

HOUSE SUBSTITUTE AMENDMENT NO. ____

FOR

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Offered By

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for
2 Senate Bill No. 755, Page 2, Section 43.265, Line 19, by inserting after all of said section and line
3 the following:
4

5 “195.246. 1. It is unlawful for any person to possess any methamphetamine precursor
6 drug with the intent to manufacture amphetamine, methamphetamine or any of their analogs.

7 2. Possession of more than [twenty-four] fifteen grams of any methamphetamine
8 precursor drug or combination of methamphetamine precursor drugs shall be prima facie evidence
9 of intent to violate this section. This subsection shall not apply to any practitioner or to any
10 product possessed in the course of a legitimate business.

11 3. A person who violates this section is guilty of a class D felony.

12 195.417. 1. The limits specified in this section shall not apply to any quantity of such
13 product, mixture, or preparation which must be dispensed, sold, or distributed in a pharmacy
14 pursuant to a valid prescription.

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

20 (1) The sole active ingredient; or

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

22 (3) A combination of any of the products specified in subdivisions (1) and (2) of this
23 subsection; in any total amount greater than [nine] seven and one-half grams, without regard to the
24 number of transactions.

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

1 person shall purchase, receive, or otherwise acquire more than the following amount: any number
2 of packages of any drug product containing any detectable amount of ephedrine,
3 phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of
4 optical isomers, either as:

5 (1) The sole active ingredient; or

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

7 (3) A combination of any of the products specified in subdivisions (1) and (2) of this
8 subsection; in any total amount greater than three and six-tenths grams without regard to the
9 number of transactions.

10 4. Within any twelve-month period, no pharmacist, intern pharmacist, or registered
11 pharmacy technician shall sell, dispense, or otherwise provide to the same individual, and no
12 person shall purchase, receive, or otherwise acquire more than the following amount: any number
13 of packages of any drug product containing any detectable amount of ephedrine,
14 phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of
15 optical isomers, either as:

16 (1) The sole active ingredient; or

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

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

21
22 The monthly and annual purchase limits contained in this section
23 shall include any quantities of such products that are purchased
24 in other states, where such other state is utilizing the same
25 electronic tracking system utilized in this state.

26 5. All packages of any compound, mixture, or preparation containing any detectable
27 quantity of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical
28 isomers, or salts of optical isomers, except those that are excluded from Schedule V in subsection
29 17 or 18 of section 195.017, shall be offered for sale only from behind a pharmacy counter where
30 the public is not permitted, and only by a registered pharmacist or registered pharmacy technician
31 under section 195.017.

32 [5.] 6. Each pharmacy and pharmacist licensed in this state shall have the discretion to, in

1 good faith, refuse to sell, dispense, or otherwise provide any individual with any
2 methamphetamine precursor drug and such pharmacy shall not be subject to criminal or civil
3 liability for failure to sell, dispense, or otherwise provide such methamphetamine precursor drug.

4 _____ 7. Each pharmacy shall submit information regarding sales of any compound, mixture, or
5 preparation as specified in this section in accordance with transmission methods and frequency
6 established by the department by regulation.

7 [6.] 8. This section shall supersede and preempt any local ordinances or regulations,
8 including any ordinances or regulations enacted by any political subdivision of the state. This
9 section shall not apply to the sale of any animal feed products containing ephedrine or any
10 naturally occurring or herbal ephedra or extract of ephedra.

11 [7.] 9. All logs, records, documents, and electronic information maintained for the
12 dispensing of these products shall be open for inspection and copying by municipal, county, and
13 state or federal law enforcement officers whose duty it is to enforce the controlled substances laws
14 of this state or the United States.

15 [8.] 10. Within thirty days of June 15, 2005, all persons who dispense or offer for sale
16 pseudoephedrine and ephedrine products, except those that are excluded from Schedule V in
17 subsection 17 or 18 of section 195.017, shall ensure that all such products are located only behind
18 a pharmacy counter where the public is not permitted.

19 [9.] 11. Any person who knowingly or recklessly violates this section is guilty of a class A
20 misdemeanor.

21 195.419. Any person who has been found guilty or pled guilty or nolo contendere to any
22 felony drug crime shall be required to obtain a prescription to purchase, receive, or otherwise
23 acquire any drug or drug product containing any detectable amount of ephedrine,
24 phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of
25 optical isomers.”; and
26

1 Further amend said bill, Section 650.120, Page 30, Line 81 by inserting after all of said section
2 and line the following:

3
4 “Section 1. In order to protect the privacy interests of persons purchasing controlled
5 substances, the department of public safety shall implement a method of coordination between the
6 MULES system and any electronic tracking system which tracks purchases of controlled
7 substances. If the purchase of a controlled substance is denied due to a felony drug conviction by
8 the purchaser or such purchase would exceed the purchaser's allowable limit, the only notation in
9 the MULES system and electronic tracking system shall be "sale denied" without disclosure of the
10 reason for such denial.”; and

11
12 Further amend said bill by amending the title, enacting clause, and intersectional references
13 accordingly.