

FIRST REGULAR SESSION

HOUSE BILL NO. 470

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES MAYER, PARKER, BIVINS, LEMBKE, WALLACE, STEVENSON, LIPKE, JOLLY (Co-sponsors), MYERS, KINGERY, MAY, CROWELL, ENGLER, ERVIN, TOWNLEY, WRIGHT, BLACK, BYRD, WILSON (130), RUESTMAN, RICHARD, HUNTER, MARSH, MERIDETH, BARNITZ, BRINGER, SHOEMYER (9) AND WILSON (119).

Read 1st time February 13, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1604L.011

AN ACT

To repeal section 195.417, RSMo, and to enact in lieu thereof one new section relating to the sale of products containing methamphetamine, with penalty provisions.

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

Section A. Section 195.417, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 195.417, to read as follows:

195.417. 1. No person shall deliver in any single over-the-counter sale more than [three] **two packages or any number of packages that contain a combined total of no more than six grams** of any [methamphetamine precursor drug or any combination of methamphetamine precursor drugs] **drug having a sole active ingredient of ephedrine, pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical isomers, or in combination with less than therapeutically significant quantities of other active ingredients.**

2. All packages of any drug having a sole active ingredient of ephedrine, pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical isomers, or in combination with less than therapeutically significant quantities of other active ingredients, shall be displayed and offered for sale only behind a checkout counter where the public is not permitted or within six feet of a register located on a checkout counter. This subsection shall not apply to any retailer utilizing an anti-theft system

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is new proposed language.

14 **that specifically prevents the theft of such drugs from the place of business where such**
15 **drugs are sold. This subsection shall supersede any municipal ordinances or regulations**
16 **to the extent that such ordinances or regulations are more restrictive than the provisions**
17 **of this subsection.**

18 **3.** This section shall not apply to any product labeled pursuant to federal regulation for
19 use only in children under twelve years of age, or to any products that the state department of
20 health and senior services, upon application of a manufacturer, exempts by rule from this section
21 because the product has been formulated in such a way as to effectively prevent the conversion
22 of the active ingredient into methamphetamine, or its salts or precursors.

23 [3.] **4.** Any person who is considered the general owner or operator of the outlet where
24 ephedrine, pseudoephedrine, or phenylpropanolamine products are available for sale who
25 violates subsection 1 of this section shall not be penalized pursuant to this section if such person
26 documents that an employee training program was in place to provide the employee with
27 information on the state and federal regulations regarding ephedrine, pseudoephedrine, or
28 phenylpropanolamine.

29 [4.] **5.** Any person who knowingly or recklessly violates this section is guilty of a class
30 A misdemeanor.