

FIRST REGULAR SESSION

# HOUSE BILL NO. 357

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES FRAME (Sponsor), ROORDA, KOMO,  
MOORE AND MEADOWS (Co-sponsors).

Read 1st time January 11, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

0834L.01I

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### AN ACT

To repeal section 195.017, RSMo, and to enact in lieu thereof one new section relating to monitoring the sale of certain schedule V substances, with a penalty provision.

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

Section A. Section 195.017, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 195.017, to read as follows:

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

(1) Has high potential for abuse; and

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

2. Schedule I:

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

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

(a) Acetyl-alpha-methylfentanyl;

(b) Acetylmethadol;

(c) Allylprodine;

(d) Alphacetylmethadol;

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.

- 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) 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) Hydromorphanol;
  - 81 (m) Methyldesorphine;
  - 82 (n) Methyldihydromorphine;
  - 83 (o) Morphine methylbromide;
  - 84 (p) Morphine methyl sulfonate;
  - 85 (q) Morphine-N-Oxide;
  - 86 (r) Morphine;

- 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-dimethoxy amphetamine;
- 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) Alpha-ethyltryptamine;
- 110 (o) Benzylpiperazine or B.P.;
- 111 (p) Bufotenine;
- 112 (q) Diethyltryptamine;
- 113 (r) Dimethyltryptamine;
- 114 (s) Ibogaine;
- 115 (t) Lysergic acid diethylamide;
- 116 (u) Marijuana; (Marihuana);
- 117 (v) Mescaline;
- 118 (w) Parahexyl;
- 119 (x) Peyote, to include all parts of the plant presently classified botanically as *Lophophora*
- 120 *Williamsil Lemaire*, whether growing or not; the seeds thereof; any extract from any part of such
- 121 plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant,
- 122 its seed or extracts;

- 123 (y) N-ethyl-3-piperidyl benzilate;  
124 (z) N-methyl-3-piperidyl benzilate;  
125 (aa) Psilocybin;  
126 (bb) Psilocyn;  
127 (cc) Tetrahydrocannabinols;  
128 (dd) Ethylamine analog of phencyclidine;  
129 (ee) Pyrrolidine analog of phencyclidine;  
130 (ff) Thiophene analog of phencyclidine;  
131 (gg) 1-(3-Trifluoromethylphenyl)piperazine or TFMPP;  
132 (hh) 1-(1-(2-thienyl)cyclohexyl) pyrrolidine;  
133 (ii) Salvia divinorum;  
134 (jj) Salvinorin A;  
135 (5) Any material, compound, mixture or preparation containing any quantity of the  
136 following substances having a depressant effect on the central nervous system, including their  
137 salts, isomers and salts of isomers whenever the existence of these salts, isomers and salts of  
138 isomers is possible within the specific chemical designation:  
139 (a) Gamma hydroxybutyric acid;  
140 (b) Mecloqualone;  
141 (c) Methaqualone;  
142 (6) Any material, compound, mixture or preparation containing any quantity of the  
143 following substances having a stimulant effect on the central nervous system, including their  
144 salts, isomers and salts of isomers:  
145 (a) Aminorex;  
146 (b) Cathinone;  
147 (c) Fenethylamine;  
148 (d) Methcathinone;  
149 (e) (+)cis-4-methylaminorex ((+)cis-4,5-dihydro- 4-methyl-5-phenyl-2-oxazolamine);  
150 (f) N-ethylamphetamine;  
151 (g) N,N-dimethylamphetamine;  
152 (7) A temporary listing of substances subject to emergency scheduling under federal law  
153 shall include any material, compound, mixture or preparation which contains any quantity of the  
154 following substances:  
155 (a) N-(1-benzyl-4-piperidyl)-N-phenyl-propanamide (benzylfentanyl), its optical isomers,  
156 salts and salts of isomers;  
157 (b) N-(1-(2-thienyl)methyl-4-piperidyl)-N-phenylpropanamide (thenylfentanyl), its  
158 optical isomers, salts and salts of isomers;

- 159 (c) Alpha-Methyltryptamine, or (AMT);
- 160 (d) 5-Methoxy-N,N-Diisopropyltryptamine, or(5-MeO-DIPT);
- 161 (8) Khat, to include all parts of the plant presently classified botanically as *catha edulis*,
- 162 whether growing or not; the seeds thereof; any extract from any part of such plant; and every
- 163 compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seed or extracts.
- 164 3. The department of health and senior services shall place a substance in Schedule II
- 165 if it finds that:
- 166 (1) The substance has high potential for abuse;
- 167 (2) The substance has currently accepted medical use in treatment in the United States,
- 168 or currently accepted medical use with severe restrictions; and
- 169 (3) The abuse of the substance may lead to severe psychic or physical dependence.
- 170 4. The controlled substances listed in this subsection are included in Schedule II:
- 171 (1) Any of the following substances whether produced directly or indirectly by extraction
- 172 from substances of vegetable origin, or independently by means of chemical synthesis, or by
- 173 combination of extraction and chemical synthesis:
- 174 (a) Opium and opiate and any salt, compound, derivative or preparation of opium or
- 175 opiate, excluding apomorphine, thebaine-derived butorphanol, dextrophan, nalbuphine,
- 176 nalmefene, naloxone and naltrexone, and their respective salts but including the following:
- 177 a. Raw opium;
- 178 b. Opium extracts;
- 179 c. Opium fluid;
- 180 d. Powdered opium;
- 181 e. Granulated opium;
- 182 f. Tincture of opium;
- 183 g. Codeine;
- 184 h. Ethylmorphine;
- 185 i. Etorphine hydrochloride;
- 186 j. Hydrocodone;
- 187 k. Hydromorphone;
- 188 l. Metopon;
- 189 m. Morphine;
- 190 n. Oxycodone;
- 191 o. Oxymorphone;
- 192 p. Thebaine;

- 193 (b) Any salt, compound, derivative, or preparation thereof which is chemically  
194 equivalent or identical with any of the substances referred to in this subdivision, but not  
195 including the isoquinoline alkaloids of opium;
- 196 (c) Opium poppy and poppy straw;
- 197 (d) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and  
198 any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical  
199 with any of these substances, but not including decocainized coca leaves or extractions which  
200 do not contain cocaine or ecgonine;
- 201 (e) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid  
202 or powder form which contains the phenanthrene alkaloids of the opium poppy);
- 203 (2) Any of the following opiates, including their isomers, esters, ethers, salts, and salts  
204 of isomers, whenever the existence of these isomers, esters, ethers and salts is possible within  
205 the specific chemical designation, dextrorphan and levopropoxyphene excepted:
- 206 (a) Alfentanil;
- 207 (b) Alphaprodine;
- 208 (c) Anileridine;
- 209 (d) Bezitramide;
- 210 (e) Bulk Dextropropoxyphene;
- 211 (f) Carfentanil;
- 212 (g) Butyl nitrite;
- 213 (h) Dihydrocodeine;
- 214 (i) Diphenoxylate;
- 215 (j) Fentanyl;
- 216 (k) Isomethadone;
- 217 (l) Levo-alphaacetylmethadol;
- 218 (m) Levomethorphan;
- 219 (n) Levorphanol;
- 220 (o) Metazocine;
- 221 (p) Methadone;
- 222 (q) Meperidine;
- 223 (r) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenylbutane;
- 224 (s) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane--carboxylic  
225 acid;
- 226 (t) Pethidine;
- 227 (u) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
- 228 (v) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;

- 229 (w) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;  
230 (x) Phenazocine;  
231 (y) Piminodine;  
232 (z) Racemethorphan;  
233 (aa) Racemorphan;  
234 (bb) Sufentanil;  
235 (3) Any material, compound, mixture, or preparation which contains any quantity of the  
236 following substances having a stimulant effect on the central nervous system:  
237 (a) Amphetamine, its salts, optical isomers, and salts of its optical isomers;  
238 (b) Methamphetamine, its salts, isomers, and salts of its isomers;  
239 (c) Phenmetrazine and its salts;  
240 (d) Methylphenidate;  
241 (4) Any material, compound, mixture, or preparation which contains any quantity of the  
242 following substances having a depressant effect on the central nervous system, including its salts,  
243 isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers  
244 is possible within the specific chemical designation:  
245 (a) Amobarbital;  
246 (b) Glutethimide;  
247 (c) Pentobarbital;  
248 (d) Phencyclidine;  
249 (e) Secobarbital;  
250 (5) Any material, compound or compound which contains any quantity of nabilone;  
251 (6) Any material, compound, mixture, or preparation which contains any quantity of the  
252 following substances:  
253 (a) Immediate precursor to amphetamine and methamphetamine: Phenylacetone;  
254 (b) Immediate precursors to phencyclidine (PCP):  
255 a. 1-phenylcyclohexylamine;  
256 b. 1-piperidinocyclohexanecarbonitrile (PCC).  
257 5. The department of health and senior services shall place a substance in Schedule III  
258 if it finds that:  
259 (1) The substance has a potential for abuse less than the substances listed in Schedules  
260 I and II;  
261 (2) The substance has currently accepted medical use in treatment in the United States;  
262 and  
263 (3) Abuse of the substance may lead to moderate or low physical dependence or high  
264 psychological dependence.



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

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

269 (a) Benzphetamine;

270 (b) Chlorphentermine;

271 (c) Clortermine;

272 (d) Phendimetrazine;

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

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

277 a. Amobarbital;

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

281 c. Secobarbital;

282 d. Pentobarbital;

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

284 a. Amobarbital;

285 b. Secobarbital;

286 c. Pentobarbital;

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

289 (d) Chlorhexadol;

290 (e) Ketamine, its salts, isomers, and salts of isomers;

291 (f) Lysergic acid;

292 (g) Lysergic acid amide;

293 (h) Methyprylon;

294 (i) Sulfondiethylmethane;

295 (j) Sulfonethylmethane;

296 (k) Sulfonmethane;

297 (l) Tiletamine and zolazepam or any salt thereof;

298 (3) Nalorphine;

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

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

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

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

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

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

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

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

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

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

327 (6) Anabolic steroids. Any drug or hormonal substance, chemically and  
328 pharmacologically related to testosterone (other than estrogens, progestins, and corticosteroids)  
329 that promotes muscle growth, except an anabolic steroid which is expressly intended for  
330 administration through implants to cattle or other nonhuman species and which has been  
331 approved by the Secretary of Health and Human Services for that administration. If any person  
332 prescribes, dispenses, or distributes such steroid for human use, such person shall be considered  
333 to have prescribed, dispensed, or distributed an anabolic steroid within the meaning of this  
334 paragraph. Unless specifically excepted or unless listed in another schedule, any material,  
335 compound, mixture or preparation containing any quantity of the following substances, including

336 its salts, isomers and salts of isomers whenever the existence of such salts of isomers is possible  
337 within the specific chemical designation:

- 338 (a) Boldenone;
- 339 (b) Chlorotestosterone (4-Chlortestosterone);
- 340 (c) Clostebol;
- 341 (d) Dehydrochlormethyltestosterone;
- 342 (e) Dihydrotestosterone (4-Dihydro-testosterone);
- 343 (f) Drostanolone;
- 344 (g) Ethylestrenol;
- 345 (h) Fluoxymesterone;
- 346 (i) Formebolone (Formebolone);
- 347 (j) Mesterolone;
- 348 (k) Methandienone;
- 349 (l) Methandranone;
- 350 (m) Methandriol;
- 351 (n) Methandrostenolone;
- 352 (o) Methenolone;
- 353 (p) Methyltestosterone;
- 354 (q) Mibolerone;
- 355 (r) Nandrolone;
- 356 (s) Norethandrolone;
- 357 (t) Oxandrolone;
- 358 (u) Oxymesterone;
- 359 (v) Oxymetholone;
- 360 (w) Stanolone;
- 361 (x) Stanozolol;
- 362 (y) Testolactone;
- 363 (z) Testosterone;
- 364 (aa) Trenbolone;
- 365 (bb) Any salt, ester, or isomer of a drug or substance described or listed in this  
366 subdivision, if that salt, ester or isomer promotes muscle growth except an anabolic steroid  
367 which is expressly intended for administration through implants to cattle or other nonhuman  
368 species and which has been approved by the Secretary of Health and Human Services for that  
369 administration;
- 370 (7) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a  
371 United States Food and Drug Administration approved drug product. Some other names for

372 dronabinol: (6aR-trans)-6a,7,8,10a- tetrahydro-6.6.9-trimethyl-3-pentyl-6H-dibenzo (b,d)  
373 pyran-1-ol, or (-)- delta-9-(trans)-tetrahydracannabinol);

374 (8) The department of health and senior services may except by rule any compound,  
375 mixture, or preparation containing any stimulant or depressant substance listed in subdivisions  
376 (1) and (2) of this subsection from the application of all or any part of sections 195.010 to  
377 195.320 if the compound, mixture, or preparation contains one or more active medicinal  
378 ingredients not having a stimulant or depressant effect on the central nervous system, and if the  
379 admixtures are included therein in combinations, quantity, proportion, or concentration that  
380 vitiate the potential for abuse of the substances which have a stimulant or depressant effect on  
381 the central nervous system.

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

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

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

386 and

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

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

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

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

395 (b) Dextropropoxyphene (alpha-(+)-4-dimethyl-amino-1, 2-diphenyl-3-methyl-2-  
396 propionoxybutane);

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

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

403 b. Not more than one hundred milligrams of dihydrocodeine per one hundred milliliters  
404 or per one hundred grams;

405 c. Not more than one hundred milligrams of ethylmorphine per one hundred milliliters  
406 or per one hundred grams;

- 407 (2) Any material, compound, mixture or preparation containing any quantity of the  
408 following substances, including their salts, isomers, and salts of isomers whenever the existence  
409 of those salts, isomers, and salts of isomers is possible within the specific chemical designation:
- 410 (a) Alprazolam;
  - 411 (b) Barbitol;
  - 412 (c) Bromazepam;
  - 413 (d) Camazepam;
  - 414 (e) Chloral betaine;
  - 415 (f) Chloral hydrate;
  - 416 (g) Chlordiazepoxide;
  - 417 (h) Clobazam;
  - 418 (i) Clonazepam;
  - 419 (j) Clorazepate;
  - 420 (k) Clotiazepam;
  - 421 (l) Cloxazolam;
  - 422 (m) Delorazepam;
  - 423 (n) Diazepam;
  - 424 (o) Dichloralphenazone;
  - 425 (p) Estazolam;
  - 426 (q) Ethchlorvynol;
  - 427 (r) Ethinamate;
  - 428 (s) Ethyl loflazepate;
  - 429 (t) Fludiazepam;
  - 430 (u) Flunitrazepam;
  - 431 (v) Flurazepam;
  - 432 (w) Halazepam;
  - 433 (x) Haloxazolam;
  - 434 (y) Ketazolam;
  - 435 (z) Loprazolam;
  - 436 (aa) Lorazepam;
  - 437 (bb) Lormetazepam;
  - 438 (cc) Mebutamate;
  - 439 (dd) Medazepam;
  - 440 (ee) Meprobamate;
  - 441 (ff) Methohexital;
  - 442 (gg) Methylphenobarbital;

- 443 (hh) Midazolam;
- 444 (ii) Nimetazepam;
- 445 (jj) Nitrazepam;
- 446 (kk) Nordiazepam;
- 447 (ll) Oxazepam;
- 448 (mm) Oxazolam;
- 449 (nn) Paraldehyde;
- 450 (oo) Petrichloral;
- 451 (pp) Phenobarbital;
- 452 (qq) Pinazepam;
- 453 (rr) Prazepam;
- 454 (ss) Quazepam;
- 455 (tt) Temazepam;
- 456 (uu) Tetrazepam;
- 457 (vv) Triazolam;
- 458 (ww) Zaleplon;
- 459 (xx) Zolpidem;
- 460 (3) Any material, compound, mixture, or preparation which contains any quantity of the
- 461 following substance including its salts, isomers and salts of isomers whenever the existence of
- 462 such salts, isomers and salts of isomers is possible: fenfluramine;
- 463 (4) Any material, compound, mixture or preparation containing any quantity of the
- 464 following substances having a stimulant effect on the central nervous system, including their
- 465 salts, isomers and salts of isomers:
  - 466 (a) Cathine ((+)-norpseudoephedrine);
  - 467 (b) Diethylpropion;
  - 468 (c) Fencamfamin;
  - 469 (d) Fenproporex;
  - 470 (e) Mazindol;
  - 471 (f) Mefenorex;
  - 472 (g) Modafinil;
  - 473 (h) Pemoline, including organometallic complexes and chelates thereof;
  - 474 (i) Phentermine;
  - 475 (j) Pipradrol;
  - 476 (k) Sibutramine;
  - 477 (l) SPA ((-)-1-dimethylamino-1,2-diphenylethane);

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

480 (a) butorphanol;

481 (b) pentazocine;

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

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

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

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

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

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

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

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

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

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

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

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

514 (3) Any compound, mixture, or preparation containing any detectable quantity of  
515 pseudoephedrine or its salts or optical isomers, or salts of optical isomers or any compound,  
516 mixture, or preparation containing any detectable quantity of ephedrine or its salts or optical  
517 isomers, or salts of optical isomers.

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

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

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

530 (3) The pharmacist or registered pharmacy technician shall require any person  
531 purchasing, receiving or otherwise acquiring such compound, mixture, or preparation, who is not  
532 known to the pharmacist or registered pharmacy technician, to furnish suitable photo  
533 identification showing the date of birth of the person.

534 12. Within ninety days of the enactment of this section **and until the development and**  
535 **implementation of a real-time electronic logbook to monitor the sale of schedule V**  
536 **substances by the Missouri state highway patrol**, pharmacists and registered pharmacy  
537 technicians shall implement and maintain a written or electronic log of each transaction. Such  
538 log shall include the following information:

539 (1) The name and address of the purchaser;

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

541 (3) The date of each purchase; and

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

544 **13. The Missouri state highway patrol is authorized, by any funds available to it,**  
545 **to develop and implement a real-time electronic logbook to monitor the sale of schedule V**  
546 **substances containing any detectable quantity of pseudoephedrine, its salts or optical**  
547 **isomers, or salts of optical isomers. This real-time electronic logbook shall include**  
548 **information on the sale of both prescription and nonprescription substances. The Missouri**



549 state highway patrol shall have the authority to promulgate any rules and regulations  
550 necessary to carry out the purposes of this subsection.

551 **14.** Within thirty days of the implementation by the Missouri state highway patrol  
552 of the electronic logbook, including the adoption of rules and regulations for the reporting  
553 of sales of the schedule V substances listed in subsection 13 of this section, a pharmacist or  
554 a pharmacy technician who dispenses any such substances, whether with or without a  
555 prescription, shall report all such sales electronically to the real-time electronic logbook  
556 according to the rules promulgated by the Missouri state highway patrol for the reporting  
557 of the sale of such substances including but not limited to a listing of the information  
558 required in subsection 12 of this section.

559 [13.] **15.** No person shall dispense, sell, purchase, receive, or otherwise acquire quantities  
560 greater than those specified in this chapter.

561 [14.] **16.** Within thirty days of the enactment of this section, all persons who dispense  
562 or offer for sale pseudoephedrine and ephedrine products in a pharmacy shall ensure that all such  
563 products are located only behind a pharmacy counter where the public is not permitted.

564 [15.] **17.** Within thirty days of the enactment of this section, any business entity which  
565 sells ephedrine or pseudoephedrine products in the course of legitimate business which is in the  
566 possession of pseudoephedrine and ephedrine products, and which does not have a state and  
567 federal controlled substances registration, shall return these products to a manufacturer or  
568 distributor or transfer them to an authorized controlled substances registrant.

569 [16.] **18.** Any person who knowingly or recklessly violates the provisions of subsections  
570 11 to 15 of this section is guilty of a class A misdemeanor.

571 [17.] **19.** The scheduling of substances specified in subdivision (3) of subsection 10 of  
572 this section and subsections 11, 12, [14, and 15] **16 and 17** of this section shall not apply to any  
573 compounds, mixtures, or preparations that are in liquid or liquid-filled gel capsule form or to any  
574 compound, mixture, or preparation specified in subdivision (3) of subsection 10 of this section  
575 which must be dispensed, sold, or distributed in a pharmacy pursuant to a prescription.

576 [18.] **20.** The manufacturer of a drug product or another interested party may apply with  
577 the department of health and senior services for an exemption from this section. The department  
578 of health and senior services may grant an exemption by rule from this section if the department  
579 finds the drug product is not used in the illegal manufacture of methamphetamine or other  
580 controlled or dangerous substances. The department of health and senior services shall rely on  
581 reports from law enforcement and law enforcement evidentiary laboratories in determining if the  
582 proposed product can be used to manufacture illicit controlled substances.

583 [19.] **21.** The department of health and senior services shall revise and republish the  
584 schedules annually.

585            [20.] **22.** The department of health and senior services shall promulgate rules under  
586 chapter 536, RSMo, regarding the security and storage of Schedule V controlled substances, as  
587 described in subdivision (3) of subsection 10 of this section, for distributors as registered by the  
588 department of health and senior services.

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