

By: Representative Bell (65th)

To: Drug Policy

HOUSE BILL NO. 1463

1 AN ACT TO AMEND SECTION 73-21-124, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE A MANUFACTURER OF PSEUDOEPHEDRINE OR EPHEDRINE THAT IS
3 LAWFULLY SOLD IN THE STATE TO PAY MONTHLY FEES TO THE NATIONAL
4 ASSOCIATION OF DRUG DIVERSION INVESTIGATORS TO SUPPORT THE
5 ADMINISTRATION OF THE NATIONAL PRECURSOR LOG EXCHANGE (NPLEX); AND
6 FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 73-21-124, Mississippi Code of 1972, is
9 amended as follows:

10 73-21-124. (1) (a) It is lawful for a pharmacy registered
11 under Section 73-21-105 to sell or distribute to a person, without
12 a prescription, products containing not more than three and six
13 tenths (3.6) grams per day and not more than seven and two tenths
14 (7.2) grams per thirty-day period of pseudoephedrine or ephedrine,
15 and it is lawful for a person to purchase products containing
16 those ingredients from a registered pharmacy without a
17 prescription.

18 (b) All products authorized under this subsection (1)
19 must be stored by a pharmacy by placing the products behind a



20 counter in an area within the pharmacy where the public is not
21 permitted.

22 (c) Any products authorized under this subsection (1)
23 sold by a pharmacy must be sold by an individual licensed as a
24 pharmacist or by an employee of the pharmacy under the direct
25 supervision and control of a licensed pharmacist.

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

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

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



45 to the NPLeX system. The pharmacy or retailer shall not complete
46 the sale if the NPLeX system generates a stop-sale alert. The
47 system shall contain an override function that may be used by an
48 agent of a retail establishment who is dispensing the drug
49 product, and who has a reasonable fear of imminent bodily harm if
50 the transaction is not completed. The system shall create a
51 record of each use of the override mechanism.

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

67 (c) Maintain a written log or an alternative electronic
68 recordkeeping mechanism if a pharmacy or retailer experiences
69 mechanical or electronic failure of the required electronic



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

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

(4) (a) Beginning on October 1, 2025, a manufacturer of a product authorized under subsection (1) of this section which is sold in or into the state must pay, on a monthly basis, fees to the National Association of Drug Diversion Investigators to support the administration of the NPLEEx.

(b) The National Association of Drug Diversion Investigators is responsible for setting fee levels for the fees required under this subsection (4).

(c) At the request of the State Board of Pharmacy, each manufacturer required to pay fees under this subsection (4) shall provide written documentation demonstrating that the manufacturer has paid the required fees.

(* * *5) (a) Pseudoephedrine and ephedrine products dispensed pursuant to a legitimate prescription are exempt from this section.



94 (b) The amounts of pseudoephedrine and ephedrine
95 products dispensed to a person pursuant to a legitimate
96 prescription shall not be considered under subsection (1)(a) of
97 this section.

98 (* * *6) A violation of this section is a misdemeanor and
99 is punishable as follows:

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

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

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

112 (* * *8) A person who resides in a state that requires a
113 prescription for the purchase of pseudoephedrine or ephedrine, or
114 who presents identification from a state that requires a
115 prescription for the purchase of pseudoephedrine or ephedrine, may
116 purchase those products only upon presentation of a valid
117 prescription for the pseudoephedrine or ephedrine.



118 **SECTION 2.** This act shall take effect and be in force from
119 and after its passage.

