

FIRST REGULAR SESSION

SENATE BILL NO. 433

92ND GENERAL ASSEMBLY

INTRODUCED BY SENATORS YECKEL AND GROSS.

Read 1st time February 5, 2003, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

0865S.051

AN ACT

To repeal section 195.417, RSMo, and to enact in lieu thereof one new section relating to the sale of products containing methamphetamine, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 195.417, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 195.417, to read as follows:

195.417. 1. No person shall deliver in any single over-the-counter sale more than **[three] two packages or any number of packages that contain a combined total of no more than six grams** of any [methamphetamine precursor drug or any combination of methamphetamine precursor drugs] **drug having a sole active ingredient of ephedrine, pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical isomers, or in combination with less than therapeutically significant quantities of other active ingredients.**

2. All packages of any drug having a sole active ingredient of ephedrine, pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical isomers, or in combination with less than therapeutically significant quantities of other active ingredients, shall be displayed and offered for sale only behind a check-out counter where the public is not permitted or within six feet of a register located on a check-out counter. This subsection shall not apply to any retailer utilizing an anti-theft system that specifically prevents the theft of such drugs from the place of business where such drugs are sold. This subsection shall supersede any municipal ordinances or regulations to the extent that such ordinances or

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

regulations are more restrictive than the provisions of this subsection.

3. This section shall not apply to any product labeled pursuant to federal regulation for use only in children under twelve years of age, or to any products that the state department of health and senior services, upon application of a manufacturer, exempts by rule from this section because the product has been formulated in such a way as to effectively prevent the conversion of the active ingredient into methamphetamine, or its salts or precursors.

[3.] 4. Any person who is considered the general owner or operator of the outlet where ephedrine, pseudoephedrine, or phenylpropanolamine products are available for sale who violates subsection 1 of this section shall not be penalized pursuant to this section if such person documents that an employee training program was in place to provide the employee with information on the state and federal regulations regarding ephedrine, pseudoephedrine, or phenylpropanolamine.

[4.] 5. Any person who knowingly or recklessly violates this section is guilty of a class A misdemeanor.

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