

SECOND REGULAR SESSION

SENATE BILL NO. 951

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR HOLSMAN.

Read 1st time February 26, 2014, and ordered printed.

TERRY L. SPIELER, Secretary.

4158S.01I

AN ACT

To repeal sections 144.020, 144.021, 144.030, 195.017, and 263.250, RSMo, and to enact in lieu thereof ten new sections relating to the use of marijuana for medicinal purposes, with penalty provisions and a referendum clause.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 144.020, 144.021, 144.030, 195.017, and 263.250, RSMo, are repealed and ten new sections enacted in lieu thereof, to be known as sections 144.020, 144.021, 144.030, 195.017, 195.580, 195.583, 195.592, 195.595, 195.598, and 263.250, to read as follows:

144.020. 1. A tax is hereby levied and imposed upon all sellers for the privilege of engaging in the business of selling tangible personal property or rendering taxable service at retail in this state. The rate of tax shall be as follows:

(1) Upon every retail sale in this state of tangible personal property, including but not limited to motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats and outboard motors, a tax equivalent to four percent of the purchase price paid or charged, or in case such sale involves the exchange of property, a tax equivalent to four percent of the consideration paid or charged, including the fair market value of the property exchanged at the time and place of the exchange, except as otherwise provided in section 144.025;

(2) A tax equivalent to four percent of the amount paid for admission and seating accommodations, or fees paid to, or in any place of amusement, entertainment or recreation, games and athletic events;

(3) A tax equivalent to four percent of the basic rate paid or charged on all sales of electricity or electrical current, water and gas, natural or artificial, to

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

17 domestic, commercial or industrial consumers;

18 (4) A tax equivalent to four percent on the basic rate paid or charged on
19 all sales of local and long distance telecommunications service to
20 telecommunications subscribers and to others through equipment of
21 telecommunications subscribers for the transmission of messages and
22 conversations and upon the sale, rental or leasing of all equipment or services
23 pertaining or incidental thereto; except that, the payment made by
24 telecommunications subscribers or others, pursuant to section 144.060, and any
25 amounts paid for access to the internet or interactive computer services shall not
26 be considered as amounts paid for telecommunications services;

27 (5) A tax equivalent to four percent of the basic rate paid or charged for
28 all sales of services for transmission of messages of telegraph companies;

29 (6) A tax equivalent to four percent on the amount of sales or charges for
30 all rooms, meals and drinks furnished at any hotel, motel, tavern, inn,
31 restaurant, eating house, drugstore, dining car, tourist cabin, tourist camp or
32 other place in which rooms, meals or drinks are regularly served to the public;

33 (7) A tax equivalent to four percent of the amount paid or charged for
34 intrastate tickets by every person operating a railroad, sleeping car, dining car,
35 express car, boat, airplane and such buses and trucks as are licensed by the
36 division of motor carrier and railroad safety of the department of economic
37 development of Missouri, engaged in the transportation of persons for hire;

38 (8) A tax equivalent to four percent of the amount paid or charged for
39 rental or lease of tangible personal property, provided that if the lessor or renter
40 of any tangible personal property had previously purchased the property under
41 the conditions of "sale at retail" or leased or rented the property and the tax was
42 paid at the time of purchase, lease or rental, the lessor, sublessor, renter or
43 subrenter shall not apply or collect the tax on the subsequent lease, sublease,
44 rental or subrental receipts from that property. The purchase, rental or lease of
45 motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats, and outboard
46 motors shall be taxed and the tax paid as provided in this section and section
47 144.070. In no event shall the rental or lease of boats and outboard motors be
48 considered a sale, charge, or fee to, for or in places of amusement, entertainment
49 or recreation nor shall any such rental or lease be subject to any tax imposed to,
50 for, or in such places of amusement, entertainment or recreation. Rental and
51 leased boats or outboard motors shall be taxed under the provisions of the sales
52 tax laws as provided under such laws for motor vehicles and trailers. Tangible

53 personal property which is exempt from the sales or use tax under section
54 144.030 upon a sale thereof is likewise exempt from the sales or use tax upon the
55 lease or rental thereof.

56 2. All tickets sold which are sold under the provisions of sections 144.010
57 to 144.525 which are subject to the sales tax shall have printed, stamped or
58 otherwise endorsed thereon, the words "This ticket is subject to a sales tax."

59 **3. The provisions of subsection 1 of this section notwithstanding,**
60 **the rate of tax imposed on the retail sale of medical marijuana as**
61 **defined in section 195.580 shall be equal to eight percent of the**
62 **purchase price paid or charged.**

144.021. The purpose and intent of sections 144.010 to 144.510 is to
2 impose a tax upon the privilege of engaging in the business, in this state, of
3 selling tangible personal property and those services listed in section
4 144.020. The primary tax burden is placed upon the seller making the taxable
5 sales of property or service and is levied at the rate provided for in section
6 144.020. Excluding sections 144.070, 144.440 and 144.450, the extent to which a
7 seller is required to collect the tax from the purchaser of the taxable property or
8 service is governed by section 144.285 and in no way affects sections 144.080 and
9 144.100, which require all sellers to report to the director of revenue their "gross
10 receipts", defined herein to mean the aggregate amount of the sales price of all
11 sales at retail, and remit tax at four percent, **or eight percent when**
12 **applicable**, of their gross receipts.

144.030. 1. There is hereby specifically exempted from the provisions of
2 sections 144.010 to 144.525 and from the computation of the tax levied, assessed
3 or payable pursuant to sections 144.010 to 144.525 such retail sales as may be
4 made in commerce between this state and any other state of the United States,
5 or between this state and any foreign country, and any retail sale which the state
6 of Missouri is prohibited from taxing pursuant to the Constitution or laws of the
7 United States of America, and such retail sales of tangible personal property
8 which the general assembly of the state of Missouri is prohibited from taxing or
9 further taxing by the constitution of this state.

10 2. There are also specifically exempted from the provisions of the local
11 sales tax law as defined in section 32.085, section 238.235, and sections 144.010
12 to 144.525 and 144.600 to 144.761 and from the computation of the tax levied,
13 assessed or payable pursuant to the local sales tax law as defined in section
14 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.745:

15 (1) Motor fuel or special fuel subject to an excise tax of this state, unless
16 all or part of such excise tax is refunded pursuant to section 142.824; or upon the
17 sale at retail of fuel to be consumed in manufacturing or creating gas, power,
18 steam, electrical current or in furnishing water to be sold ultimately at retail; or
19 feed for livestock or poultry; or grain to be converted into foodstuffs which are to
20 be sold ultimately in processed form at retail; or seed, limestone or fertilizer
21 which is to be used for seeding, liming or fertilizing crops which when harvested
22 will be sold at retail or will be fed to livestock or poultry to be sold ultimately in
23 processed form at retail; economic poisons registered pursuant to the provisions
24 of the Missouri pesticide registration law (sections 281.220 to 281.310) which are
25 to be used in connection with the growth or production of crops, fruit trees or
26 orchards applied before, during, or after planting, the crop of which when
27 harvested will be sold at retail or will be converted into foodstuffs which are to
28 be sold ultimately in processed form at retail;

29 (2) Materials, manufactured goods, machinery and parts which when used
30 in manufacturing, processing, compounding, mining, producing or fabricating
31 become a component part or ingredient of the new personal property resulting
32 from such manufacturing, processing, compounding, mining, producing or
33 fabricating and which new personal property is intended to be sold ultimately for
34 final use or consumption; and materials, including without limitation, gases and
35 manufactured goods, including without limitation slagging materials and
36 firebrick, which are ultimately consumed in the manufacturing process by
37 blending, reacting or interacting with or by becoming, in whole or in part,
38 component parts or ingredients of steel products intended to be sold ultimately
39 for final use or consumption;

40 (3) Materials, replacement parts and equipment purchased for use directly
41 upon, and for the repair and maintenance or manufacture of, motor vehicles,
42 watercraft, railroad rolling stock or aircraft engaged as common carriers of
43 persons or property;

44 (4) Motor vehicles registered in excess of fifty-four thousand pounds, and
45 the trailers pulled by such motor vehicles, that are actually used in the normal
46 course of business to haul property on the public highways of the state, and that
47 are capable of hauling loads commensurate with the motor vehicle's registered
48 weight; and the materials, replacement parts, and equipment purchased for use
49 directly upon, and for the repair and maintenance or manufacture of such
50 vehicles. For purposes of this subdivision "motor vehicle" and "public highway"

51 shall have the meaning as ascribed in section 390.020;

52 (5) Replacement machinery, equipment, and parts and the materials and
53 supplies solely required for the installation or construction of such replacement
54 machinery, equipment, and parts, used directly in manufacturing, mining,
55 fabricating or producing a product which is intended to be sold ultimately for
56 final use or consumption; and machinery and equipment, and the materials and
57 supplies required solely for the operation, installation or construction of such
58 machinery and equipment, purchased and used to establish new, or to replace or
59 expand existing, material recovery processing plants in this state. For the
60 purposes of this subdivision, a "material recovery processing plant" means a
61 facility that has as its primary purpose the recovery of materials into a useable
62 product or a different form which is used in producing a new product and shall
63 include a facility or equipment which are used exclusively for the collection of
64 recovered materials for delivery to a material recovery processing plant but shall
65 not include motor vehicles used on highways. For purposes of this section, the
66 terms motor vehicle and highway shall have the same meaning pursuant to
67 section 301.010. Material recovery is not the reuse of materials within a
68 manufacturing process or the use of a product previously recovered. The material
69 recovery processing plant shall qualify under the provisions of this section
70 regardless of ownership of the material being recovered;

71 (6) Machinery and equipment, and parts and the materials and supplies
72 solely required for the installation or construction of such machinery and
73 equipment, purchased and used to establish new or to expand existing
74 manufacturing, mining or fabricating plants in the state if such machinery and
75 equipment is used directly in manufacturing, mining or fabricating a product
76 which is intended to be sold ultimately for final use or consumption;

77 (7) Tangible personal property which is used exclusively in the
78 manufacturing, processing, modification or assembling of products sold to the
79 United States government or to any agency of the United States government;

80 (8) Animals or poultry used for breeding or feeding purposes, or captive
81 wildlife;

82 (9) Newsprint, ink, computers, photosensitive paper and film, toner,
83 printing plates and other machinery, equipment, replacement parts and supplies
84 used in producing newspapers published for dissemination of news to the general
85 public;

86 (10) The rentals of films, records or any type of sound or picture

87 transcriptions for public commercial display;

88 (11) Pumping machinery and equipment used to propel products delivered
89 by pipelines engaged as common carriers;

90 (12) Railroad rolling stock for use in transporting persons or property in
91 interstate commerce and motor vehicles licensed for a gross weight of twenty-four
92 thousand pounds or more or trailers used by common carriers, as defined in
93 section 390.020, in the transportation of persons or property;

94 (13) Electrical energy used in the actual primary manufacture, processing,
95 compounding, mining or producing of a product, or electrical energy used in the
96 actual secondary processing or fabricating of the product, or a material recovery
97 processing plant as defined in subdivision (5) of this subsection, in facilities
98 owned or leased by the taxpayer, if the total cost of electrical energy so used
99 exceeds ten percent of the total cost of production, either primary or secondary,
100 exclusive of the cost of electrical energy so used or if the raw materials used in
101 such processing contain at least twenty-five percent recovered materials as
102 defined in section 260.200. There shall be a rebuttable presumption that the raw
103 materials used in the primary manufacture of automobiles contain at least
104 twenty-five percent recovered materials. For purposes of this subdivision,
105 "processing" means any mode of treatment, act or series of acts performed upon
106 materials to transform and reduce them to a different state or thing, including
107 treatment necessary to maintain or preserve such processing by the producer at
108 the production facility;

109 (14) Anodes which are used or consumed in manufacturing, processing,
110 compounding, mining, producing or fabricating and which have a useful life of
111 less than one year;

112 (15) Machinery, equipment, appliances and devices purchased or leased
113 and used solely for the purpose of preventing, abating or monitoring air pollution,
114 and materials and supplies solely required for the installation, construction or
115 reconstruction of such machinery, equipment, appliances and devices;

116 (16) Machinery, equipment, appliances and devices purchased or leased
117 and used solely for the purpose of preventing, abating or monitoring water
118 pollution, and materials and supplies solely required for the installation,
119 construction or reconstruction of such machinery, equipment, appliances and
120 devices;

121 (17) Tangible personal property purchased by a rural water district;

122 (18) All amounts paid or charged for admission or participation or other

123 fees paid by or other charges to individuals in or for any place of amusement,
124 entertainment or recreation, games or athletic events, including museums, fairs,
125 zoos and planetariums, owned or operated by a municipality or other political
126 subdivision where all the proceeds derived therefrom benefit the municipality or
127 other political subdivision and do not inure to any private person, firm, or
128 corporation;

129 (19) All sales of insulin and prosthetic or orthopedic devices as defined on
130 January 1, 1980, by the federal Medicare program pursuant to Title XVIII of the
131 Social Security Act of 1965, including the items specified in Section 1862(a)(12)
132 of that act, and also specifically including hearing aids and hearing aid supplies
133 and all sales of drugs which may be legally dispensed by a licensed pharmacist
134 only upon a lawful prescription of a practitioner licensed to administer those
135 items, including samples and materials used to manufacture samples which may
136 be dispensed by a practitioner authorized to dispense such samples and all sales
137 or rental of medical oxygen, home respiratory equipment and accessories, hospital
138 beds and accessories and ambulatory aids, all sales or rental of manual and
139 powered wheelchairs, stairway lifts, Braille writers, electronic Braille equipment
140 and, if purchased or rented by or on behalf of a person with one or more physical
141 or mental disabilities to enable them to function more independently, all sales or
142 rental of scooters, reading machines, electronic print enlargers and magnifiers,
143 electronic alternative and augmentative communication devices, and items used
144 solely to modify motor vehicles to permit the use of such motor vehicles by
145 individuals with disabilities or sales of over-the-counter or nonprescription drugs
146 to individuals with disabilities, and drugs required by the Food and Drug
147 Administration to meet the over-the-counter drug product labeling requirements
148 in 21 CFR 201.66, or its successor, as prescribed by a health care practitioner
149 licensed to prescribe. **The exemptions provided by this subdivision shall**
150 **not apply to the sale of medical marijuana as defined in 195.580;**

151 (20) All sales made by or to religious and charitable organizations and
152 institutions in their religious, charitable or educational functions and activities
153 and all sales made by or to all elementary and secondary schools operated at
154 public expense in their educational functions and activities;

155 (21) All sales of aircraft to common carriers for storage or for use in
156 interstate commerce and all sales made by or to not-for-profit civic, social, service
157 or fraternal organizations, including fraternal organizations which have been
158 declared tax-exempt organizations pursuant to Section 501(c)(8) or (10) of the

159 1986 Internal Revenue Code, as amended, in their civic or charitable functions
160 and activities and all sales made to eleemosynary and penal institutions and
161 industries of the state, and all sales made to any private not-for-profit institution
162 of higher education not otherwise excluded pursuant to subdivision (20) of this
163 subsection or any institution of higher education supported by public funds, and
164 all sales made to a state relief agency in the exercise of relief functions and
165 activities;

166 (22) All ticket sales made by benevolent, scientific and educational
167 associations which are formed to foster, encourage, and promote progress and
168 improvement in the science of agriculture and in the raising and breeding of
169 animals, and by nonprofit summer theater organizations if such organizations are
170 exempt from federal tax pursuant to the provisions of the Internal Revenue Code
171 and all admission charges and entry fees to the Missouri state fair or any fair
172 conducted by a county agricultural and mechanical society organized and
173 operated pursuant to sections 262.290 to 262.530;

174 (23) All sales made to any private not-for-profit elementary or secondary
175 school, all sales of feed additives, medications or vaccines administered to
176 livestock or poultry in the production of food or fiber, all sales of pesticides used
177 in the production of crops, livestock or poultry for food or fiber, all sales of
178 bedding used in the production of livestock or poultry for food or fiber, all sales
179 of propane or natural gas, electricity or diesel fuel used exclusively for drying
180 agricultural crops, natural gas used in the primary manufacture or processing of
181 fuel ethanol as defined in section 142.028, natural gas, propane, and electricity
182 used by an eligible new generation cooperative or an eligible new generation
183 processing entity as defined in section 348.432, and all sales of farm machinery
184 and equipment, other than airplanes, motor vehicles and trailers, and any freight
185 charges on any exempt item. As used in this subdivision, the term "feed
186 additives" means tangible personal property which, when mixed with feed for
187 livestock or poultry, is to be used in the feeding of livestock or poultry. As used
188 in this subdivision, the term "pesticides" includes adjuvants such as crop oils,
189 surfactants, wetting agents and other assorted pesticide carriers used to improve
190 or enhance the effect of a pesticide and the foam used to mark the application of
191 pesticides and herbicides for the production of crops, livestock or poultry. As
192 used in this subdivision, the term "farm machinery and equipment" means new
193 or used farm tractors and such other new or used farm machinery and equipment
194 and repair or replacement parts thereon and any accessories for and upgrades to

195 such farm machinery and equipment, rotary mowers used exclusively for
196 agricultural purposes, and supplies and lubricants used exclusively, solely, and
197 directly for producing crops, raising and feeding livestock, fish, poultry,
198 pheasants, chukar, quail, or for producing milk for ultimate sale at retail,
199 including field drain tile, and one-half of each purchaser's purchase of diesel fuel
200 therefor which is:

201 (a) Used exclusively for agricultural purposes;

202 (b) Used on land owned or leased for the purpose of producing farm
203 products; and

204 (c) Used directly in producing farm products to be sold ultimately in
205 processed form or otherwise at retail or in producing farm products to be fed to
206 livestock or poultry to be sold ultimately in processed form at retail;

207 (24) Except as otherwise provided in section 144.032, all sales of metered
208 water service, electricity, electrical current, natural, artificial or propane gas,
209 wood, coal or home heating oil for domestic use and in any city not within a
210 county, all sales of metered or unmetered water service for domestic use:

211 (a) "Domestic use" means that portion of metered water service,
212 electricity, electrical current, natural, artificial or propane gas, wood, coal or
213 home heating oil, and in any city not within a county, metered or unmetered
214 water service, which an individual occupant of a residential premises uses for
215 nonbusiness, noncommercial or nonindustrial purposes. Utility service through
216 a single or master meter for residential apartments or condominiums, including
217 service for common areas and facilities and vacant units, shall be deemed to be
218 for domestic use. Each seller shall establish and maintain a system whereby
219 individual purchases are determined as exempt or nonexempt;

220 (b) Regulated utility sellers shall determine whether individual purchases
221 are exempt or nonexempt based upon the seller's utility service rate
222 classifications as contained in tariffs on file with and approved by the Missouri
223 public service commission. Sales and purchases made pursuant to the rate
224 classification "residential" and sales to and purchases made by or on behalf of the
225 occupants of residential apartments or condominiums through a single or master
226 meter, including service for common areas and facilities and vacant units, shall
227 be considered as sales made for domestic use and such sales shall be exempt from
228 sales tax. Sellers shall charge sales tax upon the entire amount of purchases
229 classified as nondomestic use. The seller's utility service rate classification and
230 the provision of service thereunder shall be conclusive as to whether or not the

231 utility must charge sales tax;

232 (c) Each person making domestic use purchases of services or property
233 and who uses any portion of the services or property so purchased for a
234 nondomestic use shall, by the fifteenth day of the fourth month following the year
235 of purchase, and without assessment, notice or demand, file a return and pay
236 sales tax on that portion of nondomestic purchases. Each person making
237 nondomestic purchases of services or property and who uses any portion of the
238 services or property so purchased for domestic use, and each person making
239 domestic purchases on behalf of occupants of residential apartments or
240 condominiums through a single or master meter, including service for common
241 areas and facilities and vacant units, under a nonresidential utility service rate
242 classification may, between the first day of the first month and the fifteenth day
243 of the fourth month following the year of purchase, apply for credit or refund to
244 the director of revenue and the director shall give credit or make refund for taxes
245 paid on the domestic use portion of the purchase. The person making such
246 purchases on behalf of occupants of residential apartments or condominiums shall
247 have standing to apply to the director of revenue for such credit or refund;

248 (25) All sales of handicraft items made by the seller or the seller's spouse
249 if the seller or the seller's spouse is at least sixty-five years of age, and if the total
250 gross proceeds from such sales do not constitute a majority of the annual gross
251 income of the seller;

252 (26) Excise taxes, collected on sales at retail, imposed by Sections 4041,
253 4061, 4071, 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United
254 States Code. The director of revenue shall promulgate rules pursuant to chapter
255 536 to eliminate all state and local sales taxes on such excise taxes;

256 (27) Sales of fuel consumed or used in the operation of ships, barges, or
257 waterborne vessels which are used primarily in or for the transportation of
258 property or cargo, or the conveyance of persons for hire, on navigable rivers
259 bordering on or located in part in this state, if such fuel is delivered by the seller
260 to the purchaser's barge, ship, or waterborne vessel while it is afloat upon such
261 river;

262 (28) All sales made to an interstate compact agency created pursuant to
263 sections 70.370 to 70.441 or sections 238.010 to 238.100 in the exercise of the
264 functions and activities of such agency as provided pursuant to the compact;

265 (29) Computers, computer software and computer security systems
266 purchased for use by architectural or engineering firms headquartered in this

267 state. For the purposes of this subdivision, "headquartered in this state" means
268 the office for the administrative management of at least four integrated facilities
269 operated by the taxpayer is located in the state of Missouri;

270 (30) All livestock sales when either the seller is engaged in the growing,
271 producing or feeding of such livestock, or the seller is engaged in the business of
272 buying and selling, bartering or leasing of such livestock;

273 (31) All sales of barges which are to be used primarily in the
274 transportation of property or cargo on interstate waterways;

275 (32) Electrical energy or gas, whether natural, artificial or propane, water,
276 or other utilities which are ultimately consumed in connection with the
277 manufacturing of cellular glass products or in any material recovery processing
278 plant as defined in subdivision (5) of this subsection;

279 (33) Notwithstanding other provisions of law to the contrary, all sales of
280 pesticides or herbicides used in the production of crops, aquaculture, livestock or
281 poultry;

282 (34) Tangible personal property and utilities purchased for use or
283 consumption directly or exclusively in the research and development of
284 agricultural/biotechnology and plant genomics products and prescription
285 pharmaceuticals consumed by humans or animals;

286 (35) All sales of grain bins for storage of grain for resale;

287 (36) All sales of feed which are developed for and used in the feeding of
288 pets owned by a commercial breeder when such sales are made to a commercial
289 breeder, as defined in section 273.325, and licensed pursuant to sections 273.325
290 to 273.357;

291 (37) All purchases by a contractor on behalf of an entity located in another
292 state, provided that the entity is authorized to issue a certificate of exemption for
293 purchases to a contractor under the provisions of that state's laws. For purposes
294 of this subdivision, the term "certificate of exemption" shall mean any document
295 evidencing that the entity is exempt from sales and use taxes on purchases
296 pursuant to the laws of the state in which the entity is located. Any contractor
297 making purchases on behalf of such entity shall maintain a copy of the entity's
298 exemption certificate as evidence of the exemption. If the exemption certificate
299 issued by the exempt entity to the contractor is later determined by the director
300 of revenue to be invalid for any reason and the contractor has accepted the
301 certificate in good faith, neither the contractor or the exempt entity shall be liable
302 for the payment of any taxes, interest and penalty due as the result of use of the

303 invalid exemption certificate. Materials shall be exempt from all state and local
304 sales and use taxes when purchased by a contractor for the purpose of fabricating
305 tangible personal property which is used in fulfilling a contract for the purpose
306 of constructing, repairing or remodeling facilities for the following:

307 (a) An exempt entity located in this state, if the entity is one of those
308 entities able to issue project exemption certificates in accordance with the
309 provisions of section 144.062; or

310 (b) An exempt entity located outside the state if the exempt entity is
311 authorized to issue an exemption certificate to contractors in accordance with the
312 provisions of that state's law and the applicable provisions of this section;

313 (38) All sales or other transfers of tangible personal property to a lessor
314 who leases the property under a lease of one year or longer executed or in effect
315 at the time of the sale or other transfer to an interstate compact agency created
316 pursuant to sections 70.370 to 70.441 or sections 238.010 to 238.100;

317 (39) Sales of tickets to any collegiate athletic championship event that is
318 held in a facility owned or operated by a governmental authority or commission,
319 a quasi-governmental agency, a state university or college or by the state or any
320 political subdivision thereof, including a municipality, and that is played on a
321 neutral site and may reasonably be played at a site located outside the state of
322 Missouri. For purposes of this subdivision, "neutral site" means any site that is
323 not located on the campus of a conference member institution participating in the
324 event;

325 (40) All purchases by a sports complex authority created under section
326 64.920, and all sales of utilities by such authority at the authority's cost that are
327 consumed in connection with the operation of a sports complex leased to a
328 professional sports team;

329 (41) Beginning January 1, 2009, but not after January 1, 2015, materials,
330 replacement parts, and equipment purchased for use directly upon, and for the
331 modification, replacement, repair, and maintenance of aircraft, aircraft power
332 plants, and aircraft accessories;

333 (42) Sales of sporting clays, wobble, skeet, and trap targets to any
334 shooting range or similar places of business for use in the normal course of
335 business and money received by a shooting range or similar places of business
336 from patrons and held by a shooting range or similar place of business for
337 redistribution to patrons at the conclusion of a shooting event.

195.017. 1. The department of health and senior services shall place a

2 substance in Schedule I if it finds that the substance:

3 (1) Has high potential for abuse; and

4 (2) Has no accepted medical use in treatment in the United States or
5 lacks accepted safety for use in treatment under medical supervision.

6 2. Schedule I:

7 (1) The controlled substances listed in this subsection are included in
8 Schedule I;

9 (2) Any of the following opiates, including their isomers, esters, ethers,
10 salts, and salts of isomers, esters, and ethers, unless specifically excepted,
11 whenever the existence of these isomers, esters, ethers and salts is possible
12 within the specific chemical designation:

13 (a) Acetyl-alpha-methylfentanyl;

14 (b) Acetylmethadol;

15 (c) Allylprodine;

16 (d) Alphacetylmethadol;

17 (e) Alphameprodine;

18 (f) Alphamethadol;

19 (g) Alpha-methylfentanyl;

20 (h) Alpha-methylthiofentanyl;

21 (i) Benzethidine;

22 (j) Betacetylmethadol;

23 (k) Beta-hydroxyfentanyl;

24 (l) Beta-hydroxy-3-methylfentanyl;

25 (m) Betameprodine;

26 (n) Betamethadol;

27 (o) Betaprodine;

28 (p) Clonitazene;

29 (q) Dextromoramide;

30 (r) Diampromide;

31 (s) Diethylthiambutene;

32 (t) Difenoxin;

33 (u) Dimenoxadol;

34 (v) Dimepheptanol;

35 (w) Dimethylthiambutene;

36 (x) Dioxaphetyl butyrate;

37 (y) Dipipanone;

- 38 (z) Ethylmethylthiambutene;
39 (aa) Etonitazene;
40 (bb) Etoxeridine;
41 (cc) Furethidine;
42 (dd) Hydroxypethidine;
43 (ee) Ketobemidone;
44 (ff) Levomoramide;
45 (gg) Levophenacylmorphane;
46 (hh) 3-Methylfentanyl;
47 (ii) 3-Methylthiofentanyl;
48 (jj) Morpheridine;
49 (kk) MPPP;
50 (ll) Noracymethadol;
51 (mm) Norlevorphanol;
52 (nn) Normethadone;
53 (oo) Norpipanone;
54 (pp) Para-fluorofentanyl;
55 (qq) PEPAP;
56 (rr) Phenadoxone;
57 (ss) Phenampromide;
58 (tt) Phenomorphan;
59 (uu) Phenoperidine;
60 (vv) Piritramide;
61 (ww) Proheptazine;
62 (xx) Properidine;
63 (yy) Propiram;
64 (zz) Racemoramide;
65 (aaa) Thiofentanyl;
66 (bbb) Tilidine;
67 (ccc) Trimeperidine;
68 (3) Any of the following opium derivatives, their salts, isomers and salts
69 of isomers unless specifically excepted, whenever the existence of these salts,
70 isomers and salts of isomers is possible within the specific chemical designation:
71 (a) Acetorphine;
72 (b) Acetyldihydrocodeine;
73 (c) Benzylmorphine;

- 74 (d) Codeine methylbromide;
- 75 (e) Codeine-N-Oxide;
- 76 (f) Cyprenorphine;
- 77 (g) Desomorphine;
- 78 (h) Dihydromorphine;
- 79 (i) Drotebanol;
- 80 (j) Etorphine (except hydrochloride salt);
- 81 (k) Heroin;
- 82 (l) Hydromorphenol;
- 83 (m) Methyldesorphine;
- 84 (n) Methyldihydromorphine;
- 85 (o) Morphine methylbromide;
- 86 (p) Morphine methylsulfonate;
- 87 (q) Morphine-N-Oxide;
- 88 (r) Myrophine;
- 89 (s) Nicocodeine;
- 90 (t) Nicomorphine;
- 91 (u) Normorphine;
- 92 (v) Pholcodine;
- 93 (w) Thebacon;
- 94 (4) Any material, compound, mixture or preparation which contains any
- 95 quantity of the following hallucinogenic substances, their salts, isomers and salts
- 96 of isomers, unless specifically excepted, whenever the existence of these salts,
- 97 isomers, and salts of isomers is possible within the specific chemical designation:
- 98 (a) 4-bromo-2, 5-dimethoxyamphetamine;
- 99 (b) 4-bromo-2, 5-dimethoxyphenethylamine;
- 100 (c) 2,5-dimethoxyamphetamine;
- 101 (d) 2,5-dimethoxy-4-ethylamphetamine;
- 102 (e) 2,5-dimethoxy-4-(n)-propylthiophenethylamine;
- 103 (f) 4-methoxyamphetamine;
- 104 (g) 5-methoxy-3,4-methylenedioxyamphetamine;
- 105 (h) 4-methyl-2, 5-dimethoxyamphetamine;
- 106 (i) 3,4-methylenedioxyamphetamine;
- 107 (j) 3,4-methylenedioxymethamphetamine;
- 108 (k) 3,4-methylenedioxy-N-ethylamphetamine;
- 109 (l) N-hydroxy-3, 4-methylenedioxyamphetamine;

- 110 (m) 3,4,5-trimethoxyamphetamine;
- 111 (n) 5-MeO-DMT or 5-methoxy-N,N-dimethyltryptamine, its isomers, salts,
- 112 and salts of isomers;
- 113 (o) Alpha-ethyltryptamine;
- 114 (p) Alpha-methyltryptamine;
- 115 (q) Bufotenine;
- 116 (r) Diethyltryptamine;
- 117 (s) Dimethyltryptamine;
- 118 (t) 5-methoxy-N,N-diisopropyltryptamine;
- 119 (u) Ibogaine;
- 120 (v) Lysergic acid diethylamide;
- 121 (w) [Marijuana or marihuana;
- 122 (x)] Mescaline;
- 123 [(y)] **(x)** Parahexyl;
- 124 [(z)] **(y)** Peyote, to include all parts of the plant presently classified
- 125 botanically as Lophophora Williamsii Lemaire, whether growing or not; the seeds
- 126 thereof; any extract from any part of such plant; and every compound,
- 127 manufacture, salt, derivative, mixture or preparation of the plant, its seed or
- 128 extracts;
- 129 [(aa)] **(z)** N-ethyl-3-piperidyl benzilate;
- 130 [(bb)] **(aa)** N-methyl-3-piperidyl benzilate;
- 131 [(cc)] **(bb)** Psilocybin;
- 132 [(dd)] **(cc)** Psilocyn;
- 133 [(ee)] **(dd)** Tetrahydrocannabinols naturally contained in a plant of the
- 134 genus Cannabis (cannabis plant), as well as synthetic equivalents of the
- 135 substances contained in the cannabis plant, or in the resinous extractives of such
- 136 plant, or synthetic substances, derivatives, and their isomers with similar
- 137 chemical structure and pharmacological activity to those substances contained in
- 138 the plant, such as the following:
- 139 a. 1 cis or trans tetrahydrocannabinol, and their optical isomers;
- 140 b. 6 cis or trans tetrahydrocannabinol, and their optical isomers;
- 141 c. 3,4 cis or trans tetrahydrocannabinol, and their optical isomers;
- 142 d. Any compounds of these structures, regardless of numerical designation
- 143 of atomic positions covered;
- 144 [(ff)] **(ee)** Ethylamine analog of phencyclidine;
- 145 [(gg)] **(ff)** Pyrrolidine analog of phencyclidine;

- 146 [(hh)] **(gg)** Thiophene analog of phencyclidine;
- 147 [(ii)] **(hh)** 1-[1-(2-thienyl)cyclohexyl]pyrrolidine;
- 148 [(jj)] **(ii)** *Salvia divinorum*;
- 149 [(kk)] **(jj)** Salvinorin A;
- 150 [(ll)] **(kk)** Synthetic cannabinoids:
- 151 a. Any compound structurally derived from 3-(1-naphthoyl)indole or
- 152 1H-indol-3-yl-(1-naphthyl)methane by substitution at the nitrogen atom of the
- 153 indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
- 154 1-(N-methyl-2-piperidiny)methyl or 2-(4-morpholinyl)ethyl group, whether or not
- 155 further substituted in the indole ring to any extent, whether or not substituted
- 156 in the naphthyl ring to any extent. Including, but not limited to:
- 157 (i) JWH-007, or 1-pentyl-2-methyl-3-(1-naphthoyl)indole;
- 158 (ii) JWH-015, or 1-propyl-2-methyl-3-(1-naphthoyl)indole;
- 159 (iii) JWH-018, or 1-pentyl-3-(1-naphthoyl)indole;
- 160 (iv) JWH-019, or 1-hexyl-3-(1-naphthoyl)indole;
- 161 (v) JWH-073, or 1-butyl-3-(1-naphthoyl)indole;
- 162 (vi) JWH-081, or 1-pentyl-3-(4-methoxy-1-naphthoyl)indole;
- 163 (vii) JWH-098, or 1-pentyl-2-methyl-3-(4-methoxy-1-naphthoyl)indole;
- 164 (viii) JWH-122, or 1-pentyl-3-(4-methyl-1-naphthoyl)indole;
- 165 (ix) JWH-164, or 1-pentyl-3-(7-methoxy-1-naphthoyl)indole;
- 166 (x) JWH-200, or 1-(2-(4-(morpholinyl)ethyl))-3-(1-naphthoyl)indole;
- 167 (xi) JWH-210, or 1-pentyl-3-(4-ethyl-1-naphthoyl)indole;
- 168 (xii) JWH-398, or 1-pentyl-3-(4-chloro-1-naphthoyl)indole;
- 169 b. Any compound structurally derived from 3-(1-naphthoyl)pyrrole by
- 170 substitution at the nitrogen atom of the pyrrole ring by alkyl, haloalkyl, alkenyl,
- 171 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidiny)methyl or
- 172 2-(4-morpholinyl)ethyl group, whether or not further substituted in the pyrrole
- 173 ring to any extent, whether or not substituted in the naphthyl ring to any extent;
- 174 c. Any compound structurally derived from 1-(1-naphthylmethyl)indene
- 175 by substitution at the 3-position of the indene ring by alkyl, haloalkyl, alkenyl,
- 176 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidiny)methyl or
- 177 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indene
- 178 ring to any extent, whether or not substituted in the naphthyl ring to any extent;
- 179 d. Any compound structurally derived from 3-phenylacetylindole by
- 180 substitution at the nitrogen atom of the indole ring with alkyl, haloalkyl, alkenyl,
- 181 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidiny)methyl or

182 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole
183 ring to any extent, whether or not substituted in the phenyl ring to any
184 extent. Including, but not limited to:

- 185 (i) JWH-201, or 1-pentyl-3-(4-methoxyphenylacetyl)indole;
- 186 (ii) JWH-203, or 1-pentyl-3-(2-chlorophenylacetyl)indole;
- 187 (iii) JWH-250, or 1-pentyl-3-(2-methoxyphenylacetyl)indole;
- 188 (iv) JWH-251, or 1-pentyl-3-(2-methylphenylacetyl)indole;
- 189 (v) RCS-8, or 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole;

190 e. Any compound structurally derived from 2-(3-hydroxycyclohexyl)phenol
191 by substitution at the 5-position of the phenolic ring by alkyl, haloalkyl, alkenyl,
192 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidiny)methyl or
193 2-(4-morpholinyl)ethyl group, whether or not substituted in the cyclohexyl ring
194 to any extent. Including, but not limited to:

- 195 (i) CP 47, 497 & homologues, or 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-
196 methyloctan-2-yl)phenol), where side chain n=5, and homologues where side chain
197 n=4,6, or 7;

198 f. Any compound containing a 3-(benzoyl)indole structure with
199 substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl,
200 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidiny)methyl or
201 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole
202 ring to any extent and whether or not substituted in the phenyl ring to any
203 extent. Including, but not limited to:

- 204 (i) AM-694, or 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole;
- 205 (ii) RCS-4, or 1-pentyl-3-(4-methoxybenzoyl)indole;

206 g. CP 50,556-1, or

207 [(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5-phenylpentan-2-yl]oxy-5,6,6a
208 ,7,8,9,10,10a-octahydrophenanthridin-1-yl] acetate;

209 h. HU-210, or

210 (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,
211 7,10,10 a-tetrahydrobenzo[c]chromen-1-ol;

212 i. HU-211, or Dexanabinol, (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-
213 (2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;

214 j. CP 50,556-1, or

215 [(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5-phenylpentan-2-yl]oxy-5,6,6a
216 ,7,8,9,10,10a-octahydrophenanthridin-1-yl] acetate;

217 k. Dimethylheptylpyran, or DMHP;

218 (5) Any material, compound, mixture or preparation containing any
219 quantity of the following substances having a depressant effect on the central
220 nervous system, including their salts, isomers and salts of isomers whenever the
221 existence of these salts, isomers and salts of isomers is possible within the
222 specific chemical designation:

223 (a) Gamma-hydroxybutyric acid;

224 (b) Mecloqualone;

225 (c) Methaqualone;

226 (6) Any material, compound, mixture or preparation containing any
227 quantity of the following substances having a stimulant effect on the central
228 nervous system, including their salts, isomers and salts of isomers:

229 (a) Aminorex;

230 (b) N-benzylpiperazine;

231 (c) Cathinone;

232 (d) Fenethylamine;

233 (e) 3-Fluoromethcathinone;

234 (f) 4-Fluoromethcathinone;

235 (g) Mephedrone, or 4-methylmethcathinone;

236 (h) Methcathinone;

237 (i) 4-methoxymethcathinone;

238 (j) (+,-)cis-4-methylaminorex

239 ((+,-)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazoline);

240 (k) Methylenedioxypyrovalerone, MDPV, or (1-(1,3-Benzodioxol-5-yl)-2-(1-
241 pyrrolidinyl)-1-pentanone);

242 (l) Methylenedioxymethcathinone;

243 (m) 4-Methyl-alpha-pyrrolidinobutylphenone, or MPBP;

244 (n) N-ethylamphetamine;

245 (o) N,N-dimethylamphetamine;

246 (7) A temporary listing of substances subject to emergency scheduling
247 under federal law shall include any material, compound, mixture or preparation
248 which contains any quantity of the following substances:

249 (a) N-(1-benzyl-4-piperidyl)-N-phenylpropanamide (benzylfentanyl), its
250 optical isomers, salts and salts of isomers;

251 (b) N-(1-(2-thienyl)methyl-4-piperidyl)-N-phenylpropanamide
252 (thienylfentanyl), its optical isomers, salts and salts of isomers;

253 (8) Khat, to include all parts of the plant presently classified botanically

254 as catha edulis, whether growing or not; the seeds thereof; any extract from any
255 part of such plant; and every compound, manufacture, salt, derivative, mixture,
256 or preparation of the plant, its seed or extracts.

257 3. The department of health and senior services shall place a substance
258 in Schedule II if it finds that:

259 (1) The substance has high potential for abuse;

260 (2) The substance has currently accepted medical use in treatment in the
261 United States, or currently accepted medical use with severe restrictions; and

262 (3) The abuse of the substance may lead to severe psychic or physical
263 dependence.

264 4. The controlled substances listed in this subsection are included in
265 Schedule II:

266 (1) Any of the following substances whether produced directly or indirectly
267 by extraction from substances of vegetable origin, or independently by means of
268 chemical synthesis, or by combination of extraction and chemical synthesis:

269 (a) Opium and opiate and any salt, compound, derivative or preparation
270 of opium or opiate, excluding apomorphine, thebaine-derived butorphanol,
271 dextrorphan, nalbuphine, nalmefene, naloxone and naltrexone, and their
272 respective salts but including the following:

- 273 a. Raw opium;
- 274 b. Opium extracts;
- 275 c. Opium fluid;
- 276 d. Powdered opium;
- 277 e. Granulated opium;
- 278 f. Tincture of opium;
- 279 g. Codeine;
- 280 h. Ethylmorphine;
- 281 i. Etorphine hydrochloride;
- 282 j. Hydrocodone;
- 283 k. Hydromorphone;
- 284 l. Metopon;
- 285 m. Morphine;
- 286 n. Oxycodone;
- 287 o. Oxymorphone;
- 288 p. Thebaine;

289 (b) Any salt, compound, derivative, or preparation thereof which is

290 chemically equivalent or identical with any of the substances referred to in this
291 subdivision, but not including the isoquinoline alkaloids of opium;

292 (c) Opium poppy and poppy straw;

293 (d) Coca leaves and any salt, compound, derivative, or preparation of coca
294 leaves, and any salt, compound, derivative, or preparation thereof which is
295 chemically equivalent or identical with any of these substances, but not including
296 decocainized coca leaves or extractions which do not contain cocaine or ecgonine;

297 (e) Concentrate of poppy straw (the crude extract of poppy straw in either
298 liquid, solid or powder form which contains the phenanthrene alkaloids of the
299 opium poppy);

300 (2) Any of the following opiates, including their isomers, esters, ethers,
301 salts, and salts of isomers, whenever the existence of these isomers, esters, ethers
302 and salts is possible within the specific chemical designation, dextrorphan and
303 levopropoxyphene excepted:

304 (a) Alfentanil;

305 (b) Alphaprodine;

306 (c) Anileridine;

307 (d) Bezitramide;

308 (e) Bulk dextropropoxyphene;

309 (f) Carfentanil;

310 (g) Dihydrocodeine;

311 (h) Diphenoxylate;

312 (i) Fentanyl;

313 (j) Isomethadone;

314 (k) Levo-alphaacetylmethadol;

315 (l) Levomethorphan;

316 (m) Levorphanol;

317 (n) Metazocine;

318 (o) Methadone;

319 (p) Meperidine;

320 (q) Methadone-Intermediate, 4-cyano-2-dimethylamino-4,4-diphenylbutane;

321 (r) Moramide-Intermediate, 2-methyl-3-morpholino-1,
322 1-diphenylpropane--carboxylic acid;

323 (s) Pethidine (meperidine);

324 (t) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;

325 (u) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;

- 326 (v) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic
327 acid;
- 328 (w) Phenazocine;
- 329 (x) Piminodine;
- 330 (y) Racemethorphan;
- 331 (z) Racemorphan;
- 332 (aa) Remifentanil;
- 333 (bb) Sufentanil;
- 334 (cc) Tapentadol;
- 335 (3) Any material, compound, mixture, or preparation which contains any
336 quantity of the following substances having a stimulant effect on the central
337 nervous system:
- 338 (a) Amphetamine, its salts, optical isomers, and salts of its optical
339 isomers;
- 340 (b) Lisdexamfetamine, its salts, isomers, and salts of its isomers;
- 341 (c) Methamphetamine, its salts, isomers, and salts of its isomers;
- 342 (d) Phenmetrazine and its salts;
- 343 (e) Methylphenidate;
- 344 (4) Any material, compound, mixture, or preparation which contains any
345 quantity of the following substances having a depressant effect on the central
346 nervous system, including its salts, isomers, and salts of isomers whenever the
347 existence of those salts, isomers, and salts of isomers is possible within the
348 specific chemical designation:
- 349 (a) Amobarbital;
- 350 (b) Glutethimide;
- 351 (c) Pentobarbital;
- 352 (d) Phencyclidine;
- 353 (e) Secobarbital;
- 354 (5) Any material or compound which contains any quantity of nabilone;
- 355 (6) Any material, compound, mixture, or preparation which contains any
356 quantity of the following substances:
- 357 (a) Immediate precursor to amphetamine and methamphetamine:
358 Phenylacetone;
- 359 (b) Immediate precursors to phencyclidine (PCP):
- 360 a. 1-phenylcyclohexylamine;
- 361 b. 1-piperidinocyclohexanecarbonitrile (PCC);

362 (7) Any material, compound, mixture, or preparation which contains any
363 quantity of the following alkyl nitrites:

364 (a) Amyl nitrite;

365 (b) Butyl nitrite;

366 **(8) Any material, compound, mixture, or preparation which**
367 **contains any quantity of the following substances having a depressant**
368 **effect on the central nervous system, including its salts, isomers, and**
369 **salts of isomers whenever the existence of those salts, isomers, and**
370 **salts of isomers is possible within the specific chemical designation:**
371 **Marijuana.**

372 5. The department of health and senior services shall place a substance
373 in Schedule III if it finds that:

374 (1) The substance has a potential for abuse less than the substances listed
375 in Schedules I and II;

376 (2) The substance has currently accepted medical use in treatment in the
377 United States; and

378 (3) Abuse of the substance may lead to moderate or low physical
379 dependence or high psychological dependence.

380 6. The controlled substances listed in this subsection are included in
381 Schedule III:

382 (1) Any material, compound, mixture, or preparation which contains any
383 quantity of the following substances having a potential for abuse associated with
384 a stimulant effect on the central nervous system:

385 (a) Benzphetamine;

386 (b) Chlorphentermine;

387 (c) Clortermine;

388 (d) Phendimetrazine;

389 (2) Any material, compound, mixture or preparation which contains any
390 quantity or salt of the following substances or salts having a depressant effect on
391 the central nervous system:

392 (a) Any material, compound, mixture or preparation which contains any
393 quantity or salt of the following substances combined with one or more active
394 medicinal ingredients:

395 a. Amobarbital;

396 b. Secobarbital;

397 c. Pentobarbital;

- 398 (b) Any suppository dosage form containing any quantity or salt of the
399 following:
- 400 a. Amobarbital;
- 401 b. Secobarbital;
- 402 c. Pentobarbital;
- 403 (c) Any substance which contains any quantity of a derivative of
404 barbituric acid or its salt;
- 405 (d) Chlorhexadol;
- 406 (e) Embutramide;
- 407 (f) Gamma hydroxybutyric acid and its salts, isomers, and salts of isomers
408 contained in a drug product for which an application has been approved under
409 Section 505 of the federal Food, Drug, and Cosmetic Act;
- 410 (g) Ketamine, its salts, isomers, and salts of isomers;
- 411 (h) Lysergic acid;
- 412 (i) Lysergic acid amide;
- 413 (j) Methyprylon;
- 414 (k) Sulfondiethylmethane;
- 415 (l) Sulfonethylmethane;
- 416 (m) Sulfonmethane;
- 417 (n) Tiletamine and zolazepam or any salt thereof;
- 418 (3) Nalorphine;
- 419 (4) Any material, compound, mixture, or preparation containing limited
420 quantities of any of the following narcotic drugs or their salts:
- 421 (a) Not more than 1.8 grams of codeine per one hundred milliliters or not
422 more than ninety milligrams per dosage unit, with an equal or greater quantity
423 of an isoquinoline alkaloid of opium;
- 424 (b) Not more than 1.8 grams of codeine per one hundred milliliters or not
425 more than ninety milligrams per dosage unit with one or more active, nonnarcotic
426 ingredients in recognized therapeutic amounts;
- 427 (c) Not more than three hundred milligrams of hydrocodone per one
428 hundred milliliters or not more than fifteen milligrams per dosage unit, with a
429 fourfold or greater quantity of an isoquinoline alkaloid of opium;
- 430 (d) Not more than three hundred milligrams of hydrocodone per one
431 hundred milliliters or not more than fifteen milligrams per dosage unit, with one
432 or more active nonnarcotic ingredients in recognized therapeutic amounts;
- 433 (e) Not more than 1.8 grams of dihydrocodeine per one hundred milliliters

434 or not more than ninety milligrams per dosage unit, with one or more active
435 nonnarcotic ingredients in recognized therapeutic amounts;

436 (f) Not more than three hundred milligrams of ethylmorphine per one
437 hundred milliliters or not more than fifteen milligrams per dosage unit, with one
438 or more active, nonnarcotic ingredients in recognized therapeutic amounts;

439 (g) Not more than five hundred milligrams of opium per one hundred
440 milliliters or per one hundred grams or not more than twenty-five milligrams per
441 dosage unit, with one or more active nonnarcotic ingredients in recognized
442 therapeutic amounts;

443 (h) Not more than fifty milligrams of morphine per one hundred milliliters
444 or per one hundred grams, with one or more active, nonnarcotic ingredients in
445 recognized therapeutic amounts;

446 (5) Any material, compound, mixture, or preparation containing any of the
447 following narcotic drugs or their salts, as set forth in subdivision (6) of this
448 subsection; buprenorphine;

449 (6) Anabolic steroids. Any drug or hormonal substance, chemically and
450 pharmacologically related to testosterone (other than estrogens, progestins,
451 corticosteroids, and dehydroepiandrosterone) that promotes muscle growth, except
452 an anabolic steroid which is expressly intended for administration through
453 implants to cattle or other nonhuman species and which has been approved by
454 the Secretary of Health and Human Services for that administration. If any
455 person prescribes, dispenses, or distributes such steroid for human use, such
456 person shall be considered to have prescribed, dispensed, or distributed an
457 anabolic steroid within the meaning of this subdivision. Unless specifically
458 excepted or unless listed in another schedule, any material, compound, mixture
459 or preparation containing any quantity of the following substances, including its
460 salts, esters and ethers:

461 (a) 3 β ,17-dihydroxy-5 α -androsterane;

462 (b) 3 α ,17 β -dihydroxy-5 α -androsterane;

463 (c) 5 α -androsteran-3,17-dione;

464 (d) 1-androstenediol (3 β ,17 β -dihydroxy-5 α -androster-1-ene);

465 (e) 1-androstenediol (3 α ,17 β -dihydroxy-5 α -androster-1-ene);

466 (f) 4-androstenediol (3 β ,17 β -dihydroxy-androst-4-ene);

467 (g) 5-androstenediol (3 β ,17 β -dihydroxy-androst-5-ene);

468 (h) 1-androstenedione ([5 α]-androster-1-en-3,17-dione);

469 (i) 4-androstenedione (androster-4-en-3,17-dione);

- 470 (j) 5-androstenedione (androst-5-en-3,17-dione);
471 (k) Bolasterone (7 α , 17 α -dimethyl-17 β -hydroxyandrost-4-en-3-one);
472 (l) Boldenone (17 β -hydroxyandrost-1,4,-diene-3-one);
473 (m) Boldione;
474 (n) Calusterone (7 β , 17 α -dimethyl-17 β -hydroxyandrost-4-en-3-one);
475 (o) Clostebol (4-chloro-17 β -hydroxyandrost-4-en-3-one);
476 (p) Dehydrochloromethyltestosterone
477 (4-chloro-17 β -hydroxy-17 α -methyl-androst-1,4-dien-3-one);
478 (q) Desoxymethyltestosterone;
479 (r) Δ 1-dihydrotestosterone (a.k.a.
480 '1-testosterone')(17 β -hydroxy-5 α -androst-1-en-3-one);
481 (s) 4-dihydrotestosterone (17 β -hydroxy-androstan-3-one);
482 (t) Drostanolone (17 β -hydroxy-2 α -methyl-5 α -androstan-3-one);
483 (u) Ethylestrenol (17 α -ethyl-17 β -hydroxyestr-4-ene);
484 (v) Fluoxymesterone
485 (9-fluoro-17 α -methyl-11 β ,17 β -dihydroxyandrost-4-en-3-one);
486 (w) Formebolone
487 (2-formyl-17 α -methyl-11 α ,17 β -dihydroxyandrost-1,4-dien-3-one);
488 (x) Furazabol (17 α -methyl-17 β -hydroxyandrostando[2,3-c]-furazan);
489 (y) 13 β -ethyl-17 β -hydroxygon-4-en-3-one;
490 (z) 4-hydroxytestosterone (4,17 β -dihydroxy-androst-4-en-3-one);
491 (aa) 4-hydroxy-19-nortestosterone (4,17 β -dihydroxy-estr-4-en-3-one);
492 (bb) Mestanolone (17 α -methyl-17 β -hydroxy-5-androstan-3-one);
493 (cc) Mesterolone (1 α -methyl-17 β -hydroxy-[5 α]-androstan-3-one);
494 (dd) Methandienone (17 α -methyl-17 β -hydroxyandrost-1,4-dien-3-one);
495 (ee) Methandriol (17 α -methyl-3 β ,17 β -dihydroxyandrost-5-ene);
496 (ff) Methenolone (1-methyl-17 β -hydroxy-5 α -androst-1-en-3-one);
497 (gg) 17 α -methyl-3 β ,17 β -dihydroxy-5 α -androstan-3-one);
498 (hh) 17 α -methyl-3 α ,17 β -dihydroxy-5 α -androstan-3-one);
499 (ii) 17 α -methyl-3 β ,17 β -dihydroxyandrost-4-ene;
500 (jj) 17 α -methyl-4-hydroxynandrolone
501 (17 α -methyl-4-hydroxy-17 β -hydroxyestr-4-en-3-one);
502 (kk) Methyldienolone (17 α -methyl-17 β -hydroxyestra-4,9(10)-dien-3-one);
503 (ll) Methyltrienolone (17 α -methyl-17 β -hydroxyestra-4,9-11-trien-3-one);
504 (mm) Methyltestosterone (17 α -methyl-17 β -hydroxyandrost-4-en-3-one);
505 (nn) Mibolerone (7 α ,17 α -dimethyl-17 β -hydroxyestr-4-en-3-one);

506 (oo) 17 α -methyl- Δ 1-dihydrotestosterone
507 (17 β -hydroxy-17 α -methyl-5 α -androst-1-en-3-one) (a.k.a. '17- α -methyl-1-testosterone');
508 (pp) Nandrolone (17 β -hydroxyestr-4-ene-3-one);
509 (qq) 19-nor-4-androstenediol (3 β ,17 β -dihydroxyestr-4-ene);
510 (rr) 19-nor-4-androstenediol (3 α ,17 β -dihydroxyestr-4-ene);
511 (ss) 19-nor-4,9(10)-androstadienedione;
512 (tt) 19-nor-5-androstenediol (3 β ,17 β -dihydroxyestr-5-ene);
513 (uu) 19-nor-5-androstenediol (3 α ,17 β -dihydroxyestr-5-ene);
514 (vv) 19-nor-4-androstenedione (estr-4-en-3,17-dione);
515 (ww) 19-nor-5-androstenedione (estr-5-en-3,17-dione);
516 (xx) Norbolethone (13 β ,17 α -diethyl-17 β -hydroxygon-4-en-3-one);
517 (yy) Norclostebol (4-chloro-17 β -hydroxyestr-4-en-3-one);
518 (zz) Norethandrolone (17 α -ethyl-17 β -hydroxyestr-4-en-3-one);
519 (aaa) Normethandrolone (17 α -methyl-17 β -hydroxyestr-4-en-3-one);
520 (bbb) Oxandrolone (17 α -methyl-17 β -hydroxy-2-oxa-[5 α]-androstan-3-one);
521 (ccc) Oxymesterone (17 α -methyl-4,17 β -dihydroxyandrost-4-en-3-one);
522 (ddd) Oxymethalone
523 (17 α -methyl-2-hydroxymethylene-17 β -hydroxy-[5 α]-androstan-3-one);
524 (eee) Stanozolol
525 (17 α -methyl-17 β -hydroxy-[5 α]-androst-2-eno[3,2-c]-pyrazole);
526 (fff) Stenbolone (17 β -hydroxy-2-methyl-[5 α]-androst-1-en-3-one);
527 (ggg) Testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic
528 acid lactone);
529 (hhh) Testosterone (17 β -hydroxyandrost-4-en-3-one);
530 (iii) Tetrahydrogestrinone
531 (13 β ,17 α -diethyl-17 β -hydroxygon-4,9,11-trien-3-one);
532 (jjj) Trenbolone (17 β -hydroxyestr-4,9,11-trien-3-one);
533 (kkk) Any salt, ester, or ether of a drug or substance described or listed
534 in this subdivision, except an anabolic steroid which is expressly intended for
535 administration through implants to cattle or other nonhuman species and which
536 has been approved by the Secretary of Health and Human Services for that
537 administration;
538 (7) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin
539 capsule in a United States Food and Drug Administration approved drug product;
540 (8) The department of health and senior services may except by rule any
541 compound, mixture, or preparation containing any stimulant or depressant

542 substance listed in subdivisions (1) and (2) of this subsection from the application
543 of all or any part of sections 195.010 to 195.320 if the compound, mixture, or
544 preparation contains one or more active medicinal ingredients not having a
545 stimulant or depressant effect on the central nervous system, and if the
546 admixtures are included therein in combinations, quantity, proportion, or
547 concentration that vitiate the potential for abuse of the substances which have
548 a stimulant or depressant effect on the central nervous system.

549 7. The department of health and senior services shall place a substance
550 in Schedule IV if it finds that:

551 (1) The substance has a low potential for abuse relative to substances in
552 Schedule III;

553 (2) The substance has currently accepted medical use in treatment in the
554 United States; and

555 (3) Abuse of the substance may lead to limited physical dependence or
556 psychological dependence relative to the substances in Schedule III.

557 8. The controlled substances listed in this subsection are included in
558 Schedule IV:

559 (1) Any material, compound, mixture, or preparation containing any of the
560 following narcotic drugs or their salts calculated as the free anhydrous base or
561 alkaloid, in limited quantities as set forth below:

562 (a) Not more than one milligram of difenoxin and not less than twenty-five
563 micrograms of atropine sulfate per dosage unit;

564 (b) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1,
565 2-diphenyl-3-methyl-2- propionoxybutane);

566 (c) Any of the following limited quantities of narcotic drugs or their salts,
567 which shall include one or more nonnarcotic active medicinal ingredients in
568 sufficient proportion to confer upon the compound, mixture or preparation
569 valuable medicinal qualities other than those possessed by the narcotic drug
570 alone:

571 a. Not more than two hundred milligrams of codeine per one hundred
572 milliliters or per one hundred grams;

573 b. Not more than one hundred milligrams of dihydrocodeine per one
574 hundred milliliters or per one hundred grams;

575 c. Not more than one hundred milligrams of ethylmorphine per one
576 hundred milliliters or per one hundred grams;

577 (2) Any material, compound, mixture or preparation containing any

578 quantity of the following substances, including their salts, isomers, and salts of
579 isomers whenever the existence of those salts, isomers, and salts of isomers is
580 possible within the specific chemical designation:

- 581 (a) Alprazolam;
- 582 (b) Barbital;
- 583 (c) Bromazepam;
- 584 (d) Camazepam;
- 585 (e) Chloral betaine;
- 586 (f) Chloral hydrate;
- 587 (g) Chlordiazepoxide;
- 588 (h) Clobazam;
- 589 (i) Clonazepam;
- 590 (j) Clorazepate;
- 591 (k) Clotiazepam;
- 592 (l) Cloxazolam;
- 593 (m) Delorazepam;
- 594 (n) Diazepam;
- 595 (o) Dichloralphenazone;
- 596 (p) Estazolam;
- 597 (q) Ethchlorvynol;
- 598 (r) Ethinamate;
- 599 (s) Ethyl loflazepate;
- 600 (t) Fludiazepam;
- 601 (u) Flunitrazepam;
- 602 (v) Flurazepam;
- 603 (w) Fospropofol;
- 604 (x) Halazepam;
- 605 (y) Haloxazolam;
- 606 (z) Ketazolam;
- 607 (aa) Loprazolam;
- 608 (bb) Lorazepam;
- 609 (cc) Lormetazepam;
- 610 (dd) Mebutamate;
- 611 (ee) Medazepam;
- 612 (ff) Meprobamate;
- 613 (gg) Methohexital;

- 614 (hh) Methylphenobarbital (mephobarbital);
615 (ii) Midazolam;
616 (jj) Nimetazepam;
617 (kk) Nitrazepam;
618 (ll) Nordiazepam;
619 (mm) Oxazepam;
620 (nn) Oxazolam;
621 (oo) Paraldehyde;
622 (pp) Petrichloral;
623 (qq) Phenobarbital;
624 (rr) Pinazepam;
625 (ss) Prazepam;
626 (tt) Quazepam;
627 (uu) Temazepam;
628 (vv) Tetrazepam;
629 (ww) Triazolam;
630 (xx) Zaleplon;
631 (yy) Zolpidem;
632 (zz) Zopiclone;

633 (3) Any material, compound, mixture, or preparation which contains any
634 quantity of the following substance including its salts, isomers and salts of
635 isomers whenever the existence of such salts, isomers and salts of isomers is
636 possible: fenfluramine;

637 (4) Any material, compound, mixture or preparation containing any
638 quantity of the following substances having a stimulant effect on the central
639 nervous system, including their salts, isomers and salts of isomers:

- 640 (a) Cathine ((+)-norpseudoephedrine);
641 (b) Diethylpropion;
642 (c) Fencamfamin;
643 (d) Fenproporex;
644 (e) Mazindol;
645 (f) Mefenorex;
646 (g) Modafinil;
647 (h) Pemoline, including organometallic complexes and chelates thereof;
648 (i) Phentermine;
649 (j) Pipradrol;

650 (k) Sibutramine;
651 (l) SPA ((-)-1-dimethylamino-1,2-diphenylethane);
652 (5) Any material, compound, mixture or preparation containing any
653 quantity of the following substance, including its salts:
654 (a) butorphanol;
655 (b) pentazocine;
656 (6) Ephedrine, its salts, optical isomers and salts of optical isomers, when
657 the substance is the only active medicinal ingredient;
658 (7) The department of health and senior services may except by rule any
659 compound, mixture, or preparation containing any depressant substance listed in
660 subdivision (1) of this subsection from the application of all or any part of sections
661 195.010 to 195.320 if the compound, mixture, or preparation contains one or more
662 active medicinal ingredients not having a depressant effect on the central nervous
663 system, and if the admixtures are included therein in combinations, quantity,
664 proportion, or concentration that vitiate the potential for abuse of the substances
665 which have a depressant effect on the central nervous system.

666 9. The department of health and senior services shall place a substance
667 in Schedule V if it finds that:

668 (1) The substance has low potential for abuse relative to the controlled
669 substances listed in Schedule IV;

670 (2) The substance has currently accepted medical use in treatment in the
671 United States; and

672 (3) The substance has limited physical dependence or psychological
673 dependence liability relative to the controlled substances listed in Schedule IV.

674 10. The controlled substances listed in this subsection are included in
675 Schedule V:

676 (1) Any compound, mixture or preparation containing any of the following
677 narcotic drugs or their salts calculated as the free anhydrous base or alkaloid, in
678 limited quantities as set forth below, which also contains one or more nonnarcotic
679 active medicinal ingredients in sufficient proportion to confer upon the compound,
680 mixture or preparation valuable medicinal qualities other than those possessed
681 by the narcotic drug alone:

682 (a) Not more than two and five-tenths milligrams of diphenoxylate and not
683 less than twenty-five micrograms of atropine sulfate per dosage unit;

684 (b) Not more than one hundred milligrams of opium per one hundred
685 milliliters or per one hundred grams;

686 (c) Not more than five-tenths milligram of difenoxin and not less than
687 twenty-five micrograms of atropine sulfate per dosage unit;

688 (2) Any material, compound, mixture or preparation which contains any
689 quantity of the following substance having a stimulant effect on the central
690 nervous system including its salts, isomers and salts of isomers: pyrovalerone;

691 (3) Any compound, mixture, or preparation containing any detectable
692 quantity of pseudoephedrine or its salts or optical isomers, or salts of optical
693 isomers or any compound, mixture, or preparation containing any detectable
694 quantity of ephedrine or its salts or optical isomers, or salts of optical isomers;

695 (4) Unless specifically exempted or excluded or unless listed in another
696 schedule, any material, compound, mixture, or preparation which contains any
697 quantity of the following substances having a depressant effect on the central
698 nervous system, including its salts:

699 (a) Lacosamide;

700 (b) Pregabalin.

701 11. If any compound, mixture, or preparation as specified in subdivision
702 (3) of subsection 10 of this section is dispensed, sold, or distributed in a pharmacy
703 without a prescription:

704 (1) All packages of any compound, mixture, or preparation containing any
705 detectable quantity of pseudoephedrine, its salts or optical isomers, or salts of
706 optical isomers or ephedrine, its salts or optical isomers, or salts of optical
707 isomers, shall be offered for sale only from behind a pharmacy counter where the
708 public is not permitted, and only by a registered pharmacist or registered
709 pharmacy technician; and

710 (2) Any person purchasing, receiving or otherwise acquiring any
711 compound, mixture, or preparation containing any detectable quantity of
712 pseudoephedrine, its salts or optical isomers, or salts of optical isomers or
713 ephedrine, its salts or optical isomers, or salts of optical isomers shall be at least
714 eighteen years of age; and

715 (3) The pharmacist, intern pharmacist, or registered pharmacy technician
716 shall require any person, prior to their purchasing, receiving or otherwise
717 acquiring such compound, mixture, or preparation to furnish suitable photo
718 identification that is issued by a state or the federal government or a document
719 that, with respect to identification, is considered acceptable and showing the date
720 of birth of the person;

721 (4) The seller shall deliver the product directly into the custody of the

722 purchaser.

723 12. Pharmacists, intern pharmacists, and registered pharmacy technicians
724 shall implement and maintain an electronic log of each transaction. Such log
725 shall include the following information:

726 (1) The name, address, and signature of the purchaser;

727 (2) The amount of the compound, mixture, or preparation purchased;

728 (3) The date and time of each purchase; and

729 (4) The name or initials of the pharmacist, intern pharmacist, or
730 registered pharmacy technician who dispensed the compound, mixture, or
731 preparation to the purchaser.

732 13. Each pharmacy shall submit information regarding sales of any
733 compound, mixture, or preparation as specified in subdivision (3) of subsection 10
734 of this section in accordance with transmission methods and frequency
735 established by the department by regulation;

736 14. No person shall dispense, sell, purchase, receive, or otherwise acquire
737 quantities greater than those specified in this chapter.

738 15. All persons who dispense or offer for sale pseudoephedrine and
739 ephedrine products in a pharmacy shall ensure that all such products are located
740 only behind a pharmacy counter where the public is not permitted.

741 16. Any person who knowingly or recklessly violates the provisions of
742 subsections 11 to 15 of this section is guilty of a class A misdemeanor.

743 17. The scheduling of substances specified in subdivision (3) of subsection
744 10 of this section and subsections 11, 12, 14, and 15 of this section shall not apply
745 to any compounds, mixtures, or preparations that are in liquid or liquid-filled gel
746 capsule form or to any compound, mixture, or preparation specified in subdivision
747 (3) of subsection 10 of this section which must be dispensed, sold, or distributed
748 in a pharmacy pursuant to a prescription.

749 18. The manufacturer of a drug product or another interested party may
750 apply with the department of health and senior services for an exemption from
751 this section. The department of health and senior services may grant an
752 exemption by rule from this section if the department finds the drug product is
753 not used in the illegal manufacture of methamphetamine or other controlled or
754 dangerous substances. The department of health and senior services shall rely
755 on reports from law enforcement and law enforcement evidentiary laboratories in
756 determining if the proposed product can be used to manufacture illicit controlled
757 substances.

758 19. The department of health and senior services shall revise and
759 republish the schedules annually.

760 20. The department of health and senior services shall promulgate rules
761 under chapter 536 regarding the security and storage of Schedule V controlled
762 substances, as described in subdivision (3) of subsection 10 of this section, for
763 distributors as registered by the department of health and senior services.

764 21. Logs of transactions required to be kept and maintained by this
765 section and section 195.417 shall create a rebuttable presumption that the person
766 whose name appears in the logs is the person whose transactions are recorded in
767 the logs.

195.580. As used in sections 195.580 to 195.589, the following
2 **terms mean:**

3 (1) "Adequate supply", an amount of marijuana collectively
4 possessed between the qualified patient and the qualified patient's
5 primary caregiver that is not more than is reasonably necessary to
6 ensure the uninterrupted availability of marijuana for the purpose of
7 alleviating the symptoms or effects of a qualified patient's debilitating
8 medical condition; provided that an "adequate supply" shall not exceed
9 three mature marijuana plants, four immature marijuana plants, and
10 four ounces of usable marijuana;

11 (2) "Attending physician", a person who is licensed to practice
12 medicine or surgery under chapter 334, is licensed with authority to
13 prescribe drugs under section 334.106, and who has primary
14 responsibility for the care and treatment of a person diagnosed with a
15 debilitating medical condition;

16 (3) "Container", a case or box that is closable;

17 (4) "Debilitating medical condition" means:

18 (a) Cancer, glaucoma, positive status for human
19 immunodeficiency virus (HIV), acquired immune deficiency syndrome
20 (AIDS), hepatitis C, Alzheimer's disease, rheumatoid arthritis,
21 fibromyalgia, severe migraines, or multiple sclerosis;

22 (b) A chronic or debilitating disease or medical condition or its
23 treatment that produces one or more of the following:

24 a. Cachexia or wasting syndrome;

25 b. Severe pain;

26 c. Severe nausea;

27 d. Anorexia;

- 28 e. Seizures, including those characteristic of epilepsy; or
- 29 f. Severe and persistent muscle spasms, including those
- 30 characteristic of multiple sclerosis (MS), Lou Gehrig's disease (ALS), or
- 31 Crohn's disease; or
- 32 (c) Any other serious medical condition or its treatment
- 33 approved by an attending physician;
- 34 (5) "Department", the department of health and senior services;
- 35 (6) "Immature marijuana plants", any cannabis plant, devoid of
- 36 flower or buds, from seedling to the beginning states of flowering,
- 37 signifying the first state of processing for consumption as medicine;
- 38 (7) "Mature marijuana plants", any cannabis plant bearing
- 39 flowers or buds, signifying the second stage of processing for
- 40 consumption as medicine;
- 41 (8) "Medical marijuana", cannabis sativa grown within a
- 42 controlled environment for the purposes of being used as a medicine by
- 43 a qualified patient in the treatment of a debilitating medical condition;
- 44 (9) "Medical use", the acquisition, possession, cultivation, use,
- 45 transfer, or transportation of marijuana or paraphernalia relating to
- 46 the administration of marijuana, to alleviate the symptoms or effects
- 47 of a qualified patient's debilitating medical condition. For the purposes
- 48 of "medical use", the term "transfer" is limited to the transfer of
- 49 marijuana and paraphernalia between primary caregivers and qualified
- 50 patients;
- 51 (10) "Primary caregiver", a person who is at least eighteen years
- 52 of age and who has been designated by the qualified patient's attending
- 53 physician as being necessary to undertake responsibility for managing
- 54 the well-being of the qualified patient with respect to the medical use
- 55 of marijuana;
- 56 (11) "Qualified patient", a person who has been diagnosed by an
- 57 attending physician as having a debilitating medical condition and has
- 58 received written certification;
- 59 (12) "Registry identification card", a document issued by the
- 60 department that identifies a person as a qualified patient or primary
- 61 caregiver;
- 62 (13) "Usable marijuana", the dried leaves and flowers of
- 63 marijuana, and any mixture or preparation thereof, that are
- 64 appropriate for the medical use of marijuana, and does not include the

65 seeds, stalks, and roots of the plant;

66 (14) "Written certification", a statement signed by an attending
67 physician stating that in the physician's professional opinion, after
68 having completed a full assessment of the qualifying patient's medical
69 history and current medical condition made in the course of a bona fide
70 physician-patient relationship, the qualifying patient has a debilitating
71 medical condition and the potential benefits of the medical use of
72 marijuana would likely outweigh the health risks for the qualifying
73 patient. A written certification is not valid for more than one year
74 from the date of issuance.

195.583. 1. A qualified patient who possesses a registry
2 identification card shall not be subject to arrest, prosecution, or
3 penalty in any manner for the medical use of marijuana, provided that
4 the quantity of marijuana does not exceed an adequate supply. If a
5 qualified patient is not in possession of a registry identification card
6 the patient shall be given an opportunity to produce the registry
7 identification card before arrest, criminal charges, or other penalties
8 are initiated.

9 2. Subsection 1 of this section shall not apply to a qualified
10 patient under the age of eighteen, unless:

11 (1) The qualified patient's attending physician has explained the
12 potential risks and benefits of the medical use of marijuana to the
13 qualified patient and to a parent, guardian, or person having legal
14 custody of the qualified patient; and

15 (2) A parent, guardian, or person having legal custody consents
16 in writing to:

17 (a) Allow the qualified patient's medical use of marijuana;

18 (b) Serve as the qualified patient's primary caregiver; and

19 (c) Control the acquisition of the marijuana, the dosage, and the
20 frequency of the medical use of marijuana by the qualified patient.

21 3. When the acquisition, possession, cultivation, transportation,
22 or administration of marijuana by a qualified patient is not practicable,
23 the legal protections established by sections 195.580 to 195.598 for a
24 qualified patient shall extend to the qualified patient's primary
25 caregiver, provided that the primary caregiver's actions are necessary
26 for the qualified patient's medical use of marijuana.

27 4. An attending physician shall not be subject to arrest or

28 prosecution, penalized in any manner, or denied any right or privilege
29 for providing written certification for the medical use of marijuana to
30 a patient with a debilitating medical condition.

31 5. Marijuana plants, equipment for their cultivation, as well as
32 legal amounts of medical marijuana shall not be seized from the
33 possession of a qualified patient if the patient presents a registry
34 identification card or written certification as a medical marijuana
35 patient. Any such property interest shall not be forfeited under any
36 provision of state or local law providing for the forfeiture of property
37 other than as a sentence imposed after conviction of a criminal offense
38 or entry of a plea of guilty to a criminal offense. Marijuana,
39 paraphernalia, or other property seized from a medical marijuana
40 patient or primary caregiver in connection with the claimed medical
41 use of marijuana shall be returned immediately upon the determination
42 by a court or prosecutor that the patient or primary caregiver is
43 entitled to the protections of sections 195.550 to 195.568, as may be
44 evidenced by a decision not to prosecute, the dismissal of charges, or
45 an acquittal.

46 6. Any property interest that is possessed, owned, or used in
47 connection with the medical use of marijuana, or acts incidental to
48 such use shall not be harmed, neglected, injured, or destroyed while in
49 the possession of state or local law enforcement officials.

50 7. No person shall be subject to arrest or prosecution for
51 "constructive possession", "conspiracy", or any other offense for simply
52 being in the presence or vicinity of the medical use of marijuana as
53 permitted under sections 195.580 to 195.583.

54 8. Any qualified patient shall be afforded all the same rights
55 under the law as any other pharmaceutically medicated individual, as
56 it pertains to:

57 (1) Routine traffic stops as well as any interaction with law
58 enforcement that does not involve an illegal act;

59 (2) Any interaction with a person's employer that pertains solely
60 to legal medical marijuana use; or

61 (3) Exoneration from drug testing when such test pertains to
62 marijuana and its metabolites whether by an employer or a member of
63 a law enforcement agency.

64 9. A qualified patient or primary caregiver who has not received

65 a registry identification card, but is in compliance with all other
66 provisions of sections 195.580 to 195.598, may present evidence
67 supporting his or her need for medical marijuana for treatment of a
68 debilitating medical condition. Such evidence may constitute an
69 affirmative defense to a charge of marijuana possession or cultivation
70 and shall be admissible in the courts of the state of Missouri if such
71 evidence otherwise properly qualifies as admissible under the rules of
72 evidence.

73 10. Qualified patients and primary caregivers shall not transport
74 or possess usable marijuana in or upon a motor vehicle unless the
75 usable marijuana is enclosed in a container that is carried in the trunk
76 of the vehicle or enclosed in a container that is not readily accessible
77 from the interior of the vehicle when the vehicle in which the person
78 is traveling does not have a trunk. Violation of this subsection is a
79 class B misdemeanor.

80 11. The authorization for the medical use of marijuana in
81 sections 195.580 to 195.598 shall not apply to:

82 (1) The medical use of marijuana that compromises the health or
83 well-being of another person, such as:

84 (a) In a school bus, public bus, or other public vehicle;

85 (b) In the areas of one's employment not designated for medical
86 marijuana use;

87 (c) On any school grounds other than areas designated for
88 medical marijuana use;

89 (d) In any correctional facility other than areas designated for
90 medical marijuana use; or

91 (e) At any public park, public beach, public recreation center, or
92 youth center other than areas designated for medical marijuana use;
93 and

94 (2) The use of marijuana by a qualifying patient, primary
95 caregiver, or any other person for purposes other than medical use
96 permitted by sections 195.580 to 195.598.

97 12. Notwithstanding any law to the contrary, fraudulent
98 representation to a law enforcement official of any fact or circumstance
99 relating to the medical use of marijuana to avoid arrest or prosecution
100 shall be a misdemeanor and subject to a fine of five hundred
101 dollars. Such penalty shall be in addition to any other penalties that

102 may apply for the nonmedical use of marijuana.

195.592. 1. Not later than ninety days after the effective date of
2 sections 195.580 to 195.598, the department shall promulgate rules
3 governing the manner in which it will consider applications for
4 registry identification cards, and for renewing registry identification
5 cards for qualified patients and primary caregivers.

6 2. The department shall issue registry identification cards to
7 qualified patients and to qualified patients' primary caregivers, if any,
8 who submit the following, in accordance with the department's rules:

9 (1) Written certification signed by an attending physician;

10 (2) Registration fee, not to exceed one hundred dollars per
11 qualifying patient;

12 (3) Name, address, and date of birth of the qualified patient;

13 (4) Name, address, and telephone number of the qualified
14 patient's attending physician; and

15 (5) Name, address, and date of birth of the qualified patient's
16 primary caregiver, if the qualified patient has designated a primary
17 caregiver at the time of application.

18 3. The department shall verify the information contained in an
19 application submitted under this section, and shall approve or deny an
20 application within thirty days of receipt of the application. The
21 department may deny an application only if the applicant did not
22 provide the information required under this section, or if the
23 department determines that the information provided was
24 falsified. Any person whose application has been denied shall not
25 reapply for six months from the date of the denial, unless so authorized
26 by the department or a court of competent jurisdiction.

27 4. The department shall issue registry identification cards within
28 five days of approving an application, which shall expire one year after
29 the date of issuance. Registry identification cards shall contain:

30 (1) The name, address, and date of birth of the qualified patient
31 and primary caregiver, if any;

32 (2) The date of issuance and expiration date of the registry
33 identification card; and

34 (3) Other information that the department may specify by rules.

35 5. A person who possesses a registry identification card shall
36 notify the department of any change in the person's name, address,

37 qualified patient's attending physician, qualified patient's primary
38 caregiver, or change in status of the qualifying patient's debilitating
39 medical condition within ten days of such change, or the registry
40 identification card shall be deemed null and void.

41 6. Possession of or application for a registry identification card
42 alone shall not constitute probable cause to search the person or
43 property of the person possessing or applying for the card or otherwise
44 subject the person or property of the person possessing the card to
45 inspection by any governmental agency.

46 7. The department shall maintain a confidential list of the
47 persons to whom the department has issued registry identification
48 cards. Individual names on the list shall be confidential and not
49 subject to disclosure, except to:

50 (1) Authorized employees of the department as necessary to
51 perform official duties of the department; or

52 (2) Authorized employees of state or local law enforcement
53 agencies, only for the purpose of verifying that a person who is engaged
54 in the suspected or alleged medical use of marijuana is lawfully in
55 possession of a registry identification card.

195.595. 1. As used in this section, a "medical marijuana center"
2 is a business registered with the department whose organization and
3 purpose is the lawful cultivation and selling of medical marijuana to
4 persons with a registry identification card issued by the department,
5 but is not a primary caregiver.

6 2. Prior to selling, administering, delivering, dispensing,
7 distributing, cultivating, or possessing marijuana for medical use, a
8 medical marijuana center shall register with the department.

9 3. No later than ninety days after the effective date of sections
10 195.580 to 195.598, the department shall promulgate rules that include
11 procedures for:

12 (1) The application and oversight of medical marijuana centers;

13 (2) Record keeping and reporting requirements for medical
14 marijuana centers; and

15 (3) Suspending or removing the registration of medical
16 marijuana centers.

17 4. It shall be lawful to sell, administer, deliver, dispense,
18 distribute, cultivate, or possess marijuana where it is:

19 (1) By a medical marijuana center to a qualified patient or
20 primary caregiver possessing a registry identification card; or

21 (2) By any federal, state, or local law enforcement agency to a
22 registered medical marijuana center.

23 5. A medical marijuana center shall not:

24 (1) Obtain marijuana from outside the state in violation of
25 federal law;

26 (2) Employ or utilize the services of any person who has a felony
27 conviction involving a controlled substance; or

28 (3) Sell, administer, deliver, dispense, or distribute marijuana to
29 qualifying patients or primary caregivers without first verifying the
30 validity of the registry identification card by contacting the
31 department.

 195.598. Any rule or portion of a rule, as that term is defined in
2 section 536.010, that is created under the authority delegated in
3 sections 195.580 to 195.598 shall become effective only if it complies
4 with and is subject to all of the provisions of chapter 536 and, if
5 applicable, section 536.028. Sections 195.580 to 195.598 and chapter 536
6 are nonseverable and if any of the powers vested with the general
7 assembly pursuant to chapter 536 to review, to delay the effective date,
8 or to disapprove and annul a rule are subsequently held
9 unconstitutional, then the grant of rulemaking authority and any rule
10 proposed or adopted after August 28, 2014, shall be invalid and void.

 263.250. 1. Except as provided in sections 195.550 to 195.568, the
2 plant "marijuana", botanically known as cannabis sativa, is hereby declared to be
3 a noxious weed and all owners and occupiers of land shall destroy all such plants
4 growing upon their land. Any person who knowingly allows such plants to grow
5 on his land or refuses to destroy such plants after being notified to do so shall
6 allow any sheriff or such other persons as designated by the county commission
7 to enter upon any land in this state and destroy such plants.

8 2. Entry to such lands shall not be made, by any sheriff or other
9 designated person to destroy such plants, until fifteen days' notice by certified
10 mail shall be given the owner or occupant to destroy such plants or a search
11 warrant shall be issued on probable cause shown. In all such instances, the
12 county commission shall bear the cost of destruction and notification.

 Section B. This act is hereby submitted to the qualified voters of this state

2 for approval or rejection at an election which is hereby ordered and which shall
3 be held and conducted on Tuesday next following the first Monday in November,
4 2014, pursuant to the laws and constitutional provisions of this state for the
5 submission of referendum measures by the general assembly, and this act shall
6 become effective when approved by a majority of the votes cast thereon at such
7 election and not otherwise.

✓

Unofficial

Bill

Copy