

# SENATE AMENDMENT NO. \_\_\_\_\_

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend SS/SCS/HCS No. 2/House Bill No. 1896, Pages 48-50, Section 195.417, Line   ,

2 by striking all of said section and inserting in lieu thereof the  
3 following:

4 "195.417. 1. The limits specified in this section shall  
5 not apply to any quantity of such product, mixture, or  
6 preparation which must be dispensed, sold, or distributed in a  
7 pharmacy pursuant to a valid prescription.

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

- 15 (1) The sole active ingredient; or  
16 (2) One of the active ingredients of a combination drug; or  
17 (3) A combination of any of the products specified in  
18 subdivisions (1) and (2) of this subsection;

19  
20 in any total amount greater than ~~[nine]~~ seven and two-tenths  
21 grams, without regard to the number of transactions.

22 3. Within any twenty-four-hour period, no pharmacist,  
23 intern pharmacist, or registered pharmacy technician shall sell,

1 dispense, or otherwise provide to the same individual, and no  
2 person shall purchase, receive, or otherwise acquire more than  
3 the following amount: any number of packages of any drug product  
4 containing any detectable amount of ephedrine,  
5 phenylpropanolamine, or pseudoephedrine, or any of their salts or  
6 optical isomers, or salts of optical isomers, either as:

7 (1) The sole active ingredient; or

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

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

11  
12 in any total amount greater than three and six-tenths grams  
13 without regard to the number of transactions.

14 4. Within any twelve-month period, no person shall sell,  
15 dispense, or otherwise provide to the same individual, and no  
16 person shall purchase, receive, or otherwise acquire more than  
17 the following amount: any number of packages of any drug product  
18 containing any detectable amount of ephedrine,  
19 phenylpropanolamine, or pseudoephedrine, or any of their salts or  
20 optical isomers, or salts of optical isomers, either as:

21 (1) The sole active ingredient; or

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

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

25  
26 in any total amount greater than twenty-eight and eight-tenths  
27 grams, without regard to the number of transactions.

28 5. All packages of any compound, mixture, or preparation  
29 containing any detectable quantity of ephedrine,

1 phenylpropanolamine, or pseudoephedrine, or any of their salts or  
2 optical isomers, or salts of optical isomers, except those that  
3 are excluded from Schedule V in subsection 17 or 18 of section  
4 195.017, shall be offered for sale only from behind a pharmacy  
5 counter where the public is not permitted, and only by a  
6 registered pharmacist or registered pharmacy technician under  
7 section 195.017.

8 [5.] 6. Each pharmacy shall submit information regarding  
9 sales of any compound, mixture, or preparation as specified in  
10 this section in accordance with transmission methods and  
11 frequency established by the department by regulation.

12 7. No prescription shall be required for the dispensation,  
13 sale, or distribution of any drug product containing any  
14 detectable amount of ephedrine, phenylpropanolamine, or  
15 pseudoephedrine, or any of their salts or optical isomers, or  
16 salts of optical isomers, in an amount within the limits  
17 described in subsections 2, 3, and 4 of this section. The  
18 superintendent of the Missouri state highway patrol shall report  
19 to the revisor of statutes and the general assembly by February  
20 first when the statewide number of methamphetamine laboratory  
21 seizure incidents exceeds three hundred incidents in the previous  
22 calendar year. The provisions of this subsection shall expire on  
23 April first of the calendar year in which the revisor of statutes  
24 receives such notification.

25 [6.] 8. This section shall supersede and preempt any local  
26 ordinances or regulations, including any ordinances or  
27 regulations enacted by any political subdivision of the state.  
28 This section shall not apply to the sale of any animal feed  
29 products containing ephedrine or any naturally occurring or

1 herbal ephedra or extract of ephedra.

2 9. Any local ordinances or regulations enacted by any  
3 political subdivision of the state prior to August 28, 2020,  
4 requiring a prescription for the dispensation, sale, or  
5 distribution of any drug product containing any detectable amount  
6 of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of  
7 their salts or optical isomers, or salts of optical isomers, in  
8 an amount within the limits described in subsections 2, 3, and 4  
9 of this section shall be void and of no effect and no such  
10 political subdivision shall maintain or enforce such ordinance or  
11 regulation.

12 [7.] 10. All logs, records, documents, and electronic  
13 information maintained for the dispensing of these products shall  
14 be open for inspection and copying by municipal, county, and  
15 state or federal law enforcement officers whose duty it is to  
16 enforce the controlled substances laws of this state or the  
17 United States.

18 [8.] 11. All persons who dispense or offer for sale  
19 pseudoephedrine and ephedrine products, except those that are  
20 excluded from Schedule V in subsection 17 or 18 of section  
21 195.017, shall ensure that all such products are located only  
22 behind a pharmacy counter where the public is not permitted.

23 [9.] 12. The penalty for a knowing or reckless violation of  
24 this section is found in section 579.060."; and

25 Further amend said bill, pages 53-56, section 579.060, by  
26 striking all of said section and inserting in lieu thereof the  
27 following:

28 "579.060. 1. A person commits the offense of unlawful  
29 sale, distribution, or purchase of over-the-counter

1 methamphetamine precursor drugs if he or she knowingly:

2 (1) Sells, distributes, dispenses, or otherwise provides  
3 any number of packages of any drug product containing detectable  
4 amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or  
5 any of their salts, optical isomers, or salts of optical isomers,  
6 in a total amount greater than [nine] seven and two-tenths grams  
7 to the same individual within a thirty-day period, unless the  
8 amount is dispensed, sold, or distributed pursuant to a valid  
9 prescription; or

10 (2) Purchases, receives, or otherwise acquires within a  
11 thirty-day period any number of packages of any drug product  
12 containing any detectable amount of ephedrine,  
13 phenylpropanolamine, or pseudoephedrine, or any of their salts or  
14 optical isomers, or salts of optical isomers in a total amount  
15 greater than [nine] seven and two-tenths grams, without regard to  
16 the number of transactions, unless the amount is purchased,  
17 received, or acquired pursuant to a valid prescription; or

18 (3) Purchases, receives, or otherwise acquires within a  
19 twenty-four-hour period any number of packages of any drug  
20 product containing any detectable amount of ephedrine,  
21 phenylpropanolamine, or pseudoephedrine, or any of their salts or  
22 optical isomers, or salts of optical isomers in a total amount  
23 greater than three and six-tenths grams, without regard to the  
24 number of transactions, unless the amount is purchased, received,  
25 or acquired pursuant to a valid prescription; or

26 (4) Sells, distributes, dispenses, or otherwise provides  
27 any number of packages of any drug product containing detectable  
28 amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or  
29 any of their salts, optical isomers, or salts of optical isomers,

1 in a total amount greater than twenty-eight and eight-tenths  
2 grams to the same individual within a twelve-month period, unless  
3 the amount is dispensed, sold, or distributed pursuant to a valid  
4 prescription; or

5 (5) Purchases, receives, or otherwise acquires within a  
6 twelve-month period any number of packages of any drug product  
7 containing any detectable amount of ephedrine,  
8 phenylpropanolamine, or pseudoephedrine, or any of their salts or  
9 optical isomers, or salts of optical isomers in a total amount  
10 greater than twenty-eight and eight-tenths grams, without regard  
11 to the number of transactions, unless the amount is purchased,  
12 received, or acquired pursuant to a valid prescription; or

13 (6) Dispenses or offers drug products that are not excluded  
14 from Schedule V in subsection 17 or 18 of section 195.017 and  
15 that contain detectable amounts of ephedrine,  
16 phenylpropanolamine, or pseudoephedrine, or any of their salts,  
17 optical isomers, or salts of optical isomers, without ensuring  
18 that such products are located behind a pharmacy counter where  
19 the public is not permitted and that such products are dispensed  
20 by a registered pharmacist or pharmacy technician under  
21 subsection 11 of section 195.017; or

22 **[(5)]** (7) Holds a retail sales license issued under chapter  
23 144 and knowingly sells or dispenses packages that do not conform  
24 to the packaging requirements of section 195.418.

25 2. A pharmacist, intern pharmacist, or registered pharmacy  
26 technician commits the offense of unlawful sale, distribution, or  
27 purchase of over-the-counter methamphetamine precursor drugs if  
28 he or she knowingly:

29 (1) Sells, distributes, dispenses, or otherwise provides

1 any number of packages of any drug product containing detectable  
2 amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or  
3 any of their salts or optical isomers, or salts of optical  
4 isomers, in a total amount greater than three and six-tenth grams  
5 to the same individual within a twenty-four hour period, unless  
6 the amount is dispensed, sold, or distributed pursuant to a valid  
7 prescription; or

8 (2) Fails to submit information under subsection 13 of  
9 section 195.017 and subsection [5] 6 of section 195.417 about the  
10 sales of any compound, mixture, or preparation of products  
11 containing detectable amounts of ephedrine, phenylpropanolamine,  
12 or pseudoephedrine, or any of their salts, optical isomers, or  
13 salts of optical isomers, in accordance with transmission methods  
14 and frequency established by the department of health and senior  
15 services; or

16 (3) Fails to implement and maintain an electronic log, as  
17 required by subsection 12 of section 195.017, of each transaction  
18 involving any detectable quantity of pseudoephedrine, its salts,  
19 isomers, or salts of optical isomers or ephedrine, its salts,  
20 optical isomers, or salts of optical isomers; or

21 (4) Sells, distributes, dispenses or otherwise provides to  
22 an individual under eighteen years of age without a valid  
23 prescription any number of packages of any drug product  
24 containing any detectable quantity of pseudoephedrine, its salts,  
25 isomers, or salts of optical isomers, or ephedrine, its salts or  
26 optical isomers, or salts of optical isomers.

27 3. Any person who violates the packaging requirements of  
28 section 195.418 and is considered the general owner or operator  
29 of the outlet where ephedrine, pseudoephedrine, or

1 phenylpropanolamine products are available for sale shall not be  
2 penalized if he or she documents that an employee training  
3 program was in place to provide the employee who made the  
4 unlawful retail sale with information on the state and federal  
5 regulations regarding ephedrine, pseudoephedrine, or  
6 phenylpropanolamine.

7 4. The offense of unlawful sale, distribution, or purchase  
8 of over-the-counter methamphetamine precursor drugs is a class A  
9 misdemeanor."