
PSEUDOEPHEDRINE, EPHEDRINE, AND PPA FACT SHEET

INTRODUCTION

On December 17, 2001, the Board's new regulations regarding products containing pseudoephedrine, ephedrine, or phenylpropanolamine (PPA) became effective.

THE NEW NEVADA RULES FOR RETAIL SALES

- All products containing pseudoephedrine, ephedrine, or PPA that are packaged by the manufacturer in blister packs **ARE STILL OVER-THE-COUNTER PRODUCTS**.ⁱ
- All products containing pseudoephedrine, ephedrine, or PPA that are liquids, such as some cough medications, and that are sold by the manufacturer in containers totaling no more than 3 grams base of the active ingredient **ARE STILL OVER-THE-COUNTER PRODUCTS**.ⁱⁱ
- Products containing pseudoephedrine, ephedrine, or PPA that are not packaged as explained above – such as packaged in bottles, in zip-lock baggies, in vials, or with other vitamins or herbs – are now controlled substances in schedule III.ⁱⁱⁱ
- Mahuang or other botanical products of the genus ephedra used in the natural state are not controlled substances and may be sold over-the-counter.^{iv}

FEDERAL RETAIL SALES RULES

- Federal law limits the single sale at retail of products containing ephedrine, pseudoephedrine, or PPA to 9 grams per transaction.^v
- Every retail sale of products containing pseudoephedrine, ephedrine, or PPA must be made for the customer's personal use and only for legitimate medical use.^{vi}

PRACTICAL CONSIDERATIONS

Nothing in state or federal law requires that a pharmacy or retail store sell any product that contains pseudoephedrine, ephedrine, or PPA to any particular customer. Furthermore, a pharmacy or retailer may determine to sell these products behind a pharmacy or customer service counter and may restrict the sales to any number of packages that the pharmacy or store deems appropriate. For example, although the federal law allows the sale of eight packages of these products, a store may limit the sales to only three packages if the store so chooses.

Common sense dictates that most people have a legitimate need for no more than three packages of these products at any one time. A pharmacy or retail store may want to ask what the legitimate medical need might be for more than three packages for the personal use of the purchaser. Without such an articulated legitimate medical need, the pharmacy or retailer may be exposed to being accused of making an illegal sale.

Legitimate sales of these products to people suffering from colds or allergies should be made, but a pharmacy or retailer would do well to suspect a sale of eight or nine packages to a healthy young person, or, as reports we have received have showed, a long line of such healthy young people. A pharmacy or retailer should instruct its employees to use their common sense and to say no to sales that seem to defy common sense.

ⁱ NAC 453.530(14).

ⁱⁱ NAC 453.530(14).

ⁱⁱⁱ NAC 453.530(6)(a).

^{iv} NAC 453.530(8).

^v Public Law 104-237 (Oct. 3, 1996).

^{vi} 21 U.S.C. § 802(46)(B) and 21 C.F.R. §1300.02(29).