

AMENDMENT PROPOSED TO

HB 1007 *Am #5*

*COMMITTED SUBSTITUTE*

HOUSE BILL NO. ~~607~~ 1007

BY: Representative Blackmon

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

11        SECTION 1. (1) For the purposes of this section the  
12 following words and phrases shall have the meanings attributed to  
13 them unless the context clearly requires otherwise:

14            (a) "Pseudoephedrine" means pseudoephedrine, its salts  
15 or optical isomers, or salts of optical isomers.

16            (b) "Ephedrine" means ephedrine, its salts or optical  
17 isomers, or salts of optical isomers.

18            (c) "Tablet" means a solid dosage form of varying  
19 weight, size and shape that may be molded or compressed and that  
20 contains a medicinal substance in pure or diluted form; the term  
21 also includes "caplet" but does not include "capsule."

22            (d) "Capsule" means a dosage form in which a medicinal  
23 substance is enclosed by either a hard or soft soluble outer  
24 shell.

25        (2) (a) A retail establishment or individual shall not  
26 transfer, sell, deliver, distribute, dispense or provide to a  
27 consumer in a single retail sales transaction:

28            (i) More than two (2) packages of any  
29 compound, mixture or preparation containing pseudoephedrine or  
30 ephedrine; or



31 (ii) More than six (6) grams of  
32 pseudoephedrine or ephedrine.

33 (b) No person shall purchase, receive, or otherwise  
34 acquire in a single retail transaction:

35 (i) More than two (2) packages of any  
36 compound, mixture or preparation containing pseudoephedrine or  
37 ephedrine; or

38 (ii) More than six (6) grams of  
39 pseudoephedrine or ephedrine.

40 (c) No person shall purchase, receive, or otherwise  
41 acquire more than nine (9) grams of any compound, mixture or  
42 preparation containing pseudoephedrine or ephedrine within any  
43 thirty-day period; this quantity limitation shall not apply to any  
44 quantity of compound, mixture or preparation containing  
45 pseudoephedrine or ephedrine dispensed pursuant to a valid  
46 prescription.

47 (d) (i) All packages of tablets containing  
48 pseudoephedrine or ephedrine as the sole active ingredient shall  
49 be stored by retail establishments by:

50 1. Placing the products behind a counter  
51 where the public is not permitted; or

52 2. Placing the products in a locked display  
53 case so that a customer wanting access to the packages must ask a  
54 store employee for assistance.

55 (ii) All packages of tablets containing  
56 pseudoephedrine or ephedrine and other active ingredients shall be  
57 stored by retail establishments by:

58 1. Placing the products behind a counter;

59 2. Placing the products within thirty (30)  
60 feet of the establishment's cashiers;



61                   3. Placing the products in a locked display  
62 case so that a customer wanting access to the packages must ask a  
63 store employee for assistance; or

64                   4. Placing the products under video  
65 surveillance.

66                   (e) Every wholesaler of pseudoephedrine or ephedrine  
67 products shall provide the Bureau of Narcotics with copies of all  
68 sales receipts of such products upon request of the bureau.  
69 Wholesalers shall be required to maintain this information for a  
70 period of not less than one (1) year.

71                   (3) The retail sale of any compound, mixture or preparation  
72 containing pseudoephedrine or ephedrine is limited to sales in  
73 packages containing not more than a total of three (3) grams of  
74 pseudoephedrine or ephedrine.

75                   (4) No retailer may sell to any person any product or  
76 products containing pseudoephedrine or ephedrine unless the  
77 retailer requires the purchaser to display photo identification in  
78 order to complete the purchase.

79                   (5) (a) Except as provided in paragraphs (b) and (c) of  
80 this subsection, any violation of this section is a misdemeanor  
81 subject to a fine of not more than Two Hundred Fifty Dollars  
82 (\$250.00).

83                   (b) Any person who shall transfer, sell, deliver,  
84 distribute, dispense, provide, or purchase, receive, or otherwise  
85 acquire two hundred fifty (250) or more dosage units or fifteen  
86 (15) grams or more in weight (dosage unit and weight as defined in  
87 Section 41-29-139) of pseudoephedrine or ephedrine in a single  
88 retail transaction, knowing, or under circumstances where one  
89 reasonably should know, that the pseudoephedrine or ephedrine will  
90 be used to unlawfully manufacture a controlled substance shall be  
91 guilty of a felony and, upon conviction, shall be punished by a



92 fine of not more than Five Thousand Dollars (\$5,000.00) or  
93 imprisonment for not more than five (5) years, or both.

94 (c) A retailer who is the general owner or operator of  
95 an establishment that sells pseudoephedrine or ephedrine products  
96 shall not be penalized pursuant to this section if the retailer  
97 documents that an employee training program was conducted to train  
98 employees on compliance with this section.

99 SECTION 2. (1) The Bureau of Narcotics may develop and  
100 maintain a program to inform retailers about the methamphetamine  
101 problem in the state and devise procedures and forms for retailers  
102 to use in reporting to the Bureau of Narcotics suspicious  
103 purchases, thefts or other transactions involving any products  
104 under the retailer's control which contain a regulated precursor  
105 under the provisions of this act including, but not limited to,  
106 over-the-counter, nonprescription pseudoephedrine products.

107 (2) Reporting by retailers as required by this section shall  
108 be voluntary.

109 (3) Retailers reporting information to the Bureau of  
110 Narcotics in good faith pursuant to this section shall be immune  
111 from civil and criminal liability for a violation of this act.

112 ~~SECTION 3. Section 41-29-313, Mississippi Code of 1972, is~~  
113 amended as follows:

114 41-29-313. (1) (a) Except as authorized in this section  
115 and in Section 1 of House Bill 607, 2005 Regular Session, it is  
116 unlawful for any person to knowingly or intentionally:

117 (i) Purchase, possess, transfer or distribute any  
118 two (2) or more of the listed precursor chemicals or drugs in any  
119 amount with the intent to unlawfully manufacture a controlled  
120 substance;

121 (ii) Purchase, possess, transfer or distribute any  
122 two (2) or more of the listed precursor chemicals or drugs in any  
123 amount, knowing, or under circumstances where one reasonably



218 complex may be subject to a term of imprisonment or a fine, or  
219 both, of twice that provided in this section. For the purposes of  
220 this subsection (7), the following terms shall have the meanings  
221 ascribed to them:

222 (a) "Hotel" means a hotel, inn, motel, tourist court,  
223 apartment house, rooming house, or any other place where sleeping  
224 accommodations are furnished or offered for pay if four (4) or  
225 more rooms are available for transient guests.

226 (b) "Apartment building" means any building, including,  
227 without limitation, a condominium building, having four (4) or  
228 more dwelling units.

229 SECTION 4.3 This act shall take effect and be in force from  
230 and after July 1, 2005.

Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:

1 AN ACT TO PLACE RESTRICTIONS ON THE PURCHASE AND SALE OF  
2 CERTAIN METHAMPHETAMINE PRECURSORS; TO PROVIDE CRIMINAL PENALTIES;  
3 TO AUTHORIZE THE BUREAU OF NARCOTICS TO CREATE A PROGRAM RELATED  
4 TO THE METHAMPHETAMINE PROBLEM TO ASSIST RETAILERS IN REPORTING  
5 SUSPICIOUS ACTIVITIES; TO AMEND SECTION 41-29-313, MISSISSIPPI  
6 CODE OF 1972, TO CREATE A REBUTTABLE PRESUMPTION OF INTENT TO  
7 MANUFACTURE FOR A PERSON IN POSSESSION OF CERTAIN QUANTITIES OF  
8 EPHEDRINE OR PSEUDOEPHEDRINE AND TO LIMIT APPLICABILITY OF THE  
9 PRESUMPTION; AND FOR RELATED PURPOSES.

*cr/jr*

