

HB 470 -- METHAMPHETAMINE MATERIALS

CO-SPONSORS: Mayer, Parker, Wallace, Bivins, Stevenson, Lipke (157), Lembke (85), Jolly

COMMITTEE ACTION: Voted "do pass" by the Committee on Crime Prevention and Public Safety by a vote of 16 to 1.

This bill prohibits the sale of more than six grams of any over-the-counter drug having a sole active ingredient of ephedrine, pseudoephedrine, or phenylpropanolamine. These drugs must be kept behind the counter or within six feet of a register located on a checkout counter, unless the store utilizes an anti-theft system that specifically prevents the theft of these drugs. Violation of the bill is a class A misdemeanor.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say that the only way to curtail the production of methamphetamine is to limit the supply of the key ingredient, ephedrine or pseudoephedrine. Everything else that goes into making meth can be replaced with an easily obtained substitute. Police have watched suspects as they go from store to store, purchasing (or stealing) ephedrine products. The law currently limits the sale to three packages, and the bill reduces that to two packages. That means the meth makers will have to make more trips to various stores, decreasing their ability to make meth and increasing the chances of getting caught. The state needs to set a lower limit and have it uniform throughout the state. Currently, local ordinances vary, and this causes problems for statewide or nationwide store chains. Putting ephedrine behind the counter will stop the shoplifting of it, which in some stores has been so bad that they had to quit selling it. Sav-A-Lot stores reported that five packages were stolen for every one that was sold, and they no longer sell it.

Testifying for the bill were Representative Mayer; Major Jim Keathley, State Highway Patrol; Missouri Retailers Association; Franklin County Sheriff's Department; and Kansas City Police Department.

OPPOSERS: Those who oppose the bill say that instead of the provisions in the bill, the state needs to preempt the local ordinances on ephedrine and include "line of sight" restrictions on ephedrine, rather than further limiting how much can be sold. The bill won't solve the problem of meth makers getting ephedrine. If the sale of "single active ingredient" medications is limited effectively, then the meth makers will simply learn how to distill ephedrine or pseudoephedrine from the "multi active ingredient" medications, of which there are approximately

4,000 varieties. The bill won't stop the meth maker, but will cause problems for retailers, because purchasing the drug will be more difficult.

Testifying against the bill were Missouri Petroleum Marketers and Convenience Store Association; Bayer Health Care; Johnson and Johnson; and Consumer Health Care Products Association.

Richard Smreker, Senior Legislative Analyst