

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR

**SENATE BILL NO. 85**  
**94TH GENERAL ASSEMBLY**

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Reported from the Committee on Health Care Policy May 2, 2007 with recommendation that House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 85 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

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**AN ACT**

To repeal sections 195.010, 195.017, and 195.417, RSMo, and to enact in lieu thereof twelve new sections relating to monitoring of drugs, with penalty provisions and an effective date.

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

Section A. Sections 195.010, 195.017, and 195.417, RSMo, are repealed and twelve new sections enacted in lieu thereof, to be known as sections 195.010, 195.017, 195.378, 195.381, 195.384, 195.387, 195.390, 195.393, 195.396, 195.399, 195.417, and 1, to read as follows:

195.010. The following words and phrases as used in sections 195.005 to 195.425, unless the context otherwise requires, mean:

(1) "Addict", a person who habitually uses one or more controlled substances to such an extent as to create a tolerance for such drugs, and who does not have a medical need for such drugs, or who is so far addicted to the use of such drugs as to have lost the power of self-control with reference to his addiction;

(2) "Administer", to apply a controlled substance, whether by injection, inhalation, ingestion, or any other means, directly to the body of a patient or research subject by:

(a) A practitioner (or, in his presence, by his authorized agent); or

(b) The patient or research subject at the direction and in the presence of the practitioner;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

11 (3) "Agent", an authorized person who acts on behalf of or at the direction of a  
12 manufacturer, distributor, or dispenser. The term does not include a common or contract carrier,  
13 public warehouseman, or employee of the carrier or warehouseman while acting in the usual and  
14 lawful course of the carrier's or warehouseman's business;

15 (4) "Attorney for the state", any prosecuting attorney, circuit attorney, or attorney general  
16 authorized to investigate, commence and prosecute an action under sections 195.005 to 195.425;

17 (5) "Controlled substance", a drug, substance, or immediate precursor in Schedules I  
18 through V listed in sections 195.005 to 195.425;

19 (6) "Controlled substance analogue", a substance the chemical structure of which is  
20 substantially similar to the chemical structure of a controlled substance in Schedule I or II and:

21 (a) Which has a stimulant, depressant, or hallucinogenic effect on the central nervous  
22 system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central  
23 nervous system of a controlled substance included in Schedule I or II; or

24 (b) With respect to a particular individual, which that individual represents or intends  
25 to have a stimulant, depressant, or hallucinogenic effect on the central nervous system  
26 substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous  
27 system of a controlled substance included in Schedule I or II. The term does not include a  
28 controlled substance; any substance for which there is an approved new drug application; any  
29 substance for which an exemption is in effect for investigational use, for a particular person,  
30 under Section 505 of the federal Food, Drug and Cosmetic Act (21 U.S.C. 355) to the extent  
31 conduct with respect to the substance is pursuant to the exemption; or any substance to the extent  
32 not intended for human consumption before such an exemption takes effect with respect to the  
33 substance;

34 (7) "Counterfeit substance", a controlled substance which, or the container or labeling  
35 of which, without authorization, bears the trademark, trade name, or other identifying mark,  
36 imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser  
37 other than the person who in fact manufactured, distributed, or dispensed the substance;

38 (8) "Deliver" or "delivery", the actual, constructive, or attempted transfer from one  
39 person to another of drug paraphernalia or of a controlled substance, or an imitation controlled  
40 substance, whether or not there is an agency relationship, and includes a sale;

41 (9) "Dentist", a person authorized by law to practice dentistry in this state;

42 (10) "Depressant or stimulant substance":

43 (a) A drug containing any quantity of barbituric acid or any of the salts of barbituric acid  
44 or any derivative of barbituric acid which has been designated by the United States Secretary of  
45 Health and Human Services as habit forming under 21 U.S.C. 352(d);

46 (b) A drug containing any quantity of:

- 47 a. Amphetamine or any of its isomers;
- 48 b. Any salt of amphetamine or any salt of an isomer of amphetamine; or
- 49 c. Any substance the United States Attorney General, after investigation, has found to
- 50 be, and by regulation designated as, habit forming because of its stimulant effect on the central
- 51 nervous system;
- 52 (c) Lysergic acid diethylamide; or
- 53 (d) Any drug containing any quantity of a substance that the United States Attorney
- 54 General, after investigation, has found to have, and by regulation designated as having, a
- 55 potential for abuse because of its depressant or stimulant effect on the central nervous system or
- 56 its hallucinogenic effect;
- 57 (11) "Dispense", to deliver a narcotic or controlled dangerous drug to an ultimate user
- 58 or research subject by or pursuant to the lawful order of a practitioner including the prescribing,
- 59 administering, packaging, labeling, or compounding necessary to prepare the substance for such
- 60 delivery. "Dispenser" means a practitioner who dispenses;
- 61 (12) "Distribute", to deliver other than by administering or dispensing a controlled
- 62 substance;
- 63 (13) "Distributor", a person who distributes;
- 64 (14) "Drug":
- 65 (a) Substances recognized as drugs in the official United States Pharmacopoeia, Official
- 66 Homeopathic Pharmacopoeia of the United States, or Official National Formulary, or any
- 67 supplement to any of them;
- 68 (b) Substances intended for use in the diagnosis, cure, mitigation, treatment or
- 69 prevention of disease in humans or animals;
- 70 (c) Substances, other than food, intended to affect the structure or any function of the
- 71 body of humans or animals; and
- 72 (d) Substances intended for use as a component of any article specified in this
- 73 subdivision. It does not include devices or their components, parts or accessories;
- 74 (15) "Drug-dependent person", a person who is using a controlled substance and who
- 75 is in a state of psychic or physical dependence, or both, arising from the use of such substance
- 76 on a continuous basis. Drug dependence is characterized by behavioral and other responses
- 77 which include a strong compulsion to take the substance on a continuous basis in order to
- 78 experience its psychic effects or to avoid the discomfort caused by its absence;
- 79 (16) "Drug enforcement agency", the Drug Enforcement Administration in the United
- 80 States Department of Justice, or its successor agency;
- 81 (17) "Drug paraphernalia", all equipment, products, substances and materials of any kind
- 82 which are used, intended for use, or designed for use, in planting, propagating, cultivating,

83 growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing,  
84 storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the  
85 human body a controlled substance or an imitation controlled substance in violation of sections  
86 195.005 to 195.425. It includes, but is not limited to:

87 (a) Kits used, intended for use, or designed for use in planting, propagating, cultivating,  
88 growing or harvesting of any species of plant which is a controlled substance or from which a  
89 controlled substance can be derived;

90 (b) Kits used, intended for use, or designed for use in manufacturing, compounding,  
91 converting, producing, processing, or preparing controlled substances or imitation controlled  
92 substances;

93 (c) Isomerization devices used, intended for use, or designed for use in increasing the  
94 potency of any species of plant which is a controlled substance or an imitation controlled  
95 substance;

96 (d) Testing equipment used, intended for use, or designed for use in identifying, or in  
97 analyzing the strength, effectiveness or purity of controlled substances or imitation controlled  
98 substances;

99 (e) Scales and balances used, intended for use, or designed for use in weighing or  
100 measuring controlled substances or imitation controlled substances;

101 (f) Dilutents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose  
102 and lactose, used, intended for use, or designed for use in cutting controlled substances or  
103 imitation controlled substances;

104 (g) Separation gins and sifters used, intended for use, or designed for use in removing  
105 twigs and seeds from, or in otherwise cleaning or refining, marijuana;

106 (h) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or  
107 designed for use in compounding controlled substances or imitation controlled substances;

108 (i) Capsules, balloons, envelopes and other containers used, intended for use, or designed  
109 for use in packaging small quantities of controlled substances or imitation controlled substances;

110 (j) Containers and other objects used, intended for use, or designed for use in storing or  
111 concealing controlled substances or imitation controlled substances;

112 (k) Hypodermic syringes, needles and other objects used, intended for use, or designed  
113 for use in parenterally injecting controlled substances or imitation controlled substances into the  
114 human body;

115 (l) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise  
116 introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:

117 a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens,  
118 permanent screens, hashish heads, or punctured metal bowls;

- 119           b. Water pipes;  
120           c. Carburetion tubes and devices;  
121           d. Smoking and carburetion masks;  
122           e. Roach clips meaning objects used to hold burning material, such as a marijuana  
123 cigarette, that has become too small or too short to be held in the hand;  
124           f. Miniature cocaine spoons and cocaine vials;  
125           g. Chamber pipes;  
126           h. Carburetor pipes;  
127           i. Electric pipes;  
128           j. Air-driven pipes;  
129           k. Chillums;  
130           l. Bongs;  
131           m. Ice pipes or chillers;  
132           (m) Substances used, intended for use, or designed for use in the manufacture of a  
133 controlled substance;  
134 In determining whether an object, product, substance or material is drug paraphernalia, a court  
135 or other authority should consider, in addition to all other logically relevant factors, the  
136 following:  
137           (a) Statements by an owner or by anyone in control of the object concerning its use;  
138           (b) Prior convictions, if any, of an owner, or of anyone in control of the object, under any  
139 state or federal law relating to any controlled substance or imitation controlled substance;  
140           (c) The proximity of the object, in time and space, to a direct violation of sections  
141 195.005 to 195.425;  
142           (d) The proximity of the object to controlled substances or imitation controlled  
143 substances;  
144           (e) The existence of any residue of controlled substances or imitation controlled  
145 substances on the object;  
146           (f) Direct or circumstantial evidence of the intent of an owner, or of anyone in control  
147 of the object, to deliver it to persons who he knows, or should reasonably know, intend to use  
148 the object to facilitate a violation of sections 195.005 to 195.425; the innocence of an owner, or  
149 of anyone in control of the object, as to direct violation of sections 195.005 to 195.425 shall not  
150 prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;  
151           (g) Instructions, oral or written, provided with the object concerning its use;  
152           (h) Descriptive materials accompanying the object which explain or depict its use;  
153           (i) National or local advertising concerning its use;  
154           (j) The manner in which the object is displayed for sale;

- 155 (k) Whether the owner, or anyone in control of the object, is a legitimate supplier of like  
156 or related items to the community, such as a licensed distributor or dealer of tobacco products;
- 157 (l) Direct or circumstantial evidence of the ratio of sales of the object to the total sales  
158 of the business enterprise;
- 159 (m) The existence and scope of legitimate uses for the object in the community;
- 160 (n) Expert testimony concerning its use;
- 161 (o) The quantity, form or packaging of the product, substance or material in relation to  
162 the quantity, form or packaging associated with any legitimate use for the product, substance or  
163 material;
- 164 (18) "Federal narcotic laws", the laws of the United States relating to controlled  
165 substances;
- 166 (19) "Hospital", a place devoted primarily to the maintenance and operation of facilities  
167 for the diagnosis, treatment or care, for not less than twenty-four hours in any week, of three or  
168 more nonrelated individuals suffering from illness, disease, injury, deformity or other abnormal  
169 physical conditions; or a place devoted primarily to provide, for not less than twenty-four  
170 consecutive hours in any week, medical or nursing care for three or more nonrelated individuals.  
171 The term "hospital" does not include convalescent, nursing, shelter or boarding homes as defined  
172 in chapter 198, RSMo;
- 173 (20) "Immediate precursor", a substance which:
- 174 (a) The state department of health and senior services has found to be and by rule  
175 designates as being the principal compound commonly used or produced primarily for use in the  
176 manufacture of a controlled substance;
- 177 (b) Is an immediate chemical intermediary used or likely to be used in the manufacture  
178 of a controlled substance; and
- 179 (c) The control of which is necessary to prevent, curtail or limit the manufacture of the  
180 controlled substance;
- 181 (21) "Imitation controlled substance", a substance that is not a controlled substance,  
182 which by dosage unit appearance (including color, shape, size and markings), or by  
183 representations made, would lead a reasonable person to believe that the substance is a controlled  
184 substance. In determining whether the substance is an "imitation controlled substance" the court  
185 or authority concerned should consider, in addition to all other logically relevant factors, the  
186 following:
- 187 (a) Whether the substance was approved by the federal Food and Drug Administration  
188 for over-the-counter (nonprescription or nonlegend) sales and was sold in the federal Food and  
189 Drug Administration approved package, with the federal Food and Drug Administration  
190 approved labeling information;

191 (b) Statements made by an owner or by anyone else in control of the substance  
192 concerning the nature of the substance, or its use or effect;

193 (c) Whether the substance is packaged in a manner normally used for illicit controlled  
194 substances;

195 (d) Prior convictions, if any, of an owner, or anyone in control of the object, under state  
196 or federal law related to controlled substances or fraud;

197 (e) The proximity of the substances to controlled substances;

198 (f) Whether the consideration tendered in exchange for the noncontrolled substance  
199 substantially exceeds the reasonable value of the substance considering the actual chemical  
200 composition of the substance and, where applicable, the price at which over-the-counter  
201 substances of like chemical composition sell. An imitation controlled substance does not include  
202 a placebo or registered investigational drug either of which was manufactured, distributed,  
203 possessed or delivered in the ordinary course of professional practice or research;

204 (22) "Laboratory", a laboratory approved by the department of health and senior services  
205 as proper to be entrusted with the custody of controlled substances but does not include a  
206 pharmacist who compounds controlled substances to be sold or dispensed on prescriptions;

207 (23) "Manufacture", the production, preparation, propagation, compounding or  
208 processing of drug paraphernalia or of a controlled substance, or an imitation controlled  
209 substance, either directly or by extraction from substances of natural origin, or independently by  
210 means of chemical synthesis, or by a combination of extraction and chemical synthesis, and  
211 includes any packaging or repackaging of the substance or labeling or relabeling of its container.  
212 This term does not include the preparation or compounding of a controlled substance or an  
213 imitation controlled substance or the preparation, compounding, packaging or labeling of a  
214 narcotic or dangerous drug:

215 (a) By a practitioner as an incident to his administering or dispensing of a controlled  
216 substance or an imitation controlled substance in the course of his professional practice, or

217 (b) By a practitioner or his authorized agent under his supervision, for the purpose of,  
218 or as an incident to, research, teaching or chemical analysis and not for sale;

219 (24) "Marijuana", all parts of the plant genus *Cannabis* in any species or form thereof,  
220 including, but not limited to *Cannabis Sativa L.*, *Cannabis Indica*, *Cannabis Americana*,  
221 *Cannabis Ruderalis*, and *Cannabis Gigantea*, whether growing or not, the seeds thereof, the resin  
222 extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture,  
223 or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant,  
224 fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound,  
225 manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin

226 extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of  
227 germination;

228 (25) "Methamphetamine precursor drug", any drug containing ephedrine,  
229 pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical  
230 isomers;

231 (26) **"Mobile retail vendor", a person or entity that makes sales at retail from a**  
232 **stand that is intended to be temporary, or is capable of being moved from one location to**  
233 **another, whether the stand is located within or on the premises of a fixed facility, such as**  
234 **a kiosk at a shopping center or an airport, or whether the stand is located on unimproved**  
235 **real estate, such as a lot or field leased for retail purposes;**

236 (27) "Narcotic drug", any of the following, whether produced directly or indirectly by  
237 extraction from substances of vegetable origin, or independently by means of chemical synthesis,  
238 or by a combination of extraction and chemical analysis:

239 (a) Opium, opiate, and any derivative, of opium or opiate, including their isomers, esters,  
240 ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of the isomers,  
241 esters, ethers, and salts is possible within the specific chemical designation. The term does not  
242 include the isoquinoline alkaloids of opium;

243 (b) Coca leaves, but not including extracts of coca leaves from which cocaine, ecgonine,  
244 and derivatives of ecgonine or their salts have been removed;

245 (c) Cocaine or any salt, isomer, or salt of isomer thereof;

246 (d) Ecgonine, or any derivative, salt, isomer, or salt of isomer thereof;

247 (e) Any compound, mixture, or preparation containing any quantity of any substance  
248 referred to in paragraphs (a) to (d) of this subdivision;

249 [(27)] (28) "Official written order", an order written on a form provided for that purpose  
250 by the United States Commissioner of Narcotics, under any laws of the United States making  
251 provision therefor, if such order forms are authorized and required by federal law, and if no such  
252 order form is provided, then on an official form provided for that purpose by the department of  
253 health and senior services;

254 [(28)] (29) "Opiate", any substance having an addiction-forming or addiction-sustaining  
255 liability similar to morphine or being capable of conversion into a drug having addiction-forming  
256 or addiction-sustaining liability. The term includes its racemic and levorotatory forms. It does  
257 not include, unless specifically controlled under section 195.017, the dextrorotatory isomer of  
258 3-methoxy-n-methyl-morphinan and its salts (dextromethorphan);

259 [(29)] (30) "Opium poppy", the plant of the species *Papaver somniferum* L., except its  
260 seeds;

261 [(30)] (31) "Over-the-counter sale", a retail sale licensed pursuant to chapter 144,  
262 RSMo, of a drug other than a controlled substance;

263 [(31)] (32) "Person", an individual, corporation, government or governmental  
264 subdivision or agency, business trust, estate, trust, partnership, joint venture, association, or any  
265 other legal or commercial entity;

266 [(32)] (33) "Pharmacist", a licensed pharmacist as defined by the laws of this state, and  
267 where the context so requires, the owner of a store or other place of business where controlled  
268 substances are compounded or dispensed by a licensed pharmacist; but nothing in sections  
269 195.005 to 195.425 shall be construed as conferring on a person who is not registered nor  
270 licensed as a pharmacist any authority, right or privilege that is not granted to him by the  
271 pharmacy laws of this state;

272 [(33)] (34) "Poppy straw", all parts, except the seeds, of the opium poppy, after mowing;

273 [(34)] (35) "Possessed" or "possessing a controlled substance", a person, with the  
274 knowledge of the presence and nature of a substance, has actual or constructive possession of  
275 the substance. A person has actual possession if he has the substance on his person or within  
276 easy reach and convenient control. A person who, although not in actual possession, has the  
277 power and the intention at a given time to exercise dominion or control over the substance either  
278 directly or through another person or persons is in constructive possession of it. Possession may  
279 also be sole or joint. If one person alone has possession of a substance possession is sole. If two  
280 or more persons share possession of a substance, possession is joint;

281 [(35)] (36) "Practitioner", a physician, dentist, optometrist, podiatrist, veterinarian,  
282 scientific investigator, pharmacy, hospital or other person licensed, registered or otherwise  
283 permitted by this state to distribute, dispense, conduct research with respect to or administer or  
284 to use in teaching or chemical analysis, a controlled substance in the course of professional  
285 practice or research in this state, or a pharmacy, hospital or other institution licensed, registered,  
286 or otherwise permitted to distribute, dispense, conduct research with respect to or administer a  
287 controlled substance in the course of professional practice or research;

288 [(36)] (37) "Production", includes the manufacture, planting, cultivation, growing, or  
289 harvesting of drug paraphernalia or of a controlled substance or an imitation controlled  
290 substance;

291 [(37)] (38) "Registry number", the number assigned to each person registered under the  
292 federal controlled substances laws;

293 [(38)] (39) "Sale", includes barter, exchange, or gift, or offer therefor, and each such  
294 transaction made by any person, whether as principal, proprietor, agent, servant or employee;

295 [(39)] (40) "State" when applied to a part of the United States, includes any state,  
296 district, commonwealth, territory, insular possession thereof, and any area subject to the legal  
297 authority of the United States of America;

298 [(40)] (41) "Ultimate user", a person who lawfully possesses a controlled substance or  
299 an imitation controlled substance for his own use or for the use of a member of his household  
300 or for administering to an animal owned by him or by a member of his household;

301 [(41)] (42) "Wholesaler", a person who supplies drug paraphernalia or controlled  
302 substances or imitation controlled substances that he himself has not produced or prepared, on  
303 official written orders, but not on prescriptions.

195.017. 1. The department of health and senior services shall place a substance in  
2 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 lacks accepted  
5 safety for use in treatment under medical supervision.

6 2. Schedule I:

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

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

11 (a) Acetyl-alpha-methylfentanyl;

12 (b) Acetylmethadol;

13 (c) Allylprodine;

14 (d) Alphacetylmethadol;

15 (e) Alphameprodine;

16 (f) Alphamethadol;

17 (g) Alpha-methylfentanyl;

18 (h) Alpha-methylthiofentanyl;

19 (i) Benzethidine;

20 (j) Betacetylmethadol;

21 (k) Beta-hydroxyfentanyl;

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

23 (m) Betameprodine;

24 (n) Betamethadol;

25 (o) Betaprodine;

26 (p) Clonitazene;

27 (q) Dextromoramide;

- 28 (r) Diampromide;  
29 (s) Diethylthiambutene;  
30 (t) Difenoxin;  
31 (u) Dimenoxadol;  
32 (v) Dimepheptanol;  
33 (w) Dimethylthiambutene;  
34 (x) Dioxaphetyl butyrate;  
35 (y) Dipipanone;  
36 (z) Ethylmethylthiambutene;  
37 (aa) Etonitazene;  
38 (bb) Etoxidine;  
39 (cc) Furethidine;  
40 (dd) Hydroxypethidine;  
41 (ee) Ketobemidone;  
42 (ff) Levomoramide;  
43 (gg) Levophenacymorphan;  
44 (hh) 3-Methylfentanyl;  
45 (ii) 3-Methylthiofentanyl;  
46 (jj) Morpheridine;  
47 (kk) MPPP;  
48 (ll) Noracymethadol;  
49 (mm) Norlevorphanol;  
50 (nn) Normethadone;  
51 (oo) Norpiperone;  
52 (pp) Para-fluorofentanyl;  
53 (qq) PEPAP;  
54 (rr) Phenadoxone;  
55 (ss) Phenampromide;  
56 (tt) Phenomorphan;  
57 (uu) Phenoperidine;  
58 (vv) Piritramide;  
59 (ww) Proheptazine;  
60 (xx) Properidine;  
61 (yy) Propiram;  
62 (zz) Racemoramide;  
63 (aaa) Thiofentanyl;

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- 64 (bbb) Tilidine;
- 65 (ccc) Trimeperidine;
- 66 (3) Any of the following opium derivatives, their salts, isomers and salts of isomers
- 67 unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers
- 68 is possible within the specific chemical designation:
- 69 (a) Acetorphine;
- 70 (b) Acetyldihydrocodeine;
- 71 (c) Benzylmorphine;
- 72 (d) Codeine methylbromide;
- 73 (e) Codeine-N-Oxide;
- 74 (f) Cyprenorphine;
- 75 (g) Desomorphine;
- 76 (h) Dihydromorphine;
- 77 (i) Drotebanol;
- 78 (j) Etorphine; (except Hydrochloride Salt);
- 79 (k) Heroin;
- 80 (l) Hydromorphanol;
- 81 (m) Methyldesorphine;
- 82 (n) Methyldihydromorphine;
- 83 (o) Morphine methylbromide;
- 84 (p) Morphine methyl sulfonate;
- 85 (q) Morphine-N-Oxide;
- 86 (r) [Morphine] **Myrophine**;
- 87 (s) Nicocodeine;
- 88 (t) Nicomorphine;
- 89 (u) Normorphine;
- 90 (v) Pholcodine;
- 91 (w) Thebacon;
- 92 (4) Any material, compound, mixture or preparation which contains any quantity of the
- 93 following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically
- 94 excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within
- 95 the specific chemical designation:
- 96 (a) [4-bromo-2,5-dimethoxyamphetamine] **4-bromo-2, 5-dimethoxyamphetamine**;
- 97 (b) 4-bromo-2, 5-dimethoxyphenethylamine;
- 98 (c) 2,5-dimethoxyamphetamine;
- 99 (d) 2,5-dimethoxy-4-ethylamphetamine;

- 100 (e) 2,5-dimethoxy-4-(n)-propylthiophenethylamine;
- 101 (f) 4-methoxyamphetamine;
- 102 (g) 5-methoxy-3,4-methylenedioxyamphetamine;
- 103 (h) [4-methyl-2,5-dimethoxy amphetamine] **4-methyl-2, 5-dimethoxyamphetamine;**
- 104 (i) 3,4-methylenedioxyamphetamine;
- 105 (j) 3,4-methylenedioxymethamphetamine;
- 106 (k) 3,4-methylenedioxy-N-ethylamphetamine;
- 107 (l) [N-nydroxy-3, 4-methylenedioxyamphetamine] **N-hydroxy-3, 4-**
- 108 **methylenedioxyamphetamine;**
- 109 (m) 3,4,5-trimethoxyamphetamine;
- 110 (n) Alpha-ethyltryptamine;
- 111 (o) Benzylpiperazine or B.P.;
- 112 (p) Bufotenine;
- 113 (q) Diethyltryptamine;
- 114 (r) Dimethyltryptamine;
- 115 (s) Ibogaine;
- 116 (t) Lysergic acid diethylamide;
- 117 (u) Marijuana; (Marihuana);
- 118 (v) Mescaline;
- 119 (w) Parahexyl;
- 120 (x) Peyote, to include all parts of the plant presently classified botanically as Lophophora
- 121 Williamsil Lemaire, whether growing or not; the seeds thereof; any extract from any part of such
- 122 plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant,
- 123 its seed or extracts;
- 124 (y) N-ethyl-3-piperidyl benzilate;
- 125 (z) N-methyl-3-piperidyl benzilate;
- 126 (aa) Psilocybin;
- 127 (bb) Psilocyn;
- 128 (cc) Tetrahydrocannabinols;
- 129 (dd) Ethylamine analog of phencyclidine;
- 130 (ee) Pyrrolidine analog of phencyclidine;
- 131 (ff) Thiophene analog of phencyclidine;
- 132 (gg) 1-(3-Trifluoromethylphenyl)piperazine or TFMPP;
- 133 (hh) 1-(1-(2-thienyl)cyclohexyl) pyrrolidine;
- 134 (ii) Salvia divinorum;
- 135 (jj) Salvinorin A;

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

140 (a) Gamma hydroxybutyric acid;

141 (b) Mecloqualone;

142 (c) Methaqualone;

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

146 (a) Aminorex;

147 (b) Cathinone;

148 (c) Fenethylamine;

149 (d) Methcathinone;

150 (e) (+)cis-4-methylaminorex ((+)cis-4,5-dihydro- 4-methyl-5-phenyl-2-oxazolamine);

151 (f) N-ethylamphetamine;

152 (g) N,N-dimethylamphetamine;

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

156 (a) [N-(1-benzyl-4-piperidyl)-N-phenyl-propanamide] **N-(1-benzyl-4-piperidyl)-N-**  
157 **phenylpropanamide** (benzylfentanyl), its optical isomers, salts and salts of isomers;

158 (b) N-(1-(2-thienyl)methyl-4-piperidyl)-N-phenylpropanamide (thenylfentanyl), its  
159 optical isomers, salts and salts of isomers;

160 (c) Alpha-Methyltryptamine, or (AMT);

161 (d) 5-Methoxy-N,N-Diisopropyltryptamine, or(5-MeO-DIPT);

162 (8) Khat, to include all parts of the plant presently classified botanically as catha edulis,  
163 whether growing or not; the seeds thereof; any extract from any part of such plant; and every  
164 compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seed or extracts.

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

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

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

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

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

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

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

- 178 a. Raw opium;
- 179 b. Opium extracts;
- 180 c. Opium fluid;
- 181 d. Powdered opium;
- 182 e. Granulated opium;
- 183 f. Tincture of opium;
- 184 g. Codeine;
- 185 h. Ethylmorphine;
- 186 i. Etorphine hydrochloride;
- 187 j. Hydrocodone;
- 188 k. Hydromorphone;
- 189 l. Metopon;
- 190 m. Morphine;
- 191 n. Oxycodone;
- 192 o. Oxymorphone;
- 193 p. Thebaine;

194 (b) Any salt, compound, derivative, or preparation thereof which is chemically  
195 equivalent or identical with any of the substances referred to in this subdivision, but not  
196 including the isoquinoline alkaloids of opium;

197 (c) Opium poppy and poppy straw;

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

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

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

- 207 (a) Alfentanil;

- 208 (b) Alphaprodine;  
209 (c) Anileridine;  
210 (d) Bezitramide;  
211 (e) Bulk Dextropropoxyphene;  
212 (f) Carfentanil;  
213 (g) Butyl nitrite;  
214 (h) Dihydrocodeine;  
215 (i) Diphenoxylate;  
216 (j) Fentanyl;  
217 (k) Isomethadone;  
218 (l) Levo-alphaacetylmethadol;  
219 (m) Levomethorphan;  
220 (n) Levorphanol;  
221 (o) Metazocine;  
222 (p) Methadone;  
223 (q) Meperidine;  
224 (r) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenylbutane;  
225 (s) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane--carboxylic  
226 acid;  
227 (t) Pethidine;  
228 (u) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;  
229 (v) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;  
230 (w) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;  
231 (x) Phenazocine;  
232 (y) Piminodine;  
233 (z) Racemethorphan;  
234 (aa) Racemorphan;  
235 (bb) Sufentanil;  
236 (3) Any material, compound, mixture, or preparation which contains any quantity of the  
237 following substances having a stimulant effect on the central nervous system:  
238 (a) Amphetamine, its salts, optical isomers, and salts of its optical isomers;  
239 (b) Methamphetamine, its salts, isomers, and salts of its isomers;  
240 (c) Phenmetrazine and its salts;  
241 (d) Methylphenidate;  
242 (4) Any material, compound, mixture, or preparation which contains any quantity of the  
243 following substances having a depressant effect on the central nervous system, including its salts,

244 isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers  
245 is possible within the specific chemical designation:

246 (a) Amobarbital;

247 (b) Glutethimide;

248 (c) Pentobarbital;

249 (d) Phencyclidine;

250 (e) Secobarbital;

251 (5) Any material, compound or compound which contains any quantity of nabilone;

252 (6) Any material, compound, mixture, or preparation which contains any quantity of the  
253 following substances:

254 (a) Immediate precursor to amphetamine and methamphetamine: Phenylacetone;

255 (b) Immediate precursors to phencyclidine (PCP):

256 a. 1-phenylcyclohexylamine;

257 b. 1-piperidinocyclohexanecarbonitrile (PCC).

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

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

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

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

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

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

270 (a) Benzphetamine;

271 (b) Chlorphentermine;

272 (c) Clortermine;

273 (d) Phendimetrazine;

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

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

278 a. Amobarbital;

- 279           b. Gamma hydroxybutyric acid and its salts, isomers, and salts of isomers contained in  
280 a drug product for which an application has been approved under Section 505 of the Federal  
281 Food, Drug, and Cosmetic Act;
- 282           c. Secobarbital;  
283           d. Pentobarbital;
- 284           (b) Any suppository dosage form containing any quantity or salt of the following:  
285           a. Amobarbital;  
286           b. Secobarbital;  
287           c. Pentobarbital;
- 288           (c) Any substance which contains any quantity of a derivative of barbituric acid or its  
289 salt;
- 290           (d) Chlorhexadol;  
291           (e) Ketamine, its salts, isomers, and salts of isomers;  
292           (f) Lysergic acid;  
293           (g) Lysergic acid amide;  
294           (h) Methyprylon;  
295           (i) Sulfondiethylmethane;  
296           (j) Sulfonethylmethane;  
297           (k) Sulfonmethane;  
298           (l) Tiletamine and zolazepam or any salt thereof;  
299           (3) Nalorphine;
- 300           (4) Any material, compound, mixture, or preparation containing limited quantities of any  
301 of the following narcotic drugs or their salts:
- 302           (a) Not more than 1.8 grams of codeine per one hundred milliliters or not more than  
303 ninety milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid  
304 of opium;
- 305           (b) Not more than 1.8 grams of codeine per one hundred milliliters or not more than  
306 ninety milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized  
307 therapeutic amounts;
- 308           (c) Not more than three hundred milligrams of hydrocodone per one hundred milliliters  
309 or not more than fifteen milligrams per dosage unit, with a fourfold or greater quantity of an  
310 isoquinoline alkaloid of opium;
- 311           (d) Not more than three hundred milligrams of hydrocodone per one hundred milliliters  
312 or not more than fifteen milligrams per dosage unit, with one or more active nonnarcotic  
313 ingredients in recognized therapeutic amounts;

314 (e) Not more than 1.8 grams of dihydrocodeine per one hundred milliliters or more than  
315 ninety milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized  
316 therapeutic amounts;

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

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

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

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

328 (6) Anabolic steroids. Any drug or hormonal substance, chemically and  
329 pharmacologically related to testosterone (other than estrogens, progestins, and corticosteroids)  
330 that promotes muscle growth, except an anabolic steroid which is expressly intended for  
331 administration through implants to cattle or other nonhuman species and which has been  
332 approved by the Secretary of Health and Human Services for that administration. If any person  
333 prescribes, dispenses, or distributes such steroid for human use, such person shall be considered  
334 to have prescribed, dispensed, or distributed an anabolic steroid within the meaning of this  
335 paragraph. Unless specifically excepted or unless listed in another schedule, any material,  
336 compound, mixture or preparation containing any quantity of the following substances, including  
337 its salts, isomers and salts of isomers whenever the existence of such salts of isomers is possible  
338 within the specific chemical designation:

339 (a) [Boldenone;

340 (b) Chlorotestosterone (4-Chlortestosterone);

341 (c) Clostebol;

342 (d) Dehydrochlormethyltestosterone;

343 (e) Dihydrotestosterone (4-Dihydro-testosterone);

344 (f) Drostanolone;

345 (g) Ethylestrenol;

346 (h) Fluoxymesterone;

347 (i) Formebolone (Formebolone);

348 (j) Mesterolone;

349 (k) Methandienone;

- 350 (l) Methandranone;
- 351 (m) Methandriol;
- 352 (n) Methandrostenolone;
- 353 (o) Methenolone;
- 354 (p) Methyltestosterone;
- 355 (q) Mibolerone;
- 356 (r) Nandrolone;
- 357 (s) Norethandrolone;
- 358 (t) Oxandrolone;
- 359 (u) Oxymesterone;
- 360 (v) Oxymetholone;
- 361 (w) Stanolone;
- 362 (x) Stanozolol;
- 363 (y) Testolactone;
- 364 (z) Testosterone;
- 365 (aa) Trenbolone;
- 366 (bb)] **3 $\beta$ ,17-dihydroxy-5 $\alpha$ -androstane;**
- 367 **(b) 3 $\alpha$ ,17 $\beta$ -dihydroxy-5 $\alpha$ -androstane;**
- 368 **(c) 5 $\alpha$ -androstan-3,17-dione;**
- 369 **(d) 1-androstenediol (3 $\beta$ ,17 $\beta$ -dihydroxy-5 $\alpha$ -androst-1-ene);**
- 370 **(e) 1-androstenediol (3 $\alpha$ ,17 $\beta$ -dihydroxy-5 $\alpha$ -androst-1-ene);**
- 371 **(f) 4-androstenediol (3 $\beta$ ,17 $\beta$ -dihydroxy-androst-4-ene);**
- 372 **(g) 5-androstenediol (3 $\beta$ ,17 $\beta$ -dihydroxy-androst-5-ene);**
- 373 **(h) 1-androstenedione ([5 $\alpha$ ]-androst-1-en-3,17-dione);**
- 374 **(i) 4-androstenedione (androst-4-en-3,17-dione);**
- 375 **(j) 5-androstenedione (androst-5-en-3,17-dione);**
- 376 **(k) Bolasterone (7 $\alpha$ , 17 $\alpha$ -dimethyl-17 $\beta$ -hydroxyandrost-4-en-3-one);**
- 377 **(l) Boldenone (17 $\beta$ -hydroxyandrost-1,4,-diene-3-one);**
- 378 **(m) Calusterone (7 $\beta$ , 17 $\alpha$ -dimethyl-17 $\beta$ -hydroxyandrost-4-en-3-one);**
- 379 **(n) Clostebol (4-chloro-17 $\beta$ -hydroxyandrost-4-en-3-one);**
- 380 **(o) Dehydrochloromethyltestosterone (4-chloro-17 $\beta$ -hydroxy-17 $\alpha$ -methyl-androst-**
- 381 **1,4-dien-3-one);**
- 382 **(p)  $\Delta$ 1-dihydrotestosterone (a.k.a. '1-testosterone')(17 $\beta$ -hydroxy-5 $\alpha$ -androst-1-en-3-**
- 383 **one);**
- 384 **(q) 4-dihydrotestosterone (17 $\beta$ -hydroxy-androstan-3-one);**
- 385 **(r) Drostanolone (17 $\beta$ -hydroxy-2 $\alpha$ -methyl-5 $\alpha$ -androstan-3-one);**

- 386 (s) Ethylestrenol (17 $\alpha$ -ethyl-17 $\beta$ -hydroxyestr-4-ene);  
387 (t) Fluoxymesterone (9-fluoro-17 $\alpha$ -methyl-11 $\beta$ ,17 $\beta$ -dihydroxyandrost-4-en-3-one);  
388 (u) Formebolone (2-formyl-17 $\alpha$ -methyl-11 $\alpha$ ,17 $\beta$ -dihydroxyandrost-1,4-dien-3-one);  
389 (v) Furazabol (17 $\alpha$ -methyl-17 $\beta$ -hydroxyandrostano[2,3-c]-furazan);  
390 (w) 13 $\beta$ -ethyl-17 $\alpha$ -hydroxygon-4-en-3-one;  
391 (x) 4-hydroxytestosterone (4,17 $\beta$ -dihydroxy-androst-4-en-3-one);  
392 (y) 4-hydroxy-19-nortestosterone (4,17 $\beta$ -dihydroxy-estr-4-en-3-one);  
393 (z) Mestanolone (17 $\alpha$ -methyl-17 $\beta$ -hydroxy-5-androstan-3-one);  
394 (aa) Mesterolone (1 $\alpha$ methyl-17 $\beta$ -hydroxy-[5 $\alpha$ ]-androstan-3-one);  
395 (bb) Methandienone (17 $\alpha$ -methyl-17 $\beta$ -hydroxyandrost-1,4-dien-3-one);  
396 (cc) Methandriol (17 $\alpha$ -methyl-3 $\beta$ ,17 $\beta$ -dihydroxyandrost-5-ene);  
397 (dd) Methenolone (1-methyl-17 $\beta$ -hydroxy-5 $\alpha$ -androst-1-en-3-one);  
398 (ee) 17 $\alpha$ -methyl-3 $\beta$ ,17 $\beta$ -dihydroxy-5 $\alpha$ -androstane);  
399 (ff) 17 $\alpha$ -methyl-3 $\alpha$ ,17 $\beta$ -dihydroxy-5 $\alpha$ -androstane);  
400 (gg) 17 $\alpha$ -methyl-3 $\beta$ ,17 $\beta$ -dihydroxyandrost-4-ene;  
401 (hh) 17 $\alpha$ -methyl-4-hydroxynandrolone (17 $\alpha$ -methyl-4-hydroxy-17 $\beta$ -hydroxyestr-4-  
402 en-3-one);  
403 (ii) Methyldienolone (17 $\alpha$ -methyl-17 $\beta$ -hydroxyestra-4,9(10)-Dien-3-one);  
404 (jj) Methyltrienolone (17 $\alpha$ -methyl-17 $\beta$ -hydroxyestra-4,9-11-trien-3-one);  
405 (kk) Methyltestosterone (17 $\alpha$ -methyl-17 $\beta$ -hydroxyandrost-4-en-3-one);  
406 (ll) Mibolerone (7 $\alpha$ ,17 $\alpha$ -dimethyl-17 $\beta$ -hydroxyestr-4-en-3-one);  
407 (mm) 17 $\alpha$ -methyl- $\Delta$ 1-dihydrotestosterone (17 $\beta$ -hydroxy-17 $\alpha$ -methyl- 5 $\alpha$ -androst-  
408 1-en-3-one) (a.k.a. '17- $\alpha$ -methyl-1-testosterone');  
409 (nn) Nandrolone (17 $\beta$ -hydroxyestr-4-ene-3-one);  
410 (oo) 19-nor-4-androstenediol (3 $\beta$ ,17 $\beta$ -dihydroxyestr-4-ene);  
411 (pp) 19-nor-4-androstenediol (3 $\alpha$ ,17 $\beta$ -dihydroxyestr-4-ene);  
412 (qq) 19-nor-5-androstenediol (3 $\beta$ ,17 $\beta$ -dihydroxyestr-5-ene);  
413 (rr) 19-nor-5-androstenediol (3 $\alpha$ ,17 $\beta$ -dihydroxyestr-5-ene);  
414 (ss) 19-nor-4-androstenedione (estr-4-en-3,17-dione);  
415 (tt) 19-nor-5-androstenedione (estr-5-en-3,17-dione);  
416 (uu) Norbolethone (13 $\beta$ ,17 $\alpha$ -diethyl-17 $\beta$ -hydroxygon-4-en-3-one);  
417 (vv) Norclostebol (4-chloro-17 $\beta$ -hydroxyestr-4-en-3-one);  
418 (ww) Norethandrolone (17 $\alpha$ -ethyl-17 $\beta$ -hydroxyestr-4-en-3-one);  
419 (xx) Normethandrolone (17 $\alpha$ -methyl-17 $\beta$ -hydroxyestr-4-en-3-one);  
420 (yy) Oxandrolone (17 $\alpha$ -methyl-17 $\beta$ -hydroxy-2-oxa-[5 $\alpha$ ]-androstan-3-one);  
421 (zz) Oxymesterone (17 $\alpha$ -methyl-4,17 $\beta$ -dihydroxyandrost-4-en-3-one);

422 (aaa) Oxymethalone (17 $\alpha$ -methyl-2-hydroxymethylene-17 $\beta$ -hydroxy-[5 $\alpha$ ]-  
423 androstan-3-one);

424 (bbb) Stanozolol (17 $\alpha$ -methyl-17 $\beta$ -hydroxy-[5 $\alpha$ ]-androst-2-eno[3,2-c]-pyrazole);

425 (ccc) Stenbolone (17 $\beta$ -hydroxy-2-methyl-[5 $\alpha$ ]-androst-1-en-3-one);

426 (ddd) Testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid  
427 lactone);

428 (eee) Testosterone (17 $\beta$ -hydroxyandrost-4-en-3-one);

429 (fff) Tetrahydrogestrinone (13 $\beta$ ,17 $\alpha$ -diethyl-17 $\beta$ -hydroxygon-4,9,11-trien-3-one);

430 (ggg) Trenbolone (17 $\beta$ -hydroxyestr-4,9,11-trien-3-one);

431 (hhh) Any salt, ester, or isomer of a drug or substance described or listed in this  
432 subdivision, if that salt, ester or isomer promotes muscle growth except an anabolic steroid  
433 which is expressly intended for administration through implants to cattle or other nonhuman  
434 species and which has been approved by the Secretary of Health and Human Services for that  
435 administration;

436 (7) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a  
437 United States Food and Drug Administration approved drug product. Some other names for  
438 dronabinol: (6aR-trans)-6a,7,8,10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo (b,d)  
439 pyran-1-ol, or (-)-delta-9-(trans)-tetrahydrocannabinol);

440 (8) The department of health and senior services may except by rule any compound,  
441 mixture, or preparation containing any stimulant or depressant substance listed in subdivisions  
442 (1) and (2) of this subsection from the application of all or any part of sections 195.010 to  
443 195.320 if the compound, mixture, or preparation contains one or more active medicinal  
444 ingredients not having a stimulant or depressant effect on the central nervous system, and if the  
445 admixtures are included therein in combinations, quantity, proportion, or concentration that  
446 vitiate the potential for abuse of the substances which have a stimulant or depressant effect on  
447 the central nervous system.

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

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

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

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

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

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

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

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

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

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

469 b. Not more than one hundred milligrams of dihydrocodeine per one hundred milliliters  
470 or per one hundred grams;

471 c. Not more than one hundred milligrams of ethylmorphine per one hundred milliliters  
472 or per one hundred grams;

473 (2) Any material, compound, mixture or preparation containing any quantity of the  
474 following substances, including their salts, isomers, and salts of isomers whenever the existence  
475 of those salts, isomers, and salts of isomers is possible within the specific chemical designation:

476 (a) Alprazolam;

477 (b) Barbitol;

478 (c) Bromazepam;

479 (d) Camazepam;

480 (e) Chloral betaine;

481 (f) Chloral hydrate;

482 (g) Chlordiazepoxide;

483 (h) Clobazam;

484 (i) Clonazepam;

485 (j) Clorazepate;

486 (k) Clotiazepam;

487 (l) Cloxazolam;

488 (m) Delorazepam;

489 (n) Diazepam;

490 (o) Dichloralphenazone;

491 (p) Estazolam;

- 492 (q) Ethchlorvynol;  
493 (r) Ethinamate;  
494 (s) Ethyl loflazepate;  
495 (t) Fludiazepam;  
496 (u) Flunitrazepam;  
497 (v) Flurazepam;  
498 (w) Halazepam;  
499 (x) Haloxazolam;  
500 (y) Ketazolam;  
501 (z) Loprazolam;  
502 (aa) Lorazepam;  
503 (bb) Lormetazepam;  
504 (cc) Mebutamate;  
505 (dd) Medazepam;  
506 (ee) Meprobamate;  
507 (ff) Methohexital;  
508 (gg) Methylphenobarbital;  
509 (hh) Midazolam;  
510 (ii) Nimetazepam;  
511 (jj) Nitrazepam;  
512 (kk) Nordiazepam;  
513 (ll) Oxazepam;  
514 (mm) Oxazolam;  
515 (nn) Paraldehyde;  
516 (oo) Petrichloral;  
517 (pp) Phenobarbital;  
518 (qq) Pinazepam;  
519 (rr) Prazepam;  
520 (ss) Quazepam;  
521 (tt) Temazepam;  
522 (uu) Tetrazepam;  
523 (vv) Triazolam;  
524 (ww) Zaleplon;  
525 (xx) Zolpidem;  
526 (yy) **Zopiclone, including its salts, isomers, and salts of isomers;**

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

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

533 (a) Cathine ((+)-norpseudoephedrine);

534 (b) Diethylpropion;

535 (c) Fencamfamin;

536 (d) Fenproporex;

537 (e) Mazindol;

538 (f) Mefenorex;

539 (g) Modafinil;

540 (h) Pemoline, including organometallic complexes and chelates thereof;

541 (i) Phentermine;

542 (j) Pipradrol;

543 (k) Sibutramine;

544 (l) SPA ((-)-1-dimethylamino-1,2-diphenylethane);

545 (5) Any material, compound, mixture or preparation containing any quantity of the  
546 following substance, including its salts:

547 (a) butorphanol;

548 (b) pentazocine;

549 (6) Ephedrine, its salts, optical isomers and salts of optical isomers, when the substance  
550 is the only active medicinal ingredient;

551 (7) The department of health and senior services may except by rule any compound,  
552 mixture, or preparation containing any depressant substance listed in subdivision (1) of this  
553 subsection from the application of all or any part of sections 195.010 to 195.320 if the  
554 compound, mixture, or preparation contains one or more active medicinal ingredients not having  
555 a depressant effect on the central nervous system, and if the admixtures are included therein in  
556 combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the  
557 substances which have a depressant effect on the central nervous system.

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

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

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

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

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

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

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

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

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

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

581 (3) Any compound, mixture, or preparation containing any detectable quantity of  
582 pseudoephedrine or its salts or optical isomers, or salts of optical isomers or any compound,  
583 mixture, or preparation containing any detectable quantity of ephedrine or its salts or optical  
584 isomers, or salts of optical isomers;

585 **(4) Unless specifically exempted or excluded or unless listed in another schedule,**  
586 **any material, compound, mixture, or preparation which contains any quantity of the**  
587 **following substances having a depressant effect on the central nervous system, including**  
588 **its salts: pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid].**

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

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

597 (2) Any person purchasing, receiving or otherwise acquiring any compound, mixture,  
598 or preparation containing any detectable quantity of pseudoephedrine, its salts or optical isomers,  
599 or salts of optical isomers or ephedrine, its salts or optical isomers, or salts of optical isomers  
600 shall be at least eighteen years of age; and

601 (3) The pharmacist or registered pharmacy technician shall require any person  
602 purchasing, receiving or otherwise acquiring such compound, mixture, or preparation, who is not  
603 known to the pharmacist or registered pharmacy technician, to furnish suitable photo  
604 identification [showing] **that is issued by a state or the federal government or a document**  
605 **that, with respect to identification, is considered acceptable, and which shows** the date of  
606 birth of the person.

607 12. Within ninety days of the enactment of this section, pharmacists and registered  
608 pharmacy technicians shall implement and maintain a written or electronic log of each  
609 transaction. Such log shall include the following information:

610 (1) The name [and] , address, **and signature** of the purchaser;

611 (2) The **name of the product and the** amount of the compound, mixture, or preparation  
612 purchased;

613 (3) The date **and time** of each purchase; and

614 (4) The name or initials of the pharmacist or registered pharmacy technician who  
615 dispensed the compound, mixture, or preparation to the purchaser.

616 13. **If the drug monitoring program established in sections 195.378 to 195.399 is**  
617 **fully funded and operational, then pharmacists and registered pharmacy technicians shall**  
618 **only be required to maintain a log that complies with rules promulgated by the**  
619 **department.**

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

622 [14.] 15. Within thirty days of the enactment of this section, all persons who dispense  
623 or offer for sale pseudoephedrine and ephedrine products in a pharmacy shall ensure that all such  
624 products are located only behind a pharmacy counter where the public is not permitted.

625 [15.] 16. Within thirty days of the enactment of this section, any business entity which  
626 sells ephedrine or pseudoephedrine products in the course of legitimate business which is in the  
627 possession of pseudoephedrine and ephedrine products, and which does not have a state and  
628 federal controlled substances registration, shall return these products to a manufacturer or  
629 distributor or transfer them to an authorized controlled substances registrant.

630 [16.] 17. Any person who knowingly or recklessly violates the provisions of subsections  
631 11 to 15 of this section is guilty of a class A misdemeanor.

632 [17.] **18.** The scheduling of substances specified in subdivision (3) of subsection 10 of  
633 this section and subsections 11, 12, [14, and] 15, **and 16** of this section shall not apply to any  
634 compounds, mixtures, or preparations that are in liquid or liquid-filled gel capsule form or to any  
635 compound, mixture, or preparation specified in subdivision (3) of subsection 10 of this section  
636 which must be dispensed, sold, or distributed in a pharmacy pursuant to a prescription.

637 [18.] **19.** The manufacturer of a drug product or another interested party may apply with  
638 the department of health and senior services for an exemption from this section. The department  
639 of health and senior services may grant an exemption by rule from this section if the department  
640 finds the drug product is not used in the illegal manufacture of methamphetamine or other  
641 controlled or dangerous substances. The department of health and senior services shall rely on  
642 reports from law enforcement and law enforcement evidentiary laboratories in determining if the  
643 proposed product can be used to manufacture illicit controlled substances.

644 [19.] **20.** The department of health and senior services shall revise and republish the  
645 schedules annually.

646 [20.] **21.** The department of health and senior services shall promulgate rules under  
647 chapter 536, RSMo, regarding the security and storage of Schedule V controlled substances, as  
648 described in subdivision (3) of subsection 10 of this section, for distributors as registered by the  
649 department of health and senior services.

**195.378. 1. Sections 195.378 to 195.399 shall be known and may be cited as the**  
2 **"Drug Monitoring Act".**

3 **2. Notwithstanding the provisions of section 195.010, as used in sections 195.378 to**  
4 **195.399, the following terms mean:**

5 (1) **"Controlled substance", as defined in section 195.010;**

6 (2) **"Department", the department of health and senior services;**

7 (3) **"Dispenser", a person who delivers a schedule II, III, IV, or V controlled**  
8 **substance to the ultimate user, but does not include:**

9 (a) **A hospital as defined in section 197.020, RSMo, that distributes such substances**  
10 **for the purpose of inpatient hospital care or dispenses prescriptions for controlled**  
11 **substances at the time of discharge from such facility;**

12 (b) **A practitioner or other authorized person who administers such a substance;**

13 (c) **A wholesale distributor of a schedule II, III, IV, or V controlled substance; or**

14 (d) **An ambulatory surgical center, as defined in section 197.200, RSMo, that**  
15 **distributes such substances for the purpose of providing care in such facility or dispenses**  
16 **controlled substances at the time of discharge from such facility;**

17 (4) **"Patient", a person or animal who is the ultimate user of a drug for whom a**  
18 **prescription is issued or for whom a drug is dispensed;**

19 (5) "Schedule II, III, IV, or V controlled substance", a controlled substance that  
20 is listed in schedule II, III, IV, or V of the schedules provided under this chapter or the  
21 Federal Controlled Substances Act, 21 U.S.C. Section 812.

195.381. 1. Subject to appropriations, the department of health and senior services  
2 shall establish and maintain a program for the monitoring of prescribing and dispensing  
3 of all schedule II, III, IV, and V controlled substances and any other methamphetamine  
4 precursor substances designated by the department by rule by all professionals licensed  
5 to prescribe or dispense such substances in this state.

6 2. Each dispenser shall submit to the department by electronic means information  
7 regarding each dispensing of a drug included in subsection 1 of this section. The  
8 information required by the department to be submitted for each dispensing may include,  
9 but not be limited to:

10 (1) The dispenser's United States Drug Enforcement Administration registration  
11 number;

12 (2) The date the drug is sold or the prescription is filled;

13 (3) The prescription number, if applicable;

14 (4) Whether the prescription is new or a refill;

15 (5) The NDC code for the drug dispensed;

16 (6) The number of days' supply of the drug dispensed;

17 (7) The quantity dispensed;

18 (8) Any identification issued by a state or federal government to the patient, or any  
19 other acceptable identification as defined by the department by rule;

20 (9) The patient's name, address, and date of birth;

21 (10) The prescriber's United States Drug Enforcement Administration registration  
22 number, if applicable;

23 (11) The date the prescription is issued by the prescriber, if applicable; and

24 (12) The source of payment for the drug indicating either cash, credit, debit, check,  
25 specific government funded program, or other third party.

26 3. Each dispenser shall submit the information in accordance with transmission  
27 methods and frequency established by the department; except that, each dispenser shall  
28 report at least every thirty days between the first and fifteenth of the month following the  
29 month the drug was dispensed.

30 4. The department may issue a waiver to a dispenser that is unable to submit  
31 dispensing information by electronic means. Such waiver may permit the dispenser to  
32 submit dispensing information by paper form or other means, provided all information  
33 required in subsection 2 of this section is submitted in such alternative format.

34           **5. Notwithstanding any other state law or provision, the electronic reporting of**  
35 **sales of any product containing any detectable amount of ephedrine or pseudoephedrine**  
36 **which may be sold under federal law or regulations without a prescription shall be subject**  
37 **to appropriations and pursuant to regulations promulgated by the department of health**  
38 **and senior services.**

**195.384. 1. Controlled substance, as well as any other substance designated by the**  
2 **department by rule, dispensing information submitted to the department shall be**  
3 **confidential and not subject to public disclosure under chapter 610, RSMo, except as**  
4 **provided in subsections 3 to 5 of this section.**

5           **2. The department shall maintain procedures to ensure that the privacy and**  
6 **confidentiality of patients and patient information collected, recorded, transmitted, and**  
7 **maintained is not disclosed to persons except as provided in subsections 3 to 5 of this**  
8 **section.**

9           **3. The department shall review the dispensing information and, if there is**  
10 **reasonable cause to believe a violation of law or breach of professional standards may have**  
11 **occurred, the department shall notify the appropriate law enforcement or professional**  
12 **licensing, certification, or regulatory agency or entity, and provide dispensing information**  
13 **required for an investigation.**

14           **4. The department may provide data in the drug monitoring program to the**  
15 **following persons:**

16           **(1) Persons authorized to prescribe or dispense controlled substances for the**  
17 **purpose of providing medical or pharmaceutical care for their patients;**

18           **(2) An individual who requests his or her own drug monitoring information in**  
19 **accordance with state law;**

20           **(3) The state board of pharmacy;**

21           **(4) Any state board charged with regulating a professional that has the authority**  
22 **to prescribe controlled substances that requests data related to a specific professional**  
23 **under the authority of that board;**

24           **(5) Local, state, and federal law enforcement or prosecutorial officials engaged in**  
25 **the administration, investigation, or enforcement of the laws governing licit drugs based**  
26 **on a specific case or under court order;**

27           **(6) The department of social services regarding Medicaid program recipients;**

28           **(7) A judge or other judicial authority under a court order;**

29           **(8) Personnel of the department of health and senior services for the administration**  
30 **and enforcement of sections 195.378 to 195.399; and**

31           **(9) The department of mental health regarding department program recipients**  
32 **receiving medication or medication-related services.**

33           **5. The department may provide data to public or private entities for statistical,**  
34 **research, or educational purposes after removing information that could be used to identify**  
35 **individual patients or persons who received prescriptions from dispensers.**

36           **6. Nothing in sections 195.378 to 195.399 shall require or obligate a dispenser or**  
37 **prescriber to access or check the information in the drug monitoring program prior to**  
38 **dispensing, prescribing, or administering medications or as part of their professional**  
39 **practice. Dispensers and prescribers shall not be liable to any person for any claim of**  
40 **damages as a result of accessing or failing to access the information in the drug monitoring**  
41 **program and no lawsuit may be predicated thereon. Nothing in this subsection shall be**  
42 **construed to relieve a dispenser or prescriber from any duty to monitor and report the**  
43 **sales of certain products under sections 195.017, 195.417, and 195.378 to 195.399.**

**195.387. The department is authorized to contract with any other agency of this**  
2 **state or with a private vendor, as necessary, to ensure the effective operation of the drug**  
3 **monitoring program. Any contractor shall comply with the provisions regarding**  
4 **confidentiality of drug information in section 195.384. Any contractor who knowingly**  
5 **discloses drug monitoring information other than as provided in sections 195.378 to**  
6 **195.399 or who uses such information in a manner and for a purpose in violation of**  
7 **sections 195.378 to 195.399 is guilty of a class A misdemeanor.**

**195.390. The department shall promulgate rules setting forth the procedures and**  
2 **methods of implementing sections 195.378 to 195.399 which shall be consistent with federal**  
3 **regulations, if applicable. Any rule or portion of a rule, as that term is defined in section**  
4 **536.010, RSMo, that is created under the authority delegated in this section shall become**  
5 **effective only if it complies with and is subject to all of the provisions of chapter 536,**  
6 **RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are**  
7 **nonseverable and if any of the powers vested with the general assembly pursuant to**  
8 **chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule**  
9 **are subsequently held unconstitutional, then the grant of rulemaking authority and any**  
10 **rule proposed or adopted after August 28, 2007, shall be invalid and void.**

**195.393. 1. A dispenser who knowingly fails to submit drug monitoring**  
2 **information to the department as required in sections 195.378 to 195.399 or knowingly**  
3 **submits the incorrect prescription information is guilty of a class A misdemeanor.**

4           **2. A person authorized to have drug monitoring information under sections 195.378**  
5 **to 195.399 who knowingly discloses such information in violation of sections 195.378 to**

6 **195.399** or who uses such information in a manner and for a purpose in violation of  
7 sections **195.378** to **195.399** is guilty of a class A misdemeanor.

**195.396. 1.** The department shall implement the following education courses:

2 (1) An orientation course during the implementation phase of the drug monitoring  
3 program established in section **195.381**;

4 (2) A course for persons who are authorized to access the drug monitoring  
5 information but who did not participate in the orientation course;

6 (3) A course for persons who are authorized to access the drug monitoring  
7 information but who have violated laws or breached occupational standards involving  
8 dispensing, prescribing, and use of substances monitored by the drug monitoring program  
9 established in section **195.381**;

10 When appropriate, the department shall develop the content of the education courses  
11 described in subdivisions (1) to (3) of this subsection.

12 **2.** The department shall, when appropriate:

13 (1) Work with associations for impaired professionals to ensure intervention,  
14 treatment, and ongoing monitoring and followup; and

15 (2) Encourage individual patients who are identified and who have become  
16 addicted to substances monitored by the drug monitoring program established in section  
17 **195.381** to receive addiction treatment. The department of health and senior services shall  
18 consult and coordinate with the department of mental health in developing and  
19 implementing patient intervention and referrals.

**195.399.** Pursuant to section **23.253**, RSMo, of the Missouri sunset act:

2 (1) The provisions of the new program authorized under sections **195.378** to  
3 **195.399** shall automatically sunset six years after the effective date of sections **195.378** to  
4 **195.399** unless reauthorized by an act of the general assembly; and

5 (2) If such program is reauthorized, the program authorized under sections **195.378**  
6 to **195.399** shall automatically sunset six years after the effective date of the reauthorization  
7 of sections **195.378** to **195.399**; and

8 (3) Sections **195.378** to **195.399** shall terminate on September first of the calendar  
9 year immediately following the calendar year in which the program authorized under  
10 sections **195.378** to **195.399** is sunset.

20 **195.417. 1.** The limits specified in [subsection 2 of] this section shall not apply to any  
21 quantity of such product, mixture, or preparation which must be dispensed, sold, or distributed  
22 in a pharmacy pursuant to a valid prescription or to any purchase by an individual of a single  
23 sales package if that package contains not more than sixty milligrams of pseudoephedrine  
24 base.

6           2. Within any thirty-day period, no person shall sell, dispense, or otherwise provide to  
7 the same individual, and no person shall purchase, receive, or otherwise acquire more than the  
8 following amount: any number of packages of any drug product containing any detectable  
9 amount of ephedrine **phenylpropanolamine**, or pseudoephedrine, or any of their salts or optical  
10 isomers, or salts of optical isomers, either as:

11           (1) The sole active ingredient; or

12           (2) One of the active ingredients of a combination drug; or

13           (3) A combination of any of the products specified in subdivisions (1) and (2) of this  
14 subsection;

15 in any total amount greater than nine grams of **ephedrine base, pseudoephedrine base, or**  
16 **phenylpropanolamine base, without regard to the number of transactions.**

17           3. [All] **For mail order sales or sales from a mobile retail vendor, within any thirty-**  
18 **day period, no person shall sell, dispense, or otherwise provide to the same individual, and**  
19 **no person shall purchase, receive, or otherwise acquire more than the following amount:**  
20 **any number of packages of any drug product containing any detectable amount of**  
21 **ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical**  
22 **isomers, or salts of optical isomers, either as:**

23           (1) **The sole active ingredient; or**

24           (2) **One of the active ingredients of a combination drug; or**

25           (3) **A combination of any of the products specified in subdivisions (1) and (2) of this**  
26 **subsection;**

27

28 **in any total amount greater than seven and five-tenths grams of ephedrine base,**  
29 **pseudoephedrine base, or phenylpropanolamine base, without regard to the number of**  
30 **transactions.**

31           4. **Within any calendar day, no person shall sell, dispense, or otherwise provide to**  
32 **the same individual, and no person shall purchase, receive, or otherwise acquire more than**  
33 **the following amount: any number of packages of any drug product containing any**  
34 **detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of**  
35 **their salts or optical isomers, or salts of optical isomers, either as:**

36           (1) **The sole active ingredient; or**

37           (2) **One of the active ingredients of a combination drug; or**

38           (3) **A combination of any of the products specified in subdivisions (1) and (2) of this**  
39 **subsection;**

40

41 in any total amount greater than three and six-tenths grams of ephedrine base,  
42 pseudoephedrine base, or phenylpropanolamine base, without regard to the number of  
43 transaction.

44 **5. With the exception of those compounds, mixtures, or preparations which must**  
45 **be offered for sale only from behind the counter in a pharmacy, in offering the products**  
46 **for sale, persons selling** packages of any compound, mixture, or preparation containing any  
47 detectable quantity of ephedrine or pseudoephedrine, or any of their salts or optical isomers, or  
48 salts of optical isomers, [except those that are excluded from Schedule V in subsection 17 or 18  
49 of section 195.017, shall be offered for sale only from behind a pharmacy counter where the  
50 public is not permitted, and only by a registered pharmacist or registered pharmacy technician  
51 under section 195.017] **shall place the products such that customers do not have direct**  
52 **access to the products before a sale is made. This placement of product shall be either**  
53 **behind the counter or in a locked cabinet that is located in an area of the facility involved**  
54 **to which customers do not have direct access.**

55 [4.] **6. The person selling such compound, mixture, or preparation shall require**  
56 **any person purchasing, receiving, or otherwise acquiring such compound, mixture, or**  
57 **preparation to furnish suitable photo identification showing the date of birth of the person.**

58 **7. The person selling such compound, mixture, or preparation shall maintain a**  
59 **written or electronic log of each transaction. Such log shall include the following**  
60 **information:**

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

62 (2) **The name and product and the amount of the compound, mixture, or**  
63 **preparation purchased;**

64 (3) **The date and time of each purchase; and**

65 (4) **The name or initials of the person selling the compound, mixture, or**  
66 **preparation to the purchaser.**

67 **8. This section shall supersede and preempt any local ordinances or regulations,**  
68 **including any ordinances or regulations enacted by any political subdivision of the state. This**  
69 **section shall not apply to any products that the state department of health and senior services,**  
70 **upon application of a manufacturer, exempts by rule from this section because the product has**  
71 **been formulated in such a way as to effectively prevent the conversion of the active ingredient**  
72 **into methamphetamine, or its salts or precursors or to the sale of any animal feed products**  
73 **containing ephedrine or any naturally occurring or herbal ephedra or extract of ephedra.**

74 [5. **Persons selling and dispensing substances containing any detectable amount of**  
75 **pseudoephedrine, its salts or optical isomers, or salts of optical isomers or ephedrine, its salts or**  
76 **optical isomers, or salts of optical isomers shall maintain logs, documents, and records as**

77 specified in section 195.017. Persons selling only compounds, mixtures, or preparations that are  
78 excluded from Schedule V in subsection 17 or 18 of section 195.017 shall not be required to  
79 maintain such logs, documents, and records.]

80 **9.** All logs, records, documents, and electronic information maintained for the dispensing  
81 of these products shall be open for inspection and copying by municipal, county, and state or  
82 federal law enforcement officers whose duty it is to enforce the controlled substances laws of this  
83 state or the United States.

84 [6. Within thirty days of June 15, 2005, all persons who dispense or offer for sale  
85 pseudoephedrine and ephedrine products, except those that are excluded from Schedule V in  
86 subsection 17 or 18 of section 195.017, shall ensure that all such products are located only  
87 behind a pharmacy counter where the public is not permitted.

88 7. Within thirty days of June 15, 2005, any business entity which sells ephedrine or  
89 pseudoephedrine products in the course of legitimate business which is in the possession of  
90 pseudoephedrine and ephedrine products, except those that are excluded from Schedule V in  
91 subsection 17 or 18 of section 195.017, and which does not have a state and federal controlled  
92 substances registration, shall return these products to a manufacturer or distributor or transfer  
93 them to an authorized controlled substance registrant.

94 8.] **10.** Any person who knowingly or recklessly violates this section is guilty of a class  
95 A misdemeanor.

96 [9. The provisions of subsection 2 of this section limiting individuals from purchasing  
97 the specified amount in any thirty-day period shall not apply to any compounds, mixtures, or  
98 preparations that are in liquid or liquid-filled gel capsule form. However, no person shall  
99 purchase, receive, or otherwise acquire more than nine grams of any compound, mixture, or  
100 preparation excluded in subsection 17 or 18 of section 195.017, in a single purchase as provided  
101 in subsection 2 of this section.]

**Section 1. There is hereby established in the state treasury the "Pharmacy Rebate  
2 Fund" and the "Mo Rx Pharmacy Rebate Fund". Any moneys received by the state, either  
3 directly or indirectly, from pharmaceutical manufacturer rebates as required by federal  
4 law or state supplemental rebates as defined in state plan amendments shall be deposited  
5 in the pharmacy rebate fund and shall be used only in the Medicaid pharmacy program  
6 or its successor programs authorized by Title XIX, Public Law 89-97, 1965 amendments  
7 to the federal Social Security Act, 42 U.S.C. Section 301 et seq. Any state rebates obtained  
8 in conjunction with the Mo Rx program shall be deposited in the Mo Rx rebate fund and  
9 shall only be used for the Mo Rx pharmacy program.**

Section B. Section A of this act shall become effective January 1, 2008.

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