

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/SCS/HCS/House Bill No. 1659, Page 24, Section 190.166, Line 82,

2 by inserting after all of said line the following:

3 "195.417. 1. The limits specified in this section
4 shall not apply to any quantity of such product, mixture, or
5 preparation which must be dispensed, sold, or distributed in
6 a pharmacy pursuant to a valid prescription.

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

15 (1) The sole active ingredient; or

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

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

20 in any total amount greater than seven and two-tenths grams,
21 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
24 sell, dispense, or otherwise provide to the same individual,
25 and no person shall purchase, receive, or otherwise acquire

26 more than the following amount: any number of packages of
27 any drug product containing any detectable amount of
28 ephedrine, phenylpropanolamine, or pseudoephedrine, or any
29 of their salts or optical isomers, or salts of optical
30 isomers, either as:

- 31 (1) The sole active ingredient; or
- 32 (2) One of the active ingredients of a combination
33 drug; or
- 34 (3) A combination of any of the products specified in
35 subdivisions (1) and (2) of this subsection;

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

38 4. Within any twelve-month period, no person shall
39 sell, dispense, or otherwise provide to the same individual,
40 and no person shall purchase, receive, or otherwise acquire
41 more than the following amount: any number of packages of
42 any drug product containing any detectable amount of
43 ephedrine, phenylpropanolamine, or pseudoephedrine, or any
44 of their salts or optical isomers, or salts of optical
45 isomers, either as:

- 46 (1) The sole active ingredient; or
- 47 (2) One of the active ingredients of a combination
48 drug; or
- 49 (3) A combination of any of the products specified in
50 subdivisions (1) and (2) of this subsection;

51 in any total amount greater than ~~forty-three~~ sixty-one and
52 two-tenths grams, without regard to the number of
53 transactions.

54 5. All packages of any compound, mixture, or
55 preparation containing any detectable quantity of ephedrine,
56 phenylpropanolamine, or pseudoephedrine, or any of their
57 salts or optical isomers, or salts of optical isomers,

58 except those that are excluded from Schedule V in subsection
59 17 or 18 of section 195.017, shall be offered for sale only
60 from behind a pharmacy counter where the public is not
61 permitted, and only by a registered pharmacist or registered
62 pharmacy technician under section 195.017.

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

67 7. No prescription shall be required for the
68 dispensation, sale, or distribution of any drug product
69 containing any detectable amount of ephedrine,
70 phenylpropanolamine, or pseudoephedrine, or any of their
71 salts or optical isomers, or salts of optical isomers, in an
72 amount within the limits described in subsections 2, 3, and
73 4 of this section. The superintendent of the Missouri state
74 highway patrol shall report to the revisor of statutes and
75 the general assembly by February first when the statewide
76 number of methamphetamine laboratory seizure incidents
77 exceeds three hundred incidents in the previous calendar
78 year. The provisions of this subsection shall expire on
79 April first of the calendar year in which the revisor of
80 statutes receives such notification.

81 8. This section shall supersede and preempt any local
82 ordinances or regulations, including any ordinances or
83 regulations enacted by any political subdivision of the
84 state. This section shall not apply to the sale of any
85 animal feed products containing ephedrine or any naturally
86 occurring or herbal ephedra or extract of ephedra.

87 9. Any local ordinances or regulations enacted by any
88 political subdivision of the state prior to August 28, 2020,
89 requiring a prescription for the dispensation, sale, or
90 distribution of any drug product containing any detectable

91 amount of ephedrine, phenylpropanolamine, or
92 pseudoephedrine, or any of their salts or optical isomers,
93 or salts of optical isomers, in an amount within the limits
94 described in subsections 2, 3, and 4 of this section shall
95 be void and of no effect and no such political subdivision
96 shall maintain or enforce such ordinance or regulation.

97 10. All logs, records, documents, and electronic
98 information maintained for the dispensing of these products
99 shall be open for inspection and copying by municipal,
100 county, and state or federal law enforcement officers whose
101 duty it is to enforce the controlled substances laws of this
102 state or the United States.

103 11. All persons who dispense or offer for sale
104 pseudoephedrine and ephedrine products, except those that
105 are excluded from Schedule V in subsection 17 or 18 of
106 section 195.017, shall ensure that all such products are
107 located only behind a pharmacy counter where the public is
108 not permitted.

109 12. The penalty for a knowing or reckless violation of
110 this section is found in section 579.060."; and

111 Further amend said bill, page 198, section 579.022,
112 line 15, by inserting after all of said line the following:

113 "579.060. 1. A person commits the offense of unlawful
114 sale, distribution, or purchase of over-the-counter
115 methamphetamine precursor drugs if he or she knowingly:

116 (1) Sells, distributes, dispenses, or otherwise
117 provides any number of packages of any drug product
118 containing detectable amounts of ephedrine,
119 phenylpropanolamine, or pseudoephedrine, or any of their
120 salts, optical isomers, or salts of optical isomers, in a
121 total amount greater than seven and two-tenths grams to the
122 same individual within a thirty-day period, unless the

123 amount is dispensed, sold, or distributed pursuant to a
124 valid prescription; or

125 (2) Purchases, receives, or otherwise acquires within
126 a thirty-day period any number of packages of any drug
127 product containing any detectable amount of ephedrine,
128 phenylpropanolamine, or pseudoephedrine, or any of their
129 salts or optical isomers, or salts of optical isomers in a
130 total amount greater than seven and two-tenths grams,
131 without regard to the number of transactions, unless the
132 amount is purchased, received, or acquired pursuant to a
133 valid prescription; or

134 (3) Purchases, receives, or otherwise acquires within
135 a twenty-four-hour period any number of packages of any drug
136 product containing any detectable amount of ephedrine,
137 phenylpropanolamine, or pseudoephedrine, or any of their
138 salts or optical isomers, or salts of optical isomers in a
139 total amount greater than three and six-tenths grams,
140 without regard to the number of transactions, unless the
141 amount is purchased, received, or acquired pursuant to a
142 valid prescription; or

143 (4) Sells, distributes, dispenses, or otherwise
144 provides any number of packages of any drug product
145 containing detectable amounts of ephedrine,
146 phenylpropanolamine, or pseudoephedrine, or any of their
147 salts, optical isomers, or salts of optical isomers, in a
148 total amount greater than ~~forty-three~~ sixty-one and two-
149 tenths grams to the same individual within a twelve-month
150 period, unless the amount is dispensed, sold, or distributed
151 pursuant to a valid prescription; or

152 (5) Purchases, receives, or otherwise acquires within
153 a twelve-month period any number of packages of any drug
154 product containing any detectable amount of ephedrine,
155 phenylpropanolamine, or pseudoephedrine, or any of their

156 salts or optical isomers, or salts of optical isomers in a
157 total amount greater than [forty-three] sixty-one and two-
158 tenths grams, without regard to the number of transactions,
159 unless the amount is purchased, received, or acquired
160 pursuant to a valid prescription; or

161 (6) Dispenses or offers drug products that are not
162 excluded from Schedule V in subsection 17 or 18 of section
163 195.017 and that contain detectable amounts of ephedrine,
164 phenylpropanolamine, or pseudoephedrine, or any of their
165 salts, optical isomers, or salts of optical isomers, without
166 ensuring that such products are located behind a pharmacy
167 counter where the public is not permitted and that such
168 products are dispensed by a registered pharmacist or
169 pharmacy technician under subsection 11 of section 195.017;
170 or

171 (7) Holds a retail sales license issued under chapter
172 144 and knowingly sells or dispenses packages that do not
173 conform to the packaging requirements of section 195.418.

174 2. A pharmacist, intern pharmacist, or registered
175 pharmacy technician commits the offense of unlawful sale,
176 distribution, or purchase of over-the-counter
177 methamphetamine precursor drugs if he or she knowingly:

178 (1) Sells, distributes, dispenses, or otherwise
179 provides any number of packages of any drug product
180 containing detectable amounts of ephedrine,
181 phenylpropanolamine, or pseudoephedrine, or any of their
182 salts or optical isomers, or salts of optical isomers, in a
183 total amount greater than three and six-tenth grams to the
184 same individual within a twenty-four hour period, unless the
185 amount is dispensed, sold, or distributed pursuant to a
186 valid prescription; or

187 (2) Fails to submit information under subsection 13 of
188 section 195.017 and subsection 6 of section 195.417 about

189 the sales of any compound, mixture, or preparation of
190 products containing detectable amounts of ephedrine,
191 phenylpropanolamine, or pseudoephedrine, or any of their
192 salts, optical isomers, or salts of optical isomers, in
193 accordance with transmission methods and frequency
194 established by the department of health and senior services;
195 or

196 (3) Fails to implement and maintain an electronic log,
197 as required by subsection 12 of section 195.017, of each
198 transaction involving any detectable quantity of
199 pseudoephedrine, its salts, isomers, or salts of optical
200 isomers or ephedrine, its salts, optical isomers, or salts
201 of optical isomers; or

202 (4) Sells, distributes, dispenses or otherwise
203 provides to an individual under eighteen years of age
204 without a valid prescription any number of packages of any
205 drug product containing any detectable quantity of
206 pseudoephedrine, its salts, isomers, or salts of optical
207 isomers, or ephedrine, its salts or optical isomers, or
208 salts of optical isomers.

209 3. Any person who violates the packaging requirements
210 of section 195.418 and is considered the general owner or
211 operator of the outlet where ephedrine, pseudoephedrine, or
212 phenylpropanolamine products are available for sale shall
213 not be penalized if he or she documents that an employee
214 training program was in place to provide the employee who
215 made the unlawful retail sale with information on the state
216 and federal regulations regarding ephedrine,
217 pseudoephedrine, or phenylpropanolamine.

218 4. The offense of unlawful sale, distribution, or
219 purchase of over-the-counter methamphetamine precursor drugs
220 is a class A misdemeanor."; and

221 Further amend the title and enacting clause accordingly.