

HOUSE \_\_\_\_\_ AMENDMENT NO. \_\_\_\_

Offered By

AMEND House Committee Substitute No. 2 for House Bill No. 1472, Page 13, Section 195.017,  
Line 436, by inserting immediately following said Line the following:

(8) Any compound, mixture, or preparation containing any detectable quantity of  
ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or  
salts of optical isomers, except any dietary supplements, herbs, or natural products, including  
concentrates or extracts, that are not otherwise prohibited by law and that contain naturally  
occurring ephedrine alkaloids in a matrix of organic material such that the substances do not  
exceed fifteen percent of the total weight of the dietary supplement, herb, or natural product;

(9) Upon written application of a manufacturer, the department of health and senior  
services may, exempt by rule, any product containing any compound, mixture, or preparation  
containing any detectable quantity of ephedrine, phenylpropanolamine, or pseudoephedrine, or  
any of their salts or optical isomers, or salts of optical isomers from the application of all or any  
part of sections 195.010 to 195.320 because the product is formulated to effectively prevent  
conversion of the active ingredient into methamphetamine or its salts or precursors. Upon  
notification from the state highway patrol that the patrol has probable cause to believe that a  
product exempted under this subdivision does not effectively prevent conversion of the active  
ingredient into methamphetamine or its salts or precursors, the department may issue an  
emergency rule revoking the exemption for the product pending a full hearing;”; and

Further amend said Section, Page 16, Line 547-548 by striking all of said Lines; and

Further amend said Section, Page 17, Lines 579-582 by striking all of said Lines; and

Further amend said Section, Pages 17-19, Lines 586-645 and Page 19, Section B, Lines 1-5, by deleting all of said lines and inserting in lieu thereof the following:

“pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid].

11. [If any compound, mixture, or preparation as specified in subdivision (3) of subsection 10 of this section is dispensed, sold, or distributed in a pharmacy without a prescription:

(1) All packages of any compound, mixture, or preparation containing any detectable quantity of pseudoephedrine, its salts or optical isomers, or salts of optical isomers or ephedrine, its salts or optical isomers, or salts of optical isomers, shall be offered for sale only from behind a pharmacy counter where the public is not permitted, and only by a registered pharmacist or registered pharmacy technician; and

(2) Any person purchasing, receiving or otherwise acquiring any compound, mixture, or preparation containing any detectable quantity of pseudoephedrine, its salts or optical isomers, or salts of optical isomers or ephedrine, its salts or optical isomers, or salts of optical isomers shall be at least eighteen years of age; and

(3) The pharmacist, intern pharmacist, or registered pharmacy technician shall require any person, prior to their purchasing, receiving or otherwise acquiring such compound, mixture, or preparation to furnish suitable photo identification that is issued by a state or the federal government or a document that, with respect to identification, is considered acceptable and showing the date of birth of the person;

(4) The seller shall deliver the product directly into the custody of the purchaser.

12. Pharmacists, intern pharmacists, and registered pharmacy technicians shall implement

1 and maintain an electronic log of each transaction. Such log shall include the following  
2 information:

- 3 (1) The name, address, and signature of the purchaser;
- 4 (2) The amount of the compound, mixture, or preparation purchased;
- 5 (3) The date and time of each purchase; and
- 6 (4) The name or initials of the pharmacist, intern pharmacist, or registered pharmacy  
7 technician who dispensed the compound, mixture, or preparation to the purchaser.

8 13. Each pharmacy shall submit information regarding sales of any compound, mixture,  
9 or preparation as specified in subdivision (3) of subsection 10 of this section in accordance with  
10 transmission methods and frequency established by the department by regulation;

11 14.] No person shall dispense, sell, purchase, receive, or otherwise acquire quantities  
12 greater than those specified in this chapter.

13 [15. All persons who dispense or offer for sale pseudoephedrine and ephedrine products  
14 in a pharmacy shall ensure that all such products are located only behind a pharmacy counter  
15 where the public is not permitted.

16 16. Any person who knowingly or recklessly violates the provisions of subsections 11 to  
17 15 of this section is guilty of a class A misdemeanor.

18 17. The scheduling of substances specified in subdivision (3) of subsection 10 of this  
19 section and subsections 11, 12, 14, and 15 of this section shall not apply to any compounds,  
20 mixtures, or preparations that are in liquid or liquid-filled gel capsule form or to any compound,  
21 mixture, or preparation specified in subdivision (3) of subsection 10 of this section which must be  
22 dispensed, sold, or distributed in a pharmacy pursuant to a prescription.

23 18. The manufacturer of a drug product or another interested party may apply with the  
24 department of health and senior services for an exemption from this section. The department of  
25 health and senior services may grant an exemption by rule from this section if the department  
26 finds the drug product is not used in the illegal manufacture of methamphetamine or other

controlled or dangerous substances. The department of health and senior services shall rely on reports from law enforcement and law enforcement evidentiary laboratories in determining if the proposed product can be used to manufacture illicit controlled substances.

19.] 12. The department of health and senior services shall revise and republish the schedules annually.

[20. The department of health and senior services shall promulgate rules under chapter 536, RSMo, regarding the security and storage of Schedule V controlled substances, as described in subdivision (3) of subsection 10 of this section, for distributors as registered by the department of health and senior services.

21. Logs of transactions required to be kept and maintained by this section and section 195.417 shall create a rebuttable presumption that the person whose name appears in the logs is the person whose transactions are recorded in the logs.]

[195.417. 1. The limits specified in this section shall not apply to any quantity of such product, mixture, or preparation which must be dispensed, sold, or distributed in a pharmacy pursuant to a valid prescription.

2. Within any thirty-day period, no person shall sell, dispense, or otherwise provide to the same individual, and no person shall purchase, receive, or otherwise acquire more than the following amount: any number of packages of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, either as:

(1) The sole active ingredient; or

(2) One of the active ingredients of a combination drug; or

(3) A combination of any of the products specified in subdivisions (1) and (2) of this subsection; in any total amount greater than nine grams, without regard to the number of transactions.

3. Within any twenty-four-hour period, no pharmacist, intern pharmacist, or registered pharmacy technician shall sell, dispense, or otherwise provide to the same individual, and no person shall purchase, receive, or otherwise acquire more than the following amount: any number of packages of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, either as:

(1) The sole active ingredient; or

(2) One of the active ingredients of a combination drug; or

(3) A combination of any of the products specified in subdivisions (1) and (2) of this subsection; in any total amount greater than three and six-tenths grams without

1 regard to the number of transactions.

2 4. All packages of any compound, mixture, or preparation containing any  
3 detectable quantity of ephedrine, phenylpropanolamine, or pseudoephedrine, or any  
4 of their salts or optical isomers, or salts of optical isomers, except those that are  
5 excluded from Schedule V in subsection 17 or 18 of section 195.017, shall be  
6 offered for sale only from behind a pharmacy counter where the public is not  
7 permitted, and only by a registered pharmacist or registered pharmacy technician  
8 under section 195.017.

9 5. Each pharmacy shall submit information regarding sales of any compound,  
10 mixture, or preparation as specified in this section in accordance with transmission  
11 methods and frequency established by the department by regulation.

12 6. This section shall supersede and preempt any local ordinances or regulations,  
13 including any ordinances or regulations enacted by any political subdivision of the  
14 state. This section shall not apply to the sale of any animal feed products  
15 containing ephedrine or any naturally occurring or herbal ephedra or extract of  
16 ephedra.

17 7. All logs, records, documents, and electronic information maintained for the  
18 dispensing of these products shall be open for inspection and copying by  
19 municipal, county, and state or federal law enforcement officers whose duty it is to  
20 enforce the controlled substances laws of this state or the United States.

21 8. Within thirty days of June 15, 2005, all persons who dispense or offer for sale  
22 pseudoephedrine and ephedrine products, except those that are excluded from  
23 Schedule V in subsection 17 or 18 of section 195.017, shall ensure that all such  
24 products are located only behind a pharmacy counter where the public is not  
25 permitted.

26 9. Any person who knowingly or recklessly violates this section is guilty of a class  
27 A misdemeanor.]”; and  
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29 Further amend said bill by amending the title, enacting clause, and intersectional references  
30 accordingly.  
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