

CS/CS/SB 1050 — Ephedrine or Related Compounds/Sale

by Judiciary Committee; Criminal Justice Committee; and Senators Baker, Siplin, and Gaetz

The bill amends s. 893.1495, F.S., relating to retail sale of ephedrine and related compounds, to do the following:

- Define “ephedrine or related compounds” as ephedrine, pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical isomers;
- Revise requirements relating to retail over-the-counter sales of any nonprescription compound, mixture or preparation containing ephedrine or related compounds;
- Require a person purchasing, receiving, or acquiring any nonprescription compound, mixture, or preparation to meet certain requirements;
- Require the Florida Department of Law Enforcement (FDLE) to approve an electronic recordkeeping system for the purpose of recording and monitoring the real-time purchase of products containing ephedrine or related compounds and for the purpose of monitoring this information in order to prevent or investigate illegal purchases of these products;
- Require this system to be provided to a pharmacy or retailer at no additional cost or expense;
- Authorize a pharmacy or retailer to request an exemption from the electronic reporting if certain criteria are met;
- Specify what information must be recorded in the system and the capabilities of the system;
- Require a pharmacy or retailer distributing a product containing ephedrine or related compounds to Florida consumers to submit required information to the system (as specified in the bill) before completing the transaction;
- Require data that is submitted to the system to be retained for no less than two years from the date of entry;
- Specify entities that are exempt from the requirements of the section;
- Require information that is contained in the system to be disclosed in a manner authorized by state or federal law;
- Restrict the use of information collected by a retailer or entity on behalf of a retailer to law enforcement purposes pursuant to state or federal law or to facilitate a product recall;
- Provide that a person who sells any product containing ephedrine or related compounds who in good faith releases information under this section to federal, state, or local law enforcement officers, or any person acting on behalf of such an officer, is immune from civil liability for the release of the information unless the release constitutes gross negligence or intentional, wanton, or willful misconduct;
- Require the FDLE to contract or enter into a memorandum of understanding with a private third-party administrator to implement the electronic recordkeeping system; and
- Require the FDLE to adopt rules necessary to implement the section.

If approved by the Governor, these provisions take effect July 1, 2010 and shall be implemented by January 1, 2011.

Vote: Senate 35-0; House 118-0