

# SENATE BILL NO. 1485

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN (16).

5966S.011

KRISTINA MARTIN, Secretary

## AN ACT

To repeal sections 195.417 and 579.060, RSMo, and to enact in lieu thereof two new sections relating to limits on selling or purchasing certain drugs, with penalty provisions.

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

Section A. Sections 195.417 and 579.060, RSMo, are  
2 repealed and two new sections enacted in lieu thereof, to be  
3 known as sections 195.417 and 579.060, to read as follows:

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

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

13 (1) The sole active ingredient; or

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

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

**EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

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

20 3. Within any twenty-four-hour period, no pharmacist,  
21 intern pharmacist, or registered pharmacy technician shall  
22 sell, dispense, or otherwise provide to the same individual,  
23 and no person shall purchase, receive, or otherwise acquire  
24 more than the following amount: any number of packages of  
25 any drug product containing any detectable amount of  
26 ephedrine, phenylpropanolamine, or pseudoephedrine, or any  
27 of their salts or optical isomers, or salts of optical  
28 isomers, either as:

29 (1) The sole active ingredient; or

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

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

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

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

44 (1) The sole active ingredient; or

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

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

49 in any total amount greater than forty-three and two-tenths  
50 grams, without regard to the number of transactions.

51 5. All packages of any compound, mixture, or  
52 preparation containing any detectable quantity of ephedrine,  
53 phenylpropanolamine, or pseudoephedrine, or any of their  
54 salts or optical isomers, or salts of optical isomers,  
55 except those that are excluded from Schedule V in subsection  
56 17 or 18 of section 195.017, shall be offered for sale only  
57 from behind a pharmacy counter where the public is not  
58 permitted, and only by a registered pharmacist or registered  
59 pharmacy technician under section 195.017.

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

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

78 8. This section shall supersede and preempt any local  
79 ordinances or regulations, including any ordinances or  
80 regulations enacted by any political subdivision of the

81 state. This section shall not apply to the sale of any  
82 animal feed products containing ephedrine or any naturally  
83 occurring or herbal ephedra or extract of ephedra.

84 9. Any local ordinances or regulations enacted by any  
85 political subdivision of the state prior to August 28, 2020,  
86 requiring a prescription for the dispensation, sale, or  
87 distribution of any drug product containing any detectable  
88 amount of ephedrine, phenylpropanolamine, or  
89 pseudoephedrine, or any of their salts or optical isomers,  
90 or salts of optical isomers, in an amount within the limits  
91 described in subsections 2, 3, and 4 of this section shall  
92 be void and of no effect and no such political subdivision  
93 shall maintain or enforce such ordinance or regulation.

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

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

106 12. The penalty for a knowing or reckless violation of  
107 this section is found in section 579.060.

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

4 (1) Sells, distributes, dispenses, or otherwise  
5 provides any number of packages of any drug product

6 containing detectable amounts of ephedrine,  
7 phenylpropanolamine, or pseudoephedrine, or any of their  
8 salts, optical isomers, or salts of optical isomers, in a  
9 total amount greater than [seven and two-tenths] **nine** grams  
10 to the same individual within a thirty-day period, unless  
11 the amount is dispensed, sold, or distributed pursuant to a  
12 valid prescription; or

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

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

31 (4) Sells, distributes, dispenses, or otherwise  
32 provides any number of packages of any drug product  
33 containing detectable amounts of ephedrine,  
34 phenylpropanolamine, or pseudoephedrine, or any of their  
35 salts, optical isomers, or salts of optical isomers, in a  
36 total amount greater than forty-three and two-tenths grams  
37 to the same individual within a twelve-month period, unless

38 the amount is dispensed, sold, or distributed pursuant to a  
39 valid prescription; or

40 (5) Purchases, receives, or otherwise acquires within  
41 a twelve-month period any number of packages of any drug  
42 product containing any detectable amount of ephedrine,  
43 phenylpropanolamine, or pseudoephedrine, or any of their  
44 salts or optical isomers, or salts of optical isomers in a  
45 total amount greater than forty-three and two-tenths grams,  
46 without regard to the number of transactions, unless the  
47 amount is purchased, received, or acquired pursuant to a  
48 valid prescription; or

49 (6) Dispenses or offers drug products that are not  
50 excluded from Schedule V in subsection 17 or 18 of section  
51 195.017 and that contain detectable amounts of ephedrine,  
52 phenylpropanolamine, or pseudoephedrine, or any of their  
53 salts, optical isomers, or salts of optical isomers, without  
54 ensuring that such products are located behind a pharmacy  
55 counter where the public is not permitted and that such  
56 products are dispensed by a registered pharmacist or  
57 pharmacy technician under subsection 11 of section 195.017;  
58 or

59 (7) Holds a retail sales license issued under chapter  
60 144 and knowingly sells or dispenses packages that do not  
61 conform to the packaging requirements of section 195.418.

62 2. A pharmacist, intern pharmacist, or registered  
63 pharmacy technician commits the offense of unlawful sale,  
64 distribution, or purchase of over-the-counter  
65 methamphetamine precursor drugs if he or she knowingly:

66 (1) Sells, distributes, dispenses, or otherwise  
67 provides any number of packages of any drug product  
68 containing detectable amounts of ephedrine,  
69 phenylpropanolamine, or pseudoephedrine, or any of their

70 salts or optical isomers, or salts of optical isomers, in a  
71 total amount greater than three and six-tenth grams to the  
72 same individual within a twenty-four hour period, unless the  
73 amount is dispensed, sold, or distributed pursuant to a  
74 valid prescription; or

75 (2) Fails to submit information under subsection 13 of  
76 section 195.017 and subsection 6 of section 195.417 about  
77 the sales of any compound, mixture, or preparation of  
78 products containing detectable amounts of ephedrine,  
79 phenylpropanolamine, or pseudoephedrine, or any of their  
80 salts, optical isomers, or salts of optical isomers, in  
81 accordance with transmission methods and frequency  
82 established by the department of health and senior services;  
83 or

84 (3) Fails to implement and maintain an electronic log,  
85 as required by subsection 12 of section 195.017, of each  
86 transaction involving any detectable quantity of  
87 pseudoephedrine, its salts, isomers, or salts of optical  
88 isomers or ephedrine, its salts, optical isomers, or salts  
89 of optical isomers; or

90 (4) Sells, distributes, dispenses or otherwise  
91 provides to an individual under eighteen years of age  
92 without a valid prescription any number of packages of any  
93 drug product containing any detectable quantity of  
94 pseudoephedrine, its salts, isomers, or salts of optical  
95 isomers, or ephedrine, its salts or optical isomers, or  
96 salts of optical isomers.

97 3. Any person who violates the packaging requirements  
98 of section 195.418 and is considered the general owner or  
99 operator of the outlet where ephedrine, pseudoephedrine, or  
100 phenylpropanolamine products are available for sale shall  
101 not be penalized if he or she documents that an employee

102 training program was in place to provide the employee who  
103 made the unlawful retail sale with information on the state  
104 and federal regulations regarding ephedrine,  
105 pseudoephedrine, or phenylpropanolamine.

106 4. The offense of unlawful sale, distribution, or  
107 purchase of over-the-counter methamphetamine precursor drugs  
108 is a class A misdemeanor.

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