

SECOND REGULAR SESSION

SENATE BILL NO. 1063

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR KOSTER.

Read 1st time January 31, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

4122S.05I

AN ACT

To repeal sections 57.280, 195.202, 195.211, 195.417, 488.435, and 568.045, RSMo, and to enact in lieu thereof sixteen new sections relating to the Missouri methamphetamine project, with penalty provisions and an effective date for certain sections.

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

Section A. Sections 57.280, 195.202, 195.211, 195.417, 488.435, and 568.045, RSMo, are repealed and sixteen new sections enacted in lieu thereof, to be known as sections 57.265, 57.280, 195.202, 195.211, 195.378, 195.381, 195.384, 195.387, 195.390, 195.393, 195.396, 195.399, 195.417, 488.435, 568.045, and 650.650, to read as follows:

57.265. 1. Recognizing that personnel retention remains an ongoing challenge for county law enforcement and in order to protect the well-being and safety of Missouri citizens and support county sheriff's departments, there is hereby created in the state treasury the "Public Safety Enhancement Fund", which shall consist of money collected from charges for service received by sheriffs under subsection 4 of section 57.280. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. The fund shall be administered by the department of public safety. The money in the fund shall be used solely for the administration of the grant program established under this section. Any moneys remaining in the fund at the end of the biennium shall revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as

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

15 other funds are invested. Any interest and moneys earned on such
16 investments shall be credited to the fund.

17 2. The department of public safety shall create a program to
18 distribute grants to counties for the purpose of supplementing the
19 starting annual salaries of deputy sheriffs that are below twenty-nine
20 thousand five hundred dollars as of January 1, 2008. Any county with
21 a starting annual salary of less than twenty-nine thousand five hundred
22 dollars as of January 1, 2008, for deputy sheriffs shall be eligible to
23 receive a grant. The grant money used each year shall not result in a
24 starting annual salary exceeding twenty-nine thousand five hundred
25 dollars for any deputy sheriff. The application period for the first year
26 of this grant program shall be from August 29, 2008, to December 31,
27 2008.

28 3. When administering this grant program, the department of
29 public safety shall coordinate and consult with the Missouri sheriffs'
30 association for review of applications and disbursement of the grant
31 money.

32 4. The department of public safety shall have the authority to
33 promulgate rules to implement and administer this grant program. Any
34 rule or portion of a rule, as that term is defined in section 536.010,
35 RSMo, that is created under the authority delegated in this section
36 shall become effective only if it complies with and is subject to all of
37 the provisions of chapter 536, RSMo, and, if applicable, section 536.028,
38 RSMo. This section and chapter 536, RSMo, are nonseverable and if any
39 of the powers vested with the general assembly pursuant to chapter
40 536, RSMo, to review, to delay the effective date, or to disapprove and
41 annul a rule are subsequently held unconstitutional, then the grant of
42 rulemaking authority and any rule proposed or adopted after August
43 28, 2008, shall be invalid and void.

44 5. The provisions of section 23.253, RSMo, shall not apply to the
45 provisions of this section.

57.280. 1. Sheriffs shall receive a charge for service of any summons, writ
2 or other order of court, in connection with any civil case, and making on the same
3 either a return indicating service, a non est return or a nulla bona return, the
4 sum of twenty dollars for each item to be served, except that a sheriff shall
5 receive a charge for service of any subpoena, and making a return on the same,
6 the sum of ten dollars; however, no such charge shall be collected in any

7 proceeding when court costs are to be paid by the state, county or municipality.
8 In addition to such charge, the sheriff shall be entitled to receive for each mile
9 actually traveled in serving any summons, writ, subpoena or other order of court,
10 the rate prescribed by the Internal Revenue Service for all allowable expenses for
11 motor vehicle use expressed as an amount per mile, provided that such mileage
12 shall not be charged for more than one subpoena or summons or other writ served
13 in the same cause on the same trip. All of such charges shall be received by the
14 sheriff who is requested to perform the service. Except as otherwise provided by
15 law, all charges made pursuant to this section shall be collected by the court clerk
16 as court costs and are payable prior to the time the service is rendered; provided
17 that if the amount of such charge cannot be readily determined, then the sheriff
18 shall receive a deposit based upon the likely amount of such charge, and the
19 balance of such charge shall be payable immediately upon ascertainment of the
20 proper amount of said charge. A sheriff may refuse to perform any service in any
21 action or proceeding, other than when court costs are waived as provided by law,
22 until the charge provided by this section is paid. Failure to receive the charge
23 shall not affect the validity of the service.

24 2. The sheriff shall receive for receiving and paying moneys on execution
25 or other process, where lands or goods have been levied and advertised and sold,
26 five percent on five hundred dollars and four percent on all sums above five
27 hundred dollars, and half of these sums, when the money is paid to the sheriff
28 without a levy, or where the lands or goods levied on shall not be sold and the
29 money is paid to the sheriff or person entitled thereto, his agent or attorney. The
30 party at whose application any writ, execution, subpoena or other process has
31 issued from the court shall pay the sheriff's costs for the removal, transportation,
32 storage, safekeeping and support of any property to be seized pursuant to legal
33 process before such seizure. The sheriff shall be allowed for each mile, going and
34 returning from the courthouse of the county in which he resides to the place
35 where the court is held, the rate prescribed by the Internal Revenue Service for
36 all allowable expenses for motor vehicle use expressed as an amount per
37 mile. The provisions of this subsection shall not apply to garnishment proceeds.

38 3. The sheriff upon the receipt of the charge herein provided for shall pay
39 into the treasury of the county any and all charges received pursuant to the
40 provisions of this section; however, in any county, any funds, not to exceed [fifty]
41 **seventy-five** thousand dollars in any calendar year, other than as a result of
42 regular budget allocations or land sale proceeds, coming into the possession of the

43 sheriff's office, such as from the sale of recovered evidence, shall be held in a fund
44 established by the county treasurer, which may be expended at the discretion of
45 the sheriff for the furtherance of the sheriff's set duties. Any such funds in
46 excess of [fifty] **seventy-five** thousand dollars, other than regular budget
47 allocations or land sale proceeds, shall be placed to the credit of the general
48 revenue fund of the county. Moneys in the fund shall be used only for the
49 procurement of services and equipment to support the operation of the sheriff's
50 office. Moneys in the fund established pursuant to this subsection shall not lapse
51 to the county general revenue fund at the end of any county budget or fiscal year.

52 **4. Notwithstanding the provisions of subsection 3 of this section**
53 **to the contrary, the sheriff shall receive fifteen dollars for service of**
54 **any summons, writ, or other order of the court under subsection 1 of**
55 **this section, in addition to the charge for service that each sheriff**
56 **receives under subsection 1 of this section. The sheriff shall receive**
57 **the additional fifteen dollars authorized under this subsection**
58 **regardless of whether a private entity performs the service on behalf**
59 **of the sheriff. The money received by the sheriff shall be collected by**
60 **the county treasurer and made payable to the state treasurer. The**
61 **state treasurer shall deposit twelve dollars of such moneys in the public**
62 **safety enhancement fund created under section 57.265 and three dollars**
63 **of such moneys into the sheriffs' retirement fund created in section**
64 **57.952.**

195.202. 1. Except as authorized by sections 195.005 to 195.425, it is
2 unlawful for any person to possess or have under his control a controlled
3 substance.

4 2. Any person who violates this section with respect to any controlled
5 substance except thirty-five grams or less of marijuana is guilty of a class C
6 felony. **In cases where probation is granted for possession of**
7 **methamphetamine under this section, the conditions of such probation**
8 **shall include, but not be limited to, referral to a drug court for**
9 **participation in a substance abuse program or participation and**
10 **completion of not less than twenty-eight days in an inpatient substance**
11 **abuse treatment program. Such person shall receive a term of**
12 **supervised probation of not less than four years and shall be subject to**
13 **mandatory urine analysis to determine use of controlled substances**
14 **throughout the term of probation as determined by the court or board**

15 **of probation and parole.**

16 3. Any person who violates this section with respect to not more than
17 thirty-five grams of marijuana is guilty of a class A misdemeanor.

195.211. 1. Except as authorized by sections 195.005 to 195.425 and
2 except as provided in section 195.222, it is unlawful for any person to distribute,
3 deliver, manufacture, produce or attempt to distribute, deliver, manufacture or
4 produce a controlled substance or to possess with intent to distribute, deliver,
5 manufacture, or produce a controlled substance.

6 2. Any person who violates or attempts to violate this section with respect
7 to manufacturing or production of a controlled substance of any amount except
8 for five grams or less of marijuana in a residence where a child resides or within
9 two thousand feet of the real property comprising a public or private elementary
10 or public or private elementary or secondary school, public vocational school or
11 a public or private junior college, college or university, or any school bus is guilty
12 of a class A felony.

13 3. Any person who violates or attempts to violate this section with respect
14 to any controlled substance except five grams or less of marijuana is guilty of a
15 class B felony.

16 4. **Any person who violates or attempts to violate this section**
17 **with respect to methamphetamine shall not be granted a suspended**
18 **imposition of sentence for a first offense or a suspended imposition of**
19 **sentence or suspended execution of sentence for any second or**
20 **subsequent offense.**

21 5. Any person who violates this section with respect to distributing or
22 delivering not more than five grams of marijuana is guilty of a class C felony.

195.378. 1. **Sections 195.378 to 195.399 shall be known and may**
2 **be cited as the "Drug Monitoring Act".**

3 2. **Notwithstanding the provisions of section 195.010, as used in**
4 **sections 195.378 to 195.399, the following terms mean:**

- 5 (1) **"Controlled substance", as defined in section 195.010;**
6 (2) **"Department", the department of health and senior services;**
7 (3) **"Dispenser", a person who delivers a schedule II, III, IV, or V**
8 **controlled substance to the ultimate user, but does not include:**
9 (a) **A practitioner or other authorized person who administers**
10 **such a substance; or**
11 (b) **A wholesale distributor of a schedule II, III, IV, or V**

12 **controlled substance;**

13 (4) "Patient", a person or animal who is the ultimate user of a
14 drug for whom a prescription is issued or for whom a drug is
15 dispensed;

16 (5) "Schedule II, III, IV, or V controlled substance", a controlled
17 substance that is listed in schedule II, III, IV, or V of the schedules
18 provided under this chapter or the Federal Controlled Substances Act,
19 21 U.S.C. Section 812.

195.381. 1. Subject to appropriations, the department of health
2 and senior services shall establish and maintain a program for the
3 monitoring of prescribing and dispensing of all schedule II, III, IV, and
4 V controlled substances except schedule V controlled substances
5 containing any detectable amount of pseudoephedrine that do not
6 require a prescription, by all professionals licensed to prescribe or
7 dispense such substances in this state.

8 2. Each dispenser shall submit to the department by electronic
9 means information regarding each dispensing of a drug included in
10 subsection 1 of this section. The information required by the
11 department to be submitted for each dispensing may include, but not
12 be limited to:

13 (1) The dispenser's United States Drug Enforcement
14 Administration registration number;

15 (2) The date the drug is dispensed or the prescription is filled;

16 (3) The prescription number, if applicable;

17 (4) Whether the prescription is new or a refill;

18 (5) The NDC code for the drug dispensed;

19 (6) The number of days' supply of the drug dispensed;

20 (7) The quantity dispensed;

21 (8) Any identification issued by a state or federal government to
22 the patient, or any other acceptable identification as defined by the
23 department by rule;

24 (9) The patient's name, address, and date of birth;

25 (10) The prescriber's United States Drug Enforcement
26 Administration registration number, if applicable;

27 (11) The date the prescription is issued by the prescriber, if
28 applicable; and

29 (12) The source of payment for the drug, as defined by regulation

30 promulgated by the department.

31 3. Each dispenser shall submit the information in accordance
32 with transmission methods and frequency established by the
33 department by regulation; except that, each dispenser shall report at
34 least every thirty days between the first and fifteenth of the month
35 following the month the drug was dispensed.

36 4. The department may issue a waiver to a dispenser that is
37 unable to submit dispensing information by electronic means. Such
38 waiver may permit the dispenser to submit dispensing information by
39 paper form or other means, provided all information required in
40 subsection 2 of this section is submitted in such alternative format.

195.384. 1. Controlled substance dispensing information
2 submitted to the department shall be confidential and not subject to
3 public disclosure under chapter 610, RSMo, except as provided in
4 subsections 3 to 5 of this section.

5 2. The department shall maintain procedures to ensure that the
6 privacy and confidentiality of patients and patient information
7 collected, recorded, transmitted, and maintained is not disclosed to
8 persons except as provided in subsections 3 to 5 of this section.

9 3. The department shall review the dispensing information and,
10 if there is reasonable cause to believe a violation of law or breach of
11 professional standards may have occurred, the department shall notify
12 the appropriate law enforcement or professional licensing,
13 certification, or regulatory agency or entity, and provide dispensing
14 information required for an investigation.

15 4. The department may provide data in the drug monitoring
16 program to the following persons:

17 (1) Persons authorized to prescribe or dispense controlled
18 substances for the purpose of providing medical or pharmaceutical care
19 for their patients;

20 (2) An individual who requests his or her own drug monitoring
21 information in accordance with state law;

22 (3) The state board of pharmacy;

23 (4) Any state board charged with regulating a professional that
24 has the authority to prescribe controlled substances that requests data
25 related to a specific professional under the authority of that board;

26 (5) Local, state, and federal law enforcement or prosecutorial

27 officials engaged in the administration, investigation, or enforcement
28 of the laws governing licit drugs based on a specific case or under
29 court order;

30 (6) The department of social services regarding MO HealthNet
31 participants;

32 (7) A judge or other judicial authority under a court order;

33 (8) Personnel of the department of health and senior services for
34 the administration and enforcement of sections 195.378 to 195.399; and

35 (9) The department of mental health regarding department
36 program recipients receiving medication or medication-related
37 services.

38 5. The department may provide data to public or private entities
39 for statistical, research, or educational purposes after removing
40 information that could be used to identify individual patients or
41 persons who received prescriptions from dispensers.

42 6. Nothing in sections 195.378 to 195.399 shall require or obligate
43 a dispenser or prescriber to access or check the information in the
44 drug monitoring program prior to dispensing, prescribing, or
45 administering medications or as part of their professional
46 practice. Dispensers and prescribers shall not be liable to any person
47 for any claim of damages as a result of accessing or failing to access the
48 information in the drug monitoring program and no lawsuit may be
49 predicated thereon.

195.387. The department is authorized to contract with any other
2 agency of this state or with a private vendor, as necessary, to ensure
3 the effective operation of the drug monitoring program. Any contractor
4 shall comply with the provisions regarding confidentiality of drug
5 information in section 195.384. Any contractor who knowingly discloses
6 drug monitoring information other than as provided in sections 195.378
7 to 195.399 or who uses such information in a manner and for a purpose
8 in violation of sections 195.378 to 195.399 is guilty of a class A
9 misdemeanor.

195.390. The department shall promulgate rules setting forth the
2 procedures and methods of implementing sections 195.378 to 195.399
3 which shall be consistent with federal regulations, if applicable. Any
4 rule or portion of a rule, as that term is defined in section 536.010,
5 RSMo, that is created under the authority delegated in this section

6 shall become effective only if it complies with and is subject to all of
7 the provisions of chapter 536, RSMo, and, if applicable, section 536.028,
8 RSMo. This section and chapter 536, RSMo, are nonseverable and if any
9 of the powers vested with the general assembly pursuant to chapter
10 536, RSMo, to review, to delay the effective date, or to disapprove and
11 annul a rule are subsequently held unconstitutional, then the grant of
12 rulemaking authority and any rule proposed or adopted after August
13 28, 2008, shall be invalid and void.

195.393. 1. A dispenser who knowingly fails to submit drug
2 monitoring information to the department as required in sections
3 195.378 to 195.399 or knowingly submits the incorrect prescription
4 information is guilty of a class A misdemeanor.

5 2. A person authorized to have drug monitoring information
6 under sections 195.378 to 195.399 who knowingly discloses such
7 information in violation of sections 195.378 to 195.399 or who uses such
8 information in a manner and for a purpose in violation of sections
9 195.378 to 195.399 is guilty of a class A misdemeanor.

195.396. 1. The department shall implement the following
2 education courses:

3 (1) An orientation course during the implementation phase of the
4 drug monitoring program established in section 195.381;

5 (2) A course for persons who are authorized to access the drug
6 monitoring information but who did not participate in the orientation
7 course;

8 (3) A course for persons who are authorized to access the drug
9 monitoring information but who have violated laws or breached
10 occupational standards involving dispensing, prescribing, and use of
11 substances monitored by the drug monitoring program established in
12 section 195.381. When appropriate, the department shall develop the
13 content of the education courses described in subdivisions (1) to (3) of
14 this subsection.

15 2. The department shall, when appropriate:

16 (1) Work with associations for impaired professionals to ensure
17 intervention, treatment, and ongoing monitoring and followup; and

18 (2) Encourage individual patients who are identified and who
19 have become addicted to substances monitored by the drug monitoring
20 program established in section 195.381 to receive addiction treatment.

21 **The department of health and senior services shall consult and**
22 **coordinate with the department of mental health in developing and**
23 **implementing patient intervention and referrals.**

195.399. Pursuant to section 23.253, RSMo, of the Missouri sunset
2 **act:**

3 **(1) The provisions of the new program authorized under sections**
4 **195.378 to 195.399 shall automatically sunset six years after the**
5 **effective date of sections 195.378 to 195.399 unless reauthorized by an**
6 **act of the general assembly; and**

7 **(2) If such program is reauthorized, the program authorized**
8 **under sections 195.378 to 195.399 shall automatically sunset six years**
9 **after the effective date of the reauthorization of sections 195.378 to**
10 **195.399; and**

11 **(3) Sections 195.378 to 195.399 shall terminate on September first**
12 **of the calendar year immediately following the calendar year in which**
13 **the program authorized under sections 195.378 to 195.399 is sunset.**

195.417. 1. The limits specified in [subsection 2 of] this section shall not
2 apply to any quantity of such product, mixture, or preparation **which must be**
3 **dispensed, sold, or distributed in a pharmacy** pursuant to a valid
4 **prescription or to any purchase by an individual of a single sales package**
5 **if that package contains not more than sixty milligrams of**
6 **pseudoephedrine.**

7 2. Within any thirty-day period, no person shall sell, dispense, or
8 otherwise provide to the same individual, and no person shall purchase, receive,
9 or otherwise acquire more than the following amount: any number of packages
10 of any drug product containing any detectable amount of ephedrine,
11 **phenylpropanolamine**, or pseudoephedrine, or any of their salts or optical
12 isomers, or salts of optical isomers, either as:

13 (1) The sole active ingredient; or

14 (2) One of the active ingredients of a combination drug; or

15 (3) A combination of any of the products specified in subdivisions (1) and
16 (2) of this subsection;

17 in any total amount greater than nine grams, **without regard to the number**
18 **of transactions.**

19 3. **[All] For mail order sales or sales from a temporary retail**
20 **location or sales from stand which is temporary or capable of being**

21 moved from one location to another, whether the stand is located
22 within or on the premises of a fixed facility or located on unimproved
23 real estate, within any thirty-day period, no person shall sell, dispense,
24 or otherwise provide to the same individual, and no person shall
25 purchase, receive, or otherwise acquire more than the following
26 amount: any number of packages of any drug product containing any
27 detectable amount of ephedrine, phenylpropanolamine or
28 pseudoephedrine, or any of their salts or optical isomers, or salts of
29 optical isomers, either as:

- 30 (1) The sole active ingredient; or
- 31 (2) One of the active ingredients of a combination drug; or
- 32 (3) A combination of any of the products specified in
33 subdivisions (1) and (2) of this subsection; in any total amount greater
34 than seven and five tenths grams, without regard to the number of
35 transactions.

36 4. Within any twenty-four hour period, no person shall sell,
37 dispense, or otherwise provide to the same individual, and no person
38 shall purchase, receive, or otherwise acquire more than the following
39 amount: any number of packages of any drug product containing any
40 detectable amount of ephedrine, phenylpropanolamine, or
41 pseudoephedrine, or any of their salts or optical isomers, or salts of
42 optical isomers, either as:

- 43 (1) The sole active ingredient; or
- 44 (2) One of the active ingredients of a combination drug; or
- 45 (3) A combination of any of the products specified in
46 subdivisions (1) and (2) of this subsection; in any total amount greater
47 than three and six tenths grams without regard to the number of
48 transactions.

49 5. With the exception of those compounds, mixtures, or
50 preparations which must be offered for sale only from behind the
51 counter in a pharmacy, in offering the products for sale, persons selling
52 packages of any compound, mixture, or preparation containing any detectable
53 quantity of ephedrine, **phenylpropanolamine**, or pseudoephedrine, or any of
54 their salts or optical isomers, or salts of optical isomers, [except those that are
55 excluded from Schedule V in subsection 17 or 18 of section 195.017, shall be
56 offered for sale only from behind a pharmacy counter where the public is not
57 permitted, and only by a registered pharmacist or registered pharmacy technician

58 under section 195.017.

59 4.] shall place the products such that customers do not have
60 direct access to the products before a sale is made. This placement of
61 product shall be either behind the counter or in a locked cabinet that
62 is located in an area of the facility involved to which customers do not
63 have direct access.

64 6. The person selling such compound, mixture, or preparation
65 shall require any person, prior to their purchasing, receiving or
66 otherwise acquiring such compound, mixture, or preparation of such
67 compound, mixture, or preparation, to furnish suitable photo
68 identification that is issued by a state or the federal government or a
69 document that, with respect to identification, is considered acceptable.

70 7. The person selling such compound, mixture, or preparation
71 shall maintain an electronic log of each transaction. Such log shall
72 include the following information:

73 (1) The name, address, and signature of the purchaser;

74 (2) The name of the product and the amount of the compound,
75 mixture, or preparation purchased;

76 (3) The date and time of each purchase; and

77 (4) The name or initials of the person selling the compound,
78 mixture, or preparation to the purchaser.

79 8. The department shall develop a system whereby the electronic
80 logs of each pharmacy, as provided in subsection 7 of this section, shall
81 be transmitted to the department simultaneously to the creation of
82 each entry in the log. The department shall create a database to
83 encompass the transmitted electronic logs and shall make the database
84 available to law enforcement agencies with jurisdiction to enforce state
85 and federal controlled substance laws. In addition, the department
86 shall monitor the database for any person that the department
87 reasonably believes has violated the provisions of this section and
88 provide the appropriate law enforcement agency with information
89 regarding the potential violation.

90 9. Any law enforcement agency with jurisdiction to enforce state
91 and federal controlled substance laws is authorized to examine the
92 electronic logs of a pharmacy upon request by the agency to the
93 pharmacy.

94 10. The seller shall deliver the product directly into the custody

95 of the purchaser.

96 **11.** This section shall supersede and preempt any local ordinances or
97 regulations, including any ordinances or regulations enacted by any political
98 subdivision of the state. This section shall not apply to [any products that the
99 state department of health and senior services, upon application of a
100 manufacturer, exempts by rule from this section because the product has been
101 formulated in such a way as to effectively prevent the conversion of the active
102 ingredient into methamphetamine, or its salts or precursors or to] the sale of any
103 animal feed products containing ephedrine or any naturally occurring or herbal
104 ephedra or extract of ephedra.

105 **[5.** Persons selling and dispensing substances containing any detectable
106 amount of pseudoephedrine, its salts or optical isomers, or salts of optical isomers
107 or ephedrine, its salts or optical isomers, or salts of optical isomers shall
108 maintain logs, documents, and records as specified in section 195.017. Persons
109 selling only compounds, mixtures, or preparations that are excluded from
110 Schedule V in subsection 17 or 18 of section 195.017 shall not be required to
111 maintain such logs, documents, and records. All logs, records, documents, and
112 electronic information maintained for the dispensing of these products shall be
113 open for inspection and copying by municipal, county, and state or federal law
114 enforcement officers whose duty it is to enforce the controlled substances laws of
115 this state or the United States.

116 **6.] 12.** Within thirty days of June 15, 2005, all persons who dispense or
117 offer for sale pseudoephedrine and ephedrine products, except those that are
118 excluded from Schedule V in subsection 17 or 18 of section 195.017, shall ensure
119 that all such products are located only behind a pharmacy counter where the
120 public is not permitted.

121 **[7.** Within thirty days of June 15, 2005, any business entity which sells
122 ephedrine or pseudoephedrine products in the course of legitimate business which
123 is in the possession of pseudoephedrine and ephedrine products, except those that
124 are excluded from Schedule V in subsection 17 or 18 of section 195.017, and which
125 does not have a state and federal controlled substances registration, shall return
126 these products to a manufacturer or distributor or transfer them to an authorized
127 controlled substance registrant.

128 **8.] 13.** Any person who knowingly or recklessly violates this section is
129 guilty of a class A misdemeanor **as well as a civil fine of up to ten thousand**
130 **dollars.**

131 [9. The provisions of subsection 2 of this section limiting individuals from
132 purchasing the specified amount in any thirty-day period shall not apply to any
133 compounds, mixtures, or preparations that are in liquid or liquid-filled gel
134 capsule form. However, no person shall purchase, receive, or otherwise acquire
135 more than nine grams of any compound, mixture, or preparation excluded in
136 subsection 17 or 18 of section 195.017, in a single purchase as provided in
137 subsection 2 of this section.]

488.435. 1. Sheriffs shall receive a charge, as provided in section 57.280,
2 RSMo, for service of any summons, writ or other order of court, in connection with
3 any civil case, and making on the same either a return indicating service, a non
4 est return or a nulla bona return, the sum of twenty dollars for each item to be
5 served, as provided in section 57.280, RSMo, except that a sheriff shall receive a
6 charge for service of any subpoena, and making a return on the same, the sum of
7 ten dollars, as provided in section 57.280, RSMo; however, no such charge shall
8 be collected in any proceeding when court costs are to be paid by the state, county
9 or municipality. In addition to such charge, the sheriff shall be entitled, as
10 provided in section 57.280, RSMo, to receive for each mile actually traveled in
11 serving any summons, writ, subpoena or other order of court, the rate prescribed
12 by the Internal Revenue Service for all allowable expenses for motor vehicle use
13 expressed as an amount per mile, provided that such mileage shall not be charged
14 for more than one subpoena or summons or other writ served in the same cause
15 on the same trip. All of such charges shall be received by the sheriff who is
16 requested to perform the service. Except as otherwise provided by law, all
17 charges made pursuant to section 57.280, RSMo, shall be collected by the court
18 clerk as court costs and are payable prior to the time the service is rendered;
19 provided that if the amount of such charge cannot be readily determined, then the
20 sheriff shall receive a deposit based upon the likely amount of such charge, and
21 the balance of such charge shall be payable immediately upon ascertainment of
22 the proper amount of such charge. A sheriff may refuse to perform any service
23 in any action or proceeding, other than when court costs are waived as provided
24 by law, until the charge provided by this section is paid. Failure to receive the
25 charge shall not affect the validity of the service.

26 2. The sheriff shall, as provided in section 57.280, RSMo, receive for
27 receiving and paying moneys on execution or other process, where lands or goods
28 have been levied and advertised and sold, five percent on five hundred dollars
29 and four percent on all sums above five hundred dollars, and half of these sums,

30 when the money is paid to the sheriff without a levy, or where the lands or goods
31 levied on shall not be sold and the money is paid to the sheriff or person entitled
32 thereto, his or her agent or attorney. The party at whose application any writ,
33 execution, subpoena or other process has issued from the court shall pay the
34 sheriff's costs, as provided in section 57.280, RSMo, for the removal,
35 transportation, storage, safekeeping and support of any property to be seized
36 pursuant to legal process before such seizure. The sheriff shall be allowed for
37 each mile, as provided in section 57.280, RSMo, going and returning from the
38 courthouse of the county in which he or she resides to the place where the court
39 is held, the rate prescribed by the Internal Revenue Service for all allowable
40 expenses for motor vehicle use expressed as an amount per mile. The provisions
41 of this subsection shall not apply to garnishment proceeds.

42 **3. As provided in subsection 4 of section 57.280, RSMo, the sheriff**
43 **shall receive fifteen dollars for service of any summons, writ, or other**
44 **order of the court under section 1 of such section, in addition to the**
45 **charge for such service that each sheriff receives under subsection 1 of**
46 **such section. The sheriff shall receive the additional fifteen dollars**
47 **authorized under subsection 4 of section 57.280, RSMo, regardless of**
48 **whether a private entity performs the service on behalf of the**
49 **sheriff. The money received by the sheriff shall be collected by the**
50 **county treasurer and made payable to the state treasurer. The state**
51 **treasurer shall deposit twelve dollars of such moneys into the public**
52 **safety enhancement fund created under section 57.265, RSMo, and three**
53 **dollars of such moneys into the sheriffs' retirement fund created under**
54 **section 57.952, RSMo.**

568.045. 1. A person commits the crime of endangering the welfare of a
2 child in the first degree if:

3 (1) The person knowingly acts in a manner that creates a substantial risk
4 to the life, body, or health of a child less than seventeen years old; or

5 (2) The person knowingly engages in sexual conduct with a person under
6 the age of seventeen years over whom the person is a parent, guardian, or
7 otherwise charged with the care and custody;

8 (3) The person knowingly encourages, aids or causes a child less than
9 seventeen years of age to engage in any conduct which violates the provisions of
10 chapter 195, RSMo;

11 (4) Such person enlists the aid, either through payment or coercion, of a

12 person less than seventeen years of age to unlawfully manufacture, compound,
13 produce, prepare, sell, transport, test or analyze amphetamine or
14 methamphetamine or any of their analogues, or to obtain any material used to
15 manufacture, compound, produce, prepare, test or analyze amphetamine or
16 methamphetamine or any of their analogues; or

17 (5) Such person, in the presence of a person less than seventeen years of
18 age or in a residence where a person less than seventeen years of age resides,
19 unlawfully manufactures, or attempts to manufacture compounds, **possesses,**
20 produces, prepares, sells, transports, tests or analyzes amphetamine or
21 methamphetamine or any of their analogues.

22 2. Endangering the welfare of a child in the first degree is a class C felony
23 unless the offense is committed as part of a ritual or ceremony, or except on a
24 second or subsequent offense, in which case the crime is a class B felony.

**650.650. The department of public safety shall develop and
2 conduct a large-scale statewide advertising campaign to combat the
3 first-time use of methamphetamine, particularly among children, teens,
4 and young adults. The campaign shall consist of television, print, and
5 outdoor advertising. In particular, the advertisements shall focus on
6 the impact methamphetamine has on the individual user and the
7 collateral damage that occurs to users' family and friends using stark
8 and high-impact imagery. The goal of the ongoing, research-based
9 advertising campaign shall be to realistically and graphically
10 communicate the risks of methamphetamine to the youth of Missouri.**

Section B. The enactment of sections 195.378, 195.381, 195.384, 195.387,
2 195.390, 195.393, 195.396, 195.399, and the repeal and reenactment of section
3 195.417 of this act shall become effective January 1, 2009.

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