

HB 218 -- CONTROLLED SUBSTANCES

SPONSOR: Cox

COMMITTEE ACTION: Voted "Do Pass" by the Committee on Judiciary by a vote of 11 to 0.

This bill changes the laws regarding the sale and possession of controlled substances. In its main provisions, the bill:

(1) Lowers, from 24 to 15 grams, the amount of any methamphetamine precursor drug or combination of methamphetamine precursor drugs in which possession of is a class D felony;

(2) Lowers, from 9 to 7.5 grams, the amount of any drug product containing ephedrine, phenylpropanolamine, or pseudoephedrine that can be sold to the same person within a 30-day period without regard to the number of transactions;

(3) Prohibits a pharmacist, intern pharmacist, or registered pharmacy technician from selling, dispensing, or otherwise providing and a person from purchasing, receiving, or otherwise acquiring any number of packages of any drug product containing ephedrine, phenylpropanolamine, or pseudoephedrine in any total amount greater than 60 grams within any 12-month period without regard to the number of transactions;

(4) Specifies that the monthly and annual purchase limits contained in these provisions must include any quantities of the products that are purchased in other states where the other state is utilizing the same electronic tracking system utilized in Missouri;

(5) Specifies that each licensed pharmacy and pharmacist has the discretion to, in good faith, refuse to sell, dispense, or otherwise provide any individual with any methamphetamine precursor drug and will not be subject to criminal or civil liability in choosing to do so;

(6) Requires any person who has been found guilty or pled guilty or nolo contendere to any felony drug crime to obtain a prescription to purchase, receive, or otherwise acquire any drug or drug product containing any amount of ephedrine, phenylpropanolamine, or pseudoephedrine; and

(7) Requires the Department of Public Safety to implement a method of coordination between the Missouri Uniform Law Enforcement System within the State Highway Patrol and any electronic tracking system that tracks purchases of controlled substances to protect the

privacy interests of persons purchasing controlled substances.

PROPONENTS: Supporters say that this bill strikes the appropriate balance between the needs of lawful users and preventing unlawful use.

Testifying for the bill were Representative Cox; Joy Krieger, St. Louis Asthma and Allergy Foundation of America; Missouri Pharmacy Association; Consumer Healthcare Products Association; and Concerned Women for America of Missouri.

OPPONENTS: Opponents say that the manufacturers association pays for the tracking systems, so they have a financial interest in seeing this bill become law. The tracking system has not been helpful in preventing the unlawful use of controlled substances.

Testifying against the bill were Representatives Schatz and Roorda; and ACLU-EM.