Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO

Senate Bill No. 2417

BY: Committee

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

SECTION 1. Section 41-29-117, Mississippi Code of 1972, is amended as follows:

41-29-117. (A) The controlled substances listed in this section are included in Schedule III.

SCHEDULE III

(a) Any material, compound, mixture, or preparation which contains any quantity of the following substances or their salts, isomers, or salts of isomers, of the following substances:

(1) Benzphetamine;

(2) Chlorphentermine;

(3) Clortermine;

(4) Phendimetrazine.

(b) Unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances:

(1) Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid, except those substances which are specifically listed in other schedules.

(2) Unless specifically excepted or unless listed in another schedule, any compound, mixture or preparation containing any of the following substances or any salt of the substances specifically included in this subsection (2) and one or more other active medicinal ingredients which are not listed in any other schedule:

(i) Amobarbital;

(ii) Secobarbital;

(iii) Pentobarbital.

(3) Any suppository dosage form containing any of the following substances or any salt of any of the substances specifically included in this subsection (3) approved by the Food and Drug Administration for marketing only as a suppository:

(i) Amobarbital;

(ii) Secobarbital;

(iii) Pentobarbital.

(4) Chlorhexadol;

(5) Any drug product containing gamma-hydroxybutyric acid, including its salts, isomers and salts of isomers, for which an application is approved under Section 505 of the Federal Food, Drug and Cosmetic Act;

(6) Lysergic acid;

(7) Lysergic acid amide;

(8) Methyprylon;

(9) Sulfondiethylmethane;

(10) Sulfonethylmethane;

(11) Sulfonmethane;

(12) Tiletamine and zolazepam or any salt thereof; other names for the tiletamine and zolazepam combination product include: telazol; other names for tiletamine include: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone; other names for zolazepam include: 4-(2-fluorophenyl)-6, 8-dihydro 1, 3,

8-trimethylpyrazolo - (3,4-e) (1,4)-diazepin-7 (1H)-one; flupyrazapon.

(c) Nalorphine.

(d) Ketamine.

(e) Any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof:

(1) Not more than one and eight-tenths (1.8) grams of codeine, or any of its salts, per one hundred (100) milliliters or not more than ninety (90) milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

(2) Not more than one and eight-tenths (1.8) grams of codeine, or any of its salts, per one hundred (100) milliliters or not more than ninety (90) milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(3) Not more than three hundred (300) milligrams of dihydrocodeinone (also known as hydrocodone), or any of its salts, per one hundred (100) milliliters or not more than fifteen (15) milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;

(4) Not more than three hundred (300) milligrams of dihydrocodeinone, or any of its salts, per one hundred (100) milliliters or not more than fifteen (15) milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts;

(5) Not more than one and eight-tenths (1.8) grams of dihydrocodeine, or any of its salts, per one hundred (100) milliliters or not more than ninety (90) milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(6) Not more than three hundred (300) milligrams of ethylmorphine, or any of its salts, per one hundred (100) milliliters or not more than fifteen (15) milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(7) Not more than five hundred (500) milligrams of opium per one hundred (100) milliliters or per one hundred (100) grams, or not more than twenty-five (25) milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(8) Not more than fifty (50) milligrams of morphine, or any of its salts, per one hundred (100) milliliters or per one hundred (100) grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(f) Any material, compound, mixture or preparation containing any quantity of any of the following anabolic steroids, which means any drug or hormonal substance chemically and pharmacologically related to testosterone (other than estrogens, progestins and corticosteroids) that promotes muscle growth, unless listed in another schedule or excepted:

(1) Boldenone (dehydrotestosterone);

(2) Chlorotestosterone (clostebol, 4-chlorotestosterone, 4-chlortestosterone);

(3) Dehydrochlormethyltestosterone;

(4) Dihydrotestosterone (stanolone, 4-dihydrotestosterone);

(5) Drostanolone;

(6) Ethylestrenol;

(7) Fluoxymesterone;

(8) Formebulone (formebolone);

(9) Mesterolone;

(10) Methandienone (methandrostenolone);

(11) Methandriol;

(12) Methenolone;

(13) Methyltestosterone;

(14) Mibolerone;

(15) Nandrolone;

(16) Norethandrolone;

(17) Oxandrolone;

(18) Oxymesterone;

(19) Oxymetholone;

(20) Stanozolol;

(21) Testolactone;

(22) Testosterone;

(23) Trenbolone;

(24) Any salt, ester, or isomer of a drug or substance described or listed in this paragraph, if that salt, ester, or isomer promotes muscle growth;

(g) Any material, compound, mixture or preparation which contains any quantity of buprenorphine or its salts.

(h) Any material compound, mixture or preparation which contains any quantity of pentazocine or its salts in oral dosage form;

(i) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States Food and Drug Administration approved drug product.

(B) Any material, compound, mixture or preparation which contains any quantity of a Schedule III controlled substance and is listed as an exempt substance in 21 C.F.R., Section 1308.22, 1308.24, 1308.26, 1308.32 or 1308.34, shall be exempted from the provisions of the Uniform Controlled Substances Law.

SECTION 2. Section 41-29-119, Mississippi Code of 1972, is amended as follows:

41-29-119. (A) The controlled substances listed in this section are included in Schedule IV.

SCHEDULE IV

(a) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains limited quantities of the following narcotic drugs, or any salts thereof:

(1) Not more than one (1) milligram of difenoxin and not less than twenty-five (25) micrograms of atropine sulfate per dosage unit;

(2) Dextropropoxyphene, including its salts (Darvon, Darvon-N; also found in Darvon compound and Darvocet-N, etc.).

(b) Any material, compound, mixture or preparation which contains any quantity of the following substances:

(1) Alprazolam;

(2) Barbital;

(3) Bromazepam;

(4) Butorphanol;

(5) Camazepam;

(6) Chloral betaine;

(7) Chloral hydrate;

(8) Chlordiazepoxide and its salts, but does not include chlordiazepoxide hydrochloride and clidinium bromide or chlordiazepoxide and esterified estrogens;

(9) Clobazam;

(10) Clonazepam;

(11) Clorazepate;

(12) Clotiazepam;

(13) Cloxazolam;

(14) Delorazepam;

(15) Diazepam;

(16) Dichloralphenazone;

(17) Estazolam;

(18) Ethchlorvynol;

(19) Ethinamate;

(20) Ethyl loflazepate;

(21) Fludiazepam;

(22) Flunitrazepam;

(23) Flurazepam;

(24) Halazepam;

(25) Haloxazolam;

(26) Ketazolam;

(27) Loprazolam;

(28) Lorazepam;

(29) Lormetazepam;

(30) Mazindol;

(31) Mebutamate;

(32) Medazepam;

(33) Meprobamate;

(34) Methohexital;

(35) Methylphenobarbital;

(36) Midazolam;

(37) Nimetazepam;

(38) Nitrazepam;

(39) Nordiazepam;

(40) Oxazepam;

(41) Oxazolam;

(42) Paraldehyde;

(43) Petrichloral;

(44) Phenobarbital;

(45) Pinazepam;

(46) Prazepam;

(47) Quazepam;

(48) Temazepam;

(49) Tetrazepam;

(50) Triazolam;

(51) Zaleplon;

(52) Zolpidem.

(c) Fenfluramine.

(d) Any material, compound, mixture or preparation which contains any quantity of the following substances:

(1) Diethylpropion;

(2) Phentermine;

(3) Pemoline (including any organometallic complexes or chelates thereof);

(4) Pipradrol;

(5) Sibutramine;

(6) SPA ((-)-1-dimethylamino-1, 2-diphenylethane).

(e) Any material, compound, mixture or preparation which contains any quantity of the following substances:

(1) Cathine ((+/-) Norpseudoephedrine);

(2) Fencamfamin;

(3) Fenproporex;

(4) Mefenorex;

(5) Modafinil.

(B) Any material, compound, mixture or preparation which contains any quantity of a Schedule IV controlled substance and is listed as an exempt substance in 21 C.F.R., Section 1308.22, 1308.24, 1308.26, 1308.32 or 1308.34, shall be exempted from the provisions of the Uniform Controlled Substances Law.

SECTION 3. Section 41-29-121, Mississippi Code of 1972, is amended as follows:

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

SCHEDULE V

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

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

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

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

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

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

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

* * *

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

Pyrovalerone.

(B) Any material, compound, mixture or preparation which contains any quantity of a Schedule V controlled substance and is

listed as an exempt substance in 21 C.F.R., Section 1308.22, 1308.24, 1308.26, 1308.32 or 1308.34, shall be exempted from the provisions of the Uniform Controlled Substances Law.

SECTION 4. (1) Except as provided in subsection (2) of this section, any compound, mixture or preparation containing any detectable quantity of pseudoephedrine, its salts or optical isomers ("pseudoephedrine product") shall only be dispensed, sold or distributed in a pharmacy, and shall be subject to the following requirements:

(a) A pseudoephedrine product shall be dispensed, sold or distributed only by a licensed pharmacist or registered pharmacy technician.

(b) A person purchasing, receiving or otherwise acquiring a pseudoephedrine product shall produce a photo identification showing the date of birth of the person and shall sign a written log or receipt showing the date of the transaction, the name of the person and the amount of the pseudoephedrine product.

(c) No person shall purchase, receive or otherwise acquire more than nine (9) grams of a pseudoephedrine product within any thirty-day period. However, this limit shall not apply to any quantity of a pseudoephedrine product that is dispensed under a valid prescription.

(2) Subsection (1) of this section does not apply to any compound, mixture or preparation containing pseudoephedrine that is in liquid, liquid capsule or gel capsule form if pseudoephedrine is not the only active ingredient.

(3) A person who violates any provision of this section is guilty of a felony and, upon conviction, shall be punished by a fine of not more than Five Thousand Dollars ($5,000.00), or by imprisonment in the State Penitentiary for not more than three (3) years, or by both a fine and imprisonment.

(4) This section shall stand repealed on July 1, 2006.

SECTION 5. This act shall take effect and be in force from and after July 1, 2005.

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

AN ACT TO AMEND SECTIONS 41-29-117, 41-29-119 AND 41-29-121, MISSISSIPPI CODE OF 1972, TO REVISE THE SCHEDULE OF CONTROLLED SUBSTANCES TO CONFORM WITH FEDERAL LAW; TO PROVIDE THAT PRODUCTS CONTAINING PSEUDOEPHEDRINE SHALL ONLY BE SOLD IN A PHARMACY, SHALL BE DISPENSED ONLY BY A LICENSED PHARMACIST OR REGISTERED PHARMACY TECHNICIAN, AND MAY BE PROVIDED TO THE PURCHASER ONLY AFTER THE PURCHASER HAS PRODUCED A PHOTO IDENTIFICATION AND SIGNED A WRITTEN LOG OR RECEIPT SHOWING CERTAIN INFORMATION; TO LIMIT THE AMOUNT OF PRODUCTS CONTAINING PSEUDOEPHEDRINE THAT A PERSON MAY PURCHASE WITHIN A THIRTY-DAY PERIOD; TO PROVIDE A CRIMINAL PENALTY FOR VIOLATIONS OF THE PREVIOUS PROVISIONS; AND FOR RELATED PURPOSES.