

By: Senator(s) Hill

To: Judiciary, Division B

SENATE BILL NO. 2764

1 AN ACT TO REQUIRE THAT PHARMACIES KEEP A WRITTEN LOG OF ALL
2 EPHEDRINE AND PSEUDOEPHEDRINE SALES; TO PRESCRIBE A STANDARD FOR
3 THE WRITTEN LOG; TO PROVIDE PENALTIES FOR VIOLATIONS; TO ENACT
4 EXCEPTIONS; TO REQUIRE THE BOARD OF PHARMACY TO DEVISE AND APPROVE
5 TRAINING PROGRAMS FOR PHARMACY EMPLOYEES; TO AMEND SECTION
6 41-29-117, MISSISSIPPI CODE OF 1972, TO REMOVE EPHEDRINE AND
7 PSEUDOEPHEDRINE FROM SCHEDULE III OF THE CONTROLLED SUBSTANCES
8 ACT; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** (1) (a) It is unlawful for any person,
11 business, or entity to knowingly sell ephedrine or pseudoephedrine
12 unless sold from a pharmacy registered under Section 73-21-105.
13 Any ephedrine or pseudoephedrine sold by a pharmacy must be sold
14 by an individual licensed as a pharmacist or by an employee of the
15 pharmacy under the direct supervision and control of a licensed
16 pharmacist.

17 (b) If the sole active ingredient of a product is
18 ephedrine or pseudoephedrine in a strength of thirty (30) or more
19 milligrams per dosage unit, the product must be offered for retail
20 sale only in blister packages.



21 (c) All packages of tablets containing ephedrine or
22 pseudoephedrine must be stored by a pharmacy by placing the
23 products behind a counter in an area within the pharmacy where the
24 public is not permitted.

25 (d) No person shall deliver, sell, or purchase products
26 sold over-the-counter that contain a combined total of ephedrine
27 base or pseudoephedrine base of more than three and six-tenths
28 (3.6) grams per calendar day or more than seven and one-half (7.5)
29 grams per thirty (30) days. It is not a defense in a prosecution
30 under this section that no money was exchanged during a
31 transaction that would otherwise be unlawful under this section.

32 (2) A pharmacy selling an over-the-counter product in
33 compliance with this section must keep a written record of each
34 transaction and require the purchaser of the product or products
35 to be at least eighteen (18) years of age, to provide a valid,
36 unsuspended driver's license or nondriver identification card
37 issued by this or another state, a United States Uniformed
38 Services Privilege and Identification Card, or a United States or
39 foreign passport, and to sign a record of each transaction. The
40 record of each transaction must include the information from the
41 identification card as well as the type of identification card
42 used, and include the number, name, date of birth, and current
43 address of the purchaser, the date and time of the sale, the name
44 of the product being sold, and the total quantity, in grams, of



ephedrine or pseudoephedrine being sold. The written record may be kept in an electronic format.

(3) Excessive or suspicious sales or purchases of ephedrine or pseudoephedrine must be reported to the Mississippi Bureau of Narcotics and the Mississippi Board of Pharmacy.

(4) This section does not apply to products dispensed pursuant to a legitimate prescription.

(5) A violation of this section is a misdemeanor for a first offense and a felony for a second or subsequent offense. A violation is punishable as follows:

(a) For a first offense, by a fine not to exceed One Thousand Dollars (\$1,000.00), or confinement in the county jail not to exceed six (6) months, or both; or

(b) For a second or subsequent offense, by a fine not to exceed Ten Thousand Dollars (\$10,000.00), or imprisonment in the custody of the Department of Corrections not to exceed five (5) years, or both.

(6) A pharmacist who is the general owner or operator of an establishment where ephedrine or pseudoephedrine products are available for sale shall not be penalized under this section for the conduct of an employee if the retailer documents that an employee training program approved by the Mississippi Board of Pharmacy was conducted by the pharmacist. The Mississippi Board of Pharmacy shall develop or approve all training programs for pharmacy employees.



(7) A person who resides in a state that requires a prescription for the purchase of ephedrine or pseudoephedrine, or who presents identification from a state that requires a prescription for the purchase of ephedrine or pseudoephedrine, may purchase those products only upon presentation of a valid prescription for the ephedrine or pseudoephedrine.

(8) For the purposes of this section the terms "ephedrine" and "pseudoephedrine" include ephedrine, pseudoephedrine, and their salts or optical isomers, or salts of optical isomers.

SECTION 2. 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) **Stimulants.** 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) **Depressants.** 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) Embutramide;

(6) Any drug product containing gamma-hydroxybutyric acid, including its salts, isomers and salts



119 of isomers, for which an application is approved under Section 505
120 of the Federal Food, Drug and Cosmetic Act;

121 (7) Ketamine; its salts, isomers, and salts of
122 isomers; other names include

123 (+)-2-(2-chlorophenyl)-2-(methyldamino)cyclohexanone;

124 (8) Lysergic acid;

125 (9) Lysergic acid amide;

126 (10) Methyprylon;

127 (11) Perampanel; its salts, isomers, and salts of
128 isomers;

129 (12) Sulfondiethylmethane;

130 (13) Sulfonethylmethane;

131 (14) Sulfonmethane;

132 (15) Tiletamine and zolazepam or any salt thereof;

133 other names for the tiletamine and zolazepam combination product
134 include: telazol; other names for tiletamine include:

135 2-(ethylamino)-2-(2-thienyl)-cyclohexanone; other names for

136 zolazepam include: 4-(2-fluorophenyl)-6,8-dihydro 1,3,

137 8-trimethylpyrazolo-[3,4-e](1,4)-diazepin-7(1H)-one, flupyrzapon.

138 (c) **Nalorphine.**

139 * * *

140 (* * *d) **Narcotic drugs.** Any material, compound,

141 mixture or preparation containing limited quantities of any of the

142 following narcotic drugs, or any salts thereof:



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

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

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

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

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



(6) 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.

(e) **Anabolic steroids.** Unless specifically exempted or listed in another schedule, any material, compound, mixture or preparation containing any quantity of any of the following anabolic steroids (any drug or hormonal substance chemically and pharmacologically related to testosterone other than estrogens, progestins, corticosteroids and dehydroepiandrosterone):

- (1) 3beta,17-dihydroxy-5a-androstane;
- (2) 3alpha,17beta-dihydroxy-5a-androstane;
- (3) 5alpha-androstan-3,17-dione;
- (4) 1-androstenediol
(3beta,17beta-dihydroxy-5alpha-androst-1-ene);
- (5) 1-androstenediol
(3alpha,17beta-dihydroxy-5alpha-androst-1-ene);
- (6) 4-androstenediol
(3beta,17beta-dihydroxy-androst-4-ene);
- (7) 5-androstenediol
(3beta,17beta-dihydroxy-androst-5-ene);
- (8) 1-androstenedione ([5alpha]-androst-1-en-3,17-dione);
- (9) 4-androstenedione (androst-4-en-3,17-dione);
- (10) 5-androstenedione (androst-5-en-3,17-dione);



192 (11) Bolasterone
193 (7alpha,17alpha-dimethyl-17beta-hydroxyandrost-4-en-3-one);
194 (12) Boldenone
195 (17beta-hydroxyandrost-1,4,-diene-3-one);
196 (13) Boldione (androsta-1,4-diene-3,17-dione);
197 (14) Calusterone
198 (7beta,17alpha-dimethyl-17beta-hydroxyandrost-4-en-3-one);
199 (15) Clostebol
200 (4-chloro-17beta-hydroxyandrost-4-en-3-one);
201 (16) Dehydrochloromethyltestosterone
202 (4-chloro-17beta-hydroxy-17alpha-methylandrost-1,4-dien-3-one);
203 (17) Desoxymethyltestosterone
204 (17alpha-methyl-5alpha-androst-2-en-17beta-ol, also known as
205 madol);
206 (18) Delta1-dihydrotestosterone (also known as
207 1-testosterone) (17beta-hydroxy-5alpha-androst-1-en-3-one);
208 (19) 4-dihydrotestosterone
209 (17beta-hydroxy-androstan-3-one);
210 (20) Drostanolone
211 (17beta-hydroxy-2alpha-methyl-5alpha-androstan-3-one);
212 (21) Ethylestrenol
213 (17alpha-ethyl-17beta-hydroxyestr-4-ene);
214 (22) Fluoxymesterone
215 (9-fluoro-17alpha-methyl-11beta,
216 17beta-dihydroxyandrost-4-en-3-one);



217 (23) Formebolone
 218 (2-formyl-17alpha-methyl-11alpha,17beta-dihydroxyandrost-1,
 219 4-dien-3-one);
 220 (24) Furazabol
 221 (17alpha-methyl-17beta-hydroxyandrostano[2,3-c]-furazan);
 222 (25) 13beta-ethyl-17alpha-hydroxygon-4-en-3-one;
 223 (26) 4-hydroxytestosterone
 224 (4,17beta-dihydroxyandrost-4-en-3-one);
 225 (27) 4-hydroxy-19-nortestosterone
 226 (4,17beta-dihydroxy-estr-4-en-3-one);
 227 (28) Mestanolone
 228 (17alpha-methyl-17beta-hydroxy-5-androstan-3-one);
 229 (29) Mesterolone
 230 (1alpha-methyl-17beta-hydroxy-[5alpha]-androstan-3-one);
 231 (30) Methandienone
 232 (17alpha-methyl-17beta-hydroxyandrost-1,4-dien-3-one);
 233 (31) Methandriol (17alpha-methyl-3beta,
 234 17beta-dihydroxyandrost-5-ene);
 235 (32) Methasterone (2[alpha],
 236 17[alpha]-dimethyl-5[alpha]-androstan-17[beta]-ol-3-one;
 237 (33) Methenolone
 238 (1-methyl-17beta-hydroxy-5alpha-androst-1-en-3-one);
 239 (34) 17alpha-methyl-3beta,
 240 17beta-dihydroxy-5a-androstane;



241 (35) 17alpha-methyl-3alpha,
242 17beta-dihydroxy-5a-androstane;
243 (36) 17alpha-methyl-3beta,
244 17beta-dihydroxyandrost-4-ene;
245 (37) 17alpha-methyl-4-hydroxynandrolone
246 (17alpha-methyl-4-hydroxy-17beta-hydroxyestr-4-en-3-one);
247 (38) Methyldienolone
248 (17alpha-methyl-17beta-hydroxyestra-4,9(10)-dien-3-one);
249 (39) Methyltrienolone
250 (17alpha-methyl-17beta-hydroxyestra-4,9-11-trien-3-one);
251 (40) Methyltestosterone
252 (17alpha-methyl-17beta-hydroxyandrost-4-en-3-one);
253 (41) Mibolerone
254 (7alpha,17alpha-dimethyl-17beta-hydroxyestr-4-en-3-one);
255 (42) 17alpha-methyl-Delta1-dihydrotestosterone (17b
256 beta-hydroxy-17alpha-methyl-5alpha-androst-1-en-3-one) (also known
257 as 17-alpha-methyl-1-testosterone);
258 (43) Nandrolone (17beta-hydroxyestr-4-en-3-one);
259 (44) 19-nor-4-androstenediol
260 (3beta,17beta-dihydroxyestr-4-ene);
261 (45) 19-nor-4-androstenediol
262 (3a,17beta-dihydroxyestr-4-ene);
263 (46) 19-nor-5-androstenediol
264 (3beta,17beta-dihydroxyestr-5-ene);



265 (47) 19-nor-5-androstenediol
 266 (3alpha,17beta-dihydroxyestr-5-ene);
 267 (48) 19-nor-4,9(10)-androstadienedione
 268 (estra-4,9(10)-diene-3,17-dione,
 269 19-norandrosta-4,9(10)-diene-3,17-dione);
 270 (49) 19-nor-4-androstenedione
 271 (estr-4-en-3,17-dione);
 272 (50) 19-nor-5-androstenedione
 273 (estr-5-en-3,17-dione);
 274 (51) Norbolethone
 275 (13beta,17alpha-diethyl-17beta-hydroxygon-4-en-3-one);
 276 (52) Norclostebol
 277 (4-chloro-17beta-hydroxyestr-4-en-3-one);
 278 (53) Norethandrolone
 279 (17alpha-ethyl-17beta-hydroxyestr-4-en-3-one);
 280 (54) Normethandrolone
 281 (17alpha-methyl-17beta-hydroxyestr-4-en-3-one);
 282 (55) Oxandrolone
 283 (17alpha-methyl-17beta-hydroxy-2-oxa-[5alpha]-androstan-3-one);
 284 (56) Oxymesterone
 285 (17alpha-methyl-4,17beta-dihydroxyandrost-4-en-3-one);
 286 (57) Oxymetholone
 287 (17alpha-methyl-2-hydroxymethylene-17beta-hydroxy-[5alpha]-
 288 androstan-3-one);
 289 (58) Prostanazol



290 (17[beta]-hydroxy-5[alpha]-androstandro[3,2-c]pyrazole)
291 (59) Stanozolol
292 (17alpha-methyl-17beta-hydroxy-[5alpha]-androst-2-eno[3,2-c]-
293 pyrazole);
294 (60) Stenbolone
295 (17beta-hydroxy-2-methyl-[5alpha]-androst-1-en-3-one);
296 (61) Testolactone
297 (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid
298 lactone);
299 (62) Testosterone
300 (17beta-hydroxyandrost-4-en-3-one);
301 (63) Tetrahydrogestrinone
302 (13beta,17alpha-diethyl-17beta-hydroxygon-4,9,11-trien-3-one);
303 (64) Trenbolone
304 (17beta-hydroxyestr-4,9,11-trien-3-one);
305 (65) Any salt, ester, or ether of a drug or
306 substance described in this paragraph. Except such term does not
307 include an anabolic steroid that is expressly intended for
308 administration through implants to cattle or other nonhuman
309 species and that has been approved by the Secretary of Health and
310 Human Services for such administration. If any person prescribes,
311 dispenses, or distributes such steroid for human use, the person
312 shall be considered to have prescribed, dispensed or distributed
313 an anabolic steroid within the meaning of this paragraph.



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

(h) 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 other than butalbital, and is listed as an exempt substance in 21 CFR, 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. This act shall take effect and be in force from and after July 1, 2018.

