

By: Representatives Read, Hudson

To: Drug Policy

HOUSE BILL NO. 107

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 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



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

47 (3) This section does not apply to products dispensed
48 pursuant to a legitimate prescription.

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

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

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

59 (5) A pharmacist who is the general owner or operator of an
60 establishment where ephedrine or pseudoephedrine products are
61 available for sale shall not be penalized under this section for
62 the conduct of an employee if the retailer documents that an
63 employee training program approved by the State Board of Pharmacy
64 was conducted by the pharmacist.

65 (6) A person who resides in a state that requires a
66 prescription for the purchase of ephedrine or pseudoephedrine, or
67 who presents identification from a state that requires a
68 prescription for the purchase of ephedrine or pseudoephedrine, may



69 purchase those products only upon presentation of a valid
70 prescription for the ephedrine or pseudoephedrine.

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

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

76 41-29-117. (A) The controlled substances listed in this
77 section are included in Schedule III.

78 **SCHEDULE III**

79 (a) **Stimulants.** Any material, compound, mixture, or
80 preparation which contains any quantity of the following
81 substances or their salts, isomers, or salts of isomers, of the
82 following substances:

- 83 (1) Benzphetamine;
- 84 (2) Chlorphentermine;
- 85 (3) Clortermine;
- 86 (4) Phendimetrazine.

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

- 90 (1) Any substance which contains any quantity of a
91 derivative of barbituric acid, or any salt of a derivative of
92 barbituric acid, except those substances which are specifically
93 listed in other schedules;



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

100 (i) Amobarbital;

101 (ii) Secobarbital;

102 (iii) Pentobarbital;

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

107 (i) Amobarbital;

108 (ii) Secobarbital;

109 (iii) Pentobarbital;

110 (4) Chlorhexadol;

111 (5) Embutramide;

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

116 (7) Ketamine; its salts, isomers, and salts of
117 isomers; other names include

118 (+)-2-(2-chlorophenyl)-2-(methylamino)cyclohexanone;



119 (8) Lysergic acid;
120 (9) Lysergic acid amide;
121 (10) Methyprylon;
122 (11) Perampanel; its salts, isomers, and salts of
123 isomers;
124 (12) Sulfondiethylmethane;
125 (13) Sulfonethylmethane;
126 (14) Sulfonmethane;
127 (15) Tiletamine and zolazepam or any salt thereof;
128 other names for the tiletamine and zolazepam combination product
129 include: telazol; other names for tiletamine include:
130 2-(ethylamino)-2-(2-thienyl)-cyclohexanone; other names for
131 zolazepam include: 4-(2-fluorophenyl)-6,8-dihydro 1,3,
132 8-trimethylpyrazolo-[3,4-e](1,4)-diazepin-7(1H)-one, flupyrazapon.

133 (c) **Nalorphine.**

134 * * *

135 (* * *d) **Narcotic drugs.** Any material, compound,
136 mixture or preparation containing limited quantities of any of the
137 following narcotic drugs, or any salts thereof:

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

142 (2) Not more than one and eight-tenths (1.8) grams
143 of codeine, or any of its salts, per one hundred (100) milliliters



144 or not more than ninety (90) milligrams per dosage unit, with one
145 or more active, nonnarcotic ingredients in recognized therapeutic
146 amounts;

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

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

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

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

166 (e) **Anabolic steroids.** Unless specifically exempted or
167 listed in another schedule, any material, compound, mixture or
168 preparation containing any quantity of any of the following



169 anabolic steroids (any drug or hormonal substance chemically and
170 pharmacologically related to testosterone other than estrogens,
171 progestins, corticosteroids and dehydroepiandrosterone):

172 (1) 3beta,17-dihydroxy-5a-androstane;

173 (2) 3alpha,17beta-dihydroxy-5a-androstane;

174 (3) 5alpha-androstan-3,17-dione;

175 (4) 1-androstenediol

176 (3beta,17beta-dihydroxy-5alpha-androst-1-ene);

177 (5) 1-androstenediol

178 (3alpha,17beta-dihydroxy-5alpha-androst-1-ene);

179 (6) 4-androstenediol

180 (3beta,17beta-dihydroxy-androst-4-ene);

181 (7) 5-androstenediol

182 (3beta,17beta-dihydroxy-androst-5-ene);

183 (8) 1-androstenedione ([5alpha]-androst-1-en-3,
184 17-dione);

185 (9) 4-androstenedione (androst-4-en-3,17-dione);

186 (10) 5-androstenedione (androst-5-en-3,17-dione);

187 (11) Bolasterone

188 (7alpha,17alpha-dimethyl-17beta-hydroxyandrost-4-en-3-one);

189 (12) Boldenone

190 (17beta-hydroxyandrost-1,4,-diene-3-one);

191 (13) Boldione (androsta-1,4-diene-3,17-dione);

192 (14) Calusterone

193 (7beta,17alpha-dimethyl-17beta-hydroxyandrost-4-en-3-one);



194 (15) Clostebol
195 (4-chloro-17beta-hydroxyandrost-4-en-3-one);
196 (16) Dehydrochloromethyltestosterone
197 (4-chloro-17beta-hydroxy-17alpha-methylandrost-1,4-dien-3-one);
198 (17) Desoxymethyltestosterone
199 (17alpha-methyl-5alpha-androst-2-en-17beta-ol, also known as
200 madol);
201 (18) Delta1-dihydrotestosterone (also known as
202 1-testosterone) (17beta-hydroxy-5alpha-androst-1-en-3-one);
203 (19) 4-dihydrotestosterone
204 (17beta-hydroxy-androstan-3-one);
205 (20) Drostanolone
206 (17beta-hydroxy-2alpha-methyl-5alpha-androstan-3-one);
207 (21) Ethylestrenol
208 (17alpha-ethyl-17beta-hydroxyestr-4-ene);
209 (22) Fluoxymesterone
210 (9-fluoro-17alpha-methyl-11beta,
211 17beta-dihydroxyandrost-4-en-3-one);
212 (23) Formebolone
213 (2-formyl-17alpha-methyl-11alpha,17beta-dihydroxyandrost-1,
214 4-dien-3-one);
215 (24) Furazabol
216 (17alpha-methyl-17beta-hydroxyandrostano[2,3-c]-furazan);
217 (25) 13beta-ethyl-17alpha-hydroxygon-4-en-3-one;



218 (26) 4-hydroxytestosterone
219 (4,17beta-dihydroxyandrost-4-en-3-one);
220 (27) 4-hydroxy-19-nortestosterone
221 (4,17beta-dihydroxy-estr-4-en-3-one);
222 (28) Mestanolone
223 (17alpha-methyl-17beta-hydroxy-5-androstan-3-one);
224 (29) Mesterolone
225 (1alpha-methyl-17beta-hydroxy-[5alpha]-androstan-3-one);
226 (30) Methandienone
227 (17alpha-methyl-17beta-hydroxyandrost-1,4-dien-3-one);
228 (31) Methandriol (17alpha-methyl-3beta,
229 17beta-dihydroxyandrost-5-ene);
230 (32) Methasterone (2[alpha],
231 17[alpha]-dimethyl-5[alpha]-androstan-17[beta]-ol-3-one;
232 (33) Methenolone
233 (1-methyl-17beta-hydroxy-5alpha-androst-1-en-3-one);
234 (34) 17alpha-methyl-3beta,
235 17beta-dihydroxy-5a-androstane;
236 (35) 17alpha-methyl-3alpha,
237 17beta-dihydroxy-5a-androstane;
238 (36) 17alpha-methyl-3beta,
239 17beta-dihydroxyandrost-4-ene;
240 (37) 17alpha-methyl-4-hydroxynandrolone
241 (17alpha-methyl-4-hydroxy-17beta-hydroxyestr-4-en-3-one);



242 (38) Methyldienolone
243 (17alpha-methyl-17beta-hydroxyestra-4,9(10)-dien-3-one);
244 (39) Methyltrienolone
245 (17alpha-methyl-17beta-hydroxyestra-4,9-11-trien-3-one);
246 (40) Methyltestosterone
247 (17alpha-methyl-17beta-hydroxyandrost-4-en-3-one);
248 (41) Mibolerone
249 (7alpha,17alpha-dimethyl-17beta-hydroxyestr-4-en-3-one);
250 (42) 17alpha-methyl-Delta1-dihydrotestosterone (17b
251 beta-hydroxy-17alpha-methyl-5alpha-androst-1-en-3-one) (also known
252 as 17-alpha-methyl-1-testosterone);
253 (43) Nandrolone (17beta-hydroxyestr-4-en-3-one);
254 (44) 19-nor-4-androstenediol
255 (3beta,17beta-dihydroxyestr-4-ene);
256 (45) 19-nor-4-androstenediol
257 (3a,17beta-dihydroxyestr-4-ene);
258 (46) 19-nor-5-androstenediol
259 (3beta,17beta-dihydroxyestr-5-ene);
260 (47) 19-nor-5-androstenediol
261 (3alpha,17beta-dihydroxyestr-5-ene);
262 (48) 19-nor-4,9(10)-androstadienedione
263 (estra-4,9(10)-diene3,17-dione,
264 19-norandrosta-4,9(10)-diene-3,17-dione);
265 (49) 19-nor-4-androstenedione
266 (estr-4-en-3,17-dione);



267 (50) 19-nor-5-androstenedione
268 (estr-5-en-3,17-dione);
269 (51) Norbolethone
270 (13beta,17alpha-diethyl-17beta-hydroxygon-4-en-3-one);
271 (52) Norclostebol
272 (4-chloro-17beta-hydroxyestr-4-en-3-one);
273 (53) Norethandrolone
274 (17alpha-ethyl-17beta-hydroxyestr-4-en-3-one);
275 (54) Normethandrolone
276 (17alpha-methyl-17beta-hydroxyestr-4-en-3-one);
277 (55) Oxandrolone
278 (17alpha-methyl-17beta-hydroxy-2-oxa-[5alpha]-androstan-3-one);
279 (56) Oxymesterone
280 (17alpha-methyl-4,17beta-dihydroxyandrost-4-en-3-one);
281 (57) Oxymetholone
282 (17alpha-methyl-2-hydroxymethylene-17beta-hydroxy-[5alpha]-
283 androstan-3-one);
284 (58) Prostanazol
285 (17[beta]-hydroxy-5[alpha]-androstan[3,2-c]pyrazole)
286 (59) Stanozolol
287 (17alpha-methyl-17beta-hydroxy-[5alpha]-androst-2-eno[3,2-c]-
288 pyrazole);
289 (60) Stenbolone
290 (17beta-hydroxy-2-methyl-[5alpha]-androst-1-en-3-one);



291 (61) Testolactone
292 (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid
293 lactone);
294 (62) Testosterone
295 (17beta-hydroxyandrost-4-en-3-one);
296 (63) Tetrahydrogestrinone
297 (13beta,17alpha-diethyl-17beta-hydroxygon-4,9,11-trien-3-one);
298 (64) Trenbolone
299 (17beta-hydroxyestr-4,9,11-trien-3-one);
300 (65) Any salt, ester, or ether of a drug or
301 substance described in this paragraph. Except such term does not
302 include an anabolic steroid that is expressly intended for
303 administration through implants to cattle or other nonhuman
304 species and that has been approved by the Secretary of Health and
305 Human Services for such administration. If any person prescribes,
306 dispenses, or distributes such steroid for human use, the person
307 shall be considered to have prescribed, dispensed or distributed
308 an anabolic steroid within the meaning of this paragraph.
309 (g) Any material, compound, mixture or preparation
310 which contains any quantity of buprenorphine or its salts.
311 (h) Dronabinol (synthetic) in sesame oil and
312 encapsulated in a soft gelatin capsule in a United States Food and
313 Drug Administration approved drug product.
314 (B) Any material, compound, mixture or preparation which
315 contains any quantity of a Schedule III controlled substance other



316 than butalbital, and is listed as an exempt substance in 21 CFR,
317 Section 1308.22, 1308.24, 1308.26, 1308.32 or 1308.34, shall be
318 exempted from the provisions of the Uniform Controlled Substances
319 Law.

320 **SECTION 3.** This act shall take effect and be in force from
321 and after July 1, 2021.

