

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 441
93RD GENERAL ASSEMBLY

Reported from the Committee on the Judiciary and Civil and Criminal Jurisprudence, April 14, 2005, with recommendation that the Senate Committee Substitute do pass.

1367S.04C

TERRY L. SPIELER, Secretary.

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Section A. Sections 195.017 and 195.417, RSMo, are repealed and two new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

195.017. 1. The department of health and senior services shall place a substance
2 in 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
5 accepted 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
8 I;

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

13 (a) Acetyl-alpha-methylfentanyl;

14 (b) Acetylmethadol;

15 (c) Allylprodine;

16 (d) Alphacetylmethadol;

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

- 17 (e) Alphameprodine;
- 18 (f) Alphamethadol;
- 19 (g) Alpha-methylfentanyl;
- 20 (h) Alpha-methylthiofentanyl;
- 21 (i) Benzethidine;
- 22 (j) Betacetylmethadol;
- 23 (k) Beta-hydroxyfentanyl;
- 24 (l) Beta-hydroxy-3-methylfentanyl;
- 25 (m) Betameprodine;
- 26 (n) Betamethadol;
- 27 (o) Betaprodine;
- 28 (p) Clonitazene;
- 29 (q) Dextromoramide;
- 30 (r) Diampromide;
- 31 (s) Diethylthiambutene;
- 32 (t) Difenoxin;
- 33 (u) Dimenoxadol;
- 34 (v) Dimepheptanol;
- 35 (w) Dimethylthiambutene;
- 36 (x) Dioxaphetyl butyrate;
- 37 (y) Dipipanone;
- 38 (z) Ethylmethylthiambutene;
- 39 (aa) Etonitazene;
- 40 (bb) Etoxidine;
- 41 (cc) Furethidine;
- 42 (dd) Hydroxypethidine;
- 43 (ee) Ketobemidone;
- 44 (ff) Levomoramide;
- 45 (gg) Levophenacymorphan;
- 46 (hh) 3-Methylfentanyl;
- 47 (ii) 3-Methylthiofentanyl;
- 48 (jj) Morpheridine;
- 49 (kk) MPPP;
- 50 (ll) Noracetylmethadol;
- 51 (mm) Norlevorphanol;
- 52 (nn) Normethadone;

- 53 (oo) Norpipanone;
- 54 (pp) Para-fluorofentanyl;
- 55 (qq) PEPAP;
- 56 (rr) Phenadoxone;
- 57 (ss) Phenampromide;
- 58 (tt) Phenomorphan;
- 59 (uu) Phenoperidine;
- 60 (vv) Piritramide;
- 61 (ww) Proheptazine;
- 62 (xx) Properidine;
- 63 (yy) Propiram;
- 64 (zz) Racemoramide;
- 65 (aaa) Thiofentanyl;
- 66 (bbb) Tilidine;
- 67 (ccc) Trimeperidine;
- 68 (3) Any of the following opium derivatives, their salts, isomers and salts of
- 69 isomers unless specifically excepted, whenever the existence of these salts, isomers and
- 70 salts of isomers is possible within the specific chemical designation:
- 71 (a) Acetorphine;
- 72 (b) Acetyldihydrocodeine;
- 73 (c) Benzylmorphine;
- 74 (d) Codeine methylbromide;
- 75 (e) Codeine-N-Oxide;
- 76 (f) Cyprenorphine;
- 77 (g) Desomorphine;
- 78 (h) Dihydromorphine;
- 79 (i) Drotebanol;
- 80 (j) Etorphine; (except Hydrochloride Salt);
- 81 (k) Heroin;
- 82 (l) Hydromorphanol;
- 83 (m) Methyldesorphine;
- 84 (n) Methyldihydromorphine;
- 85 (o) Morphine methylbromide;
- 86 (p) Morphine methylsulfonate;
- 87 (q) Morphine-N-Oxide;
- 88 (r) Myrophine;

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

- 125 (y) Psilocybin;
- 126 (z) Psilocyn;
- 127 (aa) Tetrahydrocannabinols;
- 128 (bb) Ethylamine analog of phencyclidine;
- 129 (cc) Pyrrolidine analog of phencyclidine;
- 130 (dd) Thiophene analog of phencyclidine;
- 131 (ee) 1-(1-(2-thienyl)cyclohexyl) pyrrolidine;
- 132 (5) Any material, compound, mixture or preparation containing any quantity of
- 133 the following substances having a depressant effect on the central nervous system,
- 134 including their salts, isomers and salts of isomers whenever the existence of these salts,
- 135 isomers and salts of isomers is possible within the specific chemical designation:
- 136 (a) Gamma hydroxybutyric acid;
- 137 (b) Mecloqualone;
- 138 (c) Methaqualone;
- 139 (6) Any material, compound, mixture or preparation containing any quantity of
- 140 the following substances having a stimulant effect on the central nervous system,
- 141 including their salts, isomers and salts of isomers:
- 142 (a) Aminorex;
- 143 (b) Cathinone;
- 144 (c) Fenethylamine;
- 145 (d) Methcathinone;
- 146 (e) (+)cis-4-methylaminorex ((+)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);
- 147 (f) N-ethylamphetamine;
- 148 (g) N,N-dimethylamphetamine;
- 149 (7) A temporary listing of substances subject to emergency scheduling under
- 150 federal law shall include any material, compound, mixture or preparation which contains
- 151 any quantity of the following substances:
- 152 (a) N-(1-benzyl-4-piperidyl)-N-phenyl-propanamide (benzylfentanyl), its optical
- 153 isomers, salts and salts of isomers;
- 154 (b) N-(1-(2-thienyl)methyl-4-piperidyl)-N-phenylpropanamide (thenylfentanyl),
- 155 its optical isomers, salts and salts of isomers.
- 156 3. The department of health and senior services shall place a substance in
- 157 Schedule II if it finds that:
- 158 (1) The substance has high potential for abuse;
- 159 (2) The substance has currently accepted medical use in treatment in the United
- 160 States, or currently accepted medical use with severe restrictions; and

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

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

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

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

- 172 a. Raw opium;
- 173 b. Opium extracts;
- 174 c. Opium fluid;
- 175 d. Powdered opium;
- 176 e. Granulated opium;
- 177 f. Tincture of opium;
- 178 g. Codeine;
- 179 h. Ethylmorphine;
- 180 i. Etorphine hydrochloride;
- 181 j. Hydrocodone;
- 182 k. Hydromorphone;
- 183 l. Metopon;
- 184 m. Morphine;
- 185 n. Oxycodone;
- 186 o. Oxymorphone;
- 187 p. Thebaine;

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

191 (c) Opium poppy and poppy straw;

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

196 (e) Concentrate of poppy straw (the crude extract of poppy straw in either liquid,

197 solid or powder form which contains the phenanthrene alkaloids of the opium poppy);
198 (2) Any of the following opiates, including their isomers, esters, ethers, salts, and
199 salts of isomers, whenever the existence of these isomers, esters, ethers and salts is
200 possible within the specific chemical designation, dextrorphan and levopropoxyphene
201 excepted:

- 202 (a) Alfentanil;
- 203 (b) Alphaprodine;
- 204 (c) Anileridine;
- 205 (d) Bezitramide;
- 206 (e) Bulk Dextropropoxyphene;
- 207 (f) Carfentanil;
- 208 (g) Butyl nitrite;
- 209 (h) Dihydrocodeine;
- 210 (i) Diphenoxylate;
- 211 (j) Fentanyl;
- 212 (k) Isomethadone;
- 213 (l) Levo-alphacetylmethadol;
- 214 (m) Levomethorphan;
- 215 (n) Levorphanol;
- 216 (o) Metazocine;
- 217 (p) Methadone;
- 218 (q) Meperidine;
- 219 (r) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenylbutane;
- 220 (s) Moramide-Intermediate, 2-methyl-3-morpholino-1,
221 1-diphenylpropane--carboxylic acid;
- 222 (t) Pethidine;
- 223 (u) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
- 224 (v) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;
- 225 (w) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
- 226 (x) Phenazocine;
- 227 (y) Piminodine;
- 228 (z) Racemethorphan;
- 229 (aa) Racemorphan;
- 230 (bb) Sulfentanil;

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

- 233 (a) Amphetamine, its salts, optical isomers, and salts of its optical isomers;
234 (b) Methamphetamine, its salts, isomers, and salts of its isomers;
235 (c) Phenmetrazine and its salts;
236 (d) Methylphenidate;
- 237 (4) Any material, compound, mixture, or preparation which contains any quantity
238 of the following substances having a depressant effect on the central nervous system,
239 including its salts, isomers, and salts of isomers whenever the existence of those salts,
240 isomers, and salts of isomers is possible within the specific chemical designation:
- 241 (a) Amobarbital;
242 (b) Glutethimide;
243 (c) Pentobarbital;
244 (d) Phencyclidine;
245 (e) Secobarbital;
- 246 (5) Any material, compound or compound which contains any quantity of the
247 following substances:
- 248 (a) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin
249 capsule in a United States Food and Drug Administration approved drug product;
- 250 (b) Nabilone;
- 251 (6) Any material, compound, mixture, or preparation which contains any quantity
252 of the following substances:
- 253 (a) Immediate precursor to amphetamine and methamphetamine: Phenylacetone;
254 (b) Immediate precursors to phencyclidine (PCP):
255 a. 1-phenylcyclohexylamine;
256 b. 1-piperidinocyclohexanecarbonitrile (PCC).
- 257 5. The department of health and senior services shall place a substance in
258 Schedule III if it finds that:
- 259 (1) The substance has a potential for abuse less than the substances listed in
260 Schedules I and II;
- 261 (2) The substance has currently accepted medical use in treatment in the United
262 States; and
- 263 (3) Abuse of the substance may lead to moderate or low physical dependence or
264 high psychological dependence.
- 265 6. The controlled substances listed in this subsection are included in Schedule
266 III:
- 267 (1) Any material, compound, mixture, or preparation which contains any quantity
268 of the following substances having a potential for abuse associated with a stimulant

269 effect on the central nervous system:

270 (a) Benzphetamine;

271 (b) Chlorphentermine;

272 (c) Clortermine;

273 (d) Phendimetrazine;

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

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

280 a. Amobarbital;

281 b. Gamma hydroxybutyric acid and its salts, isomers, and salts of isomers
282 contained in a drug product for which an application has been approved under Section
283 505 of the Federal Food, Drug, and Cosmetic Act;

284 c. Secobarbital;

285 d. Pentobarbital;

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

287 a. Amobarbital;

288 b. Secobarbital;

289 c. Pentobarbital;

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

292 (d) Chlorhexadol;

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

294 (f) Lysergic acid;

295 (g) Lysergic acid amide;

296 (h) Methyprylon;

297 (i) Sulfondiethylmethane;

298 (j) Sulfonethylmethane;

299 (k) Sulfonmethane;

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

301 (3) Nalorphine;

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

304 (a) Not more than 1.8 grams of codeine per one hundred milliliters or not more

305 than ninety milligrams per dosage unit, with an equal or greater quantity of an
306 isoquinoline alkaloid of opium;

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

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

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

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

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

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

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

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

332 (a) Boldenone;

333 (b) Chlorotestosterone (4-Chlortestosterone);

334 (c) Clostebol;

335 (d) Dehydrochlormethyltestosterone;

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

337 (f) Drostanolone;

338 (g) Ethylestrenol;

339 (h) Fluoxymesterone;

340 (i) Formebolone (Formebolone);

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

377 States; and

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

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

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

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

387 (b) D e x t r o p r o p o x y p h e n e (alpha-(+)-4-dimethylamino-1,
388 2-diphenyl-3-methyl-2-propionoxybutane);

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

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

395 b. Not more than one hundred milligrams of dihydrocodeine per one hundred
396 milliliters or per one hundred grams;

397 c. Not more than one hundred milligrams of ethylmorphine per one hundred
398 milliliters or per one hundred grams;

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

403 (a) Alprazolam;

404 (b) Barbital;

405 (c) Bromazepam;

406 (d) Camazepam;

407 (e) Chloral betaine;

408 (f) Chloral hydrate;

409 (g) Chlordiazepoxide;

410 (h) Clobazam;

411 (i) Clonazepam;

412 (j) Clorazepate;

- 413 (k) Clotiazepam;
- 414 (l) Cloxazolam;
- 415 (m) Delorazepam;
- 416 (n) Diazepam;
- 417 (o) Estazolam;
- 418 (p) Ethchlorvynol;
- 419 (q) Ethinamate;
- 420 (r) Ethyl loflazepate;
- 421 (s) Fludiazepam;
- 422 (t) Flunitrazepam;
- 423 (u) Flurazepam;
- 424 (v) Halazepam;
- 425 (w) Haloxazolam;
- 426 (x) Ketazolam;
- 427 (y) Loprazolam;
- 428 (z) Lorazepam;
- 429 (aa) Lormetazepam;
- 430 (bb) Mebutamate;
- 431 (cc) Medazepam;
- 432 (dd) Meprobamate;
- 433 (ee) Methohexital;
- 434 (ff) Methylphenobarbital;
- 435 (gg) Midazolam;
- 436 (hh) Nimetazepam;
- 437 (ii) Nitrazepam;
- 438 (jj) Nordiazepam;
- 439 (kk) Oxazepam;
- 440 (ll) Oxazolam;
- 441 (mm) Paraldehyde;
- 442 (nn) Petrichloral;
- 443 (oo) Phenobarbital;
- 444 (pp) Pinazepam;
- 445 (qq) Prazepam;
- 446 (rr) Quazepam;
- 447 (ss) Temazepam;
- 448 (tt) Tetrazepam;

449 (uu) Triazolam;

450 (vv) Zolpidem;

451 (3) Any material, compound, mixture, or preparation which contains any quantity
452 of the following substance including its salts, isomers and salts of isomers whenever the
453 existence of such salts, isomers and salts of isomers is possible: fenfluramine;

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

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

458 (b) Diethylpropion;

459 (c) Fencamfamin;

460 (d) Fenproporex;

461 (e) Mazindol;

462 (f) Mefenorex;

463 (g) Pemoline, including organometallic complexes and chelates thereof;

464 (h) Phentermine;

465 (i) Pipradrol;

466 (j) SPA ((-)-1-dimethylamino-1,2-diphenylethane);

467 (5) Any material, compound, mixture or preparation containing any quantity of
468 the following substance, including its salts: pentazocine;

469 (6) [Any material, compound, mixture or preparation which contains any quantity
470 of the following substances having a stimulant effect on the central nervous system
471 including their salts, isomers and salts of isomers: ephedrine or its salts, optical isomers,
472 or salts of optical isomers as the only active medicinal ingredient or contains ephedrine
473 or its salts, optical isomers, or salts of optical isomers and therapeutically insignificant
474 quantities of another active medicinal ingredient;] **Ephedrine, its salts, optical
475 isomers and salts of optical isomers, when the substance is the only active
476 medicinal ingredient;**

477 (7) The department of health and senior services may except by rule any
478 compound, mixture, or preparation containing any depressant substance listed in
479 subdivision (1) of this subsection from the application of all or any part of sections
480 195.010 to 195.320 if the compound, mixture, or preparation contains one or more active
481 medicinal ingredients not having a depressant effect on the central nervous system, and
482 if the admixtures are included therein in combinations, quantity, proportion, or
483 concentration that vitiate the potential for abuse of the substances which have a
484 depressant effect on the central nervous system.

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

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

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

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

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

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

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

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

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

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

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

512 **(4) Any compound, mixture, or preparation containing any detectable**
513 **quantity of pseudoephedrine or its salts or optical isomers, or salts of optical**
514 **isomers or any compound, mixture, or preparation containing any detectable**
515 **quantity of ephedrine or its salts or optical isomers, or salts of optical**
516 **isomers.**

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

520 **(1) All packages of any compound, mixture, or preparation containing**

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

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

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

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

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

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

542 (3) The date of each purchase; and

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

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

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

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

558 registrant.

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

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

565 **18. The manufacturer of a drug product or another interested party**
566 **may apply with the department of health and senior services for an**
567 **exemption from this section. The department of health and senior services**
568 **may grant an exemption by rule from this section if the department finds the**
569 **drug product is not used in the illegal manufacture of methamphetamine or**
570 **other controlled or dangerous substances. The department of health and**
571 **senior services shall rely on reports from law enforcement and law**
572 **enforcement evidentiary laboratories in determining if the proposed product**
573 **can be used to manufacture illicit controlled substances.**

574 [11.] **19.** The department of health and senior services shall revise and republish
575 the schedules annually.

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

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

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

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

13 2. All packages of any drug having a sole active ingredient of ephedrine,

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

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

29 **(1) The sole active ingredient; or**

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

31 **(3) A combination of any of the products specified in subdivisions (1)**
32 **and (2) of this subsection;**

33 **in any total amount greater than nine grams.**

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

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

50 or its salts or precursors or to the sale of any animal feed products containing ephedrine
51 or any naturally occurring or herbal ephedra or extract of ephedra.

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

69 [5.] **6. Within thirty days of the enactment of this section, all persons
70 who dispense or offer for sale pseudoephedrine and ephedrine products,
71 except those that are excluded from Schedule V in subsection 17 or 18 of
72 section 195.017, shall ensure that all such products are located only behind
73 a pharmacy counter where the public is not permitted.**

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

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

82 **9. The provisions of subsection 2 of this section limiting individuals
83 from purchasing the specified amount in any thirty-day period shall not apply
84 to any compounds, mixtures, or preparations that are in liquid or liquid-filled
85 gel capsule form. However, no person shall purchase, receive, or otherwise
86 acquire more than nine grams of any compound, mixture, or preparation**

87 **excluded in subsection 17 or 18 of section 195.017, in a single purchase as**
88 **provided in subsection 2 of this section.**

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

✓