

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 333

100TH GENERAL ASSEMBLY

1779H.03C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 8.007, 8.177, 94.902, 190.092, 195.010, 195.015, 195.017, 217.735, 263.250, 321.242, 488.5050, 556.061, 559.106, 565.021, 579.015, 579.020, 579.065, 579.068, 589.400, 589.401, 589.414, and 590.120, RSMo, and to enact in lieu thereof twenty-four new sections relating to public safety, with penalty provisions and an emergency clause for a certain section.

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

Section A. Sections 8.007, 8.177, 94.902, 190.092, 195.010, 195.015, 195.017, 217.735, 263.250, 321.242, 488.5050, 556.061, 559.106, 565.021, 579.015, 579.020, 579.065, 579.068, 589.400, 589.401, 589.414, and 590.120, RSMo, are repealed and twenty-four new sections enacted in lieu thereof, to be known as sections 8.007, 8.177, 94.902, 190.092, 195.010, 195.015, 195.017, 195.805, 217.735, 263.250, 321.242, 488.5050, 556.061, 559.106, 565.021, 569.086, 579.015, 579.020, 579.065, 579.068, 589.400, 589.401, 589.414, and 590.120, to read as follows:

8.007. 1. The commission shall:
2 (1) Exercise general supervision of the administration of sections 8.001 to 8.007 **and**
3 **8.177, including employing staff and retaining such contract services as necessary for**
4 **performance of the duties and purposes of these sections;**
5 (2) Evaluate and approve capitol studies and improvement, expansion, renovation, and
6 restoration projects including, but not limited to, the "21st-Century State Capitol Restoration
7 Project", which includes, but is not limited to, the development and implementation of a
8 comprehensive master plan for the restoration, protection, risk management, and continuing
9 preservation of the capitol building, grounds, and any annex areas. For purposes of this section,
10 "annex areas" shall mean the building currently occupied by the Missouri department of

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

11 transportation located at 105 West Capitol Avenue in Jefferson City, if used to house members
12 of the general assembly or legislative support staff, or any new building constructed for such
13 purposes;

14 (3) Exercise ongoing supervision and coordination of the capitol building, grounds, and
15 any annex areas;

16 (4) **Employ Missouri capitol police officers for the purpose of providing public
17 safety at the seat of state government as provided under section 8.177, and provide ongoing
18 supervision of such officers;**

19 (5) Evaluate and recommend courses of action on the restoration and preservation of the
20 capitol, the preservation of historical significance of the capitol and the history of the capitol;

21 [(5)] (6) Evaluate and recommend courses of action to ensure accessibility to the capitol
22 for physically disabled persons;

23 [(6)] (7) Advise, consult, and cooperate with the office of administration, the archives
24 division of the office of the secretary of state, the historic preservation program within the
25 department of natural resources, the division of tourism within the department of economic
26 development and the historical society of Missouri in furtherance of the purposes of sections
27 8.001 to 8.007;

28 [(7)] (8) Be authorized to cooperate or collaborate with other state agencies and
29 not-for-profit organizations to publish books and manuals concerning the history of the capitol,
30 its improvement or restoration;

31 [(8)] (9) On or before October first of each year, submit to the budget director and the
32 general assembly estimates of the requirements for appropriations for the capitol building,
33 grounds, and any annex areas for the year commencing on the following first day of July;

34 [(9)] (10) Encourage, participate in, or conduct studies, investigations, and research and
35 demonstrations relating to improvement and restoration of the state capitol it may deem
36 advisable and necessary for the discharge of its duties pursuant to sections 8.001 to 8.007;

37 [(10)] (11) Hold hearings, issue notices of hearings, and take testimony as the
38 commission deems necessary; and

39 [(11)] (12) Initiate planning efforts, subject to the appropriation of funds, for a centennial
40 celebration of the laying of the capstone of the Missouri state capitol.

41 2. The "State Capitol Commission Fund" is hereby created in the state treasury. Any
42 moneys received from sources other than appropriation by the general assembly, including from
43 private sources, gifts, donations and grants, shall be credited to the state capitol commission fund
44 and shall be appropriated by the general assembly.

45 3. The provisions of section 33.080 to the contrary notwithstanding, moneys in the
46 second capitol commission fund shall not be transferred and placed to the credit of the general

47 revenue fund. Moneys in the state capitol commission fund shall not be appropriated for any
48 purpose other than those designated by the commission.

49 4. The commission is authorized to accept all gifts, bequests and donations from any
50 source whatsoever. The commission may also apply for and receive grants consistent with the
51 purposes of sections 8.001 to 8.007. All such gifts, bequests, donations and grants shall be used
52 or expended upon appropriation in accordance with their terms or stipulations, and the gifts,
53 bequests, donations or grants may be used or expended for the preservation, improvement,
54 expansion, renovation, restoration and improved accessibility and for promoting the historical
55 significance of the capitol.

56 5. The commission may copyright or obtain a trademark for any photograph, written
57 work, art object, or any product created of the capitol or capitol grounds. The commission may
58 grant access or use of any such works to other organizations or individuals for a fee, at its sole
59 discretion, or waive all fees. All funds obtained through licensing fees shall be credited to the
60 capitol commission fund in a manner similar to funds the commission receives as gifts,
61 donations, and grants. The funds shall be used for repairs, refurbishing, or to create art, exhibits,
62 decorations, or other beautifications or adornments to the capitol or its grounds.

8.177. 1. The ~~director of the department of public safety~~ **Missouri state capitol**
2 **commission** shall employ Missouri capitol police officers for public safety at the seat of state
3 government. Each Missouri capitol police officer, upon appointment, shall take and subscribe
4 an oath of office to support the constitution and laws of the United States and the state of
5 Missouri and shall receive a certificate of appointment, a copy of which shall be filed with the
6 secretary of state, granting such police officers all the same powers of arrest held by other police
7 officers to maintain order and preserve the peace in all state-owned or leased buildings, and the
8 grounds thereof, at the seat of government and such buildings and grounds within the county
9 which contains the seat of government.

10 2. The ~~director of the department of public safety~~ **Missouri state capitol commission**
11 shall appoint a sufficient number of Missouri capitol police officers, with available
12 appropriations, as appropriated specifically for the purpose designated in this subsection, so that
13 the capitol grounds may be patrolled at all times, and that traffic and parking upon the capitol
14 grounds and the grounds of other state buildings owned or leased within the capital city and the
15 county which contains the seat of government may be properly controlled. Missouri capitol
16 police officers may make arrests for the violation of parking and traffic regulations promulgated
17 by the office of administration.

18 3. Missouri capitol police officers shall be authorized to arrest a person anywhere in the
19 county that contains the state seat of government, when there is probable cause to believe the

20 person committed a crime within capitol police jurisdiction or when a person commits a crime
21 in the presence of an on-duty capitol police officer.

94.902. 1. The governing bodies of the following cities may impose a tax as provided
2 in this section:

3 (1) Any city of the third classification with more than twenty-six thousand three hundred
4 but less than twenty-six thousand seven hundred inhabitants;

5 (2) Any city of the fourth classification with more than thirty thousand three hundred but
6 fewer than thirty thousand seven hundred inhabitants;

7 (3) Any city of the fourth classification with more than twenty-four thousand eight
8 hundred but fewer than twenty-five thousand inhabitants;

9 (4) Any special charter city with more than twenty-nine thousand but fewer than thirty-
10 two thousand inhabitants;

11 (5) Any city of the third classification with more than four thousand but fewer than four
12 thousand five hundred inhabitants and located in any county of the first classification with more
13 than two hundred thousand but fewer than two hundred sixty thousand inhabitants;

14 (6) Any city of the fourth classification with more than nine thousand five hundred but
15 fewer than ten thousand eight hundred inhabitants; **[or]**

16 (7) Any city of the fourth classification with more than five hundred eighty but fewer than
17 six hundred fifty inhabitants; **or**

18 **(8) Any city of the fourth classification with more than two thousand seven
19 hundred but fewer than three thousand inhabitants and located in any county of the first
20 classification with more than eighty-three thousand but fewer than ninety-two thousand
21 inhabitants.**

22 2. The governing body of any city listed in subsection 1 of this section may impose, by
23 order or ordinance, a sales tax on all retail sales made in the city which are subject to taxation
24 under chapter 144. The tax authorized in this section may be imposed in an amount of up to one-
25 half of one percent, and shall be imposed solely for the purpose of improving the public safety
26 for such city, including but not limited to expenditures on equipment, city employee salaries and
27 benefits, and facilities for police, fire and emergency medical providers. The tax authorized in
28 this section shall be in addition to all other sales taxes imposed by law, and shall be stated
29 separately from all other charges and taxes. The order or ordinance imposing a sales tax under
30 this section shall not become effective unless the governing body of the city submits to the voters
31 residing within the city, at a county or state general, primary, or special election, a proposal to
32 authorize the governing body of the city to impose a tax under this section.

33 3. The ballot of submission for the tax authorized in this section shall be in substantially
34 the following form:

35 Shall the city of _____ (city's name) impose a citywide sales tax at a rate of _____
36 (insert rate of percent) percent for the purpose of improving the public safety of the city?

37 YES NO

38 If you are in favor of the question, place an "X" in the box opposite "YES". If you are
39 opposed to the question, place an "X" in the box opposite "NO".

40

41 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor
42 of the proposal, then the ordinance or order and any amendments to the order or ordinance shall
43 become effective on the first day of the second calendar quarter after the director of revenue
44 receives notice of the adoption of the sales tax. If a majority of the votes cast on the proposal
45 by the qualified voters voting thereon are opposed to the proposal, then the tax shall not become
46 effective unless the proposal is resubmitted under this section to the qualified voters and such
47 proposal is approved by a majority of the qualified voters voting on the proposal. However, in
48 no event shall a proposal under this section be submitted to the voters sooner than twelve months
49 from the date of the last proposal under this section.

50 4. Any sales tax imposed under this section shall be administered, collected, enforced,
51 and operated as required in section 32.087. All sales taxes collected by the director of the
52 department of revenue under this section on behalf of any city, less one percent for cost of
53 collection which shall be deposited in the state's general revenue fund after payment of premiums
54 for surety bonds as provided in section 32.087, shall be deposited in a special trust fund, which
55 is hereby created in the state treasury, to be known as the "City Public Safety Sales Tax Trust
56 Fund". The moneys in the trust fund shall not be deemed to be state funds and shall not be
57 commingled with any funds of the state. The provisions of section 33.080 to the contrary
58 notwithstanding, money in this fund shall not be transferred and placed to the credit of the
59 general revenue fund. The director shall keep accurate records of the amount of money in the
60 trust fund and which was collected in each city imposing a sales tax under this section, and the
61 records shall be open to the inspection of officers of the city and the public. Not later than the
62 tenth day of each month the director shall distribute all moneys deposited in the trust fund during
63 the preceding month to the city which levied the tax. Such funds shall be deposited with the city
64 treasurer of each such city, and all expenditures of funds arising from the trust fund shall be by
65 an appropriation act to be enacted by the governing body of each such city. Expenditures may
66 be made from the fund for any functions authorized in the ordinance or order adopted by the
67 governing body submitting the tax to the voters. If the tax is repealed, all funds remaining in the
68 special trust fund shall continue to be used solely for the designated purposes. Any funds in the
69 special trust fund which are not needed for current expenditures shall be invested in the same

70 manner as other funds are invested. Any interest and moneys earned on such investments shall
71 be credited to the fund.

72 5. The director of the department of revenue may authorize the state treasurer to make
73 refunds from the amounts in the trust fund and credited to any city for erroneous payments and
74 overpayments made, and may redeem dishonored checks and drafts deposited to the credit of
75 such cities. If any city abolishes the tax, the city shall notify the director of the action at least
76 ninety days before the effective date of the repeal, and the director may order retention in the
77 trust fund, for a period of one year, of two percent of the amount collected after receipt of such
78 notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and
79 drafts deposited to the credit of such accounts. After one year has elapsed after the effective date
80 of abolition of the tax in such city, the director shall remit the balance in the account to the city
81 and close the account of that city. The director shall notify each city of each instance of any
82 amount refunded or any check redeemed from receipts due the city.

83 6. The governing body of any city that has adopted the sales tax authorized in this section
84 may submit the question of repeal of the tax to the voters on any date available for elections for
85 the city. The ballot of submission shall be in substantially the following form:

86 Shall _____ (insert the name of the city) repeal the sales tax imposed at a rate of _____
87 (insert rate of percent) percent for the purpose of improving the public safety of the city?

88 YES NO

89

90 If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become
91 effective on December thirty-first of the calendar year in which such repeal was approved. If a
92 majority of the votes cast on the question by the qualified voters voting thereon are opposed to
93 the repeal, then the sales tax authorized in this section shall remain effective until the question
94 is resubmitted under this section to the qualified voters, and the repeal is approved by a majority
95 of the qualified voters voting on the question.

96 7. Whenever the governing body of any city that has adopted the sales tax authorized in
97 this section receives a petition, signed by ten percent of the registered voters of the city voting
98 in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this
99 section, the governing body shall submit to the voters of the city a proposal to repeal the tax. If
100 a majority of the votes cast on the question by the qualified voters voting thereon are in favor of
101 the repeal, that repeal shall become effective on December thirty-first of the calendar year in
102 which such repeal was approved. If a majority of the votes cast on the question by the qualified
103 voters voting thereon are opposed to the repeal, then the tax shall remain effective until the
104 question is resubmitted under this section to the qualified voters and the repeal is approved by
105 a majority of the qualified voters voting on the question.

106 8. Any sales tax imposed under this section by a city described under subdivision (6) of
107 subsection 1 of this section that is in effect as of December 31, 2038, shall automatically expire.
108 No city described under subdivision (6) of subsection 1 of this section shall collect a sales tax
109 pursuant to this section on or after January 1, 2039. Subsection 7 of this section shall not apply
110 to a sales tax imposed under this section by a city described under subdivision (6) of subsection
111 1 of this section.

112 9. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall
113 apply to the tax imposed under this section.

190.092. 1. This section shall be known and may be cited as the "Public Access to
2 Automated External Defibrillator Act".

3 **2. A person or entity that acquires an automated external defibrillator shall do all
4 of the following:**

5 **(1) Comply with all regulations governing the placement of an automated external
6 defibrillator;**

7 **(2) Notify an agent of the local EMS agency of the existence, location, and type of
8 automated external defibrillator acquired;**

9 **(3) Ensure that the automated external defibrillator is maintained and tested
10 according to the operation and maintenance guidelines set forth by the manufacturer;**

11 **(4) Ensure that the automated external defibrillator is tested at least biannually and
12 after each use; and**

13 **(5) Ensure that an inspection is made of all automated external defibrillators on the
14 premises at least every ninety days for potential issues related to operation of the device,
15 including a blinking light or other obvious defect that may suggest tampering or that
16 another problem has arisen with the functionality of the automated external defibrillator.**

17 ~~[A person or entity who acquires an automated external defibrillator shall ensure that:~~

18 ~~(1) Expected defibrillator users receive training by the American Red Cross or American
19 Heart Association in cardiopulmonary resuscitation and the use of automated external
20 defibrillators, or an equivalent nationally recognized course in defibrillator use and
21 cardiopulmonary resuscitation;~~

22 ~~(2) The defibrillator is maintained and tested according to the manufacturer's operational
23 guidelines;~~

24 ~~(3) Any person who renders emergency care or treatment on a person in cardiac arrest
25 by using an automated external defibrillator activates the emergency medical services system as
26 soon as possible; and~~

27 ~~(4) Any person or entity that owns an automated external defibrillator that is for use
28 outside of a health care facility shall have a physician review and approve the clinical protocol~~

29 for the use of the defibrillator, review and advise regarding the training and skill maintenance
30 of the intended users of the defibrillator and assure proper review of all situations when the
31 defibrillator is used to render emergency care.

32 ——— 3. Any person or entity who acquires an automated external defibrillator shall notify the
33 emergency communications district or the ambulance dispatch center of the primary provider of
34 emergency medical services where the automated external defibrillator is to be located.

35 ——— 4.] 3. Any person who gratuitously and in good faith renders emergency care by use of
36 or provision of an automated external defibrillator shall not be held liable for any civil damages
37 or subject to a criminal penalty as a result of such care or treatment, unless the person acts in
38 a willful and wanton or reckless manner in providing the care, advice, or assistance. The person
39 or entity who provides [appropriate] training to the person using an automated external
40 defibrillator, the person or entity responsible for the site where the automated external
41 defibrillator is located, and the person or entity that owns the automated external defibrillator[;
42 the person or entity that provided clinical protocol for automated external defibrillator sites or
43 programs, and the licensed physician who reviews and approves the clinical protocol] shall
44 likewise not be held liable for civil damages or subject to a criminal penalty resulting from the
45 use of an automated external defibrillator. [Nothing in this section shall affect any claims brought
46 pursuant to chapter 537 or 538.]

47 [5-] 4. All basic life support ambulances and stretcher vans operated in the state of
48 Missouri shall be equipped with an automated external defibrillator and be staffed by at least one
49 individual trained in the use of an automated external defibrillator.

50 [6-] 5. The provisions of this section shall apply in all counties within the state and any
51 city not within a county.

195.010. The following words and phrases as used in this chapter and chapter 579,
2 unless the context otherwise requires, mean:

3 (1) "Acute pain", pain, whether resulting from disease, accidental or intentional trauma,
4 or other causes, that the practitioner reasonably expects to last only a short period of time. Acute
5 pain shall not include chronic pain, pain being treated as part of cancer care, hospice or other
6 end-of-life care, or medication-assisted treatment for substance use disorders;

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

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

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

- 14 (b) The patient or research subject at the direction and in the presence of the practitioner;
- 15 (4) "Agent", an authorized person who acts on behalf of or at the direction of a
- 16 manufacturer, distributor, or dispenser. The term does not include a common or contract carrier,
- 17 public warehouseman, or employee of the carrier or warehouseman while acting in the usual and
- 18 lawful course of the carrier's or warehouseman's business;
- 19 (5) "Attorney for the state", any prosecuting attorney, circuit attorney, or attorney general
- 20 authorized to investigate, commence and prosecute an action under this chapter;
- 21 (6) "Controlled substance", a drug, substance, or immediate precursor in Schedules I
- 22 through V listed in this chapter **and not including medical marijuana pursuant to Article**
- 23 **XIV of the Missouri Constitution;**
- 24 (7) "Controlled substance analogue", a substance the chemical structure of which is
- 25 substantially similar to the chemical structure of a controlled substance in Schedule I or II and:
- 26 (a) Which has a stimulant, depressant, or hallucinogenic effect on the central nervous
- 27 system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central
- 28 nervous system of a controlled substance included in Schedule I or II; or
- 29 (b) With respect to a particular individual, which that individual represents or intends
- 30 to have a stimulant, depressant, or hallucinogenic effect on the central nervous system
- 31 substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous
- 32 system of a controlled substance included in Schedule I or II. The term does not include a
- 33 controlled substance; any substance for which there is an approved new drug application; any
- 34 substance for which an exemption is in effect for investigational use, for a particular person,
- 35 under Section 505 of the federal Food, Drug and Cosmetic Act (21 U.S.C. Section 355) to the
- 36 extent conduct with respect to the substance is pursuant to the exemption; or any substance to
- 37 the extent not intended for human consumption before such an exemption takes effect with
- 38 respect to the substance;
- 39 (8) "Counterfeit substance", a controlled substance which, or the container or labeling
- 40 of which, without authorization, bears the trademark, trade name, or other identifying mark,
- 41 imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser
- 42 other than the person who in fact manufactured, distributed, or dispensed the substance;
- 43 (9) "Deliver" or "delivery", the actual, constructive, or attempted transfer from one
- 44 person to another of drug paraphernalia or of a controlled substance, or an imitation controlled
- 45 substance, whether or not there is an agency relationship, and includes a sale;
- 46 (10) "Dentist", a person authorized by law to practice dentistry in this state;
- 47 (11) "Depressant or stimulant substance":

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

51 (b) A drug containing any quantity of:

52 a. Amphetamine or any of its isomers;

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

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

57 (c) Lysergic acid diethylamide; or

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

62 (12) "Dispense", to deliver a narcotic or controlled dangerous drug to an ultimate user
63 or research subject by or pursuant to the lawful order of a practitioner including the prescribing,
64 administering, packaging, labeling, or compounding necessary to prepare the substance for such
65 delivery. "Dispenser" means a practitioner who dispenses;

66 (13) "Distribute", to deliver other than by administering or dispensing a controlled
67 substance;

68 (14) "Distributor", a person who distributes;

69 (15) "Drug":

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

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

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

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

79 (16) "Drug-dependent person", a person who is using a controlled substance and who
80 is in a state of psychic or physical dependence, or both, arising from the use of such substance
81 on a continuous basis. Drug dependence is characterized by behavioral and other responses
82 which include a strong compulsion to take the substance on a continuous basis in order to
83 experience its psychic effects or to avoid the discomfort caused by its absence;

84 (17) "Drug enforcement agency", the Drug Enforcement Administration in the United
85 States Department of Justice, or its successor agency;

86 (18) "Drug paraphernalia", all equipment, products, substances and materials of any kind
87 which are used, intended for use, or designed for use, in planting, propagating, cultivating,
88 growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing,
89 storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the
90 human body a controlled substance or an imitation controlled substance in violation of this
91 chapter or chapter 579. It includes, but is not limited to:

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

95 (b) Kits used, intended for use, or designed for use in manufacturing, compounding,
96 converting, producing, processing, or preparing controlled substances or imitation controlled
97 substances;

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

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

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

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

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

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

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

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

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

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

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

124 b. Water pipes;

125 c. Carburetion tubes and devices;

126 d. Smoking and carburetion masks;

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

129 f. Miniature cocaine spoons and cocaine vials;

130 g. Chamber pipes;

131 h. Carburetor pipes;

132 i. Electric pipes;

133 j. Air-driven pipes;

134 k. Chillums;

135 l. Bongs;

136 m. Ice pipes or chillers;

137 (m) Substances used, intended for use, or designed for use in the manufacture of a
138 controlled substance.

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

142 a. Statements by an owner or by anyone in control of the object concerning its use;

143 b. Prior convictions, if any, of an owner, or of anyone in control of the object, under any
144 state or federal law relating to any controlled substance or imitation controlled substance;

145 c. The proximity of the object, in time and space, to a direct violation of this chapter or
146 chapter 579;

147 d. The proximity of the object to controlled substances or imitation controlled
148 substances;

149 e. The existence of any residue of controlled substances or imitation controlled
150 substances on the object;

151 f. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of
152 the object, to deliver it to persons who he or she knows, or should reasonably know, intend to
153 use the object to facilitate a violation of this chapter or chapter 579; the innocence of an owner,
154 or of anyone in control of the object, as to direct violation of this chapter or chapter 579 shall not
155 prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;

- 156 g. Instructions, oral or written, provided with the object concerning its use;
- 157 h. Descriptive materials accompanying the object which explain or depict its use;
- 158 i. National or local advertising concerning its use;
- 159 j. The manner in which the object is displayed for sale;
- 160 k. Whether the owner, or anyone in control of the object, is a legitimate supplier of like
- 161 or related items to the community, such as a licensed distributor or dealer of tobacco products;
- 162 l. Direct or circumstantial evidence of the ratio of sales of the object to the total sales of
- 163 the business enterprise;
- 164 m. The existence and scope of legitimate uses for the object in the community;
- 165 n. Expert testimony concerning its use;
- 166 o. The quantity, form or packaging of the product, substance or material in relation to
- 167 the quantity, form or packaging associated with any legitimate use for the product, substance or
- 168 material;
- 169 (19) "Federal narcotic laws", the laws of the United States relating to controlled
- 170 substances;
- 171 (20) "Hospital", a place devoted primarily to the maintenance and operation of facilities
- 172 for the diagnosis, treatment or care, for not less than twenty-four hours in any week, of three or
- 173 more nonrelated individuals suffering from illness, disease, injury, deformity or other abnormal
- 174 physical conditions; or a place devoted primarily to provide, for not less than twenty-four
- 175 consecutive hours in any week, medical or nursing care for three or more nonrelated individuals.
- 176 The term hospital does not include convalescent, nursing, shelter or boarding homes as defined
- 177 in chapter 198;
- 178 (21) "Illegal industrial hemp":
- 179 (a) All nonseed parts and varieties of the Cannabis sativa L. plant, growing or not, that
- 180 contain an average delta-9 tetrahydrocannabinol (THC) concentration exceeding three-tenths of
- 181 one percent on a dry weight basis;
- 182 (b) Illegal industrial hemp shall be destroyed in the most effective manner possible, and
- 183 such destruction shall be verified by the Missouri state highway patrol;
- 184 (22) "Immediate precursor", a substance which:
- 185 (a) The state department of health and senior services has found to be and by rule
- 186 designates as being the principal compound commonly used or produced primarily for use in the
- 187 manufacture of a controlled substance;
- 188 (b) Is an immediate chemical intermediary used or likely to be used in the manufacture
- 189 of a controlled substance; and
- 190 (c) The control of which is necessary to prevent, curtail or limit the manufacture of the
- 191 controlled substance;

192 (23) "Imitation controlled substance", a substance that is not a controlled substance,
193 which by dosage unit appearance (including color, shape, size and markings), or by
194 representations made, would lead a reasonable person to believe that the substance is a controlled
195 substance. In determining whether the substance is an imitation controlled substance the court
196 or authority concerned should consider, in addition to all other logically relevant factors, the
197 following:

198 (a) Whether the substance was approved by the federal Food and Drug Administration
199 for over-the-counter (nonprescription or nonlegend) sales and was sold in the federal Food and
200 Drug Administration-approved package, with the federal Food and Drug
201 Administration-approved labeling information;

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

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

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

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

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

215 (24) "Industrial hemp":

216 (a) All nonseed parts and varieties of the Cannabis sativa L. plant, growing or not, that
217 contain an average delta-9 tetrahydrocannabinol (THC) concentration that does not exceed
218 three-tenths of one percent on a dry weight basis or the maximum concentration allowed under
219 federal law, whichever is greater;

220 (b) Any Cannabis sativa L. seed that is part of a growing crop, retained by a grower for
221 future planting, or used for processing into or use as agricultural hemp seed;

222 (c) Industrial hemp includes industrial hemp commodities and products and topical or
223 ingestible animal and consumer products derived from industrial hemp with a delta-9
224 tetrahydrocannabinol concentration of not more than three-tenths of one percent on a dry weight
225 basis;

226 (25) "Initial prescription", a prescription issued to a patient who has never previously
227 been issued a prescription for the drug or its pharmaceutical equivalent or who was previously

228 issued a prescription for the drug or its pharmaceutical equivalent, but the date on which the
229 current prescription is being issued is more than five months after the date the patient last used
230 or was administered the drug or its equivalent;

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

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

242 (a) By a practitioner as an incident to his or her administering or dispensing of a
243 controlled substance or an imitation controlled substance in the course of his or her professional
244 practice; or

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

247 (28) "Marijuana", all parts of the plant genus Cannabis in any species or form thereof,
248 including, but not limited to Cannabis Sativa L., except industrial hemp, Cannabis Indica,
249 Cannabis Americana, Cannabis Ruderalis, and Cannabis Gigantea, whether growing or not, the
250 seeds thereof, the resin extracted from any part of the plant; and every compound, manufacture,
251 salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the
252 mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the
253 plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature
254 stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant
255 which is incapable of germination;

256 (29) "Methamphetamine precursor drug", any drug containing ephedrine,
257 pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical
258 isomers;

259 (30) "Narcotic drug", any of the following, whether produced directly or indirectly by
260 extraction from substances of vegetable origin, or independently by means of chemical synthesis,
261 or by a combination of extraction and chemical analysis:

262 (a) Opium, opiate, and any derivative, of opium or opiate, including their isomers, esters,
263 ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of the isomers,

264 esters, ethers, and salts is possible within the specific chemical designation. The term does not
265 include the isoquinoline alkaloids of opium;

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

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

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

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

272 (31) "Official written order", an order written on a form provided for that purpose by the
273 United States Commissioner of Narcotics, under any laws of the United States making provision
274 therefor, if such order forms are authorized and required by federal law, and if no such order
275 form is provided, then on an official form provided for that purpose by the department of health
276 and senior services;

277 (32) "Opiate" or "opioid", any substance having an addiction-forming or
278 addiction-sustaining liability similar to morphine or being capable of conversion into a drug
279 having addiction-forming or addiction-sustaining liability. The term includes its racemic and
280 levorotatory forms. It does not include, unless specifically controlled under section 195.017, the
281 dextrorotatory isomer of 3-methoxy-n-methyl-morphinan and its salts (dextromethorphan);

282 (33) "Opium poppy", the plant of the species Papaver somniferum L., except its seeds;

283 (34) "Over-the-counter sale", a retail sale licensed pursuant to chapter 144 of a drug
284 other than a controlled substance;

285 (35) "Person", an individual, corporation, government or governmental subdivision or
286 agency, business trust, estate, trust, partnership, joint venture, association, or any other legal or
287 commercial entity;

288 (36) "Pharmacist", a licensed pharmacist as defined by the laws of this state, and where
289 the context so requires, the owner of a store or other place of business where controlled
290 substances are compounded or dispensed by a licensed pharmacist; but nothing in this chapter
291 shall be construed as conferring on a person who is not registered nor licensed as a pharmacist
292 any authority, right or privilege that is not granted to him by the pharmacy laws of this state;

293 (37) "Poppy straw", all parts, except the seeds, of the opium poppy, after mowing;

294 (38) "Possessed" or "possessing a controlled substance", a person, with the knowledge
295 of the presence and nature of a substance, has actual or constructive possession of the substance.

296 A person has actual possession if he has the substance on his or her person or within easy reach
297 and convenient control. A person who, although not in actual possession, has the power and the
298 intention at a given time to exercise dominion or control over the substance either directly or
299 through another person or persons is in constructive possession of it. Possession may also be

300 sole or joint. If one person alone has possession of a substance possession is sole. If two or
301 more persons share possession of a substance, possession is joint;

302 (39) "Practitioner", a physician, dentist, optometrist, podiatrist, veterinarian, scientific
303 investigator, pharmacy, hospital or other person licensed, registered or otherwise permitted by
304 this state to distribute, dispense, conduct research with respect to or administer or to use in
305 teaching or chemical analysis, a controlled substance in the course of professional practice or
306 research in this state, or a pharmacy, hospital or other institution licensed, registered, or
307 otherwise permitted to distribute, dispense, conduct research with respect to or administer a
308 controlled substance in the course of professional practice or research;

309 (40) "Production", includes the manufacture, planting, cultivation, growing, or
310 harvesting of drug paraphernalia or of a controlled substance or an imitation controlled
311 substance;

312 (41) "Registry number", the number assigned to each person registered under the federal
313 controlled substances laws;

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

316 (43) "State" when applied to a part of the United States, includes any state, district,
317 commonwealth, territory, insular possession thereof, and any area subject to the legal authority
318 of the United States of America;

319 (44) "Synthetic cannabinoid", includes unless specifically excepted or unless listed in
320 another schedule, any natural or synthetic material, compound, mixture, or preparation that
321 contains any quantity of a substance that is a cannabinoid receptor agonist, including but not
322 limited to any substance listed in paragraph (ll) of subdivision (4) of subsection 2 of section
323 195.017 and any analogues; homologues; isomers, whether optical, positional, or geometric;
324 esters; ethers; salts; and salts of isomers, esters, and ethers, whenever the existence of the
325 isomers, esters, ethers, or salts is possible within the specific chemical designation, however, it
326 shall not include any approved pharmaceutical authorized by the United States Food and Drug
327 Administration;

328 (45) "Ultimate user", a person who lawfully possesses a controlled substance or an
329 imitation controlled substance for his or her own use or for the use of a member of his or her
330 household or immediate family, regardless of whether they live in the same household, or for
331 administering to an animal owned by him or by a member of his or her household. For purposes
332 of this section, the phrase "immediate family" means a husband, wife, parent, child, sibling,
333 stepparent, stepchild, stepbrother, stepsister, grandparent, or grandchild;

334 (46) "Wholesaler", a person who supplies drug paraphernalia or controlled substances
335 or imitation controlled substances that he himself has not produced or prepared, on official
336 written orders, but not on prescriptions.

195.015. 1. The department of health and senior services shall administer this chapter
2 and may add substances to the schedules after public notice and hearing. In making a
3 determination regarding a substance, the department of health and senior services shall consider
4 the following:

- 5 (1) The actual or relative potential for abuse;
- 6 (2) The scientific evidence of its pharmacological effect, if known;
- 7 (3) The state of current scientific knowledge regarding the substance;
- 8 (4) The history and current pattern of abuse;
- 9 (5) The scope, duration, and significance of abuse;
- 10 (6) The risk to the public health;
- 11 (7) The potential of the substance to produce psychic or physiological dependence
12 liability; and
- 13 (8) Whether the substance is an immediate precursor of a substance already controlled
14 under this chapter.

15 2. After considering the factors enumerated in subsection 1 of this section the department
16 of health and senior services shall make findings with respect thereto and issue a rule controlling
17 the substance if it finds the substance has a potential for abuse.

18 3. If the department of health and senior services designates a substance as an immediate
19 precursor, substances which are precursors of the controlled precursor shall not be subject to
20 control solely because they are precursors of the controlled precursor.

21 4. If any substance is designated, rescheduled, or deleted as a controlled substance under
22 federal law and notice thereof is given to the department of health and senior services, the
23 department of health and senior services shall similarly control the substance under this chapter
24 ~~[after the expiration of]~~ and shall submit emergency rules to the secretary of state under
25 section 536.025 within thirty days ~~[from]~~ of publication in the federal register of a final order
26 designating a substance as a controlled substance or rescheduling or deleting a substance, unless
27 within that thirty-day period, the department of health and senior services objects to inclusion,
28 rescheduling, or deletion. In that case, the department of health and senior services shall publish
29 the reasons for objection and afford all interested parties an opportunity to be heard. At the
30 conclusion of the hearing, the department of health and senior services shall publish its decision,
31 which shall be final unless altered by statute. Upon publication of objection to inclusion,
32 rescheduling or deletion under this chapter by the department of health and senior services,
33 control under this chapter is stayed as to the substance in question until the department of health

34 and senior services publishes its decision. **When the department promulgates emergency
35 rules under this subsection, such rules may, notwithstanding the provisions of subsection
36 7 of section 536.025, remain in effect until the general assembly concludes its next regular
37 session following the imposition of any such rules.**

38 5. The department of health and senior services shall exclude any nonnarcotic substance
39 from a schedule if such substance may, under the federal Food, Drug, and Cosmetic Act and the
40 law of this state, be lawfully sold over the counter without a prescription.

41 6. The department of health and senior services shall prepare a list of all drugs falling
42 within the purview of controlled substances. Upon preparation, a copy of the list shall be filed
43 in the office of the secretary of state.

195.017. 1. The department of health and senior services shall place a substance in
2 Schedule I if it finds that the substance:

3 (1) Has high potential for abuse; and
4 (2) Has no accepted medical use in treatment in the United States or lacks accepted
5 safety for use in treatment under medical supervision.

6 2. Schedule I:

7 (1) The controlled substances listed in this subsection are included in Schedule I;
8 (2) Any of the following opiates, including their isomers, esters, ethers, salts, and salts
9 of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these
10 isomers, esters, ethers and salts is possible within the specific chemical designation:

11 (a) Acetyl-alpha-methylfentanyl (**N-(1-(1-methyl-2-phenethyl)-4-piperidinyl)-N-phenylacetamide**);

12 (b) Acetymethadol;

13 (c) **Acetyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide);**

14 (d) AH-7921(**3,4-dichloro-N-[(1-dimethylamino) cyclohexylmethyl] benzamide**);

15 (e) Allylprodine;

16 [(e)] (f) Alphacetylmethadol (**except levoalphacetylmethadol, also known as levo-alpha-acetylmethadol levothadyl acetate or LAAM**);

17 [(e)] (g) Alphameprodine;

18 [(f)] (h) Alphamethadol;

19 [(g)] (i) Alpha-methylfentanyl (**N-1-(alphamethyl-beta-phenyl) ethyl-4-piperidyl**)
20 **propionanilide; 1-(1-methyl-2-phenylethyl)-4 ((N-propanilido) piperidine);**

21 [(h)] (j) Alpha-methylthiofentanyl (**N-(1-methyl-2-(2-thienyl) ethyl-4-piperidinyl)-N-phenylpropanamide**);

22 [(i)] (k) Benzethidine;

23 [(j)] (l) Betacetylmethadol;

27 [(k)] (m) Beta-hydroxyfentanyl (N-(1-(2-hydroxy-2-phenethyl)-4-piperidinyl)-N-
28 phenylpropanamide);
29 [(l)] (n) Beta-hydroxy-3-methylfentanyl (N-(1-(2-hydroxy-2-phenethyl)-3-methyl-4-
30 piperidinyl)-N-phenylpropanamide);
31 [(m)] (o) Betameprodine;
32 [(n)] (p) Betamethadol;
33 [(o)] (q) Betaprodine;
34 [(p)] (r) Clonitazene;
35 [(q)] (s) Dextromoramide;
36 [(r)] (t) Diampropamide;
37 [(s)] (u) Diethylthiambutene;
38 [(t)] (v) Difenoxin;
39 [(u)] (w) Dimenoxadol;
40 [(v)] (x) Dimepheptanol;
41 [(w)] (y) Dimethylthiambutene;
42 [(x)] (z) Dioxaphetyl butyrate;
43 [(y)] (aa) Dipipanone;
44 [(z)] (bb) Ethylmethylthiambutene;
45 [(aa)] (cc) Etonitazene;
46 [(bb)] (dd) Etoxeridine;
47 [(ee)] (ee) Furethidine;
48 [(dd)] (ff) Hydroxypethidine;
49 [(ee)] (gg) Ketobemidone;
50 [(ff)] (hh) Levomoramide;
51 [(gg)] (ii) Levophenacylmorphan;
52 [(hh)] (jj) 3-Methylfentanyl (N-(3-methyl-1-(2-phenylethyl)-4-piperidyl)-N-
53 phenylpropanamide), its optical and geometric isomers, salts, and salts of isomers;
54 [(ii)] (kk) 3-Methylthiofentanyl (N-((3-methyl-1-(2-thienyl)ethyl-4-piperidinyl)-N-
55 phenylpropanamide);
56 [(jj)] (ll) Morpheridine;
57 [(kk)] (mm) MPMP (1-methyl-4-phenyl-4-propionoxypiperidine);
58 [(nn)] (nn) MT-45(1-cyclohexyl-4-(1,2-diphenylethyl) piperazine);
59 [(ll)] (oo) Noracymethadol;
60 [(mm)] (pp) Norlevorphanol;
61 [(nn)] (qq) Normethadone;
62 [(oo)] (rr) Norpipanone;

63 [(**pp**)] (**ss**) Para-fluorofentanyl (N-(4-fluorophenyl)-N-(1-(2-phenethyl)-4-piperidinyl)
64 propanamide;
65 [(**qq**)] (**tt**) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);
66 [(**rr**)] (**uu**) Phenadoxone;
67 [(**ss**)] (**vv**) Phenampromide;
68 [(**tt**)] (**ww**) Phenomorphan;
69 [(**uu**)] (**xx**) Phenoperidine;
70 [(**vv**)] (**yy**) Piritramide;
71 [(**ww**)] (**zz**) Proheptazine;
72 [(**xx**)] (**aaa**) Properidine;
73 [(**yy**)] (**bbb**) Propiram;
74 [(**zz**)] (**ccc**) Racemoramide;
75 [(**aaa**)] (**ddd**) Thiofentanyl (N-phenyl-N-(1-(2-thienyl)ethyl-4-piperidinyl)-
76 propanamide;
77 [(**bbb**)] (**eee**) Tildine;
78 [(**eee**)] (**fff**) Trimeperidine;
79 (3) Any of the following opium derivatives, their salts, isomers and salts of isomers
80 unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers
81 is possible within the specific chemical designation:
82 (a) Acetorphine;
83 (b) Acetyldihydrocodeine;
84 (c) Benzylmorphine;
85 (d) Codeine methylbromide;
86 (e) Codeine-N-Oxide;
87 (f) Cyprenorphine;
88 (g) Desomorphine;
89 (h) Dihydromorphine;
90 (i) Drotebanol;
91 (j) Etorphine (except hydrochloride salt);
92 (k) Heroin;
93 (l) Hydromorphinol;
94 (m) Methyldesorphine;
95 (n) Methyldihydromorphine;
96 (o) Morphine methylbromide;
97 (p) Morphine methylsulfonate;
98 (q) Morphine-N-Oxide;

- 99 (r) Myrophine;
100 (s) Nicocodeine;
101 (t) Nicomorphine;
102 (u) Normorphine;
103 (v) Pholcodine;
104 (w) Thebacon;

105 (4) **Any of the following opiate similar synthetic substances scheduled by the U.S.**
106 **Drug Enforcement Administration as substances that share a pharmacological profile**
107 **similar to fentanyl, morphine, and other synthetic opioids, unless specifically excepted or**
108 **unless listed in another schedule:**

109 (a) **Butyryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide);**
110 (b) **U-47700 (3,4-Dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide);**
111 (5) Any material, compound, mixture or preparation which contains any quantity of the
112 following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically
113 excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within
114 the specific chemical designation:

- 115 (a) **Alpha-ethyltryptamine;**
116 (b) 4-bromo-2, 5-dimethoxyamphetamine;
117 [(b) ~~4-bromo-2, 5-dimethoxyphenethylamine;~~]
118 (c) **4-bromo-2,5-dimethoxyphenethylamine;**
119 (d) 2,5-dimethoxyamphetamine;
120 [(d)] (e) 2,5-dimethoxy-4-ethylamphetamine;
121 [(e)] (f) 2,5-dimethoxy-4-(n)-propylthiophenethylamine;
122 [(f)] (g) **2-(2,5-Dimethoxy-4-(n)-propylphenyl) ethanamine;**
123 (h) **2-(2,5-Dimethoxy-4-ethylphenyl) ethanamine;**
124 (i) **2-(2,5-Dimethoxy-4-methylphenyl) ethanamine;**
125 (j) **2-(2,5-Dimethoxy-4-nitro-phenyl) ethanamine;**
126 (k) **2-(2,5-Dimethoxyphenyl) ethanamine;**
127 (l) **2-(4-Chloro-2,5-dimethoxyphenyl) ethanamine;**
128 (m) **2-(4-Ethylthio-2,5-dimethoxyphenyl) ethanamine;**
129 (n) **2-(4-Iodo-2,5-dimethoxyphenyl) ethanamine;**
130 (o) **2-(4-Isopropylthio)-2,5-dimethoxyphenyl) ethanamine;**
131 (p) 4-methoxyamphetamine;
132 [(g)] (q) 5-methoxy-3,4-methylenedioxymphetamine;
133 [(h)] (r) 4-methyl-2, 5-dimethoxyamphetamine;
134 [(i)] (s) 3,4-methylenedioxymphetamine;

135 [(+) (t) 3,4-methylenedioxymethamphetamine;
136 [(+) (u) 3,4-methylenedioxy-N-ethylamphetamine;
137 [(+) (v) N-hydroxy-3, 4-methylenedioxymphetamine;
138 [(m) (w) 3,4,5-trimethoxyamphetamine;
139 [(n) (x) 5-MeO-DMT or 5-methoxy-N,N-dimethyltryptamine~~, its isomers, salts, and~~
140 ~~salts of isomers~~;]
141 [(o) Alpha-ethyltryptamine;
142 ——— (p) (y) Alpha-methyltryptamine;
143 [(q) (z) Bufotenine;
144 [(r) (aa) Diethyltryptamine;
145 [(s) (bb) Dimethyltryptamine;
146 [(t) (cc) 5-methoxy-N,N-diisopropyltryptamine;
147 [(u) (dd) Ibogaine;
148 [(v) (ee) Lysergic acid diethylamide;
149 [(w) (ff) Marijuana or marihuana, except **medical marijuana pursuant to Article XIV**
150 **of the Missouri Constitution and** industrial hemp;
151 [(x) (gg) Mescaline;
152 [(y) (hh) Parahexyl;
153 [(z) (ii) Peyote, to include all parts of the plant presently classified botanically as
154 Lophophora ~~Williamsii~~ **williamsii** Lemaire, whether growing or not; the seeds thereof; any
155 extract from any part of such plant; and every compound, manufacture, salt, derivative, mixture
156 or preparation of the plant, its seed or extracts;
157 [(aa) (jj) N-ethyl-3-piperidyl benzilate;
158 [(bb) (kk) N-methyl-3-piperidyl benzilate;
159 [(ee) (ll) Psilocybin;
160 [(dd) (mm) Psilocyn;
161 [(ee) (nn) Tetrahydrocannabinols naturally contained in a plant of the genus Cannabis
162 (cannabis plant), except **medical marijuana pursuant to Article XIV of the Missouri**
163 **Constitution and** industrial hemp, as well as synthetic equivalents of the substances contained
164 in the cannabis plant, or in the resinous extractives of such plant, or synthetic substances,
165 derivatives~~,~~ and their isomers, **or both**, with similar chemical structure and pharmacological
166 activity to those substances contained in the plant, such as the following:
167 a. 1 cis or trans tetrahydrocannabinol~~,~~ and their optical isomers;
168 b. 6 cis or trans tetrahydrocannabinol~~,~~ and their optical isomers;
169 c. 3,4 cis or trans tetrahydrocannabinol~~,~~ and their optical isomers;

170 d. Any compounds of these structures, regardless of numerical designation of atomic
171 positions covered;

172 [(ff)] (oo) Ethylamine analog of phencyclidine;
173 [(gg)] (pp) Pyrrolidine analog of phencyclidine;
174 [(hh)] (qq) Thiophene analog of phencyclidine;
175 [(ii)] (rr) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine;
176 [(jj)] (ss) Salvia divinorum;
177 [(kk)] (tt) Salvinorin A;
178 [(ll)] (uu) Synthetic cannabinoids:

179 a. Any compound structurally derived from 3-(1-naphthoyl)indole or
180 1H-indol-3-yl-(1-naphthyl)methane by substitution at the nitrogen atom of the indole ring by
181 alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl
182 or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any
183 extent, whether or not substituted in the naphthyl ring to any extent. Including, but not limited
184 to:

185 (i) **AM2201, or 1-(5-fluoropentyl)-3-(1-naphthoyl)indole;**
186 (ii) JWH-007, or 1-pentyl-2-methyl-3-(1-naphthoyl)indole;
187 [(ii)] (iii) JWH-015, or 1-propyl-2-methyl-3-(1-naphthoyl)indole;
188 [(iii)] (iv) JWH-018, or 1-pentyl-3-(1-naphthoyl)indole;
189 [(iv)] (v) JWH-019, or 1-hexyl-3-(1-naphthoyl)indole;
190 [(v)] (vi) JWH-073, or 1-butyl-3-(1-naphthoyl)indole;
191 [(vi)] (vii) JWH-081, or 1-pentyl-3-(4-methoxy-1-naphthoyl)indole;
192 [(vii)] (viii) JWH-098, or 1-pentyl-2-methyl-3-(4-methoxy-1-naphthoyl)

193 indole;

194 [(viii)] (ix) JWH-122, or 1-pentyl-3-(4-methyl-1-naphthoyl)indole;
195 [(ix)] (x) JWH-164, or 1-pentyl-3-(7-methoxy-1-naphthoyl)indole;
196 [(x)] (xi) JWH-200, or 1-(2-(4-(morpholinyl)ethyl))-3-(1-naphthoyl)indole;
197 [(xi)] (xii) JWH-210, or 1-pentyl-3-(4-ethyl-1-naphthoyl)indole;
198 [(xii)] (xiii) JWH-398, or 1-pentyl-3-(4-chloro-1-naphthoyl)indole;

199 b. Any compound structurally derived from 3-(1-naphthoyl)pyrrole by substitution at the
200 nitrogen atom of the pyrrole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
201 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further
202 substituted in the pyrrole ring to any extent, whether or not substituted in the naphthyl ring to any
203 extent;

204 c. Any compound structurally derived from 1-(1-naphthylmethyl)indene by substitution
205 at the 3-position of the indene ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl,

206 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or
207 not further substituted in the indene ring to any extent, whether or not substituted in the naphthyl
208 ring to any extent;

209 d. Any compound structurally derived from 3-phenylacetylindole by substitution at the
210 nitrogen atom of the indole ring with alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
211 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further
212 substituted in the indole ring to any extent, whether or not substituted in the phenyl ring to any
213 extent. Including, but not limited to:

- 214 (i) JWH-201, or 1-pentyl-3-(4-methoxyphenylacetyl)indole;
215 (ii) JWH-203, or 1-pentyl-3-(2-chlorophenylacetyl)indole;
216 (iii) JWH-250, or 1-pentyl-3-(2-methoxyphenylacetyl)indole;
217 (iv) JWH-251, or 1-pentyl-3-(2-methylphenylacetyl)indole;
218 (v) RCS-8, or 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole;

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

223 (i) CP 47, 497 [&] **a n d** homologues, or
224 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol), where side chain n=5, and
225 homologues where side chain n=4,6, or 7;

226 f. Any compound containing a 3-(benzoyl)indole structure with substitution at the
227 nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
228 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further
229 substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to
230 any extent. Including, but not limited to:

- 231 (i) AM-694, or 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole;
232 (ii) RCS-4, or 1-pentyl-3-(4-methoxybenzoyl)indole (**SR-19 and RCS-4**);
233 g. 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] acetate;
235 h. HU-210, or (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-
236 (2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;
237 i. HU-211, or Dexanabinol,(6aS,10aS)-9-(hydroxymethyl)-6,
238 6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;
239 j. [~~CP 50,556-1, or [(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5 -~~
240 ~~phenylpentan-2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl] acetate;~~
241 k.] Dimethylheptylpyran, or DMHP;

242 [(5)] (6) Any material, compound, mixture or preparation containing any quantity of the
243 following substances having a depressant effect on the central nervous system, including their
244 salts, isomers and salts of isomers whenever the existence of these salts, isomers and salts of
245 isomers is possible within the specific chemical designation:

- 246 (a) Gamma-hydroxybutyric acid;
247 (b) Mecloqualone;
248 (c) Methaqualone;

249 [(6)] (7) Any material, compound, mixture or preparation containing any quantity of the
250 following substances having a stimulant effect on the central nervous system, including their
251 salts, isomers and salts of isomers:

- 252 (a) Aminorex;
253 (b) N-benzylpiperazine;
254 (c) Cathinone;
255 (d) Fenethylline;
256 (e) 3-Fluoromethcathinone;
257 (f) 4-Fluoromethcathinone;
258 (g) Mephedrone, or 4-methylmethcathinone;
259 (h) Methcathinone;
260 (i) 4-methoxymethcathinone;
261 (j) (+,-)cis-4-methylaminorex ((+,-)cis-4,5-dihydro-4-methyl-5-phenyl-2-
262 oxazolamine);
263 (k) Methyleneoxyypyrovalerone, MDPV, or (1-(1,3-Benzodioxol-5-yl)-2-
264 (1-pyrrolidinyl)-1-pentanone;
265 (l) Methylone, or 3,4-Methylenedioxymethcathinone;
266 (m) 4-Methyl-alpha-pyrrolidinobutiotophenone, or MPBP;
267 (n) N-ethylamphetamine;
268 (o) N,N-dimethylamphetamine;
269 (p) **Quinolin-8-yl 1-pentyl-1*H*-indole-3-carboxylate (PB-22; QUPIC);**
270 (q) **Quinolin-8-yl 1-(5-fluoropentyl)-1*H*-indole-3-carboxylate (5-fluoro-PB-22; 5F-
271 PB-22);**
272 (r) **N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1*H*-indazole-3-
273 carboxamide (AB-FUBINACA);**
274 (s) **N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1*H*-indazole-3-carboxamide
275 (ADB-PINACA);**

276 [7] (8) A temporary listing of substances subject to emergency scheduling under
277 federal law shall include any material, compound, mixture or preparation which contains any
278 quantity of the following substances:

279 (a) ~~[N-(1-benzyl-4-piperidyl)-N phenylpropanamide (benzylfentanyl), its optical isomers,~~
280 ~~salts and salts of isomers;~~

281 ~~(b) N-(1-(2-thienyl)methyl-4-piperidyl)-N-phenylpropanamide (thenylfentanyl), its~~
282 ~~optical isomers, salts and salts of isomers;]~~ (1-pentyl-1*H*-indol-3-yl)(2,2,3,3-
283 tetramethylcyclopropyl)methanone, its optical, positional, and geometric isomers, salts, and
284 salts of isomers;

285 (b) [1-(5-fluoro-pentyl)-1*H*-indol-3-yl](2,2,3,3-tetramethylcyclopropyl)methanone,
286 its optical, positional, and geometric isomers, salts, and salts of isomers;

287 (c) N-(1-adamantyl)-1-pentyl-1*H*-indazole-3-carboxamide, its optical, positional,
288 and geometric isomers, salts, and salts of isomers;

289 (d) 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine, its optical,
290 positional, and geometric isomers, salts, and salts of isomers;

291 (e) 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine, its optical,
292 positional, and geometric isomers, salts, and salts of isomers;

293 (f) 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine, its optical,
294 positional, and geometric isomers, salts, and salts of isomers;

295 (g) 4-methyl-N-ethylcathinone, its optical, positional, and geometric isomers, salts,
296 and salts of isomers;

297 (h) 4-methyl-alpha-pyrrolidinopropiophenone, its optical, positional, and geometric
298 isomers, salts, and salts of isomers;

299 (i) Alpha-pyrrolidinopentiophenone, its optical, positional, and geometric isomers,
300 salts, and salts of isomers;

301 (j) Butylone, its optical, positional, and geometric isomers, salts, and salts of
302 isomers;

303 (k) Pentedrone, its optical, positional, and geometric isomers, salts, and salts of
304 isomers;

305 (l) Pentyalone, its optical, positional, and geometric isomers, salts, and salts of
306 isomers;

307 (m) Naphyrone, its optical, positional, and geometric isomers, salts, and salts of
308 isomers;

309 (n) Alpha-pyrrolidinobutiophenone, its optical, positional, and geometric isomers,
310 salts, and salts of isomers;

- 311 (o) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1*H*-indazole-3-
312 carboxamide, its optical, positional, and geometric isomers, salts, and salts of isomers;
313 (p) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1*H*-indazole-3-carboxamide,
314 its optical, positional, and geometric isomers, salts, and salts of isomers;
315 (q) [1-(5-fluoropentyl)-1*H*-indazole-3-yl](naphthalen-1-yl)methanone, its optical,
316 positional, and geometric isomers, salts, and salts of isomers;
317 (r) N-[1-[2-hydroxy-2-(thiophen-2-yl) ethyl]piperidin-4-yl]-N-phenylpropionamide,
318 its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers;
319 (s) N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide, its optical, positional, and
320 geometric isomers, salts, and salts of isomers;
321 (t) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1*H*-indazole-3-
322 carboxamide, its optical, positional, and geometric isomers, salts, and salts of isomers;
323 (u) N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide;
324 (v) methyl 2-(1-(5-fluoropentyl)-1*H*-indazole-3-carboxamido)-3,3-
325 dimethylbutanoate, its optical, positional, and geometric isomers, salts, and salts of
326 isomers;
327 (w) methyl 2-(1-(5-fluoropentyl)-1*H*-indazole-3-carboxamido)-3-methylbutanoate,
328 its optical, positional, and geometric isomers, salts, and salts of isomers;
329 (x) N-(adamantan-1-yl)-1-(5-fluoropentyl)-1*H*-indazole-3-carboxamide, its optical,
330 positional, and geometric isomers, salts, and salts of isomers;
331 (y) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1*H*-indazole-3-
332 carboxamide, its optical, positional, and geometric isomers, salts, and salts of isomers;
333 (z) methyl 2-(1-(cyclohexylmethyl)-1*H*-indole-3-carboxamido)-3,3-
334 dimethylbutanoate, its optical, positional, and geometric isomers, salts, and salts of
335 isomers;
336 (aa) methyl 2-(1-(4-fluorobenzyl)-1*H*-indazole-3-carboxamido)-3,3-
337 dimethylbutanoate, its optical, positional, and geometric isomers, salts, and salts of
338 isomers;
339 (bb) N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl) isobutyramide, its isomers,
340 esters, ethers, salts, and salts of isomers, esters, and ethers;
341 (cc) N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide, its isomers, esters, ethers,
342 salts, and salts of isomers, esters, and ethers;
343 (dd) N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide, its isomers,
344 esters, ethers, salts, and salts of isomers, esters, and ethers;
345 (ee) N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide, its
346 isomers, esters, ethers, salts, and salts of isomers, esters, and ethers;

- 347 (ff) 2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide, its isomers,
348 esters, ethers, salts, and salts of isomers, esters, and ethers;
- 349 (gg) methyl 2-(1-(4-fluorobenzyl)-1*H*-indazole-3-carboxamido)-3-methylbutanoate,
350 its optical, positional, and geometric isomers, salts, and salts of isomers;
- 351 (hh) N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide, its isomers,
352 esters, ethers, salts, and salts of isomers, esters, and ethers;
- 353 (ii) N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide, its isomers, esters, ethers,
354 salts, and salts of isomers, esters, and ethers;
- 355 (jj) N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide, its isomers,
356 esters, ethers, salts, and salts of isomers, esters, and ethers;
- 357 (kk) N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide, its isomers,
358 esters, ethers, salts, and salts of isomers, esters, and ethers;
- 359 (ll) N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide, its isomers,
360 esters, ethers, salts, and salts of isomers, esters, and ethers;
- 361 (mm) N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide, its isomers, esters,
362 ethers, salts, and salts of isomers, esters, and ethers;
- 363 (nn) N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide, its isomers,
364 esters, ethers, salts, and salts of isomers, esters, and ethers;
- 365 (oo) N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)acetamide, its
366 isomers, esters, ethers, salts, and salts of isomers, esters, and ethers;
- 367 (pp) Fentanyl-related substances, their isomers, esters, ethers, salts, and salts of
368 isomers, esters, and ethers. Fentanyl-related substance shall mean any substance not
369 otherwise listed under another Drug Enforcement Administration Controlled Substance
370 Code Number, and for which no exemption or approval is in effect under section 505 of the
371 Federal Food, Drug, and Cosmetic Act, 21 U.S.C. Section 355, that is structurally related
372 to fentanyl by one or more of the following modifications:
- 373 a. Replacement of the phenyl portion of the phenethyl group by any monocycle,
374 whether or not further substituted in or on the monocycle;
- 375 b. Substitution in or on the phenethyl group with alkyl, alkenyl, alkoxy, hydroxyl,
376 halo, haloalkyl, amino or nitro groups;
- 377 c. Substitution in or on the piperidine ring with alkyl, alkenyl, alkoxy, ester, ether,
378 hydroxyl, amino or nitro groups;
- 379 d. Replacement of the aniline ring with any aromatic monocycle, whether or not
380 further substituted in or on the aromatic monocycle; or
- 381 e. Replacement of the N-propionyl group by another acyl group;

382 (qq) Naphthalen-1-yl 1-(5-fluoropentyl)-1*H*-indole-3-carboxylate, its optical,
383 positional, and geometric isomers, salts, and salts of isomers (NM2201; CBL2201);

384 (rr) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1*H*-indazole-3-
385 carboxamide, its optical, positional, and geometric isomers, salts, and salts of isomers (5F-
386 AB-PINACA);

387 (ss) 1-(4-cyanobutyl)-N-(2-phenylpropan-2-yl)-1*H*-indazole-3-carboxamide, its
388 optical, positional, and geometric isomers, salts, and salts of isomers (4-CN-CUMYL-
389 BUTINACA; 4-cyano-CUMYL-BUTINACA; 4-CN-CUMYLBINACA; CUMYL-4CN-
390 BINACA; SGT-78);

391 (tt) methyl 2-(1-(cyclohexylmethyl)-1*H*-indole-3-carboxamido)-3-methylbutanoate,
392 its optical, positional, and geometric isomers, salts, and salts of isomers (MMB-CHMICA,
393 AMB-CHMICA);

394 (uu) 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1*H*-pyrrolo[2,3-b]pyridine-3-
395 carboxamide, its optical, positional, and geometric isomers, salts, and salts of isomers (5F-
396 CUMYL-P7AICA);

397 (vv) *N*-Ethylpentylone, its optical, positional, and geometric isomers, salts, and salts
398 of isomers (ephylone, 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-pentan-1-one);

399 [(8)] (9) Khat, to include all parts of the plant presently classified botanically as catha
400 edulis, whether growing or not; the seeds thereof; any extract from any part of such plant; and
401 every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seed or
402 extracts.

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

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

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

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

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

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

413 (a) Opium and opiate; and any salt, compound, derivative or preparation of opium or
414 opiate, excluding apomorphine, thebaine-derived butorphanol, dextrorphan, nalbuphine,
415 nalmefene, **naloxegol**, naloxone, and naltrexone, and their respective salts, but including the
416 following:

417 a. Raw opium;

- 418 b. Opium extracts;
419 c. Opium fluid;
420 d. Powdered opium;
421 e. Granulated opium;
422 f. Tincture of opium;
423 g. Codeine;
424 h. **Dihydroetorphine;**
425 i. Ethylmorphine;
426 [i.] j. Etorphine hydrochloride;
427 [j.] k. Hydrocodone;
428 [k.] l. Hydromorphone;
429 [l.] m. Metopon;
430 [m.] n. Morphine;
431 [n.] o. **Oripavine;**
432 p. Oxycodone;
433 [o.] q. Oxymorphone;
434 [p.] r. Thebaine;
435 (b) Any salt, compound, derivative, or preparation thereof which is chemically
436 equivalent or identical with any of the substances referred to in this subdivision, but not
437 including the isoquinoline alkaloids of opium;
438 (c) Opium poppy and poppy straw;
439 (d) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and
440 any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical
441 with any of these substances, but not including **the following:**
442 a. Decocainized coca leaves or extractions **of coca leaves**, which **extractions** do not
443 contain cocaine or ecgonine; **or**
444 b. **Ioflupane;**
445 (e) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid
446 or powder form which contains the phenanthrene alkaloids of the opium poppy);
447 (2) Any of the following opiates, including their isomers, esters, ethers, salts, and salts
448 of isomers, whenever the existence of these isomers, esters, ethers, and salts is possible within
449 the specific chemical designation, dextrophan and levopropoxyphene excepted:
450 (a) Alfentanil;
451 (b) Alphaprodine;
452 (c) Anileridine;
453 (d) Bezitramide;

- 454 (e) Bulk dextropropoxyphene;
- 455 (f) Carfentanil;
- 456 (g) Dihydrocodeine;
- 457 (h) Diphenoxylate;
- 458 (i) Fentanyl;
- 459 (j) Isomethadone;
- 460 (k) Levo-alphacetylmethadol;
- 461 (l) Levomethorphan;
- 462 (m) Levorphanol;
- 463 (n) Metazocine;
- 464 (o) Methadone;
- 465 (p) **[Meperidine];**
- 466 ———**(q)** Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenylbutane;
- 467 **[r]** **(q)** Moramide-Intermediate, 2-methyl-3-morpholino-1,
- 468 1-diphenylpropane-carboxylic acid;
- 469 **[s]** **(r)** Pethidine (meperidine);
- 470 **[t]** **(s)** Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
- 471 **[u]** **(t)** Pethidine-Intermediate -B, ethyl-4-phenylpiperidine-4-
- 472 carboxylate;
- 473 **[v]** **(u)** Pethidine-Intermediate -C, 1-methyl-4-phenylpiperidine-4-
- 474 carboxylic acid;
- 475 **[w]** **(v)** Phenazocine;
- 476 **[x]** **(w)** Piminodine;
- 477 **[y]** **(x)** Racemethorphan;
- 478 **[z]** **(y)** Racemorphan;
- 479 **[aa]** **(z)** Remifentanil;
- 480 **[bb]** **(aa)** Sufentanil;
- 481 **[ee]** **(bb)** Tapentadol;
- 482 **(cc)** **Thiafentanil;**
- 483 (3) Any material, compound, mixture, or preparation which contains any quantity of the
- 484 following substances having a stimulant effect on the central nervous system:
- 485 (a) Amphetamine, its salts, optical isomers, and salts of its optical isomers;
- 486 (b) Lisdexamfetamine, its salts, isomers, and salts of its isomers;
- 487 (c) Methamphetamine, its salts, isomers, and salts of its isomers;
- 488 (d) Phenmetrazine and its salts;
- 489 (e) Methylphenidate;

490 (4) Any material, compound, mixture, or preparation which contains any quantity of the
491 following substances having a depressant effect on the central nervous system, including its salts,
492 isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers
493 is possible within the specific chemical designation:

- 494 (a) Amobarbital;
495 (b) Glutethimide;
496 (c) Pentobarbital;
497 (d) Phencyclidine;
498 (e) Secobarbital;

499 (5) ~~[Any material or compound which contains any quantity of nabilone]~~ **Hallucinogenic
500 substances:**

501 (a) **Any material or compound which contains any quantity of nabilone;**
502 (b) **Dronabinol [(-)-Δ-9-trans tetrahydrocannabinol] in an oral solution in a drug
503 product approved for marketing by the U.S. Food and Drug Administration;**

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

- 506 (a) Immediate precursor to amphetamine and methamphetamine: Phenylacetone;
507 (b) Immediate precursors to phencyclidine (PCP):
508 a. 1-phenylcyclohexylamine;
509 b. 1-piperidinocyclohexanecarbonitrile (PCC);
510 (c) **Immediate precursor to fentanyl: 4-anilino-N-phenethyl-4-piperidine (ANPP);**
511 (7) Any material, compound, mixture, or preparation which contains any quantity of the
512 following alkyl nitrites:

- 513 (a) Amyl nitrite;
514 (b) Butyl nitrite.

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

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

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

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

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

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

- 527 (a) Benzphetamine;
528 (b) Chlorphentermine;
529 (c) Clortermine;
530 (d) Phendimetrazine;

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

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

- 535 a. Amobarbital;
536 b. Secobarbital;
537 c. Pentobarbital;
538 (b) Any suppository dosage form containing any quantity or salt of the following:
539 a. Amobarbital;
540 b. Secobarbital;
541 c. Pentobarbital;
542 (c) Any substance which contains any quantity of a derivative of barbituric acid or its
543 salt;

544 (d) Chlorhexadol;
545 (e) Embutramide;
546 (f) Gamma hydroxybutyric acid and its salts, isomers, and salts of isomers contained in
547 a drug product for which an application has been approved under Section 505 of the federal
548 Food, Drug, and Cosmetic Act;

- 549 (g) Ketamine, its salts, isomers, and salts of isomers;
550 (h) Lysergic acid;
551 (i) Lysergic acid amide;
552 (j) Methyprylon;
553 (k) **Perampanel, and its salts, isomers, and salts of isomers;**
554 (l) Sulfondiethylmethane;
555 [+] (m) Sulfonethylmethane;
556 [+] (n) Sulfonmethane;
557 [+] (o) Tiletamine and zolazepam or any salt thereof;
558 (3) Nalorphine;

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

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

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

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

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

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

576 ~~(f)~~ (d) Not more than three hundred milligrams of ethylmorphine per one hundred
577 milliliters or not more than fifteen milligrams per dosage unit, with one or more active,
578 nonnarcotic ingredients in recognized therapeutic amounts;

579 ~~(g)~~ (e) Not more than five hundred milligrams of opium per one hundred milliliters
580 or per one hundred grams or not more than twenty-five milligrams per dosage unit, with one or
581 more active nonnarcotic ingredients in recognized therapeutic amounts;

582 ~~(h)~~ (f) Not more than fifty milligrams of morphine per one hundred milliliters or per
583 one hundred grams, with one or more active, nonnarcotic ingredients in recognized therapeutic
584 amounts;

585 (5) Any material, compound, mixture, or preparation containing any of the following
586 narcotic drugs or their salts~~, as set forth in subdivision (6) of this subsection;~~ : Buprenorphine;

587 (6) Anabolic steroids. Any drug or hormonal substance, chemically and
588 pharmacologically related to testosterone (other than estrogens, progestins, corticosteroids, and
589 dehydroepiandrosterone) that promotes muscle growth, except an anabolic steroid which is
590 expressly intended for administration through implants to cattle or other nonhuman species and
591 which has been approved by the Secretary of Health and Human Services for that administration.
592 If any person prescribes, dispenses, or distributes such steroid for human use, such person shall
593 be considered to have prescribed, dispensed, or distributed an anabolic steroid within the
594 meaning of this subdivision. Unless specifically excepted or unless listed in another schedule,

595 any material, compound, mixture or preparation containing any quantity of the following
596 substances, including its salts, esters and ethers:

- 597 (a) [3 β ,17-dihydroxy-5 α -androstane] **3 β ,17 β -dihydroxy-5 α -androstane**;
- 598 (b) 3 α ,17 β -dihydroxy-5 α -androstane;
- 599 (c) 5 α -androstan-3,17-dione;
- 600 (d) 1-androstenediol (3 β ,17 β -dihydroxy-5 α -androst-1-ene);
- 601 (e) 1-androstenediol (3 α ,17 β -dihydroxy-5 α -androst-1-ene);
- 602 (f) 4-androstenediol (3 β ,17 β -dihydroxy-androst-4-ene);
- 603 (g) 5-androstenediol (3 β ,17 β -dihydroxy-androst-5-ene);
- 604 (h) 1-androstenedione ([5 α]-androst-1-en-3,17-dione);
- 605 (i) 4-androstenedione (androst-4-en-3,17-dione);
- 606 (j) 5-androstenedione (androst-5-en-3,17-dione);
- 607 (k) Bolasterone (7 α , 17 α -dimethyl-17 β -hydroxyandrost-4-en-3-one);
- 608 (l) Boldenone (17 β -hydroxyandrost-1,4,-diene-3-one);
- 609 (m) Boldione;
- 610 (n) Calusterone (7 β , 17 α -dimethyl-17 β -hydroxyandrost-4-en-3-one);
- 611 (o) Clostebol (4-chloro-17 β -hydroxyandrost-4-en-3-one);
- 612 (p) Dehydrochloromethyltestosterone(4-chloro-17 β -hydroxy -17 α -methyl-
- 613 androst-1,4-dien-3-one);
- 614 (q) Desoxymethyltestosterone;
- 615 (r) Δ 1-dihydrotestosterone (a.k.a. '1-testosterone')(17 β -hydroxy-5 α -
- 616 androst-1-en-3-one);
- 617 (s) [4-dihydrotestosterone (17 β -hydroxy-androstan-3-one);
- 618 [+] Drostanolone (17 β -hydroxy-2 α -methyl-5 α -androstan-3-one);
- 619 [+] (t) Ethylestrenol (17 α -ethyl-17 β -hydroxyestr-4-ene);
- 620 [+] (u) Fluoxymesterone (9-fluoro-17 α -methyl-11 β ,17 β -dihydroxyandrost
- 621 -4-en-3-one);
- 622 [+] (v) Formebolone (2-formyl-17 α -methyl-11 α ,17 β -dihydroxyandrost
- 623 -1,4-dien-3-one);
- 624 [+] (w) Furazabol (17 α -methyl-17 β -hydroxyandrostano[2,3-c]-furazan);
- 625 [+] (x) 13 β -ethyl-17 β -hydroxygon-4-en-3-one;
- 626 [+] (y) 4-hydroxytestosterone (4,17 β -dihydroxy-androst-4-en-3-one);
- 627 [+] (z) 4-hydroxy-19-nortestosterone (4,17 β -dihydroxy-estr-4-en-3-one);
- 628 [+] (aa) Mestanolone [(17 α -methyl-17 β hydroxy-5-androstan-3-one)]
- 629 **(17 α -methyl-17 β -hydroxy-5 α -androstan-3-one);**

630 [(ee)] (bb) Mesterolone [~~1~~-methyl-17 β -hydroxy-[5 α]-androstan-3-one] (1 α -
631 methyl-17 β -hydroxy-[5 α]-androstan-3-one);
632 [(dd)] (cc) Methandienone (17 α -methyl-17 β -hydroxyandrost-1,4-dien-3-one);
633 [(ee)] (dd) Methandriol (17 α -methyl-3 β ,17 β -dihydroxyandrost-5-ene);
634 [(ff)] (ee) **Methasterone (2 α ,17 α -dimethyl-5 α -androstan-17 β -ol-3-one);**
635 (ff) Methenolone (1-methyl-17 β -hydroxy-5 α -androst-1-en-3-one);
636 (gg) 17 α -methyl-3 β ,17 β -dihydroxy-5 α -androstane);
637 (hh) 17 α -methyl-3 α ,17 β -dihydroxy-5 α -androstane);
638 (ii) 17 α -methyl-3 β ,17 β -dihydroxyandrost-4-ene;
639 (jj) 17 α -methyl-4-hydroxynandrolone (17 α -methyl-4-hydroxy-17 β -
640 hydroxyestr-4-en-3-one);
641 (kk) Methyldienolone (17 α -methyl-17 β -hydroxyestra-4,9(10)-dien-3-one);
642 (ll) **[Methyltrienolone (17 α -methyl-17 β -hydroxyestra-4,9,11-trien-3-one)]**
643 **Methyltrienolone (17 α -methyl-17 β -hydroxyestra-4,9,11-trien-3-one);**
644 (mm) Methyltestosterone (17 α -methyl-17 β -hydroxyandrost-4-en-3-one);
645 (nn) Mibolerone (7 α ,17 α -dimethyl-17 β -hydroxyestr-4-en-3-one);
646 (oo) 17 α -methyl- Δ 1-dihydrotestosterone (17 β -hydroxy-17 α -methyl-5 α -
647 androst-1-en-3-one) (a.k.a. '17- α -methyl-1-testosterone');
648 (pp) Nandrolone (17 β -hydroxyestr-4-ene-3-one);
649 (qq) 19-nor-4-androstenediol (3 β ,17 β -dihydroxyestr-4-ene);
650 (rr) 19-nor-4-androstenediol (3 α ,17 β -dihydroxyestr-4-ene);
651 (ss) 19-nor-4,9(10)-androstadienedione (**estra-4,9(10)-diene-3,17-dione**);
652 (tt) 19-nor-5-androstenediol (3 β ,17 β -dihydroxyestr-5-ene);
653 (uu) 19-nor-5-androstenediol (3 α ,17 β -dihydroxyestr-5-ene);
654 (vv) 19-nor-4-androstenedione (estr-4-en-3,17-dione);
655 (ww) 19-nor-5-androstenedione (estr-5-en-3,17-dione);
656 (xx) Norbolethone (13 β ,17 α -diethyl-17 β -hydroxygon-4-en-3-one);
657 (yy) Norclostebol (4-chloro-17 β -hydroxyestr-4-en-3-one);
658 (zz) Norethandrolone (17 α -ethyl-17 β -hydroxyestr-4-en-3-one);
659 (aaa) Normethandrolone (17 α -methyl-17 β -hydroxyestr-4-en-3-one);
660 (bbb) Oxandrolone (17 α -methyl-17 β -hydroxy-2-oxa-[5 α]-androstan-3-one);
661 (ccc) Oxymesterone (17 α -methyl-4,17 β -dihydroxyandrost-4-en-3-one);
662 (ddd) Oxymethalone (17 α -methyl-2-hydroxymethylene-17 β -hydroxy-[5 α]-
663 androstan-3-one);
664 (eee) **Prostanozol (17 β -hydroxy-5 α -androstano[3,2-c]pyrazole);**

665 **(fff) Stanolone ($\Delta 1$ -dihydrotestosterone (a.k.a. 1-testosterone)(17 β -hydroxy-5 α -
666 androst-1-en-3-one));**

667 **(ggg) Stanozolol(17 α -methyl-17 β -hydroxy-[5 α]-androst-2-eno[3,2-c]-
668 pyrazole);**

669 **[(fff)] (hhh) Stenbolone (17 β -hydroxy-2-methyl-[5 α]-androst-1-en-3-one);**

670 **[(ggg)] (iii) Testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien
671 -17-oic acid lactone);**

672 **[(hhh)] (jjj) Testosterone (17 β -hydroxyandrost-4-en-3-one);**

673 **[(iii)] (kkk) Tetrahydrogestrinone (13 β ,17 α -diethyl-17 β -hydroxygon -4,
674 9,11-trien-3-one);**

675 **[(jjj)] (lll) Trenbolone (17 β -hydroxyestr-4,9,11-trien-3-one);**

676 **[(kkk)] (mmm) Any salt, ester, or ether of a drug or substance described or listed in this
677 subdivision, except an anabolic steroid which is expressly intended for administration through
678 implants to cattle or other nonhuman species and which has been approved by the Secretary of
679 Health and Human Services for that administration;**

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

682 (8) The department of health and senior services may except by rule any compound,
683 mixture, or preparation containing any stimulant or depressant substance listed in subdivisions
684 (1) and (2) of this subsection from the application of all or any part of sections 195.010 to
685 195.320 if the compound, mixture, or preparation contains one or more active medicinal
686 ingredients not having a stimulant or depressant effect on the central nervous system, and if the
687 admixtures are included therein in combinations, quantity, proportion, or concentration that
688 vitiate the potential for abuse of the substances which have a stimulant or depressant effect on
689 the central nervous system.

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

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

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

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

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

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

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

703 (b) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1,
704 2-diphenyl-3-methyl-2-propionoxybutane);

705 (c) 2-[(dimethylamino)methyl]-1-(3-methoxyphenyl)cyclohexanol, its salts, optical
706 and geometric isomers, and salts of these isomers (including tramadol);

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

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

713 b. Not more than one hundred milligrams of dihydrocodeine per one hundred milliliters
714 or per one hundred grams;

715 c. Not more than one hundred milligrams of ethylmorphine per one hundred milliliters
716 or per one hundred grams;

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

720 (a) **Alfaxalone;**

721 (b) Alprazolam;

722 [~~(b)~~] (c) Barbital;

723 [~~(e)~~] (d) Bromazepam;

724 [~~(d)~~] (e) Camazepam;

725 [~~(e)~~] (f) **Carisoprodol;**

726 (g) Chloral betaine;

727 [~~(f)~~] (h) Chloral hydrate;

728 [~~(g)~~] (i) Chlordiazepoxide;

729 [~~(h)~~] (j) Clobazam;

730 [~~(i)~~] (k) Clonazepam;

731 [~~(j)~~] (l) Clorazepate;

732 [~~(k)~~] (m) Clotiazepam;

733 [~~(l)~~] (n) Cloxazolam;

734 [~~(m)~~] (o) Delorazepam;

735 [~~(n)~~] (p) Diazepam;

736 [~~(o)~~] (q) Dichloralphenazone;

737 [(p)] (r) Estazolam;
738 [(q)] (s) Ethchlorvynol;
739 [(f)] (t) Ethinamate;
740 [(s)] (u) Ethyl loflazepate;
741 [(t)] (v) Fludiazepam;
742 [(u)] (w) Flunitrazepam;
743 [(v)] (x) Flurazepam;
744 [(w)] (y) Fospropofol;
745 [(x)] (z) Halazepam;
746 [(y)] (aa) Haloxazolam;
747 [(z)] (bb) Ketazolam;
748 [(aa)] (cc) Loprazolam;
749 [(bb)] (dd) Lorazepam;
750 [(ee)] (ee) Lormetazepam;
751 [(dd)] (ff) Mebutamate;
752 [(ee)] (gg) Medazepam;
753 [(ff)] (hh) Meprobamate;
754 [(gg)] (ii) Methohexital;
755 [(hh)] (jj) Methylphenobarbital (mephobarbital);
756 [(ii)] (kk) Midazolam;
757 [(jj)] (ll) Nimetazepam;
758 [(kk)] (mm) Nitrazepam;
759 [(ll)] (nn) Nordiazepam;
760 [(mm)] (oo) Oxazepam;
761 [(nn)] (pp) Oxazolam;
762 [(oo)] (qq) Paraldehyde;
763 [(pp)] (rr) Petrichloral;
764 [(qq)] (ss) Phenobarbital;
765 [(rr)] (tt) Pinazepam;
766 [(ss)] (uu) Prazepam;
767 [(tt)] (vv) Quazepam;
768 [(uu)] (ww) **Suvorexant**;
769 (xx) Temazepam;
770 [(vv)] (yy) Tetrazepam;
771 [(ww)] (zz) Triazolam;
772 [(xx)] (aaa) Zaleplon;

773 [(*yy*)] (**bbb**) Zolpidem;
774 [(*zz*)] (**ccc**) Zopiclone;
775 (3) Any material, compound, mixture, or preparation which contains any quantity of the
776 following substance including its salts, isomers and salts of isomers whenever the existence of
777 such salts, isomers and salts of isomers is possible: fenfluramine;
778 **(4) Any material, compound, mixture, or preparation which contains any quantity
779 of the following substances, including its salts, isomers, and salts of isomers, whenever the
780 existence of such salts, isomers, and salts of isomers is possible: Lorcaserin;**
781 **(5) Any material, compound, mixture or preparation containing any quantity of the
782 following substances having a stimulant effect on the central nervous system, including their
783 salts, isomers and salts of isomers:**
784 (a) Cathine ((+)-norpseudoephedrine);
785 (b) Diethylpropion;
786 (c) Fencamfamin;
787 (d) Fenproporex;
788 (e) Mazindol;
789 (f) Mefenorex;
790 (g) Modafinil;
791 (h) Pemoline, including organometallic complexes and chelates thereof;
792 (i) Phentermine;
793 (j) Pipradrol;
794 (k) Sibutramine;
795 (l) SPA ((-)-1-dimethyamino-1,2-diphenylethane);
796 **[(*5*)] (6) Any material, compound, mixture or preparation containing any quantity of the
797 following substance, including its salts:**
798 (a) Butorphanol (**including its optical isomers**);
799 (b) **Eluxadoline (5-[[[*(2S*)-2-amino-3-[4-aminocarbonyl]-2,6-dimethylphenyl]-1-
800 oxopropyl] [*(1S*)-1-(4-phenyl-1 *H*-imidazol-2-yl)ethyl]amino]methyl]-2-methoxybenzoic
801 acid) (**including its optical isomers**) and its salts, isomers, and salts of isomers;**
802 (c) Pentazocine;
803 **[(*6*)] (7) Ephedrine, its salts, optical isomers and salts of optical isomers, when the
804 substance is the only active medicinal ingredient;**
805 **[(*7*)] (8) The department of health and senior services may except by rule any
806 compound, mixture, or preparation containing any depressant substance listed in subdivision (1)
807 of this subsection from the application of all or any part of sections 195.010 to 195.320 and
808 sections 579.015 to 579.086 if the compound, mixture, or preparation contains one or more**

809 active medicinal ingredients not having a depressant effect on the central nervous system, and
810 if the admixtures are included therein in combinations, quantity, proportion, or concentration that
811 vitiate the potential for abuse of the substances which have a depressant effect on the central
812 nervous system.

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

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

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

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

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

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

827 (a) **Not more than two hundred milligrams of codeine per one hundred milliliters
828 or per one hundred grams;**

829 (b) **Not more than one hundred milligrams of dihydrocodeine per one hundred
830 milliliters or per one hundred grams;**

831 (c) **Not more than one hundred milligrams of ethylmorphine per one hundred
832 milliliters or per one hundred grams;**

833 (d) Not more than two and five-tenths milligrams of diphenoxylate and not less than
834 twenty-five micrograms of atropine sulfate per dosage unit;

835 [(b)] (e) Not more than one hundred milligrams of opium per one hundred milliliters or
836 per one hundred grams;

837 [(e)] (f) Not more than five-tenths milligram of difenoxin and not less than twenty-five
838 micrograms of atropine sulfate per dosage unit;

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

842 (3) Any compound, mixture, or preparation containing any detectable quantity of
843 pseudoephedrine or its salts or optical isomers, or salts of optical isomers or any compound,

844 mixture, or preparation containing any detectable quantity of ephedrine or its salts or optical
845 isomers, or salts of optical isomers;

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

849 (a) **Brivaracetam ((2S)-2-[(4R)-2-oxo-4-propylpyrrolidin-1-yl]butanamide)** (also
850 referred to as BRV; UCB-34714; Briviant);

851 (b) **Ezogabine [N-[2-amino-4(4-fluorobenzylamino)-phenyl]-carbamic acid ethyl
852 ester];**

853 (c) Lacosamide [(R)-2-acetoamido-N-benzyl-3-methoxy-propionamide];
854 (d) Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid];

855 (5) Any drug product in finished dosage formulation that has been approved by the
856 U.S. Food and Drug Administration that contains cannabidiol (2-[1R-3-methyl-6R-(1-
857 methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-1,3-benzenediol) derived from cannabis and
858 no more than 0.1 percent (w/w) residual tetrahydro cannabinoids.

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

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

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

871 (3) The pharmacist, intern pharmacist, or registered pharmacy technician shall require
872 any person, prior to such person's purchasing, receiving or otherwise acquiring such compound,
873 mixture, or preparation to furnish suitable photo identification that is issued by a state or the
874 federal government or a document that, with respect to identification, is considered acceptable
875 and showing the date of birth of the person;

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

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

880 (1) The name, address, and signature of the purchaser;
881 (2) The amount of the compound, mixture, or preparation purchased;
882 (3) The date and time of each purchase; and
883 (4) The name or initials of the pharmacist, intern pharmacist, or registered pharmacy
884 technician who dispensed the compound, mixture, or preparation to the purchaser.

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

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

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

893 16. The penalties for a knowing or reckless violation of the provisions of subsections 11
894 to 15 of this section are found in section 579.060.

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

900 18. The manufacturer of a drug product or another interested party may apply with the
901 department of health and senior services for an exemption from this section. The department of
902 health and senior services may grant an exemption by rule from this section if the department
903 finds the drug product is not used in the illegal manufacture of methamphetamine or other
904 controlled or dangerous substances. The department of health and senior services shall rely on
905 reports from law enforcement and law enforcement evidentiary laboratories in determining if the
906 proposed product can be used to manufacture illicit controlled substances.

907 19. The department of health and senior services shall revise and republish the schedules
908 annually.

909 20. The department of health and senior services shall promulgate rules under chapter
910 536 regarding the security and storage of Schedule V controlled substances, as described in
911 subdivision (3) of subsection 10 of this section, for distributors as registered by the department
912 of health and senior services.

913 21. Logs of transactions required to be kept and maintained by this section and section
914 195.417 shall create a rebuttable presumption that the person whose name appears in the logs is
915 the person whose transactions are recorded in the logs.

195.805. 1. No edible marijuana-infused product sold in Missouri pursuant to
2 Article XIV of the Missouri Constitution shall be designed, produced, or marketed in a
3 manner that is designed to appeal to persons under eighteen years of age, including, but
4 not limited to, the following:

5 (1) Candies, including lollipops, cotton candy, or any product using the word
6 "candy" or "candies" on the label; or

7 (2) Products in the shape of a human, animal, or fruit, including realistic, artistic,
8 caricature, or cartoon renderings.

9 2. Each increment of an edible marijuana-infused product containing ten or more
10 milligrams of tetrahydrocannabinols (THC) shall be stamped with a diamond containing
11 the letters "THC" and the number of milligrams of THC in that increment.

12 3. Any licensed or certified entity regulated by the department of health and senior
13 services pursuant to Article XIV of the Missouri Constitution found to have violated the
14 provisions of this section shall be subject to department sanctions, including an
15 administrative penalty, in accordance with the regulations promulgated by the department
16 pursuant to Article XIV of the Missouri Constitution.

217.735. 1. Notwithstanding any other provision of law to the contrary, the board shall
2 supervise an offender for the duration of his or her natural life when the offender has been found
3 guilty of an offense under:

4 (1) Section 566.030, 566.032, 566.060, 566.062, 566.067, 566.083, 566.100, 566.151,
5 566.212, 566.213, 568.020, 568.080, or 568.090 based on an act committed on or after August
6 28, 2006; or

7 (2) Section 566.068, 566.069, 566.210, 566.211, 573.200, or 573.205 based on an act
8 committed on or after January 1, 2017, against a victim who was less than fourteen years old and
9 the offender is a prior sex offender as defined in subsection 2 of this section.

10 2. For the purpose of this section, a prior sex offender is a person who has previously
11 pleaded guilty to or been found guilty of an offense contained in chapter 566 or violating section
12 568.020 when the person had sexual intercourse or deviate sexual intercourse with the victim,
13 or violating subdivision (2) of subsection 1 of section 568.045.

14 3. Subsection 1 of this section applies to offenders who have been granted probation, and
15 to offenders who have been released on parole, conditional release, or upon serving their full
16 sentence without early release. Supervision of an offender who was released after serving his
17 or her full sentence will be considered as supervision on parole.

18 4. A mandatory condition of lifetime supervision of an offender under this section is that
19 the offender be electronically monitored. Electronic monitoring shall be based on a global

20 positioning system or other technology that identifies and records the offender's location at all
21 times.

22 5. In appropriate cases as determined by a risk assessment, the board may terminate the
23 supervision of an offender who is being supervised under this section when the offender is sixty-
24 five years of age or older.

25 6. In accordance with section 217.040, the board may adopt rules relating to supervision
26 and electronic monitoring of offenders under this section.

27 **7. If an offender subject to lifetime supervision under this section is supervised
28 during the offender's probation, parole, or conditional release in a receiving state under
29 the interstate compact authorized in sections 589.500 to 589.569 and chapter 559, following
30 completion of probation, parole, or conditional release, the offender shall be permitted to
31 remain in the receiving state, and the board shall defer to the standards of supervision of
32 the receiving state, including electronic monitoring. If at any time the offender returns to
33 Missouri for more than thirty consecutive days, the offender shall be subject to lifetime
34 supervision required by this section.**

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

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

11 **3. The provisions of this section shall not apply to marijuana plants grown lawfully
12 pursuant to Article XIV of the Missouri Constitution.**

321.242. 1. The governing body of any fire protection district which operates within and
2 has boundaries identical to a city with a population of at least thirty thousand but not more than
3 thirty-five thousand inhabitants which is located in a county of the first classification, excluding
4 a county of the first classification having a population in excess of nine hundred thousand, or the
5 governing body of any municipality having a municipal fire department may impose a sales tax
6 in an amount of up to [one-fourth] one-half of one percent on all retail sales made in such fire
7 protection district or municipality which are subject to taxation pursuant to the provisions of
8 sections 144.010 to 144.525. The tax authorized by this section shall be in addition to any and
9 all other sales taxes allowed by law, except that no sales tax imposed pursuant to the provisions

10 of this section shall be effective unless the governing body of the fire protection district or
11 municipality submits to the voters of such fire protection district or municipality, at a county or
12 state general, primary or special election, a proposal to authorize the governing body of the fire
13 protection district or municipality to impose a tax.

14 2. The ballot of submission shall contain, but need not be limited to, the following
15 language:

16 Shall _____ (insert name of district or municipality) impose a sales tax of
17 _____ (insert rate of tax) for the purpose of providing revenues for the operation
18 of the _____ (insert fire protection district or municipal fire department)?

19 YES NO

20 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor
21 of the proposal, then the sales tax authorized in this section shall be in effect. If a majority of
22 the votes cast by the qualified voters voting are opposed to the proposal, then the governing body
23 of the fire protection district or municipality shall not impose the sales tax authorized in this
24 section unless and until the governing body of such fire protection district or municipality
25 resubmits a proposal to authorize the governing body of the fire protection district or
26 municipality to impose the sales tax authorized by this section and such proposal is approved by
27 a majority of the qualified voters voting thereon.

28 3. All revenue received by a fire protection district or municipality from the tax
29 authorized pursuant to the provisions of this section shall be deposited in a special trust fund and
30 shall be used solely for the operation of the fire protection district or the municipal fire
31 department.

32 4. All sales taxes collected by the director of revenue pursuant to this section or section
33 321.246 on behalf of any fire protection district or municipality, less one percent for cost of
34 collection which shall be deposited in the state's general revenue fund after payment of premiums
35 for surety bonds as provided in section 32.087, shall be deposited in a special trust fund, which
36 is hereby created, to be known as the "Fire Protection Sales Tax Trust Fund". Any moneys in
37 the fire protection district sales tax trust fund created prior to August 28, 1999, shall be
38 transferred to the fire protection sales tax trust fund. The moneys in the fire protection sales tax
39 trust fund shall not be deemed to be state funds and shall not be commingled with any funds of
40 the state. The director of revenue shall keep accurate records of the amount of money in the trust
41 fund and of the amounts which were collected in each fire protection district or municipality
42 imposing a sales tax pursuant to this section, and the records shall be open to the inspection of
43 officers of the fire protection district or municipality and the public. Not later than the tenth day
44 of each month, the director of revenue shall distribute all moneys deposited in the trust fund
45 during the preceding month to the fire protection district or municipality which levied the tax.

46 Such funds shall be deposited with the treasurer of each such fire protection district or
47 municipality, and all expenditures of funds arising from the fire protection sales tax trust fund
48 shall be for the operation of the fire protection district or the municipal fire department and for
49 no other purpose.

50 5. The director of revenue may make refunds from the amounts in the trust fund and
51 credited to any fire protection district or municipality for erroneous payments and overpayments
52 made and may redeem dishonored checks and drafts deposited to the credit of such fire
53 protection districts or municipalities. If any fire protection district or municipality abolishes the
54 tax, the fire protection district or municipality shall notify the director of revenue of the action
55 at least ninety days prior to the effective date of the repeal and the director of revenue may order
56 retention in the trust fund, for a period of one year, of two percent of the amount collected after
57 receipt of such notice to cover possible refunds or overpayment of the tax and to redeem
58 dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed
59 after the effective date of abolition of the tax in such fire protection district or municipality, the
60 director of revenue shall remit the balance in the account to the fire protection district or
61 municipality and close the account of that fire protection district or municipality. The director
62 of revenue shall notify each fire protection district or municipality of each instance of any
63 amount refunded or any check redeemed from receipts due the fire protection district or
64 municipality. In the event a tax within a fire protection district is approved pursuant to this
65 section, and such fire protection district is dissolved, if the boundaries of the fire protection
66 district are identical to that of the city, the tax shall continue and proceeds shall be distributed
67 to the governing body of the city formerly containing the fire protection district and the proceeds
68 of the tax shall be used for fire protection services within such city.

69 6. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall
70 apply to the tax imposed pursuant to this section.

488.5050. 1. In addition to any other surcharges authorized by statute, the clerk of each
2 court of this state shall collect the surcharges provided for in subsection 2 of this section.

3 2. A surcharge of thirty dollars shall be assessed as costs in each circuit court proceeding
4 filed within this state in all criminal cases in which the defendant is found guilty of a felony,
5 except when the defendant is found guilty of a class B felony, class A felony, or an unclassified
6 felony, under chapter [195] 579, in which case, the surcharge shall be sixty dollars. A surcharge
7 of fifteen dollars shall be assessed as costs in each court proceeding filed within this state in all
8 other criminal cases, except for traffic violation cases in which the defendant is found guilty of
9 a misdemeanor.

10 3. Notwithstanding any other provisions of law, the moneys collected by clerks of the
11 courts pursuant to the provisions of subsection 1 of this section shall be collected and disbursed
12 in accordance with sections 488.010 to 488.020, and shall be payable to the state treasurer.

13 4. The state treasurer shall deposit such moneys or other gifts, grants, or moneys received
14 on a monthly basis into the "DNA Profiling Analysis Fund", which is hereby created in the state
15 treasury. The fund shall be administered by the department of public safety. The moneys
16 deposited into the DNA profiling analysis fund shall be used only by the highway patrol crime
17 lab to fulfill the purposes of the DNA profiling system pursuant to section 650.052.
18 Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the
19 fund at the end of the biennium shall not revert to the credit of the general revenue fund.

20 5. The provisions of subsections 1 and 2 of this section shall expire on August 28, [2019]
21 **2029.**

556.061. In this code, unless the context requires a different definition, the following
2 terms shall mean:

3 (1) "Access", to instruct, communicate with, store data in, retrieve or extract data from,
4 or otherwise make any use of any resources of, a computer, computer system, or computer
5 network;

6 (2) "Affirmative defense":

7 (a) The defense referred to is not submitted to the trier of fact unless supported by
8 evidence; and

9 (b) If the defense is submitted to the trier of fact the defendant has the burden of
10 persuasion that the defense is more probably true than not;

11 (3) "Burden of injecting the issue":

12 (a) The issue referred to is not submitted to the trier of fact unless supported by evidence;
13 and

14 (b) If the issue is submitted to the trier of fact any reasonable doubt on the issue requires
15 a finding for the defendant on that issue;

16 (4) "Commercial film and photographic print processor", any person who develops
17 exposed photographic film into negatives, slides or prints, or who makes prints from negatives
18 or slides, for compensation. The term commercial film and photographic print processor shall
19 include all employees of such persons but shall not include a person who develops film or makes
20 prints for a public agency;

21 (5) "Computer", the box that houses the central processing unit (CPU), along with any
22 internal storage devices, such as internal hard drives, and internal communication devices, such
23 as internal modems capable of sending or receiving electronic mail or fax cards, along with any
24 other hardware stored or housed internally. Thus, computer refers to hardware, software and data

25 contained in the main unit. Printers, external modems attached by cable to the main unit,
26 monitors, and other external attachments will be referred to collectively as peripherals and
27 discussed individually when appropriate. When the computer and all peripherals are referred to
28 as a package, the term "computer system" is used. Information refers to all the information on
29 a computer system including both software applications and data;

30 (6) "Computer equipment", computers, terminals, data storage devices, and all other
31 computer hardware associated with a computer system or network;

32 (7) "Computer hardware", all equipment which can collect, analyze, create, display,
33 convert, store, conceal or transmit electronic, magnetic, optical or similar computer impulses or
34 data. Hardware includes, but is not limited to, any data processing devices, such as central
35 processing units, memory typewriters and self-contained laptop or notebook computers; internal
36 and peripheral storage devices, transistor-like binary devices and other memory storage devices,
37 such as floppy disks, removable disks, compact disks, digital video disks, magnetic tape, hard
38 drive, optical disks and digital memory; local area networks, such as two or more computers
39 connected together to a central computer server via cable or modem; peripheral input or output
40 devices, such as keyboards, printers, scanners, plotters, video display monitors and optical
41 readers; and related communication devices, such as modems, cables and connections, recording
42 equipment, RAM or ROM units, acoustic couplers, automatic dialers, speed dialers,
43 programmable telephone dialing or signaling devices and electronic tone-generating devices; as
44 well as any devices, mechanisms or parts that can be used to restrict access to computer
45 hardware, such as physical keys and locks;

46 (8) "Computer network", two or more interconnected computers or computer systems;

47 (9) "Computer program", a set of instructions, statements, or related data that directs or
48 is intended to direct a computer to perform certain functions;

49 (10) "Computer software", digital information which can be interpreted by a computer
50 and any of its related components to direct the way they work. Software is stored in electronic,
51 magnetic, optical or other digital form. The term commonly includes programs to run operating
52 systems and applications, such as word processing, graphic, or spreadsheet programs, utilities,
53 compilers, interpreters and communications programs;

54 (11) "Computer-related documentation", written, recorded, printed or electronically
55 stored material which explains or illustrates how to configure or use computer hardware,
56 software or other related items;

57 (12) "Computer system", a set of related, connected or unconnected, computer
58 equipment, data, or software;

59 (13) "Confinement":

60 (a) A person is in confinement when such person is held in a place of confinement
61 pursuant to arrest or order of a court, and remains in confinement until:

- 62 a. A court orders the person's release; or
63 b. The person is released on bail, bond, or recognizance, personal or otherwise; or
64 c. A public servant having the legal power and duty to confine the person authorizes his
65 release without guard and without condition that he return to confinement;

66 (b) A person is not in confinement if:

- 67 a. The person is on probation or parole, temporary or otherwise; or
68 b. The person is under sentence to serve a term of confinement which is not continuous,
69 or is serving a sentence under a work-release program, and in either such case is not being held
70 in a place of confinement or is not being held under guard by a person having the legal power
71 and duty to transport the person to or from a place of confinement;

72 (14) "Consent": consent or lack of consent may be expressed or implied. Assent does
73 not constitute consent if:

74 (a) It is given by a person who lacks the mental capacity to authorize the conduct charged
75 to constitute the offense and such mental incapacity is manifest or known to the actor; or

76 (b) It is given by a person who by reason of youth, mental disease or defect, intoxication,
77 a drug-induced state, or any other reason is manifestly unable or known by the actor to be unable
78 to make a reasonable judgment as to the nature or harmfulness of the conduct charged to
79 constitute the offense; or

80 (c) It is induced by force, duress or deception;

81 (15) "Controlled substance", a drug, substance, or immediate precursor in schedules I
82 through V as defined in chapter 195;

83 (16) "Criminal negligence", failure to be aware of a substantial and unjustifiable risk that
84 circumstances exist or a result will follow, and such failure constitutes a gross deviation from
85 the standard of care which a reasonable person would exercise in the situation;

86 (17) "Custody", a person is in custody when he or she has been arrested but has not been
87 delivered to a place of confinement;

88 (18) "Damage", when used in relation to a computer system or network, means any
89 alteration, deletion, or destruction of any part of the computer system or network;

90 (19) "Dangerous felony", the felonies of arson in the first degree, assault in the first
91 degree, attempted rape in the first degree if physical injury results, attempted forcible rape if
92 physical injury results, attempted sodomy in the first degree if physical injury results, attempted
93 forcible sodomy if physical injury results, rape in the first degree, forcible rape, sodomy in the
94 first degree, forcible sodomy, assault in the second degree if the victim of such assault is a
95 special victim as defined in subdivision (14) of section 565.002, kidnapping in the first degree,

96 kidnapping, murder in the second degree, assault of a law enforcement officer in the first degree,
97 domestic assault in the first degree, elder abuse in the first degree, robbery in the first degree,
98 statutory rape in the first degree when the victim is a child less than twelve years of age at the
99 time of the commission of the act giving rise to the offense, statutory sodomy in the first degree
100 when the victim is a child less than twelve years of age at the time of the commission of the act
101 giving rise to the offense, child molestation in the first or second degree, abuse of a child if the
102 child dies as a result of injuries sustained from conduct chargeable under section 568.060, child
103 kidnapping, parental kidnapping committed by detaining or concealing the whereabouts of the
104 child for not less than one hundred twenty days under section 565.153, and an
105 "intoxication-related traffic offense" or "intoxication-related boating offense" if the person is
106 found to be a "habitual offender" or "habitual boating offender" as such terms are defined in
107 section 577.001, **and delivery of a controlled substance when the substance is a mixture or**
108 **substance containing a detectable amount of heroin;**

109 (20) "Dangerous instrument", any instrument, article or substance, which, under the
110 circumstances in which it is used, is readily capable of causing death or other serious physical
111 injury;

112 (21) "Data", a representation of information, facts, knowledge, concepts, or instructions
113 prepared in a formalized or other manner and intended for use in a computer or computer
114 network. Data may be in any form including, but not limited to, printouts, microfiche, magnetic
115 storage media, punched cards and as may be stored in the memory of a computer;

116 (22) "Deadly weapon", any firearm, loaded or unloaded, or any weapon from which a
117 shot, readily capable of producing death or serious physical injury, may be discharged, or a
118 switchblade knife, dagger, billy club, blackjack or metal knuckles;

119 (23) "Digital camera", a camera that records images in a format which enables the
120 images to be downloaded into a computer;

121 (24) "Disability", a mental, physical, or developmental impairment that substantially
122 limits one or more major life activities or the ability to provide adequately for one's care or
123 protection, whether the impairment is congenital or acquired by accident, injury or disease, where
124 such impairment is verified by medical findings;

125 (25) "Elderly person", a person sixty years of age or older;

126 (26) "Felony", an offense so designated or an offense for which persons found guilty
127 thereof may be sentenced to death or imprisonment for a term of more than one year;

128 (27) "Forcible compulsion" either:

129 (a) Physical force that overcomes reasonable resistance; or

130 (b) A threat, express or implied, that places a person in reasonable fear of death, serious
131 physical injury or kidnapping of such person or another person;

132 (28) "Incapacitated", a temporary or permanent physical or mental condition in which
133 a person is unconscious, unable to appraise the nature of his or her conduct, or unable to
134 communicate unwillingness to an act;

135 (29) "Infraction", a violation defined by this code or by any other statute of this state if
136 it is so designated or if no sentence other than a fine, or fine and forfeiture or other civil penalty,
137 is authorized upon conviction;

138 (30) "Inhabitable structure", a vehicle, vessel or structure:

139 (a) Where any person lives or carries on business or other calling; or

140 (b) Where people assemble for purposes of business, government, education, religion,
141 entertainment, or public transportation; or

142 (c) Which is used for overnight accommodation of persons.

143 Any such vehicle, vessel, or structure is inhabitable regardless of whether a person is actually
144 present. If a building or structure is divided into separately occupied units, any unit not occupied
145 by the actor is an inhabitable structure of another;

146 (31) "Knowingly", when used with respect to:

147 (a) Conduct or attendant circumstances, means a person is aware of the nature of his or
148 her conduct or that those circumstances exist; or

149 (b) A result of conduct, means a person is aware that his or her conduct is practically
150 certain to cause that result;

151 (32) "Law enforcement officer", any public servant having both the power and duty to
152 make arrests for violations of the laws of this state, and federal law enforcement officers
153 authorized to carry firearms and to make arrests for violations of the laws of the United States;

154 (33) "Misdemeanor", an offense so designated or an offense for which persons found
155 guilty thereof may be sentenced to imprisonment for a term of which the maximum is one year
156 or less;

157 (34) "Of another", property that any entity, including but not limited to any natural
158 person, corporation, limited liability company, partnership, association, governmental
159 subdivision or instrumentality, other than the actor, has a possessory or proprietary interest
160 therein, except that property shall not be deemed property of another who has only a security
161 interest therein, even if legal title is in the creditor pursuant to a conditional sales contract or
162 other security arrangement;

163 (35) "Offense", any felony or misdemeanor;

164 (36) "Physical injury", slight impairment of any function of the body or temporary loss
165 of use of any part of the body;

166 (37) "Place of confinement", any building or facility and the grounds thereof wherein a
167 court is legally authorized to order that a person charged with or convicted of a crime be held;

168 (38) "Possess" or "possessed", having actual or constructive possession of an object with
169 knowledge of its presence. A person has actual possession if such person has the object on his
170 or her person or within easy reach and convenient control. A person has constructive possession
171 if such person has the power and the intention at a given time to exercise dominion or control
172 over the object either directly or through another person or persons. Possession may also be sole
173 or joint. If one person alone has possession of an object, possession is sole. If two or more
174 persons share possession of an object, possession is joint;

175 (39) "Property", anything of value, whether real or personal, tangible or intangible, in
176 possession or in action;

177 (40) "Public servant", any person employed in any way by a government of this state who
178 is compensated by the government by reason of such person's employment, any person appointed
179 to a position with any government of this state, or any person elected to a position with any
180 government of this state. It includes, but is not limited to, legislators, jurors, members of the
181 judiciary and law enforcement officers. It does not include witnesses;

182 (41) "Purposely", when used with respect to a person's conduct or to a result thereof,
183 means when it is his or her conscious object to engage in that conduct or to cause that result;

184 (42) "Recklessly", consciously disregarding a substantial and unjustifiable risk that
185 circumstances exist or that a result will follow, and such disregard constitutes a gross deviation
186 from the standard of care which a reasonable person would exercise in the situation;

187 (43) "Serious emotional injury", an injury that creates a substantial risk of temporary or
188 permanent medical or psychological damage, manifested by impairment of a behavioral,
189 cognitive or physical condition. Serious emotional injury shall be established by testimony of
190 qualified experts upon the reasonable expectation of probable harm to a reasonable degree of
191 medical or psychological certainty;

192 (44) "Serious physical injury", physical injury that creates a substantial risk of death or
193 that causes serious disfigurement or protracted loss or impairment of the function of any part of
194 the body;

195 (45) "Services", when used in relation to a computer system or network, means use of
196 a computer, computer system, or computer network and includes, but is not limited to, computer
197 time, data processing, and storage or retrieval functions;

198 (46) "Sexual orientation", male or female heterosexuality, homosexuality or bisexuality
199 by inclination, practice, identity or expression, or having a self-image or identity not traditionally
200 associated with one's gender;

201 (47) "Vehicle", a self-propelled mechanical device designed to carry a person or persons,
202 excluding vessels or aircraft;

203 (48) "Vessel", any boat or craft propelled by a motor or by machinery, whether or not
204 such motor or machinery is a principal source of propulsion used or capable of being used as a
205 means of transportation on water, or any boat or craft more than twelve feet in length which is
206 powered by sail alone or by a combination of sail and machinery, and used or capable of being
207 used as a means of transportation on water, but not any boat or craft having, as the only means
208 of propulsion, a paddle or oars;

209 (49) "Voluntary act":

210 (a) A bodily movement performed while conscious as a result of effort or determination.
211 Possession is a voluntary act if the possessor knowingly procures or receives the thing possessed,
212 or having acquired control of it was aware of his or her control for a sufficient time to have
213 enabled him or her to dispose of it or terminate his or her control; or

214 (b) An omission to perform an act of which the actor is physically capable. A person is
215 not guilty of an offense based solely upon an omission to perform an act unless the law defining
216 the offense expressly so provides, or a duty to perform the omitted act is otherwise imposed by
217 law;

218 (50) "Vulnerable person", any person in the custody, care, or control of the department
219 of mental health who is receiving services from an operated, funded, licensed, or certified
220 program.

559.106. 1. Notwithstanding any statutory provision to the contrary, when a court grants
2 probation to an offender who has been found guilty of an offense in:

3 (1) Section 566.030, 566.032, 566.060, 566.062, 566.067, 566.083, 566.100, 566.151,
4 566.212, 566.213, 568.020, 568.080, or 568.090, based on an act committed on or after August
5 28, 2006; or

6 (2) Section 566.068, 566.069, 566.210, 566.211, 573.200, or 573.205 based on an act
7 committed on or after January 1, 2017, against a victim who was less than fourteen years of age
8 and the offender is a prior sex offender as defined in subsection 2 of this section;
9 the court shall order that the offender be supervised by the board of probation and parole for the
10 duration of his or her natural life.

11 2. For the purpose of this section, a prior sex offender is a person who has previously
12 been found guilty of an offense contained in chapter 566, or violating section 568.020, when the
13 person had sexual intercourse or deviate sexual intercourse with the victim, or of violating
14 subdivision (2) of subsection 1 of section 568.045.

15 3. When probation for the duration of the offender's natural life has been ordered, a
16 mandatory condition of such probation is that the offender be electronically monitored.
17 Electronic monitoring shall be based on a global positioning system or other technology that
18 identifies and records the offender's location at all times.

19 4. In appropriate cases as determined by a risk assessment, the court may terminate the
20 probation of an offender who is being supervised under this section when the offender is sixty-
21 five years of age or older.

22 **5. If an offender subject to lifetime supervision under this section is supervised
23 during the offender's probation, parole, or conditional release in a receiving state under
24 the interstate compact authorized in this chapter and sections 589.500 to 589.569, following
25 completion of probation, parole, or conditional release, the offender shall be permitted to
26 remain in the receiving state, and the board shall defer to the standards of supervision of
27 the receiving state, including electronic monitoring. If at any time the offender returns to
28 Missouri for more than thirty consecutive days, the offender shall be subject to lifetime
29 supervision required by this section.**

565.021. 1. A person commits the offense of murder in the second degree if he or she:

2 (1) Knowingly causes the death of another person or, with the purpose of causing serious
3 physical injury to another person, causes the death of another person; [or]

4 (2) Commits or attempts to commit any felony, and, in the perpetration or the attempted
5 perpetration of such felony or in the flight from the perpetration or attempted perpetration of
6 such felony, another person is killed as a result of the perpetration or attempted perpetration of
7 such felony or immediate flight from the perpetration of such felony or attempted perpetration
8 of such felony; or

9 **(3) Knowingly manufactures, delivers, or distributes a Schedule I or II controlled
10 substance, as described in section 195.017 and regulations promulgated by the department
11 of health and senior services and excluding marijuana for medical use as authorized by
12 Article XVI of the Missouri Constitution, in violation of chapters 195 or 579, and such
13 controlled substance thereafter is the proximate cause of the death of another person who
14 uses or consumes such controlled substance. It shall not be a defense that the defendant
15 did not directly deliver or distribute the controlled substance to the decedent.**

16 2. The offense of murder in the second degree is a class A felony, and the punishment
17 for second degree murder shall be in addition to the punishment for commission of a related
18 felony or attempted felony, other than murder or manslaughter.

19 3. Notwithstanding section 556.046 and section 565.029, in any charge of murder in the
20 second degree, the jury shall be instructed on, or, in a jury-waived trial, the judge shall consider,
21 any and all of the subdivisions in subsection 1 of this section which are supported by the
22 evidence and requested by one of the parties or the court.

569.086. 1. **As used in this section, "critical infrastructure facility" means any of
2 the following facilities that are under construction or operational: a petroleum or alumina
3 refinery; an electrical power generating facility, substation, switching station, electrical**

4 control center, or electric power lines and associated equipment infrastructure; a chemical,
5 polymer, or rubber manufacturing facility; a water intake structure, water treatment
6 facility, wastewater treatment plant, or pump station; a natural gas compressor station;
7 a liquid natural gas terminal or storage facility; a telecommunications central switching
8 office; wireless telecommunications infrastructure, including cell towers, telephone poles
9 and lines, including fiber optic lines; a port, railroad switching yard, railroad tracks,
10 trucking terminal, or other freight transportation facility; a gas processing plant, including
11 a plant used in the processing, treatment, or fractionation of natural gas or natural gas
12 liquids; a transmission facility used by a federally licensed radio or television station; a
13 steelmaking facility that uses an electric arc furnace to make steel; a facility identified and
14 regulated by the United States Department of Homeland Security Chemical Facility Anti-
15 Terrorism Standards (CFATS) program; a dam that is regulated by the state or federal
16 government; a natural gas distribution utility facility including, but not limited to, pipeline
17 interconnections, a city gate or town border station, metering station, aboveground piping,
18 a regulator station, and a natural gas storage facility; a crude oil or refined products
19 storage and distribution facility including, but not limited to, valve sites, pipeline
20 interconnection, pump station, metering station, below or aboveground pipeline or piping
21 and truck loading or offloading facility; or any aboveground portion of an oil, gas,
22 hazardous liquid or chemical pipeline, tank, railroad facility, or other storage facility
23 housing critical infrastructure that is enclosed by a fence, other physical barrier, or is
24 clearly marked with signs prohibiting trespassing, that are obviously designed to exclude
25 intruders.

26 2. A person commits the offense of willful trespass on a critical infrastructure
27 facility if he or she willfully trespasses or enters property containing a critical
28 infrastructure facility without the permission of the owner of the property or lawful
29 occupant thereof. The offense of willful trespass on a critical infrastructure facility is a
30 class B misdemeanor. If it is determined that the intent of the trespasser is to willfully
31 damage, destroy, vandalize, deface, tamper with equipment, or impede or inhibit
32 operations of the facility, the person shall be guilty of a class A misdemeanor.

33 3. A person commits the offense of willful damage of a critical infrastructure if he
34 or she willfully damages, destroys, vandalizes, defaces, or tampers with equipment in a
35 critical infrastructure facility. The offense of willful damage of a critical infrastructure
36 facility is a class C felony.

37 4. If an organization is found to be a conspirator with persons who are found to
38 have committed any of the offenses set forth in subsection 2 or 3 of this section, the

39 **conspiring organization shall be punished by a fine that is ten times the amount of the fine**
40 **attached to the offense set forth in subsection 2 or 3 of this section.**

579.015. 1. A person commits the offense of possession of a controlled substance if he
2 or she knowingly possesses a controlled substance, except as authorized by this chapter or
3 chapter 195.

4 2. The offense of possession of any controlled substance except thirty-five grams or less
5 of marijuana or any synthetic cannabinoid, **or except as provided in subsection 3 of this**
6 **section, is a class D felony. If the defendant is an emergency care provider, as defined in**
7 **section 191.630, or a home health care employee, a hospice employee, an in-home care**
8 **employee, a personal care assistant, or any other individual who provides home health**
9 **services, as defined in section 197.400, or personal care assistance services, as defined in**
10 **section 208.900, to patients and who knowingly and unlawfully possesses such controlled**
11 **substance belonging to the patient or another member of the patient's household, the**
12 **offense is a class C felony.**

13 3. **The offense of possession of flunitrazepam or gamma-hydroxybutyric acid is a**
14 **class E felony.**

15 4. The offense of possession of more than ten grams but thirty-five grams or less of
16 marijuana or any synthetic cannabinoid is a class A misdemeanor.

17 [4.] 5. The offense of possession of not more than ten grams of marijuana or any
18 synthetic cannabinoid is a class D misdemeanor. If the defendant has previously been found
19 guilty of any offense of the laws related to controlled substances of this state, or of the United
20 States, or any state, territory, or district, the offense is a class A misdemeanor. Prior findings of
21 guilt shall be pleaded and proven in the same manner as required by section 558.021.

22 [5.] 6. In any complaint, information, or indictment, and in any action or proceeding
23 brought for the enforcement of any provision of this chapter or chapter 195, it shall not be
24 necessary to include any exception, excuse, proviso, or exemption contained in this chapter or
25 chapter 195, and the burden of proof of any such exception, excuse, proviso or exemption shall
26 be upon the defendant.

579.020. 1. A person commits the offense of delivery of a controlled substance if,
2 except as authorized in this chapter or chapter 195, he or she:

- 3 (1) Knowingly distributes or delivers a controlled substance;
- 4 (2) Attempts to distribute or deliver a controlled substance;
- 5 (3) Knowingly possesses a controlled substance with the intent to distribute or deliver
6 any amount of a controlled substance; or
- 7 (4) Knowingly permits a minor to purchase or transport illegally obtained controlled
8 substances.

9 2. Except when the controlled substance is thirty-five grams or less of marijuana or
10 synthetic cannabinoid or as otherwise provided under subsection 5 of this section, the offense
11 of delivery of a controlled substance is a class C felony.

12 3. Except as otherwise provided under subsection 4 of this section, the offense of
13 delivery of thirty-five grams or less of marijuana or synthetic cannabinoid is a class E felony.

14 4. The offense of delivery of thirty-five grams or less of marijuana or synthetic
15 cannabinoid to a person less than seventeen years of age who is at least two years younger than
16 the defendant is a class C felony.

17 5. The offense of delivery of a controlled substance is a class B felony if:

18 (1) The delivery or distribution is any amount of a controlled substance except thirty-five
19 grams or less of marijuana or synthetic cannabinoid, to a person less than seventeen years of age
20 who is at least two years younger than the defendant; ~~[or]~~

21 (2) The person knowingly permits a minor to purchase or transport illegally obtained
22 controlled substances; **or**

23 **(3) The person knowingly distributes or delivers a mixture or substance containing
24 a detectable amount of heroin.**

579.065. 1. A person commits the offense of trafficking drugs in the first degree if,
2 except as authorized by this chapter or chapter 195, such person knowingly distributes, delivers,
3 manufactures, produces or attempts to distribute, deliver, manufacture or produce:

4 (1) More than thirty grams but less than ninety grams of a mixture or substance
5 containing a detectable amount of heroin;

6 (2) More than one hundred fifty grams but less than four hundred fifty grams of a
7 mixture or substance containing a detectable amount of coca leaves, except coca leaves and
8 extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts
9 have been removed; cocaine salts and their optical and geometric isomers, and salts of isomers;
10 ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture,
11 or preparation which contains any quantity of any of the foregoing substances;

12 (3) More than eight grams but less than twenty-four grams of a mixture or substance
13 described in subdivision (2) of this subsection which contains cocaine base;

14 (4) More than five hundred milligrams but less than one gram of a mixture or substance
15 containing a detectable amount of lysergic acid diethylamide (LSD);

16 (5) More than thirty grams but less than ninety grams of a mixture or substance
17 containing a detectable amount of phencyclidine (PCP);

18 (6) More than four grams but less than twelve grams of phencyclidine;

19 (7) More than thirty kilograms but less than one hundred kilograms of a mixture or
20 substance containing marijuana, **excluding medical marijuana pursuant to Article XIV of the**
21 Missouri Constitution;

22 (8) More than thirty grams but less than ninety grams of any material, compound,
23 mixture, or preparation containing any quantity of the following substances having a stimulant
24 effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its
25 optical isomers; methamphetamine, its salts, optical isomers and salts of its optical isomers;
26 phenmetrazine and its salts; or methylphenidate; [or]

27 (9) More than thirty grams but less than ninety grams of any material, compound,
28 mixture, or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine;

29 **(10) One gram or more of flunitrazepam for the first offense;**

30 **(11) Any amount of gamma-hydroxybutyric acid for the first offense; or**

31 **(12) More than ten milligrams but less than twenty milligrams of fentanyl, or any**
32 **derivative thereof, or any compound, mixture, or substance containing a detectable amount**
33 **of fentanyl, carfentanil, or their optical isomers or analogues.**

34 2. The offense of trafficking drugs in the first degree is a class B felony.

35 3. The offense of trafficking drugs in the first degree is a class A felony if the quantity
36 involved is:

37 (1) Ninety grams or more of a mixture or substance containing a detectable amount of
38 heroin; or

39 (2) Four hundred fifty grams or more of a mixture or substance containing a detectable
40 amount of coca leaves, except coca leaves and extracts of coca leaves from which cocaine,
41 ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts and their
42 optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers,
43 and salts of isomers; or any compound, mixture, or preparation which contains any quantity of
44 any of the foregoing substances; or

45 (3) Twenty-four grams or more of a mixture or substance described in subdivision (2)
46 of this subsection which contains cocaine base; or

47 (4) One gram or more of a mixture or substance containing a detectable amount of
48 lysergic acid diethylamide (LSD); or

49 (5) Ninety grams or more of a mixture or substance containing a detectable amount of
50 phencyclidine (PCP); or

51 (6) Twelve grams or more of phencyclidine; or

52 (7) One hundred kilograms or more of a mixture or substance containing marijuana,
53 **excluding medical marijuana pursuant to Article XIV of the Missouri Constitution;** or

54 (8) Ninety grams or more of any material, compound, mixture, or preparation containing
55 any quantity of the following substances having a stimulant effect on the central nervous system:
56 amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its
57 salts, optical isomers and salts of its optical isomers; phenmetrazine and its salts; or
58 methylphenidate; or

59 (9) More than thirty grams of any material, compound, mixture, or preparation
60 containing any quantity of the following substances having a stimulant effect on the central
61 nervous system: amphetamine, its salts, optical isomers, and salts of its optical isomers;
62 methamphetamine, its salts, optical isomers, and salts of its optical isomers; phenmetrazine and
63 its salts; or methylphenidate, and the location of the offense was within two thousand feet of real
64 property comprising a public or private elementary, vocational, or secondary school, college,
65 community college, university, or any school bus, in or on the real property comprising public
66 housing or any other governmental assisted housing, or within a motor vehicle, or in any
67 structure or building which contains rooms furnished for the accommodation or lodging of
68 guests, and kept, used, maintained, advertised, or held out to the public as a place where sleeping
69 accommodations are sought for pay or compensation to transient guests or permanent guests; or

70 (10) Ninety grams or more of any material, compound, mixture or preparation which
71 contains any quantity of 3,4-methylenedioxymethamphetamine; or

72 (11) More than thirty grams of any material, compound, mixture, or preparation which
73 contains any quantity of 3,4-methylenedioxymethamphetamine and the location of the offense
74 was within two thousand feet of real property comprising a public or private elementary,
75 vocational, or secondary school, college, community college, university, or any school bus, in
76 or on the real property comprising public housing or any other governmental assisted housing,
77 within a motor vehicle, or in any structure or building which contains rooms furnished for the
78 accommodation or lodging of guests, and kept, used, maintained, advertised, or held out to the
79 public as a place where sleeping accommodations are sought for pay or compensation to transient
80 guests or permanent guests; or

81 **(12) One gram or more of flunitrazepam for a second or subsequent offense; or**
82 **(13) Any amount of gamma-hydroxybutyric acid for a second or subsequent
83 offense; or**

84 **(14) Twenty milligrams or more of fentanyl, or any derivative thereof, or any
85 compound, mixture, or substance containing a detectable amount of fentanyl, carfentanil,
86 or their optical isomers or analogues.**

579.068. 1. A person commits the offense of trafficking drugs in the second degree if,
2 except as authorized by this chapter or chapter 195, such person knowingly possesses or has
3 under his or her control, purchases or attempts to purchase, or brings into this state:

4 (1) More than thirty grams but less than ninety grams of a mixture or substance
5 containing a detectable amount of heroin;

6 (2) More than one hundred fifty grams but less than four hundred fifty grams of a
7 mixture or substance containing a detectable amount of coca leaves, except coca leaves and
8 extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts
9 have been removed; cocaine salts and their optical and geometric isomers, and salts of isomers;
10 ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture,
11 or preparation which contains any quantity of any of the foregoing substances;

12 (3) More than eight grams but less than twenty-four grams of a mixture or substance
13 described in subdivision (2) of this subsection which contains cocaine base;

14 (4) More than five hundred milligrams but less than one gram of a mixture or substance
15 containing a detectable amount of lysergic acid diethylamide (LSD);

16 (5) More than thirty grams but less than ninety grams of a mixture or substance
17 containing a detectable amount of phencyclidine (PCP);

18 (6) More than four grams but less than twelve grams of phencyclidine;

19 (7) More than thirty kilograms but less than one hundred kilograms of a mixture or
20 substance containing marijuana, **excluding medical marijuana pursuant to Article XIV of the**
21 **Missouri Constitution;**

22 (8) More than thirty grams but less than ninety grams of any material, compound,
23 mixture, or preparation containing any quantity of the following substances having a stimulant
24 effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its
25 optical isomers; methamphetamine, its salts, optical isomers and salts of its optical isomers;
26 phenmetrazine and its salts; or methylphenidate; [or]

27 (9) More than thirty grams but less than ninety grams of any material, compound,
28 mixture, or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine;
29 **or**

30 **(10) More than ten milligrams but less than twenty milligrams of fentanyl, or any**
31 **derivative thereof, or any compound, mixture, or substance containing a detectable amount**
32 **of fentanyl, carfentanil, or their optical isomers or analogues.**

33 2. The offense of trafficking drugs in the second degree is a class C felony.

34 3. The offense of trafficking drugs in the second degree is a class B felony if the quantity
35 involved is:

36 (1) Ninety grams or more of a mixture or substance containing a detectable amount of
37 heroin; or

38 (2) Four hundred fifty grams or more of a mixture or substance containing a detectable
39 amount of coca leaves, except coca leaves and extracts of coca leaves from which cocaine,

40 ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts and their
41 optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers,
42 and salts of isomers; or any compound, mixture, or preparation which contains any quantity of
43 any of the foregoing substances; or

44 (3) Twenty-four grams or more of a mixture or substance described in subdivision (2)
45 of this subsection which contains cocaine base; or

46 (4) One gram or more of a mixture or substance containing a detectable amount of
47 lysergic acid diethylamide (LSD); or

48 (5) Ninety grams or more of a mixture or substance containing a detectable amount of
49 phencyclidine (PCP); or

50 (6) Twelve grams or more of phencyclidine; or

51 (7) One hundred kilograms or more of a mixture or substance containing marijuana,
52 **excluding medical marijuana pursuant to Article XIV of the Missouri Constitution;** or

53 (8) More than five hundred marijuana plants, **excluding medical marijuana pursuant**
54 **to Article XIV of the Missouri Constitution;** or

55 (9) Ninety grams or more but less than four hundred fifty grams of any material,
56 compound, mixture, or preparation containing any quantity of the following substances having
57 a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts
58 of its optical isomers; methamphetamine, its salts, optical isomers and salts of its optical isomers;
59 phenmetrazine and its salts; or methylphenidate; or

60 (10) Ninety grams or more but less than four hundred fifty grams of any material,
61 compound, mixture, or preparation which contains any quantity of
62 3,4-methylenedioxymethamphetamine; or

63 **(11) Twenty milligrams or more of fentanyl, or any derivative thereof, or any**
64 **compound, mixture, or substance containing a detectable amount of fentanyl, carfentanil,**
65 **or their optical isomers or analogues.**

66 4. The offense of trafficking drugs in the second degree is a class A felony if the quantity
67 involved is four hundred fifty grams or more of any material, compound, mixture or preparation
68 which contains:

69 (1) Any quantity of the following substances having a stimulant effect on the central
70 nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers;
71 methamphetamine, its salts, isomers and salts of its isomers; phenmetrazine and its salts; or
72 methylphenidate; or

73 (2) Any quantity of 3,4-methylenedioxymethamphetamine.

74 **5. The offense of drug trafficking in the second degree is a class E felony for the**
75 **first offense and a class C felony for any second or subsequent offense for the trafficking**
76 **of less than one gram of flunitrazepam.**

589.400. 1. Sections 589.400 to 589.425 shall apply to:

2 (1) Any person who, since July 1, 1979, has been or is hereafter adjudicated for an
3 offense referenced in section 589.414, unless such person is exempt from registering under
4 subsection 9 or 10 of this section or section 589.401;

5 (2) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found
6 guilty of, or pled guilty or nolo contendere to committing, attempting to commit, or conspiring
7 to commit one or more of the following offenses: kidnapping or kidnapping in the first degree
8 when the victim was a child and the defendant was not a parent or guardian of the child; abuse
9 of a child under section 568.060 when such abuse is sexual in nature; felonious restraint or
10 kidnapping in the second degree when the victim was a child and the defendant is not a parent
11 or guardian of the child; sexual contact or sexual intercourse with a resident of a nursing home
12 or sexual conduct with a nursing facility resident or vulnerable person in the first or second
13 degree; endangering the welfare of a child under section 568.045 when the endangerment is
14 sexual in nature; genital mutilation of a female child, under section 568.065; promoting
15 prostitution in the first degree; promoting prostitution in the second degree; promoting
16 prostitution in the third degree; sexual exploitation of a minor; promoting child pornography in
17 the first degree; promoting child pornography in the second degree; possession of child
18 pornography; furnishing pornographic material to minors; public display of explicit sexual
19 material; coercing acceptance of obscene material; promoting obscenity in the first degree;
20 promoting pornography for minors or obscenity in the second degree; incest; use of a child in a
21 sexual performance; or promoting sexual performance by a child; patronizing prostitution if the
22 individual the person patronizes is less than eighteen years of age;

23 (3) Any person who, since July 1, 1979, has been committed to the department of mental
24 health as a criminal sexual psychopath;

25 (4) Any person who, since July 1, 1979, has been found not guilty as a result of mental
26 disease or defect of any offense referenced in section 589.414;

27 (5) Any juvenile certified as an adult and transferred to a court of general jurisdiction
28 who has been adjudicated for an offense listed under section 589.414;

29 (6) Any juvenile fourteen years of age or older at the time of the offense who has been
30 adjudicated for an offense which is equal to or more severe than aggravated sexual abuse under
31 18 U.S.C. Section 2241, which shall include any attempt or conspiracy to commit such offense;

32 (7) Any person who is a resident of this state who has, since July 1, 1979, been or is
33 hereafter adjudicated in any other state, territory, the District of Columbia, or foreign country,

34 or under federal, tribal, or military jurisdiction for an offense which, if committed in this state,
35 would constitute an offense listed under section 589.414, or has been or is required to register
36 in another state, territory, the District of Columbia, or foreign country, or has been or is required
37 to register under tribal, federal, or military law; or

38 (8) Any person who has been or is required to register in another state, territory, the
39 District of Columbia, or foreign country, or has been or is required to register under tribal,
40 federal, or military law and who works or attends an educational institution, whether public or
41 private in nature, including any secondary school, trade school, professional school, or institution
42 of higher education on a full-time or on a part-time basis or has a temporary residence in
43 Missouri. "Part-time" in this subdivision means for more than seven days in any twelve-month
44 period.

45 2. Any person to whom sections 589.400 to 589.425 apply shall, within three business
46 days of adjudication, release from incarceration, or placement upon probation, register with the
47 chief law enforcement official of the county or city not within a county in which such person
48 resides unless such person has already registered in that county for the same offense. For any
49 juvenile under subdivision (6) of subsection 1 of this section, within three business days of
50 adjudication or release from commitment to the division of youth services, the department of
51 mental health, or other placement, such juvenile shall register with the chief law enforcement
52 official of the county or city not within a county in which he or she resides unless he or she has
53 already registered in such county or city not within a county for the same offense. Any person
54 to whom sections 589.400 to 589.425 apply if not currently registered in their county of
55 residence shall register with the chief law enforcement official of such county or city not within
56 a county within three business days. The chief law enforcement official shall forward a copy of
57 the registration form required by section 589.407 to a city, town, village, or campus law
58 enforcement agency located within the county of the chief law enforcement official.

59 3. The registration requirements of sections 589.400 through 589.425 shall be as
60 provided under subsection 4 of this section unless:

61 (1) All offenses requiring registration are reversed, vacated, or set aside; **or**
62 (2) ~~[The registrant is no longer required to register and his or her name shall be removed
from the registry under the provisions of section 589.414; or]~~
63 ~~(3)~~ The court orders the removal or exemption of such person from the registry under
64 section 589.401.

66 4. The registration requirements shall be as follows:

67 (1) Fifteen years if the offender is a tier I sex offender as provided under section
68 589.414;

69 (2) Twenty-five years if the offender is a tier II sex offender as provided under section
70 589.414; or

71 (3) The life of the offender if the offender is a tier III sex offender.

72 5. (1) The registration period shall be reduced as described in subdivision (3) of this
73 subsection for a sex offender who maintains a clean record for the periods described under
74 subdivision (2) of this subsection by:

75 (a) Not being adjudicated of any offense for which imprisonment for more than one year
76 may be imposed;

77 (b) Not being adjudicated of any sex offense;

78 (c) Successfully completing any periods of supervised release, probation, or parole; and

79 (d) Successfully completing an appropriate sex offender treatment program certified by
80 the attorney general.

81 (2) In the case of a:

82 (a) Tier I sex offender, the period during which the clean record shall be maintained is
83 ten years;

84 (b) Tier III sex offender adjudicated delinquent for the offense which required
85 registration in a sex offender registry under sections 589.400 to 589.425, the period during which
86 the clean record shall be maintained is twenty-five years.

87 (3) In the case of a:

88 (a) Tier I sex offender, the reduction is five years;

89 (b) Tier III sex offender adjudicated delinquent, the reduction is from life to that period
90 for which the clean record under paragraph (b) of subdivision (2) of this subsection is
91 maintained.

92 6. For processing an initial sex offender registration the chief law enforcement officer
93 of the county or city not within a county may charge the offender registering a fee of up to ten
94 dollars.

95 7. For processing any change in registration required pursuant to section 589.414 the
96 chief law enforcement official of the county or city not within a county may charge the person
97 changing their registration a fee of five dollars for each change made after the initial registration.

98 8. Any person currently on the sexual offender registry or who otherwise would be
99 required to register for being adjudicated for the offense of felonious restraint of a nonsexual
100 nature when the victim was a child and he or she was the parent or guardian of the child,
101 nonsexual child abuse that was committed under section 568.060, or kidnapping of a nonsexual
102 nature when the victim was a child and he or she was the parent or guardian of the child shall be
103 removed from the registry. However, such person shall remain on the sexual offender registry

104 for any other offense for which he or she is required to register under sections 589.400 to
105 589.425.

106 9. The following persons shall be exempt from registering as a sexual offender upon
107 petition to the court of jurisdiction under section 589.401; except that, such person shall remain
108 on the sexual offender registry for any other offense for which he or she is required to register
109 under sections 589.400 to 589.425:

110 (1) Any person currently on the sexual offender registry or who otherwise would be
111 required to register for a sexual offense involving:

112 (a) Sexual conduct where no force or threat of force was directed toward the victim or
113 any other individual involved, if the victim was an adult, unless the adult was under the custodial
114 authority of the offender at the time of the offense; or

115 (b) Sexual conduct where no force or threat of force was directed toward the victim, the
116 victim was at least fourteen years of age, and the offender was not more than four years older
117 than the victim at the time of the offense; or

118 (2) Any person currently required to register for the following sexual offenses:

119 (a) Promoting obscenity in the first degree under section 573.020;

120 (b) Promoting obscenity in the second degree under section 573.030;

121 (c) Furnishing pornographic materials to minors under section 573.040;

122 (d) Public display of explicit sexual material under section 573.060;

123 (e) Coercing acceptance of obscene material under section 573.065;

124 (f) Trafficking for the purpose of slavery, involuntary servitude, peonage, or forced labor
125 under section 566.206;

126 (g) Abusing an individual through forced labor under section 566.203;

127 (h) Contributing to human trafficking through the misuse of documentation under section
128 566.215; or

129 (i) Acting as an international marriage broker and failing to provide the information and
130 notice as required under section 578.475.

131 10. Any person currently on the sexual offender registry for having been adjudicated for
132 a tier I or II offense or adjudicated delinquent for a tier III offense or other comparable offenses
133 listed under section 589.414 may file a petition under section 589.401.

134 11. Any nonresident worker, including work as a volunteer or intern, or nonresident
135 student shall register for the duration of such person's employment, including participation as a
136 volunteer or intern, or attendance at any school of higher education whether public or private,
137 including any secondary school, trade school, professional school, or institution of higher
138 education on a full-time or part-time basis in this state unless granted relief under section
139 589.401. Any registered offender shall provide information regarding any place in which the

140 offender is staying when away from his or her residence for seven or more days, including the
141 period of time the offender is staying in such place. Any registered offender from another state
142 who has a temporary residence in this state and resides more than seven days in a twelve-month
143 period shall register for the duration of such person's temporary residency unless granted relief
144 under section 589.401.

589.401. 1. A person on the sexual offender registry may file a petition in the division
2 of the circuit court in the county or city not within a county in which the offense requiring
3 registration was committed to have his or her name removed from the sexual offender registry.

4 2. A person who is required to register in this state because of an offense that was
5 adjudicated in another jurisdiction shall file his or her petition for removal according to the laws
6 of the state, **federal**, territory, tribal, or military jurisdiction, the District of Columbia, or foreign
7 country in which his or her offense was adjudicated. Upon the grant of the petition for removal
8 in the jurisdiction where the offense was adjudicated, such judgment may be registered in this
9 state by sending the information required under subsection 5 of this section as well as one
10 authenticated copy of the order granting removal from the sexual offender registry in the
11 jurisdiction where the offense was adjudicated to the court in the county or city not within a
12 county in which the offender is required to register. On receipt of a request for registration
13 removal, the registering court shall cause the order to be filed as a foreign judgment, together
14 with one copy of the documents and information, regardless of their form. The petitioner shall
15 be responsible for costs associated with filing the petition.

16 3. A person required to register as a tier III offender shall not file a petition under this
17 section unless the requirement to register results from a juvenile adjudication.

18 4. The petition shall be dismissed without prejudice if the following time periods have
19 not elapsed since the date the person was required to register for his or her most recent offense
20 under sections 589.400 to 589.425:

- 21 (1) For a tier I offense, ten years;
- 22 (2) For a tier II offense, twenty-five years; or
- 23 (3) For a tier III offense adjudicated delinquent, twenty-five years.

24 5. The petition shall be dismissed without prejudice if it fails to include any of the
25 following:

- 26 (1) The petitioner's:
 - 27 (a) Full name, including any alias used by the individual;
 - 28 (b) Sex;
 - 29 (c) Race;
 - 30 (d) Date of birth;
 - 31 (e) Last four digits of the Social Security number;

- 32 (f) Address; and
33 (g) Place of employment, school, or volunteer status;
34 (2) The offense and tier of the offense that required the petitioner to register;
35 (3) The date the petitioner was adjudicated for the offense;
36 (4) The date the petitioner was required to register;
37 (5) The case number and court, including the county or city not within a county, that
38 entered the original order for the adjudicated sex offense;
39 (6) Petitioner's fingerprints on an applicant fingerprint card;
40 (7) If the petitioner was pardoned or an offense requiring registration was reversed,
41 vacated, or set aside, an authenticated copy of the order; and
42 (8) If the petitioner is currently registered under applicable law and has not been
43 adjudicated for failure to register in any jurisdiction and does not have any charges pending for
44 failure to register.
- 45 6. The petition shall name as respondents the Missouri state highway patrol and the chief
46 law enforcement official in the county or city not within a county in which the petition is filed.
47 7. All proceedings under this section shall be governed under the Missouri supreme court
48 rules of civil procedure.
- 49 8. The person seeking removal or exemption from the registry shall provide the
50 prosecuting attorney in the circuit court in which the petition is filed with notice of the petition.
51 The prosecuting attorney may present evidence in opposition to the requested relief or may
52 otherwise demonstrate the reasons why the petition should be denied. Failure of the person
53 seeking removal or exemption from the registry to notify the prosecuting attorney of the petition
54 shall result in an automatic denial of such person's petition.
- 55 9. The prosecuting attorney in the circuit court in which the petition is filed shall have
56 access to all applicable records concerning the petitioner including, but not limited to, criminal
57 history records, mental health records, juvenile records, and records of the department of
58 corrections or probation and parole.
- 59 10. The prosecuting attorney shall make reasonable efforts to notify the victim of the
60 crime for which the person was required to register of the petition and the dates and times of any
61 hearings or other proceedings in connection with such petition.
- 62 11. The court shall not enter an order directing the removal of the petitioner's name from
63 the sexual offender registry unless it finds the petitioner:
64 (1) Has not been adjudicated or does not have charges pending for any additional
65 nonsexual offense for which imprisonment for more than one year may be imposed since the date
66 the offender was required to register for his or her current tier level;

67 (2) Has not been adjudicated or does not have charges pending for any additional sex
68 offense that would require registration under sections 589.400 to 589.425 since the date the
69 offender was required to register for his or her current tier level, even if the offense was
70 punishable by less than one year imprisonment;

71 (3) Has successfully completed any required periods of supervised release, probation,
72 or parole without revocation since the date the offender was required to register for his or her
73 current tier level;

74 (4) Has successfully completed an appropriate sex offender treatment program as
75 approved by a court of competent jurisdiction or the Missouri department of corrections; and

76 (5) Is not a current or potential threat to public safety.

77 12. In order to meet the criteria required by subdivisions (1) and (2) of subsection 11 of
78 this section, the fingerprints filed in the case shall be examined by the Missouri state highway
79 patrol. The petitioner shall be responsible for all costs associated with the fingerprint-based
80 criminal history check of both state and federal files under section 43.530.

81 13. If the petition is denied due to an adjudication in violation of subdivision (1) or (2)
82 of subsection 11 of this section, the petitioner shall not file a new petition under this section
83 until:

84 (1) Fifteen years have passed from the date of the adjudication resulting in the denial of
85 relief if the petitioner is classified as a tier I offender;

86 (2) Twenty-five years have passed from the date of adjudication resulting in the denial
87 of relief if the petitioner is classified as a tier II offender; or

88 (3) Twenty-five years have passed from the date of the adjudication resulting in the
89 denial of relief if the petitioner is classified as a tier III offender on the basis of a juvenile
90 adjudication.

91 14. If the petition is denied due to the petitioner having charges pending in violation of
92 subdivision (1) or (2) of subsection 11 of this section, the petitioner shall not file a new petition
93 under this section until:

94 (1) The pending charges resulting in the denial of relief have been finally disposed of in
95 a manner other than adjudication; or

96 (2) If the pending charges result in an adjudication, the necessary time period has elapsed
97 under subsection 13 of this section.

98 15. If the petition is denied for reasons other than those outlined in subsection 11 of this
99 section, no successive petition requesting such relief shall be filed for at least five years from the
100 date the judgment denying relief is entered.

101 16. If the court finds the petitioner is entitled to have his or her name removed from the
102 sexual offender registry, the court shall enter judgment directing the removal of the name. A
103 copy of the judgment shall be provided to the respondents named in the petition.

104 17. Any person subject to the judgment requiring his or her name to be removed from
105 the sexual offender registry is not required to register under sections 589.400 to 589.425 unless
106 such person is required to register for an offense that was different from that listed on the
107 judgment of removal.

108 18. The court shall not deny the petition unless the petition failed to comply with the
109 provisions of sections 589.400 to 589.425 or the prosecuting attorney provided evidence
110 demonstrating the petition should be denied.

 589.414. 1. Any person required by sections 589.400 to 589.425 to register shall, within
2 three business days, appear in person to the chief law enforcement officer of the county or city
3 not within a county if there is a change to any of the following information:

- 4 (1) Name;
- 5 (2) Residence;
- 6 (3) Employment, including status as a volunteer or intern;
- 7 (4) Student status; or
- 8 (5) A termination to any of the items listed in this subsection.

 2. Any person required to register under sections 589.400 to 589.425 shall, within three
10 business days, notify the chief law enforcement official of the county or city not within a county
11 of any changes to the following information:

- 12 (1) Vehicle information;
- 13 (2) Temporary lodging information;
- 14 (3) Temporary residence information;
- 15 (4) Email addresses, instant messaging addresses, and any other designations used in
16 internet communications, postings, or telephone communications; or
- 17 (5) Telephone or other cellular number, including any new forms of electronic
18 communication.

 3. The chief law enforcement official in the county or city not within a county shall
20 immediately forward the registration changes described under subsections 1 and 2 of this section
21 to the Missouri state highway patrol within three business days.

 4. If any person required by sections 589.400 to 589.425 to register changes such
23 person's residence or address to a different county or city not within a county, the person shall
24 appear in person and shall inform both the chief law enforcement official with whom the person
25 last registered and the chief law enforcement official of the county or city not within a county
26 having jurisdiction over the new residence or address in writing within three business days of

27 such new address and phone number, if the phone number is also changed. If any person
28 required by sections 589.400 to 589.425 to register changes his or her state, territory, the District
29 of Columbia, or foreign country, or federal, tribal, or military jurisdiction of residence, the person
30 shall appear in person and shall inform both the chief law enforcement official with whom the
31 person was last registered and the chief law enforcement official of the area in the new state,
32 territory, the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction
33 having jurisdiction over the new residence or address within three business days of such new
34 address. Whenever a registrant changes residence, the chief law enforcement official of the
35 county or city not within a county where the person was previously registered shall inform the
36 Missouri state highway patrol of the change within three business days. When the registrant is
37 changing the residence to a new state, territory, the District of Columbia, or foreign country, or
38 federal, tribal, or military jurisdiction, the Missouri state highway patrol shall inform the
39 responsible official in the new state, territory, the District of Columbia, or foreign country, or
40 federal, tribal, or military jurisdiction of residence within three business days.

41 5. Tier I sexual offenders, in addition to the requirements of subsections 1 to 4 of this
42 section, shall report in person to the chief law enforcement official annually in the month of their
43 birth to verify the information contained in their statement made pursuant to section 589.407.
44 Tier I sexual offenders include:

- 45 (1) Any offender who has been adjudicated for the offense of:
 - 46 (a) [Sexual abuse in the first degree under section 566.100 if the victim is eighteen years
47 of age or older;
 - 48 (b) Sexual misconduct involving a child under section 566.083 if it is a first offense and
49 the punishment is less than one year;
 - 50 (e)] **Sexual misconduct in the first degree under section 566.090 as it existed prior
51 to August 28, 2013, or** sexual abuse in the second degree under section 566.101 [if the
52 punishment is less than a year] , if either offense is a misdemeanor;
 - 53 (d) Kidnapping in the second degree under section 565.120 with sexual motivation;
 - 54 (e) Kidnapping in the third degree under section 565.130;]
- 55 (f)] (b) Sexual conduct with a nursing facility resident or vulnerable person in the first
56 degree under section 566.115 [if the punishment is less than one year] if the offense is a
57 misdemeanor;
- 58 (g)] (c) Sexual conduct under section 566.116 with a nursing facility resident or
59 vulnerable person;
- 60 (h)] (d) Sexual [contact] conduct with a prisoner or offender under section 566.145 if
61 the victim is eighteen years of age or older;
- 62 (i)] (e) Sex with an animal under section 566.111;

63 [+] (f) Trafficking for the purpose of sexual exploitation under section 566.209 if the
64 victim is eighteen years of age or older;

65 [+] (g) Possession of child pornography under section 573.037;

66 [+] (h) **Sexual misconduct in the second degree under section 566.093 as it existed**
67 **prior to August 28, 2013, or** sexual misconduct in the first degree under section 566.093;

68 [+] (i) **Sexual misconduct in the third degree under section 566.095 as it existed**
69 **prior to August 28, 2013, or** sexual misconduct in the second degree under section 566.095;

70 [+] (j) Child molestation in the second degree under section 566.068 as it existed prior
71 to January 1, 2017, ~~[if the punishment is less than one year]~~ **if the offense is a misdemeanor;**
72 **or**

73 ——— (k) Invasion of privacy under section 565.252 if the victim is less than eighteen
74 years of age; **or**

75 **(l) Sexual assault in the second degree under section 566.050 as it existed prior to**
76 **August 28, 1994, if no force or threat of force was used and no injury was inflicted on any**
77 **person;**

78 (2) Any offender who is or has been adjudicated in any other state, territory, the District
79 of Columbia, or foreign country, or under federal, tribal, or military jurisdiction of an offense of
80 a sexual nature or with a sexual element that is comparable to the tier I sexual offenses listed in
81 this subsection or, if not comparable to those in this subsection, comparable to those described
82 as tier I offenses under the Sex Offender Registration and Notification Act, Title I of the Adam
83 Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248.

84 6. Tier II sexual offenders, in addition to the requirements of subsections 1 to 4 of this
85 section, shall report semiannually in person in the month of their birth and six months thereafter
86 to the chief law enforcement official to verify the information contained in their statement made
87 pursuant to section 589.407. Tier II sexual offenders include:

88 (1) Any offender who has been adjudicated for the offense of:

89 (a) Statutory sodomy in the second degree under section 566.064 if the victim is sixteen
90 to seventeen years of age;

91 (b) Child molestation in the third degree under section 566.069 if the victim is between
92 thirteen and fourteen years of age;

93 (c) ~~[Sexual contact with a student under section 566.086 if the victim is thirteen to~~
94 ~~seventeen years of age;~~

95 ——— (d) Enticement of a child under section 566.151;

96 ——— (e) Abuse of a child under section 568.060 if the offense is of a sexual nature and
97 the victim is thirteen to seventeen years of age;

98 ——— (f) Sexual exploitation of a minor under section 573.023;

99 [~~g~~] (f) Promoting child pornography in the first degree under section 573.025;
100 [~~h~~] (g) Promoting child pornography in the second degree under section 573.035;
101 [~~h~~] (h) Patronizing prostitution under section 567.030;
102 [~~h~~] (i) Sexual contact with a prisoner or offender under section 566.145 if the victim
103 is thirteen to seventeen years of age;

104 [~~h~~] (j) Child molestation in the fourth degree under section 566.071 if the victim is
105 thirteen to seventeen years of age;

106 [~~h~~] (k) Sexual misconduct involving a child under section 566.083 if it is a first offense
107 [and the penalty is a term of imprisonment of more than a year]; [or]

108 [~~m~~] (l) Age misrepresentation with intent to solicit a minor under section 566.153; or
109 (m) **Sexual misconduct in the first degree under section 566.090 as it existed prior**

110 **to August 28, 2013, or sexual abuse in the second degree under section 566.101, if either**
111 **offense is a felony;**

112 (2) Any person who is adjudicated of an offense comparable to a tier I offense listed in
113 this section or failure to register offense under section 589.425 or comparable out-of-state failure
114 to register offense and who is already required to register as a tier I offender due to having been
115 adjudicated of a tier I offense on a previous occasion; or

116 (3) Any person who is or has been adjudicated in any other state, territory, the District
117 of Columbia, or foreign country, or under federal, tribal, or military jurisdiction for an offense
118 of a sexual nature or with a sexual element that is comparable to the tier II sexual offenses listed
119 in this subsection or, if not comparable to those in this subsection, comparable to those described
120 as tier II offenses under the Sex Offender Registration and Notification Act, Title I of the Adam
121 Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248.

122 7. Tier III sexual offenders, in addition to the requirements of subsections 1 to 4 of this
123 section, shall report in person to the chief law enforcement official every ninety days to verify
124 the information contained in their statement made under section 589.407. Tier III sexual
125 offenders include:

126 (1) Any offender registered as a predatory sexual offender as defined in section
127 [566.123] **566.125** or a persistent sexual offender as defined in section [566.124] **566.125**;

128 (2) Any offender who has been adjudicated for the crime of:

129 (a) Rape in the first degree under section 566.030;

130 (b) Statutory rape in the first degree under section 566.032;

131 (c) Rape in the second degree under section 566.031;

132 (d) Endangering the welfare of a child in the first degree under section 568.045 if the
133 offense is sexual in nature;

134 (e) Sodomy in the first degree under section 566.060;

- 135 (f) Statutory sodomy under section 566.062;
- 136 (g) Statutory sodomy under section 566.064 if the victim is under sixteen years of age;
- 137 (h) Sodomy in the second degree under section 566.061;
- 138 (i) Sexual misconduct involving a child under section 566.083 if the offense is a second
139 or subsequent offense;
- 140 (j) **Sexual abuse under section 566.100 as it existed prior to August 28, 2013, or**
141 sexual abuse in the first degree under section 566.100 [~~if the victim is under thirteen years of~~
142 ~~age~~];
- 143 (k) Kidnapping in the first degree under section 565.110 if the victim is under eighteen
144 years of age, excluding kidnapping by a parent or guardian;
- 145 (l) Child kidnapping under section 565.115;
- 146 (m) Sexual conduct with a nursing facility resident or vulnerable person in the first
147 degree under section 566.115 [~~if the punishment is greater than a year~~] **if the offense is a felony**;
- 148 (n) Incest under section 568.020;
- 149 (o) Endangering the welfare of a child in the first degree under section 568.045 with
150 sexual intercourse or deviate sexual intercourse with a victim under eighteen years of age;
- 151 (p) Child molestation in the first degree under section 566.067;
- 152 (q) Child molestation in the second degree under section 566.068;
- 153 (r) Child molestation in the third degree under section 566.069 if the victim is under
154 thirteen years of age;
- 155 (s) Promoting prostitution in the first degree under section 567.050 if the victim is under
156 eighteen years of age;
- 157 (t) Promoting prostitution in the second degree under section 567.060 if the victim is
158 under eighteen years of age;
- 159 (u) Promoting prostitution in the third degree under section 567.070 if the victim is under
160 eighteen years of age;
- 161 (v) Promoting travel for prostitution under section 567.085 if the victim is under
162 eighteen years of age;
- 163 (w) Trafficking for the purpose of sexual exploitation under section 566.209 if the victim
164 is under eighteen years of age;
- 165 (x) Sexual trafficking of a child in the first degree under section 566.210;
- 166 (y) Sexual trafficking of a child in the second degree under section 566.211;
- 167 (z) Genital mutilation of a female child under section 568.065;
- 168 (aa) Statutory rape in the second degree under section 566.034;
- 169 (bb) Child molestation in the fourth degree under section 566.071 if the victim is under
170 thirteen years of age;

171 (cc) Sexual abuse in the second degree under section 566.101 ~~if the penalty is a term
172 of imprisonment of more than a year] if the offense is a felony;~~

173 (dd) Patronizing prostitution under section 567.030 if the offender is a persistent
174 offender;

175 (ee) Abuse of a child under section 568.060 if the offense is of a sexual nature and the
176 victim is under thirteen years of age;

177 (ff) Sexual ~~contact~~ conduct with a prisoner or offender under section 566.145 if the
178 victim is under thirteen years of age;

179 (gg) Sexual ~~intercourse~~ conduct with a prisoner or offender under section 566.145;

180 (hh) Sexual contact with a student under section 566.086 if the victim is ~~under thirteen~~
181 eighteen years of age **or under**;

182 (ii) Use of a child in a sexual performance under section 573.200; ~~[or]~~

183 (jj) **Felonious restraint under section 565.120 as it existed prior to January 1, 2017,
184 or kidnapping in the second degree under section 565.120, if either offense is sexual in
185 nature;**

186 (kk) **False imprisonment under section 565.130 as it existed prior to January 1,
187 2017, or kidnapping in the third degree under section 565.130, if either offense is sexual in
188 nature or if the victim is a minor and the offense is a felony;**

189 (l) **Sexual assault in the second degree under section 566.050 as it existed prior to
190 August 28, 1994, if the offense is a class C felony; or**

191 (mm) Promoting a sexual performance by a child under section 573.205;

192 (3) Any offender who is adjudicated for a crime comparable to a tier I or tier II offense
193 listed in this section or failure to register offense under section 589.425, or other comparable
194 out-of-state failure to register offense, who has been or is already required to register as a tier II
195 offender because of having been adjudicated for a tier II offense, two tier I offenses, or
196 combination of a tier I offense and failure to register offense, on a previous occasion;

197 (4) Any offender who is adjudicated in any other state, territory, the District of
198 Columbia, or foreign country, or under federal, tribal, or military jurisdiction for an offense of
199 a sexual nature or with a sexual element that is comparable to a tier III offense listed in this
200 section or a tier III offense under the Sex Offender Registration and Notification Act, Title I of
201 the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248; or

202 (5) Any offender who is adjudicated in Missouri for any offense of a sexual nature
203 requiring registration under sections 589.400 to 589.425 that is not classified as a tier I or tier II
204 offense in this section.

205 8. In addition to the requirements of subsections 1 to 7 of this section, all Missouri
206 registrants who work, including as a volunteer or unpaid intern, or attend any school whether

207 public or private, including any secondary school, trade school, professional school, or institution
208 of higher education, on a full-time or part-time basis or have a temporary residence in this state
209 shall be required to report in person to the chief law enforcement officer in the area of the state
210 where they work, including as a volunteer or unpaid intern, or attend any school or training and
211 register in that state. "Part-time" in this subsection means for more than seven days in any
212 twelve-month period.

213 9. If a person who is required to register as a sexual offender under sections 589.400 to
214 589.425 changes or obtains a new online identifier as defined in section 43.651, the person shall
215 report such information in the same manner as a change of residence before using such online
216 identifier.

590.120. 1. There is hereby established within the department of public safety a "Peace
2 Officer Standards and Training Commission" which shall be composed of eleven members,
3 including a voting public member, appointed by the governor, by and with the advice and
4 consent of the senate, from a list of qualified candidates submitted to the governor [~~by the~~
5 ~~director of the department of public safety~~]. No more than two members of the POST
6 commission shall reside in the same congressional district as any other at the time of their
7 appointments but this provision shall not apply to the public member. Three members of the
8 POST commission shall be **sitting police chiefs chosen from a list of names submitted to the**
9 **governor by the Missouri Police Chiefs Association board of directors**, three members shall
10 be **sitting sheriffs chosen from a list of names submitted to the governor by the Missouri**
11 **Sheriffs' Association board of directors, and the five remaining positions shall be chosen**
12 **from a list of qualified candidates submitted to the governor by the director of the**
13 **department of public safety**. One member shall represent a state law enforcement agency
14 covered by the provisions of this chapter, [~~two members~~] **one member** shall be a peace officers
15 at or below the rank of sergeant employed by a [~~political subdivision~~] **municipality, one**
16 **member shall be a peace officer at or below the rank of sergeant employed by a county**, and
17 one member shall be a chief executive officer of a certified training academy. The public
18 member shall be at the time of appointment a registered voter; a person who is not and never has
19 been a member of any profession certified or regulated under this chapter or the spouse of such
20 person; and a person who does not have and never has had a material financial interest in either
21 the providing of the professional services regulated by this chapter, or an activity or organization
22 directly related to any profession certified or regulated under this chapter. Each member of the
23 POST commission shall have been at the time of his appointment a citizen of the United States
24 and a resident of this state for a period of at least one year, and members who are peace officers
25 shall be qualified as established by this chapter. No member of the POST commission serving

26 a full term of three years may be reappointed to the POST commission until at least one year
27 after the expiration of his most recent term.

28 2. Three of the original members of the POST commission shall be appointed for terms
29 of one year, three of the original members shall be appointed for terms of two years, and three
30 of the original members shall be appointed for terms of three years. Thereafter the terms of the
31 members of the POST commission shall be for three years or until their successors are appointed.
32 The director may remove any member of the POST commission for misconduct or neglect of
33 office. Any member of the POST commission may be removed for cause by the director but
34 such member shall first be presented with a written statement of the reasons thereof, and shall
35 have a hearing before the POST commission if the member so requests. Any vacancy in the
36 membership of the commission shall be filled by appointment for the unexpired term. No two
37 members of the POST commission shall be employees of the same law enforcement agency.

38 3. Annually the [director] **POST commission members** shall appoint one of the
39 members as chairperson **by majority vote of the POST commission members**. The POST
40 commission shall meet at least twice each year as determined by the director or a majority of the
41 members to perform its duties. A majority of the members of the POST commission shall
42 constitute a quorum.

43 4. No member of the POST commission shall receive any compensation for the
44 performance of his official duties.

45 5. The POST commission shall guide and advise the director concerning duties pursuant
46 to this chapter.

Section B. Because of the importance of protecting critical infrastructure in the state, the
2 enactment of section 569.086 of section A of this act is deemed necessary for the immediate
3 preservation of the public health, welfare, peace and safety, and is hereby declared to be an
4 emergency act within the meaning of the constitution, and the enactment of section 569.086 of
5 section A of this act shall be in full force and effect upon its passage and approval.

✓