



Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed

SS SCS HCS#2 HB 1896 _____ entitled:

AN ACT

To repeal sections 191.1146, 195.015, 195.017, 195.417, 579.060, 579.065, and 579.068, RSMo, and to enact in lieu thereof nine new sections relating to controlled substances, with penalty provisions and an emergency clause for a certain section.

With SA 1, SA 1 to SA 2, and SA 2, as amended

EC - Adopted

In which the concurrence of the House is respectfully requested.

Respectfully,

Adriane D. Crouse
Secretary of the Senate

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CHIEF CLERK

Read 5/6/2020

4303S07.03S

SENATE AMENDMENT NO. 1

Offered by Hoskins OF 21

Amend SS/SCS/HCS#2/House Bill No. 1896, Page 51, Section 195.805, Line 2,

2 by inserting after the word "package" the following: "or
3 packages within a package,".

deferred 5/6/2020
Adopted "

Read 5/6/2020

SA1

4303S07.05S

to

SENATE AMENDMENT NO. 2

Offered by Bernskoetter of 6th

Amend SA to SS/SCS/HCS#2/House Bill No. 1896, Page 2, Section 195.417, Line 26,

2 by striking the words "twenty-eight and eight-tenths" and
3 inserting in lieu thereof the following: "forty-three and two-
4 tenths"; and

5 Further amend said amendment, page 6, section 579.060, line
6 1, by striking the words "twenty-eight and eight-tenths" and
7 inserting in lieu thereof the following: "forty-three and two-
8 tenths"; and further amend line 10, by striking the words
9 "twenty-eight and eight-tenths" and inserting in lieu thereof the
10 following: "forty-three and two-tenths".

Offered 5/6/2020
Adopted "

SENATE AMENDMENT NO. 2Offered by Schultz of 26Amend SS/SCS/HCS No. 2/House Bill No. 1896, Pages 48-50, Section 195.417, Line ,

2 by striking all of said section and inserting in lieu thereof the
3 following:

4 "195.417. 1. The limits specified in this section shall
5 not apply to any quantity of such product, mixture, or
6 preparation which must be dispensed, sold, or distributed in a
7 pharmacy pursuant to a valid prescription.

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

15 (1) The sole active ingredient; or

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

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

19
20 in any total amount greater than [nine] seven and two-tenths
21 grams, without regard to the number of transactions.

22 3. Within any twenty-four-hour period, no pharmacist,
23 intern pharmacist, or registered pharmacy technician shall sell,

*Offered 5/6/2020
Adopted as amended 5/6/2020*

1 dispense, or otherwise provide to the same individual, and no
2 person shall purchase, receive, or otherwise acquire more than
3 the following amount: any number of packages of any drug product
4 containing any detectable amount of ephedrine,
5 phenylpropanolamine, or pseudoephedrine, or any of their salts or
6 optical isomers, or salts of optical isomers, either as:

7 (1) The sole active ingredient; or

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

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

11
12 in any total amount greater than three and six-tenths grams
13 without regard to the number of transactions.

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

21 (1) The sole active ingredient; or

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

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

25
26 in any total amount greater than twenty-eight and eight-tenths
27 grams, without regard to the number of transactions.

28 5. All packages of any compound, mixture, or preparation
29 containing any detectable quantity of ephedrine,

1 phenylpropanolamine, or pseudoephedrine, or any of their salts or
2 optical isomers, or salts of optical isomers, except those that
3 are excluded from Schedule V in subsection 17 or 18 of section
4 195.017, shall be offered for sale only from behind a pharmacy
5 counter where the public is not permitted, and only by a
6 registered pharmacist or registered pharmacy technician under
7 section 195.017.

8 [5.] 6. Each pharmacy shall submit information regarding
9 sales of any compound, mixture, or preparation as specified in
10 this section in accordance with transmission methods and
11 frequency established by the department by regulation.

12 7. No prescription shall be required for the dispensation,
13 sale, or distribution of any drug product containing any
14 detectable amount of ephedrine, phenylpropanolamine, or
15 pseudoephedrine, or any of their salts or optical isomers, or
16 salts of optical isomers, in an amount within the limits
17 described in subsections 2, 3, and 4 of this section. The
18 superintendent of the Missouri state highway patrol shall report
19 to the revisor of statutes and the general assembly by February
20 first when the statewide number of methamphetamine laboratory
21 seizure incidents exceeds three hundred incidents in the previous
22 calendar year. The provisions of this subsection shall expire on
23 April first of the calendar year in which the revisor of statutes
24 receives such notification.

25 [6.] 8. This section shall supersede and preempt any local
26 ordinances or regulations, including any ordinances or
27 regulations enacted by any political subdivision of the state.
28 This section shall not apply to the sale of any animal feed
29 products containing ephedrine or any naturally occurring or

1 herbal ephedra or extract of ephedra.

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

12 [7.] 10. All logs, records, documents, and electronic
13 information maintained for the dispensing of these products shall
14 be open for inspection and copying by municipal, county, and
15 state or federal law enforcement officers whose duty it is to
16 enforce the controlled substances laws of this state or the
17 United States.

18 [8.] 11. All persons who dispense or offer for sale
19 pseudoephedrine and ephedrine products, except those that are
20 excluded from Schedule V in subsection 17 or 18 of section
21 195.017, shall ensure that all such products are located only
22 behind a pharmacy counter where the public is not permitted.

23 [9.] 12. The penalty for a knowing or reckless violation of
24 this section is found in section 579.060."; and

25 Further amend said bill, pages 53-56, section 579.060, by
26 striking all of said section and inserting in lieu thereof the
27 following:

28 "579.060. 1. A person commits the offense of unlawful
29 sale, distribution, or purchase of over-the-counter

1 methamphetamine precursor drugs if he or she knowingly:

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

10 (2) Purchases, receives, or otherwise acquires within a
11 thirty-day period any number of packages of any drug product
12 containing any detectable amount of ephedrine,
13 phenylpropanolamine, or pseudoephedrine, or any of their salts or
14 optical isomers, or salts of optical isomers in a total amount
15 greater than [nine] seven and two-tenths grams, without regard to
16 the number of transactions, unless the amount is purchased,
17 received, or acquired pursuant to a valid prescription; or

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

26 (4) Sells, distributes, dispenses, or otherwise provides
27 any number of packages of any drug product containing detectable
28 amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or
29 any of their salts, optical isomers, or salts of optical isomers,

1 in a total amount greater than twenty-eight and eight-tenths
2 grams to the same individual within a twelve-month period, unless
3 the amount is dispensed, sold, or distributed pursuant to a valid
4 prescription; or

5 (5) Purchases, receives, or otherwise acquires within a
6 twelve-month period any number of packages of any drug product
7 containing any detectable amount of ephedrine,
8 phenylpropanolamine, or pseudoephedrine, or any of their salts or
9 optical isomers, or salts of optical isomers in a total amount
10 greater than twenty-eight and eight-tenths grams, without regard
11 to the number of transactions, unless the amount is purchased,
12 received, or acquired pursuant to a valid prescription; or

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

22 [(5)] (7) Holds a retail sales license issued under chapter
23 144 and knowingly sells or dispenses packages that do not conform
24 to the packaging requirements of section 195.418.

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

29 (1) Sells, distributes, dispenses, or otherwise provides

1 any number of packages of any drug product containing detectable
2 amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or
3 any of their salts or optical isomers, or salts of optical
4 isomers, in a total amount greater than three and six-tenth grams
5 to the same individual within a twenty-four hour period, unless
6 the amount is dispensed, sold, or distributed pursuant to a valid
7 prescription; or

8 (2) Fails to submit information under subsection 13 of
9 section 195.017 and subsection [5] 6 of section 195.417 about the
10 sales of any compound, mixture, or preparation of products
11 containing detectable amounts of ephedrine, phenylpropanolamine,
12 or pseudoephedrine, or any of their salts, optical isomers, or
13 salts of optical isomers, in accordance with transmission methods
14 and frequency established by the department of health and senior
15 services; or

16 (3) Fails to implement and maintain an electronic log, as
17 required by subsection 12 of section 195.017, of each transaction
18 involving any detectable quantity of pseudoephedrine, its salts,
19 isomers, or salts of optical isomers or ephedrine, its salts,
20 optical isomers, or salts of optical isomers; or

21 (4) Sells, distributes, dispenses or otherwise provides to
22 an individual under eighteen years of age without a valid
23 prescription any number of packages of any drug product
24 containing any detectable quantity of pseudoephedrine, its salts,
25 isomers, or salts of optical isomers, or ephedrine, its salts or
26 optical isomers, or salts of optical isomers.

27 3. Any person who violates the packaging requirements of
28 section 195.418 and is considered the general owner or operator
29 of the outlet where ephedrine, pseudoephedrine, or

1 phenylpropanolamine products are available for sale shall not be
2 penalized if he or she documents that an employee training
3 program was in place to provide the employee who made the
4 unlawful retail sale with information on the state and federal
5 regulations regarding ephedrine, pseudoephedrine, or
6 phenylpropanolamine.

7 4. The offense of unlawful sale, distribution, or purchase
8 of over-the-counter methamphetamine precursor drugs is a class A
9 misdemeanor."