

1 substance unless such substance was obtained directly, or pursuant
2 to a valid prescription or order from a practitioner, while acting
3 in the course of his or her professional practice, or except as
4 otherwise authorized by this act.

5 2. It shall be unlawful for any person to purchase any
6 preparation excepted from the provisions of the Uniform Controlled
7 Dangerous Substances Act pursuant to Section 2-313 of this title in
8 an amount or within a time interval other than that permitted by
9 Section 2-313 of this title.

10 3. It shall be unlawful for any person or business to sell,
11 market, advertise or label any product containing ephedrine, its
12 salts, optical isomers, or salts of optical isomers, for the
13 indication of stimulation, mental alertness, weight loss, appetite
14 control, muscle development, energy or other indication which is not
15 approved by the pertinent federal OTC Final Monograph, Tentative
16 Final Monograph, or FDA-approved new drug application or its legal
17 equivalent. In determining compliance with this requirement, the
18 following factors shall be considered:

- 19 a. the packaging of the product,
- 20 b. the name of the product, and
- 21 c. the distribution and promotion of the product,
22 including verbal representations made at the point of
23 sale.

24

1 B. Any person who violates this section is guilty of a
2 misdemeanor punishable by confinement for not more than one (1) year
3 and by a fine not exceeding One Thousand Dollars (\$1,000.00).

4 C. Any person who violates any provision of this section by
5 possessing or purchasing a controlled dangerous substance from any
6 person, in or on, or within one thousand (1,000) feet of the real
7 property comprising a day care, public or private elementary or
8 secondary school, public vocational school, public or private
9 college or university, or other institution of higher education,
10 church, recreation center or public park, including state parks,
11 fairgrounds and recreation areas, or in the presence of any child
12 under twelve (12) years of age, shall be guilty of a felony and
13 punished by:

14 1. For a first offense, a term of imprisonment not exceeding
15 five (5) years, or by the imposition of a fine not exceeding Five
16 Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.
17 In addition, the person shall serve a minimum of fifty percent (50%)
18 of the sentence received prior to becoming eligible for state
19 correctional institution earned credits toward the completion of
20 said sentence; or

21 2. For a second or subsequent offense, a term of imprisonment
22 not exceeding ten (10) years, or by the imposition of a fine not
23 exceeding Ten Thousand Dollars (\$10,000.00), or by both such fine
24 and imprisonment. In addition, the person shall serve a minimum of

1 ninety percent (90%) of the sentence received prior to becoming
2 eligible for state correctional institution earned credits toward
3 the completion of said sentence.

4 D. Any person convicted of any offense described in this
5 section shall, in addition to any fine imposed, pay a special
6 assessment trauma-care fee of One Hundred Dollars (\$100.00) to be
7 deposited into the Trauma Care Assistance Revolving Fund created in
8 Section 1-2530.9 of this title.

9 SECTION 3. This act shall become effective July 1, 2017.

10 SECTION 4. It being immediately necessary for the preservation
11 of the public peace, health or safety, an emergency is hereby
12 declared to exist, by reason whereof this act shall take effect and
13 be in full force from and after its passage and approval.

14
15 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CRIMINAL JUSTICE AND
16 CORRECTIONS, dated 02/15/2017 - DO PASS, As Coauthored.

17
18
19
20
21
22
23
24