

SECOND REGULAR SESSION

HOUSE BILL NO. 1659

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KELLY (45).

5345H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 105.1105, 105.1108, 105.1112, 167.117, 191.725, 191.737, 195.010, 195.017, 195.202, 195.211, 195.222, 195.223, 217.360, 221.111, 263.250, 300.348, 304.013, 304.032, 577.203, 577.500, 577.505, and 578.315, RSMo, and to enact in lieu thereof twenty-two new sections relating to the regulation of marijuana, with penalty provisions.

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

Section A. Sections 105.1105, 105.1108, 105.1112, 167.117, 191.725, 191.737, 195.010, 195.017, 195.202, 195.211, 195.222, 195.223, 217.360, 221.111, 263.250, 300.348, 304.013, 304.032, 577.203, 577.500, 577.505, and 578.315, RSMo, are repealed and twenty-two new sections enacted in lieu thereof, to be known as sections 105.1105, 105.1108, 105.1112, 167.117, 191.725, 191.737, 195.010, 195.017, 195.202, 195.211, 195.222, 195.223, 195.850, 217.360, 221.111, 300.348, 304.013, 304.032, 577.203, 577.500, 577.505, and 578.315, to read as follows:

105.1105. Any public employee who is convicted, pleads guilty, or pleads nolo contendere for the first time, under the laws of this state, the United States or any other state, of any criminal offense involving the use of a controlled substance[, marijuana] or other dangerous drug as such substances are defined in chapter 195 shall be required to show evidence of completion of a drug abuse treatment and education program certified by the state. If the public employee refuses to participate in a drug abuse treatment program or if he fails to complete such program within six months of his public employer becoming aware of the conviction, the public employee shall be suspended from his public employment until such time as he shows evidence of completion of or shows evidence of enrollment and continuing progress in a certified drug abuse treatment and education program. Notwithstanding the provisions of section 36.370, such

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.

11 suspension shall be for no more than three months, after which time, if the public employee has
12 failed to complete or has failed to show evidence of continuing progress in a drug abuse
13 treatment and education program, he shall be dismissed from his public employment. After all
14 requirements of the suspension period have been fulfilled by the public employee, he shall be
15 returned to his former position with the public employer or, if such position is no longer
16 available, he shall be placed in a position of comparable status as his former position prior to
17 suspension.

105.1108. Any public employee who is convicted, pleads guilty, or pleads nolo
2 contendere for a second or subsequent time, under the laws of this state, the United States, or any
3 other state, of any criminal offense involving the use of a controlled substance[, marijuana] or
4 other dangerous drug, as such substances are defined in chapter 195, shall be dismissed from his
5 public employment and shall be ineligible for other public employment for a period of two years
6 from the most recent date of conviction. Subsequent employment with a public employer after
7 the two-year period shall be conditioned upon the showing of evidence of completion of a state
8 certified drug abuse treatment and education program.

105.1112. Any person who is not a public employee who, within three years prior to
2 applying for public employment or appointment from an eligibility register, has been convicted
3 under the laws of this state, the United States or any other state, of any criminal offense involving
4 the use of a controlled substance[, marijuana] or other dangerous drug, as such substances are
5 defined in chapter 195, shall be ineligible for any public employment unless such person has
6 completed or shows evidence of enrollment and continuing progress in a state certified drug
7 abuse treatment and education program within such three-year period or is currently undergoing
8 treatment in such program.

167.117. 1. In any instance when any person is believed to have committed an act which
2 if committed by an adult would be assault in the first, second or third degree, sexual assault, or
3 deviate sexual assault against a pupil or school employee, while on school property, including
4 a school bus in service on behalf of the district, or while involved in school activities, the
5 principal shall immediately report such incident to the appropriate local law enforcement agency
6 and to the superintendent, except in any instance when any person is believed to have committed
7 an act which if committed by an adult would be assault in the third degree and a written
8 agreement as to the procedure for the reporting of such incidents of third degree assault has been
9 executed between the superintendent of the school district and the appropriate local law
10 enforcement agency, the principal shall report such incident to the appropriate local law
11 enforcement agency in accordance with such agreement.

12 2. In any instance when a pupil is discovered to have on or about such pupil's person, or
13 among such pupil's possessions, or placed elsewhere on the school premises, including but not

14 limited to the school playground or the school parking lot, on a school bus or at a school activity
15 whether on or off of school property any controlled substance as defined in section 195.010, **any**
16 **marijuana or synthetic marijuana**, or any weapon as defined in subsection 6 of section
17 160.261 in violation of school policy, the principal shall immediately report such incident to the
18 appropriate local law enforcement agency and to the superintendent.

19 3. In any instance when a teacher becomes aware of an assault as set forth in subsection
20 1 of this section or finds a pupil in possession of a weapon, **marijuana or synthetic marijuana**,
21 or controlled substances as set forth in subsection 2 of this section, the teacher shall immediately
22 report such incident to the principal.

23 4. A school employee, superintendent or such person's designee who in good faith
24 provides information to law enforcement or juvenile authorities pursuant to this section or
25 section 160.261 shall not be civilly liable for providing such information.

26 5. Any school official responsible for reporting pursuant to this section or section
27 160.261 who willfully neglects or refuses to perform this duty shall be subject to the penalty
28 established pursuant to section 162.091.

191.725. Beginning January 1, 1992, every licensed physician who provides obstetrical
2 or gynecological care to a pregnant woman shall counsel all patients as to the perinatal effects
3 of smoking cigarettes, the use of alcohol, **the use of marijuana or synthetic marijuana**, and
4 the use of any controlled substance as defined in section 195.017, schedule I, II, or III for
5 nonmedical purposes. Such physicians shall further have all patients sign a written statement,
6 the form of which will be prepared by the director of the department of health and senior
7 services, certifying that such counseling has been received. All such executed statements shall
8 be maintained as part of that patient's medical file. The director of the department of health and
9 senior services, in cooperation with the department of mental health, division of alcohol and drug
10 abuse, shall further provide educational materials and guidance to such physicians for the
11 purpose of assuring accurate and appropriate patient education.

191.737. 1. Notwithstanding the physician-patient privilege, any physician or health care
2 provider may refer to the department of health and senior services families in which children may
3 have been exposed to a controlled substance listed in section 195.017, schedules I, II and III,
4 **marijuana or synthetic marijuana**, or alcohol as evidenced by:

5 (1) Medical documentation of signs and symptoms consistent with controlled substances,
6 **marijuana or synthetic marijuana**, or alcohol exposure in the child at birth; or

7 (2) Results of a confirmed toxicology test for controlled substances, **marijuana, or**
8 **synthetic marijuana** performed at birth on the mother or the child; and

9 (3) A written assessment made or approved by a physician, health care provider, or by
10 the division of family services which documents the child as being at risk of abuse or neglect.

11 2. Nothing in this section shall preclude a physician or other mandated reporter from
12 reporting abuse or neglect of a child as required pursuant to the provisions of section 210.115.

13 3. Upon notification pursuant to subsection 1 of this section, the department of health
14 and senior services shall offer service coordination services to the family. The department of
15 health and senior services shall coordinate social services, health care, mental health services,
16 and needed education and rehabilitation services. Service coordination services shall be initiated
17 within seventy-two hours of notification. The department of health and senior services shall
18 notify the department of social services and the department of mental health within seventy-two
19 hours of initial notification.

20 4. Any physician or health care provider complying with the provisions of this section,
21 in good faith, shall have immunity from any civil liability that might otherwise result by reason
22 of such actions.

23 5. Referral and associated documentation provided for in this section shall be
24 confidential and shall not be used in any criminal prosecution.

 195.010. The following words and phrases as used in sections 195.005 to 195.425,
2 unless the context otherwise requires, mean:

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

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

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

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

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

15 (4) "Attorney for the state", any prosecuting attorney, circuit attorney, or attorney general
16 authorized to investigate, commence and prosecute an action under sections 195.005 to 195.425;

17 (5) "Controlled substance", a drug, substance, or immediate precursor in Schedules I
18 through V listed in sections 195.005 to 195.425;

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. 355) to the extent
31 conduct with respect to the substance is pursuant to the exemption; or any substance to the extent
32 not intended for human consumption before such an exemption takes effect with respect to the
33 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. 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 sections
86 195.005 to 195.425. 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) (h) Capsules, balloons, envelopes and other containers used, intended for use, or
109 designed for use in packaging small quantities of controlled substances or imitation controlled
110 substances;

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

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

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

119 a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens,
120 permanent screens[, hashish heads], or punctured metal bowls;

121 b. Water pipes;

122 c. Carburetion tubes and devices;

123 d. Smoking and carburetion masks;

124 e. Roach clips meaning objects used to hold burning material[, such as a marijuana
125 cigarette,] that has become too small or too short to be held in the hand;

126 f. Miniature cocaine spoons and cocaine vials;

127 g. Chamber pipes;

128 h. Carburetor pipes;

- 129 i. Electric pipes;
- 130 j. Air-driven pipes;
- 131 k. Chillums;
- 132 l. Bongs;
- 133 m. Ice pipes or chillers;
- 134 [(m)] (I) Substances used, intended for use, or designed for use in the manufacture of a
135 controlled substance; In determining whether an object, product, substance or material is drug
136 paraphernalia, a court or other authority should consider, in addition to all other logically
137 relevant factors, the following:
- 138 a. Statements by an owner or by anyone in control of the object concerning its use;
- 139 b. Prior convictions, if any, of an owner, or of anyone in control of the object, under any
140 state or federal law relating to any controlled substance or imitation controlled substance;
- 141 c. The proximity of the object, in time and space, to a direct violation of sections
142 195.005 to 195.425;
- 143 d. The proximity of the object to controlled substances or imitation controlled
144 substances;
- 145 e. The existence of any residue of controlled substances or imitation controlled
146 substances on the object;
- 147 f. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of
148 the object, to deliver it to persons who he knows, or should reasonably know, intend to use the
149 object to facilitate a violation of sections 195.005 to 195.425; the innocence of an owner, or of
150 anyone in control of the object, as to direct violation of sections 195.005 to 195.425 shall not
151 prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;
- 152 g. Instructions, oral or written, provided with the object concerning its use;
- 153 h. Descriptive materials accompanying the object which explain or depict its use;
- 154 i. National or local advertising concerning its use;
- 155 j. The manner in which the object is displayed for sale;
- 156 k. Whether the owner, or anyone in control of the object, is a legitimate supplier of like
157 or related items to the community, such as a licensed distributor or dealer of tobacco products;
- 158 l. Direct or circumstantial evidence of the ratio of sales of the object to the total sales of
159 the business enterprise;
- 160 m. The existence and scope of legitimate uses for the object in the community;
- 161 n. Expert testimony concerning its use;
- 162 o. The quantity, form or packaging of the product, substance or material in relation to
163 the quantity, form or packaging associated with any legitimate use for the product, substance or
164 material;

165 (18) "Federal narcotic laws", the laws of the United States relating to controlled
166 substances;

167 (19) "Hospital", a place devoted primarily to the maintenance and operation of facilities
168 for the diagnosis, treatment or care, for not less than twenty-four hours in any week, of three or
169 more nonrelated individuals suffering from illness, disease, injury, deformity or other abnormal
170 physical conditions; or a place devoted primarily to provide, for not less than twenty-four
171 consecutive hours in any week, medical or nursing care for three or more nonrelated individuals.
172 The term "hospital" does not include convalescent, nursing, shelter or boarding homes as defined
173 in chapter 198;

174 (20) "Immediate precursor", a substance which:

175 (a) The state department of health and senior services has found to be and by rule
176 designates as being the principal compound commonly used or produced primarily for use in the
177 manufacture of a controlled substance;

178 (b) Is an immediate chemical intermediary used or likely to be used in the manufacture
179 of a controlled substance; and

180 (c) The control of which is necessary to prevent, curtail or limit the manufacture of the
181 controlled substance;

182 (21) "Imitation controlled substance", a substance that is not a controlled substance,
183 which by dosage unit appearance (including color, shape, size and markings), or by
184 representations made, would lead a reasonable person to believe that the substance is a controlled
185 substance. In determining whether the substance is an imitation controlled substance the court
186 or authority concerned should consider, in addition to all other logically relevant factors, the
187 following:

188 (a) Whether the substance was approved by the federal Food and Drug Administration
189 for over-the-counter (nonprescription or nonlegend) sales and was sold in the federal Food and
190 Drug Administration approved package, with the federal Food and Drug Administration
191 approved labeling information;

192 (b) Statements made by an owner or by anyone else in control of the substance
193 concerning the nature of the substance, or its use or effect;

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

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

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

199 (f) Whether the consideration tendered in exchange for the noncontrolled substance
200 substantially exceeds the reasonable value of the substance considering the actual chemical

201 composition of the substance and, where applicable, the price at which over-the-counter
202 substances of like chemical composition sell. An imitation controlled substance does not include
203 a placebo or registered investigational drug either of which was manufactured, distributed,
204 possessed or delivered in the ordinary course of professional practice or research;

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

208 (23) "Manufacture", the production, preparation, propagation, compounding or
209 processing of drug paraphernalia or of a controlled substance, or an imitation controlled
210 substance, either directly or by extraction from substances of natural origin, or independently by
211 means of chemical synthesis, or by a combination of extraction and chemical synthesis, and
212 includes any packaging or repackaging of the substance or labeling or relabeling of its container.
213 This term does not include the preparation or compounding of a controlled substance or an
214 imitation controlled substance or the preparation, compounding, packaging or labeling of a
215 narcotic or dangerous drug:

216 (a) By a practitioner as an incident to his administering or dispensing of a controlled
217 substance or an imitation controlled substance in the course of his professional practice, or

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

220 (24) ["Marijuana", all parts of the plant genus Cannabis in any species or form thereof,
221 including, but not limited to Cannabis Sativa L., Cannabis Indica, Cannabis Americana,
222 Cannabis Ruderalis, and Cannabis Gigantea, whether growing or not, the seeds thereof, the resin
223 extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture,
224 or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant,
225 fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound,
226 manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin
227 extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of
228 germination;

229 (25) "Methamphetamine precursor drug", any drug containing ephedrine,
230 pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical
231 isomers;

232 [(26)] (25) "Narcotic drug", any of the following, whether produced directly or indirectly
233 by extraction from substances of vegetable origin, or independently by means of chemical
234 synthesis, or by a combination of extraction and chemical analysis:

235 (a) Opium, opiate, and any derivative, of opium or opiate, including their isomers, esters,
236 ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of the isomers,

237 esters, ethers, and salts is possible within the specific chemical designation. The term does not
238 include the isoquinoline alkaloids of opium;

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

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

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

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

245 [(27)] (26) "Official written order", an order written on a form provided for that purpose
246 by the United States Commissioner of Narcotics, under any laws of the United States making
247 provision therefor, if such order forms are authorized and required by federal law, and if no such
248 order form is provided, then on an official form provided for that purpose by the department of
249 health and senior services;

250 [(28)] (27) "Opiate", any substance having an addiction-forming or addiction-sustaining
251 liability similar to morphine or being capable of conversion into a drug having addiction-forming
252 or addiction-sustaining liability. The term includes its racemic and levorotatory forms. It does
253 not include, unless specifically controlled under section 195.017, the dextrorotatory isomer of
254 3-methoxy-n-methyl-morphinan and its salts (dextromethorphan);

255 [(29)] (28) "Opium poppy", the plant of the species *Papaver somniferum* L., except its
256 seeds;

257 [(30)] (29) "Over-the-counter sale", a retail sale licensed pursuant to chapter 144 of a
258 drug other than a controlled substance;

259 [(31)] (30) "Person", an individual, corporation, government or governmental
260 subdivision or agency, business trust, estate, trust, partnership, joint venture, association, or any
261 other legal or commercial entity;

262 [(32)] (31) "Pharmacist", a licensed pharmacist as defined by the laws of this state, and
263 where the context so requires, the owner of a store or other place of business where controlled
264 substances are compounded or dispensed by a licensed pharmacist; but nothing in sections
265 195.005 to 195.425 shall be construed as conferring on a person who is not registered nor
266 licensed as a pharmacist any authority, right or privilege that is not granted to him by the
267 pharmacy laws of this state;

268 [(33)] (32) "Poppy straw", all parts, except the seeds, of the opium poppy, after mowing;

269 [(34)] (33) "Possessed" or "possessing a controlled substance", a person, with the
270 knowledge of the presence and nature of a substance, has actual or constructive possession of
271 the substance. A person has actual possession if he has the substance on his person or within
272 easy reach and convenient control. A person who, although not in actual possession, has the

273 power and the intention at a given time to exercise dominion or control over the substance either
274 directly or through another person or persons is in constructive possession of it. Possession may
275 also be sole or joint. If one person alone has possession of a substance possession is sole. If two
276 or more persons share possession of a substance, possession is joint;

277 [(35)] (34) "Practitioner", a physician, dentist, optometrist, podiatrist, veterinarian,
278 scientific investigator, pharmacy, hospital or other person licensed, registered or otherwise
279 permitted by this state to distribute, dispense, conduct research with respect to or administer or
280 to use in teaching or chemical analysis, a controlled substance in the course of professional
281 practice or research in this state, or a pharmacy, hospital or other institution licensed, registered,
282 or otherwise permitted to distribute, dispense, conduct research with respect to or administer a
283 controlled substance in the course of professional practice or research;

284 [(36)] (35) "Production", includes the manufacture, planting, cultivation, growing, or
285 harvesting of drug paraphernalia or of a controlled substance or an imitation controlled
286 substance;

287 [(37)] (36) "Registry number", the number assigned to each person registered under the
288 federal controlled substances laws;

289 [(38)] (37) "Sale", includes barter, exchange, or gift, or offer therefor, and each such
290 transaction made by any person, whether as principal, proprietor, agent, servant or employee;

291 [(39)] (38) "State" when applied to a part of the United States, includes any state, district,
292 commonwealth, territory, insular possession thereof, and any area subject to the legal authority
293 of the United States of America;

294 [(40)] (39) "Synthetic cannabinoid", includes unless specifically excepted or unless listed
295 in another schedule, any natural or synthetic material, compound, mixture, or preparation that
296 contains any quantity of a substance that is a cannabinoid receptor agonist, including but not
297 limited to any substance listed in paragraph (II) of subdivision (4) of subsection 2 of section
298 195.017 and any analogues, homologues; isomers, whether optical, positional, or geometric;
299 esters; ethers; salts; and salts of isomers, esters, and ethers, whenever the existence of the
300 isomers, esters, ethers, or salts is possible within the specific chemical designation, however, it
301 shall not include any approved pharmaceutical authorized by the United States Food and Drug
302 Administration;

303 [(41)] (40) "Ultimate user", a person who lawfully possesses a controlled substance or
304 an imitation controlled substance for his own use or for the use of a member of his household
305 or for administering to an animal owned by him or by a member of his household;

306 [(42)] (41) "Wholesaler", a person who supplies drug paraphernalia or controlled
307 substances or imitation controlled substances that he himself has not produced or prepared, on
308 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) Difenoxyin;
 - 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) Pirtramide;
- 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) Hydromorphinol;
- 81 (m) Methyldesorphine;
- 82 (n) Methyldihydromorphine;
- 83 (o) Morphine methylbromide;
- 84 (p) Morphine methylsulfonate;
- 85 (q) Morphine-N-Oxide;
- 86 (r) Myrophine;
- 87 (s) Nicocodeine;
- 88 (t) Nicomorphine;
- 89 (u) Normorphine;
- 90 (v) Pholcodine;
- 91 (w) Thebacon;

92 (4) Any material, compound, mixture or preparation which contains any quantity of the
93 following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically
94 excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within
95 the specific chemical designation:

- 96 (a) 4-bromo-2, 5-dimethoxyamphetamine;
- 97 (b) 4-bromo-2, 5-dimethoxyphenethylamine;
- 98 (c) 2,5-dimethoxyamphetamine;
- 99 (d) 2,5-dimethoxy-4-ethylamphetamine;
- 100 (e) 2,5-dimethoxy-4-(n)-propylthiophenethylamine;
- 101 (f) 4-methoxyamphetamine;
- 102 (g) 5-methoxy-3,4-methylenedioxyamphetamine;
- 103 (h) 4-methyl-2, 5-dimethoxyamphetamine;
- 104 (i) 3,4-methylenedioxyamphetamine;
- 105 (j) 3,4-methylenedioxymethamphetamine;
- 106 (k) 3,4-methylenedioxy-N-ethylamphetamine;
- 107 (l) N-hydroxy-3, 4-methylenedioxyamphetamine;
- 108 (m) 3,4,5-trimethoxyamphetamine;

- 109 (n) 5-MeO-DMT or 5-methoxy-N,N-dimethyltryptamine, its isomers, salts, and salts of
110 isomers;
- 111 (o) Alpha-ethyltryptamine;
- 112 (p) Alpha-methyltryptamine;
- 113 (q) Bufotenine;
- 114 (r) Diethyltryptamine;
- 115 (s) Dimethyltryptamine;
- 116 (t) 5-methoxy-N,N-diisopropyltryptamine;
- 117 (u) Ibogaine;
- 118 (v) Lysergic acid diethylamide;
- 119 (w) [Marijuana or marihuana;
- 120 (x)] Mescaline;
- 121 [(y)] (x) Parahexyl;
- 122 [(z)] (y) Peyote, to include all parts of the plant presently classified botanically as
123 Lophophora Williamsii Lemaire, whether growing or not; the seeds thereof; any extract from any
124 part of such plant; and every compound, manufacture, salt, derivative, mixture or preparation of
125 the plant, its seed or extracts;
- 126 [(aa)] (z) N-ethyl-3-piperidyl benzilate;
- 127 [(bb)] (aa) N-methyl-3-piperidyl benzilate;
- 128 [(cc)] (bb) Psilocybin;
- 129 [(dd)] (cc) Psilocyn;
- 130 [(ee)] (dd) Tetrahydrocannabinols naturally contained in a plant of the genus Cannabis
131 (cannabis plant), as well as synthetic equivalents of the substances contained in the cannabis
132 plant, or in the resinous extractives of such plant, or synthetic substances, derivatives, and their
133 isomers with similar chemical structure and pharmacological activity to those substances
134 contained in the plant, such as the following:
- 135 a. 1 cis or trans tetrahydrocannabinol, and their optical isomers;
- 136 b. 6 cis or trans tetrahydrocannabinol, and their optical isomers;
- 137 c. 3,4 cis or trans tetrahydrocannabinol, and their optical isomers;
- 138 d. Any compounds of these structures, regardless of numerical designation of atomic
139 positions covered;
- 140 [(ff)] (ee) Ethylamine analog of phencyclidine;
- 141 [(gg)] (ff) Pyrrolidine analog of phencyclidine;
- 142 [(hh)] (gg) Thiophene analog of phencyclidine;
- 143 [(ii)] (hh) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine;
- 144 [(jj)] (ii) Salvia divinorum;

- 145 [(kk)] (jj) Salvinorin A;
- 146 [(ll)] (kk) Synthetic cannabinoids:
- 147 a. Any compound structurally derived from 3-(1-naphthoyl)indole or
- 148 1H-indol-3-yl-(1-naphthyl)methane by substitution at the nitrogen atom of the indole ring by
- 149 alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidiny)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-piperidiny)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-piperidiny)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-piperidiny)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-piperidiny)methyl or 2-(4-morpholinyl)ethyl group, whether or
- 188 not substituted in the cyclohexyl ring to any extent. Including, but not limited to:
- 189 (i) CP 47, 497 & homologues, or 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-
- 190 yl)phenol), where side chain n=5, and homologues where side chain n-4, 6, or 7;
- 191 f. Any compound containing a 3-(benzoyl)indole structure with substitution at the
- 192 nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
- 193 1-(N-methyl-2-piperidiny)methyl or 2-(4-morpholinyl)ethyl group, whether or not further
- 194 substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to
- 195 any extent. Including, but not limited to:
- 196 (i) AM-694, or 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole;
- 197 (ii) RCS-4, or 1-pentyl-3-(4-methoxybenzoyl)indole;
- 198 g. CP 50,556-1, or [(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5-phenylpentan-2-
- 199 yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl] acetate;
- 200 h. HU-210, or (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-
- 201 6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;
- 202 i. HU-211, or Dexanabinol,(6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(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-
- 205 yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl] acetate;
- 206 k. Dimethylheptylpyran, or DMHP;
- 207 (5) Any material, compound, mixture or preparation containing any quantity of the
- 208 following substances having a depressant effect on the central nervous system, including their
- 209 salts, isomers and salts of isomers whenever the existence of these salts, isomers and salts of
- 210 isomers is possible within the specific chemical designation:
- 211 (a) Gamma-hydroxybutyric acid;
- 212 (b) Mecloqualone;
- 213 (c) Methaqualone;
- 214 (6) Any material, compound, mixture or preparation containing any quantity of the
- 215 following substances having a stimulant effect on the central nervous system, including their
- 216 salts, isomers and salts of isomers:

- 217 (a) Aminorex;
- 218 (b) N-benzylpiperazine;
- 219 (c) Cathinone;
- 220 (d) Fenethylamine;
- 221 (e) 3-Fluoromethcathinone;
- 222 (f) 4-Fluoromethcathinone;
- 223 (g) Mephedrone, or 4-methylmethcathinone;
- 224 (h) Methcathinone;
- 225 (i) 4-methoxymethcathinone;
- 226 (j) (+,-)cis-4-methylaminorex ((+,-)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);
- 227 (k) Methylenedioxypropylamphetamine, MDPV, or (1-(1,3-Benzodioxol-5-yl)-2-(1-
- 228 pyrrolidinyl)-1-pentanone;
- 229 (l) Methylenedioxypropylamphetamine, or 3,4-Methylenedioxypropylamphetamine;
- 230 (m) 4-Methyl-alpha-pyrrolidinobutylphenone, 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 (thethylfentanyl), 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, dextrorphan, nalbuphine,
255 nalmeferene, naloxone and naltrexone, and their respective salts but including the following:

- 256 a. Raw opium;
- 257 b. Opium extracts;
- 258 c. Opium fluid;
- 259 d. Powdered opium;
- 260 e. Granulated opium;
- 261 f. Tincture of opium;
- 262 g. Codeine;
- 263 h. Ethylmorphine;
- 264 i. Etorphine hydrochloride;
- 265 j. Hydrocodone;
- 266 k. Hydromorphone;
- 267 l. Metopon;
- 268 m. Morphine;
- 269 n. Oxycodone;
- 270 o. Oxymorphone;
- 271 p. Thebaine;

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

275 (c) Opium poppy and poppy straw;

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

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

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

- 285 (a) Alfentanil;
- 286 (b) Alphaprodine;
- 287 (c) Anileridine;
- 288 (d) Bezitramide;

- 289 (e) Bulk dextropropoxyphene;
290 (f) Carfentanil;
291 (g) Dihydrocodeine;
292 (h) Diphenoxylate;
293 (i) Fentanyl;
294 (j) Isomethadone;
295 (k) Levo-alphaacetylmethadol;
296 (l) Levomethorphan;
297 (m) Levorphanol;
298 (n) Metazocine;
299 (o) Methadone;
300 (p) Meperidine;
301 (q) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenylbutane;
302 (r) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane--carboxylic
303 acid;
304 (s) Pethidine (meperidine);
305 (t) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
306 (u) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;
307 (v) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
308 (w) Phenazocine;
309 (x) Piminodine;
310 (y) Racemethorphan;
311 (z) Racemorphan;
312 (aa) Remifentanil;
313 (bb) Sufentanil;
314 (cc) Tapentadol;
315 (3) Any material, compound, mixture, or preparation which contains any quantity of the
316 following substances having a stimulant effect on the central nervous system:
317 (a) Amphetamine, its salts, optical isomers, and salts of its optical isomers;
318 (b) Lisdexamfetamine, its salts, isomers, and salts of its isomers;
319 (c) Methamphetamine, its salts, isomers, and salts of its isomers;
320 (d) Phenmetrazine and its salts;
321 (e) Methylphenidate;
322 (4) Any material, compound, mixture, or preparation which contains any quantity of the
323 following substances having a depressant effect on the central nervous system, including its salts,

324 isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers
325 is possible within the specific chemical designation:

326 (a) Amobarbital;

327 (b) Glutethimide;

328 (c) Pentobarbital;

329 (d) Phencyclidine;

330 (e) Secobarbital;

331 (5) Any material or compound which contains any quantity of nabilone;

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

334 (a) Immediate precursor to amphetamine and methamphetamine: Phenylacetone;

335 (b) Immediate precursors to phencyclidine (PCP):

336 a. 1-phenylcyclohexylamine;

337 b. 1-piperidinocyclohexanecarbonitrile (PCC);

338 (7) Any material, compound, mixture, or preparation which contains any quantity of the
339 following alkyl nitrites:

340 (a) Amyl nitrite;

341 (b) Butyl nitrite.

342 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 β ,17-dihydroxy-5 α -androstane;
424 (b) 3 α ,17 β -dihydroxy-5 α -androstane;
425 (c) 5 α -androstan-3,17-dione;
426 (d) 1-androstenediol (3 β ,17 β -dihydroxy-5 α -androst-1-ene);
427 (e) 1-androstenediol (3 α ,17 β -dihydroxy-5 α -androst-1-ene);
428 (f) 4-androstenediol (3 β ,17 β -dihydroxy-androst-4-ene);
429 (g) 5-androstenediol (3 β ,17 β -dihydroxy-androst-5-ene);
430 (h) 1-androstenedione ([5 α]-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 (7a, 17a-dimethyl-17 β -hydroxyandrost-4-en-3-one);
434 (l) Boldenone (17 β -hydroxyandrost-1,4,-diene-3-one);
435 (m) Boldione;
436 (n) Calusterone (7 β , 17a-dimethyl-17 β -hydroxyandrost-4-en-3-one);
437 (o) Clostebol (4-chloro-17 β -hydroxyandrost-4-en-3-one);
438 (p) Dehydrochloromethyltestosterone (4-chloro-17 β -hydroxy-17a-methyl-androst-1,4-
439 dien-3-one);
440 (q) Desoxymethyltestosterone;
441 (r) ?1-dihydrotestosterone (a.k.a. '1-testosterone')(17 β -hydroxy-5a-androst-1-en-3-one);
442 (s) 4-dihydrotestosterone (17 β -hydroxy-androstan-3-one);
443 (t) Drostanolone (17 β -hydroxy-2a-methyl-5a-androstan-3-one);
444 (u) Ethylestrenol (17a-ethyl-17 β -hydroxyestr-4-ene);
445 (v) Fluoxymesterone (9-fluoro-17a-methyl-11 β ,17 β -dihydroxyandrost-4-en-3-one);
446 (w) Formebolone (2-formyl-17a-methyl-11a,17 β -dihydroxyandrost-1,4-dien-3-one);
447 (x) Furazabol (17a-methyl-17 β -hydroxyandrostan[2,3-c]-fuzazan);
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 (17a-methyl-17 β -hydroxy-5-androstan-3-one);
452 (cc) Mesterolone (1a-methyl-17 β -hydroxy-[5a]-androstan-3-one);
453 (dd) Methandienone (17a-methyl-17 β -hydroxyandrost-1,4-dien-3-one);
454 (ee) Methandriol (17a-methyl-3 β ,17 β -dihydroxyandrost-5-ene);
455 (ff) Methenolone (1-methyl-17 β -hydroxy-5a-androst-1-en-3-one);
456 (gg) 17a-methyl-3 β ,17 β -dihydroxy-5a-androstane);
457 (hh) 17a-methyl-3a,17 β -dihydroxy-5a-androstane);
458 (ii) 17a-methyl-3 β ,17 β -dihydroxyandrost-4-ene;
459 (jj) 17a-methyl-4-hydroxynandrolone (17a-methyl-4-hydroxy-17 β -hydroxyestr-4-en-3-
460 one);
461 (kk) Methyldienolone (17a-methyl-17 β -hydroxyestra-4,9(10)-dien-3-one);
462 (ll) Methyltrienolone (17a-methyl-17 β -hydroxyestra-4,9-11-trien-3-one);
463 (mm) Methyltestosterone (17a-methyl-17 β -hydroxyandrost-4-en-3-one);
464 (nn) Mibolerone (7a,17a-dimethyl-17 β -hydroxyestr-4-en-3-one);
465 (oo) 17a-methyl-?1-dihydrotestosterone (17 β -hydroxy-17a-methyl-5a-androst-1-en-3-
466 one) (a.k.a. '17-a-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 (ddd) Oxymethalone (17 α -methyl-2-hydroxymethylene-17 β -hydroxy-[5 α]-androstan-3-
482 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 (alpha-(+)-4-dimethylamino-1, 2-diphenyl-3-methyl-2-
517 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) Barbitol;

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 if the
610 compound, mixture, or preparation contains one or more active medicinal ingredients not having

611 a depressant effect on the central nervous system, and if the admixtures are included therein in
612 combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the
613 substances which have a depressant effect on the central nervous system.

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

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

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

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

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

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

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

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

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

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

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

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

644 (a) Lacosamide;

645 (b) Pregabalin.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

195.202. 1. Except as authorized by sections 195.005 to 195.425, it is unlawful for any
2 person to possess or have under his **or her** control a controlled substance.

3 2. Any person who violates this section with respect to any controlled substance [except
4 thirty-five grams or less of marijuana or any synthetic cannabinoid] is guilty of a class C felony.

5 [3. Any person who violates this section with respect to not more than thirty-five grams
6 of marijuana or any synthetic cannabinoid is guilty of a class A misdemeanor.]

195.211. 1. Except as authorized by sections 195.005 to 195.425 and except as provided
2 in section 195.222, it is unlawful for any person to distribute, deliver, manufacture, produce or
3 attempt to distribute, deliver, manufacture or produce a controlled substance or to possess with
4 intent to distribute, deliver, manufacture, or produce a controlled substance.

5 2. Any person who violates or attempts to violate this section with respect to
6 manufacturing or production of a controlled substance of any amount [except for five grams or
7 less of marijuana] in a residence where a child resides or within two thousand feet of the real
8 property comprising a public or private elementary or public or private elementary or secondary

9 school, public vocational school or a public or private community college, college or university,
10 or any school bus is guilty of a class A felony.

11 3. Any person who violates or attempts to violate this section with respect to any
12 controlled substance [except five grams or less of marijuana] is guilty of a class B felony.

13 [4. Any person who violates this section with respect to distributing or delivering not
14 more than five grams of marijuana is guilty of a class C felony.]

195.222. 1. A person commits the crime of trafficking drugs in the first degree if, except
2 as authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces
3 or attempts to distribute, deliver, manufacture or produce more than thirty grams of a mixture
4 or substance containing a detectable amount of heroin. Violations of this subsection shall be
5 punished as follows:

6 (1) If the quantity involved is more than thirty grams but less than ninety grams the
7 person shall be sentenced to the authorized term of imprisonment for a class A felony;

8 (2) If the quantity involved is ninety grams or more the person shall be sentenced to the
9 authorized term of imprisonment for a class A felony which term shall be served without
10 probation or parole.

11 2. A person commits the crime of trafficking drugs in the first degree if, except as
12 authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or
13 attempts to distribute, deliver, manufacture or produce more than one hundred fifty grams of a
14 mixture or substance containing a detectable amount of coca leaves, except coca leaves and
15 extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts
16 have been removed; cocaine salts and their optical and geometric isomers, and salts of isomers;
17 ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture,
18 or preparation which contains any quantity of any of the foregoing substances. Violations of this
19 subsection shall be punished as follows:

20 (1) If the quantity involved is more than one hundred fifty grams but less than four
21 hundred fifty grams the person shall be sentenced to the authorized term of imprisonment for a
22 class A felony;

23 (2) If the quantity involved is four hundred fifty grams or more the person shall be
24 sentenced to the authorized term of imprisonment for a class A felony which term shall be served
25 without probation or parole.

26 3. A person commits the crime of trafficking drugs in the first degree if, except as
27 authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or
28 attempts to distribute, deliver, manufacture or produce more than eight grams of a mixture or
29 substance described in subsection 2 of this section which contains cocaine base. Violations of
30 this subsection shall be punished as follows:

31 (1) If the quantity involved is more than eight grams but less than twenty-four grams the
32 person shall be sentenced to the authorized term of imprisonment for a class A felony;

33 (2) If the quantity involved is twenty-four grams or more the person shall be sentenced
34 to the authorized term of imprisonment for a class A felony which term shall be served without
35 probation or parole.

36 4. A person commits the crime of trafficking drugs in the first degree if, except as
37 authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or
38 attempts to distribute, deliver, manufacture or produce more than five hundred milligrams of a
39 mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD).
40 Violations of this subsection shall be punished as follows:

41 (1) If the quantity involved is more than five hundred milligrams but less than one gram
42 the person shall be sentenced to the authorized term of imprisonment for a class A felony;

43 (2) If the quantity involved is one gram or more the person shall be sentenced to the
44 authorized term of imprisonment for a class A felony which term shall be served without
45 probation or parole.

46 5. A person commits the crime of trafficking drugs in the first degree if, except as
47 authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or
48 attempts to distribute, deliver, manufacture or produce more than thirty grams of a mixture or
49 substance containing a detectable amount of phencyclidine (PCP). Violations of this subsection
50 shall be punished as follows:

51 (1) If the quantity involved is more than thirty grams but less than ninety grams the
52 person shall be sentenced to the authorized term of imprisonment for a class A felony;

53 (2) If the quantity involved is ninety grams or more the person shall be sentenced to the
54 authorized term of imprisonment for a class A felony which term shall be served without
55 probation or parole.

56 6. A person commits the crime of trafficking drugs in the first degree if, except as
57 authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or
58 attempts to distribute, deliver, manufacture or produce more than four grams of phencyclidine.
59 Violations of this subsection shall be punished as follows:

60 (1) If the quantity involved is more than four grams but less than twelve grams the
61 person shall be sentenced to the authorized term of imprisonment for a class A felony;

62 (2) If the quantity involved is twelve grams or more the person shall be sentenced to the
63 authorized term of imprisonment for a class A felony which term shall be served without
64 probation or parole.

65 7. [A person commits the crime of trafficking drugs in the first degree if, except as
66 authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or

67 attempts to distribute, deliver, manufacture or produce more than thirty kilograms of a mixture
68 or substance containing marijuana. Violations of this subsection shall be punished as follows:

69 (1) If the quantity involved is more than thirty kilograms but less than one hundred
70 kilograms the person shall be sentenced to the authorized term of imprisonment for a class A
71 felony;

72 (2) If the quantity involved is one hundred kilograms or more the person shall be
73 sentenced to the authorized term of imprisonment for a class A felony which term shall be served
74 without probation or parole.

75 8.] A person commits the crime of trafficking drugs in the first degree if, except as
76 authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or
77 attempts to distribute, deliver, manufacture or produce more than thirty grams of any material,
78 compound, mixture or preparation which contains any quantity of the following substances
79 having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers
80 and salts of its optical isomers; methamphetamine, its salts, optical isomers and salts of its
81 optical isomers; phenmetrazine and its salts; or methylphenidate. Violations of this subsection
82 or attempts to violate this subsection shall be punished as follows:

83 (1) If the quantity involved is more than thirty grams but less than ninety grams the
84 person shall be sentenced to the authorized term of imprisonment for a class A felony;

85 (2) If the quantity involved is ninety grams or more, or if the quantity involved was thirty
86 grams or more and the location of the offense was within two thousand feet of a school or public
87 housing as defined in section 195.214 or section 195.218 or within a motor vehicle, or any
88 structure or building which contains rooms furnished for the accommodation or lodging of
89 guests, and kept, used, maintained, advertised, or held out to the public as a place where sleeping
90 accommodations are sought for pay or compensation to transient guests or permanent guests, the
91 person shall be sentenced to the authorized term of imprisonment for a class A felony which term
92 shall be served without probation or parole.

93 [9.] 8. A person commits the crime of trafficking drugs in the first degree if, except as
94 authorized by sections 195.005 to 195.425, he or she distributes, delivers, manufactures,
95 produces or attempts to distribute, deliver, manufacture or produce more than thirty grams of any
96 material, compound, mixture or preparation which contains any quantity of
97 3,4-methylenedioxymethamphetamine. Violations of this subsection or attempts to violate this
98 subsection shall be punished as follows:

99 (1) If the quantity involved is more than thirty grams but less than ninety grams the
100 person shall be sentenced to the authorized term of imprisonment for a class A felony;

101 (2) If the quantity involved is ninety grams or more, or if the quantity involved was thirty
102 grams or more and the location of the offense was within two thousand feet of a school or public

103 housing as defined in section 195.214 or section 195.218 or within a motor vehicle, or any
104 structure or building which contains rooms furnished for the accommodation or lodging of
105 guests, and kept, used, maintained, advertised, or held out to the public as a place where sleeping
106 accommodations are sought for pay or compensation to transient guests or permanent guests, the
107 person shall be sentenced to the authorized term of imprisonment for a class A felony which term
108 shall be served without probation or parole.

195.223. 1. A person commits the crime of trafficking drugs in the second degree if,
2 except as authorized by sections 195.005 to 195.425, he possesses or has under his control,
3 purchases or attempts to purchase, or brings into this state more than thirty grams of a mixture
4 or substance containing a detectable amount of heroin. Violations of this subsection shall be
5 punished as follows:

6 (1) If the quantity involved is more than thirty grams but less than ninety grams the
7 person shall be guilty of a class B felony;

8 (2) If the quantity involved is ninety grams or more the person shall be guilty of a class
9 A felony.

10 2. A person commits the crime of trafficking drugs in the second degree if, except as
11 authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or
12 attempts to purchase, or brings into this state more than one hundred fifty grams of a mixture or
13 substance containing a detectable amount of coca leaves, except coca leaves and extracts of coca
14 leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been
15 removed; cocaine salts and their optical and geometric isomers, and salts of isomers; ecgonine,
16 its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture, or
17 preparation which contains any quantity of any of the foregoing substances. Violations of this
18 subsection shall be punished as follows:

19 (1) If the quantity involved is more than one hundred fifty grams but less than four
20 hundred fifty grams the person shall be guilty of a class B felony;

21 (2) If the quantity involved is four hundred fifty grams or more the person shall be guilty
22 of a class A felony.

23 3. A person commits the crime of trafficking drugs in the second degree if, except as
24 authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or
25 attempts to purchase, or brings into this state more than eight grams of a mixture or substance
26 described in subsection 2 of this section which contains cocaine base. Violations of this
27 subsection shall be punished as follows:

28 (1) If the quantity involved is more than eight grams but less than twenty-four grams the
29 person shall be guilty of a class B felony;

30 (2) If the quantity involved is twenty-four grams or more the person shall be guilty of
31 a class A felony.

32 4. A person commits the crime of trafficking drugs in the second degree if, except as
33 authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or
34 attempts to purchase, or brings into this state more than five hundred milligrams of a mixture or
35 substance containing a detectable amount of lysergic acid diethylamide (LSD). Violations of this
36 subsection shall be punished as follows:

37 (1) If the quantity involved is more than five hundred milligrams but less than one gram
38 the person shall be guilty of a class B felony;

39 (2) If the quantity involved is one gram or more the person shall be guilty of a class A
40 felony.

41 5. A person commits the crime of trafficking drugs in the second degree if, except as
42 authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or
43 attempts to purchase, or brings into this state more than thirty grams of a mixture or substance
44 containing a detectable amount of phencyclidine (PCP). Violations of this subsection shall be
45 punished as follows:

46 (1) If the quantity involved is more than thirty grams but less than ninety grams the
47 person shall be guilty of a class B felony;

48 (2) If the quantity involved is ninety grams or more the person shall be guilty of a class
49 A felony.

50 6. A person commits the crime of trafficking drugs in the second degree if, except as
51 authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or
52 attempts to purchase, or brings into this state more than four grams of phencyclidine. Violations
53 of this subsection shall be punished as follows:

54 (1) If the quantity involved is more than four grams but less than twelve grams the
55 person shall be guilty of a class B felony;

56 (2) If the quantity involved is twelve grams or more the person shall be guilty of a class
57 A felony.

58 7. [A person commits the crime of trafficking drugs in the second degree if, except as
59 authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or
60 attempts to purchase, or brings into this state more than thirty kilograms or more of a mixture
61 or substance containing marijuana. Violations of this subsection shall be punished as follows:

62 (1) If the quantity involved is more than thirty kilograms but less than one hundred
63 kilograms the person shall be guilty of a class B felony;

64 (2) If the quantity involved is one hundred kilograms or more the person shall be guilty
65 of a class A felony.

66 8. A person commits the class A felony of trafficking drugs in the second degree if,
67 except as authorized by sections 195.005 to 195.425, he possesses or has under his control,
68 purchases or attempts to purchase, or brings into this state more than five hundred marijuana
69 plants.

70 9.] A person commits the crime of trafficking drugs in the second degree if, except as
71 authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or
72 attempts to purchase, or brings into this state more than thirty grams of any material, compound,
73 mixture or preparation which contains any quantity of the following substances having a
74 stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts
75 of its optical isomers; methamphetamine, its salts, isomers and salts of its isomers;
76 phenmetrazine and its salts; or methylphenidate. Violations of this subsection or attempts to
77 violate this subsection shall be punished as follows:

78 (1) If the quantity involved is more than thirty grams but less than ninety grams the
79 person shall be guilty of a class B felony;

80 (2) If the quantity involved is ninety grams or more but less than four hundred fifty
81 grams, the person shall be guilty of a class A felony;

82 (3) If the quantity involved is four hundred fifty grams or more, the person shall be guilty
83 of a class A felony and the term of imprisonment shall be served without probation or parole.

84 [10.] 8. A person commits the crime of trafficking drugs in the second degree if, except
85 as authorized by sections 195.005 to 195.425, he or she possesses or has under his or her control,
86 purchases or attempts to purchase, or brings into this state more than thirty grams of any
87 material, compound, mixture or preparation which contains any quantity of
88 3,4-methylenedioxymethamphetamine. Violations of this subsection or attempts to violate this
89 subsection shall be punished as follows:

90 (1) If the quantity involved is more than thirty grams but less than ninety grams the
91 person shall be guilty of a class B felony;

92 (2) If the quantity involved is ninety grams or more but less than four hundred fifty
93 grams, the person shall be guilty of a class A felony;

94 (3) If the quantity involved is four hundred fifty grams or more, the person shall be guilty
95 of a class A felony and the term of imprisonment shall be served without probation or parole.

**195.850. 1. Citizens twenty-one years of age or older shall have the right to engage
2 in the production, sale, distribution, and consumption of marijuana and the manufacture
3 of goods from hemp, subject to reasonable regulations adopted by the state government
4 under this section.**

**5 2. Unless the context clearly indicates otherwise, as used in this section, the
6 following terms have the following meanings:**

- 7 (1) "Consumer", an individual who purchases, acquires, owns, holds, or uses
8 marijuana, marijuana products, marijuana extracts, or marijuana paraphernalia other
9 than for the purpose of resale.
- 10 (2) "Deliver" or "delivery", the transfer from one person to another of marijuana,
11 marijuana products, marijuana extracts, or marijuana paraphernalia, whether or not
12 there is an agency relationship, and includes a sale.
- 13 (3) "Department", the department of health and senior services, or any successor
14 department.
- 15 (4) "Division", the division of alcohol and tobacco control within the department
16 of public safety, or any successor division or department.
- 17 (5) "Entity", a corporation, professional corporation, nonprofit corporation,
18 cooperative corporation, profit or nonprofit unincorporated association, business trust,
19 limited liability company, general or limited partnership, limited liability partnership, joint
20 venture, or any other legal entity, and includes a government subdivision or agency.
- 21 (6) "Expungeable marijuana offense":
- 22 (a) The manufacture, production, possession, or use of marijuana, marijuana
23 products, marijuana extracts, or marijuana paraphernalia; or
- 24 (b) The delivery, possession with intent to deliver, or trafficking of marijuana,
25 marijuana products, marijuana extracts, or marijuana paraphernalia to one or more
26 individuals if such individuals were twenty-one years of age or older at the time of the
27 offense.
- 28 (7) "Fair market sale", with respect to the sale of a product, a sale in which the
29 purchase price of the product is not less than the price that a willing seller would accept
30 and a willing buyer would pay in the open market and in competition with other similar
31 products.
- 32 (8) "Household exemption limits", at any given time:
- 33 (a) Eight marijuana plants and sixteen ounces of usable marijuana;
- 34 (b) Sixteen ounces of marijuana products in solid form; and
- 35 (c) Seventy-two ounces of marijuana products in liquid form.
- 36 (9) "Industrial hemp" means *Cannabis Sativa L.* containing no greater than one
37 percent tetrahydrocannabinol.
- 38 (10) "License", any license, permit, registration, consent, or authorization issued,
39 granted, given, or otherwise made available by or under the authority of any state or local
40 governmental body, agency, or official.
- 41 (11) "Licensee", any person who holds:
- 42 (a) A marijuana license; or

43 (b) A license issued by any state agency for the purchase, sale, manufacture,
44 production, processing, transportation, or delivery of industrial hemp.

45 (12) "Manufacture", the production, preparation, propagation, compounding or
46 processing of marijuana paraphernalia or of marijuana, marijuana products, or marijuana
47 extracts, either directly or by extraction from substances of natural origin, or
48 independently by means of chemical synthesis, or by a combination of extraction and
49 chemical synthesis, and includes any packaging or repackaging of the substance or labeling
50 or relabeling of its container.

51 (13) "Marijuana", all parts of the plant genus *Cannabis* in any species or form
52 thereof, whether growing or not, other than marijuana extracts.

53 (14) "Marijuana extract", a product obtained by separating resins from marijuana
54 by solvent extraction, using solvents other than water, vegetable glycerin, plant oils, and
55 dairy products, such as butane, hexane, isopropyl alcohol, ethanol, and carbon dioxide.

56 (15) "Marijuana license", a license issued by the division for the purchase, sale,
57 manufacturing, production, processing, transportation, or delivery of marijuana,
58 marijuana products, marijuana extracts, or marijuana paraphernalia.

59 (16) "Marijuana paraphernalia", all equipment, products, substances and materials
60 of any kind which are used, intended for use, or designed for use, in planting, propagating,
61 cultivating, growing, harvesting, manufacturing, compounding, converting, producing,
62 processing, preparing, storing, containing, concealing, ingesting, inhaling, or otherwise
63 introducing into the human body, marijuana, marijuana products, or marijuana extracts.

64 (17) "Marijuana products", products that contain marijuana or marijuana extracts
65 and are intended for human consumption. Marijuana products does not mean marijuana
66 by itself, or a marijuana extract by itself.

67 (18) "Marijuana retailer", a person who sells marijuana, marijuana products,
68 marijuana extracts, or marijuana paraphernalia to a consumer in this state.

69 (19) "Person", any individual or entity.

70 (20) "Person twenty-one years of age or older", any entity in which no individual
71 under twenty-one years of age holds a direct or indirect interest.

72 (21) "Produce" or "production", the manufacture, planting, cultivation, growing,
73 or harvesting of marijuana, marijuana products, marijuana extracts, or marijuana
74 paraphernalia.

75 (22) "Public place", a place to which the general public has access and includes, but
76 is not limited to, hallways, lobbies and other parts of apartment houses and hotels not
77 constituting rooms or apartments designed for actual residence, and highways, streets,

78 schools, places of amusement, parks, playgrounds and premises used in connection with
79 public passenger transportation.

80 (23) "State law", any state or local law, regulation, rule, charter, ordinance, or other
81 governmental action.

82 (24) "Tax", any income, gross receipts, excise, stamp, property, windfall profit,
83 personal property, sales, use, transfer, value added, concession, add on minimum, or other
84 tax, fee, assessment, levy, tariff, charge, or duty of any kind whatsoever imposed, assessed,
85 or collected by or under the authority of any governmental body.

86 (25) "Usable marijuana", dried marijuana flowers and dried marijuana leaves, and
87 any mixture or preparation thereof.

88 3. Except as otherwise provided in this section, no state law shall:

89 (1) Prohibit the possession or use of marijuana, marijuana products, marijuana
90 extracts, or marijuana paraphernalia by persons twenty-one years of age or older;

91 (2) Prohibit the transportation or delivery of marijuana, marijuana products,
92 marijuana extracts, or marijuana paraphernalia by persons twenty-one years of age and
93 older to persons twenty-one years of age or older;

94 (3) Prohibit the purchase, sale, manufacturing, production, and processing of
95 marijuana, marijuana products, marijuana extracts, or marijuana paraphernalia by
96 persons twenty-one years of age and older;

97 (4) Prohibit the purchase, sale, manufacturing, production, processing,
98 transportation, or delivery of industrial hemp; or

99 (5) Provide for the seizure or forfeiture of any property used in connection with any
100 purchase, sale, manufacturing, production, processing, transportation, delivery, possession,
101 or use of marijuana, marijuana products, marijuana paraphernalia, or industrial hemp
102 if such manufacture, production, delivery, possession, or use is lawful under state law.

103 4. Notwithstanding subsection 5 of this section, a state law may:

104 (1) Prohibit the importation and exportation of marijuana, marijuana products, and
105 marijuana extracts into and from this state;

106 (2) Prohibit the purchase, sale, manufacturing, production, processing, or delivery
107 of marijuana, marijuana products, and marijuana extracts in or on, or within one
108 thousand feet of, real property comprising a public or private elementary or secondary
109 school, public vocational school, or a public or private community college, college, or
110 university attended primarily by individuals under twenty-one years of age;

111 (3) Prohibit the operation of a vehicle, watercraft, aircraft, railroad train, or any
112 similar device while using or under the influence of marijuana;

113 **(4) Prohibit the use of marijuana, marijuana products, and marijuana extracts in**
114 **a public place, provided however that the penalty for violation of such law may not exceed**
115 **that for an infraction;**

116 **(5) Prohibit the purchase, sale, manufacturing, production, processing,**
117 **transportation, delivery, or possession of marijuana, marijuana products, and marijuana**
118 **extracts by any person that does not comply with any rules, regulations, and laws**
119 **promulgated and enacted in accordance with subsection 7 of this section;**

120 **(6) Classify the penalties for violations of such laws;**

121 **(7) Impose an excise tax on the first fair market sale of all marijuana produced in**
122 **this state at a rate of twenty-five percent of the purchase price.**

123 **5. Subject to the provisions of subsection 8 of this section, on or before June 1, 2015,**
124 **the division shall promulgate rules and regulations that control and regulate the purchase,**
125 **sale, manufacturing, production, processing, transportation, delivery, possession, and use**
126 **of marijuana, marijuana products, marijuana extracts, and marijuana paraphernalia,**
127 **including but not limited to rules, regulations, and laws that:**

128 **(1) Require a person to obtain a marijuana license to purchase, sell, manufacture,**
129 **produce, process, transport, or deliver marijuana, marijuana products, marijuana extracts,**
130 **or marijuana paraphernalia;**

131 **(2) Provide for the collection of the excise tax provided in subdivision (7) of**
132 **subsection 6 of this section;**

133 **(3) Provide for the enforcement of such laws and for the examination and inspection**
134 **of the books, records, and premises of licensees;**

135 **(4) Regulate the advertising of marijuana, marijuana products, marijuana extracts,**
136 **and marijuana paraphernalia;**

137 **(5) Provide for the receipt and transfer of all funds received by the state from the**
138 **excise taxes and license and other fees collected under such laws, as follows:**

139 **(a) First, to the division, an amount that the general assembly deems necessary for**
140 **the division to carry out the division's obligations under such laws, including a reserve**
141 **fund to maintain a reasonable working cash balance for the purpose of carrying out such**
142 **obligations;**

143 **(b) Next, the remainder of such funds, to such specific transferees as the general**
144 **assembly may determine, for the following purposes:**

145 **(i) For state and local law enforcement and firefighter pensions and retirement**
146 **plans, twenty-five percent;**

147 **(ii) For public institutions of elementary and secondary education, twenty-five**
148 **percent;**

- 149 (iii) For mental health and substance abuse programs, twenty percent;
- 150 (iv) For cities and counties, fifteen percent; and
- 151 (v) For public institutions of higher education or for scholarships to attend such
- 152 institutions, fifteen percent; and
- 153 (c) All moneys appropriated by the general assembly from the excise taxes
- 154 authorized in subdivision (7) of subsection 6 of this section shall provide additional funds
- 155 for the purposes enumerated above and not replace existing funding.
- 156 (6) Limit the amount of marijuana, marijuana products, or marijuana extracts that
- 157 a person other than a licensee may possess at any given time, provided however that the
- 158 penalty for violation of such law may not exceed that for an infraction for the first violation
- 159 and a misdemeanor for any second or subsequent violation.
- 160 6. No state law or combination of state laws shall:
- 161 (1) Except for the tax provided in subdivision (7) of subsection 6 of this section,
- 162 impose any tax on marijuana, marijuana products, marijuana extracts, or transactions
- 163 involving marijuana, marijuana products, or marijuana extracts that is not imposed on
- 164 other products generally;
- 165 (2) Limit the amounts of marijuana, marijuana products, or marijuana extracts that
- 166 a person other than a licensee may possess at any given time to amounts less than:
- 167 (a) Eight marijuana plants and sixteen ounces of usable marijuana;
- 168 (b) Sixteen ounces of marijuana products in solid form;
- 169 (c) Seventy-two ounces of marijuana products in liquid form; and
- 170 (d) One ounce of marijuana extracts.
- 171 (3) Limit the aggregate number of licensees that may hold marijuana licenses or the
- 172 aggregate number of marijuana licenses that may be granted, provided however that the
- 173 number of licensed marijuana retailers in a county may be limited to no fewer than one
- 174 marijuana retailer per two thousand five hundred inhabitants in such county, according
- 175 to the most recent census of the United States;
- 176 (4) Limit the number of marijuana licenses that may be granted to or held by the
- 177 same person;
- 178 (5) Prohibit the same person from being granted or holding one or more different
- 179 types of marijuana licenses;
- 180 (6) Prohibit a person from being granted or holding a marijuana license because the
- 181 person or any individual who owns a direct or indirect interest in the person is not
- 182 organized in or a resident of this state;

183 (7) Prohibit a person from being granted or holding a marijuana license because the
184 person or any individual who owns a direct or indirect interest in the person has been
185 convicted of violating:

186 (i) Any non-discretionary expungeable marijuana offense in subdivision (1) or (2)
187 of subsection (14) of this section; or

188 (ii) Any marijuana-related offense that has been expunged;

189 (8) Require an individual twenty-one years of age or older to obtain any license to
190 possess or use marijuana, marijuana products, marijuana extracts, or marijuana
191 paraphernalia;

192 (9) Require a consumer twenty-one years of age or older to obtain any license to
193 purchase marijuana, marijuana products, marijuana extracts, or marijuana paraphernalia
194 from a licensed marijuana retailer;

195 (10) Require an individual twenty-one years of age or older to obtain any license to
196 deliver marijuana, marijuana products, marijuana extracts, or marijuana paraphernalia
197 for no consideration to an individual twenty-one years of age or older if:

198 (a) The marijuana, marijuana products, marijuana extracts, or marijuana
199 paraphernalia was purchased from a licensed marijuana retailer; or

200 (b) The marijuana or marijuana products were manufactured or processed by a
201 person without a license in accordance with subdivision (12) of this subsection;

202 (11) Require any marijuana retailer to record the name or any other personally
203 identifiable information of any consumer twenty-one years of age or older;

204 (12) Require a person twenty-one years of age or older to obtain any license or pay
205 any tax to manufacture or process marijuana or marijuana products at a household for
206 noncommercial personal use if the aggregate amounts of such marijuana and marijuana
207 products at the household do not exceed the household exemption limits; or

208 (13) Provide that the penalty for manufacturing more than the number of
209 marijuana plants that may be manufactured without a license under subdivision (12) of
210 this subsection may not exceed that for:

211 (a) An infraction, if the violation is a first violation and the number of marijuana
212 plants is not more than double the number of marijuana plants that may be manufactured
213 without a license;

214 (b) A misdemeanor, if the violation is a first violation and the number of marijuana
215 plants is more than double but not more than quadruple the number of marijuana plants
216 that may be manufactured without a license; or

217 (c) A misdemeanor, if:

218 (i) the violation is a second violation;

219 (ii) with respect to the first violation, the number of marijuana plants was not more
220 than double the number of marijuana plants that may be manufactured without a license;
221 and

222 (iii) with respect to the second violation, the number of marijuana plants is not more
223 than double the number of marijuana plants that may be manufactured without a license;
224 or

225 (14) Make the ownership or operation of a licensed business that manufactures,
226 produces, or delivers marijuana, marijuana products, marijuana extracts, or marijuana
227 paraphernalia in this state so burdensome that it would be impracticable for a prudent
228 business person to organize or conduct the business.

229 7. On or before June 1, 2015, the department shall promulgate rules and
230 regulations, and the general assembly may enact laws, that:

231 (1) Permit individuals with a medical condition who may benefit from the medical
232 use of marijuana, marijuana products, and marijuana extracts to be able to discuss freely
233 with their doctors the possible risks and benefits of medical marijuana use and to have the
234 benefit of their doctor's professional advice;

235 (2) Permit individuals suffering from a medical condition to be allowed to use
236 marijuana, marijuana products, and marijuana extracts without being subject to civil or
237 criminal penalties when their doctors advise that such use may provide a medical benefit
238 to them and when other reasonable restrictions are met regarding that use; and

239 (3) Provide that no individual under eighteen years of age shall be allowed to use
240 marijuana, marijuana products, or marijuana extracts for medical purposes unless the
241 individual's custodial parent or legal guardian with responsibility for the individual's
242 health care decisions consents to such use.

243 8. No licensed doctor may be subjected to any criminal or civil penalty, or to any
244 discipline by any state licensing division, board, or commission, for:

245 (1) Advising a person whom the doctor has diagnosed as having a medical condition,
246 or a person who the doctor knows has been so diagnosed by another licensed doctor, about
247 the risks and benefits of medical use of marijuana or that the medical use of marijuana
248 may mitigate the symptoms or effects of the person's medical condition, provided the
249 advice is based on the doctor's personal assessment of the person's medical history and
250 current medical condition; or

251 (2) Providing any written documentation that evidences or confirms such advice and
252 assessment.

253 9. The division is directed and authorized to enforce, administer, and make rules
254 and regulations that are not inconsistent with this section.

255 **10. The department is directed and authorized to enforce, administer, and make**
256 **rules and regulations that are not inconsistent with this section.**

257 **11. The general assembly may enact laws that control, regulate, and tax the**
258 **manufacture, production, and delivery of industrial hemp.**

259 **12. Convictions of marijuana offenses shall be expungeable as follows:**

260 **(1) An individual who has plead guilty to or has been convicted of violating any**
261 **expungeable marijuana offense, and who was twenty-one years of age or older at the time**
262 **of the offense, may apply to the court in which he or she was sentenced for an order to**
263 **expunge all official records of his or her arrest, plea, trial, and conviction. If the court**
264 **determines, upon review, that such individual has plead guilty to or has been convicted of**
265 **an expungeable marijuana offense, the court shall enter an order of expungement. An**
266 **individual shall be entitled to one or more expungements under this subdivision.**

267 **(2) After a period of not less than one year, an individual who has plead guilty to**
268 **or has been convicted of violating any expungeable marijuana offense for the first time,**
269 **and who was under twenty-one years of age at the time of the offense, and who since such**
270 **conviction has not been convicted of any other marijuana-related offense, may apply to the**
271 **court in which he or she was sentenced for an order to expunge all official records of his**
272 **or her arrest, plea, trial and conviction. If the court determines, upon review, that such**
273 **individual has not been convicted of any other marijuana-related offense at the time of the**
274 **application for expungement, the court shall enter an order of expungement.**

275 **(3) An individual who has plead guilty to or has been convicted of violating any**
276 **expungeable marijuana offense that is not expungeable under subdivisions (1) or (2) of this**
277 **subsection may apply to the court in which he or she was sentenced for an order to**
278 **expunge all official records of his or her arrest, plea, trial, and conviction. If the court**
279 **determines, upon review, that an expungement is in the interests of justice, the court may**
280 **enter an order of expungement. An individual may be entitled to one or more**
281 **expungements under this subdivision.**

282 **(4) The effect of an order of expungement shall be to restore the applicable**
283 **individual to the status he or she occupied prior to such arrest, plea or conviction, as if**
284 **such event had never happened. A person imprisoned solely as a result of one or more**
285 **expungeable marijuana offenses that are expunged shall be released from prison**
286 **immediately upon the issuance of the applicable order or orders of expungement. No**
287 **individual as to whom such order has been entered shall be held thereafter under any**
288 **provision of any law to be guilty of perjury or otherwise giving a false statement by reason**
289 **of his or her failure to recite or acknowledge such arrest, plea, trial, conviction or**
290 **expungement in response to any inquiry made of him or her for any purpose whatsoever.**

291 **13. No contract shall be unenforceable on the basis that manufacturing, producing,**
292 **delivering, possessing, or using marijuana, marijuana products, marijuana extracts,**
293 **marijuana paraphernalia, or industrial hemp is prohibited by federal law.**

294 **14. Nothing in this section shall be construed:**

295 **(1) To amend or affect in any way any state or federal law pertaining to employment**
296 **matters;**

297 **(2) To amend or affect in any way any state or federal law pertaining to**
298 **landlord-tenant matters;**

299 **(3) To amend or affect in any way any state or federal law that permits an owner,**
300 **lessor, or lessee of real property or any other person who has a legal estate in real property**
301 **from prohibiting the manufacture, production, delivery, possession, or use of marijuana**
302 **on such real property;**

303 **(4) To amend or affect in any way any state law pertaining to the operation of a**
304 **vehicle, watercraft, aircraft, railroad train, or any similar device while using or under the**
305 **influence of marijuana;**

306 **(5) To require a person to violate a federal law; or**

307 **(6) To exempt a person from a federal law or obstruct the enforcement of a federal**
308 **law.**

309 **15. If any subsections, paragraphs, phrases, or words of this section shall be held**
310 **unconstitutional, void, or illegal, either on their face or as applied, the applicability,**
311 **constitutionality, and legality of any and all other subsections, paragraphs, phrases, and**
312 **words of this section shall not be affected. To that end, the subsections, paragraphs,**
313 **phrases, and words of this section are intended to be severable. It is hereby declared to be**
314 **the intent of this section that each and every subsection, paragraph, phrase, and word of**
315 **this section would have been adopted regardless of whether one or more of the subsections,**
316 **paragraphs, phrases, or words of this section is held unconstitutional, void, or illegal.**

317 **16. The provisions of subsections 2, 3, 4, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18**
318 **of this section and subdivisions (1), (2), and (5) of subsection 5 of this section shall become**
319 **effective on January 1, 2015. The provisions of subsections 1 and 8 of this section and**
320 **subdivisions (3) and (4) of subsection 5 of this section shall become effective on June 1,**
321 **2015. All state laws that are inconsistent with any provision of subdivisions (1), (2), or (5)**
322 **of subsection 5 of this section shall no longer remain in full force and effect on and after**
323 **January 1, 2015. All state laws that are inconsistent with any provision of subsections 1**
324 **or 8 of this section or subdivisions (3) or (4) of subsection 5 of this section shall no longer**
325 **remain in full force and effect on and after June 1, 2015. All of the provisions of this**
326 **section shall be self-enforcing.**

217.360. 1. It shall be an offense for any person to knowingly deliver, attempt to deliver,
2 have in his possession, deposit or conceal in or about the premises of any correctional center, or
3 city or county jail, or private prison or jail:

4 (1) Any controlled substance as that term is defined by law, except upon the written
5 prescription of a licensed physician, dentist, or veterinarian;

6 (2) Any other alkaloid of any controlled substance, any spirituous or malt liquor, or any
7 intoxicating liquor as defined in section 311.020;

8 (3) **Any marijuana or synthetic marijuana as defined in section 196.1202;**

9 (4) Any article or item of personal property which an offender is prohibited by law or
10 by rule and regulation of the division from receiving or possessing;

11 [(4)] (5) Any gun, knife, weapon, or other article or item of personal property that may
12 be used in such manner as to endanger the safety or security of the correctional center, or city or
13 county jail, or private prison or jail or as to endanger the life or limb of any offender or employee
14 of such a center.

15 2. The violation of subdivision (1) of subsection 1 of this section shall be a class C
16 felony; the violation of subdivision (2) of subsection 1 of this section shall be a class D felony;
17 the violation of subdivision (3) or (4) of subsection 1 of this section shall be a class A
18 misdemeanor; and the violation of subdivision [(4)] (5) of subsection 1 of this section shall be
19 a class B felony.

20 3. Any person who has been found guilty of or has pled guilty to a violation of
21 subdivision (2) of subsection 1 of this section involving any alkaloid shall be entitled to
22 expungement of the record of the violation. The procedure to expunge the record shall be
23 pursuant to section 610.123. The record of any person shall not be expunged if such person has
24 been found guilty of or has pled guilty to knowingly delivering, attempting to deliver, having in
25 his possession, or depositing or concealing any alkaloid of any controlled substance in or about
26 the premises of any correctional center, or city or county jail, or private prison or jail.

221.111. 1. No person shall knowingly deliver, attempt to deliver, have in such person's
2 possession, deposit or conceal in or about the premises of any county or private jail or other
3 county correctional facility:

4 (1) Any controlled substance as that term is defined by law, except upon the written
5 prescription of a licensed physician, dentist, or veterinarian;

6 (2) Any other alkaloid of any kind or any spiritous or malt liquor;

7 (3) **Any marijuana or synthetic marijuana as defined in section 196.1202;**

8 (4) Any article or item of personal property which a prisoner is prohibited by law or rule
9 made pursuant to section 221.060 from receiving or possessing, except as herein provided;

10 [(4)] (5) Any gun, knife, weapon, or other article or item of personal property that may
11 be used in such manner as to endanger the safety or security of the institution or as to endanger
12 the life or limb of any prisoner or employee thereof.

13 2. The violation of subdivision (1) of subsection 1 of this section shall be a class C
14 felony; the violation of subdivision (2) of this section shall be a class D felony; the violation of
15 subdivision (3) or (4) of this section shall be a class A misdemeanor; and the violation of
16 subdivision [(4)] (5) of this section shall be a class B felony.

17 3. The chief operating officer of a county jail or other county correctional facility or the
18 administrator of a private jail may deny visitation privileges to or refer to the county prosecuting
19 attorney for prosecution any person who knowingly delivers, attempts to deliver, has in such
20 person's possession, deposits or conceals in or about the premises of such jail or facility any
21 personal item which is prohibited by rule or regulation of such jail or facility. Such rules or
22 regulations, including a list of personal items allowed in the jail or facility, shall be prominently
23 posted for viewing both inside and outside such jail or facility in an area accessible to any visitor,
24 and shall be made available to any person requesting such rule or regulation. Violation of this
25 subsection shall be an infraction if not covered by other statutes.

 300.348. 1. No person shall operate an all-terrain vehicle, as defined in section 300.010,
2 upon the streets and highways of this city, except as follows:

3 (1) All-terrain vehicles owned and operated by a governmental entity for official use;

4 (2) All-terrain vehicles operated for agricultural purposes or industrial on-premises
5 purposes between the official sunrise and sunset on the day of operation;

6 (3) All-terrain vehicles whose operators carry a special permit issued by this city
7 pursuant to section 304.013.

8 2. No person shall operate an off-road vehicle, as defined in section 304.001, within any
9 stream or river in this city, except that off-road vehicles may be operated within waterways
10 which flow within the boundaries of land which an off-road vehicle operator owns, or for
11 agricultural purposes within the boundaries of land which an off-road vehicle operator owns or
12 has permission to be upon, or for the purpose of fording such stream or river of this state at such
13 road crossings as are customary or part of the highway system. All law enforcement officials or
14 peace officers of this state and its political subdivisions shall enforce the provisions of this
15 subsection within the geographic area of their jurisdiction.

16 3. A person operating an all-terrain vehicle on a street or highway pursuant to an
17 exception covered in this section shall have a valid license issued by a state authorizing such
18 person to operate a motor vehicle, but shall not be required to have passed an examination for
19 the operation of a motorcycle, and the vehicle shall be operated at speeds of less than thirty miles
20 per hour. When operated on a street or highway, an all-terrain vehicle shall have a bicycle safety

21 flag, which extends not less than seven feet above the ground, attached to the rear of the vehicle.
22 The bicycle safety flag shall be triangular in shape with an area of not less than thirty square
23 inches and shall be day-glow in color.

24 4. No person shall operate an all-terrain vehicle:

25 (1) In any careless way so as to endanger the person or property of another;

26 (2) While under the influence of alcohol, **marijuana or synthetic marijuana**, or any
27 controlled substance; or

28 (3) Without a securely fastened safety helmet on the head of an individual who operates
29 an all-terrain vehicle or who is being towed or otherwise propelled by an all-terrain vehicle,
30 unless the individual is at least eighteen years of age.

31 5. No operator of an all-terrain vehicle shall carry a passenger, except for agricultural
32 purposes.

33 6. A violation of this section shall be a class C misdemeanor.

304.013. 1. No person shall operate an all-terrain vehicle, as defined in section 301.010,
2 upon the highways of this state, except as follows:

3 (1) All-terrain vehicles owned and operated by a governmental entity for official use;

4 (2) All-terrain vehicles operated for agricultural purposes or industrial on-premises
5 purposes between the official sunrise and sunset on the day of operation;

6 (3) All-terrain vehicles operated by handicapped persons for short distances occasionally
7 only on the state's secondary roads when operated between the hours of sunrise and sunset;

8 (4) Governing bodies of cities may issue special permits to licensed drivers for special
9 uses of all-terrain vehicles on highways within the city limits. Fees of fifteen dollars may be
10 collected and retained by cities for such permits;

11 (5) Governing bodies of counties may issue special permits to licensed drivers for special
12 uses of all-terrain vehicles on county roads within the county. Fees of fifteen dollars may be
13 collected and retained by the counties for such permits;

14 (6) Municipalities may by resolution or ordinance allow all-terrain vehicle operation on
15 streets or highways under the governing body's jurisdiction. Any person operating an all-terrain
16 vehicle pursuant to a municipal resolution or ordinance shall maintain proof of financial
17 responsibility in accordance with section 303.160 or maintain any other insurance policy
18 providing equivalent liability coverage for an all-terrain vehicle.

19 2. No person shall operate an off-road vehicle within any stream or river in this state,
20 except that off-road vehicles may be operated within waterways which flow within the
21 boundaries of land which an off-road vehicle operator owns, or for agricultural purposes within
22 the boundaries of land which an off-road vehicle operator owns or has permission to be upon,
23 or for the purpose of fording such stream or river of this state at such road crossings as are

24 customary or part of the highway system. All law enforcement officials or peace officers of this
25 state and its political subdivisions or department of conservation agents or department of natural
26 resources park rangers shall enforce the provisions of this subsection within the geographic area
27 of their jurisdiction.

28 3. A person operating an all-terrain vehicle on a highway pursuant to an exception
29 covered in this section shall have a valid operator's or chauffeur's license, except that a
30 handicapped person operating such vehicle pursuant to subdivision (3) of subsection 1 of this
31 section, but shall not be required to have passed an examination for the operation of a
32 motorcycle, and the vehicle shall be operated at speeds of less than thirty miles per hour. When
33 operated on a highway, an all-terrain vehicle shall have a bicycle safety flag, which extends not
34 less than seven feet above the ground, attached to the rear of the vehicle. The bicycle safety flag
35 shall be triangular in shape with an area of not less than thirty square inches and shall be
36 day-glow in color.

37 4. No persons shall operate an all-terrain vehicle:

38 (1) In any careless way so as to endanger the person or property of another;

39 (2) While under the influence of alcohol, **marijuana or synthetic marijuana**, or any
40 controlled substance;

41 (3) Without a securely fastened safety helmet on the head of an individual who operates
42 an all-terrain vehicle or who is being towed or otherwise propelled by an all-terrain vehicle,
43 unless the individual is at least eighteen years of age.

44 5. No operator of an all-terrain vehicle shall carry a passenger, except for agricultural
45 purposes. The provisions of this subsection shall not apply to any all-terrain vehicle in which
46 the seat of such vehicle is designed to carry more than one person.

47 6. A violation of this section shall be a class C misdemeanor. In addition to other legal
48 remedies, the attorney general or county prosecuting attorney may institute a civil action in a
49 court of competent jurisdiction for injunctive relief to prevent such violation or future violations
50 and for the assessment of a civil penalty not to exceed one thousand dollars per day of violation.

304.032. 1. No person shall operate a utility vehicle, as defined in section 301.010, upon
2 the highways of this state, except as follows:

3 (1) Utility vehicles owned and operated by a governmental entity for official use;

4 (2) Utility vehicles operated for agricultural purposes or industrial on-premises purposes
5 between the official sunrise and sunset on the day of operation, unless equipped with proper
6 lighting;

7 (3) Utility vehicles operated by handicapped persons for short distances occasionally
8 only on the state's secondary roads when operated between the hours of sunrise and sunset;

9 (4) Governing bodies of cities may issue special permits for utility vehicles to be used
10 on highways within the city limits by licensed drivers. Fees of fifteen dollars may be collected
11 and retained by cities for such permits;

12 (5) Governing bodies of counties may issue special permits for utility vehicles to be used
13 on county roads within the county by licensed drivers. Fees of fifteen dollars may be collected
14 and retained by the counties for such permits;

15 (6) Municipalities may by resolution or ordinance allow utility vehicle operation on
16 streets or highways under the governing body's jurisdiction. Any person operating a utility
17 vehicle pursuant to a municipal resolution or ordinance shall maintain proof of financial
18 responsibility in accordance with section 303.160 or maintain any other insurance policy
19 providing equivalent liability coverage for a utility vehicle.

20 2. No person shall operate a utility vehicle within any stream or river in this state, except
21 that utility vehicles may be operated within waterways which flow within the boundaries of land
22 which a utility vehicle operator owns, or for agricultural purposes within the boundaries of land
23 which a utility vehicle operator owns or has permission to be upon, or for the purpose of fording
24 such stream or river of this state at such road crossings as are customary or part of the highway
25 system. All law enforcement officials or peace officers of this state and its political subdivisions
26 or department of conservation agents or department of natural resources park rangers shall
27 enforce the provisions of this subsection within the geographic area of their jurisdiction.

28 3. A person operating a utility vehicle on a highway pursuant to an exception covered
29 in this section shall have a valid operator's or chauffeur's license, except that a handicapped
30 person operating such vehicle under subdivision (3) of subsection 1 of this section, but shall not
31 be required to have passed an examination for the operation of a motorcycle, and the vehicle
32 shall be operated at speeds of less than forty-five miles per hour.

33 4. No persons shall operate a utility vehicle:

34 (1) In any careless way so as to endanger the person or property of another; or

35 (2) While under the influence of alcohol, **marijuana or synthetic marijuana**, or any
36 controlled substance.

37 5. No operator of a utility vehicle shall carry a passenger, except for agricultural
38 purposes. The provisions of this subsection shall not apply to any utility vehicle in which the
39 seat of such vehicle is designed to carry more than one person.

40 6. A violation of this section shall be a class C misdemeanor. In addition to other legal
41 remedies, the attorney general or county prosecuting attorney may institute a civil action in a
42 court of competent jurisdiction for injunctive relief to prevent such violation or future violations
43 and for the assessment of a civil penalty not to exceed one thousand dollars per day of violation.

577.203. 1. It is unlawful for any person to operate, or act as a flight crew member of,
2 any aircraft in this state:

3 (1) While under the influence of alcohol, **marijuana or synthetic marijuana**, or a
4 controlled substance, or any combination thereof;

5 (2) With four one-hundredths of one percent or more by weight of alcohol in his blood;
6 or

7 (3) Within eight hours after the consumption of any alcoholic beverage.

8 2. Any person found guilty of violating this section and section 577.201 shall have
9 committed a class C misdemeanor.

10 3. Any person found guilty a second or subsequent time of violating this section and
11 section 577.201 shall have committed a class A misdemeanor.

577.500. 1. A court of competent jurisdiction shall, upon a plea of guilty, conviction or
2 finding of guilt, or, if the court is a juvenile court, upon a finding of fact that the offense was
3 committed by a juvenile, enter an order suspending or revoking the driving privileges of any
4 person determined to have committed one of the following offenses and who, at the time said
5 offense was committed, was under twenty-one years of age:

6 (1) Any alcohol-related traffic offense in violation of state law or a county or, beginning
7 July 1, 1992, municipal ordinance, where the defendant was represented by or waived the right
8 to an attorney in writing;

9 (2) Any offense in violation of state law or, beginning July 1, 1992, a county or
10 municipal ordinance, where the defendant was represented by or waived the right to an attorney
11 in writing, involving the possession or use of alcohol, committed while operating a motor
12 vehicle;

13 (3) Any offense involving the possession or use of a controlled substance as defined in
14 chapter 195 in violation of the state law or, beginning July 1, 1992, a county or municipal
15 ordinance, where the defendant was represented by or waived the right to an attorney in writing;

16 (4) **Any offense in violation of section 196.1210 involving the possession or use of**
17 **marijuana;**

18 (5) Any offense involving the alteration, modification or misrepresentation of a license
19 to operate a motor vehicle in violation of section 311.328;

20 [(5)] (6) Any offense in violation of state law or, beginning July 1, 1992, a county or
21 municipal ordinance, where the defendant was represented by or waived the right to an attorney
22 in writing, involving the possession or use of alcohol for a second time; except that a
23 determination of guilt or its equivalent shall have been made for the first offense and both
24 offenses shall have been committed by the person when the person was under eighteen years of
25 age.

26 2. A court of competent jurisdiction shall, upon a plea of guilty or nolo contendere,
27 conviction or finding of guilt, or, if the court is a juvenile court, upon a finding of fact that the
28 offense was committed by a juvenile, enter an order suspending or revoking the driving
29 privileges of any person determined to have committed a crime or violation of section 311.325
30 and who, at the time said crime or violation was committed, was more than fifteen years of age
31 and under twenty-one years of age.

32 3. The court shall require the surrender to it of any license to operate a motor vehicle,
33 temporary instruction permit, intermediate driver's license or any other driving privilege then
34 held by any person against whom a court has entered an order suspending or revoking driving
35 privileges under subsections 1 and 2 of this section.

36 4. The court, if other than a juvenile court, shall forward to the director of revenue the
37 order of suspension or revocation of driving privileges and any licenses, temporary instruction
38 permits, intermediate driver's licenses, or any other driving privilege acquired under subsection
39 3 of this section.

40 5. (1) The court, if a juvenile court, shall forward to the director of revenue the order
41 of suspension or revocation of driving privileges and any licenses, temporary instruction permits,
42 intermediate driver's licenses, or any other driving privilege acquired under subsection 3 of this
43 section for any person sixteen years of age or older, the provision of chapter 211 to the contrary
44 notwithstanding.

45 (2) The court, if a juvenile court, shall hold the order of suspension or revocation of
46 driving privileges for any person less than sixteen years of age until thirty days before the
47 person's sixteenth birthday, at which time the juvenile court shall forward to the director of
48 revenue the order of suspension or revocation of driving privileges, the provision of chapter 211
49 to the contrary notwithstanding.

50 6. The period of suspension for a first offense under subsection 1 of this section shall be
51 ninety days. Any second or subsequent offense under subsection 1 of this section shall result in
52 revocation of the offender's driving privileges for one year. The period of suspension for a first
53 offense under subsection 2 of this section shall be thirty days. The period of suspension for a
54 second offense under subsection 2 of this section shall be ninety days. Any third or subsequent
55 offense under subsection 2 of this section shall result in revocation of the offender's driving
56 privileges for one year.

 577.505. A court of competent jurisdiction shall enter an order revoking the driving
2 privileges of any person determined to have violated any state, county, or municipal law
3 involving the possession or use of a controlled substance, as defined in chapter 195, **or the**
4 **possession or use of marijuana in violation of section 196.1210**, while operating a motor
5 vehicle and who, at the time said offense was committed, was twenty-one years of age or older

6 when the person pleads guilty, or is convicted or found guilty of such offense by the court. The
7 court shall require the surrender to it of all operator's and chauffeur's licenses then held by such
8 person. The court shall forward to the director of revenue the order of revocation of driving
9 privileges and any licenses surrendered.

578.315. 1. It is unlawful, while on a bus, in the terminal or on property contiguous
2 thereto for any person:

3 (1) To threaten a breach of the peace or use any obscene, profane or vulgar language;

4 (2) To be under the influence of alcohol, **marijuana, or synthetic marijuana** or
5 unlawfully under the influence of a controlled substance or to ingest or have in his possession
6 any controlled substance unless properly prescribed by a physician or medical facility, or to drink
7 intoxicating liquor of any kind, **or to use marijuana or synthetic marijuana**, in or upon any
8 passenger bus except a chartered bus;

9 (3) To fail to obey a reasonable request or order of a bus driver or any duly authorized
10 company representative.

11 2. If any person shall violate any provision of subsection 1, the driver of the bus or
12 person in charge thereof may stop it at the place where the offense is committed, or at the next
13 regular or convenient stopping place of the bus and require the person to leave the bus.

14 3. Any person violating any provision of subsection 1 is deemed guilty of a class C
15 misdemeanor.

[263.250. 1. The plant "marijuana", botanically known as cannabis
2 sativa, is hereby declared to be a noxious weed and all owners and occupiers of
3 land shall destroy all such plants growing upon their land. Any person who
4 knowingly allows such plants to grow on his land or refuses to destroy such
5 plants after being notified to do so shall allow any sheriff or such other persons
6 as designated by the county commission to enter upon any land in this state and
7 destroy such plants.

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

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