



Pseudoephedrine Notice

Problem

Pseudoephedrine and ephedrine, both List I chemicals, are highly coveted by drug traffickers who use them to manufacture methamphetamine, a Schedule II controlled substance, for the illicit market. The diversion of over-the-counter pseudoephedrine containing products is one of the major contributing factors to the methamphetamine situation in the United States. Inappropriate retail level purchases by individuals attempting to procure pseudoephedrine for the illicit manufacture of methamphetamine have been documented as a source of much of the pseudoephedrine found in clandestine methamphetamine laboratories. These purchases which are accomplished by methods such as “*smurfing*” and *shelf sweeping* violate Federal law and may expose the **seller** to criminal and civil penalties.

Common Pseudoephedrine Products

Common cold products including, but not limited to Sudafed®, Tylenol® Cold, Advil® Cold, Drixoral®, Benadryl® Allergy & Cold Tablets, Robitussin® Cold Sinus & Congestion, as well as many generic brands.

Retail Thresholds

The Methamphetamine Anti-Proliferation Act (MAPA) limits the thresholds of pseudoephedrine drug products to 9 gram single transactions with the package size not to exceed 3 grams.

Nine (9) gram single transactions

- 120 mg. Pseudoephedrine HCL = 92 tablets
- 60 mg. Pseudoephedrine HCL = 184 tablets
- 30 mg. Pseudoephedrine HCL = 367 tablets

Three (3) gram per package

- 120 mg. Pseudoephedrine HCL = 31 tablets
- 60 mg. Pseudoephedrine HCL = 62 tablets
- 30 mg. Pseudoephedrine HCL = 123 tablets

Common Methods of Diversion

- *Smurfing* involves the retail purchase of sub-threshold amounts by organized groups of individuals that either send in multiple purchasers into the same location or visit a large number of different locations.
- *Shelf Sweeping* occurs when individuals or groups remove all the shelf stock and exit the store, similar to a “smash and grab” shoplifting technique.
- *Shoplifting* occurs when individuals remove stock from the shelves and exit the store without paying.

All of the above methods can be prevented by limiting access to products or by utilizing mirrors or other surveillance equipment such as cameras.

Suspicious Purchase Items

Camping Fuel, lithium batteries, large quantities of matches, iodine, coffee filters, rock salt, battery acid, swimming pool acid (when purchased in unusual quantities or under unusual circumstances)

Theft or Loss of List I Chemicals

The DEA reminds List I chemical handlers of the regulatory requirement: “A regulated chemical handler must immediately report thefts or losses to the nearest DEA office and should notify state/local law enforcement and regulatory agencies. A written report must be submitted to the DEA within 15 days of discovery of the theft or loss.” (CFR 21 §1310.05)

Improper Sales

“Any person who possesses or distributes a listed chemical knowing or having reasonable cause to believe that the listed chemical will be used to manufacture a controlled substance, except as authorized by this title, shall be fined in accordance with Title 18, or imprisoned not more than 20 years, or both.” (Title 21 U.S.C. 841 (c)(2))