

By: Representatives Blackmon, Holland, Chism To: Judiciary A

HOUSE BILL NO. 512
(As Passed the House)

1 AN ACT TO AMEND SECTION 41-29-117, MISSISSIPPI CODE OF 1972,
2 TO INCLUDE EPHEDRINE AND PSEUDOEPHEDRINE AS A SCHEDULE III
3 CONTROLLED SUBSTANCE; TO AMEND SECTIONS 41-29-313 AND 41-29-317,
4 MISSISSIPPI CODE OF 1972, TO CONFORM; TO REPEAL SECTION 41-29-315,
5 MISSISSIPPI CODE OF 1972, WHICH RESTRICTS THE OVER-THE-COUNTER
6 PURCHASE AND SALE OF EPHEDRINE AND PSEUDOEPHEDRINE; TO EXEMPT
7 LICENSED WHOLESALE DRUG DISTRIBUTORS FROM CERTAIN REQUIREMENTS
8 UNDER THIS ACT; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** Section 41-29-117, Mississippi Code of 1972, is
11 amended as follows:

12 41-29-117. (A) The controlled substances listed in this
13 section are included in Schedule III.

14 **SCHEDULE III**

15 (a) Any material, compound, mixture, or preparation
16 which contains any quantity of the following substances or their
17 salts, isomers, or salts of isomers, of the following substances:

- 18 (1) Benzphetamine;
19 (2) Chlorphentermine;
20 (3) Clortermine;
21 (4) Phendimetrazine.

22 (b) Unless listed in another schedule, any material,
23 compound, mixture, or preparation which contains any quantity of
24 the following substances:

- 25 (1) Any substance which contains any quantity of a
26 derivative of barbituric acid, or any salt of a derivative of
27 barbituric acid, except those substances which are specifically
28 listed in other schedules;



29 (2) Unless specifically excepted or unless listed
30 in another schedule, any compound, mixture or preparation
31 containing any of the following substances or any salt of the
32 substances specifically included in this subsection (2) and one or
33 more other active medicinal ingredients which are not listed in
34 any other schedule:

- 35 (i) Amobarbital;
- 36 (ii) Secobarbital;
- 37 (iii) Pentobarbital;

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

- 42 (i) Amobarbital;
- 43 (ii) Secobarbital;
- 44 (iii) Pentobarbital;

45 (4) Chlorhexadol;

46 (5) Any drug product containing
47 gamma-hydroxybutyric acid, including its salts, isomers and salts
48 of isomers, for which an application is approved under Section 505
49 of the Federal Food, Drug and Cosmetic Act;

50 (6) Lysergic acid;

51 (7) Lysergic acid amide;

52 (8) Methyprylon;

53 (9) Sulfondiethylmethane;

54 (10) Sulfonethylmethane;

55 (11) Sulfonmethane;

56 (12) Tiletamine and zolazepam or any salt thereof;

57 other names for the tiletamine and zolazepam combination product
58 include: telazol; other names for tiletamine include:

59 2-(ethylamino)-2-(2-thienyl)-cyclohexanone; other names for

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

61 8-trimethylpyrazolo-[3,4-e](1,4)-diazepin-7(1H)-one, flupyrazapon;



62 (13) Embutramide.

63 (c) Nalorphine.

64 (d) Ketamine.

65 (e) Any material, compound, mixture or preparation
66 which contains any quantity of ephedrine or pseudoephedrine.

67 (f) Any material, compound, mixture, or preparation
68 containing limited quantities of any of the following narcotic
69 drugs, or any salts thereof:

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

74 (2) Not more than one and eight-tenths (1.8) grams
75 of codeine, or any of its salts, per one hundred (100) milliliters
76 or not more than ninety (90) milligrams per dosage unit, with one
77 or more active, nonnarcotic ingredients in recognized therapeutic
78 amounts;

79 (3) Not more than three hundred (300) milligrams
80 of dihydrocodeinone (also known as hydrocodone), or any of its
81 salts, per one hundred (100) milliliters or not more than fifteen
82 (15) milligrams per dosage unit, with a fourfold or greater
83 quantity of an isoquinoline alkaloid of opium;

84 (4) Not more than three hundred (300) milligrams
85 of dihydrocodeinone (also known as hydrocodone), or any of its
86 salts, per one hundred (100) milliliters or not more than fifteen
87 (15) milligrams per dosage unit, with one or more active
88 nonnarcotic ingredients in recognized therapeutic amounts;

89 (5) Not more than one and eight-tenths (1.8) grams
90 of dihydrocodeine, or any of its salts, per one hundred (100)
91 milliliters or not more than ninety (90) milligrams per dosage
92 unit, with one or more active, nonnarcotic ingredients in
93 recognized therapeutic amounts;



94 (6) Not more than three hundred (300) milligrams
95 of ethylmorphine, or any of its salts, per one hundred (100)
96 milliliters or not more than fifteen (15) milligrams per dosage
97 unit, with one or more active, nonnarcotic ingredients in
98 recognized therapeutic amounts;

99 (7) Not more than five hundred (500) milligrams of
100 opium per one hundred (100) milliliters or per one hundred (100)
101 grams, or not more than twenty-five (25) milligrams per dosage
102 unit, with one or more active, nonnarcotic ingredients in
103 recognized therapeutic amounts;

104 (8) Not more than fifty (50) milligrams of
105 morphine, or any of its salts, per one hundred (100) milliliters
106 or per one hundred (100) grams with one or more active,
107 nonnarcotic ingredients in recognized therapeutic amounts.

108 (g) Any material, compound, mixture or preparation
109 containing any quantity of any of the following anabolic steroids,
110 which means any drug or hormonal substance chemically and
111 pharmacologically related to testosterone (other than estrogens,
112 progestins, corticosteroids and dehydroepiandrosterone) that
113 promotes muscle growth, unless listed in another schedule or
114 excepted:

115 (1) 3beta,17-dihydroxy-5a-androstane;

116 (2) 3alpha,17beta-dihydroxy-5a-androstane;

117 (3) 5alpha-androstan-3,17-dione;

118 (4) 1-androstenediol

119 (3beta,17beta-dihydroxy-5alpha-androst-1-ene);

120 (5) 1-androstenediol

121 (3alpha,17beta-dihydroxy-5alpha-androst-1-ene);

122 (6) 4-androstenediol

123 (3beta,17beta-dihydroxy-androst-4-ene);

124 (7) 5-androstenediol

125 (3beta,17beta-dihydroxy-androst-5-ene);



126 (8) 1-androstenedione ([5alpha]-androst-1-en-3,
127 17-dione);
128 (9) 4-androstenedione (androst-4-en-3,17-dione);
129 (10) 5-androstenedione (androst-5-en-3,17-dione);
130 (11) Bolasterone
131 (7alpha,17alpha-dimethyl-17beta-hydroxyandrost-4-en-3-one);
132 (12) Boldenone
133 (17beta-hydroxyandrost-1,4,-diene-3-one);
134 (13) Calusterone
135 (7beta,17alpha-dimethyl-17beta-hydroxyandrost-4-en-3-one);
136 (14) Clostebol
137 (4-chloro-17beta-hydroxyandrost-4-en-3-one);
138 (15) Dehydrochloromethyltestosterone
139 (4-chloro-17beta-hydroxy-17alpha-methylandrost-1,4-dien-3-one);
140 (16) Delta1-dihydrotestosterone (also known as
141 1-testosterone) (17beta-hydroxy-5alpha-androst-1-en-3-one);
142 (17) 4-dihydrotestosterone
143 (17beta-hydroxy-androstan-3-one);
144 (18) Drostanolone
145 (17beta-hydroxy-2alpha-methyl-5alpha-androstan-3-one);
146 (19) Ethylestrenol
147 (17alpha-ethyl-17beta-hydroxyestr-4-ene);
148 (20) Fluoxymesterone
149 (9-fluoro-17alpha-methyl-11beta,
150 17beta-dihydroxyandrost-4-en-3-one);
151 (21) Formebolone
152 (2-formyl-17alpha-methyl-11alpha,17beta-dihydroxyandrost-1,4-dien-
153 3-one);
154 (22) Furazabol
155 (17alpha-methyl-17beta-hydroxyandrostan[2,3-c]-furazan);
156 (23) 13beta-ethyl-17alpha-hydroxygon-4-en-3-one;
157 (24) 4-hydroxytestosterone
158 (4,17beta-dihydroxyandrost-4-en-3-one);



159 (25) 4-hydroxy-19-nortestosterone
160 (4,17beta-dihydroxy-estr-4-en-3-one);
161 (26) Mestanolone
162 (17alpha-methyl-17beta-hydroxy-5-androstan-3-one);
163 (27) Mesterolone
164 (1alpha-methyl-17beta-hydroxy-[5alpha]-androstan-3-one);
165 (28) Methandienone
166 (17alpha-methyl-17beta-hydroxyandrost-1,4-dien-3-one);
167 (29) Methandriol (17alpha-methyl-3beta,
168 17beta-dihydroxyandrost-5-ene);
169 (30) Methenolone
170 (1-methyl-17beta-hydroxy-5alpha-androst-1-en-3-one);
171 (31) 17alpha-methyl-3beta,
172 17beta-dihydroxy-5a-androstane;
173 (32) 17alpha-methyl-3alpha,
174 17beta-dihydroxy-5a-androstane;
175 (33) 17alpha-methyl-3beta,
176 17beta-dihydroxyandrost-4-ene;
177 (34) 17alpha-methyl-4-hydroxynandrolone
178 (17alpha-methyl-4-hydroxy-17beta-hydroxyestr-4-en-3-one);
179 (35) Methyldienolone
180 (17alpha-methyl-17beta-hydroxyestra-4,9(10)-dien-3-one);
181 (36) Methyltrienolone
182 (17alpha-methyl-17beta-hydroxyestra-4,9-11-trien-3-one);
183 (37) Methyltestosterone
184 (17alpha-methyl-17beta-hydroxyandrost-4-en-3-one);
185 (38) Mibolerone
186 (7alpha,17alpha-dimethyl-17beta-hydroxyestr-4-en-3-one);
187 (39) 17alpha-methyl-Delta1-dihydrotestosterone
188 (17beta-hydroxy-17alpha-methyl-5alpha-androst-1-en-3-one) (also
189 known as 17-alpha-methyl-1-testosterone);
190 (40) Nandrolone (17beta-hydroxyestr-4-en-3-one);



191 (41) 19-nor-4-androstenediol
192 (3beta,17beta-dihydroxyestr-4-ene);
193 (42) 19-nor-4-androstenediol
194 (3a,17beta-dihydroxyestr-4-ene);
195 (43) 19-nor-5-androstenediol
196 (3beta,17beta-dihydroxyestr-5-ene);
197 (44) 19-nor-5-androstenediol
198 (3alpha,17beta-dihydroxyestr-5-ene);
199 (45) 19-nor-4-androstenedione
200 (estr-4-en-3,17-dione);
201 (46) 19-nor-5-androstenedione
202 (estr-5-en-3,17-dione);
203 (47) Norbolethone
204 (13beta,17alpha-diethyl-17beta-hydroxygon-4-en-3-one);
205 (48) Norclostebol
206 (4-chloro-17beta-hydroxyestr-4-en-3-one);
207 (49) Norethandrolone
208 (17alpha-ethyl-17beta-hydroxyestr-4-en-3-one);
209 (50) Normethandrolone
210 (17alpha-methyl-17beta-hydroxyestr-4-en-3-one);
211 (51) Oxandrolone
212 (17alpha-methyl-17beta-hydroxy-2-oxa-[5alpha]-androstan-3-one);
213 (52) Oxymesterone
214 (17alpha-methyl-4,17beta-dihydroxyandrost-4-en-3-one);
215 (53) Oxymetholone
216 (17alpha-methyl-2-hydroxymethylene-17beta-hydroxy-[5alpha]-androst
217 an-3-one);
218 (54) Stanozolol
219 (17alpha-methyl-17beta-hydroxy-[5alpha]-androst-2-eno[3,2-c]-pyraz
220 ole);
221 (55) Stenbolone
222 (17beta-hydroxy-2-methyl-[5alpha]-androst-1-en-3-one);



223 (56) Testolactone
224 (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid
225 lactone);

226 (57) Testosterone
227 (17beta-hydroxyandrost-4-en-3-one);

228 (58) Tetrahydrogestrinone
229 (13beta,17alpha-diethyl-17beta-hydroxygon-4,9,11-trien-3-one);

230 (59) Trenbolone
231 (17beta-hydroxyestr-4,9,11-trien-3-one);

232 (60) Any salt, ester, or ether of a drug or
233 substance described in this paragraph. Except such term does not
234 include an anabolic steroid that is expressly intended for
235 administration through implants to cattle or other nonhuman
236 species and that has been approved by the Secretary of Health and
237 Human Services for such administration. If any person prescribes,
238 dispenses, or distributes such steroid for human use, the person
239 shall be considered to have prescribed, dispensed or distributed
240 an anabolic steroid within the meaning of this paragraph;

241 (61) Any salt, ester or ether of a drug or
242 substance described or listed in this paragraph.

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

245 (i) Any material, compound, mixture or preparation
246 which contains any quantity of pentazocine or its salts in oral
247 dosage form.

248 (j) Dronabinol (synthetic) in sesame oil and
249 encapsulated in a soft gelatin capsule in a United States Food and
250 Drug Administration approved drug product.

251 (B) Any material, compound, mixture or preparation which
252 contains any quantity of a Schedule III controlled substance and
253 is listed as an exempt substance in 21 CFR, Section 1308.22,
254 1308.24, 1308.26, 1308.32 or 1308.34, shall be exempted from the
255 provisions of the Uniform Controlled Substances Law.



256 **SECTION 2.** Section 41-29-313, Mississippi Code of 1972, is
257 amended as follows:

258 41-29-313. (1) (a) Except as authorized in this
259 section * * *, it is unlawful for any person to knowingly or
260 intentionally:

261 (i) Purchase, possess, transfer, manufacture,
262 attempt to manufacture or distribute any two (2) or more of the
263 listed precursor chemicals or drugs in any amount with the intent
264 to unlawfully manufacture a controlled substance;

265 (ii) Purchase, possess, transfer, manufacture,
266 attempt to manufacture or distribute any two (2) or more of the
267 listed precursor chemicals or drugs in any amount, knowing, or
268 under circumstances where one reasonably should know, that the
269 listed precursor chemical or drug will be used to unlawfully
270 manufacture a controlled substance;

271 (b) The term "precursor drug or chemical" means a drug
272 or chemical that, in addition to legitimate uses, may be used in
273 manufacturing a controlled substance in violation of this chapter.
274 The term includes any salt, optical isomer or salt of an optical
275 isomer, whenever the existence of a salt, optical isomer or salt
276 of optical isomer is possible within the specific chemical
277 designation. The chemicals or drugs listed in this section are
278 included by whatever official, common, usual, chemical or trade
279 name designated. A "precursor drug or chemical" includes, but is
280 not limited to, the following:

- 281 (i) Ether;
- 282 (ii) Anhydrous ammonia;
- 283 (iii) Ammonium nitrate;
- 284 (iv) Pseudoephedrine;
- 285 (v) Ephedrine;
- 286 (vi) Denatured alcohol (Ethanol);
- 287 (vii) Lithium;
- 288 (viii) Freon;



- 289 (ix) Hydrochloric acid;
- 290 (x) Hydriodic acid;
- 291 (xi) Red phosphorous;
- 292 (xii) Iodine;
- 293 (xiii) Sodium metal;
- 294 (xiv) Sodium hydroxide;
- 295 (xv) Muriatic acid;
- 296 (xvi) Sulfuric acid;
- 297 (xvii) Hydrogen chloride gas;
- 298 (xviii) Potassium;
- 299 (xix) Methanol;
- 300 (xx) Isopropyl alcohol;
- 301 (xxi) Hydrogen peroxide;
- 302 (xxii) Hexanes;
- 303 (xxiii) Heptanes;
- 304 (xxiv) Acetone;
- 305 (xxv) Toluene;
- 306 (xxvi) Xylenes.

307 (c) Any person who violates this subsection (1), upon
308 conviction, is guilty of a felony and may be imprisoned for a
309 period not to exceed thirty (30) years and shall be fined not less
310 than Five Thousand Dollars (\$5,000.00) nor more than One Million
311 Dollars (\$1,000,000.00), or both fine and imprisonment.

312 (2) (a) It is unlawful for any person to knowingly or
313 intentionally steal or unlawfully take or carry away any amount of
314 anhydrous ammonia or to break, cut, or in any manner damage the
315 valve or locking mechanism on an anhydrous ammonia tank with the
316 intent to steal or unlawfully take or carry away anhydrous
317 ammonia.

318 (b) (i) It is unlawful for any person to purchase,
319 possess, transfer or distribute any amount of anhydrous ammonia
320 knowing, or under circumstances where one reasonably should know,



321 that the anhydrous ammonia will be used to unlawfully manufacture
322 a controlled substance.

323 (ii) The possession of any amount of anhydrous
324 ammonia in a container unauthorized for containment of anhydrous
325 ammonia pursuant to Section 75-57-9 shall be prima facie evidence
326 of intent to use the anhydrous ammonia to unlawfully manufacture a
327 controlled substance.

328 (c) (i) It is unlawful for any person to purchase,
329 possess, transfer or distribute two hundred fifty (250) dosage
330 units or fifteen (15) grams in weight (dosage unit and weight as
331 defined in Section 41-29-139) of pseudoephedrine or ephedrine,
332 knowing, or under circumstances where one reasonably should know,
333 that the pseudoephedrine or ephedrine will be used to unlawfully
334 manufacture a controlled substance.

335 (ii) Except as provided in this subparagraph,
336 possession of one or more products containing more than
337 twenty-four (24) grams of ephedrine or pseudoephedrine shall
338 constitute a rebuttable presumption of intent to use the product
339 as a precursor to methamphetamine or another controlled substance.
340 The rebuttable presumption established by this subparagraph shall
341 not apply to the following persons who are lawfully possessing the
342 identified drug products in the course of legitimate business:

343 1. A retail distributor of the drug products
344 described in this subparagraph possessing a valid business license
345 or wholesaler;

346 2. A wholesale drug distributor, or its
347 agents, licensed by the Mississippi State Board of Pharmacy;

348 3. A manufacturer of drug products described
349 in this subparagraph, or its agents, licensed by the Mississippi
350 State Board of Pharmacy;

351 4. A pharmacist licensed by the Mississippi
352 State Board of Pharmacy; or



353 5. A licensed health care professional
354 possessing the drug products described in this subparagraph (ii)
355 in the course of carrying out his profession.

356 (d) Any person who violates this subsection (2), upon
357 conviction, is guilty of a felony and may be imprisoned for a
358 period not to exceed five (5) years and shall be fined not more
359 than Five Thousand Dollars (\$5,000.00), or both fine and
360 imprisonment.

361 (3) Nothing in this section shall preclude any farmer from
362 storing or using any of the listed precursor drugs or chemicals
363 listed in this section in the normal pursuit of farming
364 operations.

365 (4) Nothing in this section shall preclude any wholesaler,
366 retailer or pharmacist from possessing or selling the listed
367 precursor drugs or chemicals in the normal pursuit of business.

368 (5) Any person who violates the provisions of this section
369 with children under the age of eighteen (18) years present may be
370 subject to a term of imprisonment or a fine, or both, of twice
371 that provided in this section.

372 (6) Any person who violates the provisions of this section
373 when the offense occurs in any hotel or apartment building or
374 complex may be subject to a term of imprisonment or a fine, or
375 both, of twice that provided in this section. For the purposes of
376 this subsection (6), the following terms shall have the meanings
377 ascribed to them:

378 (a) "Hotel" means a hotel, inn, motel, tourist court,
379 apartment house, rooming house or any other place where sleeping
380 accommodations are furnished or offered for pay if four (4) or
381 more rooms are available for transient guests.

382 (b) "Apartment building" means any building having four
383 (4) or more dwelling units, including, without limitation, a
384 condominium building.



385 (7) Any person who violates the provisions of this section
386 who has in his possession any firearm, either at the time of the
387 commission of the offense or at the time any arrest is made, may
388 be subject to a term of imprisonment or a fine, or both, of twice
389 that provided in this section.

390 (8) Any person who violates the provisions of this section
391 upon any premises upon which any booby trap has been installed or
392 rigged may be subject to a term of imprisonment or a fine, or
393 both, of twice that provided in this section. For the purposes of
394 this subsection, the term "booby trap" means any concealed or
395 camouflaged device designed to cause bodily injury when triggered
396 by any action of a person making contact with the device. The
397 term includes guns, ammunition or explosive devices attached to
398 trip wires or other triggering mechanisms, sharpened stakes,
399 nails, spikes, electrical devices, lines or wires with hooks
400 attached, and devices designed for the production of toxic fumes
401 or gases.

402 **SECTION 3.** Section 41-29-317, Mississippi Code of 1972, is
403 amended as follows:

404 41-29-317. (1) The Bureau of Narcotics may develop and
405 maintain a program to inform retailers about the methamphetamine
406 problem in the state and devise procedures and forms for retailers
407 to use in reporting to the Bureau of Narcotics suspicious
408 purchases, thefts or other transactions involving any products
409 under the retailer's control which contain a regulated precursor
410 under the provisions of Section 41-29-313 * * *.

411 (2) Reporting by retailers as required by this section shall
412 be voluntary.

413 (3) Retailers reporting information to the Bureau of
414 Narcotics in good faith pursuant to this section shall be immune
415 from civil and criminal liability for a violation of Section
416 41-29-313 * * *.



417 **SECTION 4.** Section 41-29-315, Mississippi Code of 1972,
418 which restricts the over-the-counter purchase and sale of
419 ephedrine and pseudoephedrine, is repealed.

420 **SECTION 5.** This act does not apply to wholesale drug
421 distributors licensed and regulated by the Mississippi Board of
422 Pharmacy and registered with and regulated by the United States
423 Drug Enforcement Administration and exempts them from storage,
424 reporting, record keeping or physical security control
425 requirements for controlled substances containing any material,
426 compound, mixture or preparation which contains any quantity of
427 ephedrine or pseudoephedrine.

428 **SECTION 6.** This act shall take effect and be in force from
429 and after July 1, 2010.

