

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 1—Controlled Substances**

PROPOSED AMENDMENT

19 CSR 30-1.074 Dispensing Without a Prescription. The department is amending subsections (3)(B), (3)(C), and (3)(L).

PURPOSE: This amendment updates the requirements for the sale, dispensation, or distribution of methamphetamine precursor products to be consistent with section 195.417, RSMo.

(3) Methamphetamine precursor products may be sold, dispensed, distributed, or otherwise provided only as follows:

(B) Dispensers of methamphetamine precursor products shall exercise reasonable care in assuring that the purchaser has not exceeded the three and six-tenths (3.6)-gram limit per day or the *[nine (9)]* **seven and two-tenths (7.2)**-gram limit per thirty (30)-day period. **Within any twelve-month period, no person shall sell, dispense, or otherwise provide the same individual, and no person shall purchase, receive or otherwise acquire more than forty-three and two-tenths (43.2)-grams, without regard to the number of transactions;**

(C) Dispensers shall utilize the real-time electronic pseudoephedrine tracking system established and maintained by the Missouri Department of Health and Senior Services (DHSS). **No prescription shall be required for the sale or dispensing of these drug products; however, prescribers and patients may voluntarily choose to use a prescription by voluntary choice when deemed appropriate by the prescriber in the course of his or her professional practice;**

(L) Denials of Sales and Dispensings.

1. Except as provided in subsection (D) of this section, if an individual attempts to purchase a methamphetamine precursor product in violation of the three and six-tenths (3.6) gram per day or *[nine (9)]***seven and two-tenths (7.2)** gram per month quantity restrictions or age restriction established by sections 195.017 and 195.417, RSMo, the dispenser shall refuse to make the sale. The purchaser must be at least eighteen (18) years of age.

2. Sales of methamphetamine precursor products shall be denied to purchasers who are not able to produce a valid government issued identification card with the required information displayed on it.

3. In the event that the dispenser perceives that refusal of the purchase may place him or her in imminent physical harm, then the dispenser may use the database safety override function to proceed with the transaction, provided that—

A. When jeopardy is no longer perceived, the dispenser shall immediately contact local law enforcement to report the purchase; and

B. The dispenser shall document in their manual log, the circumstance, the individual contacted at the local law enforcement agency, and the date and time of that contact;

*AUTHORITY: sections 195.017, **195.030, 195.050, 195.195**, and 195.417, RSMo Supp. [2010 and sections 195.030, 195.050, and 195.195, RSMo 2000]2020.* Original rule filed April 14, 2000, effective Nov. 30, 2000. Emergency amendment filed Aug. 18, 2005, effective Aug. 28, 2005, expired Feb. 23, 2006. Amended: Filed Sept. 1, 2005, effective Feb. 28, 2006. Emergency amendment filed July 9, 2010, effective Sept. 28, 2010, expired March 26, 2011. Amended: Filed June 29, 2010, effective Jan. 30, 2011. Emergency amendment filed Oct. 30, 2020, effective Nov. 16, 2020, expires May 14, 2021. Amended: filed Oct. 30, 2020.*

Original authority: 195.017, RSMo 1971, amended 1987, 1989, 1994, 1996, 1997, 1998, 2001, 2005, 2006, 2008, **2011, 2017, 2018, 2020; 195.030, RSMo 1939, amended 1971, 1989, 1993, 1995, 1997, 1999, **2017**; 195.050, RSMo 1939, amended 1971, 1989, **2017**; 195.195, RSMo 1957, amended 1971, 1989, 1993, **2017**; and 195.417, RSMo 2001, amended 2003, 2005, 2008, **2009, 2017, 2020**.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) annually.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support or in opposition to this proposed emergency amendment with Michael Boeger, Missouri Department of Health and Senior Services, Bureau of Narcotics and Dangerous Drugs, PO Box 570, Jefferson City, MO 65102 or via email at BNDD@health.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.