



Arizona State Board of Pharmacy
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Dear Permittee,

You are receiving this letter to notify you of a change in Arizona law; which may affect your business or businesses. On April 23, 2014; Governor Jan Brewer signed into law, Arizona House Bill 2086, regarding the sale of dextromethorphan and customer-age requirements in order to purchase item(s) containing this ingredient. Dextromethorphan is one of the active ingredients in many over-the-counter (OTC) cold and cough medicines (sold in syrup, tablet, spray, and lozenge forms) including generic and store labels; and brands such as Mucinex DM, Robitussin, NyQuil, Dimetapp, Vicks, and TheraFlu.

We have generalized key aspects of the law for you. The full version is below.

- Person(s) purchasing item(s) containing dextromethorphan must be at least 18 years of age.
- Person(s) under the age of 18 cannot purchase item(s) containing dextromethorphan.
- Proof of age must be obtained by the retail seller of item(s) containing dextromethorphan unless the purchaser looks to be over the age of 25.
- This law does not mandate that item(s) containing dextromethorphan be stored, placed or displayed differently. *Item(s) containing ephedrine and/or pseudoephedrine still must be kept behind the counter and must be sold in limited quantities to consumers after they show identification and sign a logbook. (See A.R.S. § 32-1977)*
- This law does not apply to a pharmacy receiving, filling and selling a valid prescription containing dextromethorphan.

32-1978. Sale of dextromethorphan; age requirement; exception; violation; civil penalty; definitions

A. It is prohibited for:

1. Any commercial entity to knowingly or wilfully sell or trade a finished drug product containing any quantity of dextromethorphan to a person who is under eighteen years of age.
2. Any person who is under eighteen years of age to purchase a finished drug product containing any quantity of dextromethorphan.
3. Any person to possess, receive or distribute unfinished dextromethorphan, unless the person is registered pursuant to the federal food, drug, and cosmetic act or is appropriately licensed with the board.

B. A person making a retail sale of a finished drug product containing any quantity of dextromethorphan must require and obtain proof of age from the purchaser before completing the sale, unless the person making the sale reasonably presumes the purchaser to be at least twenty-five years of age based on the purchaser's outward appearance.

C. Subsection A of this section does not apply to common carriers that possess, receive or distribute unfinished dextromethorphan for purposes of distributing such unfinished dextromethorphan between persons that are registered under section 510 of the federal food, drug, and cosmetic act or that are appropriately licensed with the board.

D. This section does not impose any compliance requirement on a retail entity other than manually obtaining and verifying proof of age as a condition of sale, including placement of products in a specific place within a store, other restrictions on a consumer's direct access to finished drug products or the maintenance of transaction records.

E. A person who sells or trades a finished drug product containing any quantity of dextromethorphan to a person who is under eighteen years of age shall receive a warning for a first offense and shall pay a civil penalty of fifty dollars for a second offense, unless the person provides documentation that there is an employee training program in place.

F. This section does not apply to a medication containing dextromethorphan that is sold pursuant to a valid prescription.

G. For the purposes of this section:

1. "Common carrier" means any person that holds itself out to the general public as a provider for hire of the transportation of merchandise, whether or not the person actually operates the vehicle by which the transportation is provided within, to or from the United States.

2. "Finished drug product" means a drug that is legally marketed under the federal food, drug, and cosmetic act and that is in finished dosage form.

3. "Unfinished dextromethorphan" means dextromethorphan in any form, compound, mixture or preparation that is not a finished drug product.

If you have any questions or concerns, please do not hesitate to contact us.

Sincerely,



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