

**Committee on Public Health
Bill Summary**

Bill No: H2481

Title: *An Act prohibiting the sale of dextromethorphan to minors.*

Sponsor: Rep. David Paul Linsky/Sen. Rebecca Rausch

Committee: Public Health

Hearing Date: July 14, 2025

Similar Matters: S1617

Prior History: Refile of H2226 of 23-24; Referred to Public Health; Accompanied S1456; Bill reported favorably by committee and referred to the committee on Senate Ways and Means; No further action taken.

Reporting Deadline: September 12, 2025

Current Law:

- **M.G.L. c. 94C** governs controlled substances.

Summary:

The bill amends chapter 94C of the General Laws by inserting section 27B which restricts the sale of nonprescription products containing dextromethorphan and permits the DPH and several boards to enforce this section.

Section 27B. (a)(1) prohibits the sale of nonprescription products containing a detectable quantity of dextromethorphan to any person under the age of 18.

Paragraph (2) prohibits any person under the age of 18 from purchasing nonprescription products containing a detectable quantity of dextromethorphan.

Paragraph (3) requires validation of a person's age to sell products containing a detectable quantity of dextromethorphan via photo ID or based on the person reasonably appearing to be the age of 27 or older.

Paragraph (4) clarifies that nothing in this bill is a compliance requirement other than manually obtaining and verifying proof of age as a condition of sale. There are no compliance requirements for the placement of products in a specific place within a store, other restrictions on consumers' direct access to finished drug products, or the maintenance of transaction records.

Enforcement of this bill:

- For manufacturers, distributors, and retailers who violate paragraph (1):
 - First violation- Warning letter from the state Bureau of Health Care Safety and Quality
 - Second violation- Civil penalty no more than \$150
 - Third and subsequent violations- Civil penalty not more than \$250
- For any persons under the age of 18 who violate paragraph (2):
 - Civil fine of \$50

Subsection (b) clarifies that section 27B does not apply to a product containing a detectable quantity of dextromethorphan dispensed with a valid prescription from a licensed practitioner.

This bill preempts any ordinance regulating the sale, distribution, receipt, or possession of dextromethorphan enacted by any political subdivision of this state, and dextromethorphan is not subject to further regulation by such subdivisions.