**South Carolina General Assembly**

126th Session, 2025-2026

**H. 4382**

**STATUS INFORMATION**

General Bill

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Introduced in the House on April 23, 2025

Currently residing in the House Committee on **Labor, Commerce and Industry**

Summary: Nonprescription Ephedrine Products

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 4/23/2025 House Introduced and read first time (House Journal‑page 49)

 4/23/2025 House Referred to Committee on **Labor, Commerce and Industry** (House Journal‑page 49)

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=4382&session=126&summary=B)  at the website

**VERSIONS OF THIS BILL**

[04/23/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/4382_20250423.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44‑53‑398, RELATING TO THE SALE OF PRODUCTS CONTAINING EPHEDRINE OR PSEUDOEPHEDRINE; SO AS TO REQUIRE THAT MANUFACTURERS OF THESE PRODUCTS PAY MONTHLY FEES ASSOCIATED WITH DATA COLLECTION AND TO ESTABLISH A PENALTY FOR FAILURE OF MANUFACTURERS TO COMPLY.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 44‑53‑398(D) of the S.C. Code is amended to read:

 (D)(1) A retailer selling nonprescription products containing ephedrine, pseudoephedrine, or phenylpropanolamine shall require the purchaser to produce a government issued photo identification showing the date of birth of the person and require the purchaser to sign an electronic log showing the date and time of the transaction, the person’s name and address, the type, issuing governmental entity, identification number, and the amount of the compound, mixture, or preparation. The retailer shall determine that the name entered in the log corresponds to the name on the identification and that the date and time entered are correct and shall enter in the log the name of the product and the quantity sold. The retailer shall ensure that the product is delivered directly into the custody of that purchaser. The log must include a notice to purchasers that entering false statements or misrepresentations in the log may subject the purchaser to criminal penalties.

 (2) Before completing a sale of a product regulated by this section, the retailer electronically shall transmit the information entered in the log to a data collection system provided by the National Association of Drug Diversion Investigators, or a successor or similar entity. The system must collect this data in real time and generate a stop sale alert if the sale would result in a violation of subsection (B) or a federal quantity restriction, which must be assessed on the basis of sales or purchases made in any state to the extent that information is available in the data collection system. If the retailer receives a stop sale alert, the retailer must not complete the sale unless the retailer, upon notifying the purchaser the sale cannot be completed, reasonably fears bodily harm if he denies the sale due to the stop sale alert. A product regulated by this section may not be sold without being reported to the data collection system unless the system is experiencing temporary technical difficulties that prevent a retailer from reporting the information to the system, and in that case, the retailer shall enter the necessary information in a written log, which must subsequently be entered into the electronic log within three business days of each business day that the electronic log was not operational. A retailer using a written log under these circumstances is immune from liability during the time the system is temporarily disabled.

 (3) Any information entered in the electronic log that is retained by a retailer, or information maintained by a retailer pursuant to subsection (J)(2), is confidential and not a public record as defined in Section 30‑4‑20(C) of the Freedom of Information Act. A retailer or an employee or agent of a retailer who in good faith releases information in a log to federal, state, or local law enforcement authorities is immune from civil liability for the release unless the release constitutes gross negligence or intentional, wanton, or wilful misrepresentation.

 (4)(a) Beginning October 1, 2025, any manufacturer of nonprescription products containing ephedrine, pseudoephedrine, or phenylpropanolamine sold in or into the State must, on a monthly basis, pay fees to the administrator of the data collection system described in item (2).

 (b) The administrator of the data collection system described in item (2) is responsible for setting the fee levels required pursuant to subitem (a).

 (c) At the request of the State Law Enforcement Division, manufacturers required to pay fees pursuant to subitem (a) must provide written documentation demonstrating that they have paid such fees.

 (d) For purposes of this item, “administrator of the data collection system” means the entity responsible for developing, implementing, and maintaining the data collection system described in item (2).

SECTION 2. Section 44‑53‑398(H)(1) and (4) of the S.C. Code is amended to read:

 (1) Except as otherwise provided in this section, it is unlawful for a retailer knowingly to violate subsection (A), (B)(1), (C), (D)(1), or (D)(2), or (D)(4), and it is unlawful for a person knowingly to violate subsection (B)(2), (E), or (F).

 (4) A retailer convicted of a violation of subsection (D)(1), (D)(2), or (J)(2), or a manufacturer convicted of a violation of subsection (D)(4) is guilty of a misdemeanor and, upon conviction for a first offense, must be fined not more than one thousand dollars and not less than five hundred dollars. Upon conviction for a second offense, a retailer or manufacturer must be fined not more than five thousand dollars and not less than one thousand dollars. Upon conviction for a third or subsequent offense, a person must be fined not more than ten thousand dollars and not less than five thousand dollars.

SECTION 3. This act takes effect upon approval by the Governor.

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