

FIRST REGULAR SESSION

# HOUSE BILL NO. 641

## 96TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES FRANZ (Sponsor), BURLISON, FUNDERBURK, NANCE,  
RUZICKA, LASATER, WELLS, DUGGER, LONG, CROSS, BLACK, GOSEN,  
NOLTE AND LOEHNER (Co-sponsors).

1490L.02I

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 195.010, 195.017, and 195.022, RSMo, and to enact in lieu thereof three new sections relating to controlled substances, with an existing penalty provision.

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

Section A. Sections 195.010, 195.017, and 195.022, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 195.010, 195.017, and 195.022, to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (10) "Depressant or stimulant substance":

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

49 (b) A drug containing any quantity of:

50 a. Amphetamine or any of its isomers;

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

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

55 (c) Lysergic acid diethylamide; or

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

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

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

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

67 (14) "Drug":

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

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

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

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

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

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

84 (17) "Drug paraphernalia", all equipment, products, substances and materials of any kind  
85 which are used, intended for use, or designed for use, in planting, propagating, cultivating,  
86 growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing,  
87 storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the

88 human body a controlled substance or an imitation controlled substance in violation of sections  
89 195.005 to 195.425. It includes, but is not limited to:

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

93 (b) Kits used, intended for use, or designed for use in manufacturing, compounding,  
94 converting, producing, processing, or preparing controlled substances or imitation controlled  
95 substances;

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

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

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

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

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

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

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

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

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

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

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

122 b. Water pipes;

123 c. Carburetion tubes and devices;

- 124 d. Smoking and carburetion masks;
- 125 e. Roach clips meaning objects used to hold burning material, such as a marijuana  
126 cigarette, that has become too small or too short to be held in the hand;
- 127 f. Miniature cocaine spoons and cocaine vials;
- 128 g. Chamber pipes;
- 129 h. Carburetor pipes;
- 130 i. Electric pipes;
- 131 j. Air-driven pipes;
- 132 k. Chillums;
- 133 l. Bongs;
- 134 m. Ice pipes or chillers;
- 135 (m) Substances used, intended for use, or designed for use in the manufacture of a  
136 controlled substance; In determining whether an object, product, substance or material is drug  
137 paraphernalia, a court or other authority should consider, in addition to all other logically  
138 relevant factors, the following:
- 139 (a) Statements by an owner or by anyone in control of the object concerning its use;
- 140 (b) Prior convictions, if any, of an owner, or of anyone in control of the object, under any  
141 state or federal law relating to any controlled substance or imitation controlled substance;
- 142 (c) The proximity of the object, in time and space, to a direct violation of sections  
143 195.005 to 195.425;
- 144 (d) The proximity of the object to controlled substances or imitation controlled  
145 substances;
- 146 (e) The existence of any residue of controlled substances or imitation controlled  
147 substances on the object;
- 148 (f) Direct or circumstantial evidence of the intent of an owner, or of anyone in control  
149 of the object, to deliver it to persons who he knows, or should reasonably know, intend to use  
150 the object to facilitate a violation of sections 195.005 to 195.425; the innocence of an owner, or  
151 of anyone in control of the object, as to direct violation of sections 195.005 to 195.425 shall not  
152 prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;
- 153 (g) Instructions, oral or written, provided with the object concerning its use;
- 154 (h) Descriptive materials accompanying the object which explain or depict its use;
- 155 (i) National or local advertising concerning its use;
- 156 (j) The manner in which the object is displayed for sale;
- 157 (k) Whether the owner, or anyone in control of the object, is a legitimate supplier of like  
158 or related items to the community, such as a licensed distributor or dealer of tobacco products;

- 159 (l) Direct or circumstantial evidence of the ratio of sales of the object to the total sales  
160 of the business enterprise;
- 161 (m) The existence and scope of legitimate uses for the object in the community;
- 162 (n) Expert testimony concerning its use;
- 163 (o) The quantity, form or packaging of the product, substance or material in relation to  
164 the quantity, form or packaging associated with any legitimate use for the product, substance or  
165 material;
- 166 (18) "Federal narcotic laws", the laws of the United States relating to controlled  
167 substances;
- 168 (19) "Hospital", a place devoted primarily to the maintenance and operation of facilities  
169 for the diagnosis, treatment or care, for not less than twenty-four hours in any week, of three or  
170 more nonrelated individuals suffering from illness, disease, injury, deformity or other abnormal  
171 physical conditions; or a place devoted primarily to provide, for not less than twenty-four  
172 consecutive hours in any week, medical or nursing care for three or more nonrelated individuals.  
173 The term "hospital" does not include convalescent, nursing, shelter or boarding homes as defined  
174 in chapter 198;
- 175 (20) "Immediate precursor", a substance which:
- 176 (a) The state department of health and senior services has found to be and by rule  
177 designates as being the principal compound commonly used or produced primarily for use in the  
178 manufacture of a controlled substance;
- 179 (b) Is an immediate chemical intermediary used or likely to be used in the manufacture  
180 of a controlled substance; and
- 181 (c) The control of which is necessary to prevent, curtail or limit the manufacture of the  
182 controlled substance;
- 183 (21) "Imitation controlled substance", a substance that is not a controlled substance,  
184 which by dosage unit appearance (including color, shape, size and markings), or by  
185 representations made, would lead a reasonable person to believe that the substance is a controlled  
186 substance. In determining whether the substance is an "imitation controlled substance" the court  
187 or authority concerned should consider, in addition to all other logically relevant factors, the  
188 following:
- 189 (a) Whether the substance was approved by the federal Food and Drug Administration  
190 for over-the-counter (nonprescription or nonlegend) sales and was sold in the federal Food and  
191 Drug Administration approved package, with the federal Food and Drug Administration  
192 approved labeling information;
- 193 (b) Statements made by an owner or by anyone else in control of the substance  
194 concerning the nature of the substance, or its use or effect;

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

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

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

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

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

209 (23) "Manufacture", the production, preparation, propagation, compounding or  
210 processing of drug paraphernalia or of a controlled substance, or an imitation controlled  
211 substance, either directly or by extraction from substances of natural origin, or independently by  
212 means of chemical synthesis, or by a combination of extraction and chemical synthesis, and  
213 includes any packaging or repackaging of the substance or labeling or relabeling of its container.  
214 This term does not include the preparation or compounding of a controlled substance or an  
215 imitation controlled substance or the preparation, compounding, packaging or labeling of a  
216 narcotic or dangerous drug:

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

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

221 (24) "Marijuana", all parts of the plant genus Cannabis in any species or form thereof,  
222 including, but not limited to Cannabis Sativa L., Cannabis Indica, Cannabis Americana,  
223 Cannabis Ruderalis, and Cannabis Gigantea, whether growing or not, the seeds thereof, the resin  
224 extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture,  
225 or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant,  
226 fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound,  
227 manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin  
228 extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of  
229 germination. **For purposes of this chapter plant includes synthetic cannabinoids, indole,  
230 analogues, homologues, molecular derivatives, and side chains;**

231 (25) "Methamphetamine precursor drug", any drug containing ephedrine,  
232 pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical  
233 isomers;

234 (26) "Narcotic drug", any of the following, whether produced directly or indirectly by  
235 extraction from substances of vegetable origin, or independently by means of chemical synthesis,  
236 or by a combination of extraction and chemical analysis:

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

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

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

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

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

247 (27) "Official written order", an order written on a form provided for that purpose by the  
248 United States Commissioner of Narcotics, under any laws of the United States making provision  
249 therefor, if such order forms are authorized and required by federal law, and if no such order  
250 form is provided, then on an official form provided for that purpose by the department of health  
251 and senior services;

252 (28) "Opiate", any substance having an addiction-forming or addiction-sustaining  
253 liability similar to morphine or being capable of conversion into a drug having addiction-forming  
254 or addiction-sustaining liability. The term includes its racemic and levorotatory forms. It does  
255 not include, unless specifically controlled under section 195.017, the dextrorotatory isomer of  
256 3-methoxy-n-methyl-morphinan and its salts (dextromethorphan);

257 (29) "Opium poppy", the plant of the species *Papaver somniferum* L., except its seeds;

258 (30) "Over-the-counter sale", a retail sale licensed pursuant to chapter 144 of a drug  
259 other than a controlled substance;

260 (31) "Person", an individual, corporation, government or governmental subdivision or  
261 agency, business trust, estate, trust, partnership, joint venture, association, or any other legal or  
262 commercial entity;

263 (32) "Pharmacist", a licensed pharmacist as defined by the laws of this state, and where  
264 the context so requires, the owner of a store or other place of business where controlled  
265 substances are compounded or dispensed by a licensed pharmacist; but nothing in sections  
266 195.005 to 195.425 shall be construed as conferring on a person who is not registered nor

267 licensed as a pharmacist any authority, right or privilege that is not granted to him by the  
268 pharmacy laws of this state;

269 (33) "Poppy straw", all parts, except the seeds, of the opium poppy, after mowing;

270 (34) "Possessed" or "possessing a controlled substance", a person, with the knowledge  
271 of the presence and nature of a substance, has actual or constructive possession of the substance.  
272 A person has actual possession if he has the substance on his person or within easy reach and  
273 convenient control. A person who, although not in actual possession, has the power and the  
274 intention at a given time to exercise dominion or control over the substance either directly or  
275 through another person or persons is in constructive possession of it. Possession may also be  
276 sole or joint. If one person alone has possession of a substance possession is sole. If two or  
277 more persons share possession of a substance, possession is joint;

278 (35) "Practitioner", a physician, dentist, optometrist, podiatrist, veterinarian, scientific  
279 investigator, pharmacy, hospital or other person licensed, registered or otherwise permitted by  
280 this state to distribute, dispense, conduct research with respect to or administer or to use in  
281 teaching or chemical analysis, a controlled substance in the course of professional practice or  
282 research in this state, or a pharmacy, hospital or other institution licensed, registered, or  
283 otherwise permitted to distribute, dispense, conduct research with respect to or administer a  
284 controlled substance in the course of professional practice or research;

285 (36) "Production", includes the manufacture, planting, cultivation, growing, or  
286 harvesting of drug paraphernalia or of a controlled substance or an imitation controlled  
287 substance;

288 (37) "Registry number", the number assigned to each person registered under the federal  
289 controlled substances laws;

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

292 (39) "State" when applied to a part of the United States, includes any state, district,  
293 commonwealth, territory, insular possession thereof, and any area subject to the legal authority  
294 of the United States of America;

295 (40) "Ultimate user", a person who lawfully possesses a controlled substance or an  
296 imitation controlled substance for his own use or for the use of a member of his household or for  
297 administering to an animal owned by him or by a member of his household;

298 (41) "Wholesaler", a person who supplies drug paraphernalia or controlled substances  
299 or imitation controlled substances that he himself has not produced or prepared, on official  
300 written orders, but not on prescriptions.

301 195.017. 1. The department of health and senior services shall place a substance in  
302 Schedule I if it finds that the substance:

- 303 (1) Has high potential for abuse; and  
304 (2) Has no accepted medical use in treatment in the United States or lacks accepted  
305 safety for use in treatment under medical supervision.
- 306 2. Schedule I:
- 307 (1) The controlled substances listed in this subsection are included in Schedule I;  
308 (2) Any of the following opiates, including their isomers, esters, ethers, salts, and salts  
309 of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these  
310 isomers, esters, ethers and salts is possible within the specific chemical designation:
- 311 (a) Acetyl-alpha-methylfentanyl;
  - 312 (b) Acetylmethadol;
  - 313 (c) Allylprodine;
  - 314 (d) Alphacetylmethadol;
  - 315 (e) Alphameprodine;
  - 316 (f) Alphamethadol;
  - 317 (g) Alpha-methylfentanyl;
  - 318 (h) Alpha-methylthiofentanyl;
  - 319 (i) Benzethidine;
  - 320 (j) Betacetylmethadol;
  - 321 (k) Beta-hydroxyfentanyl;
  - 322 (l) Beta-hydroxy-3-methylfentanyl;
  - 323 (m) Betameprodine;
  - 324 (n) Betamethadol;
  - 325 (o) Betaprodine;
  - 326 (p) Clonitazene;
  - 327 (q) Dextromoramide;
  - 328 (r) Diampromide;
  - 329 (s) Diethylthiambutene;
  - 330 (t) Difenoxin;
  - 331 (u) Dimenoxadol;
  - 332 (v) Dimepheptanol;
  - 333 (w) Dimethylthiambutene;
  - 334 (x) Dioxaphetyl butyrate;
  - 335 (y) Dipipanone;
  - 336 (z) Ethylmethylthiambutene;
  - 337 (aa) Etonitazene;
  - 338 (bb) Etoxeridine;

- 339 (cc) Furethidine;
- 340 (dd) Hydroxypethidine;
- 341 (ee) Ketobemidone;
- 342 (ff) Levomoramide;
- 343 (gg) Levophenacymorphan;
- 344 (hh) 3-Methylfentanyl;
- 345 (ii) 3-Methylthiofentanyl;
- 346 (jj) Morpheridine;
- 347 (kk) MPPP;
- 348 (ll) Noracymethadol;
- 349 (mm) Norlevorphanol;
- 350 (nn) Normethadone;
- 351 (oo) Norpipanone;
- 352 (pp) Para-fluorofentanyl;
- 353 (qq) PEPAP;
- 354 (rr) Phenadoxone;
- 355 (ss) Phenampromide;
- 356 (tt) Phenomorphan;
- 357 (uu) Phenoperidine;
- 358 (vv) Piritramide;
- 359 (ww) Proheptazine;
- 360 (xx) Properidine;
- 361 (yy) Propiram;
- 362 (zz) Racemoramide;
- 363 (aaa) Thiofentanyl;
- 364 (bbb) Tilidine;
- 365 (ccc) Trimeperidine;
- 366 (3) Any of the following opium derivatives, their salts, isomers and salts of isomers
- 367 unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers
- 368 is possible within the specific chemical designation:
- 369 (a) Acetorphine;
- 370 (b) Acetyldihydrocodeine;
- 371 (c) Benzylmorphine;
- 372 (d) Codeine methylbromide;
- 373 (e) Codeine-N-Oxide;
- 374 (f) Cyprenorphine;

- 375 (g) Desomorphine;  
376 (h) Dihydromorphine;  
377 (i) Drotebanol;  
378 (j) Etorphine (except hydrochloride salt);  
379 (k) Heroin;  
380 (l) Hydromorphanol;  
381 (m) Methyldesorphine;  
382 (n) Methyldihydromorphine;  
383 (o) Morphine methylbromide;  
384 (p) Morphine methylsulfonate;  
385 (q) Morphine-N-Oxide;  
386 (r) Myrophine;  
387 (s) Nicocodeine;  
388 (t) Nicomorphine;  
389 (u) Normorphine;  
390 (v) Pholcodine;  
391 (w) Thebacon;  
392 (4) Any material, compound, mixture or preparation which contains any quantity of the  
393 following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically  
394 excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within  
395 the specific chemical designation:
- 396 (a) 4-bromo-2, 5-dimethoxyamphetamine;  
397 (b) 4-bromo-2, 5-dimethoxyphenethylamine;  
398 (c) 2,5-dimethoxyamphetamine;  
399 (d) 2,5-dimethoxy-4-ethylamphetamine;  
400 (e) 2,5-dimethoxy-4-(n)-propylthiophenethylamine;  
401 **(f) 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP-47,497);**  
402 **(g) 1,1-Dimethylheptyl-11-hydroxytetrahydrocannabinol;**  
403 **(h) 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol**  
404 **(cannabicyclohexanol; CP-47,497 C8 homologue);**  
405 **(i) 1-hexyl-3-(1-naphthoyl)indole;**  
406 **(j) Mephradone (4-methylmethcathinone);**  
407 **[(f)] (k) 4-methoxyamphetamine;**  
408 **[(g)] (l) 5-methoxy-3,4-methylenedioxyamphetamine;**  
409 **(m) 4-Methyl-alpha-pyrrolidinobutyrophenone;**  
410 **[(h)] (n) 4-methyl-2, 5-dimethoxyamphetamine;**

- 411 **(o) (2-methyl-1-propyl-1H-indol-3-yl)-1-naphthalenyl-methanone;**  
412 [(i)] **(p)** 3,4-methylenedioxyamphetamine;  
413 [(j)] **(q)** 3,4-methylenedioxyamphetamine;  
414 [(k)] **(r)** 3,4-methylenedioxy-N-ethylamphetamine;  
415 **(s) [1-[2-(4-morpholinyl)ethyl]-1H-indol-3-yl]-1-naphthalenyl-methanone;**  
416 **(t) 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200);**  
417 [(l)] **(u)** N-hydroxy-3, 4-methylenedioxyamphetamine;  
418 [(m)] **(v)** 3,4,5-trimethoxyamphetamine;  
419 [(n)] **(w)** 5-MeO-DMT or 5-methoxy-N,N-dimethyltryptamine, its isomers, salts, and  
420 salts of isomers;  
421 [(o)] **(x)** Alpha-ethyltryptamine;  
422 [(p)] **(y)** Alpha-methyltryptamine;  
423 [(q)] **(z)** Bufotenine;  
424 [(r)] **(aa)** Dexanabinol, (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-  
425 yl)-6a,7,10,10 a-tetrahydrobenzo[c]chromen-1-ol;  
426 [(s)] **(bb)** Diethyltryptamine;  
427 [(t)] **(cc)** Dimethyltryptamine;  
428 [(u)] **(dd)** 5-methoxy-N,N-diisopropyltryptamine;  
429 [(v)] **(ee)** Ibogaine;  
430 [(w)] **(ff)** Indole, or 1-butyl-3(1-naphthoyl)indole;  
431 [(x)] **(gg)** Indole, or 1-pentyl-3(1-naphthoyl)indole;  
432 [(y)] **(hh)** Lysergic acid diethylamide;  
433 [(z)] **(ii)** Marijuana or marihuana;  
434 [(aa)] **(jj)** Mescaline;  
435 [(bb)] **(kk)** Parahexyl;  
436 **(ll) 1-pentyl-3-(4-chloro-1-naphthoyl)indole;**  
437 **(mm) 1-(1-pentyl-1H-indol-3-yl)-2-(2-methoxyphenyl)-ethanone;**  
438 **(nn) 1-pentyl-3-(2-methoxyphenylacetyl)indole;**  
439 [(cc)] **(oo)** Peyote, to include all parts of the plant presently classified botanically as  
440 Lophophora Williamsii Lemaire, whether growing or not; the seeds thereof; any extract from any  
441 part of such plant; and every compound, manufacture, salt, derivative, mixture or preparation of  
442 the plant, its seed or extracts;  
443 [(dd)] **(pp)** Phenol, CP 47, 497 & homologues, or 2-[(1R,3S)-3-hydroxycyclohexyl]-5-  
444 (2-methyloctan-2-yl)phenol, where side chain n=5, and homologues where side chain n=4,6, or  
445 7;  
446 [(ee)] **(qq)** N-ethyl-3-piperidyl benzilate;

- 447 [(ff)] (rr) N-methyl-3-piperidyl benzilate;
- 448 [(gg)] (ss) Psilocybin;
- 449 [(hh)] (tt) Psilocyn;
- 450 [(ii)] (uu) Tetrahydrocannabinols naturally contained in a plant of the genus Cannabis
- 451 (cannabis plant), as well as synthetic equivalents of the substances contained in the cannabis
- 452 plant, or in the resinous extractives of such plant, or synthetic substances, derivatives, and their
- 453 isomers with similar chemical structure and pharmacological activity to those substances
- 454 contained in the plant, such as the following:
- 455 a. 1 cis or trans tetrahydrocannabinol, and their optical isomers;
- 456 b. 6 cis or trans tetrahydrocannabinol, and their optical isomers;
- 457 c. 3,4 cis or trans tetrahydrocannabinol, and their optical isomers;
- 458 d. Any compounds of these structures, regardless of numerical designation of atomic
- 459 positions covered;
- 460 [(jj)] (vv) Ethylamine analog of phencyclidine;
- 461 [(kk)] (ww) Pyrrolidine analog of phencyclidine;
- 462 [(ll)] (xx) Thiophene analog of phencyclidine;
- 463 [(mm)] (yy) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine;
- 464 [(nn)] (zz) Salvia divinorum;
- 465 [(oo)] (aaa) Salvinorin A;
- 466 (5) Any material, compound, mixture or preparation containing any quantity of the
- 467 following substances having a depressant effect on the central nervous system, including their
- 468 salts, isomers and salts of isomers whenever the existence of these salts, isomers and salts of
- 469 isomers is possible within the specific chemical designation:
- 470 (a) Gamma-hydroxybutyric acid;
- 471 (b) Mecloqualone;
- 472 (c) Methaqualone;
- 473 (6) Any material, compound, mixture or preparation containing any quantity of the
- 474 following substances having a stimulant effect on the central nervous system, including their
- 475 salts, isomers and salts of isomers:
- 476 (a) Aminorex;
- 477 (b) N-benzylpiperazine;
- 478 (c) Cathinone;
- 479 (d) Fenethylamine;
- 480 (e) Methcathinone;
- 481 (f) **Methylenedioxypropionylpyrrolidine or [(MPDV) (1-(1,3-Benzodioxol-5-yl)-2-(1-**
- 482 **pyrrolidinyl)-1-pentanone];**

483            [(f)] (g) (+,-)cis-4-methylaminorex ((+,-)cis-4,5-dihydro-4-methyl-5-phenyl-2-  
484 oxazolamine);

485            [(g)] (h) N-ethylamphetamine;

486            [(h)] (i) N,N-dimethylamphetamine;

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

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

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

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

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

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

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

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

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

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

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

510            a. Raw opium;

511            b. Opium extracts;

512            c. Opium fluid;

513            d. Powdered opium;

514            e. Granulated opium;

515            f. Tincture of opium;

516            g. Codeine;

517            h. Ethylmorphine;

518            i. Etorphine hydrochloride;

- 519 j. Hydrocodone;  
520 k. Hydromorphone;  
521 l. Metopon;  
522 m. Morphine;  
523 n. Oxycodone;  
524 o. Oxymorphone;  
525 p. Thebaine;
- 526 (b) Any salt, compound, derivative, or preparation thereof which is chemically  
527 equivalent or identical with any of the substances referred to in this subdivision, but not  
528 including the isoquinoline alkaloids of opium;
- 529 (c) Opium poppy and poppy straw;
- 530 (d) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and  
531 any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical  
532 with any of these substances, but not including decocainized coca leaves or extractions which  
533 do not contain cocaine or ecgonine;
- 534 (e) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid  
535 or powder form which contains the phenanthrene alkaloids of the opium poppy);
- 536 (2) Any of the following opiates, including their isomers, esters, ethers, salts, and salts  
537 of isomers, whenever the existence of these isomers, esters, ethers and salts is possible within  
538 the specific chemical designation, dextrorphan and levopropoxyphene excepted:
- 539 (a) Alfentanil;  
540 (b) Alphaprodine;  
541 (c) Anileridine;  
542 (d) Bezitramide;  
543 (e) Bulk dextropropoxyphene;  
544 (f) Carfentanil;  
545 (g) Dihydrocodeine;  
546 (h) Diphenoxylate;  
547 (i) Fentanyl;  
548 (j) Isomethadone;  
549 (k) Levo-alphaacetylmethadol;  
550 (l) Levomethorphan;  
551 (m) Levorphanol;  
552 (n) Metazocine;  
553 (o) Methadone;  
554 (p) Meperidine;

- 555 (q) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenylbutane;  
556 (r) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane--carboxylic  
557 acid;  
558 (s) Pethidine (meperidine);  
559 (t) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;  
560 (u) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;  
561 (v) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;  
562 (w) Phenazocine;  
563 (x) Piminodine;  
564 (y) Racemethorphan;  
565 (z) Racemorphan;  
566 (aa) Remifentanyl;  
567 (bb) Sufentanyl;  
568 (cc) Tapentadol;
- 569 (3) Any material, compound, mixture, or preparation which contains any quantity of the  
570 following substances having a stimulant effect on the central nervous system:
- 571 (a) Amphetamine, its salts, optical isomers, and salts of its optical isomers;  
572 (b) Lisdexamfetamine, its salts, isomers, and salts of its isomers;  
573 (c) Methamphetamine, its salts, isomers, and salts of its isomers;  
574 (d) Phenmetrazine and its salts;  
575 (e) Methylphenidate;
- 576 (4) Any material, compound, mixture, or preparation which contains any quantity of the  
577 following substances having a depressant effect on the central nervous system, including its salts,  
578 isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers  
579 is possible within the specific chemical designation:
- 580 (a) Amobarbital;  
581 (b) Glutethimide;  
582 (c) Pentobarbital;  
583 (d) Phencyclidine;  
584 (e) Secobarbital;
- 585 (5) Any material or compound which contains any quantity of nabilone;  
586 (6) Any material, compound, mixture, or preparation which contains any quantity of the  
587 following substances:
- 588 (a) Immediate precursor to amphetamine and methamphetamine: Phenylacetone;  
589 (b) Immediate precursors to phencyclidine (PCP):  
590 a. 1-phenylcyclohexylamine;

- 591           b. 1-piperidinocyclohexanecarbonitrile (PCC);  
592           (7) Any material, compound, mixture, or preparation which contains any quantity of the  
593 following alkyl nitrites:  
594           (a) Amyl nitrite;  
595           (b) Butyl nitrite.
- 596           5. The department of health and senior services shall place a substance in Schedule III  
597 if it finds that:  
598           (1) The substance has a potential for abuse less than the substances listed in Schedules  
599 I and II;  
600           (2) The substance has currently accepted medical use in treatment in the United States;  
601 and  
602           (3) Abuse of the substance may lead to moderate or low physical dependence or high  
603 psychological dependence.
- 604           6. The controlled substances listed in this subsection are included in Schedule III:  
605           (1) Any material, compound, mixture, or preparation which contains any quantity of the  
606 following substances having a potential for abuse associated with a stimulant effect on the  
607 central nervous system:  
608           (a) Benzphetamine;  
609           (b) Chlorphentermine;  
610           (c) Clortermine;  
611           (d) Phendimetrazine;  
612           (2) Any material, compound, mixture or preparation which contains any quantity or salt  
613 of the following substances or salts having a depressant effect on the central nervous system:  
614           (a) Any material, compound, mixture or preparation which contains any quantity or salt  
615 of the following substances combined with one or more active medicinal ingredients:  
616           a. Amobarbital;  
617           b. Secobarbital;  
618           c. Pentobarbital;  
619           (b) Any suppository dosage form containing any quantity or salt of the following:  
620           a. Amobarbital;  
621           b. Secobarbital;  
622           c. Pentobarbital;  
623           (c) Any substance which contains any quantity of a derivative of barbituric acid or its  
624 salt;  
625           (d) Chlorhexadol;  
626           (e) Embutramide;

- 627 (f) Gamma hydroxybutyric acid and its salts, isomers, and salts of isomers contained in  
628 a drug product for which an application has been approved under Section 505 of the federal  
629 Food, Drug, and Cosmetic Act;
- 630 (g) Ketamine, its salts, isomers, and salts of isomers;
- 631 (h) Lysergic acid;
- 632 (i) Lysergic acid amide;
- 633 (j) Methyprylon;
- 634 (k) Sulfondiethylmethane;
- 635 (l) Sulfonethylmethane;
- 636 (m) Sulfonmethane;
- 637 (n) Tiletamine and zolazepam or any salt thereof;
- 638 (3) Nalorphine;
- 639 (4) Any material, compound, mixture, or preparation containing limited quantities of any  
640 of the following narcotic drugs or their salts:
- 641 (a) Not more than 1.8 grams of codeine per one hundred milliliters or not more than  
642 ninety milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid  
643 of opium;
- 644 (b) Not more than 1.8 grams of codeine per one hundred milliliters or not more than  
645 ninety milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized  
646 therapeutic amounts;
- 647 (c) Not more than three hundred milligrams of hydrocodone per one hundred milliliters  
648 or not more than fifteen milligrams per dosage unit, with a fourfold or greater quantity of an  
649 isoquinoline alkaloid of opium;
- 650 (d) Not more than three hundred milligrams of hydrocodone per one hundred milliliters  
651 or not more than fifteen milligrams per dosage unit, with one or more active nonnarcotic  
652 ingredients in recognized therapeutic amounts;
- 653 (e) Not more than 1.8 grams of dihydrocodeine per one hundred milliliters or not more  
654 than ninety milligrams per dosage unit, with one or more active nonnarcotic ingredients in  
655 recognized therapeutic amounts;
- 656 (f) Not more than three hundred milligrams of ethylmorphine per one hundred milliliters  
657 or not more than fifteen milligrams per dosage unit, with one or more active, nonnarcotic  
658 ingredients in recognized therapeutic amounts;
- 659 (g) Not more than five hundred milligrams of opium per one hundred milliliters or per  
660 one hundred grams or not more than twenty-five milligrams per dosage unit, with one or more  
661 active nonnarcotic ingredients in recognized therapeutic amounts;

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

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

667 (6) Anabolic steroids. Any drug or hormonal substance, chemically and  
 668 pharmacologically related to testosterone (other than estrogens, progestins, corticosteroids, and  
 669 dehydroepiandrosterone) that promotes muscle growth, except an anabolic steroid which is  
 670 expressly intended for administration through implants to cattle or other nonhuman species and  
 671 which has been approved by the Secretary of Health and Human Services for that administration.  
 672 If any person prescribes, dispenses, or distributes such steroid for human use, such person shall  
 673 be considered to have prescribed, dispensed, or distributed an anabolic steroid within the  
 674 meaning of this [paragraph] **subdivision**. Unless specifically excepted or unless listed in another  
 675 schedule, any material, compound, mixture or preparation containing any quantity of the  
 676 following substances, including its salts, esters and ethers:

- 677 (a) 3 $\beta$ ,17-dihydroxy-5 $\alpha$ -androstane;
- 678 (b) 3 $\alpha$ ,17 $\beta$ -dihydroxy-5 $\alpha$ -androstane;
- 679 (c) 5 $\alpha$ -androstan-3,17-dione;
- 680 (d) 1-androstenediol (3 $\beta$ ,17 $\beta$ -dihydroxy-5 $\alpha$ -androst-1-ene);
- 681 (e) 1-androstenediol (3 $\alpha$ ,17 $\beta$ -dihydroxy-5 $\alpha$ -androst-1-ene);
- 682 (f) 4-androstenediol (3 $\beta$ ,17 $\beta$ -dihydroxy-androst-4-ene);
- 683 (g) 5-androstenediol (3 $\beta$ ,17 $\beta$ -dihydroxy-androst-5-ene);
- 684 (h) 1-androstenedione ([5 $\alpha$ ]-androst-1-en-3,17-dione);
- 685 (i) 4-androstenedione (androst-4-en-3,17-dione);
- 686 (j) 5-androstenedione (androst-5-en-3,17-dione);
- 687 (k) Bolasterone (7 $\alpha$ , 17 $\alpha$ -dimethyl-17 $\beta$ -hydroxyandrost-4-en-3-one);
- 688 (l) Boldenone (17 $\beta$ -hydroxyandrost-1,4,-diene-3-one);
- 689 (m) Boldione;
- 690 (n) Calusterone (7 $\beta$ , 17 $\alpha$ -dimethyl-17 $\beta$ -hydroxyandrost-4-en-3-one);
- 691 (o) Clostebol (4-chloro-17 $\beta$ -hydroxyandrost-4-en-3-one);
- 692 ( 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
- 693 (4-chloro-17 $\beta$ -hydroxy-17 $\alpha$ -methyl-androst-1,4-dien-3-one);
- 694 (q) Desoxymethyltestosterone;
- 695 (r)  $\Delta$ 1-dihydrotestosterone (a.k.a. '1-testosterone')(17 $\beta$ -hydroxy-5 $\alpha$ -androst-1-en-3-one);
- 696 (s) 4-dihydrotestosterone (17 $\beta$ -hydroxy-androstan-3-one);
- 697 (t) Drostanolone (17 $\beta$ -hydroxy-2 $\alpha$ -methyl-5 $\alpha$ -androstan-3-one);

- 698 (u) Ethylestrenol (17 $\alpha$ -ethyl-17 $\beta$ -hydroxyestr-4-ene);
- 699 (v) Fluoxymesterone (9-fluoro-17 $\alpha$ -methyl-11 $\beta$ ,17 $\beta$ -dihydroxyandrost-4-en-3-one);
- 700 (w) Formebolone (2-formyl-17 $\alpha$ -methyl-11 $\alpha$ ,17 $\beta$ -dihydroxyandrost-1,4-dien-3-one);
- 701 (x) Furazabol (17 $\alpha$ -methyl-17 $\beta$ -hydroxyandrostano[2,3-c]-furazan);
- 702 (y) 13 $\beta$ -ethyl-17 $\beta$ -hydroxygon-4-en-3-one;
- 703 (z) 4-hydroxytestosterone (4,17 $\beta$ -dihydroxy-androst-4-en-3-one);
- 704 (aa) 4-hydroxy-19-nortestosterone (4,17 $\beta$ -dihydroxy-estr-4-en-3-one);
- 705 (bb) Mestanolone (17 $\alpha$ -methyl-17 $\beta$ -hydroxy-5-androstan-3-one);
- 706 (cc) Mesterolone (1 $\alpha$ -methyl-17 $\beta$ -hydroxy-[5 $\alpha$ ]-androstan-3-one);
- 707 (dd) Methandienone (17 $\alpha$ -methyl-17 $\beta$ -hydroxyandrost-1,4-dien-3-one);
- 708 (ee) Methandriol (17 $\alpha$ -methyl-3 $\beta$ ,17 $\beta$ -dihydroxyandrost-5-ene);
- 709 (ff) Methenolone (1-methyl-17 $\beta$ -hydroxy-5 $\alpha$ -androst-1-en-3-one);
- 710 (gg) 17 $\alpha$ -methyl-3 $\beta$ ,17 $\beta$ -dihydroxy-5 $\alpha$ -androstane);
- 711 (hh) 17 $\alpha$ -methyl-3 $\alpha$ ,17 $\beta$ -dihydroxy-5 $\alpha$ -androstane);
- 712 (ii) 17 $\alpha$ -methyl-3 $\beta$ ,17 $\beta$ -dihydroxyandrost-4-ene;
- 713 ( j j ) 1 7  $\alpha$  - m e t h y l - 4 - h y d r o x y n a n d r o l o n e
- 714 (17 $\alpha$ -methyl-4-hydroxy-17 $\beta$ -hydroxyestr-4-en-3-one);
- 715 (kk) Methyldienolone (17 $\alpha$ -methyl-17 $\beta$ -hydroxyestra-4,9(10)-dien-3-one);
- 716 (ll) Methyltrienolone (17 $\alpha$ -methyl-17 $\beta$ -hydroxyestra-4,9-11-trien-3-one);
- 717 (mm) Methyltestosterone (17 $\alpha$ -methyl-17 $\beta$ -hydroxyandrost-4-en-3-one);
- 718 (nn) Mibolerone (7 $\alpha$ ,17 $\alpha$ -dimethyl-17 $\beta$ -hydroxyestr-4-en-3-one);
- 719 ( o o ) 1 7  $\alpha$  - m e t h y l -  $\Delta$  1 - d i h y d r o t e s t o s t e r o n e
- 720 (17 $\beta$ -hydroxy-17 $\alpha$ -methyl-5 $\alpha$ -androst-1-en-3-one) (a.k.a. '17- $\alpha$ -methyl-1-testosterone');
- 721 (pp) Nandrolone (17 $\beta$ -hydroxyestr-4-ene-3-one);
- 722 (qq) 19-nor-4-androstenediol (3 $\beta$ ,17 $\beta$ -dihydroxyestr-4-ene);
- 723 (rr) 19-nor-4-androstenediol (3 $\alpha$ ,17 $\beta$ -dihydroxyestr-4-ene);
- 724 (ss) 19-nor-4,9(10)-androstadienedione;
- 725 (tt) 19-nor-5-androstenediol (3 $\beta$ ,17 $\beta$ -dihydroxyestr-5-ene);
- 726 (uu) 19-nor-5-androstenediol (3 $\alpha$ ,17 $\beta$ -dihydroxyestr-5-ene);
- 727 (vv) 19-nor-4-androstenedione (estr-4-en-3,17-dione);
- 728 (ww) 19-nor-5-androstenedione (estr-5-en-3,17-dione);
- 729 (xx) Norbolethone (13 $\beta$ ,17 $\alpha$ -diethyl-17 $\beta$ -hydroxygon-4-en-3-one);
- 730 (yy) Norclostebol (4-chloro-17 $\beta$ -hydroxyestr-4-en-3-one);
- 731 (zz) Norethandrolone (17 $\alpha$ -ethyl-17 $\beta$ -hydroxyestr-4-en-3-one);
- 732 (aaa) Normethandrolone (17 $\alpha$ -methyl-17 $\beta$ -hydroxyestr-4-en-3-one);
- 733 (bbb) Oxandrolone (17 $\alpha$ -methyl-17 $\beta$ -hydroxy-2-oxa-[5 $\alpha$ ]-androstan-3-one);

- 734 (ccc) Oxymesterone (17 $\alpha$ -methyl-4,17 $\beta$ -dihydroxyandrost-4-en-3-one);  
 735 ( d d d ) O x y m e t h a l o n e  
 736 (17 $\alpha$ -methyl-2-hydroxymethylene-17 $\beta$ -hydroxy-[5 $\alpha$ ]-androstan-3-one);  
 737 (eee) Stanozolol (17 $\alpha$ -methyl-17 $\beta$ -hydroxy-[5 $\alpha$ ]-androst-2-eno[3,2-c]-pyrazole);  
 738 (fff) Stenbolone (17 $\beta$ -hydroxy-2-methyl-[5 $\alpha$ ]-androst-1-en-3-one);  
 739 (ggg) Testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid lactone);  
 740 (hhh) Testosterone (17 $\beta$ -hydroxyandrost-4-en-3-one);  
 741 (iii) Tetrahydrogestrinone (13 $\beta$ ,17 $\alpha$ -diethyl-17 $\beta$ -hydroxygon-4,9,11-trien-3-one);  
 742 (jjj) Trenbolone (17 $\beta$ -hydroxyestr-4,9,11-trien-3-one);  
 743 (kkk) Any salt, ester, or ether of a drug or substance described or listed in this  
 744 subdivision, except an anabolic steroid which is expressly intended for administration through  
 745 implants to cattle or other nonhuman species and which has been approved by the Secretary of  
 746 Health and Human Services for that administration;
- 747 (7) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a  
 748 United States Food and Drug Administration approved drug product;
- 749 (8) The department of health and senior services may except by rule any compound,  
 750 mixture, or preparation containing any stimulant or depressant substance listed in subdivisions  
 751 (1) and (2) of this subsection from the application of all or any part of sections 195.010 to  
 752 195.320 if the compound, mixture, or preparation contains one or more active medicinal  
 753 ingredients not having a stimulant or depressant effect on the central nervous system, and if the  
 754 admixtures are included therein in combinations, quantity, proportion, or concentration that  
 755 vitiate the potential for abuse of the substances which have a stimulant or depressant effect on  
 756 the central nervous system.
- 757 7. The department of health and senior services shall place a substance in Schedule IV  
 758 if it finds that:
- 759 (1) The substance has a low potential for abuse relative to substances in Schedule III;  
 760 (2) The substance has currently accepted medical use in treatment in the United States;  
 761 and
- 762 (3) Abuse of the substance may lead to limited physical dependence or psychological  
 763 dependence relative to the substances in Schedule III.
- 764 8. The controlled substances listed in this subsection are included in Schedule IV:
- 765 (1) Any material, compound, mixture, or preparation containing any of the following  
 766 narcotic drugs or their salts calculated as the free anhydrous base or alkaloid, in limited quantities  
 767 as set forth below:
- 768 (a) Not more than one milligram of difenoxin and not less than twenty-five micrograms  
 769 of atropine sulfate per dosage unit;

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

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

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

778 b. Not more than one hundred milligrams of dihydrocodeine per one hundred milliliters  
779 or per one hundred grams;

780 c. Not more than one hundred milligrams of ethylmorphine per one hundred milliliters  
781 or per one hundred grams;

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

785 (a) Alprazolam;

786 (b) Barbitol;

787 (c) Bromazepam;

788 (d) Camazepam;

789 (e) Chloral betaine;

790 (f) Chloral hydrate;

791 (g) Chlordiazepoxide;

792 (h) Clobazam;

793 (i) Clonazepam;

794 (j) Clorazepate;

795 (k) Clotiazepam;

796 (l) Cloxazolam;

797 (m) Delorazepam;

798 (n) Diazepam;

799 (o) Dichloralphenazone;

800 (p) Estazolam;

801 (q) Ethchlorvynol;

802 (r) Ethinamate;

803 (s) Ethyl loflazepate;

804 (t) Fludiazepam;

805 (u) Flunitrazepam;

- 806 (v) Flurazepam;
- 807 (w) Fospropofol;
- 808 (x) Halazepam;
- 809 (y) Haloxazolam;
- 810 (z) Ketazolam;
- 811 (aa) Loprazolam;
- 812 (bb) Lorazepam;
- 813 (cc) Lormetazepam;
- 814 (dd) Mebutamate;
- 815 (ee) Medazepam;
- 816 (ff) Meprobamate;
- 817 (gg) Methohexital;
- 818 (hh) Methylphenobarbital (mephobarbital);
- 819 (ii) Midazolam;
- 820 (jj) Nimetazepam;
- 821 (kk) Nitrazepam;
- 822 (ll) Nordiazepam;
- 823 (mm) Oxazepam;
- 824 (nn) Oxazolam;
- 825 (oo) Paraldehyde;
- 826 (pp) Petrichloral;
- 827 (qq) Phenobarbital;
- 828 (rr) Pinazepam;
- 829 (ss) Prazepam;
- 830 (tt) Quazepam;
- 831 (uu) Temazepam;
- 832 (vv) Tetrazepam;
- 833 (ww) Triazolam;
- 834 (xx) Zaleplon;
- 835 (yy) Zolpidem;
- 836 (zz) Zopiclone;
- 837 (3) Any material, compound, mixture, or preparation which contains any quantity of the
- 838 following substance including its salts, isomers and salts of isomers whenever the existence of
- 839 such salts, isomers and salts of isomers is possible: fenfluramine;

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

- 843 (a) Cathine ((+)-norpseudoephedrine);
- 844 (b) Diethylpropion;
- 845 (c) Fencamfamin;
- 846 (d) Fenproporex;
- 847 (e) Mazindol;
- 848 (f) Mefenorex;
- 849 (g) Modafinil;
- 850 (h) Pemoline, including organometallic complexes and chelates thereof;
- 851 (i) Phentermine;
- 852 (j) Pipradrol;
- 853 (k) Sibutramine;
- 854 (l) SPA ((-)-1-dimethylamino-1,2-diphenylethane);

855 (5) Any material, compound, mixture or preparation containing any quantity of the  
856 following substance, including its salts:

- 857 (a) butorphanol;
- 858 (b) pentazocine;

859 (6) Ephedrine, its salts, optical isomers and salts of optical isomers, when the substance  
860 is the only active medicinal ingredient;

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

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

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

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

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

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

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

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

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

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

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

891 (3) Any compound, mixture, or preparation containing any detectable quantity of  
892 pseudoephedrine or its salts or optical isomers, or salts of optical isomers or any compound,  
893 mixture, or preparation containing any detectable quantity of ephedrine or its salts or optical  
894 isomers, or salts of optical isomers;

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

898 (a) Lacosamide;

899 (b) Pregabalin.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

941 18. The manufacturer of a drug product or another interested party may apply with the  
942 department of health and senior services for an exemption from this section. The department of  
943 health and senior services may grant an exemption by rule from this section if the department  
944 finds the drug product is not used in the illegal manufacture of methamphetamine or other  
945 controlled or dangerous substances. The department of health and senior services shall rely on  
946 reports from law enforcement and law enforcement evidentiary laboratories in determining if the  
947 proposed product can be used to manufacture illicit controlled substances.

948           19. The department of health and senior services shall revise and republish the schedules  
949 annually.

950           20. The department of health and senior services shall promulgate rules under chapter  
951 536 regarding the security and storage of Schedule V controlled substances, as described in  
952 subdivision (3) of subsection 10 of this section, for distributors as registered by the department  
953 of health and senior services.

954           21. Logs of transactions required to be kept and maintained by this section and section  
955 195.417 shall create a rebuttable presumption that the person whose name appears in the logs is  
956 the person whose transactions are recorded in the logs.

957           195.022. [A controlled substance analogue shall, to the extent intended for human  
958 consumption, be treated, for the purposes of any state law, as a controlled substance in schedule  
959 **I] Any analogue or homologue of a Schedule I controlled substance shall be treated, for the**  
960 **purposes of any state law, as a controlled substance in Schedule I.**

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