

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 732
94TH GENERAL ASSEMBLY

Reported from the Committee on Seniors, Families and Public Health, February 14, 2008, with recommendation that the Senate Committee Substitute do pass.

3442S.03C

TERRY L. SPIELER, Secretary.

AN ACT

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

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Section A. Sections 195.010, 195.017, and 195.417, RSMo, are repealed
2 and eleven new sections enacted in lieu thereof, to be known as sections 195.010,
3 195.017, 195.378, 195.381, 195.384, 195.387, 195.390, 195.393, 195.396, 195.399,
4 and 195.417, to read as follows:

195.010. The following words and phrases as used in sections 195.005 to
2 195.425, unless the context otherwise requires, mean:

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

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

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

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

14 [(3)] (2) "Agent", an authorized person who acts on behalf of or at the
15 direction of a manufacturer, distributor, or dispenser. The term does not include

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

16 a common or contract carrier, public warehouseman, or employee of the carrier
17 or warehouseman while acting in the usual and lawful course of the carrier's or
18 warehouseman's business;

19 [(4)] (3) "Attorney for the state", any prosecuting attorney, circuit
20 attorney, or attorney general authorized to investigate, commence and prosecute
21 an action under sections 195.005 to 195.425;

22 [(5)] (4) "Controlled substance", a drug, substance, or immediate
23 precursor in Schedules I through V listed in sections 195.005 to 195.425;

24 [(6)] (5) "Controlled substance analogue", a substance the chemical
25 structure of which is substantially similar to the chemical structure of a
26 controlled substance in Schedule I or II and:

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

31 (b) With respect to a particular individual, which that individual
32 represents or intends to have a stimulant, depressant, or hallucinogenic effect on
33 the central nervous system substantially similar to the stimulant, depressant, or
34 hallucinogenic effect on the central nervous system of a controlled substance
35 included in Schedule I or II. The term does not include a controlled substance;
36 any substance for which there is an approved new drug application; any
37 substance for which an exemption is in effect for investigational use, for a
38 particular person, under Section 505 of the federal Food, Drug and Cosmetic Act
39 (21 U.S.C. 355) to the extent conduct with respect to the substance is pursuant
40 to the exemption; or any substance to the extent not intended for human
41 consumption before such an exemption takes effect with respect to the substance;

42 [(7)] (6) "Counterfeit substance", a controlled substance which, or the
43 container or labeling of which, without authorization, bears the trademark, trade
44 name, or other identifying mark, imprint, number or device, or any likeness
45 thereof, of a manufacturer, distributor, or dispenser other than the person who
46 in fact manufactured, distributed, or dispensed the substance;

47 [(8)] (7) "Deliver" or "delivery", the actual, constructive, or attempted
48 transfer from one person to another of drug paraphernalia or of a controlled
49 substance, or an imitation controlled substance, whether or not there is an agency
50 relationship, and includes a sale;

51 [(9)] (8) "Dentist", a person authorized by law to practice dentistry in

52 this state;

53 [(10)] (9) "Depressant or stimulant substance":

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

58 (b) A drug containing any quantity of:

59 a. Amphetamine or any of its isomers;

60 b. Any salt of amphetamine or any salt of an isomer of amphetamine; or

61 c. Any substance the United States Attorney General, after investigation,
62 has found to be, and by regulation designated as, habit forming because of its
63 stimulant effect on the central nervous system;

64 (c) Lysergic acid diethylamide; or

65 (d) Any drug containing any quantity of a substance that the United
66 States Attorney General, after investigation, has found to have, and by regulation
67 designated as having, a potential for abuse because of its depressant or stimulant
68 effect on the central nervous system or its hallucinogenic effect;

69 [(11)] (10) "Dispense", to deliver a narcotic or controlled dangerous drug
70 to an ultimate user or research subject by or pursuant to the lawful order of a
71 practitioner including the prescribing, administering, packaging, labeling, or
72 compounding necessary to prepare the substance for such delivery. "Dispenser"
73 means a practitioner who dispenses;

74 [(12)] (11) "Distribute", to deliver other than by administering or
75 dispensing a controlled substance;

76 [(13)] (12) "Distributor", a person who distributes;

77 [(14)] (13) "Drug":

78 (a) Substances recognized as drugs in the official United States
79 Pharmacopoeia, Official Homeopathic Pharmacopoeia of the United States, or
80 Official National Formulary, or any supplement to any of them;

81 (b) Substances intended for use in the diagnosis, cure, mitigation,
82 treatment or prevention of disease in humans or animals;

83 (c) Substances, other than food, intended to affect the structure or any
84 function of the body of humans or animals; and

85 (d) Substances intended for use as a component of any article specified in
86 this subdivision. It does not include devices or their components, parts or
87 accessories;

88 [(15) "Drug-dependent person", a person who is using a controlled
89 substance and who is in a state of psychic or physical dependence, or both, arising
90 from the use of such substance on a continuous basis. Drug dependence is
91 characterized by behavioral and other responses which include a strong
92 compulsion to take the substance on a continuous basis in order to experience its
93 psychic effects or to avoid the discomfort caused by its absence;

94 (16)] (14) "Drug enforcement agency", the Drug Enforcement
95 Administration in the United States Department of Justice, or its successor
96 agency;

97 [(17)] (15) "Drug paraphernalia", all equipment, products, substances
98 and materials of any kind which are used, intended for use, or designed for use,
99 in planting, propagating, cultivating, growing, harvesting, manufacturing,
100 compounding, converting, producing, processing, preparing, storing, containing,
101 concealing, injecting, ingesting, inhaling, or otherwise introducing into the human
102 body a controlled substance or an imitation controlled substance in violation of
103 sections 195.005 to 195.425. It includes, but is not limited to:

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

107 (b) Kits used, intended for use, or designed for use in manufacturing,
108 compounding, converting, producing, processing, or preparing controlled
109 substances or imitation controlled substances;

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

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

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

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

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

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

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

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

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

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

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

140 b. Water pipes;

141 c. Carburetion tubes and devices;

142 d. Smoking and carburetion masks;

143 e. Roach clips meaning objects used to hold burning material, such as a
144 marijuana cigarette, that has become too small or too short to be held in the
145 hand;

146 f. Miniature cocaine spoons and cocaine vials;

147 g. Chamber pipes;

148 h. Carburetor pipes;

149 i. Electric pipes;

150 j. Air-driven pipes;

151 k. Chillums;

152 l. Bongs;

153 m. Ice pipes or chillers;

154 (m) Substances used, intended for use, or designed for use in the
155 manufacture of a controlled substance;

156 In determining whether an object, product, substance or material is drug
157 paraphernalia, a court or other authority should consider, in addition to all other
158 logically relevant factors, the following:

159 (a) Statements by an owner or by anyone in control of the object

160 concerning its use;

161 (b) Prior convictions, if any, of an owner, or of anyone in control of the
162 object, under any state or federal law relating to any controlled substance or
163 imitation controlled substance;

164 (c) The proximity of the object, in time and space, to a direct violation of
165 sections 195.005 to 195.425;

166 (d) The proximity of the object to controlled substances or imitation
167 controlled substances;

168 (e) The existence of any residue of controlled substances or imitation
169 controlled substances on the object;

170 (f) Direct or circumstantial evidence of the intent of an owner, or of
171 anyone in control of the object, to deliver it to persons who he knows, or should
172 reasonably know, intend to use the object to facilitate a violation of sections
173 195.005 to 195.425; the innocence of an owner, or of anyone in control of the
174 object, as to direct violation of sections 195.005 to 195.425 shall not prevent a
175 finding that the object is intended for use, or designed for use as drug
176 paraphernalia;

177 (g) Instructions, oral or written, provided with the object concerning its
178 use;

179 (h) Descriptive materials accompanying the object which explain or depict
180 its use;

181 (i) National or local advertising concerning its use;

182 (j) The manner in which the object is displayed for sale;

183 (k) Whether the owner, or anyone in control of the object, is a legitimate
184 supplier of like or related items to the community, such as a licensed distributor
185 or dealer of tobacco products;

186 (l) Direct or circumstantial evidence of the ratio of sales of the object to
187 the total sales of the business enterprise;

188 (m) The existence and scope of legitimate uses for the object in the
189 community;

190 (n) Expert testimony concerning its use;

191 (o) The quantity, form or packaging of the product, substance or material
192 in relation to the quantity, form or packaging associated with any legitimate use
193 for the product, substance or material;

194 [(18)] (16) "Federal narcotic laws", the laws of the United States relating
195 to controlled substances;

196 [(19)] (17) "Hospital", a place devoted primarily to the maintenance and
197 operation of facilities for the diagnosis, treatment or care, for not less than
198 twenty-four hours in any week, of three or more nonrelated individuals suffering
199 from illness, disease, injury, deformity or other abnormal physical conditions; or
200 a place devoted primarily to provide, for not less than twenty-four consecutive
201 hours in any week, medical or nursing care for three or more nonrelated
202 individuals. The term "hospital" does not include convalescent, nursing, shelter
203 or boarding homes as defined in chapter 198, RSMo;

204 [(20)] (18) "Immediate precursor", a substance which:

205 (a) The state department of health and senior services has found to be and
206 by rule designates as being the principal compound commonly used or produced
207 primarily for use in the manufacture of a controlled substance;

208 (b) Is an immediate chemical intermediary used or likely to be used in the
209 manufacture of a controlled substance; and

210 (c) The control of which is necessary to prevent, curtail or limit the
211 manufacture of the controlled substance;

212 [(21)] (19) "Imitation controlled substance", a substance that is not a
213 controlled substance, which by dosage unit appearance (including color, shape,
214 size and markings), or by representations made, would lead a reasonable person
215 to believe that the substance is a controlled substance. In determining whether
216 the substance is an "imitation controlled substance" the court or authority
217 concerned should consider, in addition to all other logically relevant factors, the
218 following:

219 (a) Whether the substance was approved by the federal Food and Drug
220 Administration for over-the-counter (nonprescription or nonlegend) sales and was
221 sold in the federal Food and Drug Administration approved package, with the
222 federal Food and Drug Administration approved labeling information;

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

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

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

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

230 (f) Whether the consideration tendered in exchange for the noncontrolled
231 substance substantially exceeds the reasonable value of the substance considering

232 the actual chemical composition of the substance and, where applicable, the price
233 at which over-the-counter substances of like chemical composition sell. An
234 imitation controlled substance does not include a placebo or registered
235 investigational drug either of which was manufactured, distributed, possessed or
236 delivered in the ordinary course of professional practice or research;

237 [(22)] (20) "Laboratory", a laboratory approved by the department of
238 health and senior services as proper to be entrusted with the custody of controlled
239 substances but does not include a pharmacist who compounds controlled
240 substances to be sold or dispensed on prescriptions;

241 [(23)] (21) "Manufacture", the production, preparation, propagation,
242 compounding or processing of drug paraphernalia or of a controlled substance, or
243 an imitation controlled substance, either directly or by extraction from substances
244 of natural origin, or independently by means of chemical synthesis, or by a
245 combination of extraction and chemical synthesis, and includes any packaging or
246 repackaging of the substance or labeling or relabeling of its container. This term
247 does not include the preparation or compounding of a controlled substance or an
248 imitation controlled substance or the preparation, compounding, packaging or
249 labeling of a narcotic or dangerous drug:

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

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

256 [(24)] (22) "Marijuana", all parts of the plant genus *Cannabis* in any
257 species or form thereof, including, but not limited to *Cannabis Sativa* L.,
258 *Cannabis Indica*, *Cannabis Americana*, *Cannabis Ruderalis*, and *Cannabis*
259 *Gigantea*, whether growing or not, the seeds thereof, the resin extracted from any
260 part of the plant; and every compound, manufacture, salt, derivative, mixture, or
261 preparation of the plant, its seeds or resin. It does not include the mature stalks
262 of the plant, fiber produced from the stalks, oil or cake made from the seeds of the
263 plant, any other compound, manufacture, salt, derivative, mixture or preparation
264 of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or
265 the sterilized seed of the plant which is incapable of germination;

266 [(25)] (23) "Methamphetamine precursor drug", any drug containing
267 ephedrine, pseudoephedrine, phenylpropanolamine, or any of their salts, optical

268 isomers, or salts of optical isomers;

269 [(26)] (24) "Narcotic drug", any of the following, whether produced
270 directly or indirectly by extraction from substances of vegetable origin, or
271 independently by means of chemical synthesis, or by a combination of extraction
272 and chemical analysis:

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

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

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

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

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

284 [(27)] (25) "Official written order", an order written on a form provided
285 for that purpose by the United States Commissioner of Narcotics, under any laws
286 of the United States making provision therefor, if such order forms are authorized
287 and required by federal law, and if no such order form is provided, then on an
288 official form provided for that purpose by the department of health and senior
289 services;

290 [(28)] (26) "Opiate", any substance having an addiction-forming or
291 addiction-sustaining liability similar to morphine or being capable of conversion
292 into a drug having addiction-forming or addiction-sustaining liability. The term
293 includes its racemic and levorotatory forms. It does not include, unless
294 specifically controlled under section 195.017, the dextrorotatory isomer of
295 3-methoxy-n-methyl-morphinan and its salts (dextromethorphan);

296 [(29)] (27) "Opium poppy", the plant of the species *Papaver somniferum*
297 L., except its seeds;

298 [(30)] (28) "Over-the-counter sale", a retail sale licensed pursuant to
299 chapter 144, RSMo, of a drug other than a controlled substance;

300 [(31)] (29) "Person", an individual, corporation, government or
301 governmental subdivision or agency, business trust, estate, trust, partnership,
302 joint venture, association, or any other legal or commercial entity;

303 [(32)] (30) "Pharmacist", a licensed pharmacist as defined by the laws of

304 this state, and where the context so requires, the owner of a store or other place
305 of business where controlled substances are compounded or dispensed by a
306 licensed pharmacist; but nothing in sections 195.005 to 195.425 shall be construed
307 as conferring on a person who is not registered nor licensed as a pharmacist any
308 authority, right or privilege that is not granted to him by the pharmacy laws of
309 this state;

310 [(33)] (31) "Poppy straw", all parts, except the seeds, of the opium poppy,
311 after mowing;

312 [(34)] (32) "Possessed" or "possessing a controlled substance", a person,
313 with the knowledge of the presence and nature of a substance, has actual or
314 constructive possession of the substance. A person has actual possession if he has
315 the substance on his person or within easy reach and convenient control. A
316 person who, although not in actual possession, has the power and the intention
317 at a given time to exercise dominion or control over the substance either directly
318 or through another person or persons is in constructive possession of
319 it. Possession may also be sole or joint. If one person alone has possession of a
320 substance possession is sole. If two or more persons share possession of a
321 substance, possession is joint;

322 [(35)] (33) "Practitioner", a physician, dentist, optometrist, podiatrist,
323 veterinarian, scientific investigator, pharmacy, hospital or other person licensed,
324 registered or otherwise permitted by this state to distribute, dispense, conduct
325 research with respect to or administer or to use in teaching or chemical analysis,
326 a controlled substance in the course of professional practice or research in this
327 state, or a pharmacy, hospital or other institution licensed, registered, or
328 otherwise permitted to distribute, dispense, conduct research with respect to or
329 administer a controlled substance in the course of professional practice or
330 research;

331 [(36)] (34) "Production", includes the manufacture, planting, cultivation,
332 growing, or harvesting of drug paraphernalia or of a controlled substance or an
333 imitation controlled substance;

334 [(37)] (35) "Registry number", the number assigned to each person
335 registered under the federal controlled substances laws;

336 [(38)] (36) "Sale", includes barter, exchange, or gift, or offer therefor, and
337 each such transaction made by any person, whether as principal, proprietor,
338 agent, servant or employee;

339 [(39)] (37) "State" when applied to a part of the United States, includes

340 any state, district, commonwealth, territory, insular possession thereof, and any
341 area subject to the legal authority of the United States of America;

342 [(40)] (38) "Ultimate user", a person who lawfully possesses a controlled
343 substance or an imitation controlled substance for his own use or for the use of
344 a member of his household or for administering to an animal owned by him or by
345 a member of his household;

346 [(41)] (39) "Wholesaler", a person who supplies drug paraphernalia or
347 controlled substances or imitation controlled substances that he himself has not
348 produced or prepared, on official written orders, but not on prescriptions.

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) Etoxidine;
41 (cc) Furethidine;
42 (dd) Hydroxypethidine;
43 (ee) Ketobemidone;
44 (ff) Levomoramide;
45 (gg) Levophenacilmorphan;
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)] (**except hydrochloride**
81 **salt**);
- 82 (k) Heroin;
- 83 (l) Hydromorphenol;
- 84 (m) Methyldesorphine;
- 85 (n) Methyldihydromorphine;
- 86 (o) Morphine methylbromide;
- 87 (p) Morphine [methyl sulfonate] **methylsulfonate**;
- 88 (q) Morphine-N-Oxide;
- 89 (r) [Morphine] **Myrophine**;
- 90 (s) Nicocodeine;
- 91 (t) Nicomorphine;
- 92 (u) Normorphine;
- 93 (v) Pholcodine;
- 94 (w) Thebacon;
- 95 (4) Any material, compound, mixture or preparation which contains any
96 quantity of the following hallucinogenic substances, their salts, isomers and salts
97 of isomers, unless specifically excepted, whenever the existence of these salts,
98 isomers, and salts of isomers is possible within the specific chemical designation:
- 99 (a) [4-bromo-2,5-dimethoxyamphetamine] **4-bromo-2, 5-**

100 **dimethoxyamphetamine;**

101 (b) 4-bromo-2, 5-dimethoxyphenethylamine;

102 (c) 2,5-dimethoxyamphetamine;

103 (d) 2,5-dimethoxy-4-ethylamphetamine;

104 (e) 2,5-dimethoxy-4-(n)-propylthiophenethylamine;

105 (f) 4-methoxyamphetamine;

106 (g) 5-methoxy-3,4-methylenedioxyamphetamine;

107 (h) [4-methyl-2,5-dimethoxy amphetamine] **4-methyl-2, 5-**108 **dimethoxyamphetamine;**

109 (i) 3,4-methylenedioxyamphetamine;

110 (j) 3,4-methylenedioxymethamphetamine;

111 (k) 3,4-methylenedioxy-N-ethylamphetamine;

112 (l) [N-nydroxy-3, 4-methylenedioxyamphetamine] **N-hydroxy-3, 4-**113 **methylenedioxyamphetamine;**

114 (m) 3,4,5-trimethoxyamphetamine;

115 (n) Alpha-ethyltryptamine;

116 (o) [Benzylpiperazine or B.P.] **Alpha-methyltryptamine;**

117 (p) Bufotenine;

118 (q) Diethyltryptamine;

119 (r) Dimethyltryptamine;

120 (s) **5-methoxy-N,N-diisopropyltryptamine;**

121 (t) Ibogaine;

122 [(t)] (u) Lysergic acid diethylamide;

123 [(u)] (v) Marijuana[; (Marihuana)] **or marihuana;**

124 [(v)] (w) Mescaline;

125 [(w)] (x) Parahexyl;

126 [(x)] (y) Peyote, to include all parts of the plant presently classified

127 botanically as Lophophora Williamsil Lemaire, whether growing or not; the seeds

128 thereof; any extract from any part of such plant; and every compound,

129 manufacture, salt, derivative, mixture or preparation of the plant, its seed or

130 extracts;

131 [(y)] (z) N-ethyl-3-piperidyl benzilate;

132 [(z)] (aa) N-methyl-3-piperidyl benzilate;

133 [(aa)] (bb) Psilocybin;

134 [(bb)] (cc) Psilocyn;

135 [(cc)] (dd) Tetrahydrocannabinols **naturally contained in a plant of**

136 **the genus Cannabis (cannabis plant), as well as synthetic equivalents**
137 **of the substances contained in the cannabis plant, or in the resinous**
138 **extractives of such plant, or synthetic substances, derivatives, and their**
139 **isomers with similar chemical structure and pharmacological activity**
140 **to those substances contained in the plant, such as the following:**

141 **a. 1 cis or trans tetrahydrocannabinol, and their optical isomers;**
142 **b. 6 cis or trans tetrahydrocannabinol, and their optical isomers;**
143 **c. 3,4 cis or trans tetrahydrocannabinol, and their optical**
144 **isomers;**

145 **d. Any compounds of these structures, regardless of numerical**
146 **designation of atomic positions covered;**

147 [(dd)] **(ee)** Ethylamine analog of phencyclidine;

148 [(ee)] **(ff)** Pyrrolidine analog of phencyclidine;

149 [(ff)] **(gg)** Thiophene analog of phencyclidine;

150 [(gg)] 1-(3-Trifluoromethylphenyl)piperazine or TFMPP;]

151 [(hh)] [1-(1-(2-thienyl)cyclohexyl)pyrrolidine] **1-(1-(2-thienyl)cyclohexyl)pyrrolidine;**

152 (ii) Salvia divinorum;

153 (jj) Salvinorin A;

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

159 (a) [Gamma hydroxybutyric] **Gamma-hydroxybutyric acid;**

160 (b) Mecloqualone;

161 (c) Methaqualone;

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

165 (a) Aminorex;

166 (b) **N-benzylpiperazine**

167 (c) Cathinone;

168 [(c)] **(d)** Fenethylamine;

169 [(d)] **(e)** Methcathinone;

170 [(e)] **(f)** [(+)-cis-4-methylaminorex ((+)-cis-4,5-dihydro-
171 4-methyl-5-phenyl-2-oxazolamine)] **(+,-)-cis-4-methylaminorex ((+,-**

172)**cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine**);

173 [(f)] **(g)** N-ethylamphetamine;

174 [(g)] **(h)** N,N-dimethylamphetamine;

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

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

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

183 [(c)] Alpha-Methyltryptamine, or (AMT);

184 [(d)] 5-Methoxy-N,N-Diisopropyltryptamine, or(5-MeO-DIPT);]

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

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

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

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

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

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

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

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

205 a. Raw opium;

206 b. Opium extracts;

207 c. Opium fluid;

- 208 d. Powdered opium;
209 e. Granulated opium;
210 f. Tincture of opium;
211 g. Codeine;
212 h. Ethylmorphine;
213 i. Etorphine hydrochloride;
214 j. Hydrocodone;
215 k. Hydromorphone;
216 l. Metopon;
217 m. Morphine;
218 n. Oxycodone;
219 o. Oxymorphone;
220 p. Thebaine;
- 221 (b) Any salt, compound, derivative, or preparation thereof which is
222 chemically equivalent or identical with any of the substances referred to in this
223 subdivision, but not including the isoquinoline alkaloids of opium;
- 224 (c) Opium poppy and poppy straw;
- 225 (d) Coca leaves and any salt, compound, derivative, or preparation of coca
226 leaves, and any salt, compound, derivative, or preparation thereof which is
227 chemically equivalent or identical with any of these substances, but not including
228 decocainized coca leaves or extractions which do not contain cocaine or ecgonine;
- 229 (e) Concentrate of poppy straw (the crude extract of poppy straw in either
230 liquid, solid or powder form which contains the phenanthrene alkaloids of the
231 opium poppy);
- 232 (2) Any of the following opiates, including their isomers, esters, ethers,
233 salts, and salts of isomers, whenever the existence of these isomers, esters, ethers
234 and salts is possible within the specific chemical designation, dextrorphan and
235 levopropoxyphene excepted:
- 236 (a) Alfentanil;
237 (b) Alphaprodine;
238 (c) Anileridine;
239 (d) Bezitramide;
240 (e) Bulk [Dextropropoxyphene] **dextropropoxyphene**;
241 (f) Carfentanil;
242 (g) Butyl nitrite;
243 (h) Dihydrocodeine;

- 244 (i) Diphenoxylate;
- 245 (j) Fentanyl;
- 246 (k) Isomethadone;
- 247 (l) Levo-alphaacetylmethadol;
- 248 (m) Levomethorphan;
- 249 (n) Levorphanol;
- 250 (o) Metazocine;
- 251 (p) Methadone;
- 252 (q) Meperidine;
- 253 (r) Methadone-Intermediate, 4-cyano-2-dimethylamino-4,
254 4-diphenylbutane;
- 255 (s) Moramide-Intermediate, 2-methyl-3-morpholino-1,
256 1-diphenylpropane--carboxylic acid;
- 257 (t) Pethidine (**meperidine**);
- 258 (u) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
- 259 (v) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;
- 260 (w) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic
261 acid;
- 262 (x) Phenazocine;
- 263 (y) Piminodine;
- 264 (z) Racemethorphan;
- 265 (aa) Racemorphan;
- 266 (bb) **Remifentanil**;
- 267 (**cc**) Sufentanil;
- 268 (3) Any material, compound, mixture, or preparation which contains any
269 quantity of the following substances having a stimulant effect on the central
270 nervous system:
- 271 (a) Amphetamine, its salts, optical isomers, and salts of its optical
272 isomers;
- 273 (b) **Lisdexamfetamine, its salts, isomers, and salts of its isomers**;
- 274 (**c**) Methamphetamine, its salts, isomers, and salts of its isomers;
- 275 [(c)] (**d**) Phenmetrazine and its salts;
- 276 [(d)] (**e**) Methylphenidate;
- 277 (4) Any material, compound, mixture, or preparation which contains any
278 quantity of the following substances having a depressant effect on the central
279 nervous system, including its salts, isomers, and salts of isomers whenever the

280 existence of those salts, isomers, and salts of isomers is possible within the
281 specific chemical designation:

282 (a) Amobarbital;

283 (b) Glutethimide;

284 (c) Pentobarbital;

285 (d) Phencyclidine;

286 (e) Secobarbital;

287 (5) Any material[, compound] or compound which contains any quantity
288 of nabilone;

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

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

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

294 a. 1-phenylcyclohexylamine;

295 b. 1-piperidinocyclohexanecarbonitrile (PCC).

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

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

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

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

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

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

309 (a) Benzphetamine;

310 (b) Chlorphentermine;

311 (c) Clortermine;

312 (d) Phendimetrazine;

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

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

319 a. Amobarbital;

320 b. [Gamma hydroxybutyric acid and its salts, isomers, and salts of isomers
321 contained in a drug product for which an application has been approved under
322 Section 505 of the Federal Food, Drug, and Cosmetic Act;]

323 [c.] Secobarbital;

324 [d.] **c.** Pentobarbital;

325 (b) Any suppository dosage form containing any quantity or salt of the
326 following:

327 a. Amobarbital;

328 b. Secobarbital;

329 c. Pentobarbital;

330 (c) Any substance which contains any quantity of a derivative of
331 barbituric acid or its salt;

332 (d) Chlorhexadol;

333 (e) **Embutramide;**

334 (f) **Gamma hydroxybutyric acid and its salts, isomers, and salts**
335 **of isomers contained in a drug product for which an application has**
336 **been approved under Section 505 of the federal Food, Drug, and**
337 **Cosmetic Act;**

338 [(e)] (g) Ketamine, its salts, isomers, and salts of isomers;

339 [(f)] (h) Lysergic acid;

340 [(g)] (i) Lysergic acid amide;

341 [(h)] (j) Methypylon;

342 [(i)] (k) Sulfondiethylmethane;

343 [(j)] (l) Sulfonethylmethane;

344 [(k)] (m) Sulfonmethane;

345 [(l)] (n) Tiletamine and zolazepam or any salt thereof;

346 (3) Nalorphine;

347 (4) Any material, compound, mixture, or preparation containing limited
348 quantities of any of the following narcotic drugs or their salts:

349 (a) Not more than 1.8 grams of codeine per one hundred milliliters or not
350 more than ninety milligrams per dosage unit, with an equal or greater quantity
351 of an isoquinoline alkaloid of opium;

352 (b) Not more than 1.8 grams of codeine per one hundred milliliters or not
353 more than ninety milligrams per dosage unit with one or more active, nonnarcotic
354 ingredients in recognized therapeutic amounts;

355 (c) Not more than three hundred milligrams of hydrocodone per one
356 hundred milliliters or not more than fifteen milligrams per dosage unit, with a
357 fourfold or greater quantity of an isoquinoline alkaloid of opium;

358 (d) Not more than three hundred milligrams of hydrocodone per one
359 hundred milliliters or not more than fifteen milligrams per dosage unit, with one
360 or more active nonnarcotic ingredients in recognized therapeutic amounts;

361 (e) Not more than 1.8 grams of dihydrocodeine per one hundred milliliters
362 or **not** more than ninety milligrams per dosage unit, with one or more active
363 nonnarcotic ingredients in recognized therapeutic amounts;

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

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

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

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

377 (6) Anabolic steroids. Any drug or hormonal substance, chemically and
378 pharmacologically related to testosterone (other than estrogens, progestins, [and]
379 corticosteroids, **and dehydroepiandrosterone**) that promotes muscle growth,
380 except an anabolic steroid which is expressly intended for administration through
381 implants to cattle or other nonhuman species and which has been approved by
382 the Secretary of Health and Human Services for that administration. If any
383 person prescribes, dispenses, or distributes such steroid for human use, such
384 person shall be considered to have prescribed, dispensed, or distributed an
385 anabolic steroid within the meaning of this paragraph. Unless specifically
386 excepted or unless listed in another schedule, any material, compound, mixture
387 or preparation containing any quantity of the following substances, including its

388 salts, **esters and ethers** [isomers and salts of isomers whenever the existence
389 of such salts of isomers is possible within the specific chemical designation]:

- 390 (a) [Boldenone;
391 (b) Chlorotestosterone (4-Chlortestosterone);
392 (c) Clostebol;
393 (d) Dehydrochlormethyltestosterone;
394 (e) Dihydrotestosterone (4-Dihydro-testosterone);
395 (f) Drostanolone;
396 (g) Ethylestrenol;
397 (h) Fluoxymesterone;
398 (i) Formebolone (Formebolone);
399 (j) Mesterolone;
400 (k) Methandienone;
401 (l) Methandranone;
402 (m) Methandriol;
403 (n) Methandrostenolone;
404 (o) Methenolone;
405 (p) Methyltestosterone;
406 (q) Mibolerone;
407 (r) Nandrolone;
408 (s) Norethandrolone;
409 (t) Oxandrolone;
410 (u) Oxymesterone;
411 (v) Oxymetholone;
412 (w) Stanolone;
413 (x) Stanozolol;
414 (y) Testolactone;
415 (z) Testosterone;
416 (aa) Trenbolone;
417 (bb)] **3 β ,17-dihydroxy-5 α -androstane**;
418 **(b) 3 α ,17 β -dihydroxy-5 α -androstane**;
419 **(c) 5 α -androstan-3,17-dione**;
420 **(d) 1-androstenediol (3 β ,17 β -dihydroxy-5 α -androst-1-ene)**;
421 **(e) 1-androstenediol (3 α ,17 β -dihydroxy-5 α -androst-1-ene)**;
422 **(f) 4-androstenediol (3 β ,17 β -dihydroxy-androst-4-ene)**;
423 **(g) 5-androstenediol (3 β ,17 β -dihydroxy-androst-5-ene)**;

- 424 (h) 1-androstenedione ([5 α]-androst-1-en-3,17-dione);
- 425 (i) 4-androstenedione (androst-4-en-3,17-dione);
- 426 (j) 5-androstenedione (androst-5-en-3,17-dione);
- 427 (k) Bolasterone (7 α , 17 α -dimethyl-17 β -hydroxyandrost-4-en-3-
- 428 one);
- 429 (l) Boldenone (17 β -hydroxyandrost-1,4,-diene-3-one);
- 430 (m) Calusterone (7 β , 17 α -dimethyl-17 β -hydroxyandrost-4-en-3-
- 431 one);
- 432 (n) Clostebol (4-chloro-17 β -hydroxyandrost-4-en-3-one);
- 433 (o) Dehydrochloromethyltestosterone (4-chloro-17 β -hydroxy-17 α -
- 434 methyl-androst-1,4-dien-3-one);
- 435 (p) Δ 1-dihydrotestosterone (a.k.a. '1-testosterone')(17 β -hydroxy-
- 436 5 α -androst-1-en-3-one);
- 437 (q) 4-dihydrotestosterone (17 β -hydroxy-androstan-3-one);
- 438 (r) Drostanolone (17 β -hydroxy-2 α -methyl-5 α -androstan-3-one);
- 439 (s) Ethylestrenol (17 α -ethyl-17 β -hydroxyestr-4-ene);
- 440 (t) Fluoxymesterone (9-fluoro-17 α -methyl-11 β ,17 β -
- 441 dihydroxyandrost-4-en-3-one);
- 442 (u) Formebolone (2-formyl-17 α -methyl-11 α ,17 β -dihydroxyandrost-
- 443 1,4-dien-3-one);
- 444 (v) Furazabol (17 α -methyl-17 β -hydroxyandrostan[2,3-c]-furazan);
- 445 (w) 13 β -ethyl-17 β -hydroxygon-4-en-3-one;
- 446 (x) 4-hydroxytestosterone (4,17 β -dihydroxy-androst-4-en-3-one);
- 447 (y) 4-hydroxy-19-nortestosterone (4,17 β -dihydroxy-estr-4-en-3-
- 448 one);
- 449 (z) Mestanolone (17 α -methyl-17 β -hydroxy-5-androstan-3-one);
- 450 (aa) Mesterolone (1 α -methyl-17 β -hydroxy-[5 α]-androstan-3-one);
- 451 (bb) Methandienone (17 α -methyl-17 β -hydroxyandrost-1,4-dien-3-
- 452 one);
- 453 (cc) Methandriol (17 α -methyl-3 β ,17 β -dihydroxyandrost-5-ene);
- 454 (dd) Methenolone (1-methyl-17 β -hydroxy-5 α -androst-1-en-3-one);
- 455 (ee) 17 α -methyl-3 β ,17 β -dihydroxy-5 α -androstan-3-one);
- 456 (ff) 17 α -methyl-3 α ,17 β -dihydroxy-5 α -androstan-3-one);
- 457 (gg) 17 α -methyl-3 β ,17 β -dihydroxyandrost-4-ene;
- 458 (hh) 17 α -methyl-4-hydroxynandrolone (17 α -methyl-4-hydroxy-17 β -
- 459 hydroxyestr-4-en-3-one);
- 460 (ii) Methyldienolone (17 α -methyl-17 β -hydroxyestra-4,9(10)-dien-3-

- 461 **one)**;
- 462 **(jj) Methyltrienolone (17 α -methyl-17 β -hydroxyestra-4,9-11-trien-3-**
- 463 **one)**;
- 464 **(kk) Methyltestosterone (17 α -methyl-17 β -hydroxyandrost-4-en-3-**
- 465 **one)**;
- 466 **(ll) Mibolerone (7 α ,17 α -dimethyl-17 β -hydroxyestr-4-en-3-one)**;
- 467 **(mm) 17 α -methyl- Δ 1-dihydrotestosterone (17 β -hydroxy-17 α -**
- 468 **methyl-5 α -androst-1-en-3-one) (a.k.a. '17- α -methyl-1-testosterone')**;
- 469 **(nn) Nandrolone (17 β -hydroxyestr-4-ene-3-one)**;
- 470 **(oo) 19-nor-4-androstenediol (3 β ,17 β -dihydroxyestr-4-ene)**;
- 471 **(pp) 19-nor-4-androstenediol (3 α ,17 β -dihydroxyestr-4-ene)**;
- 472 **(qq) 19-nor-5-androstenediol (3 β ,17 β -dihydroxyestr-5-ene)**;
- 473 **(rr) 19-nor-5-androstenediol (3 α ,17 β -dihydroxyestr-5-ene)**;
- 474 **(ss) 19-nor-4-androstenedione (estr-4-en-3,17-dione)**;
- 475 **(tt) 19-nor-5-androstenedione (estr-5-en-3,17-dione)**;
- 476 **(uu) Norbolethone (13 β ,17 α -diethyl-17 β -hydroxygon-4-en-3-one)**;
- 477 **(vv) Norclostebol (4-chloro-17 β -hydroxyestr-4-en-3-one)**;
- 478 **(ww) Norethandrolone (17 α -ethyl-17 β -hydroxyestr-4-en-3-one)**;
- 479 **(xx) Normethandrolone (17 α -methyl-17 β -hydroxyestr-4-en-3-one)**;
- 480 **(yy) Oxandrolone (17 α -methyl-17 β -hydroxy-2-oxa-[5 α]-androstan-**
- 481 **3-one)**;
- 482 **(zz) Oxymesterone (17 α -methyl-4,17 β -dihydroxyandrost-4-en-3-**
- 483 **one)**;
- 484 **(aaa) Oxymethalone (17 α -methyl-2-hydroxymethylene-17 β -**
- 485 **hydroxy-[5 α]-androstan-3-one)**;
- 486 **(bbb) Stanozolol (17 α -methyl-17 β -hydroxy-[5 α]-androst-2-eno[3,2-**
- 487 **c]-pyrazole)**;
- 488 **(ccc) Stenbolone (17 β -hydroxy-2-methyl-[5 α]-androst-1-en-3-one)**;
- 489 **(ddd) Testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-**
- 490 **17-oic acid lactone)**;
- 491 **(eee) Testosterone (17 β -hydroxyandrost-4-en-3-one)**;
- 492 **(fff) Tetrahydrogestrinone (13 β ,17 α -diethyl-17 β -hydroxygon-**
- 493 **4,9,11-trien-3-one)**;
- 494 **(ggg) Trenbolone (17 β -hydroxyestr-4,9,11-trien-3-one)**;
- 495 **(hhh) Any salt, ester, or [isomer] ether of a drug or substance described**
- 496 **or listed in this subdivision, [if that salt, ester or isomer promotes muscle growth]**
- 497 **except an anabolic steroid which is expressly intended for administration through**

498 implants to cattle or other nonhuman species and which has been approved by
499 the Secretary of Health and Human Services for that administration;

500 (7) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin
501 capsule in a United States Food and Drug Administration approved drug
502 product. [Some other names for dronabinol: (6aR-trans)-6a,7,8,10a-
503 tetrahydro-6.6.9-trimethyl-3-pentyl-6H-dibenzo (b,d) pyran-1-ol, or (-)-
504 delta-9-(trans)-tetrahydrocannabinol)];

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

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

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

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

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

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

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

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

529 (b) Dextropropoxyphene [(alpha-(+)-4-dimethylamino-1,
530 2-diphenyl-3-methyl-2-propionoxybutane)] (**alpha-(+)-4-dimethylamino-1,
531 2-diphenyl-3-methyl-2-propionoxybutane**);

532 (c) Any of the following limited quantities of narcotic drugs or their salts,
533 which shall include one or more nonnarcotic active medicinal ingredients in

534 sufficient proportion to confer upon the compound, mixture or preparation
535 valuable medicinal qualities other than those possessed by the narcotic drug
536 alone:

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

539 b. Not more than one hundred milligrams of dihydrocodeine per one
540 hundred milliliters or per one hundred grams;

541 c. Not more than one hundred milligrams of ethylmorphine per one
542 hundred milliliters or per one hundred grams;

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

547 (a) Alprazolam;

548 (b) Barbitol;

549 (c) Bromazepam;

550 (d) Camazepam;

551 (e) Chloral betaine;

552 (f) Chloral hydrate;

553 (g) Chlordiazepoxide;

554 (h) Clobazam;

555 (i) Clonazepam;

556 (j) Clorazepate;

557 (k) Clotiazepam;

558 (l) Cloxazolam;

559 (m) Delorazepam;

560 (n) Diazepam;

561 (o) Dichloralphenazone;

562 (p) Estazolam;

563 (q) Ethchlorvynol;

564 (r) Ethinamate;

565 (s) Ethyl loflazepate;

566 (t) Fludiazepam;

567 (u) Flunitrazepam;

568 (v) Flurazepam;

569 (w) Halazepam;

- 570 (x) Haloxazolam;
- 571 (y) Ketazolam;
- 572 (z) Loprazolam;
- 573 (aa) Lorazepam;
- 574 (bb) Lormetazepam;
- 575 (cc) Mebutamate;
- 576 (dd) Medazepam;
- 577 (ee) Meprobamate;
- 578 (ff) Methohexital;
- 579 (gg) Methylphenobarbital (**mephobarbital**);
- 580 (hh) Midazolam;
- 581 (ii) Nimetazepam;
- 582 (jj) Nitrazepam;
- 583 (kk) Nordiazepam;
- 584 (ll) Oxazepam;
- 585 (mm) Oxazolam;
- 586 (nn) Paraldehyde;
- 587 (oo) Petrichloral;
- 588 (pp) Phenobarbital;
- 589 (qq) Pinazepam;
- 590 (rr) Prazepam;
- 591 (ss) Quazepam;
- 592 (tt) Temazepam;
- 593 (uu) Tetrazepam;
- 594 (vv) Triazolam;
- 595 (ww) Zaleplon;
- 596 (xx) Zolpidem;
- 597 **(yy) Zopiclone;**
- 598 (3) Any material, compound, mixture, or preparation which contains any
- 599 quantity of the following substance including its salts, isomers and salts of
- 600 isomers whenever the existence of such salts, isomers and salts of isomers is
- 601 possible: fenfluramine;
- 602 (4) Any material, compound, mixture or preparation containing any
- 603 quantity of the following substances having a stimulant effect on the central
- 604 nervous system, including their salts, isomers and salts of isomers:
- 605 (a) Cathine ((+)-norpseudoephedrine);

- 606 (b) Diethylpropion;
- 607 (c) Fencamfamin;
- 608 (d) Fenproporex;
- 609 (e) Mazindol;
- 610 (f) Mefenorex;
- 611 (g) Modafinil;
- 612 (h) Pemoline, including organometallic complexes and chelates thereof;
- 613 (i) Phentermine;
- 614 (j) Pipradrol;
- 615 (k) Sibutramine;
- 616 (l) SPA ((-)-1-dimethylamino-1,2-diphenylethane);
- 617 (5) Any material, compound, mixture or preparation containing any
- 618 quantity of the following substance, including its salts:
- 619 (a) butorphanol;
- 620 (b) pentazocine;
- 621 (6) Ephedrine, its salts, optical isomers and salts of optical isomers, when
- 622 the substance is the only active medicinal ingredient;
- 623 (7) The department of health and senior services may except by rule any
- 624 compound, mixture, or preparation containing any depressant substance listed in
- 625 subdivision (1) of this subsection from the application of all or any part of sections
- 626 195.010 to 195.320 if the compound, mixture, or preparation contains one or more
- 627 active medicinal ingredients not having a depressant effect on the central nervous
- 628 system, and if the admixtures are included therein in combinations, quantity,
- 629 proportion, or concentration that vitiate the potential for abuse of the substances
- 630 which have a depressant effect on the central nervous system.
- 631 9. The department of health and senior services shall place a substance
- 632 in Schedule V if it finds that:
- 633 (1) The substance has low potential for abuse relative to the controlled
- 634 substances listed in Schedule IV;
- 635 (2) The substance has currently accepted medical use in treatment in the
- 636 United States; and
- 637 (3) The substance has limited physical dependence or psychological
- 638 dependence liability relative to the controlled substances listed in Schedule IV.
- 639 10. The controlled substances listed in this subsection are included in
- 640 Schedule V:
- 641 (1) Any compound, mixture or preparation containing any of the following

642 narcotic drugs or their salts calculated as the free anhydrous base or alkaloid, in
643 limited quantities as set forth below, which also contains one or more nonnarcotic
644 active medicinal ingredients in sufficient proportion to confer upon the compound,
645 mixture or preparation valuable medicinal qualities other than those possessed
646 by the narcotic drug alone:

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

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

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

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

656 (3) Any compound, mixture, or preparation containing any detectable
657 quantity of pseudoephedrine or its salts or optical isomers, or salts of optical
658 isomers or any compound, mixture, or preparation containing any detectable
659 quantity of ephedrine or its salts or optical isomers, or salts of optical isomers;

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

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

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

674 (2) Any person purchasing, receiving or otherwise acquiring any
675 compound, mixture, or preparation containing any detectable quantity of
676 pseudoephedrine, its salts or optical isomers, or salts of optical isomers or
677 ephedrine, its salts or optical isomers, or salts of optical isomers shall be at least

678 eighteen years of age; and

679 (3) The pharmacist, **intern pharmacist**, or registered pharmacy
680 technician shall require any person, **prior to their** purchasing, receiving or
681 otherwise acquiring such compound, mixture, or preparation[, who is not known
682 to the pharmacist or registered pharmacy technician,] to furnish suitable photo
683 identification **that is issued by a state or the federal government or a**
684 **document that, with respect to identification, is considered acceptable**
685 **and** showing the date of birth of the person;

686 (4) **The seller shall deliver the product directly into the custody**
687 **of the purchaser.**

688 12. [Within ninety days of the enactment of this section,] Pharmacists,
689 **intern pharmacists**, and registered pharmacy technicians shall implement and
690 maintain [a written or] **an** electronic log of each transaction. Such log shall
691 include the following information:

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

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

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

695 (4) The name or initials of the pharmacist, **intern pharmacist**, or
696 registered pharmacy technician who dispensed the compound, mixture, or
697 preparation to the purchaser.

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

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

704 [14.] 15. [Within thirty days of the enactment of this section,] All
705 persons who dispense or offer for sale pseudoephedrine and ephedrine products
706 in a pharmacy shall ensure that all such products are located only behind a
707 pharmacy counter where the public is not permitted.

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

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

716 17. The scheduling of substances specified in subdivision (3) of subsection
717 10 of this section and subsections 11, 12, 14, and 15 of this section shall not apply
718 to any compounds, mixtures, or preparations that are in liquid or liquid-filled gel
719 capsule form or to any compound, mixture, or preparation specified in subdivision
720 (3) of subsection 10 of this section which must be dispensed, sold, or distributed
721 in a pharmacy pursuant to a prescription.

722 18. The manufacturer of a drug product or another interested party may
723 apply with the department of health and senior services for an exemption from
724 this section. The department of health and senior services may grant an
725 exemption by rule from this section if the department finds the drug product is
726 not used in the illegal manufacture of methamphetamine or other controlled or
727 dangerous substances. The department of health and senior services shall rely
728 on reports from law enforcement and law enforcement evidentiary laboratories in
729 determining if the proposed product can be used to manufacture illicit controlled
730 substances.

731 19. The department of health and senior services shall revise and
732 republish the schedules annually.

733 20. The department of health and senior services shall promulgate rules
734 under chapter 536, RSMo, regarding the security and storage of Schedule V
735 controlled substances, as described in subdivision (3) of subsection 10 of this
736 section, for distributors as registered by the department of health and senior
737 services.

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

**3 2. Notwithstanding the provisions of section 195.010, as used in
4 sections 195.378 to 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
8 controlled substance to the ultimate user, but does not include:**

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

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

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

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

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

24 **(5) "Schedule II, III, IV, or V controlled substance", a controlled**
25 **substance that is listed in schedule II, III, IV, or V of the schedules**
26 **provided under this chapter or the Federal Controlled Substances Act,**
27 **21 U.S.C. Section 812.**

 195.381. 1. Subject to appropriations, the department of health
2 and senior services shall establish and maintain a program for the
3 monitoring of prescribing and dispensing of all schedule II, III, IV, and
4 V controlled substances except schedule V controlled substances
5 containing any detectable amount of pseudoephedrine that do not
6 require a prescription, by all professionals licensed to prescribe or
7 dispense such substances in this state.

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

13 **(1) The dispenser's United States Drug Enforcement**
14 **Administration registration number;**

15 **(2) The date the drug is dispensed or the prescription is filled;**

16 **(3) The prescription number, if applicable;**

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

18 **(5) The NDC code for the drug dispensed;**

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

20 **(7) The quantity dispensed;**

21 **(8) Any identification issued by a state or federal government to**
22 **the patient, or the unique patient identifier assigned to the individual**

23 by the payor or pharmacy benefit manager, or any other acceptable
24 identification as defined by the department by rule;

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

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

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

30 (12) The source of payment for the drug, as defined by regulation
31 promulgated by the department.

32 3. Each dispenser shall submit the information in accordance
33 with transmission methods and frequency established by the
34 department by regulation; except that, each dispenser shall report at
35 least every thirty days between the first and fifteenth of the month
36 following the month the drug was dispensed.

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

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

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

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

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

17 (1) Persons authorized to prescribe or dispense controlled
18 substances for the purpose of providing medical or pharmaceutical care

19 for their patients;

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

22 (3) The state board of pharmacy;

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

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

30 (6) The department of social services regarding MO HealthNet
31 participants;

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

33 (8) Personnel of the department of health and senior services for
34 the administration and enforcement of sections 195.378 to 195.399; and

35 (9) The department of mental health regarding department
36 program recipients receiving medication or medication-related
37 services.

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

42 6. Nothing in sections 195.378 to 195.399 shall require or obligate
43 a dispenser or prescriber to access or check the information in the
44 drug monitoring program prior to dispensing, prescribing, or
45 administering medications or as part of their professional
46 practice. Dispensers and prescribers shall not be liable to any person
47 for any claim of damages as a result of accessing or failing to access the
48 information in the drug monitoring program and no lawsuit may be
49 predicated thereon.

195.387. The department is authorized to contract with any other
2 agency of this state or with a private vendor, as necessary, to ensure
3 the effective operation of the drug monitoring program. Any contractor
4 shall comply with the provisions regarding confidentiality of drug
5 information in section 195.384. Any contractor who knowingly discloses
6 drug monitoring information other than as provided in sections 195.378

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

195.390. The department shall promulgate rules setting forth the
2 procedures and methods of implementing sections 195.378 to 195.399
3 which shall be consistent with federal regulations, if applicable. Any
4 rule or portion of a rule, as that term is defined in section 536.010,
5 RSMo, that is created under the authority delegated in this section
6 shall become effective only if it complies with and is subject to all of
7 the provisions of chapter 536, RSMo, and, if applicable, section 536.028,
8 RSMo. This section and chapter 536, RSMo, are nonseverable and if any
9 of the powers vested with the general assembly pursuant to chapter
10 536, RSMo, to review, to delay the effective date, or to disapprove and
11 annul a rule are subsequently held unconstitutional, then the grant of
12 rulemaking authority and any rule proposed or adopted after August
13 28, 2008, shall be invalid and void.

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

2. A person authorized to have drug monitoring information
6 under sections 195.378 to 195.399 who knowingly discloses such
7 information in violation of sections 195.378 to 195.399 or who uses such
8 information in a manner and for a purpose in violation of sections
9 195.378 to 195.399 is guilty of a class A misdemeanor.

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

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

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

8 (3) A course for persons who are authorized to access the drug
9 monitoring information but who have violated laws or breached
10 occupational standards involving dispensing, prescribing, and use of
11 substances monitored by the drug monitoring program established in
12 section 195.381. When appropriate, the department shall develop the

13 **content of the education courses described in subdivisions (1) to (3) of**
14 **this subsection.**

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

16 **(1) Work with associations for impaired professionals to ensure**
17 **intervention, treatment, and ongoing monitoring and followup; and**

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

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

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

7 **(2) If such program is reauthorized, the program authorized**
8 **under sections 195.378 to 195.399 shall automatically sunset six years**
9 **after the effective date of the reauthorization of sections 195.378 to**
10 **195.399; and**

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

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

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

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

14 (2) One of the active ingredients of a combination drug; or
15 (3) A combination of any of the products specified in subdivisions (1) and
16 (2) of this subsection;
17 in any total amount greater than nine grams, **without regard to the number**
18 **of transactions.**

19 3. [All] **For mail order sales or sales from a temporary retail**
20 **location or sales from stand which is temporary or capable of being**
21 **moved from one location to another, whether the stand is located**
22 **within or on the premises of a fixed facility or located on unimproved**
23 **real estate, within any thirty-day period, no person shall sell, dispense,**
24 **or otherwise provide to the same individual, and no person shall**
25 **purchase, receive, or otherwise acquire more than the following**
26 **amount: any number of packages of any drug product containing any**
27 **detectable amount of ephedrine, phenylpropanolamine or**
28 **pseudoephedrine, or any of their salts or optical isomers, or salts of**
29 **optical isomers, either as:**

30 (1) **The sole active ingredient; or**
31 (2) **One of the active ingredients of a combination drug; or**
32 (3) **A combination of any of the products specified in**
33 **subdivisions (1) and (2) of this subsection; in any total amount greater**
34 **than seven and five tenths grams, without regard to the number of**
35 **transactions.**

36 4. **Within any twenty-four hour period, no person shall sell,**
37 **dispense, or otherwise provide to the same individual, and no person**
38 **shall purchase, receive, or otherwise acquire more than the following**
39 **amount: any number of packages of any drug product containing any**
40 **detectable amount of ephedrine, phenylpropanolamine, or**
41 **pseudoephedrine, or any of their salts or optical isomers, or salts of**
42 **optical isomers, either as:**

43 (1) **The sole active ingredient; or**
44 (2) **One of the active ingredients of a combination drug; or**
45 (3) **A combination of any of the products specified in**
46 **subdivisions (1) and (2) of this subsection; in any total amount greater**
47 **than three and six tenths grams without regard to the number of**
48 **transactions.**

49 5. **With the exception of those compounds, mixtures, or**
50 **preparations which must be offered for sale only from behind the**

51 **counter in a pharmacy, in offering the products for sale, persons selling**
52 **packages of any compound, mixture, or preparation containing any detectable**
53 **quantity of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of**
54 **their salts or optical isomers, or salts of optical isomers, [except those that are**
55 **excluded from Schedule V in subsection 17 or 18 of section 195.017, shall be**
56 **offered for sale only from behind a pharmacy counter where the public is not**
57 **permitted, and only by a registered pharmacist or registered pharmacy technician**
58 **under section 195.017.**

59 **4.] shall place the products such that customers do not have**
60 **direct access to the products before a sale is made. This placement of**
61 **product shall be either behind the counter or in a locked cabinet that**
62 **is located in an area of the facility involved to which customers do not**
63 **have direct access.**

64 **6. The person selling such compound, mixture, or preparation**
65 **shall require any person, prior to their purchasing, receiving or**
66 **otherwise acquiring such compound, mixture, or preparation of such**
67 **compound, mixture, or preparation, to furnish suitable photo**
68 **identification that is issued by a state or the federal government or a**
69 **document that, with respect to identification, is considered acceptable.**

70 **7. The person selling such compound, mixture, or preparation**
71 **shall maintain an electronic log of each transaction. Such log shall**
72 **include the following information:**

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

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

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

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

79 **8. Each pharmacy shall submit information regarding sales of**
80 **any compound, mixture, or preparation as specified in this section in**
81 **accordance with transmission methods and frequency established by**
82 **the department by regulation;**

83 **9. The seller shall deliver the product directly into the custody**
84 **of the purchaser.**

85 **10. This section shall supersede and preempt any local ordinances or**
86 **regulations, including any ordinances or regulations enacted by any political**
87 **subdivision of the state. This section shall not apply to [any products that the**

88 state department of health and senior services, upon application of a
89 manufacturer, exempts by rule from this section because the product has been
90 formulated in such a way as to effectively prevent the conversion of the active
91 ingredient into methamphetamine, or its salts or precursors or to] the sale of any
92 animal feed products containing ephedrine or any naturally occurring or herbal
93 ephedra or extract of ephedra.

94 **11. All logs, records, documents, and electronic information**
95 **maintained for the dispensing of these products shall be open for**
96 **inspection and copying by municipal, county, and state or federal law**
97 **enforcement officers whose duty it is to enforce the controlled**
98 **substances laws of this state or the United States.**

99 [5. Persons selling and dispensing substances containing any detectable
100 amount of pseudoephedrine, its salts or optical isomers, or salts of optical isomers
101 or ephedrine, its salts or optical isomers, or salts of optical isomers shall
102 maintain logs, documents, and records as specified in section 195.017. Persons
103 selling only compounds, mixtures, or preparations that are excluded from
104 Schedule V in subsection 17 or 18 of section 195.017 shall not be required to
105 maintain such logs, documents, and records. All logs, records, documents, and
106 electronic information maintained for the dispensing of these products shall be
107 open for inspection and copying by municipal, county, and state or federal law
108 enforcement officers whose duty it is to enforce the controlled substances laws of
109 this state or the United States.

110 6.] **12.** Within thirty days of June 15, 2005, all persons who dispense or
111 offer for sale pseudoephedrine and ephedrine products, except those that are
112 excluded from Schedule V in subsection 17 or 18 of section 195.017, shall ensure
113 that all such products are located only behind a pharmacy counter where the
114 public is not permitted.

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

122 8.] **13.** Any person who knowingly or recklessly violates this section is
123 guilty of a class A misdemeanor.

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

Section B. Section A of this act shall become effective January 1, 2009.

Unofficial

Bill

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