

SECOND REGULAR SESSION

SENATE BILL NO. 625

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SATER.

Pre-filed December 11, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

4770S.011

AN ACT

To repeal sections 195.246 and 195.417, RSMo, and to enact in lieu thereof three new sections relating to controlled substances, with penalty provisions.

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

Section A. Sections 195.246 and 195.417, RSMo, are repealed and three
2 new sections enacted in lieu thereof, to be known as sections 195.246, 195.417,
3 and 195.419, to read as follows:

195.246. 1. It is unlawful for any person to possess any
2 methamphetamine precursor drug with the intent to manufacture amphetamine,
3 methamphetamine or any of their analogs.

4 2. Possession of more than [twenty-four] **fourteen and two-fifths** grams
5 of any methamphetamine precursor drug or combination of methamphetamine
6 precursor drugs shall be prima facie evidence of intent to violate this
7 section. This subsection shall not apply to any practitioner or to any product
8 possessed in the course of a legitimate business.

9 3. A person who violates this section is guilty of a class D felony.

195.417. 1. The limits specified in this section shall not apply to any
2 quantity of such product, mixture, or preparation which must be dispensed, sold,
3 or distributed in a pharmacy pursuant to a valid prescription.

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

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

10 (1) The sole active ingredient; or
11 (2) One of the active ingredients of a combination drug; or
12 (3) A combination of any of the products specified in subdivisions (1) and
13 (2) of this subsection;
14 in any total amount greater than [nine] **seven and one-fifth** grams, without
15 regard to the number of transactions.

16 3. Within any twenty-four-hour period, no pharmacist, intern pharmacist,
17 or registered pharmacy technician shall sell, dispense, or otherwise provide to the
18 same individual, and no person shall purchase, receive, or otherwise acquire more
19 than the following amount: any number of packages of any drug product
20 containing any detectable amount of ephedrine, phenylpropanolamine, or
21 pseudoephedrine, or any of their salts or optical isomers, or salts of optical
22 isomers, either as:

23 (1) The sole active ingredient; or
24 (2) One of the active ingredients of a combination drug; or
25 (3) A combination of any of the products specified in subdivisions (1) and
26 (2) of this subsection;
27 in any total amount greater than three and six-tenths grams without regard to
28 the number of transactions.

29 4. **Within any twelve-month period, no pharmacist, intern**
30 **pharmacist, or registered pharmacy technician shall sell, dispense, or**
31 **otherwise provide to the same individual, and no person shall**
32 **purchase, receive, or otherwise acquire more than the following**
33 **amount: any number of packages of any drug product containing any**
34 **detectable amount of ephedrine, phenylpropanolamine, or**
35 **pseudoephedrine, or any of their salts or optical isomers, or salts of**
36 **optical isomers, either as:**

37 (1) **The sole active ingredient; or**
38 (2) **One of the active ingredients of a combination drug; or**
39 (3) **A combination of any of the products specified in**
40 **subdivisions (1) and (2) of this subsection;**
41 **in any total amount greater than sixty grams without regard to the**
42 **number of transactions.**

43 5. **Any purchase of the drug products specified in subsections 2,**
44 **3, and 4 of this section, even if subsequently returned, shall count**
45 **against the limits contained in this section. The monthly and annual**

46 **purchase limits shall include any quantities of such products that are**
47 **purchased in other states when the other state uses the same electronic**
48 **tracking system used in this state.**

49 **6.** All packages of any compound, mixture, or preparation containing any
50 detectable quantity of ephedrine, phenylpropanolamine, or pseudoephedrine, or
51 any of their salts or optical isomers, or salts of optical isomers, except those that
52 are excluded from Schedule V in subsection 17 or 18 of section 195.017, shall be
53 offered for sale only from behind a pharmacy counter where the public is not
54 permitted, and only by a registered pharmacist or registered pharmacy technician
55 under section 195.017.

56 **7. Each pharmacy and pharmacist licensed in this state shall**
57 **have the discretion to, in good faith, refuse to sell, dispense, or**
58 **otherwise provide any individual with any methamphetamine precursor**
59 **drug and such pharmacy shall not be subject to criminal or civil**
60 **liability for failure to sell, dispense, or otherwise provide such**
61 **methamphetamine precursor drug.**

62 [5.] **8.** Each pharmacy shall submit information regarding sales of any
63 compound, mixture, or preparation as specified in this section in accordance with
64 transmission methods and frequency established by the department by regulation.

65 [6.] **9.** This section shall supersede and preempt any local ordinances or
66 regulations, including any ordinances or regulations enacted by any political
67 subdivision of the state. This section shall not apply to the sale of any animal
68 feed products containing ephedrine or any naturally occurring or herbal ephedra
69 or extract of ephedra.

70 [7.] **10.** All logs, records, documents, and electronic information
71 maintained for the dispensing of these products shall be open for inspection and
72 copying by municipal, county, and state or federal law enforcement officers whose
73 duty it is to enforce the controlled substances laws of this state or the United
74 States.

75 [8.] **11.** Within thirty days of June 15, 2005, all persons who dispense or
76 offer for sale pseudoephedrine and ephedrine products, except those that are
77 excluded from Schedule V in subsection 17 or 18 of section 195.017, shall ensure
78 that all such products are located only behind a pharmacy counter where the
79 public is not permitted.

80 [9.] **12.** Any person who knowingly or recklessly violates this section is
81 guilty of a class A misdemeanor.

195.419. Any person who has been found guilty of any felony
2 offense involving a controlled substance shall be required to obtain a
3 prescription to purchase, receive, or otherwise acquire any drug or
4 drug product containing any detectable amount of ephedrine,
5 phenylpropanolamine, or pseudoephedrine, or any of their salts or
6 optical isomers, or salts of optical isomers.

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Unofficial

Bill

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