

Bill No. SB 2352

Barcode 563026

CHAMBER ACTION

Senate

House

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The Committee on Criminal Justice (Wise) recommended the following **substitute for amendment** (091430):

Senate Amendment (with title amendment)

On page 13, line 11, through
page 14, line 17, delete those lines

and insert:

893.1495 Retail sale of ephedrine and related compounds.--

(1) No person shall knowingly deliver in any single retail over-the-counter sale any number of packages of any drug containing a sole active ingredient that contains a combined total of more than 9 base grams of ephedrine, pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical isomers, or more than three packages in any single retail over-the-counter sale, regardless of weight, containing any such sole active ingredient.

(2) No person shall knowingly display and offer for retail sale packages of any drug having a sole active

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1 ingredient of ephedrine, pseudoephedrine, phenylpropanolamine,
2 or any of their salts or optical isomers other than behind a
3 checkout counter where the public is not permitted or other
4 such location that is not otherwise accessible to the general
5 public.

6 (3) No person who is the owner or primary operator of
7 a retail outlet where ephedrine, pseudoephedrine, or
8 phenylpropanolamine products are available for sale shall
9 knowingly allow an employee to engage in the retail sale of
10 such products unless the employee has completed an employee
11 training program that shall include, at a minimum, basic
12 instruction on state and federal regulations relating to the
13 sale and distribution of such products.

14 (4) The requirements of this section relating to the
15 marketing, sale, or distribution of ephedrine,
16 pseudoephedrine, or phenylpropanolamine products shall
17 supersede any local ordinance or regulation passed by a
18 county, municipality, or other local governmental authority.

19 (5) Any individual who violates subsection (1),
20 subsection (2), or subsection (3) commits:

21 (a) For a first offense, a misdemeanor of the second
22 degree, punishable as provided in s. 775.083.

23 (b) For a second offense, a misdemeanor of the first
24 degree, punishable as provided in s. 775.082 or s. 775.083.

25 (c) For a third or subsequent offense, a felony of the
26 third degree, punishable as provided in s. 775.082, s.
27 775.083, or s. 775.084.

30 ===== T I T L E A M E N D M E N T =====

31 And the title is amended as follows:

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1 On page 3, lines 3-8, delete those lines

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3 and insert:

4 requiring specified training for employees of

5 retail outlets who engage in retail sale of

6 such products; providing that local

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