

FIRST REGULAR SESSION

# HOUSE BILL NO. 930

## 98TH GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVE ENGLISH.

2109H.011

D. ADAM CRUMBLISS, Chief Clerk

---

### AN ACT

To repeal section 195.017 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 195.017 as enacted by house bill no. 641, ninety-sixth general assembly, first regular session, and sections 144.020, 144.021, and 144.030, RSMo, and to enact in lieu thereof twenty-one new sections relating to the use of marijuana for medicinal purposes, with penalty provisions.

---

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

Section A. Section 195.017 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 195.017 as enacted by house bill no. 641, ninety-sixth general assembly, first regular session, and sections 144.020, 144.021, and 144.030, RSMo, are repealed and twenty-one new sections enacted in lieu thereof, to be known as sections 144.020, 144.021, 144.030, 195.017, 195.550, 195.553, 195.556, 195.559, 195.562, 195.565, 195.568, 195.571, 195.574, 195.577, 195.580, 195.583, 195.586, 195.589, 195.592, 195.595, and 195.598, to read as follows:

144.020. 1. A tax is hereby levied and imposed for the privilege of titling new and used motor vehicles, trailers, boats, and outboard motors purchased or acquired for use on the highways or waters of this state which are required to be titled under the laws of the state of Missouri and, except as provided in subdivision (9) of this subsection, upon all sellers for the privilege of engaging in the business of selling tangible personal property or rendering taxable service at retail in this state. The rate of tax shall be as follows:

(1) Upon every retail sale in this state of tangible personal property, excluding motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats and outboard motors required to be titled under the laws of the state of Missouri and subject to tax under subdivision (9) of this

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.

10 subsection, a tax equivalent to four percent of the purchase price paid or charged, or in case such  
11 sale involves the exchange of property, a tax equivalent to four percent of the consideration paid  
12 or charged, including the fair market value of the property exchanged at the time and place of  
13 the exchange, except as otherwise provided in section 144.025;

14 (2) A tax equivalent to four percent of the amount paid for admission and seating  
15 accommodations, or fees paid to, or in any place of amusement, entertainment or recreation,  
16 games and athletic events;

17 (3) A tax equivalent to four percent of the basic rate paid or charged on all sales of  
18 electricity or electrical current, water and gas, natural or artificial, to domestic, commercial or  
19 industrial consumers;

20 (4) A tax equivalent to four percent on the basic rate paid or charged on all sales of local  
21 and long distance telecommunications service to telecommunications subscribers and to others  
22 through equipment of telecommunications subscribers for the transmission of messages and  
23 conversations and upon the sale, rental or leasing of all equipment or services pertaining or  
24 incidental thereto; except that, the payment made by telecommunications subscribers or others,  
25 pursuant to section 144.060, and any amounts paid for access to the internet or interactive  
26 computer services shall not be considered as amounts paid for telecommunications services;

27 (5) A tax equivalent to four percent of the basic rate paid or charged for all sales of  
28 services for transmission of messages of telegraph companies;

29 (6) A tax equivalent to four percent on the amount of sales or charges for all rooms,  
30 meals and drinks furnished at any hotel, motel, tavern, inn, restaurant, eating house, drugstore,  
31 dining car, tourist cabin, tourist camp or other place in which rooms, meals or drinks are  
32 regularly served to the public;

33 (7) A tax equivalent to four percent of the amount paid or charged for intrastate tickets  
34 by every person operating a railroad, sleeping car, dining car, express car, boat, airplane and such  
35 buses and trucks as are licensed by the division of motor carrier and railroad safety of the  
36 department of economic development of Missouri, engaged in the transportation of persons for  
37 hire;

38 (8) A tax equivalent to four percent of the amount paid or charged for rental or lease of  
39 tangible personal property, provided that if the lessor or renter of any tangible personal property  
40 had previously purchased the property under the conditions of "sale at retail" or leased or rented  
41 the property and the tax was paid at the time of purchase, lease or rental, the lessor, sublessor,  
42 renter or subrenter shall not apply or collect the tax on the subsequent lease, sublease, rental or  
43 subrental receipts from that property. The purchase, rental or lease of motor vehicles, trailers,  
44 motorcycles, mopeds, motortricycles, boats, and outboard motors shall be taxed and the tax paid  
45 as provided in this section and section 144.070. In no event shall the rental or lease of boats and

46 outboard motors be considered a sale, charge, or fee to, for or in places of amusement,  
47 entertainment or recreation nor shall any such rental or lease be subject to any tax imposed to,  
48 for, or in such places of amusement, entertainment or recreation. Rental and leased boats or  
49 outboard motors shall be taxed under the provisions of the sales tax laws as provided under such  
50 laws for motor vehicles and trailers. Tangible personal property which is exempt from the sales  
51 or use tax under section 144.030 upon a sale thereof is likewise exempt from the sales or use tax  
52 upon the lease or rental thereof;

53 (9) A tax equivalent to four percent of the purchase price, as defined in section 144.070,  
54 of new and used motor vehicles, trailers, boats, and outboard motors purchased or acquired for  
55 use on the highways or waters of this state which are required to be registered under the laws of  
56 the state of Missouri. This tax is imposed on the person titling such property, and shall be paid  
57 according to the procedures in section 144.440.

58 2. All tickets sold which are sold under the provisions of sections 144.010 to 144.525  
59 which are subject to the sales tax shall have printed, stamped or otherwise endorsed thereon, the  
60 words "This ticket is subject to a sales tax."

61 **3. The provisions of subsection 1 of this section notwithstanding, the rate of tax**  
62 **imposed on the retail sale of medical marijuana as defined in section 195.550 shall be equal**  
63 **to eight percent of the purchase price paid or charged.**

144.021. The purpose and intent of sections 144.010 to 144.510 is to impose a tax upon  
2 the privilege of engaging in the business, in this state, of selling tangible personal property and  
3 those services listed in section 144.020 and for the privilege of titling new and used motor  
4 vehicles, trailers, boats, and outboard motors purchased or acquired for use on the highways or  
5 waters of this state which are required to be registered under the laws of the state of Missouri.  
6 Except as otherwise provided, the primary tax burden is placed upon the seller making the  
7 taxable sales of property or service and is levied at the rate provided for in section 144.020.  
8 Excluding subdivision (9) of subsection 1 of section 144.020 and sections 144.070, 144.440 and  
9 144.450, the extent to which a seller is required to collect the tax from the purchaser of the  
10 taxable property or service is governed by section 144.285 and in no way affects sections  
11 144.080 and 144.100, which require all sellers to report to the director of revenue their "gross  
12 receipts", defined herein to mean the aggregate amount of the sales price of all sales at retail, and  
13 remit tax at four percent, **or eight percent if applicable**, of their gross receipts.

144.030. 1. There is hereby specifically exempted from the provisions of sections  
2 144.010 to 144.525 and from the computation of the tax levied, assessed or payable pursuant to  
3 sections 144.010 to 144.525 such retail sales as may be made in commerce between this state and  
4 any other state of the United States, or between this state and any foreign country, and any retail  
5 sale which the state of Missouri is prohibited from taxing pursuant to the Constitution or laws

6 of the United States of America, and such retail sales of tangible personal property which the  
7 general assembly of the state of Missouri is prohibited from taxing or further taxing by the  
8 constitution of this state.

9         2. There are also specifically exempted from the provisions of the local sales tax law as  
10 defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to  
11 144.761 and from the computation of the tax levied, assessed or payable pursuant to the local  
12 sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and  
13 144.600 to 144.745:

14         (1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of  
15 such excise tax is refunded pursuant to section 142.824; or upon the sale at retail of fuel to be  
16 consumed in manufacturing or creating gas, power, steam, electrical current or in furnishing  
17 water to be sold ultimately at retail; or feed for livestock or poultry; or grain to be converted into  
18 foodstuffs which are to be sold ultimately in processed form at retail; or seed, limestone or  
19 fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will  
20 be sold at retail or will be fed to livestock or poultry to be sold ultimately in processed form at  
21 retail; economic poisons registered pursuant to the provisions of the Missouri pesticide  
22 registration law (sections 281.220 to 281.310) which are to be used in connection with the  
23 growth or production of crops, fruit trees or orchards applied before, during, or after planting,  
24 the crop of which when harvested will be sold at retail or will be converted into foodstuffs which  
25 are to be sold ultimately in processed form at retail;

26         (2) Materials, manufactured goods, machinery and parts which when used in  
27 manufacturing, processing, compounding, mining, producing or fabricating become a component  
28 part or ingredient of the new personal property resulting from such manufacturing, processing,  
29 compounding, mining, producing or fabricating and which new personal property is intended to  
30 be sold ultimately for final use or consumption; and materials, including without limitation,  
31 gases and manufactured goods, including without limitation slagging materials and firebrick,  
32 which are ultimately consumed in the manufacturing process by blending, reacting or interacting  
33 with or by becoming, in whole or in part, component parts or ingredients of steel products  
34 intended to be sold ultimately for final use or consumption;

35         (3) Materials, replacement parts and equipment purchased for use directly upon, and for  
36 the repair and maintenance or manufacture of, motor vehicles, watercraft, railroad rolling stock  
37 or aircraft engaged as common carriers of persons or property;

38         (4) Motor vehicles registered in excess of fifty-four thousand pounds, and the trailers  
39 pulled by such motor vehicles, that are actually used in the normal course of business to haul  
40 property on the public highways of the state, and that are capable of hauling loads commensurate  
41 with the motor vehicle's registered weight; and the materials, replacement parts, and equipment

42 purchased for use directly upon, and for the repair and maintenance or manufacture of such  
43 vehicles. For purposes of this subdivision, "motor vehicle" and "public highway" shall have the  
44 meaning as ascribed in section 390.020;

45 (5) Replacement machinery, equipment, and parts and the materials and supplies solely  
46 required for the installation or construction of such replacement machinery, equipment, and  
47 parts, used directly in manufacturing, mining, fabricating or producing a product which is  
48 intended to be sold ultimately for final use or consumption; and machinery and equipment, and  
49 the materials and supplies required solely for the operation, installation or construction of such  
50 machinery and equipment, purchased and used to establish new, or to replace or expand existing,  
51 material recovery processing plants in this state. For the purposes of this subdivision, a "material  
52 recovery processing plant" means a facility that has as its primary purpose the recovery of  
53 materials into a usable product or a different form which is used in producing a new product and  
54 shall include a facility or equipment which are used exclusively for the collection of recovered  
55 materials for delivery to a material recovery processing plant but shall not include motor vehicles  
56 used on highways. For purposes of this section, the terms motor vehicle and highway shall have  
57 the same meaning pursuant to section 301.010. Material recovery is not the reuse of materials  
58 within a manufacturing process or the use of a product previously recovered. The material  
59 recovery processing plant shall qualify under the provisions of this section regardless of  
60 ownership of the material being recovered;

61 (6) Machinery and equipment, and parts and the materials and supplies solely required  
62 for the installation or construction of such machinery and equipment, purchased and used to  
63 establish new or to expand existing manufacturing, mining or fabricating plants in the state if  
64 such machinery and equipment is used directly in manufacturing, mining or fabricating a product  
65 which is intended to be sold ultimately for final use or consumption;

66 (7) Tangible personal property which is used exclusively in the manufacturing,  
67 processing, modification or assembling of products sold to the United States government or to  
68 any agency of the United States government;

69 (8) Animals or poultry used for breeding or feeding purposes, or captive wildlife;

70 (9) Newsprint, ink, computers, photosensitive paper and film, toner, printing plates and  
71 other machinery, equipment, replacement parts and supplies used in producing newspapers  
72 published for dissemination of news to the general public;

73 (10) The rentals of films, records or any type of sound or picture transcriptions for public  
74 commercial display;

75 (11) Pumping machinery and equipment used to propel products delivered by pipelines  
76 engaged as common carriers;

77 (12) Railroad rolling stock for use in transporting persons or property in interstate  
78 commerce and motor vehicles licensed for a gross weight of twenty-four thousand pounds or  
79 more or trailers used by common carriers, as defined in section 390.020, in the transportation of  
80 persons or property;

81 (13) Electrical energy used in the actual primary manufacture, processing, compounding,  
82 mining or producing of a product, or electrical energy used in the actual secondary processing  
83 or fabricating of the product, or a material recovery processing plant as defined in subdivision  
84 (5) of this subsection, in facilities owned or leased by the taxpayer, if the total cost of electrical  
85 energy so used exceeds ten percent of the total cost of production, either primary or secondary,  
86 exclusive of the cost of electrical energy so used or if the raw materials used in such processing  
87 contain at least twenty-five percent recovered materials as defined in section 260.200. There  
88 shall be a rebuttable presumption that the raw materials used in the primary manufacture of  
89 automobiles contain at least twenty-five percent recovered materials. For purposes of this  
90 subdivision, "processing" means any mode of treatment, act or series of acts performed upon  
91 materials to transform and reduce them to a different state or thing, including treatment necessary  
92 to maintain or preserve such processing by the producer at the production facility;

93 (14) Anodes which are used or consumed in manufacturing, processing, compounding,  
94 mining, producing or fabricating and which have a useful life of less than one year;

95 (15) Machinery, equipment, appliances and devices purchased or leased and used solely  
96 for the purpose of preventing, abating or monitoring air pollution, and materials and supplies  
97 solely required for the installation, construction or reconstruction of such machinery, equipment,  
98 appliances and devices;

99 (16) Machinery, equipment, appliances and devices purchased or leased and used solely  
100 for the purpose of preventing, abating or monitoring water pollution, and materials and supplies  
101 solely required for the installation, construction or reconstruction of such machinery, equipment,  
102 appliances and devices;

103 (17) Tangible personal property purchased by a rural water district;

104 (18) All amounts paid or charged for admission or participation or other fees paid by or  
105 other charges to individuals in or for any place of amusement, entertainment or recreation, games  
106 or athletic events, including museums, fairs, zoos and planetariums, owned or operated by a  
107 municipality or other political subdivision where all the proceeds derived therefrom benefit the  
108 municipality or other political subdivision and do not inure to any private person, firm, or  
109 corporation, provided, however, that a municipality or other political subdivision may enter into  
110 revenue-sharing agreements with private persons, firms, or corporations providing goods or  
111 services, including management services, in or for the place of amusement, entertainment or  
112 recreation, games or athletic events, and provided further that nothing in this subdivision shall

113 exempt from tax any amounts retained by any private person, firm, or corporation under such  
114 revenue-sharing agreement;

115 (19) All sales of insulin and prosthetic or orthopedic devices as defined on January 1,  
116 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of  
117 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically  
118 including hearing aids and hearing aid supplies and all sales of drugs which may be legally  
119 dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to  
120 administer those items, including samples and materials used to manufacture samples which may  
121 be dispensed by a practitioner authorized to dispense such samples and all sales or rental of  
122 medical oxygen, home respiratory equipment and accessories, hospital beds and accessories and  
123 ambulatory aids, all sales or rental of manual and powered wheelchairs, stairway lifts, Braille  
124 writers, electronic Braille equipment and, if purchased or rented by or on behalf of a person with  
125 one or more physical or mental disabilities to enable them to function more independently, all  
126 sales or rental of scooters, reading machines, electronic print enlargers and magnifiers, electronic  
127 alternative and augmentative communication devices, and items used solely to modify motor  
128 vehicles to permit the use of such motor vehicles by individuals with disabilities or sales of  
129 over-the-counter or nonprescription drugs to individuals with disabilities, and drugs required by  
130 the Food and Drug Administration to meet the over-the-counter drug product labeling  
131 requirements in 21 CFR 201.66, or its successor, as prescribed by a health care practitioner  
132 licensed to prescribe. **The exemptions provided by this subdivision shall not apply to the**  
133 **sale of medical marijuana as defined in 195.550;**

134 (20) All sales made by or to religious and charitable organizations and institutions in  
135 their religious, charitable or educational functions and activities and all sales made by or to all  
136 elementary and secondary schools operated at public expense in their educational functions and  
137 activities;

138 (21) All sales of aircraft to common carriers for storage or for use in interstate commerce  
139 and all sales made by or to not-for-profit civic, social, service or fraternal organizations,  
140 including fraternal organizations which have been declared tax-exempt organizations pursuant  
141 to Section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as amended, in their civic or  
142 charitable functions and activities and all sales made to eleemosynary and penal institutions and  
143 industries of the state, and all sales made to any private not-for-profit institution of higher  
144 education not otherwise excluded pursuant to subdivision (20) of this subsection or any  
145 institution of higher education supported by public funds, and all sales made to a state relief  
146 agency in the exercise of relief functions and activities;

147 (22) All ticket sales made by benevolent, scientific and educational associations which  
148 are formed to foster, encourage, and promote progress and improvement in the science of

149 agriculture and in the raising and breeding of animals, and by nonprofit summer theater  
150 organizations if such organizations are exempt from federal tax pursuant to the provisions of the  
151 Internal Revenue Code and all admission charges and entry fees to the Missouri state fair or any  
152 fair conducted by a county agricultural and mechanical society organized and operated pursuant  
153 to sections 262.290 to 262.530;

154 (23) All sales made to any private not-for-profit elementary or secondary school, all sales  
155 of feed additives, medications or vaccines administered to livestock or poultry in the production  
156 of food or fiber, all sales of pesticides used in the production of crops, livestock or poultry for  
157 food or fiber, all sales of bedding used in the production of livestock or poultry for food or fiber,  
158 all sales of propane or natural gas, electricity or diesel fuel used exclusively for drying  
159 agricultural crops, natural gas used in the primary manufacture or processing of fuel ethanol as  
160 defined in section 142.028, natural gas, propane, and electricity used by an eligible new  
161 generation cooperative or an eligible new generation processing entity as defined in section  
162 348.432, and all sales of farm machinery and equipment, other than airplanes, motor vehicles and  
163 trailers, and any freight charges on any exempt item. As used in this subdivision, the term "feed  
164 additives" means tangible personal property which, when mixed with feed for livestock or  
165 poultry, is to be used in the feeding of livestock or poultry. As used in this subdivision, the term  
166 "pesticides" includes adjuvants such as crop oils, surfactants, wetting agents and other assorted  
167 pesticide carriers used to improve or enhance the effect of a pesticide and the foam used to mark  
168 the application of pesticides and herbicides for the production of crops, livestock or poultry. As  
169 used in this subdivision, the term "farm machinery and equipment" means new or used farm  
170 tractors and such other new or used farm machinery and equipment and repair or replacement  
171 parts thereon and any accessories for and upgrades to such farm machinery and equipment, rotary  
172 mowers used exclusively for agricultural purposes, and supplies and lubricants used exclusively,  
173 solely, and directly for producing crops, raising and feeding livestock, fish, poultry, pheasants,  
174 chukar, quail, or for producing milk for ultimate sale at retail, including field drain tile, and  
175 one-half of each purchaser's purchase of diesel fuel therefor which is:

- 176 (a) Used exclusively for agricultural purposes;  
177 (b) Used on land owned or leased for the purpose of producing farm products; and  
178 (c) Used directly in producing farm products to be sold ultimately in processed form or  
179 otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold  
180 ultimately in processed form at retail;

181 (24) Except as otherwise provided in section 144.032, all sales of metered water service,  
182 electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil  
183 for domestic use and in any city not within a county, all sales of metered or unmetered water  
184 service for domestic use:

185 (a) "Domestic use" means that portion of metered water service, electricity, electrical  
186 current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not  
187 within a county, metered or unmetered water service, which an individual occupant of a  
188 residential premises uses for nonbusiness, noncommercial or nonindustrial purposes. Utility  
189 service through a single or master meter for residential apartments or condominiums, including  
190 service for common areas and facilities and vacant units, shall be deemed to be for domestic use.  
191 Each seller shall establish and maintain a system whereby individual purchases are determined  
192 as exempt or nonexempt;

193 (b) Regulated utility sellers shall determine whether individual purchases are exempt or  
194 nonexempt based upon the seller's utility service rate classifications as contained in tariffs on file  
195 with and approved by the Missouri public service commission. Sales and purchases made  
196 pursuant to the rate classification "residential" and sales to and purchases made by or on behalf  
197 of the occupants of residential apartments or condominiums through a single or master meter,  
198 including service for common areas and facilities and vacant units, shall be considered as sales  
199 made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales  
200 tax upon the entire amount of purchases classified as nondomestic use. The seller's utility  
201 service rate classification and the provision of service thereunder shall be conclusive as to  
202 whether or not the utility must charge sales tax;

203 (c) Each person making domestic use purchases of services or property and who uses any  
204 portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day  
205 of the fourth month following the year of purchase, and without assessment, notice or demand,  
206 file a return and pay sales tax on that portion of nondomestic purchases. Each person making  
207 nondomestic purchases of services or property and who uses any portion of the services or  
208 property so purchased for domestic use, and each person making domestic purchases on behalf  
209 of occupants of residential apartments or condominiums through a single or master meter,  
210 including service for common areas and facilities and vacant units, under a nonresidential utility  
211 service rate classification may, between the first day of the first month and the fifteenth day of  
212 the fourth month following the year of purchase, apply for credit or refund to the director of  
213 revenue and the director shall give credit or make refund for taxes paid on the domestic use  
214 portion of the purchase. The person making such purchases on behalf of occupants of residential  
215 apartments or condominiums shall have standing to apply to the director of revenue for such  
216 credit or refund;

217 (25) All sales of handicraft items made by the seller or the seller's spouse if the seller or  
218 the seller's spouse is at least sixty-five years of age, and if the total gross proceeds from such  
219 sales do not constitute a majority of the annual gross income of the seller;

220 (26) Excise taxes, collected on sales at retail, imposed by Sections 4041, 4061, 4071,  
221 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The director of  
222 revenue shall promulgate rules pursuant to chapter 536 to eliminate all state and local sales taxes  
223 on such excise taxes;

224 (27) Sales of fuel consumed or used in the operation of ships, barges, or waterborne  
225 vessels which are used primarily in or for the transportation of property or cargo, or the  
226 conveyance of persons for hire, on navigable rivers bordering on or located in part in this state,  
227 if such fuel is delivered by the seller to the purchaser's barge, ship, or waterborne vessel while  
228 it is afloat upon such river;

229 (28) All sales made to an interstate compact agency created pursuant to sections 70.370  
230 to 70.441 or sections 238.010 to 238.100 in the exercise of the functions and activities of such  
231 agency as provided pursuant to the compact;

232 (29) Computers, computer software and computer security systems purchased for use  
233 by architectural or engineering firms headquartered in this state. For the purposes of this  
234 subdivision, "headquartered in this state" means the office for the administrative management  
235 of at least four integrated facilities operated by the taxpayer is located in the state of Missouri;

236 (30) All livestock sales when either the seller is engaged in the growing, producing or  
237 feeding of such livestock, or the seller is engaged in the business of buying and selling, bartering  
238 or leasing of such livestock;

239 (31) All sales of barges which are to be used primarily in the transportation of property  
240 or cargo on interstate waterways;

241 (32) Electrical energy or gas, whether natural, artificial or propane, water, or other  
242 utilities which are ultimately consumed in connection with the manufacturing of cellular glass  
243 products or in any material recovery processing plant as defined in subdivision (5) of this  
244 subsection;

245 (33) Notwithstanding other provisions of law to the contrary, all sales of pesticides or  
246 herbicides used in the production of crops, aquaculture, livestock or poultry;

247 (34) Tangible personal property and utilities purchased for use or consumption directly  
248 or exclusively in the research and development of agricultural/biotechnology and plant genomics  
249 products and prescription pharmaceuticals consumed by humans or animals;

250 (35) All sales of grain bins for storage of grain for resale;

251 (36) All sales of feed which are developed for and used in the feeding of pets owned by  
252 a commercial breeder when such sales are made to a commercial breeder, as defined in section  
253 273.325, and licensed pursuant to sections 273.325 to 273.357;

254 (37) All purchases by a contractor on behalf of an entity located in another state,  
255 provided that the entity is authorized to issue a certificate of exemption for purchases to a

256 contractor under the provisions of that state's laws. For purposes of this subdivision, the term  
257 "certificate of exemption" shall mean any document evidencing that the entity is exempt from  
258 sales and use taxes on purchases pursuant to the laws of the state in which the entity is located.  
259 Any contractor making purchases on behalf of such entity shall maintain a copy of the entity's  
260 exemption certificate as evidence of the exemption. If the exemption certificate issued by the  
261 exempt entity to the contractor is later determined by the director of revenue to be invalid for any  
262 reason and the contractor has accepted the certificate in good faith, neither the contractor or the  
263 exempt entity shall be liable for the payment of any taxes, interest and penalty due as the result  
264 of use of the invalid exemption certificate. Materials shall be exempt from all state and local  
265 sales and use taxes when purchased by a contractor for the purpose of fabricating tangible  
266 personal property which is used in fulfilling a contract for the purpose of constructing, repairing  
267 or remodeling facilities for the following:

268 (a) An exempt entity located in this state, if the entity is one of those entities able to issue  
269 project exemption certificates in accordance with the provisions of section 144.062; or

270 (b) An exempt entity located outside the state if the exempt entity is authorized to issue  
271 an exemption certificate to contractors in accordance with the provisions of that state's law and  
272 the applicable provisions of this section;

273 (38) All sales or other transfers of tangible personal property to a lessor who leases the  
274 property under a lease of one year or longer executed or in effect at the time of the sale or other  
275 transfer to an interstate compact agency created pursuant to sections 70.370 to 70.441 or sections  
276 238.010 to 238.100;

277 (39) Sales of tickets to any collegiate athletic championship event that is held in a facility  
278 owned or operated by a governmental authority or commission, a quasi-governmental agency,  
279 a state university or college or by the state or any political subdivision thereof, including a  
280 municipality, and that is played on a neutral site and may reasonably be played at a site located  
281 outside the state of Missouri. For purposes of this subdivision, "neutral site" means any site that  
282 is not located on the campus of a conference member institution participating in the event;

283 (40) All purchases by a sports complex authority created under section 64.920, and all  
284 sales of utilities by such authority at the authority's cost that are consumed in connection with  
285 the operation of a sports complex leased to a professional sports team;

286 (41) All materials, replacement parts, and equipment purchased for use directly upon,  
287 and for the modification, replacement, repair, and maintenance of aircraft, aircraft power plants,  
288 and aircraft accessories;

289 (42) Sales of sporting clays, wobble, skeet, and trap targets to any shooting range or  
290 similar places of business for use in the normal course of business and money received by a

291 shooting range or similar places of business from patrons and held by a shooting range or similar  
292 place of business for redistribution to patrons at the conclusion of a shooting event.

293 3. Any ruling, agreement, or contract, whether written or oral, express or implied,  
294 between a person and this state's executive branch, or any other state agency or department,  
295 stating, agreeing, or ruling that such person is not required to collect sales and use tax in this  
296 state despite the presence of a warehouse, distribution center, or fulfillment center in this state  
297 that is owned or operated by the person or an affiliated person shall be null and void unless it is  
298 specifically approved by a majority vote of each of the houses of the general assembly. For  
299 purposes of this subsection, an "affiliated person" means any person that is a member of the same  
300 controlled group of corporations as defined in Section 1563(a) of the Internal Revenue Code of  
301 1986, as amended, as the vendor or any other entity that, notwithstanding its form of  
302 organization, bears the same ownership relationship to the vendor as a corporation that is a  
303 member of the same controlled group of corporations as defined in Section 1563(a) of the  
304 Internal Revenue Code, as amended.

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

3 (1) Has high potential for abuse; and

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

6 2. Schedule I:

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

8 (2) Any of the following opiates, including their isomers, esters, ethers, salts, and 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;

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) Difenoxin;
- 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) Norpiperone;
- 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 isomers  
68 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) Hydromorphenol;

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 the  
93 following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically

94 excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within  
95 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) 2,5-dimethoxy-4-(n)-propylthiophenethylamine;  
101 (f) 4-methoxyamphetamine;  
102 (g) 5-methoxy-3,4-methylenedioxyamphetamine;  
103 (h) 4-methyl-2, 5-dimethoxyamphetamine;  
104 (i) 3,4-methylenedioxyamphetamine;  
105 (j) 3,4-methylenedioxymethamphetamine;  
106 (k) 3,4-methylenedioxy-N-ethylamphetamine;  
107 (l) N-hydroxy-3, 4-methylenedioxyamphetamine;  
108 (m) 3,4,5-trimethoxyamphetamine;  
109 (n) 5-MeO-DMT or 5-methoxy-N,N-dimethyltryptamine, its isomers, salts, and salts of  
110 isomers;  
111 (o) Alpha-ethyltryptamine;  
112 (p) Alpha-methyltryptamine;  
113 (q) Bufotenine;  
114 (r) Diethyltryptamine;  
115 (s) Dimethyltryptamine;  
116 (t) 5-methoxy-N,N-diisopropyltryptamine;  
117 (u) Ibogaine;  
118 (v) Lysergic acid diethylamide;  
119 (w) [Marijuana or marihuana;  
120 (x)] Mescaline;  
121 [(y)] (x) Parahexyl;  
122 [(z)] (y) Peyote, to include all parts of the plant presently classified botanically as  
123 Lophophora Williamsii Lemaire, whether growing or not; the seeds thereof; any extract from any  
124 part of such plant; and every compound, manufacture, salt, derivative, mixture or preparation of  
125 the plant, its seed or extracts;  
126 [(aa)] (z) N-ethyl-3-piperidyl benzilate;  
127 [(bb)] (aa) N-methyl-3-piperidyl benzilate;  
128 [(cc)] (bb) Psilocybin;  
129 [(dd)] (cc) Psilocyn;

130 [(ee)] **(dd)** Tetrahydrocannabinols naturally contained in a plant of the genus Cannabis  
131 (cannabis plant), as well as synthetic equivalents of the substances contained in the cannabis  
132 plant, or in the resinous extractives of such plant, or synthetic substances, derivatives, and their  
133 isomers with similar chemical structure and pharmacological activity to those substances  
134 contained in the plant, such as the following:

- 135 a. 1 cis or trans tetrahydrocannabinol, and their optical isomers;  
136 b. 6 cis or trans tetrahydrocannabinol, and their optical isomers;  
137 c. 3,4 cis or trans tetrahydrocannabinol, and their optical isomers;  
138 d. Any compounds of these structures, regardless of numerical designation of atomic  
139 positions covered;

140 [(ff)] **(ee)** Ethylamine analog of phencyclidine;

141 [(gg)] **(ff)** Pyrrolidine analog of phencyclidine;

142 [(hh)] **(gg)** Thiophene analog of phencyclidine;

143 [(ii)] **(hh)** 1-[1-(2-thienyl)cyclohexyl]pyrrolidine;

144 [(jj)] **(ii)** Salvia divinorum;

145 [(kk)] **(jj)** Salvinorin A;

146 [(ll)] **(kk)** Synthetic cannabinoids:

- 147 a. Any compound structurally derived from 3-(1-naphthoyl)indole or  
148 1H-indol-3-yl-(1-naphthyl)methane by substitution at the nitrogen atom of the indole ring by  
149 alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl  
150 or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any  
151 extent, whether or not substituted in the naphthyl ring to any extent. Including, but not limited  
152 to:

153 (i) JWH-007, or 1-pentyl-2-methyl-3-(1-naphthoyl)indole;

154 (ii) JWH-015, or 1-propyl-2-methyl-3-(1-naphthoyl)indole;

155 (iii) JWH-018, or 1-pentyl-3-(1-naphthoyl)indole;

156 (iv) JWH-019, or 1-hexyl-3-(1-naphthoyl)indole;

157 (v) JWH-073, or 1-butyl-3-(1-naphthoyl)indole;

158 (vi) JWH-081, or 1-pentyl-3-(4-methoxy-1-naphthoyl)indole;

159 (vii) JWH-098, or 1-pentyl-2-methyl-3-(4-methoxy-1-naphthoyl)indole;

160 (viii) JWH-122, or 1-pentyl-3-(4-methyl-1-naphthoyl)indole;

161 (ix) JWH-164, or 1-pentyl-3-(7-methoxy-1-naphthoyl)indole;

162 (x) JWH-200, or 1-(2-(4-(morpholinyl)ethyl))-3-(1-naphthoyl)indole;

163 (xi) JWH-210, or 1-pentyl-3-(4-ethyl-1-naphthoyl)indole;

164 (xii) JWH-398, or 1-pentyl-3-(4-chloro-1-naphthoyl)indole;

165 b. Any compound structurally derived from 3-(1-naphthoyl)pyrrole by substitution at the  
166 nitrogen atom of the pyrrole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,  
167 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further  
168 substituted in the pyrrole ring to any extent, whether or not substituted in the naphthyl ring to any  
169 extent;

170 c. Any compound structurally derived from 1-(1-naphthylmethyl)indene by substitution  
171 at the 3-position of the indene ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl,  
172 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or  
173 not further substituted in the indene ring to any extent, whether or not substituted in the naphthyl  
174 ring to any extent;

175 d. Any compound structurally derived from 3-phenylacetylindole by substitution at the  
176 nitrogen atom of the indole ring with alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,  
177 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further  
178 substituted in the indole ring to any extent, whether or not substituted in the phenyl ring to any  
179 extent. Including, but not limited to:

- 180 (i) JWH-201, or 1-pentyl-3-(4-methoxyphenylacetyl)indole;
- 181 (ii) JWH-203, or 1-pentyl-3-(2-chlorophenylacetyl)indole;
- 182 (iii) JWH-250, or 1-pentyl-3-(2-methoxyphenylacetyl)indole;
- 183 (iv) JWH-251, or 1-pentyl-3-(2-methylphenylacetyl)indole;
- 184 (v) RCS-8, or 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole;

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

- 189 (i) CP 47, 497 & homologues, or 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-  
190 2-yl)phenol), where side chain n=5, and homologues where side chain n=4,6, or 7;

191 f. Any compound containing a 3-(benzoyl)indole structure with substitution at the  
192 nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,  
193 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further  
194 substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to  
195 any extent. Including, but not limited to:

- 196 (i) AM-694, or 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole;
- 197 (ii) RCS-4, or 1-pentyl-3-(4-methoxybenzoyl)indole;

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

200 h. HU-210, or (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)

- 201 -6a,7,10,10 a-tetrahydrobenzo[c]chromen-1-ol;
- 202 i. HU-211, or Dexanabinol,(6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-
- 203 methyloctan-2-yl )-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;
- 204 j. CP 50,556-1, or [(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5-phenylpentan-2-yl]
- 205 oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl] acetate;
- 206 k. Dimethylheptylpyran, or DMHP;
- 207 (5) Any material, compound, mixture or preparation containing any quantity of the
- 208 following substances having a depressant effect on the central nervous system, including their
- 209 salts, isomers and salts of isomers whenever the existence of these salts, isomers and salts of
- 210 isomers is possible within the specific chemical designation:
- 211 (a) Gamma-hydroxybutyric acid;
- 212 (b) Mecloqualone;
- 213 (c) Methaqualone;
- 214 (6) Any material, compound, mixture or preparation containing any quantity of the
- 215 following substances having a stimulant effect on the central nervous system, including their
- 216 salts, isomers and salts of isomers:
- 217 (a) Aminorex;
- 218 (b) N-benzylpiperazine;
- 219 (c) Cathinone;
- 220 (d) Fenethylamine;
- 221 (e) 3-Fluoromethcathinone;
- 222 (f) 4-Fluoromethcathinone;
- 223 (g) Mephedrone, or 4-methylmethcathinone;
- 224 (h) Methcathinone;
- 225 (i) 4-methoxymethcathinone;
- 226 (j) (+,-)cis-4-methylaminorex ((+,-)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);
- 227 (k) Methylenedioxypropylone, MDPV, or (1-(1,3-Benzodioxol-5-yl)-2-(1-
- 228 pyrrolidinyl)-1-pentanone;
- 229 (l) Methylone, or 3,4-Methylenedioxypropylone;
- 230 (m) 4-Methyl-alpha-pyrrolidinobutiophenone, or MPBP;
- 231 (n) N-ethylamphetamine;
- 232 (o) N,N-dimethylamphetamine;
- 233 (7) A temporary listing of substances subject to emergency scheduling under federal law
- 234 shall include any material, compound, mixture or preparation which contains any quantity of the
- 235 following substances:

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

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

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

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

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

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

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

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

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

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

256 a. Raw opium;

257 b. Opium extracts;

258 c. Opium fluid;

259 d. Powdered opium;

260 e. Granulated opium;

261 f. Tincture of opium;

262 g. Codeine;

263 h. Ethylmorphine;

264 i. Etorphine hydrochloride;

265 j. Hydrocodone;

266 k. Hydromorphone;

267 l. Metopon;

268 m. Morphine;

269 n. Oxycodone;

270 o. Oxymorphone;

271 p. Thebaine;

- 272 (b) Any salt, compound, derivative, or preparation thereof which is chemically  
273 equivalent or identical with any of the substances referred to in this subdivision, but not  
274 including the isoquinoline alkaloids of opium;
- 275 (c) Opium poppy and poppy straw;
- 276 (d) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and  
277 any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical  
278 with any of these substances, but not including decocainized coca leaves or extractions which  
279 do not contain cocaine or ecgonine;
- 280 (e) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid  
281 or powder form which contains the phenanthrene alkaloids of the opium poppy);
- 282 (2) Any of the following opiates, including their isomers, esters, ethers, salts, and salts  
283 of isomers, whenever the existence of these isomers, esters, ethers and salts is possible within  
284 the specific chemical designation, dextrorphan and levopropoxyphene excepted:
- 285 (a) Alfentanil;
- 286 (b) Alphaprodine;
- 287 (c) Anileridine;
- 288 (d) Bezitramide;
- 289 (e) Bulk dextropropoxyphene;
- 290 (f) Carfentanil;
- 291 (g) Dihydrocodeine;
- 292 (h) Diphenoxylate;
- 293 (i) Fentanyl;
- 294 (j) Isomethadone;
- 295 (k) Levo-alphaacetylmethadol;
- 296 (l) Levomethorphan;
- 297 (m) Levorphanol;
- 298 (n) Metazocine;
- 299 (o) Methadone;
- 300 (p) Meperidine;
- 301 (q) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenylbutane;
- 302 (r) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane--carboxylic  
303 acid;
- 304 (s) Pethidine (meperidine);
- 305 (t) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
- 306 (u) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;
- 307 (v) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;

- 308 (w) Phenazocine;
- 309 (x) Piminodine;
- 310 (y) Racemethorphan;
- 311 (z) Racemorphan;
- 312 (aa) Remifentanil;
- 313 (bb) Sufentanil;
- 314 (cc) Tapentadol;
- 315 (3) Any material, compound, mixture, or preparation which contains any quantity of the
- 316 following substances having a stimulant effect on the central nervous system:
- 317 (a) Amphetamine, its salts, optical isomers, and salts of its optical isomers;
- 318 (b) Lisdexamfetamine, its salts, isomers, and salts of its isomers;
- 319 (c) Methamphetamine, its salts, isomers, and salts of its isomers;
- 320 (d) Phenmetrazine and its salts;
- 321 (e) Methylphenidate;
- 322 (4) Any material, compound, mixture, or preparation which contains any quantity of the
- 323 following substances having a depressant effect on the central nervous system, including its salts,
- 324 isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers
- 325 is possible within the specific chemical designation:
- 326 (a) Amobarbital;
- 327 (b) Glutethimide;
- 328 (c) Pentobarbital;
- 329 (d) Phencyclidine;
- 330 (e) Secobarbital;
- 331 (5) Any material or compound which contains any quantity of nabilone;
- 332 (6) Any material, compound, mixture, or preparation which contains any quantity of the
- 333 following substances:
- 334 (a) Immediate precursor to amphetamine and methamphetamine: Phenylacetone;
- 335 (b) Immediate precursors to phencyclidine (PCP):
- 336 a. 1-phenylcyclohexylamine;
- 337 b. 1-piperidinocyclohexanecarbonitrile (PCC);
- 338 (7) Any material, compound, mixture, or preparation which contains any quantity of the
- 339 following alkyl nitrites:
- 340 (a) Amyl nitrite;
- 341 (b) Butyl nitrite;
- 342 **(8) Any material, compound, mixture, or preparation which contains any quantity**
- 343 **of the following substances having a depressant effect on the central nervous system,**

344 **including its salts, isomers, and salts of isomers whenever the existence of those salts,**  
345 **isomers, and salts of isomers is possible within the specific chemical designation:**  
346 **Marijuana.**

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

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

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

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

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

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

359 (a) Benzphetamine;

360 (b) Chlorphentermine;

361 (c) Clortermine;

362 (d) Phendimetrazine;

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

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

367 a. Amobarbital;

368 b. Secobarbital;

369 c. Pentobarbital;

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

371 a. Amobarbital;

372 b. Secobarbital;

373 c. Pentobarbital;

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

376 (d) Chlorhexadol;

377 (e) Embutramide;

- 378 (f) Gamma hydroxybutyric acid and its salts, isomers, and salts of isomers contained in  
379 a drug product for which an application has been approved under Section 505 of the federal  
380 Food, Drug, and Cosmetic Act;
- 381 (g) Ketamine, its salts, isomers, and salts of isomers;
- 382 (h) Lysergic acid;
- 383 (i) Lysergic acid amide;
- 384 (j) Methyprylon;
- 385 (k) Sulfondiethylmethane;
- 386 (l) Sulfonethylmethane;
- 387 (m) Sulfonmethane;
- 388 (n) Tiletamine and zolazepam or any salt thereof;
- 389 (3) Nalorphine;
- 390 (4) Any material, compound, mixture, or preparation containing limited quantities of any  
391 of the following narcotic drugs or their salts:
- 392 (a) Not more than 1.8 grams of codeine per one hundred milliliters or not more than  
393 ninety milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid  
394 of opium;
- 395 (b) Not more than 1.8 grams of codeine per one hundred milliliters or not more than  
396 ninety milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized  
397 therapeutic amounts;
- 398 (c) Not more than three hundred milligrams of hydrocodone per one hundred milliliters  
399 or not more than fifteen milligrams per dosage unit, with a fourfold or greater quantity of an  
400 isoquinoline alkaloid of opium;
- 401 (d) Not more than three hundred milligrams of hydrocodone per one hundred milliliters  
402 or not more than fifteen milligrams per dosage unit, with one or more active nonnarcotic  
403 ingredients in recognized therapeutic amounts;
- 404 (e) Not more than 1.8 grams of dihydrocodeine per one hundred milliliters or not more  
405 than ninety milligrams per dosage unit, with one or more active nonnarcotic ingredients in  
406 recognized therapeutic amounts;
- 407 (f) Not more than three hundred milligrams of ethylmorphine per one hundred milliliters  
408 or not more than fifteen milligrams per dosage unit, with one or more active, nonnarcotic  
409 ingredients in recognized therapeutic amounts;
- 410 (g) Not more than five hundred milligrams of opium per one hundred milliliters or per  
411 one hundred grams or not more than twenty-five milligrams per dosage unit, with one or more  
412 active nonnarcotic ingredients in recognized therapeutic amounts;

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

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

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

- 428 (a) 3 $\beta$ ,17-dihydroxy-5 $\alpha$ -androstane;
- 429 (b) 3 $\alpha$ ,17 $\beta$ -dihydroxy-5 $\alpha$ -androstane;
- 430 (c) 5 $\alpha$ -androstan-3,17-dione;
- 431 (d) 1-androstenediol (3 $\beta$ ,17 $\beta$ -dihydroxy-5 $\alpha$ -androst-1-ene);
- 432 (e) 1-androstenediol (3 $\alpha$ ,17 $\beta$ -dihydroxy-5 $\alpha$ -androst-1-ene);
- 433 (f) 4-androstenediol (3 $\beta$ ,17 $\beta$ -dihydroxy-androst-4-ene);
- 434 (g) 5-androstenediol (3 $\beta$ ,17 $\beta$ -dihydroxy-androst-5-ene);
- 435 (h) 1-androstenedione ([5 $\alpha$ ]-androst-1-en-3,17-dione);
- 436 (i) 4-androstenedione (androst-4-en-3,17-dione);
- 437 (j) 5-androstenedione (androst-5-en-3,17-dione);
- 438 (k) Bolasterone (7 $\alpha$ , 17 $\alpha$ -dimethyl-17 $\beta$ -hydroxyandrost-4-en-3-one);
- 439 (l) Boldenone (17 $\beta$ -hydroxyandrost-1,4,-diene-3-one);
- 440 (m) Boldione;
- 441 (n) Calusterone (7 $\beta$ , 17 $\alpha$ -dimethyl-17 $\beta$ -hydroxyandrost-4-en-3-one);
- 442 (o) Clostebol (4-chloro-17 $\beta$ -hydroxyandrost-4-en-3-one);
- 443 (p) Dehydrochloromethyltestosterone (4-chloro-17 $\beta$ -hydroxy-17 $\alpha$ -methyl-androst-1,  
444 4-dien-3-one);
- 445 (q) Desoxymethyltestosterone;
- 446 (r) ?1-dihydrotestosterone (a.k.a. '1-testosterone')(17 $\beta$ -hydroxy-5 $\alpha$ -androst-1-en-3-one);
- 447 (s) 4-dihydrotestosterone (17 $\beta$ -hydroxy-androstan-3-one);
- 448 (t) Drostanolone (17 $\beta$ -hydroxy-2 $\alpha$ -methyl-5 $\alpha$ -androstan-3-one);

- 449 (u) Ethylestrenol (17 $\alpha$ -ethyl-17 $\beta$ -hydroxyestr-4-ene);  
450 (v) Fluoxymesterone (9-fluoro-17 $\alpha$ -methyl-11 $\beta$ ,17 $\beta$ -dihydroxyandrost-4-en-3-one);  
451 (w) Formebolone (2-formyl-17 $\alpha$ -methyl-11 $\alpha$ ,17 $\beta$ -dihydroxyandrost-1,4-dien-3-one);  
452 (x) Furazabol (17 $\alpha$ -methyl-17 $\beta$ -hydroxyandrostano[2,3-c]-furazan);  
453 (y) 13 $\beta$ -ethyl-17 $\beta$ -hydroxygon-4-en-3-one;  
454 (z) 4-hydroxytestosterone (4,17 $\beta$ -dihydroxy-androst-4-en-3-one);  
455 (aa) 4-hydroxy-19-nortestosterone (4,17 $\beta$ -dihydroxy-estr-4-en-3-one);  
456 (bb) Mestanolone (17 $\alpha$ -methyl-17 $\beta$ -hydroxy-5-androstan-3-one);  
457 (cc) Mesterolone (1 $\alpha$ -methyl-17 $\beta$ -hydroxy-[5 $\alpha$ ]-androstan-3-one);  
458 (dd) Methandienone (17 $\alpha$ -methyl-17 $\beta$ -hydroxyandrost-1,4-dien-3-one);  
459 (ee) Methandriol (17 $\alpha$ -methyl-3 $\beta$ ,17 $\beta$ -dihydroxyandrost-5-ene);  
460 (ff) Methenolone (1-methyl-17 $\beta$ -hydroxy-5 $\alpha$ -androst-1-en-3-one);  
461 (gg) 17 $\alpha$ -methyl-3 $\beta$ ,17 $\beta$ -dihydroxy-5 $\alpha$ -androstane);  
462 (hh) 17 $\alpha$ -methyl-3 $\alpha$ ,17 $\beta$ -dihydroxy-5 $\alpha$ -androstane);  
463 (ii) 17 $\alpha$ -methyl-3 $\beta$ ,17 $\beta$ -dihydroxyandrost-4-ene);  
464 (jj) 17 $\alpha$ -methyl-4-hydroxynandrolone (17 $\alpha$ -methyl-4-hydroxy-17 $\beta$ -hydroxyestr-  
465 4-en-3-one);  
466 (kk) Methyldienolone (17 $\alpha$ -methyl-17 $\beta$ -hydroxyestra-4,9(10)-dien-3-one);  
467 (ll) Methyltrienolone (17 $\alpha$ -methyl-17 $\beta$ -hydroxyestra-4,9-11-trien-3-one);  
468 (mm) Methyltestosterone (17 $\alpha$ -methyl-17 $\beta$ -hydroxyandrost-4-en-3-one);  
469 (nn) Mibolerone (7 $\alpha$ ,17 $\alpha$ -dimethyl-17 $\beta$ -hydroxyestr-4-en-3-one);  
470 (oo) 17 $\alpha$ -methyl-?1-dihydrotestosterone (17 $\beta$ -hydroxy-17 $\alpha$ -methyl-5 $\alpha$ -androst-1-en-  
471 3-one) (a.k.a. '17 $\alpha$ -methyl-1-testosterone');  
472 (pp) Nandrolone (17 $\beta$ -hydroxyestr-4-ene-3-one);  
473 (qq) 19-nor-4-androstenediol (3 $\beta$ ,17 $\beta$ -dihydroxyestr-4-ene);  
474 (rr) 19-nor-4-androstenediol (3 $\alpha$ ,17 $\beta$ -dihydroxyestr-4-ene);  
475 (ss) 19-nor-4,9(10)-androstadienedione;  
476 (tt) 19-nor-5-androstenediol (3 $\beta$ ,17 $\beta$ -dihydroxyestr-5-ene);  
477 (uu) 19-nor-5-androstenediol (3 $\alpha$ ,17 $\beta$ -dihydroxyestr-5-ene);  
478 (vv) 19-nor-4-androstenedione (estr-4-en-3,17-dione);  
479 (ww) 19-nor-5-androstenedione (estr-5-en-3,17-dione);  
480 (xx) Norbolethone (13 $\beta$ ,17 $\alpha$ -diethyl-17 $\beta$ -hydroxygon-4-en-3-one);  
481 (yy) Norclostebol (4-chloro-17 $\beta$ -hydroxyestr-4-en-3-one);  
482 (zz) Norethandrolone (17 $\alpha$ -ethyl-17 $\beta$ -hydroxyestr-4-en-3-one);  
483 (aaa) Normethandrolone (17 $\alpha$ -methyl-17 $\beta$ -hydroxyestr-4-en-3-one);  
484 (bbb) Oxandrolone (17 $\alpha$ -methyl-17 $\beta$ -hydroxy-2-oxa-[5 $\alpha$ ]-androstan-3-one);

- 485 (ccc) Oxymesterone (17a-methyl-4,17 $\beta$ -dihydroxyandrost-4-en-3-one);  
486 (ddd) Oxymethalone (17a-methyl-2-hydroxymethylene-17 $\beta$ -hydroxy-[5a]-androstan-  
487 3-one);  
488 (eee) Stanozolol (17a-methyl-17 $\beta$ -hydroxy-[5a]-androst-2-eno[3,2-c]-pyrazole);  
489 (fff) Stenbolone (17 $\beta$ -hydroxy-2-methyl-[5a]-androst-1-en-3-one);  
490 (ggg) Testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid lactone);  
491 (hhh) Testosterone (17 $\beta$ -hydroxyandrost-4-en-3-one);  
492 (iii) Tetrahydrogestrinone (13 $\beta$ ,17a-diethyl-17 $\beta$ -hydroxygon-4,9,11-trien-3-one);  
493 (jjj) Trenbolone (17 $\beta$ -hydroxyestr-4,9,11-trien-3-one);  
494 (kkk) Any salt, ester, or ether of a drug or substance described or listed in this  
495 subdivision, except an anabolic steroid which is expressly intended for administration through  
496 implants to cattle or other nonhuman species and which has been approved by the Secretary of  
497 Health and Human Services for that administration;
- 498 (7) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a  
499 United States Food and Drug Administration approved drug product;
- 500 (8) The department of health and senior services may except by rule any compound,  
501 mixture, or preparation containing any stimulant or depressant substance listed in subdivisions  
502 (1) and (2) of this subsection from the application of all or any part of sections 195.010 to  
503 195.320 if the compound, mixture, or preparation contains one or more active medicinal  
504 ingredients not having a stimulant or depressant effect on the central nervous system, and if the  
505 admixtures are included therein in combinations, quantity, proportion, or concentration that  
506 vitiate the potential for abuse of the substances which have a stimulant or depressant effect on  
507 the central nervous system.
- 508 7. The department of health and senior services shall place a substance in Schedule IV  
509 if it finds that:
- 510 (1) The substance has a low potential for abuse relative to substances in Schedule III;  
511 (2) The substance has currently accepted medical use in treatment in the United States;  
512 and
- 513 (3) Abuse of the substance may lead to limited physical dependence or psychological  
514 dependence relative to the substances in Schedule III.
- 515 8. The controlled substances listed in this subsection are included in Schedule IV:
- 516 (1) Any material, compound, mixture, or preparation containing any of the following  
517 narcotic drugs or their salts calculated as the free anhydrous base or alkaloid, in limited quantities  
518 as set forth below:
- 519 (a) Not more than one milligram of difenoxin and not less than twenty-five micrograms  
520 of atropine sulfate per dosage unit;

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

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

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

529 b. Not more than one hundred milligrams of dihydrocodeine per one hundred milliliters  
530 or per one hundred grams;

531 c. Not more than one hundred milligrams of ethylmorphine per one hundred milliliters  
532 or per one hundred grams;

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

536 (a) Alprazolam;

537 (b) Barbitol;

538 (c) Bromazepam;

539 (d) Camazepam;

540 (e) Chloral betaine;

541 (f) Chloral hydrate;

542 (g) Chlordiazepoxide;

543 (h) Clobazam;

544 (i) Clonazepam;

545 (j) Clorazepate;

546 (k) Clotiazepam;

547 (l) Cloxazolam;

548 (m) Delorazepam;

549 (n) Diazepam;

550 (o) Dichloralphenazone;

551 (p) Estazolam;

552 (q) Ethchlorvynol;

553 (r) Ethinamate;

554 (s) Ethyl loflazepate;

555 (t) Fludiazepam;

556 (u) Flunitrazepam;

- 557 (v) Flurazepam;
- 558 (w) Fospropofol;
- 559 (x) Halazepam;
- 560 (y) Haloxazolam;
- 561 (z) Ketazolam;
- 562 (aa) Loprazolam;
- 563 (bb) Lorazepam;
- 564 (cc) Lormetazepam;
- 565 (dd) Mebutamate;
- 566 (ee) Medazepam;
- 567 (ff) Meprobamate;
- 568 (gg) Methohexital;
- 569 (hh) Methylphenobarbital (mephobarbital);
- 570 (ii) Midazolam;
- 571 (jj) Nimetazepam;
- 572 (kk) Nitrazepam;
- 573 (ll) Nordiazepam;
- 574 (mm) Oxazepam;
- 575 (nn) Oxazolam;
- 576 (oo) Paraldehyde;
- 577 (pp) Petrichloral;
- 578 (qq) Phenobarbital;
- 579 (rr) Pinazepam;
- 580 (ss) Prazepam;
- 581 (tt) Quazepam;
- 582 (uu) Temazepam;
- 583 (vv) Tetrazepam;
- 584 (ww) Triazolam;
- 585 (xx) Zaleplon;
- 586 (yy) Zolpidem;
- 587 (zz) Zopiclone;
- 588 (3) Any material, compound, mixture, or preparation which contains any quantity of the
- 589 following substance including its salts, isomers and salts of isomers whenever the existence of
- 590 such salts, isomers and salts of isomers is possible: fenfluramine;

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

594 (a) Cathine ((+)-norpseudoephedrine);

595 (b) Diethylpropion;

596 (c) Fencamfamin;

597 (d) Fenproporex;

598 (e) Mazindol;

599 (f) Mefenorex;

600 (g) Modafinil;

601 (h) Pemoline, including organometallic complexes and chelates thereof;

602 (i) Phentermine;

603 (j) Pipradrol;

604 (k) Sibutramine;

605 (l) SPA ((-)-1-dimethylamino-1,2-diphenylethane);

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

608 (a) butorphanol;

609 (b) pentazocine;

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

612 (7) The department of health and senior services may except by rule any compound,  
613 mixture, or preparation containing any depressant substance listed in subdivision (1) of this  
614 subsection from the application of all or any part of sections 195.010 to 195.320 and sections  
615 579.015 to 579.086 if the compound, mixture, or preparation contains one or more active  
616 medicinal ingredients not having a depressant effect on the central nervous system, and if the  
617 admixtures are included therein in combinations, quantity, proportion, or concentration that  
618 vitiate the potential for abuse of the substances which have a depressant effect on the central  
619 nervous system.

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

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

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

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

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

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

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

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

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

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

643 (3) Any compound, mixture, or preparation containing any detectable quantity of  
644 pseudoephedrine or its salts or optical isomers, or salts of optical isomers or any compound,  
645 mixture, or preparation containing any detectable quantity of ephedrine or its salts or optical  
646 isomers, or salts of optical isomers;

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

650 (a) Lacosamide;

651 (b) Pregabalin.

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

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

660 (2) Any person purchasing, receiving or otherwise acquiring any compound, mixture,  
661 or preparation containing any detectable quantity of pseudoephedrine, its salts or optical isomers,

662 or salts of optical isomers or ephedrine, its salts or optical isomers, or salts of optical isomers  
663 shall be at least eighteen years of age; and

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

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

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

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

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

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

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

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

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

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

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

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

693 18. The manufacturer of a drug product or another interested party may apply with the  
694 department of health and senior services for an exemption from this section. The department of  
695 health and senior services may grant an exemption by rule from this section if the department  
696 finds the drug product is not used in the illegal manufacture of methamphetamine or other  
697 controlled or dangerous substances. The department of health and senior services shall rely on

698 reports from law enforcement and law enforcement evidentiary laboratories in determining if the  
699 proposed product can be used to manufacture illicit controlled substances.

700 19. The department of health and senior services shall revise and republish the schedules  
701 annually.

702 20. The department of health and senior services shall promulgate rules under chapter  
703 536 regarding the security and storage of Schedule V controlled substances, as described in  
704 subdivision (3) of subsection 10 of this section, for distributors as registered by the department  
705 of health and senior services.

706 21. Logs of transactions required to be kept and maintained by this section and section  
707 195.417 shall create a rebuttable presumption that the person whose name appears in the logs is  
708 the person whose transactions are recorded in the logs.

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

3 (1) Has high potential for abuse; and

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

6 2. Schedule I:

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

8 (2) Any of the following opiates, including their isomers, esters, ethers, salts, and 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;

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) Difenoxylin;
- 31 (u) Dimenoxadol;
- 32 (v) Dimepheetanol;
- 33 (w) Dimethylthiambutene;
- 34 (x) Dioxaphetyl butyrate;
- 35 (y) Dipipanone;
- 36 (z) Ethylmethylthiambutene;
- 37 (aa) Etonitazene;
- 38 (bb) Etozeridine;
- 39 (cc) Furethidine;
- 40 (dd) Hydroxypethidine;
- 41 (ee) Ketobemidone;
- 42 (ff) Levomoramide;
- 43 (gg) Levophenacymorphan;
- 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 isomers  
68 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) Hydromorphenol;

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 the  
93 following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically  
94 excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within  
95 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) 2,5-dimethoxy-4-(n)-propylthiophenethylamine;
- 101 (f) 4-methoxyamphetamine;
- 102 (g) 5-methoxy-3,4-methylenedioxyamphetamine;
- 103 (h) 4-methyl-2, 5-dimethoxyamphetamine;
- 104 (i) 3,4-methylenedioxyamphetamine;
- 105 (j) 3,4-methylenedioxymethamphetamine;
- 106 (k) 3,4-methylenedioxy-N-ethylamphetamine;
- 107 (l) N-hydroxy-3, 4-methylenedioxyamphetamine;
- 108 (m) 3,4,5-trimethoxyamphetamine;
- 109 (n) 5-MeO-DMT or 5-methoxy-N,N-dimethyltryptamine, its isomers, salts, and salts of
- 110 isomers;
- 111 (o) Alpha-ethyltryptamine;
- 112 (p) Alpha-methyltryptamine;
- 113 (q) Bufotenine;
- 114 (r) Diethyltryptamine;
- 115 (s) Dimethyltryptamine;
- 116 (t) 5-methoxy-N,N-diisopropyltryptamine;
- 117 (u) Ibogaine;
- 118 (v) Lysergic acid diethylamide;
- 119 (w) [Marijuana or marihuana;
- 120 (x)] Mescaline;
- 121 [(y)] (x) Parahexyl;
- 122 [(z)] (y) Peyote, to include all parts of the plant presently classified botanically as
- 123 Lophophora Williamsii Lemaire, whether growing or not; the seeds thereof; any extract from any
- 124 part of such plant; and every compound, manufacture, salt, derivative, mixture or preparation of
- 125 the plant, its seed or extracts;
- 126 [(aa)] (z) N-ethyl-3-piperidyl benzilate;
- 127 [(bb)] (aa) N-methyl-3-piperidyl benzilate;
- 128 [(cc)] (bb) Psilocybin;
- 129 [(dd)] (cc) Psilocyn;
- 130 [(ee)] (dd) Tetrahydrocannabinols naturally contained in a plant of the genus Cannabis
- 131 (cannabis plant), as well as synthetic equivalents of the substances contained in the cannabis
- 132 plant, or in the resinous extractives of such plant, or synthetic substances, derivatives, and their

133 isomers with similar chemical structure and pharmacological activity to those substances  
134 contained in the plant, such as the following:

- 135 a. 1 cis or trans tetrahydrocannabinol, and their optical isomers;
- 136 b. 6 cis or trans tetrahydrocannabinol, and their optical isomers;
- 137 c. 3,4 cis or trans tetrahydrocannabinol, and their optical isomers;
- 138 d. Any compounds of these structures, regardless of numerical designation of atomic  
139 positions covered;

140 [(ff)] **(ee)** Ethylamine analog of phencyclidine;

141 [(gg)] **(ff)** Pyrrolidine analog of phencyclidine;

142 [(hh)] **(gg)** Thiophene analog of phencyclidine;

143 [(ii)] **(hh)** 1-[1-(2-thienyl)cyclohexyl]pyrrolidine;

144 [(jj)] **(ii)** Salvia divinorum;

145 [(kk)] **(jj)** Salvinorin A;

146 [(ll)] **(kk)** Synthetic cannabinoids:

- 147 a. Any compound structurally derived from 3-(1-naphthoyl)indole or  
148 1H-indol-3-yl-(1-naphthyl)methane by substitution at the nitrogen atom of the indole ring by  
149 alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl  
150 or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any  
151 extent, whether or not substituted in the naphthyl ring to any extent. Including, but not limited  
152 to:

153 (i) JWH-007, or 1-pentyl-2-methyl-3-(1-naphthoyl)indole;

154 (ii) JWH-015, or 1-propyl-2-methyl-3-(1-naphthoyl)indole;

155 (iii) JWH-018, or 1-pentyl-3-(1-naphthoyl)indole;

156 (iv) JWH-019, or 1-hexyl-3-(1-naphthoyl)indole;

157 (v) JWH-073, or 1-butyl-3-(1-naphthoyl)indole;

158 (vi) JWH-081, or 1-pentyl-3-(4-methoxy-1-naphthoyl)indole;

159 (vii) JWH-098, or 1-pentyl-2-methyl-3-(4-methoxy-1-naphthoyl)indole;

160 (viii) JWH-122, or 1-pentyl-3-(4-methyl-1-naphthoyl)indole;

161 (ix) JWH-164, or 1-pentyl-3-(7-methoxy-1-naphthoyl)indole;

162 (x) JWH-200, or 1-(2-(4-(morpholinyl)ethyl))-3-(1-naphthoyl)indole;

163 (xi) JWH-210, or 1-pentyl-3-(4-ethyl-1-naphthoyl)indole;

164 (xii) JWH-398, or 1-pentyl-3-(4-chloro-1-naphthoyl)indole;

- 165 b. Any compound structurally derived from 3-(1-naphthoyl)pyrrole by substitution at the  
166 nitrogen atom of the pyrrole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,  
167 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further

168 substituted in the pyrrole ring to any extent, whether or not substituted in the naphthyl ring to any  
169 extent;

170 c. Any compound structurally derived from 1-(1-naphthylmethyl)indene by substitution  
171 at the 3-position of the indene ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl,  
172 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or  
173 not further substituted in the indene ring to any extent, whether or not substituted in the naphthyl  
174 ring to any extent;

175 d. Any compound structurally derived from 3-phenylacetylindole by substitution at the  
176 nitrogen atom of the indole ring with alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,  
177 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further  
178 substituted in the indole ring to any extent, whether or not substituted in the phenyl ring to any  
179 extent. Including, but not limited to:

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

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

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

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

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

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

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

191 f. Any compound containing a 3-(benzoyl)indole structure with substitution at the  
192 nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,  
193 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further  
194 substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to  
195 any extent. Including, but not limited to:

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

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

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

200 h. HU-210, or (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)  
201 -6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;

202 i. HU-211, or Dexanabinol,(6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-  
203 (2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;

- 204 j. CP 50,556-1, or [(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5-phenylpentan-  
205 2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl] acetate;
- 206 k. Dimethylheptylpyran, or DMHP;
- 207 (5) Any material, compound, mixture or preparation containing any quantity of the  
208 following substances having a depressant effect on the central nervous system, including their  
209 salts, isomers and salts of isomers whenever the existence of these salts, isomers and salts of  
210 isomers is possible within the specific chemical designation:
- 211 (a) Gamma-hydroxybutyric acid;
- 212 (b) Mecloqualone;
- 213 (c) Methaqualone;
- 214 (6) Any material, compound, mixture or preparation containing any quantity of the  
215 following substances having a stimulant effect on the central nervous system, including their  
216 salts, isomers and salts of isomers:
- 217 (a) Aminorex;
- 218 (b) N-benzylpiperazine;
- 219 (c) Cathinone;
- 220 (d) Fenethylamine;
- 221 (e) 3-Fluoromethcathinone;
- 222 (f) 4-Fluoromethcathinone;
- 223 (g) Mephedrone, or 4-methylmethcathinone;
- 224 (h) Methcathinone;
- 225 (i) 4-methoxymethcathinone;
- 226 (j) (+,-)cis-4-methylaminorex ((+,-)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);
- 227 (k) Methylenedioxypropylamphetamine, MDPV, or (1-(1,3-Benzodioxol-5-yl)-2-(1-  
228 pyrrolidinyl)-1-pentanone);
- 229 (l) Methylenedioxypropylamphetamine;
- 230 (m) 4-Methyl-alpha-pyrrolidinobutiophenone, or MPBP;
- 231 (n) N-ethylamphetamine;
- 232 (o) N,N-dimethylamphetamine;
- 233 (7) A temporary listing of substances subject to emergency scheduling under federal law  
234 shall include any material, compound, mixture or preparation which contains any quantity of the  
235 following substances:
- 236 (a) N-(1-benzyl-4-piperidyl)-N-phenylpropanamide (benzylfentanyl), its optical isomers,  
237 salts and salts of isomers;
- 238 (b) N-(1-(2-thienyl)methyl-4-piperidyl)-N-phenylpropanamide (thenylfentanyl), its  
239 optical isomers, salts and salts of isomers;

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

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

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

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

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

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

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

253 (a) Opium and opiate and any salt, compound, derivative or preparation of opium or  
254 opiate, excluding apomorphine, thebaine-derived butorphanol, dextroprhan, nalbuphine,  
255 nalmeffene, naloxone and naltrexone, and their respective salts but including the following:

256 a. Raw opium;

257 b. Opium extracts;

258 c. Opium fluid;

259 d. Powdered opium;

260 e. Granulated opium;

261 f. Tincture of opium;

262 g. Codeine;

263 h. Ethylmorphine;

264 i. Etorphine hydrochloride;

265 j. Hydrocodone;

266 k. Hydromorphone;

267 l. Metopon;

268 m. Morphine;

269 n. Oxycodone;

270 o. Oxymorphone;

271 p. Thebaine;

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

275 (c) Opium poppy and poppy straw;

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

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

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

285 (a) Alfentanil;

286 (b) Alphaprodine;

287 (c) Anileridine;

288 (d) Bezitramide;

289 (e) Bulk dextropropoxyphene;

290 (f) Carfentanil;

291 (g) Dihydrocodeine;

292 (h) Diphenoxylate;

293 (i) Fentanyl;

294 (j) Isomethadone;

295 (k) Levo-alphaacetylmethadol;

296 (l) Levomethorphan;

297 (m) Levorphanol;

298 (n) Metazocine;

299 (o) Methadone;

300 (p) Meperidine;

301 (q) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenylbutane;

302 (r) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane--carboxylic  
303 acid;

304 (s) Pethidine (meperidine);

305 (t) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;

306 (u) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;

307 (v) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;

308 (w) Phenazocine;

309 (x) Piminodine;

310 (y) Racemethorphan;

311 (z) Racemorphan;

- 312 (aa) Remifentanyl;
- 313 (bb) Sufentanyl;
- 314 (cc) Tapentadol;
- 315 (3) Any material, compound, mixture, or preparation which contains any quantity of the
- 316 following substances having a stimulant effect on the central nervous system:
- 317 (a) Amphetamine, its salts, optical isomers, and salts of its optical isomers;
- 318 (b) Lisdexamfetamine, its salts, isomers, and salts of its isomers;
- 319 (c) Methamphetamine, its salts, isomers, and salts of its isomers;
- 320 (d) Phenmetrazine and its salts;
- 321 (e) Methylphenidate;
- 322 (4) Any material, compound, mixture, or preparation which contains any quantity of the
- 323 following substances having a depressant effect on the central nervous system, including its salts,
- 324 isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers
- 325 is possible within the specific chemical designation:
- 326 (a) Amobarbital;
- 327 (b) Glutethimide;
- 328 (c) Pentobarbital;
- 329 (d) Phencyclidine;
- 330 (e) Secobarbital;
- 331 (5) Any material or compound which contains any quantity of nabilone;
- 332 (6) Any material, compound, mixture, or preparation which contains any quantity of the
- 333 following substances:
- 334 (a) Immediate precursor to amphetamine and methamphetamine: Phenylacetone;
- 335 (b) Immediate precursors to phencyclidine (PCP):
- 336 a. 1-phenylcyclohexylamine;
- 337 b. 1-piperidinocyclohexanecarbonitrile (PCC);
- 338 (7) Any material, compound, mixture, or preparation which contains any quantity of the
- 339 following alkyl nitrites:
- 340 (a) Amyl nitrite;
- 341 (b) Butyl nitrite;
- 342 **(8) Any material, compound, mixture, or preparation which contains any quantity**
- 343 **of the following substances having a depressant effect on the central nervous system,**
- 344 **including its salts, isomers, and salts of isomers whenever the existence of those salts,**
- 345 **isomers, and salts of isomers is possible within the specific chemical designation:**
- 346 **Marijuana.**

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

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

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

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

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

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

359           (a) Benzphetamine;

360           (b) Chlorphentermine;

361           (c) Clortermine;

362           (d) Phendimetrazine;

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

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

367           a. Amobarbital;

368           b. Secobarbital;

369           c. Pentobarbital;

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

371           a. Amobarbital;

372           b. Secobarbital;

373           c. Pentobarbital;

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

376           (d) Chlorhexadol;

377           (e) Embutramide;

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

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

382           (h) Lysergic acid;

- 383 (i) Lysergic acid amide;
- 384 (j) Methyprylon;
- 385 (k) Sulfondiethylmethane;
- 386 (l) Sulfonethylmethane;
- 387 (m) Sulfonmethane;
- 388 (n) Tiletamine and zolazepam or any salt thereof;
- 389 (3) Nalorphine;
- 390 (4) Any material, compound, mixture, or preparation containing limited quantities of any
- 391 of the following narcotic drugs or their salts:
- 392 (a) Not more than 1.8 grams of codeine per one hundred milliliters or not more than
- 393 ninety milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid
- 394 of opium;
- 395 (b) Not more than 1.8 grams of codeine per one hundred milliliters or not more than
- 396 ninety milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized
- 397 therapeutic amounts;
- 398 (c) Not more than three hundred milligrams of hydrocodone per one hundred milliliters
- 399 or not more than fifteen milligrams per dosage unit, with a fourfold or greater quantity of an
- 400 isoquinoline alkaloid of opium;
- 401 (d) Not more than three hundred milligrams of hydrocodone per one hundred milliliters
- 402 or not more than fifteen milligrams per dosage unit, with one or more active nonnarcotic
- 403 ingredients in recognized therapeutic amounts;
- 404 (e) Not more than 1.8 grams of dihydrocodeine per one hundred milliliters or not more
- 405 than ninety milligrams per dosage unit, with one or more active nonnarcotic ingredients in
- 406 recognized therapeutic amounts;
- 407 (f) Not more than three hundred milligrams of ethylmorphine per one hundred milliliters
- 408 or not more than fifteen milligrams per dosage unit, with one or more active, nonnarcotic
- 409 ingredients in recognized therapeutic amounts;
- 410 (g) Not more than five hundred milligrams of opium per one hundred milliliters or per
- 411 one hundred grams or not more than twenty-five milligrams per dosage unit, with one or more
- 412 active nonnarcotic ingredients in recognized therapeutic amounts;
- 413 (h) Not more than fifty milligrams of morphine per one hundred milliliters or per one
- 414 hundred grams, with one or more active, nonnarcotic ingredients in recognized therapeutic
- 415 amounts;
- 416 (5) Any material, compound, mixture, or preparation containing any of the following
- 417 narcotic drugs or their salts, as set forth in subdivision (6) of this subsection; buprenorphine;

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

- 428 (a)  $3\beta,17$ -dihydroxy- $5\alpha$ -androstane;
- 429 (b)  $3\alpha,17\beta$ -dihydroxy- $5\alpha$ -androstane;
- 430 (c)  $5\alpha$ -androstan- $3,17$ -dione;
- 431 (d) 1-androstenediol ( $3\beta,17\beta$ -dihydroxy- $5\alpha$ -androst-1-ene);
- 432 (e) 1-androstenediol ( $3\alpha,17\beta$ -dihydroxy- $5\alpha$ -androst-1-ene);
- 433 (f) 4-androstenediol ( $3\beta,17\beta$ -dihydroxy-androst-4-ene);
- 434 (g) 5-androstenediol ( $3\beta,17\beta$ -dihydroxy-androst-5-ene);
- 435 (h) 1-androstenedione ( $[5\alpha]$ -androst-1-en- $3,17$ -dione);
- 436 (i) 4-androstenedione (androst-4-en- $3,17$ -dione);
- 437 (j) 5-androstenedione (androst-5-en- $3,17$ -dione);
- 438 (k) Bolasterone ( $7\alpha,17\alpha$ -dimethyl- $17\beta$ -hydroxyandrost-4-en-3-one);
- 439 (l) Boldenone ( $17\beta$ -hydroxyandrost-1,4,-diene-3-one);
- 440 (m) Boldione;
- 441 (n) Calusterone ( $7\beta,17\alpha$ -dimethyl- $17\beta$ -hydroxyandrost-4-en-3-one);
- 442 (o) Clostebol (4-chloro- $17\beta$ -hydroxyandrost-4-en-3-one);
- 443 (p) Dehydrochloromethyltestosterone (4-chloro- $17\beta$ -hydroxy- $17\alpha$ -methyl-androst-1,
- 444 4-dien-3-one);
- 445 (q) Desoxymethyltestosterone;
- 446 (r)  $\Delta 1$ -dihydrotestosterone (a.k.a. '1-testosterone')( $17\beta$ -hydroxy- $5\alpha$ -androst-1-en-3-one);
- 447 (s) 4-dihydrotestosterone ( $17\beta$ -hydroxy-androstan-3-one);
- 448 (t) Drostanolone ( $17\beta$ -hydroxy- $2\alpha$ -methyl- $5\alpha$ -androstan-3-one);
- 449 (u) Ethylestrenol ( $17\alpha$ -ethyl- $17\beta$ -hydroxyestr-4-ene);
- 450 (v) Fluoxymesterone (9-fluoro- $17\alpha$ -methyl- $11\beta,17\beta$ -dihydroxyandrost-4-en-3-one);
- 451 (w) Formebolone (2-formyl- $17\alpha$ -methyl- $11\alpha,17\beta$ -dihydroxyandrost-1,4-dien-3-one);
- 452 (x) Furazabol ( $17\alpha$ -methyl- $17\beta$ -hydroxyandrostano[2,3-c]-furazan);
- 453 (y)  $13\beta$ -ethyl- $17\beta$ -hydroxygon-4-en-3-one;

- 454 (z) 4-hydroxytestosterone (4,17 $\beta$ -dihydroxy-androst-4-en-3-one);  
455 (aa) 4-hydroxy-19-nortestosterone (4,17 $\beta$ -dihydroxy-estr-4-en-3-one);  
456 (bb) Mestanolone (17 $\alpha$ -methyl-17 $\beta$ -hydroxy-5-androstan-3-one);  
457 (cc) Mesterolone (1 $\alpha$ -methyl-17 $\beta$ -hydroxy-[5 $\alpha$ ]-androstan-3-one);  
458 (dd) Methandienone (17 $\alpha$ -methyl-17 $\beta$ -hydroxyandrost-1,4-dien-3-one);  
459 (ee) Methandriol (17 $\alpha$ -methyl-3 $\beta$ ,17 $\beta$ -dihydroxyandrost-5-ene);  
460 (ff) Methenolone (1-methyl-17 $\beta$ -hydroxy-5 $\alpha$ -androst-1-en-3-one);  
461 (gg) 17 $\alpha$ -methyl-3 $\beta$ ,17 $\beta$ -dihydroxy-5 $\alpha$ -androstane);  
462 (hh) 17 $\alpha$ -methyl-3 $\alpha$ ,17 $\beta$ -dihydroxy-5 $\alpha$ -androstane);  
463 (ii) 17 $\alpha$ -methyl-3 $\beta$ ,17 $\beta$ -dihydroxyandrost-4-ene);  
464 (jj) 17 $\alpha$ -methyl-4-hydroxynandrolone (17 $\alpha$ -methyl-4-hydroxy-17 $\beta$ -hydroxyestr-4-  
465 en-3-one);  
466 (kk) Methyldienolone (17 $\alpha$ -methyl-17 $\beta$ -hydroxyestra-4,9(10)-dien-3-one);  
467 (ll) Methyltrienolone (17 $\alpha$ -methyl-17 $\beta$ -hydroxyestra-4,9-11-trien-3-one);  
468 (mm) Methyltestosterone (17 $\alpha$ -methyl-17 $\beta$ -hydroxyandrost-4-en-3-one);  
469 (nn) Mibolerone (7 $\alpha$ ,17 $\alpha$ -dimethyl-17 $\beta$ -hydroxyestr-4-en-3-one);  
470 (oo) 17 $\alpha$ -methyl- $\Delta$ 1-dihydrotestosterone (17 $\beta$ -hydroxy-17 $\alpha$ -methyl-5 $\alpha$ -androst-1-en-  
471 3-one) (a.k.a. '17- $\alpha$ -methyl-1-testosterone');  
472 (pp) Nandrolone (17 $\beta$ -hydroxyestr-4-ene-3-one);  
473 (qq) 19-nor-4-androstenediol (3 $\beta$ ,17 $\beta$ -dihydroxyestr-4-ene);  
474 (rr) 19-nor-4-androstenediol (3 $\alpha$ ,17 $\beta$ -dihydroxyestr-4-ene);  
475 (ss) 19-nor-4,9(10)-androstadienedione;  
476 (tt) 19-nor-5-androstenediol (3 $\beta$ ,17 $\beta$ -dihydroxyestr-5-ene);  
477 (uu) 19-nor-5-androstenediol (3 $\alpha$ ,17 $\beta$ -dihydroxyestr-5-ene);  
478 (vv) 19-nor-4-androstenedione (estr-4-en-3,17-dione);  
479 (ww) 19-nor-5-androstenedione (estr-5-en-3,17-dione);  
480 (xx) Norbolethone (13 $\beta$ ,17 $\alpha$ -diethyl-17 $\beta$ -hydroxygon-4-en-3-one);  
481 (yy) Norclostebol (4-chloro-17 $\beta$ -hydroxyestr-4-en-3-one);  
482 (zz) Norethandrolone (17 $\alpha$ -ethyl-17 $\beta$ -hydroxyestr-4-en-3-one);  
483 (aaa) Normethandrolone (17 $\alpha$ -methyl-17 $\beta$ -hydroxyestr-4-en-3-one);  
484 (bbb) Oxandrolone (17 $\alpha$ -methyl-17 $\beta$ -hydroxy-2-oxa-[5 $\alpha$ ]-androstan-3-one);  
485 (ccc) Oxymesterone (17 $\alpha$ -methyl-4,17 $\beta$ -dihydroxyandrost-4-en-3-one);  
486 (ddd) Oxymethalone (17 $\alpha$ -methyl-2-hydroxymethylene-17 $\beta$ -hydroxy-[5 $\alpha$ ]-androstan-  
487 3-one);  
488 (eee) Stanozolol (17 $\alpha$ -methyl-17 $\beta$ -hydroxy-[5 $\alpha$ ]-androst-2-eno[3,2-c]-pyrazole);  
489 (fff) Stenbolone (17 $\beta$ -hydroxy-2-methyl-[5 $\alpha$ ]-androst-1-en-3-one);

- 490 (ggg) Testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid lactone);  
491 (hhh) Testosterone (17 $\beta$ -hydroxyandrost-4-en-3-one);  
492 (iii) Tetrahydrogestrinone (13 $\beta$ ,17 $\alpha$ -diethyl-17 $\beta$ -hydroxygon-4,9,11-trien-3-one);  
493 (jjj) Trenbolone (17 $\beta$ -hydroxyestr-4,9,11-trien-3-one);  
494 (kkk) Any salt, ester, or ether of a drug or substance described or listed in this  
495 subdivision, except an anabolic steroid which is expressly intended for administration through  
496 implants to cattle or other nonhuman species and which has been approved by the Secretary of  
497 Health and Human Services for that administration;
- 498 (7) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a  
499 United States Food and Drug Administration approved drug product;
- 500 (8) The department of health and senior services may except by rule any compound,  
501 mixture, or preparation containing any stimulant or depressant substance listed in subdivisions  
502 (1) and (2) of this subsection from the application of all or any part of sections 195.010 to  
503 195.320 if the compound, mixture, or preparation contains one or more active medicinal  
504 ingredients not having a stimulant or depressant effect on the central nervous system, and if the  
505 admixtures are included therein in combinations, quantity, proportion, or concentration that  
506 vitiate the potential for abuse of the substances which have a stimulant or depressant effect on  
507 the central nervous system.
- 508 7. The department of health and senior services shall place a substance in Schedule IV  
509 if it finds that:
- 510 (1) The substance has a low potential for abuse relative to substances in Schedule III;  
511 (2) The substance has currently accepted medical use in treatment in the United States;  
512 and
- 513 (3) Abuse of the substance may lead to limited physical dependence or psychological  
514 dependence relative to the substances in Schedule III.
- 515 8. The controlled substances listed in this subsection are included in Schedule IV:
- 516 (1) Any material, compound, mixture, or preparation containing any of the following  
517 narcotic drugs or their salts calculated as the free anhydrous base or alkaloid, in limited quantities  
518 as set forth below:
- 519 (a) Not more than one milligram of difenoxin and not less than twenty-five micrograms  
520 of atropine sulfate per dosage unit;
- 521 (b) Dextropropoxyphene ( $\alpha$ -(+)-4-dimethylamino-1, 2-diphenyl-3-methyl-2-  
522 propionoxybutane);
- 523 (c) Any of the following limited quantities of narcotic drugs or their salts, which shall  
524 include one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer

525 upon the compound, mixture or preparation valuable medicinal qualities other than those  
526 possessed by the narcotic drug alone:

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

529       b. Not more than one hundred milligrams of dihydrocodeine per one hundred milliliters  
530 or per one hundred grams;

531       c. Not more than one hundred milligrams of ethylmorphine per one hundred milliliters  
532 or per one hundred grams;

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

536       (a) Alprazolam;

537       (b) Barbital;

538       (c) Bromazepam;

539       (d) Camazepam;

540       (e) Chloral betaine;

541       (f) Chloral hydrate;

542       (g) Chlordiazepoxide;

543       (h) Clobazam;

544       (i) Clonazepam;

545       (j) Clorazepate;

546       (k) Clotiazepam;

547       (l) Cloxazolam;

548       (m) Delorazepam;

549       (n) Diazepam;

550       (o) Dichloralphenazone;

551       (p) Estazolam;

552       (q) Ethchlorvynol;

553       (r) Ethinamate;

554       (s) Ethyl loflazepate;

555       (t) Fludiazepam;

556       (u) Flunitrazepam;

557       (v) Flurazepam;

558       (w) Fospropofol;

559       (x) Halazepam;

560       (y) Haloxazolam;

- 561 (z) Ketazolam;  
562 (aa) Loprazolam;  
563 (bb) Lorazepam;  
564 (cc) Lormetazepam;  
565 (dd) Mebutamate;  
566 (ee) Medazepam;  
567 (ff) Meprobamate;  
568 (gg) Methohexital;  
569 (hh) Methylphenobarbital (mephobarbital);  
570 (ii) Midazolam;  
571 (jj) Nimetazepam;  
572 (kk) Nitrazepam;  
573 (ll) Nordiazepam;  
574 (mm) Oxazepam;  
575 (nn) Oxazolam;  
576 (oo) Paraldehyde;  
577 (pp) Petrichloral;  
578 (qq) Phenobarbital;  
579 (rr) Pinazepam;  
580 (ss) Prazepam;  
581 (tt) Quazepam;  
582 (uu) Temazepam;  
583 (vv) Tetrazepam;  
584 (ww) Triazolam;  
585 (xx) Zaleplon;  
586 (yy) Zolpidem;  
587 (zz) Zopiclone;  
588 (3) Any material, compound, mixture, or preparation which contains any quantity of the  
589 following substance including its salts, isomers and salts of isomers whenever the existence of  
590 such salts, isomers and salts of isomers is possible: fenfluramine;  
591 (4) Any material, compound, mixture or preparation containing any quantity of the  
592 following substances having a stimulant effect on the central nervous system, including their  
593 salts, isomers and salts of isomers:  
594 (a) Cathine ((+)-norpseudoephedrine);  
595 (b) Diethylpropion;  
596 (c) Fencamfamin;

- 597 (d) Fenproporex;
- 598 (e) Mazindol;
- 599 (f) Mefenorex;
- 600 (g) Modafinil;
- 601 (h) Pemoline, including organometallic complexes and chelates thereof;
- 602 (i) Phentermine;
- 603 (j) Pipradrol;
- 604 (k) Sibutramine;
- 605 (l) SPA ((-)-1-dimethylamino-1,2-diphenylethane);
- 606 (5) Any material, compound, mixture or preparation containing any quantity of the
- 607 following substance, including its salts:
- 608 (a) butorphanol;
- 609 (b) pentazocine;
- 610 (6) Ephedrine, its salts, optical isomers and salts of optical isomers, when the substance
- 611 is the only active medicinal ingredient;
- 612 (7) The department of health and senior services may except by rule any compound,
- 613 mixture, or preparation containing any depressant substance listed in subdivision (1) of this
- 614 subsection from the application of all or any part of sections 195.010 to 195.320 if the
- 615 compound, mixture, or preparation contains one or more active medicinal ingredients not having
- 616 a depressant effect on the central nervous system, and if the admixtures are included therein in
- 617 combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the
- 618 substances which have a depressant effect on the central nervous system.
- 619 9. The department of health and senior services shall place a substance in Schedule V
- 620 if it finds that:
- 621 (1) The substance has low potential for abuse relative to the controlled substances listed
- 622 in Schedule IV;
- 623 (2) The substance has currently accepted medical use in treatment in the United States;
- 624 and
- 625 (3) The substance has limited physical dependence or psychological dependence liability
- 626 relative to the controlled substances listed in Schedule IV.
- 627 10. The controlled substances listed in this subsection are included in Schedule V:
- 628 (1) Any compound, mixture or preparation containing any of the following narcotic
- 629 drugs or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set
- 630 forth below, which also contains one or more nonnarcotic active medicinal ingredients in
- 631 sufficient proportion to confer upon the compound, mixture or preparation valuable medicinal
- 632 qualities other than those possessed by the narcotic drug alone:

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

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

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

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

642 (3) Any compound, mixture, or preparation containing any detectable quantity of  
643 pseudoephedrine or its salts or optical isomers, or salts of optical isomers or any compound,  
644 mixture, or preparation containing any detectable quantity of ephedrine or its salts or optical  
645 isomers, or salts of optical isomers;

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

649 (a) Lacosamide;

650 (b) Pregabalin.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

699           19. The department of health and senior services shall revise and republish the schedules  
700 annually.

701           20. The department of health and senior services shall promulgate rules under chapter  
702 536 regarding the security and storage of Schedule V controlled substances, as described in  
703 subdivision (3) of subsection 10 of this section, for distributors as registered by the department  
704 of health and senior services.

705 21. Logs of transactions required to be kept and maintained by this section and section  
706 195.417 shall create a rebuttable presumption that the person whose name appears in the logs is  
707 the person whose transactions are recorded in the logs.

**195.550. 1. Sections 195.550 to 195.598 shall be known and may be cited as the  
2 “Compassionate Use of Medical Cannabis Pilot Program Act”.**

3 **2. As used in sections 195.550 to 195.598, the following terms shall mean:**

4 **(1) "Adequate supply", an amount of marijuana collectively possessed between the  
5 qualified patient and the qualified patient's primary caregiver that is not more than is  
6 reasonably necessary to ensure the uninterrupted availability of marijuana for the purpose  
7 of alleviating the symptoms or effects of a qualified patient's debilitating medical condition;  
8 provided that an "adequate supply" shall not exceed six mature marijuana plants and  
9 twenty-four ounces of usable marijuana, and a patient and the patient's designated  
10 primary caregiver shall not possess a combined total of more than eighteen marijuana  
11 seedlings or starts;**

12 **(2) "Attending physician", a person who is licensed to practice medicine or surgery  
13 under chapter 334, is licensed with authority to prescribe drugs under section 334.106, and  
14 who has primary responsibility for the care and treatment of a person diagnosed with a  
15 debilitating medical condition;**

16 **(3) “Cardholder”, a person who has been diagnosed by an attending physician with  
17 a debilitating medical condition and for whom the use of medical marijuana may mitigate  
18 the symptoms or effects of the person’s debilitating medical condition, and who has been  
19 issued a registry identification card by the department;**

20 **(4) "Container", a case or box that is closable;**

21 **(5) "Debilitating medical condition" means:**

22 **(a) Cancer, glaucoma, positive status for human immunodeficiency virus (HIV),  
23 acquired immune deficiency syndrome (AIDS), hepatitis C, Alzheimer's disease,  
24 rheumatoid arthritis, fibromyalgia, severe migraines, or multiple sclerosis;**

25 **(b) A chronic or debilitating disease or medical condition or its treatment that  
26 produces one or more of the following:**

27 **a. Cachexia or wasting syndrome;**

28 **b. Severe pain;**

29 **c. Severe nausea;**

30 **d. Anorexia;**

31 **e. Seizures, including those characteristic of epilepsy; or**

32 **f. Severe and persistent muscle spasms, including those characteristic of multiple  
33 sclerosis (MS), Lou Gehrig's disease (ALS), or Crohn's disease; or**

34 (c) Any other serious medical condition or its treatment approved by an attending  
35 physician;

36 (6) "Delivery", the actual, constructive, or attempted transfer, other than by  
37 administering or dispensing, from one person to another of a controlled substance, whether  
38 there is an agency relationship, but does not include transfer of marijuana from one  
39 patient to another patient if no consideration is paid for the transfer;

40 (7) "Department", the department of health and senior services;

41 (8) "Designated primary caregiver", an individual eighteen years of age or older  
42 who has significant responsibility for managing the well-being of a person who has been  
43 diagnosed with a debilitating medical condition and who is designated as such on that  
44 person's application for a registry identification card or in other written notification to the  
45 department;

46 (9) "Grow site", a specific location registered by the department used by the grower  
47 to produce marijuana for medical use by a specific patient;

48 (10) "Grow site registration card", the card issued to a patient and displayed at the  
49 grow site;

50 (11) "Grower", the same meaning as a person responsible for a marijuana grow  
51 site, as defined in this section;

52 (12) "Immature plant", the same meaning as seedling or start, as defined in this  
53 section;

54 (13) "Marijuana", all parts of the plant Cannabis family Moraceae, whether  
55 growing or not; the resin extracted from any part of the plant; and every compound,  
56 manufacture, salt, derivative, mixture, or preparation of the plant or its resin. It does not  
57 include the mature stalks of the plant, fiber produced from the stalks, oil or cake made  
58 from the seeds of the plant, any other compound, manufacture, salt derivative, mixture,  
59 or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, or cake,  
60 or the sterilized seed of the plant which is incapable of germination;

61 (14) "Mature plant", any cannabis plant bearing flowers or buds, signifying the  
62 second stage of processing for consumption as medicine;

63 (15) "Medical marijuana", cannabis sativa grown within a controlled environment  
64 for the purposes of being used as a medicine by a qualified patient in the treatment of a  
65 debilitating medical condition;

66 (16) "Medical marijuana facility", a facility that is registered by the department  
67 under section 195.858;

68 (17) "Medical use", the acquisition, possession, cultivation, use, transfer, or  
69 transportation of marijuana or paraphernalia relating to the administration of marijuana,  
70 to alleviate the symptoms or effects of a qualified patient's debilitating medical condition;

71 (18) "Parent or legal guardian", the custodial parent or legal guardian with  
72 responsibility for health care decisions for the person under eighteen years of age;

73 (19) "Patient", a person who has been diagnosed by an attending physician as  
74 having a debilitating medical condition and has received written clarification;

75 (20) "Production", the manufacture, planting, cultivation, growing, or harvesting  
76 of a controlled substance;

77 (21) "Registry identification card", a document issued by the department that  
78 identifies a person authorized to engage in the medical use of marijuana and the person's  
79 designated primary caregiver, if any;

80 (22) "Seedling or start", any cannabis plant that is devoid of flowers, is less than  
81 twelve inches in height, and is less than twelve inches in diameter;

82 (23) "Usable marijuana", the dried leaves and flowers of marijuana, and any  
83 mixture or preparation thereof, that are appropriate for the medical use of marijuana, and  
84 does not include the seeds, stalks, and roots of the plant;

85 (24) "Written documentation", a statement signed by an attending physician  
86 stating that in the physician's professional opinion, after having completed a full  
87 assessment of the qualifying patient's medical history and current medical condition made  
88 in the course of a bona fide physician-patient relationship, the qualifying patient has a  
89 debilitating medical condition and the potential benefits of the medical use of marijuana  
90 would likely outweigh the health risks for the qualifying patient.

195.553. 1. A qualified patient who possesses a registry identification card issued  
2 undersection 195.556 shall not be subject to arrest, prosecution, or penalty in any manner  
3 for the medical use of marijuana, provided that the quantity of marijuana does not exceed  
4 an adequate supply.

5 2. (1) A person who is a registry identification cardholder shall possess the registry  
6 identification card if using or transporting marijuana in a location other than the residence  
7 of the cardholder.

8 (2) If a qualified patient is not in possession of a registry identification card, the  
9 patient shall be given an opportunity to produce the registry identification card before  
10 arrest, criminal charges, or other penalties are initiated.

11 3. If the acquisition, possession, cultivation, transportation, or administration of  
12 marijuana by a qualified patient is not possible, the legal protections established by  
13 sections 195.550 to 195.598 for a qualified patient shall extend to the qualified patient's

14 primary caregiver, provided that the primary caregiver's actions are necessary for the  
15 qualified patient's medical use of marijuana.

16 4. An attending physician shall not be subject to civil penalty or discipline, arrest  
17 or prosecution, penalized in any manner, or denied any right or privilege for:

18 (1) Providing written certification for the medical use of marijuana to a patient  
19 with a debilitating medical condition.

20 (2) Advising a person whom the attending physician has diagnosed as having a  
21 debilitating medical condition, or a person who the attending physician knows has been so  
22 diagnosed by another physician licensed under chapter 334 about the risks and benefits  
23 of medical use of marijuana or that the medical use of marijuana may mitigate the  
24 symptoms or effects of the person's debilitating medical condition, provided the advice is  
25 based on the attending physician's personal assessment of the person's medical history and  
26 current medical condition; or

27 (3) Providing the written documentation necessary for issuance of a registry  
28 identification card under section 195.556.

29 5. Marijuana plants, equipment for their cultivation, and legal amounts of medical  
30 marijuana shall not be seized from the possession of a qualified patient if the patient  
31 presents a registry identification card or written certification as a medical marijuana  
32 patient. Any such property interest shall not be forfeited under any provision of state or  
33 local law providing for the forfeiture of property other than as a sentence imposed after  
34 conviction of a criminal offense or entry of a plea of guilty to a criminal offense.  
35 Marijuana, paraphernalia, or other property seized from a medical marijuana patient or  
36 primary caregiver in connection with the claimed medical use of marijuana shall be  
37 returned immediately upon the determination by a court or prosecutor that the patient or  
38 primary caregiver is entitled to the protections of sections 195.550 to 195.598, as may be  
39 evidenced by a decision not to prosecute, the dismissal of charges, or an acquittal.

40 6. Any property interest that is possessed, owned, or used in connection with the  
41 medical use of marijuana, or acts incidental to such use shall not be harmed, neglected,  
42 injured, or destroyed while in the possession of state or local law enforcement officials.

43 7. No person shall be subject to arrest or prosecution for constructive possession,  
44 conspiracy, or any other offense for simply being in the presence or vicinity of the medical  
45 use of marijuana as permitted under sections 195.550 to 195.598.

46 8. Any qualified patient shall be afforded all the same rights under the law as any  
47 other pharmaceutically medicated individual, as it pertains to:

48 (1) Routine traffic stops as well as any interaction with law enforcement that does  
49 not involve an illegal act;

50           **(2) Any interaction with a person's employer that pertains solely to legal medical**  
51 **marijuana use; or**

52           **(3) Exoneration from drug testing if such test pertains to marijuana and its**  
53 **metabolites and is administered by a member of a law enforcement agency.**

54           **9. A qualified patient or primary caregiver who has not received a registry**  
55 **identification card, but is in compliance with all other provisions of sections 195.550 to**  
56 **195.598, may present evidence supporting his or her need for medical marijuana for**  
57 **treatment of a debilitating medical condition. Such evidence may constitute an affirmative**  
58 **defense to a charge of marijuana possession or cultivation and shall be admissible in the**  
59 **courts of the state of Missouri if such evidence otherwise properly qualifies as admissible**  
60 **under the rules of evidence.**

61           **10. Qualified patients and primary caregivers shall not transport or possess usable**  
62 **marijuana in or upon a motor vehicle unless the usable marijuana is enclosed in a**  
63 **container that is carried in the trunk of the vehicle or enclosed in a container that is not**  
64 **readily accessible from the interior of the vehicle if the vehicle in which the person is**  
65 **traveling does not have a trunk. Violation of this subsection is a class B misdemeanor.**

**195.556. 1. A person engaged in or assisting in the medical use of marijuana is**  
2 **excepted from the criminal laws of the state for possession, delivery, or production of**  
3 **marijuana; aiding and abetting another in the possession, delivery, or production of**  
4 **marijuana; or any other criminal offense in which possession, delivery, or production of**  
5 **marijuana is an element if the following conditions have been satisfied:**

6           **(1)(a) The person holds a registry identification card issued pursuant to this section,**  
7 **has applied for a registry identification card under subsection 9 of this section, is the**  
8 **designated primary caregiver of the cardholder or applicant, or is the person responsible**  
9 **for a marijuana grow site that is producing marijuana for the cardholder and is registered**  
10 **under section 195.559; and**

11           **(b) The person who has a debilitating medical condition, the persons primary**  
12 **caregiver, and the person responsible for a marijuana grow site that is producing**  
13 **marijuana for the cardholder and is registered under section 195.559 are collectively in**  
14 **possession of, delivering, or producing marijuana for medical use in amounts allowed**  
15 **under section 195.568; or**

16           **(2) The person is responsible for or employed by a medical marijuana facility**  
17 **registered under section 195.565 and does not commit any of the acts described in this**  
18 **subsection anywhere other than at the medical marijuana facility.**

19           **2. The department shall establish and maintain a program for the issuance of**  
20 **registry identification cards to persons who meet the requirements of this section. Except**

21 as provided in subsection 3 of this section, the department shall issue a registry  
22 identification card to any person who pays a fee in the amount established by the  
23 department and provides the following:

24 (1) Valid, written documentation from the person's attending physician stating that  
25 the person has been diagnosed with a debilitating medical condition and that the medical  
26 use of marijuana may mitigate the symptoms or effects of the person's debilitating medical  
27 condition;

28 (2) The name, address, and date of birth of the person;

29 (3) The name, address, and telephone number of the person's attending physician;

30 (4) The name and address of the person's designated primary caregiver, if the  
31 person has designated a primary caregiver at the time of application; and

32 (5) A written statement that indicates whether the marijuana used by the  
33 cardholder will be produced at a location where the cardholder or designated primary  
34 caregiver is present or at another location.

35 3. The department shall issue a registry identification card to a person who is under  
36 eighteen years of age if the person submits the materials required under subsection 2 of this  
37 section, and the custodial parent or legal guardian with responsibility for health care  
38 decisions for the person under eighteen years of age signs a written statement that:

39 (1) The attending physician of the person under eighteen years of age has explained  
40 to that person and to the custodial parent or legal guardian with responsibility for health  
41 care decisions for the person under eighteen years of age the possible risks and benefits of  
42 the medical use of marijuana;

43 (2) The parent or legal guardian with responsibility for the person under eighteen  
44 years of age consents to the use of marijuana by the person under eighteen years of age for  
45 medical purposes;

46 (3) The custodial parent or legal guardian with responsibility for health care  
47 decisions for the person under eighteen years of age agrees to serve as the designated  
48 primary caregiver for the person under eighteen years of age; and

49 (4) The custodial parent or legal guardian with responsibility for health care  
50 decisions for the person under eighteen years of age agrees to control the acquisition of  
51 marijuana and the dosage and frequency of use by the person under eighteen years of age.

52 4. The department shall verify the information contained in an application  
53 submitted pursuant to this section and shall approve or deny an application within thirty  
54 days of receipt of the application. The department may deny an application for the  
55 following reasons:

56           **(1) The applicant did not provide the information required pursuant to this section**  
57 **to establish the applicant’s debilitating medical condition and to document the applicant’s**  
58 **consultation with an attending physician regarding the medical use of marijuana in**  
59 **connection with such condition, as provided in subsections 2 and 3 of this section;**

60           **(2) The authority determines that the information provided was falsified; or**

61           **(3) The applicant has been prohibited by a court order from obtaining a registry**  
62 **identification card.**

63           **5. (1) Denial of a registry identification card shall be considered a final department**  
64 **action, subject to judicial review. Only the person whose application has been denied or,**  
65 **in the case of a person under the age of eighteen years of age whose application has been**  
66 **denied, the person’s parent or legal guardian, shall have standing to contest the**  
67 **department’s action.**

68           **(2) Any person whose application has been denied may not reapply for six months**  
69 **from the date of the denial, unless so authorized by the authority or a court of competent**  
70 **jurisdiction.**

71           **6. If the authority has verified the information submitted under subsections 2 and**  
72 **3 of this section and none of the reasons for denial listed in subsection 5 of this section is**  
73 **applicable, the department shall issue a serially numbered registry identification card**  
74 **within five days of verification of the information. The registry identification card shall**  
75 **state:**

76           **(1) The patient's name, address, and date of birth;**

77           **(2) The date of issuance and expiration date of the registry identification card;**

78           **(3) The designated primary caregiver's name and address, if applicable;**

79           **(4) Whether the marijuana used by the cardholder will be produced at a location**  
80 **where the cardholder or designated primary caregiver is present or at another location;**  
81 **and**

82           **(5) Any other information that the department may specify by rule.**

83           **7. If a patient has specified a designated primary caregiver, or a grower, the**  
84 **department shall issue an identification card to the designated primary caregiver. The**  
85 **primary caregivers registry identification card shall contain the information provided in**  
86 **subsection 7 of section 195.556.**

87           **8. A person who possesses a registry identification card shall:**

88           **(1) Notify the department of any change in the person’s name, address, attending**  
89 **physician, or designated primary caregiver. If the department is notified by the cardholder**  
90 **that a primary caregiver or person responsible for a marijuana grow site has changed, the**  
91 **authority shall notify the primary caregiver or the person responsible for the marijuana**

92 grow site by mail at the address of record confirming the change in status and informing  
93 the caregiver or person responsible for the marijuana grow site that their card is no longer  
94 valid and shall be returned to the authority;

95 (2) If applicable, notify the designated primary caregiver of the cardholder, the  
96 person responsible for the marijuana grow site that produces marijuana for the  
97 cardholder, and any person responsible for a medical marijuana facility that transfers  
98 usable marijuana or immature marijuana plants to the cardholder under section 195.565  
99 of any change in status including, but not limited to:

100 (a) The assignment of another individual as the designated primary caregiver of the  
101 cardholder;

102 (b) The assignment of another individual as the person responsible for a marijuana  
103 grow site producing marijuana for the cardholder; or

104 (c) The end of the eligibility of the cardholder to hold a valid registry identification  
105 card; or

106 (3) Annually submit to the department:

107 (a) Updated written documentation from the cardholder's attending physician of  
108 the person's debilitating medical condition and that the medical use of marijuana may  
109 mitigate the symptoms or effects of the person's debilitating medical condition; and

110 (b) The name of the person's designated primary caregiver if a primary caregiver  
111 has been designated for the upcoming year.

112 9. If a person who possesses a registry identification card fails to comply with  
113 subsection 9 of section 195.556, the card shall be deemed expired. If a registry  
114 identification card expires, the identification card of any designated primary caregiver of  
115 the cardholder shall also expire.

116 10. (1) A person who possesses a registry identification card pursuant to this  
117 section and who has been diagnosed by the person's attending physician as no longer  
118 having a debilitating medical condition or whose attending physician has determined that  
119 the medical use of marijuana is contraindicated for the persons debilitating medical  
120 condition shall return the registry identification card and any other associated  
121 compassionate use of medical cannabis pilot program cards to the department within thirty  
122 calendar days of notification of the diagnosis or notification of the contraindication.

123 (2) If, due to circumstances beyond the control of the registry identification  
124 cardholder, a cardholder is unable to obtain a second medical opinion about the  
125 cardholder's continuing eligibility to use medical marijuana before the thirty-day period  
126 specified in paragraph 1 of this subsection has expired, the department may grant the

127 cardholder additional time to obtain a second opinion before requiring the cardholder to  
128 return the registry identification card and any associated cards.

129 **11. A person who has applied for a registry identification card pursuant to this**  
130 **section but whose application has not yet been approved or denied, and who is contacted**  
131 **by any law enforcement officer in connection with the person's administration, possession,**  
132 **delivery, or production of marijuana for medical use may provide to the law enforcement**  
133 **officer a copy of the written documentation submitted to the authority under subsection**  
134 **2 or 3 of this section and proof of the date of mailing or other transmission of the**  
135 **documentation to the authority. This documentation shall have the same legal effect as a**  
136 **registry identification card until such time as the person receives notification that the**  
137 **application has been approved or denied.**

138 **12. The department shall revoke the registry identification card of a cardholder if**  
139 **a court has issued an order that prohibits the cardholder from participating in the medical**  
140 **use of marijuana or otherwise participating in the Compassionate Use of Medical Cannabis**  
141 **Pilot Program. The cardholder shall return the registry identification card to the authority**  
142 **within seven calendar days of notification of the revocation. If the cardholder is a patient,**  
143 **the patient shall return his or her card and all other associated compassionate use of**  
144 **medical cannabis pilot program cards.**

145 **13. The department shall revoke the registration of a medical marijuana facility**  
146 **registered under section 195.565 if a court has issued an order that prohibits the person**  
147 **responsible for the medical marijuana facility from participating in the compassionate use**  
148 **of medical cannabis pilot program.**

149 **14. The department and employees and agents of the department acting within the**  
150 **course and scope of their employment are immune from any civil liability that might be**  
151 **incurred or imposed for the performance of or failure to perform duties required by this**  
152 **section.**

**195.559. 1. The department shall establish by rule a marijuana grow site**  
2 **registration system to authorize production of marijuana by a registry identification**  
3 **cardholder, a designated primary caregiver who grows marijuana for the cardholder or**  
4 **a person who is responsible for a marijuana grow site. The marijuana grow site**  
5 **registration system adopted shall require a registry identification cardholder to submit an**  
6 **application to the department that includes:**

7 **(1) The name of the person responsible for the grow site;**

8 **(2) The physical address of the marijuana grow site where marijuana is to be**  
9 **produced;**

10 **(3) The mailing address of the grower;**

11           **(4) The registry identification card number of the patient, if known, for whom the**  
12 **marijuana is being produced; and**

13           **(5) Any other information the department considers necessary.**

14           **2. The department shall issue a marijuana grow site registration card to a registry**  
15 **identification cardholder who has met the requirements of subsection 1 of this section.**

16           **3. A person who has been issued a marijuana grow site registration card under this**  
17 **section shall display the registration card at the marijuana grow site at all times when**  
18 **marijuana is being produced.**

19           **4. A marijuana grow site registration card shall be obtained and posted for each**  
20 **registry identification cardholder for whom marijuana is being produced at a marijuana**  
21 **grow site.**

22           **5. All usable marijuana, plants, seedlings, and seeds associated with the production**  
23 **of marijuana for a registry identification cardholder by a person responsible for a**  
24 **marijuana grow site are the property of the registry identification cardholder and shall be**  
25 **provided to the registry identification cardholder, or, if the marijuana is usable marijuana**  
26 **or an immature marijuana plant, transferred to a medical marijuana facility registered**  
27 **under section 195.565.**

28           **6. The department shall conduct a criminal records check under chapter 43 of any**  
29 **person whose name is submitted as a person responsible for a marijuana grow site.**

30           **(1) A person convicted of a class A or class B felony under this chapter for the**  
31 **manufacture or delivery of a controlled substance in Schedule I or Schedule II may not be**  
32 **issued a marijuana grow site registration card or produce marijuana for a registry**  
33 **identification cardholder for five years from the date of conviction.**

34           **(2) A person convicted more than once of a class A or class B felony under this**  
35 **chapter for the manufacture or delivery of a controlled substance in Schedule I or Schedule**  
36 **II may not be issued a marijuana grow site registration card or produce marijuana for a**  
37 **registry identification cardholder.**

38           **7. A registry identification cardholder or the designated primary caregiver of the**  
39 **cardholder may reimburse the person responsible for a marijuana grow site for the costs**  
40 **of labor, supplies, and utilities associated with the production of marijuana for the registry**  
41 **identification cardholder.**

42           **8. The department may adopt rules imposing a fee in an amount established by the**  
43 **department for registration of a marijuana grow site under this section.**

**195.562. 1. If a person who possesses a registry identification card issued under**  
2 **section 195.556 chooses to have a designated primary caregiver, the person shall designate**  
3 **the primary caregiver by including the primary caregiver's name and address:**

- 4           **(1) On the person’s application for a registry identification card;**  
5           **(2) In the annual updated information required under section 195.556; or**  
6           **(3) In a written, signed statement submitted to the department of health and senior**  
7 **services.**

8           **2. A person described in this section may have only one designated primary**  
9 **caregiver at any given time.**

**195.565. 1. The department shall establish by rule a medical marijuana facility**  
2 **registration system to authorize the transfer of marijuana and immature marijuana plants**  
3 **from:**

4           **(1) A registry identification cardholder, the designated primary caregiver of a**  
5 **registry identification cardholder, or a person responsible for a marijuana grow site to the**  
6 **medical marijuana facility; or**

7           **(2) A medical marijuana facility to a registry identification cardholder or the**  
8 **designated primary caregiver of a registry identification cardholder.**

9           **2. The registration system established under subsection 1 of this section shall**  
10 **require a medical marijuana facility to submit an application to the department that**  
11 **includes:**

12           **(1) The name of the person responsible for the medical marijuana facility;**

13           **(2) The address of the medical marijuana facility;**

14           **(3) Proof that the person responsible for the medical marijuana facility is a resident**  
15 **of Missouri;**

16           **(4) Documentation, as required by the department by rule, that demonstrates the**  
17 **medical marijuana facility meets the qualifications for a medical marijuana facility as**  
18 **described in subsection (3) of this section; and**

19           **(5) Any other information that the department considers necessary.**

20           **3. To qualify for registration under this section, a medical marijuana facility:**

21           **(1) Shall be located in an area that is zoned for commercial, industrial, or mixed use**  
22 **or as agricultural land and may not be located at the same address as a marijuana grow**  
23 **site;**

24           **(2) Shall be registered as a business or have filed a pending application to register**  
25 **as a business with the Office of the Secretary of State;**

26           **(3) Shall not be located within one thousand feet of the real property comprising a**  
27 **public or private elementary, secondary, or career school attended primarily by minors;**

28           **(4) Shall not be located within one thousand feet of another medical marijuana**  
29 **facility; and**

30           **(5) Shall comport with rules adopted by the department related to:**

31 (a) Installing a minimum security system, including a video surveillance system,  
32 alarm system, and safe; and

33 (b) Testing for pesticides, mold, and mildew and the processes by which usable  
34 marijuana and immature marijuana plants that test positive for pesticides, mold, or  
35 mildew shall be returned to the registry identification cardholder, the cardholders  
36 designated primary caregiver or the cardholders registered grower.

37 4. The department shall conduct a criminal records check under chapter 43 of a  
38 person whose name is submitted as the person responsible for a medical marijuana facility  
39 under subsection 2 of this section.

40 (1) A person convicted for the manufacture or delivery of a controlled substance in  
41 Schedule I or Schedule II may not be the person responsible for a medical marijuana  
42 facility for five years from the date the person is convicted.

43 (2) A person convicted more than once for the manufacture or delivery of a  
44 controlled substance in Schedule I or Schedule II may not be the person responsible for a  
45 medical marijuana facility.

46 5. (1) If a person submits the application required under subsection 2 of this section,  
47 the medical marijuana facility identified in the application meets the qualifications for a  
48 medical marijuana facility described in subsection 3 of this section, and the person  
49 responsible for the medical marijuana facility passes the criminal records check required  
50 under subsection 4 of this section, the department shall register the medical marijuana  
51 facility and issue the person responsible for the medical marijuana facility proof of  
52 registration.

53 (2) The person responsible for the medical marijuana facility shall display the proof  
54 of registration on the premises of the medical marijuana facility at all times if usable  
55 marijuana or immature marijuana plants are being transferred as described in subsection  
56 1 of this section.

57 6. (1) A registered medical marijuana facility may receive usable marijuana or  
58 immature marijuana plants only from a registry identification cardholder, designated  
59 primary caregiver or person responsible for a marijuana grow site if the registered medical  
60 marijuana facility obtains authorization, on a form prescribed by the department by rule  
61 and signed by a registry identification cardholder, to receive the usable marijuana or  
62 immature marijuana plants.

63 (2) A registered medical marijuana facility shall maintain:

64 (a) A copy of each authorization form described in paragraph 1 of this subsection;  
65 and

66 (b) Documentation of each transfer of usable marijuana or immature marijuana  
67 plants.

68 7. A medical marijuana facility registered under this section may possess usable  
69 marijuana and immature marijuana plants in excess of the limits imposed on registry  
70 identification cardholders and designated primary caregivers under section 195.568.

71 8. The department may inspect:

72 (1) The premises of an applicant for a medical marijuana facility or a registered  
73 medical marijuana facility to ensure compliance with the qualifications for a medical  
74 marijuana facility described in subsection 3 of this section; and

75 (2) The records of a registered medical marijuana facility to ensure compliance with  
76 subsection 6 of this section.

77 9. A registry identification cardholder or the designated primary caregiver of a  
78 registry identification cardholder may reimburse a medical marijuana facility registered  
79 under this section for the normal and customary costs of doing business, including costs  
80 related to transferring, handling, securing, insuring, testing, packaging, and processing  
81 usable marijuana and immature marijuana plants and the cost of supplies, utilities, and  
82 rent or mortgage.

83 10. A medical marijuana facility may reimburse a person responsible for a  
84 marijuana grow site under this section for the normal and customary costs of doing  
85 business, including costs related to transferring, handling, securing, insuring, testing,  
86 packaging, and processing usable marijuana and immature marijuana plants and the cost  
87 of supplies, utilities, and rent or mortgage.

88 11. The department may revoke the registration of a medical marijuana facility  
89 registered under this section for failure to comply with section 195.565. The department  
90 may release to the public a final order revoking a medical marijuana facility registration.

91 12. The department shall adopt rules to implement this section, including rules that:

92 (1) Require a medical marijuana facility registered under this section to annually  
93 renew that registration; and

94 (2) Establish fees for registering and renewing registration for a medical marijuana  
95 facility under this section.

195.568. 1. A registry identification cardholder or the designated primary caregiver  
2 of the cardholder may possess up to six mature marijuana plants and twenty-four ounces  
3 of usable marijuana.

4 2. Notwithstanding subsection 1 of this subsection, if a registry identification  
5 cardholder has been convicted of a class A or class B felony under this chapter for the  
6 manufacture or delivery of a controlled substance in Schedule I or Schedule II, the registry

7 **identification cardholder or the designated primary caregiver of the cardholder may**  
8 **possess one ounce of usable marijuana at any given time for a period of five years from the**  
9 **date of the conviction.**

10 **3. A person authorized under section 195.559 to produce marijuana at a marijuana**  
11 **grow site:**

12 **(1) May produce marijuana for and provide marijuana:**

13 **(a) To a registry identification cardholder or a cardholder's designated primary**  
14 **caregiver as authorized under this section; or**

15 **(b) If the marijuana is usable marijuana or an immature marijuana plant and the**  
16 **registry identification cardholder authorizes the person responsible for the marijuana**  
17 **grow site to transfer the usable marijuana or immature marijuana plant to a medical**  
18 **marijuana facility registered under section 195.565;**

19 **(2) May possess up to six mature plants and up to twenty-four ounces of usable**  
20 **marijuana for each cardholder or caregiver for whom marijuana is being produced;**

21 **(3) May produce marijuana for no more than ten registry identification cardholders**  
22 **or designated primary caregivers concurrently;**

23 **(4) Shall obtain and display a marijuana grow site registration card issued under**  
24 **section 195.559 for each registry identification cardholder or designated primary caregiver**  
25 **for whom marijuana is being produced;**

26 **(5) Shall provide all marijuana produced for a registry identification cardholder or**  
27 **designated primary caregiver to the cardholder or caregiver at the time the person**  
28 **responsible for a marijuana grow site ceases producing marijuana for the cardholder or**  
29 **caregiver; and**

30 **(6) Shall return the marijuana grow site registration card to the registry**  
31 **identification cardholder to whom the card was issued if requested to do so by the**  
32 **cardholder or if the person responsible for a marijuana grow site ceases producing**  
33 **marijuana for the cardholder or caregiver.**

34 **3. Except as provided in subsections 1 and 2 of this section, a registry identification**  
35 **cardholder, the designated primary caregiver of the cardholder and the person responsible**  
36 **for a marijuana grow site producing marijuana for the registry identification cardholder**  
37 **may possess a combined total of up to six mature plants and twenty-four ounces of usable**  
38 **marijuana for that registry identification cardholder.**

39 **4. A registry identification cardholder and the designated primary caregiver of the**  
40 **cardholder may possess a combined total of up to eighteen marijuana seedlings or starts**  
41 **as defined by rule of the department.**

42           **5. A person responsible for a marijuana grow site may possess up to eighteen**  
43 **marijuana seedlings or starts as defined by rule of the department for each registry**  
44 **identification cardholder for whom the person responsible for the marijuana grow site is**  
45 **producing marijuana.**

**195.571. 1. Possession of a registry identification card, designated primary caregiver**  
2 **identification card under section 195.556 or proof of registration as a medical marijuana**  
3 **facility under section 195.565 does not alone constitute probable cause to search the person**  
4 **or property of the cardholder or otherwise subject the person or property of the**  
5 **cardholder to inspection by any governmental agency. However, the department may**  
6 **inspect a medical marijuana facility registered under section 195.565 at any reasonable**  
7 **time to determine whether the facility is in compliance with sections 195.550 to 195.598.**

8           **2. Any property interest possessed, owned, or used in connection with the medical**  
9 **use of marijuana or acts incidental to the medical use of marijuana that has been seized by**  
10 **state or local law enforcement officers may not be harmed, neglected, injured, or destroyed**  
11 **while in the possession of any law enforcement agency. A law enforcement agency has no**  
12 **responsibility to maintain live marijuana plants lawfully seized. No such property interest**  
13 **may be forfeited under any provision of law providing for the forfeiture of property other**  
14 **than as a sentence imposed after conviction of a criminal offense. Usable marijuana and**  
15 **paraphernalia used to administer marijuana that was seized by any law enforcement office**  
16 **shall be returned immediately upon a determination by the district attorney in whose**  
17 **county the property was seized, or the district attorney's designee, that the person from**  
18 **whom the marijuana or paraphernalia used to administer marijuana was seized is entitled**  
19 **to the protections contained in sections 195.550 to 195.598. The determination may be**  
20 **evidenced, for example, by a decision not to prosecute, the dismissal of charges, or**  
21 **acquittal.**

**195.574. A law enforcement officer who determines that a registry identification**  
2 **cardholder is in possession of amounts of usable marijuana or numbers of marijuana**  
3 **plants in excess of the amount or number authorized by section 195.568 may confiscate**  
4 **only any usable marijuana or plants that are in excess of the amount or number**  
5 **authorized.**

**195.577. 1. No professional licensing board may impose a civil penalty or take other**  
2 **disciplinary action against a licensee based on the licensee's medical use of marijuana in**  
3 **accordance with the provisions of sections 195.550 to 195.598 or actions taken by the**  
4 **licensee that are necessary to carry out the licensee's role as a designated primary caregiver**  
5 **to a person who possesses a lawful registry identification card.**

6           **2. A licensed health care professional may administer medical marijuana to a**  
7 **person who possesses a registry identification card and resides in a licensed health care**  
8 **facility if the administration of pharmaceuticals is within the scope of practice of the**  
9 **licensed health care professional. Administration of medical marijuana under this**  
10 **subsection may not take place in a public place as defined in section 191.765 or in the**  
11 **presence of a person under eighteen years of age. If the medical marijuana administered**  
12 **under this subsection is smoked, adequate ventilation shall be provided.**

13           **3. Nothing in this subsection requires:**

14           **(1) A licensed health care professional to administer medical marijuana; or**

15           **(2) A licensed health care facility to make accommodations for the administration**  
16 **of medical marijuana.**

**195.580. 1. No person authorized to possess, deliver, or produce marijuana for**  
2 **medical use under sections 195.550 to 195.598 shall be excepted from the criminal laws of**  
3 **this state or shall be deemed to have established an affirmative defense to criminal charges**  
4 **of which possession, delivery, or production of marijuana is an element if the person, in**  
5 **connection with the facts giving rise to such charges:**

6           **(1) Drives under the influence of marijuana as provided in section 577.010;**

7           **(2) Engages in the medical use of marijuana in a public place as that term is defined**  
8 **in section 191.765, or in public view or in a correctional center as defined in section**  
9 **217.010;**

10           **(3) Transfers marijuana to any individual who the person knows is not in possession**  
11 **of a registry identification card;**

12           **(4) Transfers marijuana for consideration to any individual, even if the individual**  
13 **is in possession of a registry identification card;**

14           **(5) Manufactures or produces marijuana at a place other than a marijuana grow**  
15 **site authorized under section 195.559; or**

16           **(6) Manufactures or produces marijuana at more than one address.**

17           **2. In addition to any other penalty allowed by law, a person who the Missouri Board**  
18 **of Social and Senior Services finds has willfully violated the provisions of sections 195.550**  
19 **to 195.598 may be precluded from obtaining or using a registry identification card for the**  
20 **medical use of marijuana for a period of up to six months, at the discretion of the**  
21 **authority.**

**195.583. 1. The department shall create and maintain a list of the persons to whom**  
2 **the authority has issued registry identification cards, the names of any designated primary**  
3 **caregivers, the names of persons responsible for a medical marijuana facility registered**  
4 **under section 195.565, the addresses of authorized marijuana grow sites, and the addresses**

5 of registered medical marijuana facilities. Except as provided in subsection 3 of this  
6 section, the list shall be confidential and not subject to public disclosure.

7       **2. The department shall develop a system by which authorized employees of state  
8 and local law enforcement agencies may verify at all times that:**

9           **(1) A person is a lawful possessor of a registry identification card;**

10          **(2) A person is the designated primary caregiver of a lawful possessor of a registry  
11 identification card;**

12          **(3) A location is an authorized marijuana grow site;**

13          **(4) A location is a registered medical marijuana facility; or**

14          **(5) A person is the person listed as the person responsible for a registered medical  
15 marijuana facility.**

16       **3. Names and other identifying information from the list established under  
17 subsection 1 of this section may be released to:**

18           **(1) Authorized employees of the authority as necessary to perform official duties of  
19 the authority; or**

20           **(2) Authorized employees of state or local law enforcement agencies, who provide  
21 to the authority adequate identification, such as a badge number or similar authentication  
22 of authority, only as necessary to verify that:**

23                  **(a) A person is a lawful possessor of a registry identification card;**

24                  **(b) A person is the designated primary caregiver of a lawful possessor of a registry  
25 identification card;**

26                  **(c) A location is an authorized marijuana grow site;**

27                  **(d) A location is a registered medical marijuana facility; or**

28                  **(e) A person is the person listed as the person responsible for a registered medical  
29 marijuana facility.**

30       **3. Authorized employees of state or local law enforcement agencies that obtain  
31 identifying information from the list as authorized under this section may not release or  
32 use the information for any purpose other than verification that:**

33           **(1) A person is a lawful possessor of a registry identification card;**

34           **(2) A person is the designated primary caregiver of a lawful possessor of a registry  
35 identification card;**

36           **(3) A location is an authorized marijuana grow site;**

37           **(4) A location is a registered medical marijuana facility; or**

38           **(5) A person is the person listed as the person responsible for a registered medical  
39 marijuana facility.**

1 **195.586. Nothing in sections 195.550 to 195.598 shall protect a person from a**  
2 **criminal cause of action based on possession, production, or delivery of marijuana that is**  
3 **not authorized by sections 195.550 to 195.598.**

2 **195.589. 1. Except as provided in sections 195.550 to 195.598, it is an affirmative**  
3 **defense to a criminal charge of possession or production of marijuana, or any other**  
4 **criminal offense in which possession or production of marijuana is an element, that the**  
5 **person charged with the offense is a person who:**

6 **(1) Has been diagnosed with a debilitating medical condition within twelve months**  
7 **prior to arrest and has been advised by the person's attending physician that the medical**  
8 **use of marijuana may mitigate the symptoms or effects of that debilitating medical**  
9 **condition;**

10 **(2) Is engaged in the medical use of marijuana; and**

11 **(3) Possesses or produces marijuana only in amounts permitted under section**  
12 **195.568.**

13 **2. It is not necessary for a person asserting an affirmative defense pursuant to this**  
14 **section to have received a registry identification card in order to assert the affirmative**  
15 **defense established in this section.**

16 **3. Any defendant proposing to use the affirmative defense provided for by this**  
17 **section in a criminal action shall, not less than five days before the trial of the cause, file**  
18 **and serve upon the district attorney a written notice of the intention to offer such a defense**  
19 **that specifically states the reasons why the defendant is entitled to assert and the factual**  
20 **basis for such affirmative defense. If the defendant fails to file and serve such notice, the**  
21 **defendant is not permitted to assert the affirmative defense at the trial of the cause unless**  
22 **the court for good cause orders otherwise.**

**195.592. Nothing in sections 195.550 to 195.598 shall be construed to require:**

2 **(1) A government medical assistance program or private health insurer to**  
3 **reimburse a person for costs associated with the medical use of marijuana; or**

4 **(2) An employer to accommodate the medical use of marijuana in any workplace.**

**195.595. The department shall adopt all rules necessary for the implementation and**  
2 **administration of sections 195.550 to 195.598. Any rule or portion of a rule, as that term**  
3 **is defined in section 536.010, that is created under the authority delegated in this section**  
4 **shall become effective only if it complies with and is subject to all of the provisions of**  
5 **chapter 536 and, if applicable, section 536.028. This section and chapter 536 are**  
6 **nonseverable, and if any of the powers vested with the general assembly pursuant to**  
7 **chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are**

8 subsequently held unconstitutional, then the grant of rulemaking authority and any rule  
9 proposed or adopted after August 28, 2015, shall be invalid and void.

195.598. The provisions of sections 195.550 to 195.598 shall automatically sunset six  
2 years after the effective date of sections 195.550 to 195.598 unless reauthorized by an act  
3 of the general assembly;

4 (1) If such program is reauthorized, the program authorized under sections 195.550  
5 to 195.598 shall automatically sunset twelve years after the effective date of the  
6 reauthorization of sections 195.550 to 195.598; and

7 (2) Sections 195.550 to 195.598 shall terminate on September first of the calendar  
8 year immediately following the calendar year in which the program authorized under  
9 sections 195.550 to 195.598 is sunset.

✓