

HCS HB 1328 -- CONTROLLED SUBSTANCES

SPONSOR: Cox

COMMITTEE ACTION: Voted "do pass" by the Committee on Judiciary by a vote of 9 to 2.

This substitute changes the laws regarding the sale and possession of controlled substances. In its main provisions, the substitute:

(1) Lowers the amount from 24 to 15 grams of any methamphetamine precursor drug or combination of methamphetamine precursor drugs in which possession of is a class D felony;

(2) Lowers, from 9 to 7.5 grams, the amount of any drug product containing ephedrine, phenylpropanolamine, or pseudoephedrine that can be sold to the same person within a 30-day period without regard to the number of transactions;

(3) Prohibits a pharmacist, intern pharmacist, or registered pharmacy technician from selling, dispersing, or otherwise providing and a person from purchasing, receiving, or otherwise acquiring any number of packages of any drug product containing ephedrine, phenylpropanolamine, or pseudoephedrine in any total amount greater than 60 grams within any 12-month period without regard to the number of transactions;

(4) Specifies that the monthly and annual purchase limits contained in these provisions will include any quantities of the products that are purchased in other states, where the other state is utilizing the same electronic tracking system utilized in Missouri;

(5) Specifies that each licensed pharmacy and pharmacist has the discretion to, in good faith, refuse to sell, dispense, or otherwise provide any individual with any methamphetamine precursor drug and will not be subject to criminal or civil liability in choosing to do so;

(6) Requires any person who has been found guilty or pled guilty or nolo contendere to any felony drug crime to obtain a prescription to purchase, receive, or otherwise acquire any drug or drug product containing any amount of ephedrine, phenylpropanolamine, or pseudoephedrine; and

(7) Requires the Department of Public Safety to implement a method of coordination between the Missouri Uniform Law Enforcement System within the State Highway Patrol and any electronic tracking system which tracks purchases of controlled

substances.

FISCAL NOTE: Estimated Net Cost on General Revenue Fund of \$270,000 in FY 2013, \$20,700 in FY 2014, and \$20,700 in FY 2015. No impact on Other State Funds in FY 2013, FY 2014, and FY 2015.

PROPONENTS: Supporters say that the bill lowers the presumptive possession from 24 to 15 grams. The tracking system incorporates systems used in other states and includes purchases made in other states. The bill protects a pharmacist from facing civil liability if he or she chooses not to sell a substance. The bill balances the needs of legitimate cold sufferers and those of law enforcement, as pseudoephedrine is used commonly for cold and allergy needs. It is a responsible alternative to requiring prescriptions for law-abiding citizens.

Testifying for the bill were Representative Cox; Consumer Healthcare Products Association; and Reagan Nelson, Asthma and Allergy Foundation of America.

OPPONENTS: There was no opposition voiced to the committee.