

FIRST REGULAR SESSION
[PERFECTED]
HOUSE SUBSTITUTE FOR
HOUSE BILL NO. 470
92ND GENERAL ASSEMBLY

Taken up for Perfection April 8, 2003. House Substitute for House Bill No. 470 ordered Perfected and printed, as amended.

STEPHEN S. DAVIS, Chief Clerk

1604L.02P

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Section A. Section 195.417, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 195.417, to read as follows: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

(1) **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 containing a sole active ingredient of ephedrine, pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical isomers; or**

(2) **Three packages of any combination drug containing, as one of its active ingredients, ephedrine, pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical isomers, or any number of packages of said combination drug that contain a combined total of no more than nine grams of ephedrine, pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical isomers.**

2. **All packages of any drug having a sole active ingredient of ephedrine,**

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 proposed language.

15 **pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of**
16 **optical isomers, shall be displayed and offered for sale only behind a checkout counter**
17 **where the public is not permitted, or within six feet and an unobstructed view of a register**
18 **located on an attended checkout counter. This subsection shall not apply to any retailer**
19 **utilizing an electronic anti-theft system that utilizes a product tag and detection alarm**
20 **which specifically prevents the theft of such drugs from the place of business where such**
21 **drugs are sold.**

22 **3. This section shall supersede any municipal ordinances or regulations to the**
23 **extent that such ordinances or regulations are more restrictive than the provisions of this**
24 **section.** This section shall not apply to any product labeled pursuant to federal regulation for use
25 only in children under twelve years of age, or to any products that the state department of health
26 and senior services, upon application of a manufacturer, exempts by rule from this section
27 because the product has been formulated in such a way as to effectively prevent the conversion
28 of the active ingredient into methamphetamine, or its salts or precursors **or to the sale of any**
29 **animal feed products containing ephedrine or any naturally occurring or herbal ephedra**
30 **or extract of ephedra.**

31 [3.] **4.** Any person who is considered the general owner or operator of the outlet where
32 ephedrine, pseudoephedrine, or phenylpropanolamine products are available for sale who
33 violates subsection 1 of this section shall not be penalized pursuant to this section if such person
34 documents that an employee training program was in place to provide the employee with
35 information on the state and federal regulations regarding ephedrine, pseudoephedrine, or
36 phenylpropanolamine.

37 [4.] **5.** Any person who knowingly or recklessly violates this section is guilty of a class
38 A misdemeanor.