

FIRST REGULAR SESSION

HOUSE BILL NO. 83

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE REDMON.

0179H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 195.010, 195.017, and 263.250, RSMo, and to enact in lieu thereof eight new sections relating to industrial hemp, with penalty provisions.

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

Section A. Sections 195.010, 195.017, and 263.250, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 195.010, 195.017, 195.203, 195.600, 195.603, 195.606, 195.609, and 263.250, to read as follows:

195.010. The following words and phrases as used in this chapter and chapter 579, unless the context otherwise requires, mean:

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

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

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

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

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

(4) "Attorney for the state", any prosecuting attorney, circuit attorney, or attorney general authorized to investigate, commence and prosecute an action under this chapter;

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.

17 (5) "Controlled substance", a drug, substance, or immediate precursor in Schedules I
18 through V listed in this chapter;

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

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

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

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

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

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

42 (10) "Depressant or stimulant substance":

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

46 (b) A drug containing any quantity of:

47 a. Amphetamine or any of its isomers;

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

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

52 (c) Lysergic acid diethylamide; or

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

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

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

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

64 (14) "Drug":

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

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

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

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

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

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

81 (17) "Drug paraphernalia", all equipment, products, substances and materials of any kind
82 which are used, intended for use, or designed for use, in planting, propagating, cultivating,
83 growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing,
84 storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the
85 human body a controlled substance or an imitation controlled substance in violation of this
86 chapter or chapter 579. It includes, but is not limited to:

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

90 (b) Kits used, intended for use, or designed for use in manufacturing, compounding,
91 converting, producing, processing, or preparing controlled substances or imitation controlled
92 substances;

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

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

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

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

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

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

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

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

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

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

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

119 b. Water pipes;

120 c. Carburetion tubes and devices;

121 d. Smoking and carburetion masks;

- 122 e. Roach clips meaning objects used to hold burning material, such as a marijuana
123 cigarette, that has become too small or too short to be held in the hand;
- 124 f. Miniature cocaine spoons and cocaine vials;
- 125 g. Chamber pipes;
- 126 h. Carburetor pipes;
- 127 i. Electric pipes;
- 128 j. Air-driven pipes;
- 129 k. Chillums;
- 130 l. Bongs;
- 131 m. Ice pipes or chillers;
- 132 (m) Substances used, intended for use, or designed for use in the manufacture of a
133 controlled substance;
- 134 In determining whether an object, product, substance or material is drug paraphernalia, a court
135 or other authority should consider, in addition to all other logically relevant factors, the
136 following:
- 137 a. Statements by an owner or by anyone in control of the object concerning its use;
- 138 b. Prior convictions, if any, of an owner, or of anyone in control of the object, under any
139 state or federal law relating to any controlled substance or imitation controlled substance;
- 140 c. The proximity of the object, in time and space, to a direct violation of this chapter or
141 chapter 579;
- 142 d. The proximity of the object to controlled substances or imitation controlled
143 substances;
- 144 e. The existence of any residue of controlled substances or imitation controlled
145 substances on the object;
- 146 f. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of
147 the object, to deliver it to persons who he or she knows, or should reasonably know, intend to
148 use the object to facilitate a violation of this chapter or chapter 579; the innocence of an owner,
149 or of anyone in control of the object, as to direct violation of this chapter or chapter 579 shall not
150 prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;
- 151 g. Instructions, oral or written, provided with the object concerning its use;
- 152 h. Descriptive materials accompanying the object which explain or depict its use;
- 153 i. National or local advertising concerning its use;
- 154 j. The manner in which the object is displayed for sale;
- 155 k. Whether the owner, or anyone in control of the object, is a legitimate supplier of like
156 or related items to the community, such as a licensed distributor or dealer of tobacco products;

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

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

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

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

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

204 (22) **"Industrial hemp":**

205 (a) **All nonseed parts and varieties of the cannabis sativa plant, growing or not, that**
206 **contain a cropwide average tetrahydrocannabinol (THC) concentration that does not**
207 **exceed three-tenths of one percent on a dry weight basis; or**

208 (b) **Any cannabis sativa seed that is part of a growing crop, retained by a grower**
209 **for future planting, or used for processing into or use as agricultural hemp seed.**

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211 **Industrial hemp does not include industrial hemp commodities and products;**

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

215 [~~23~~] (24) "Manufacture", the production, preparation, propagation, compounding or
216 processing of drug paraphernalia or of a controlled substance, or an imitation controlled
217 substance, either directly or by extraction from substances of natural origin, or independently by
218 means of chemical synthesis, or by a combination of extraction and chemical synthesis, and
219 includes any packaging or repackaging of the substance or labeling or relabeling of its container.
220 This term does not include the preparation or compounding of a controlled substance or an
221 imitation controlled substance or the preparation, compounding, packaging or labeling of a
222 narcotic or dangerous drug:

223 (a) By a practitioner as an incident to his or her administering or dispensing of a
224 controlled substance or an imitation controlled substance in the course of his or her professional
225 practice, or

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

228 [~~(24)~~] **(25)** "Marijuana", all parts of the plant genus Cannabis in any species or form
229 thereof, including, but not limited to, Cannabis Sativa L., **except industrial hemp as defined**
230 **in this section**, Cannabis Indica, Cannabis Americana, Cannabis Ruderalis, and Cannabis
231 Gigantea, whether growing or not, the seeds thereof, the resin extracted from any part of the
232 plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant,
233 its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the
234 stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt,
235 derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom),
236 fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination;

237 [~~(25)~~] **(26)** "Methamphetamine precursor drug", any drug containing ephedrine,
238 pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical
239 isomers;

240 [~~(26)~~] **(27)** "Narcotic drug", any of the following, whether produced directly or indirectly
241 by extraction from substances of vegetable origin, or independently by means of chemical
242 synthesis, or by a combination of extraction and chemical analysis:

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

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

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

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

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

253 [~~(27)~~] **(28)** "Official written order", an order written on a form provided for that purpose
254 by the United States Commissioner of Narcotics, under any laws of the United States making
255 provision therefor, if such order forms are authorized and required by federal law, and if no such
256 order form is provided, then on an official form provided for that purpose by the department of
257 health and senior services;

258 [~~(28)~~] **(29)** "Opiate", any substance having an addiction-forming or addiction-sustaining
259 liability similar to morphine or being capable of conversion into a drug having addiction-forming
260 or addiction-sustaining liability. The term includes its racemic and levorotatory forms. It does
261 not include, unless specifically controlled under section 195.017, the dextrorotatory isomer of
262 3-methoxy-n-methyl-morphinan and its salts (dextromethorphan);

263 ~~[(29)]~~ **(30)** "Opium poppy", the plant of the species *Papaver somniferum* L., except its
264 seeds;

265 ~~[(30)]~~ **(31)** "Over-the-counter sale", a retail sale licensed pursuant to chapter 144 of a
266 drug other than a controlled substance;

267 ~~[(31)]~~ **(32)** "Person", an individual, corporation, government or governmental
268 subdivision or agency, business trust, estate, trust, partnership, joint venture, association, or any
269 other legal or commercial entity;

270 ~~[(32)]~~ **(33)** "Pharmacist", a licensed pharmacist as defined by the laws of this state, and
271 where the context so requires, the owner of a store or other place of business where controlled
272 substances are compounded or dispensed by a licensed pharmacist; but nothing in this chapter
273 shall be construed as conferring on a person who is not registered nor licensed as a pharmacist
274 any authority, right or privilege that is not granted to him by the pharmacy laws of this state;

275 ~~[(33)]~~ **(34)** "Poppy straw", all parts, except the seeds, of the opium poppy, after mowing;

276 ~~[(34)]~~ **(35)** "Possessed" or "possessing a controlled substance", a person, with the
277 knowledge of the presence and nature of a substance, has actual or constructive possession of
278 the substance. A person has actual possession if he has the substance on his or her person or
279 within easy reach and convenient control. A person who, although not in actual possession, has
280 the power and the intention at a given time to exercise dominion or control over the substance
281 either directly or through another person or persons is in constructive possession of it.
282 Possession may also be sole or joint. If one person alone has possession of a substance
283 possession is sole. If two or more persons share possession of a substance, possession is joint;

284 ~~[(35)]~~ **(36)** "Practitioner", a physician, dentist, optometrist, podiatrist, veterinarian,
285 scientific investigator, pharmacy, hospital or other person licensed, registered or otherwise
286 permitted by this state to distribute, dispense, conduct research with respect to or administer or
287 to use in teaching or chemical analysis, a controlled substance in the course of professional
288 practice or research in this state, or a pharmacy, hospital or other institution licensed, registered,
289 or otherwise permitted to distribute, dispense, conduct research with respect to or administer a
290 controlled substance in the course of professional practice or research;

291 ~~[(36)]~~ **(37)** "Production", includes the manufacture, planting, cultivation, growing, or
292 harvesting of drug paraphernalia or of a controlled substance or an imitation controlled
293 substance;

294 ~~[(37)]~~ **(38)** "Registry number", the number assigned to each person registered under the
295 federal controlled substances laws;

296 ~~[(38)]~~ **(39)** "Sale", includes barter, exchange, or gift, or offer therefor, and each such
297 transaction made by any person, whether as principal, proprietor, agent, servant or employee;

298 [~~(39)~~] **(40)** "State" when applied to a part of the United States, includes any state, district,
299 commonwealth, territory, insular possession thereof, and any area subject to the legal authority
300 of the United States of America;

301 [~~(40)~~] **(41)** "Synthetic cannabinoid", includes unless specifically excepted or unless listed
302 in another schedule, any natural or synthetic material, compound, mixture, or preparation that
303 contains any quantity of a substance that is a cannabinoid receptor agonist, including but not
304 limited to any substance listed in paragraph (II) of subdivision (4) of subsection 2 of section
305 195.017 and any analogues; homologues; isomers, whether optical, positional, or geometric;
306 esters; ethers; salts; and salts of isomers, esters, and ethers, whenever the existence of the
307 isomers, esters, ethers, or salts is possible within the specific chemical designation, however, it
308 shall not include any approved pharmaceutical authorized by the United States Food and Drug
309 Administration;

310 [~~(41)~~] **(42)** "Ultimate user", a person who lawfully possesses a controlled substance or
311 an imitation controlled substance for his or her own use or for the use of a member of his or her
312 household or immediate family, regardless of whether they live in the same household, or for
313 administering to an animal owned by him or by a member of his or her household. For purposes
314 of this section, the phrase "immediate family" means a husband, wife, parent, child, sibling,
315 stepparent, stepchild, stepbrother, stepsister, grandparent, or grandchild;

316 [~~(42)~~] **(43)** "Wholesaler", a person who supplies drug paraphernalia or controlled
317 substances or imitation controlled substances that he himself has not produced or prepared, on
318 official written orders, but not on prescriptions.

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) 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) Hydromorphanol;

81 (m) Methyldesorphine;

82 (n) Methyldihydromorphine;

83 (o) Morphine methylbromide;

84 (p) Morphine methylsulfonate;

85 (q) Morphine-N-Oxide;

86 (r) Myorphine;

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, **except industrial hemp as defined in section 195.010;**
- 120 (x) Mescaline;
- 121 (y) Parahexyl;
- 122 (z) Peyote, to include all parts of the plant presently classified botanically as Lophophora
- 123 Williamsil Lemaire, whether growing or not; the seeds thereof; any extract from any part of such

- 124 plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant,
125 its seed or extracts;
- 126 (aa) N-ethyl-3-piperidyl benzilate;
127 (bb) N-methyl-3-piperidyl benzilate;
128 (cc) Psilocybin;
129 (dd) Psilocyn;
- 130 (ee) Tetrahydrocannabinols naturally contained in a plant of the genus Cannabis
131 (cannabis plant), **except industrial hemp as defined in section 195.010**, as well as synthetic
132 equivalents of the substances contained in the cannabis plant, or in the resinous extractives of
133 such plant, or synthetic substances, derivatives, and their isomers with similar chemical structure
134 and pharmacological activity to those substances 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) Ethylamine analog of phencyclidine;
141 (gg) Pyrrolidine analog of phencyclidine;
142 (hh) Thiophene analog of phencyclidine;
143 (ii) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine;
144 (jj) Salvia divinorum;
145 (kk) Salvinorin A;
146 (ll) 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-
- 199 2-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) M e t h y l e n e d i o x y p y r o v a l e r o n e , M D P V , o r
- 228 (1-(1,3-Benzodioxol-5-yl)-2-(1-pyrrolidinyl)-1-pentanone;
- 229 (l) Methylone, or 3,4-Methylenedioxy-methcathinone;
- 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~~] **1-diphenylpropane-carboxylic 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 5. The department of health and senior services shall place a substance in Schedule III
- 343 if it finds that:
- 344 (1) The substance has a potential for abuse less than the substances listed in Schedules
- 345 I and II;
- 346 (2) The substance has currently accepted medical use in treatment in the United States;
- 347 and
- 348 (3) Abuse of the substance may lead to moderate or low physical dependence or high
- 349 psychological dependence.
- 350 6. The controlled substances listed in this subsection are included in Schedule III:
- 351 (1) Any material, compound, mixture, or preparation which contains any quantity of the
- 352 following substances having a potential for abuse associated with a stimulant effect on the
- 353 central nervous system:
- 354 (a) Benzphetamine;
- 355 (b) Chlorphentermine;
- 356 (c) Clortermine;
- 357 (d) Phendimetrazine;
- 358 (2) Any material, compound, mixture or preparation which contains any quantity or salt
- 359 of the following substances or salts having a depressant effect on the central nervous system:
- 360 (a) Any material, compound, mixture or preparation which contains any quantity or salt
- 361 of the following substances combined with one or more active medicinal ingredients:
- 362 a. Amobarbital;
- 363 b. Secobarbital;
- 364 c. Pentobarbital;
- 365 (b) Any suppository dosage form containing any quantity or salt of the following:
- 366 a. Amobarbital;
- 367 b. Secobarbital;
- 368 c. Pentobarbital;
- 369 (c) Any substance which contains any quantity of a derivative of barbituric acid or its
- 370 salt;
- 371 (d) Chlorhexadol;
- 372 (e) Embutramide;
- 373 (f) Gamma hydroxybutyric acid and its salts, isomers, and salts of isomers contained in
- 374 a drug product for which an application has been approved under Section 505 of the federal
- 375 Food, Drug, and Cosmetic Act;

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

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

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

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

- 447 (x) Furazabol (17 α -methyl-17 β -hydroxyandrostando[2,3-c]-furazan);
- 448 (y) 13 β -ethyl-17 β -hydroxygon-4-en-3-one;
- 449 (z) 4-hydroxytestosterone (4,17 β -dihydroxy-androst-4-en-3-one);
- 450 (aa) 4-hydroxy-19-nortestosterone (4,17 β -dihydroxy-estr-4-en-3-one);
- 451 (bb) Mestanolone (17 α -methyl-17 β -hydroxy-5-androstan-3-one);
- 452 (cc) Mesterolone (1 α -methyl-17 β -hydroxy-[5 α]-androstan-3-one);
- 453 (dd) Methandienone (17 α -methyl-17 β -hydroxyandrost-1,4-dien-3-one);
- 454 (ee) Methandriol (17 α -methyl-3 β ,17 β -dihydroxyandrost-5-ene);
- 455 (ff) Methenolone (1-methyl-17 β -hydroxy-5 α -androst-1-en-3-one);
- 456 (gg) 17 α -methyl-3 β ,17 β -dihydroxy-5 α -androstande);
- 457 (hh) 17 α -methyl-3 α ,17 β -dihydroxy-5 α -androstande);
- 458 (ii) 17 α -methyl-3 β ,17 β -dihydroxyandrost-4-ene;
- 459 (j j) 1 7 α - m e t h y l - 4 - h y d r o x y n a n d r o l o n e
- 460 (17 α -methyl-4-hydroxy-17 β -hydroxyestr-4-en-3-one);
- 461 (kk) Methyldienolone (17 α -methyl-17 β -hydroxyestra-4,9(10)-dien-3-one);
- 462 (ll) Methyltrienolone (17 α -methyl-17 β -hydroxyestra-4,9-11-trien-3-one);
- 463 (mm) Methyltestosterone (17 α -methyl-17 β -hydroxyandrost-4-en-3-one);
- 464 (nn) Mibolerone (7 α ,17 α -dimethyl-17 β -hydroxyestr-4-en-3-one);
- 465 (o o) 1 7 α - m e t h y l - Δ 1 - d i h y d r o t e s t o s t e r o n e
- 466 (17 β -hydroxy-17 α -methyl-5 α -androst-1-en-3-one) (a.k.a. '17- α -methyl-1-testosterone');
- 467 (pp) Nandrolone (17 β -hydroxyestr-4-ene-3-one);
- 468 (qq) 19-nor-4-androstenediol (3 β ,17 β -dihydroxyestr-4-ene);
- 469 (rr) 19-nor-4-androstenediol (3 α ,17 β -dihydroxyestr-4-ene);
- 470 (ss) 19-nor-4,9(10)-androstadienedione;
- 471 (tt) 19-nor-5-androstenediol (3 β ,17 β -dihydroxyestr-5-ene);
- 472 (uu) 19-nor-5-androstenediol (3 α ,17 β -dihydroxyestr-5-ene);
- 473 (vv) 19-nor-4-androstenedione (estr-4-en-3,17-dione);
- 474 (ww) 19-nor-5-androstenedione (estr-5-en-3,17-dione);
- 475 (xx) Norbolethone (13 β ,17 α -diethyl-17 β -hydroxygon-4-en-3-one);
- 476 (yy) Norclostebol (4-chloro-17 β -hydroxyestr-4-en-3-one);
- 477 (zz) Norethandrolone (17 α -ethyl-17 β -hydroxyestr-4-en-3-one);
- 478 (aaa) Normethandrolone (17 α -methyl-17 β -hydroxyestr-4-en-3-one);
- 479 (bbb) Oxandrolone (17 α -methyl-17 β -hydroxy-2-oxa-[5 α]-androstan-3-one);
- 480 (ccc) Oxymesterone (17 α -methyl-4,17 β -dihydroxyandrost-4-en-3-one);
- 481 (d d d) O x y m e t h a l o n e
- 482 (17 α -methyl-2-hydroxymethylene-17 β -hydroxy-[5 α]-androstan-3-one);

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

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

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

524 b. Not more than one hundred milligrams of dihydrocodeine per one hundred milliliters
525 or per one hundred grams;

526 c. Not more than one hundred milligrams of ethylmorphine per one hundred milliliters
527 or per one hundred grams;

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

531 (a) Alprazolam;

532 (b) Barbital;

533 (c) Bromazepam;

534 (d) Camazepam;

535 (e) Chloral betaine;

536 (f) Chloral hydrate;

537 (g) Chlordiazepoxide;

538 (h) Clobazam;

539 (i) Clonazepam;

540 (j) Clorazepate;

541 (k) Clotiazepam;

542 (l) Cloxazolam;

543 (m) Delorazepam;

544 (n) Diazepam;

545 (o) Dichloralphenazone;

546 (p) Estazolam;

547 (q) Ethchlorvynol;

548 (r) Ethinamate;

549 (s) Ethyl loflazepate;

550 (t) Fludiazepam;

551 (u) Flunitrazepam;

552 (v) Flurazepam;

553 (w) Fospropofol;

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

- 590 (b) Diethylpropion;
591 (c) Fencamfamin;
592 (d) Fenproporex;
593 (e) Mazindol;
594 (f) Mefenorex;
595 (g) Modafinil;
596 (h) Pemoline, including organometallic complexes and chelates thereof;
597 (i) Phentermine;
598 (j) Pipradrol;
599 (k) Sibutramine;
600 (l) SPA ((-)-1-dimethylamino-1,2-diphenylethane);
601 (5) Any material, compound, mixture or preparation containing any quantity of the
602 following substance, including its salts:
603 (a) butorphanol;
604 (b) pentazocine;
605 (6) Ephedrine, its salts, optical isomers and salts of optical isomers, when the substance
606 is the only active medicinal ingredient;
607 (7) The department of health and senior services may except by rule any compound,
608 mixture, or preparation containing any depressant substance listed in subdivision (1) of this
609 subsection from the application of all or any part of sections 195.010 to 195.320 and sections
610 579.015 to 579.086 if the compound, mixture, or preparation contains one or more active
611 medicinal ingredients not having a depressant effect on the central nervous system, and if the
612 admixtures are included therein in combinations, quantity, proportion, or concentration that
613 vitiate the potential for abuse of the substances which have a depressant effect on the central
614 nervous system.
- 615 9. The department of health and senior services shall place a substance in Schedule V
616 if it finds that:
- 617 (1) The substance has low potential for abuse relative to the controlled substances listed
618 in Schedule IV;
- 619 (2) The substance has currently accepted medical use in treatment in the United States;
620 and
- 621 (3) The substance has limited physical dependence or psychological dependence liability
622 relative to the controlled substances listed in Schedule IV.
- 623 10. The controlled substances listed in this subsection are included in Schedule V:
- 624 (1) Any compound, mixture or preparation containing any of the following narcotic
625 drugs or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set

626 forth below, which also contains one or more nonnarcotic active medicinal ingredients in
627 sufficient proportion to confer upon the compound, mixture or preparation valuable medicinal
628 qualities other than those possessed by the narcotic drug alone:

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

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

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

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

638 (3) Any compound, mixture, or preparation containing any detectable quantity of
639 pseudoephedrine or its salts or optical isomers, or salts of optical isomers or any compound,
640 mixture, or preparation containing any detectable quantity of ephedrine or its salts or optical
641 isomers, or salts of optical isomers;

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

645 (a) Lacosamide;

646 (b) Pregabalin.

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

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

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

659 (3) The pharmacist, intern pharmacist, or registered pharmacy technician shall require
660 any person, prior to such person's purchasing, receiving or otherwise acquiring such compound,
661 mixture, or preparation to furnish suitable photo identification that is issued by a state or the

662 federal government or a document that, with respect to identification, is considered acceptable
663 and showing the date of birth of the person;

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

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

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

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

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

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

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

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

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

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

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

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

695 19. The department of health and senior services shall revise and republish the schedules
696 annually.

697 20. The department of health and senior services shall promulgate rules under chapter
698 536 regarding the security and storage of Schedule V controlled substances, as described in
699 subdivision (3) of subsection 10 of this section, for distributors as registered by the department
700 of health and senior services.

701 21. Logs of transactions required to be kept and maintained by this section and section
702 195.417 shall create a rebuttable presumption that the person whose name appears in the logs is
703 the person whose transactions are recorded in the logs.

**195.203. 1. Notwithstanding any other provision of this chapter or chapter 579 to
2 the contrary, it shall be legal to grow, harvest, and cultivate industrial hemp as defined in
3 section 195.010 in accordance with Section 7606 of the Agricultural Act of 2014 and the
4 rules promulgated by the department of agriculture under sections 195.600 to 195.609.**

**5 2. The provisions of article I, section 35 of the Constitution of Missouri shall not
6 apply to the provisions of this section or sections 195.600 to 195.609.**

195.600. For the purposes of sections 195.600 to 195.609, the following terms mean:

2 (1) "Department", the Missouri department of agriculture;

3 (2) "Director", the director of the department;

4 (3) "Industrial hemp", the same as such term is defined in section 195.010.

**195.603. 1. By September 30, 2017, the department shall establish a committee to
2 advise the department on appropriate rules and regulations regarding industrial hemp,
3 including rules governing licenses and permits to grow and cultivate industrial hemp. All
4 rules and regulations promulgated by the department under sections 195.600 to 195.609
5 shall meet the requirements of Section 7606 of the Agricultural Act of 2014. The committee
6 shall be administered and its members chosen by the director.**

7 2. The committee shall:

8 (1) Review policies in other states regarding industrial hemp;

**9 (2) Determine best practices for the production of industrial hemp and the licensing
10 of growers; and**

11 (3) Research and draft rules and regulations regarding industrial hemp.

12 3. The committee shall be comprised of:

13 (1) One representative of the department;

**14 (2) One representative each from the agricultural programs at Lincoln University
15 and the Columbia campus of the University of Missouri;**

16 (3) One representative of the governor's office;

17 (4) One representative of the Missouri state highway patrol;

18 (5) One representative of the Missouri Sheriffs' Association;

19 (6) Two representatives of an association advocating for farmers;

20 (7) Two representatives of an association advocating for industrial hemp; and

21 (8) One representative from the Missouri Crop Improvement Association.

22 4. The committee may also include other members or workgroups deemed
23 necessary to accomplish its purposes including, but not limited to, representatives from
24 state agencies, local advisory groups and community members, and members of the general
25 assembly.

26 5. By March 30, 2018, the department shall promulgate rules and regulations
27 concerning industrial hemp, including rules on industrial hemp production and reasonable
28 fees for licenses, permits, or other necessary expenses to defray the cost of administering
29 the rules and regulations. All revenue collected under the rules and regulations
30 promulgated under this section shall be used exclusively for the administration and
31 implementation of the rules and regulations.

32 6. The committee shall be dissolved April 1, 2018, but may be reconvened as needed
33 by the department to assist in the promulgation and amendment of rules under this section.

34 7. A license or permit to grow or cultivate industrial hemp shall not be issued to a
35 person who has been found guilty of a felony offense in the five years immediately
36 preceding the application date for the license or permit or to a person who at any time has
37 been found guilty of a felony offense under any state or federal law regarding the
38 possession, distribution, manufacturing, cultivation, or use of a controlled substance.

39 8. Upon issuance of a license or permit to grow or cultivate industrial hemp,
40 information regarding all license and permit holders shall be forwarded to the state
41 highway patrol.

42 9. Any license or permit to grow or cultivate industrial hemp is:

43 (1) Nontransferable; except that, such license or permit may be transferred to a
44 spouse or child who otherwise meets the requirements of a licensee or permittee, and the
45 spouse or child may operate under the existing license or permit until the registration
46 expires, at which time the renewal shall reflect the change in licensee;

47 (2) Valid for a three-year term unless revoked by the department; and

48 (3) Renewable as determined by the department.

49 10. The department may inspect any industrial hemp crop during the crop's growth
50 phase and take a representative composite sample for field analysis. If a crop contains an
51 average tetrahydrocannabinol concentration exceeding three-tenths of one percent on a dry
52 weight basis, the department shall detain, seize, or embargo the crop.

53 11. The department shall charge each recipient of a license or permit to grow or
54 cultivate industrial hemp reasonable fees as determined by the department for the purpose
55 of carrying out the duties of the department under sections 195.600 to 195.609, including

56 fees to cover the administrative costs of processing license and permit applications, the
57 costs of the criminal history background check, and the cost of any inspection of the
58 licensee or permittee ordered by the department. All fees collected under sections 195.600
59 to 195.609 shall be deposited in a dedicated fund for use by the department to carry out the
60 duties of the department under sections 195.600 to 195.609.

61 **12.** Any rule or portion of a rule, as that term is defined in section 536.010, that is
62 created under the authority delegated in this section shall become effective only if it
63 complies with and is subject to all of the provisions of chapter 536 and, if applicable,
64 section 536.028. Sections 195.600 to 195.609 and chapter 536 are nonseverable, and if any
65 of the powers vested with the general assembly under chapter 536 to review, to delay the
66 effective date, or to disapprove and annul a rule are subsequently held unconstitutional,
67 then the grant of rulemaking authority and any rule proposed or adopted after August 28,
68 2017, shall be invalid and void.

195.606. 1. The department may revoke or refuse to issue or renew a license or
2 permit to grow or cultivate industrial hemp and may impose a civil penalty of not less than
3 two thousand five hundred dollars or more than fifty thousand dollars for violation of:

- 4 (1) A license or permit requirement, term, or condition;
- 5 (2) Department rules relating to growing or handling industrial hemp;
- 6 (3) Any industrial hemp plant monitoring system; or
- 7 (4) A final order of the department that is specifically directed to the licensee's or
8 permittee's industrial hemp operations or activities.

9 **2.** In addition, the department may revoke or refuse to issue or renew a license or
10 permit to grow or cultivate industrial hemp for failing to comply with any provision of this
11 chapter or for a violation of any rule of the department that pertains to agricultural
12 operations or activities other than industrial hemp growing or handling.

195.609. 1. Any person growing industrial hemp who does not have a valid license
2 or permit to grow or cultivate industrial hemp shall be subject to an administrative fine of
3 five hundred dollars and shall obtain a valid license or permit to grow or cultivate
4 industrial hemp within thirty days.

5 **2.** If during the thirty-day period described in subsection 1 of this section such
6 person applies for and receives a license or permit to grow or cultivate industrial hemp, the
7 amount of the fine imposed under subsection 1 of this section shall be refunded in full.

8 **3.** If during the thirty-day period described in subsection 1 of this section such
9 person fails to obtain a license or permit to grow or cultivate industrial hemp, the person
10 shall be fined one thousand dollars per day until such person obtains a license or permit
11 to grow or cultivate industrial hemp or the person's industrial hemp crop is destroyed.

263.250. 1. **Except as otherwise provided for industrial hemp grown and cultivated**
2 **under section 195.203 and the rules and regulations promulgated by the department of**
3 **agriculture in accordance with sections 195.600 to 195.609,** the plant "marijuana", botanically
4 known as cannabis sativa, is hereby declared to be a noxious weed and all owners and occupiers
5 of land shall destroy all such plants growing upon their land. Any person who knowingly allows
6 such plants to grow on his **or her** land or refuses to destroy such plants after being notified to
7 do so shall allow any sheriff or such other persons as designated by the county commission to
8 enter upon any land in this state and destroy such plants.

9 2. Entry to such lands shall not be made, by any sheriff or other designated person to
10 destroy such plants, until fifteen days' notice by certified mail shall be given the owner or
11 occupant to destroy such plants or a search warrant shall be issued on probable cause shown. In
12 all such instances, the county commission shall bear the cost of destruction and notification.

✓