

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 471
91ST GENERAL ASSEMBLY

Reported from the Committee on Civil and Criminal Jurisprudence, April 26, 2001, with recommendation that the Senate Committee Substitute do pass.

TERRY L. SPIELER, Secretary.

1287L.02C

AN ACT

To repeal sections 195.017, 195.070, 195.222, 195.223 and 195.400, RSMo 2000, and to enact in lieu thereof five new sections relating to drug trafficking, with penalty provisions.

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

Section A. Sections 195.017, 195.070, 195.222, 195.223 and 195.400, RSMo 2000, are
2 repealed and five new sections enacted in lieu thereof, to be known as sections 195.017,
3 195.070, 195.222, 195.223 and 195.400, to read as follows:

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

3 (1) Has high potential for abuse; and

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

6 2. Schedule I:

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

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

11 (a) Acetyl-alpha-methylfentanyl;

12 (b) Acetylmethadol;

13 (c) Allylprodine;

14 (d) Alphacetylmethadol;

15 (e) Alphameprodine;

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

- 16 (f) Alphamethadol;
- 17 (g) Alpha-methylfentanyl;
- 18 (h) Alpha-methylthiofentanyl;
- 19 (i) Benzethidine;
- 20 (j) Betacetylmethadol;
- 21 (k) Beta-hydroxyfentanyl;
- 22 (l) Beta-hydroxy-3-methylfentanyl;
- 23 (m) Betameprodine;
- 24 (n) Betamethadol;
- 25 (o) Betaprodine;
- 26 (p) Clonitazene;
- 27 (q) Dextromoramide;
- 28 (r) Diampromide;
- 29 (s) Diethylthiambutene;
- 30 (t) Difenoxy;
- 31 (u) Dimenoxadol;
- 32 (v) Dimepheptanol;
- 33 (w) Dimethylthiambutene;
- 34 (x) Dioxaphetyl butyrate;
- 35 (y) Dipipanone;
- 36 (z) Ethylmethylthiambutene;
- 37 (aa) Etonitazene;
- 38 (bb) Etoxidine;
- 39 (cc) Furethidine;
- 40 (dd) Hydroxypethidine;
- 41 (ee) Ketobemidone;
- 42 (ff) Levomoramide;
- 43 (gg) Levophenacetylmorphan;
- 44 (hh) 3-Methylfentanyl;
- 45 (ii) 3-Methylthiofentanyl;
- 46 (jj) Morpheridine;
- 47 (kk) MPPP;
- 48 (ll) Noracymethadol;
- 49 (mm) Norlevorphanol;
- 50 (nn) Normethadone;
- 51 (oo) Norpipanone;

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

- 88 (t) Nicomorphine;
- 89 (u) Normorphine;
- 90 (v) Pholcodine;
- 91 (w) Thebacon;
- 92 (4) Any material, compound, mixture or preparation which contains any quantity of
- 93 the following hallucinogenic substances, their salts, isomers and salts of isomers, unless
- 94 specifically excepted, whenever the existence of these salts, isomers, and salts of isomers is
- 95 possible within the specific chemical designation:
- 96 (a) 4-bromo-2,5-dimethoxyamphetamine;
- 97 (b) 4-bromo-2, 5-dimethoxyphenethylamine;
- 98 (c) 2,5-dimethoxyamphetamine;
- 99 (d) 2,5-dimethoxy-4-ethylamphetamine;
- 100 (e) 4-methoxyamphetamine;
- 101 (f) 5-methoxy-3,4-methylenedioxyamphetamine;
- 102 (g) 4-methyl-2,5-dimethoxy amphetamine;
- 103 (h) 3,4-methylenedioxyamphetamine;
- 104 (i) 3,4-methylenedioxymethamphetamine;
- 105 (j) 3,4-methylenedioxy-N-ethylamphetamine;
- 106 (k) N-nydroxy-3, 4-methylenedioxyamphetamine;
- 107 (l) 3,4,5-trimethoxyamphetamine;
- 108 (m) Alpha-ethyltryptamine;
- 109 (n) Bufotenine;
- 110 (o) Diethyltryptamine;
- 111 (p) Dimethyltryptamine;
- 112 (q) Ibogaine;
- 113 (r) Lysergic acid diethylamide;
- 114 (s) Marijuana; (Marihuana);
- 115 (t) Mescaline;
- 116 (u) Parahexyl;
- 117 (v) Peyote, to include all parts of the plant presently classified botanically as
- 118 Lophophora Williamsil Lemaire, whether growing or not; the seeds thereof; any extract from
- 119 any part of such plant; and every compound, manufacture, salt, derivative, mixture or
- 120 preparation of the plant, its seed or extracts;
- 121 (w) N-ethyl-3-piperidyl benzilate;
- 122 (x) N-methyl-3-piperidyl benzilate;
- 123 (y) Psilocybin;

- 124 (z) Psilocyn;
- 125 (aa) Tetrahydrocannabinols;
- 126 (bb) Ethylamine analog of phencyclidine;
- 127 (cc) Pyrrolidine analog of phencyclidine;
- 128 (dd) Thiophene analog of phencyclidine;
- 129 (ee) 1-(1-(2-thienyl)cyclohexyl) pyrrolidine;
- 130 (5) Any material, compound, mixture or preparation containing any quantity of the
- 131 following substances having a depressant effect on the central nervous system, including their
- 132 salts, isomers and salts of isomers whenever the existence of these salts, isomers and salts
- 133 of isomers is possible within the specific chemical designation:
- 134 (a) **Gamma hydroxybutyric acid;**
- 135 (b) Mecloqualone;
- 136 [(b)] (c) Methaqualone;
- 137 (6) Any material, compound, mixture or preparation containing any quantity of the
- 138 following substances having a stimulant effect on the central nervous system, including their
- 139 salts, isomers and salts of isomers:
- 140 (a) Aminorex;
- 141 (b) Cathinone;
- 142 (c) Fenethylline;
- 143 (d) Methcathinone;
- 144 (e) (+)cis-4-methylaminore x((+)cis-4,5-dihydro- 4-methyl-5-phenyl-2-oxazolamine);
- 145 (f) N-ethylamphetamine;
- 146 (g) N,N-dimethylamphetamine;
- 147 (7) A temporary listing of substances subject to emergency scheduling under federal
- 148 law shall include any material, compound, mixture or preparation which contains any
- 149 quantity of the following substances:
- 150 (a) N-(1-benzyl-4-piperidyl)-N-phenyl-propanamide benzylfentanyl), its optical
- 151 isomers, salts and salts of isomers;
- 152 (b) N-(1-(2-thienyl) methyl-4-piperidyl)-N-phenylpropanamide (thenylfentanyl), its
- 153 optical isomers, salts and salts of isomers.
- 154 3. The department of health shall place a substance in Schedule II if it finds that:
- 155 (1) The substance has high potential for abuse;
- 156 (2) The substance has currently accepted medical use in treatment in the United
- 157 States, or currently accepted medical use with severe restrictions; and
- 158 (3) The abuse of the substance may lead to severe psychic or physical dependence.
- 159 4. The controlled substances listed in this subsection are included in Schedule II:

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

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

- 166 a. Raw opium;
- 167 b. Opium extracts;
- 168 c. Opium fluid;
- 169 d. Powdered opium;
- 170 e. Granulated opium;
- 171 f. Tincture of opium;
- 172 g. Codeine;
- 173 h. Ethylmorphine;
- 174 i. Etorphine hydrochloride;
- 175 j. Hydrocodone;
- 176 k. Hydromorphone;
- 177 l. Metopon;
- 178 m. Morphine;
- 179 n. Oxycodone;
- 180 o. Oxymorphone;
- 181 p. Thebaine;

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

185 (c) Opium poppy and poppy straw;

186 (d) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and
187 any salt, compound, derivative, or preparation thereof which is chemically equivalent or
188 identical with any of these substances, but not including decocainized coca leaves or
189 extractions which do not contain cocaine or ecgonine;

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

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

195 (a) Alfentanil;

- 196 (b) Alphaprodine;
- 197 (c) Anileridine;
- 198 (d) Bezitramide;
- 199 (e) Bulk Dextropropoxyphene;
- 200 (f) Carfentanil;
- 201 (g) Butyl nitrite;
- 202 (h) Dihydrocodeine;
- 203 (i) Diphenoxylate;
- 204 (j) Fentanyl;
- 205 (k) Isomethadone;
- 206 (l) Levo-alphaacetylmethadol;
- 207 (m) Levomethorphan;
- 208 (n) Levorphanol;
- 209 (o) Metazocine;
- 210 (p) Methadone;
- 211 (q) Meperidine;
- 212 (r) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenylbutane;
- 213 (s) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane--carboxylic
214 acid;
- 215 (t) Pethidine;
- 216 (u) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
- 217 (v) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;
- 218 (w) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
- 219 (x) Phenazocine;
- 220 (y) Piminodine;
- 221 (z) Racemethorphan;
- 222 (aa) Racemorphan;
- 223 (bb) Sulfentanil;
- 224 (3) Any material, compound, mixture, or preparation which contains any quantity of
225 the following substances having a stimulant effect on the central nervous system:
- 226 (a) Amphetamine, its salts, optical isomers, and salts of its optical isomers;
- 227 (b) Methamphetamine, its salts, isomers, and salts of its isomers;
- 228 (c) Phenmetrazine and its salts;
- 229 (d) Methylphenidate;
- 230 (4) Any material, compound, mixture, or preparation which contains any quantity of
231 the following substances having a depressant effect on the central nervous system, including

232 its salts, isomers, and salts of isomers whenever the existence of those salts, isomers, and
233 salts of isomers is possible within the specific chemical designation:

234 (a) Amobarbital;

235 (b) Glutethimide;

236 (c) Pentobarbital;

237 (d) Phencyclidine;

238 (e) Secobarbital;

239 (5) Any material, compound or compound which contains any quantity of the following
240 substances:

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

243 (b) Nabilone;

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

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

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

248 a. 1-phenylcyclohexylamine;

249 b. 1-piperidinocyclohexanecarbonitrile (PCC).

250 5. The department of health shall place a substance in Schedule III if it finds that:

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

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

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

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

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

261 (a) Benzphetamine;

262 (b) Chlorphentermine;

263 (c) Clortermine;

264 (d) Phendimetrazine;

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

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

270 a. Amobarbital;

271 b. **Gamma hydroxybutyric acid and its salts, isomers, and salts of isomers**
272 **contained in a drug product for which an application has been approved under**
273 **Section 505 of the Federal Food, Drug, and Cosmetic Act;**

274 c. Secobarbital;

275 [c.] d. Pentobarbital;

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

277 a. Amobarbital;

278 b. Secobarbital;

279 c. Pentobarbital;

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

282 (d) Chlorhexadol;

283 (e) **Ketamine, its salts, isomers, and salts of isomers;**

284 (f) Lysergic acid;

285 [(f)] (g) Lysergic acid amide;

286 [(g)] (h) Methyprylon;

287 [(h)] (i) Sulfondiethylmethane;

288 [(i)] (j) Sulfonethylmethane;

289 [(j)] (k) Sulfonmethane;

290 [(k)] (l) Tiletamine and zolazepam or any salt thereof;

291 (3) Nalorphine;

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

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

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

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

303 (d) Not more than three hundred milligrams of hydrocodone per one hundred

304 milliliters or not more than fifteen milligrams per dosage unit, with one or more active
305 nonnarcotic ingredients in recognized therapeutic amounts;

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

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

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

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

318 (5) Anabolic steroids. Unless specially excepted or unless listed in another schedule,
319 any material, compound, mixture or preparation containing any quantity of the following
320 substances, including its salts, isomers and salts of isomers whenever the existence of such
321 salts of isomers is possible within the specific chemical designation:

322 (a) Boldenone;

323 (b) Chlorotestosterone (4-Chlortestosterone);

324 (c) Clostebol;

325 (d) Dehydrochlormethyltestosterone;

326 (e) Dihydrotestosterone (4-Dihydro-testosterone);

327 (f) Drostanolone;

328 (g) Ethylestrenol;

329 (h) Fluoxymesterone;

330 (i) Formebolone (Formebolone);

331 (j) Mesterolone;

332 (k) Methandienone;

333 (l) Methandranone;

334 (m) Methandriol;

335 (n) Methandrostenolone;

336 (o) Methenolone;

337 (p) Methyltestosterone;

338 (q) Mibolerone;

339 (r) Nandrolone;

340 (s) Norethandrolone;

341 (t) Oxandrolone;

342 (u) Oxymesterone;

343 (v) Oxymetholone;

344 (w) Stanolone;

345 (x) Stanozolol;

346 (y) Testolactone;

347 (z) Testosterone;

348 (aa) Trenbolone;

349 (bb) Any salt, ester, or isomer of a drug or substance described or listed in this
350 subdivision, if that salt, ester or isomer promotes muscle growth except an anabolic steroid
351 which is expressly intended for administration through implants to cattle or other nonhuman
352 species and which has been approved by the secretary of health and human services for that
353 administration.

354 (6) The department of health may except by rule any compound, mixture, or
355 preparation containing any stimulant or depressant substance listed in subdivisions (1) and
356 (2) of this subsection from the application of all or any part of sections 195.010 to 195.320 if
357 the compound, mixture, or preparation contains one or more active medicinal ingredients not
358 having a stimulant or depressant effect on the central nervous system, and if the admixtures
359 are included therein in combinations, quantity, proportion, or concentration that vitiate the
360 potential for abuse of the substances which have a stimulant or depressant effect on the
361 central nervous system.

362 7. The department of health shall place a substance in Schedule IV if it finds that:

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

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

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

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

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

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

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

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

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

382 b. Not more than one hundred milligrams of dihydrocodeine per one hundred
383 milliliters or per one hundred grams;

384 c. Not more than one hundred milligrams of ethylmorphine per one hundred
385 milliliters or per one hundred grams;

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

390 (a) Alprazolam;

391 (b) Barbitol;

392 (c) Bromazepam;

393 (d) Camazepam;

394 (e) Chloral betaine;

395 (f) Chloral hydrate;

396 (g) Chlordiazepoxide;

397 (h) Clobazam;

398 (i) Clonazepam;

399 (j) Clorazepate;

400 (k) Clotiazepam;

401 (l) Cloxazolam;

402 (m) Delorazepam;

403 (n) Diazepam;

404 (o) Estazolam;

405 (p) Ethchlorvynol;

406 (q) Ethinamate;

407 (r) Ethyl loflazepate;

408 (s) Fludiazepam;

409 (t) Flunitrazepam;

410 (u) Flurazepam;

411 (v) Halazepam;

412 (w) Haloxazolam;
413 (x) [Ketamine;
414 (y)] Ketazolam;
415 [(z)] (y) Loprazolam;
416 [(aa)] (z) Lorazepam;
417 [(bb)] (aa) Lormetazepam;
418 [(cc)] (bb) Mebutamate;
419 [(dd)] (cc) Medazepam;
420 [(ee)] (dd) Meprobamate;
421 [(ff)] (ee) Methohexital;
422 [(gg)] (ff) Methylphenobarbital;
423 [(hh)] (gg) Midazolam;
424 [(ii)] (hh) Nimetazepam;
425 [(jj)] (ii) Nitrazepam;
426 [(kk)] (jj) Nordiazepam;
427 [(ll)] (kk) Oxazepam;
428 [(mm)] (ll) Oxazolam;
429 [(nn)] (mm) Paraldehyde;
430 [(oo)] (nn) Petrichloral;
431 [(pp)] (oo) Phenobarbital;
432 [(qq)] (pp) Pinazepam;
433 [(rr)] (qq) Prazepam;
434 [(ss)] (rr) Quazepam;
435 [(tt)] (ss) Temazepam;
436 [(uu)] (tt) Tetrazepam;
437 [(vv)] (uu) Triazolam;
438 [(ww)] (vv) Zolpidem;

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

442 (4) Any material, compound, mixture or preparation containing any quantity of the
443 following substances having a stimulant effect on the central nervous system, including their
444 salts, isomers and salts of isomers:

445 (a) Cathine ((+)-norpseudoephedrine);
446 (b) Diethylpropion;
447 (c) Fencamfamin;

448 (d) Fenproporex;

449 (e) Mazindol;

450 (f) Mefenorex;

451 (g) Pemoline, including organometallic complexes and chelates thereof;

452 (h) Phentermine;

453 (i) Pipradrol;

454 (j) SPA ((-)-1-dimethylamino-1,2-diphenylethane);

455 (5) Any material, compound, mixture or preparation containing any quantity of the
456 following substance, including its salts: pentazocine;

457 (6) Any material, compound, mixture or preparation which contains any quantity of
458 the following substances having a stimulant effect on the central nervous system including
459 their salts, isomers and salts of isomers: ephedrine or its salts, optical isomers, or salts of
460 optical isomers as the only active medicinal ingredient or contains ephedrine or its salts,
461 optical isomers, or salts of optical isomers and therapeutically insignificant quantities of
462 another active medicinal ingredient;

463 (7) The department of health may except by rule any compound, mixture, or
464 preparation containing any depressant substance listed in subdivision (1) of this subsection
465 from the application of all or any part of sections 195.010 to 195.320 if the compound, mixture,
466 or preparation contains one or more active medicinal ingredients not having a depressant
467 effect on the central nervous system, and if the admixtures are included therein in
468 combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the
469 substances which have a depressant effect on the central nervous system.

470 9. The department of health shall place a substance in Schedule V if it finds that:

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

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

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

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

478 (1) Any material, compound, mixture or preparation containing any of the following
479 narcotic drug and its salts: buprenorphine;

480 (2) Any compound, mixture or preparation containing any of the following narcotic
481 drugs or their salts calculated as the free anhydrous base or alkaloid, in limited quantities
482 as set forth below, which also contains one or more nonnarcotic active medicinal ingredients
483 in sufficient proportion to confer upon the compound, mixture or preparation valuable

484 medicinal qualities other than those possessed by the narcotic drug alone:

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

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

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

491 (3) Any material, compound, mixture or preparation which contains any quantity of
492 the following substance having a stimulant effect on the central nervous system including its
493 salts, isomers and salts of isomers: pyrovalerone.

494 11. The department of health shall revise and republish the schedules annually.

195.070. 1. A physician, podiatrist, dentist, or a registered optometrist certified to
2 administer pharmaceutical agents as provided in section 336.220, RSMo, in good faith and
3 in the course of his **or her** professional practice only, may prescribe, administer, and dispense
4 controlled substances or he **or she** may cause the same to be administered or dispensed by
5 [a nurse or graduate physician under his direction and supervision] **an individual as**
6 **authorized by statute.**

7 2. A veterinarian, in good faith and in the course of his professional practice only, and
8 not for use by a human being, may prescribe, administer, and dispense controlled substances
9 and he may cause them to be administered by an assistant or orderly under his direction and
10 supervision.

11 3. A practitioner shall not accept any portion of a controlled substance unused by a
12 patient, for any reason, if such practitioner did not originally dispense the drug.

13 4. An individual practitioner may not prescribe or dispense a controlled substance for
14 such practitioner's personal use except in a medical emergency.

195.222. 1. A person commits the crime of trafficking drugs in the first degree if,
2 except as authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures,
3 produces or attempts to distribute, deliver, manufacture or produce more than thirty grams
4 of a mixture or substance containing a detectable amount of heroin. Violations of this
5 subsection shall be punished as follows:

6 (1) If the quantity involved is more than thirty grams but less than ninety grams the
7 person shall be sentenced to the authorized term of imprisonment for a class A felony;

8 (2) If the quantity involved is ninety grams or more the person shall be sentenced to
9 the authorized term of imprisonment for a class A felony which term shall be served without
10 probation or parole.

11 2. A person commits the crime of trafficking drugs in the first degree if, except as

12 authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces
13 or attempts to distribute, deliver, manufacture or produce more than one hundred fifty grams
14 of a mixture or substance containing a detectable amount of coca leaves, except coca leaves
15 and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their
16 salts have been removed; cocaine salts and their optical and geometric isomers, and salts of
17 isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound,
18 mixture, or preparation which contains any quantity of any of the foregoing
19 substances. Violations of this subsection shall be punished as follows:

20 (1) If the quantity involved is more than one hundred fifty grams but less than four
21 hundred fifty grams the person shall be sentenced to the authorized term of imprisonment
22 for a class A felony;

23 (2) If the quantity involved is four hundred fifty grams or more the person shall be
24 sentenced to the authorized term of imprisonment for a class A felony which term shall be
25 served without probation or parole.

26 3. A person commits the crime of trafficking drugs in the first degree if, except as
27 authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces
28 or attempts to distribute, deliver, manufacture or produce more than two grams of a mixture
29 or substance described in subsection 2 of this section which contains cocaine base. Violations
30 of this subsection shall be punished as follows:

31 (1) If the quantity involved is more than two grams but less than six grams the person
32 shall be sentenced to the authorized term of imprisonment for a class A felony;

33 (2) If the quantity involved is six grams or more the person shall be sentenced to the
34 authorized term of imprisonment for a class A felony which term shall be served without
35 probation or parole.

36 4. A person commits the crime of trafficking drugs in the first degree if, except as
37 authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces
38 or attempts to distribute, deliver, manufacture or produce more than five hundred milligrams
39 of a mixture or substance containing a detectable amount of lysergic acid diethylamide
40 (LSD). Violations of this subsection shall be punished as follows:

41 (1) If the quantity involved is more than five hundred milligrams but less than one
42 gram the person shall be sentenced to the authorized term of imprisonment for a class A
43 felony;

44 (2) If the quantity involved is one gram or more the person shall be sentenced to the
45 authorized term of imprisonment for a class A felony which term shall be served without
46 probation or parole.

47 5. A person commits the crime of trafficking drugs in the first degree if, except as

48 authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces
49 or attempts to distribute, deliver, manufacture or produce more than thirty grams of a
50 mixture or substance containing a detectable amount of phencyclidine (PCP). Violations of
51 this subsection shall be punished as follows:

52 (1) If the quantity involved is more than thirty grams but less than ninety grams the
53 person shall be sentenced to the authorized term of imprisonment for a class A felony;

54 (2) If the quantity involved is ninety grams or more the person shall be sentenced to
55 the authorized term of imprisonment for a class A felony which term shall be served without
56 probation or parole.

57 6. A person commits the crime of trafficking drugs in the first degree if, except as
58 authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces
59 or attempts to distribute, deliver, manufacture or produce more than four grams of
60 phencyclidine. Violations of this subsection shall be punished as follows:

61 (1) If the quantity involved is more than four grams but less than twelve grams the
62 person shall be sentenced to the authorized term of imprisonment for a class A felony;

63 (2) If the quantity involved is twelve grams or more the person shall be sentenced to
64 the authorized term of imprisonment for a class A felony which term shall be served without
65 probation or parole.

66 7. A person commits the crime of trafficking drugs in the first degree if, except as
67 authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces
68 or attempts to distribute, deliver, manufacture or produce more than thirty kilograms of a
69 mixture or substance containing marijuana. Violations of this subsection shall be punished
70 as follows:

71 (1) If the quantity involved is more than thirty kilograms but less than one hundred
72 kilograms the person shall be sentenced to the authorized term of imprisonment for a class
73 A felony;

74 (2) If the quantity involved is one hundred kilograms or more the person shall be
75 sentenced to the authorized term of imprisonment for a class A felony which term shall be
76 served without probation or parole.

77 8. A person commits the crime of trafficking drugs in the first degree if, except as
78 authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces
79 or attempts to distribute, deliver, manufacture or produce more than thirty grams of any
80 material, compound, mixture or preparation which contains any quantity of the following
81 substances having a stimulant effect on the central nervous system: amphetamine, its salts,
82 optical isomers and salts of its optical isomers; methamphetamine, its salts, optical isomers
83 and salts of its optical isomers; phenmetrazine and its salts; or methylphenidate. Violations

84 of this subsection or attempts to violate this subsection shall be punished as follows:

85 (1) If the quantity involved is more than thirty grams but less than ninety grams the
86 person shall be sentenced to the authorized term of imprisonment for a class A felony;

87 (2) If the quantity involved is ninety grams or more, or if the quantity involved was
88 thirty grams or more and the location of the offense was within two thousand feet of a school
89 or public housing as defined in section 195.214 or section 195.218 or within a motor vehicle,
90 or any structure or building which contains rooms furnished for the accommodation or lodging
91 of guests, and kept, used, maintained, advertised, or held out to the public as a place where
92 sleeping accommodations are sought for pay or compensation to transient guests or
93 permanent guests, the person shall be sentenced to the authorized term of imprisonment for
94 a class A felony which term shall be served without probation or parole.

95 **9. A person commits the crime of trafficking drugs in the first degree if,**
96 **except as authorized by sections 195.005 to 195.425, he or she distributes, delivers,**
97 **manufactures, produces or attempts to distribute, deliver, manufacture or produce**
98 **more than thirty grams of any material, compound, mixture or preparation which**
99 **contains any quantity of 3,4-methylenedioxymethamphetamine. Violations of this**
100 **subsection or attempts to violate this subsection shall be punished as follows:**

101 (1) **If the quantity involved is more than thirty grams but less than ninety**
102 **grams the person shall be sentenced to the authorized term of imprisonment for a**
103 **class A felony;**

104 (2) **If the quantity involved is ninety grams or more, or if the quantity**
105 **involved was thirty grams or more and the location of the offense was within two**
106 **thousand feet of a school or public housing as defined in section 195.214 or section**
107 **195.218 or within a motor vehicle, or any structure or building which contains**
108 **rooms furnished for the accommodation or lodging of guests, and kept, used,**
109 **maintained, advertised, or held out to the public as a place where sleeping**
110 **accommodations are sought for pay or compensation to transient guests or**
111 **permanent guests, the person shall be sentenced to the authorized term of**
112 **imprisonment for a class A felony which term shall be served without probation or**
113 **parole.**

195.223. 1. A person commits the crime of trafficking drugs in the second degree if,
2 except as authorized by sections 195.005 to 195.425, he possesses or has under his control,
3 purchases or attempts to purchase, or brings into this state more than thirty grams of a
4 mixture or substance containing a detectable amount of heroin. Violations of this subsection
5 shall be punished as follows:

6 (1) If the quantity involved is more than thirty grams but less than ninety grams the

7 person shall be guilty of a class B felony;

8 (2) If the quantity involved is ninety grams or more the person shall be guilty of a
9 class A felony.

10 2. A person commits the crime of trafficking drugs in the second degree if, except as
11 authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases
12 or attempts to purchase, or brings into this state more than one hundred fifty grams of a
13 mixture or substance containing a detectable amount of coca leaves, except coca leaves and
14 extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts
15 have been removed; cocaine salts and their optical and geometric isomers, and salts of
16 isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound,
17 mixture, or preparation which contains any quantity of any of the foregoing
18 substances. Violations of this subsection shall be punished as follows:

19 (1) If the quantity involved is more than one hundred fifty grams but less than four
20 hundred fifty grams the person shall be guilty of a class B felony;

21 (2) If the quantity involved is four hundred fifty grams or more the person shall be
22 guilty of a class A felony.

23 3. A person commits the crime of trafficking drugs in the second degree if, except as
24 authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases
25 or attempts to purchase, or brings into this state more than two grams of a mixture or
26 substance described in subsection 2 of this section which contains cocaine base. Violations
27 of this subsection shall be punished as follows:

28 (1) If the quantity involved is more than two grams but less than six grams the person
29 shall be guilty of a class B felony;

30 (2) If the quantity involved is six grams or more the person shall be guilty of a class
31 A felony.

32 4. A person commits the crime of trafficking drugs in the second degree if, except as
33 authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases
34 or attempts to purchase, or brings into this state more than five hundred milligrams of a
35 mixture or substance containing a detectable amount of lysergic acid diethylamide
36 (LSD). Violations of this subsection shall be punished as follows:

37 (1) If the quantity involved is more than five hundred milligrams but less than one
38 gram the person shall be guilty of a class B felony;

39 (2) If the quantity involved is one gram or more the person shall be guilty of a class
40 A felony.

41 5. A person commits the crime of trafficking drugs in the second degree if, except as
42 authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases

43 or attempts to purchase, or brings into this state more than thirty grams of a mixture or
44 substance containing a detectable amount of phencyclidine (PCP). Violations of this
45 subsection shall be punished as follows:

46 (1) If the quantity involved is more than thirty grams but less than ninety grams the
47 person shall be guilty of a class B felony;

48 (2) If the quantity involved is ninety grams or more the person shall be guilty of a
49 class A felony.

50 6. A person commits the crime of trafficking drugs in the second degree if, except as
51 authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases
52 or attempts to purchase, or brings into this state more than four grams of
53 phencyclidine. Violations of this subsection shall be punished as follows:

54 (1) If the quantity involved is more than four grams but less than twelve grams the
55 person shall be guilty of a class B felony;

56 (2) If the quantity involved is twelve grams or more the person shall be guilty of a
57 class A felony.

58 7. A person commits the crime of trafficking drugs in the second degree if, except as
59 authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases
60 or attempts to purchase, or brings into this state more than thirty kilograms or more of a
61 mixture or substance containing marijuana. Violations of this subsection shall be punished
62 as follows:

63 (1) If the quantity involved is more than thirty kilograms but less than one hundred
64 kilograms the person shall be guilty of a class B felony;

65 (2) If the quantity involved is one hundred kilograms or more the person shall be
66 guilty of a class A felony.

67 8. A person commits the class A felony of trafficking drugs in the second degree if,
68 except as authorized by sections 195.005 to 195.425, he possesses or has under his control,
69 purchases or attempts to purchase, or brings into this state more than five hundred
70 marijuana plants.

71 9. A person commits the crime of trafficking drugs in the second degree if, except as
72 authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases
73 or attempts to purchase, or brings into this state more than thirty grams of any material,
74 compound, mixture or preparation which contains any quantity of the following substances
75 having a stimulant effect on the central nervous system: amphetamine, its salts, optical
76 isomers and salts of its optical isomers; methamphetamine, its salts, isomers and salts of its
77 isomers; phenmetrazine and its salts; or methylphenidate. Violations of this subsection or
78 attempts to violate this subsection shall be punished as follows:

79 (1) If the quantity involved is more than thirty grams but less than ninety grams the
80 person shall be guilty of a class B felony;

81 (2) If the quantity involved is ninety grams or more but less than four hundred fifty
82 grams, the person shall be guilty of a class A felony;

83 (3) If the quantity involved is four hundred fifty grams or more, the person shall be
84 guilty of a class A felony and the term of imprisonment shall be served without probation or
85 parole.

86 **10. A person commits the crime of trafficking drugs in the second degree if,**
87 **except as authorized by sections 195.005 to 195.425, he or she possesses or has**
88 **under his or her control, purchases or attempts to purchase, or brings into this**
89 **state more than thirty grams of any material, compound, mixture or preparation**
90 **which contains any quantity of 3,4-methylenedioxyamphetamine. Violations**
91 **of this subsection or attempts to violate this subsection shall be punished as**
92 **follows:**

93 (1) **If the quantity involved is more than thirty grams but less than ninety**
94 **grams the person shall be guilty of a class B felony;**

95 (2) **If the quantity involved is ninety grams or more but less than four**
96 **hundred fifty grams, the person shall be guilty of a class A felony;**

97 (3) **If the quantity involved is four hundred fifty grams or more, the person**
98 **shall be guilty of a class A felony and the term of imprisonment shall be served**
99 **without probation or parole.**

195.400. 1. As used in sections 195.400 to 195.425 the term "person" means any
2 individual, corporation, government or governmental subdivision or agency, business trust,
3 estate, trust, partnership or association, or any other legal entity.

4 2. Any manufacturer, wholesaler, retailer, or other person who sells, transfers, or
5 otherwise furnishes any of the following substances to any person shall submit to the
6 department of health a report, as prescribed by the department of health, of all such
7 transactions:

8 (1) Anthranilic acid, its esters and its salts;

9 (2) Benzyl cyanide;

10 (3) Ergotamine and its salts;

11 (4) Ergonovine and its salts;

12 (5) N-Acetylanthranilic acid, its esters and its salts;

13 (6) Phenylacetic acid, its esters and its salts;

14 (7) Piperidine and its salts;

15 (8) 3,4,-Methylenedioxyphenyl-2-propanone;

- 16 (9) Acetic anhydride;
- 17 (10) Acetone;
- 18 (11) Benzyl Chloride;
- 19 (12) Ethyl ether;
- 20 (13) Hydriodic acid;
- 21 (14) Potassium permanganate;
- 22 (15) 2-Butanone (or Methyl Ethyl Ketone or MEK);
- 23 (16) Toluene;
- 24 (17) Ephedrine, its salts, optical isomers, and salts of optical isomers;
- 25 (18) Norpseudoephedrine, its salts, optical isomers, and salts of optical isomers;
- 26 (19) Phenylpropanolamine, its salts, optical isomers, and salts of optical isomers;
- 27 (20) Pseudoephedrine, its salts, optical isomers, and salts of optical isomers;
- 28 (21) Methylamine and its salts;
- 29 (22) Ethylamine and its salts;
- 30 (23) Propionic anhydride;
- 31 (24) Isosafrole;
- 32 (25) Safrole;
- 33 (26) Piperonal;
- 34 (27) N-Methylephedrine, its salts, optical isomers and salts of optical isomers;
- 35 (28) N-Methylpseudoephedrine, its salts, optical isomers and salts of optical isomers;
- 36 (29) Benzaldehyde;
- 37 (30) Nitroethane;
- 38 (31) Methyl Isobutyl Ketone (MIBK);
- 39 (32) Sulfuric acid;
- 40 (33) Iodine;
- 41 (34) Red phosphorous;
- 42 **(35) Gamma butyrolactone;**
- 43 **(36) 1,4 Butanediol.**

44 3. The chemicals listed or to be listed in the schedule in subsection 2 of this section
45 are included by whatever official, common, usual, chemical, or trade name designated.

46 4. The department of health by rule or regulation may add substances to or delete
47 substances from subsection 2 of this section in the manner prescribed [under] **pursuant to**
48 section 195.017, if such substance is a component of or may be used to produce a controlled
49 substance.

50 5. Any manufacturer, wholesaler, retailer or other person shall, prior to selling,
51 transferring, or otherwise furnishing any substance listed in subsection 2 of this section to

52 a person within this state, require such person to give proper identification. For the purposes
53 of this section "proper identification" means:

54 (1) A motor vehicle operator's license or other official state-issued identification which
55 [contains a photograph of the person and] includes the residential or mailing address of the
56 person, other than a post office box number; **or**

57 (2) [The motor vehicle license number of any motor vehicle operated by the person;

58 (3)] A letter of authorization from the business to which any of the substances listed
59 in subsection 2 of this section are being transferred, which shall include the address of the
60 business and business license number if the business is required to have a license number;

61 **and**

62 [(4)] **(3)** A full description of how the substance is to be used; and

63 [(5)] **(4)** The signature of the person to whom such substances are transferred.

64 The person selling, transferring, or otherwise furnishing any substance listed in subsection
65 2 of this section shall affix his signature, to the document which evidences that a sale or
66 transfer has been made, as a witness to the signature and proper identification of the person
67 purchasing such substance.

68 6. Any manufacturer, wholesaler, retailer, or other person who sells, transfers, or
69 otherwise furnishes any substance listed in subsection 2 of this section to a person shall[, not
70 less than twenty-one days prior to the delivery of the substance, submit a report of the
71 transaction as prescribed by the department of health, which shall include the proper
72 identification information. The department of health may allow the submission of such
73 reports on a monthly basis with respect to repeated, regular transactions between a person
74 who furnishes such substances and the person to whom such substances are delivered, if the
75 department determines that either:

76 (1) A pattern of regular supply of the substance exists between the manufacturer,
77 wholesaler, retailer, or other person who sells, transfers, or otherwise furnishes such
78 substance and the person to whom such substance is delivered; or

79 (2) The person to whom such substance is delivered has established a record of
80 utilization of the substance for lawful purposes.

81 **7.] keep records and inventories of all such chemicals in conformance with**
82 **the record-keeping and inventory requirements of federal law, and in accordance**
83 **with any additional regulations of the department of health.**

84 **7. The department of health is authorized to inspect the establishment of a**
85 **registrant or applicant in accordance with the provisions of sections 195.005 to**
86 **195.425.**

87 **8.** This section shall not apply to any of the following:

88 (1) Any pharmacist, pharmacy, or other authorized person who sells or furnishes a
89 substance listed in subsection 2 of this section upon the prescription or order of a physician,
90 dentist, podiatrist or veterinarian;

91 (2) Any physician, optometrist, dentist, podiatrist or veterinarian who administers,
92 dispenses or furnishes a substance listed in subsection 2 of this section to his **or her** patients
93 within the scope of his **or her** professional practice. Such administration or dispensing shall
94 be recorded in the patient record;

95 (3) Any sale, transfer, furnishing or receipt of any drug which contains any substance
96 listed in subsection 2 of this section and which is lawfully sold, transferred, or furnished over
97 the counter without a prescription pursuant to the federal Food, Drug and Cosmetic Act or
98 regulations adopted thereunder.

99 **[8.] 9.** (1) Any violation of subsection 5 of this section shall be a class D felony.

100 (2) Any person subject to subsection 6 of this section who does not **[submit a report]**
101 **keep records or inventory** as required or who knowingly **[submits a report with]**
102 **documents** false or fictitious information shall be guilty of a class D felony and subject to a
103 fine not exceeding ten thousand dollars.

104 (3) Any person who is found guilty a second time of not **[submitting a report] keeping**
105 **records or inventory** as required in subsection 6 of this section or who knowingly **[submits**
106 **such a report with] documents** false or fictitious information shall be guilty of a class C
107 felony and subject to a fine not exceeding one hundred thousand dollars.

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