

By: Representative Franks

To: Judiciary A

HOUSE BILL NO. 1536

1 AN ACT TO AMEND SECTION 41-29-121, MISSISSIPPI CODE OF 1972,  
2 TO PLACE THE DRUG PSEUDOEPHEDRINE ON SCHEDULE V, TO RESTRICT THE  
3 SELLERS PERMITTED TO SELL, THE QUANTITY A PERSON MAY PURCHASE  
4 WITHIN A 30-DAY PERIOD, AND TO REQUIRE PURCHASERS TO SIGN A  
5 PURCHASE LOG; AND FOR RELATED PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 **SECTION 1.** Section 41-29-121, Mississippi Code of 1972, is  
8 amended as follows:

9 41-29-121. (A) The controlled substances listed in this  
10 section are included in Schedule V:

11 **SCHEDULE V**

12 (a) Any compound, mixture or preparation containing  
13 limited quantities of any of the following narcotic drugs, which  
14 also contains one or more nonnarcotic active medicinal ingredients  
15 in sufficient proportion to confer upon the compound, mixture or  
16 preparation, valuable, medicinal qualities other than those  
17 possessed by the narcotic drug alone:

18 (1) Not more than two hundred (200) milligrams of  
19 codeine, or any of its salts, per one hundred (100) milliliters or  
20 per one hundred (100) grams;

21 (2) Not more than one hundred (100) milligrams of  
22 dihydrocodeine, or any of its salts, per one hundred (100)  
23 milliliters or per one hundred (100) grams;

24 (3) Not more than one hundred (100) milligrams of  
25 ethylmorphine, or any of its salts, per one hundred (100)  
26 milliliters or per one hundred (100) grams;

27 (4) Not more than two and five-tenths (2.5)  
28 milligrams of diphenoxylate and not less than twenty-five (25)  
29 micrograms of atropine sulphate per dosage unit;

30 (5) Not more than one hundred (100) milligrams of  
31 opium per one hundred (100) milliliters or per one hundred (100)  
32 grams;

33 (6) Not more than five-tenths (0.5) milligram of  
34 difenoxin and not less than twenty-five (25) micrograms of  
35 atropine sulfate per dosage unit.

36 (7) (i) Any compound, mixture, or preparation  
37 containing any detectable quantity of pseudoephedrine, its salts  
38 or optical isomers, or salts of optical isomers.

39 (ii) If any compound, mixture, or preparation  
40 as specified in this subparagraph (7) is dispensed, sold, or  
41 distributed in a pharmacy or in any retail outlet containing a  
42 pharmacy, it shall be dispensed, sold, or distributed only by, or  
43 under the supervision of, a licensed pharmacist or a registered  
44 pharmacy technician, and any person purchasing, receiving, or  
45 otherwise acquiring any compound, mixture, or preparation shall  
46 produce a photo identification showing the date of birth of the  
47 person and shall sign a written log, receipt, or other program or  
48 mechanism approved by the Bureau of Narcotics showing the date of  
49 the transaction, name of the person, and the amount of the  
50 compound, mixture, or preparation purchased.

51 (iii) No person shall purchase, receive, or  
52 otherwise acquire more than nine (9) grams of any product,  
53 mixture, or preparation specified under this subparagraph (7)  
54 within any thirty-day period; this quantity limitation shall not  
55 apply to any quantity of product, mixture, or preparation  
56 dispensed pursuant to a valid prescription.

57 (iv) The limitation imposed by this  
58 subparagraph (7) shall not apply to any compounds, mixtures, or

59 preparations which are in liquid, liquid capsule, or gel capsule  
60 form if pseudoephedrine is not the only active ingredient.

61 (v) The Director of the Bureau of Narcotics,  
62 by rule, may exempt other products from Schedule V which the  
63 director finds are not used in the illegal manufacture of  
64 methamphetamine or other controlled dangerous substances. A  
65 manufacturer of a drug product may apply for removal of the  
66 product from Schedule V if the product is determined by the  
67 director to have been formulated in such a way as to effectively  
68 prevent the conversion of the active ingredient into  
69 methamphetamine.

70 (b) Unless specifically excepted or unless listed in  
71 another schedule, any material, compound, mixture, or preparation  
72 containing any of the following narcotic drugs and their salts, as  
73 set forth below:

74 Buprenorphine.

75 (c) Unless specifically excepted or listed in another  
76 schedule, any material, compound, mixture or preparation which  
77 contains any quantity of the following substances, including their  
78 salts, isomers and salts of isomers:

79 Pyrovalerone.

80 (B) Except as otherwise specifically provided in this  
81 section, any material, compound, mixture, or preparation which  
82 contains any quantity of a Schedule V controlled substance and is  
83 listed as an exempt substance in 21 C.F.R., Section 1308.22,  
84 1308.24, 1308.26, 1308.32 or 1308.34, shall be exempted from the  
85 provisions of the Uniform Controlled Substances Law.

86 **SECTION 2.** This act shall take effect and be in force from  
87 and after July 1, 2005.