

FIRST REGULAR SESSION

[P E R F E C T E D]

SENATE BILL NO. 216

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WIGGINS.

Read 1st time January 7, 1999, and 1,000 copies ordered printed.

Read 2nd time January 20, 1999, and referred to the Committee on Public Health and Welfare.

Reported from the Committee February 2, 1999, with recommendation that the bill do pass and be placed on the Consent Calendar.

Taken up February 11, 1999. Read 3rd time and placed upon its final passage; bill passed.

TERRY L. SPIELER, Secretary.

L1126.01P

AN ACT

To repeal section 195.030, RSMo Supp. 1998, relating to controlled substances, and to enact in lieu thereof one new section relating to the same subject.

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

Section A. Section 195.030, RSMo Supp. 1998, is repealed and one new section enacted in lieu thereof, to be known as section 195.030, to read as follows:

195.030. 1. The department of health upon public notice and hearing pursuant to this section and chapter 536, RSMo, may promulgate rules and charge reasonable fees relating to the registration and control of the manufacture, distribution and dispensing of controlled substances within this state. No rule or portion of a rule promulgated **[under]** **pursuant to** the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

2. No person shall manufacture, compound, mix, cultivate, grow, or by any other process produce or prepare, distribute, dispense or prescribe any controlled substance and no person as a wholesaler shall supply the same, without having first obtained **[annually]** a registration issued by the department of health in accordance with rules and regulations promulgated by it. **No registration shall be granted for a term exceeding three years.**

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

3. Persons registered by the department of health [under] **pursuant to** sections 195.005 to 195.425 to manufacture, distribute, or dispense or conduct research with controlled substances are authorized to possess, manufacture, distribute or dispense such substances, including any such activity in the conduct of research, to the extent authorized by their registration and in conformity with other provisions of sections 195.005 to 195.425.

4. The following persons shall not be required to register and may lawfully possess controlled substances [under] **pursuant to** sections 195.005 to 195.425:

(1) An agent or employee, excluding physicians, dentists, optometrists, podiatrists or veterinarians, of any registered manufacturer, distributor, or dispenser of any controlled substance if such agent is acting in the usual course of his **or her** business or employment;

(2) A common or contract carrier or warehouseman, or an employee thereof, whose possession of any controlled substance is in the usual course of business or employment;

(3) An ultimate user or a person in possession of any controlled substance pursuant to a lawful order of a practitioner or in lawful possession of a Schedule V substance.

5. The department of health may, by regulation, waive the requirement for registration of certain manufacturers, distributors, or dispensers if it finds it consistent with the public health and safety.

6. A separate registration shall be required at each principal place of business or professional practice where the applicant manufactures, distributes, or dispenses controlled substances.

7. The department of health is authorized to inspect the establishment of a registrant or applicant in accordance with the provisions of sections 195.005 to 195.425.

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