

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221.111, 263.250, 338.015, 338.055, 338.056, 556.061, 565.021, 579.015, 579.020, 579.065, and 579.068, RSMo, are repealed and nineteen new sections enacted in lieu thereof, to be known as sections 21.790, 195.010, 195.015, 195.017, 195.060, 195.550, 195.805, 196.100, 221.111,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 **piperidinyI)-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 **piperidinyI)-N-phenylpropanamide**);

30 [(i)] **(k) Benzethidine**;

31 [(j)] **(l) Betacetylmethadol**;

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

34 [(l)] **(n) Beta-hydroxy-3-methylfentanyl (N-(1-(2-hydroxy-2-phenethyl)**  
35 **-3-methyl-4-piperidinyI)-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) Difenoxylin;
- 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) Etozeridine;
- 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 **piperidinyl)-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,

222 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or  
223 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole  
224 ring to any extent, whether or not substituted in the phenyl ring to any  
225 extent. Including, but not limited to:

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

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

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

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

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

231 e. Any compound structurally derived from 2-(3-hydroxycyclohexyl)phenol  
232 by substitution at the 5-position of the phenolic ring by alkyl, haloalkyl, alkenyl,  
233 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or  
234 2-(4-morpholinyl)ethyl group, whether or not substituted in the cyclohexyl ring  
235 to any extent. Including, but not limited to:

236 (i) CP 47, 497 **[&] and** homologues, or 2-[(1R,3S)-3-hydroxycyclohexyl]-  
237 5-(2-methyloctan-2-yl)phenol), where side chain n=5, and homologues where side  
238 chain n-4,6, or 7;

239 f. Any compound containing a 3-(benzoyl)indole structure with  
240 substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl,  
241 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or  
242 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole  
243 ring to any extent and whether or not substituted in the phenyl ring to any  
244 extent. Including, but not limited to:

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

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

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

249 h. HU-210, or (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-  
250 (2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;

251 i. HU-211, or Dexanabinol, (6aS,10aS)-9-(hydroxymethyl)-6,  
252 6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;

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

255 **k.] Dimethylheptylpyran, or DMHP;**

256 **[(5)] (6) Any material, compound, mixture or preparation containing any**  
257 **quantity of the following substances having a depressant effect on the central**

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

261 (a) Gamma-hydroxybutyric acid;

262 (b) Mecloqualone;

263 (c) Methaqualone;

264 **[(6)] (7)** Any material, compound, mixture or preparation containing any  
265 quantity of the following substances having a stimulant effect on the central  
266 nervous system, including their salts, isomers and salts of isomers:

267 (a) Aminorex;

268 (b) N-benzylpiperazine;

269 (c) Cathinone;

270 (d) Fenethylamine;

271 (e) 3-Fluoromethcathinone;

272 (f) 4-Fluoromethcathinone;

273 (g) Mephedrone, or 4-methylmethcathinone;

274 (h) Methcathinone;

275 (i) 4-methoxymethcathinone;

276 (j) (+,-) cis-4-methylaminorex ((+,-) cis-4, 5-dihydro-4-methyl-5-phenyl-  
277 2-oxazolamine);

278 (k) Methylenedioxypropylamphetamine, MDPV, or (1-(1,3-Benzodioxol-5-yl)  
279 -2-(1-pyrrolidinyl)-1-pentanone;

280 (l) Methylone, or 3,4-Methylenedioxyamphetamine;

281 (m) 4-Methyl-alpha-pyrrolidinobutylphenone, or MPBP;

282 (n) N-ethylamphetamine;

283 (o) N,N-dimethylamphetamine;

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

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

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

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

292 **[(7)] (8)** A temporary listing of substances subject to emergency  
293 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 alkoxy, hydroxyl, halo, haloalkyl, amino or nitro groups;

417 c. Substitution in or on the piperidine ring with alkyl, alkenyl,  
418 alkoxy, 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-alphaacetylmethadol;
- 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 [(-)- $\Delta$ -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 $\beta$ ,17-dihydroxy-5 $\alpha$ -androstande] 3 $\beta$ ,17 $\beta$ -dihydroxy-5 $\alpha$ -androstande;  
661 (b) 3 $\alpha$ ,17 $\beta$ -dihydroxy-5 $\alpha$ -androstande;  
662 (c) 5 $\alpha$ -androstand-3,17-dione;  
663 (d) 1-androstandediol (3 $\beta$ ,17 $\beta$ -dihydroxy-5 $\alpha$ -androstand-1-ene);  
664 (e) 1-androstandediol (3 $\alpha$ ,17 $\beta$ -dihydroxy-5 $\alpha$ -androstand-1-ene);  
665 (f) 4-androstandediol (3 $\beta$ ,17 $\beta$ -dihydroxy-androstand-4-ene);  
666 (g) 5-androstandediol (3 $\beta$ ,17 $\beta$ -dihydroxy-androstand-5-ene);  
667 (h) 1-androstandedione ([5 $\alpha$ ]-androstand-1-en-3,17-dione);  
668 (i) 4-androstandedione (androstand-4-en-3,17-dione);  
669 (j) 5-androstandedione (androstand-5-en-3,17-dione);  
670 (k) Bolasterone (7 $\alpha$ , 17 $\alpha$ -dimethyl-17 $\beta$ -hydroxyandrostand-4-en-3-one);  
671 (l) Boldenone (17 $\beta$ -hydroxyandrostand-1,4,-diene-3-one);  
672 (m) Boldione;  
673 (n) Calusterone (7 $\beta$ , 17 $\alpha$ -dimethyl-17 $\beta$ -hydroxyandrostand-4-en-3-one);  
674 (o) Clostebol (4-chloro-17 $\beta$ -hydroxyandrostand-4-en-3-one);  
675 (p) Dehydrochloromethyltestosterone(4-chloro-17 $\beta$ -hydroxy  
676 -17 $\alpha$ -methyl-androstand-1,4-dien-3-one);  
677 (q) Desoxymethyltestosterone;  
678 (r)  $\Delta$ 1-dihydrotestosterone (a.k.a.'1-testosterone') (17 $\beta$ -hydroxy-5 $\alpha$ -androstand  
679 -1-en-3-one);  
680 (s) [4-dihydrotestosterone (17 $\beta$ -hydroxy-androstand-3-one);  
681 (t)] Drostanolone (17 $\beta$ -hydroxy-2 $\alpha$ -methyl-5 $\alpha$ -androstand-3-one);  
682 [(u)] (t) Ethylestrenol (17 $\alpha$ -ethyl-17 $\beta$ -hydroxyestr-4-ene);  
683 [(v)] (u) Fluoxymesterone (9-fluoro-17 $\alpha$ -methyl-11 $\beta$ ,17 $\beta$ -dihydroxyandrostand  
684 -4-en-3-one);  
685 [(w)] (v) Formebolone (2-formyl-17 $\alpha$ -methyl-11 $\alpha$ ,17 $\beta$ -dihydroxyandrostand-1,  
686 4-dien-3-one);  
687 [(x)] (w) Furazabol (17 $\alpha$ -methyl-17 $\beta$ -hydroxyandrostando[2,3-c]-furazan);  
688 [(y)] (x) 13 $\beta$ -ethyl-17 $\beta$ -hydroxygon-4-en-3-one;  
689 [(z)] (y) 4-hydroxytestosterone (4,17 $\beta$ -dihydroxy-androstand-4-en-3-one);  
690 [(aa)] (z) 4-hydroxy-19-nortestosterone (4,17 $\beta$ -dihydroxy-estr-4-en-3-one);  
691 [(bb)] (aa) Mestanolone [(17 $\alpha$ -methyl-17 $\beta$ -hydroxy-5-androstand-3-  
692 one)] (17 $\alpha$ -methyl-17 $\beta$ -hydroxy-5 $\alpha$ -androstand-3-one);  
693 [(cc)] (bb) Mesterolone [(1 $\alpha$ -methyl-17 $\beta$ -hydroxy-[5 $\alpha$ ]-androstand-3-one)]

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

730           **(fff) Stanolone ( $\Delta$ 1-dihydrotestosterone (a.k.a. 1-**  
731 **testosterone)(17 $\beta$ -hydroxy-5 $\alpha$ -androst-1-en-3-one));**

732           **(ggg) Stanozolol(17 $\alpha$ -methyl-17 $\beta$ -hydroxy-[5 $\alpha$ ]-androst-**  
733 **2-eno[3,2-c]-pyrazole);**

734           **[(fff)] (hhh) Stenbolone (17 $\beta$ -hydroxy-2-methyl-[5 $\alpha$ ]-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 $\beta$ -hydroxyandrost-4-en-3-one);**

738           **[(iii)] (kkk) Tetrahydrogestrinone (13 $\beta$ ,17 $\alpha$ -diethyl-17 $\beta$ -hydroxygon -4,**  
739 **9,11-trien-3-one);**

740           **[(jjj)] (lll) Trenbolone (17 $\beta$ -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-dimethy-amino-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] [(1S)-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 ((25S)-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-methylenedioxyamphetamine; 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.

✓