

Miss. Code Ann. § 73-21-124

Current with 2023 Regular Session legislation signed by the Governor and effective upon passage through March 18, 2023. The final official version of the statutes affected by 2023 legislation will appear on Lexis Advance and Lexis+ in the fall of 2023.

[Mississippi Code 1972 Annotated](#)>[Title 73. Professions and Vocations \(Chs. 1 — 79\)](#)>[Chapter 21. Pharmacists \(§§ 73-21-1 — 73-21-205\)](#)>[Mississippi Pharmacy Practice Act \(§§ 73-21-69 — 73-21-129\)](#)

Notice

 This section has more than one version with varying effective dates.

§ 73-21-124. Sale and purchase without prescription of pseudoephedrine or ephedrine products permitted; log of each transaction required; minimum age of purchaser; punishment for violation [Repealed effective January 1, 2024; Repealed effective July 1, 2025; see Editor's Note].

(1)

(a) It is lawful for a pharmacy registered under Section 73-21-105 to sell or distribute to a person, without a prescription, products containing not more than three and six tenths (3.6) grams per day and not more than seven and two tenths (7.2) grams per thirty-day period of pseudoephedrine or ephedrine, and it is lawful for a person to purchase products containing those ingredients from a registered pharmacy without a prescription.

(b) All products authorized under this subsection (1) must be stored by a pharmacy by placing the products behind a counter in an area within the pharmacy where the public is not permitted.

(c) Any products authorized under this subsection (1) sold by a pharmacy must be sold by an individual licensed as a pharmacist or by an employee of the pharmacy under the direct supervision and control of a licensed pharmacist.

(d) No pharmacy may sell or distribute, and no person may purchase, more products than allowed under this section unless by valid prescription. It is not a

defense in a prosecution under this section that no money was exchanged during a transaction that would otherwise be unlawful under this section.

(2) A pharmacy selling products in a manner authorized under subsection (1) of this section must:

(a) Use the National Precursor Log Exchange (NPLEx) system administered by the National Association of Drug Diversion Investigators, provided that the system is available to pharmacies or retailers in the state without a charge for accessing the NPLEx system, before completing the over-the-counter sale of each product authorized under subsection (1) of this section. Before completing a sale of an over-the-counter material, compound, mixture, or preparation containing any detectable quantity of pseudoephedrine or ephedrine, its salts or optical isomers, or salts of optical isomers a pharmacy or retailer shall electronically submit the information required under subsection (b) of this subsection (2) to the NPLEx system. The pharmacy or retailer shall not complete the sale if the NPLEx system generates a stop-sale alert. The system shall contain an override function that may be used by an agent of a retail establishment who is dispensing the drug product, and who has a reasonable fear of imminent bodily harm if the transaction is not completed. The system shall create a record of each use of the override mechanism.

(b) Maintain an electronic log of required information for each transaction, and require the purchaser of the package to be at least eighteen (18) years of age and provide a valid, unsuspended driver's license or nondriver identification card issued by this state or another state, a United States Uniformed Services Privilege and Identification Card, or a United States or foreign passport, and to sign a written or electronic log attesting to the validity of the information provided for each transaction. The record of each transaction must include the information from the identification card as well as the type of and government entity issuing the identification card used, the name, date of birth, and current address of the purchaser, the date and time of the sale, the name of the compound, mixture, or

preparation being sold, and the total amount, in grams or milligrams, of pseudoephedrine or ephedrine being sold.

(c) Maintain a written log or an alternative electronic recordkeeping mechanism if a pharmacy or retailer experiences mechanical or electronic failure of the required electronic tracking system until such time as the pharmacy or retailer is able to comply with the electronic sales-tracking requirement. No person shall purchase, receive or otherwise acquire more than three and six-tenths (3.6) grams per day or seven and two-tenths (7.2) grams of pseudoephedrine or ephedrine within any thirty-day period.

(3) The National Association of Drug Diversion Investigators shall provide real-time access to the NPLeX information through the NPLeX online portal to law enforcement in the state.

(4)

(a) Pseudoephedrine and ephedrine products dispensed pursuant to a legitimate prescription are exempt from this section.

(b) The amounts of pseudoephedrine and ephedrine products dispensed to a person pursuant to a legitimate prescription shall not be considered under subsection (1)(a) of this section.

(5) A violation of this section is a misdemeanor and is punishable as follows:

(a) For a first offense, by a fine not to exceed One Thousand Dollars (\$1,000.00).

(b) For a second or subsequent offense, by a fine not to exceed Ten Thousand Dollars (\$10,000.00).

(6) A pharmacist who is the general owner or operator of an establishment where pseudoephedrine and ephedrine products are available for sale shall not be penalized under this section for the conduct of an employee if the retailer documents that an employee training program approved by the Mississippi Board of Pharmacy was conducted by the pharmacist. The Mississippi Board of Pharmacy shall develop or approve all training programs for pharmacy employees.

(7) A person who resides in a state that requires a prescription for the purchase of pseudoephedrine or ephedrine, or who presents identification from a state that requires a prescription for the purchase of pseudoephedrine or ephedrine, may purchase those products only upon presentation of a valid prescription for the pseudoephedrine or ephedrine.

History

Laws, 2021, ch. 320, § 1, eff from and after January 1, 2022; Laws, 2023, sb2282, § 1, eff from and after July 1, 2023.