

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 1328**  
**96TH GENERAL ASSEMBLY**

4249L.04C

D. ADAM CRUMBLISS, Chief Clerk

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**AN ACT**

To repeal sections 195.246 and 195.417, RSMo, and to enact in lieu thereof four new sections relating to controlled substances, with penalty provisions.

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

Section A. Sections 195.246 and 195.417, RSMo, are repealed and four new sections  
2 enacted in lieu thereof, to be known as sections 195.246, 195.417, 195.419, and 1, to read as  
3 follows:

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

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

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

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 optical  
8 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

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.

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

14 3. Within any twenty-four-hour period, no pharmacist, intern pharmacist, or registered  
15 pharmacy technician shall sell, dispense, or otherwise provide to the same individual, and no  
16 person shall purchase, receive, or otherwise acquire more than the following amount: any  
17 number of packages of any drug product containing any detectable amount of ephedrine,  
18 phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of  
19 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 three and six-tenths grams without regard to the  
24 number of transactions.

25 **4. Within any twelve-month period, no pharmacist, intern pharmacist, or registered**  
26 **pharmacy technician shall sell, dispense, or otherwise provide to the same individual, and**  
27 **no person shall purchase, receive, or otherwise acquire more than the following amount:**  
28 **any number of packages of any drug product containing any detectable amount of**  
29 **ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical**  
30 **isomers, or salts of optical isomers, either as:**

31 (1) The sole active ingredient; or

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

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

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37 **The monthly and annual purchase limits contained in this section shall include any**  
38 **quantities of such products that are purchased in other states, where such other state is**  
39 **utilizing the same electronic tracking system utilized in this state.**

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

46 [5.] **6. Each pharmacy and pharmacist licensed in this state shall have the discretion**  
47 **to, in good faith, refuse to sell, dispense, or otherwise provide any individual with any**  
48 **methamphetamine precursor drug and such pharmacy shall not be subject to criminal or**  
49 **civil liability for failure to sell, dispense, or otherwise provide such methamphetamine**  
50 **precursor drug.**

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

54 [6.] **8.** This section shall supersede and preempt any local ordinances or regulations,  
55 including any ordinances or regulations enacted by any political subdivision of the state. This  
56 section shall not apply to the sale of any animal feed products containing ephedrine or any  
57 naturally occurring or herbal ephedra or extract of ephedra.

58 [7.] **9.** All logs, records, documents, and electronic information maintained for the  
59 dispensing of these products shall be open for inspection and copying by municipal, county, and  
60 state or federal law enforcement officers whose duty it is to enforce the controlled substances  
61 laws of this state or the United States.

62 [8.] **10.** Within thirty days of June 15, 2005, all persons who dispense or offer for sale  
63 pseudoephedrine and ephedrine products, except those that are excluded from Schedule V in  
64 subsection 17 or 18 of section 195.017, shall ensure that all such products are located only  
65 behind a pharmacy counter where the public is not permitted.

66 [9.] **11.** Any person who knowingly or recklessly violates this section is guilty of a class  
67 A misdemeanor.

**195.419. Any person who has been found guilty or pled guilty or nolo contendere**  
2 **to any felony drug crime shall be required to obtain a prescription to purchase, receive, or**  
3 **otherwise acquire any drug or drug product containing any detectable amount of**  
4 **ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical**  
5 **isomers, or salts of optical isomers.**

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

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