

Emergency Rule

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

EMERGENCY AMENDMENT

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

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

EMERGENCY STATEMENT: Section 195.417, RSMo was amended through SS SCS HCS HB 1682 (2020). This statutory amendment reduced that amount of methamphetamine precursor products that pharmacy may dispense within a 30 day period from 9 grams to 7.2 grams. It also placed limit on the amount of methamphetamine precursor products a pharmacy may dispense to an individual or that an individual may otherwise receive within a 12 month period to 43.2 grams. This emergency rule amendment will ensure that Missouri's controlled substance regulations contain these same limits rather than purchase limits that exceed those now allowed by statute. Limiting the amount of methamphetamine precursor products that may be dispensed to an individual (with or without a prescription) in a given period of time helps ensure that those individuals are purchasing for lawful reasons and not with the intent of using the products to manufacture methamphetamine. There are currently 1,369 pharmacies registered with the Department of Health and Senior Services Bureau of Narcotics and Dangerous Drugs. Not all of these pharmacies dispense methamphetamine precursor products, but for those that do it is important that the regulations they agree to follow as registrants are consistent with state law, not only to prevent confusion, but to ensure the Bureau can discipline a registrant for violating state law if needed. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Department of Health and Senior Services believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed Oct. 30, 2020, becomes effective Nov. 16, 2020, and expires May 14, 2021.

(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 and 195.417, RSMo Supp. [2010] 2020, and sections 195.030, 195.050, and 195.195, RSMo [2000] 2016. Original rule filed April 14, 2000, effective Nov. 30, 2000. For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed Oct. 30, 2020, effective Nov. 16, 2020, expires May 14, 2021. An emergency amendment and a proposed amendment covering this same material will be published in the Dec. 1, 2020 issue of the **Missouri Register**.

PUBLIC COST: This emergency amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the time the emergency is effective.

PRIVATE COST: This emergency amendment will not cost private entities more than five hundred dollars (\$500) in the time the emergency is effective.