

**Adopted
AMENDMENT NO 1 PROPOSED TO**

Cmte Sub for House Bill No. 785

BY: Representative Roberson

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

14 **SECTION 1.** (1) (a) It is lawful for a pharmacy registered
15 under Section 73-21-105 to sell or distribute to a person, without
16 a prescription, products containing not more than three and six
17 tenths (3.6) grams per day and not more than seven and two tenths
18 (7.2) grams per thirty-day period of pseudoephedrine or ephedrine,
19 and it is lawful for a person to purchase products containing
20 those ingredients from a registered pharmacy without a
21 prescription, in accordance with the requirements of this section.
22 (b) All products authorized under this subsection (1)
23 must be stored by a pharmacy by placing the products behind a



24 counter in an area within the pharmacy where the public is not
25 permitted.

26 (c) Any products authorized under this subsection (1)
27 sold by a pharmacy must be sold by an individual licensed as a
28 pharmacist or by an employee of the pharmacy under the direct
29 supervision and control of a licensed pharmacist.

30 (d) No pharmacy may sell or distribute, and no person
31 may purchase, more products than allowed under this section unless
32 by valid prescription. It is not a defense in a prosecution under
33 this section that no money was exchanged during a transaction that
34 would otherwise be unlawful under this section.

35 (2) A pharmacy selling products in a manner authorized under
36 subsection (1) of this section must:

37 (a) Use the National Precursor Log Exchange (NPLEx)
38 system administered by the National Association of Drug Diversion
39 Investigators, provided that the system is available to pharmacies
40 or retailers in the state without a charge for accessing the NPLEx
41 system, before completing the over-the-counter sale of each
42 product authorized under subsection (1) of this section. Before
43 completing a sale of an over-the-counter material, compound,
44 mixture, or preparation containing any detectable quantity of
45 pseudoephedrine or ephedrine, its salts or optical isomers, or
46 salts of optical isomers a pharmacy or retailer shall
47 electronically submit the information required under subsection
48 (b) of this subsection (2) to the NPLEx system. The pharmacy or



49 retailer shall not complete the sale if the NPLEx system generates
50 a stop sale alert. The system shall contain an override function
51 that may be used by an agent of a retail establishment who is
52 dispensing the drug product, and who has a reasonable fear of
53 imminent bodily harm if the transaction is not completed. The
54 system shall create a record of each use of the override
55 mechanism.

56 (b) Maintain an electronic log of required information
57 for each transaction, and require the purchaser of the package to
58 be at least eighteen (18) years of age and provide a valid,
59 unsuspended driver's license or nondriver identification card
60 issued by this state or another state, a United States Uniformed
61 Services Privilege and Identification Card, or a United States or
62 foreign passport, and to sign a written or electronic log
63 attesting to the validity of the information provided for each
64 transaction. The record of each transaction must include the
65 information from the identification card as well as the type of
66 and government entity issuing the identification card used, the
67 name, date of birth, and current address of the purchaser, the
68 date and time of the sale, the name of the compound, mixture, or
69 preparation being sold, and the total amount, in grams or
70 milligrams, of pseudoephedrine or ephedrine being sold.

71 (c) Maintain a written log or an alternative electronic
72 record keeping mechanism if a pharmacy or retailer experiences
73 mechanical or electronic failure of the required electronic



74 tracking system until such time as the pharmacy or retailer is
75 able to comply with the electronic sales tracking requirement. No
76 person shall purchase, receive or otherwise acquire more than
77 three and six-tenths (3.6) grams per day or seven and two-tenths
78 (7.2) grams of pseudoephedrine or ephedrine within any thirty-day
79 period.

80 (3) The National Association of Drug Diversion
81 Investigators shall provide real-time access to the NPLEx
82 information through the NPLEx online portal to law enforcement in
83 the state.

84 (4) This section does not apply to pseudoephedrine and
85 ephedrine products dispensed pursuant to a legitimate
86 prescription.

87 (5) A violation of this section is a misdemeanor and is
88 punishable as follows:

89 (a) For a first offense, by a fine not to exceed One
90 Thousand Dollars (\$1,000.00).

91 (b) For a second or subsequent offense, by a fine not
92 to exceed Ten Thousand Dollars (\$10,000.00).

93 (6) A pharmacist who is the general owner or operator of an
94 establishment where pseudoephedrine and ephedrine products are
95 available for sale shall not be penalized under this section for
96 the conduct of an employee if the retailer documents that an
97 employee training program approved by the Mississippi Board of
98 Pharmacy was conducted by the pharmacist. The Mississippi Board



99 of Pharmacy shall develop or approve all training programs for
100 pharmacy employees.

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

107 **SECTION 2.** Section 41-29-117, Mississippi Code of 1972, is
108 amended as follows:

109 41-29-117. (A) The controlled substances listed in this
110 section are included in Schedule III.

111 **SCHEDULE III**

112 (a) **Stimulants.** Any material, compound, mixture, or
113 preparation which contains any quantity of the following
114 substances or their salts, isomers, or salts of isomers, of the
115 following substances:

- 116 (1) Benzphetamine;
117 (2) Chlorphentermine;
118 (3) Clortermine;
119 (4) Phendimetrazine.

120 (b) **Depressants.** Unless listed in another schedule,
121 any material, compound, mixture, or preparation which contains any
122 quantity of the following substances:



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

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

- 133 (i) Amobarbital;
- 134 (ii) Secobarbital;
- 135 (iii) Pentobarbital;

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

- 140 (i) Amobarbital;
- 141 (ii) Secobarbital;
- 142 (iii) Pentobarbital;

143 (4) Chlorhexadol;

144 (5) Embutramide;

145 (6) Any drug product containing

146 gamma-hydroxybutyric acid, including its salts, isomers and salts



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

149 (7) Ketamine; its salts, isomers, and salts of
150 isomers; other names include

151 (+)-2-(2-chlorophenyl)-2-(methylamino)cyclohexanone;

152 (8) Lysergic acid;

153 (9) Lysergic acid amide;

154 (10) Methyprylon;

155 (11) Perampanel; its salts, isomers, and salts of
156 isomers;

157 (12) Sulfondiethylmethane;

158 (13) Sulfonethylmethane;

159 (14) Sulfonmethane;

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

161 other names for the tiletamine and zolazepam combination product
162 include: telazol; other names for tiletamine include:

163 2-(ethylamino)-2-(2-thienyl)-cyclohexanone; other names for

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

165 8-trimethylpyrazolo-[3,4-e](1,4)-diazepin-7(1H)-one, flupyrzapon.

166 (c) Nalorphine.

167 (d) Any material, compound, mixture or preparation
168 which contains any quantity of pseudoephedrine or ephedrine,
169 except that any product that contains any quantity of
170 pseudoephedrine or ephedrine is not a Schedule III controlled
171 substance if it is sold subject to the quantity restrictions



172 authorized in, and in accordance with all other provisions of,
173 Section 1 of this act.

174 (e) **Narcotic drugs.** Any material, compound, mixture,
175 or preparation containing limited quantities of any of the
176 following narcotic drugs, or any salts thereof:

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

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

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

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



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

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

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

211 (1) 3beta,17-dihydroxy-5a-androstane;

212 (2) 3alpha,17beta-dihydroxy-5a-androstane;

213 (3) 5alpha-androstan-3,17-dione;

214 (4) 1-androstenediol

215 (3beta,17beta-dihydroxy-5alpha-androst-1-ene);

216 (5) 1-androstenediol

217 (3alpha,17beta-dihydroxy-5alpha-androst-1-ene);

218 (6) 4-androstenediol

219 (3beta,17beta-dihydroxy-androst-4-ene);



220 (7) 5-androstenediol
221 (3beta,17beta-dihydroxy-androst-5-ene);
222 (8) 1-androstenedione ([5alpha]-androst-1-en-3,
223 17-dione);
224 (9) 4-androstenedione (androst-4-en-3,17-dione);
225 (10) 5-androstenedione (androst-5-en-3,17-dione);
226 (11) Bolasterone
227 (7alpha,17alpha-dimethyl-17beta-hydroxyandrost-4-en-3-one);
228 (12) Boldenone
229 (17beta-hydroxyandrost-1,4,-diene-3-one);
230 (13) Boldione (androsta-1,4-diene-3,17-dione);
231 (14) Calusterone
232 (7beta,17alpha-dimethyl-17beta-hydroxyandrost-4-en-3-one);
233 (15) Clostebol
234 (4-chloro-17beta-hydroxyandrost-4-en-3-one);
235 (16) Dehydrochloromethyltestosterone
236 (4-chloro-17beta-hydroxy-17alpha-methylandrost-1,4-dien-3-one);
237 (17) Desoxymethyltestosterone
238 (17alpha-methyl-5alpha-androst-2-en-17beta-ol, also known as
239 madol);
240 (18) Delta1-dihydrotestosterone (also known as
241 1-testosterone) (17beta-hydroxy-5alpha-androst-1-en-3-one);
242 (19) 4-dihydrotestosterone
243 (17beta-hydroxy-androstan-3-one);



244 (20) Drostanolone
245 (17beta-hydroxy-2alpha-methyl-5alpha-androstan-3-one);
246 (21) Ethylestrenol
247 (17alpha-ethyl-17beta-hydroxyestr-4-ene);
248 (22) Fluoxymesterone
249 (9-fluoro-17alpha-methyl-11beta,
250 17beta-dihydroxyandrost-4-en-3-one);
251 (23) Formebolone
252 (2-formyl-17alpha-methyl-11alpha,17beta-dihydroxyandrost-1,
253 4-dien-3-one);
254 (24) Furazabol
255 (17alpha-methyl-17beta-hydroxyandrostano[2,3-c]-furazan);
256 (25) 13beta-ethyl-17alpha-hydroxygon-4-en-3-one;
257 (26) 4-hydroxytestosterone
258 (4,17beta-dihydroxyandrost-4-en-3-one);
259 (27) 4-hydroxy-19-nortestosterone
260 (4,17beta-dihydroxy-estr-4-en-3-one);
261 (28) Mestanolone
262 (17alpha-methyl-17beta-hydroxy-5-androstan-3-one);
263 (29) Mesterolone
264 (1alpha-methyl-17beta-hydroxy-[5alpha]-androstan-3-one);
265 (30) Methandienone
266 (17alpha-methyl-17beta-hydroxyandrost-1,4-dien-3-one);
267 (31) Methandriol (17alpha-methyl-3beta,
268 17beta-dihydroxyandrost-5-ene);



269 (32) Methasterone (2[alpha],
270 17[alpha]-dimethyl-5[alpha]-androstan-17[beta]-ol-3-one;
271 (33) Methenolone
272 (1-methyl-17beta-hydroxy-5alpha-androst-1-en-3-one);
273 (34) 17alpha-methyl-3beta,
274 17beta-dihydroxy-5a-androstane;
275 (35) 17alpha-methyl-3alpha,
276 17beta-dihydroxy-5a-androstane;
277 (36) 17alpha-methyl-3beta,
278 17beta-dihydroxyandrost-4-ene;
279 (37) 17alpha-methyl-4-hydroxynandrolone
280 (17alpha-methyl-4-hydroxy-17beta-hydroxyestr-4-en-3-one);
281 (38) Methyldienolone
282 (17alpha-methyl-17beta-hydroxyestra-4,9(10)-dien-3-one);
283 (39) Methyltrienolone
284 (17alpha-methyl-17beta-hydroxyestra-4,9-11-trien-3-one);
285 (40) Methyltestosterone
286 (17alpha-methyl-17beta-hydroxyandrost-4-en-3-one);
287 (41) Mibolerone
288 (7alpha,17alpha-dimethyl-17beta-hydroxyestr-4-en-3-one);
289 (42) 17alpha-methyl-Delta1-dihydrotestosterone (17b
290 beta-hydroxy-17alpha-methyl-5alpha-androst-1-en-3-one) (also known
291 as 17-alpha-methyl-1-testosterone);
292 (43) Nandrolone (17beta-hydroxyestr-4-en-3-one);



293 (44) 19-nor-4-androstenediol
294 (3beta,17beta-dihydroxyestr-4-ene);
295 (45) 19-nor-4-androstenediol
296 (3a,17beta-dihydroxyestr-4-ene);
297 (46) 19-nor-5-androstenediol
298 (3beta,17beta-dihydroxyestr-5-ene);
299 (47) 19-nor-5-androstenediol
300 (3alpha,17beta-dihydroxyestr-5-ene);
301 (48) 19-nor-4,9(10)-androstadienedione
302 (estra-4,9(10)-diene-3,17-dione,
303 19-norandrost-4,9(10)-diene-3,17-dione);
304 (49) 19-nor-4-androstenedione
305 (estr-4-en-3,17-dione);
306 (50) 19-nor-5-androstenedione
307 (estr-5-en-3,17-dione);
308 (51) Norbolethone
309 (13beta,17alpha-diethyl-17beta-hydroxygon-4-en-3-one);
310 (52) Norclostebol
311 (4-chloro-17beta-hydroxyestr-4-en-3-one);
312 (53) Norethandrolone
313 (17alpha-ethyl-17beta-hydroxyestr-4-en-3-one);
314 (54) Normethandrolone
315 (17alpha-methyl-17beta-hydroxyestr-4-en-3-one);
316 (55) Oxandrolone
317 (17alpha-methyl-17beta-hydroxy-2-oxa-[5alpha]-androstan-3-one);



318 (56) Oxymesterone
319 (17alpha-methyl-4,17beta-dihydroxyandrost-4-en-3-one);
320 (57) Oxymetholone
321 (17alpha-methyl-2-hydroxymethylene-17beta-hydroxy-[5alpha]-
322 androstan-3-one);
323 (58) Prostanazol
324 (17[beta]-hydroxy-5[alpha]-androstan[3,2-c]pyrazole)
325 (59) Stanozolol
326 (17alpha-methyl-17beta-hydroxy-[5alpha]-androst-2-eno[3,2-c]-
327 pyrazole);
328 (60) Stenbolone
329 (17beta-hydroxy-2-methyl-[5alpha]-androst-1-en-3-one);
330 (61) Testolactone
331 (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid
332 lactone);
333 (62) Testosterone
334 (17beta-hydroxyandrost-4-en-3-one);
335 (63) Tetrahydrogestrinone
336 (13beta,17alpha-diethyl-17beta-hydroxygon-4,9,11-trien-3-one);
337 (64) Trenbolone
338 (17beta-hydroxyestr-4,9,11-trien-3-one);
339 (65) Any salt, ester, or ether of a drug or
340 substance described in this paragraph. Except such term does not
341 include an anabolic steroid that is expressly intended for
342 administration through implants to cattle or other nonhuman



343 species and that has been approved by the Secretary of Health and
344 Human Services for such administration. If any person prescribes,
345 dispenses, or distributes such steroid for human use, the person
346 shall be considered to have prescribed, dispensed or distributed
347 an anabolic steroid within the meaning of this paragraph.

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

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

353 (B) Any material, compound, mixture or preparation which
354 contains any quantity of a Schedule III controlled substance other
355 than butalbital, and is listed as an exempt substance in 21 CFR,
356 Section 1308.22, 1308.24, 1308.26, 1308.32 or 1308.34, shall be
357 exempted from the provisions of the Uniform Controlled Substances
358 Law.

359 **SECTION 3.** This act shall take effect and be in force from
360 and after January 1, 2021.

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

1 AN ACT TO AMEND SECTION 41-29-117, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE PHARMACIES TO SELL AND PERSONS TO PURCHASE, WITHOUT A
3 PRESCRIPTION, PRODUCTS THAT CONTAIN CERTAIN QUANTITIES OF
4 PSEUDOEPHEDRINE OR EPHEDRINE; TO REQUIRE PHARMACIES SELLING
5 PRODUCTS AUTHORIZED UNDER THIS ACT TO USE THE NPLEX SYSTEM BEFORE
6 SELLING THOSE PRODUCTS; TO REQUIRE PHARMACIES TO MAINTAIN AN
7 ELECTRONIC LOG OF REQUIRED INFORMATION FOR EACH TRANSACTION; TO
8 REQUIRE THE PURCHASER OF THE PACKAGE TO BE AT LEAST EIGHTEEN YEARS



9 OF AGE, AS SHOWN BY VALID IDENTIFICATION, AND TO SIGN A RECORD OF
10 EACH TRANSACTION; TO PROVIDE CRIMINAL PENALTIES FOR VIOLATIONS OF
11 THIS ACT; TO AMEND SECTION 41-29-117, MISSISSIPPI CODE OF 1972, TO
12 CONFORM TO THE PRECEDING PROVISIONS; AND FOR RELATED PURPOSES.

