

SS SCS HCS HB 441 -- CONTROLLED SUBSTANCES

This bill creates several restrictions regarding the sale of compounds containing ephedrine or pseudoephedrine and makes pseudoephedrine a Schedule V drug. Compounds containing ephedrine and pseudoephedrine may be sold only by pharmacies. The pharmacy must keep a log of all sales, keep these products behind a counter where the public is not permitted, and demand photo identification from the purchaser proving he or she is at least 18 years old. All records of these sales will be open for inspection by law enforcement officials.

The purchase of products containing ephedrine or pseudoephedrine is limited to nine grams of ephedrine or pseudoephedrine per month, unless purchased by prescription. Current law limits only the amount of ephedrine or pseudoephedrine that may be purchased at one time.

The bill exempts products that are in a liquid or liquid-filled gel capsule form. However, a person may not buy more than nine grams in liquid or liquid-filled gel capsule form at one time. The Department of Health and Senior Services may, by rule, grant exemptions for any drug that the department finds is not used in the illegal manufacture of methamphetamine or other controlled substances.

The bill removes a provision that protects the owner of the store from liability as long as the owner has a training program in place to inform employees of the sales restrictions on ephedrine and pseudoephedrine.

A violation of the provisions of the bill is a class A misdemeanor.

The bill contains an emergency clause.