

SECOND REGULAR SESSION

HOUSE BILL NO. 2733

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MERIDETH.

4242H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 191.765, 191.775, 191.776, 195.017, 577.001, 579.015, 579.020, 579.030, 579.055, 579.065, 579.068, and 579.105, RSMo, and to enact in lieu thereof twenty-six new sections relating to the legalization of cannabis for persons twenty-one years of age or older, with penalty provisions.

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

Section A. Sections 191.765, 191.775, 191.776, 195.017, 577.001, 579.015, 579.020, 2 579.030, 579.055, 579.065, 579.068, and 579.105, RSMo, are repealed and twenty-six new 3 sections enacted in lieu thereof, to be known as sections 191.765, 191.775, 191.776, 195.017, 4 577.001, 579.015, 579.020, 579.030, 579.055, 579.065, 579.068, 579.105, 610.134, 650.700, 5 650.705, 650.710, 650.715, 650.720, 650.725, 650.730, 650.735, 650.740, 650.745, 650.750, 6 650.755, and 650.760, to read as follows:

191.765. As used in sections 191.765 to 191.773 and section 290.145, the following 2 terms mean:

3 (1) "Bar" or "tavern", any licensed establishment which serves liquor on the premises 4 for which not more than ten percent of the gross sales receipts of the business are supplied by 5 food purchases, either for consumption on the premises or elsewhere;

6 (2) "Other person in charge", the agent of the proprietor authorized to give 7 administrative directions to and general supervision of the activities within the public place, 8 work place or public meeting at any given time;

9 (3) "Proprietor", the party who ultimately controls, governs or directs the activities 10 within the public place, work place or public meeting, regardless of whether he is the owner 11 or lessor of such place or site. The term does not mean the owner of the property unless he

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

12 ultimately controls, governs or directs the activities within the public place or public meeting.
13 The term "proprietor" shall apply to a corporation as well as an individual;

14 (4) "Public meeting", a gathering in person of members of a governmental body,
15 whether an open or closed session, as defined in chapter 610;

16 (5) "Public place", any enclosed indoor area used by the general public or serving as a
17 place of work including, but not limited to:

18 (a) Any retail or commercial establishments;

19 (b) Health care facilities, health clinics or ambulatory care facilities including, but not
20 limited to, laboratories associated with health care treatment, hospitals, nursing homes,
21 physicians' offices and dentists' offices;

22 (c) Any vehicle used for public transportation including, but not limited to, buses,
23 taxicabs and limousines for hire;

24 (d) Rest rooms;

25 (e) Elevators;

26 (f) Libraries, educational facilities, day care facilities, museums, auditoriums and art
27 galleries;

28 (g) All public areas and waiting rooms of public transportation facilities including,
29 but not limited to, bus and airport facilities;

30 (h) Any enclosed indoor place used for entertainment or recreation including, but not
31 limited to, gymnasiums, theater lobbies, concert halls, arenas and swimming pools;

32 (i) Any other enclosed indoor areas used by the general public including, but not
33 limited to, corridors and shopping malls;

34 (6) "Restaurant", any building, structure or area used, maintained or advertised as or
35 held out to the public to be an enclosure where meals for consideration of payment are made
36 available to be consumed on the premises;

37 (7) "Smoking", possession of **burning cannabis as defined in section 650.700 in the**
38 **form of a joint, blunt, or spliff or** burning tobacco in the form of a cigarette, cigar, pipe or
39 other smoking equipment.

191.775. No person shall smoke or otherwise use tobacco, tobacco products, or vapor
2 products, as such term is defined in section 407.925, **or smoke or otherwise use cannabis or**
3 **cannabis products as those terms are defined under section 650.700** in any indoor area of
4 a public elementary or secondary school building or educational facility, excluding
5 institutions of higher education, or on buses used solely to transport students to or from
6 school or to transport students to or from any place for educational purposes. Any school
7 board of any school district may set policy on the permissible uses of tobacco products or
8 vapor products in any other nonclassroom or nonstudent occupant facility, and on the school
9 grounds or outdoor facility areas as the school board deems proper.

191.776. No person shall smoke or otherwise use tobacco products **or cannabis or**
2 **cannabis products** in any area of a child care facility licensed by the department of health
3 and senior services pursuant to the provisions of sections 210.201 to 210.245 during the
4 period of time when the children cared for under that license are present. Any person who
5 violates the provisions of this section shall be guilty of an infraction.

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

3 (1) Has high potential for abuse; and

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

6 2. Schedule I:

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

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

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

13 (b) Acetylmethadol;

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

15 (d) Acryl fentanyl (-1-phenethylpiperidin-4-yl)-N-phenylacrylamide);

16 (e) AH-7921(3,4-dichloro-N-[(1-dimethylamino) cyclohexylmethyl] benzamide);

17 (f) Allylprodine;

18 (g) Alphacetylmethadol (except levoalphacetylmethadol, also known as levo-alpha-
19 acetylmethadol levothadyl acetate or LAAM);

20 (h) Alphameprodine;

21 (i) Alphamethadol;

22 (j) Alpha-methylfentanyl (N-1-(alphamethyl-beta-phenyl) ethyl-4-piperidyl)
23 propionanilide; 1-(1-methyl-2-phenylethyl)-4 ((N-propanilido) piperidine);

24 (k) Alpha-methylthiofentanyl (N-(1-methyl-2-(2-thienyl) ethyl-4-piperidinyl)-N-
25 phenylpropanamide);

26 (l) Benzethidine;

27 (m) Betacetylmethadol;

28 (n) Beta-hydroxyfentanyl (N-(1-(2-hydroxy-2-phenethyl)-4-piperidinyl)-N-
29 phenylpropanamide);

30 (o) Beta-hydroxy-3-methylfentanyl (N-(1-(2-hydroxy-2-phenethyl)-3-methyl-4-
31 piperidinyl)-N-phenylpropanamide);

32 (p) Betameprodine;

- 33 (q) Betamethadol;
- 34 (r) Betaprodine;
- 35 (s) Clonitazene;
- 36 (t) Dextromoramide;
- 37 (u) Diampromide;
- 38 (v) Cyclopropyl fentanyl;
- 39 (w) Diethylthiambutene;
- 40 (x) Difenoxin;
- 41 (y) Dimenoxadol;
- 42 (z) Dimepheptanol;
- 43 (aa) Dimethylthiambutene;
- 44 (bb) Dioxaphetyl butyrate;
- 45 (cc) Dipipanone;
- 46 (dd) Ethylmethylthiambutene;
- 47 (ee) Etonitazene;
- 48 (ff) Etoxeridine;
- 49 (gg) 4-fluoroisobutyryl fentanyl -(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)
- 50 isobutyramide;
- 51 (hh) Furanyl fentanyl -(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide;
- 52 (ii) Furethidine;
- 53 (jj) Hydroxypethidine;
- 54 (kk) Ketobemidone;
- 55 (ll) Levomoramide;
- 56 (mm) Levophenacymorphan;
- 57 (nn) 3-Methylfentanyl (N-(3-methyl-1-(2-phenylethyl)-4-piperidyl)-N-
- 58 phenylpropanamide), its optical and geometric isomers, salts, and salts of isomers;
- 59 (oo) 3-Methylthiofentanyl (N-((3-methyl-1-(2-thienyl)ethyl-4-piperidinyl)-N-
- 60 phenylpropanamide);
- 61 (pp) Methoxyacetyl fentanyl (2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-
- 62 phenylacetamide);
- 63 (qq) Morpheridine;
- 64 (rr) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
- 65 (ss) MT-45(1-cyclohexyl-4-(1,2-diphenylethyl) piperazine);
- 66 (tt) Noracymethadol;
- 67 (uu) Norlevorphanol;
- 68 (vv) Normethadone;
- 69 (ww) Norpipanone;

- 70 (xx) Ocfentanil N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)
71 acetamide;
- 72 (yy) Ortho-fluorofentanyl (N-2-(1-phenethylpiperidin-yl)propionamide); other name
73 2-fluorofentanyl;
- 74 (zz) para-fluorobutyryl fentanyl (N-4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)
75 butyramide;
- 76 (aaa) Para-fluorofentanyl (N-(4-fluorophenyl)-N-(1-(2-phenethyl)-4-piperidinyl)
77 propanamide);
- 78 (bbb) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);
- 79 (ccc) Phenadoxone;
- 80 (ddd) Phenampromide;
- 81 (eee) Phenomorphan;
- 82 (fff) Phenoperidine;
- 83 (ggg) Piritramide;
- 84 (hhh) Proheptazine;
- 85 (iii) Properidine;
- 86 (jjj) Propiram;
- 87 (kkk) Racemoramide;
- 88 (lll) Tetrahydrofuranlyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-
89 phenyltetrahydrofuran-2-carboxamide);
- 90 (mmm) Thiofentanyl (-phenyl-N-(1-(2-thienyl)ethyl-4-piperidinyl)-propanamide);
- 91 (nnn) Tilidine;
- 92 (ooo) Trimeperidine;
- 93 (3) Any of the following opium derivatives, their salts, isomers and salts of isomers
94 unless specifically excepted, whenever the existence of these salts, isomers and salts of
95 isomers is possible within the specific chemical designation:
- 96 (a) Acetorphine;
- 97 (b) Acetyldihydrocodeine;
- 98 (c) Benzylmorphine;
- 99 (d) Codeine methylbromide;
- 100 (e) Codeine-N-Oxide;
- 101 (f) Cyprenorphine;
- 102 (g) Desomorphine;
- 103 (h) Dihydromorphine;
- 104 (i) Drotebanol;
- 105 (j) Etorphine (except hydrochloride salt);
- 106 (k) Heroin;

- 107 (l) Hydromorphenol;
108 (m) Methyldesorphine;
109 (n) Methyldihydromorphine;
110 (o) Morphine methylbromide;
111 (p) Morphine methylsulfonate;
112 (q) Morphine-N-Oxide;
113 (r) Myrophine;
114 (s) Nicocodeine;
115 (t) Nicomorphine;
116 (u) Normorphine;
117 (v) Pholcodine;
118 (w) Thebacon;
119 (4) Any of the following opiate similar synthetic substances scheduled by the U.S.
120 Drug Enforcement Administration as substances that share a pharmacological profile similar
121 to fentanyl, morphine, and other synthetic opioids, unless specifically excepted or unless
122 listed in another schedule:
123 (a) Butyryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide);
124 (b) U-47700 (3,4-Dichloro-N-[2-(dimethylamino) cyclohexyl]-methyl benzamide).
125 (5) Any material, compound, mixture or preparation which contains any quantity of
126 the following hallucinogenic substances, their salts, isomers and salts of isomers, unless
127 specifically excepted, whenever the existence of these salts, isomers, and salts of isomers is
128 possible within the specific chemical designation:
129 (a) Alpha-ethyltryptamine;
130 (b) 4-bromo-2,5-dimethoxyamphetamine;
131 (c) 4-bromo-2,5-dimethoxyphenethylamine;
132 (d) 2,5-dimethoxyamphetamine;
133 (e) 2,5-dimethoxy-4-ethylamphetamine;
134 (f) 2,5-dimethoxy-4-(n)-propylthiophenethylamine;
135 (g) 2-(2,5-Dimethoxy-4-(n)-propylphenyl) ethanamine;
136 (h) 2-(2,5-Dimethoxy-4-ethylphenyl) ethanamine;
137 (i) 2-(2,5-Dimethoxy-4-methylphenyl) ethanamine;
138 (j) 2-(2,5-Dimethoxy-4-nitro-phenyl) ethanamine;
139 (k) 2-(2,5-Dimethoxyphenyl) ethanamine;
140 (l) 2-(4-Chloro-2,5-dimethoxyphenyl) ethanamine;
141 (m) 2-(4-Ethylthio-2,5-dimethoxyphenyl) ethanamine;
142 (n) 2-(4-Iodo-2,5-dimethoxyphenyl) ethanamine;
143 (o) 2-(4-(Isopropylthio)-2,5-dimethoxyphenyl) ethanamine;

- 144 (p) 4-methoxyamphetamine;
- 145 (q) 5-methoxy-3,4-methylenedioxyamphetamine;
- 146 (r) 4-methyl-2, 5-dimethoxyamphetamine;
- 147 (s) 3,4-methylenedioxyamphetamine;
- 148 (t) 3,4-methylenedioxymethamphetamine;
- 149 (u) 3,4-methylenedioxy-N-ethylamphetamine;
- 150 (v) N-hydroxy-3, 4-methylenedioxyamphetamine;
- 151 (w) 3,4,5-trimethoxyamphetamine;
- 152 (x) 5-MeO-DMT or 5-methoxy-N,N-dimethyltryptamine;
- 153 (y) Alpha-methyltryptamine;
- 154 (z) Bufotenine;
- 155 (aa) Diethyltryptamine;
- 156 (bb) Dimethyltryptamine;
- 157 (cc) 5-methoxy-N,N-diisopropyltryptamine;
- 158 (dd) Ibogaine;
- 159 (ee) Lysergic acid diethylamide;
- 160 (ff) ~~[Marijuana or marihuana, except industrial hemp;~~
- 161 ~~(gg)]~~ Mescaline;
- 162 ~~[(hh)]~~ (gg) Parahexyl;
- 163 ~~[(ii)]~~ (hh) Peyote, to include all parts of the plant presently classified botanically as
- 164 *Lophophora williamsii* Lemaire, whether growing or not; the seeds thereof; any extract from
- 165 any part of such plant; and every compound, manufacture, salt, derivative, mixture or
- 166 preparation of the plant, its seed or extracts;
- 167 ~~[(jj)]~~ (ii) N-ethyl-3-piperidyl benzilate;
- 168 ~~[(kk)]~~ (jj) N-methyl-3-piperidyl benzilate;
- 169 ~~[(ll)]~~ (kk) Psilocybin;
- 170 ~~[(mm)]~~ (ll) Psilocyn;
- 171 ~~[(nn) Tetrahydrocannabinols naturally contained in a plant of the genus Cannabis~~
- 172 ~~(cannabis plant), except industrial hemp, as well as synthetic equivalents of the substances~~
- 173 ~~contained in the cannabis plant, or in the resinous extractives of such plant, or synthetic~~
- 174 ~~substances, derivatives and their isomers, or both, with similar chemical structure and~~
- 175 ~~pharmacological activity to those substances contained in the plant, such as the following:~~
- 176 a. ~~1 cis or trans tetrahydrocannabinol and their optical isomers;~~
- 177 b. ~~6 cis or trans tetrahydrocannabinol and their optical isomers;~~
- 178 c. ~~3,4 cis or trans tetrahydrocannabinol and their optical isomers;~~
- 179 d. ~~Any compounds of these structures, regardless of numerical designation of atomic~~
- 180 ~~positions covered;~~

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

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

- 221 (i) ~~JWH-201, or 1-pentyl-3-(4-methoxyphenylacetyl)indole;~~
- 222 (ii) ~~JWH-203, or 1-pentyl-3-(2-chlorophenylacetyl)indole;~~
- 223 (iii) ~~JWH-250, or 1-pentyl-3-(2-methoxyphenylacetyl)indole;~~
- 224 (iv) ~~JWH-251, or 1-pentyl-3-(2-methylphenylacetyl)indole;~~
- 225 (v) ~~RCS-8, or 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole;~~

226 e. ~~Any compound structurally derived from 2-(3-hydroxycyclohexyl)phenol by~~
227 ~~substitution at the 5-position of the phenolic ring by alkyl, haloalkyl, alkenyl,~~
228 ~~cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)~~
229 ~~ethyl group, whether or not substituted in the cyclohexyl ring to any extent. Including, but~~
230 ~~not limited to CP-47, 497 and homologues, or 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-~~
231 ~~methyloctan-2-yl)phenol, where side chain n=5, and homologues where side chain n=4,6, or~~
232 ~~7;~~

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

- 238 (i) ~~AM-694, or 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole;~~
- 239 (ii) ~~RCS-4, or 1-pentyl-3-(4-methoxybenzoyl)indole (SR-19 and RCS-4);~~
- 240 g. ~~CP-50,556-1, or [(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5-phenylpentan-~~
241 ~~2-yl]-oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl]-acetate;~~
- 242 h. ~~HU-210, or (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-~~
243 ~~6a,7,10,10a-tetrahydrobenzo[e]chromen-1-ol;~~
- 244 i. ~~HU-211, or Dexanabinol,(6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-~~
245 ~~methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[e]chromen-1-ol;~~
- 246 j. ~~Dimethylheptylpyran, or DMHP;]~~

247 (6) Any material, compound, mixture or preparation containing any quantity of the
248 following substances having a depressant effect on the central nervous system, including their
249 salts, isomers and salts of isomers whenever the existence of these salts, isomers and salts of
250 isomers is possible within the specific chemical designation:

- 251 (a) Gamma-hydroxybutyric acid;
- 252 (b) Mecloqualone;
- 253 (c) Methaqualone;

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

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

281 (8) A temporary listing of substances subject to emergency scheduling under federal
282 law shall include any material, compound, mixture or preparation which contains any
283 quantity of the following substances:

- 284 (a) (1-pentyl-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone, its optical,
285 positional, and geometric isomers, salts, and salts of isomers;
286 (b) [1-(5-fluoro-pentyl)-1H-indol-3-yl](2,2,3,3-tetramethylcyclopropyl)methanone,
287 its optical, positional, and geometric isomers, salts, and salts of isomers;
288 (c) N-(1-adamantyl)-1-pentyl-1H-indazole-3-carboxamide, its optical, positional, and
289 geometric isomers, salts, and salts of isomers;

- 290 (d) 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine, its optical,
291 positional, and geometric isomers, salts, and salts of isomers;
- 292 (e) 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine, its optical,
293 positional, and geometric isomers, salts, and salts of isomers;
- 294 (f) 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine, its optical,
295 positional, and geometric isomers, salts, and salts of isomers;
- 296 (g) 4-methyl-N-ethylcathinone, its optical, positional, and geometric isomers, salts,
297 and salts of isomers;
- 298 (h) 4-methyl-alpha-pyrrolidinopropiophenone, its optical, positional, and geometric
299 isomers, salts, and salts of isomers;
- 300 (i) Alpha-pyrrolidinopentiophenone, its optical, positional, and geometric isomers,
301 salts, and salts of isomers;
- 302 (j) Butylone, its optical, positional, and geometric isomers, salts, and salts of isomers;
- 303 (k) Pentedrone, its optical, positional, and geometric isomers, salts, and salts of
304 isomers;
- 305 (l) Pentylone, its optical, positional, and geometric isomers, salts, and salts of
306 isomers;
- 307 (m) Naphyrone, its optical, positional, and geometric isomers, salts, and salts of
308 isomers;
- 309 (n) Alpha-pyrrolidinobutiophenone, its optical, positional, and geometric isomers,
310 salts, and salts of isomers;
- 311 (o) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-
312 carboxamide, its optical, positional, and geometric isomers, salts, and salts of isomers;
- 313 (p) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide, its
314 optical, positional, and geometric isomers, salts, and salts of isomers;
- 315 (q) [1-(5-fluoropentyl)-1H-indazole-3-yl](naphthalen-1-yl)methanone, its optical,
316 positional, and geometric isomers, salts, and salts of isomers;
- 317 (r) N-[1-[2-hydroxy-2-(thiophen-2-yl) ethyl]piperidin-4-yl]-N-phenylpropionamide,
318 its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers;
- 319 (s) N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide, its optical, positional, and
320 geometric isomers, salts, and salts of isomers;
- 321 (t) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-
322 carboxamide, its optical, positional, and geometric isomers, salts, and salts of isomers;
- 323 (u) methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-
324 dimethylbutanoate, its optical, positional, and geometric isomers, salts, and salts of isomers;
- 325 (v) methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate, its
326 optical, positional, and geometric isomers, salts, and salts of isomers;

- 327 (w) N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide, its optical,
328 positional, and geometric isomers, salts, and salts of isomers;
- 329 (x) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-
330 carboxamide, its optical, positional, and geometric isomers, salts, and salts of isomers;
- 331 (y) methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-
332 dimethylbutanoate, its optical, positional, and geometric isomers, salts, and salts of isomers;
- 333 (z) methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3,3-
334 dimethylbutanoate, its optical, positional, and geometric isomers, salts, and salts of isomers;
- 335 (aa) N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide, its isomers,
336 esters, ethers, salts, and salts of isomers, esters, and ethers;
- 337 (bb) methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3-methylbutanoate,
338 its optical, positional, and geometric isomers, salts, and salts of isomers;
- 339 (cc) N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide, its isomers,
340 esters, ethers, salts, and salts of isomers, esters, and ethers;
- 341 (dd) N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide, its isomers, esters, ethers,
342 salts, and salts of isomers, esters, and ethers;
- 343 (ee) N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide, its isomers, esters,
344 ethers, salts, and salts of isomers, esters, and ethers;
- 345 (ff) N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide, its isomers,
346 esters, ethers, salts, and salts of isomers, esters, and ethers;
- 347 (gg) N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide, its isomers,
348 esters, ethers, salts, and salts of isomers, esters, and ethers;
- 349 (hh) N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide, its isomers, esters,
350 ethers, salts, and salts of isomers, esters, and ethers;
- 351 (ii) N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide, its isomers,
352 esters, ethers, salts, and salts of isomers, esters, and ethers;
- 353 (jj) Fentanyl-related substances, their isomers, esters, ethers, salts, and salts of
354 isomers, esters, and ethers. Fentanyl-related substance shall mean any substance not
355 otherwise listed under another Drug Enforcement Administration Controlled Substance Code
356 Number, and for which no exemption or approval is in effect under section 505 of the Federal
357 Food, Drug, and Cosmetic Act, 21 U.S.C. Section 355, that is structurally related to fentanyl
358 by one or more of the following modifications:
- 359 a. Replacement of the phenyl portion of the phenethyl group by any monocycle,
360 whether or not further substituted in or on the monocycle;
- 361 b. Substitution in or on the phenethyl group with alkyl, alkenyl, alkoxy, hydroxyl,
362 halo, haloalkyl, amino or nitro groups;

- 363 c. Substitution in or on the piperidine ring with alkyl, alkenyl, alkoxy, ester, ether,
364 hydroxyl, amino or nitro groups;
- 365 d. Replacement of the aniline ring with any aromatic monocycle, whether or not
366 further substituted in or on the aromatic monocycle; or
- 367 e. Replacement of the N-propionyl group by another acyl group;
- 368 (kk) Naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate, its optical,
369 positional, and geometric isomers, salts, and salts of isomers (NM2201; CBL2201);
- 370 (ll) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indazole-3-
371 carboxamide, its optical, positional, and geometric isomers, salts, and salts of isomers (5F-
372 AB-PINACA);
- 373 (mm) 1-(4-cyanobutyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide, its
374 optical, positional, and geometric isomers, salts, and salts of isomers (4-CN-CUMYL-
375 BUTINACA; 4-cyano-CUMYL-BUTINACA; 4-CN-CUMYLBINACA; CUMYL-4CN-
376 BINACA; SGT-78);
- 377 (nn) methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3-methylbutanoate,
378 its optical, positional, and geometric isomers, salts, and salts of isomers (MMB-CHMICA,
379 AMB-CHMICA);
- 380 (oo) 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-pyrrolo[2,3-b]pyridine-3-
381 carboxamide, its optical, positional, and geometric isomers, salts, and salts of isomers (5F-
382 CUMYL-P7AICA);
- 383 (pp) N-ethylpentylone, its optical, positional, and geometric isomers, salts, and salts
384 of isomers (ephylone, 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-pentan-1-one);
- 385 (qq) ethyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate,
386 its optical, positional, and geometric isomers, salts, and salts of isomers (trivial name: 5F-
387 EDMB-PINACA);
- 388 (rr) methyl 2-(1-(5-fluoropentyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate,
389 its optical, positional, and geometric isomers, salts, and salts of isomers (trivial name: 5F-
390 MDMB-PICA);
- 391 (ss) N-(adamantan-1-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide, its optical,
392 positional, and geometric isomers, salts, and salts of isomers (trivial names: FUB-AKB48;
393 FUB-APINACA; AKB48 N-(4-FLUOROBENZYL));
- 394 (tt) 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide, its
395 optical, positional, and geometric isomers, salts, and salts of isomers (trivial names: 5F-
396 CUMYL-PINACA; SGT-25);
- 397 (uu) (1-(4-fluorobenzyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl) methanone,
398 its optical, positional, and geometric isomers, salts, and salts of isomers (trivial name: FUB-
399 144);

400 (vv) N-ethylhexedrone, its optical, positional, and geometric isomers, salts, and salts
401 of isomers (Other name: 2-(ethylamino)-1-phenylhexan-1-one);

402 (ww) alpha-pyrrolidinohexanophenone, its optical, positional, and geometric isomers,
403 salts, and salts of isomers (Other names: a-PHP; alpha-pyrrolidinohexiophenone; 1-phenyl-2-
404 (pyrrolidin-1-yl)hexan-1-one);

405 (xx) 4-methyl-alpha-ethylaminopentiophenone, its optical, positional, and geometric
406 isomers, salts, and salts of isomers; (Other names: 4-MEAP; 2-(ethylamino)-1-(4-
407 methylphenyl)pentan-1-one);

408 (yy) 4'-methyl-alpha-pyrrolidinohexiophenone, its optical, positional, and geometric
409 isomers, salts, and salts of isomers (Other names: MPHP; 4'-methyl-alpha-
410 pyrrolidinohexanophenone; 1-(4-methylphenyl)-2-(pyrrolidin-1-yl)hexan-1-one);

411 (zz) alpha-pyrrolidinoheptaphenone, its optical, positional, and geometric isomers,
412 salts, and salts of isomers (Other names: PV8; 1-phenyl-2-(pyrrolidin-1-yl)heptan-1-one);

413 (aaa) 4'-chloro-alpha-pyrrolidinovalerophenone, its optical, positional, and geometric
414 isomers, salts, and salts of isomers (Other names: 4-chloro-a-PVP; 4'-chloro-alpha-
415 pyrrolidinopentiophenone; 1-(4-chlorophenyl)-2-(pyrrolidin-1-yl)pentan-1-one);

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

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

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

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

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

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

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

430 (a) Opium and opiate; and any salt, compound, derivative or preparation of opium or
431 opiate, excluding apomorphine, thebaine-derived butorphanol, dextrophan, nalbuphine,
432 nalmefene, naloxegol, naloxone, and naltrexone, and their respective salts, but including the
433 following:

434 a. Raw opium;

435 b. Opium extracts;

436 c. Opium fluid;

- 437 d. Powdered opium;
438 e. Granulated opium;
439 f. Tincture of opium;
440 g. Codeine;
441 h. Dihydroetorphine;
442 i. Ethylmorphine;
443 j. Etorphine hydrochloride;
444 k. Hydrocodone;
445 l. Hydromorphone;
446 m. Metopon;
447 n. Morphine;
448 o. Oripavine;
449 p. Oxycodone;
450 q. Oxymorphone;
451 r. Thebaine;
- 452 (b) Any salt, compound, derivative, or preparation thereof which is chemically
453 equivalent or identical with any of the substances referred to in this subdivision, but not
454 including the isoquinoline alkaloids of opium;
- 455 (c) Opium poppy and poppy straw;
- 456 (d) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and
457 any salt, compound, derivative, or preparation thereof which is chemically equivalent or
458 identical with any of these substances, but not including the following:
- 459 a. Decocainized coca leaves or extractions of coca leaves, which extractions do not
460 contain cocaine or ecgonine; or
461 b. Ioflupane;
- 462 (e) Concentrate of poppy straw (the crude extract of poppy straw in either liquid,
463 solid or powder form which contains the phenanthrene alkaloids of the opium poppy);
- 464 (2) Any of the following opiates, including their isomers, esters, ethers, salts, and
465 salts of isomers, whenever the existence of these isomers, esters, ethers, and salts is possible
466 within the specific chemical designation, dextrophan and levopropoxyphene excepted:
- 467 (a) Alfentanil;
468 (b) Alphaprodine;
469 (c) Anileridine;
470 (d) Bezitramide;
471 (e) Bulk dextropropoxyphene;
472 (f) Carfentanil;
473 (g) Dihydrocodeine;

- 474 (h) Diphenoxylate;
- 475 (i) Fentanyl;
- 476 (j) Isomethadone;
- 477 (k) Levo-alphaacetylmethadol;
- 478 (l) Levomethorphan;
- 479 (m) Levorphanol;
- 480 (n) Metazocine;
- 481 (o) Methadone;
- 482 (p) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenylbutane;
- 483 (q) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-
- 484 carboxylic acid;
- 485 (r) Pethidine (meperidine);
- 486 (s) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
- 487 (t) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;
- 488 (u) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
- 489 (v) Phenazocine;
- 490 (w) Piminodine;
- 491 (x) Racemethorphan;
- 492 (y) Racemorphan;
- 493 (z) Remifentanil;
- 494 (aa) Sufentanil;
- 495 (bb) Tapentadol;
- 496 (cc) Thiafentanil;
- 497 (3) Any material, compound, mixture, or preparation which contains any quantity of
- 498 the following substances having a stimulant effect on the central nervous system:
- 499 (a) Amphetamine, its salts, optical isomers, and salts of its optical isomers;
- 500 (b) Lisdexamfetamine, its salts, isomers, and salts of its isomers;
- 501 (c) Methamphetamine, its salts, isomers, and salts of its isomers;
- 502 (d) Phenmetrazine and its salts;
- 503 (e) Methylphenidate;
- 504 (4) Any material, compound, mixture, or preparation which contains any quantity of
- 505 the following substances having a depressant effect on the central nervous system, including
- 506 its salts, isomers, and salts of isomers whenever the existence of those salts, isomers, and salts
- 507 of isomers is possible within the specific chemical designation:
- 508 (a) Amobarbital;
- 509 (b) Glutethimide;
- 510 (c) Pentobarbital;

- 511 (d) Phencyclidine;
- 512 (e) Secobarbital;
- 513 (5) Hallucinogenic substances:
- 514 (a) Any material or compound which contains any quantity of nabilone;
- 515 (b) Dronabinol [(-)- Δ^9 -trans tetrahydrocannabinol] in an oral solution in a drug
- 516 product approved for marketing by the U.S. Food and Drug Administration;
- 517 (6) Any material, compound, mixture, or preparation which contains any quantity of
- 518 the following substances:
- 519 (a) Immediate precursor to amphetamine and methamphetamine: Phenylacetone;
- 520 (b) Immediate precursors to phencyclidine (PCP):
- 521 a. 1-phenylcyclohexylamine;
- 522 b. 1-piperidinocyclohexanecarbonitrile (PCC);
- 523 (c) Immediate precursor to fentanyl: 4-anilino-N-phenethyl-4-piperidine (ANPP);
- 524 (7) Any material, compound, mixture, or preparation which contains any quantity of
- 525 the following alkyl nitrites:
- 526 (a) Amyl nitrite;
- 527 (b) Butyl nitrite.
- 528 5. The department of health and senior services shall place a substance in Schedule III
- 529 if it finds that:
- 530 (1) The substance has a potential for abuse less than the substances listed in
- 531 Schedules I and II;
- 532 (2) The substance has currently accepted medical use in treatment in the United
- 533 States; and
- 534 (3) Abuse of the substance may lead to moderate or low physical dependence or high
- 535 psychological dependence.
- 536 6. The controlled substances listed in this subsection are included in Schedule III:
- 537 (1) Any material, compound, mixture, or preparation which contains any quantity of
- 538 the following substances having a potential for abuse associated with a stimulant effect on the
- 539 central nervous system:
- 540 (a) Benzphetamine;
- 541 (b) Chlorphentermine;
- 542 (c) Clortermine;
- 543 (d) Phendimetrazine;
- 544 (2) Any material, compound, mixture or preparation which contains any quantity or
- 545 salt of the following substances or salts having a depressant effect on the central nervous
- 546 system:

- 547 (a) Any material, compound, mixture or preparation which contains any quantity or
548 salt of the following substances combined with one or more active medicinal ingredients:
- 549 a. Amobarbital;
 - 550 b. Secobarbital;
 - 551 c. Pentobarbital;
- 552 (b) Any suppository dosage form containing any quantity or salt of the following:
- 553 a. Amobarbital;
 - 554 b. Secobarbital;
 - 555 c. Pentobarbital;
- 556 (c) Any substance which contains any quantity of a derivative of barbituric acid or its
557 salt;
- 558 (d) Chlorhexadol;
 - 559 (e) Embutramide;
 - 560 (f) Gamma hydroxybutyric acid and its salts, isomers, and salts of isomers contained
561 in a drug product for which an application has been approved under Section 505 of the federal
562 Food, Drug, and Cosmetic Act;
 - 563 (g) Ketamine, its salts, isomers, and salts of isomers;
 - 564 (h) Lysergic acid;
 - 565 (i) Lysergic acid amide;
 - 566 (j) Methyprylon;
 - 567 (k) Perampanel, and its salts, isomers, and salts of isomers;
 - 568 (l) Sulfondiethylmethane;
 - 569 (m) Sulfonethylmethane;
 - 570 (n) Sulfonmethane;
 - 571 (o) Tiletamine and zolazepam or any salt thereof;
- 572 (3) Nalorphine;
- 573 (4) Any material, compound, mixture, or preparation containing limited quantities of
574 any of the following narcotic drugs or their salts:
- 575 (a) Not more than 1.8 grams of codeine per one hundred milliliters or not more than
576 ninety milligrams per dosage unit, with an equal or greater quantity of an isoquinoline
577 alkaloid of opium;
 - 578 (b) Not more than 1.8 grams of codeine per one hundred milliliters or not more than
579 ninety milligrams per dosage unit with one or more active, nonnarcotic ingredients in
580 recognized therapeutic amounts;
 - 581 (c) Not more than 1.8 grams of dihydrocodeine per one hundred milliliters or not
582 more than ninety milligrams per dosage unit, with one or more active, nonnarcotic ingredients
583 in recognized therapeutic amounts;

584 (d) Not more than three hundred milligrams of ethylmorphine per one hundred
585 milliliters or not more than fifteen milligrams per dosage unit, with one or more active,
586 nonnarcotic ingredients in recognized therapeutic amounts;

587 (e) Not more than five hundred milligrams of opium per one hundred milliliters or per
588 one hundred grams or not more than twenty-five milligrams per dosage unit, with one or more
589 active nonnarcotic ingredients in recognized therapeutic amounts;

590 (f) Not more than fifty milligrams of morphine per one hundred milliliters or per one
591 hundred grams, with one or more active, nonnarcotic ingredients in recognized therapeutic
592 amounts;

593 (5) Any material, compound, mixture, or preparation containing any of the following
594 narcotic drugs or their salts: Buprenorphine;

595 (6) Anabolic steroids. Any drug or hormonal substance, chemically and
596 pharmacologically related to testosterone (other than estrogens, progestins, corticosteroids,
597 and dehydroepiandrosterone) that promotes muscle growth, except an anabolic steroid which
598 is expressly intended for administration through implants to cattle or other nonhuman species
599 and which has been approved by the Secretary of Health and Human Services for that
600 administration. If any person prescribes, dispenses, or distributes such steroid for human use,
601 such person shall be considered to have prescribed, dispensed, or distributed an anabolic
602 steroid within the meaning of this subdivision. Unless specifically excepted or unless listed
603 in another schedule, any material, compound, mixture or preparation containing any quantity
604 of the following substances, including its salts, esters and ethers:

- 605 (a) 3 β ,17 β -dihydroxy-5 α -androstane;
- 606 (b) 3 α ,17 β -dihydroxy-5 α -androstane;
- 607 (c) 5 α -androstan-3,17-dione;
- 608 (d) 1-androstenediol (3 β ,17 β -dihydroxy-5 α -androst-1-ene);
- 609 (e) 1-androstenediol (3 α ,17 β -dihydroxy-5 α -androst-1-ene);
- 610 (f) 4-androstenediol (3 β ,17 β -dihydroxy-androst-4-ene);
- 611 (g) 5-androstenediol (3 β ,17 β -dihydroxy-androst-5-ene);
- 612 (h) 1-androstenedione ([5 α]-androst-1-en-3,17-dione);
- 613 (i) 4-androstenedione (androst-4-en-3,17-dione);
- 614 (j) 5-androstenedione (androst-5-en-3,17-dione);
- 615 (k) Bolasterone (7 α , 17 α -dimethyl-17 β -hydroxyandrost-4-en-3-one);
- 616 (l) Boldenone (17 β -hydroxyandrost-1,4,-diene-3-one);
- 617 (m) Boldione;
- 618 (n) Calusterone (7 β , 17 α -dimethyl-17 β -hydroxyandrost-4-en-3-one);
- 619 (o) Clostebol (4-chloro-17 β -hydroxyandrost-4-en-3-one);

- 620 (p) Dehydrochloromethyltestosterone (4-chloro-17 β -hydroxy-17a-methyl-androst-
621 1,4-dien-3-one);
- 622 (q) Desoxymethyltestosterone;
- 623 (r) 4-dihydrotestosterone (17 β -hydroxy-androstan-3-one);
- 624 (s) Drostanolone (17 β -hydroxy-2a-methyl-5a-androstan-3-one);
- 625 (t) Ethylestrenol (17a-ethyl-17 β -hydroxyestr-4-ene);
- 626 (u) Fluoxymesterone (9-fluoro-17a-methyl-11 β ,17 β -dihydroxyandrost-4-en-3-one);
- 627 (v) Formebolone (2-formyl-17a-methyl-11a,17 β -dihydroxyandrost-1,4-dien-3-one);
- 628 (w) Furazabol (17a-methyl-17 β -hydroxyandrostan[2,3-c]-furazan);
- 629 (x) 13 β -ethyl-17 β -hydroxygon-4-en-3-one;
- 630 (y) 4-hydroxytestosterone (4,17 β -dihydroxy-androst-4-en-3-one);
- 631 (z) 4-hydroxy-19-nortestosterone (4,17 β -dihydroxy-estr-4-en-3-one);
- 632 (aa) Mestanolone (17a-methyl-17 β -hydroxy-5a-androstan-3-one);
- 633 (bb) Mesterolone (1a- methyl-17 β -hydroxy-[5a]-androstan-3-one);
- 634 (cc) Methandienone (17a-methyl-17 β -hydroxyandrost-1,4-dien-3-one);
- 635 (dd) Methandriol (17a-methyl-3 β ,17 β -dihydroxyandrost-5-ene);
- 636 (ee) Methasterone (2a,17a-dimethyl-5a-androstan-17 β -ol-3-one);
- 637 (ff) Methenolone (1-methyl-17 β -hydroxy-5a-androst-1-en-3-one);
- 638 (gg) 17a-methyl-3 β ,17 β -dihydroxy-5a-androstane;
- 639 (hh) 17a-methyl-3a,17 β -dihydroxy-5a-androstane;
- 640 (ii) 17a-methyl-3 β ,17 β -dihydroxyandrost-4-ene;
- 641 (jj) 17a-methyl-4-hydroxynandrolone (17a-methyl-4-hydroxy-17 β -hydroxyestr-4-en-
642 3-one);
- 643 (kk) Methyldienolone (17a-methyl-17 β -hydroxyestra-4,9(10)-dien-3-one);
- 644 (ll) Methyltrienolone (17a-methyl-17 β -hydroxyestra-4,9,11-trien-3-one);
- 645 (mm) Methyltestosterone (17a-methyl-17 β -hydroxyandrost-4-en-3-one);
- 646 (nn) Mibolerone (7a,17a-dimethyl-17 β -hydroxyestr-4-en-3-one);
- 647 (oo) 17a-methyl-?1-dihydrotestosterone (17 β -hydroxy-17a-methyl-5a-androst-1-en-
648 3-one) (a.k.a. '17-a-methyl-1-testosterone');
- 649 (pp) Nandrolone (17 β -hydroxyestr-4-ene-3-one);
- 650 (qq) 19-nor-4-androstenediol (3 β ,17 β -dihydroxyestr-4-ene);
- 651 (rr) 19-nor-4-androstenediol (3a,17 β -dihydroxyestr-4-ene);
- 652 (ss) 19-nor-4,9(10)-androstadienedione (estra-4,9(10)-diene-3,17-dione);
- 653 (tt) 19-nor-5-androstenediol (3 β ,17 β -dihydroxyestr-5-ene);
- 654 (uu) 19-nor-5-androstenediol (3a,17 β -dihydroxyestr-5-ene);
- 655 (vv) 19-nor-4-androstenedione (estr-4-en-3,17-dione);
- 656 (ww) 19-nor-5-androstenedione (estr-5-en-3,17-dione);

- 657 (xx) Norbolethone (13 β ,17 α -diethyl-17 β -hydroxygon-4-en-3-one);
658 (yy) Norclostebol (4-chloro-17 β -hydroxyestr-4-en-3-one);
659 (zz) Norethandrolone (17 α -ethyl-17 β -hydroxyestr-4-en-3-one);
660 (aaa) Normethandrolone (17 α -methyl-17 β -hydroxyestr-4-en-3-one);
661 (bbb) Oxandrolone (17 α -methyl-17 β -hydroxy-2-oxa-[5 α]-androstan-3-one);
662 (ccc) Oxymesterone (17 α -methyl-4,17 β -dihydroxyandrost-4-en-3-one);
663 (ddd) metholone (17 α -methyl-2-hydroxymethylene-17 β -hydroxy-[5 α]-androstan-3-
664 one);
665 (eee) Prostanazol (17 β -hydroxy-5 α -androstan[3,2-c]pyrazole);
666 (fff) Stanolone (?1-dihydrotestosterone (a.k.a. 1-testosterone)(17 β -hydroxy-5 α -
667 androst-1-en-3-one));
668 (ggg) Stanazolol (17 α -methyl-17 β -hydroxy-[5 α]-androst-2-eno[3,2-c]-pyrazole);
669 (hhh) Stenbolone (17 β -hydroxy-2-methyl-[5 α]-androst-1-en-3-one);
670 (iii) Testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid
671 lactone);
672 (jjj) Testosterone (17 β -hydroxyandrost-4-en-3-one);
673 (kkk) Tetrahydrogestrinone (13 β ,17 α -diethyl-17 β -hydroxygon-4,9,11-trien-3-one);
674 (lll) Trenbolone (17 β -hydroxyestr-4,9,11-trien-3-one);
675 (mmm) Any salt, ester, or ether of a drug or substance described or listed in this
676 subdivision, except an anabolic steroid which is expressly intended for administration through
677 implants to cattle or other nonhuman species and which has been approved by the Secretary
678 of Health and Human Services for that administration;
679 (7) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a
680 United States Food and Drug Administration approved drug product;
681 (8) The department of health and senior services may except by rule any compound,
682 mixture, or preparation containing any stimulant or depressant substance listed in
683 subdivisions (1) and (2) of this subsection from the application of all or any part of
684 sections 195.010 to 195.320 if the compound, mixture, or preparation contains one or more
685 active medicinal ingredients not having a stimulant or depressant effect on the central nervous
686 system, and if the admixtures are included therein in combinations, quantity, proportion, or
687 concentration that vitiate the potential for abuse of the substances which have a stimulant or
688 depressant effect on the central nervous system.
689 7. The department of health and senior services shall place a substance in Schedule
690 IV if it finds that:
691 (1) The substance has a low potential for abuse relative to substances in Schedule III;
692 (2) The substance has currently accepted medical use in treatment in the United
693 States; and

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

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

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

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

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

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

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

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

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

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

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

720 (a) Alfaxalone;

721 (b) Alprazolam;

722 (c) Barbitol;

723 (d) Bromazepam;

724 (e) Camazepam;

725 (f) Carisoprodol;

726 (g) Chloral betaine;

727 (h) Chloral hydrate;

728 (i) Chlordiazepoxide;

729 (j) Clobazam;

730 (k) Clonazepam;

- 731 (l) Clorazepate;
- 732 (m) Clotiazepam;
- 733 (n) Cloxazolam;
- 734 (o) Delorazepam;
- 735 (p) Diazepam;
- 736 (q) Dichloralphenazone;
- 737 (r) Estazolam;
- 738 (s) Ethchlorvynol;
- 739 (t) Ethinamate;
- 740 (u) Ethyl loflazepate;
- 741 (v) Fludiazepam;
- 742 (w) Flunitrazepam;
- 743 (x) Flurazepam;
- 744 (y) Fospropofol;
- 745 (z) Halazepam;
- 746 (aa) Haloxazolam;
- 747 (bb) Ketazolam;
- 748 (cc) Loprazolam;
- 749 (dd) Lorazepam;
- 750 (ee) Lormetazepam;
- 751 (ff) Mebutamate;
- 752 (gg) Medazepam;
- 753 (hh) Meprobamate;
- 754 (ii) Methohexital;
- 755 (jj) Methylphenobarbital (mephobarbital);
- 756 (kk) Midazolam;
- 757 (ll) Nimetazepam;
- 758 (mm) Nitrazepam;
- 759 (nn) Nordiazepam;
- 760 (oo) Oxazepam;
- 761 (pp) Oxazolam;
- 762 (qq) Paraldehyde;
- 763 (rr) Petrichloral;
- 764 (ss) Phenobarbital;
- 765 (tt) Pinazepam;
- 766 (uu) Prazepam;
- 767 (vv) Quazepam;

- 768 (ww) Suvorexant;
- 769 (xx) Temazepam;
- 770 (yy) Tetrazepam;
- 771 (zz) Triazolam;
- 772 (aaa) Zaleplon;
- 773 (bbb) Zolpidem;
- 774 (ccc) Zopiclone;
- 775 (3) Any material, compound, mixture, or preparation which contains any quantity of
- 776 the following substance including its salts, isomers and salts of isomers whenever the
- 777 existence of such salts, isomers and salts of isomers is possible: fenfluramine;
- 778 (4) Any material, compound, mixture, or preparation which contains any quantity of
- 779 the following substances, including its salts, isomers, and salts of isomers, whenever the
- 780 existence of such salts, isomers, and salts of isomers is possible: Lorcaserin;
- 781 (5) Any material, compound, mixture or preparation containing any quantity of the
- 782 following substances having a stimulant effect on the central nervous system, including their
- 783 salts, isomers and salts of isomers:
- 784 (a) Cathine ((+)-norpseudoephedrine);
- 785 (b) Diethylpropion;
- 786 (c) Fencamfamin;
- 787 (d) Fenproporex;
- 788 (e) Mazindol;
- 789 (f) Mefenorex;
- 790 (g) Modafinil;
- 791 (h) Pemoline, including organometallic complexes and chelates thereof;
- 792 (i) Phentermine;
- 793 (j) Pipradrol;
- 794 (k) Sibutramine;
- 795 (l) SPA ((-)-1-dimethylamino-1,2-diphenylethane);
- 796 (6) Any material, compound, mixture or preparation containing any quantity of the
- 797 following substance, including its salts:
- 798 (a) Butorphanol (including its optical isomers);
- 799 (b) Eluxadoline (5-[[[(2S)-2-amino-3-[4-aminocarbonyl]-2,6-dimethylphenyl]-1-
- 800 oxopropyl][(1S)-1-(4-phenyl-1 H-imidazol-2-yl)ethyl]amino]methyl]-2-methoxybenzoic
- 801 acid) (including its optical isomers) and its salts, isomers, and salts of isomers;
- 802 (c) Pentazocine;
- 803 (7) Ephedrine, its salts, optical isomers and salts of optical isomers, when the
- 804 substance is the only active medicinal ingredient;

805 (8) The department of health and senior services may except by rule any compound,
806 mixture, or preparation containing any depressant substance listed in subdivision (1) of this
807 subsection from the application of all or any part of sections 195.010 to 195.320 and sections
808 579.015 to 579.086 if the compound, mixture, or preparation contains one or more active
809 medicinal ingredients not having a depressant effect on the central nervous system, and if the
810 admixtures are included therein in combinations, quantity, proportion, or concentration that
811 vitiate the potential for abuse of the substances which have a depressant effect on the central
812 nervous system.

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

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

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

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

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

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

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

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

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

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

836 (3) Any compound, mixture, or preparation containing any detectable quantity of
837 pseudoephedrine or its salts or optical isomers, or salts of optical isomers or any compound,
838 mixture, or preparation containing any detectable quantity of ephedrine or its salts or optical
839 isomers, or salts of optical isomers;

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

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

845 (b) Ezogabine [N-[2-amino-4(4-fluorobenzylamino)-phenyl]-carbamic acid ethyl
846 ester];

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

848 (d) Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid];

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

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

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

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

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

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

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

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

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

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

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

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

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

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

888 16. The penalties for a knowing or reckless violation of the provisions of subsections
889 11 to 15 of this section are found in section 579.060.

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

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

904 19. The department of health and senior services shall revise and republish the
905 schedules annually.

906 20. The department of health and senior services shall promulgate rules under chapter
907 536 regarding the security and storage of Schedule V controlled substances, as described in
908 subdivision (3) of subsection 10 of this section, for distributors as registered by the
909 department of health and senior services.

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

577.001. As used in this chapter, the following terms mean:

2 (1) "Aggravated offender", a person who has been found guilty of:

3 (a) Three or more intoxication-related traffic offenses committed on separate
4 occasions; or

5 (b) Two or more intoxication-related traffic offenses committed on separate occasions
6 where at least one of the intoxication-related traffic offenses is an offense committed in
7 violation of any state law, county or municipal ordinance, any federal offense, or any military
8 offense in which the defendant was operating a vehicle while intoxicated and another person
9 was injured or killed;

10 (2) "Aggravated boating offender", a person who has been found guilty of:

11 (a) Three or more intoxication-related boating offenses; or

12 (b) Two or more intoxication-related boating offenses committed on separate
13 occasions where at least one of the intoxication-related boating offenses is an offense
14 committed in violation of any state law, county or municipal ordinance, any federal offense,
15 or any military offense in which the defendant was operating a vessel while intoxicated and
16 another person was injured or killed;

17 (3) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively
18 for off-highway use, with an unladen dry weight of one thousand five hundred pounds or less,
19 traveling on three, four or more nonhighway tires, with either:

20 (a) A seat designed to be straddled by the operator, or with a seat designed to carry
21 more than one person, and handlebars for steering control; or

22 (b) A width of fifty inches or less, measured from outside of tire rim to outside of tire
23 rim, regardless of seating or steering arrangement;

24 (4) "Court", any circuit, associate circuit, or municipal court, including traffic court,
25 but not any juvenile court or treatment court;

26 (5) "Chronic offender", a person who has been found guilty of:

27 (a) Four or more intoxication-related traffic offenses committed on separate
28 occasions; or

29 (b) Three or more intoxication-related traffic offenses committed on separate
30 occasions where at least one of the intoxication-related traffic offenses is an offense
31 committed in violation of any state law, county or municipal ordinance, any federal offense,
32 or any military offense in which the defendant was operating a vehicle while intoxicated and
33 another person was injured or killed; or

34 (c) Two or more intoxication-related traffic offenses committed on separate occasions
35 where both intoxication-related traffic offenses were offenses committed in violation of any
36 state law, county or municipal ordinance, any federal offense, or any military offense in which
37 the defendant was operating a vehicle while intoxicated and another person was injured or
38 killed;

- 39 (6) "Chronic boating offender", a person who has been found guilty of:
- 40 (a) Four or more intoxication-related boating offenses; or
- 41 (b) Three or more intoxication-related boating offenses committed on separate
- 42 occasions where at least one of the intoxication-related boating offenses is an offense
- 43 committed in violation of any state law, county or municipal ordinance, any federal offense,
- 44 or any military offense in which the defendant was operating a vessel while intoxicated and
- 45 another person was injured or killed; or
- 46 (c) Two or more intoxication-related boating offenses committed on separate
- 47 occasions where both intoxication-related boating offenses were offenses committed in
- 48 violation of any state law, county or municipal ordinance, any federal offense, or any military
- 49 offense in which the defendant was operating a vessel while intoxicated and another person
- 50 was injured or killed;
- 51 (7) "Continuous alcohol monitoring", automatically testing breath, blood, or
- 52 transdermal alcohol concentration levels and tampering attempts at least once every hour,
- 53 regardless of the location of the person who is being monitored, and regularly transmitting the
- 54 data. Continuous alcohol monitoring shall be considered an electronic monitoring service
- 55 under subsection 3 of section 217.690;
- 56 (8) "Controlled substance", a drug, substance, or immediate precursor in schedules I
- 57 to V listed in section 195.017;
- 58 (9) "Drive", "driving", "operates" or "operating", physically driving or operating a
- 59 vehicle or vessel;
- 60 (10) "Flight crew member", the pilot in command, copilots, flight engineers, and
- 61 flight navigators;
- 62 (11) "Habitual offender", a person who has been found guilty of:
- 63 (a) Five or more intoxication-related traffic offenses committed on separate
- 64 occasions; or
- 65 (b) Four or more intoxication-related traffic offenses committed on separate
- 66 occasions where at least one of the intoxication-related traffic offenses is an offense
- 67 committed in violation of any state law, county or municipal ordinance, any federal offense,
- 68 or any military offense in which the defendant was operating a vehicle while intoxicated and
- 69 another person was injured or killed; or
- 70 (c) Three or more intoxication-related traffic offenses committed on separate
- 71 occasions where at least two of the intoxication-related traffic offenses were offenses
- 72 committed in violation of any state law, county or municipal ordinance, any federal offense,
- 73 or any military offense in which the defendant was operating a vehicle while intoxicated and
- 74 another person was injured or killed;
- 75 (12) "Habitual boating offender", a person who has been found guilty of:

76 (a) Five or more intoxication-related boating offenses; or

77 (b) Four or more intoxication-related boating offenses committed on separate
78 occasions where at least one of the intoxication-related boating offenses is an offense
79 committed in violation of any state law, county or municipal ordinance, any federal offense,
80 or any military offense in which the defendant was operating a vessel while intoxicated and
81 another person was injured or killed; or

82 (c) Three or more intoxication-related boating offenses committed on separate
83 occasions where at least two of the intoxication-related boating offenses were offenses
84 committed in violation of any state law, county or municipal ordinance, any federal offense,
85 or any military offense in which the defendant was operating a vessel while intoxicated and
86 another person was injured or killed; or

87 (d) While boating while intoxicated, the defendant acted with criminal negligence to:

88 a. Cause the death of any person not a passenger in the vessel operated by the
89 defendant, including the death of an individual that results from the defendant's vessel leaving
90 the water; or

91 b. Cause the death of two or more persons; or

92 c. Cause the death of any person while he or she has a blood alcohol content of at
93 least eighteen-hundredths of one percent by weight of alcohol in such person's blood;

94 (13) "Intoxicated" or "intoxicated condition", when a person is under the influence of
95 alcohol, **cannabis or a cannabis product**, a controlled substance, or drug, or any
96 combination thereof. **To be intoxicated or in an intoxicated condition while under the**
97 **influence of cannabis or a cannabis product shall not be established solely based on a**
98 **test detecting cannabis in the person's system;**

99 (14) "Intoxication-related boating offense", operating a vessel while intoxicated;
100 boating while intoxicated; operating a vessel with excessive blood alcohol content or an
101 offense in which the defendant was operating a vessel while intoxicated and another person
102 was injured or killed in violation of any state law, county or municipal ordinance, any federal
103 offense, or any military offense;

104 (15) "Intoxication-related traffic offense", driving while intoxicated, driving with
105 excessive blood alcohol content, driving under the influence of alcohol, **cannabis or**
106 **cannabis products**, or drugs in violation of a state law, county or municipal ordinance, any
107 federal offense, or any military offense, or an offense in which the defendant was operating a
108 vehicle while intoxicated and another person was injured or killed in violation of any state
109 law, county or municipal ordinance, any federal offense, or any military offense;

110 (16) "Law enforcement officer" or "arresting officer", includes the definition of law
111 enforcement officer in section 556.061 and military policemen conducting traffic enforcement

112 operations on a federal military installation under military jurisdiction in the state of
113 Missouri;

114 (17) "Operate a vessel", to physically control the movement of a vessel in motion
115 under mechanical or sail power in water;

116 (18) "Persistent offender", a person who has been found guilty of:

117 (a) Two or more intoxication-related traffic offenses committed on separate
118 occasions; or

119 (b) One intoxication-related traffic offense committed in violation of any state law,
120 county or municipal ordinance, federal offense, or military offense in which the defendant
121 was operating a vehicle while intoxicated and another person was injured or killed;

122 (19) "Persistent boating offender", a person who has been found guilty of:

123 (a) Two or more intoxication-related boating offenses committed on separate
124 occasions; or

125 (b) One intoxication-related boating offense committed in violation of any state law,
126 county or municipal ordinance, federal offense, or military offense in which the defendant
127 was operating a vessel while intoxicated and another person was injured or killed;

128 (20) "Prior offender", a person who has been found guilty of one intoxication-related
129 traffic offense, where such prior offense occurred within five years of the occurrence of the
130 intoxication-related traffic offense for which the person is charged;

131 (21) "Prior boating offender", a person who has been found guilty of one intoxication-
132 related boating offense, where such prior offense occurred within five years of the occurrence
133 of the intoxication-related boating offense for which the person is charged.

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

4 2. The offense of possession of any controlled substance [~~except thirty five grams or~~
5 ~~less of marijuana or any synthetic cannabinoid]~~ is a class D felony.

6 3. [~~The offense of possession of more than ten grams but thirty five grams or less of~~
7 ~~marijuana or any synthetic cannabinoid is a class A misdemeanor.~~

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

13 ~~5.] 4. In any complaint, information, or indictment, and in any action or proceeding~~
14 brought for the enforcement of any provision of this chapter or chapter 195, it shall not be
15 necessary to include any exception, excuse, proviso, or exemption contained in this chapter or

16 chapter 195, and the burden of proof of any such exception, excuse, proviso or exemption
17 shall be upon the defendant.

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

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

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

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

17 ~~[5-]~~ 4. The offense of delivery of a controlled substance is a class B felony if:

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

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

579.030. 1. A person commits the offense of distribution of a controlled substance in
2 a protected location if he or she knowingly distributes, sells, or delivers any controlled
3 substance~~[, except thirty five grams or less of marijuana or synthetic cannabinoid,]~~ to a
4 person with knowledge that that distribution, delivery, or sale is:

5 (1) In, on, or within two thousand feet of, the real property comprising a public or
6 private elementary, vocational, or secondary school, or on any school bus; or

7 (2) In, on, or within one thousand feet of, the real property comprising a public park,
8 state park, county park, municipal park, or private park designed for public recreational
9 purposes, as park is defined in section 253.010; or

10 (3) In or on the real property comprising public housing or other governmental
11 assisted housing.

12 2. The offense of unlawful distribution of a controlled substance in a protected
13 location is a class A felony.

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

- 2 (1) Knowingly manufactures~~;~~ **or** produces~~;~~ ~~or grows~~ a controlled substance;
- 3 (2) Attempts to manufacture~~;~~ **or** produce~~;~~ ~~or grow~~ a controlled substance; or
- 4 (3) Knowingly possesses a controlled substance with the intent to manufacture~~;~~ **or**
- 5 produce~~;~~ ~~or grow~~ any amount of controlled substance.

6
7 2. The offense of manufacturing or attempting to manufacture any amount of
8 controlled substance is a class B felony when committed within two thousand feet of the real
9 property comprising a public or private elementary, vocational, or secondary school,
10 community college, college, or university. It is a class A felony if a person has suffered
11 serious physical injury or has died as a result of a fire or explosion started in an attempt by the
12 defendant to produce methamphetamine.

13 3. The offense of manufacturing or attempting to manufacture any amount of a
14 controlled substance~~;~~ ~~except thirty five grams or less of marijuana or synthetic cannabinoid;~~
15 is a class C felony.

16 ~~[4. The offense of manufacturing thirty five grams or less of marijuana or synthetic~~
17 ~~cannabinoid is a class E felony.]~~

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

- 5 (1) More than thirty grams of a mixture or substance containing a detectable amount
- 6 of heroin;
- 7 (2) More than one hundred fifty grams of a mixture or substance containing a
- 8 detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which
- 9 cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts
- 10 and their optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their
- 11 salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains
- 12 any quantity of any of the foregoing substances;
- 13 (3) More than eight grams of a mixture or substance described in subdivision (2) of
- 14 this subsection which contains cocaine base;
- 15 (4) More than five hundred milligrams of a mixture or substance containing a
- 16 detectable amount of lysergic acid diethylamide (LSD);
- 17 (5) More than thirty grams of a mixture or substance containing a detectable amount
- 18 of phencyclidine (PCP);
- 19 (6) More than four grams of phencyclidine;
- 20 (7) ~~[More than thirty kilograms of a mixture or substance containing marijuana;~~

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

26 ~~[(9)]~~ (8) More than thirty grams of any material, compound, mixture, or preparation
27 which contains any quantity of 3,4-methylenedioxymethamphetamine;

28 ~~[(10)]~~ (9) One gram or more of flunitrazepam for the first offense;

29 ~~[(11)]~~ (10) Any amount of gamma-hydroxybutyric acid for the first offense; or

30 ~~[(12)]~~ (11) More than ten milligrams of fentanyl or carfentanil, or any derivative
31 thereof, or any combination thereof, or any compound, mixture, or substance containing a
32 detectable amount of fentanyl or carfentanil, or their optical isomers or analogues.

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

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

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

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

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

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

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

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

51 (7) ~~[One hundred kilograms or more of a mixture or substance containing marijuana;~~

52 ~~or~~

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

58 ~~[(9)]~~ **(8)** More than thirty grams of any material, compound, mixture, or preparation
59 containing any quantity of the following substances having a stimulant effect on the central
60 nervous system: amphetamine, its salts, optical isomers, and salts of its optical isomers;
61 methamphetamine, its salts, optical isomers, and salts of its optical isomers; phenmetrazine
62 and its salts; or methylphenidate, and the location of the offense was within two thousand feet
63 of real property comprising a public or private elementary, vocational, or secondary school,
64 college, community college, university, or any school bus, in or on the real property
65 comprising public housing or any other governmental assisted housing, or within a motor
66 vehicle, or in any structure or building which contains rooms furnished for the
67 accommodation or lodging of guests, and kept, used, maintained, advertised, or held out to
68 the public as a place where sleeping accommodations are sought for pay or compensation to
69 transient guests or permanent guests; or

70 ~~[(10)]~~ **(9)** Ninety grams or more of any material, compound, mixture or preparation
71 which contains any quantity of 3,4-methylenedioxymethamphetamine; or

72 ~~[(11)]~~ **(10)** More than thirty grams of any material, compound, mixture, or
73 preparation which contains any quantity of 3,4-methylenedioxymethamphetamine and the
74 location of the offense was within two thousand feet of real property comprising a public or
75 private elementary, vocational, or secondary school, college, community college, university,
76 or any school bus, in or on the real property comprising public housing or any other
77 governmental assisted housing, within a motor vehicle, or in any structure or building which
78 contains rooms furnished for the accommodation or lodging of guests, and kept, used,
79 maintained, advertised, or held out to the public as a place where sleeping accommodations
80 are sought for pay or compensation to transient guests or permanent guests; or

81 ~~[(12)]~~ **(11)** One gram or more of flunitrazepam for a second or subsequent offense; or

82 ~~[(13)]~~ **(12)** Any amount of gamma-hydroxybutyric acid for a second or subsequent
83 offense; or

84 ~~[(14)]~~ **(13)** Twenty milligrams or more of fentanyl or carfentanil, or any derivative
85 thereof, or any combination thereof, or any compound, mixture, or substance containing a
86 detectable amount of fentanyl or carfentanil, or their optical isomers or analogues.

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

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

6 (2) More than one hundred fifty grams of a mixture or substance containing a
7 detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which
8 cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts

9 and their optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their
10 salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains
11 any quantity of any of the foregoing substances;

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

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

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

18 (6) More than four grams of phencyclidine;

19 ~~(7) More than thirty kilograms of a mixture or substance containing marijuana;~~

20 ~~(8)~~ (8) More than thirty grams of any material, compound, mixture, or preparation
21 containing any quantity of the following substances having a stimulant effect on the central
22 nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers;
23 methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine
24 and its salts; or methylphenidate;

25 ~~[(9)]~~ (8) More than thirty grams of any material, compound, mixture, or preparation
26 which contains any quantity of 3,4-methylenedioxymethamphetamine; or

27 ~~[(10)]~~ (9) More than ten milligrams of fentanyl or carfentanil, or any derivative
28 thereof, or any combination thereof, or any compound, mixture, or substance containing a
29 detectable amount of fentanyl or carfentanil, or their optical isomers or analogues.

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

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

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

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

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

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

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

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

48 (7) ~~One hundred kilograms or more of a mixture or substance containing marijuana;~~

49 or

50 ~~(8) More than five hundred marijuana plants; or~~

51 ~~(9)~~ (9) Ninety grams or more but less than four hundred fifty grams of any material,
52 compound, mixture, or preparation containing any quantity of the following substances
53 having a stimulant effect on the central nervous system: amphetamine, its salts, optical
54 isomers and salts of its optical isomers; methamphetamine, its salts, optical isomers and salts
55 of its optical isomers; phenmetrazine and its salts; or methylphenidate; or

56 ~~[(10)]~~ (8) Ninety grams or more but less than four hundred fifty grams of any
57 material, compound, mixture, or preparation which contains any quantity of 3,4-
58 methylenedioxymethamphetamine; or

59 ~~[(11)]~~ (9) Twenty milligrams or more of fentanyl or carfentanil, or any derivative
60 thereof, or any combination thereof, or any compound, mixture, or substance containing a
61 detectable amount of fentanyl or carfentanil, or their optical isomers or analogues.

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

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

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

70 5. The offense of drug trafficking in the second degree is a class C felony for the first
71 offense and a class B felony for any second or subsequent offense for the trafficking of less
72 than one gram of flunitrazepam.

579.105. 1. A person commits the offense of keeping or maintaining a public
2 nuisance if he or she knowingly keeps or maintains:

3 (1) Any room, building, structure or inhabitable structure, as defined in section
4 556.061, which is used for the illegal manufacture, distribution, storage, or sale of any
5 amount of a controlled substance~~], except thirty-five grams or less of marijuana or thirty-five~~
6 ~~grams or less of any synthetic cannabinoid];~~ or

7 (2) Any room, building, structure or inhabitable structure, as defined in section
8 556.061, where on three or more separate occasions within the period of a year, two or more
9 persons, who were not residents of the room, building, structure, or inhabitable structure,

10 gathered for the principal purpose of unlawfully ingesting, injecting, inhaling, or using any
11 amount of a controlled substance [~~except thirty-five grams or less of marijuana or thirty-five~~
12 ~~grams or less of any synthetic cannabinoid~~].

13 2. In addition to any other criminal prosecutions, the prosecuting attorney or circuit
14 attorney may by information or indictment charge the owner or the occupant, or both the
15 owner and the occupant of the room, building, structure, or inhabitable structure with the
16 offense of keeping or maintaining a public nuisance.

17 3. The offense of keeping or maintaining a public nuisance is a class E felony.

18 4. Upon the conviction of the owner pursuant to this section, the room, building,
19 structure, or inhabitable structure is subject to the provisions of sections 513.600 to 513.645.

**610.134. 1. Notwithstanding any provisions of law, the court in which a person
2 was convicted of an offense involving cannabis, cannabis products, or cannabis
3 paraphernalia committed prior to the enactment of sections 650.700 to 650.760 shall
4 automatically expunge the record for such offense if such offense occurred within the
5 state of Missouri and was prosecuted under the jurisdiction of a Missouri court.**

6 2. For offenses under subsection 1 of this section that occurred:

7 (1) Before August 28, 2001, the record shall be expunged before August 28, 2024;

**8 (2) After August 27, 2001, but before August 28, 2014, the record shall be
9 expunged before August 28, 2026; and**

**10 (3) After August 27, 2014, but before August 28, 2021, the record shall be
11 expunged before August 28, 2028.**

**650.700. As used in sections 650.700 to 650.760, unless context requires
2 otherwise, the following terms mean:**

**3 (1) "Cannabis", all parts of the plant of the genus Cannabis, whether growing;
4 the seeds thereof; the resin extracted from any part of the plant; and every compound,
5 manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin,
6 including cannabis concentrate. "Cannabis" shall not include industrial hemp, nor
7 shall it include fiber produced from the stalks, oil, or cake made from the seeds of the
8 plant; sterilized seed of the plant that is incapable of germination; or the weight of any
9 other ingredient combined with cannabis to prepare topical or oral administrations,
10 food, drink, or other product;**

**11 (2) "Cannabis accessories", any equipment, products, or materials that are used,
12 intended for use, or designed for use in planting, propagating, cultivating, growing,
13 harvesting, composting, manufacturing, compounding, converting, producing,
14 processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing,
15 or containing cannabis, or for ingesting, inhaling, or otherwise introducing cannabis
16 into the human body;**

17 (3) "Cannabis cultivation facility", an entity licensed to cultivate, prepare,
18 package, and sell cannabis to retail cannabis stores; to cannabis product manufacturing
19 facilities; and to other cannabis cultivation facilities but not to consumers;

20 (4) "Cannabis establishment", a cannabis cultivation facility, a cannabis testing
21 facility, a cannabis product manufacturing facility, or a retail cannabis store;

22 (5) "Cannabis product manufacturing facility", an entity licensed to purchase
23 cannabis; manufacture, prepare, and package cannabis products; and sell cannabis and
24 cannabis products to other cannabis product manufacturing facilities and to retail
25 cannabis stores but not to consumers;

26 (6) "Cannabis products", concentrated cannabis products and cannabis
27 products that are composed of cannabis and other ingredients and are intended for
28 use or consumption including, but not limited to, edible products, ointments, and
29 tinctures;

30 (7) "Cannabis testing facility", an entity licensed to analyze and certify the
31 safety and potency of cannabis;

32 (8) "Consumer", a person twenty-one years of age or older who purchases
33 cannabis or cannabis products for personal use by persons twenty-one years of age or
34 older but not for resale to others;

35 (9) "Division", the division of alcohol and tobacco control within the department
36 of public safety;

37 (10) "Industrial hemp", the plant of the genus Cannabis and any part of such
38 plant, whether growing, with a delta-9 tetrahydrocannabinol concentration that does
39 not exceed three-tenths of one percent on a dry-weight basis;

40 (11) "Locality", a town, village, city, county, or city not within a county;

41 (12) "Retail cannabis store", an entity licensed to purchase cannabis from
42 cannabis cultivation facilities and cannabis and cannabis products from cannabis
43 product manufacturing facilities and to sell cannabis and cannabis products to
44 consumers.

650.705. 1. Any locality in this state may prohibit the growing, manufacturing,
2 selling, displaying, transferring, delivering, packaging, processing, cultivating, or
3 harvesting of cannabis or cannabis products, as provided under sections 650.700 to
4 650.760, by passing a zoning law or an ordinance; however, no locality shall prohibit the
5 use or possession of cannabis or a cannabis product in a way inconsistent with sections
6 650.700 to 650.760 or the use or possession of marijuana or a marijuana-infused product
7 in a way inconsistent with Article XIV, Section 1 of the Constitution of Missouri.

8 2. Any locality in this state may impose a sales tax upon the sale of cannabis or
9 cannabis products, in addition to the state sales tax imposed under section 650.720.

650.710. 1. Before March 1, 2024, the division shall adopt rules and regulations necessary for implementation of sections 650.700 to 650.760. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2022, shall be invalid and void.

2. Such rules and regulations shall include:

(1) Procedures for the issuance, renewal, suspension, and revocation of a license to operate a cannabis establishment, with such procedures subject to all requirements of chapter 536;

(2) A schedule of application, licensing, and renewal fees; provided that, the application fees shall not exceed five thousand dollars, adjusted annually for inflation, unless the division determines a greater fee is necessary to carry out its responsibilities under sections 650.700 to 650.760;

(3) Qualifications for licensure that are directly and demonstrably related to the operation of a cannabis establishment;

(4) Security requirements for cannabis establishments;

(5) Requirements to prevent the sale or diversion of cannabis and cannabis products to persons under twenty-one years of age;

(6) Labeling requirements for cannabis and cannabis products sold or distributed by a cannabis establishment;

(7) Health and safety regulations and standards for the manufacture of cannabis products and the cultivation of cannabis as developed by the department of health and senior services;

(8) Restrictions on the advertising and displaying of cannabis and cannabis products;

(9) Restrictions on the number of licenses only inasmuch as no person, corporation, employee, officer, agent, subsidiary, or affiliate thereof shall have more than five licenses; and

(10) Civil penalties for the failure to comply with regulations established under this section.

3. In order to ensure that individual privacy is protected, the division shall not require a consumer to provide a retail cannabis store with personal information other than government-issued identification to determine the consumer's age, and a retail

38 cannabis store shall not be required to acquire and record personal information about
39 consumers other than information typically acquired in a financial transaction
40 conducted at a retail liquor store.

650.715. The division shall develop and maintain a seed-to-sale tracking system
2 that tracks cannabis from either seed or immature plant stage until the cannabis or
3 cannabis product is sold to a consumer at a retail cannabis store to ensure that no
4 cannabis grown or processed by a cannabis establishment is sold or otherwise
5 transferred except by a retail cannabis store.

650.720. 1. A tax shall be levied upon the sale of cannabis or cannabis products
2 to consumers or buyers not licensed for resale at a rate not to exceed fifteen percent.
3 The department of revenue shall direct the division to establish procedures for the
4 collection of all taxes levied. The tax shall be evidenced by stamps that shall be
5 furnished by and purchased from the department of revenue, and the department shall
6 enforce any such tax in a manner similar to taxes levied on cigarettes under chapter 149.

7 2. All such tax revenue shall be deposited to the credit of the general revenue.

8 3. Nothing in this section shall prohibit a locality from imposing its own sales tax
9 or a sales tax upon consumers.

10 4. The provisions of this section shall not apply to the purchase of medical
11 marijuana under the provisions of Article XIV, Section 1 of the Constitution of
12 Missouri.

650.725. Each application for an annual license to operate a cannabis
2 establishment shall be submitted to the division. The division shall:

3 (1) Begin accepting and processing applications on August 28, 2024;

4 (2) Immediately forward a copy of each application and half of the license
5 application fee to the locality in which the applicant desires to operate the cannabis
6 establishment;

7 (3) Issue an annual license to the applicant between forty-five and ninety days
8 after receipt of an application unless the division finds the applicant is not in compliance
9 with rules and regulations enacted under section 650.710; provided that, if a locality has
10 enacted a numerical limit on the number of cannabis establishments and a greater
11 number of applicants seek licenses, the division shall solicit and consider input from the
12 locality as to the locality's preference or preferences for licensure; and

13 (4) Upon denial of an application, notify the applicant in writing of the specific
14 reason for denial.

650.730. Any person possessing the qualifications and meeting the requirements
2 of sections 650.700 to 650.760 may apply for and the division may issue a license for the

3 sale of cannabis, cannabis accessories, and cannabis products on the premises described
4 in the application.

650.735. 1. Any person, either licensed or unlicensed, under sections 650.700 to
2 650.760, or his or her employee, who sells, vends, gives away, or otherwise supplies
3 cannabis or any cannabis accessory or cannabis product to any person under twenty-
4 one years of age shall be deemed guilty of a misdemeanor; except that, this section shall
5 not apply to the administering of marijuana or marijuana-infused products to a person
6 under twenty-one years of age as provided under Article XIV, Section 1 of the
7 Constitution of Missouri. No person shall be denied a license or renewal of a license
8 issued under sections 650.700 to 650.760 solely due to a conviction for unlawful sale or
9 supply of cannabis, cannabis accessories, or cannabis products to a minor when serving
10 in the capacity as an employee of a licensed establishment.

11 2. Any owner, occupant, or other person or legal entity with a lawful right to the
12 exclusive use and enjoyment of any property who knowingly allows a person under
13 twenty-one years of age to possess or use cannabis or cannabis products or knowingly
14 fails to stop a person under twenty-one years of age from possessing or using cannabis
15 or cannabis products on such property is guilty of a class B misdemeanor. Any second
16 or subsequent violation of this subsection is a class A misdemeanor. The provisions of
17 this subsection shall not apply if the person under twenty-one years of age is able to
18 possess or use marijuana or marijuana-infused products under Article XIV, Section 1 of
19 the Constitution of Missouri.

20 3. It shall be a defense to prosecution under this section if:

21 (1) The defendant is a licensed retail cannabis store or an employee thereof;

22 (2) The defendant sold the cannabis or cannabis product to the minor with
23 reasonable cause to believe that the minor was twenty-one years of age or older; and

24 (3) To purchase the cannabis or cannabis product, the person exhibited to the
25 defendant a driver's license, Missouri nondriver's identification card, or other official or
26 apparently official document containing a photograph of the minor and purporting to
27 establish that such minor was twenty-one years of age and of the legal age for the
28 possession or use of cannabis or a cannabis product.

650.740. 1. Any person who is seventeen years of age or older and under twenty-
2 one years of age who represents that he or she has attained twenty-one years of age for
3 the purpose of purchasing, asking for, or in any way receiving cannabis or any cannabis
4 product, except in cases authorized by law, shall upon conviction be deemed guilty of a
5 misdemeanor. Any person under seventeen years of age who represents that he or she is
6 twenty-one years of age for the purpose of purchasing, asking for, or in any way
7 receiving cannabis or any cannabis product, except in cases authorized by law, may be

8 considered a delinquent child and may be dealt with in accordance with the provisions
9 of chapter 211.

10 2. In addition to any other penalties established under subsection 1 of this
11 section, any person who is under twenty-one years of age who uses a reproduced,
12 modified, or altered chauffeur's license, motor vehicle operator's license, identification
13 card issued by any uniformed service of the United States, passport, or identification
14 card established in section 302.181 for the purpose of purchasing, asking for, or in any
15 way receiving cannabis or any cannabis product shall be guilty of a misdemeanor and
16 shall be subject to a fine of five hundred dollars for each separate offense.

650.745. Any person under twenty-one years of age who purchases or attempts
2 to purchase, or has in his or her possession, any cannabis or cannabis product as defined
3 in section 650.700, or who is visibly in an intoxicated condition as defined in section
4 577.001, is guilty of a misdemeanor unless such person is able to purchase or possess
5 marijuana or a marijuana-infused product under Article XIV, Section 1 of the
6 Constitution of Missouri. A first violation of this section shall be punishable as a class D
7 misdemeanor. A second or subsequent violation of this section shall be punishable as a
8 class A misdemeanor. Prior findings of guilt shall be pleaded and proven in the same
9 manner as required by section 558.021.

650.750. 1. A valid and unexpired operator's or chauffeur's license issued under
2 the provisions of section 302.177, a valid and unexpired operator's or chauffeur's license
3 issued under the laws of any state or territory of the United States to residents of such
4 states or territories, a valid and unexpired identification card or nondriver's license as
5 provided for under section 302.181, a valid and unexpired nondriver's license issued
6 under the laws of any state or territory of the United States to residents of such states or
7 territories, a valid and unexpired identification card issued by any uniformed service of
8 the United States, or a valid and unexpired passport shall be presented by the holder
9 thereof upon request of any agent of the division of alcohol and tobacco control or any
10 licensee or the servant, agent, or employee thereof for the purpose of aiding the licensee
11 or the servant, agent, or employee to determine whether the person is twenty-one years
12 of age or older when such person desires to purchase or use cannabis or a cannabis
13 product procured from a licensee. Upon such presentation, the licensee or the servant,
14 agent, or employee thereof shall compare the photograph and physical characteristics
15 noted on the license, identification card, or passport with the physical characteristics of
16 the person presenting the license, identification card, or passport.

17 2. Upon proof of full compliance by the licensee with the provisions of this
18 section, no penalty shall be imposed if the supervisor of the division of alcohol and
19 tobacco control or the courts are satisfied that the licensee acted in good faith.

20 **3. Any person who shall, without authorization from the department of revenue,**
21 **reproduce, alter, modify, or misrepresent any chauffeur's license, motor vehicle**
22 **operator's license, or identification card shall be deemed guilty of a misdemeanor and**
23 **upon conviction shall be subject to a fine of not more than one thousand dollars or**
24 **confinement for not more than one year, or both.**

650.755. 1. It shall be unlawful for any person operating any premises where
2 **food, beverages, or entertainment is sold, or provided for compensation, who does not**
3 **possess a license for the sale of cannabis or cannabis products to permit the use of**
4 **cannabis or a cannabis product on the premises without having a license as provided in**
5 **this section.**

6 **2. Application for such license shall be made to the supervisor of the division of**
7 **alcohol and tobacco control on forms to be prescribed by him or her, describing the**
8 **premises to be licensed and giving all other reasonable information required by the**
9 **form. The license shall be issued upon the payment of the fee required in this section. A**
10 **license shall be required for each separate premises and shall expire on the thirtieth day**
11 **of June next succeeding the date of such license. The license fee shall be sixty dollars per**
12 **year, and the applicant shall pay five dollars for each month or part thereof remaining**
13 **from the date of the license to the next succeeding July first. Applications for renewal of**
14 **a license shall be filed on or before May first of each year.**

15 **3. The use of cannabis or cannabis products in or upon a licensed premises shall**
16 **be as provided under subsection 3 of section 311.480 as it relates to intoxicating liquor.**
17 **In any incorporated city having a population of more than twenty thousand inhabitants,**
18 **the board of aldermen, city council, or other proper authority of an incorporated city**
19 **may, in addition to the license fee required in this section, require a license fee not**
20 **exceeding three hundred dollars per annum, payable to the incorporated city, and**
21 **provide for the collection thereof; make and enforce ordinances regulating the hours of**
22 **consumption of cannabis on a premises licensed hereunder, not inconsistent with the**
23 **other provisions of this law; and provide penalties for the violation thereof. No person**
24 **shall be granted a license hereunder unless such person is of good moral character, a**
25 **qualified legal voter, and a taxpaying citizen of the county, town, city, or village, nor**
26 **shall any corporation be granted a license hereunder unless the managing officer of such**
27 **corporation is of good moral character, a qualified legal voter, and taxpaying citizen of**
28 **the county, town, city, or village.**

29 **4. Any premises operated in violation of the provisions of this section, or where**
30 **there is use of cannabis or cannabis products in violation of this section, is hereby**
31 **declared to be a public and common nuisance, and it shall be the duty of the division of**
32 **alcohol and tobacco control and of the prosecuting or circuit attorney of a city not**

33 within a county or the prosecuting attorney of the county in which the premises are
34 located to enjoin such nuisance.

35 **5. Any person operating any premises, or any employee, agent, representative,**
36 **partner, or associate of such person, who knowingly violates any of the provisions of this**
37 **section, or any of the laws or regulations herein made applicable to the conduct of such**
38 **premises, is guilty of a class A misdemeanor.**

39 **6. The supervisor of the division of alcohol and tobacco control is hereby**
40 **empowered to promulgate rules and regulations necessary and reasonably designed to**
41 **enforce or construe the provisions of this section, and is empowered to revoke or**
42 **suspend any license issued hereunder, as provided in this chapter, for violation of this**
43 **section or any of the laws or regulations herein made applicable to the conduct of**
44 **premises licensed hereunder.**

45 **7. No cannabis or cannabis product shall be served or sold on any premises used**
46 **as a polling place on election day.**

47 **8. Any rule or portion of a rule, as that term is defined in section 536.010, that is**
48 **created under the authority delegated in this section shall become effective only if it**
49 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
50 **section 536.028. This section and chapter 536 are nonseverable, and if any of the powers**
51 **vested with the general assembly pursuant to chapter 536 to review, to delay the**
52 **effective date, or to disapprove and annul a rule are subsequently held unconstitutional,**
53 **then the grant of rulemaking authority and any rule proposed or adopted after August**
54 **28, 2022, shall be invalid and void.**

650.760. 1. The division may promulgate rules allowing a person to voluntarily
2 **exclude himself or herself from the sale of cannabis or cannabis products. Persons who**
3 **voluntarily exclude themselves from the sale of cannabis or cannabis products shall be**
4 **placed on a self-excluded list created by the division. All sellers of cannabis or cannabis**
5 **products shall have access to the list and shall, in addition to checking the identification**
6 **of a person under section 650.750, check the self-excluded list prior to any sale of**
7 **cannabis or cannabis products. Any person who sells cannabis or cannabis products to**
8 **a person who is on the self-excluded list shall be guilty of a class A misdemeanor.**

9 **2. Any rule or portion of a rule, as that term is defined in section 536.010, that is**
10 **created under the authority delegated in this section shall become effective only if it**
11 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
12 **section 536.028. This section and chapter 536 are nonseverable, and if any of the powers**
13 **vested with the general assembly pursuant to chapter 536 to review, to delay the**

14 **effective date, or to disapprove and annul a rule are subsequently held unconstitutional,**
15 **then the grant of rulemaking authority and any rule proposed or adopted after August**
16 **28, 2022, shall be invalid and void.**

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