

**ONE HUNDRED FIRST LEGISLATURE - FIRST SESSION - 2009**  
**COMMITTEE STATEMENT**  
**LB151**

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**Hearing Date:** Wednesday January 21, 2009  
**Committee On:** Judiciary  
**Introducer:** Stuthman  
**One Liner:** Eliminate provisions relating to ephedrine under the Uniform Controlled Substances Act

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File with amendment(s)

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**Vote Results:**

<b>Aye:</b>	7	Senators Lathrop, Council, Coash, Christensen, Ashford, McGill, Rogert
<b>Nay:</b>		
<b>Absent:</b>		
<b>Present Not Voting:</b>	1	Senator Lautenbaugh

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**Proponents:**

Sen. Arnie Stuthman  
Bob Hallstrom

**Representing:**

Introducer  
NE Pharmacists Association

**Opponents:**

**Representing:**

**Neutral:**

**Representing:**

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**Summary of purpose and/or changes:**

LB 151 is a bill that would strike the exception to the sale and access to ephedrine and its derivatives that is currently provided under subsection (g) (1) of the schedule IV drug classification of the Controlled Substances Act.

The exception for ephedrine was provided to ephedrine based products that were used as dietary supplements which contained:

- less than twenty-five milligrams of ephedrine alkaloids,
- does not contain ephedrine alkaloids in excess of five percent of the total capsule weight,
- are not sold or advertised suggesting or indicating mental alertness, euphoria, ecstasy, a buzz or high, heightened sexual performance, or an increased muscle, and
- Contained the phrase: "This statement has not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure, or prevent any disease."

It is believed that much like pseudoephedrine, ephedrine based products are a key component in the creation of methamphetamine and as such, should not have an exemption from the schedule IV drug classification requirements.

LB 151 would also amend 28-456 found in section 2 of the bill, by striking the exception that liquid pediatric formulations containing pseudo ephedrine are not subject to the requirement that they be "stored behind a counter, in an area not accessible to customers, or in a locked case so that a customer needs assistance from an employee to access the drug product."

Finally, LB 151 would change the amount of pseudoephedrine products that a person is allowed to buy during a 24 hour period from "one thousand four hundred forty milligrams" to "three and six-tenths grams" to reflect the amount allowed

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for sale under federal Law.

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**Explanation of amendments:**

AM 49 to LB 151

LB 151 was amended in Committee by AM49 to provide that certain products that contain ephedrine will still be available for sale at retail, over the counter because it was believed that failure to allow this type of sale would be an unnecessary burden on consumers of the following products:

1. Primatene Tablets;
2. Bronkaid Dual Action Caplets; and
3. Pazo Hemorrhoidal Ointment

It should be noted that under AM49, there are new restrictions placed on the sale of the previously mentioned products, in that they will be treated like pseudoephedrine based products when being purchased from a retailer, and those restrictions are:

-Items are stored behind a counter or in an area not accessible to customers, or in a locked case so that a customer needs assistance from an employee to access the drug product;

-The products are sold by a person eighteen years of age or older in the course of his or her employment to a customer eighteen years of age or older with the following restrictions:

1. No customer shall be able to purchase, receive, or otherwise acquire more than three and six-tenths grams of ephedrine during a twenty-four hour period
2. No customer shall purchase, receive, or otherwise acquire more than nine grams of ephedrine base during a thirty-day period; and
3. The customer shall display valid drivers' license, state identification card, military identification card, alien registration card, or a passport as proof of identification.

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Brad Ashford, Chairperson