

FIRST REGULAR SESSION

HOUSE BILL NO. 101

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES CUNNINGHAM (86) (Sponsor),
EMERY AND MOORE (Co-sponsors).

Pre-filed December 16, 2004 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0344L.011

AN ACT

To repeal section 195.400, RSMo, and to enact in lieu thereof one new section relating to the sale of methamphetamine precursor drugs, with penalty provisions.

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

Section A. Section 195.400, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 195.400, to read as follows:

195.400. 1. As used in sections 195.400 to 195.425 the term "person" means any individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

2. Any manufacturer, wholesaler, retailer, or other person who sells, transfers, or otherwise furnishes any of the following substances to any person shall submit to the department of health and senior services a report, as prescribed by the department of health and senior services, of all such transactions:

(1) Anthranilic acid, its esters and its salts;

(2) Benzyl cyanide;

(3) Ergotamine and its salts;

(4) Ergonovine and its salts;

(5) N-Acetylanthranilic acid, its esters and its salts;

(6) Phenylacetic acid, its esters and its salts;

(7) Piperidine and its salts;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

- 15 (8) 3,4,-Methylenedioxyphenyl-2-propanone;
- 16 (9) Acetic anhydride;
- 17 (10) Acetone;
- 18 (11) Benzyl Chloride;
- 19 (12) Ethyl ether;
- 20 (13) Hydriodic acid;
- 21 (14) Potassium permanganate;
- 22 (15) 2-Butanone (or Methyl Ethyl Ketone or MEK);
- 23 (16) Toluene;
- 24 (17) Ephedrine, its salts, optical isomers, and salts of optical isomers;
- 25 (18) Norpseudoephedrine, its salts, optical isomers, and salts of optical isomers;
- 26 (19) Phenylpropanolamine, its salts, optical isomers, and salts of optical isomers;
- 27 (20) Pseudoephedrine, its salts, optical isomers, and salts of optical isomers;
- 28 (21) Methylamine and its salts;
- 29 (22) Ethylamine and its salts;
- 30 (23) Propionic anhydride;
- 31 (24) Isosafrole;
- 32 (25) Safrole;
- 33 (26) Piperonal;
- 34 (27) N-Methylephedrine, its salts, optical isomers and salts of optical isomers;
- 35 (28) N-Methylpseudoephedrine, its salts, optical isomers and salts of optical isomers;
- 36 (29) Benzaldehyde;
- 37 (30) Nitroethane;
- 38 (31) Methyl Isobutyl Ketone (MIBK);
- 39 (32) Sulfuric acid;
- 40 (33) Iodine;
- 41 (34) Red phosphorous;
- 42 (35) Gamma butyrolactone;
- 43 (36) 1,4 Butanediol.

44 3. The chemicals listed or to be listed in the schedule in subsection 2 of this section are
45 included by whatever official, common, usual, chemical, or trade name designated.

46 4. The department of health and senior services by rule or regulation may add substances
47 to or delete substances from subsection 2 of this section in the manner prescribed pursuant to
48 section 195.017, if such substance is a component of or may be used to produce a controlled
49 substance.

50 5. Any manufacturer, wholesaler, retailer or other person shall, prior to selling,
51 transferring, or otherwise furnishing any substance listed in subsection 2 of this section to a
52 person within this state, require such person to give proper identification. For the purposes of
53 this section "proper identification" means:

54 (1) A motor vehicle operator's license or other official state-issued identification which
55 includes the residential or mailing address of the person, other than a post office box number;
56 or

57 (2) A letter of authorization from the business to which any of the substances listed in
58 subsection 2 of this section are being transferred, which shall include the address of the business
59 and business license number if the business is required to have a license number; and

60 (3) **[A] The net weight of the substance being transferred and a full description of**
61 how the substance is to be used; and

62 (4) The signature of the person to whom such substances are transferred.

63

64 The person selling, transferring, or otherwise furnishing any substance listed in subsection 2 of
65 this section shall affix his signature, to the document which evidences that a sale or transfer has
66 been made, as a witness to the signature and proper identification of the person purchasing such
67 substance.

68 6. Any manufacturer, wholesaler, retailer, or other person who sells, transfers, or
69 otherwise furnishes any substance listed in subsection 2 of this section to a person shall keep
70 records and inventories of all such chemicals in conformance with the record-keeping and
71 inventory requirements of federal law, and in accordance with any additional regulations of the
72 department of health and senior services.

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

75 8. This section shall not apply to any of the following:

76 (1) Any pharmacist, pharmacy, or other authorized person who sells or furnishes a
77 substance listed in subsection 2 of this section upon the prescription or order of a physician,
78 dentist, podiatrist or veterinarian;

79 (2) Any physician, optometrist, dentist, podiatrist or veterinarian who administers,
80 dispenses or furnishes a substance listed in subsection 2 of this section to his or her patients
81 within the scope of his or her professional practice. Such administration or dispensing shall be
82 recorded in the patient record;

83 (3) Any sale, transfer, furnishing or receipt of any drug which contains any substance
84 listed in subsection 2 of this section and which is lawfully sold, transferred, or furnished over the
85 counter without a prescription pursuant to the federal Food, Drug and Cosmetic Act or

86 regulations adopted thereunder, **other than any substance containing a detectable amount of**
87 **any methamphetamine precursor drug.**

88 9. (1) Any violation of subsection 5 of this section shall be a class D felony.

89 (2) Any person subject to subsection 6 of this section who does not keep records or
90 inventory as required or who knowingly documents false or fictitious information shall be guilty
91 of a class D felony and subject to a fine not exceeding ten thousand dollars.

92 (3) Any person who is found guilty a second time of not keeping records or inventory
93 as required in subsection 6 of this section or who knowingly documents false or fictitious
94 information shall be guilty of a class C felony and subject to a fine not exceeding one hundred
95 thousand dollars.