

FIRST REGULAR SESSION

# HOUSE BILL NO. 372

## 92ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES PARKER, RUPP, SMITH (14), DEMPSEY, SUTHERLAND,  
GREEN, SCHNEIDER, DAVIS (19), BROWN AND THRELKELD (Co-sponsors) .

Read 1<sup>st</sup> time February 5, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1065L.011

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### AN ACT

To amend chapter 195, RSMo, by adding thereto one new section relating to ephedrine, with penalty provisions.

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

Section A. Chapter 195, RSMo, is amended by adding thereto one new section, to be  
2 known as section 195.249, to read as follows:

**195.249. 1. As used in this section the following terms shall mean:**

2 **(1) "Counter", any obstructive, physical barrier that separates ephedrine products**  
3 **from access by a customer or the general public, and which makes such products available**  
4 **to a customer or the general public only through or by the act of the seller or an employee**  
5 **of the seller;**

6 **(2) "Ephedrine", all forms of ephedrine, pseudoephedrine, ephedrine**  
7 **hydrochloride, pseudoephedrine hydrochloride, phenylpropanolamine, and all**  
8 **combinations of these chemicals;**

9 **(3) "Ephedrine product", any product that contains ephedrine, its salts, isomers,**  
10 **or salts of isomers, as its sole active ingredient or in combination with less than**  
11 **therapeutically significant quantities of other active ingredients;**

12 **(4) "Package", any number of pills, tablets, capsules, or individual units of a**  
13 **substance held within a container intended for sale;**

14 **(5) "Person", any individual, corporation, partnership, trust, limited liability**  
15 **company, firm, association, or other entity selling an ephedrine product to customers;**

16 **(6) "Sell", to knowingly furnish, give away, exchange, transfer, deliver, surrender,**  
17 **or supply, whether for monetary gain or not.**

18 **2. It shall be unlawful for any person to display or offer to sell any ephedrine**

19 **product unless the ephedrine product is placed behind a counter.**

20 **3. The provisions of subsection 2 of this section shall not apply to the sale of animal**  
21 **feed containing ephedrine or dietary supplement products containing naturally occurring**  
22 **or herbal Ephedra or extract of Ephedra.**

23 **4. Any person who violates the provisions of subsection 2 of this section is guilty of**  
24 **a class A misdemeanor.**

25 **5. Any person who is considered the general owner or operator of the outlet where**  
26 **ephedrine is available for sale who violates subsection 2 of this section shall not be**  
27 **penalized pursuant to this section if such person documents that an employee training**  
28 **program was in place to provide employees with information on the provisions of this**  
29 **section.**