

THE FLORIDA SENATE
2016 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/CS/SB 938 — Retail Sale of Dextromethorphan

by Commerce and Tourism Committee; Health Policy Committee; and Senator Benacquisto

The bill regulates the sale of dextromethorphan (DXM), a synthetically produced drug, commonly used in over-the-counter cough suppressants in the United States. The bill prohibits any manufacturer, distributor, or retailer, and their employees and representatives, from knowingly or willfully selling a finished drug product that contains DXM to an individual under the age of 18 without a valid prescription. The bill requires individuals presumed to be less than 25 years of age to provide proof of age prior to purchasing a finished drug product that contains any quantity of DXM.

The bill also sets forth procedures for local law enforcement officers to enforce the law. An individual who possesses or receives a finished product containing any quantity of DXM in violation of the bill, with the intent to distribute, is subject to a civil citation and a fine of up to \$100 for each violation. An employee or representative who sells a finished drug product containing DXM in violation of the act is subject to a written warning. A manufacturer, distributor, or retailer found to be in violation of the act may be subject to a civil citation and a fine of up to \$100 per violation. However, a citation issued to a manufacturer, distributor, or retailer may be avoided upon the showing of a “good faith effort” to comply with the bill’s requirements.

The bill provides a process for disputing a citation.

The bill preempts local regulation of DXM.

If approved by the Governor, these provisions take effect January 1, 2017.

Vote: Senate 39-1; House 115-2