

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 641
96TH GENERAL ASSEMBLY

Reported from the Committee on the Judiciary and Civil and Criminal Jurisprudence, April 27, 2011, with recommendation that the Senate Committee Substitute do pass.

1490S.07C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 195.010, 195.017, 195.022, 195.202, and 195.217, RSMo, and to enact in lieu thereof five new sections relating to controlled substances, with an existing penalty provision.

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

Section A. Sections 195.010, 195.017, 195.022, 195.202, and 195.217, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 195.010, 195.017, 195.022, 195.202, and 195.217, to read as follows: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;

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

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

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

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

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

24 (6) "Controlled substance analogue", a substance the chemical structure
25 of which is substantially similar to the chemical structure of a controlled
26 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) "Counterfeit substance", a controlled substance which, or the container
43 or labeling of which, without authorization, bears the trademark, trade name, or
44 other identifying mark, imprint, number or device, or any likeness thereof, of a
45 manufacturer, distributor, or dispenser other than the person who in fact
46 manufactured, distributed, or dispensed the substance;

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

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

53 (10) "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) "Dispense", to deliver a narcotic or controlled dangerous drug to an
70 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) "Distribute", to deliver other than by administering or dispensing a
75 controlled substance;

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

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

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

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

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

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

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

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

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

120 (g) Separation gins and sifters used, intended for use, or designed for use

121 in removing twigs and seeds from, or in otherwise cleaning or refining,
122 marijuana;

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

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

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

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

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

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

139 b. Water pipes;

140 c. Carburetion tubes and devices;

141 d. Smoking and carburetion masks;

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

145 f. Miniature cocaine spoons and cocaine vials;

146 g. Chamber pipes;

147 h. Carburetor pipes;

148 i. Electric pipes;

149 j. Air-driven pipes;

150 k. Chillums;

151 l. Bongs;

152 m. Ice pipes or chillers;

153 (m) Substances used, intended for use, or designed for use in the
154 manufacture of a controlled substance; In determining whether an object, product,
155 substance or material is drug paraphernalia, a court or other authority should

156 consider, in addition to all other logically relevant factors, the following:

157 (a) Statements by an owner or by anyone in control of the object
158 concerning its use;

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

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

164 (d) The proximity of the object to controlled substances or imitation
165 controlled substances;

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

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

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

177 (h) Descriptive materials accompanying the object which explain or depict
178 its use;

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

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

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

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

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

188 (n) Expert testimony concerning its use;

189 (o) The quantity, form or packaging of the product, substance or material
190 in relation to the quantity, form or packaging associated with any legitimate use

191 for the product, substance or material;

192 (18) "Federal narcotic laws", the laws of the United States relating to
193 controlled substances;

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

202 (20) "Immediate precursor", a substance which:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

253 (24) "Marijuana", all parts of the plant genus *Cannabis* in any species or
254 form thereof, including, but not limited to *Cannabis Sativa* L., *Cannabis Indica*,
255 *Cannabis Americana*, *Cannabis Ruderalis*, and *Cannabis Gigantea*, whether
256 growing or not, the seeds thereof, the resin extracted from any part of the plant;
257 and every compound, manufacture, salt, derivative, mixture, or preparation of the
258 plant, its seeds or resin. It does not include the mature stalks of the plant, fiber
259 produced from the stalks, oil or cake made from the seeds of the plant, any other
260 compound, manufacture, salt, derivative, mixture or preparation of the mature

261 stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized
262 seed of the plant which is incapable of germination;

263 (25) "Methamphetamine precursor drug", any drug containing ephedrine,
264 pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or
265 salts of optical isomers;

266 (26) "Narcotic drug", any of the following, whether produced directly or
267 indirectly by extraction from substances of vegetable origin, or independently by
268 means of chemical synthesis, or by a combination of extraction and chemical
269 analysis:

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

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

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

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

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

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

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

292 (29) "Opium poppy", the plant of the species *Papaver somniferum* L.,
293 except its seeds;

294 (30) "Over-the-counter sale", a retail sale licensed pursuant to chapter 144
295 of a drug other than a controlled substance;

296 (31) "Person", an individual, corporation, government or governmental
297 subdivision or agency, business trust, estate, trust, partnership, joint venture,
298 association, or any other legal or commercial entity;

299 (32) "Pharmacist", a licensed pharmacist as defined by the laws of this
300 state, and where the context so requires, the owner of a store or other place of
301 business where controlled substances are compounded or dispensed by a licensed
302 pharmacist; but nothing in sections 195.005 to 195.425 shall be construed as
303 conferring on a person who is not registered nor licensed as a pharmacist any
304 authority, right or privilege that is not granted to him by the pharmacy laws of
305 this state;

306 (33) "Poppy straw", all parts, except the seeds, of the opium poppy, after
307 mowing;

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

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

327 (36) "Production", includes the manufacture, planting, cultivation,
328 growing, or harvesting of drug paraphernalia or of a controlled substance or an
329 imitation controlled substance;

330 (37) "Registry number", the number assigned to each person registered

331 under the federal controlled substances laws;

332 (38) "Sale", includes barter, exchange, or gift, or offer therefor, and each
333 such transaction made by any person, whether as principal, proprietor, agent,
334 servant or employee;

335 (39) "State" when applied to a part of the United States, includes any
336 state, district, commonwealth, territory, insular possession thereof, and any area
337 subject to the legal authority of the United States of America;

338 (40) **"Synthetic cannabinoid", includes unless specifically**
339 **excepted or unless listed in another schedule, any natural or synthetic**
340 **material, compound, mixture, or preparation that contains any quantity**
341 **of a substance that is a cannabinoid receptor agonist, including but not**
342 **limited to any substance listed in paragraph (1) of subdivision (4) of**
343 **subsection 2 of section 195.017 and any analogues, homologues; isomers,**
344 **whether optical, positional, or geometric; esters; ethers; salts; and salts**
345 **of isomers, esters, and ethers, whenever the existence of the isomers,**
346 **esters, ethers, or salts is possible within the specific chemical**
347 **designation, however, it shall not include any approved pharmaceutical**
348 **authorized by the United States Food and Drug Administration;**

349 (41) "Ultimate user", a person who lawfully possesses a controlled
350 substance or an imitation controlled substance for his own use or for the use of
351 a member of his household or for administering to an animal owned by him or by
352 a member of his household;

353 [(41)] (42) "Wholesaler", a person who supplies drug paraphernalia or
354 controlled substances or imitation controlled substances that he himself has not
355 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) Alhamethadol;
- 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);

- 81 (k) Heroin;
- 82 (l) Hydromorphenol;
- 83 (m) Methyldesorphine;
- 84 (n) Methyldihydromorphine;
- 85 (o) Morphine methylbromide;
- 86 (p) Morphine methylsulfonate;
- 87 (q) Morphine-N-Oxide;
- 88 (r) Myrophine;
- 89 (s) Nicocodeine;
- 90 (t) Nicomorphine;
- 91 (u) Normorphine;
- 92 (v) Pholcodine;
- 93 (w) Thebacon;
- 94 (4) Any material, compound, mixture or preparation which contains any
- 95 quantity of the following hallucinogenic substances, their salts, isomers and salts
- 96 of isomers, unless specifically excepted, whenever the existence of these salts,
- 97 isomers, and salts of isomers is possible within the specific chemical designation:
- 98 (a) 4-bromo-2, 5-dimethoxyamphetamine;
- 99 (b) 4-bromo-2, 5-dimethoxyphenethylamine;
- 100 (c) 2,5-dimethoxyamphetamine;
- 101 (d) 2,5-dimethoxy-4-ethylamphetamine;
- 102 (e) 2,5-dimethoxy-4-(n)-propylthiophenethylamine;
- 103 (f) 4-methoxyamphetamine;
- 104 (g) 5-methoxy-3,4-methylenedioxyamphetamine;
- 105 (h) 4-methyl-2, 5-dimethoxyamphetamine;
- 106 (i) 3,4-methylenedioxyamphetamine;
- 107 (j) 3,4-methylenedioxymethamphetamine;
- 108 (k) 3,4-methylenedioxy-N-ethylamphetamine;
- 109 (l) N-hydroxy-3, 4-methylenedioxyamphetamine;
- 110 (m) 3,4,5-trimethoxyamphetamine;
- 111 (n) 5-MeO-DMT or 5-methoxy-N,N-dimethyltryptamine, its isomers, salts,
- 112 and salts of isomers;
- 113 (o) Alpha-ethyltryptamine;
- 114 (p) Alpha-methyltryptamine;
- 115 (q) Bufotenine;

116 [(r) D e x a n a b i n o l ,
117 (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10
118 a-tetrahydrobenzo[c]chromen-1-ol;
119 (s) (r) Diethyltryptamine;
120 [(t) (s) Dimethyltryptamine;
121 [(u) (t) 5-methoxy-N,N-diisopropyltryptamine;
122 [(v) (u) Ibogaine;
123 [(w) Indole, or 1-butyl-3(1-naphthoyl)indole;
124 (x) Indole, or 1-pentyl-3(1-naphthoyl)indole;
125 (y) (v) Lysergic acid diethylamide;
126 [(z) (w) Marijuana or marihuana;
127 [(aa) (x) Mescaline;
128 [(bb) (y) Parahexyl;
129 [(cc) (z) Peyote, to include all parts of the plant presently classified
130 botanically as Lophophora Williamsil Lemaire, whether growing or not; the seeds
131 thereof; any extract from any part of such plant; and every compound,
132 manufacture, salt, derivative, mixture or preparation of the plant, its seed or
133 extracts;
134 [(dd) Phenol, CP 47, 497 & homologues, or
135 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol), where side chain
136 n=5, and homologues where side chain n=4,6, or 7;
137 (ee) (aa) N-ethyl-3-piperidyl benzilate;
138 [(ff) (bb) N-methyl-3-piperidyl benzilate;
139 [(gg) (cc) Psilocybin;
140 [(hh) (dd) Psilocyn;
141 [(ii) (ee) Tetrahydrocannabinols naturally contained in a plant of the
142 genus Cannabis (cannabis plant), as well as synthetic equivalents of the
143 substances contained in the cannabis plant, or in the resinous extractives of such
144 plant, or synthetic substances, derivatives, and their isomers with similar
145 chemical structure and pharmacological activity to those substances contained in
146 the plant, such as the following:
147 a. 1 cis or trans tetrahydrocannabinol, and their optical isomers;
148 b. 6 cis or trans tetrahydrocannabinol, and their optical isomers;
149 c. 3,4 cis or trans tetrahydrocannabinol, and their optical isomers;
150 d. Any compounds of these structures, regardless of numerical designation

151 of atomic positions covered;

152 [(jj)] (ff) Ethylamine analog of phencyclidine;

153 [(kk)] (gg) Pyrrolidine analog of phencyclidine;

154 [(ll)] (hh) Thiophene analog of phencyclidine;

155 [(mm)] (ii) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine;

156 [(nn)] (jj) Salvia divinorum;

157 [(oo)] (kk) Salvinorin A;

158 (ll) Synthetic cannabinoids:

159 a. Any compound structurally derived from 3-(1-naphthoyl)indole
160 or 1H-indol-3-yl-(1-naphthyl)methane by substitution at the nitrogen
161 atom of the indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
162 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
163 2-(4-morpholinyl)ethyl group, whether or not further substituted in the
164 indole ring to any extent, whether or not substituted in the naphthyl
165 ring to any extent. Including, but not limited to:

166 (i) JWH-007, or 1-pentyl-2-methyl-3-(1-naphthoyl)indole;

167 (ii) JWH-015, or 1-propyl-2-methyl-3-(1-naphthoyl)indole;

168 (iii) JWH-018, or 1-pentyl-3-(1-naphthoyl)indole;

169 (iv) JWH-019, or 1-hexyl-3-(1-naphthoyl)indole;

170 (v) JWH-073, or 1-butyl-3-(1-naphthoyl)indole;

171 (vi) JWH-081, or 1-pentyl-3-(4-methoxy-1-naphthoyl)indole;

172 (v i i) J W H - 0 9 8 , o r
173 1-pentyl-2-methyl-3-(4-methoxy-1-naphthoyl)indole;

174 (viii) JWH-122, or 1-pentyl-3-(4-methyl-1-naphthoyl)indole;

175 (ix) JWH-164, or 1-pentyl-3-(7-methoxy-1-naphthoyl)indole;

176 (x) JWH-200, or 1-(2-(4-(morpholinyl)ethyl))-3-(1-naphthoyl)indole;

177 (xi) JWH-210, or 1-pentyl-3-(4-ethyl-1-naphthoyl)indole;

178 (xii) JWH-398, or 1-pentyl-3-(4-chloro-1-naphthoyl)indole;

179 b. Any compound structurally derived from
180 3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of the
181 pyrrole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
182 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
183 2-(4-morpholinyl)ethyl group, whether or not further substituted in the
184 pyrrole ring to any extent, whether or not substituted in the naphthyl
185 ring to any extent;

186 c. Any compound structurally derived from
187 1-(1-naphthylmethyl)indene by substitution at the 3-position of the
188 indene ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
189 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
190 2-(4-morpholinyl)ethyl group, whether or not further substituted in the
191 indene ring to any extent, whether or not substituted in the naphthyl
192 ring to any extent;

193 d. Any compound structurally derived from 3-phenylacetylindole
194 by substitution at the nitrogen atom of the indole ring with alkyl,
195 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
196 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group,
197 whether or not further substituted in the indole ring to any extent,
198 whether or not substituted in the phenyl ring to any extent. Including,
199 but not limited to:

200 (i) JWH-201, or 1-pentyl-3-(4-methoxyphenylacetyl)indole;

201 (ii) JWH-203, or 1-pentyl-3-(2-chlorophenylacetyl)indole;

202 (iii) JWH-250, or 1-pentyl-3-(2-methoxyphenylacetyl)indole;

203 (iv) JWH-251, or 1-pentyl-3-(2-methylphenylacetyl)indole;

204 (v) R C S - 8 , o r

205 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole;

206 e. Any compound structurally derived from
207 2-(3-hydroxycyclohexyl)phenol by substitution at the 5-position of the
208 phenolic ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
209 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
210 2-(4-morpholinyl)ethyl group, whether or not substituted in the
211 cyclohexyl ring to any extent. Including, but not limited to:

212 (i) CP 47, 497 & homologues, or 2-[(1R,3S)-3-hydroxycyclohexyl]-5-
213 (2-methyloctan-2-yl)phenol), where side chain n=5, and homologues
214 where side chain n=4,6, or 7;

215 f. Any compound containing a 3-(benzoyl)indole structure with
216 substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl,
217 alkenyl, cycloalkylmethyl, cycloalkylethyl,
218 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group,
219 whether or not further substituted in the indole ring to any extent and
220 whether or not substituted in the phenyl ring to any extent. Including,
221 but not limited to:

- 222 (i) **AM-694, or 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole;**
 223 (ii) **RCS-4, or 1-pentyl-3-(4-methoxybenzoyl)indole;**
 224 **g . C P 5 0 , 5 5 6 - 1 , o r**
 225 **[(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5-phenylpentan-2-yl]oxy**
 226 **-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl] acetate;**
 227 **h . H U - 2 1 0 , o r**
 228 **(6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7**
 229 **,10,10a-tetrahydrobenzo[c]chromen-1-ol;**
 230 i. **HU-211, or Dexanabinol,(6aS,10aS)-9-(hydroxymethyl)-6,6-**
 231 **d i m e t h y l - 3 - (2 - m e t h y l o c t a n - 2 - y l) -**
 232 **6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;**
 233 j. **CP 50,556-1, or [(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5-**
 234 **phenylpentan-2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl]**
 235 **acetate;**
 236 **k. Dimethylheptylpyran, or DMHP;**
 237 (5) Any material, compound, mixture or preparation containing any
 238 quantity of the following substances having a depressant effect on the central
 239 nervous system, including their salts, isomers and salts of isomers whenever the
 240 existence of these salts, isomers and salts of isomers is possible within the
 241 specific chemical designation:
 242 (a) Gamma-hydroxybutyric acid;
 243 (b) Mecloqualone;
 244 (c) Methaqualone;
 245 (6) Any material, compound, mixture or preparation containing any
 246 quantity of the following substances having a stimulant effect on the central
 247 nervous system, including their salts, isomers and salts of isomers:
 248 (a) Aminorex;
 249 (b) N-benzylpiperazine;
 250 (c) Cathinone;
 251 (d) Fenethylamine;
 252 (e) **3-Fluoromethcathinone;**
 253 (f) **4-Fluoromethcathinone;**
 254 (g) **Mephedrone, or 4-methylmethcathinone;**
 255 [(e)] (h) **Methcathinone;**
 256 (i) **4-methoxymethcathinone;**

257 [(f)] (j) (+,-)cis-4-methylaminorex ((+,-)cis-4,5-dihydro-4-methyl-5-phenyl-
258 2-oxazolamine);

259 (k) **Methylenedioxypropylamphetamine, MDPV, or (1-(1,3-Benzodioxol-5-
260 yl)-2-(1-pyrrolidinyl)-1-pentanone;**

261 (l) **Methylone, or 3,4-Methylenedioxymethcathinone;**

262 (m) **4-Methyl-alpha-pyrrolidinobutiophenone, or MPBP;**

263 [(g)] (n) N-ethylamphetamine;

264 [(h)] (o) N,N-dimethylamphetamine;

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

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

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

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

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

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

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

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

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

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

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

- 292 a. Raw opium;
293 b. Opium extracts;
294 c. Opium fluid;
295 d. Powdered opium;
296 e. Granulated opium;
297 f. Tincture of opium;
298 g. Codeine;
299 h. Ethylmorphine;
300 i. Etorphine hydrochloride;
301 j. Hydrocodone;
302 k. Hydromorphone;
303 l. Metopon;
304 m. Morphine;
305 n. Oxycodone;
306 o. Oxymorphone;
307 p. Thebaine;
- 308 (b) Any salt, compound, derivative, or preparation thereof which is
309 chemically equivalent or identical with any of the substances referred to in this
310 subdivision, but not including the isoquinoline alkaloids of opium;
- 311 (c) Opium poppy and poppy straw;
- 312 (d) Coca leaves and any salt, compound, derivative, or preparation of coca
313 leaves, and any salt, compound, derivative, or preparation thereof which is
314 chemically equivalent or identical with any of these substances, but not including
315 decocainized coca leaves or extractions which do not contain cocaine or ecgonine;
- 316 (e) Concentrate of poppy straw (the crude extract of poppy straw in either
317 liquid, solid or powder form which contains the phenanthrene alkaloids of the
318 opium poppy);
- 319 (2) Any of the following opiates, including their isomers, esters, ethers,
320 salts, and salts of isomers, whenever the existence of these isomers, esters, ethers
321 and salts is possible within the specific chemical designation, dextrorphan and
322 levopropoxyphene excepted:
- 323 (a) Alfentanil;
324 (b) Alphaprodine;
325 (c) Anileridine;
326 (d) Bezitramide;

- 327 (e) Bulk dextropropoxyphene;
328 (f) Carfentanil;
329 (g) Dihydrocodeine;
330 (h) Diphenoxylate;
331 (i) Fentanyl;
332 (j) Isomethadone;
333 (k) Levo-alphaacetylmethadol;
334 (l) Levomethorphan;
335 (m) Levorphanol;
336 (n) Metazocine;
337 (o) Methadone;
338 (p) Meperidine;
339 (q) Methadone-Intermediate, 4-cyano-2-dimethylamino-4,
340 4-diphenylbutane;
341 (r) Moramide-Intermediate, 2-methyl-3-morpholino-1,
342 1-diphenylpropane--carboxylic acid;
343 (s) Pethidine (meperidine);
344 (t) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
345 (u) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;
346 (v) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic
347 acid;
348 (w) Phenazocine;
349 (x) Piminodine;
350 (y) Racemethorphan;
351 (z) Racemorphan;
352 (aa) Remifentanil;
353 (bb) Sufentanil;
354 (cc) Tapentadol;
355 (3) Any material, compound, mixture, or preparation which contains any
356 quantity of the following substances having a stimulant effect on the central
357 nervous system:
358 (a) Amphetamine, its salts, optical isomers, and salts of its optical
359 isomers;
360 (b) Lisdexamfetamine, its salts, isomers, and salts of its isomers;
361 (c) Methamphetamine, its salts, isomers, and salts of its isomers;

- 362 (d) Phenmetrazine and its salts;
- 363 (e) Methylphenidate;
- 364 (4) Any material, compound, mixture, or preparation which contains any
- 365 quantity of the following substances having a depressant effect on the central
- 366 nervous system, including its salts, isomers, and salts of isomers whenever the
- 367 existence of those salts, isomers, and salts of isomers is possible within the
- 368 specific chemical designation:
- 369 (a) Amobarbital;
- 370 (b) Glutethimide;
- 371 (c) Pentobarbital;
- 372 (d) Phencyclidine;
- 373 (e) Secobarbital;
- 374 (5) Any material or compound which contains any quantity of nabilone;
- 375 (6) Any material, compound, mixture, or preparation which contains any
- 376 quantity of the following substances:
- 377 (a) Immediate precursor to amphetamine and methamphetamine:
- 378 Phenylacetone;
- 379 (b) Immediate precursors to phencyclidine (PCP):
- 380 a. 1-phenylcyclohexylamine;
- 381 b. 1-piperidinocyclohexanecarbonitrile (PCC);
- 382 (7) Any material, compound, mixture, or preparation which contains any
- 383 quantity of the following alkyl nitrites:
- 384 (a) Amyl nitrite;
- 385 (b) Butyl nitrite.
- 386 5. The department of health and senior services shall place a substance
- 387 in Schedule III if it finds that:
- 388 (1) The substance has a potential for abuse less than the substances listed
- 389 in Schedules I and II;
- 390 (2) The substance has currently accepted medical use in treatment in the
- 391 United States; and
- 392 (3) Abuse of the substance may lead to moderate or low physical
- 393 dependence or high psychological dependence.
- 394 6. The controlled substances listed in this subsection are included in
- 395 Schedule III:
- 396 (1) Any material, compound, mixture, or preparation which contains any

397 quantity of the following substances having a potential for abuse associated with
398 a stimulant effect on the central nervous system:

399 (a) Benzphetamine;

400 (b) Chlorphentermine;

401 (c) Clortermine;

402 (d) Phendimetrazine;

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

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

409 a. Amobarbital;

410 b. Secobarbital;

411 c. Pentobarbital;

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

414 a. Amobarbital;

415 b. Secobarbital;

416 c. Pentobarbital;

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

419 (d) Chlorhexadol;

420 (e) Embutramide;

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

424 (g) Ketamine, its salts, isomers, and salts of isomers;

425 (h) Lysergic acid;

426 (i) Lysergic acid amide;

427 (j) Methyprylon;

428 (k) Sulfondiethylmethane;

429 (l) Sulfonethylmethane;

430 (m) Sulfonmethane;

431 (n) Tiletamine and zolazepam or any salt thereof;

432 (3) Nalorphine;

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

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

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

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

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

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

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

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

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

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

463 (6) Anabolic steroids. Any drug or hormonal substance, chemically and
464 pharmacologically related to testosterone (other than estrogens, progestins,
465 corticosteroids, and dehydroepiandrosterone) that promotes muscle growth, except
466 an anabolic steroid which is expressly intended for administration through

467 implants to cattle or other nonhuman species and which has been approved by
 468 the Secretary of Health and Human Services for that administration. If any
 469 person prescribes, dispenses, or distributes such steroid for human use, such
 470 person shall be considered to have prescribed, dispensed, or distributed an
 471 anabolic steroid within the meaning of this [paragraph] **subdivision**. Unless
 472 specifically excepted or unless listed in another schedule, any material,
 473 compound, mixture or preparation containing any quantity of the following
 474 substances, including its salts, esters and ethers:

- 475 (a) 3 β ,17-dihydroxy-5 α -androstane;
 476 (b) 3 α ,17 β -dihydroxy-5 α -androstane;
 477 (c) 5 α -androstan-3,17-dione;
 478 (d) 1-androstenediol (3 β ,17 β -dihydroxy-5 α -androst-1-ene);
 479 (e) 1-androstenediol (3 α ,17 β -dihydroxy-5 α -androst-1-ene);
 480 (f) 4-androstenediol (3 β ,17 β -dihydroxy-androst-4-ene);
 481 (g) 5-androstenediol (3 β ,17 β -dihydroxy-androst-5-ene);
 482 (h) 1-androstenedione ([5 α]-androst-1-en-3,17-dione);
 483 (i) 4-androstenedione (androst-4-en-3,17-dione);
 484 (j) 5-androstenedione (androst-5-en-3,17-dione);
 485 (k) Bolasterone (7 α , 17 α -dimethyl-17 β -hydroxyandrost-4-en-3-one);
 486 (l) Boldenone (17 β -hydroxyandrost-1,4,-diene-3-one);
 487 (m) Boldione;
 488 (n) Calusterone (7 β , 17 α -dimethyl-17 β -hydroxyandrost-4-en-3-one);
 489 (o) Clostebol (4-chloro-17 β -hydroxyandrost-4-en-3-one);
 490 (p) Dehydrochloromethyltestosterone (4-chloro-17 β -hydroxy-17 α -methyl-
 491 androst-1,4-dien-3-one);
 492 (q) Desoxymethyltestosterone;
 493 (r) Δ 1 - d i h y d r o t e s t o s t e r o n e (a . k . a .
 494 '1-testosterone')(17 β -hydroxy-5 α -androst-1-en-3-one);
 495 (s) 4-dihydrotestosterone (17 β -hydroxy-androstan-3-one);
 496 (t) Drostanolone (17 β -hydroxy-2 α -methyl-5 α -androstan-3-one);
 497 (u) Ethylestrenol (17 α -ethyl-17 β -hydroxyestr-4-ene);
 498 (v) F l u o x y m e s t e r o n e
 499 (9-fluoro-17 α -methyl-11 β ,17 β -dihydroxyandrost-4-en-3-one);
 500 (w) F o r m e b o l o n e
 501 (2-formyl-17 α -methyl-11 α ,17 β -dihydroxyandrost-1,4-dien-3-one);

- 502 (x) Furazabol (17 α -methyl-17 β -hydroxyandrostandro[2,3-c]-furazan);
503 (y) 13 β -ethyl-17 β -hydroxygon-4-en-3-one;
504 (z) 4-hydroxytestosterone (4,17 β -dihydroxy-androst-4-en-3-one);
505 (aa) 4-hydroxy-19-nortestosterone (4,17 β -dihydroxy-estr-4-en-3-one);
506 (bb) Mestanolone (17 α -methyl-17 β -hydroxy-5-androstan-3-one);
507 (cc) Mesterolone (1 α -methyl-17 β -hydroxy-[5 α]-androstan-3-one);
508 (dd) Methandienone (17 α -methyl-17 β -hydroxyandrost-1,4-dien-3-one);
509 (ee) Methandriol (17 α -methyl-3 β ,17 β -dihydroxyandrost-5-ene);
510 (ff) Methenolone (1-methyl-17 β -hydroxy-5 α -androst-1-en-3-one);
511 (gg) 17 α -methyl-3 β ,17 β -dihydroxy-5 α -androstandro);
512 (hh) 17 α -methyl-3 α ,17 β -dihydroxy-5 α -androstandro);
513 (ii) 17 α -methyl-3 β ,17 β -dihydroxyandrost-4-ene;
514 (jj) 17 α -methyl-4-hydroxynandrolone (17 α -methyl-4-hydroxy-17 β -
515 hydroxyestr-4-en-3-one);
516 (kk) Methyldienolone (17 α -methyl-17 β -hydroxyestra-4,9(10)-dien-3-one);
517 (ll) Methyltrienolone (17 α -methyl-17 β -hydroxyestra-4,9-11-trien-3-one);
518 (mm) Methyltestosterone (17 α -methyl-17 β -hydroxyandrost-4-en-3-one);
519 (nn) Mibolerone (7 α ,17 α -dimethyl-17 β -hydroxyestr-4-en-3-one);
520 (oo) 17 α -methyl- Δ 1-dihydrotestosterone (17 β -hydroxy-17 α -methyl-5 α -
521 androst-1-en-3-one) (a.k.a. '17- α -methyl-1-testosterone');
522 (pp) Nandrolone (17 β -hydroxyestr-4-ene-3-one);
523 (qq) 19-nor-4-androstenediol (3 β ,17 β -dihydroxyestr-4-ene);
524 (rr) 19-nor-4-androstenediol (3 α ,17 β -dihydroxyestr-4-ene);
525 (ss) 19-nor-4,9(10)-androstadienedione;
526 (tt) 19-nor-5-androstenediol (3 β ,17 β -dihydroxyestr-5-ene);
527 (uu) 19-nor-5-androstenediol (3 α ,17 β -dihydroxyestr-5-ene);
528 (vv) 19-nor-4-androstenedione (estr-4-en-3,17-dione);
529 (ww) 19-nor-5-androstenedione (estr-5-en-3,17-dione);
530 (xx) Norbolethone (13 β ,17 α -diethyl-17 β -hydroxygon-4-en-3-one);
531 (yy) Norclostebol (4-chloro-17 β -hydroxyestr-4-en-3-one);
532 (zz) Norethandrolone (17 α -ethyl-17 β -hydroxyestr-4-en-3-one);
533 (aaa) Normethandrolone (17 α -methyl-17 β -hydroxyestr-4-en-3-one);
534 (bbb) Oxandrolone (17 α -methyl-17 β -hydroxy-2-oxa-[5 α]-androstan-3-one);
535 (ccc) Oxymesterone (17 α -methyl-4,17 β -dihydroxyandrost-4-en-3-one);
536 (ddd) Oxymethalone (17 α -methyl-2-hydroxymethylene-17 β -hydroxy-[5 α]-

537 androstan-3-one);
538 (e e e) S t a n o z o l o l
539 (17 α -methyl-17 β -hydroxy-[5 α]-androst-2-eno[3,2-c]-pyrazole);
540 (fff) Stenbolone (17 β -hydroxy-2-methyl-[5 α]-androst-1-en-3-one);
541 (ggg) Testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic
542 acid lactone);
543 (hhh) Testosterone (17 β -hydroxyandrost-4-en-3-one);
544 (i i i) T e t r a h y d r o g e s t r i n o n e
545 (13 β ,17 α -diethyl-17 β -hydroxygon-4,9,11-trien-3-one);
546 (jjj) Trenbolone (17 β -hydroxyestr-4,9,11-trien-3-one);
547 (kkk) Any salt, ester, or ether of a drug or substance described or listed
548 in this subdivision, except an anabolic steroid which is expressly intended for
549 administration through implants to cattle or other nonhuman species and which
550 has been approved by the Secretary of Health and Human Services for that
551 administration;

552 (7) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin
553 capsule in a United States Food and Drug Administration approved drug product;

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

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

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

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

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

571 8. The controlled substances listed in this subsection are included in

572 Schedule IV:

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

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

578 (b) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1,
579 2-diphenyl-3-methyl-2-propionoxybutane);

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

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

587 b. Not more than one hundred milligrams of dihydrocodeine per one
588 hundred milliliters or per one hundred grams;

589 c. Not more than one hundred milligrams of ethylmorphine per one
590 hundred milliliters or per one hundred grams;

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

595 (a) Alprazolam;

596 (b) Barbital;

597 (c) Bromazepam;

598 (d) Camazepam;

599 (e) Chloral betaine;

600 (f) Chloral hydrate;

601 (g) Chlordiazepoxide;

602 (h) Clobazam;

603 (i) Clonazepam;

604 (j) Clorazepate;

605 (k) Clotiazepam;

606 (l) Cloxazolam;

- 607 (m) Delorazepam;
608 (n) Diazepam;
609 (o) Dichloralphenazone;
610 (p) Estazolam;
611 (q) Ethchlorvynol;
612 (r) Ethinamate;
613 (s) Ethyl loflazepate;
614 (t) Fludiazepam;
615 (u) Flunitrazepam;
616 (v) Flurazepam;
617 (w) Fospropofol;
618 (x) Halazepam;
619 (y) Haloxazolam;
620 (z) Ketazolam;
621 (aa) Loprazolam;
622 (bb) Lorazepam;
623 (cc) Lormetazepam;
624 (dd) Mebutamate;
625 (ee) Medazepam;
626 (ff) Meprobamate;
627 (gg) Methohexital;
628 (hh) Methylphenobarbital (mephobarbital);
629 (ii) Midazolam;
630 (jj) Nimetazepam;
631 (kk) Nitrazepam;
632 (ll) Nordiazepam;
633 (mm) Oxazepam;
634 (nn) Oxazolam;
635 (oo) Paraldehyde;
636 (pp) Petrichloral;
637 (qq) Phenobarbital;
638 (rr) Pinazepam;
639 (ss) Prazepam;
640 (tt) Quazepam;
641 (uu) Temazepam;

642 (vv) Tetrazepam;

643 (ww) Triazolam;

644 (xx) Zaleplon;

645 (yy) Zolpidem;

646 (zz) Zopiclone;

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

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

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

655 (b) Diethylpropion;

656 (c) Fencamfamin;

657 (d) Fenproporex;

658 (e) Mazindol;

659 (f) Mefenorex;

660 (g) Modafinil;

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

662 (i) Phentermine;

663 (j) Pipradrol;

664 (k) Sibutramine;

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

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

668 (a) butorphanol;

669 (b) pentazocine;

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

672 (7) The department of health and senior services may except by rule any
673 compound, mixture, or preparation containing any depressant substance listed in
674 subdivision (1) of this subsection from the application of all or any part of sections
675 195.010 to 195.320 if the compound, mixture, or preparation contains one or more
676 active medicinal ingredients not having a depressant effect on the central nervous

677 system, and if the admixtures are included therein in combinations, quantity,
678 proportion, or concentration that vitiate the potential for abuse of the substances
679 which have a depressant effect on the central nervous system.

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

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

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

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

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

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

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

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

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

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

705 (3) Any compound, mixture, or preparation containing any detectable
706 quantity of pseudoephedrine or its salts or optical isomers, or salts of optical
707 isomers or any compound, mixture, or preparation containing any detectable
708 quantity of ephedrine or its salts or optical isomers, or salts of optical isomers;

709 (4) Unless specifically exempted or excluded or unless listed in another
710 schedule, any material, compound, mixture, or preparation which contains any
711 quantity of the following substances having a depressant effect on the central

712 nervous system, including its salts:

713 (a) Lacosamide;

714 (b) Pregabalin.

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

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

724 (2) Any person purchasing, receiving or otherwise acquiring any
725 compound, mixture, or preparation containing any detectable quantity of
726 pseudoephedrine, its salts or optical isomers, or salts of optical isomers or
727 ephedrine, its salts or optical isomers, or salts of optical isomers shall be at least
728 eighteen years of age; and

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

735 (4) The seller shall deliver the product directly into the custody of the
736 purchaser.

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

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

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

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

743 (4) The name or initials of the pharmacist, intern pharmacist, or
744 registered pharmacy technician who dispensed the compound, mixture, or
745 preparation to the purchaser.

746 13. Each pharmacy shall submit information regarding sales of any

747 compound, mixture, or preparation as specified in subdivision (3) of subsection 10
748 of this section in accordance with transmission methods and frequency
749 established by the department by regulation;

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

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

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

757 17. The scheduling of substances specified in subdivision (3) of subsection
758 10 of this section and subsections 11, 12, 14, and 15 of this section shall not apply
759 to any compounds, mixtures, or preparations that are in liquid or liquid-filled gel
760 capsule form or to any compound, mixture, or preparation specified in subdivision
761 (3) of subsection 10 of this section which must be dispensed, sold, or distributed
762 in a pharmacy pursuant to a prescription.

763 18. The manufacturer of a drug product or another interested party may
764 apply with the department of health and senior services for an exemption from
765 this section. The department of health and senior services may grant an
766 exemption by rule from this section if the department finds the drug product is
767 not used in the illegal manufacture of methamphetamine or other controlled or
768 dangerous substances. The department of health and senior services shall rely
769 on reports from law enforcement and law enforcement evidentiary laboratories in
770 determining if the proposed product can be used to manufacture illicit controlled
771 substances.

772 19. The department of health and senior services shall revise and
773 republish the schedules annually.

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

778 21. Logs of transactions required to be kept and maintained by this
779 section and section 195.417 shall create a rebuttable presumption that the person
780 whose name appears in the logs is the person whose transactions are recorded in
781 the logs.

195.022. [A controlled substance analogue shall, to the extent intended
2 for human consumption, be treated, for the purposes of any state law, as a
3 controlled substance in schedule I] **Any analogue or homologue of a
4 Schedule I controlled substance shall be treated, for the purposes of
5 any state law, as a controlled substance in Schedule I.**

195.202. 1. Except as authorized by sections 195.005 to 195.425, it is
2 unlawful for any person to possess or have under his control a controlled
3 substance.

4 2. Any person who violates this section with respect to any controlled
5 substance except thirty-five grams or less of marijuana[, Dexanabinol,
6 (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10
7 a-tetrahydrobenzo[c]chromen-1-ol, Indole, or 1-butyl-3(1-naphthoyl)indole, Indole,
8 or 1-pentyl-3(1-naphthoyl)indole, and Phenol, CP 47, 497 & homologues, or
9 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol), where side chain
10 n=5, and homologues where side chain n-4,6, or 7] **or any synthetic
11 cannabinoid** is guilty of a class C felony.

12 3. Any person who violates this section with respect to not more than
13 thirty-five grams of marijuana[, Dexanabinol, (6aS,10aS)-9-(hydroxymethyl)-6,6-
14 dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10 a-tetrahydrobenzo[c]chromen-1-ol,
15 Indole, or 1-butyl-3(1-naphthoyl)indole, Indole, or 1-pentyl-3(1-naphthoyl)indole,
16 a n d P h e n o l , C P 4 7 , 4 9 7 & h o m o l o g u e s , o r
17 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol), where side chain
18 n=5, and homologues where side chain n-4,6, or 7] **or any synthetic
19 cannabinoid** is guilty of a class A misdemeanor.

195.217. 1. A person commits the offense of distribution of a controlled
2 substance near a park if such person violates section 195.211 by unlawfully
3 distributing or delivering heroin, cocaine, **cocaine base**, LSD, amphetamine, or
4 methamphetamine to a person in or on, or within one thousand feet of, the real
5 property comprising a public park, state park, county park, or municipal park or
6 a public or private park designed for public recreational purposes, as park is
7 defined in section 253.010.

8 2. Distribution of a controlled substance near a park is a class A felony.

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