

By: Senator(s) Fillingane, Hill, McDaniel,
Jackson (11th), Jordan, Sojourner

To: Drug Policy; Judiciary,
Division B

SENATE BILL NO. 2119
(As Passed the Senate)

1 AN ACT TO AUTHORIZE PHARMACIES TO SELL AND PERSONS TO
2 PURCHASE, WITHOUT A PRESCRIPTION, PRODUCTS THAT CONTAIN CERTAIN
3 QUANTITIES OF PSEUDOEPHEDRINE OR EPHEDRINE; TO REQUIRE PHARMACIES
4 SELLING PRODUCTS AUTHORIZED UNDER THIS ACT TO USE THE NPLEX SYSTEM
5 BEFORE SELLING THOSE PRODUCTS; TO REQUIRE PHARMACIES TO MAINTAIN
6 AN ELECTRONIC LOG OF REQUIRED INFORMATION FOR EACH TRANSACTION; TO
7 REQUIRE THE PURCHASER OF THE PACKAGE TO BE AT LEAST EIGHTEEN YEARS
8 OF AGE, AS SHOWN BY VALID IDENTIFICATION, AND TO SIGN A RECORD OF
9 EACH TRANSACTION; TO PROVIDE CRIMINAL PENALTIES FOR VIOLATIONS OF
10 THIS ACT; TO AMEND SECTION 41-29-117, MISSISSIPPI CODE OF 1972, TO
11 CONFORM; AND FOR RELATED PURPOSES.

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

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

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



23 counter in an area within the pharmacy where the public is not
24 permitted.

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

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

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

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



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

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

70 (c) Maintain a written log or an alternative electronic
71 recordkeeping mechanism if a pharmacy or retailer experiences
72 mechanical or electronic failure of the required electronic



73 tracking system until such time as the pharmacy or retailer is
74 able to comply with the electronic sales-tracking requirement. No
75 person shall purchase, receive or otherwise acquire more than
76 three and six-tenths (3.6) grams per day or seven and two-tenths
77 (7.2) grams of pseudoephedrine or ephedrine within any thirty-day
78 period.

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

83 (4) (a) Pseudoephedrine and ephedrine products dispensed
84 pursuant to a legitimate prescription are exempt from this
85 section.

86 (b) The amounts of pseudoephedrine and ephedrine
87 products dispensed to a person pursuant to a legitimate
88 prescription shall not be considered under subsection (1)(a) of
89 this section.

90 (5) A violation of this section is a misdemeanor and is
91 punishable as follows:

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

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

96 (6) A pharmacist who is the general owner or operator of an
97 establishment where pseudoephedrine and ephedrine products are



98 available for sale shall not be penalized under this section for
99 the conduct of an employee if the retailer documents that an
100 employee training program approved by the Mississippi Board of
101 Pharmacy was conducted by the pharmacist. The Mississippi Board
102 of Pharmacy shall develop or approve all training programs for
103 pharmacy employees.

104 (7) A person who resides in a state that requires a
105 prescription for the purchase of pseudoephedrine or ephedrine, or
106 who presents identification from a state that requires a
107 prescription for the purchase of pseudoephedrine or ephedrine, may
108 purchase those products only upon presentation of a valid
109 prescription for the pseudoephedrine or ephedrine.

110 (8) This section shall stand repealed on January 1, 2024.

111 **SECTION 2.** Section 41-29-117, Mississippi Code of 1972, is
112 amended as follows:

113 41-29-117. (A) The controlled substances listed in this
114 section are included in Schedule III.

115 **SCHEDULE III**

116 (a) **Stimulants.** Any material, compound, mixture, or
117 preparation which contains any quantity of the following
118 substances or their salts, isomers, or salts of isomers, of the
119 following substances:

- 120 (1) Benzphetamine;
- 121 (2) Chlorphentermine;
- 122 (3) Clortermine;



123 (4) Phendimetrazine.

124 (b) **Depressants.** Unless listed in another schedule,
125 any material, compound, mixture, or preparation which contains any
126 quantity of the following substances:

127 (1) Any substance which contains any quantity of a
128 derivative of barbituric acid, or any salt of a derivative of
129 barbituric acid, except those substances which are specifically
130 listed in other schedules;

131 (2) Unless specifically excepted or unless listed
132 in another schedule, any compound, mixture or preparation
133 containing any of the following substances or any salt of the
134 substances specifically included in this subsection (2) and one or
135 more other active medicinal ingredients which are not listed in
136 any other schedule:

137 (i) Amobarbital;

138 (ii) Secobarbital;

139 (iii) Pentobarbital;

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

144 (i) Amobarbital;

145 (ii) Secobarbital;

146 (iii) Pentobarbital;

147 (4) Chlorhexadol;



148 (5) Embutramide;

149 (6) Any drug product containing

150 gamma-hydroxybutyric acid, including its salts, isomers and salts

151 of isomers, for which an application is approved under Section 505

152 of the Federal Food, Drug and Cosmetic Act;

153 (7) Ketamine; its salts, isomers, and salts of

154 isomers; other names include

155 (+)-2-(2-chlorophenyl)-2-(methylamino)cyclohexanone;

156 (8) Lysergic acid;

157 (9) Lysergic acid amide;

158 (10) Methyprylon;

159 (11) Perampanel; its salts, isomers, and salts of

160 isomers;

161 (12) Sulfondiethylmethane;

162 (13) Sulfonethylmethane;

163 (14) Sulfonmethane;

164 (15) Tiletamine and zolazepam or any salt thereof;

165 other names for the tiletamine and zolazepam combination product

166 include: telazol; other names for tiletamine include:

167 2-(ethylamino)-2-(2-thienyl)-cyclohexanone; other names for

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

169 8-trimethylpyrazolo-[3,4-e](1,4)-diazepin-7(1H)-one, flupyrazapon.

170 (c) Nalorphine.

171 (d) Any material, compound, mixture or preparation

172 which contains any quantity of ephedrine or pseudoephedrine,



173 except for any product that contains any quantity of
174 pseudoephedrine or ephedrine that is sold subject to the quantity
175 restrictions authorized in Section 1 of this act.

176 (e) **Narcotic drugs.** Any material, compound, mixture,
177 or preparation containing limited quantities of any of the
178 following narcotic drugs, or any salts thereof:

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

183 (2) Not more than one and eight-tenths (1.8) grams
184 of codeine, or any of its salts, per one hundred (100) milliliters
185 or not more than ninety (90) milligrams per dosage unit, with one
186 or more active, nonnarcotic ingredients in recognized therapeutic
187 amounts;

188 (3) Not more than one and eight-tenths (1.8) grams
189 of dihydrocodeine, or any of its salts, per one hundred (100)
190 milliliters or not more than ninety (90) milligrams per dosage
191 unit, with one or more active, nonnarcotic ingredients in
192 recognized therapeutic amounts;

193 (4) Not more than three hundred (300) milligrams
194 of ethylmorphine, or any of its salts, per one hundred (100)
195 milliliters or not more than fifteen (15) milligrams per dosage
196 unit, with one or more active, nonnarcotic ingredients in
197 recognized therapeutic amounts;



198 (5) Not more than five hundred (500) milligrams of
199 opium per one hundred (100) milliliters or per one hundred (100)
200 grams, or not more than twenty-five (25) milligrams per dosage
201 unit, with one or more active, nonnarcotic ingredients in
202 recognized therapeutic amounts;

203 (6) Not more than fifty (50) milligrams of
204 morphine, or any of its salts, per one hundred (100) milliliters
205 or per one hundred (100) grams with one or more active,
206 nonnarcotic ingredients in recognized therapeutic amounts.

207 (f) **Anabolic steroids.** Unless specifically exempted or
208 listed in another schedule, any material, compound, mixture or
209 preparation containing any quantity of any of the following
210 anabolic steroids (any drug or hormonal substance chemically and
211 pharmacologically related to testosterone other than estrogens,
212 progestins, corticosteroids and dehydroepiandrosterone):

213 (1) 3beta,17-dihydroxy-5a-androstane;

214 (2) 3alpha,17beta-dihydroxy-5a-androstane;

215 (3) 5alpha-androstan-3,17-dione;

216 (4) 1-androstenediol
217 (3beta,17beta-dihydroxy-5alpha-androst-1-ene);

218 (5) 1-androstenediol
219 (3alpha,17beta-dihydroxy-5alpha-androst-1-ene);

220 (6) 4-androstenediol
221 (3beta,17beta-dihydroxy-androst-4-ene);



222 (7) 5-androstenediol
223 (3beta,17beta-dihydroxy-androst-5-ene);
224 (8) 1-androstenedione ([5alpha]-androst-1-en-3,
225 17-dione);
226 (9) 4-androstenedione (androst-4-en-3,17-dione);
227 (10) 5-androstenedione (androst-5-en-3,17-dione);
228 (11) Bolasterone
229 (7alpha,17alpha-dimethyl-17beta-hydroxyandrost-4-en-3-one);
230 (12) Boldenone
231 (17beta-hydroxyandrost-1,4,-diene-3-one);
232 (13) Boldione (androsta-1,4-diene-3,17-dione);
233 (14) Calusterone
234 (7beta,17alpha-dimethyl-17beta-hydroxyandrost-4-en-3-one);
235 (15) Clostebol
236 (4-chloro-17beta-hydroxyandrost-4-en-3-one);
237 (16) Dehydrochloromethyltestosterone
238 (4-chloro-17beta-hydroxy-17alpha-methylandrost-1,4-dien-3-one);
239 (17) Desoxymethyltestosterone
240 (17alpha-methyl-5alpha-androst-2-en-17beta-ol, also known as
241 madol);
242 (18) Delta1-dihydrotestosterone (also known as
243 1-testosterone) (17beta-hydroxy-5alpha-androst-1-en-3-one);
244 (19) 4-dihydrotestosterone
245 (17beta-hydroxy-androstan-3-one);



246 (20) Drostanolone
247 (17beta-hydroxy-2alpha-methyl-5alpha-androstan-3-one);
248 (21) Ethylestrenol
249 (17alpha-ethyl-17beta-hydroxyestr-4-ene);
250 (22) Fluoxymesterone
251 (9-fluoro-17alpha-methyl-11beta,
252 17beta-dihydroxyandrost-4-en-3-one);
253 (23) Formebolone
254 (2-formyl-17alpha-methyl-11alpha,17beta-dihydroxyandrost-1,
255 4-dien-3-one);
256 (24) Furazabol
257 (17alpha-methyl-17beta-hydroxyandrostano[2,3-c]-furazan);
258 (25) 13beta-ethyl-17alpha-hydroxygon-4-en-3-one;
259 (26) 4-hydroxytestosterone
260 (4,17beta-dihydroxyandrost-4-en-3-one);
261 (27) 4-hydroxy-19-nortestosterone
262 (4,17beta-dihydroxy-estr-4-en-3-one);
263 (28) Mestanolone
264 (17alpha-methyl-17beta-hydroxy-5-androstan-3-one);
265 (29) Mesterolone
266 (1alpha-methyl-17beta-hydroxy-[5alpha]-androstan-3-one);
267 (30) Methandienone
268 (17alpha-methyl-17beta-hydroxyandrost-1,4-dien-3-one);
269 (31) Methandriol (17alpha-methyl-3beta,
270 17beta-dihydroxyandrost-5-ene);



271 (32) Methasterone (2[alpha],
272 17[alpha]-dimethyl-5[alpha]-androstan-17[beta]-ol-3-one;
273 (33) Methenolone
274 (1-methyl-17beta-hydroxy-5alpha-androst-1-en-3-one);
275 (34) 17alpha-methyl-3beta,
276 17beta-dihydroxy-5a-androstane;
277 (35) 17alpha-methyl-3alpha,
278 17beta-dihydroxy-5a-androstane;
279 (36) 17alpha-methyl-3beta,
280 17beta-dihydroxyandrost-4-ene;
281 (37) 17alpha-methyl-4-hydroxynandrolone
282 (17alpha-methyl-4-hydroxy-17beta-hydroxyestr-4-en-3-one);
283 (38) Methyldienolone
284 (17alpha-methyl-17beta-hydroxyestra-4,9(10)-dien-3-one);
285 (39) Methyltrienolone
286 (17alpha-methyl-17beta-hydroxyestra-4,9-11-trien-3-one);
287 (40) Methyltestosterone
288 (17alpha-methyl-17beta-hydroxyandrost-4-en-3-one);
289 (41) Mibolerone
290 (7alpha,17alpha-dimethyl-17beta-hydroxyestr-4-en-3-one);
291 (42) 17alpha-methyl-Delta1-dihydrotestosterone (17b
292 beta-hydroxy-17alpha-methyl-5alpha-androst-1-en-3-one) (also known
293 as 17-alpha-methyl-1-testosterone);
294 (43) Nandrolone (17beta-hydroxyestr-4-en-3-one);



295 (44) 19-nor-4-androstenediol
296 (3beta,17beta-dihydroxyestr-4-ene);
297 (45) 19-nor-4-androstenediol
298 (3a,17beta-dihydroxyestr-4-ene);
299 (46) 19-nor-5-androstenediol
300 (3beta,17beta-dihydroxyestr-5-ene);
301 (47) 19-nor-5-androstenediol
302 (3alpha,17beta-dihydroxyestr-5-ene);
303 (48) 19-nor-4,9(10)-androstadienedione
304 (estra-4,9(10)-diene-3,17-dione,
305 19-norandrost-4,9(10)-diene-3,17-dione);
306 (49) 19-nor-4-androstenedione
307 (estr-4-en-3,17-dione);
308 (50) 19-nor-5-androstenedione
309 (estr-5-en-3,17-dione);
310 (51) Norbolethone
311 (13beta,17alpha-diethyl-17beta-hydroxygon-4-en-3-one);
312 (52) Norclostebol
313 (4-chloro-17beta-hydroxyestr-4-en-3-one);
314 (53) Norethandrolone
315 (17alpha-ethyl-17beta-hydroxyestr-4-en-3-one);
316 (54) Normethandrolone
317 (17alpha-methyl-17beta-hydroxyestr-4-en-3-one);
318 (55) Oxandrolone
319 (17alpha-methyl-17beta-hydroxy-2-oxa-[5alpha]-androstan-3-one);



320 (56) Oxymesterone
321 (17alpha-methyl-4,17beta-dihydroxyandrost-4-en-3-one);
322 (57) Oxymetholone
323 (17alpha-methyl-2-hydroxymethylene-17beta-hydroxy-[5alpha]-
324 androstan-3-one);
325 (58) Prostanazol
326 (17[beta]-hydroxy-5[alpha]-androstan[3,2-c]pyrazole)
327 (59) Stanozolol
328 (17alpha-methyl-17beta-hydroxy-[5alpha]-androst-2-eno[3,2-c]-
329 pyrazole);
330 (60) Stenbolone
331 (17beta-hydroxy-2-methyl-[5alpha]-androst-1-en-3-one);
332 (61) Testolactone
333 (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid
334 lactone);
335 (62) Testosterone
336 (17beta-hydroxyandrost-4-en-3-one);
337 (63) Tetrahydrogestrinone
338 (13beta,17alpha-diethyl-17beta-hydroxygon-4,9,11-trien-3-one);
339 (64) Trenbolone
340 (17beta-hydroxyestr-4,9,11-trien-3-one);
341 (65) Any salt, ester, or ether of a drug or
342 substance described in this paragraph. Except such term does not
343 include an anabolic steroid that is expressly intended for
344 administration through implants to cattle or other nonhuman



345 species and that has been approved by the Secretary of Health and
346 Human Services for such administration. If any person prescribes,
347 dispenses, or distributes such steroid for human use, the person
348 shall be considered to have prescribed, dispensed or distributed
349 an anabolic steroid within the meaning of this paragraph.

350 (g) Any material, compound, mixture or preparation
351 which contains any quantity of buprenorphine or its salts.

352 (h) Dronabinol (synthetic) in sesame oil and
353 encapsulated in a soft gelatin capsule in a United States Food and
354 Drug Administration approved drug product.

355 (B) Any material, compound, mixture or preparation which
356 contains any quantity of a Schedule III controlled substance other
357 than butalbital, and is listed as an exempt substance in 21 CFR,
358 Section 1308.22, 1308.24, 1308.26, 1308.32 or 1308.34, shall be
359 exempted from the provisions of the Uniform Controlled Substances
360 Law.

361 **SECTION 3.** This act shall take effect and be in force from
362 and after January 1, 2022.

