

FIRST REGULAR SESSION

SENATE BILL NO. 358

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR HOLSMAN.

Read 1st time February 20, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

1748S.011

AN ACT

To repeal sections 195.010, 195.017, and 195.202, RSMo, and to enact in lieu thereof four new sections relating to industrial hemp, with existing penalty provisions.

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

Section A. Sections 195.010, 195.017, and 195.202, RSMo, are repealed
2 and four new sections enacted in lieu thereof, to be known as sections 195.010,
3 195.017, 195.202, and 195.203, to read as follows:

195.010. The following words and phrases as used in sections 195.005 to
2 195.425, unless the context otherwise requires, mean:

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

8 (2) "Administer", to apply a controlled substance, whether by injection,
9 inhalation, ingestion, or any other means, directly to the body of a patient or
10 research subject by:

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

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

14 (3) "Agent", an authorized person who acts on behalf of or at the direction
15 of a manufacturer, distributor, or dispenser. The term does not include a common
16 or contract carrier, public warehouseman, or employee of the carrier or
17 warehouseman while acting in the usual and lawful course of the carrier's or
18 warehouseman's business;

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

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

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

24 (6) "Controlled substance analogue", a substance the chemical structure
25 of which is substantially similar to the chemical structure of a controlled
26 substance in Schedule I or II and:

27 (a) Which has a stimulant, depressant, or hallucinogenic effect on the
28 central nervous system substantially similar to the stimulant, depressant, or
29 hallucinogenic effect on the central nervous system of a controlled substance
30 included in Schedule I or II; or

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

42 (7) "Counterfeit substance", a controlled substance which, or the container
43 or labeling of which, without authorization, bears the trademark, trade name, or
44 other identifying mark, imprint, number or device, or any likeness thereof, of a
45 manufacturer, distributor, or dispenser other than the person who in fact
46 manufactured, distributed, or dispensed the substance;

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

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

53 (10) "Depressant or stimulant substance":

54 (a) A drug containing any quantity of barbituric acid or any of the salts

55 of barbituric acid or any derivative of barbituric acid which has been designated
56 by the United States Secretary of Health and Human Services as habit forming
57 under 21 U.S.C. 352(d);

58 (b) A drug containing any quantity of:

59 a. Amphetamine or any of its isomers;

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

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

64 (c) Lysergic acid diethylamide; or

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

69 (11) "Dispense", to deliver a narcotic or controlled dangerous drug to an
70 ultimate user or research subject by or pursuant to the lawful order of a
71 practitioner including the prescribing, administering, packaging, labeling, or
72 compounding necessary to prepare the substance for such delivery. "Dispenser"
73 means a practitioner who dispenses;

74 (12) "Distribute", to deliver other than by administering or dispensing a
75 controlled substance;

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

77 (14) "Drug":

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

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

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

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

88 (15) "Drug-dependent person", a person who is using a controlled
89 substance and who is in a state of psychic or physical dependence, or both, arising
90 from the use of such substance on a continuous basis. Drug dependence is

91 characterized by behavioral and other responses which include a strong
92 compulsion to take the substance on a continuous basis in order to experience its
93 psychic effects or to avoid the discomfort caused by its absence;

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

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

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

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

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

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

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

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

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

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

126 (i) Capsules, balloons, envelopes and other containers used, intended for

127 use, or designed for use in packaging small quantities of controlled substances or
128 imitation controlled substances;

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

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

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

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

139 b. Water pipes;

140 c. Carburetion tubes and devices;

141 d. Smoking and carburetion masks;

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

145 f. Miniature cocaine spoons and cocaine vials;

146 g. Chamber pipes;

147 h. Carburetor pipes;

148 i. Electric pipes;

149 j. Air-driven pipes;

150 k. Chillums;

151 l. Bongs;

152 m. Ice pipes or chillers;

153 (m) Substances used, intended for use, or designed for use in the
154 manufacture of a controlled substance; In determining whether an object, product,
155 substance or material is drug paraphernalia, a court or other authority should
156 consider, in addition to all other logically relevant factors, the following:

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

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

162 c. The proximity of the object, in time and space, to a direct violation of

163 sections 195.005 to 195.425;

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

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

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

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

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

179 i. National or local advertising concerning its use;

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

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

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

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

188 n. Expert testimony concerning its use;

189 o. The quantity, form or packaging of the product, substance or material
190 in relation to the quantity, form or packaging associated with any legitimate use
191 for the product, substance or material;

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

194 (19) "Hospital", a place devoted primarily to the maintenance and
195 operation of facilities for the diagnosis, treatment or care, for not less than
196 twenty-four hours in any week, of three or more nonrelated individuals suffering
197 from illness, disease, injury, deformity or other abnormal physical conditions; or
198 a place devoted primarily to provide, for not less than twenty-four consecutive

199 hours in any week, medical or nursing care for three or more nonrelated
200 individuals. The term "hospital" does not include convalescent, nursing, shelter
201 or boarding homes as defined in chapter 198;

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

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

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

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

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

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

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

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

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

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

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

234 (22) **"Industrial hemp", cannabis sativa L. containing no greater**

235 **than one percent tetrahydrocannabinols (THC);**

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

240 **[(23)] (24)** "Manufacture", the production, preparation, propagation,
241 compounding or processing of drug paraphernalia or of a controlled substance, or
242 an imitation controlled substance, either directly or by extraction from substances
243 of natural origin, or independently by means of chemical synthesis, or by a
244 combination of extraction and chemical synthesis, and includes any packaging or
245 repackaging of the substance or labeling or relabeling of its container. This term
246 does not include the preparation or compounding of a controlled substance or an
247 imitation controlled substance or the preparation, compounding, packaging or
248 labeling of a narcotic or dangerous drug:

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

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

255 **[(24)] (25)** "Marijuana", all parts of the plant genus Cannabis in any
256 species or form thereof, including, but not limited to Cannabis Sativa L., **except**
257 **industrial hemp as defined in this section**, Cannabis Indica, Cannabis
258 Americana, Cannabis Ruderalis, and Cannabis Gigantea, whether growing or not,
259 the seeds thereof, the resin extracted from any part of the plant; and every
260 compound, manufacture, salt, derivative, mixture, or preparation of the plant, its
261 seeds or resin. It does not include the mature stalks of the plant, fiber produced
262 from the stalks, oil or cake made from the seeds of the plant, any other
263 compound, manufacture, salt, derivative, mixture or preparation of the mature
264 stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized
265 seed of the plant which is incapable of germination;

266 **[(25)] (26)** "Methamphetamine precursor drug", any drug containing
267 ephedrine, pseudoephedrine, phenylpropanolamine, or any of their salts, optical
268 isomers, or salts of optical isomers;

269 **[(26)] (27)** "Narcotic drug", any of the following, whether produced
270 directly or indirectly by extraction from substances of vegetable origin, or

271 independently by means of chemical synthesis, or by a combination of extraction
272 and chemical analysis:

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

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

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

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

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

284 [(27)] **(28)** "Official written order", an order written on a form provided
285 for that purpose by the United States Commissioner of Narcotics, under any laws
286 of the United States making provision therefor, if such order forms are authorized
287 and required by federal law, and if no such order form is provided, then on an
288 official form provided for that purpose by the department of health and senior
289 services;

290 [(28)] **(29)** "Opiate", any substance having an addiction-forming or
291 addiction-sustaining liability similar to morphine or being capable of conversion
292 into a drug having addiction-forming or addiction-sustaining liability. The term
293 includes its racemic and levorotatory forms. It does not include, unless
294 specifically controlled under section 195.017, the dextrorotatory isomer of
295 3-methoxy-n-methyl-morphinan and its salts (dextromethorphan);

296 [(29)] **(30)** "Opium poppy", the plant of the species *Papaver somniferum*
297 L., except its seeds;

298 [(30)] **(31)** "Over-the-counter sale", a retail sale licensed pursuant to
299 chapter 144 of a drug other than a controlled substance;

300 [(31)] **(32)** "Person", an individual, corporation, government or
301 governmental subdivision or agency, business trust, estate, trust, partnership,
302 joint venture, association, or any other legal or commercial entity;

303 [(32)] **(33)** "Pharmacist", a licensed pharmacist as defined by the laws of
304 this state, and where the context so requires, the owner of a store or other place
305 of business where controlled substances are compounded or dispensed by a
306 licensed pharmacist; but nothing in sections 195.005 to 195.425 shall be construed

307 as conferring on a person who is not registered nor licensed as a pharmacist any
308 authority, right or privilege that is not granted to him by the pharmacy laws of
309 this state;

310 [(33)] **(34)** "Poppy straw", all parts, except the seeds, of the opium poppy,
311 after mowing;

312 [(34)] **(35)** "Possessed" or "possessing a controlled substance", a person,
313 with the knowledge of the presence and nature of a substance, has actual or
314 constructive possession of the substance. A person has actual possession if he has
315 the substance on his person or within easy reach and convenient control. A
316 person who, although not in actual possession, has the power and the intention
317 at a given time to exercise dominion or control over the substance either directly
318 or through another person or persons is in constructive possession of
319 it. Possession may also be sole or joint. If one person alone has possession of a
320 substance possession is sole. If two or more persons share possession of a
321 substance, possession is joint;

322 [(35)] **(36)** "Practitioner", a physician, dentist, optometrist, podiatrist,
323 veterinarian, scientific investigator, pharmacy, hospital or other person licensed,
324 registered or otherwise permitted by this state to distribute, dispense, conduct
325 research with respect to or administer or to use in teaching or chemical analysis,
326 a controlled substance in the course of professional practice or research in this
327 state, or a pharmacy, hospital or other institution licensed, registered, or
328 otherwise permitted to distribute, dispense, conduct research with respect to or
329 administer a controlled substance in the course of professional practice or
330 research;

331 [(36)] **(37)** "Production", includes the manufacture, planting, cultivation,
332 growing, or harvesting of drug paraphernalia or of a controlled substance or an
333 imitation controlled substance;

334 [(37)] **(38)** "Registry number", the number assigned to each person
335 registered under the federal controlled substances laws;

336 [(38)] **(39)** "Sale", includes barter, exchange, or gift, or offer therefor, and
337 each such transaction made by any person, whether as principal, proprietor,
338 agent, servant or employee;

339 [(39)] **(40)** "State" when applied to a part of the United States, includes
340 any state, district, commonwealth, territory, insular possession thereof, and any
341 area subject to the legal authority of the United States of America;

342 [(40)] **(41)** "Synthetic cannabinoid", includes unless specifically excepted

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

352 [(41)] (42) "Ultimate user", a person who lawfully possesses a controlled
353 substance or an imitation controlled substance for his own use or for the use of
354 a member of his household or for administering to an animal owned by him or by
355 a member of his household;

356 [(42)] (43) "Wholesaler", a person who supplies drug paraphernalia or
357 controlled substances or imitation controlled substances that he himself has not
358 produced or prepared, on official written orders, but not on prescriptions.

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

3 (1) Has high potential for abuse; and

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

6 2. Schedule I:

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

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

13 (a) Acetyl-alpha-methylfentanyl;

14 (b) Acetylmethadol;

15 (c) Allylprodine;

16 (d) Alphacetylmethadol;

17 (e) Alphameprodine;

18 (f) Alphamethadol;

19 (g) Alpha-methylfentanyl;

20 (h) Alpha-methylthiofentanyl;

- 21 (i) Benzethidine;
- 22 (j) Betacetylmethadol;
- 23 (k) Beta-hydroxyfentanyl;
- 24 (l) Beta-hydroxy-3-methylfentanyl;
- 25 (m) Betameprodine;
- 26 (n) Betamethadol;
- 27 (o) Betaprodine;
- 28 (p) Clonitazene;
- 29 (q) Dextromoramide;
- 30 (r) Diampromide;
- 31 (s) Diethylthiambutene;
- 32 (t) Difenoxin;
- 33 (u) Dimenoxadol;
- 34 (v) Dimepheptanol;
- 35 (w) Dimethylthiambutene;
- 36 (x) Dioxaphetyl butyrate;
- 37 (y) Dipipanone;
- 38 (z) Ethylmethylthiambutene;
- 39 (aa) Etonitazene;
- 40 (bb) Etoxidine;
- 41 (cc) Furethidine;
- 42 (dd) Hydroxypethidine;
- 43 (ee) Ketobemidone;
- 44 (ff) Levomoramide;
- 45 (gg) Levophenacymorphan;
- 46 (hh) 3-Methylfentanyl;
- 47 (ii) 3-Methylthiofentanyl;
- 48 (jj) Morpheridine;
- 49 (kk) MPPP;
- 50 (ll) Noracymethadol;
- 51 (mm) Norlevorphanol;
- 52 (nn) Normethadone;
- 53 (oo) Norpipanone;
- 54 (pp) Para-fluorofentanyl;
- 55 (qq) PEPAP;
- 56 (rr) Phenadoxone;

- 57 (ss) Phenampromide;
58 (tt) Phenomorphan;
59 (uu) Phenoperidine;
60 (vv) Piritramide;
61 (ww) Proheptazine;
62 (xx) Properidine;
63 (yy) Propiram;
64 (zz) Racemoramide;
65 (aaa) Thiofentanyl;
66 (bbb) Tilidine;
67 (ccc) Trimeperidine;
68 (3) Any of the following opium derivatives, their salts, isomers and salts
69 of isomers unless specifically excepted, whenever the existence of these salts,
70 isomers and salts of isomers is possible within the specific chemical designation:
71 (a) Acetorphine;
72 (b) Acetyldihydrocodeine;
73 (c) Benzylmorphine;
74 (d) Codeine methylbromide;
75 (e) Codeine-N-Oxide;
76 (f) Cyprenorphine;
77 (g) Desomorphine;
78 (h) Dihydromorphine;
79 (i) Drotebanol;
80 (j) Etorphine (except hydrochloride salt);
81 (k) Heroin;
82 (l) Hydromorphenol;
83 (m) Methyldesorphine;
84 (n) Methyldihydromorphine;
85 (o) Morphine methylbromide;
86 (p) Morphine methylsulfonate;
87 (q) Morphine-N-Oxide;
88 (r) Myrophine;
89 (s) Nicocodeine;
90 (t) Nicomorphine;
91 (u) Normorphine;
92 (v) Pholcodine;

- 93 (w) Thebacon;
- 94 (4) Any material, compound, mixture or preparation which contains any
95 quantity of the following hallucinogenic substances, their salts, isomers and salts
96 of isomers, unless specifically excepted, whenever the existence of these salts,
97 isomers, and salts of isomers is possible within the specific chemical designation:
- 98 (a) 4-bromo-2, 5-dimethoxyamphetamine;
- 99 (b) 4-bromo-2, 5-dimethoxyphenethylamine;
- 100 (c) 2,5-dimethoxyamphetamine;
- 101 (d) 2,5-dimethoxy-4-ethylamphetamine;
- 102 (e) 2,5-dimethoxy-4-(n)-propylthiophenethylamine;
- 103 (f) 4-methoxyamphetamine;
- 104 (g) 5-methoxy-3,4-methylenedioxyamphetamine;
- 105 (h) 4-methyl-2, 5-dimethoxyamphetamine;
- 106 (i) 3,4-methylenedioxyamphetamine;
- 107 (j) 3,4-methylenedioxymethamphetamine;
- 108 (k) 3,4-methylenedioxy-N-ethylamphetamine;
- 109 (l) N-hydroxy-3, 4-methylenedioxyamphetamine;
- 110 (m) 3,4,5-trimethoxyamphetamine;
- 111 (n) 5-MeO-DMT or 5-methoxy-N,N-dimethyltryptamine, its isomers, salts,
112 and salts of isomers;
- 113 (o) Alpha-ethyltryptamine;
- 114 (p) Alpha-methyltryptamine;
- 115 (q) Bufotenine;
- 116 (r) Diethyltryptamine;
- 117 (s) Dimethyltryptamine;
- 118 (t) 5-methoxy-N,N-diisopropyltryptamine;
- 119 (u) Ibogaine;
- 120 (v) Lysergic acid diethylamide;
- 121 (w) Marijuana or marihuana, **except industrial hemp as defined in**
122 **section 195.010**;
- 123 (x) Mescaline;
- 124 (y) Parahexyl;
- 125 (z) Peyote, to include all parts of the plant presently classified botanically
126 as Lophophora Williamsii Lemaire, whether growing or not; the seeds thereof; any
127 extract from any part of such plant; and every compound, manufacture, salt,
128 derivative, mixture or preparation of the plant, its seed or extracts;

- 129 (aa) N-ethyl-3-piperidyl benzilate;
- 130 (bb) N-methyl-3-piperidyl benzilate;
- 131 (cc) Psilocybin;
- 132 (dd) Psilocyn;
- 133 (ee) Tetrahydrocannabinols naturally contained in a plant of the genus
- 134 *Cannabis* (cannabis plant), **except industrial hemp as defined in section**
- 135 **195.010**, as well as synthetic equivalents of the substances contained in the
- 136 cannabis plant, or in the resinous extractives of such plant, or synthetic
- 137 substances, derivatives, and their isomers with similar chemical structure and
- 138 pharmacological activity to those substances contained in the plant, such as the
- 139 following:
- 140 a. 1 cis or trans tetrahydrocannabinol, and their optical isomers;
- 141 b. 6 cis or trans tetrahydrocannabinol, and their optical isomers;
- 142 c. 3,4 cis or trans tetrahydrocannabinol, and their optical isomers;
- 143 d. Any compounds of these structures, regardless of numerical designation
- 144 of atomic positions covered;
- 145 (ff) Ethylamine analog of phencyclidine;
- 146 (gg) Pyrrolidine analog of phencyclidine;
- 147 (hh) Thiophene analog of phencyclidine;
- 148 (ii) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine;
- 149 (jj) *Salvia divinorum*;
- 150 (kk) Salvinorin A;
- 151 (ll) Synthetic cannabinoids:
- 152 a. Any compound structurally derived from 3-(1-naphthoyl)indole or
- 153 1H-indol-3-yl-(1-naphthyl)methane by substitution at the nitrogen atom of the
- 154 indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
- 155 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not
- 156 further substituted in the indole ring to any extent, whether or not substituted
- 157 in the naphthyl ring to any extent. Including, but not limited to:
- 158 (i) JWH-007, or 1-pentyl-2-methyl-3-(1-naphthoyl)indole;
- 159 (ii) JWH-015, or 1-propyl-2-methyl-3-(1-naphthoyl)indole;
- 160 (iii) JWH-018, or 1-pentyl-3-(1-naphthoyl)indole;
- 161 (iv) JWH-019, or 1-hexyl-3-(1-naphthoyl)indole;
- 162 (v) JWH-073, or 1-butyl-3-(1-naphthoyl)indole;
- 163 (vi) JWH-081, or 1-pentyl-3-(4-methoxy-1-naphthoyl)indole;
- 164 (vii) JWH-098, or 1-pentyl-2-methyl-3-(4-methoxy-1-naphthoyl)indole;

- 165 (viii) JWH-122, or 1-pentyl-3-(4-methyl-1-naphthoyl)indole;
166 (ix) JWH-164, or 1-pentyl-3-(7-methoxy-1-naphthoyl)indole;
167 (x) JWH-200, or 1-(2-(4-(morpholinyl)ethyl))-3-(1-naphthoyl)indole;
168 (xi) JWH-210, or 1-pentyl-3-(4-ethyl-1-naphthoyl)indole;
169 (xii) JWH-398, or 1-pentyl-3-(4-chloro-1-naphthoyl)indole;
170 b. Any compound structurally derived from 3-(1-naphthoyl)pyrrole by
171 substitution at the nitrogen atom of the pyrrole ring by alkyl, haloalkyl, alkenyl,
172 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
173 2-(4-morpholinyl)ethyl group, whether or not further substituted in the pyrrole
174 ring to any extent, whether or not substituted in the naphthyl ring to any extent;
175 c. Any compound structurally derived from 1-(1-naphthylmethyl)indene
176 by substitution at the 3-position of the indene ring by alkyl, haloalkyl, alkenyl,
177 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
178 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indene
179 ring to any extent, whether or not substituted in the naphthyl ring to any extent;
180 d. Any compound structurally derived from 3-phenylacetylindole by
181 substitution at the nitrogen atom of the indole ring with alkyl, haloalkyl, alkenyl,
182 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
183 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole
184 ring to any extent, whether or not substituted in the phenyl ring to any
185 extent. Including, but not limited to:
186 (i) JWH-201, or 1-pentyl-3-(4-methoxyphenylacetyl)indole;
187 (ii) JWH-203, or 1-pentyl-3-(2-chlorophenylacetyl)indole;
188 (iii) JWH-250, or 1-pentyl-3-(2-methoxyphenylacetyl)indole;
189 (iv) JWH-251, or 1-pentyl-3-(2-methylphenylacetyl)indole;
190 (v) RCS-8, or 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole;
191 e. Any compound structurally derived from 2-(3-hydroxycyclohexyl)phenol
192 by substitution at the 5-position of the phenolic ring by alkyl, haloalkyl, alkenyl,
193 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
194 2-(4-morpholinyl)ethyl group, whether or not substituted in the cyclohexyl ring
195 to any extent. Including, but not limited to:
196 (i) CP 47, 497 & homologues, or 2-[(1R,3S)-3-
197 hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol, where side chain n=5, and
198 homologues where side chain n=4,6, or 7;
199 f. Any compound containing a 3-(benzoyl)indole structure with
200 substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl,

201 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
202 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any
203 extent and whether or not substituted in the phenyl ring to any extent. Including, but
204 not limited to:

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

206 (ii) RCS-4, or 1-pentyl-3-(4-methoxybenzoyl)indole;

207 g. CP 50,556-1, or [(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5-phenylpentan-2-yl]oxy-5,6,6a
208 ,7,8,9,10,10a-octahydrophenanthridin-1-yl] acetate;

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

211 i. HU-211, or Dexanabinol, (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl
212)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;

213 j. CP 50,556-1, or [(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5-phenylpentan-2-yl]oxy-5,6,6a
214 ,7,8,9,10,10a-octahydrophenanthridin-1-yl] acetate;

215 k. Dimethylheptylpyran, or DMHP;

216 (5) Any material, compound, mixture or preparation containing any
217 quantity of the following substances having a depressant effect on the central
218 nervous system, including their salts, isomers and salts of isomers whenever the
219 existence of these salts, isomers and salts of isomers is possible within the
220 specific chemical designation:

221 (a) Gamma-hydroxybutyric acid;

222 (b) Mecloqualone;

223 (c) Methaqualone;

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

227 (a) Aminorex;

228 (b) N-benzylpiperazine;

229 (c) Cathinone;

230 (d) Fenethylamine;

231 (e) 3-Fluoromethcathinone;

232 (f) 4-Fluoromethcathinone;

233 (g) Mephedrone, or 4-methylmethcathinone;

234 (h) Methcathinone;

235 (i) 4-methoxymethcathinone;

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

237 (k) Methylenedioxypropylone, MDPV, or
238 (1-(1,3-Benzodioxol-5-yl)-2-(1-pyrrolidinyl)-1-pentanone;

239 (l) Methydone, or 3,4-Methylenedioxymethcathinone;

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

241 (n) N-ethylamphetamine;

242 (o) N,N-dimethylamphetamine;

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

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

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

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

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

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

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

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

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

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

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

270 a. Raw opium;

271 b. Opium extracts;

272 c. Opium fluid;

- 273 d. Powdered opium;
274 e. Granulated opium;
275 f. Tincture of opium;
276 g. Codeine;
277 h. Ethylmorphine;
278 i. Etorphine hydrochloride;
279 j. Hydrocodone;
280 k. Hydromorphone;
281 l. Metopon;
282 m. Morphine;
283 n. Oxycodone;
284 o. Oxymorphone;
285 p. Thebaine;
286 (b) Any salt, compound, derivative, or preparation thereof which is
287 chemically equivalent or identical with any of the substances referred to in this
288 subdivision, but not including the isoquinoline alkaloids of opium;
289 (c) Opium poppy and poppy straw;
290 (d) Coca leaves and any salt, compound, derivative, or preparation of coca
291 leaves, and any salt, compound, derivative, or preparation thereof which is
292 chemically equivalent or identical with any of these substances, but not including
293 decocainized coca leaves or extractions which do not contain cocaine or ecgonine;
294 (e) Concentrate of poppy straw (the crude extract of poppy straw in either
295 liquid, solid or powder form which contains the phenanthrene alkaloids of the
296 opium poppy);
297 (2) Any of the following opiates, including their isomers, esters, ethers,
298 salts, and salts of isomers, whenever the existence of these isomers, esters, ethers
299 and salts is possible within the specific chemical designation, dextrorphan and
300 levopropoxyphene excepted:
301 (a) Alfentanil;
302 (b) Alphaprodine;
303 (c) Anileridine;
304 (d) Bezitramide;
305 (e) Bulk dextropropoxyphene;
306 (f) Carfentanil;
307 (g) Dihydrocodeine;
308 (h) Diphenoxylate;

- 309 (i) Fentanyl;
- 310 (j) Isomethadone;
- 311 (k) Levo-alphaacetylmethadol;
- 312 (l) Levomethorphan;
- 313 (m) Levorphanol;
- 314 (n) Metazocine;
- 315 (o) Methadone;
- 316 (p) Meperidine;
- 317 (q) Methadone-Intermediate, 4-cyano-2-dimethylamino-4,
318 4-diphenylbutane;
- 319 (r) Moramide-Intermediate, 2-methyl-3-morpholino-1,
320 1-diphenylpropane--carboxylic acid;
- 321 (s) Pethidine (meperidine);
- 322 (t) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
- 323 (u) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;
- 324 (v) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic
325 acid;
- 326 (w) Phenazocine;
- 327 (x) Piminodine;
- 328 (y) Racemethorphan;
- 329 (z) Racemorphan;
- 330 (aa) Remifentanil;
- 331 (bb) Sufentanil;
- 332 (cc) Tapentadol;
- 333 (3) Any material, compound, mixture, or preparation which contains any
334 quantity of the following substances having a stimulant effect on the central
335 nervous system:
- 336 (a) Amphetamine, its salts, optical isomers, and salts of its optical
337 isomers;
- 338 (b) Lisdexamfetamine, its salts, isomers, and salts of its isomers;
- 339 (c) Methamphetamine, its salts, isomers, and salts of its isomers;
- 340 (d) Phenmetrazine and its salts;
- 341 (e) Methylphenidate;
- 342 (4) Any material, compound, mixture, or preparation which contains any
343 quantity of the following substances having a depressant effect on the central
344 nervous system, including its salts, isomers, and salts of isomers whenever the

345 existence of those salts, isomers, and salts of isomers is possible within the
346 specific chemical designation:

- 347 (a) Amobarbital;
- 348 (b) Glutethimide;
- 349 (c) Pentobarbital;
- 350 (d) Phencyclidine;
- 351 (e) Secobarbital;
- 352 (5) Any material or compound which contains any quantity of nabilone;
- 353 (6) Any material, compound, mixture, or preparation which contains any
354 quantity of the following substances:

355 (a) Immediate precursor to amphetamine and methamphetamine:
356 Phenylacetone;

357 (b) Immediate precursors to phencyclidine (PCP):

- 358 a. 1-phenylcyclohexylamine;
- 359 b. 1-piperidinocyclohexanecarbonitrile (PCC);

360 (7) Any material, compound, mixture, or preparation which contains any
361 quantity of the following alkyl nitrites:

- 362 (a) Amyl nitrite;
- 363 (b) Butyl nitrite.

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

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

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

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

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

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

- 377 (a) Benzphetamine;
- 378 (b) Chlorphentermine;
- 379 (c) Clortermine;
- 380 (d) Phendimetrazine;

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

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

387 a. Amobarbital;

388 b. Secobarbital;

389 c. Pentobarbital;

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

392 a. Amobarbital;

393 b. Secobarbital;

394 c. Pentobarbital;

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

397 (d) Chlorhexadol;

398 (e) Embutramide;

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

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

403 (h) Lysergic acid;

404 (i) Lysergic acid amide;

405 (j) Methyprylon;

406 (k) Sulfondiethylmethane;

407 (l) Sulfonethylmethane;

408 (m) Sulfonmethane;

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

410 (3) Nalorphine;

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

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

416 (b) Not more than 1.8 grams of codeine per one hundred milliliters or not

417 more than ninety milligrams per dosage unit with one or more active, nonnarcotic
418 ingredients in recognized therapeutic amounts;

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

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

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

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

431 (g) Not more than five hundred milligrams of opium per one hundred
432 milliliters or per one hundred grams or not more than twenty-five milligrams per
433 dosage unit, with one or more active nonnarcotic ingredients in recognized
434 therapeutic amounts;

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

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

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

- 453 (a) 3 β ,17-dihydroxy-5 α -androstane;
 454 (b) 3 α ,17 β -dihydroxy-5 α -androstane;
 455 (c) 5 α -androstan-3,17-dione;
 456 (d) 1-androstenediol (3 β ,17 β -dihydroxy-5 α -androst-1-ene);
 457 (e) 1-androstenediol (3 α ,17 β -dihydroxy-5 α -androst-1-ene);
 458 (f) 4-androstenediol (3 β ,17 β -dihydroxy-androst-4-ene);
 459 (g) 5-androstenediol (3 β ,17 β -dihydroxy-androst-5-ene);
 460 (h) 1-androstenedione ([5 α]-androst-1-en-3,17-dione);
 461 (i) 4-androstenedione (androst-4-en-3,17-dione);
 462 (j) 5-androstenedione (androst-5-en-3,17-dione);
 463 (k) Bolasterone (7 α , 17 α -dimethyl-17 β -hydroxyandrost-4-en-3-one);
 464 (l) Boldenone (17 β -hydroxyandrost-1,4,-diene-3-one);
 465 (m) Boldione;
 466 (n) Calusterone (7 β , 17 α -dimethyl-17 β -hydroxyandrost-4-en-3-one);
 467 (o) Clostebol (4-chloro-17 β -hydroxyandrost-4-en-3-one);
 468 (p) D e h y d r o c h l o r o m e t h y l t e s t o s t e r o n e
 469 (4-chloro-17 β -hydroxy-17 α -methyl-androst-1,4-dien-3-one);
 470 (q) Desoxymethyltestosterone;
 471 (r) Δ 1-dihydrotestosterone (a.k.a. '1-testosterone')(17 β -hydroxy-5 α -androst-1-en-3-one);
 472 (s) 4-dihydrotestosterone (17 β -hydroxy-androstan-3-one);
 473 (t) Drostanolone (17 β -hydroxy-2 α -methyl-5 α -androstan-3-one);
 474 (u) Ethylestrenol (17 α -ethyl-17 β -hydroxyestr-4-ene);
 475 (v) Fluoxymesterone (9-fluoro-17 α -methyl-11 β ,17 β -dihydroxyandrost-4-en-3-one);
 476 (w) Formebolone (2-formyl-17 α -methyl-11 α ,17 β -dihydroxyandrost-1,4-dien-3-one);
 477 (x) Furazabol (17 α -methyl-17 β -hydroxyandrostan-2,3-c-furazan);
 478 (y) 13 β -ethyl-17 β -hydroxygon-4-en-3-one;
 479 (z) 4-hydroxytestosterone (4,17 β -dihydroxy-androst-4-en-3-one);
 480 (aa) 4-hydroxy-19-nortestosterone (4,17 β -dihydroxy-estr-4-en-3-one);
 481 (bb) Mestanolone (17 α -methyl-17 β -hydroxy-5 α -androstan-3-one);
 482 (cc) Mesterolone (1 α -methyl-17 β -hydroxy-[5 α]-androstan-3-one);
 483 (dd) Methandienone (17 α -methyl-17 β -hydroxyandrost-1,4-dien-3-one);
 484 (ee) Methandriol (17 α -methyl-3 β ,17 β -dihydroxyandrost-5-ene);
 485 (ff) Methenolone (1-methyl-17 β -hydroxy-5 α -androst-1-en-3-one);
 486 (gg) 17 α -methyl-3 β ,17 β -dihydroxy-5 α -androstane);
 487 (hh) 17 α -methyl-3 α ,17 β -dihydroxy-5 α -androstane);
 488 (ii) 17 α -methyl-3 β ,17 β -dihydroxyandrost-4-ene;

- 489 (jj) 17 α -methyl-4-hydroxynandrolone
490 (17 α -methyl-4-hydroxy-17 β -hydroxyestr-4-en-3-one);
- 491 (kk) Methyldienolone (17 α -methyl-17 β -hydroxyestra-4,9(10)-dien-3-one);
- 492 (ll) Methyltrienolone (17 α -methyl-17 β -hydroxyestra-4,9-11-trien-3-one);
- 493 (mm) Methyltestosterone (17 α -methyl-17 β -hydroxyandrost-4-en-3-one);
- 494 (nn) Mibolerone (7 α ,17 α -dimethyl-17 β -hydroxyestr-4-en-3-one);
- 495 (oo) 17 α -methyl- Δ 1-dihydrotestosterone
496 (17 β -hydroxy-17 α -methyl-5 α -androst-1-en-3-one) (a.k.a. '17 α -methyl-1-testosterone');
497 (pp) Nandrolone (17 β -hydroxyestr-4-ene-3-one);
- 498 (qq) 19-nor-4-androstenediol (3 β ,17 β -dihydroxyestr-4-ene);
- 499 (rr) 19-nor-4-androstenediol (3 α ,17 β -dihydroxyestr-4-ene);
- 500 (ss) 19-nor-4,9(10)-androstadienedione;
- 501 (tt) 19-nor-5-androstenediol (3 β ,17 β -dihydroxyestr-5-ene);
- 502 (uu) 19-nor-5-androstenediol (3 α ,17 β -dihydroxyestr-5-ene);
- 503 (vv) 19-nor-4-androstenedione (estr-4-en-3,17-dione);
- 504 (ww) 19-nor-5-androstenedione (estr-5-en-3,17-dione);
- 505 (xx) Norbolethone (13 β ,17 α -diethyl-17 β -hydroxygon-4-en-3-one);
- 506 (yy) Norclostebol (4-chloro-17 β -hydroxyestr-4-en-3-one);
- 507 (zz) Norethandrolone (17 α -ethyl-17 β -hydroxyestr-4-en-3-one);
- 508 (aaa) Normethandrolone (17 α -methyl-17 β -hydroxyestr-4-en-3-one);
- 509 (bbb) Oxandrolone (17 α -methyl-17 β -hydroxy-2-oxa-[5 α]-androstan-3-one);
- 510 (ccc) Oxymesterone (17 α -methyl-4,17 β -dihydroxyandrost-4-en-3-one);
- 511 (ddd) Oxymethalone (17 α -methyl-2-hydroxymethylene-17 β -hydroxy-[5 α]-androstan-3-one);
- 512 (eee) Stanozolol (17 α -methyl-17 β -hydroxy-[5 α]-androst-2-eno[3,2-c]-pyrazole);
- 513 (fff) Stenbolone (17 β -hydroxy-2-methyl-[5 α]-androst-1-en-3-one);
- 514 (ggg) Testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid
515 lactone);
- 516 (hhh) Testosterone (17 β -hydroxyandrost-4-en-3-one);
- 517 (iii) Tetrahydrogestrinone (13 β ,17 α -diethyl-17 β -hydroxygon-4,9,11-trien-3-one);
- 518 (jjj) Trenbolone (17 β -hydroxyestr-4,9,11-trien-3-one);
- 519 (kkk) Any salt, ester, or ether of a drug or substance described or listed in this
520 subdivision, except an anabolic steroid which is expressly intended for administration
521 through implants to cattle or other nonhuman species and which has been approved by
522 the Secretary of Health and Human Services for that administration;
- 523 (7) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin
524 capsule in a United States Food and Drug Administration approved drug product;

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

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

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

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

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

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

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

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

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

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

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

556 b. Not more than one hundred milligrams of dihydrocodeine per one hundred
557 milliliters or per one hundred grams;

558 c. Not more than one hundred milligrams of ethylmorphine per one hundred
559 milliliters or per one hundred grams;

560 (2) Any material, compound, mixture or preparation containing any quantity of

561 the following substances, including their salts, isomers, and salts of isomers whenever
562 the existence of those salts, isomers, and salts of isomers is possible within the specific
563 chemical designation:

- 564 (a) Alprazolam;
- 565 (b) Barbitol;
- 566 (c) Bromazepam;
- 567 (d) Camazepam;
- 568 (e) Chloral betaine;
- 569 (f) Chloral hydrate;
- 570 (g) Chlordiazepoxide;
- 571 (h) Clobazam;
- 572 (i) Clonazepam;
- 573 (j) Clorazepate;
- 574 (k) Clotiazepam;
- 575 (l) Cloxazolam;
- 576 (m) Delorazepam;
- 577 (n) Diazepam;
- 578 (o) Dichloralphenazone;
- 579 (p) Estazolam;
- 580 (q) Ethchlorvynol;
- 581 (r) Ethinamate;
- 582 (s) Ethyl loflazepate;
- 583 (t) Fludiazepam;
- 584 (u) Flunitrazepam;
- 585 (v) Flurazepam;
- 586 (w) Fospropofol;
- 587 (x) Halazepam;
- 588 (y) Haloxazolam;
- 589 (z) Ketazolam;
- 590 (aa) Loprazolam;
- 591 (bb) Lorazepam;
- 592 (cc) Lormetazepam;
- 593 (dd) Mebutamate;
- 594 (ee) Medazepam;
- 595 (ff) Meprobamate;
- 596 (gg) Methohexital;

- 597 (hh) Methylphenobarbital (mephobarbital);
598 (ii) Midazolam;
599 (jj) Nimetazepam;
600 (kk) Nitrazepam;
601 (ll) Nordiazepam;
602 (mm) Oxazepam;
603 (nn) Oxazolam;
604 (oo) Paraldehyde;
605 (pp) Petrichloral;
606 (qq) Phenobarbital;
607 (rr) Pinazepam;
608 (ss) Prazepam;
609 (tt) Quazepam;
610 (uu) Temazepam;
611 (vv) Tetrazepam;
612 (ww) Triazolam;
613 (xx) Zaleplon;
614 (yy) Zolpidem;
615 (zz) Zopiclone;
- 616 (3) Any material, compound, mixture, or preparation which contains any
617 quantity of the following substance including its salts, isomers and salts of isomers
618 whenever the existence of such salts, isomers and salts of isomers is possible:
619 fenfluramine;
- 620 (4) Any material, compound, mixture or preparation containing any quantity of
621 the following substances having a stimulant effect on the central nervous system,
622 including their salts, isomers and salts of isomers:
- 623 (a) Cathine ((+)-norpseudoephedrine);
624 (b) Diethylpropion;
625 (c) Fencamfamin;
626 (d) Fenproporex;
627 (e) Mazindol;
628 (f) Mefenorex;
629 (g) Modafinil;
630 (h) Pemoline, including organometallic complexes and chelates thereof;
631 (i) Phentermine;
632 (j) Pipradrol;

- 633 (k) Sibutramine;
- 634 (l) SPA ((-)-1-dimethylamino-1,2-diphenylethane);
- 635 (5) Any material, compound, mixture or preparation containing any quantity of
636 the following substance, including its salts:
- 637 (a) butorphanol;
- 638 (b) pentazocine;
- 639 (6) Ephedrine, its salts, optical isomers and salts of optical isomers, when
640 the substance is the only active medicinal ingredient;
- 641 (7) The department of health and senior services may except by rule any
642 compound, mixture, or preparation containing any depressant substance listed in
643 subdivision (1) of this subsection from the application of all or any part of sections
644 195.010 to 195.320 if the compound, mixture, or preparation contains one or more
645 active medicinal ingredients not having a depressant effect on the central nervous
646 system, and if the admixtures are included therein in combinations, quantity,
647 proportion, or concentration that vitiate the potential for abuse of the substances
648 which have a depressant effect on the central nervous system.
- 649 9. The department of health and senior services shall place a substance in
650 Schedule V if it finds that:
- 651 (1) The substance has low potential for abuse relative to the controlled
652 substances listed in Schedule IV;
- 653 (2) The substance has currently accepted medical use in treatment in the
654 United States; and
- 655 (3) The substance has limited physical dependence or psychological
656 dependence liability relative to the controlled substances listed in Schedule IV.
- 657 10. The controlled substances listed in this subsection are included in
658 Schedule V:
- 659 (1) Any compound, mixture or preparation containing any of the following
660 narcotic drugs or their salts calculated as the free anhydrous base or alkaloid, in
661 limited quantities as set forth below, which also contains one or more nonnarcotic
662 active medicinal ingredients in sufficient proportion to confer upon the compound,
663 mixture or preparation valuable medicinal qualities other than those possessed by
664 the narcotic drug alone:
- 665 (a) Not more than two and five-tenths milligrams of diphenoxylate and not
666 less than twenty-five micrograms of atropine sulfate per dosage unit;
- 667 (b) Not more than one hundred milligrams of opium per one hundred
668 milliliters or per one hundred grams;

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

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

674 (3) Any compound, mixture, or preparation containing any detectable
675 quantity of pseudoephedrine or its salts or optical isomers, or salts of optical
676 isomers or any compound, mixture, or preparation containing any detectable
677 quantity of ephedrine or its salts or optical isomers, or salts of optical isomers;

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

682 (a) Lacosamide;

683 (b) Pregabalin.

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

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

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

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

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

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

- 708 (1) The name, address, and signature of the purchaser;
709 (2) The amount of the compound, mixture, or preparation purchased;
710 (3) The date and time of each purchase; and
711 (4) The name or initials of the pharmacist, intern pharmacist, or registered
712 pharmacy technician who dispensed the compound, mixture, or preparation to the
713 purchaser.

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

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

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

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

725 17. The scheduling of substances specified in subdivision (3) of subsection
726 10 of this section and subsections 11, 12, 14, and 15 of this section shall not apply
727 to any compounds, mixtures, or preparations that are in liquid or liquid-filled gel
728 capsule form or to any compound, mixture, or preparation specified in subdivision
729 (3) of subsection 10 of this section which must be dispensed, sold, or distributed in
730 a pharmacy pursuant to a prescription.

731 18. The manufacturer of a drug product or another interested party may
732 apply with the department of health and senior services for an exemption from this
733 section. The department of health and senior services may grant an exemption by
734 rule from this section if the department finds the drug product is not used in the
735 illegal manufacture of methamphetamine or other controlled or dangerous
736 substances. The department of health and senior services shall rely on reports
737 from law enforcement and law enforcement evidentiary laboratories in determining
738 if the proposed product can be used to manufacture illicit controlled substances.

739 19. The department of health and senior services shall revise and republish
740 the schedules annually.

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

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

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

3 2. Any person who violates this section with respect to any controlled
4 substance except thirty-five grams or less of marijuana or any synthetic
5 cannabinoid is guilty of a class C felony.

6 3. Any person who violates this section with respect to not more than
7 thirty-five grams of marijuana or any synthetic cannabinoid is guilty of a class A
8 misdemeanor.

9 4. **In any case where the defendant claims that the substance**
10 **possessed was industrial hemp and not a controlled substance the burden**
11 **of proof shall be on the defendant to prove that the substance was**
12 **industrial hemp and not a controlled substance.**

 195.203. **Notwithstanding any other provision of this chapter it**
2 **shall be legal for any person who has not been convicted of any felony**
3 **offense or any misdemeanor drug related offense to grow and cultivate**
4 **industrial hemp as defined in section 195.010.**

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