

SECOND REGULAR SESSION

HOUSE BILL NO. 2824

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE STEPHENS.

5826H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 195.417 and 579.060, RSMo, and to enact in lieu thereof two new sections relating to limits on selling or purchasing certain drugs, with penalty provisions.

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

Section A. Sections 195.417 and 579.060, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 195.417 and 579.060, to read as follows:

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

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

9 (1) The sole active ingredient; or

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

11 (3) A combination of any of the products specified in subdivisions (1) and (2) of this
12 subsection;

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14 in any total amount greater than [~~seven and two-tenths~~] **nine** grams, without regard to the
15 number of transactions.

16 3. Within any twenty-four-hour period, no pharmacist, intern pharmacist, or
17 registered pharmacy technician shall sell, dispense, or otherwise provide to the same

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.

18 individual, and no person shall purchase, receive, or otherwise acquire more than the
19 following amount: any number of packages of any drug product containing any detectable
20 amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or
21 optical isomers, or salts of optical isomers, either as:

22 (1) The sole active ingredient; or

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

24 (3) A combination of any of the products specified in subdivisions (1) and (2) of this
25 subsection;

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27 in any total amount greater than three and six-tenths grams without regard to the number of
28 transactions.

29 4. Within any twelve-month period, no person shall sell, dispense, or otherwise
30 provide to the same individual, and no person shall purchase, receive, or otherwise acquire
31 more than the following amount: any number of packages of any drug product containing any
32 detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their
33 salts or optical isomers, or salts of optical isomers, either as:

34 (1) The sole active ingredient; or

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

36 (3) A combination of any of the products specified in subdivisions (1) and (2) of this
37 subsection;

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39 in any total amount greater than forty-three and two-tenths grams, without regard to the
40 number of transactions.

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

47 6. Each pharmacy shall submit information regarding sales of any compound,
48 mixture, or preparation as specified in this section in accordance with transmission methods
49 and frequency established by the department by regulation.

50 7. No prescription shall be required for the dispensation, sale, or distribution of any
51 drug product containing any detectable amount of ephedrine, phenylpropanolamine, or
52 pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, in an
53 amount within the limits described in subsections 2, 3, and 4 of this section. The
54 superintendent of the Missouri state highway patrol shall report to the revisor of statutes and

55 the general assembly by February first when the statewide number of methamphetamine
56 laboratory seizure incidents exceeds three hundred incidents in the previous calendar year.
57 The provisions of this subsection shall expire on April first of the calendar year in which the
58 revisor of statutes receives such notification.

59 8. This section shall supersede and preempt any local ordinances or regulations,
60 including any ordinances or regulations enacted by any political subdivision of the state. This
61 section shall not apply to the sale of any animal feed products containing ephedrine or any
62 naturally occurring or herbal ephedra or extract of ephedra.

63 9. Any local ordinances or regulations enacted by any political subdivision of the
64 state prior to August 28, 2020, requiring a prescription for the dispensation, sale, or
65 distribution of any drug product containing any detectable amount of ephedrine,
66 phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts
67 of optical isomers, in an amount within the limits described in subsections 2, 3, and 4 of this
68 section shall be void and of no effect and no such political subdivision shall maintain or
69 enforce such ordinance or regulation.

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

74 11. All persons who dispense or offer for sale pseudoephedrine and ephedrine
75 products, except those that are excluded from Schedule V in subsection 17 or 18 of section
76 195.017, shall ensure that all such products are located only behind a pharmacy counter where
77 the public is not permitted.

78 12. The penalty for a knowing or reckless violation of this section is found in section
79 579.060.

579.060. 1. A person commits the offense of unlawful sale, distribution, or purchase
2 of over-the-counter methamphetamine precursor drugs if he or she knowingly:

3 (1) Sells, distributes, dispenses, or otherwise provides any number of packages of any
4 drug product containing detectable amounts of ephedrine, phenylpropanolamine, or
5 pseudoephedrine, or any of their salts, optical isomers, or salts of optical isomers, in a
6 total amount greater than [~~seven and two tenths~~] **nine** grams to the same individual within a
7 thirty-day period, unless the amount is dispensed, sold, or distributed pursuant to a valid
8 prescription; or

9 (2) Purchases, receives, or otherwise acquires within a thirty-day period any number
10 of packages of any drug product containing any detectable amount of ephedrine,
11 phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts
12 of optical isomers in a total amount greater than [~~seven and two tenths~~] **nine** grams, without

13 regard to the number of transactions, unless the amount is purchased, received, or acquired
14 pursuant to a valid prescription; or

15 (3) Purchases, receives, or otherwise acquires within a twenty-four-hour period any
16 number of packages of any drug product containing any detectable amount of ephedrine,
17 phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of
18 optical isomers in a total amount greater than three and six-tenths grams, without regard to the
19 number of transactions, unless the amount is purchased, received, or acquired pursuant to a
20 valid prescription; or

21 (4) Sells, distributes, dispenses, or otherwise provides any number of packages of any
22 drug product containing detectable amounts of ephedrine, phenylpropanolamine, or
23 pseudoephedrine, or any of their salts, optical isomers, or salts of optical isomers, in a
24 total amount greater than forty-three and two-tenths grams to the same individual within a
25 twelve-month period, unless the amount is dispensed, sold, or distributed pursuant to a valid
26 prescription; or

27 (5) Purchases, receives, or otherwise acquires within a twelve-month period any
28 number of packages of any drug product containing any detectable amount of ephedrine,
29 phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of
30 optical isomers in a total amount greater than forty-three and two-tenths grams, without
31 regard to the number of transactions, unless the amount is purchased, received, or acquired
32 pursuant to a valid prescription; or

33 (6) Dispenses or offers drug products that are not excluded from Schedule V in
34 subsection 17 or 18 of section 195.017 and that contain detectable amounts of ephedrine,
35 phenylpropanolamine, or pseudoephedrine, or any of their salts, optical isomers, or salts of
36 optical isomers, without ensuring that such products are located behind a pharmacy counter
37 where the public is not permitted and that such products are dispensed by a registered
38 pharmacist or pharmacy technician under subsection 11 of section 195.017; or

39 (7) Holds a retail sales license issued under chapter 144 and knowingly sells or
40 dispenses packages that do not conform to the packaging requirements of section 195.418.

41 2. A pharmacist, intern pharmacist, or registered pharmacy technician commits the
42 offense of unlawful sale, distribution, or purchase of over-the-counter methamphetamine
43 precursor drugs if he or she knowingly:

44 (1) Sells, distributes, dispenses, or otherwise provides any number of packages of any
45 drug product containing detectable amounts of ephedrine, phenylpropanolamine, or
46 pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, in a
47 total amount greater than three and six-tenth grams to the same individual within a twenty-
48 four hour period, unless the amount is dispensed, sold, or distributed pursuant to a valid
49 prescription; or

50 (2) Fails to submit information under subsection 13 of section 195.017 and subsection
51 6 of section 195.417 about the sales of any compound, mixture, or preparation of products
52 containing detectable amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or
53 any of their salts, optical isomers, or salts of optical isomers, in accordance with transmission
54 methods and frequency established by the department of health and senior services; or

55 (3) Fails to implement and maintain an electronic log, as required by subsection 12 of
56 section 195.017, of each transaction involving any detectable quantity of pseudoephedrine, its
57 salts, isomers, or salts of optical isomers or ephedrine, its salts, optical isomers, or salts of
58 optical isomers; or

59 (4) Sells, distributes, dispenses or otherwise provides to an individual under eighteen
60 years of age without a valid prescription any number of packages of any drug product
61 containing any detectable quantity of pseudoephedrine, its salts, isomers, or salts of optical
62 isomers, or ephedrine, its salts or optical isomers, or salts of optical isomers.

63 3. Any person who violates the packaging requirements of section 195.418 and is
64 considered the general owner or operator of the outlet where ephedrine, pseudoephedrine, or
65 phenylpropanolamine products are available for sale shall not be penalized if he or she
66 documents that an employee training program was in place to provide the employee who
67 made the unlawful retail sale with information on the state and federal regulations regarding
68 ephedrine, pseudoephedrine, or phenylpropanolamine.

69 4. The offense of unlawful sale, distribution, or purchase of over-the-counter
70 methamphetamine precursor drugs is a class A misdemeanor.

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