
terminal distributor of dangerous drugs and the individual 140

receives or accepts from the retailer or terminal distributor of 141  
dangerous drugs the pseudoephedrine product or ephedrine product 142  
in a sealed container in connection with manufacturing, 143  
warehousing, placement, stocking, bagging, loading, or unloading 144  
of the product. 145

(D) No individual under eighteen years of age shall knowingly 146  
show or give false information concerning the individual's name, 147  
age, or other identification for the purpose of purchasing, 148  
receiving, or otherwise acquiring a pseudoephedrine product or 149  
ephedrine product. 150

(E) No individual shall knowingly fail to comply with the 151  
requirements of division ~~(C)(3)~~(B) of section ~~3715.05~~ 3715.051 of 152  
the Revised Code. 153

(F) Whoever violates division (B)(1) of this section is 154  
guilty of unlawful purchase of a pseudoephedrine product or 155  
ephedrine product, a misdemeanor of the first degree. 156

(G) Whoever violates division (C)(1) of this section is 157  
guilty of underage purchase of a pseudoephedrine product or 158  
ephedrine product, a delinquent act that would be a misdemeanor of 159  
the fourth degree if it could be committed by an adult. 160

(H) Whoever violates division (D) of this section is guilty 161  
of using false information to purchase a pseudoephedrine product 162  
or ephedrine product, a delinquent act that would be a misdemeanor 163  
of the first degree if it could be committed by an adult. 164

(I) Whoever violates division (E) of this section is guilty 165  
of improper purchase of a pseudoephedrine product or ephedrine 166  
product, a misdemeanor of the fourth degree. 167

**Sec. 2925.56.** (A)(1) Except as provided in division (A)(2) of 168  
this section, no retailer or terminal distributor of dangerous 169  
drugs or an employee of a retailer or terminal distributor of 170

dangerous drugs shall knowingly sell, offer to sell, hold for sale, deliver, or otherwise provide to any individual ~~within a period of thirty consecutive days~~ an amount of pseudoephedrine product or ephedrine product that is greater than ~~nine grams~~ either of the following:

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

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

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

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

(b) It is not a violation of division (A)(1) of this section for a retailer, terminal distributor of dangerous drugs, or employee of either to provide to an individual more than ~~nine grams of any~~ an amount of pseudoephedrine product ~~within a period of thirty consecutive days if the~~ or ephedrine product specified in division (A)(1)(a) or (b) of this section under either of the following circumstances:

(i) The individual is an employee of the retailer or terminal distributor of dangerous drugs, and the employee receives or accepts from the retailer, terminal distributor of dangerous drugs, or employee the pseudoephedrine product or ephedrine

product in a sealed container in connection with manufacturing, 202  
warehousing, placement, stocking, bagging, loading, or unloading 203  
of the product; 204

(ii) A stop-sale alert is generated after the submission of 205  
information to the national precursor log exchange under the 206  
conditions described in division (A)(2) of section 3715.052 of the 207  
Revised Code. 208

(B)(1) Except as provided in division (B)(2) of this section, 209  
no retailer or terminal distributor of dangerous drugs or an 210  
employee of a retailer or terminal distributor of dangerous drugs 211  
shall sell, offer to sell, hold for sale, deliver, or otherwise 212  
provide a pseudoephedrine product or ephedrine product to an 213  
individual who is under eighteen years of age. 214

(2) Division (B)(1) of this section does not apply to any of 215  
the following: 216

(a) A licensed health professional authorized to prescribe 217  
drugs or pharmacist who dispenses, sells, or otherwise provides a 218  
pseudoephedrine product or ephedrine product to an individual 219  
under eighteen years of age and whose conduct is in accordance 220  
with Chapter 3719., 4715., 4723., 4729., 4730., 4731., or 4741. of 221  
the Revised Code; 222

(b) A parent or guardian of an individual under eighteen 223  
years of age who provides a pseudoephedrine product or ephedrine 224  
product to the individual; 225

(c) A person who, as authorized by the individual's parent or 226  
guardian, dispenses, sells, or otherwise provides a 227  
pseudoephedrine product or ephedrine product to an individual 228  
under eighteen years of age; 229

(d) The provision by a retailer, terminal distributor of 230  
dangerous drugs, or employee of either of a pseudoephedrine 231  
product or ephedrine product in a sealed container to an employee 232

of the retailer or terminal distributor of dangerous drugs who is 233  
under eighteen years of age in connection with manufacturing, 234  
warehousing, placement, stocking, bagging, loading, or unloading 235  
of the product. 236

(C) No retailer or terminal distributor of dangerous drugs 237  
shall fail to comply with the requirements of division ~~(C)(2)(A)~~ 238  
of section ~~3715.05~~ 3715.051 or division (A)(2) of section 3715.052 239  
of the Revised Code. 240

(D) No retailer or terminal distributor of dangerous drugs 241  
shall fail to comply with the requirements of division (A)(1) of 242  
section 3715.052 of the Revised Code. 243

(E) Whoever violates division (A)(1) of this section is 244  
guilty of unlawfully selling a pseudoephedrine product or 245  
ephedrine product, a misdemeanor of the first degree. 246

~~(E)~~(F) Whoever violates division (B)(1) of this section is 247  
guilty of unlawfully selling a pseudoephedrine product or 248  
ephedrine product to a minor, a misdemeanor of the fourth degree. 249

~~(F)~~(G) Whoever violates division (C) of this section is 250  
guilty of improper sale of a pseudoephedrine product or ephedrine 251  
product, a misdemeanor of the second degree. 252

(H) Whoever violates division (D) of this section is guilty 253  
of failing to submit information to the national precursor log 254  
exchange, a misdemeanor for which the offender shall be fined not 255  
more than one thousand dollars per violation. 256

**Sec. 2925.57.** (A) As used in this section and section 2925.58 257  
of the Revised Code: 258

(1) "Card holder" means any person who presents a driver's or 259  
commercial driver's license or an identification card to a seller, 260  
or an agent or employee of a seller, to purchase or receive any 261  
pseudoephedrine product or ephedrine product from the seller, 262

agent, or employee. 263

(2) "Identification card" and "transaction scan device" have 264  
the same meanings as in section 2927.021 of the Revised Code. 265

(3) "Seller" means a retailer or terminal distributor of 266  
dangerous drugs. 267

(4) "Transaction scan" means the process by which a seller or 268  
an agent or employee of a seller checks by means of a transaction 269  
scan device the validity of a driver's or commercial driver's 270  
license or an identification card that is presented as a condition 271  
for purchasing or receiving any pseudoephedrine product or 272  
ephedrine product. 273

(B)(1) A seller or an agent or employee of a seller may 274  
perform a transaction scan by means of a transaction scan device 275  
to check the validity of a driver's or commercial driver's license 276  
or identification card presented by a card holder as a condition 277  
for selling, giving away, or otherwise distributing to the card 278  
holder a pseudoephedrine product or ephedrine product. 279

(2) If the information deciphered by the transaction scan 280  
performed under division (B)(1) of this section fails to match the 281  
information printed on the driver's or commercial driver's license 282  
or identification card presented by the card holder, or if the 283  
transaction scan indicates that the information so printed is 284  
false or fraudulent, neither the seller nor any agent or employee 285  
of the seller shall sell, give away, or otherwise distribute any 286  
pseudoephedrine product or ephedrine product to the card holder. 287

(3) Division (B)(1) of this section does not preclude a 288  
seller or an agent or employee of a seller as a condition for 289  
selling, giving away, or otherwise distributing a pseudoephedrine 290  
product or ephedrine product to the person presenting the document 291  
from using a transaction scan device to check the validity of a 292  
document other than a driver's or commercial driver's license or 293

an identification card if the document includes a bar code or 294  
magnetic strip that may be scanned by the device. 295

(C) Rules adopted by the registrar of motor vehicles under 296  
division (C) of section 4301.61 of the Revised Code apply to the 297  
use of transaction scan devices for purposes of this section and 298  
section 2925.58 of the Revised Code. 299

(D)(1) No seller or agent or employee of a seller shall 300  
electronically or mechanically record or maintain any information 301  
derived from a transaction scan, except the following: 302

(a) The name, address, and date of birth of the person listed 303  
on the driver's or commercial driver's license or identification 304  
card presented by a card holder; 305

(b) The expiration date and identification number, and 306  
issuing agency of the driver's or commercial driver's license or 307  
identification card presented by a card holder. 308

(2) No seller or agent or employee of a seller shall use the 309  
information that is derived from a transaction scan or that is 310  
permitted to be recorded and maintained under division (D)(1) of 311  
this section except for purposes of section 2925.58 or division 312  
(A)(1) of section 3715.052 of the Revised Code. 313

(3) No seller or agent or employee of a seller shall use a 314  
transaction scan device for a purpose other than the purpose 315  
specified in division (B)(1) of this section. 316

(4) No seller or agent or employee of a seller shall sell or 317  
otherwise disseminate the information derived from a transaction 318  
scan to any third party, including, but not limited to, selling or 319  
otherwise disseminating that information for any marketing, 320  
advertising, or promotional activities, but a seller or agent or 321  
employee of a seller may release that information pursuant to a 322  
court order or as specifically authorized by section 2925.58 or 323  
another section of the Revised Code. 324

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

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

**Sec. 3715.05.** (A) As used in this section and ~~section~~ sections 3715.051 to 3715.054 and 3715.06 of the Revised Code:

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

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

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

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

(5) "Law enforcement official" means an officer or employee of any agency or authority of the United States, a state, a territory, a political subdivision of a state or territory, or an

Indian tribe, who is empowered by the law to investigate or 355  
conduct an official inquiry into a potential violation of law or 356  
prosecute or otherwise conduct a criminal, civil, or 357  
administrative proceeding arising from an alleged violation of 358  
law. 359

(6) "National precursor log exchange" or "exchange" means the 360  
electronic system for tracking sales of pseudoephedrine products 361  
and ephedrine products on a national basis that is administered by 362  
the national association of drug diversion investigators or a 363  
successor organization. 364

(7) "Pharmacist" means a person licensed under Chapter 4729. 365  
of the Revised Code to engage in the practice of pharmacy. 366

~~(4)~~(8) "Proof of age" means a driver's license, a commercial 367  
driver's license, a military identification card, a passport, or 368  
an identification card issued under sections 4507.50 to 4507.52 of 369  
the Revised Code that shows a person is eighteen years of age or 370  
older. 371

~~(5)~~(9) "Pseudoephedrine" means any material, compound, 372  
mixture, or preparation that contains any quantity of 373  
pseudoephedrine, any of its salts, optical isomers, or salts of 374  
optical isomers. 375

~~(6)~~(10) "Pseudoephedrine product" means a consumer product 376  
consisting of a single ingredient preparation of that contains 377  
pseudoephedrine in which pseudoephedrine is the active ingredient. 378  
~~"Pseudoephedrine product" does not include either of the~~ 379  
~~following:~~ 380

~~(a) A consumer product containing pseudoephedrine that is in~~ 381  
~~a liquid, liquid capsule, or gel capsule form;~~ 382

~~(b) A consumer product primarily intended for administration~~ 383  
~~to children under twelve years of age, according to the label~~ 384  
~~instructions, in solid dosage form, including chewable tablets,~~ 385

~~when individual dosage units do not exceed fifteen milligrams of  
pseudoephedrine.~~ 386  
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~~(7)(11)~~ "Retailer" means a place of business that offers 388  
consumer products for sale to the general public. 389

~~(8)(12)~~ "Single-ingredient preparation" means a compound, 390  
mixture, preparation, or substance that contains a single active 391  
ingredient. 392

~~(9)(13)~~ "Stop-sale alert" means a notification sent from the 393  
national precursor log exchange to a retailer or terminal 394  
distributor of dangerous drugs indicating that the completion of a 395  
sale of a pseudoephedrine product or ephedrine product would 396  
result in a violation of division (A)(1) of section 2925.56 of the 397  
Revised Code or federal law. 398

~~(14)~~ "Wholesaler" has the same meaning as in section 3719.01 399  
of the Revised Code. 400

(B) A retailer or terminal distributor of dangerous drugs 401  
that sells, offers to sell, holds for sale, delivers, or otherwise 402  
provides a pseudoephedrine product or ephedrine product to the 403  
public shall do all of the following: 404

(1) Segregate pseudoephedrine products or ephedrine products 405  
from other merchandise so that no member of the public may procure 406  
or purchase such products without the direct assistance of a 407  
pharmacist or other authorized employee of the retailer or 408  
terminal distributor of dangerous drugs; 409

(2) With regard to each time a pseudoephedrine product or 410  
ephedrine product is sold or otherwise provided without a valid 411  
prescription: 412

(a) Determine, by examination of a valid proof of age, that 413  
the purchaser or recipient is at least eighteen years of age; 414

(b) ~~Make~~ Using any information available, including 415

information from the national precursor log exchange if the 416  
information is accessible, make a reasonable attempt to ensure 417  
that no individual purchases or receives ~~more than nine grams~~ an 418  
amount of pseudoephedrine products within a period of thirty 419  
consecutive days; product or ephedrine product that is greater 420  
than either of the following: 421

(i) Three and six tenths grams within a period of a single 422  
day; 423

(ii) Nine grams within a period of thirty consecutive days. 424

The maximum amounts specified in divisions (B)(2)(b)(i) and 425  
(ii) of this section apply to the total amount of base 426  
pseudoephedrine or base ephedrine in the pseudoephedrine product 427  
or ephedrine product, respectively. The maximum amounts do not 428  
apply to the product's overall weight. 429

(3) Maintain a log book of pseudoephedrine product or 430  
ephedrine product purchases, in accordance with division (C) of 431  
this section 3715.051 of the Revised Code; 432

(4) If required to comply with section 3715.052 of the 433  
Revised Code, submit the information specified in divisions 434  
(A)(1)(a) to (d) of that section to the national precursor log 435  
exchange. 436

~~(C)(1) As used in division (C) of this section, "law~~ 437  
~~enforcement official" means an officer or employee of any agency~~ 438  
~~or authority of the United States, a state, a territory, a~~ 439  
~~political division of a state or territory, or an Indian tribe,~~ 440  
~~who is empowered by the law to investigate or conduct an official~~ 441  
~~inquiry into a potential violation of law or prosecute or~~ 442  
~~otherwise conduct a criminal, civil, or administrative proceeding~~ 443  
~~arising from an alleged violation of law.~~ 444

~~(2) A retailer or terminal distributor of dangerous drugs~~ 445  
~~that sells, offers to sell, holds for sale, delivers, or otherwise~~ 446

~~provides a pseudoephedrine product to the public shall maintain a log book of all purchases of pseudoephedrine products. The log book may be maintained in a tangible format, in an electronic format, or in both a tangible format and an electronic format. As part of this requirement, the retailer or terminal distributor of dangerous drugs shall do all of the following:~~

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

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

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

~~(a) In response to a court order or subpoena;~~

~~(b) In response to a request from a law enforcement official to be used for law enforcement purposes.~~

~~(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:~~

~~(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.~~

~~(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.~~

~~(D) Prescriptions, orders, and records maintained pursuant to~~

this section and stocks of pseudoephedrine products and ephedrine 509  
products shall be open for inspection to federal, state, county, 510  
and municipal officers, and employees of the state board of 511  
pharmacy whose duty it is to enforce the laws of this state or of 512  
the United States relating to controlled substances. Such 513  
prescriptions, orders, records, and stocks shall be open for 514  
inspection by the state medical board and its employees for 515  
purposes of enforcing Chapter 4731. of the Revised Code. 516

Sec. 3715.051. (A) A retailer or terminal distributor of 517  
dangerous drugs that sells, offers to sell, holds for sale, 518  
delivers, or otherwise provides a pseudoephedrine product or 519  
ephedrine product to the public shall maintain a log book of all 520  
purchases of pseudoephedrine products or ephedrine products made 521  
without a valid prescription. The log book may be maintained in a 522  
tangible format, in an electronic format, or in both formats. As 523  
part of fulfilling this requirement, the retailer or terminal 524  
distributor of dangerous drugs shall do all of the following: 525

(1) Require each individual who purchases a pseudoephedrine 526  
product or ephedrine product without a valid prescription to sign 527  
an entry in the log book; 528

(2) Determine whether the name signed in the entry in the log 529  
book corresponds with the name on a government-issued 530  
identification card; 531

(3) Retain the log book in a tangible format, in an 532  
electronic format, or in both formats for a minimum of one year 533  
after the date of the last purchase recorded in the log book or as 534  
required by federal law; 535

(4) Include in the log book in the manner described in 536  
division (D) of this section or, in the alternative, post in a 537  
conspicuous location the following statement: "Ohio law prohibits 538  
the over-the-counter purchase of a consumer product containing a 539

total amount of base pseudoephedrine or base ephedrine that 540  
exceeds either of the following: (1) three and six tenths grams in 541  
a single day, or (2) nine grams within any period of thirty 542  
consecutive days. If, without a valid prescription, you purchase a 543  
consumer product containing pseudoephedrine or ephedrine, you are 544  
required to sign a log book that may be accessible to law 545  
enforcement officers and provide a government-issued 546  
identification card to verify your identity. Except in limited 547  
circumstances, the purchase of more than the permissible amount of 548  
a consumer product containing pseudoephedrine or ephedrine, and 549  
the purchase by any individual under eighteen years of age of a 550  
consumer product containing pseudoephedrine or ephedrine, are 551  
subject to criminal prosecution or delinquency proceedings in 552  
accordance with Ohio law. Also, the provision of false information 553  
concerning an individual's name, age, or other identification for 554  
the purpose of acquiring a consumer product containing 555  
pseudoephedrine or ephedrine is subject to criminal prosecution or 556  
delinquency proceedings in accordance with Ohio law." 557

(B) Each individual who purchases a pseudoephedrine product 558  
or ephedrine product without a valid prescription shall do both of 559  
the following: 560

(1) Sign and print the purchaser's name in the log book; 561

(2) Present a government-issued identification card to the 562  
retailer or terminal distributor of dangerous drugs to verify the 563  
purchaser's identity. 564

(C) Information contained in the log book may not be used or 565  
disclosed except in the following circumstances: 566

(1) In response to a court order or subpoena; 567

(2) In response to a request from a law enforcement official 568  
to be used for law enforcement purposes; 569

(3) For purposes of complying with requirements in section 570

3715.052 of the Revised Code regarding the submission of 571  
information to the national precursor log exchange. 572

(D) If a retailer or terminal distributor of dangerous drugs 573  
chooses to include the statement set forth in division (A)(4) of 574  
this section in the log book, the statement shall be set forth in 575  
the following manner: 576

(1) If the log book is maintained in an electronic format, 577  
the statement shall be set forth in such a manner that it is 578  
presented on the viewing screen to each purchaser who is signing 579  
an entry in the log book before the purchaser may sign the entry. 580

(2) If the log book is maintained in a tangible format, the 581  
statement shall be set forth on the cover of the log book and on 582  
each page of the log book. 583

Sec. 3715.052. The duty to comply with this section is 584  
subject to the conditions specified in section 3715.053 of the 585  
Revised Code. 586

(A)(1) Beginning January 1, 2013, a retailer or terminal 587  
distributor of dangerous drugs shall submit the following 588  
information to the national precursor log exchange regarding each 589  
sale of pseudoephedrine product or ephedrine product that is not 590  
made pursuant to a valid prescription: 591

(a) The purchaser's name and address; 592

(b) The name and quantity of the product purchased; 593

(c) The date and time of the purchase; 594

(d) The type of government-issued identification provided by 595  
the purchaser at the time of purchase, pursuant to division (B)(2) 596  
of section 3715.051 of the Revised Code, the identification 597  
number, if any, on the identification, and the agency that issued 598  
the identification. 599

(2) A retailer or terminal distributor of dangerous drugs that is unable to complete an information submission required by division (A)(1) of this section due to experiencing mechanical or electronic failure of the equipment used to complete the information submission or due to the temporary inability of the retailer or terminal distributor to obtain internet service shall do both of the following: 600  
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(a) Maintain a written or electronic record of the information in division (A)(1) of this section; 607  
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(b) Complete the information submission as soon as practicable after the mechanical or electronic failure has been rectified or internet service has been restored. 609  
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(B)(1) Except as provided in division (B)(2) of this section, a retailer or terminal distributor of dangerous drugs shall not complete a sale if the exchange generates a stop-sale alert after the information is submitted under division (A)(1) of this section. 612  
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(2) 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. 617  
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**Sec. 3715.053.** A retailer or terminal distributor of dangerous drugs is not required to comply with section 3715.052 of the Revised Code if one or more of the following are the case: 624  
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(A) There is any charge from the national precursor log exchange for using the exchange, including a charge for obtaining access to the exchange, submitting information to the exchange, or 627  
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receiving a stop-sale alert from the exchange. 630

(B) There is any fee from the exchange related to funding its operation or maintenance. 631  
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(C) The equipment or software needed to use the exchange is not technologically capable of interfacing with existing and future operational systems used by a retailer or terminal distributor of dangerous drugs. 633  
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Sec. 3715.054. A retailer or terminal distributor of dangerous drugs is not liable in damages in a civil action for injury, death, or loss to person or property resulting from any act or omission in carrying out the duties specified in sections 3715.05, 3715.051, and 3715.052 of the Revised Code regarding the sale of a pseudoephedrine product or ephedrine product, unless the act or omission is negligent or reckless or constitutes willful or wanton misconduct. 637  
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**Section 2.** That existing sections 2925.55, 2925.56, 2925.57, and 3715.05 of the Revised Code are hereby repealed. 645  
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