

CCS HCS SB 39 -- CONTROLLED SUBSTANCES

This bill makes several changes in the laws governing controlled substances.

The bill makes the manufacturing of a controlled substance a class A felony when it is done within 2,000 feet of any school or within a residence where a child resides. Currently, only the distribution of a controlled substance within 2,000 feet of a school is a class A felony, while manufacturing or distributing a controlled substance in any other location is a class B felony. Producing or distributing less than five grams of marijuana in any location remains a class C felony.

The bill also removes the possibility of parole for any persistent drug offender convicted of distribution of a controlled substance within 2,000 feet of a school or within 1,000 feet of public housing.

The bill prohibits the sale of more than two packages, or six grams, of any over-the-counter drug having a sole active ingredient of ephedrine, pseudoephedrine, or phenylpropanolamine. The bill also prohibits the sale of three packages, or nine grams, of any combination drug containing ephedrine, pseudoephedrine, or phenylpropanolamine. Packages having a sole active ingredient of ephedrine, pseudoephedrine, or phenylpropanolamine must be kept behind the counter or within 10 feet of an attended checkout counter and within the view of the checker. This provision does not apply to stores that have an electronic anti-theft system using a detection alarm and product tags on these drugs. The bill supercedes any local ordinance passed on or after December 23, 2002, that is more restrictive. Violation of this provision is a class A misdemeanor.

The bill also creates the crime of unlawful release of anhydrous ammonia, a class B felony. A person commits the crime when he or she is not the lawful possessor of anhydrous ammonia and releases the chemical into the atmosphere.

The bill creates within the Department of Public Safety the Missouri Sheriff Methamphetamine Relief Task Force (MoSMART). The task force will consist of five sheriffs appointed by the Governor. The task force will award grants from a MoSMART fund to law enforcement agencies to help cover the costs associated with the enforcement of methamphetamine laws.

The bill establishes a \$150 surcharge to be assessed on defendants convicted of any drug charge which requires analysis of the drug by a crime lab. This money will be deposited in the Missouri Crime Laboratory Assistance Program. The bill also

authorizes courts to order a defendant convicted of a drug crime to pay for the testing of the drug, when the testing is done at a private lab.