

FIRST REGULAR SESSION

# SENATE BILL NO. 442

92ND GENERAL ASSEMBLY

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INTRODUCED BY SENATORS GROSS AND YECKEL.

Read 1st time February 6, 2003, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

1022S.021

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## AN ACT

To amend chapter 195, RSMo, by adding thereto one new section relating to restrictions on public access to ephedrine products, with penalty provisions.

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

Section A. Chapter 195, RSMo, is amended by adding thereto one new section, to be known as section 195.249, to read as follows:

**195.249. 1. As used in this section, the following terms shall mean:**

(1) "Counter", any obstructive, physical barrier that separates ephedrine products from access by a customer or the general public, and which makes such products available to a customer or the general public only through or by the act of an employee or the seller;

(2) "Ephedrine", all forms of ephedrine, pseudoephedrine, ephedrine hydrochloride, pseudoephedrine hydrochloride, phenylpropanolamine and all combinations of these chemicals;

(3) "Package", any number of pills, tablets, capsules, caplets, or individual units of a substance held within a container intended for sale;

(4) "Person", any individual, corporation, partnership, trust, limited liability company, firm, association, or other entity selling an ephedrine product to customers;

(5) "Sell", to knowingly furnish, give away, exchange, transfer, deliver, surrender or supply, whether for monetary gain or not.

2. It shall be unlawful for any person to display or offer to sell any ephedrine product unless the ephedrine product is placed behind a counter.

3. Any person who sells ephedrine products and who discovers a theft,

disappearance, or other loss of an ephedrine product shall report the theft, disappearance, or loss to the local law enforcement agency within three calendar days of such a discovery.

4. Any person who sells ephedrine products shall report to the local law enforcement agency any difference between the quantity of ephedrine products shipped and the quantity of ephedrine products received within three days of discovery.

5. Violation of the provisions of subsection 2 of this section shall be subject to the following penalties:

- (1) Two hundred fifty dollars for the first offense;
- (2) Five hundred dollars for the second offense; and
- (3) One thousand dollars for each subsequent offense.

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