

By: Representative Holland

To: Judiciary A

HOUSE BILL NO. 1527

1 AN ACT TO AMEND SECTION 41-29-121, MISSISSIPPI CODE OF 1972,
2 TO PLACE THE DRUG PSEUDOEPHEDRINE ON SCHEDULE V, TO RESTRICT THE
3 SELLERS PERMITTED TO SELL, THE QUANTITY A PERSON MAY PURCHASE
4 WITHIN A 30-DAY PERIOD, AND TO REQUIRE PURCHASERS TO SIGN A
5 PURCHASE LOG; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 41-29-121, Mississippi Code of 1972, is
8 amended as follows:

9 41-29-121. (A) The controlled substances listed in this
10 section are included in Schedule V:

11 **SCHEDULE V**

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

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

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

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

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

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

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

36 (7) (i) Any compound, mixture, or preparation
37 containing any detectable quantity of pseudoephedrine, its salts
38 or optical isomers, or salts of optical isomers.

39 (ii) If any compound, mixture, or preparation as
40 specified in this subparagraph (7) is dispensed, sold, or
41 distributed in a pharmacy or in any retail outlet containing a
42 pharmacy, it shall be dispensed, sold, or distributed only by, or
43 under the supervision of, a licensed pharmacist or a registered
44 pharmacy technician, and any person purchasing, receiving, or
45 otherwise acquiring any compound, mixture, or preparation shall
46 produce a photo identification showing the date of birth of the
47 person and shall sign a written log, receipt, or other program or
48 mechanism approved by the Bureau of Narcotics showing the date of
49 the transaction, name of the person, and the amount of the
50 compound, mixture, or preparation purchased.

51 (iii) No person shall purchase, receive, or
52 otherwise acquire more than nine (9) grams of any product,
53 mixture, or preparation specified under this subparagraph (7)
54 within any thirty-day period; this quantity limitation shall not
55 apply to any quantity of product, mixture, or preparation
56 dispensed pursuant to a valid prescription.

57 (iv) The limitation imposed by this subparagraph
58 (7) shall not apply to any compounds, mixtures, or preparations

59 which are in liquid, liquid capsule, or gel capsule form if
60 pseudoephedrine is not the only active ingredient.

61 (v) The Director of the Bureau of Narcotics, by
62 rule, may exempt other products from Schedule V which the
63 Director finds are not used in the illegal manufacture of
64 methamphetamine or other controlled dangerous substances. A
65 manufacturer of a drug product may apply for removal of the
66 product from Schedule V if the product is determined by the
67 Director to have been formulated in such a way as to effectively
68 prevent the conversion of the active ingredient into
69 methamphetamine.

70 (b) Unless specifically excepted or unless listed in
71 another schedule, any material, compound, mixture, or preparation
72 containing any of the following narcotic drugs and their salts, as
73 set forth below:

74 Buprenorphine.

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

79 Pyrovalerone.

80 (B) Except as otherwise specifically provided in this
81 section, any material, compound, mixture, or preparation which
82 contains any quantity of a Schedule V controlled substance and is
83 listed as an exempt substance in 21 C.F.R., Section 1308.22,
84 1308.24, 1308.26, 1308.32 or 1308.34, shall be exempted from the
85 provisions of the Uniform Controlled Substances Law.

86 **SECTION 2.** This act shall take effect and be in force from
87 and after July 1, 2005.