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HOUSE BILL NO. 1149

Offered January 11, 2006

Prefiled January 11, 2006

A BILL to amend the Code of Virginia by adding a section numbered 18.2-248.8, relating to sale of pseudoephedrine by pharmacist; limits on purchase of pseudoephedrine; penalty.

Patrons—Lingamfelter, Athey, Callahan, Gear, Gilbert, Kilgore and Landes

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 18.2-248.8 as follows:

§ 18.2-248.8. Sale of pseudoephedrine by pharmacist; limits on purchase of pseudoephedrine; penalty.

A. Only a licensed pharmacist shall dispense, sell, or distribute any compound, mixture, or preparation containing any detectable quantity of pseudoephedrine, its salts or optical isomers, or salts of its optical isomers.

Any person purchasing, receiving, or otherwise acquiring any compound, mixture, or preparation containing any detectable quantity of pseudoephedrine, its salts or optical isomers, or salts of its optical isomers shall produce a valid government-issued photo identification showing the date of birth of the person and shall sign a written log or receipt showing the date of the transaction, the name of the person, and the amount of the compound, mixture, or preparation.

No person shall purchase, receive, or otherwise acquire more than nine grams of any product, mixture, or preparation containing any detectable quantity of pseudoephedrine, its salts or optical isomers, or salts of optical isomers within any 30-day period.

B. The provisions of this section shall not apply to any such compounds, mixtures, or preparations (i) dispensed pursuant to a valid prescription; (ii) in liquid form, liquid capsule form, or gel capsule form if pseudoephedrine is not the only active ingredient; or (iii) formulated in such a way as to effectively prevent the conversion of the active ingredient into methamphetamine.

C. A violation of this section is punishable as a Class 6 felony.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities and is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

INTRODUCED

HB1149