

FIRST REGULAR SESSION
[PERFECTED]
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 441
93RD GENERAL ASSEMBLY

Reported from the Committee on Crime Prevention and Public Safety, February 9, 2005, with recommendation that the House Committee Substitute for House Bill No. 441 Do Pass.

Taken up for Perfection February 16, 2005. House Committee Substitute for House Bill No. 441 ordered Perfected and printed, as amended.

STEPHEN S. DAVIS, Chief Clerk

1367L.03P

AN ACT

To repeal sections 195.017 and 195.417, RSMo, and to enact in lieu thereof two new sections relating to the scheduling and sale of certain controlled substances, with penalty provisions and an emergency clause.

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

Section A. Sections 195.017 and 195.417, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 195.017 and 195.417, to read as follows: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;

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.

- 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) Betaproline;
- 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) Etixeridine;
- 39 (cc) Furethidine;
- 40 (dd) Hydroxypethidine;
- 41 (ee) Ketobemidone;
- 42 (ff) Levomoramide;
- 43 (gg) Levophenacymorphan;
- 44 (hh) 3-Methylfentanyl;
- 45 (ii) 3-Methylthiofentanyl;
- 46 (jj) Morpheridine;
- 47 (kk) MPPP;

- 48 (ll) Noracymethadol;
- 49 (mm) Norlevorphanol;
- 50 (nn) Normethadone;
- 51 (oo) Norpipanone;
- 52 (pp) Para-fluorofentanyl;
- 53 (qq) PEPAP;
- 54 (rr) Phenadoxone;
- 55 (ss) Phenampromide;
- 56 (tt) Phenomorphan;
- 57 (uu) Phenoperidine;
- 58 (vv) Piritramide;
- 59 (ww) Proheptazine;
- 60 (xx) Properidine;
- 61 (yy) Propiram;
- 62 (zz) Racemoramide;
- 63 (aaa) Thiofentanyl;
- 64 (bbb) Tilidine;
- 65 (ccc) Trimeperidine;

66 (3) Any of the following opium derivatives, their salts, isomers and salts of isomers
67 unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers
68 is possible within the specific chemical designation:

- 69 (a) Acetorphine;
- 70 (b) Acetyldihydrocodeine;
- 71 (c) Benzylmorphine;
- 72 (d) Codeine methylbromide;
- 73 (e) Codeine-N-Oxide;
- 74 (f) Cyprenorphine;
- 75 (g) Desomorphine;
- 76 (h) Dihydromorphine;
- 77 (i) Drotebanol;
- 78 (j) Etorphine; (except Hydrochloride Salt);
- 79 (k) Heroin;
- 80 (l) Hydromorphenol;
- 81 (m) Methyldesorphine;
- 82 (n) Methyldihydromorphine;
- 83 (o) Morphine methylbromide;

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

119 plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant,
120 its seed or extracts;

121 (w) N-ethyl-3-piperidyl benzilate;

122 (x) N-methyl-3-piperidyl benzilate;

123 (y) Psilocybin;

124 (z) Psilocyn;

125 (aa) Tetrahydrocannabinols;

126 (bb) Ethylamine analog of phencyclidine;

127 (cc) Pyrrolidine analog of phencyclidine;

128 (dd) Thiophene analog of phencyclidine;

129 (ee) 1-(1-(2-thienyl)cyclohexyl) pyrrolidine;

130 (5) Any material, compound, mixture or preparation containing any quantity of the
131 following substances having a depressant effect on the central nervous system, including their
132 salts, isomers and salts of isomers whenever the existence of these salts, isomers and salts of
133 isomers is possible within the specific chemical designation:

134 (a) Gamma hydroxybutyric acid;

135 (b) Mecloqualone;

136 (c) Methaqualone;

137 (6) Any material, compound, mixture or preparation containing any quantity of the
138 following substances having a stimulant effect on the central nervous system, including their
139 salts, isomers and salts of isomers:

140 (a) Aminorex;

141 (b) Cathinone;

142 (c) Fenethylamine;

143 (d) Methcathinone;

144 (e) (+)cis-4-methylaminorex ((+)cis-4,5-dihydro- 4-methyl-5-phenyl-2-oxazoline);

145 (f) N-ethylamphetamine;

146 (g) N,N-dimethylamphetamine;

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

150 (a) N-(1-benzyl-4-piperidyl)-N-phenyl-propanamide (benzylfentanyl), its optical isomers,
151 salts and salts of isomers;

152 (b) N-(1-(2-thienyl)methyl-4-piperidyl)-N-phenylpropanamide (thenylfentanyl), its
153 optical isomers, salts and salts of isomers.

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

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

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

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

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

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

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

167 a. Raw opium;

168 b. Opium extracts;

169 c. Opium fluid;

170 d. Powdered opium;

171 e. Granulated opium;

172 f. Tincture of opium;

173 g. Codeine;

174 h. Ethylmorphine;

175 i. Etorphine hydrochloride;

176 j. Hydrocodone;

177 k. Hydromorphone;

178 l. Metopon;

179 m. Morphine;

180 n. Oxycodone;

181 o. Oxymorphone;

182 p. Thebaine;

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

186 (c) Opium poppy and poppy straw;

187 (d) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and
188 any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical

189 with any of these substances, but not including decocainized coca leaves or extractions which
190 do not contain cocaine or ecgonine;

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

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

196 (a) Alfentanil;

197 (b) Alphaprodine;

198 (c) Anileridine;

199 (d) Bezitramide;

200 (e) Bulk Dextropropoxyphene;

201 (f) Carfentanil;

202 (g) Butyl nitrite;

203 (h) Dihydrocodeine;

204 (i) Diphenoxylate;

205 (j) Fentanyl;

206 (k) Isomethadone;

207 (l) Levo-alphacetylmethadol;

208 (m) Levomethorphan;

209 (n) Levorphanol;

210 (o) Metazocine;

211 (p) Methadone;

212 (q) Meperidine;

213 (r) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenylbutane;

214 (s) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane--carboxylic
215 acid;

216 (t) Pethidine;

217 (u) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;

218 (v) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;

219 (w) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;

220 (x) Phenazocine;

221 (y) Piminodine;

222 (z) Racemethorphan;

223 (aa) Racemorphan;

224 (bb) Sulfentanil;

225 (3) Any material, compound, mixture, or preparation which contains any quantity of the
226 following substances having a stimulant effect on the central nervous system:

- 227 (a) Amphetamine, its salts, optical isomers, and salts of its optical isomers;
- 228 (b) Methamphetamine, its salts, isomers, and salts of its isomers;
- 229 (c) Phenmetrazine and its salts;
- 230 (d) Methylphenidate;

231 (4) Any material, compound, mixture, or preparation which contains any quantity of the
232 following substances having a depressant effect on the central nervous system, including its salts,
233 isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers
234 is possible within the specific chemical designation:

- 235 (a) Amobarbital;
- 236 (b) Glutethimide;
- 237 (c) Pentobarbital;
- 238 (d) Phencyclidine;
- 239 (e) Secobarbital;

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

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

244 (b) Nabilone;

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

- 247 (a) Immediate precursor to amphetamine and methamphetamine: Phenylacetone;
- 248 (b) Immediate precursors to phencyclidine (PCP):
 - 249 a. 1-phenylcyclohexylamine;
 - 250 b. 1-piperidinocyclohexanecarbonitrile (PCC).

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

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

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

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

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

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

- 263 (a) Benzphetamine;
- 264 (b) Chlorphentermine;
- 265 (c) Clortermine;
- 266 (d) Phendimetrazine;

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

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

- 271 a. Amobarbital;
- 272 b. Gamma hydroxybutyric acid and its salts, isomers, and salts of isomers contained in
273 a drug product for which an application has been approved under Section 505 of the Federal
274 Food, Drug, and Cosmetic Act;
- 275 c. Secobarbital;
- 276 d. Pentobarbital;
- 277 (b) Any suppository dosage form containing any quantity or salt of the following:
- 278 a. Amobarbital;
- 279 b. Secobarbital;
- 280 c. Pentobarbital;
- 281 (c) Any substance which contains any quantity of a derivative of barbituric acid or its
282 salt;
- 283 (d) Chlorhexadol;
- 284 (e) Ketamine, its salts, isomers, and salts of isomers;
- 285 (f) Lysergic acid;
- 286 (g) Lysergic acid amide;
- 287 (h) Methyprylon;
- 288 (i) Sulfondiethylmethane;
- 289 (j) Sulfonethylmethane;
- 290 (k) Sulfonmethane;
- 291 (l) Tiletamine and zolazepam or any salt thereof;
- 292 (3) Nalorphine;
- 293 (4) Any material, compound, mixture, or preparation containing limited quantities of any
294 of the following narcotic drugs or their salts:

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

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

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

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

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

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

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

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

323 (a) Boldenone;

324 (b) Chlorotestosterone (4-Chlortestosterone);

325 (c) Clostebol;

326 (d) Dehydrochlormethyltestosterone;

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

328 (f) Drostanolone;

329 (g) Ethylestrenol;

330 (h) Fluoxymesterone;

- 331 (i) Formebolone (Formebolone);
332 (j) Mesterolone;
333 (k) Methandienone;
334 (l) Methandranone;
335 (m) Methandriol;
336 (n) Methandrostenolone;
337 (o) Methenolone;
338 (p) Methyltestosterone;
339 (q) Mibolerone;
340 (r) Nandrolone;
341 (s) Norethandrolone;
342 (t) Oxandrolone;
343 (u) Oxymesterone;
344 (v) Oxymetholone;
345 (w) Stanolone;
346 (x) Stanozolol;
347 (y) Testolactone;
348 (z) Testosterone;
349 (aa) Trenbolone;
350 (bb) Any salt, ester, or isomer of a drug or substance described or listed in this
351 subdivision, if that salt, ester or isomer promotes muscle growth except an anabolic steroid
352 which is expressly intended for administration through implants to cattle or other nonhuman
353 species and which has been approved by the secretary of health and human services for that
354 administration.
- 355 (6) The department of health and senior services may except by rule any compound,
356 mixture, or preparation containing any stimulant or depressant substance listed in subdivisions
357 (1) and (2) of this subsection from the application of all or any part of sections 195.010 to
358 195.320 if the compound, mixture, or preparation contains one or more active medicinal
359 ingredients not having a stimulant or depressant effect on the central nervous system, and if the
360 admixtures are included therein in combinations, quantity, proportion, or concentration that
361 vitiate the potential for abuse of the substances which have a stimulant or depressant effect on
362 the central nervous system.
- 363 7. The department of health and senior services shall place a substance in Schedule IV
364 if it finds that:
- 365 (1) The substance has a low potential for abuse relative to substances in Schedule III;

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

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

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

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

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

376 (b) Dextropropoxyphene (alpha-(+)-4-dimethy-lamino-1, 2-diphenyl-3-methyl-2-
377 propionoxybutane);

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

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

384 b. Not more than one hundred milligrams of dihydrocodeine per one hundred milliliters
385 or per one hundred grams;

386 c. Not more than one hundred milligrams of ethylmorphine per one hundred milliliters
387 or per one hundred grams;

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

391 (a) Alprazolam;

392 (b) Barbitol;

393 (c) Bromazepam;

394 (d) Camazepam;

395 (e) Chloral betaine;

396 (f) Chloral hydrate;

397 (g) Chlordiazepoxide;

398 (h) Clobazam;

399 (i) Clonazepam;

400 (j) Clorazepate;

401 (k) Clotiazepam;

402	(l) Cloxazolam;
403	(m) Delorazepam;
404	(n) Diazepam;
405	(o) Estazolam;
406	(p) Ethchlorvynol;
407	(q) Ethinamate;
408	(r) Ethyl loflazepate;
409	(s) Fludiazepam;
410	(t) Flunitrazepam;
411	(u) Flurazepam;
412	(v) Halazepam;
413	(w) Haloxazolam;
414	(x) Ketazolam;
415	(y) Loprazolam;
416	(z) Lorazepam;
417	(aa) Lormetazepam;
418	(bb) Mebutamate;
419	(cc) Medazepam;
420	(dd) Meprobamate;
421	(ee) Methohexital;
422	(ff) Methylphenobarbital;
423	(gg) Midazolam;
424	(hh) Nimetazepam;
425	(ii) Nitrazepam;
426	(jj) Nordiazepam;
427	(kk) Oxazepam;
428	(ll) Oxazolam;
429	(mm) Paraldehyde;
430	(nn) Petrichloral;
431	(oo) Phenobarbital;
432	(pp) Pinazepam;
433	(qq) Prazepam;
434	(rr) Quazepam;
435	(ss) Temazepam;
436	(tt) Tetrazepam;
437	(uu) Triazolam;

- 438 (vv) Zolpidem;
- 439 (3) Any material, compound, mixture, or preparation which contains any quantity of the
440 following substance including its salts, isomers and salts of isomers whenever the existence of
441 such salts, isomers and salts of isomers is possible: fenfluramine;
- 442 (4) Any material, compound, mixture or preparation containing any quantity of the
443 following substances having a stimulant effect on the central nervous system, including their
444 salts, isomers and salts of isomers:
- 445 (a) Cathine ((+)-norpseudoephedrine);
- 446 (b) Diethylpropion;
- 447 (c) Fencamfamin;
- 448 (d) Fenproporex;
- 449 (e) Mazindol;
- 450 (f) Mefenorex;
- 451 (g) Pemoline, including organometallic complexes and chelates thereof;
- 452 (h) Phentermine;
- 453 (i) Pipradrol;
- 454 (j) SPA ((-)-1-dimethylamino-1,2-diphenylethane);
- 455 (5) Any material, compound, mixture or preparation containing any quantity of the
456 following substance, including its salts: pentazocine;
- 457 (6) [Any material, compound, mixture or preparation which contains any quantity of the
458 following substances having a stimulant effect on the central nervous system including their
459 salts, isomers and salts of isomers: ephedrine or its salts, optical isomers, or salts of optical
460 isomers as the only active medicinal ingredient or contains ephedrine or its salts, optical isomers,
461 or salts of optical isomers and therapeutically insignificant quantities of another active medicinal
462 ingredient;] **Ephedrine, its salts, optical isomers and salts of optical isomers, when the**
463 **substance is the only active medicinal ingredient;**
- 464 (7) The department of health and senior services may except by rule any compound,
465 mixture, or preparation containing any depressant substance listed in subdivision (1) of this
466 subsection from the application of all or any part of sections 195.010 to 195.320 if the
467 compound, mixture, or preparation contains one or more active medicinal ingredients not having
468 a depressant effect on the central nervous system, and if the admixtures are included therein in
469 combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the
470 substances which have a depressant effect on the central nervous system.
- 471 9. The department of health and senior services shall place a substance in Schedule V
472 if it finds that:

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

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

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

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

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

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

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

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

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

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

496 **(4) Any compound, mixture, or preparation containing any detectable quantity of**
497 **pseudoephedrine or its salts or optical isomers, or salts of optical isomers or any**
498 **compound, mixture, or preparation containing any detectable quantity of ephedrine or its**
499 **salts or optical isomers, or salts of optical isomers.**

500 **11. If any compound, mixture, or preparation as specified in subdivision (4) of**
501 **subsection 10 of this section is dispensed, sold, or distributed in a pharmacy without a**
502 **prescription:**

503 **(1) All packages of any compound, mixture, or preparation containing any**
504 **detectable quantity of pseudoephedrine, its salts or optical isomers, or salts of optical**
505 **isomers or ephedrine its salts or optical isomers, or salts of optical isomers, shall be offered**
506 **for sale only from behind a checkout counter where the public is not permitted, and only**
507 **by a registered pharmacist or registered pharmacy technician; and**

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

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

12. Within ninety days of the enactment of this section, pharmacists and registered pharmacy technicians shall implement and maintain a written or electronic log of each transaction. Such log shall include the following information:

(1) The name and address of the purchaser;

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

(3) The date of each purchase; and

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

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

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

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

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

17. The scheduling of substances specified in subdivision (4) of subsection 10 of this section and subsections 11, 12, 14, and 15 of this section shall not apply to any compounds, mixtures, or preparations that are in liquid or liquid-filled gel capsule form.

18. The manufacturer of a drug product or another interested party may apply with the department of health and senior services for an exemption from this section. The department of health and senior services may grant an exemption by rule from this section

if the department finds the drug product is not used in the illegal manufacture of methamphetamine or other controlled or dangerous substances. The department of health and senior services shall rely on reports from law enforcement and law enforcement evidentiary laboratories in determining if the proposed product can be used to manufacture illicit controlled substances.

[11.] 19. The department of health and senior services shall revise and republish the schedules annually.

20. The department of health and senior services shall promulgate rules under chapter 536, RSMo, regarding the security and storage of Schedule V controlled substances, as described in subdivision (4) of subsection 10 of this section, for distributors as registered by the department of health and senior services.

195.417. 1. [No person shall deliver in any single over-the-counter sale more than:

(1) Two packages or any number of packages that contain a combined total of no more than six grams of any drug containing a sole active ingredient of ephedrine, pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical isomers; or

(2) Three packages of any combination drug containing, as one of its active ingredients, ephedrine, pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical isomers, or any number of packages of said combination drug that contain a combined total of no more than nine grams of ephedrine, pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical isomers.

2. All packages of any drug having a sole active ingredient of ephedrine, pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical isomers, shall be displayed and offered for sale only behind a checkout counter where the public is not permitted, or within ten feet and an unobstructed view of an attended checkout counter. This subsection shall not apply to any retailer utilizing an electronic antitheft system that utilizes a product tag and detection alarm which specifically prevents the theft of such drugs from the place of business where such drugs are sold.] **The limits specified in subsection 2 of this section shall not apply to any quantity of such product, mixture, or preparation dispensed pursuant to a valid prescription.**

2. Within any thirty-day period, no person shall sell, dispense, or otherwise provide to the same individual, and no person shall purchase, receive, or otherwise acquire more than the following amount: any number of packages of any drug product containing any detectable amount of ephedrine or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, either as:

(1) The sole active ingredient; or

(2) One of the active ingredients of a combination drug; or

26 **(3) A combination of any of the products specified in subdivisions (1) and (2) of this**
27 **subsection;**
28
29 **in any total amount greater than nine grams.**

30 **3. All packages of any compound, mixture, or preparation containing any**
31 **detectable quantity of ephedrine or pseudoephedrine, or any of their salts or optical**
32 **isomers, or salts of optical isomers, except those that are excluded from Schedule V in**
33 **subsection 17 or 18 of section 195.017, shall be offered for sale only from behind a checkout**
34 **counter where the public is not permitted, and only by a registered pharmacist or**
35 **registered pharmacy technician under section 195.017.**

36 **[3.] 4. This section shall supersede and preempt any [municipal] local ordinances or**
37 **regulations [passed on or after December 23, 2002, to the extent that such ordinances or**
38 **regulations are more restrictive than the provisions of this section], including any ordinances**
39 **or regulations enacted by any political subdivision of the state.** This section shall not apply
40 to [any product labeled pursuant to federal regulation for use only in children under twelve years
41 of age, or to] any products that the state department of health and senior services, upon
42 application of a manufacturer, exempts by rule from this section because the product has been
43 formulated in such a way as to effectively prevent the conversion of the active ingredient into
44 methamphetamine, or its salts or precursors or to the sale of any animal feed products containing
45 ephedrine or any naturally occurring or herbal ephedra or extract of ephedra.

46 **[4. Any person who is considered the general owner or operator of the outlet where**
47 **ephedrine, pseudoephedrine, or phenylpropanolamine products are available for sale who**
48 **violates subsection 1 of this section shall not be penalized pursuant to this section if such person**
49 **documents that an employee training program was in place to provide the employee with**
50 **information on the state and federal regulations regarding ephedrine, pseudoephedrine, or**
51 **phenylpropanolamine.] 5. Persons selling and dispensing substances containing any**
52 **detectable amount of pseudoephedrine, its salts or optical isomers, or salts of optical**
53 **isomers or ephedrine its salts or optical isomers, or salts of optical isomers shall maintain**
54 **logs, documents, and records as specified in section 195.017. Persons selling only**
55 **compounds, mixtures, or preparations that are excluded from Schedule V in subsection 17**
56 **or 18 of section 195.017 shall not be required to maintain such logs, documents, and**
57 **records. All logs, records, documents, and electronic information maintained for the**
58 **dispensing of these products shall be open for inspection and copying by municipal, county,**
59 **and state or federal law enforcement officers whose duty it is to enforce the controlled**
60 **substances laws of this state or the United States.**

61 **[5.] 6. Within thirty days of the enactment of this section, all persons who dispense**
62 **or offer for sale pseudoephedrine and ephedrine products, except those that are excluded**
63 **from Schedule V in subsection 17 or 18 of section 195.017, shall ensure that all such**
64 **products are located only behind a checkout counter where the public is not permitted.**

65 **7. Within thirty days of the enactment of this section, any business entity which**
66 **sells ephedrine or pseudoephedrine products in the course of legitimate business which is**
67 **in the possession of pseudoephedrine and ephedrine products, and which does not have a**
68 **state and federal controlled substances registration, shall return these products to a**
69 **manufacturer or distributor or transfer them to an authorized controlled substance**
70 **registrant.**

71 **8. Any person who knowingly or recklessly violates this section is guilty of a class A**
72 **misdemeanor.**

73 **9. The provisions of subsection 2 of this section limiting individuals from**
74 **purchasing the specified amount in any thirty-day period shall not apply to any**
75 **compounds, mixtures, or preparations that are in liquid or liquid-filled gel capsule form.**
76 **However, no person shall purchase, receive, or otherwise acquire more than nine grams**
77 **of any compound, mixture, or preparation excluded in subsection 17 or 18 of section**
78 **195.017, in a single purchase as provided in subsection 2 of this section.**

Section B. Because of the need to protect Missouri citizens from crime relating to
2 methamphetamine, section A of this act is deemed necessary for the immediate preservation of
3 the public health, welfare, peace and safety, and is hereby declared to be an emergency act within
4 the meaning of the constitution, and section A of this act shall be in full force and effect upon
5 its passage and approval.