

AN ACT

To enact section 2925.62 of the Revised Code to prohibit sales of dextromethorphan without a prescription to persons under age 18.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2925.62 of the Revised Code be enacted to read as follows:

Sec. 2925.62. (A) As used in this section:

(1) "Dextromethorphan" means the dextrorotatory isomer of 3-methoxy-N-methylmorphinan, including its salts, but not including its racemic or levorotatory forms.

(2) "Evidence of majority and identity" means a document issued by the federal government or a state, county, or municipal government, or a subdivision or agency of any of the foregoing, including a driver's or commercial driver's license, an identification card issued under sections 4507.50 to 4507.52 of the Revised Code, a military identification card, or any other form of identification that bears the name, date of birth, description, and picture of the person identified.

(3) "Retailer" means a place of business that offers consumer products for sale to the general public, including a terminal distributor of dangerous drugs that is licensed under Chapter 4729. of the Revised Code and operated as a pharmacy.

(B) No retailer or employee of a retailer shall knowingly supply, deliver, give, or otherwise provide a drug, material, compound, mixture, preparation, or substance containing any quantity of dextromethorphan through the sale of any product to a person under eighteen years of age, unless the person has been issued a prescription for the product being purchased.

(C) For purposes of division (B) of this section, the person making the sale of a product containing dextromethorphan shall require and obtain evidence of majority and identity from the purchaser, unless from the purchaser's outward appearance the person making the sale would reasonably presume the purchaser to be twenty-five years of age or older. Proof that the person making the sale demanded, was shown, and acted in reasonable reliance on the purchaser's evidence of majority and identity is a defense to any charge of a violation of division (B) of this section.

(D) A retailer or employee of a retailer is not liable for damages in a civil action for injury, death, or loss to person or property that allegedly arises from an act or omission associated with a failure to prevent the sale of a product containing dextromethorphan to a person under eighteen years of age, unless the act or omission constitutes willful or wanton misconduct.

(E) Whoever violates division (B) of this section is guilty of illegally selling dextromethorphan, a minor misdemeanor.

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ____ day of _____, A. D. 20 ____.

Secretary of State.

File No. _____ Effective Date _____