

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 240
100TH GENERAL ASSEMBLY

Reported from the Committee on Seniors, Families and Children, May 2, 2019, with recommendation that the Senate Committee Substitute do pass.

0685S.05C

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal sections 195.010, 195.015, 195.017, 195.060, 196.100, 221.111, 263.250, 338.015, 338.055, 338.056, 556.061, 565.021, 579.015, 579.020, 579.065, and 579.068, RSMo, and to enact in lieu thereof nineteen new sections relating to controlled substances, with penalty provisions.

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

Section A. Sections 195.010, 195.015, 195.017, 195.060, 196.100, 221.111, 263.250, 338.015, 338.055, 338.056, 556.061, 565.021, 579.015, 579.020, 579.065, and 579.068, RSMo, are repealed and nineteen new sections enacted in lieu thereof, to be known as sections 21.790, 195.010, 195.015, 195.017, 195.060, 195.550, 195.805, 196.100, 221.111, 263.250, 338.015, 338.055, 338.056, 556.061, 565.021, 579.015, 579.020, 579.065, and 579.068, to read as follows:

21.790. 1. There is hereby established the "Task Force on Substance Abuse Prevention and Treatment". The task force shall be composed of six members from the house of representatives, six members from the senate, and four members appointed by the governor. The senate members of the task force shall be appointed by the president pro tempore of the senate and the house members by the speaker of the house of representatives. There shall be at least two members from the minority party of the senate and at least two members from the minority party of the house of representatives. The members appointed by the governor shall include one member from the health care industry, one member who is a first responder or law enforcement officer, one member who is a member of the judiciary or

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

13 a prosecuting attorney, and one member representing a substance
14 abuse prevention advocacy group.

15 2. The task force shall select a chairperson and a vice-
16 chairperson, one of whom shall be a member of the senate and one a
17 member of the house of representatives. A majority of the members
18 shall constitute a quorum. The task force shall meet at least once
19 during each legislative session and at all other times as the chairperson
20 may designate.

21 3. The task force shall:

22 (1) Conduct hearings on current and estimated future drug and
23 substance use and abuse within the state;

24 (2) Explore solutions to substance abuse issues; and

25 (3) Draft or modify legislation as necessary to effectuate the
26 goals of finding and funding education and treatment solutions to curb
27 drug and substance use and abuse.

28 4. The task force may make reasonable requests for staff
29 assistance from the research and appropriations staffs of the senate
30 and house of representatives and the joint committee on legislative
31 research. In the performance of its duties, the task force may request
32 assistance or information from all branches of government and state
33 departments, agencies, boards, commissions, and offices.

34 5. The task force shall report annually to the general assembly
35 and the governor. The report shall include recommendations for
36 legislation pertaining to substance abuse prevention and treatment.

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

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

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

13 (3) "Administer", to apply a controlled substance, whether by injection,

14 inhalation, ingestion, or any other means, directly to the body of a patient or
15 research subject by:

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

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

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

25 (5) "Attorney for the state", any prosecuting attorney, circuit attorney, or
26 attorney general authorized to investigate, commence and prosecute an action
27 under this chapter;

28 (6) "Controlled substance", a drug, substance, or immediate precursor in
29 Schedules I through V listed in this chapter **and not including medical**
30 **marijuana pursuant to article XIV of the Missouri Constitution;**

31 (7) "Controlled substance analogue", a substance the chemical structure
32 of which is substantially similar to the chemical structure of a controlled
33 substance in Schedule I or II and:

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

38 (b) With respect to a particular individual, which that individual
39 represents or intends to have a stimulant, depressant, or hallucinogenic effect on
40 the central nervous system substantially similar to the stimulant, depressant, or
41 hallucinogenic effect on the central nervous system of a controlled substance
42 included in Schedule I or II. The term does not include a controlled substance;
43 any substance for which there is an approved new drug application; any
44 substance for which an exemption is in effect for investigational use, for a
45 particular person, under Section 505 of the federal Food, Drug and Cosmetic Act
46 (21 U.S.C. Section 355) to the extent conduct with respect to the substance is
47 pursuant to the exemption; or any substance to the extent not intended for
48 human consumption before such an exemption takes effect with respect to the
49 substance;

50 (8) "Counterfeit substance", a controlled substance which, or the container
51 or labeling of which, without authorization, bears the trademark, trade name, or
52 other identifying mark, imprint, number or device, or any likeness thereof, of a
53 manufacturer, distributor, or dispenser other than the person who in fact
54 manufactured, distributed, or dispensed the substance;

55 (9) "Deliver" or "delivery", the actual, constructive, or attempted transfer
56 from one person to another of drug paraphernalia or of a controlled substance, or
57 an imitation controlled substance, whether or not there is an agency relationship,
58 and includes a sale;

59 (10) "Dentist", a person authorized by law to practice dentistry in this
60 state;

61 (11) "Depressant or stimulant substance":

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

66 (b) A drug containing any quantity of:

67 a. Amphetamine or any of its isomers;

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

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

72 (c) Lysergic acid diethylamide; or

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

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

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

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

85 (15) "Drug":

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

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

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

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

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

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

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

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

114 (b) Kits used, intended for use, or designed for use in manufacturing,
115 compounding, converting, producing, processing, or preparing controlled
116 substances or imitation controlled substances;

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

120 (d) Testing equipment used, intended for use, or designed for use in
121 identifying, or in analyzing the strength, effectiveness or purity of controlled

122 substances or imitation controlled substances;

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

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

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

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

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

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

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

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

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

147 b. Water pipes;

148 c. Carburetion tubes and devices;

149 d. Smoking and carburetion masks;

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

153 f. Miniature cocaine spoons and cocaine vials;

154 g. Chamber pipes;

155 h. Carburetor pipes;

156 i. Electric pipes;

157 j. Air-driven pipes;

158 k. Chillums;
159 l. Bongs;
160 m. Ice pipes or chillers;
161 (m) Substances used, intended for use, or designed for use in the
162 manufacture of a controlled substance.
163 In determining whether an object, product, substance or material is drug
164 paraphernalia, a court or other authority should consider, in addition to all other
165 logically relevant factors, the following:
166 a. Statements by an owner or by anyone in control of the object concerning
167 its use;
168 b. Prior convictions, if any, of an owner, or of anyone in control of the
169 object, under any state or federal law relating to any controlled substance or
170 imitation controlled substance;
171 c. The proximity of the object, in time and space, to a direct violation of
172 this chapter or chapter 579;
173 d. The proximity of the object to controlled substances or imitation
174 controlled substances;
175 e. The existence of any residue of controlled substances or imitation
176 controlled substances on the object;
177 f. Direct or circumstantial evidence of the intent of an owner, or of anyone
178 in control of the object, to deliver it to persons who he or she knows, or should
179 reasonably know, intend to use the object to facilitate a violation of this chapter
180 or chapter 579; the innocence of an owner, or of anyone in control of the object,
181 as to direct violation of this chapter or chapter 579 shall not prevent a finding
182 that the object is intended for use, or designed for use as drug paraphernalia;
183 g. Instructions, oral or written, provided with the object concerning its
184 use;
185 h. Descriptive materials accompanying the object which explain or depict
186 its use;
187 i. National or local advertising concerning its use;
188 j. The manner in which the object is displayed for sale;
189 k. Whether the owner, or anyone in control of the object, is a legitimate
190 supplier of like or related items to the community, such as a licensed distributor
191 or dealer of tobacco products;
192 l. Direct or circumstantial evidence of the ratio of sales of the object to the
193 total sales of the business enterprise;

194 m. The existence and scope of legitimate uses for the object in the
195 community;

196 n. Expert testimony concerning its use;

197 o. The quantity, form or packaging of the product, substance or material
198 in relation to the quantity, form or packaging associated with any legitimate use
199 for the product, substance or material;

200 (19) "Federal narcotic laws", the laws of the United States relating to
201 controlled substances;

202 (20) "Hospital", a place devoted primarily to the maintenance and
203 operation of facilities for the diagnosis, treatment or care, for not less than
204 twenty-four hours in any week, of three or more nonrelated individuals suffering
205 from illness, disease, injury, deformity or other abnormal physical conditions; or
206 a place devoted primarily to provide, for not less than twenty-four consecutive
207 hours in any week, medical or nursing care for three or more nonrelated
208 individuals. The term hospital does not include convalescent, nursing, shelter or
209 boarding homes as defined in chapter 198;

210 (21) "Illegal industrial hemp":

211 (a) All nonseed parts and varieties of the *Cannabis sativa* L. plant,
212 growing or not, that contain an average delta-9 tetrahydrocannabinol (THC)
213 concentration exceeding three-tenths of one percent on a dry weight basis;

214 (b) Illegal industrial hemp shall be destroyed in the most effective manner
215 possible, and such destruction shall be verified by the Missouri state highway
216 patrol;

217 (22) "Immediate precursor", a substance which:

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

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

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

225 (23) "Imitation controlled substance", a substance that is not a controlled
226 substance, which by dosage unit appearance (including color, shape, size and
227 markings), or by representations made, would lead a reasonable person to believe
228 that the substance is a controlled substance. In determining whether the
229 substance is an imitation controlled substance the court or authority concerned

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

231 (a) Whether the substance was approved by the federal Food and Drug
232 Administration for over-the-counter (nonprescription or nonlegend) sales and was
233 sold in the federal Food and Drug Administration-approved package, with the
234 federal Food and Drug Administration-approved labeling information;

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

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

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

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

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

249 (24) "Industrial hemp":

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

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

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

262 (25) "Initial prescription", a prescription issued to a patient who has never
263 previously been issued a prescription for the drug or its pharmaceutical
264 equivalent or who was previously issued a prescription for the drug or its
265 pharmaceutical equivalent, but the date on which the current prescription is

266 being issued is more than five months after the date the patient last used or was
267 administered the drug or its equivalent;

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

272 (27) "Manufacture", the production, preparation, propagation,
273 compounding or processing of drug paraphernalia or of a controlled substance, or
274 an imitation controlled substance, either directly or by extraction from substances
275 of natural origin, or independently by means of chemical synthesis, or by a
276 combination of extraction and chemical synthesis, and includes any packaging or
277 repackaging of the substance or labeling or relabeling of its container. This term
278 does not include the preparation or compounding of a controlled substance or an
279 imitation controlled substance or the preparation, compounding, packaging or
280 labeling of a narcotic or dangerous drug:

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

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

287 (28) "Marijuana", all parts of the plant genus *Cannabis* in any species or
288 form thereof, including, but not limited to *Cannabis Sativa* L., except industrial
289 hemp, *Cannabis Indica*, *Cannabis Americana*, *Cannabis Ruderalis*, and *Cannabis*
290 *Gigantea*, whether growing or not, the seeds thereof, the resin extracted from any
291 part of the plant; and every compound, manufacture, salt, derivative, mixture, or
292 preparation of the plant, its seeds or resin. It does not include the mature stalks
293 of the plant, fiber produced from the stalks, oil or cake made from the seeds of the
294 plant, any other compound, manufacture, salt, derivative, mixture or preparation
295 of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or
296 the sterilized seed of the plant which is incapable of germination;

297 (29) "Methamphetamine precursor drug", any drug containing ephedrine,
298 pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or
299 salts of optical isomers;

300 (30) "Narcotic drug", any of the following, whether produced directly or
301 indirectly by extraction from substances of vegetable origin, or independently by

302 means of chemical synthesis, or by a combination of extraction and chemical
303 analysis:

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

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

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

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

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

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

320 (32) "Opiate" or "opioid", any substance having an addiction-forming or
321 addiction-sustaining liability similar to morphine or being capable of conversion
322 into a drug having addiction-forming or addiction-sustaining liability. The term
323 includes its racemic and levorotatory forms. It does not include, unless
324 specifically controlled under section 195.017, the dextrorotatory isomer of
325 3-methoxy-n-methyl-morphinan and its salts (dextromethorphan);

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

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

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

333 (36) "Pharmacist", a licensed pharmacist as defined by the laws of this
334 state, and where the context so requires, the owner of a store or other place of
335 business where controlled substances are compounded or dispensed by a licensed
336 pharmacist; but nothing in this chapter shall be construed as conferring on a
337 person who is not registered nor licensed as a pharmacist any authority, right or

338 privilege that is not granted to him by the pharmacy laws of this state;

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

341 (38) "Possessed" or "possessing a controlled substance", a person, with the
342 knowledge of the presence and nature of a substance, has actual or constructive
343 possession of the substance. A person has actual possession if he has the
344 substance on his or her person or within easy reach and convenient control. A
345 person who, although not in actual possession, has the power and the intention
346 at a given time to exercise dominion or control over the substance either directly
347 or through another person or persons is in constructive possession of
348 it. Possession may also be sole or joint. If one person alone has possession of a
349 substance possession is sole. If two or more persons share possession of a
350 substance, possession is joint;

351 (39) "Practitioner", a physician, dentist, optometrist, podiatrist,
352 veterinarian, scientific investigator, pharmacy, hospital or other person licensed,
353 registered or otherwise permitted by this state to distribute, dispense, conduct
354 research with respect to or administer or to use in teaching or chemical analysis,
355 a controlled substance in the course of professional practice or research in this
356 state, or a pharmacy, hospital or other institution licensed, registered, or
357 otherwise permitted to distribute, dispense, conduct research with respect to or
358 administer a controlled substance in the course of professional practice or
359 research;

360 (40) "Production", includes the manufacture, planting, cultivation,
361 growing, or harvesting of drug paraphernalia or of a controlled substance or an
362 imitation controlled substance;

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

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

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

371 (44) "Synthetic cannabinoid", includes unless specifically excepted or
372 unless listed in another schedule, any natural or synthetic material, compound,
373 mixture, or preparation that contains any quantity of a substance that is a

374 cannabinoid receptor agonist, including but not limited to any substance listed
375 in paragraph (ll) of subdivision (4) of subsection 2 of section 195.017 and any
376 analogues; homologues; isomers, whether optical, positional, or geometric; esters;
377 ethers; salts; and salts of isomers, esters, and ethers, whenever the existence of
378 the isomers, esters, ethers, or salts is possible within the specific chemical
379 designation, however, it shall not include any approved pharmaceutical
380 authorized by the United States Food and Drug Administration;

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

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

195.015. 1. The department of health and senior services shall administer
2 this chapter and may add substances to the schedules after public notice and
3 hearing. In making a determination regarding a substance, the department of
4 health and senior services shall consider 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
12 dependence liability; and
- 13 (8) Whether the substance is an immediate precursor of a substance
14 already controlled under this chapter.

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

19 3. If the department of health and senior services designates a substance

20 as an immediate precursor, substances which are precursors of the controlled
21 precursor shall not be subject to control solely because they are precursors of the
22 controlled precursor.

23 4. If any substance is designated, rescheduled, or deleted as a controlled
24 substance under federal law and notice thereof is given to the department of
25 health and senior services, the department of health and senior services shall
26 similarly control the substance under this chapter [after the expiration of] **and**
27 **shall submit emergency rules to the secretary of state under section**
28 **536.025 within** thirty days [from] **of** publication in the federal register of a final
29 order designating a substance as a controlled substance or rescheduling or
30 deleting a substance, unless within that thirty-day period, the department of
31 health and senior services objects to inclusion, rescheduling, or deletion. In that
32 case, the department of health and senior services shall publish the reasons for
33 objection and afford all interested parties an opportunity to be heard. At the
34 conclusion of the hearing, the department of health and senior services shall
35 publish its decision, which shall be final unless altered by statute. Upon
36 publication of objection to inclusion, rescheduling or deletion under this chapter
37 by the department of health and senior services, control under this chapter is
38 stayed as to the substance in question until the department of health and senior
39 services publishes its decision. **When the department promulgates**
40 **emergency rules under this subsection, such rules may,**
41 **notwithstanding the provisions of subsection 7 of section 536.025,**
42 **remain in effect until the general assembly concludes its next regular**
43 **session following the imposition of any such rules.**

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

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

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

3 (1) Has high potential for abuse; and

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

6 2. Schedule I:

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

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

13 (a) Acetyl-alpha-methylfentanyl (**N-(1-(1-methyl-2-phenethyl)-4-**
14 **piperidiny)-N-phenylacetamide**);

15 (b) Acetylmethadol;

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

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

20 (e) Allylprodine;

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

23 [(e)] (g) Alphameprodine;

24 [(f)] (h) Alphamethadol;

25 [(g)] (i) Alpha-methylfentanyl (**N-1-(alphamethyl-beta-phenyl) ethyl-**
26 **4-piperidyl) propionanilide**; **1-(1-methyl-2-phenylethyl)-4 ((N-**
27 **propanilido) piperidine)**;

28 [(h)] (j) Alpha-methylthiofentanyl (**N-(1-methyl-2-(2-thienyl) ethyl-4-**
29 **piperidiny)-N-phenylpropanamide**);

30 [(i)] (k) Benzethidine;

31 [(j)] (l) Betacetylmethadol;

32 [(k)] (m) Beta-hydroxyfentanyl (**N-(1-(2-hydroxy-2-phenethyl)-4-**
33 **piperidiny)-N-phenylpropanamide**);

34 [(l)] (n) Beta-hydroxy-3-methylfentanyl (**N-(1-(2-hydroxy-2-phenethyl)**
35 **-3-methyl-4-piperidiny)-N-phenylpropanamide**);

36 [(m)] (o) Betameprodine;

37 [(n)] (p) Betamethadol;

38 [(o)] (q) Betaprodine;

39 [(p)] (r) Clonitazene;

40 [(q)] (s) Dextromoramide;

41 [(r)] (t) Diampromide;

42 [(s)] (u) Diethylthiambutene;
43 [(t)] (v) Difenoquin;
44 [(u)] (w) Dimenoxadol;
45 [(v)] (x) Dimepheptanol;
46 [(w)] (y) Dimethylthiambutene;
47 [(x)] (z) Dioxaphetyl butyrate;
48 [(y)] (aa) Dipipanone;
49 [(z)] (bb) Ethylmethylthiambutene;
50 [(aa)] (cc) Etonitazene;
51 [(bb)] (dd) Etozidine;
52 [(cc)] (ee) Furethidine;
53 [(dd)] (ff) Hydroxypethidine;
54 [(ee)] (gg) Ketobemidone;
55 [(ff)] (hh) Levomoramide;
56 [(gg)] (ii) Levophenacymorphan;
57 [(hh)] (jj) 3-Methylfentanyl (N-(3-methyl-1-(2-phenylethyl)-4-
58 piperidyl)-N-phenylpropanamide), its optical and geometric isomers,
59 salts, and salts of isomers;
60 [(ii)] (kk) 3-Methylthiofentanyl (N-((3-methyl-1-(2-thienyl)ethyl-4-
61 piperidinyl)-N-phenylpropanamide);
62 [(jj)] (ll) Morpheridine;
63 [(kk)] (mm) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
64 (nn) MT-45(1-cyclohexyl-4-(1,2-diphenylethyl) piperazine);
65 [(ll)] (oo) Noracymethadol;
66 [(mm)] (pp) Norlevorphanol;
67 [(nn)] (qq) Normethadone;
68 [(oo)] (rr) Norpipanone;
69 [(pp)] (ss) Para-fluorofentanyl (N-(4-fluorophenyl)-N-(1-(2-
70 phenethyl)-4-piperidinyl) propanamide;
71 [(qq)] (tt) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);
72 [(rr)] (uu) Phenadoxone;
73 [(ss)] (vv) Phenampromide;
74 [(tt)] (ww) Phenomorphan;
75 [(uu)] (xx) Phenoperidine;
76 [(vv)] (yy) Piritramide;
77 [(ww)] (zz) Proheptazine;

- 78 [(xx)] **(aaa)** Properidine;
79 [(yy)] **(bbb)** Propiram;
80 [(zz)] **(ccc)** Racemoramide;
81 [(aaa)] **(ddd)** Thiofentanyl **(N-phenyl-N-(1-(2-thienyl)ethyl-4-**
82 **piperidiny)-propanamide;**
83 [(bbb)] **(eee)** Tilidine;
84 [(ccc)] **(fff)** Trimeperidine;
85 (3) Any of the following opium derivatives, their salts, isomers and salts
86 of isomers unless specifically excepted, whenever the existence of these salts,
87 isomers and salts of isomers is possible within the specific chemical designation:
88 (a) Acetorphine;
89 (b) Acetyldihydrocodeine;
90 (c) Benzylmorphine;
91 (d) Codeine methylbromide;
92 (e) Codeine-N-Oxide;
93 (f) Cyprenorphine;
94 (g) Desomorphine;
95 (h) Dihydromorphine;
96 (i) Drotebanol;
97 (j) Etorphine (except hydrochloride salt);
98 (k) Heroin;
99 (l) Hydromorphenol;
100 (m) Methyldesorphine;
101 (n) Methyldihydromorphine;
102 (o) Morphine methylbromide;
103 (p) Morphine methylsulfonate;
104 (q) Morphine-N-Oxide;
105 (r) Myrophine;
106 (s) Nicocodeine;
107 (t) Nicomorphine;
108 (u) Normorphine;
109 (v) Pholcodine;
110 (w) Thebacon;
111 (4) **Any of the following opiate similar synthetic substances**
112 **scheduled by the U.S. Drug Enforcement Administration as substances**
113 **that share a pharmacological profile similar to fentanyl, morphine, and**

114 **other synthetic opioids, unless specifically excepted or unless listed in**
115 **another schedule:**

116 **(a) Butyryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-**
117 **phenylbutyramide);**

118 **(b) U-47700 (3,4-Dichloro-N-[2-(dimethylamino) cyclohexyl]-N-**
119 **methyl benzamide);**

120 **(5) Any material, compound, mixture or preparation which contains any**
121 **quantity of the following hallucinogenic substances, their salts, isomers and salts**
122 **of isomers, unless specifically excepted, whenever the existence of these salts,**
123 **isomers, and salts of isomers is possible within the specific chemical designation:**

124 **(a) Alpha-ethyltryptamine;**

125 **(b) 4-bromo-2, 5-dimethoxyamphetamine;**

126 **[(b) 4-bromo-2, 5-dimethoxyphenethylamine;]**

127 **(c) 4-bromo-2,5-dimethoxyphenethylamine;**

128 **(d) 2,5-dimethoxyamphetamine;**

129 **[(d)] (e) 2,5-dimethoxy-4-ethylamphetamine;**

130 **[(e)] (f) 2,5-dimethoxy-4-(n)-propylthiophenethylamine;**

131 **[(f)] (g) 2-(2,5-Dimethoxy-4-(n)-propylphenyl) ethanamine;**

132 **(h) 2-(2,5-Dimethoxy-4-ethylphenyl) ethanamine;**

133 **(i) 2-(2,5-Dimethoxy-4-methylphenyl) ethanamine;**

134 **(j) 2-(2,5-Dimethoxy-4-nitro-phenyl) ethanamine;**

135 **(k) 2-(2,5-Dimethoxyphenyl) ethanamine;**

136 **(l) 2-(4-Chloro-2,5-dimethoxyphenyl) ethanamine;**

137 **(m) 2-(4-Ethylthio-2,5-dimethoxyphenyl) ethanamine;**

138 **(n) 2-(4-Iodo-2,5-dimethoxyphenyl) ethanamine;**

139 **(o) 2-(4-Isopropylthio)-2,5-dimethoxyphenyl) ethanamine;**

140 **(p) 4-methoxyamphetamine;**

141 **[(g)] (q) 5-methoxy-3,4-methylenedioxyamphetamine;**

142 **[(h)] (r) 4-methyl-2, 5-dimethoxyamphetamine;**

143 **[(i)] (s) 3,4-methylenedioxyamphetamine;**

144 **[(j)] (t) 3,4-methylenedioxymethamphetamine;**

145 **[(k)] (u) 3,4-methylenedioxy-N-ethylamphetamine;**

146 **[(l)] (v) N-hydroxy-3, 4-methylenedioxyamphetamine;**

147 **[(m)] (w) 3,4,5-trimethoxyamphetamine;**

148 **[(n)] (x) 5-MeO-DMT or 5-methoxy-N,N-dimethyltryptamine[, its isomers,**
149 **salts, and salts of isomers];**

150 [(o) Alpha-ethyltryptamine;
151 (p)] (y) Alpha-methyltryptamine;
152 [(q)] (z) Bufotenine;
153 [(r)] (aa) Diethyltryptamine;
154 [(s)] (bb) Dimethyltryptamine;
155 [(t)] (cc) 5-methoxy-N,N-diisopropyltryptamine;
156 [(u)] (dd) Ibogaine;
157 [(v)] (ee) Lysergic acid diethylamide;
158 [(w)] (ff) Marijuana or marihuana, except **medical marijuana**
159 **pursuant to article XIV of the Missouri Constitution and** industrial hemp;
160 [(x)] (gg) Mescaline;
161 [(y)] (hh) Parahexyl;
162 [(z)] (ii) Peyote, to include all parts of the plant presently classified
163 botanically as Lophophora [Williamsil] **williamsii** Lemaire, whether growing or
164 not; the seeds thereof; any extract from any part of such plant; and every
165 compound, manufacture, salt, derivative, mixture or preparation of the plant, its
166 seed or extracts;
167 [(aa)] (jj) N-ethyl-3-piperidyl benzilate;
168 [(bb)] (kk) N-methyl-3-piperidyl benzilate;
169 [(cc)] (ll) Psilocybin;
170 [(dd)] (mm) Psilocyn;
171 [(ee)] (nn) Tetrahydrocannabinols naturally contained in a plant of the
172 genus Cannabis (cannabis plant), except **medical marijuana pursuant to**
173 **article XIV of the Missouri Constitution and** industrial hemp, as well as
174 synthetic equivalents of the substances contained in the cannabis plant, or in the
175 resinous extractives of such plant, or synthetic substances, derivatives[,] and
176 their isomers, **or both**, with similar chemical structure and pharmacological
177 activity to those substances contained in the plant, such as the following:
178 a. 1 cis or trans tetrahydrocannabinol[,] and their optical isomers;
179 b. 6 cis or trans tetrahydrocannabinol[,] and their optical isomers;
180 c. 3,4 cis or trans tetrahydrocannabinol[,] and their optical isomers;
181 d. Any compounds of these structures, regardless of numerical designation
182 of atomic positions covered;
183 [(ff)] (oo) Ethylamine analog of phencyclidine;
184 [(gg)] (pp) Pyrrolidine analog of phencyclidine;
185 [(hh)] (qq) Thiophene analog of phencyclidine;

- 186 [(ii)] **(rr)** 1-[1-(2-thienyl)cyclohexyl]pyrrolidine;
- 187 [(jj)] **(ss)** *Salvia divinorum*;
- 188 [(kk)] **(tt)** Salvinorin A;
- 189 [(ll)] **(uu)** Synthetic cannabinoids:
- 190 a. Any compound structurally derived from 3-(1-naphthoyl)indole or
- 191 1H-indol-3-yl-(1-naphthyl)methane by substitution at the nitrogen atom of the
- 192 indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
- 193 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not
- 194 further substituted in the indole ring to any extent, whether or not substituted
- 195 in the naphthyl ring to any extent. Including, but not limited to:
- 196 (i) **AM2201, or 1-(5-fluoropentyl)-3-(1-naphthoyl)indole;**
- 197 (ii) **JWH-007, or 1-pentyl-2-methyl-3-(1-naphthoyl)indole;**
- 198 [(ii)] **(iii)** JWH-015, or 1-propyl-2-methyl-3-(1-naphthoyl)indole;
- 199 [(iii)] **(iv)** JWH-018, or 1-pentyl-3-(1-naphthoyl)indole;
- 200 [(iv)] **(v)** JWH-019, or 1-hexyl-3-(1-naphthoyl)indole;
- 201 [(v)] **(vi)** JWH-073, or 1-butyl-3-(1-naphthoyl)indole;
- 202 [(vi)] **(vii)** JWH-081, or 1-pentyl-3-(4-methoxy-1-naphthoyl)indole;
- 203 [(vii)] **(viii)** JWH-098, or 1-pentyl-2-methyl-3-(4-methoxy-1-naphthoyl)
- 204 indole;
- 205 [(viii)] **(ix)** JWH-122, or 1-pentyl-3-(4-methyl-1-naphthoyl)indole;
- 206 [(ix)] **(x)** JWH-164, or 1-pentyl-3-(7-methoxy-1-naphthoyl)indole;
- 207 [(x)] **(xi)** JWH-200, or 1-(2-(4-(morpholinyl)ethyl))-3-(1-naphthoyl)indole;
- 208 [(xi)] **(xii)** JWH-210, or 1-pentyl-3-(4-ethyl-1-naphthoyl)indole;
- 209 [(xii)] **(xiii)** JWH-398, or 1-pentyl-3-(4-chloro-1-naphthoyl)indole;
- 210 b. Any compound structurally derived from 3-(1-naphthoyl)pyrrole by
- 211 substitution at the nitrogen atom of the pyrrole ring by alkyl, haloalkyl, alkenyl,
- 212 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
- 213 2-(4-morpholinyl)ethyl group, whether or not further substituted in the pyrrole
- 214 ring to any extent, whether or not substituted in the naphthyl ring to any extent;
- 215 c. Any compound structurally derived from 1-(1-naphthylmethyl)indene
- 216 by substitution at the 3-position of the indene ring by alkyl, haloalkyl, alkenyl,
- 217 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
- 218 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indene
- 219 ring to any extent, whether or not substituted in the naphthyl ring to any extent;
- 220 d. Any compound structurally derived from 3-phenylacetylindole by
- 221 substitution at the nitrogen atom of the indole ring with alkyl, haloalkyl, alkenyl,

cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent, whether or not substituted in the phenyl ring to any extent. Including, but not limited to:

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

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

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

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

(v) RCS-8, or 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole;

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

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

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

(i) AM-694, or 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole;

(ii) RCS-4, or 1-pentyl-3-(4-methoxybenzoyl)indole (**SR-19 and RCS-4**);

g. CP 50, 556-1, or [(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5-phenylpentan-2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl] acetate;

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

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

j. [CP 50, 556-1, or [(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-n-2-yl]oxy-5,6,6 5-phenylpentaa,7,8,9,10,10a-octahydrophenanthridin-1-yl] acetate;

k.] Dimethylheptylpyran, or DMHP;

[(5)] (6) Any material, compound, mixture or preparation containing any quantity of the following substances having a depressant effect on the central

nervous system, including their salts, isomers and salts of isomers whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

(a) Gamma-hydroxybutyric acid;

(b) Mecloqualone;

(c) Methaqualone;

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

(a) Aminorex;

(b) N-benzylpiperazine;

(c) Cathinone;

(d) Fenethylamine;

(e) 3-Fluoromethcathinone;

(f) 4-Fluoromethcathinone;

(g) Mephedrone, or 4-methylmethcathinone;

(h) Methcathinone;

(i) 4-methoxymethcathinone;

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

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

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

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

(n) N-ethylamphetamine;

(o) N,N-dimethylamphetamine;

(p) Quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate (PB-22; QUPIC);

(q) Quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate (5-fluoro-PB-22; 5F-PB-22);

(r) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (AB-FUBINACA);

(s) N-(1-amino-3, 3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide (ADB-PINACA);

[(7)] (8) A temporary listing of substances subject to emergency scheduling under federal law shall include any material, compound, mixture or

294 preparation which contains any quantity of the following substances:

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

297 (b) N-(1-(2-thienyl)methyl-4-piperidyl)-N-phenylpropanamide
298 (thenylfentanyl), its optical isomers, salts and salts of isomers;] **(1-pentyl-1H-**
299 **indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone, its optical,**
300 **positional, and geometric isomers, salts, and salts of isomers;**

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

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

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

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

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

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

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

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

321 (j) Butylone, its optical, positional, and geometric isomers, salts,
322 and salts of isomers;

323 (k) Pentedrone, its optical, positional, and geometric isomers,
324 salts, and salts of isomers;

325 (l) Pentylone, its optical, positional, and geometric isomers, salts,
326 and salts of isomers;

327 (m) Naphyrone, its optical, positional, and geometric isomers,
328 salts, and salts of isomers;

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

- 331 **(o)** N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1*H*-
332 indazole-3-carboxamide, its optical, positional, and geometric isomers,
333 salts, and salts of isomers;
- 334 **(p)** N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1*H*-indazole-3-
335 carboxamide, its optical, positional, and geometric isomers, salts, and
336 salts of isomers;
- 337 **(q)** [1-(5-fluoropentyl)-1*H*-indazole-3-yl](naphthalen-1-
338 yl)methanone, its optical, positional, and geometric isomers, salts, and
339 salts of isomers;
- 340 **(r)** N-[1-[2-hydroxy-2-(thiophen-2-yl) ethyl]piperidin-4-yl]-N-
341 phenylpropionamide, its isomers, esters, ethers, salts, and salts of
342 isomers, esters, and ethers;
- 343 **(s)** N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide, its optical,
344 positional, and geometric isomers, salts, and salts of isomers;
- 345 **(t)** N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-
346 1*H*-indazole-3-carboxamide, its optical, positional, and geometric
347 isomers, salts, and salts of isomers;
- 348 **(u)** N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide;
- 349 **(v)** methyl 2-(1-(5-fluoropentyl)-1*H*-indazole-3-carboxamido)-3,3-
350 dimethylbutanoate, its optical, positional, and geometric isomers, salts,
351 and salts of isomers;
- 352 **(w)** methyl 2-(1-(5-fluoropentyl)-1*H*-indazole-3-carboxamido)-3-
353 methylbutanoate, its optical, positional, and geometric isomers, salts,
354 and salts of isomers;
- 355 **(x)** N-(adamantan-1-yl)-1-(5-fluoropentyl)-1*H*-indazole-3-
356 carboxamide, its optical, positional, and geometric isomers, salts, and
357 salts of isomers;
- 358 **(y)** N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-
359 1*H*-indazole-3-carboxamide, its optical, positional, and geometric
360 isomers, salts, and salts of isomers;
- 361 **(z)** methyl 2-(1-(cyclohexylmethyl)-1*H*-indole-3-carboxamido)-3,3-
362 dimethylbutanoate, its optical, positional, and geometric isomers, salts,
363 and salts of isomers;
- 364 **(aa)** methyl 2-(1-(4-fluorobenzyl)-1*H*-indazole-3-carboxamido)-3,3-
365 dimethylbutanoate, its optical, positional, and geometric isomers, salts,
366 and salts of isomers;
- 367 **(bb)** N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)

368 isobutyramide, its isomers, esters, ethers, salts, and salts of isomers,
369 esters, and ethers;

370 (cc) N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide, its
371 isomers, esters, ethers, salts, and salts of isomers, esters, and ethers;

372 (dd) N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-
373 yl)propionamide, its isomers, esters, ethers, salts, and salts of isomers,
374 esters, and ethers;

375 (ee) N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-
376 carboxamide, its isomers, esters, ethers, salts, and salts of isomers,
377 esters, and ethers;

378 (ff) 2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide,
379 its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers;

380 (gg) methyl 2-(1-(4-fluorobenzyl)-1*H*-indazole-3-carboxamido)-3-
381 methylbutanoate, its optical, positional, and geometric isomers, salts,
382 and salts of isomers;

383 (hh) N-(1-phenethylpiperidin-4-yl)-N-
384 phenylcyclopropanecarboxamide, its isomers, esters, ethers, salts, and
385 salts of isomers, esters, and ethers;

386 (ii) N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide, its
387 isomers, esters, ethers, salts, and salts of isomers, esters, and ethers;

388 (jj) N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide,
389 its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers;

390 (kk) N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-
391 yl)butyramide, its isomers, esters, ethers, salts, and salts of isomers,
392 esters, and ethers;

393 (ll) N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-
394 yl)isobutyramide, its isomers, esters, ethers, salts, and salts of isomers,
395 esters, and ethers;

396 (mm) N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide, its
397 isomers, esters, ethers, salts, and salts of isomers, esters, and ethers;

398 (nn) N-(1-phenethylpiperidin-4-yl)-N-
399 phenylcyclopentanecarboxamide, its isomers, esters, ethers, salts, and
400 salts of isomers, esters, and ethers;

401 (oo) N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-
402 yl)acetamide, its isomers, esters, ethers, salts, and salts of isomers,
403 esters, and ethers;

404 (pp) Fentanyl-related substances, their isomers, esters, ethers,

405 salts, and salts of isomers, esters, and ethers. Fentanyl-related
406 substance shall mean any substance not otherwise listed under another
407 Drug Enforcement Administration Controlled Substance Code Number,
408 and for which no exemption or approval is in effect under section 505
409 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. Section 355, that
410 is structurally related to fentanyl by one or more of the following
411 modifications:

412 a. Replacement of the phenyl portion of the phenethyl group by
413 any monocycle, whether or not further substituted in or on the
414 monocycle;

415 b. Substitution in or on the phenethyl group with alkyl, alkenyl,
416 alkoxyl, hydroxyl, halo, haloalkyl, amino or nitro groups;

417 c. Substitution in or on the piperidine ring with alkyl, alkenyl,
418 alkoxyl, ester, ether, hydroxyl, amino or nitro groups;

419 d. Replacement of the aniline ring with any aromatic monocycle,
420 whether or not further substituted in or on the aromatic monocycle; or

421 e. Replacement of the N-propionyl group by another acyl group;
422 (qq) Naphthalen-1-yl 1-(5-fluoropentyl)-1*H*-indole-3-carboxylate,
423 its optical, positional, and geometric isomers, salts, and salts of isomers
424 (NM2201; CBL2201);

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

428 (ss) 1-(4-cyanobutyl)-*N*-(2-phenylpropan-2-yl)-1*H*-indazole-3-
429 carboxamide, its optical, positional, and geometric isomers, salts, and
430 salts of isomers (4-CN-CUMYL-BUTINACA; 4-cyano-CUMYL-BUTINACA;
431 4-CN-CUMYLBINACA; CUMYL-4CN-BINACA; SGT-78);

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

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

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

441 [(8)] (9) Khat, to include all parts of the plant presently classified

442 botanically as *catha edulis*, whether growing or not; the seeds thereof; any extract
443 from any part of such plant; and every compound, manufacture, salt, derivative,
444 mixture, or preparation of the plant, its seed or extracts.

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

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

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

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

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

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

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

461 a. Raw opium;

462 b. Opium extracts;

463 c. Opium fluid;

464 d. Powdered opium;

465 e. Granulated opium;

466 f. Tincture of opium;

467 g. Codeine;

468 h. **Dihydroetorphine;**

469 i. Ethylmorphine;

470 [i.] j. Etorphine hydrochloride;

471 [j.] k. Hydrocodone;

472 [k.] l. Hydromorphone;

473 [l.] m. Metopon;

474 [m.] n. Morphine;

475 [n.] o. **Oripavine;**

476 p. Oxycodone;

477 [o.] q. Oxymorphone;

478 [p.] r. Thebaine;

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

482 (c) Opium poppy and poppy straw;

483 (d) Coca leaves and any salt, compound, derivative, or preparation of coca
484 leaves, and any salt, compound, derivative, or preparation thereof which is
485 chemically equivalent or identical with any of these substances, but not including
486 **the following:**

487 a. Decocainized coca leaves or extractions **of coca leaves**, which
488 **extractions** do not contain cocaine or ecgonine; **or**

489 **b. Ioflupane;**

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

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

497 (a) Alfentanil;

498 (b) Alphaprodine;

499 (c) Anileridine;

500 (d) Bezitramide;

501 (e) Bulk dextropropoxyphene;

502 (f) Carfentanil;

503 (g) Dihydrocodeine;

504 (h) Diphenoxylate;

505 (i) Fentanyl;

506 (j) Isomethadone;

507 (k) Levo-alphacetylmethadol;

508 (l) Levomethorphan;

509 (m) Levorphanol;

510 (n) Metazocine;

511 (o) Methadone;

512 (p) [Meperidine;

513 (q)] Methadone-Intermediate, 4-cyano-2-dimethylamino-4,

514 4-diphenylbutane;
515 [(r)] (q) Moramide-Intermediate, 2-methyl-3-morpholino-1,
516 1-diphenylpropane-carboxylic acid;
517 [(s)] (r) Pethidine (meperidine);
518 [(t)] (s) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
519 [(u)] (t) P e t h i d i n e - I n t e r m e d i a t e - B ,
520 ethyl-4-phenylpiperidine-4-carboxylate;
521 [(v)] (u) P e t h i d i n e - I n t e r m e d i a t e
522 -C,1-methyl-4-phenylpiperidine-4-carboxylic acid;
523 [(w)] (v) Phenazocine;
524 [(x)] (w) Piminodine;
525 [(y)] (x) Racemethorphan;
526 [(z)] (y) Racemorphan;
527 [(aa)] (z) Remifentanyl;
528 [(bb)] (aa) Sufentanyl;
529 [(cc)] (bb) Tapentadol;
530 (cc) Thiafentanyl;
531 (3) Any material, compound, mixture, or preparation which contains any
532 quantity of the following substances having a stimulant effect on the central
533 nervous system:
534 (a) Amphetamine, its salts, optical isomers, and salts of its optical
535 isomers;
536 (b) Lisdexamfetamine, its salts, isomers, and salts of its isomers;
537 (c) Methamphetamine, its salts, isomers, and salts of its isomers;
538 (d) Phenmetrazine and its salts;
539 (e) Methylphenidate;
540 (4) Any material, compound, mixture, or preparation which contains any
541 quantity of the following substances having a depressant effect on the central
542 nervous system, including its salts, isomers, and salts of isomers whenever the
543 existence of those salts, isomers, and salts of isomers is possible within the
544 specific chemical designation:
545 (a) Amobarbital;
546 (b) Glutethimide;
547 (c) Pentobarbital;
548 (d) Phencyclidine;
549 (e) Secobarbital;

- 550 (5) [Any material or compound which contains any quantity of nabilone]
551 **Hallucinogenic substances:**
- 552 (a) **Any material or compound which contains any quantity of**
553 **nabilone;**
- 554 (b) **Dronabinol [(-)- Δ -9-trans tetrahydrocannabinol] in an oral**
555 **solution in a drug product approved for marketing by the U.S. Food and**
556 **Drug Administration;**
- 557 (6) Any material, compound, mixture, or preparation which contains any
558 quantity of the following substances:
- 559 (a) Immediate precursor to amphetamine and methamphetamine:
560 Phenylacetone;
- 561 (b) Immediate precursors to phencyclidine (PCP):
- 562 a. 1-phenylcyclohexylamine;
- 563 b. 1-piperidinocyclohexanecarbonitrile (PCC);
- 564 (c) **Immediate precursor to fentanyl: 4-anilino-N-phenethyl-4-**
565 **piperidine (ANPP);**
- 566 (7) Any material, compound, mixture, or preparation which contains any
567 quantity of the following alkyl nitrites:
- 568 (a) Amyl nitrite;
- 569 (b) Butyl nitrite.
- 570 5. The department of health and senior services shall place a substance
571 in Schedule III if it finds that:
- 572 (1) The substance has a potential for abuse less than the substances listed
573 in Schedules I and II;
- 574 (2) The substance has currently accepted medical use in treatment in the
575 United States; and
- 576 (3) Abuse of the substance may lead to moderate or low physical
577 dependence or high psychological dependence.
- 578 6. The controlled substances listed in this subsection are included in
579 Schedule III:
- 580 (1) Any material, compound, mixture, or preparation which contains any
581 quantity of the following substances having a potential for abuse associated with
582 a stimulant effect on the central nervous system:
- 583 (a) Benzphetamine;
- 584 (b) Chlorphentermine;
- 585 (c) Clortermine;

586 (d) Phendimetrazine;
587 (2) Any material, compound, mixture or preparation which contains any
588 quantity or salt of the following substances or salts having a depressant effect on
589 the central nervous system:
590 (a) Any material, compound, mixture or preparation which contains any
591 quantity or salt of the following substances combined with one or more active
592 medicinal ingredients:
593 a. Amobarbital;
594 b. Secobarbital;
595 c. Pentobarbital;
596 (b) Any suppository dosage form containing any quantity or salt of the
597 following:
598 a. Amobarbital;
599 b. Secobarbital;
600 c. Pentobarbital;
601 (c) Any substance which contains any quantity of a derivative of
602 barbituric acid or its salt;
603 (d) Chlorhexadol;
604 (e) Embutramide;
605 (f) Gamma hydroxybutyric acid and its salts, isomers, and salts of isomers
606 contained in a drug product for which an application has been approved under
607 Section 505 of the federal Food, Drug, and Cosmetic Act;
608 (g) Ketamine, its salts, isomers, and salts of isomers;
609 (h) Lysergic acid;
610 (i) Lysergic acid amide;
611 (j) Methyprylon;
612 (k) **Perampanel, and its salts, isomers, and salts of isomers;**
613 **(l) Sulfondiethylmethane;**
614 **[(l)] (m) Sulfonethylmethane;**
615 **[(m)] (n) Sulfonmethane;**
616 **[(n)] (o) Tiletamine and zolazepam or any salt thereof;**
617 (3) Nalorphine;
618 (4) Any material, compound, mixture, or preparation containing limited
619 quantities of any of the following narcotic drugs or their salts:
620 (a) Not more than 1.8 grams of codeine per one hundred milliliters or not
621 more than ninety milligrams per dosage unit, with an equal or greater quantity

622 of an isoquinoline alkaloid of opium;

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

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

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

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

635 [(f)] (d) Not more than three hundred milligrams of ethylmorphine per
636 one hundred milliliters or not more than fifteen milligrams per dosage unit, with
637 one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

638 [(g)] (e) Not more than five hundred milligrams of opium per one
639 hundred milliliters or per one hundred grams or not more than twenty-five
640 milligrams per dosage unit, with one or more active nonnarcotic ingredients in
641 recognized therapeutic amounts;

642 [(h)] (f) Not more than fifty milligrams of morphine per one hundred
643 milliliters or per one hundred grams, with one or more active, nonnarcotic
644 ingredients in recognized therapeutic amounts;

645 (5) Any material, compound, mixture, or preparation containing any of the
646 following narcotic drugs or their salts[, as set forth in subdivision (6) of this
647 subsection;]: Buprenorphine;

648 (6) Anabolic steroids. Any drug or hormonal substance, chemically and
649 pharmacologically related to testosterone (other than estrogens, progestins,
650 corticosteroids, and dehydroepiandrosterone) that promotes muscle growth, except
651 an anabolic steroid which is expressly intended for administration through
652 implants to cattle or other nonhuman species and which has been approved by
653 the Secretary of Health and Human Services for that administration. If any
654 person prescribes, dispenses, or distributes such steroid for human use, such
655 person shall be considered to have prescribed, dispensed, or distributed an
656 anabolic steroid within the meaning of this subdivision. Unless specifically
657 excepted or unless listed in another schedule, any material, compound, mixture

658 or preparation containing any quantity of the following substances, including its
 659 salts, esters and ethers:

- 660 (a) [3 β ,17-dihydroxy-5 α -androsterane] 3 β ,17 β -dihydroxy-5 α -androsterane;
- 661 (b) 3 α ,17 β -dihydroxy-5 α -androsterane;
- 662 (c) 5 α -androsterane-3,17-dione;
- 663 (d) 1-androstenediol (3 β ,17 β -dihydroxy-5 α -androsterane-1-ene);
- 664 (e) 1-androstenediol (3 α ,17 β -dihydroxy-5 α -androsterane-1-ene);
- 665 (f) 4-androstenediol (3 β ,17 β -dihydroxy-androst-4-ene);
- 666 (g) 5-androstenediol (3 β ,17 β -dihydroxy-androst-5-ene);
- 667 (h) 1-androstenedione ([5 α]-androsterane-1-en-3,17-dione);
- 668 (i) 4-androstenedione (androsterane-4-en-3,17-dione);
- 669 (j) 5-androstenedione (androsterane-5-en-3,17-dione);
- 670 (k) Bolasterone (7 α , 17 α -dimethyl-17 β -hydroxyandrosterane-4-en-3-one);
- 671 (l) Boldenone (17 β -hydroxyandrosterane-1,4,-diene-3-one);
- 672 (m) Boldione;
- 673 (n) Calusterone (7 β , 17 α -dimethyl-17 β -hydroxyandrosterane-4-en-3-one);
- 674 (o) Clostebol (4-chloro-17 β -hydroxyandrosterane-4-en-3-one);
- 675 (p) Dehydrochloromethyltestosterone (4-chloro-17 β -hydroxy
 676 -17 α -methyl-androst-1,4-dien-3-one);
- 677 (q) Desoxymethyltestosterone;
- 678 (r) Δ 1-dihydrotestosterone (a.k.a.'1-testosterone') (17 β -hydroxy-5 α -androsterane-
 679 -1-en-3-one);
- 680 (s) [4-dihydrotestosterone (17 β -hydroxy-androsterane-3-one);
- 681 (t)] Drostanolone (17 β -hydroxy-2 α -methyl-5 α -androsterane-3-one);
- 682 [(u)] (t) Ethylestrenol (17 α -ethyl-17 β -hydroxyestr-4-ene);
- 683 [(v)] (u) Fluoxymesterone (9-fluoro-17 α -methyl-11 β ,17 β -dihydroxyandrosterane-
 684 -4-en-3-one);
- 685 [(w)] (v) Formebolone (2-formyl-17 α -methyl-11 α ,17 β -dihydroxyandrosterane-1,
 686 4-dien-3-one);
- 687 [(x)] (w) Furazabol (17 α -methyl-17 β -hydroxyandrosterano[2,3-c]-furazan);
- 688 [(y)] (x) 13 β -ethyl-17 β -hydroxygon-4-en-3-one;
- 689 [(z)] (y) 4-hydroxytestosterone (4,17 β -dihydroxy-androst-4-en-3-one);
- 690 [(aa)] (z) 4-hydroxy-19-nortestosterone (4,17 β -dihydroxy-estr-4-en-3-one);
- 691 [(bb)] (aa) Mestanolone [(17 α -methyl-17 β -hydroxy-5-androsterane-3-
 692 one)] (17 α -methyl-17 β -hydroxy-5 α -androsterane-3-one);
- 693 [(cc)] (bb) Mesterolone [(1 α -methyl-17 β -hydroxy-[5 α]-androsterane-3-one)]

694 **(1 α -methyl-17 β -hydroxy-[5 α]-androstan-3-one);**
 695 [(dd)] **(cc)** Methandienone (17 α -methyl-17 β -hydroxyandrost
 696 -1,4-dien-3-one);
 697 [(ee)] **(dd)** Methandriol (17 α -methyl-3 β ,17 β -dihydroxyandrost-5-ene);
 698 [(ff)] **(ee)** **Methasterone (2 α ,17 α -dimethyl-5 α -androstan-17 β -ol-3-**
 699 **one);**
 700 **(ff)** Methenolone (1-methyl-17 β -hydroxy-5 α -androst-1-en-3-one);
 701 (gg) 17 α -methyl-3 β ,17 β -dihydroxy-5 α -androstane);
 702 (hh) 17 α -methyl-3 α ,17 β -dihydroxy-5 α -androstane);
 703 (ii) 17 α -methyl-3 β ,17 β -dihydroxyandrost-4-ene);
 704 (jj) 17 α -methyl-4-hydroxynandrolone (17 α -methyl-4-hydroxy-17 β -
 705 hydroxyestr-4-en-3-one);
 706 (kk) Methyldienolone (17 α -methyl-17 β -hydroxyestra-4,9(10)-dien-3-one);
 707 (ll) [Methyltrienolone (17 α -methyl-17 β -hydroxyestra-4,9-11-trien-3-one)]
 708 **Methyltrienolone (17 α -methyl-17 β -hydroxyestra-4,9,11-trien-3-one);**
 709 (mm) Methyltestosterone (17 α -methyl-17 β -hydroxyandrost-4-en-3-one);
 710 (nn) Mibolerone (7 α ,17 α -dimethyl-17 β -hydroxyestr-4-en-3-one);
 711 (oo) 17 α -methyl- Δ 1-dihydrotestosterone (17 β -hydroxy-17 α -methyl-5 α -androst
 712 -1-en-3-one) (a.k.a. '17- α -methyl-1-testosterone');
 713 (pp) Nandrolone (17 β -hydroxyestr-4-ene-3-one);
 714 (qq) 19-nor-4-androstenediol (3 β ,17 β -dihydroxyestr-4-ene);
 715 (rr) 19-nor-4-androstenediol (3 α ,17 β -dihydroxyestr-4-ene);
 716 (ss) 19-nor-4,9(10)-androstadienedione (**estra-4,9(10)-diene-3,17-dione**);
 717 (tt) 19-nor-5-androstenediol (3 β ,17 β -dihydroxyestr-5-ene);
 718 (uu) 19-nor-5-androstenediol (3 α ,17 β -dihydroxyestr-5-ene);
 719 (vv) 19-nor-4-androstenedione (estr-4-en-3,17-dione);
 720 (ww) 19-nor-5-androstenedione (estr-5-en-3,17-dione);
 721 (xx) Norbolethone (13 β ,17 α -diethyl-17 β -hydroxygon-4-en-3-one);
 722 (yy) Norclostebol (4-chloro-17 β -hydroxyestr-4-en-3-one);
 723 (zz) Norethandrolone (17 α -ethyl-17 β -hydroxyestr-4-en-3-one);
 724 (aaa) Normethandrolone (17 α -methyl-17 β -hydroxyestr-4-en-3-one);
 725 (bbb) Oxandrolone (17 α -methyl-17 β -hydroxy-2-oxa-[5 α]-androstan-3-one);
 726 (ccc) Oxymesterone (17 α -methyl-4,17 β -dihydroxyandrost-4-en-3-one);
 727 (ddd) Oxymethalone (17 α -methyl-2-hydroxymethylene-17 β -hydroxy-[5 α]-
 728 androstan-3-one);
 729 (eee) **Prostanazol (17 β -hydroxy-5 α -androstan-3-one) [3,2-c]pyrazole);**

730 **(fff) Stanolone (Δ^1 -dihydrotestosterone (a.k.a. 1-**
731 **testosterone)(17 β -hydroxy-5 α -androst-1-en-3-one));**
732 **(ggg) Stanozolol(17 α -methyl-17 β -hydroxy-[5 α]-androst-**
733 **2-eno[3,2-c]-pyrazole);**
734 **[(fff)] (hhh) Stenbolone (17 β -hydroxy-2-methyl-[5 α]-androst-1-en-3-one);**
735 **[(ggg)] (iii) Testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien**
736 **-17-oic acid lactone);**
737 **[(hhh)] (jjj) Testosterone (17 β -hydroxyandrost-4-en-3-one);**
738 **[(iii)] (kkk) Tetrahydrogestrinone (13 β ,17 α -diethyl-17 β -hydroxygon -4,**
739 **9,11-trien-3-one);**
740 **[(jjj)] (lll) Trenbolone (17 β -hydroxyestr-4,9,11-trien-3-one);**
741 **[(kkk)] (mmm) Any salt, ester, or ether of a drug or substance described**
742 **or listed in this subdivision, except an anabolic steroid which is expressly**
743 **intended for administration through implants to cattle or other nonhuman species**
744 **and which has been approved by the Secretary of Health and Human Services for**
745 **that administration;**
746 (7) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin
747 capsule in a United States Food and Drug Administration approved drug product;
748 (8) The department of health and senior services may except by rule any
749 compound, mixture, or preparation containing any stimulant or depressant
750 substance listed in subdivisions (1) and (2) of this subsection from the application
751 of all or any part of sections 195.010 to 195.320 if the compound, mixture, or
752 preparation contains one or more active medicinal ingredients not having a
753 stimulant or depressant effect on the central nervous system, and if the
754 admixtures are included therein in combinations, quantity, proportion, or
755 concentration that vitiate the potential for abuse of the substances which have
756 a stimulant or depressant effect on the central nervous system.
757 7. The department of health and senior services shall place a substance
758 in Schedule IV if it finds that:
759 (1) The substance has a low potential for abuse relative to substances in
760 Schedule III;
761 (2) The substance has currently accepted medical use in treatment in the
762 United States; and
763 (3) Abuse of the substance may lead to limited physical dependence or
764 psychological dependence relative to the substances in Schedule III.
765 8. The controlled substances listed in this subsection are included in

766 Schedule IV:

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

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

772 (b) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1,
773 2-diphenyl-3-methyl-2-propionoxybutane);

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

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

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

784 b. Not more than one hundred milligrams of dihydrocodeine per one
785 hundred milliliters or per one hundred grams;

786 c. Not more than one hundred milligrams of ethylmorphine per one
787 hundred milliliters or per one hundred grams;

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

792 (a) **Alfaxalone;**

793 (b) Alprazolam;

794 [(b)] (c) Barbitol;

795 [(c)] (d) Bromazepam;

796 [(d)] (e) Camazepam;

797 [(e)] (f) **Carisoprodol;**

798 (g) Chloral betaine;

799 [(f)] (h) Chloral hydrate;

800 [(g)] (i) Chlordiazepoxide;

801 [(h)] (j) Clobazam;

802 [(i)] **(k)** Clonazepam;
803 [(j)] **(l)** Clorazepate;
804 [(k)] **(m)** Clotiazepam;
805 [(l)] **(n)** Cloxazolam;
806 [(m)] **(o)** Delorazepam;
807 [(n)] **(p)** Diazepam;
808 [(o)] **(q)** Dichloralphenazone;
809 [(p)] **(r)** Estazolam;
810 [(q)] **(s)** Ethchlorvynol;
811 [(r)] **(t)** Ethinamate;
812 [(s)] **(u)** Ethyl loflazepate;
813 [(t)] **(v)** Fludiazepam;
814 [(u)] **(w)** Flunitrazepam;
815 [(v)] **(x)** Flurazepam;
816 [(w)] **(y)** Fospropofol;
817 [(x)] **(z)** Halazepam;
818 [(y)] **(aa)** Haloxazolam;
819 [(z)] **(bb)** Ketazolam;
820 [(aa)] **(cc)** Loprazolam;
821 [(bb)] **(dd)** Lorazepam;
822 [(cc)] **(ee)** Lormetazepam;
823 [(dd)] **(ff)** Mebutamate;
824 [(ee)] **(gg)** Medazepam;
825 [(ff)] **(hh)** Meprobamate;
826 [(gg)] **(ii)** Methohexital;
827 [(hh)] **(jj)** Methylphenobarbital (mephobarbital);
828 [(ii)] **(kk)** Midazolam;
829 [(jj)] **(ll)** Nimetazepam;
830 [(kk)] **(mm)** Nitrazepam;
831 [(ll)] **(nn)** Nordiazepam;
832 [(mm)] **(oo)** Oxazepam;
833 [(nn)] **(pp)** Oxazolam;
834 [(oo)] **(qq)** Paraldehyde;
835 [(pp)] **(rr)** Petrichloral;
836 [(qq)] **(ss)** Phenobarbital;
837 [(rr)] **(tt)** Pinazepam;

838 [(ss)] **(uu)** Prazepam;
839 [(tt)] **(vv)** Quazepam;
840 [(uu)] **(ww)** **Suvorexant**;
841 **(xx)** Temazepam;
842 [(vv)] **(yy)** Tetrazepam;
843 [(ww)] **(zz)** Triazolam;
844 [(xx)] **(aaa)** Zaleplon;
845 [(yy)] **(bbb)** Zolpidem;
846 [(zz)] **(ccc)** Zopiclone;

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

851 (4) **Any material, compound, mixture, or preparation which**
852 **contains any quantity of the following substances, including its salts,**
853 **isomers, and salts of isomers, whenever the existence of such salts,**
854 **isomers, and salts of isomers is possible: Lorcaserin;**

855 (5) Any material, compound, mixture or preparation containing any
856 quantity of the following substances having a stimulant effect on the central
857 nervous system, including their salts, isomers and salts of isomers:

- 858 (a) Cathine ((+)-norpseudoephedrine);
859 (b) Diethylpropion;
860 (c) Fencamfamin;
861 (d) Fenproporex;
862 (e) Mazindol;
863 (f) Mefenorex;
864 (g) Modafinil;
865 (h) Pemoline, including organometallic complexes and chelates thereof;
866 (i) Phentermine;
867 (j) Pipradrol;
868 (k) Sibutramine;
869 (l) SPA ((-)-1-dimethyamino-1,2-diphenylethane);

870 [(5)] **(6)** Any material, compound, mixture or preparation containing any
871 quantity of the following substance, including its salts:

- 872 (a) Butorphanol **(including its optical isomers)**;
873 (b) **Eluxadoline (5-[[[(2S)-2-amino-3-[4-aminocarbonyl]-2,6-**

874 **dimethylphenyl]-1-oxopropyl] [(1*S*)-1-(4-phenyl-1 *H*-imidazol-2-**
875 **yl)ethyl]amino]methyl]-2-methoxybenzoic acid) (including its optical**
876 **isomers) and its salts, isomers, and salts of isomers;**

877 (c) Pentazocine;

878 [(6)] (7) Ephedrine, its salts, optical isomers and salts of optical isomers,
879 when the substance is the only active medicinal ingredient;

880 [(7)] (8) The department of health and senior services may except by rule
881 any compound, mixture, or preparation containing any depressant substance
882 listed in subdivision (1) of this subsection from the application of all or any part
883 of sections 195.010 to 195.320 and sections 579.015 to 579.086 if the compound,
884 mixture, or preparation contains one or more active medicinal ingredients not
885 having a depressant effect on the central nervous system, and if the admixtures
886 are included therein in combinations, quantity, proportion, or concentration that
887 vitiate the potential for abuse of the substances which have a depressant effect
888 on the central nervous system.

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

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

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

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

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

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

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

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

909 (c) **Not more than one hundred milligrams of ethylmorphine per**

910 **one hundred milliliters or per one hundred grams;**

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

913 **[(b)] (e)** Not more than one hundred milligrams of opium per one
914 hundred milliliters or per one hundred grams;

915 **[(c)] (f)** Not more than five-tenths milligram of difenoxin and not less
916 than twenty-five micrograms of atropine sulfate per dosage unit;

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

920 **(3)** Any compound, mixture, or preparation containing any detectable
921 quantity of pseudoephedrine or its salts or optical isomers, or salts of optical
922 isomers or any compound, mixture, or preparation containing any detectable
923 quantity of ephedrine or its salts or optical isomers, or salts of optical isomers;

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

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

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

932 **(c) Lacosamide [(R)-2-acetoamido-N-benzyl-3-methoxy-**
933 **propionamide];**

934 **[(b)] (d) Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid];**

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

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

943 **(1)** All packages of any compound, mixture, or preparation containing any
944 detectable quantity of pseudoephedrine, its salts or optical isomers, or salts of
945 optical isomers or ephedrine, its salts or optical isomers, or salts of optical

946 isomers, shall be offered for sale only from behind a pharmacy counter where the
947 public is not permitted, and only by a registered pharmacist or registered
948 pharmacy technician; and

949 (2) Any person purchasing, receiving or otherwise acquiring any
950 compound, mixture, or preparation containing any detectable quantity of
951 pseudoephedrine, its salts or optical isomers, or salts of optical isomers or
952 ephedrine, its salts or optical isomers, or salts of optical isomers shall be at least
953 eighteen years of age; and

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

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

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

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

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

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

968 (4) The name or initials of the pharmacist, intern pharmacist, or
969 registered pharmacy technician who dispensed the compound, mixture, or
970 preparation to the purchaser.

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

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

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

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

982 17. The scheduling of substances specified in subdivision (3) of subsection
983 10 of this section and subsections 11, 12, 14, and 15 of this section shall not apply
984 to any compounds, mixtures, or preparations that are in liquid or liquid-filled gel
985 capsule form or to any compound, mixture, or preparation specified in subdivision
986 (3) of subsection 10 of this section which must be dispensed, sold, or distributed
987 in a pharmacy pursuant to a prescription.

988 18. The manufacturer of a drug product or another interested party may
989 apply with the department of health and senior services for an exemption from
990 this section. The department of health and senior services may grant an
991 exemption by rule from this section if the department finds the drug product is
992 not used in the illegal manufacture of methamphetamine or other controlled or
993 dangerous substances. The department of health and senior services shall rely
994 on reports from law enforcement and law enforcement evidentiary laboratories in
995 determining if the proposed product can be used to manufacture illicit controlled
996 substances.

997 19. The department of health and senior services shall revise and
998 republish the schedules annually.

999 20. The department of health and senior services shall promulgate rules
1000 under chapter 536 regarding the security and storage of Schedule V controlled
1001 substances, as described in subdivision (3) of subsection 10 of this section, for
1002 distributors as registered by the department of health and senior services.

1003 21. Logs of transactions required to be kept and maintained by this
1004 section and section 195.417 shall create a rebuttable presumption that the person
1005 whose name appears in the logs is the person whose transactions are recorded in
1006 the logs.

 195.060. 1. Except as provided in subsection 4 of this section, a
2 pharmacist, in good faith, may sell and dispense controlled substances to any
3 person only upon a prescription of a practitioner as authorized by statute,
4 provided that the controlled substances listed in Schedule V may be sold without
5 prescription in accordance with regulations of the department of health and
6 senior services. All written prescriptions shall be signed by the person
7 prescribing the same, **except for electronic prescriptions**. All prescriptions
8 shall be dated on the day when issued and bearing the full name and address of
9 the patient for whom, or of the owner of the animal for which, the drug is
10 prescribed, and the full name, address, and the registry number under the federal
11 controlled substances laws of the person prescribing, if he or she is required by

12 those laws to be so registered. If the prescription is for an animal, it shall state
13 the species of the animal for which the drug is prescribed. The person filling the
14 prescription shall either write the date of filling and his or her own signature on
15 the prescription or retain the date of filling and the identity of the dispenser as
16 electronic prescription information. The prescription or electronic prescription
17 information shall be retained on file by the proprietor of the pharmacy in which
18 it is filled for a period of two years, so as to be readily accessible for inspection
19 by any public officer or employee engaged in the enforcement of this law. No
20 prescription for a drug in Schedule I or II shall be filled more than six months
21 after the date prescribed; no prescription for a drug in Schedule I or II shall be
22 refilled; no prescription for a drug in Schedule III or IV shall be filled or refilled
23 more than six months after the date of the original prescription or be refilled
24 more than five times unless renewed by the practitioner.

25 2. A pharmacist, in good faith, may sell and dispense controlled
26 substances to any person upon a prescription of a practitioner located in another
27 state, provided that the:

28 (1) Prescription was issued according to and in compliance with the
29 applicable laws of that state and the United States; and

30 (2) Quantity limitations in subsection 4 of section 195.080 apply to
31 prescriptions dispensed to patients located in this state.

32 3. The legal owner of any stock of controlled substances in a pharmacy,
33 upon discontinuance of dealing in such drugs, may sell the stock to a
34 manufacturer, wholesaler, or pharmacist, but only on an official written order.

35 4. A pharmacist, in good faith, may sell and dispense any Schedule II
36 drug or drugs to any person in emergency situations as defined by rule of the
37 department of health and senior services upon an oral prescription by an
38 authorized practitioner.

39 5. Except where a bona fide physician-patient-pharmacist relationship
40 exists, prescriptions for narcotics or hallucinogenic drugs shall not be delivered
41 to or for an ultimate user or agent by mail or other common carrier.

**195.550. 1. Notwithstanding any other provision of this section
2 or any other law to the contrary, beginning January 1, 2021, no person
3 shall issue any prescription in this state for any Schedule II, III, or IV
4 controlled substance unless the prescription is made by electronic
5 prescription from the person issuing the prescription to a pharmacy,
6 except for prescriptions:**

- 7 (1) Issued by veterinarians;
- 8 (2) Issued in circumstances where electronic prescribing is not
9 available due to temporary technological or electrical failure;
- 10 (3) Issued by a practitioner to be dispensed by a pharmacy
11 located outside the state;
- 12 (4) Issued when the prescriber and dispenser are the same
13 entity;
- 14 (5) Issued that include elements that are not supported by the
15 most recently implemented version of the National Council for
16 Prescription Drug Programs Prescriber/Pharmacist Interface SCRIPT
17 Standard;
- 18 (6) Issued by a practitioner for a drug that the federal Food and
19 Drug Administration requires the prescription to contain certain
20 elements that are not able to be accomplished with electronic
21 processing;
- 22 (7) Issued by a practitioner allowing for the dispensing of a
23 nonpatient specific prescription pursuant to a standing order,
24 approved protocol for drug therapy, collaborative drug management or
25 comprehensive medication management, in response to a public health
26 emergency, or other circumstances where the practitioner may issue a
27 nonpatient specific prescription;
- 28 (8) Issued by a practitioner prescribing a drug under a research
29 protocol;
- 30 (9) Issued by practitioners who have received an annual waiver,
31 or a renewal thereof, from the requirement to use electronic
32 prescribing, pursuant to a process established in regulation by the
33 department of health and senior services, due to economic hardship,
34 technological limitations, or other exceptional circumstances
35 demonstrated by the practitioner;
- 36 (10) Issued by a practitioner under circumstances where,
37 notwithstanding the practitioner's present ability to make an electronic
38 prescription as required by this subsection, such practitioner
39 reasonably determines that it would be impractical for the patient to
40 obtain substances prescribed by electronic prescription in a timely
41 manner, and such delay would adversely impact the patient's medical
42 condition; or
- 43 (11) Issued where the patient specifically requests a written

44 **prescription.**

45 **2. A pharmacist who receives a written, oral, or faxed**
46 **prescription is not required to verify that the prescription properly**
47 **falls under one of the exceptions from the requirement to electronically**
48 **prescribe. Pharmacists may continue to dispense medications from**
49 **otherwise valid written, oral, or fax prescriptions that are consistent**
50 **with state and federal laws and regulations.**

51 **3. An individual who violates the provisions of this section may**
52 **be subject to discipline by his or her professional licensing board.**

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

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

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

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

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

196.100. 1. **Any manufacturer, packer, distributor or seller of drugs or**
2 **devices in this state shall comply with the current federal labeling requirements**
3 **contained in the Federal Food, Drug and Cosmetic Act, as amended, and any**
4 **federal regulations promulgated thereunder. Any drug or device which contains**
5 **labeling that is not in compliance with the provisions of this section shall be**
6 **deemed misbranded.**

7 **2. A drug dispensed on an electronic prescription or a written**
8 **prescription signed by a licensed physician, dentist, or veterinarian, except a drug**
9 **dispensed in the course of the conduct of a business of dispensing drugs pursuant**

10 to a diagnosis by mail, shall be exempt from the requirements of this section if
11 such physician, dentist, or veterinarian is licensed by law to administer such
12 drug, and such drug bears a label containing the name and place of business of
13 the dispenser, the serial number and date of such prescription, and the name of
14 such physician, dentist, or veterinarian.

15 3. The department is hereby directed to promulgate regulations exempting
16 from any labeling or packaging requirement of sections 196.010 to 196.120, drugs
17 and devices which are, in accordance with the practice of the trade, to be
18 processed, labeled, or repacked in substantial quantities at establishments other
19 than those where originally processed or packed, on condition that such drugs and
20 devices are not adulterated or misbranded under the provisions of said sections
21 upon removal from such processing, labeling, or repacking establishment.

221.111. 1. A person commits the offense of possession of unlawful items
2 in a prison or jail if such person knowingly delivers, attempts to deliver,
3 possesses, deposits, or conceals in or about the premises of any correctional center
4 as the term "correctional center" is defined under section 217.010, or any city,
5 county, or private jail:

6 (1) Any controlled substance as that term is defined by law, except upon
7 the written **or electronic** prescription of a licensed physician, dentist, or
8 veterinarian;

9 (2) Any other alkaloid of any kind or any intoxicating liquor as the term
10 intoxicating liquor is defined in section 311.020;

11 (3) Any article or item of personal property which a prisoner is prohibited
12 by law, by rule made pursuant to section 221.060, or by regulation of the
13 department of corrections from receiving or possessing, except as herein provided;

14 (4) Any gun, knife, weapon, or other article or item of personal property
15 that may be used in such manner as to endanger the safety or security of the
16 institution or as to endanger the life or limb of any prisoner or employee thereof.

17 2. The violation of subdivision (1) of subsection 1 of this section shall be
18 a class D felony; the violation of subdivision (2) of this section shall be a class E
19 felony; the violation of subdivision (3) of this section shall be a class A
20 misdemeanor; and the violation of subdivision (4) of this section shall be a class
21 B felony.

22 3. The chief operating officer of a county or city jail or other correctional
23 facility or the administrator of a private jail may deny visitation privileges to or
24 refer to the county prosecuting attorney for prosecution any person who

25 knowingly delivers, attempts to deliver, possesses, deposits, or conceals in or
26 about the premises of such jail or facility any personal item which is prohibited
27 by rule or regulation of such jail or facility. Such rules or regulations, including
28 a list of personal items allowed in the jail or facility, shall be prominently posted
29 for viewing both inside and outside such jail or facility in an area accessible to
30 any visitor, and shall be made available to any person requesting such rule or
31 regulation. Violation of this subsection shall be an infraction if not covered by
32 other statutes.

33 4. Any person who has been found guilty of a violation of subdivision (2)
34 of subsection 1 of this section involving any alkaloid shall be entitled to
35 expungement of the record of the violation. The procedure to expunge the record
36 shall be pursuant to section 610.123. The record of any person shall not be
37 expunged if such person has been found guilty of knowingly delivering,
38 attempting to deliver, possessing, depositing, or concealing any alkaloid of any
39 controlled substance in or about the premises of any correctional center, or city
40 or county jail, or private prison or jail.

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

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

13 **3. The provisions of this section shall not apply to marijuana**
14 **plants grown lawfully pursuant to article XIV of the Missouri**
15 **Constitution.**

338.015. 1. The provisions of sections 338.010 to 338.015 shall not be
2 construed to inhibit the patient's freedom of choice to obtain prescription services
3 from any licensed pharmacist. However, nothing in sections 338.010 to 338.315
4 abrogates the patient's ability to waive freedom of choice under any contract with
5 regard to payment or coverage of prescription expense.

6 2. All pharmacists may provide pharmaceutical consultation and advice
7 to persons concerning the safe and therapeutic use of their prescription drugs.

8 3. All patients shall have the right to receive a written prescription from
9 their prescriber to take to the facility of their choice **or to have an electronic**
10 **prescription transmitted to the facility of their choice.**

338.055. 1. The board may refuse to issue any certificate of registration
2 or authority, permit or license required pursuant to this chapter for one or any
3 combination of causes stated in subsection 2 of this section or if the designated
4 pharmacist-in-charge, manager-in-charge, or any officer, owner, manager, or
5 controlling shareholder of the applicant has committed any act or practice in
6 subsection 2 of this section. The board shall notify the applicant in writing of the
7 reasons for the refusal and shall advise the applicant of his or her right to file a
8 complaint with the administrative hearing commission as provided by chapter
9 621.

10 2. The board may cause a complaint to be filed with the administrative
11 hearing commission as provided by chapter 621 against any holder of any
12 certificate of registration or authority, permit or license required by this chapter
13 or any person who has failed to renew or has surrendered his or her certificate
14 of registration or authority, permit or license for any one or any combination of
15 the following causes:

16 (1) Use of any controlled substance, as defined in chapter 195, or alcoholic
17 beverage to an extent that such use impairs a person's ability to perform the work
18 of any profession licensed or regulated by this chapter;

19 (2) The person has been finally adjudicated and found guilty, or entered
20 a plea of guilty or nolo contendere, in a criminal prosecution under the laws of
21 any state or of the United States, for any offense reasonably related to the
22 qualifications, functions or duties of any profession licensed or regulated under
23 this chapter, for any offense an essential element of which is fraud, dishonesty
24 or an act of violence, or for any offense involving moral turpitude, whether or not
25 sentence is imposed;

26 (3) Use of fraud, deception, misrepresentation or bribery in securing any
27 certificate of registration or authority, permit or license issued pursuant to this
28 chapter or in obtaining permission to take any examination given or required
29 pursuant to this chapter;

30 (4) Obtaining or attempting to obtain any fee, charge, tuition or other
31 compensation by fraud, deception or misrepresentation;

32 (5) Incompetence, misconduct, gross negligence, fraud, misrepresentation
33 or dishonesty in the performance of the functions or duties of any profession
34 licensed or regulated by this chapter;

35 (6) Violation of, or assisting or enabling any person to violate, any
36 provision of this chapter, or of any lawful rule or regulation adopted pursuant to
37 this chapter;

38 (7) Impersonation of any person holding a certificate of registration or
39 authority, permit or license or allowing any person to use his or her certificate of
40 registration or authority, permit, license, or diploma from any school;

41 (8) Denial of licensure to an applicant or disciplinary action against an
42 applicant or the holder of a license or other right to practice any profession
43 regulated by this chapter granted by another state, territory, federal agency, or
44 country whether or not voluntarily agreed to by the licensee or applicant,
45 including, but not limited to, surrender of the license upon grounds for which
46 denial or discipline is authorized in this state;

47 (9) A person is finally adjudged incapacitated by a court of competent
48 jurisdiction;

49 (10) Assisting or enabling any person to practice or offer to practice any
50 profession licensed or regulated by this chapter who is not registered and
51 currently eligible to practice under this chapter;

52 (11) Issuance of a certificate of registration or authority, permit or license
53 based upon a material mistake of fact;

54 (12) Failure to display a valid certificate or license if so required by this
55 chapter or any rule promulgated hereunder;

56 (13) Violation of any professional trust or confidence;

57 (14) Use of any advertisement or solicitation which is false, misleading or
58 deceptive to the general public or persons to whom the advertisement or
59 solicitation is primarily directed;

60 (15) Violation of the drug laws or rules and regulations of this state, any
61 other state or the federal government;

62 (16) The intentional act of substituting or otherwise changing the content,
63 formula or brand of any drug prescribed by written, **electronic**, or oral
64 prescription without prior written or oral approval from the prescriber for the
65 respective change in each prescription; provided, however, that nothing contained
66 herein shall prohibit a pharmacist from substituting or changing the brand of any
67 drug as provided under section 338.056, and any such substituting or changing

68 of the brand of any drug as provided for in section 338.056 shall not be deemed
69 unprofessional or dishonorable conduct unless a violation of section 338.056
70 occurs;

71 (17) Personal use or consumption of any controlled substance unless it is
72 prescribed, dispensed, or administered by a health care provider who is
73 authorized by law to do so.

74 3. After the filing of such complaint, the proceedings shall be conducted
75 in accordance with the provisions of chapter 621. Upon a finding by the
76 administrative hearing commission that the grounds, provided in subsection 2 of
77 this section, for disciplinary action are met, the board may, singly or in
78 combination, censure or place the person named in the complaint on probation on
79 such terms and conditions as the board deems appropriate for a period not to
80 exceed five years, or may suspend, for a period not to exceed three years, or
81 revoke the license, certificate, or permit. The board may impose additional
82 discipline on a licensee, registrant, or permittee found to have violated any
83 disciplinary terms previously imposed under this section or by agreement. The
84 additional discipline may include, singly or in combination, censure, placing the
85 licensee, registrant, or permittee named in the complaint on additional probation
86 on such terms and conditions as the board deems appropriate, which additional
87 probation shall not exceed five years, or suspension for a period not to exceed
88 three years, or revocation of the license, certificate, or permit.

89 4. If the board concludes that a licensee or registrant has committed an
90 act or is engaging in a course of conduct which would be grounds for disciplinary
91 action which constitutes a clear and present danger to the public health and
92 safety, the board may file a complaint before the administrative hearing
93 commission requesting an expedited hearing and specifying the activities which
94 give rise to the danger and the nature of the proposed restriction or suspension
95 of the licensee's or registrant's license. Within fifteen days after service of the
96 complaint on the licensee or registrant, the administrative hearing commission
97 shall conduct a preliminary hearing to determine whether the alleged activities
98 of the licensee or registrant appear to constitute a clear and present danger to the
99 public health and safety which justify that the licensee's or registrant's license
100 or registration be immediately restricted or suspended. The burden of proving
101 that the actions of a licensee or registrant constitute a clear and present danger
102 to the public health and safety shall be upon the state board of pharmacy. The
103 administrative hearing commission shall issue its decision immediately after the

104 hearing and shall either grant to the board the authority to suspend or restrict
105 the license or dismiss the action.

106 5. If the administrative hearing commission grants temporary authority
107 to the board to restrict or suspend the licensee's or registrant's license, such
108 temporary authority of the board shall become final authority if there is no
109 request by the licensee or registrant for a full hearing within thirty days of the
110 preliminary hearing. The administrative hearing commission shall, if requested
111 by the licensee or registrant named in the complaint, set a date to hold a full
112 hearing under the provisions of chapter 621 regarding the activities alleged in the
113 initial complaint filed by the board.

114 6. If the administrative hearing commission dismisses the action filed by
115 the board pursuant to subsection 4 of this section, such dismissal shall not bar
116 the board from initiating a subsequent action on the same grounds.

338.056. 1. Except as provided in subsection 2 of this section, the
2 pharmacist filling prescription orders for drug products prescribed by trade or
3 brand name may select another drug product with the same active chemical
4 ingredients of the same strength, quantity and dosage form, and of the same
5 generic drug or interchangeable biological product type, as determined by the
6 United States Adopted Names and accepted by the Federal Food and Drug
7 Administration. Selection pursuant to this section is within the discretion of the
8 pharmacist, except as provided in subsection 2 of this section. The pharmacist
9 who selects the drug or interchangeable biological product to be dispensed
10 pursuant to this section shall assume the same responsibility for selecting the
11 dispensed drug or biological product as would be incurred in filling a prescription
12 for a drug or interchangeable biological product prescribed by generic or
13 interchangeable biologic name. The pharmacist shall not select a drug or
14 interchangeable biological product pursuant to this section unless the product
15 selected costs the patient less than the prescribed product.

16 2. A pharmacist who receives a prescription for a brand name drug or
17 biological product may select a less expensive generically equivalent or
18 interchangeable biological product unless:

19 (1) The patient requests a brand name drug or biological product; or
20 (2) The prescribing practitioner indicates that substitution is prohibited
21 or displays "brand medically necessary", "dispense as written", "do not
22 substitute", "DAW", or words of similar import on the prescription.

23 3. No prescription shall be valid without the signature of the prescriber,

24 **except an electronic prescription.**

25 4. If an oral prescription is involved, the practitioner or the practitioner's
26 agent, communicating the instructions to the pharmacist, shall instruct the
27 pharmacist as to whether or not a therapeutically equivalent generic drug or
28 interchangeable biological product may be substituted. The pharmacist shall note
29 the instructions on the file copy of the prescription.

30 5. Notwithstanding the provisions of subsection 2 of this section to the
31 contrary, a pharmacist may fill a prescription for a brand name drug by
32 substituting a generically equivalent drug or interchangeable biological product
33 when substitution is allowed in accordance with the laws of the state where the
34 prescribing practitioner is located.

35 6. Violations of this section are infractions.

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

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

6 (2) "Affirmative defense":

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

9 (b) If the defense is submitted to the trier of fact the defendant has the
10 burden of 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
13 supported by evidence; and

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

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

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

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

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

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

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

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

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

60 (11) "Computer-related documentation", written, recorded, printed or

61 electronically stored material which explains or illustrates how to configure or
62 use computer hardware, software or other related items;

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

65 (13) "Confinement":

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

69 a. A court orders the person's release; or

70 b. The person is released on bail, bond, or recognizance, personal or
71 otherwise; or

72 c. A public servant having the legal power and duty to confine the person
73 authorizes his release without guard and without condition that he return to
74 confinement;

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

76 a. The person is on probation or parole, temporary or otherwise; or

77 b. The person is under sentence to serve a term of confinement which is
78 not continuous, or is serving a sentence under a work-release program, and in
79 either such case is not being held in a place of confinement or is not being held
80 under guard by a person having the legal power and duty to transport the person
81 to or from a place of confinement;

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

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

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

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

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

94 (16) "Criminal negligence", failure to be aware of a substantial and
95 unjustifiable risk that circumstances exist or a result will follow, and such failure
96 constitutes a gross deviation from the standard of care which a reasonable person

97 would exercise in the situation;

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

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

103 (19) "Dangerous felony", the felonies of arson in the first degree, assault
104 in the first degree, attempted rape in the first degree if physical injury results,
105 attempted forcible rape if physical injury results, attempted sodomy in the first
106 degree if physical injury results, attempted forcible sodomy if physical injury
107 results, rape in the first degree, forcible rape, sodomy in the first degree, forcible
108 sodomy, assault in the second degree if the victim of such assault is a special
109 victim as defined in subdivision (14) of section 565.002, kidnapping in the first
110 degree, kidnapping, murder in the second degree, assault of a law enforcement
111 officer in the first degree, domestic assault in the first degree, elder abuse in the
112 first degree, robbery in the first degree, statutory rape in the first degree when
113 the victim is a child less than twelve years of age at the time of the commission
114 of the act giving rise to the offense, statutory sodomy in the first degree when the
115 victim is a child less than twelve years of age at the time of the commission of the
116 act giving rise to the offense, child molestation in the first or second degree,
117 abuse of a child if the child dies as a result of injuries sustained from conduct
118 chargeable under section 568.060, child kidnapping, parental kidnapping
119 committed by detaining or concealing the whereabouts of the child for not less
120 than one hundred twenty days under section 565.153, and an "intoxication-related
121 traffic offense" or "intoxication-related boating offense" if the person is found to
122 be a "habitual offender" or "habitual boating offender" as such terms are defined
123 in section 577.001, **and delivery of a controlled substance when the**
124 **substance is a mixture or substance containing a detectable amount of**
125 **heroin;**

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

129 (21) "Data", a representation of information, facts, knowledge, concepts,
130 or instructions prepared in a formalized or other manner and intended for use in
131 a computer or computer network. Data may be in any form including, but not
132 limited to, printouts, microfiche, magnetic storage media, punched cards and as

133 may be stored in the memory of a computer;

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

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

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

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

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

149 (27) "Forcible compulsion" either:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

203 (40) "Public servant", any person employed in any way by a government
204 of this state who is compensated by the government by reason of such person's

205 employment, any person appointed to a position with any government of this
206 state, or any person elected to a position with any government of this state. It
207 includes, but is not limited to, legislators, jurors, members of the judiciary and
208 law enforcement officers. It does not include witnesses;

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

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

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

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

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

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

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

234 (48) "Vessel", any boat or craft propelled by a motor or by machinery,
235 whether or not such motor or machinery is a principal source of propulsion used
236 or capable of being used as a means of transportation on water, or any boat or
237 craft more than twelve feet in length which is powered by sail alone or by a
238 combination of sail and machinery, and used or capable of being used as a means
239 of transportation on water, but not any boat or craft having, as the only means
240 of propulsion, a paddle or oars;

241 (49) "Voluntary act":

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

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

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

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

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

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

11 **(3) Knowingly manufactures, delivers, or distributes a Schedule**
12 **I or II controlled substance, as described in section 195.017 and**
13 **regulations promulgated by the department of health and senior**
14 **services and excluding marijuana for medical use as authorized by**
15 **article XVI of the Missouri Constitution, in violation of chapters 195 or**
16 **579, and such controlled substance thereafter is the proximate cause of**
17 **the death of another person who uses or consumes such controlled**
18 **substance. It shall not be a defense that the defendant did not directly**
19 **deliver or distribute the controlled substance to the decedent.**

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

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

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

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

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

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

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

 579.020. 1. A person commits the offense of delivery of a controlled
2 substance if, 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

6 distribute or deliver any amount of a controlled substance; or

7 (4) Knowingly permits a minor to purchase or transport illegally obtained
8 controlled substances.

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

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

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

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

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

23 (2) The person knowingly permits a minor to purchase or transport
24 illegally obtained controlled substances; or

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

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

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

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

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

16 base;

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

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

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

23 (7) More than thirty kilograms but less than one hundred kilograms of a
24 mixture or substance containing marijuana, **excluding medical marijuana**
25 **pursuant to article XIV of the Missouri Constitution;**

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

32 (9) More than thirty grams but less than ninety grams of any material,
33 compound, mixture, or preparation which contains any quantity of
34 3,4-methylenedioxymethamphetamine; **or**

35 **(10) More than ten milligrams but less than fifty milligrams of**
36 **fentanyl or carfentanil, or any derivative thereof, or any combination**
37 **thereof, or any mixture or substance containing a detectable amount of**
38 **fentanyl or carfentanil.**

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

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

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

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

51 (3) Twenty-four grams or more of a mixture or substance described in

52 subdivision (2) of this subsection which contains cocaine base; or

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

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

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

58 (7) One hundred kilograms or more of a mixture or substance containing
59 marijuana, **excluding medical marijuana pursuant to article XIV of the**
60 **Missouri Constitution**; or

61 (8) Ninety grams or more of any material, compound, mixture, or
62 preparation containing any quantity of the following substances having a
63 stimulant effect on the central nervous system: amphetamine, its salts, optical
64 isomers and salts of its optical isomers; methamphetamine, its salts, optical
65 isomers and salts of its optical isomers; phenmetrazine and its salts; or
66 methylphenidate; or

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

80 (10) Ninety grams or more of any material, compound, mixture or
81 preparation which contains any quantity of
82 3,4-methylenedioxymethamphetamine; or

83 (11) More than thirty grams of any material, compound, mixture, or
84 preparation which contains any quantity of 3,4-methylenedioxymethamphetamine
85 and the location of the offense was within two thousand feet of real property
86 comprising a public or private elementary, vocational, or secondary school,
87 college, community college, university, or any school bus, in or on the real

88 property comprising public housing or any other governmental assisted housing,
89 within a motor vehicle, or in any structure or building which contains rooms
90 furnished for the accommodation or lodging of guests, and kept, used, maintained,
91 advertised, or held out to the public as a place where sleeping accommodations
92 are sought for pay or compensation to transient guests or permanent guests; **or**

93 **(12) Fifty milligrams or more of fentanyl or carfentanil, or any**
94 **derivative thereof, or any combination thereof, or any mixture or**
95 **substance containing a detectable amount of fentanyl or carfentanil.**

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

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

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

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

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

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

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

23 (7) More than thirty kilograms but less than one hundred kilograms of a
24 mixture or substance containing marijuana, **excluding medical marijuana**
25 **pursuant to article XIV of the Missouri Constitution;**

26 (8) More than thirty grams but less than ninety grams of any material,
27 compound, mixture, or preparation containing any quantity of the following
28 substances having a stimulant effect on the central nervous system:

29 amphetamine, its salts, optical isomers and salts of its optical isomers;
30 methamphetamine, its salts, optical isomers and salts of its optical isomers;
31 phenmetrazine and its salts; or methylphenidate; [or]

32 (9) More than thirty grams but less than ninety grams of any material,
33 compound, mixture, or preparation which contains any quantity of
34 3,4-methylenedioxymethamphetamine; or

35 **(10) More than ten milligrams but less than fifty milligrams of**
36 **fentanyl or carfentanil, or any derivative thereof, or any combination**
37 **thereof, or any mixture or substance containing a detectable amount of**
38 **fentanyl or carfentanil.**

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

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

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

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

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

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

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

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

58 (7) One hundred kilograms or more of a mixture or substance containing
59 marijuana, **excluding medical marijuana pursuant to article XIV of the**
60 **Missouri Constitution**; or

61 (8) More than five hundred marijuana plants, **excluding medical**
62 **marijuana pursuant to article XIV of the Missouri Constitution**; or

63 (9) Ninety grams or more but less than four hundred fifty grams of any
64 material, compound, mixture, or preparation containing any quantity of the

65 following substances having a stimulant effect on the central nervous system:
66 amphetamine, its salts, optical isomers and salts of its optical isomers;
67 methamphetamine, its salts, optical isomers and salts of its optical isomers;
68 phenmetrazine and its salts; or methylphenidate; or

69 (10) Ninety grams or more but less than four hundred fifty grams of any
70 material, compound, mixture, or preparation which contains any quantity of
71 3,4-methylenedioxymethamphetamine; or

72 (11) **Fifty milligrams or more of fentanyl or carfentanil, or any**
73 **derivative thereof, or any combination thereof, or any mixture or**
74 **substance containing a detectable amount of fentanyl or carfentanil.**

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

78 (1) Any quantity of the following substances having a stimulant effect on
79 the central nervous system: amphetamine, its salts, optical isomers and salts of
80 its optical isomers; methamphetamine, its salts, isomers and salts of its isomers;
81 phenmetrazine and its salts; or methylphenidate; or

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

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