

SENATE BILL NO. 726

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR HENDERSON.

2881S.01I

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 195.417 and 579.060, RSMo, and to enact in lieu thereof two new sections relating to limits on selling or purchasing certain drugs, with penalty provisions.

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

Section A. Sections 195.417 and 579.060, RSMo, are
2 repealed and two new sections enacted in lieu thereof, to be
3 known as sections 195.417 and 579.060, to read as follows:

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

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

13 (1) The sole active ingredient; or

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

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

18 in any total amount greater than seven and two-tenths grams,
19 without regard to the number of transactions.

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

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

- 29 (1) The sole active ingredient; or
30 (2) One of the active ingredients of a combination
31 drug; or
32 (3) A combination of any of the products specified in
33 subdivisions (1) and (2) of this subsection;

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

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

- 44 (1) The sole active ingredient; or
45 (2) One of the active ingredients of a combination
46 drug; or
47 (3) A combination of any of the products specified in
48 subdivisions (1) and (2) of this subsection;

49 in any total amount greater than ~~[forty-three]~~ **sixty-one** and
50 two-tenths grams, without regard to the number of
51 transactions.

52 5. All packages of any compound, mixture, or
53 preparation containing any detectable quantity of ephedrine,
54 phenylpropanolamine, or pseudoephedrine, or any of their
55 salts or optical isomers, or salts of optical isomers,
56 except those that are excluded from Schedule V in subsection
57 17 or 18 of section 195.017, shall be offered for sale only
58 from behind a pharmacy counter where the public is not
59 permitted, and only by a registered pharmacist or registered
60 pharmacy technician under section 195.017.

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

65 7. (1) **As used in this subsection, "administrator of**
66 **the real-time electronic pseudoephedrine tracking system"**
67 **means the entity responsible for developing, implementing,**
68 **and maintaining the data collection system described in 19**
69 **CSR 30-1.074 or any successor regulation.**

70 (2) **Beginning October 1, 2025, and continuing**
71 **thereafter, any manufacturer of any compound, mixture, or**
72 **preparation specified in this section that is sold in or**
73 **into the state shall, on a monthly basis, pay fees to the**
74 **administrator of the real-time electronic pseudoephedrine**
75 **tracking system.**

76 (3) **The administrator of the real-time electronic**
77 **pseudoephedrine tracking system shall be responsible for**
78 **setting the fee levels required under this subsection.**

79 (4) **Upon the request of the department of health and**
80 **senior services, any manufacturer required to pay fees under**

81 **this subsection shall provide written documentation**
82 **demonstrating that the manufacturer has paid such fees.**

83 **8.** No prescription shall be required for the
84 dispensation, sale, or distribution of any drug product
85 containing any detectable amount of ephedrine,
86 phenylpropanolamine, or pseudoephedrine, or any of their
87 salts or optical isomers, or salts of optical isomers, in an
88 amount within the limits described in subsections 2, 3, and
89 4 of this section. The superintendent of the Missouri state
90 highway patrol shall report to the revisor of statutes and
91 the general assembly by February first when the statewide
92 number of methamphetamine laboratory seizure incidents
93 exceeds three hundred incidents in the previous calendar
94 year. The provisions of this subsection shall expire on
95 April first of the calendar year in which the revisor of
96 statutes receives such notification.

97 **[8.] 9.** This section shall supersede and preempt any
98 local ordinances or regulations, including any ordinances or
99 regulations enacted by any political subdivision of the
100 state. This section shall not apply to the sale of any
101 animal feed products containing ephedrine or any naturally
102 occurring or herbal ephedra or extract of ephedra.

103 **[9.] 10.** Any local ordinances or regulations enacted
104 by any political subdivision of the state prior to August
105 28, 2020, requiring a prescription for the dispensation,
106 sale, or distribution of any drug product containing any
107 detectable amount of ephedrine, phenylpropanolamine, or
108 pseudoephedrine, or any of their salts or optical isomers,
109 or salts of optical isomers, in an amount within the limits
110 described in subsections 2, 3, and 4 of this section shall
111 be void and of no effect and no such political subdivision
112 shall maintain or enforce such ordinance or regulation.

113 [10.] 11. All logs, records, documents, and electronic
114 information maintained for the dispensing of these products
115 shall be open for inspection and copying by municipal,
116 county, and state or federal law enforcement officers whose
117 duty it is to enforce the controlled substances laws of this
118 state or the United States.

119 [11.] 12. All persons who dispense or offer for sale
120 pseudoephedrine and ephedrine products, except those that
121 are excluded from Schedule V in subsection 17 or 18 of
122 section 195.017, shall ensure that all such products are
123 located only behind a pharmacy counter where the public is
124 not permitted.

125 [12.] 13. The penalty for a knowing or reckless
126 violation of this section is found in section 579.060.

579.060. 1. A person commits the offense of unlawful
2 sale, distribution, or purchase of over-the-counter
3 methamphetamine precursor drugs if he or she knowingly:

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

13 (2) Purchases, receives, or otherwise acquires within
14 a thirty-day period any number of packages of any drug
15 product containing any detectable amount of ephedrine,
16 phenylpropanolamine, or pseudoephedrine, or any of their
17 salts or optical isomers, or salts of optical isomers in a
18 total amount greater than seven and two-tenths grams,

19 without regard to the number of transactions, unless the
20 amount is purchased, received, or acquired pursuant to a
21 valid prescription; or

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

31 (4) Sells, distributes, dispenses, or otherwise
32 provides any number of packages of any drug product
33 containing detectable amounts of ephedrine,
34 phenylpropanolamine, or pseudoephedrine, or any of their
35 salts, optical isomers, or salts of optical isomers, in a
36 total amount greater than [forty-three] **sixty-one** and two-
37 tenths grams to the same individual within a twelve-month
38 period, unless the amount is dispensed, sold, or distributed
39 pursuant to a valid prescription; or

40 (5) Purchases, receives, or otherwise acquires within
41 a twelve-month period any number of packages of any drug
42 product containing any detectable amount of ephedrine,
43 phenylpropanolamine, or pseudoephedrine, or any of their
44 salts or optical isomers, or salts of optical isomers in a
45 total amount greater than [forty-three] **sixty-one** and two-
46 tenths grams, without regard to the number of transactions,
47 unless the amount is purchased, received, or acquired
48 pursuant to a valid prescription; or

49 (6) Dispenses or offers drug products that are not
50 excluded from Schedule V in subsection 17 or 18 of section

195.017 and that contain detectable amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts, optical isomers, or salts of optical isomers, without ensuring that such products are located behind a pharmacy counter where the public is not permitted and that such products are dispensed by a registered pharmacist or pharmacy technician under subsection 11 of section 195.017; or

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

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

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

(2) Fails to submit information under subsection 13 of section 195.017 and subsection 6 of section 195.417 about the sales of any compound, mixture, or preparation of products containing detectable amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts, optical isomers, or salts of optical isomers, in accordance with transmission methods and frequency

established by the department of health and senior services;
or

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

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

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

4. A manufacturer commits the offense of unlawful sale, distribution, or purchase of over-the-counter methamphetamine precursor drugs if he or she knowingly fails to pay the fees required under subsection 7 of section 195.417.

111 **5.** The offense of unlawful sale, distribution, or
112 purchase of over-the-counter methamphetamine precursor drugs
113 is a class A misdemeanor.

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