

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/SCS/Senate Bill No. 523, Page 46, Section 195.017, Line 22,

2 by inserting after all of said line the following:

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

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

14 (1) The sole active ingredient; or

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

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

18
19 in any total amount greater than ~~[nine]~~ seven and one-half grams,
20 without regard to the number of transactions.

21 3. Within any twenty-four-hour period, no pharmacist,

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

8 (1) The sole active ingredient; or

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

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

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

15 4. All packages of any compound, mixture, or preparation
16 containing any detectable quantity of ephedrine,
17 phenylpropanolamine, or pseudoephedrine, or any of their salts or
18 optical isomers, or salts of optical isomers, except those that
19 are excluded from Schedule V in subsection 17 or 18 of section
20 195.017, shall be offered for sale only from behind a pharmacy
21 counter where the public is not permitted, and only by a
22 registered pharmacist or registered pharmacy technician under
23 section 195.017.

24 5. Each pharmacy shall submit information regarding sales
25 of any compound, mixture, or preparation as specified in this
26 section in accordance with transmission methods and frequency
27 established by the department by regulation.

28 6. No prescription shall be required for the dispensation,
29 sale, or distribution of any drug product containing any

1 detectable amount of ephedrine, phenylpropanolamine, or
2 pseudoephedrine, or any of their salts or optical isomers, or
3 salts of optical isomers, in an amount within the limits
4 described in subsections 2 and 3 of this section; provided, that
5 a valid prescription shall be required for amounts in excess of
6 such limits. This section shall supersede and preempt any local
7 ordinances or regulations, including any ordinances or
8 regulations enacted by any political subdivision of the state.
9 This section shall not apply to the sale of any animal feed
10 products containing ephedrine or any naturally occurring or
11 herbal ephedra or extract of ephedra.

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

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

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

24 Further amend said bill, page 47, section 195.805, line 14,
25 by inserting after all of said line the following:

26 "579.060. 1. A person commits the offense of unlawful
27 sale, distribution, or purchase of over-the-counter
28 methamphetamine precursor drugs if 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, optical isomers, or salts of optical isomers,
4 in a total amount greater than [nine] seven and one-half grams to
5 the same individual within a thirty-day period, unless the amount
6 is dispensed, sold, or distributed pursuant to a valid
7 prescription; or

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

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

24 (4) Dispenses or offers drug products that are not excluded
25 from Schedule V in subsection 17 or 18 of section 195.017 and
26 that contain detectable amounts of ephedrine,
27 phenylpropanolamine, or pseudoephedrine, or any of their salts,
28 optical isomers, or salts of optical isomers, without ensuring
29 that such products are located behind a pharmacy counter where

1 the public is not permitted and that such products are dispensed
2 by a registered pharmacist or pharmacy technician under
3 subsection 11 of section 195.017; or

4 (5) Holds a retail sales license issued under chapter 144
5 and knowingly sells or dispenses packages that do not conform to
6 the packaging requirements of section 195.418.

7 2. A pharmacist, intern pharmacist, or registered pharmacy
8 technician commits the offense of unlawful sale, distribution, or
9 purchase of over-the-counter methamphetamine precursor drugs if
10 he or she knowingly:

11 (1) Sells, distributes, dispenses, or otherwise provides
12 any number of packages of any drug product containing detectable
13 amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or
14 any of their salts or optical isomers, or salts of optical
15 isomers, in a total amount greater than three and six-tenth grams
16 to the same individual within a twenty-four hour period, unless
17 the amount is dispensed, sold, or distributed pursuant to a valid
18 prescription; or

19 (2) Fails to submit information under subsection 13 of
20 section 195.017 and subsection 5 of section 195.417 about the
21 sales of any compound, mixture, or preparation of products
22 containing detectable amounts of ephedrine, phenylpropanolamine,
23 or pseudoephedrine, or any of their salts, optical isomers, or
24 salts of optical isomers, in accordance with transmission methods
25 and frequency established by the department of health and senior
26 services; or

27 (3) Fails to implement and maintain an electronic log, as
28 required by subsection 12 of section 195.017, of each transaction
29 involving any detectable quantity of pseudoephedrine, its salts,

1 isomers, or salts of optical isomers or ephedrine, its salts,
2 optical isomers, or salts of optical isomers; or

3 (4) Sells, distributes, dispenses or otherwise provides to
4 an individual under eighteen years of age without a valid
5 prescription any number of packages of any drug product
6 containing any detectable quantity of pseudoephedrine, its salts,
7 isomers, or salts of optical isomers, or ephedrine, its salts or
8 optical isomers, or salts of optical isomers.

9 3. Any person who violates the packaging requirements of
10 section 195.418 and is considered the general owner or operator
11 of the outlet where ephedrine, pseudoephedrine, or
12 phenylpropanolamine products are available for sale shall not be
13 penalized if he or she documents that an employee training
14 program was in place to provide the employee who made the
15 unlawful retail sale with information on the state and federal
16 regulations regarding ephedrine, pseudoephedrine, or
17 phenylpropanolamine.

18 4. The offense of unlawful sale, distribution, or purchase
19 of over-the-counter methamphetamine precursor drugs is a class A
20 misdemeanor."; and

21 Further amend the title and enacting clause accordingly.