

HCS SCS SB 10 & 27 -- CONTROLLED SUBSTANCES

SPONSOR: Cauthorn (Lipke)

COMMITTEE ACTION: Voted "do pass" by the Committee on Crime Prevention and Public Safety by a vote of 13 to 0.

This substitute creates several restrictions regarding the sale of compounds containing ephedrine or pseudoephedrine.

The substitute 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 of age. 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 can be purchased at one time.

The 30-day restrictions do not apply to compounds that are in a liquid or liquid-filled gel capsule form. However, a person may not buy more than nine grams in liquid form in one purchase. 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 substitute repeals a provision which exempts retailers from the sales restrictions when they have an electronic anti-theft system in place to prevent the theft of these drugs and 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.

A violation of these provisions is a class A misdemeanor.

The substitute contains an emergency clause.

FISCAL NOTE: No impact on state funds in FY 2006, FY 2007, and FY 2008.

PROPOSERS: Supporters say that the bill is patterned after legislation enacted in Oklahoma which has yielded tremendous results. Limiting the meth producer's access to pseudoephedrine

is key to stopping the production of methamphetamine. Cold remedies will still be available to the consumer, but meth producers will have a hard time getting the huge quantities they need.

Testifying for the bill were Senator Cauthorn; Missouri Sheriffs Association; Missouri Petroleum Marketers and Convenience Store Association; Department of Health and Senior Services; Office of the Attorney General; and Missouri Retailers Association.

OPPONENTS: There was no opposition voiced to the committee.

Richard Smreker, Senior Legislative Analyst