

SECOND REGULAR SESSION

# HOUSE BILL NO. 2191

## 99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE QUADE.

5582H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 579.060, RSMo, and to enact in lieu thereof one new section relating to controlled substances, with penalty provisions.

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

Section A. Section 579.060, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 579.060, to read as follows:

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

(1) Sells, distributes, dispenses, or otherwise provides any number of packages of any drug product containing detectable amounts of ephedrine, **levomethamphetamine**, phenylpropanolamine, **propylhexedrine**, or pseudoephedrine, or any of their salts, optical isomers, or salts of optical isomers, in a total amount greater than nine grams to the same individual within a thirty-day period, unless the amount is dispensed, sold, or distributed pursuant to a valid prescription; or

(2) Purchases, receives, or otherwise acquires within a thirty-day period any number of packages of any drug product containing any detectable amount of ephedrine, **levomethamphetamine**, phenylpropanolamine, **propylhexedrine**, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers in a total amount greater than nine grams, without regard to the number of transactions, unless the amount is purchased, received, or acquired pursuant to a valid prescription; or

(3) Purchases, receives, or otherwise acquires within a twenty-four-hour period any number of packages of any drug product containing any detectable amount of ephedrine, **levomethamphetamine**, phenylpropanolamine, **propylhexedrine**, or pseudoephedrine, or any

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 of their salts or optical isomers, or salts of optical isomers in a total amount greater than three  
19 and six-tenths grams, without regard to the number of transactions, unless the amount is  
20 purchased, received, or acquired pursuant to a valid prescription; or

21 (4) Dispenses or offers drug products that are not excluded from Schedule V in  
22 subsection 17 or 18 of section 195.017 and that contain detectable amounts of ephedrine,  
23 **levomethamphetamine**, phenylpropanolamine, **propylhexedrine**, or pseudoephedrine, or any  
24 of their salts, optical isomers, or salts of optical isomers, without ensuring that such products are  
25 located behind a pharmacy counter where the public is not permitted and that such products are  
26 dispensed by a registered pharmacist or pharmacy technician under subsection 11 of section  
27 195.017; or

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

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

33 (1) Sells, distributes, dispenses, or otherwise provides any number of packages of any  
34 drug product containing detectable amounts of ephedrine, **levomethamphetamine**,  
35 phenylpropanolamine, **propylhexedrine**, or pseudoephedrine, or any of their salts or optical  
36 isomers, or salts of optical isomers, in a total amount greater than three and six-tenth grams to  
37 the same individual within a twenty-four hour period, unless the amount is dispensed, sold, or  
38 distributed pursuant to a valid prescription; or

39 (2) Fails to submit information under subsection 13 of section 195.017 and subsection  
40 5 of section 195.417 about the sales of any compound, mixture, or preparation of products  
41 containing detectable amounts of ephedrine, **levomethamphetamine**, phenylpropanolamine,  
42 **propylhexedrine**, or pseudoephedrine, or any of their salts, optical isomers, or salts of optical  
43 isomers, in accordance with transmission methods and frequency established by the department  
44 of health and senior services; or

45 (3) Fails to implement and maintain an electronic log, as required by subsection 12 of  
46 section 195.017, of each transaction involving any detectable quantity of pseudoephedrine, its  
47 salts, isomers, or salts of optical isomers or ephedrine, its salts, optical isomers, or salts of optical  
48 isomers; or

49 (4) Sells, distributes, dispenses or otherwise provides to an individual under eighteen  
50 years of age without a valid prescription any number of packages of any drug product containing  
51 any detectable quantity of pseudoephedrine, its salts, isomers, or salts of optical isomers, or  
52 ephedrine, its salts or optical isomers, or salts of optical isomers.

53           3. Any person who violates the packaging requirements of section 195.418 and is  
54 considered the general owner or operator of the outlet where ephedrine, **levomethamphetamine**,  
55 **propylhexedrine**, pseudoephedrine, or phenylpropanolamine products are available for sale shall  
56 not be penalized if he or she documents that an employee training program was in place to  
57 provide the employee who made the unlawful retail sale with information on the state and federal  
58 regulations regarding ephedrine, **levomethamphetamine**, **propylhexedrine**, pseudoephedrine,  
59 or phenylpropanolamine.

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

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