

HOUSE COMMITTEE SUBSTITUTE

FOR

SENATE SUBSTITUTE NO. 2

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 523

AN ACT

To repeal sections 32.056, 84.344, 94.900, 94.902,
 160.665, 168.133, 190.092, 190.094, 190.100, 190.105,
 190.143, 190.196, 192.2435, 195.015, 195.017, 195.417,
 217.735, 221.111, 270.400, 306.127, 307.179, 311.060,
 311.293, 311.332, 311.660, 313.220, 320.091, 556.061,
 565.002, 575.150, 575.180, 578.018, 578.030, 579.040,
 579.060, 579.065, 579.068, 579.076, 589.400, 589.401,
 589.404, 589.414, 590.207, 610.021, and 650.005, RSMo,
 and section 211.071 as enacted by senate bill no. 793
 merged with senate bill no. 800, ninety-ninth general
 assembly, second regular session, and section 211.071
 as enacted by house bill no. 215 merged with senate
 bill no. 36, ninety-seventh general assembly, first
 regular session, and to enact in lieu thereof seventy-
 four new sections relating to public safety, with
 penalty provisions, an emergency clause for certain
 sections, a delayed effective date for certain
 sections, and a contingent effective date for certain
 sections.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
 AS FOLLOWS:

Section A. Sections 32.056, 84.344, 94.900, 94.902,
 160.665, 168.133, 190.092, 190.094, 190.100, 190.105, 190.143,
 190.196, 192.2435, 195.015, 195.017, 195.417, 217.735, 221.111,
 270.400, 306.127, 307.179, 311.060, 311.293, 311.332, 311.660,

1 313.220, 320.091, 556.061, 565.002, 575.150, 575.180, 578.018,
2 578.030, 579.040, 579.060, 579.065, 579.068, 579.076, 589.400,
3 589.401, 589.404, 589.414, 590.207, 610.021, and 650.005, RSMo,
4 and section 211.071 as enacted by senate bill no. 793 merged with
5 senate bill no. 800, ninety-ninth general assembly, second
6 regular session, and section 211.071 as enacted by house bill no.
7 215 merged with senate bill no. 36, ninety-seventh general
8 assembly, first regular session, are repealed and seventy-four
9 new sections enacted in lieu thereof, to be known as sections
10 32.056, 40.003, 41.005, 45.010, 45.020, 45.030, 56.086, 67.142,
11 71.201, 84.344, 94.900, 94.902, 160.665, 168.133, 173.2700,
12 173.2703, 173.2706, 173.2709, 173.2712, 190.092, 190.094,
13 190.100, 190.105, 190.143, 190.196, 190.1005, 191.255, 192.2435,
14 195.015, 195.017, 195.417, 195.805, 195.815, 211.071, 217.697,
15 217.735, 217.850, 221.111, 270.400, 285.040, 306.127, 307.179,
16 311.060, 311.293, 311.332, 311.660, 313.220, 320.091, 556.061,
17 565.002, 570.027, 575.150, 575.180, 577.011, 577.800, 578.018,
18 578.030, 579.040, 579.060, 579.065, 579.068, 579.076, 589.400,
19 589.401, 589.404, 589.414, 590.207, 610.021, 632.460, 640.042,
20 640.142, 640.144, 640.145, and 650.005, to read as follows:

21 32.056. Except for uses permitted under 18 U.S.C. Section
22 2721(b)(1), the department of revenue shall not release the home
23 address of or any information that identifies any vehicle owned
24 or leased by any person who is a county, state or federal parole
25 officer[~~τ~~]; a federal pretrial officer[~~τ~~]; a peace officer
26 pursuant to section 590.010[~~τ~~]; a person employed by the Missouri
27 department of corrections; any jailer or corrections officer of

1 the state or any political subdivision of the state; a person
2 vested by Article V, Section 1 of the Missouri Constitution with
3 the judicial power of the state[7]; a member of the federal
4 judiciary[7]; or a member of such person's immediate family
5 contained in the department's motor vehicle or driver
6 registration records, based on a specific request for such
7 information from any person. Any such person may notify the
8 department of his or her status and the department shall protect
9 the confidentiality of the home address and vehicle records on
10 such a person and his or her immediate family as required by this
11 section. This section shall not prohibit the department from
12 releasing information on a motor registration list pursuant to
13 section 32.055 or from releasing information on any officer who
14 holds a class A, B or C commercial driver's license pursuant to
15 the Motor Carrier Safety Improvement Act of 1999, as amended, 49
16 U.S.C. 31309.

17 40.003. As of December 31, 2020, the powers, duties, and
18 functions vested in the office of the state judge advocate are
19 transferred by type I transfer to the department of defense
20 established under chapter 45.

21 41.005. As of December 31, 2020, the powers, duties, and
22 functions vested in the office of adjutant general and the state
23 militia are transferred by type I transfer to the department of
24 defense established under chapter 45; provided, however, nothing
25 herein shall be construed to interfere with the powers and duties
26 of the governor as provided in Article IV, Section 6 of the
27 Constitution of Missouri or this chapter.

1 45.010. There is hereby created a "Department of Defense"
2 to be headed by the adjutant general appointed by the governor,
3 by and with the advice and consent of the senate. All of the
4 general provisions, definitions, and powers enumerated in section
5 1 of the Omnibus State Reorganization Act of 1974 shall apply to
6 this department and its divisions, agencies, and personnel.

7 45.020. As of December 31, 2020, the powers, duties, and
8 functions vested in the office of adjutant general and the state
9 militia are transferred by type I transfer to the department of
10 defense; provided, however, nothing herein shall be construed to
11 interfere with the powers and duties of the governor as provided
12 in Article IV, Section 6 of the Constitution of Missouri or
13 chapter 41.

14 45.030. As of December 31, 2020, the powers, duties, and
15 functions vested in the office of the state judge advocate are
16 transferred by type I transfer to the department of defense.

17 56.086. 1. Each prosecuting attorney of a county or the
18 circuit attorney may develop, maintain, and coordinate the
19 services of one or more multidisciplinary adult protection teams.
20 As used in this section, the term "multidisciplinary adult
21 protection team" means a team of two or more persons who are
22 trained in the investigation, prosecution, prevention,
23 identification, and treatment of abuse and who are qualified to
24 provide a broad range of services related to the abuse of the
25 following persons who, at the time of the abuse, reside or are
26 located outside of any facility licensed under chapter 197 or
27 198:

1 (1) Vulnerable persons as defined in section 630.005;

2 (2) Elderly persons as defined in section 192.2005; or

3 (3) Persons with a disability.

4 2. Such teams may include, but are not limited to:

5 (1) Psychiatrists, psychologists, or other trained
6 counseling personnel;

7 (2) Police officers or other law enforcement officers;

8 (3) Medical personnel who have sufficient training to
9 provide health services;

10 (4) Adult protection personnel;

11 (5) Community-based personnel who have experience or
12 training in preventing the abuse of elderly or dependent persons;

13 (6) Guardians as described in chapter 475;

14 (7) A person qualified to review financial matters to
15 identify financial abuse; and

16 (8) An elderly ombudsman.

17 3. The prosecuting attorney or circuit attorney shall
18 utilize and convene the teams to facilitate the investigation and
19 prosecution of offenses against vulnerable or elderly persons or
20 persons with a disability and to supplement any protective
21 services provided by the department of health and senior
22 services.

23 4. This section shall not prevent a person from reporting,
24 under section 192.2405, all suspected or known cases of abuse,
25 neglect, or exploitation of a vulnerable or elderly person or a
26 person with a disability. The role of the multidisciplinary
27 adult protection team is to facilitate the investigation and

1 prosecution of offenses, to support protective services, and to
2 provide services deemed by the multidisciplinary adult protection
3 team to be necessary and appropriate to abused, neglected, and
4 exploited vulnerable or elderly persons or persons with a
5 disability, upon referral. Services shall be provided with the
6 consent of the vulnerable or elderly person, person with a
7 disability, or that person's guardian, or through court order.

8 5. If a multidisciplinary adult protection team is
9 providing certain services to abused, neglected, or exploited
10 vulnerable or elderly persons or persons with a disability, other
11 offices and departments shall avoid duplicating such services.

12 6. Adult protection personnel responding to a report under
13 section 192.2405 shall contact the appropriate law enforcement
14 agency immediately upon receipt of a report involving potential
15 criminal activity based on the adult protection personnel's
16 determination and provide the law enforcement agency with a
17 detailed description of the report received. In such cases, the
18 adult protection personnel shall request the assistance of the
19 local law enforcement agency in all aspects of the investigation
20 of the complaint. The appropriate law enforcement agency shall
21 either assist the adult protection personnel in the investigation
22 or provide the division, within twenty-four hours, an explanation
23 in writing detailing the reasons why it is unable to assist.

24 7. In conjunction with local law enforcement,
25 multidisciplinary adult protection teams shall be used whenever
26 responding to a report involving potential criminal activity
27 based on the adult protection personnel's determination.

1 Multidisciplinary adult protection teams shall be used in
2 providing protective or preventive social services, including the
3 services of law enforcement and other agencies, both public and
4 private.

5 8. (1) Except as otherwise permitted by law, records,
6 reports, and information concerning reports of abuse, neglect, or
7 exploitation of a vulnerable or elderly person or a person with a
8 disability shall be kept confidential among the multidisciplinary
9 adult protection team members.

10 (2) Notwithstanding section 192.2435, disclosure of
11 records, reports, and information under subdivision (1) of this
12 subsection may be made to persons and entities directly involved
13 in the work of the multidisciplinary adult protection team as
14 needed, including:

15 (a) Attorneys or other representatives of the adult client
16 who are legally authorized to receive such records, reports, and
17 information;

18 (b) Representatives of law enforcement;

19 (c) Grand juries or courts in the exercise of official
20 business;

21 (d) Members of the multidisciplinary adult protection team
22 as needed to conduct business; and

23 (e) Persons engaged in bona fide research or audit
24 purposes; provided that, only information in the aggregate
25 without identifying information may be provided for research or
26 audit purposes, and confidentiality of the data is maintained.

27 (3) Disclosures under this subsection shall be subject to

1 the limitations of the Health Insurance Portability and
2 Accountability Act of 1996.

3 (4) Unless necessary for the provision of medical, legal,
4 housing, social welfare, or other services, the name of the
5 potential or actual victim or client may only be shared outside
6 of the multidisciplinary adult protection team with
7 representatives of law enforcement and organizations devoted to
8 victims' services or advocacy.

9 (5) The multidisciplinary adult protection team and the
10 appropriate local law enforcement agency shall coordinate as
11 needed for the administration of this section.

12 (6) Identifying information of the person who reported a
13 case of suspected abuse, neglect, or exploitation of a vulnerable
14 or elderly person or a person with a disability shall be kept
15 strictly confidential. The identifying information shall not be
16 disclosed to any person or organization within or without the
17 multidisciplinary adult protection team unless the reporting
18 person expressly consents to disclosure.

19 (7) Work products of the multidisciplinary adult protection
20 team including, but not limited to, internal memoranda; summaries
21 or minutes of panel meetings; and written, audio recorded, or
22 electronic records and communications are not:

23 (a) Public records as defined in subdivision (6) of section
24 610.010;

25 (b) Available for public examination, reproduction, or
26 disclosure; and

27 (c) Admissible as evidence in any civil, criminal, or

1 administrative proceeding unless otherwise required by law.

2 9. Any person participating in good faith in any action or
3 omission authorized or required under this section shall be
4 immune from civil or criminal liability that may result by reason
5 of such action or omission.

6 10. Nothing in this section shall affect the current
7 authority of the department of health and senior services.

8 67.142. 1. Nothing in this chapter shall be construed to
9 limit in any manner the authority of any village; town; city,
10 including home rule city; or county to prohibit dogs from running
11 at large or to further control or regulate dogs within its
12 boundaries, provided that no such ordinance, order, policy, or
13 regulation is specific to breed.

14 2. The general assembly hereby occupies and preempts the
15 entire field of legislation regarding in any way the control or
16 regulation of specific breeds of dogs to the complete exclusion
17 of any order, ordinance, policy, or regulation by any village;
18 town; city, including any home rule city; or county in this
19 state. Any existing or future order, ordinance, policy, or
20 regulation in this field shall be null and void.

21 3. Nothing in this chapter shall infringe the ability of
22 any village; town; city, including any home rule city; or county
23 to enact and enforce a vicious dog order, ordinance, policy, or
24 regulation if the order, ordinance, policy, or regulation is not
25 specific to breed.

26 71.201. 1. For purposes of this section, the term "local
27 governmental unit" shall mean any city, village, town, county,

1 township, or the board of police established by section 84.020,
2 or the board of police commissioners established by section
3 84.350.

4 2. (1) No local governmental unit shall require, as a
5 condition of employment, that any currently employed or
6 prospective law enforcement officer reside within any
7 jurisdictional limit.

8 (2) If a local governmental unit has a residency rule or
9 requirement for law enforcement officers that is in effect on or
10 before August 28, 2020, the residency rule or requirement shall
11 not apply and shall not be enforced.

12 3. A local governmental unit may impose a residency rule or
13 requirement on law enforcement officers, but the rule or
14 requirement shall be no more restrictive than requiring such
15 personnel to reside within a one-hour response time.

16 4. The provisions of this section shall not apply to the
17 Missouri state highway patrol.

18 84.344. 1. Notwithstanding any provisions of this chapter
19 to the contrary, any city not within a county may establish a
20 municipal police force on or after July 1, 2013, according to the
21 procedures and requirements of this section. The purpose of
22 these procedures and requirements is to provide for an orderly
23 and appropriate transition in the governance of the police force
24 and provide for an equitable employment transition for
25 commissioned and civilian personnel.

26 2. Upon the establishment of a municipal police force by a
27 city under sections 84.343 to 84.346, the board of police

1 commissioners shall convey, assign, and otherwise transfer to the
2 city title and ownership of all indebtedness and assets,
3 including, but not limited to, all funds and real and personal
4 property held in the name of or controlled by the board of police
5 commissioners created under sections 84.010 to 84.340. The board
6 of police commissioners shall execute all documents reasonably
7 required to accomplish such transfer of ownership and
8 obligations.

9 3. If the city establishes a municipal police force and
10 completes the transfer described in subsection 2 of this section,
11 the city shall provide the necessary funds for the maintenance of
12 the municipal police force.

13 4. Before a city not within a county may establish a
14 municipal police force under this section, the city shall adopt
15 an ordinance accepting responsibility, ownership, and liability
16 as successor-in-interest for contractual obligations,
17 indebtedness, and other lawful obligations of the board of police
18 commissioners subject to the provisions of subsection 2 of
19 section 84.345.

20 5. A city not within a county that establishes a municipal
21 police force shall initially employ, without a reduction in rank,
22 salary, or benefits, all commissioned and civilian personnel of
23 the board of police commissioners created under sections 84.010
24 to 84.340 that were employed by the board immediately prior to
25 the date the municipal police force was established. Such
26 commissioned personnel who previously were employed by the board
27 may only be involuntarily terminated by the city not within a

1 county for cause. The city shall also recognize all accrued
2 years of service that such commissioned and civilian personnel
3 had with the board of police commissioners. Such personnel shall
4 be entitled to the same holidays, vacation, and sick leave they
5 were entitled to as employees of the board of police
6 commissioners.

7 6. Commissioned and civilian personnel who ~~[were previously~~
8 ~~employed by the board]~~ are employed by a municipal police force
9 established under this section shall ~~[continue to]~~ not be
10 subject, throughout their employment for the city not within a
11 county, to a residency ~~[rule no more restrictive than a]~~
12 requirement of retaining a primary residence in a city not within
13 a county ~~[for a total of seven years and of then allowing them to~~
14 ~~maintain a primary residence outside the city not within a~~
15 ~~county]~~ so long as the primary residence is located within a
16 one-hour response time.

17 7. The commissioned and civilian personnel who retire from
18 service with the board of police commissioners before the
19 establishment of a municipal police force under subsection 1 of
20 this section shall continue to be entitled to the same pension
21 benefits provided under chapter 86 and the same benefits set
22 forth in subsection 5 of this section.

23 8. If the city not within a county elects to establish a
24 municipal police force under this section, the city shall
25 establish a separate division for the operation of its municipal
26 police force. The civil service commission of the city may adopt
27 rules and regulations appropriate for the unique operation of a

1 police department. Such rules and regulations shall reserve
2 exclusive authority over the disciplinary process and procedures
3 affecting commissioned officers to the civil service commission;
4 however, until such time as the city adopts such rules and
5 regulations, the commissioned personnel shall continue to be
6 governed by the board of police commissioner's rules and
7 regulations in effect immediately prior to the establishment of
8 the municipal police force, with the police chief acting in place
9 of the board of police commissioners for purposes of applying the
10 rules and regulations. Unless otherwise provided for, existing
11 civil service commission rules and regulations governing the
12 appeal of disciplinary decisions to the civil service commission
13 shall apply to all commissioned and civilian personnel. The
14 civil service commission's rules and regulations shall provide
15 that records prepared for disciplinary purposes shall be
16 confidential, closed records available solely to the civil
17 service commission and those who possess authority to conduct
18 investigations regarding disciplinary matters pursuant to the
19 civil service commission's rules and regulations. A hearing
20 officer shall be appointed by the civil service commission to
21 hear any such appeals that involve discipline resulting in a
22 suspension of greater than fifteen days, demotion, or
23 termination, but the civil service commission shall make the
24 final findings of fact, conclusions of law, and decision which
25 shall be subject to any right of appeal under chapter 536.

26 9. A city not within a county that establishes and
27 maintains a municipal police force under this section:

1 (1) Shall provide or contract for life insurance coverage
2 and for insurance benefits providing health, medical, and
3 disability coverage for commissioned and civilian personnel of
4 the municipal police force to the same extent as was provided by
5 the board of police commissioners under section 84.160;

6 (2) Shall provide or contract for medical and life
7 insurance coverage for any commissioned or civilian personnel who
8 retired from service with the board of police commissioners or
9 who were employed by the board of police commissioners and retire
10 from the municipal police force of a city not within a county to
11 the same extent such medical and life insurance coverage was
12 provided by the board of police commissioners under section
13 84.160;

14 (3) Shall make available medical and life insurance
15 coverage for purchase to the spouses or dependents of
16 commissioned and civilian personnel who retire from service with
17 the board of police commissioners or the municipal police force
18 and deceased commissioned and civilian personnel who receive
19 pension benefits under sections 86.200 to 86.366 at the rate that
20 such dependent's or spouse's coverage would cost under the
21 appropriate plan if the deceased were living; and

22 (4) May pay an additional shift differential compensation
23 to commissioned and civilian personnel for evening and night
24 tours of duty in an amount not to exceed ten percent of the
25 officer's base hourly rate.

26 10. A city not within a county that establishes a municipal
27 police force under sections 84.343 to 84.346 shall establish a

1 transition committee of five members for the purpose of:
2 coordinating and implementing the transition of authority,
3 operations, assets, and obligations from the board of police
4 commissioners to the city; winding down the affairs of the board;
5 making nonbinding recommendations for the transition of the
6 police force from the board to the city; and other related
7 duties, if any, established by executive order of the city's
8 mayor. Once the ordinance referenced in this section is enacted,
9 the city shall provide written notice to the board of police
10 commissioners and the governor of the state of Missouri. Within
11 thirty days of such notice, the mayor shall appoint three members
12 to the committee, two of whom shall be members of a statewide law
13 enforcement association that represents at least five thousand
14 law enforcement officers. The remaining members of the committee
15 shall include the police chief of the municipal police force and
16 a person who currently or previously served as a commissioner on
17 the board of police commissioners, who shall be appointed to the
18 committee by the mayor of such city.

19 94.900. 1. (1) The governing body of the following cities
20 may impose a tax as provided in this section:

21 (a) Any city of the third classification with more than ten
22 thousand eight hundred but less than ten thousand nine hundred
23 inhabitants located at least partly within a county of the first
24 classification with more than one hundred eighty-four thousand
25 but less than one hundred eighty-eight thousand inhabitants;

26 (b) Any city of the fourth classification with more than
27 four thousand five hundred but fewer than five thousand

1 inhabitants;

2 (c) Any city of the fourth classification with more than
3 eight thousand nine hundred but fewer than nine thousand
4 inhabitants;

5 (d) Any home rule city with more than forty-eight thousand
6 but fewer than forty-nine thousand inhabitants;

7 (e) Any home rule city with more than seventy-three
8 thousand but fewer than seventy-five thousand inhabitants;

9 (f) Any city of the fourth classification with more than
10 thirteen thousand five hundred but fewer than sixteen thousand
11 inhabitants;

12 (g) Any city of the fourth classification with more than
13 seven thousand but fewer than eight thousand inhabitants;

14 (h) Any city of the fourth classification with more than
15 four thousand but fewer than four thousand five hundred
16 inhabitants and located in any county of the first classification
17 with more than one hundred fifty thousand but fewer than two
18 hundred thousand inhabitants;

19 (i) Any city of the third classification with more than
20 thirteen thousand but fewer than fifteen thousand inhabitants and
21 located in any county of the third classification without a
22 township form of government and with more than thirty-three
23 thousand but fewer than thirty-seven thousand inhabitants; ~~[e]~~

24 (j) Any city of the fourth classification with more than
25 three thousand but fewer than three thousand three hundred
26 inhabitants and located in any county of the third classification
27 without a township form of government and with more than eighteen

1 thousand but fewer than twenty thousand inhabitants and that is
2 not the county seat of such county;

3 (k) Any city of the fourth classification with more than
4 four hundred fifty but fewer than five hundred inhabitants and
5 located in any county of the third classification without a
6 township form of government and with more than twenty-nine
7 thousand but fewer than thirty-three thousand inhabitants and
8 with a city of the fourth classification with more than four
9 hundred but fewer than four hundred fifty inhabitants as the
10 county seat;

11 (l) Any city of the fourth classification with more than
12 eight thousand but fewer than twelve thousand inhabitants and
13 located in any county of the first classification with more than
14 two hundred thousand but fewer than two hundred sixty thousand
15 inhabitants; or

16 (m) Any city of the fourth classification with more than
17 one thousand three hundred fifty but fewer than one thousand five
18 hundred inhabitants and located in any county of the first
19 classification with more than one hundred fifty thousand but
20 fewer than two hundred thousand inhabitants.

21 (2) The governing body of any city listed in subdivision
22 (1) of this subsection is hereby authorized to impose, by
23 ordinance or order, a sales tax in the amount of up to one-half
24 of one percent on all retail sales made in such city which are
25 subject to taxation under the provisions of sections 144.010 to
26 144.525 for the purpose of improving the public safety for such
27 city[7] including, but not limited to, expenditures on equipment,

1 city employee salaries and benefits, and facilities for police,
2 fire and emergency medical providers. The tax authorized by this
3 section shall be in addition to any and all other sales taxes
4 allowed by law, except that no ordinance or order imposing a
5 sales tax pursuant to the provisions of this section shall be
6 effective unless the governing body of the city submits to the
7 voters of the city, at a county or state general, primary, or
8 special election, a proposal to authorize the governing body of
9 the city to impose a tax.

10 2. If the proposal submitted involves only authorization to
11 impose the tax authorized by this section, the ballot of
12 submission shall contain, but need not be limited to, the
13 following language:

14 Shall the city of _____ (city's name) impose a
15 citywide sales tax of _____ (insert amount) for the
16 purpose of improving the public safety of the city?

17 YES NO

18 If you are in favor of the question, place an "X" in
19 the box opposite "YES". If you are opposed to the
20 question, place an "X" in the box opposite "NO".

21
22 If a majority of the votes cast on the proposal by the qualified
23 voters voting thereon are in favor of the proposal submitted
24 pursuant to this subsection, then the ordinance or order and any
25 amendments thereto shall be in effect on the first day of the
26 second calendar quarter after the director of revenue receives
27 notification of adoption of the local sales tax. If a proposal

1 receives less than the required majority, then the governing body
2 of the city shall have no power to impose the sales tax herein
3 authorized unless and until the governing body of the city shall
4 again have submitted another proposal to authorize the governing
5 body of the city to impose the sales tax authorized by this
6 section and such proposal is approved by the required majority of
7 the qualified voters voting thereon. However, in no event shall
8 a proposal pursuant to this section be submitted to the voters
9 sooner than twelve months from the date of the last proposal
10 pursuant to this section.

11 3. All revenue received by a city from the tax authorized
12 under the provisions of this section shall be deposited in a
13 special trust fund and shall be used solely for improving the
14 public safety for such city for so long as the tax shall remain
15 in effect.

16 4. Once the tax authorized by this section is abolished or
17 is terminated by any means, all funds remaining in the special
18 trust fund shall be used solely for improving the public safety
19 for the city. Any funds in such special trust fund which are not
20 needed for current expenditures may be invested by the governing
21 body in accordance with applicable laws relating to the
22 investment of other city funds.

23 5. All sales taxes collected by the director of ~~the~~
24 ~~department of~~ revenue under this section on behalf of any city,
25 less one percent for cost of collection which shall be deposited
26 in the state's general revenue fund after payment of premiums for
27 surety bonds as provided in section 32.087, shall be deposited in

1 a special trust fund, which is hereby created, to be known as the
2 "City Public Safety Sales Tax Trust Fund". The moneys in the
3 trust fund shall not be deemed to be state funds and shall not be
4 commingled with any funds of the state. The provisions of
5 section 33.080 to the contrary notwithstanding, money in this
6 fund shall not be transferred and placed to the credit of the
7 general revenue fund. The director of [~~the department of~~]
8 revenue shall keep accurate records of the amount of money in the
9 trust and which was collected in each city imposing a sales tax
10 pursuant to this section, and the records shall be open to the
11 inspection of officers of the city and the public. Not later
12 than the tenth day of each month the director of [~~the department~~
13 ~~of~~] revenue shall distribute all moneys deposited in the trust
14 fund during the preceding month to the city which levied the tax;
15 such funds shall be deposited with the city treasurer of each
16 such city, and all expenditures of funds arising from the trust
17 fund shall be by an appropriation act to be enacted by the
18 governing body of each such city. Expenditures may be made from
19 the fund for any functions authorized in the ordinance or order
20 adopted by the governing body submitting the tax to the voters.

21 6. The director of [~~the department of~~] revenue may make
22 refunds from the amounts in the trust fund and credited to any
23 city for erroneous payments and overpayments made, and may redeem
24 dishonored checks and drafts deposited to the credit of such
25 cities. If any city abolishes the tax, the city shall notify the
26 director of [~~the department of~~] revenue of the action at least
27 ninety days prior to the effective date of the repeal and the

1 director of [~~the department of~~] revenue may order retention in
2 the trust fund, for a period of one year, of two percent of the
3 amount collected after receipt of such notice to cover possible
4 refunds or overpayment of the tax and to redeem dishonored checks
5 and drafts deposited to the credit of such accounts. After one
6 year has elapsed after the effective date of abolition of the tax
7 in such city, the director of [~~the department of~~] revenue shall
8 remit the balance in the account to the city and close the
9 account of that city. The director of [~~the department of~~]
10 revenue shall notify each city of each instance of any amount
11 refunded or any check redeemed from receipts due the city.

12 7. Except as modified in this section, all provisions of
13 sections 32.085 and 32.087 shall apply to the tax imposed
14 pursuant to this section.

15 94.902. 1. The governing bodies of the following cities or
16 villages may impose a tax as provided in this section:

17 (1) Any city of the third classification with more than
18 twenty-six thousand three hundred but less than twenty-six
19 thousand seven hundred inhabitants;

20 (2) Any city of the fourth classification with more than
21 thirty thousand three hundred but fewer than thirty thousand
22 seven hundred inhabitants;

23 (3) Any city of the fourth classification with more than
24 twenty-four thousand eight hundred but fewer than twenty-five
25 thousand inhabitants;

26 (4) Any special charter city with more than twenty-nine
27 thousand but fewer than thirty-two thousand inhabitants;

1 (5) Any city of the third classification with more than
2 four thousand but fewer than four thousand five hundred
3 inhabitants and located in any county of the first classification
4 with more than two hundred thousand but fewer than two hundred
5 sixty thousand inhabitants;

6 (6) Any city of the fourth classification with more than
7 nine thousand five hundred but fewer than ten thousand eight
8 hundred inhabitants;

9 (7) Any city of the fourth classification with more than
10 five hundred eighty but fewer than six hundred fifty inhabitants;

11 (8) Any city of the fourth classification with more than
12 two thousand seven hundred but fewer than three thousand
13 inhabitants and located in any county of the first classification
14 with more than eighty-three thousand but fewer than ninety-two
15 thousand inhabitants; [~~or~~]

16 (9) Any city of the fourth classification with more than
17 two thousand four hundred but fewer than two thousand seven
18 hundred inhabitants and located in any county of the third
19 classification without a township form of government and with
20 more than ten thousand but fewer than twelve thousand
21 inhabitants;

22 (10) Any city of the third classification with more than
23 nine thousand but fewer than ten thousand inhabitants and located
24 in any county of the third classification with a township form of
25 government and with more than twenty thousand but fewer than
26 twenty-three thousand inhabitants;

27 (11) Any city of the fourth classification with more than

1 one thousand fifty but fewer than one thousand two hundred
2 inhabitants and located in any county of the third classification
3 without a township form of government and with more than eighteen
4 thousand but fewer than twenty thousand inhabitants and with a
5 city of the fourth classification with more than two thousand one
6 hundred but fewer than two thousand four hundred inhabitants as
7 the county seat; or

8 (12) Any village with more than one thousand three hundred
9 fifty but fewer than one thousand five hundred inhabitants and
10 located in any county of the first classification with more than
11 two hundred thousand but fewer than two hundred sixty thousand
12 inhabitants.

13 2. The governing body of any city or village listed in
14 subsection 1 of this section may impose, by order or ordinance, a
15 sales tax on all retail sales made in the city or village which
16 are subject to taxation under chapter 144. The tax authorized in
17 this section may be imposed in an amount of up to one-half of one
18 percent, and the tax shall be imposed solely for the purpose of
19 improving the public safety for such city~~[7]~~ or village
20 including, but not limited to, expenditures on equipment~~[7]~~; city
21 or village employee salaries and benefits~~[7]~~; and facilities for
22 police, fire, and emergency medical providers. The tax
23 authorized in this section shall be in addition to all other
24 sales taxes imposed by law, and shall be stated separately from
25 all other charges and taxes. The order or ordinance imposing a
26 sales tax under this section shall not become effective unless
27 the governing body of the city or village submits to the voters

1 residing within the city or village, at a county or state
2 general, primary, or special election, a proposal to authorize
3 the governing body of the city or village to impose a tax under
4 this section.

5 3. The ballot of submission for the tax authorized in this
6 section shall be in substantially the following form:

7 Shall the (city/village) of _____ (~~[city's]~~ insert
8 name) impose a (citywide/villagewide) sales tax at a
9 rate of _____ (insert ~~[rate of percent]~~ percentage)
10 percent for the purpose of improving the public safety
11 of the (city/village)?

12 YES NO

13 If you are in favor of the question, place an "X" in
14 the box opposite "YES". If you are opposed to the
15 question, place an "X" in the box opposite "NO".

16
17 If a majority of the votes cast on the proposal by the qualified
18 voters voting thereon are in favor of the proposal, then the
19 ordinance or order and any amendments to the order or ordinance
20 shall become effective on the first day of the second calendar
21 quarter after the director of revenue receives notice of the
22 adoption of the sales tax. If a majority of the votes cast on
23 the proposal by the qualified voters voting thereon are opposed
24 to the proposal, then the tax shall not become effective unless
25 the proposal is resubmitted under this section to the qualified
26 voters and such proposal is approved by a majority of the
27 qualified voters voting on the proposal. However, in no event

1 shall a proposal under this section be submitted to the voters
2 sooner than twelve months from the date of the last proposal
3 under this section.

4 4. Any sales tax imposed under this section shall be
5 administered, collected, enforced, and operated as required in
6 section 32.087. All sales taxes collected by the director of the
7 department of revenue under this section on behalf of any city or
8 village, less one percent for cost of collection which shall be
9 deposited in the state's general revenue fund after payment of
10 premiums for surety bonds as provided in section 32.087, shall be
11 deposited in a special trust fund, which is hereby created in the
12 state treasury, to be known as the "City Public Safety Sales Tax
13 Trust Fund". The moneys in the trust fund shall not be deemed to
14 be state funds and shall not be commingled with any funds of the
15 state. The provisions of section 33.080 to the contrary
16 notwithstanding, money in this fund shall not be transferred and
17 placed to the credit of the general revenue fund. The director
18 shall keep accurate records of the amount of money in the trust
19 fund and which was collected in each city or village imposing a
20 sales tax under this section, and the records shall be open to
21 the inspection of officers of the city or village and the public.
22 Not later than the tenth day of each month the director shall
23 distribute all moneys deposited in the trust fund during the
24 preceding month to the city or village which levied the tax.
25 Such funds shall be deposited with the city or village treasurer
26 of each such city or village, and all expenditures of funds
27 arising from the trust fund shall be by an appropriation act to

1 be enacted by the governing body of each such city or village.
2 Expenditures may be made from the fund for any functions
3 authorized in the ordinance or order adopted by the governing
4 body submitting the tax to the voters. If the tax is repealed,
5 all funds remaining in the special trust fund shall continue to
6 be used solely for the designated purposes. Any funds in the
7 special trust fund which are not needed for current expenditures
8 shall be invested in the same manner as other funds are invested.
9 Any interest and moneys earned on such investments shall be
10 credited to the fund.

11 5. The director of [~~the department of~~] revenue may
12 authorize the state treasurer to make refunds from the amounts in
13 the trust fund and credited to any city or village for erroneous
14 payments and overpayments made, and may redeem dishonored checks
15 and drafts deposited to the credit of such cities or villages.
16 If any city or village abolishes the tax, the city or village
17 shall notify the director of the action at least ninety days
18 before the effective date of the repeal, and the director may
19 order retention in the trust fund, for a period of one year, of
20 two percent of the amount collected after receipt of such notice
21 to cover possible refunds or overpayment of the tax and to redeem
22 dishonored checks and drafts deposited to the credit of such
23 accounts. After one year has elapsed after the effective date of
24 abolition of the tax in such city or village, the director shall
25 remit the balance in the account to the city and close the
26 account of that city or village. The director shall notify each
27 city or village of each instance of any amount refunded or any

1 check redeemed from receipts due the city or village.

2 6. The governing body of any city or village that has
3 adopted the sales tax authorized in this section may submit the
4 question of repeal of the tax to the voters on any date available
5 for elections for the city or village. The ballot of submission
6 shall be in substantially the following form:

7 Shall _____ (insert the name of the city or village)
8 repeal the sales tax imposed at a rate of _____
9 (insert [~~rate of percent~~] percentage) percent for the
10 purpose of improving the public safety of the
11 (city/village)?

12 YES NO

13
14 If a majority of the votes cast on the proposal are in favor of
15 repeal, that repeal shall become effective on December thirty-
16 first of the calendar year in which such repeal was approved. If
17 a majority of the votes cast on the question by the qualified
18 voters voting thereon are opposed to the repeal, then the sales
19 tax authorized in this section shall remain effective until the
20 question is resubmitted under this section to the qualified
21 voters, and the repeal is approved by a majority of the qualified
22 voters voting on the question.

23 7. Whenever the governing body of any city or village that
24 has adopted the sales tax authorized in this section receives a
25 petition, signed by ten percent of the registered voters of the
26 city or village voting in the last gubernatorial election,
27 calling for an election to repeal the sales tax imposed under

1 this section, the governing body shall submit to the voters of
2 the city or village a proposal to repeal the tax. If a majority
3 of the votes cast on the question by the qualified voters voting
4 thereon are in favor of the repeal, that repeal shall become
5 effective on December thirty-first of the calendar year in which
6 such repeal was approved. If a majority of the votes cast on the
7 question by the qualified voters voting thereon are opposed to
8 the repeal, then the tax shall remain effective until the
9 question is resubmitted under this section to the qualified
10 voters and the repeal is approved by a majority of the qualified
11 voters voting on the question.

12 8. Any sales tax imposed under this section by a city
13 described under subdivision (6) of subsection 1 of this section
14 that is in effect as of December 31, 2038, shall automatically
15 expire. No city described under subdivision (6) of subsection 1
16 of this section shall collect a sales tax pursuant to this
17 section on or after January 1, 2039. Subsection 7 of this
18 section shall not apply to a sales tax imposed under this section
19 by a city described under subdivision (6) of subsection 1 of this
20 section.

21 9. Except as modified in this section, all provisions of
22 sections 32.085 and 32.087 shall apply to the tax imposed under
23 this section.

24 160.665. 1. (1) This section shall be known and may be
25 cited as the "Keep Our Schools Safe Act".

26 (2) As used in this section, the following terms mean:

27 (a) "Law enforcement officer", any officer or employee of

1 the United States, any state, any political subdivision of a
2 state, or the District of Columbia having both the power and duty
3 to make arrests for violations of the laws of this state, and
4 federal law enforcement officers authorized to carry firearms and
5 to make arrests for violations of the laws of the United States.
6 The term "law enforcement officer" shall specifically include,
7 but not be limited to, members of the following:

8 a. The National Guard as defined in 10 U.S.C. Section 101,
9 as amended;

10 b. The organized militia of any state or territory of the
11 United States, the Commonwealth of Puerto Rico, or the District
12 of Columbia, not included within the definition of the National
13 Guard as defined in 10 U.S.C. Section 101, as amended; and

14 c. The Armed Forces of the United States;

15 (b) "School building", any facility owned or leased by a
16 school district:

17 a. Over which the school board of the school district has
18 care, custody, or control; and

19 b. In which any pupils are physically present during a
20 school day, as such term is defined in section 160.041;

21 (c) "School protection officer", any elementary or
22 secondary school teacher or administrator designated by a school
23 district to serve as a school protection officer under this
24 section and sections 590.200 to 590.207, or any individual who is
25 a volunteer as provided in this section;

26 (d) "Volunteer", any individual who:

27 a. Was formerly employed as a law enforcement officer but

1 who has retired from such employment;

2 b. Is qualified as a school protection officer under
3 sections 590.200 to 590.207; and

4 c. Serves or will serve a school district as a school
5 protection officer on a paid or unpaid basis but not as an
6 employee of the school district.

7 2. Any school district within the state may designate one
8 or more ~~[elementary or secondary school teachers or~~
9 ~~administrators as a]~~ school protection ~~[officer]~~ officers in each
10 of the district's school buildings. A school protection officer
11 may be a teacher or administrator as provided in this section or
12 may be a volunteer. If a school protection officer is a teacher
13 or administrator, the responsibilities and duties of a school
14 protection officer are voluntary and shall be in addition to the
15 normal responsibilities and duties of the teacher or
16 administrator. If the school protection officer is a volunteer,
17 the individual may serve on an unpaid basis or may be provided
18 compensation by the school district. Any compensation for
19 ~~[additional]~~ duties relating to service as a school protection
20 officer shall be funded by the local school district, with no
21 state funds used for such purpose.

22 ~~[2.]~~ 3. Any ~~[person]~~ individual designated by a school
23 district as a school protection officer shall ~~[be authorized to]~~
24 carry a concealed ~~[firearms or]~~ firearm and a self-defense spray
25 device in any school in the district. A self-defense spray
26 device shall mean any device that is capable of carrying, and
27 that ejects, releases, or emits, a nonlethal solution capable of

1 incapacitating a violent threat. The school protection officer
2 shall not be permitted to allow any firearm or device out of [~~his~~
3 ~~or her~~] the officer's personal control while that firearm or
4 device is on school property. Any school protection officer who
5 violates this subsection may be removed immediately from the
6 [~~classroom~~] building and subject to employment termination
7 proceedings if the officer is a teacher or administrator, or
8 subject to removal from the building and dismissal as a volunteer
9 if serving as a volunteer school protection officer.

10 [~~3.~~] 4. A school protection officer has the same authority
11 to detain or use force against any person on school property as
12 provided to any other person under chapter 563.

13 [~~4.~~] Upon detention of a person under this subsection [~~3 of~~
14 ~~this section~~], the school protection officer shall immediately
15 notify a school administrator and a school resource officer, if
16 such officer is present at the school. If the person detained is
17 a student then the parents or guardians of the student shall also
18 be immediately notified by a school administrator.

19 5. Any person detained by a school protection officer shall
20 be turned over to a school administrator or law enforcement
21 officer as soon as practically possible and shall not be detained
22 by a school protection officer for more than one hour.

23 6. Any teacher or administrator of an elementary or
24 secondary school who seeks to be designated as a school
25 protection officer shall request such designation in writing, and
26 submit it to the superintendent of the school district which
27 employs [~~him or her~~] such individual as a teacher or

1 administrator. Along with this request, any teacher or
2 administrator seeking to carry a concealed firearm on school
3 property shall also submit proof that ~~[he or she]~~ such individual
4 has a valid concealed carry endorsement or permit, and all
5 teachers and administrators seeking the designation of school
6 protection officer shall submit a certificate of school
7 protection officer training program completion from a training
8 program approved by the director of the department of public
9 safety which demonstrates that such person has successfully
10 completed the training requirements established by the POST
11 commission under chapter 590 for school protection officers.

12 7. No school district ~~[may]~~ shall designate ~~[a teacher or~~
13 ~~administrator]~~ any individual as a school protection officer
14 unless such person has successfully completed a school protection
15 officer training program~~[, which]~~ that has been approved by the
16 director of the department of public safety. No school district
17 shall allow a school protection officer to carry a concealed
18 firearm on school property unless the school protection officer
19 has a valid concealed carry endorsement or permit.

20 8. (1) Any school district that designates a ~~[teacher or~~
21 ~~administrator as a]~~ school protection officer shall, within
22 thirty days of such designation, notify~~[,]~~ in writing~~[,]~~ the
23 director of the department of public safety of the designation,
24 which shall include the following:

25 ~~[(1)]~~ (a) The full name, date of birth, and address of the
26 officer;

27 ~~[(2)]~~ (b) The name of the school district; and

1 ~~[(3)]~~ (c) The date such person was designated as a school
2 protection officer.

3 (2) Notwithstanding any other provisions of law to the
4 contrary, any identifying information collected under the
5 authority of this subsection shall not be considered public
6 information and shall not be subject to a request for public
7 records made under chapter 610.

8 9. A school district may revoke the designation of ~~[a~~
9 ~~person]~~ an individual as a school protection officer for any
10 reason and shall immediately notify the designated school
11 protection officer in writing of the revocation. The school
12 district shall also within thirty days of the revocation notify
13 the director of the department of public safety in writing of the
14 revocation of the designation of such ~~[person]~~ individual as a
15 school protection officer. ~~[A person]~~ An individual who has had
16 the designation of school protection officer revoked has no right
17 to appeal the revocation decision.

18 10. The director of the department of public safety shall
19 maintain a listing of all ~~[persons]~~ individuals designated by
20 school districts as school protection officers and shall make
21 this list available to all law enforcement agencies.

22 11. Before a school district may designate a ~~[teacher or~~
23 ~~administrator as a]~~ school protection officer, the school board
24 shall hold a public hearing on whether to allow such designation.
25 Notice of the hearing shall be published at least fifteen days
26 before the date of the hearing in a newspaper of general
27 circulation within the city or county in which the school

1 district is located. The board may determine at a closed
2 meeting, as "closed meeting" is defined under section 610.010,
3 whether to authorize the ~~[designated school protection officer to~~
4 ~~carry a concealed firearm or a self-defense spray device]~~
5 individual to serve the school district as a school protection
6 officer.

7 168.133. 1. As used in this section, "screened volunteer"
8 shall mean any person who assists a school by providing
9 uncompensated service and who may periodically be left alone with
10 students. The school district shall ensure that a criminal
11 background check is conducted for all screened volunteers, who
12 shall complete the criminal background check prior to being left
13 alone with a student. Screened volunteers include, but are not
14 limited to, persons who regularly assist in the office or
15 library, mentor or tutor students, coach or supervise a
16 school-sponsored activity before or after school, or chaperone
17 students on an overnight trip. Screened volunteers may only
18 access student education records when necessary to assist the
19 district and while supervised by staff members. Volunteers that
20 are not screened shall not be left alone with a student or have
21 access to student records.

22 2. (1) The school district shall ensure that a criminal
23 background check is conducted on any person employed after
24 January 1, 2005, authorized to have contact with pupils and prior
25 to the individual having contact with any pupil. Such persons
26 include, but are not limited to, administrators, teachers,
27 substitute teachers, aides, paraprofessionals, assistants,

1 secretaries, custodians, cooks, screened volunteers, and nurses.

2 (2) The school district shall also ensure that a criminal
3 background check is conducted for school bus drivers. The
4 district may allow such drivers to operate buses pending the
5 result of the criminal background check. For bus drivers, the
6 school district shall be responsible for conducting the criminal
7 background check on drivers employed by the school district. For
8 drivers employed by a pupil transportation company under contract
9 with the school district, the criminal background check shall be
10 conducted pursuant to section 43.540 and conform to the
11 requirements established in the National Child Protection Act of
12 1993, as amended by the Volunteers for Children Act.

13 (3) The school district shall also ensure that a criminal
14 background check is conducted on any person who is eighteen years
15 of age or older, who is not counted by the district for purposes
16 of average daily attendance, as defined in section 163.011, and
17 who requests enrollment in a course that takes place on school
18 district property during regular school hours and that includes
19 students counted by the district for purposes of average daily
20 attendance, as defined in section 163.011. The background check
21 shall be conducted before the person enrolls in any such course.

22 (4) Personnel who have successfully undergone a criminal
23 background check and a check of the family care safety registry
24 as part of the professional license application process under
25 section 168.021 and who have received clearance on the checks
26 within one prior year of employment shall be considered to have
27 completed the background check requirement.

1 (5) A criminal background check under this section shall
2 include a search of any information publicly available in an
3 electronic format through a public index or single case display.

4 3. In order to facilitate the criminal history background
5 check, the applicant or person requesting enrollment in a course
6 as described in this section shall submit a set of fingerprints
7 collected [~~pursuant to standards determined by the Missouri~~
8 ~~highway patrol~~] under section 43.540. The fingerprints shall be
9 used by the highway patrol to search the criminal history
10 repository and shall be forwarded to the Federal Bureau of
11 Investigation for searching the federal criminal history files.

12 4. The applicant or person requesting enrollment in a
13 course as described in this section shall pay the fee for the
14 state criminal history record information pursuant to section
15 43.530 and sections 210.900 to 210.936 and pay the appropriate
16 fee determined by the Federal Bureau of Investigation for the
17 federal criminal history record when he or she applies for a
18 position authorized to have contact with pupils pursuant to this
19 section or requests enrollment in a course as described in this
20 section. The department shall distribute the fees collected for
21 the state and federal criminal histories to the Missouri highway
22 patrol.

23 5. For each school district that is not enrolled in the
24 Missouri Rap Back program under chapter 43, the department of
25 elementary and secondary education shall facilitate an annual
26 check of employed persons holding current active certificates
27 under section 168.021 against criminal history records in the

1 central repository under section 43.530, the sexual offender
2 registry under sections 589.400 to 589.426, and child abuse
3 central registry under sections 210.109 to 210.183. The
4 department of elementary and secondary education shall facilitate
5 procedures for school districts to submit personnel information
6 annually for persons employed by the school districts who do not
7 hold a current valid certificate who are required by subsection 1
8 of this section to undergo a criminal background check, sexual
9 offender registry check, and child abuse central registry check.

10 ~~[The Missouri state highway patrol shall provide ongoing~~
11 ~~electronic updates to criminal history background checks of those~~
12 ~~persons previously submitted, both those who have an active~~
13 ~~certificate and those who do not have an active certificate, by~~
14 ~~the department of elementary and secondary education. This shall~~
15 ~~fulfill the annual check against the criminal history records in~~
16 ~~the central repository under section 43.530.] State and federal~~
17 ~~fingerprint-based criminal record checks submitted under section~~
18 ~~43.540 shall satisfy the annual criminal background check and~~
19 ~~sexual offender registry check required by this section.~~

20 6. The school district may adopt a policy to provide for
21 reimbursement of expenses incurred by an employee for state and
22 federal criminal history information pursuant to section 43.530.

23 7. If, as a result of the criminal history background check
24 mandated by this section, it is determined that the holder of a
25 certificate issued pursuant to section 168.021 has pled guilty or
26 nolo contendere to, or been found guilty of a crime or offense
27 listed in section 168.071, or a similar crime or offense

1 committed in another state, the United States, or any other
2 country, regardless of imposition of sentence, such information
3 shall be reported to the department of elementary and secondary
4 education.

5 8. Any school official making a report to the department of
6 elementary and secondary education in conformity with this
7 section shall not be subject to civil liability for such action.

8 9. For any teacher who is employed by a school district on
9 a substitute or part-time basis within one year of such teacher's
10 retirement from a Missouri school, the state of Missouri shall
11 not require such teacher to be subject to any additional
12 background checks prior to having contact with pupils. Nothing
13 in this subsection shall be construed as prohibiting or otherwise
14 restricting a school district from requiring additional
15 background checks for such teachers employed by the school
16 district.

17 10. A criminal background check and fingerprint collection
18 conducted under subsections 1 to 3 of this section shall be valid
19 for at least a period of one year and transferrable from one
20 school district to another district. A school district may, in
21 its discretion, conduct a new criminal background check and
22 fingerprint collection under subsections 1 to 3 of this section
23 for a newly hired employee at the district's expense. A
24 teacher's change in type of certification shall have no effect on
25 the transferability or validity of such records.

26 11. Nothing in this section shall be construed to alter the
27 standards for suspension, denial, or revocation of a certificate

1 issued pursuant to this chapter.

2 12. If, as a result of the criminal history background
3 check mandated by this section, it is determined that a person
4 who requested enrollment in a course as described in this section
5 has pled guilty or nolo contendere to or been found guilty of a
6 crime or offense listed in subsection 6 of section 168.071, or a
7 similar crime or offense committed in another state, the United
8 States, or any other country, regardless of imposition of
9 sentence, the school district shall prohibit the person from
10 enrolling in any course that takes place on school property
11 during regular school hours and that includes students counted by
12 the district for purposes of average daily attendance, as defined
13 in section 163.011.

14 13. For all years beginning on or after January 1, 2021,
15 any substitute teacher may, at the time such substitute teacher
16 submits the fingerprints and information required for the
17 Missouri criminal record review under subsections 2 and 3 of this
18 section, designate up to five school districts to which the
19 results of the substitute teacher's criminal history background
20 check and fingerprint collection shall be disseminated. The
21 substitute teacher shall pay an additional five-dollar fee for
22 such records to be disseminated for any additional school
23 district up to five additional school districts.

24 14. The state board of education may promulgate rules for
25 criminal history background checks made pursuant to this section.
26 Any rule or portion of a rule, as that term is defined in section
27 536.010, that is created under the authority delegated in this

1 section shall become effective only if it complies with and is
2 subject to all of the provisions of chapter 536 and, if
3 applicable, section 536.028. This section and chapter 536 are
4 nonseverable, and if any of the powers vested with the general
5 assembly pursuant to chapter 536 to review, to delay the
6 effective date, or to disapprove and annul a rule are
7 subsequently held unconstitutional, then the grant of rulemaking
8 authority and any rule proposed or adopted after January 1, 2005,
9 shall be invalid and void.

10 173.2700. 1. The provisions of sections 173.2700 to
11 173.2712 shall be known and may be cited as the "Private College
12 Campus Protection Act".

13 2. For purposes of sections 173.2700 to 173.2712, the
14 following terms mean:

15 (1) "Board", the governing board of a private college or
16 private university;

17 (2) "Private college" or "private university", any college
18 or university that:

19 (a) Is not owned or controlled by the state or any
20 political subdivision thereof;

21 (b) Provides a program of education in residence leading to
22 a baccalaureate degree, or provides a program of education in
23 residence for which the baccalaureate degree is a prerequisite
24 leading to an academic or professional degree;

25 (c) Is accredited by the Higher Learning Commission or
26 other nationally recognized accrediting agency; and

27 (d) Is located within five miles of any city of the fourth

1 classification with more than four thousand but fewer than four
2 thousand five hundred inhabitants and located in any county of
3 the first classification with more than fifty thousand but fewer
4 than seventy thousand inhabitants.

5 3. The governing board of any private college or private
6 university may appoint and employ as many college or university
7 police officers as it may deem necessary to:

8 (1) Enforce regulations established under section 173.2709
9 and general motor vehicle laws of this state in accordance with
10 section 173.2712, protect persons and property, and preserve
11 peace and good order only in the buildings, properties, grounds,
12 and other facilities and locations over which it has charge or
13 control; and

14 (2) Respond to emergencies or natural disasters outside of
15 the boundaries of college or university property and provide
16 services if requested by the law enforcement agency with
17 jurisdiction.

18 173.2703. 1. The private college or private university
19 police officers, before they enter upon their duties, shall take
20 and subscribe an oath of office, before an officer authorized to
21 administer oaths, to faithfully and impartially discharge the
22 duties thereof, which oath shall be filed in the office of the
23 board, and the secretary of the board shall give each college
24 police officer so appointed and qualified a certificate of
25 appointment, under the seal of the board, which certificate shall
26 empower him or her with the same authority to maintain order,
27 preserve peace, and make arrests as is now held by peace

1 officers.

2 2. The private college or private university police
3 officers shall have the authority to enforce the regulations
4 established in section 173.2709 and general motor vehicle laws in
5 accordance with section 173.2712 on the campus as prescribed in
6 chapter 304. The private college or private university police
7 officer may, in addition, expel from the buildings, campuses, and
8 grounds persons violating the rules and regulations that may be
9 prescribed by the board or others under the authority of the
10 board.

11 3. Such officer or employee of the private college or
12 private university as may be designated by the board shall have
13 immediate charge, control, and supervision of police officers
14 appointed by authority of this section. Such college or
15 university police officers shall have satisfactorily completed
16 before appointment a training course for police officers as
17 prescribed by chapter 590 for state peace officers or, by virtue
18 of previous experience or training, have met the requirements of
19 chapter 590 and have been licensed under that chapter.

20 4. Records created by the private college or private
21 university police officers shall be accessible as other law
22 enforcement agency records are accessible under chapter 610.

23 173.2706. Nothing in sections 173.2700 to 173.2712 shall be
24 construed as denying the board the right to appoint guards or
25 watchmen who shall not be given the authority and powers
26 authorized by sections 173.2700 to 173.2712.

27 173.2709. 1. For the purpose of promoting public safety,

1 health, and general welfare and to protect life and property, the
2 governing board of any private college or private university may
3 establish regulations to control vehicular traffic, including
4 speed regulations, on any thoroughfare owned or maintained by the
5 college or university and located within any of its campuses.
6 Such regulations shall be consistent with the provisions of the
7 general motor vehicle laws of this state. Upon adoption of such
8 regulations, the private college or private university shall have
9 the authority to place official traffic control signals, as
10 defined in section 300.010, on campus property.

11 2. The regulations established by the governing board of
12 the private college or private university under subsection 1 of
13 this section shall be codified, printed, and distributed for
14 public use. Adequate signs displaying the speed limit shall be
15 posted along such thoroughfares.

16 3. Violation of any regulation established under this
17 section shall have the same effect as a violation of municipal
18 ordinances adopted under section 304.120, with penalty provisions
19 as provided in section 304.570. Points assessed against any
20 person under section 302.302 for a violation of this section
21 shall be the same as provided for a violation of a county or
22 municipal ordinance.

23 4. The provisions of this section shall apply only to
24 moving violations.

25 173.2712. 1. All motor vehicles operated upon any
26 thoroughfare owned or maintained by a private college or private
27 university and located within any of its campuses shall be

1 subject to the provisions of the general motor vehicle laws of
2 this state, including chapters 301, 302, 303, 304, 307, and 577.
3 Violations shall have the same effect as though such violations
4 had occurred on public roads, streets, or highways of this state.

5 2. Under section 23.253 of the Missouri sunset act:

6 (1) The provisions of the program authorized under sections
7 173.2700 to 173.2712 shall automatically sunset five years after
8 the effective date of this section unless reauthorized by an act
9 of the general assembly; and

10 (2) If the program is reauthorized, the program authorized
11 under sections 173.2700 to 173.2712 shall automatically sunset
12 five years after the effective date of the reauthorization of
13 sections 173.2700 to 173.2712; and

14 (3) Sections 173.2700 to 173.2712 shall terminate on
15 September first of the calendar year immediately following the
16 calendar year in which the program authorized under sections
17 173.2700 to 173.2712 is sunset.

18 190.092. 1. This section shall be known and may be cited
19 as the "Public Access to Automated External Defibrillator Act".

20 2. A person or entity that acquires an automated external
21 defibrillator shall:

22 (1) Comply with all regulations governing the placement of
23 an automated external defibrillator;

24 (2) Notify an agent of the local EMS agency of the
25 existence, location, and type of all automated external
26 defibrillators on the premises, including any changes in location
27 of or removal of an automated external defibrillator;

1 (3) Ensure that the automated external defibrillator is
2 maintained and tested according to the operation and maintenance
3 guidelines set forth by the manufacturer;

4 (4) Ensure that the automated external defibrillator is
5 tested at least biannually and after each use; and

6 (5) Ensure that an inspection is made of all automated
7 external defibrillators on the premises at least every ninety
8 days for potential issues related to operation of the device,
9 including a blinking light or other obvious defect that may
10 suggest tampering or that another problem has arisen with the
11 functionality of the automated external defibrillator. [A person

12 ~~or entity who acquires an automated external defibrillator shall~~
13 ~~ensure that:~~

14 ~~—— (1) Expected defibrillator users receive training by the~~
15 ~~American Red Cross or American Heart Association in~~
16 ~~cardiopulmonary resuscitation and the use of automated external~~
17 ~~defibrillators, or an equivalent nationally recognized course in~~
18 ~~defibrillator use and cardiopulmonary resuscitation;~~

19 ~~—— (2) The defibrillator is maintained and tested according to~~
20 ~~the manufacturer's operational guidelines;~~

21 ~~—— (3) Any person who renders emergency care or treatment on a~~
22 ~~person in cardiac arrest by using an automated external~~
23 ~~defibrillator activates the emergency medical services system as~~
24 ~~soon as possible; and~~

25 ~~—— (4) Any person or entity that owns an automated external~~
26 ~~defibrillator that is for use outside of a health care facility~~
27 ~~shall have a physician review and approve the clinical protocol~~

1 ~~for the use of the defibrillator, review and advise regarding the~~
2 ~~training and skill maintenance of the intended users of the~~
3 ~~defibrillator and assure proper review of all situations when the~~
4 ~~defibrillator is used to render emergency care.~~

5 ~~— 3. Any person or entity who acquires an automated external~~
6 ~~defibrillator shall notify the emergency communications district~~
7 ~~or the ambulance dispatch center of the primary provider of~~
8 ~~emergency medical services where the automated external~~
9 ~~defibrillator is to be located.~~

10 ~~— 4.] 3.~~ Any person who gratuitously and in good faith
11 renders emergency care by use of or provision of an automated
12 external defibrillator shall not be held liable for any civil
13 damages or subject to a criminal penalty as a result of such care
14 or treatment, unless the person acts in a willful and wanton or
15 reckless manner in providing the care, advice, or assistance.
16 The person or entity ~~[who]~~ that provides ~~[appropriate]~~ training
17 to the person using an automated external defibrillator, the
18 person or entity responsible for the site where the automated
19 external defibrillator is located, and the person or entity that
20 owns the automated external defibrillator ~~[, the person or entity~~
21 ~~that provided clinical protocol for automated external~~
22 ~~defibrillator sites or programs, and the licensed physician who~~
23 ~~reviews and approves the clinical protocol]~~ shall likewise not be
24 held liable for civil damages or subject to a criminal penalty
25 resulting from the use of an automated external defibrillator.

26 ~~[Nothing in this section shall affect any claims brought pursuant~~
27 ~~to chapter 537 or 538.]~~

1 ~~[5.]~~ 4. All basic life support ambulances and stretcher
2 vans operated in the state of Missouri shall be equipped with an
3 automated external defibrillator and be staffed by at least one
4 individual trained in the use of an automated external
5 defibrillator.

6 ~~[6.]~~ 5. The provisions of this section shall apply in all
7 counties within the state and any city not within a county.

8 190.094. 1. Any ambulance licensed in this state, when
9 used as an ambulance and staffed with volunteer staff, shall be
10 staffed with a minimum of one emergency medical technician and
11 one other crew member who may be a licensed emergency medical
12 technician, registered nurse, physician assistant, assistant
13 physician, physician, or someone who has an emergency medical
14 responder certification.

15 2. When transporting a patient, at least one licensed
16 emergency medical technician, registered nurse, physician
17 assistant, assistant physician, or physician shall be in
18 attendance with the patient in the patient compartment at all
19 times.

20 3. For purposes of this section, "volunteer" shall mean an
21 individual who performs hours of service without promise,
22 expectation or receipt of compensation for services rendered.
23 Compensation such as a nominal stipend per call to compensate for
24 fuel, uniforms, and training shall not nullify the volunteer
25 status.

26 190.100. As used in sections 190.001 to 190.245, the
27 following words and terms mean:

1 (1) "Advanced emergency medical technician" or "AEMT", a
2 person who has successfully completed a course of instruction in
3 certain aspects of advanced life support care as prescribed by
4 the department and is licensed by the department in accordance
5 with sections 190.001 to 190.245 and rules and regulations
6 adopted by the department pursuant to sections 190.001 to
7 190.245;

8 (2) "Advanced life support (ALS)", an advanced level of
9 care as provided to the adult and pediatric patient such as
10 defined by national curricula, and any modifications to that
11 curricula specified in rules adopted by the department pursuant
12 to sections 190.001 to 190.245;

13 (3) "Ambulance", any privately or publicly owned vehicle or
14 craft that is specially designed, constructed or modified,
15 staffed or equipped for, and is intended or used, maintained or
16 operated for the transportation of persons who are sick, injured,
17 wounded or otherwise incapacitated or helpless, or who require
18 the presence of medical equipment being used on such individuals,
19 but the term does not include any motor vehicle specially
20 designed, constructed or converted for the regular transportation
21 of persons who are disabled, handicapped, normally using a
22 wheelchair, or otherwise not acutely ill, or emergency vehicles
23 used within airports;

24 (4) "Ambulance service", a person or entity that provides
25 emergency or nonemergency ambulance transportation and services,
26 or both, in compliance with sections 190.001 to 190.245, and the
27 rules promulgated by the department pursuant to sections 190.001

1 to 190.245;

2 (5) "Ambulance service area", a specific geographic area in
3 which an ambulance service has been authorized to operate;

4 (6) "Basic life support (BLS)", a basic level of care, as
5 provided to the adult and pediatric patient as defined by
6 national curricula, and any modifications to that curricula
7 specified in rules adopted by the department pursuant to sections
8 190.001 to 190.245;

9 (7) "Council", the state advisory council on emergency
10 medical services;

11 (8) "Department", the department of health and senior
12 services, state of Missouri;

13 (9) "Director", the director of the department of health
14 and senior services or the director's duly authorized
15 representative;

16 (10) "Dispatch agency", any person or organization that
17 receives requests for emergency medical services from the public,
18 by telephone or other means, and is responsible for dispatching
19 emergency medical services;

20 (11) "Emergency", the sudden and, at the time, unexpected
21 onset of a health condition that manifests itself by symptoms of
22 sufficient severity that would lead a prudent layperson,
23 possessing an average knowledge of health and medicine, to
24 believe that the absence of immediate medical care could result
25 in:

26 (a) Placing the person's health, or with respect to a
27 pregnant woman, the health of the woman or her unborn child, in

1 significant jeopardy;

2 (b) Serious impairment to a bodily function;

3 (c) Serious dysfunction of any bodily organ or part;

4 (d) Inadequately controlled pain;

5 (12) "Emergency medical dispatcher", a person who receives
6 emergency calls from the public and has successfully completed an
7 emergency medical dispatcher course, meeting or exceeding the
8 national curriculum of the United States Department of
9 Transportation and any modifications to such curricula specified
10 by the department through rules adopted pursuant to sections
11 190.001 to 190.245;

12 (13) "Emergency medical responder", a person who has
13 successfully completed an emergency first response course meeting
14 or exceeding the national curriculum of the U.S. Department of
15 Transportation and any modifications to such curricula specified
16 by the department through rules adopted under sections 190.001 to
17 190.245 and who provides emergency medical care through
18 employment by or in association with an emergency medical
19 response agency;

20 (14) "Emergency medical response agency", any person that
21 regularly provides a level of care that includes first response,
22 basic life support or advanced life support, exclusive of patient
23 transportation;

24 (15) "Emergency medical services for children (EMS-C)
25 system", the arrangement of personnel, facilities and equipment
26 for effective and coordinated delivery of pediatric emergency
27 medical services required in prevention and management of

1 incidents which occur as a result of a medical emergency or of an
2 injury event, natural disaster or similar situation;

3 (16) "Emergency medical services (EMS) system", the
4 arrangement of personnel, facilities and equipment for the
5 effective and coordinated delivery of emergency medical services
6 required in prevention and management of incidents occurring as a
7 result of an illness, injury, natural disaster or similar
8 situation;

9 (17) "Emergency medical technician", a person licensed in
10 emergency medical care in accordance with standards prescribed by
11 sections 190.001 to 190.245, and by rules adopted by the
12 department pursuant to sections 190.001 to 190.245;

13 (18) "Emergency medical technician-basic" or "EMT-B", a
14 person who has successfully completed a course of instruction in
15 basic life support as prescribed by the department and is
16 licensed by the department in accordance with standards
17 prescribed by sections 190.001 to 190.245 and rules adopted by
18 the department pursuant to sections 190.001 to 190.245;

19 (19) "Emergency medical technician-community paramedic",
20 "community paramedic", or "EMT-CP", a person who is certified as
21 an emergency medical technician-paramedic and is certified by the
22 department in accordance with standards prescribed in section
23 190.098;

24 (20) "Emergency medical technician-paramedic" or "EMT-P", a
25 person who has successfully completed a course of instruction in
26 advanced life support care as prescribed by the department and is
27 licensed by the department in accordance with sections 190.001 to

1 190.245 and rules adopted by the department pursuant to sections
2 190.001 to 190.245;

3 (21) "Emergency services", health care items and services
4 furnished or required to screen and stabilize an emergency which
5 may include, but shall not be limited to, health care services
6 that are provided in a licensed hospital's emergency facility by
7 an appropriate provider or by an ambulance service or emergency
8 medical response agency;

9 (22) "Health care facility", a hospital, nursing home,
10 physician's office or other fixed location at which medical and
11 health care services are performed;

12 (23) "Hospital", an establishment as defined in the
13 hospital licensing law, subsection 2 of section 197.020, or a
14 hospital operated by the state;

15 (24) "Medical control", supervision provided by or under
16 the direction of physicians, or their designated registered
17 nurse, including both online medical control, instructions by
18 radio, telephone, or other means of direct communications, and
19 offline medical control through supervision by treatment
20 protocols, case review, training, and standing orders for
21 treatment;

22 (25) "Medical direction", medical guidance and supervision
23 provided by a physician to an emergency services provider or
24 emergency medical services system;

25 (26) "Medical director", a physician licensed pursuant to
26 chapter 334 designated by the ambulance service or emergency
27 medical response agency and who meets criteria specified by the

1 department by rules pursuant to sections 190.001 to 190.245;

2 (27) "Memorandum of understanding", an agreement between an
3 emergency medical response agency or dispatch agency and an
4 ambulance service or services within whose territory the agency
5 operates, in order to coordinate emergency medical services;

6 (28) "Patient", an individual who is sick, injured,
7 wounded, diseased, or otherwise incapacitated or helpless, or
8 dead, excluding deceased individuals being transported from or
9 between private or public institutions, homes or cemeteries, and
10 individuals declared dead prior to the time an ambulance is
11 called for assistance;

12 (29) "Person", as used in these definitions and elsewhere
13 in sections 190.001 to 190.245, any individual, firm,
14 partnership, copartnership, joint venture, association,
15 cooperative organization, corporation, municipal or private, and
16 whether organized for profit or not, state, county, political
17 subdivision, state department, commission, board, bureau or
18 fraternal organization, estate, public trust, business or common
19 law trust, receiver, assignee for the benefit of creditors,
20 trustee or trustee in bankruptcy, or any other service user or
21 provider;

22 (30) "Physician", a person licensed as a physician pursuant
23 to chapter 334;

24 (31) "Political subdivision", any municipality, city,
25 county, city not within a county, ambulance district or fire
26 protection district located in this state which provides or has
27 authority to provide ambulance service;

1 (32) "Professional organization", any organized group or
2 association with an ongoing interest regarding emergency medical
3 services. Such groups and associations could include those
4 representing volunteers, labor, management, firefighters,
5 EMT-B's, nurses, EMT-P's, physicians, communications specialists
6 and instructors. Organizations could also represent the
7 interests of ground ambulance services, air ambulance services,
8 fire service organizations, law enforcement, hospitals, trauma
9 centers, communication centers, pediatric services, labor unions
10 and poison control services;

11 (33) "Proof of financial responsibility", proof of ability
12 to respond to damages for liability, on account of accidents
13 occurring subsequent to the effective date of such proof, arising
14 out of the ownership, maintenance or use of a motor vehicle in
15 the financial amount set in rules promulgated by the department,
16 but in no event less than the statutory minimum required for
17 motor vehicles. Proof of financial responsibility shall be used
18 as proof of self-insurance;

19 (34) "Protocol", a predetermined, written medical care
20 guideline, which may include standing orders;

21 (35) "Regional EMS advisory committee", a committee formed
22 within an emergency medical services (EMS) region to advise
23 ambulance services, the state advisory council on EMS and the
24 department;

25 (36) "Specialty care transportation", the transportation of
26 a patient requiring the services of an emergency medical
27 technician-paramedic who has received additional training beyond

1 the training prescribed by the department. Specialty care
2 transportation services shall be defined in writing in the
3 appropriate local protocols for ground and air ambulance services
4 and approved by the local physician medical director. The
5 protocols shall be maintained by the local ambulance service and
6 shall define the additional training required of the emergency
7 medical technician-paramedic;

8 (37) "Stabilize", with respect to an emergency, the
9 provision of such medical treatment as may be necessary to
10 attempt to assure within reasonable medical probability that no
11 material deterioration of an individual's medical condition is
12 likely to result from or occur during ambulance transportation
13 unless the likely benefits of such transportation outweigh the
14 risks;

15 (38) "State advisory council on emergency medical
16 services", a committee formed to advise the department on policy
17 affecting emergency medical service throughout the state;

18 (39) "State EMS medical directors advisory committee", a
19 subcommittee of the state advisory council on emergency medical
20 services formed to advise the state advisory council on emergency
21 medical services and the department on medical issues;

22 (40) "STEMI" or "ST-elevation myocardial infarction", a
23 type of heart attack in which impaired blood flow to the
24 patient's heart muscle is evidenced by ST-segment elevation in
25 electrocardiogram analysis, and as further defined in rules
26 promulgated by the department under sections 190.001 to 190.250;

27 (41) "STEMI care", includes education and prevention,

1 emergency transport, triage, and acute care and rehabilitative
2 services for STEMI that requires immediate medical or surgical
3 intervention or treatment;

4 (42) "STEMI center", a hospital that is currently
5 designated as such by the department to care for patients with
6 ST-segment elevation myocardial infarctions;

7 (43) "Stroke", a condition of impaired blood flow to a
8 patient's brain as defined by the department;

9 (44) "Stroke care", includes emergency transport, triage,
10 and acute intervention and other acute care services for stroke
11 that potentially require immediate medical or surgical
12 intervention or treatment, and may include education, primary
13 prevention, acute intervention, acute and subacute management,
14 prevention of complications, secondary stroke prevention, and
15 rehabilitative services;

16 (45) "Stroke center", a hospital that is currently
17 designated as such by the department;

18 (46) "Trauma", an injury to human tissues and organs
19 resulting from the transfer of energy from the environment;

20 (47) "Trauma care" includes injury prevention, triage,
21 acute care and rehabilitative services for major single system or
22 multisystem injuries that potentially require immediate medical
23 or surgical intervention or treatment;

24 (48) "Trauma center", a hospital that is currently
25 designated as such by the department.

26 190.105. 1. No person, either as owner, agent or
27 otherwise, shall furnish, operate, conduct, maintain, advertise,

1 or otherwise be engaged in or profess to be engaged in the
2 business or service of the transportation of patients by
3 ambulance in the air, upon the streets, alleys, or any public way
4 or place of the state of Missouri unless such person holds a
5 currently valid license from the department for an ambulance
6 service issued pursuant to the provisions of sections 190.001 to
7 190.245.

8 2. No ground ambulance shall be operated for ambulance
9 purposes, and no individual shall drive, attend or permit it to
10 be operated for such purposes in the state of Missouri unless the
11 ground ambulance is under the immediate supervision and direction
12 of a person who is holding a currently valid Missouri license as
13 an emergency medical technician. Nothing in this section shall
14 be construed to mean that a duly registered nurse, a duly
15 licensed physician assistant, a duly licensed assistant
16 physician, or a duly licensed physician be required to hold an
17 emergency medical technician's license. A physician assistant or
18 assistant physician shall be exempt from any mileage requirement.
19 Each ambulance service is responsible for assuring that any
20 person driving its ambulance is competent in emergency vehicle
21 operations and has a safe driving record. Each ground ambulance
22 shall be staffed with at least two licensed individuals when
23 transporting a patient, except as provided in section 190.094.
24 In emergency situations which require additional medical
25 personnel to assist the patient during transportation, an
26 emergency medical responder, firefighter, or law enforcement
27 personnel with a valid driver's license and prior experience with

1 driving emergency vehicles may drive the ground ambulance
2 provided the ground ambulance service stipulates to this practice
3 in operational policies.

4 3. No license shall be required for an ambulance service,
5 or for the attendant of an ambulance, which:

6 (1) Is rendering assistance in the case of an emergency,
7 major catastrophe or any other unforeseen event or series of
8 events which jeopardizes the ability of the local ambulance
9 service to promptly respond to emergencies; or

10 (2) Is operated from a location or headquarters outside of
11 Missouri in order to transport patients who are picked up beyond
12 the limits of Missouri to locations within or outside of
13 Missouri, but no such outside ambulance shall be used to pick up
14 patients within Missouri for transportation to locations within
15 Missouri, except as provided in subdivision (1) of this
16 subsection.

17 4. The issuance of a license pursuant to the provisions of
18 sections 190.001 to 190.245 shall not be construed so as to
19 authorize any person to provide ambulance services or to operate
20 any ambulances without a franchise in any city not within a
21 county or in a political subdivision in any county with a
22 population of over nine hundred thousand inhabitants, or a
23 franchise, contract or mutual-aid agreement in any other
24 political subdivision which has enacted an ordinance making it
25 unlawful to do so.

26 5. Sections 190.001 to 190.245 shall not preclude the
27 adoption of any law, ordinance or regulation not in conflict with

1 such sections by any city not within a county, or at least as
2 strict as such sections by any county, municipality or political
3 subdivision except that no such regulations or ordinances shall
4 be adopted by a political subdivision in a county with a
5 population of over nine hundred thousand inhabitants except by
6 the county's governing body.

7 6. In a county with a population of over nine hundred
8 thousand inhabitants, the governing body of the county shall set
9 the standards for all ambulance services which shall comply with
10 subsection 5 of this section. All such ambulance services must
11 be licensed by the department. The governing body of such county
12 shall not prohibit a licensed ambulance service from operating in
13 the county, as long as the ambulance service meets county
14 standards.

15 7. An ambulance service or vehicle when operated for the
16 purpose of transporting persons who are sick, injured, or
17 otherwise incapacitated shall not be treated as a common or
18 contract carrier under the jurisdiction of the Missouri division
19 of motor carrier and railroad safety.

20 8. Sections 190.001 to 190.245 shall not apply to, nor be
21 construed to include, any motor vehicle used by an employer for
22 the transportation of such employer's employees whose illness or
23 injury occurs on private property, and not on a public highway or
24 property, nor to any person operating such a motor vehicle.

25 9. A political subdivision that is authorized to operate a
26 licensed ambulance service may establish, operate, maintain and
27 manage its ambulance service, and select and contract with a

1 licensed ambulance service. Any political subdivision may
2 contract with a licensed ambulance service.

3 10. Except as provided in subsections 5 and 6, nothing in
4 section 67.300, or subsection 2 of section 190.109, shall be
5 construed to authorize any municipality or county which is
6 located within an ambulance district or a fire protection
7 district that is authorized to provide ambulance service to
8 promulgate laws, ordinances or regulations related to the
9 provision of ambulance services. This provision shall not apply
10 to any municipality or county which operates an ambulance service
11 established prior to August 28, 1998.

12 11. Nothing in section 67.300 or subsection 2 of section
13 190.109 shall be construed to authorize any municipality or
14 county which is located within an ambulance district or a fire
15 protection district that is authorized to provide ambulance
16 service to operate an ambulance service without a franchise in an
17 ambulance district or a fire protection district that is
18 authorized to provide ambulance service which has enacted an
19 ordinance making it unlawful to do so. This provision shall not
20 apply to any municipality or county which operates an ambulance
21 service established prior to August 28, 1998.

22 12. No provider of ambulance service within the state of
23 Missouri which is licensed by the department to provide such
24 service shall discriminate regarding treatment or transportation
25 of emergency patients on the basis of race, sex, age, color,
26 religion, sexual preference, national origin, ancestry, handicap,
27 medical condition or ability to pay.

1 13. No provision of this section, other than subsections 5,
2 6, 10 and 11 of this section, is intended to limit or supersede
3 the powers given to ambulance districts pursuant to this chapter
4 or to fire protection districts pursuant to chapter 321, or to
5 counties, cities, towns and villages pursuant to chapter 67.

6 14. Upon the sale or transfer of any ground ambulance
7 service ownership, the owner of such service shall notify the
8 department of the change in ownership within thirty days of such
9 sale or transfer. After receipt of such notice, the department
10 shall conduct an inspection of the ambulance service to verify
11 compliance with the licensure standards of sections 190.001 to
12 190.245.

13 190.143. 1. Notwithstanding any other provisions of law,
14 the department may grant a ninety-day temporary emergency medical
15 technician license to all levels of emergency medical technicians
16 who meet the following:

17 (1) Can demonstrate that they have, or will have,
18 employment requiring an emergency medical technician license;

19 (2) Are not currently licensed as an emergency medical
20 technician in Missouri or have been licensed as an emergency
21 medical technician in Missouri and fingerprints need to be
22 submitted to the Federal Bureau of Investigation to verify the
23 existence or absence of a criminal history, or they are currently
24 licensed and the license will expire before a verification can be
25 completed of the existence or absence of a criminal history;

26 (3) Have submitted a complete application upon such forms
27 as prescribed by the department in rules adopted pursuant to

1 sections 190.001 to 190.245;

2 (4) Have not been disciplined pursuant to sections 190.001
3 to 190.245 and rules promulgated pursuant to sections 190.001 to
4 190.245;

5 (5) Meet all the requirements of rules promulgated pursuant
6 to sections 190.001 to 190.245.

7 2. A temporary emergency medical technician license shall
8 only authorize the license to practice while under the immediate
9 supervision of a licensed emergency medical technician,
10 registered nurse, physician assistant, assistant physician, or
11 physician who is currently licensed, without restrictions, to
12 practice in Missouri.

13 3. A temporary emergency medical technician license shall
14 automatically expire either ninety days from the date of issuance
15 or upon the issuance of a five-year emergency medical technician
16 license.

17 190.196. 1. No employer shall knowingly employ or permit
18 any employee to perform any services for which a license,
19 certificate or other authorization is required by sections
20 190.001 to 190.245, or by rules adopted pursuant to sections
21 190.001 to 190.245, unless and until the person so employed
22 possesses all licenses, certificates or authorizations that are
23 required.

24 2. Any person or entity that employs or supervises a
25 person's activities as an emergency medical responder, emergency
26 medical dispatcher, emergency medical technician, registered
27 nurse, physician assistant, assistant physician, or physician

1 shall cooperate with the department's efforts to monitor and
2 enforce compliance by those individuals subject to the
3 requirements of sections 190.001 to 190.245.

4 3. Any person or entity who employs individuals licensed by
5 the department pursuant to sections 190.001 to 190.245 shall
6 report to the department within seventy-two hours of their having
7 knowledge of any charges filed against a licensee in their employ
8 for possible criminal action involving the following felony
9 offenses:

10 (1) Child abuse or sexual abuse of a child;

11 (2) Crimes of violence; or

12 (3) Rape or sexual abuse.

13 4. Any licensee who has charges filed against him or her
14 for the felony offenses in subsection 3 of this section shall
15 report such an occurrence to the department within seventy-two
16 hours of the charges being filed.

17 5. The department will monitor these reports for possible
18 licensure action authorized pursuant to section 190.165.

19 190.1005. Notwithstanding any other provision of law, any
20 training or course in cardiopulmonary resuscitation shall also
21 include instruction on the proper use of automated external
22 defibrillators. Such training or course shall follow the
23 standards created by the American Red Cross or the American Heart
24 Association, or equivalent evidence-based standards from a
25 nationally recognized organization.

26 191.255. 1. Notwithstanding any other provision of law to
27 the contrary, no state agency, including employees therein, shall

1 disclose to the federal government, any federal government
2 employee, or any unauthorized third party, the statewide list or
3 any individual information of persons who have applied for or
4 obtained a medical marijuana card.

5 2. Any violation of this section is a class E felony.

6 192.2435. 1. Subject to section 56.086, reports made
7 pursuant to sections 192.2400 to 192.2470 shall be confidential
8 and shall not be deemed a public record and shall not be subject
9 to the provisions of section 109.180 or chapter 610.

10 2. Such reports shall be accessible for examination and
11 copying only to the following persons or offices, or to their
12 designees:

13 (1) The department or any person or agency designated by
14 the department;

15 (2) The attorney general;

16 (3) The department of mental health for persons referred to
17 that department;

18 (4) Any appropriate law enforcement agency; and

19 (5) The eligible adult or such adult's legal guardian.

20 3. The name of the reporter shall not be disclosed unless:

21 (1) Such reporter specifically authorizes disclosure of his
22 name; and

23 (2) The department determines that disclosure of the name
24 of the reporter is necessary in order to prevent further harm to
25 an eligible adult.

26 4. Any person who violates the provisions of this section,
27 or who permits or encourages the unauthorized dissemination of

1 information contained in the central registry and in reports and
2 records made pursuant to sections 192.2400 to 192.2470, shall be
3 guilty of a class A misdemeanor.

4 5. The department shall maintain a central registry capable
5 of receiving and maintaining reports received in a manner that
6 facilitates rapid access and recall of the information reported,
7 and of subsequent investigations and other relevant information.
8 The department shall electronically record any telephone report
9 of suspected abuse and neglect received by the department and
10 such recorded reports shall be retained by the department for a
11 period of one year after recording.

12 6. Although reports to the central registry may be made
13 anonymously, the department shall in all cases, after obtaining
14 relevant information regarding the alleged abuse or neglect,
15 attempt to obtain the name and address of any person making a
16 report.

17 195.015. 1. The department of health and senior services
18 shall administer this chapter and may add substances to the
19 schedules after public notice and hearing. In making a
20 determination regarding a substance, the department of health and
21 senior services shall consider the following:

- 22 (1) The actual or relative potential for abuse;
- 23 (2) The scientific evidence of its pharmacological effect,
24 if known;
- 25 (3) The state of current scientific knowledge regarding the
26 substance;
- 27 (4) The history and current pattern of abuse;

1 (5) The scope, duration, and significance of abuse;

2 (6) The risk to the public health;

3 (7) The potential of the substance to produce psychic or
4 physiological dependence liability; and

5 (8) Whether the substance is an immediate precursor of a
6 substance already controlled under this chapter.

7 2. After considering the factors enumerated in subsection 1
8 of this section the department of health and senior services
9 shall make findings with respect thereto and issue a rule
10 controlling the substance if it finds the substance has a
11 potential for abuse.

12 3. If the department of health and senior services
13 designates a substance as an immediate precursor, substances
14 which are precursors of the controlled precursor shall not be
15 subject to control solely because they are precursors of the
16 controlled precursor.

17 4. If any substance is designated, rescheduled, or deleted
18 as a controlled substance under federal law and notice thereof is
19 given to the department of health and senior services, the
20 department of health and senior services shall similarly control
21 the substance under this chapter ~~[after the expiration of]~~ and
22 shall submit emergency rules to the secretary of state under
23 section 536.025 within thirty days ~~[from]~~ of publication in the
24 federal register of a final order designating a substance as a
25 controlled substance or rescheduling or deleting a substance,
26 unless within that thirty-day period, the department of health
27 and senior services objects to inclusion, rescheduling, or

1 deletion. In that case, the department of health and senior
2 services shall publish the reasons for objection and afford all
3 interested parties an opportunity to be heard. At the conclusion
4 of the hearing, the department of health and senior services
5 shall publish its decision, which shall be final unless altered
6 by statute. Upon publication of objection to inclusion,
7 rescheduling or deletion under this chapter by the department of
8 health and senior services, control under this chapter is stayed
9 as to the substance in question until the department of health
10 and senior services publishes its decision. If the department
11 promulgates emergency rules under this subsection, such rules
12 may, notwithstanding the provisions of subsection 7 of section
13 536.025, remain in effect until the general assembly concludes
14 its next regular session following the imposition of any such
15 rules. The department shall clearly state if the rules shall be
16 in effect pursuant to this subsection or subsection 7 of section
17 536.025 in the emergency statement filed with the secretary of
18 state.

19 5. The department of health and senior services shall
20 exclude any nonnarcotic substance from a schedule if such
21 substance may, under the federal Food, Drug, and Cosmetic Act and
22 the law of this state, be lawfully sold over the counter without
23 a prescription.

24 6. The department of health and senior services shall
25 prepare a list of all drugs falling within the purview of
26 controlled substances. Upon preparation, a copy of the list
27 shall be filed in the office of the secretary of state.

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

4 (1) Has high potential for abuse; and

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

8 2. Schedule I:

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

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

16 (a) Acetyl-alpha-methylfentanyl (N-(1-(1-methyl-2-
17 phenethyl)-4-
18 piperidinyl)-N-phenylacetamide);

19 (b) Acetylmethadol;

20 (c) Acetyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-
21 phenylacetamide);

22 (d) Acryl fentanyl (- (1-phenethylpiperidin-4-yl)-N-
23 phenylacrylamide);

24 (e) AH-7921 (3,4-dichloro-N-[(1-dimethylamino)
25 cyclohexylmethyl] benzamide);

26 (f) Allylprodine;

27 ~~[(d)]~~ (g) Alphacetylmethadol (except

1 levoalphacetylmethadol, also known as levo-alpha-acetylmethadol
2 levothadyl acetate or LAAM);
3 [~~e~~] (h) Alphameprodine;
4 [~~f~~] (i) Alphamethadol;
5 [~~g~~] (j) Alpha-methylfentanyl (N-1-(alphamethyl-beta-
6 phenyl) ethyl-4-piperidyl) propionanilide; 1-(1-methyl-2-
7 phenylethyl)-4 ((N-propanilido) piperidine);
8 [~~h~~] (k) Alpha-methylthiofentanyl (N-(1-methyl-2-(2-
9 thienyl) ethyl-4-piperidinyl)-N-phenylpropanamide);
10 [~~i~~] (l) Benzethidine;
11 [~~j~~] (m) Betacetylmethadol;
12 [~~k~~] (n) Beta-hydroxyfentanyl (N-(1-(2-hydroxy-2-
13 phenethyl)-4-
14 piperidinyl)-N-phenylpropanamide);
15 [~~l~~] (o) Beta-hydroxy-3-methylfentanyl (N-(1-(2-hydroxy-
16 2-
17 phenethyl)-3-methyl-4-piperidinyl)-N-phenylpropanamide);
18 [~~m~~] (p) Betameprodine;
19 [~~n~~] (q) Betamethadol;
20 [~~o~~] (r) Betaprodine;
21 [~~p~~] (s) Clonitazene;
22 [~~q~~] (t) Dextromoramide;
23 [~~r~~] (u) Diampromide;
24 (v) Cyclopropyl fentanyl;
25 [~~s~~] (w) Diethylthiambutene;
26 [~~t~~] (x) Difenoxin;
27 [~~u~~] (y) Dimenoxadol;

1 ~~[(v)]~~ (z) Dimepheptanol;

2 ~~[(w)]~~ (aa) Dimethylthiambutene;

3 ~~[(x)]~~ (bb) Dioxaphetyl butyrate;

4 ~~[(y)]~~ (cc) Dipipanone;

5 ~~[(z)]~~ (dd) Ethylmethylthiambutene;

6 ~~[(aa)]~~ (ee) Etonitazene;

7 ~~[(bb)]~~ (ff) Etoxeridine;

8 (gg) 4-fluoroisobutyryl fentanyl - (4-fluorophenyl)-N- (1-

9 phenethylpiperidin-4-yl) isobutyramide;

10 (hh) Furanyl fentanyl - (1-phenethylpiperidin-4-yl)-N-

11 phenylfuran-2-carboxamide;

12 ~~[(ee)]~~ (ii) Furethidine;

13 ~~[(dd)]~~ (jj) Hydroxypethidine;

14 ~~[(ee)]~~ (kk) Ketobemidone;

15 ~~[(ff)]~~ (ll) Levomoramide;

16 ~~[(gg)]~~ (mm) Levophenacylmorphane;

17 ~~[(hh)]~~ (nn) 3-Methylfentanyl (N-(3-methyl-1-(2-

18 phenylethyl)-4-piperidyl)-N-phenylpropanamide), its optical and

19 geometric isomers, salts, and salts of isomers;

20 ~~[(ii)]~~ (oo) 3-Methylthiofentanyl (N-(3-methyl-1-(2-

21 thienyl)ethyl-4-piperidinyl)-N-phenylpropanamide);

22 (pp) Methoxyacetyl fentanyl (2-methoxy-N-(1-

23 phenethylpiperidin-4-yl)-N-phenylacetamide);

24 ~~[(jj)]~~ (qq) Morpheridine;

25 ~~[(kk)]~~ (rr) MPPP (1-methyl-4-phenyl-4-

26 propionoxypiperidine);

27 (ss) MT-45 (1-cyclohexyl-4-(1,2-diphenylethyl) piperazine);

1 [~~(ll)~~] (tt) Noracymethadol;

2 [~~(mm)~~] (uu) Norlevorphanol;

3 [~~(nn)~~] (vv) Normethadone;

4 [~~(oo)~~] (ww) Norpipanone;

5 (xx) Ocfentanil N-(2-fluorophenyl)-2-methoxy-N-(1-

6 phenethylpiperidin-4-yl)acetamide;

7 (yy) Ortho-fluorofentanyl (N-2-(1-phenethylpiperidin-

8 yl)propionamide); other name 2-fluorofentanyl;

9 (zz) para-fluorobutyryl fentanyl (N-4-fluorophenyl)-N-(1-

10 phenethylpiperidin-4-yl)butyramide;

11 [~~(pp)~~] (aaa) Para-fluorofentanyl (N-(4-fluorophenyl)-N-(1-

12 (2-phenethyl)-4-piperidinyl) propanamide;

13 [~~(qq)~~] (bbb) PEPAP (1-(2-phenethyl)-4-phenyl-4-

14 acetoxypiperidine);

15 [~~(rr)~~] (ccc) Phenadoxone;

16 [~~(ss)~~] (ddd) Phenampromide;

17 [~~(tt)~~] (eee) Phenomorphan;

18 [~~(uu)~~] (fff) Phenoperidine;

19 [~~(vv)~~] (ggg) Piritramide;

20 [~~(ww)~~] (hhh) Proheptazine;

21 [~~(xx)~~] (iii) Properidine;

22 [~~(yy)~~] (jjj) Propiram;

23 [~~(zz)~~] (kkk) Racemoramide;

24 (lll) Tetrahydrofuranyl fentanyl (N-(1-phenethylpiperidin-

25 4-yl)-N-phenyltetrahydrofuran-2-carboxamide);

26 [~~(aaa)~~] (mmm) Thiofentanyl (-phenyl-N-(1-(2-thienyl)ethyl-

27 4-piperidinyl)-propanamide;

1 [~~(bbb)~~] (nnn) Tilidine;

2 [~~(ccc)~~] (ooo) Trimeperidine;

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

7 (a) Acetorphine;

8 (b) Acetyldihydrocodeine;

9 (c) Benzylmorphine;

10 (d) Codeine methylbromide;

11 (e) Codeine-N-Oxide;

12 (f) Cyprenorphine;

13 (g) Desomorphine;

14 (h) Dihydromorphine;

15 (i) Drotebanol;

16 (j) Etorphine (except hydrochloride salt);

17 (k) Heroin;

18 (l) Hydromorphenol;

19 (m) Methyldesorphine;

20 (n) Methyldihydromorphine;

21 (o) Morphine methylbromide;

22 (p) Morphine methylsulfonate;

23 (q) Morphine-N-Oxide;

24 (r) Myrophine;

25 (s) Nicocodeine;

26 (t) Nicomorphine;

27 (u) Normorphine;

1 (v) Pholcodine;

2 (w) Thebacon;

3 (4) Any of the following opiate similar synthetic
4 substances scheduled by the U.S. Drug Enforcement Administration
5 as substances that share a pharmacological profile similar to
6 fentanyl, morphine, and other synthetic opioids, unless
7 specifically excepted or unless listed in another schedule:

8 (a) Butyryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-
9 phenylbutyramide);

10 (b) U-47700 (3,4-Dichloro-N-[2-(dimethylamino) cyclohexyl]-
11 -methyl benzamide).

12 (5) Any material, compound, mixture or preparation which
13 contains any quantity of the following hallucinogenic substances,
14 their salts, isomers and salts of isomers, unless specifically
15 excepted, whenever the existence of these salts, isomers, and
16 salts of isomers is possible within the specific chemical
17 designation:

18 (a) ~~[4-bromo-2,5-dimethoxyamphetamine;~~

19 ~~—(b) 4-bromo-2,5-dimethoxyphenethylamine;~~

20 ~~—(c) 2,5-dimethoxyamphetamine;~~

21 ~~—(d) 2,5-dimethoxy-4-ethylamphetamine]~~ Alpha-
22 ethyltryptamine;

23 (b) 4-bromo-2,5-dimethoxyamphetamine;

24 (c) 4-bromo-2,5-dimethoxyphenethylamine;

25 (d) 2,5-dimethoxyamphetamine;

26 ~~[-(d)]~~ (e) 2,5-dimethoxy-4-ethylamphetamine;

27 ~~[-(e)]~~ (f) 2,5-dimethoxy-4-(n)-propylthiophenethylamine;

- 1 ~~[(f)]~~ (g) 2-(2,5-Dimethoxy-4-(n)-propylphenyl) ethanamine;
- 2 (h) 2-(2,5-Dimethoxy-4-ethylphenyl) ethanamine;
- 3 (i) 2-(2,5-Dimethoxy-4-methylphenyl) ethanamine;
- 4 (j) 2-(2,5-Dimethoxy-4-nitro-phenyl) ethanamine;
- 5 (k) 2-(2,5-Dimethoxyphenyl) ethanamine;
- 6 (l) 2-(4-Chloro-2,5-dimethoxyphenyl) ethanamine;
- 7 (m) 2-(4-Ethylthio-2,5-dimethoxyphenyl) ethanamine;
- 8 (n) 2-(4-Iodo-2,5-dimethoxyphenyl) ethanamine;
- 9 (o) 2-(4-Isopropylthio)-2,5-dimethoxyphenyl) ethanamine;
- 10 (p) 4-methoxyamphetamine;
- 11 ~~[(g)]~~ (q) 5-methoxy-3,4-methylenedioxyamphetamine;
- 12 ~~[(h)]~~ (r) 4-methyl-2, 5-dimethoxyamphetamine;
- 13 ~~[(i)]~~ (s) 3,4-methylenedioxyamphetamine;
- 14 ~~[(j)]~~ (t) 3,4-methylenedioxymethamphetamine;
- 15 ~~[(k)]~~ (u) 3,4-methylenedioxy-N-ethylamphetamine;
- 16 ~~[(l)]~~ (v) N-hydroxy-3, 4-methylenedioxyamphetamine;
- 17 ~~[(m)]~~ (w) 3,4,5-trimethoxyamphetamine;
- 18 ~~[(n)]~~ (x) 5-MeO-DMT or 5-methoxy-N,N-dimethyltryptamine [~~7~~
- 19 ~~its isomers, salts, and salts of isomers];~~
- 20 ~~[(o)]~~ ~~Alpha-ethyltryptamine;~~
- 21 ~~[(p)]~~ (y) Alpha-methyltryptamine;
- 22 ~~[(q)]~~ (z) Bufotenine;
- 23 ~~[(r)]~~ (aa) Diethyltryptamine;
- 24 ~~[(s)]~~ (bb) Dimethyltryptamine;
- 25 ~~[(t)]~~ (cc) 5-methoxy-N,N-diisopropyltryptamine;
- 26 ~~[(u)]~~ (dd) Ibogaine;
- 27 ~~[(v)]~~ (ee) Lysergic acid diethylamide;

1 ~~[(w)]~~ (ff) Marijuana or marihuana, except industrial hemp;

2 ~~[(x)]~~ (gg) Mescaline;

3 ~~[(y)]~~ (hh) Parahexyl;

4 ~~[(z)]~~ (ii) Peyote, to include all parts of the plant

5 presently classified botanically as Lophophora ~~[Williamsii]~~

6 williamsii Lemaire, whether growing or not; the seeds thereof;

7 any extract from any part of such plant; and every compound,

8 manufacture, salt, derivative, mixture or preparation of the

9 plant, its seed or extracts;

10 ~~[(aa)]~~ (jj) N-ethyl-3-piperidyl benzilate;

11 ~~[(bb)]~~ (kk) N-methyl-3-piperidyl benzilate;

12 ~~[(cc)]~~ (ll) Psilocybin;

13 ~~[(dd)]~~ (mm) Psilocyn;

14 ~~[(ee)]~~ (nn) Tetrahydrocannabinols naturally contained in a

15 plant of the genus Cannabis (cannabis plant), except industrial

16 hemp, as well as synthetic equivalents of the substances

17 contained in the cannabis plant, or in the resinous extractives

18 of such plant, or synthetic substances, derivatives~~[7]~~ and their

19 isomers, or both, with similar chemical structure and

20 pharmacological activity to those substances contained in the

21 plant, such as the following:

22 a. 1 cis or trans tetrahydrocannabinol~~[7]~~ and their optical

23 isomers;

24 b. 6 cis or trans tetrahydrocannabinol~~[7]~~ and their optical

25 isomers;

26 c. 3,4 cis or trans tetrahydrocannabinol~~[7]~~ and their

27 optical isomers;

1 d. Any compounds of these structures, regardless of
2 numerical designation of atomic positions covered;

3 [~~(ff)~~] (oo) Ethylamine analog of phencyclidine;

4 [~~(gg)~~] (pp) Pyrrolidine analog of phencyclidine;

5 [~~(hh)~~] (qq) Thiophene analog of phencyclidine;

6 [~~(ii)~~] (rr) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine;

7 [~~(jj)~~] (ss) Salvia divinorum;

8 [~~(kk)~~] (tt) Salvinorin A;

9 [~~(ll)~~] (uu) Synthetic cannabinoids:

10 a. Any compound structurally derived from
11 3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane by
12 substitution at the nitrogen atom of the indole ring by alkyl,
13 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
14 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group,
15 whether or not further substituted in the indole ring to any
16 extent, whether or not substituted in the naphthyl ring to any
17 extent. Including, but not limited to:

18 (i) AM2201, or 1-(5-fluoropentyl)-3-(1-naphthoyl)indole;

19 (ii) JWH-007, or 1-pentyl-2-methyl-3-(1-naphthoyl)indole;

20 [~~(ii)~~] (iii) JWH-015, or
21 1-propyl-2-methyl-3-(1-naphthoyl)indole;

22 [~~(iii)~~] (iv) JWH-018, or 1-pentyl-3-(1-naphthoyl)indole;

23 [~~(iv)~~] (v) JWH-019, or 1-hexyl-3-(1-naphthoyl)indole;

24 [~~(v)~~] (vi) JWH-073, or 1-butyl-3-(1-naphthoyl)indole;

25 [~~(vi)~~] (vii) JWH-081, or
26 1-pentyl-3-(4-methoxy-1-naphthoyl)indole;

27 [~~(vii)~~] (viii) JWH-098, or

1 1-pentyl-2-methyl-3-(4-methoxy-1-
2 naphthoyl)indole;
3 ~~[(viii)]~~ (ix) JWH-122, or
4 1-pentyl-3-(4-methyl-1-naphthoyl)indole;
5 ~~[(ix)]~~ (x) JWH-164, or
6 1-pentyl-3-(7-methoxy-1-naphthoyl)indole;
7 ~~[(x)]~~ (xi) JWH-200, or
8 1-(2-(4-(morpholinyl)ethyl))-3-(1-naphthoyl)indole;
9 ~~[(xi)]~~ (xii) JWH-210, or
10 1-pentyl-3-(4-ethyl-1-naphthoyl)indole;
11 ~~[(xii)]~~ (xiii) JWH-398, or
12 1-pentyl-3-(4-chloro-1-naphthoyl)indole;
13 b. Any compound structurally derived from
14 3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of
15 the pyrrole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
16 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
17 2-(4-morpholinyl)ethyl group, whether or not further substituted
18 in the pyrrole ring to any extent, whether or not substituted in
19 the naphthyl ring to any extent;
20 c. Any compound structurally derived from
21 1-(1-naphthylmethyl)indene by substitution at the 3-position of
22 the indene ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
23 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
24 2-(4-morpholinyl)ethyl group, whether or not further substituted
25 in the indene ring to any extent, whether or not substituted in
26 the naphthyl ring to any extent;
27 d. Any compound structurally derived from

1 3-phenylacetylindole by substitution at the nitrogen atom of the
2 indole ring with alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
3 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
4 2-(4-morpholinyl)ethyl group, whether or not further substituted
5 in the indole ring to any extent, whether or not substituted in
6 the phenyl ring to any extent. Including, but not limited to:

- 7 (i) JWH-201, or 1-pentyl-3-(4-methoxyphenylacetyl)indole;
8 (ii) JWH-203, or 1-pentyl-3-(2-chlorophenylacetyl)indole;
9 (iii) JWH-250, or 1-pentyl-3-(2-methoxyphenylacetyl)indole;
10 (iv) JWH-251, or 1-pentyl-3-(2-methylphenylacetyl)indole;
11 (v) RCS-8, or

12 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole;

13 e. Any compound structurally derived from
14 2-(3-hydroxycyclohexyl)phenol by substitution at the 5-position
15 of the phenolic ring by alkyl, haloalkyl, alkenyl,
16 cycloalkylmethyl, cycloalkylethyl,
17 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group,
18 whether or not substituted in the cyclohexyl ring to any extent.
19 Including, but not limited to[~~:-~~

20 ~~—(i)]~~ CP 47, 497 [~~&~~] and homologues, or

21 2-[(1R,3S)-3-hydroxycyclohexyl]-

22 5-(2-methyloctan-2-yl)phenol), where side chain n=5, and
23 homologues where side chain n=4,6, or 7;

24 f. Any compound containing a 3-(benzoyl)indole structure
25 with substitution at the nitrogen atom of the indole ring by
26 alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
27 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group,

1 whether or not further substituted in the indole ring to any
2 extent and whether or not substituted in the phenyl ring to any
3 extent. Including, but not limited to:

4 (i) AM-694, or 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole;

5 (ii) RCS-4, or 1-pentyl-3-(4-methoxybenzoyl)indole (SR-19
6 and RCS-4);

7 g. CP 50,556-1, or

8 [(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5-
9 phenylpentan-2-yl]

10 oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl] acetate;

11 h. HU-210, or

12 (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-

13 methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;

14 i. HU-211, or

15 Dexanabinol, (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-

16 (2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;

17 j. [~~CP 50,556-1, or~~

18 ~~{(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5-
19 phenylpentan-2-yl}~~

20 ~~oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl}] acetate;~~

21 ~~—k.] Dimethylheptylpyran, or DMHP;~~

22 ~~[-5-]~~ (6) Any material, compound, mixture or preparation

23 containing any quantity of the following substances having a

24 depressant effect on the central nervous system, including their

25 salts, isomers and salts of isomers whenever the existence of

26 these salts, isomers and salts of isomers is possible within the

27 specific chemical designation:

- 1 (a) Gamma-hydroxybutyric acid;
- 2 (b) Mecloqualone;
- 3 (c) Methaqualone;
- 4 ~~[(6)]~~ (7) Any material, compound, mixture or preparation
- 5 containing any quantity of the following substances having a
- 6 stimulant effect on the central nervous system, including their
- 7 salts, isomers and salts of isomers:
- 8 (a) Aminorex;
- 9 (b) N-benzylpiperazine;
- 10 (c) Cathinone;
- 11 (d) Fenethylamine;
- 12 (e) 3-Fluoromethcathinone;
- 13 (f) 4-Fluoromethcathinone;
- 14 (g) Mephedrone, or 4-methylmethcathinone;
- 15 (h) Methcathinone;
- 16 (i) 4-methoxymethcathinone;
- 17 (j) (+,-)cis-4-methylaminorex
- 18 ((+,-)cis-4,5-dihydro-4-methyl-5-phenyl-2-
- 19 oxazolamine);
- 20 (k) Methylenedioxypropylone, MDPV, or
- 21 (1-(1,3-Benzodioxol-5-yl)-2-(1-
- 22 pyrrolidinyl)-1-pentanone;
- 23 (l) Methylone, or 3,4-Methylenedioxymethcathinone;
- 24 (m) 4-Methyl-alpha-pyrrolidinobutiophenone, or MPBP;
- 25 (n) N-ethylamphetamine;
- 26 (o) N,N-dimethylamphetamine;
- 27 (p) Quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate (PB-22);

1 QUPIC);

2 (q) Quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-
3 carboxylate (5-fluoro-PB-22; 5F-PB-22);

4 (r) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-
5 fluorobenzyl)-1H-indazole-3-carboxamide (AB-FUBINACA);

6 (s) N-(1-amino-3, 3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-
7 indazole-3-carboxamide (ADB-PINACA);

8 ~~[(7)]~~ (8) A temporary listing of substances subject to
9 emergency scheduling under federal law shall include any
10 material, compound, mixture or preparation which contains any
11 quantity of the following substances:

12 ~~(a) [N-(1-benzyl-4-piperidyl)-N-phenylpropanamide~~
13 ~~(benzylfentanyl), its optical isomers, salts and salts of~~
14 ~~isomers;~~

15 ~~— (b) N-(1-(2-thienyl)methyl-4-piperidyl)-N-phenylpropanamide~~
16 ~~(thenylfentanyl), its optical isomers, salts and salts of~~
17 ~~isomers] (1-pentyl-1H-indol-3-yl)(2,2,3,3-~~
18 ~~tetramethylcyclopropyl)methanone, its optical, positional, and~~
19 ~~geometric isomers, salts, and salts of isomers;~~

20 (b) [1-(5-fluoro-pentyl)-1H-indol-3-yl](2,2,3,3-
21 tetramethylcyclopropyl)methanone, its optical, positional, and
22 geometric isomers, salts, and salts of isomers;

23 (c) N-(1-adamantyl)-1-pentyl-1H-indazole-3-carboxamide, its
24 optical, positional, and geometric isomers, salts, and salts of
25 isomers;

26 (d) 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)
27 ethanamine, its optical, positional, and geometric isomers,

1 salts, and salts of isomers;

2 (e) 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)
3 ethanamine, its optical, positional, and geometric isomers,
4 salts, and salts of isomers;

5 (f) 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)
6 ethanamine, its optical, positional, and geometric isomers,
7 salts, and salts of isomers;

8 (g) 4-methyl-N-ethylcathinone, its optical, positional, and
9 geometric isomers, salts, and salts of isomers;

10 (h) 4-methyl-alpha-pyrrolidinopropiophenone, its optical,
11 positional, and geometric isomers, salts, and salts of isomers;

12 (i) Alpha-pyrrolidinopentiophenone, its optical,
13 positional, and geometric isomers, salts, and salts of isomers;

14 (j) Butylone, its optical, positional, and geometric
15 isomers, salts, and salts of isomers;

16 (k) Pentedrone, its optical, positional, and geometric
17 isomers, salts, and salts of isomers;

18 (l) Pentylone, its optical, positional, and geometric
19 isomers, salts, and salts of isomers;

20 (m) Naphyrone, its optical, positional, and geometric
21 isomers, salts, and salts of isomers;

22 (n) Alpha-pyrrolidinobutiophenone, its optical, positional,
23 and geometric isomers, salts, and salts of isomers;

24 (o) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-
25 (cyclohexylmethyl)-1H-indazole-3-carboxamide, its optical,
26 positional, and geometric isomers, salts, and salts of isomers;

27 (p) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-

1 indazole-3-carboxamide, its optical, positional, and geometric
2 isomers, salts, and salts of isomers;

3 (g) [1-(5-fluoropentyl)-1H-indazole-3-yl](naphthalen-1-
4 yl)methanone, its optical, positional, and geometric isomers,
5 salts, and salts of isomers;

6 (r) N-[1-[2-hydroxy-2-(thiophen-2-yl) ethyl]piperidin-4-
7 yl]-N-phenylpropionamide, its isomers, esters, ethers, salts, and
8 salts of isomers, esters, and ethers;

9 (s) N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide, its
10 optical, positional, and geometric isomers, salts, and salts of
11 isomers;

12 (t) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-
13 (cyclohexylmethyl)-1H-indazole-3-carboxamide, its optical,
14 positional, and geometric isomers, salts, and salts of isomers;

15 (u) methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-
16 carboxamido)-3,3-dimethylbutanoate, its optical, positional, and
17 geometric isomers, salts, and salts of isomers;

18 (v) methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-
19 carboxamido)-3-methylbutanoate, its optical, positional, and
20 geometric isomers, salts, and salts of isomers;

21 (w) N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-
22 carboxamide, its optical, positional, and geometric isomers,
23 salts, and salts of isomers;

24 (x) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-
25 fluorobenzyl)-1H-indazole-3-carboxamide, its optical, positional,
26 and geometric isomers, salts, and salts of isomers;

27 (y) methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-

1 carboxamido)-3,3-dimethylbutanoate, its optical, positional, and
2 geometric isomers, salts, and salts of isomers;

3 (z) methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-
4 carboxamido)-3,3-dimethylbutanoate, its optical, positional, and
5 geometric isomers, salts, and salts of isomers;

6 (aa) N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-
7 yl)propionamide, its isomers, esters, ethers, salts, and salts of
8 isomers, esters, and ethers;

9 (bb) methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-
10 carboxamido)-3-methylbutanoate, its optical, positional, and
11 geometric isomers, salts, and salts of isomers;

12 (cc) N-(1-phenethylpiperidin-4-yl)-N-
13 phenylcyclopropanecarboxamide, its isomers, esters, ethers,
14 salts, and salts of isomers, esters, and ethers;

15 (dd) N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide,
16 its isomers, esters, ethers, salts, and salts of isomers, esters,
17 and ethers;

18 (ee) N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-
19 yl)butyramide, its isomers, esters, ethers, salts, and salts of
20 isomers, esters, and ethers;

21 (ff) N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-
22 yl)butyramide, its isomers, esters, ethers, salts, and salts of
23 isomers, esters, and ethers;

24 (gg) N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-
25 yl)isobutyramide, its isomers, esters, ethers, salts, and salts
26 of isomers, esters, and ethers;

27 (hh) N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide,

1 its isomers, esters, ethers, salts, and salts of isomers, esters,
2 and ethers;

3 (ii) N-(1-phenethylpiperidin-4-yl)-N-
4 phenylcyclopentanecarboxamide, its isomers, esters, ethers,
5 salts, and salts of isomers, esters, and ethers;

6 (jj) Fentanyl-related substances, their isomers, esters,
7 ethers, salts, and salts of isomers, esters, and ethers.

8 Fentanyl-related substance shall mean any substance not otherwise
9 listed under another Drug Enforcement Administration Controlled
10 Substance Code Number, and for which no exemption or approval is
11 in effect under section 505 of the Federal Food, Drug, and
12 Cosmetic Act, 21 U.S.C. Section 355, that is structurally related
13 to fentanyl by one or more of the following modifications:

14 a. Replacement of the phenyl portion of the phenethyl group
15 by any monocycle, whether or not further substituted in or on the
16 monocycle;

17 b. Substitution in or on the phenethyl group with alkyl,
18 alkenyl, alkoxy, hydroxyl, halo, haloalkyl, amino or nitro
19 groups;

20 c. Substitution in or on the piperidine ring with alkyl,
21 alkenyl, alkoxy, ester, ether, hydroxyl, amino or nitro groups;

22 d. Replacement of the aniline ring with any aromatic
23 monocycle, whether or not further substituted in or on the
24 aromatic monocycle; or

25 e. Replacement of the N-propionyl group by another acyl
26 group;

27 (kk) Naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-

1 carboxylate, its optical, positional, and geometric isomers,
2 salts, and salts of isomers (NM2201; CBL2201);
3 (ll) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-
4 fluoropentyl)-1H-indazole-3-carboxamide, its optical, positional,
5 and geometric isomers, salts, and salts of isomers (5F-AB-
6 PINACA);
7 (mm) 1-(4-cyanobutyl)-N-(2-phenylpropan-2-yl)-1H-indazole-
8 3-carboxamide, its optical, positional, and geometric isomers,
9 salts, and salts of isomers (4-CN-CUMYL-BUTINACA; 4-cyano-CUMYL-
10 BUTINACA; 4-CN-CUMYLBINACA; CUMYL-4CN-BINACA; SGT-78);
11 (nn) methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-
12 carboxamido)-3-methylbutanoate, its optical, positional, and
13 geometric isomers, salts, and salts of isomers (MMB-CHMICA, AMB-
14 CHMICA);
15 (oo) 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-
16 pyrrolo[2,3-b]pyridine-3-carboxamide, its optical, positional,
17 and geometric isomers, salts, and salts of isomers (5F-CUMYL-
18 P7AICA);
19 (pp) N-ethylpentylone, its optical, positional, and
20 geometric isomers, salts, and salts of isomers (ephylone, 1-(1,3-
21 benzodioxol-5-yl)-2-(ethylamino)-pentan-1-one;
22 (qq) ethyl 2-(1-(5-fluoropentyl)-1H-indazole-3-
23 carboxamido)-3,3-dimethylbutanoate, its optical, positional, and
24 geometric isomers, salts, and salts of isomers (trivial name: 5F-
25 EDMB-PINACA);
26 (rr) methyl 2-(1-(5-fluoropentyl)-1H-indole-3-carboxamido)-
27 3,3-dimethylbutanoate, its optical, positional, and geometric

1 isomers, salts, and salts of isomers (trivial name: 5F-MDMB-
2 PICA);

3 (ss) N-(adamantan-1-yl)-1-(4-fluorobenzyl)-1H-indazole-3-
4 carboxamide, its optical, positional, and geometric isomers,
5 salts, and salts of isomers (trivial names: FUB-AKB48; FUB-
6 APINACA; AKB48 N-(4-FLUOROBENZYL));

7 (tt) 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-
8 indazole-3-carboxamide, its optical, positional, and geometric
9 isomers, salts, and salts of isomers (trivial names: 5F-CUMYL-
10 PINACA; SGT-25);

11 (uu) (1-(4-fluorobenzyl)-1H-indol-3-yl) (2,2,3,3-
12 tetramethylcyclopropyl) methanone, its optical, positional, and
13 geometric isomers, salts, and salts of isomers (trivial name:
14 FUB-144);

15 (vv) N-ethylhexedrone, its optical, positional, and
16 geometric isomers, salts, and salts of isomers (Other name: 2-
17 (ethylamino)-1-phenylhexan-1-one);

18 (ww) *alpha*-pyrrolidinohexanophenone, its optical,
19 positional, and geometric isomers, salts, and salts of isomers
20 (Other names: α -PHP; *alpha*-pyrrolidinohexiophenone; 1-phenyl-2-
21 (pyrrolidin-1-yl)hexan-1-one);

22 (xx) 4-methyl-*alpha*-ethylaminopentiophenone, its optical,
23 positional, and geometric isomers, salts, and salts of isomers;
24 (Other names: 4-MEAP; 2-(ethylamino)-1-(4-methylphenyl)pentan-1-
25 one);

26 (yy) 4'-methyl-*alpha*-pyrrolidinohexiophenone, its optical,
27 positional, and geometric isomers, salts, and salts of isomers

1 (Other names: MPHP; 4'-methyl-*alpha*-pyrrolidinohexanophenone; 1-
2 (4-methylphenyl)-2-(pyrrolidin-1-yl)hexan-1-one);

3 (zz) *alpha*-pyrrolidinoheptaphenone, its optical,
4 positional, and geometric isomers, salts, and salts of isomers
5 (Other names: PV8; 1-phenyl-2-(pyrrolidin-1-yl)heptan-1-one);

6 (aaa) 4'-chloro-*alpha*-pyrrolidinovalerophenone, its
7 optical, positional, and geometric isomers, salts, and salts of
8 isomers (Other names: 4-chloro- α -PVP; 4'-chloro-*alpha*-
9 pyrrolidinopentiophenone; 1-(4-chlorophenyl)-2-(pyrrolidin-1-
10 yl)pentan-1-one);

11 ~~[(8)]~~ (9) Khat, to include all parts of the plant
12 presently classified botanically as *catha edulis*, whether growing
13 or not; the seeds thereof; any extract from any part of such
14 plant; and every compound, manufacture, salt, derivative,
15 mixture, or preparation of the plant, its seed or extracts.

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

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

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

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

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

26 (1) Any of the following substances whether produced
27 directly or indirectly by extraction from substances of vegetable

1 origin, or independently by means of chemical synthesis, or by
2 combination of extraction and chemical synthesis:

3 (a) Opium and opiate; and any salt, compound, derivative or
4 preparation of opium or opiate, excluding apomorphine,
5 thebaine-derived butorphanol, dextrorphan, nalbuphine, nalmeferne,
6 naloxegol, naloxone, and naltrexone, and their respective salts,
7 but including the following:

- 8 a. Raw opium;
- 9 b. Opium extracts;
- 10 c. Opium fluid;
- 11 d. Powdered opium;
- 12 e. Granulated opium;
- 13 f. Tincture of opium;
- 14 g. Codeine;
- 15 h. Dihydroetorphine;
- 16 i. Ethylmorphine;
- 17 [~~i.~~] j. Etorphine hydrochloride;
- 18 [~~j.~~] k. Hydrocodone;
- 19 [~~k.~~] l. Hydromorphone;
- 20 [~~l.~~] m. Metopon;
- 21 [~~m.~~] n. Morphine;
- 22 [~~n.~~] o. Oripavine;
- 23 p. Oxycodone;
- 24 [~~o.~~] q. Oxymorphone;
- 25 [~~p.~~] r. Thebaine;

26 (b) Any salt, compound, derivative, or preparation thereof
27 which is chemically equivalent or identical with any of the

1 substances referred to in this subdivision, but not including the
2 isoquinoline alkaloids of opium;

3 (c) Opium poppy and poppy straw;

4 (d) Coca leaves and any salt, compound, derivative, or
5 preparation of coca leaves, and any salt, compound, derivative,
6 or preparation thereof which is chemically equivalent or
7 identical with any of these substances, but not including the
8 following:

9 a. Decocainized coca leaves or extractions of coca leaves,
10 which extractions do not contain cocaine or ecgonine; or

11 b. Ioflupane;

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

15 (2) Any of the following opiates, including their isomers,
16 esters, ethers, salts, and salts of isomers, whenever the
17 existence of these isomers, esters, ethers, and salts is possible
18 within the specific chemical designation, dextrorphan and
19 levopropoxyphene excepted:

20 (a) Alfentanil;

21 (b) Alphaprodine;

22 (c) Anileridine;

23 (d) Bezitramide;

24 (e) Bulk dextropropoxyphene;

25 (f) Carfentanil;

26 (g) Dihydrocodeine;

27 (h) Diphenoxylate;

- 1 (i) Fentanyl;
- 2 (j) Isomethadone;
- 3 (k) Levo-alphaacetylmethadol;
- 4 (l) Levomethorphan;
- 5 (m) Levorphanol;
- 6 (n) Metazocine;
- 7 (o) Methadone;
- 8 (p) ~~Meperidine;~~
- 9 ~~—(q)~~ Methadone-Intermediate, 4-cyano-2-dimethylamino-4,
10 4-diphenylbutane;
- 11 ~~[-r]~~ (q) Moramide-Intermediate, 2-methyl-3-morpholino-1,
12 1-diphenylpropane-carboxylic acid;
- 13 ~~[-s]~~ (r) Pethidine (meperidine);
- 14 ~~[-t]~~ (s) Pethidine-Intermediate-A,
15 4-cyano-1-methyl-4-phenylpiperidine;
- 16 ~~[-u]~~ (t) Pethidine-Intermediate-B,
17 ethyl-4-phenylpiperidine-4-
18 carboxylate;
- 19 ~~[-v]~~ (u) Pethidine-Intermediate-C,
20 1-methyl-4-phenylpiperidine-4-
21 carboxylic acid;
- 22 ~~[-w]~~ (v) Phenazocine;
- 23 ~~[-x]~~ (w) Piminodine;
- 24 ~~[-y]~~ (x) Racemethorphan;
- 25 ~~[-z]~~ (y) Racemorphan;
- 26 ~~[-aa]~~ (z) Remifentanil;
- 27 ~~[-bb]~~ (aa) Sufentanil;

1 ~~[(ee)]~~ (bb) Tapentadol;

2 (cc) Thiafentanil;

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

6 (a) Amphetamine, its salts, optical isomers, and salts of
7 its optical isomers;

8 (b) Lisdexamfetamine, its salts, isomers, and salts of its
9 isomers;

10 (c) Methamphetamine, its salts, isomers, and salts of its
11 isomers;

12 (d) Phenmetrazine and its salts;

13 (e) Methylphenidate;

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

20 (a) Amobarbital;

21 (b) Glutethimide;

22 (c) Pentobarbital;

23 (d) Phencyclidine;

24 (e) Secobarbital;

25 (5) ~~[Any material or compound which contains any quantity~~
26 ~~of nabilone]~~ Hallucinogenic substances:

27 (a) Any material or compound which contains any quantity of

1 nabilone;

2 (b) Dronabinol [(-)- Δ -9-trans tetrahydrocannabinol] in an
3 oral solution in a drug product approved for marketing by the
4 U.S. Food and Drug Administration;

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

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

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

10 a. 1-phenylcyclohexylamine;

11 b. 1-piperidinocyclohexanecarbonitrile (PCC);

12 (c) Immediate precursor to fentanyl: 4-anilino-N-phenethyl-
13 4-piperidine (ANPP);

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

16 (a) Amyl nitrite;

17 (b) Butyl nitrite.

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

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

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

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

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

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

- 5 (a) Benzphetamine;
- 6 (b) Chlorphentermine;
- 7 (c) Clortermine;
- 8 (d) Phendimetrazine;

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

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

- 15 a. Amobarbital;
- 16 b. Secobarbital;
- 17 c. Pentobarbital;

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

- 20 a. Amobarbital;
- 21 b. Secobarbital;
- 22 c. Pentobarbital;

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

- 25 (d) Chlorhexadol;
- 26 (e) Embutramide;
- 27 (f) Gamma hydroxybutyric acid and its salts, isomers, and

1 salts of isomers contained in a drug product for which an
2 application has been approved under Section 505 of the federal
3 Food, Drug, and Cosmetic Act;

4 (g) Ketamine, its salts, isomers, and salts of isomers;

5 (h) Lysergic acid;

6 (i) Lysergic acid amide;

7 (j) Methyprylon;

8 (k) Perampanel, and its salts, isomers, and salts of
9 isomers;

10 (l) Sulfondiethylmethane;

11 [~~(l)~~] (m) Sulfonethylmethane;

12 [~~(m)~~] (n) Sulfonmethane;

13 [~~(n)~~] (o) Tiletamine and zolazepam or any salt thereof;

14 (3) Nalorphine;

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

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

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

26 (c) [~~Not more than three hundred milligrams of hydrocodone~~
27 ~~per one hundred milliliters or not more than fifteen milligrams~~

1 ~~per dosage unit, with a fourfold or greater quantity of an~~
2 ~~isoquinoline alkaloid of opium;~~

3 ~~—— (d) Not more than three hundred milligrams of hydrocodone~~
4 ~~per one hundred milliliters or not more than fifteen milligrams~~
5 ~~per dosage unit, with one or more active nonnarcotic ingredients~~
6 ~~in recognized therapeutic amounts;~~

7 ~~—— (e)]~~ Not more than 1.8 grams of dihydrocodeine per one
8 hundred milliliters or not more than ninety milligrams per dosage
9 unit, with one or more active, l nonnarcotic ingredients in
10 recognized therapeutic amounts;

11 ~~[(~~f~~)]~~ (d) Not more than three hundred milligrams of
12 ethylmorphine per one hundred milliliters or not more than
13 fifteen milligrams per dosage unit, with one or more active,
14 nonnarcotic ingredients in recognized therapeutic amounts;

15 ~~[(~~g~~)]~~ (e) Not more than five hundred milligrams of opium
16 per one hundred milliliters or per one hundred grams or not more
17 than twenty-five milligrams per dosage unit, with one or more
18 active nonnarcotic ingredients in recognized therapeutic amounts;

19 ~~[(~~h~~)]~~ (f) Not more than fifty milligrams of morphine per
20 one hundred milliliters or per one hundred grams, with one or
21 more active, nonnarcotic ingredients in recognized therapeutic
22 amounts;

23 (5) Any material, compound, mixture, or preparation
24 containing any of the following narcotic drugs or their salts [~~7~~
25 ~~as set forth in subdivision (6) of this subsection;]~~];

26 Buprenorphine;

27 (6) Anabolic steroids. Any drug or hormonal substance,

1 chemically and pharmacologically related to testosterone (other
2 than estrogens, progestins, corticosteroids, and
3 dehydroepiandrosterone) that promotes muscle growth, except an
4 anabolic steroid which is expressly intended for administration
5 through implants to cattle or other nonhuman species and which
6 has been approved by the Secretary of Health and Human Services
7 for that administration. If any person prescribes, dispenses, or
8 distributes such steroid for human use, such person shall be
9 considered to have prescribed, dispensed, or distributed an
10 anabolic steroid within the meaning of this subdivision. Unless
11 specifically excepted or unless listed in another schedule, any
12 material, compound, mixture or preparation containing any
13 quantity of the following substances, including its salts, esters
14 and ethers:

15 (a) [~~3 β ,17~~-dihydroxy-5 α -androstane]

16 3 β ,17 β -dihydroxy-5 α -androstane;

17 (b) 3 α ,17 β -dihydroxy-5 α -androstane;

18 (c) 5 α -androstan-3,17-dione;

19 (d) 1-androstenediol (3 β ,17 β -dihydroxy-5 α -androst-1-ene);

20 (e) 1-androstenediol (3 α ,17 β -dihydroxy-5 α -androst-1-ene);

21 (f) 4-androstenediol (3 β ,17 β -dihydroxy-androst-4-ene);

22 (g) 5-androstenediol (3 β ,17 β -dihydroxy-androst-5-ene);

23 (h) 1-androstenedione ([5 α]-androst-1-en-3,17-dione);

24 (i) 4-androstenedione (androst-4-en-3,17-dione);

25 (j) 5-androstenedione (androst-5-en-3,17-dione);

26 (k) Bolasterone (7 α ,

27 17 α -dimethyl-17 β -hydroxyandrost-4-en-3-one);

1 (l) Boldenone (17 β -hydroxyandrost-1,4,-diene-3-one);
 2 (m) Boldione;
 3 (n) Calusterone (7 β ,
 4 17 α -dimethyl-17 β -hydroxyandrost-4-en-3-one);
 5 (o) Clostebol (4-chloro-17 β -hydroxyandrost-4-en-3-one);
 6 (p) Dehydrochloromethyltestosterone
 7 (4-chloro-17 β -hydroxy-17 α -methyl-
 8 androst-1,4-dien-3-one);
 9 (q) Desoxymethyltestosterone;
 10 (r) [~~A1-dihydrotestosterone (a.k.a.~~
 11 ~~'1-testosterone')~~] (17 β -hydroxy-5 α -
 12 ~~androst-1-en-3-one)~~;
 13 ———(s)] 4-dihydrotestosterone (17 β -hydroxy-androstan-3-one);
 14 [~~(t)~~] (s) Drostanolone
 15 (17 β -hydroxy-2 α -methyl-5 α -androstan-3-one);
 16 [~~(u)~~] (t) Ethylestrenol (17 α -ethyl-17 β -hydroxyestr-4-ene);
 17 [~~(v)~~] (u) Fluoxymesterone
 18 (9-fluoro-17 α -methyl-11 β ,17 β -dihydroxyandrost
 19 -4-en-3-one);
 20 [~~(w)~~] (v) Formebolone
 21 (2-formyl-17 α -methyl-11 α ,17 β -dihydroxyandrost
 22 -1,4-dien-3-one);
 23 [~~(x)~~] (w) Furazabol
 24 (17 α -methyl-17 β -hydroxyandrostan[2,3-c]-furazan);
 25 [~~(y)~~] (x) 13 β -ethyl-17 β -hydroxygon-4-en-3-one;
 26 [~~(z)~~] (y) 4-hydroxytestosterone
 27 (4,17 β -dihydroxy-androst-4-en-3-one);

1 [~~(aa)~~] (z) 4-hydroxy-19-nortestosterone
2 (4,17 β -dihydroxy-estr-4-en-3-one);

3 [~~(bb)~~] (aa) Mestanolone
4 [~~(17 α -methyl-17 β -hydroxy-5-androstan-3-one)~~]
5 (17 α -methyl-17 β -hydroxy-5 α -androstan-3-one);

6 [~~(cc)~~] (bb) Mesterolone
7 [~~(1 α -methyl-17 β -hydroxy-[5 α]-androstan-3-one)~~] (1 α -
8 methyl-17 β -hydroxy-[5 α]-androstan-3-one);

9 [~~(dd)~~] (cc) Methandienone
10 (17 α -methyl-17 β -hydroxyandrost-1,4-dien-3-
11 one);

12 [~~(ee)~~] (dd) Methandriol
13 (17 α -methyl-3 β ,17 β -dihydroxyandrost-5-ene);

14 [~~(ff)~~] (ee) Methasterone (2 α ,17 α -dimethyl-5 α -androstan-
15 17 β -ol-3-one);

16 (ff) Methenolone
17 (1-methyl-17 β -hydroxy-5 α -androst-1-en-3-one);

18 (gg) 17 α -methyl-3 β ,17 β -dihydroxy-5 α -androstane);

19 (hh) 17 α -methyl-3 α ,17 β -dihydroxy-5 α -androstane);

20 (ii) 17 α -methyl-3 β ,17 β -dihydroxyandrost-4-ene;

21 (jj) 17 α -methyl-4-hydroxynandrolone
22 (17 α -methyl-4-hydroxy-17 β -
23 hydroxyestr-4-en-3-one);

24 (kk) Methyldienolone
25 (17 α -methyl-17 β -hydroxyestra-4,9(10)-dien-3-one);

26 (ll) **[Methyltrienolone**
27 ~~(17 α -methyl-17 β -hydroxyestra-4,9-11-trien-3-one)]~~

1 Methyltrienolone (17 α -methyl-17 β -hydroxyestra-4,9,11-trien-3-
2 one);
3 (mm) Methyltestosterone
4 (17 α -methyl-17 β -hydroxyandrost-4-en-3-one);
5 (nn) Mibolerone
6 (7 α ,17 α -dimethyl-17 β -hydroxyestr-4-en-3-one);
7 (oo) 17 α -methyl- Δ 1-dihydrotestosterone
8 (17 β -hydroxy-17 α -methyl-5 α -
9 androst-1-en-3-one) (a.k.a. '17- α -methyl-1-testosterone');
10 (pp) Nandrolone (17 β -hydroxyestr-4-ene-3-one);
11 (qq) 19-nor-4-androstenediol (3 β ,17 β -dihydroxyestr-4-ene);
12 (rr) 19-nor-4-androstenediol (3 α ,17 β -dihydroxyestr-4-ene);
13 (ss) 19-nor-4,9(10)-androstadienedione (estra-4,9(10)-
14 diene-3,17-dione);
15 (tt) 19-nor-5-androstenediol (3 β ,17 β -dihydroxyestr-5-ene);
16 (uu) 19-nor-5-androstenediol (3 α ,17 β -dihydroxyestr-5-ene);
17 (vv) 19-nor-4-androstenedione (estr-4-en-3,17-dione);
18 (ww) 19-nor-5-androstenedione (estr-5-en-3,17-dione);
19 (xx) Norbolethone
20 (13 β ,17 α -diethyl-17 β -hydroxygon-4-en-3-one);
21 (yy) Norclostebol (4-chloro-17 β -hydroxyestr-4-en-3-one);
22 (zz) Norethandrolone
23 (17 α -ethyl-17 β -hydroxyestr-4-en-3-one);
24 (aaa) Normethandrolone
25 (17 α -methyl-17 β -hydroxyestr-4-en-3-one);
26 (bbb) Oxandrolone
27 (17 α -methyl-17 β -hydroxy-2-oxa-[5 α]-androstan-3-one);

1 (ccc) Oxymesterone
2 (17 α -methyl-4,17 β -dihydroxyandrost-4-en-3-one);
3 (ddd) [~~Oxymethalone~~
4 ~~(17 α -methyl-2-hydroxymethylene-17 β -hydroxy-~~
5 ~~[5 α]-androstan-3-one)] Oxymetholone
6 (17 α -methyl-2-hydroxymethylene-
7 17 β -hydroxy-[5 α]-androstan-3-one);
8 (eee) Prostanozolol (17 β -hydroxy-5 α -androstan[3,2-
9 c]pyrazole);
10 (fff) Stanolone (Δ 1-dihydrotestosterone (a.k.a. 1-
11 testosterone)
12 (17 β -hydroxy-5 α -androst-1-en-3-one));
13 (ggg) Stanozolol
14 (17 α -methyl-17 β -hydroxy-[5 α]-androst-2-eno[3,2-c]
15 -pyrazole);
16 [~~(fff)~~] (hhh) Stenbolone
17 (17 β -hydroxy-2-methyl-[5 α]-androst-1-en-3-one);
18 [~~(ggg)~~] (iii) Testolactone
19 (13-hydroxy-3-oxo-13,17-secoandrost-1,4-dien-
20 17-oic acid lactone);
21 [~~(hhh)~~] (jjj) Testosterone
22 (17 β -hydroxyandrost-4-en-3-one);
23 [~~(iii)~~] (kkk) Tetrahydrogestrinone
24 (13 β ,17 α -diethyl-17 β -hydroxygon-4,9,
25 11-trien-3-one);
26 [~~(jjj)~~] (lll) Trenbolone
27 (17 β -hydroxyestr-4,9,11-trien-3-one);~~

1 [~~(kkk)~~] (mmm) Any salt, ester, or ether of a drug or
2 substance described or listed in this subdivision, except an
3 anabolic steroid which is expressly intended for administration
4 through implants to cattle or other nonhuman species and which
5 has been approved by the Secretary of Health and Human Services
6 for that administration;

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

10 (8) The department of health and senior services may except
11 by rule any compound, mixture, or preparation containing any
12 stimulant or depressant substance listed in subdivisions (1) and
13 (2) of this subsection from the application of all or any part of
14 sections 195.010 to 195.320 if the compound, mixture, or
15 preparation contains one or more active medicinal ingredients not
16 having a stimulant or depressant effect on the central nervous
17 system, and if the admixtures are included therein in
18 combinations, quantity, proportion, or concentration that vitiate
19 the potential for abuse of the substances which have a stimulant
20 or depressant effect on the central nervous system.

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

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

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

27 (3) Abuse of the substance may lead to limited physical

1 dependence or psychological dependence relative to the substances
2 in Schedule III.

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

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

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

11 (b) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1,
12 2-diphenyl-3-methyl-2-propionoxybutane);

13 (c) 2-[(dimethylamino)methyl]-1-(3-
14 methoxyphenyl)cyclohexanol, its salts, optical and geometric
15 isomers, and salts of these isomers (including tramadol);

16 (d) Any of the following limited quantities of narcotic
17 drugs or their salts, which shall include one or more nonnarcotic
18 active medicinal ingredients in sufficient proportion to confer
19 upon the compound, mixture or preparation valuable medicinal
20 qualities other than those possessed by the narcotic drug alone:

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

23 b. Not more than one hundred milligrams of dihydrocodeine
24 per one hundred milliliters or per one hundred grams;

25 c. Not more than one hundred milligrams of ethylmorphine
26 per one hundred milliliters or per one hundred grams;

27 (2) Any material, compound, mixture or preparation

1 containing any quantity of the following substances, including
2 their salts, isomers, and salts of isomers whenever the existence
3 of those salts, isomers, and salts of isomers is possible within
4 the specific chemical designation:

5 (a) Alfaxalone;

6 (b) Alprazolam;

7 [~~(b)~~] (c) Barbital;

8 [~~(e)~~] (d) Bromazepam;

9 [~~(d)~~] (e) Camazepam;

10 [~~(e)~~] (f) Carisoprodol;

11 (g) Chloral betaine;

12 [~~(f)~~] (h) Chloral hydrate;

13 [~~(g)~~] (i) Chlordiazepoxide;

14 [~~(h)~~] (j) Clobazam;

15 [~~(i)~~] (k) Clonazepam;

16 [~~(j)~~] (l) Clorazepate;

17 [~~(k)~~] (m) Clotiazepam;

18 [~~(l)~~] (n) Cloxazolam;

19 [~~(m)~~] (o) Delorazepam;

20 [~~(n)~~] (p) Diazepam;

21 [~~(o)~~] (q) Dichloralphenazone;

22 [~~(p)~~] (r) Estazolam;

23 [~~(q)~~] (s) Ethchlorvynol;

24 [~~(r)~~] (t) Ethinamate;

25 [~~(s)~~] (u) Ethyl loflazepate;

26 [~~(t)~~] (v) Fludiazepam;

27 [~~(u)~~] (w) Flunitrazepam;

1 [~~v~~] (x) Flurazepam;
2 [~~w~~] (y) Fospropofol;
3 [~~x~~] (z) Halazepam;
4 [~~y~~] (aa) Haloxazolam;
5 [~~z~~] (bb) Ketazolam;
6 [~~aa~~] (cc) Loprazolam;
7 [~~bb~~] (dd) Lorazepam;
8 [~~cc~~] (ee) Lormetazepam;
9 [~~dd~~] (ff) Mebutamate;
10 [~~ee~~] (gg) Medazepam;
11 [~~ff~~] (hh) Meprobamate;
12 [~~gg~~] (ii) Methohexital;
13 [~~hh~~] (jj) Methylphenobarbital (mephobarbital);
14 [~~ii~~] (kk) Midazolam;
15 [~~jj~~] (ll) Nimetazepam;
16 [~~kk~~] (mm) Nitrazepam;
17 [~~ll~~] (nn) Nordiazepam;
18 [~~mm~~] (oo) Oxazepam;
19 [~~nn~~] (pp) Oxazolam;
20 [~~oo~~] (qq) Paraldehyde;
21 [~~pp~~] (rr) Petrichloral;
22 [~~qq~~] (ss) Phenobarbital;
23 [~~rr~~] (tt) Pinazepam;
24 [~~ss~~] (uu) Prazepam;
25 [~~tt~~] (vv) Quazepam;
26 [~~uu~~] (ww) Suvorexant;
27 (xx) Temazepam;

- 1 [~~(vv)~~] (yy) Tetrazepam;
- 2 [~~(ww)~~] (zz) Triazolam;
- 3 [~~(xx)~~] (aaa) Zaleplon;
- 4 [~~(yy)~~] (bbb) Zolpidem;
- 5 [~~(zz)~~] (ccc) Zopiclone;

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

fenfluramine;

(4) Any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible:

Lorcaserin;

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

- (a) Cathine ((+)-norpseudoephedrine);
- (b) Diethylpropion;
- (c) Fencamfamin;
- (d) Fenproporex;
- (e) Mazindol;
- (f) Mefenorex;
- (g) Modafinil;
- (h) Pemoline, including organometallic complexes and

1 chelates thereof;

2 (i) Phentermine;

3 (j) Pipradrol;

4 (k) Sibutramine;

5 (l) SPA ((-)-1-dimethy-amino-1,2-diphenylethane);

6 ~~[(5)]~~ (6) Any material, compound, mixture or preparation
7 containing any quantity of the following substance, including its
8 salts:

9 (a) Butorphanol (including its optical isomers);

10 (b) Eluxadoline (5-[[[(2S)-2-amino-3-[4-aminocarbonyl]-2,6-
11 dimethylphenyl]-1-oxopropyl] [(1S)-1-(4-phenyl-1 H-imidazol-2-
12 yl)ethyl]amino]methyl]-2-methoxybenzoic acid) (including its
13 optical isomers) and its salts, isomers, and salts of isomers;

14 (c) Pentazocine;

15 ~~[(6)]~~ (7) Ephedrine, its salts, optical isomers and salts
16 of optical isomers, when the substance is the only active
17 medicinal ingredient;

18 ~~[(7)]~~ (8) The department of health and senior services may
19 except by rule any compound, mixture, or preparation containing
20 any depressant substance listed in subdivision (1) of this
21 subsection from the application of all or any part of sections
22 195.010 to 195.320 and sections 579.015 to 579.086 if the
23 compound, mixture, or preparation contains one or more active
24 medicinal ingredients not having a depressant effect on the
25 central nervous system, and if the admixtures are included
26 therein in combinations, quantity, proportion, or concentration
27 that vitiate the potential for abuse of the substances which have

1 a depressant effect on the central nervous system.

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

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

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

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

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

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

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

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

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

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

5 (3) Any compound, mixture, or preparation containing any
6 detectable quantity of pseudoephedrine or its salts or optical
7 isomers, or salts of optical isomers or any compound, mixture, or
8 preparation containing any detectable quantity of ephedrine or
9 its salts or optical isomers, or salts of optical isomers;

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

15 (a) Brivaracetam ((2S)-2-[[4R]-2-oxo-4-propylpyrrolidin-1-
16 yl]butanamide) (also referred to as BRV; UCB-34714; Briviact);

17 (b) Ezogabine [N-[2-amino-4-(4-fluorobenzylamino)-phenyl]-
18 carbamic acid ethyl ester];

19 (c) Lacosamide [(R)-2-acetoamido-N-benzyl-3-methoxy-
20 propionamide];

21 ~~[(b)]~~ (d) Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic
22 acid];

23 (5) Any drug product in finished dosage formulation that
24 has been approved by the U.S. Food and Drug Administration that
25 contains cannabidiol (2-[[1R-3-methyl-6R-(1-methylethenyl)-2-
26 cyclohexen-1-yl]-5-pentyl-1,3-benzenediol) derived from cannabis
27 and no more than 0.1 percent (w/w) residual tetrahydro

1 cannabinols.

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

5 (1) All packages of any compound, mixture, or preparation
6 containing any detectable quantity of pseudoephedrine, its salts
7 or optical isomers, or salts of optical isomers or ephedrine, its
8 salts or optical isomers, or salts of optical isomers, shall be
9 offered for sale only from behind a pharmacy counter where the
10 public is not permitted, and only by a registered pharmacist or
11 registered pharmacy technician; and

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

18 (3) The pharmacist, intern pharmacist, or registered
19 pharmacy technician shall require any person, prior to such
20 person's purchasing, receiving or otherwise acquiring such
21 compound, mixture, or preparation to furnish suitable photo
22 identification that is issued by a state or the federal
23 government or a document that, with respect to identification, is
24 considered acceptable and showing the date of birth of the
25 person;

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

1 12. Pharmacists, intern pharmacists, and registered
2 pharmacy technicians shall implement and maintain an electronic
3 log of each transaction. Such log shall include the following
4 information:

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

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

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

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

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

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

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

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

27 17. The scheduling of substances specified in subdivision

1 (3) of subsection 10 of this section and subsections 11, 12, 14,
2 and 15 of this section shall not apply to any compounds,
3 mixtures, or preparations that are in liquid or liquid-filled gel
4 capsule form or to any compound, mixture, or preparation
5 specified in subdivision (3) of subsection 10 of this section
6 which must be dispensed, sold, or distributed in a pharmacy
7 pursuant to a prescription.

8 18. The manufacturer of a drug product or another
9 interested party may apply with the department of health and
10 senior services for an exemption from this section. The
11 department of health and senior services may grant an exemption
12 by rule from this section if the department finds the drug
13 product is not used in the illegal manufacture of methamphetamine
14 or other controlled or dangerous substances. The department of
15 health and senior services shall rely on reports from law
16 enforcement and law enforcement evidentiary laboratories in
17 determining if the proposed product can be used to manufacture
18 illicit controlled substances.

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

21 20. The department of health and senior services shall
22 promulgate rules under chapter 536 regarding the security and
23 storage of Schedule V controlled substances, as described in
24 subdivision (3) of subsection 10 of this section, for
25 distributors as registered by the department of health and senior
26 services.

27 21. Logs of transactions required to be kept and maintained

1 by this section and section 195.417 shall create a rebuttable
2 presumption that the person whose name appears in the logs is the
3 person whose transactions are recorded in the logs.

4 195.417. 1. The limits specified in this section shall not
5 apply to any quantity of such product, mixture, or preparation
6 which must be dispensed, sold, or distributed in a pharmacy
7 pursuant to a valid prescription.

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

15 (1) The sole active ingredient; or

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

17 (3) A combination of any of the products specified in
18 subdivisions (1) and (2) of this subsection;
19 in any total amount greater than ~~[nine]~~ seven and two-tenths
20 grams, without regard to the number of transactions.

21 3. Within any twenty-four-hour period, no pharmacist,
22 intern pharmacist, or registered pharmacy technician shall sell,
23 dispense, or otherwise provide to the same individual, and no
24 person shall purchase, receive, or otherwise acquire more than
25 the following amount: any number of packages of any drug product
26 containing any detectable amount of ephedrine,
27 phenylpropanolamine, or pseudoephedrine, or any of their salts or

1 optical isomers, or salts of optical isomers, either as:

2 (1) The sole active ingredient; or

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

4 (3) A combination of any of the products specified in
5 subdivisions (1) and (2) of this subsection;

6 in any total amount greater than three and six-tenths grams
7 without regard to the number of transactions.

8 4. All packages of any compound, mixture, or preparation
9 containing any detectable quantity of ephedrine,
10 phenylpropanolamine, or pseudoephedrine, or any of their salts or
11 optical isomers, or salts of optical isomers, except those that
12 are excluded from Schedule V in subsection 17 or 18 of section
13 195.017, shall be offered for sale only from behind a pharmacy
14 counter where the public is not permitted, and only by a
15 registered pharmacist or registered pharmacy technician under
16 section 195.017.

17 5. Each pharmacy shall submit information regarding sales
18 of any compound, mixture, or preparation as specified in this
19 section in accordance with transmission methods and frequency
20 established by the department by regulation.

21 6. No prescription shall be required for the dispensation,
22 sale, or distribution of any drug product containing any
23 detectable amount of ephedrine, phenylpropanolamine, or
24 pseudoephedrine, or any of their salts or optical isomers, or
25 salts of optical isomers, in an amount within the limits
26 described in subsections 2 and 3 of this section; provided, that
27 a valid prescription shall be required for amounts in excess of

1 such limits. The provisions of this subsection shall not apply
2 in any calendar year in which the methamphetamine laboratory
3 seizure incidents in this state, as reported by the division of
4 drug and crime control within the Missouri state highway patrol,
5 exceed three hundred incidents for the most recent calendar year
6 for which such data is reported by the division and made publicly
7 available.

8 7. This section shall supersede and preempt any local
9 ordinances or regulations, including any ordinances or
10 regulations enacted by any political subdivision of the state.
11 This section shall not apply to the sale of any animal feed
12 products containing ephedrine or any naturally occurring or
13 herbal ephedra or extract of ephedra.

14 ~~[7.]~~ 8. All logs, records, documents, and electronic
15 information maintained for the dispensing of these products shall
16 be open for inspection and copying by municipal, county, and
17 state or federal law enforcement officers whose duty it is to
18 enforce the controlled substances laws of this state or the
19 United States.

20 ~~[8.]~~ 9. All persons who dispense or offer for sale
21 pseudoephedrine and ephedrine products, except those that are
22 excluded from Schedule V in subsection 17 or 18 of section
23 195.017, shall ensure that all such products are located only
24 behind a pharmacy counter where the public is not permitted.

25 ~~[9.]~~ 10. The penalty for a knowing or reckless violation
26 of this section is found in section 579.060.

27 195.805. 1. No edible marijuana-infused product sold in

1 Missouri pursuant to Article XIV of the Missouri Constitution
2 shall be designed, produced, or marketed in a manner that is
3 designed to appeal to persons under eighteen years of age,
4 including, but not limited to, the following:

5 (1) Candies, including gummies, lollipops, cotton candy, or
6 any product using the word "candy" or "candies" on the label; or

7 (2) Products in the shape of a human, animal, or fruit,
8 including realistic, artistic, caricature, or cartoon renderings.
9 However, geometric shapes, including, but not limited to,
10 circles, squares, rectangles, and triangles, shall be permitted.

11 2. Any licensed or certified entity regulated by the
12 department of health and senior services pursuant to Article XIV
13 of the Missouri Constitution found to have violated the
14 provisions of this section shall be subject to department
15 sanctions, including an administrative penalty, in accordance
16 with the regulations promulgated by the department pursuant to
17 Article XIV of the Missouri Constitution.

18 3. Each individually wrapped edible marijuana-infused
19 product containing any amount of tetrahydrocannabinols (THC)
20 shall be stamped or the package or wrapping otherwise labeled
21 with a diamond containing the letters "THC" and the number of
22 milligrams of THC in that individually wrapped product.

23 4. The department shall promulgate rules and regulations
24 regarding edible marijuana-infused products designed to appeal to
25 persons under eighteen years of age, as well as promulgate rules
26 and regulations to establish a process by which a licensed or
27 certified entity may seek approval of an edible product design,

1 package, or label prior to such product's manufacture or sale in
2 order to determine compliance with the provisions of this section
3 and any rules promulgated pursuant to this section. Any rule or
4 portion of a rule, as that term is defined in section 536.010
5 that is created under the authority delegated in this section
6 shall become effective only if it complies with and is subject to
7 all of the provisions of chapter 536 and, if applicable, section
8 536.028. This section and chapter 536 are nonseverable and if
9 any of the powers vested with the general assembly pursuant to
10 chapter 536 to review, to delay the effective date, or to
11 disapprove and annul a rule are subsequently held
12 unconstitutional, then the grant of rulemaking authority and any
13 rule proposed or adopted after August 28, 2020, shall be invalid
14 and void.

15 195.815. 1. The department of health and senior services
16 shall require all officers, managers, contractors, employees, and
17 other support staff of licensed or certified medical marijuana
18 facilities, and all owners of such medical marijuana facilities
19 with access to the facilities or to the facilities' medical
20 marijuana, to submit fingerprints to the Missouri state highway
21 patrol for the purpose of conducting state and federal
22 fingerprint-based criminal background checks.

23 2. The department shall require that such fingerprint
24 submissions be made as a part of a medical marijuana facility
25 application for licensure or certification and an individual's
26 application for an identification card authorizing such
27 individual to be an owner, officer, manager, contractor,

1 employee, or other support staff of a medical marijuana facility.

2 3. Fingerprint cards and any required fees shall be sent to
3 the Missouri state highway patrol's central repository. The
4 fingerprints shall be used for searching the state criminal
5 history repository and shall also be forwarded to the Federal
6 Bureau of Investigation for the searching of the federal criminal
7 history files under section 43.540. The Missouri state highway
8 patrol shall notify the department of any criminal history
9 information or lack of criminal history information on the
10 individual. Notwithstanding the provisions of section 610.120,
11 all records related to any criminal history information shall be
12 available to the department.

13 4. The director may promulgate all necessary rules and
14 regulations for the administration of this section. Any rule or
15 portion of a rule, as that term is defined in section 536.010,
16 that is created under the authority delegated in this section
17 shall become effective only if it complies with and is subject to
18 all of the provisions of chapter 536 and, if applicable, section
19 536.028. This section and chapter 536 are nonseverable, and if
20 any of the powers vested with the general assembly pursuant to
21 chapter 536 to review, to delay the effective date, or to
22 disapprove and annul a rule are subsequently held
23 unconstitutional, then the grant of rulemaking authority and any
24 rule proposed or adopted after August 28, 2020, shall be invalid
25 and void.

26 211.071. 1. If a petition alleges that a child between the
27 ages of twelve and eighteen has committed an offense which would

1 be considered a felony if committed by an adult, the court may,
2 upon its own motion or upon motion by the juvenile officer, the
3 child or the child's custodian, order a hearing and may, in its
4 discretion, dismiss the petition and such child may be
5 transferred to the court of general jurisdiction and prosecuted
6 under the general law; except that if a petition alleges that any
7 child has committed an offense which would be considered first
8 degree murder under section 565.020, second degree murder under
9 section 565.021, first degree assault under section 565.050,
10 forcible rape under section 566.030 as it existed prior to August
11 28, 2013, rape in the first degree under section 566.030,
12 forcible sodomy under section 566.060 as it existed prior to
13 August 28, 2013, sodomy in the first degree under section
14 566.060, first degree robbery under section 569.020 as it existed
15 prior to January 1, 2017, or robbery in the first degree under
16 section 570.023, distribution of drugs under section 195.211 as
17 it existed prior to January 1, 2017, ~~[or]~~ the manufacturing of a
18 controlled substance under section 579.055, or vehicle hijacking
19 under section 570.027, or has committed two or more prior
20 unrelated offenses which would be felonies if committed by an
21 adult, the court shall order a hearing, and may in its
22 discretion, dismiss the petition and transfer the child to a
23 court of general jurisdiction for prosecution under the general
24 law.

25 2. Upon apprehension and arrest, jurisdiction over the
26 criminal offense allegedly committed by any person between
27 eighteen and twenty-one years of age over whom the juvenile court

1 has retained continuing jurisdiction shall automatically
2 terminate and that offense shall be dealt with in the court of
3 general jurisdiction as provided in section 211.041.

4 3. Knowing and willful age misrepresentation by a juvenile
5 subject shall not affect any action or proceeding which occurs
6 based upon the misrepresentation. Any evidence obtained during
7 the period of time in which a child misrepresents his or her age
8 may be used against the child and will be subject only to rules
9 of evidence applicable in adult proceedings.

10 4. Written notification of a transfer hearing shall be
11 given to the juvenile and his or her custodian in the same manner
12 as provided in sections 211.101 and 211.111. Notice of the
13 hearing may be waived by the custodian. Notice shall contain a
14 statement that the purpose of the hearing is to determine whether
15 the child is a proper subject to be dealt with under the
16 provisions of this chapter, and that if the court finds that the
17 child is not a proper subject to be dealt with under the
18 provisions of this chapter, the petition will be dismissed to
19 allow for prosecution of the child under the general law.

20 5. The juvenile officer may consult with the office of
21 prosecuting attorney concerning any offense for which the child
22 could be certified as an adult under this section. The
23 prosecuting or circuit attorney shall have access to police
24 reports, reports of the juvenile or deputy juvenile officer,
25 statements of witnesses and all other records or reports relating
26 to the offense alleged to have been committed by the child. The
27 prosecuting or circuit attorney shall have access to the

1 disposition records of the child when the child has been
2 adjudicated pursuant to subdivision (3) of subsection 1 of
3 section 211.031. The prosecuting attorney shall not divulge any
4 information regarding the child and the offense until the
5 juvenile court at a judicial hearing has determined that the
6 child is not a proper subject to be dealt with under the
7 provisions of this chapter.

8 6. A written report shall be prepared in accordance with
9 this chapter developing fully all available information relevant
10 to the criteria which shall be considered by the court in
11 determining whether the child is a proper subject to be dealt
12 with under the provisions of this chapter and whether there are
13 reasonable prospects of rehabilitation within the juvenile
14 justice system. These criteria shall include but not be limited
15 to:

16 (1) The seriousness of the offense alleged and whether the
17 protection of the community requires transfer to the court of
18 general jurisdiction;

19 (2) Whether the offense alleged involved viciousness, force
20 and violence;

21 (3) Whether the offense alleged was against persons or
22 property with greater weight being given to the offense against
23 persons, especially if personal injury resulted;

24 (4) Whether the offense alleged is a part of a repetitive
25 pattern of offenses which indicates that the child may be beyond
26 rehabilitation under the juvenile code;

27 (5) The record and history of the child, including

1 experience with the juvenile justice system, other courts,
2 supervision, commitments to juvenile institutions and other
3 placements;

4 (6) The sophistication and maturity of the child as
5 determined by consideration of his or her home and environmental
6 situation, emotional condition and pattern of living;

7 (7) The age of the child;

8 (8) The program and facilities available to the juvenile
9 court in considering disposition;

10 (9) Whether or not the child can benefit from the treatment
11 or rehabilitative programs available to the juvenile court; and

12 (10) Racial disparity in certification.

13 7. If the court dismisses the petition to permit the child
14 to be prosecuted under the general law, the court shall enter a
15 dismissal order containing:

16 (1) Findings showing that the court had jurisdiction of the
17 cause and of the parties;

18 (2) Findings showing that the child was represented by
19 counsel;

20 (3) Findings showing that the hearing was held in the
21 presence of the child and his or her counsel; and

22 (4) Findings showing the reasons underlying the court's
23 decision to transfer jurisdiction.

24 8. A copy of the petition and order of the dismissal shall
25 be sent to the prosecuting attorney.

26 9. When a petition has been dismissed thereby permitting a
27 child to be prosecuted under the general law and the prosecution

1 of the child results in a conviction, the jurisdiction of the
2 juvenile court over that child is forever terminated, except as
3 provided in subsection 10 of this section, for an act that would
4 be a violation of a state law or municipal ordinance.

5 10. If a petition has been dismissed thereby permitting a
6 child to be prosecuted under the general law and the child is
7 found not guilty by a court of general jurisdiction, the juvenile
8 court shall have jurisdiction over any later offense committed by
9 that child which would be considered a misdemeanor or felony if
10 committed by an adult, subject to the certification provisions of
11 this section.

12 11. If the court does not dismiss the petition to permit
13 the child to be prosecuted under the general law, it shall set a
14 date for the hearing upon the petition as provided in section
15 211.171.

16 211.071. 1. If a petition alleges that a child between the
17 ages of twelve and seventeen has committed an offense which would
18 be considered a felony if committed by an adult, the court may,
19 upon its own motion or upon motion by the juvenile officer, the
20 child or the child's custodian, order a hearing and may, in its
21 discretion, dismiss the petition and such child may be
22 transferred to the court of general jurisdiction and prosecuted
23 under the general law; except that if a petition alleges that any
24 child has committed an offense which would be considered first
25 degree murder under section 565.020, second degree murder under
26 section 565.021, first degree assault under section 565.050,
27 forcible rape under section 566.030 as it existed prior to August

1 28, 2013, rape in the first degree under section 566.030,
2 forcible sodomy under section 566.060 as it existed prior to
3 August 28, 2013, sodomy in the first degree under section
4 566.060, first degree robbery under section 570.023, ~~[or]~~
5 distribution of drugs under section 579.055, or vehicle hijacking
6 under section 570.027, or has committed two or more prior
7 unrelated offenses which would be felonies if committed by an
8 adult, the court shall order a hearing, and may in its
9 discretion, dismiss the petition and transfer the child to a
10 court of general jurisdiction for prosecution under the general
11 law.

12 2. Upon apprehension and arrest, jurisdiction over the
13 criminal offense allegedly committed by any person between
14 seventeen and twenty-one years of age over whom the juvenile
15 court has retained continuing jurisdiction shall automatically
16 terminate and that offense shall be dealt with in the court of
17 general jurisdiction as provided in section 211.041.

18 3. Knowing and willful age misrepresentation by a juvenile
19 subject shall not affect any action or proceeding which occurs
20 based upon the misrepresentation. Any evidence obtained during
21 the period of time in which a child misrepresents his or her age
22 may be used against the child and will be subject only to rules
23 of evidence applicable in adult proceedings.

24 4. Written notification of a transfer hearing shall be
25 given to the juvenile and his or her custodian in the same manner
26 as provided in sections 211.101 and 211.111. Notice of the
27 hearing may be waived by the custodian. Notice shall contain a

1 statement that the purpose of the hearing is to determine whether
2 the child is a proper subject to be dealt with under the
3 provisions of this chapter, and that if the court finds that the
4 child is not a proper subject to be dealt with under the
5 provisions of this chapter, the petition will be dismissed to
6 allow for prosecution of the child under the general law.

7 5. The juvenile officer may consult with the office of
8 prosecuting attorney concerning any offense for which the child
9 could be certified as an adult under this section. The
10 prosecuting or circuit attorney shall have access to police
11 reports, reports of the juvenile or deputy juvenile officer,
12 statements of witnesses and all other records or reports relating
13 to the offense alleged to have been committed by the child. The
14 prosecuting or circuit attorney shall have access to the
15 disposition records of the child when the child has been
16 adjudicated pursuant to subdivision (3) of subsection 1 of
17 section 211.031. The prosecuting attorney shall not divulge any
18 information regarding the child and the offense until the
19 juvenile court at a judicial hearing has determined that the
20 child is not a proper subject to be dealt with under the
21 provisions of this chapter.

22 6. A written report shall be prepared in accordance with
23 this chapter developing fully all available information relevant
24 to the criteria which shall be considered by the court in
25 determining whether the child is a proper subject to be dealt
26 with under the provisions of this chapter and whether there are
27 reasonable prospects of rehabilitation within the juvenile

1 justice system. These criteria shall include but not be limited
2 to:

3 (1) The seriousness of the offense alleged and whether the
4 protection of the community requires transfer to the court of
5 general jurisdiction;

6 (2) Whether the offense alleged involved viciousness, force
7 and violence;

8 (3) Whether the offense alleged was against persons or
9 property with greater weight being given to the offense against
10 persons, especially if personal injury resulted;

11 (4) Whether the offense alleged is a part of a repetitive
12 pattern of offenses which indicates that the child may be beyond
13 rehabilitation under the juvenile code;

14 (5) The record and history of the child, including
15 experience with the juvenile justice system, other courts,
16 supervision, commitments to juvenile institutions and other
17 placements;

18 (6) The sophistication and maturity of the child as
19 determined by consideration of his home and environmental
20 situation, emotional condition and pattern of living;

21 (7) The age of the child;

22 (8) The program and facilities available to the juvenile
23 court in considering disposition;

24 (9) Whether or not the child can benefit from the treatment
25 or rehabilitative programs available to the juvenile court; and

26 (10) Racial disparity in certification.

27 7. If the court dismisses the petition to permit the child

1 to be prosecuted under the general law, the court shall enter a
2 dismissal order containing:

3 (1) Findings showing that the court had jurisdiction of the
4 cause and of the parties;

5 (2) Findings showing that the child was represented by
6 counsel;

7 (3) Findings showing that the hearing was held in the
8 presence of the child and his counsel; and

9 (4) Findings showing the reasons underlying the court's
10 decision to transfer jurisdiction.

11 8. A copy of the petition and order of the dismissal shall
12 be sent to the prosecuting attorney.

13 9. When a petition has been dismissed thereby permitting a
14 child to be prosecuted under the general law and the prosecution
15 of the child results in a conviction, the jurisdiction of the
16 juvenile court over that child is forever terminated, except as
17 provided in subsection 10 of this section, for an act that would
18 be a violation of a state law or municipal ordinance.

19 10. If a petition has been dismissed thereby permitting a
20 child to be prosecuted under the general law and the child is
21 found not guilty by a court of general jurisdiction, the juvenile
22 court shall have jurisdiction over any later offense committed by
23 that child which would be considered a misdemeanor or felony if
24 committed by an adult, subject to the certification provisions of
25 this section.

26 11. If the court does not dismiss the petition to permit
27 the child to be prosecuted under the general law, it shall set a

1 date for the hearing upon the petition as provided in section
2 211.171.

3 217.697. 1. Notwithstanding any other provision of law,
4 any offender who:

5 (1) Is incarcerated in a correctional facility after being
6 sentenced by a court of this state;

7 (2) Is serving a sentence of life without parole for a
8 minimum of fifty years or more and who was sentenced under
9 section 565.008 for an offense committed prior to October 1,
10 1984;

11 (3) Is sixty-five years of age or older;

12 (4) Has no felony conviction for a dangerous felony, as
13 defined under section 556.061, prior to the conviction for which
14 he or she is currently incarcerated; and

15 (5) Is not a convicted sex offender

16
17 shall receive a parole hearing upon serving thirty years or more
18 of his or her sentence.

19 2. During the parole hearing required under subsection 1 of
20 this section, the parole board shall determine whether there is a
21 reasonable probability the offender shall live and remain at
22 liberty without violating the law upon release. If the board
23 determines a reasonable probability exists, the offender shall be
24 eligible for release upon a finding that the offender has:

25 (1) A record of good conduct while incarcerated;

26 (2) Demonstrated self-rehabilitation while incarcerated;

27 (3) A workable parole plan, including community and family

1 support; and

2 (4) An institutional risk factor score and a mental health
3 score determined to be appropriate by the parole board.

4 3. Any offender granted parole under this section shall be
5 subject to a minimum of five years of supervision by the division
6 of probation and parole upon release.

7 4. Nothing in this section shall diminish the consideration
8 of parole under any other provision of law applicable to the
9 offender or the responsibility and authority of the governor to
10 grant clemency, including pardons and commutation of sentences if
11 necessary or desirable.

12 217.735. 1. Notwithstanding any other provision of law to
13 the contrary, the board shall supervise an offender for the
14 duration of his or her natural life when the offender has been
15 found guilty of an offense under:

16 (1) Section 566.030, 566.032, 566.060, 566.062, 566.067,
17 566.083, 566.100, 566.151, 566.212, 566.213, 568.020, 568.080, or
18 568.090 based on an act committed on or after August 28, 2006; or

19 (2) Section 566.068, 566.069, 566.210, 566.211, 573.200, or
20 573.205 based on an act committed on or after January 1, 2017,
21 against a victim who was less than fourteen years old and the
22 offender is a prior sex offender as defined in subsection 2 of
23 this section.

24 2. For the purpose of this section, a prior sex offender is
25 a person who has previously pleaded guilty to or been found
26 guilty of an offense contained in chapter 566 or violating
27 section 568.020 when the person had sexual intercourse or deviate

1 sexual intercourse with the victim, or violating subdivision (2)
2 of subsection 1 of section 568.045.

3 3. Subsection 1 of this section applies to offenders who
4 have been granted probation, and to offenders who have been
5 released on parole, conditional release, or upon serving their
6 full sentence without early release. Supervision of an offender
7 who was released after serving his or her full sentence will be
8 considered as supervision on parole.

9 4. A mandatory condition of lifetime supervision of an
10 offender under this section is that the offender be
11 electronically monitored. Electronic monitoring shall be based
12 on a global positioning system or other technology that
13 identifies and records the offender's location at all times.

14 5. In appropriate cases as determined by a risk assessment,
15 the board may terminate the supervision of an offender who is
16 being supervised under this section when the offender is sixty-
17 five years of age or older.

18 6. In accordance with section 217.040, the board may adopt
19 rules relating to supervision and electronic monitoring of
20 offenders under this section.

21 7. If an offender subject to lifetime supervision under
22 this section is supervised during the offender's probation,
23 parole, or conditional release in a receiving state under the
24 interstate compact authorized in sections 589.500 to 589.569 and
25 chapter 559, following completion of probation, parole, or
26 conditional release the offender shall be permitted to remain in
27 the receiving state, and the board shall defer to the standards

1 of supervision of the receiving state, including electronic
2 monitoring. If at any time the offender returns to Missouri for
3 more than thirty consecutive days, the offender shall be subject
4 to lifetime supervision required by this section.

5 217.850. 1. A person commits the offense of unlawful use
6 of unmanned aircraft over a correctional center if he or she
7 purposely:

8 (1) Operates an unmanned aircraft within a vertical
9 distance of four hundred feet over a correctional center's secure
10 perimeter fence; or

11 (2) Allows an unmanned aircraft to make contact with a
12 correctional center, including any person or object on the
13 premises of or within the facility.

14 2. For purposes of this section, "correctional center"
15 shall include:

16 (1) Any correctional center as defined in section 217.010;

17 (2) Any private jail as defined in section 221.095; and

18 (3) Any county or municipal jail.

19 3. The provisions of this section shall not prohibit the
20 operation of an unmanned aircraft by:

21 (1) An employee of the correctional center at the direction
22 of the chief administrative officer of the facility;

23 (2) A person who has written consent from the chief
24 administrative officer of the facility;

25 (3) An employee of a law enforcement agency, fire
26 department, or emergency medical service in the exercise of
27 official duties;

1 (4) A government official or employee in the exercise of
2 official duties;

3 (5) A public utility or a rural electric cooperative if:

4 (a) The unmanned aircraft is used for the purpose of
5 inspecting, repairing, or maintaining utility transmission or
6 distribution lines or other utility equipment or infrastructure;

7 (b) The utility notifies the correctional center before
8 flying the unmanned aircraft, except during an emergency; and

9 (c) The person operating the unmanned aircraft does not
10 physically enter the prohibited space without an escort provided
11 by the correctional center;

12 (6) An employee of a railroad in the exercise of official
13 duties on any land owned or operated by a railroad corporation
14 regulated by the Federal Railroad Administration; or

15 (7) A person operating an unmanned aircraft pursuant to and
16 in compliance with any waiver issued by the Federal Aviation
17 Authority under 14 C.F.R. Section 107.200.

18 4. The offense of unlawful use of unmanned aircraft over a
19 correctional center shall be punishable as an infraction unless
20 the person uses an unmanned aircraft for the purpose of:

21 (1) Delivering a gun, knife, weapon, or other article that
22 may be used in such manner to endanger the life of an offender or
23 correctional center employee, in which case the offense is a
24 class B felony;

25 (2) Facilitating an escape from confinement under section
26 575.210, in which case the offense is a class C felony; or

27 (3) Delivering a controlled substance, as that term is

1 defined under section 195.010, in which case the offense is a
2 class D felony.

3 5. Each correctional center shall post a sign warning of
4 the provisions of this section. The sign shall be at least
5 eleven inches by fourteen inches and posted in a conspicuous
6 place.

7 221.111. 1. A person commits the offense of possession of
8 unlawful items in a prison or jail if such person knowingly
9 delivers, attempts to deliver, possesses, deposits, or conceals
10 in or about the premises of any correctional center as the term
11 "correctional center" is defined under section 217.010, or any
12 city, county, or private jail:

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

16 (2) Any other alkaloid of any kind or any intoxicating
17 liquor as the term intoxicating liquor is defined in section
18 311.020;

19 (3) Any article or item of personal property which a
20 prisoner is prohibited by law, by rule made pursuant to section
21 221.060, or by regulation of the department of corrections from
22 receiving or possessing, except as herein provided;

23 (4) Any gun, knife, weapon, or other article or item of
24 personal property that may be used in such manner as to endanger
25 the safety or security of the institution or as to endanger the
26 life or limb of any prisoner or employee thereof; or

27 (5) Any two-way telecommunications device or the component

1 parts thereof.

2 2. The violation of subdivision (1) of subsection 1 of this
3 section shall be a class D felony; the violation of subdivision
4 (2) or (5) of subsection 1 of this section shall be a class E
5 felony; the violation of subdivision (3) of subsection 1 of this
6 section shall be a class A misdemeanor; and the violation of
7 subdivision (4) of subsection 1 of this section shall be a class
8 B felony.

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

23 4. Any person who has been found guilty of a violation of
24 subdivision (2) of subsection 1 of this section involving any
25 alkaloid shall be entitled to expungement of the record of the
26 violation. The procedure to expunge the record shall be pursuant
27 to section 610.123. The record of any person shall not be

1 expunged if such person has been found guilty of knowingly
2 delivering, attempting to deliver, possessing, depositing, or
3 concealing any alkaloid of any controlled substance in or about
4 the premises of any correctional center, or city or county jail,
5 or private prison or jail.

6 5. Subdivision (5) of subsection 1 of this section shall
7 not apply to:

8 (1) Any law enforcement officer employed by a state agency,
9 federal agency, or political subdivision lawfully engaged in his
10 or her duties as a law enforcement officer;

11 (2) Any person authorized by the correctional center or
12 city, county, or private jail to possess or use a two-way
13 telecommunications device in the correctional center or city,
14 county, or private jail; or

15 (3) Any person who is not an inmate possessing a two-way
16 telecommunications device or the component parts thereof in a
17 correctional center or city, county, or private jail if such
18 person lawfully acts without intent to conceal and without intent
19 to deliver to another person or deposit for the use of another
20 person; however, if such person refuses to comply with orders to
21 surrender such device or its component parts, he or she shall be
22 guilty of a class A misdemeanor.

23 270.400. 1. For purposes of this section, the following
24 terms mean:

25 (1) "Feral hog", any hog, including Russian and European
26 wild boar, that is not conspicuously identified by ear tags or
27 other forms of identification and is roaming freely upon public

1 or private lands without the landowner's permission;

2 (2) "Landowner's agent", any person who has permission from
3 a landowner to be present on the landowner's property;

4 (3) "Verifiable consent", consent received in any form
5 including, but not limited to, voice mail, telephone call, or
6 text message from the landowner that an agent of the conservation
7 commission is able to substantiate within seven calendar days
8 after contact with the landowner's agent.

9 2. A person may kill a feral hog roaming freely upon such
10 person's land and shall not be liable to the owner of the hog for
11 the loss of the hog.

12 3. Any person may take or kill a feral hog on public land
13 or private land with the consent of the landowner [~~; except that,~~
14 ~~during the firearms deer and turkey hunting season, the~~
15 ~~regulations of the Missouri wildlife code shall apply~~]. Such
16 person shall not be liable to the owner of the hog for the loss
17 of such hog.

18 4. No person except a landowner or such landowner's agent
19 with verifiable consent of the landowner on such landowner's
20 property shall take, attempt to take, or kill a feral hog with
21 the use of an artificial light. No provision of this section
22 shall be construed to prohibit a landowner or the landowner's
23 agent from using a night vision, infrared, or thermal imaging
24 device.

25 5. The director of the department of agriculture shall
26 promulgate rules for fencing and health standards for Russian and
27 European wild boar and wild-caught swine held alive on private

1 land. Any person holding Russian or European wild boar or
2 wild-caught swine on private land shall annually submit an
3 application to the department for a permit. Any applicant that
4 successfully meets the requirements under this section as
5 determined by the department and pays an application fee shall be
6 issued a permit.

7 6. Russian and European wild boar and wild-caught swine may
8 move only from a farm to a farm or directly to slaughter or to a
9 slaughter-only market. The department shall promulgate rules for
10 exemption permits and a fee structure to offset the actual and
11 necessary costs incurred to enforce the provisions of this
12 section.

13 7. (1) There is hereby created in the state treasury the
14 "Animal Health Fund", which shall consist of all fees and
15 administrative penalties collected by the department of
16 agriculture under this section and section 270.260. The state
17 treasurer shall be custodian of the fund. In accordance with
18 sections 30.170 and 30.180, the state treasurer may approve
19 disbursements. Upon appropriation, moneys in the fund shall be
20 used for the administration of this section and section 270.260.

21 (2) Notwithstanding the provisions of section 33.080 to the
22 contrary, any moneys remaining in the fund at the end of the
23 biennium shall not revert to the credit of the general revenue
24 fund.

25 (3) The state treasurer shall invest moneys in the fund in
26 the same manner as other funds are invested. Any interest and
27 moneys earned on such investments shall be credited to the fund.

1 8. Any person who violates subsection 2 of section 270.260
2 may, in addition to the penalty imposed under section 270.260, be
3 assessed an administrative penalty of up to one thousand dollars
4 per violation. Any person who is assessed an administrative
5 penalty under this section shall be notified in writing of the
6 right to appeal. Such person may request a hearing before the
7 director of the department of agriculture. Such request shall be
8 made in writing no later than thirty days after the date on which
9 the person was notified of the violation of section 270.260.

10 9. Any rule or portion of a rule, as that term is defined
11 in section 536.010, that is created under the authority delegated
12 in this section shall become effective only if it complies with
13 and is subject to all of the provisions of chapter 536 and, if
14 applicable, section 536.028. This section and chapter 536 are
15 nonseverable, and if any of the powers vested with the general
16 assembly pursuant to chapter 536 to review, to delay the
17 effective date, or to disapprove and annul a rule are
18 subsequently held unconstitutional, then the grant of rulemaking
19 authority and any rule proposed or adopted after August 28, 2010,
20 shall be invalid and void.

21 10. Nothing in this section shall be construed to apply to
22 domestic swine.

23 285.040. No employee of any city not within a county shall
24 be required, as a condition of employment, to reside within city
25 limits.

26 306.127. 1. Beginning January 1, 2005, every person born
27 after January 1, 1984, or as required pursuant to section

1 306.128, who operates a vessel on the lakes of this state shall
2 possess, on the vessel, a boating safety identification card
3 issued by the water patrol division or its agent which shows that
4 he or she has:

5 (1) Successfully completed a boating safety course approved
6 by the National Association of State Boating Law Administrators
7 and certified by the water patrol division. The boating safety
8 course may include a course sponsored by the United States Coast
9 Guard Auxiliary or the United States Power Squadron. The water
10 patrol division may appoint agents to administer a boater
11 education course or course equivalency examination and issue
12 boater identification cards under guidelines established by the
13 water patrol. The water patrol division shall maintain a list of
14 approved courses; or

15 (2) Successfully passed an equivalency examination prepared
16 by the water patrol division and administered by the water patrol
17 division or its agent. The equivalency examination shall have a
18 degree of difficulty equal to, or greater than, that of the
19 examinations given at the conclusion of an approved boating
20 safety course; or

21 (3) A valid master's, mate's, or operator's license issued
22 by the United States Coast Guard.

23 2. The water patrol division or its agent shall issue a
24 permanent boating safety identification card to each person who
25 complies with the requirements of this section which is valid for
26 life unless invalidated pursuant to law.

27 3. The water patrol division may charge a fee for such card

1 or any replacement card that does not substantially exceed the
2 costs of administrating this section. The water patrol division
3 or its designated agent shall collect such fees. These funds
4 shall be forwarded to general revenue.

5 4. The provisions of this section shall not apply to any
6 person who:

7 (1) Is licensed by the United States Coast Guard to serve
8 as master of a vessel;

9 (2) Operates a vessel only on a private lake or pond that
10 is not classified as waters of the state;

11 (3) Until January 1, 2006, is a nonresident who is visiting
12 the state for sixty days or less;

13 (4) Is participating in an event or regatta approved by the
14 water patrol;

15 (5) Is a nonresident who has proof of a valid boating
16 certificate or license issued by another state if the boating
17 course is approved by the National Association of State Boating
18 Law Administrators (NASBLA);

19 (6) Is exempted by rule of the water patrol;

20 (7) Is currently serving in any branch of the United States
21 Armed Forces, reserves, or Missouri National Guard, or any spouse
22 of a person currently in such service; or

23 (8) Has previously successfully completed a boating safety
24 education course approved by the National Association of State
25 Boating Law Administrators (NASBLA).

26 5. The water patrol division shall inform other states of
27 the requirements of this section.

1 6. No individual shall be detained or stopped strictly for
2 the purpose of checking whether the individual possesses a
3 boating safety identification card or a temporary boater
4 education permit.

5 7. Any person or company that rents or sells vessels may
6 issue a temporary boating safety identification card to an
7 individual to operate a rented vessel or a vessel being
8 considered for sale, for a period of up to seven days, provided
9 that the individual meets the minimum age requirements for
10 operating a vessel in this state. In order to qualify for the
11 temporary boating safety identification card, the applicant shall
12 provide a valid driver's license and shall sign an affidavit that
13 he or she has reviewed the Missouri state highway patrol handbook
14 of Missouri boating laws and responsibilities. Any individual
15 holding a valid temporary boating safety identification card
16 shall be deemed in compliance with the requirements of this
17 section. The Missouri state highway patrol shall charge a fee of
18 nine dollars for such temporary boating safety identification
19 card. Individuals shall not be eligible for more than one
20 temporary boating safety identification card. No person or
21 company may issue a temporary boating safety identification card
22 to an individual under the provisions of this subsection unless
23 such person or company is capable of submitting the applicant's
24 temporary boating safety identification card information and
25 payment in an electronic format as prescribed by the Missouri
26 state highway patrol. The business entity issuing a temporary
27 boating safety identification card to an individual under the

1 provisions of this subsection shall transmit the applicant's
2 temporary boating safety identification card information
3 electronically to the Missouri state highway patrol, in a manner
4 and format prescribed by the superintendent, using an electronic
5 online registration process developed and provided by the
6 Missouri state highway patrol. The electronic online process
7 developed and provided by the Missouri state highway patrol shall
8 allow the applicant to pay the temporary boating safety
9 identification card fee by credit card or debit card.
10 Notwithstanding any provision in section 306.185 to the contrary,
11 all fees collected under the authority of this subsection shall
12 be deposited in the water patrol division fund. The Missouri
13 state highway patrol shall promulgate rules for developing the
14 temporary boating safety identification card and any requirements
15 necessary to the issuance, processing, and payment of the
16 temporary boating safety identification card. The Missouri state
17 highway patrol shall, by rule, develop a boating safety checklist
18 for each applicant seeking a temporary boating safety
19 identification card. Nothing in this subsection shall allow a
20 holder of a temporary boating safety identification card to
21 receive a notation on the person's driver's license or nondriver
22 identification under section 302.184. The provisions of this
23 subsection shall expire on December 31, ~~[2022]~~ 2032.

24 307.179. 1. As used in this section, the following terms
25 shall mean:

26 (1) "Child booster seat", a seating system which meets the
27 Federal Motor Vehicle Safety Standards set forth in 49 C.F.R.

1 571.213, as amended, that is designed to elevate a child to
2 properly sit in a federally approved safety belt system;

3 (2) "Child passenger restraint system", a seating system
4 which meets the Federal Motor Vehicle Safety Standards set forth
5 in 49 C.F.R. 571.213, as amended, and which is either permanently
6 affixed to a motor vehicle or is affixed to such vehicle by a
7 safety belt or a universal attachment system;

8 (3) "Driver", a person who is in actual physical control of
9 a motor vehicle.

10 2. Every driver transporting a child under the age of
11 sixteen years shall be responsible, when transporting such child
12 in a motor vehicle operated by that driver on the streets or
13 highways of this state, for providing for the protection of such
14 child as follows:

15 (1) Children shall be secured in a rear-facing child
16 passenger restraint system until the child reaches two years of
17 age;

18 (2) Children less than four years of age, regardless of
19 weight, shall be secured in a child passenger restraint system
20 appropriate for that child;

21 ~~[(2)]~~ (3) Children weighing less than forty pounds,
22 regardless of age, shall be secured in a child passenger
23 restraint system appropriate for that child;

24 ~~[(3)]~~ (4) Children at least four years of age but less than
25 eight years of age, who also weigh at least forty pounds but less
26 than eighty pounds, and who are also less than four feet, nine
27 inches tall, shall be secured in a child passenger restraint

1 system or booster seat appropriate for that child;

2 ~~[(4)]~~ (5) Children at least eighty pounds or children more
3 than four feet, nine inches in height shall be secured by a
4 vehicle safety belt or booster seat appropriate for that child;

5 ~~[(5)]~~ (6) A child who otherwise would be required to be
6 secured in a booster seat may be transported in the back seat of
7 a motor vehicle while wearing only a lap belt if the back seat of
8 the motor vehicle is not equipped with a combination lap and
9 shoulder belt for booster seat installation;

10 ~~[(6)]~~ (7) When transporting children in the immediate
11 family when there are more children than there are seating
12 positions in the enclosed area of a motor vehicle, the children
13 who are not able to be restrained by a child safety restraint
14 device appropriate for the child shall sit in the area behind the
15 front seat of the motor vehicle unless the motor vehicle is
16 designed only for a front seat area. The driver transporting
17 children referred to in this subsection is not in violation of
18 this section.

19
20 This subsection shall only apply to the use of a child passenger
21 restraint system or vehicle safety belt for children less than
22 sixteen years of age being transported in a motor vehicle.

23 3. Any driver who violates subdivision (1), (2), ~~[(3)]~~ (3),
24 or (4) of subsection 2 of this section is guilty of an infraction
25 and, upon conviction, may be punished by a fine of not more than
26 fifty dollars and court costs. Any driver who violates
27 subdivision ~~[(4)]~~ (5) of subsection 2 of this section shall be

1 subject to the penalty in subsection 6 of section 307.178. If a
2 driver receives a citation for violating subdivision (1), (2),
3 ~~or~~ (3), or (4) of subsection 2 of this section, the charges
4 shall be dismissed or withdrawn if the driver prior to or at his
5 or her hearing provides evidence of acquisition of a child
6 passenger restraint system or child booster seat which is
7 satisfactory to the court or the party responsible for
8 prosecuting the driver's citation.

9 4. The provisions of this section shall not apply to any
10 public carrier for hire. The provisions of this section shall
11 not apply to students four years of age or older who are
12 passengers on a school bus designed for carrying eleven
13 passengers or more and which is manufactured or equipped pursuant
14 to Missouri Minimum Standards for School Buses as school buses
15 are defined in section 301.010.

16 5. The highways and transportation commission shall
17 initiate and develop a program of public information to develop
18 understanding of, and ensure compliance with, the provisions of
19 this section.

20 311.060. 1. No person shall be granted a license hereunder
21 unless such person is of good moral character and a qualified
22 legal voter and a taxpaying citizen of the county, town, city or
23 village, nor shall any corporation be granted a license hereunder
24 unless the managing officer of such corporation is of good moral
25 character and a qualified legal voter and taxpaying citizen of
26 the county, town, city or village; and, except as otherwise
27 provided under subsection 7 of this section, no person shall be

1 granted a license or permit hereunder whose license as such
2 dealer has been revoked, or who has been convicted, since the
3 ratification of the twenty-first amendment to the Constitution of
4 the United States, of a violation of the provisions of any law
5 applicable to the manufacture or sale of intoxicating liquor, or
6 who employs in his or her business as such dealer any person
7 whose license has been revoked unless five years have passed
8 since the revocation as provided under subsection 6 of this
9 section, or who has been convicted of violating such law since
10 the date aforesaid; provided, that nothing in this section
11 contained shall prevent the issuance of licenses to nonresidents
12 of Missouri or foreign corporations for the privilege of selling
13 to duly licensed wholesalers and soliciting orders for the sale
14 of intoxicating liquors to, by or through a duly licensed
15 wholesaler, within this state.

16 2. (1) No person, partnership or corporation shall be
17 qualified for a license under this law if such person, any member
18 of such partnership, or such corporation, or any officer,
19 director, or any stockholder owning, legally or beneficially,
20 directly or indirectly, ten percent or more of the stock of such
21 corporation, or other financial interest therein, or ten percent
22 or more of the interest in the business for which the person,
23 partnership or corporation is licensed, or any person employed in
24 the business licensed under this law shall have had a license
25 revoked under this law except as otherwise provided under
26 subsections 6 and 7 of this section, or shall have been convicted
27 of violating the provisions of any law applicable to the

1 manufacture or sale of intoxicating liquor since the ratification
2 of the twenty-first amendment to the Constitution of the United
3 States, or shall not be a person of good moral character.

4 (2) No license issued under this chapter shall be denied,
5 suspended, revoked or otherwise affected based solely on the fact
6 that an employee of the licensee has been convicted of a felony
7 unrelated to the manufacture or sale of intoxicating liquor.

8 ~~[Each employer shall report the identity of any employee~~
9 ~~convicted of a felony to the division of liquor control.]~~ The
10 division of liquor control shall promulgate rules to enforce the
11 provisions of this subdivision.

12 (3) No wholesaler license shall be issued to a corporation
13 for the sale of intoxicating liquor containing alcohol in excess
14 of five percent by weight, except to a resident corporation as
15 defined in this section.

16 3. A "resident corporation" is defined to be a corporation
17 incorporated under the laws of this state, all the officers and
18 directors of which, and all the stockholders, who legally and
19 beneficially own or control sixty percent or more of the stock in
20 amount and in voting rights, shall be qualified legal voters and
21 taxpaying citizens of the county and municipality in which they
22 reside and who shall have been bona fide residents of the state
23 for a period of three years continuously immediately prior to the
24 date of filing of application for a license, provided that a
25 stockholder need not be a voter or a taxpayer, and all the
26 resident stockholders of which shall own, legally and
27 beneficially, at least sixty percent of all the financial

1 interest in the business to be licensed under this law; provided,
2 that no corporation, licensed under the provisions of this law on
3 January 1, 1947, nor any corporation succeeding to the business
4 of a corporation licensed on January 1, 1947, as a result of a
5 tax-free reorganization coming within the provisions of Section
6 112, United States Internal Revenue Code, shall be disqualified
7 by reason of the new requirements herein, except corporations
8 engaged in the manufacture of alcoholic beverages containing
9 alcohol in excess of five percent by weight, or owned or
10 controlled, directly or indirectly, by nonresident persons,
11 partnerships or corporations engaged in the manufacture of
12 alcoholic beverages containing alcohol in excess of five percent
13 by weight.

14 4. The term "financial interest" as used in this chapter is
15 defined to mean all interest, legal or beneficial, direct or
16 indirect, in the capital devoted to the licensed enterprise and
17 all such interest in the net profits of the enterprise, after the
18 payment of reasonable and necessary operating business expenses
19 and taxes, including interest in dividends, preferred dividends,
20 interest and profits, directly or indirectly paid as compensation
21 for, or in consideration of interest in, or for use of, the
22 capital devoted to the enterprise, or for property or money
23 advanced, loaned or otherwise made available to the enterprise,
24 except by way of ordinary commercial credit or bona fide bank
25 credit not in excess of credit customarily granted by banking
26 institutions, whether paid as dividends, interest or profits, or
27 in the guise of royalties, commissions, salaries, or any other

1 form whatsoever.

2 5. The supervisor shall by regulation require all
3 applicants for licenses to file written statements, under oath,
4 containing the information reasonably required to administer this
5 section. Statements by applicants for licenses as wholesalers
6 and retailers shall set out, with other information required,
7 full information concerning the residence of all persons
8 financially interested in the business to be licensed as required
9 by regulation. All material changes in the information filed
10 shall be promptly reported to the supervisor.

11 6. Any person whose license or permit issued under this
12 chapter has been revoked shall be automatically eligible to work
13 as an employee of an establishment holding a license or permit
14 under this chapter five years after the date of the revocation.

15 7. Any person whose license or permit issued under this
16 chapter has been revoked shall be eligible to apply and be
17 qualified for a new license or permit five years after the date
18 of the revocation. The person may be issued a new license or
19 permit at the discretion of the division of alcohol and tobacco
20 control. If the division denies the request for a new permit or
21 license, the person may not submit a new application for five
22 years from the date of the denial. If the application is
23 approved, the person shall pay all fees required by law for the
24 license or permit. Any person whose request for a new license or
25 permit is denied may seek a determination by the administrative
26 hearing commission as provided under section 311.691.

27 311.293. 1. Except for any establishment that may apply

1 for a license under section 311.089, any person possessing the
2 qualifications and meeting the requirements of this chapter, who
3 is licensed to sell intoxicating liquor at retail, may apply to
4 the supervisor of alcohol and tobacco control for a special
5 license to sell intoxicating liquor at retail between the hours
6 of ~~[9:00]~~ 6:00 a.m. ~~[and midnight]~~ on Sundays and 1:30 a.m. on
7 Mondays. A licensee under this section shall pay to the director
8 of revenue an additional fee of two hundred dollars a year
9 payable at the same time and in the same manner as its other
10 license fees.

11 2. In addition to any fee collected pursuant to section
12 311.220, a city or county may charge and collect an additional
13 fee not to exceed three hundred dollars from any licensee under
14 this section for the privilege of selling intoxicating liquor at
15 retail between the hours of ~~[9:00]~~ 6:00 a.m. ~~[and midnight]~~ on
16 Sundays and 1:30 a.m. on Mondays in such city or county; however
17 the additional fee shall not exceed the fee charged by that city
18 or county for a special license issued pursuant to any provision
19 of this chapter which allows a licensee to sell intoxicating
20 liquor by the drink for consumption on the premises of the
21 licensee on Sundays.

22 3. The provisions of this section regarding the time of
23 closing shall not apply to any person who possesses a special
24 permit issued under section 311.174, 311.176, or 311.178.

25 311.332. 1. It shall be unlawful for any wholesaler
26 licensed to sell intoxicating liquor and wine containing alcohol
27 in excess of five percent by weight to persons duly licensed to

1 sell such intoxicating liquor and wine at retail, to discriminate
2 between retailers or in favor of or against any retailer or group
3 of retailers, directly or indirectly, in price, in discounts for
4 time of payment, or in discounts on quantity of merchandise sold,
5 or to grant directly or indirectly any discount, rebate, free
6 goods, allowance or other inducement, excepting a discount not in
7 excess of one percent for quantity of liquor and wine, and a
8 discount not in excess of one percent for payment on or before a
9 certain date. The delivery of manufacturer rebate coupons by
10 wholesalers to retailers shall not be a violation of this
11 subsection.

12 2. Manufacturers or wholesalers shall be permitted to
13 donate or deliver or cause to be delivered beer, wine, distilled
14 spirits, or brandy for nonresale purposes to any unlicensed
15 person or any licensed retail dealer who is a charitable or
16 religious organization as defined in section 313.005 or
17 educational institution, at any location or licensed premises,
18 provided, such beer, wine, distilled spirits, or brandy is
19 unrelated to the organization's or institution's licensed retail
20 operation. A charge for admission to an event or activity at
21 which beer, wine, distilled spirits, or brandy is available
22 without separate charge shall not constitute resale for the
23 purposes of this subsection. Wine used in religious ceremonies
24 may be sold by wholesalers to a religious organization as defined
25 in section 313.005. Any manufacturer or wholesaler providing
26 nonresale items shall keep a record of any deliveries made
27 pursuant to this subsection.

1 3. Manufacturers, wholesalers, retailers and unlicensed
2 persons may donate wine in the original package to a charitable
3 or religious organization as defined in section 313.005 or
4 educational institution for the sole purpose of being auctioned
5 by the organization or institution for fund-raising purposes,
6 provided the auction takes place on a retail-licensed premises
7 and all proceeds from the sale go into a fund of an organization
8 or institution that is unrelated to any licensed retail
9 operation.

10 311.660. 1. The supervisor of liquor control shall have
11 the authority to suspend or revoke for cause all such licenses;
12 and to make the following regulations, without limiting the
13 generality of provisions empowering the supervisor of liquor
14 control as in this chapter set forth as to the following matters,
15 acts and things:

16 (1) Fix and determine the nature, form and capacity of all
17 packages used for containing intoxicating liquor of any kind, to
18 be kept or sold under this law;

19 (2) Prescribe an official seal and label and determine the
20 manner in which such seal or label shall be attached to every
21 package of intoxicating liquor so sold under this law; this
22 includes prescribing different official seals or different labels
23 for the different classes, varieties or brands of intoxicating
24 liquor;

25 (3) Prescribe all forms, applications and licenses and such
26 other forms as are necessary to carry out the provisions of this
27 chapter, except that when a licensee substantially complies with

1 all requirements for the renewal of a license by the date on
2 which the application for renewal is due, such licensee shall be
3 permitted at least an additional ten days from the date notice is
4 sent that the application is deficient, in which to complete the
5 application;

6 (4) Prescribe the terms and conditions of the licenses
7 issued and granted under this law;

8 (5) Prescribe the nature of the proof to be furnished and
9 conditions to be observed in the issuance of duplicate licenses,
10 in lieu of those lost or destroyed;

11 (6) Establish rules and regulations for the conduct of the
12 business carried on by each specific licensee under the license,
13 and such rules and regulations if not obeyed by every licensee
14 shall be grounds for the revocation or suspension of the license;

15 (7) The right to examine books, records and papers of each
16 licensee and to hear and determine complaints against any
17 licensee;

18 (8) To issue subpoenas and all necessary processes and
19 require the production of papers, to administer oaths and to take
20 testimony;

21 (9) Prescribe all forms of labels to be affixed to all
22 packages containing intoxicating liquor of any kind; and

23 (10) To make such other rules and regulations as are
24 necessary and feasible for carrying out the provisions of this
25 chapter, as are not inconsistent with this law.

26 2. Notwithstanding subsection 1 of this section, the
27 supervisor of liquor control shall not prohibit persons from

1 participating in the sale of intoxicating liquor within the scope
2 of their employment solely on the basis of being found guilty of
3 any felony offense, except for prohibitions set forth in sections
4 311.191 and 311.193.

5 313.220. 1. The commission shall promulgate such rules and
6 regulations governing the establishment and operation of a state
7 lottery as it deems necessary and desirable to fully implement
8 the mandate of the people expressed in the approval of the
9 lottery amendment to Article III of the Missouri Constitution.
10 Such rules and regulations shall be designed so that a lottery
11 may be initiated at the earliest feasible and practicable time.
12 No rule or portion of a rule promulgated under the authority of
13 this chapter shall become effective unless it has been
14 promulgated pursuant to the provisions of section 536.024.

15 2. The commission shall have the authority to require a
16 fingerprint background check on any person seeking employment or
17 employed by the commission, any person seeking contract with or
18 contracted to the commission and any person seeking license from
19 or licensed by the commission. The background check shall
20 include a check of the Missouri criminal records repository and
21 when the commission deems it necessary to perform a nationwide
22 criminal history check, a check of the Federal Bureau of
23 Investigation's criminal records file. Fingerprints shall be
24 submitted to the Missouri criminal records repository as
25 required. Notwithstanding the provisions of section 610.120, the
26 commission shall have access to closed criminal history
27 information when fingerprints are submitted. The commission

1 shall not prohibit a person from participating in the sale of
2 lottery tickets solely on the basis of the person being found
3 guilty of any criminal offense; except that, the person shall not
4 be eligible to be a licensed lottery game retailer under
5 subsection 2 of section 313.260.

6 320.091. There shall be no cause of action against any fire
7 protection district, volunteer fire protection association, or
8 any fire department of any political subdivision, company, or
9 organization ~~[which]~~ that donates equipment used to suppress fire
10 or fire protection clothing to another department, association,
11 ~~[or]~~ district, or fire training academy if one of the following
12 conditions ~~[are]~~ is met:

13 (1) ~~[Such equipment is approved by the state fire marshal~~
14 ~~or the state fire marshal's designee;~~

15 ~~—— (2) Motor vehicles so donated must pass a safety inspection~~
16 ~~by the Missouri state highway patrol;~~

17 ~~—— (3)] The [receiving agency demonstrates to the state fire~~
18 ~~marshal's office] recipient certifies to the donor at the time of~~
19 ~~donation that the equipment received works properly; [and] or~~

20 ~~[-(4)] (2) The donor [agency] informs the [receiving~~
21 ~~agency] recipient in writing of any defects in the equipment or~~
22 ~~clothing about which it [knows] knew or, by using ordinary care,~~
23 ~~could have known at the time of donation.~~

24
25 This immunity shall apply only to causes of action directly
26 related to the equipment or clothing mentioned in this section.

27 556.061. In this code, unless the context requires a

1 different definition, the following terms shall mean:

2 (1) "Access", to instruct, communicate with, store data in,
3 retrieve or extract data from, or otherwise make any use of any
4 resources of, a computer, computer system, or computer network;

5 (2) "Affirmative defense":

6 (a) The defense referred to is not submitted to the trier
7 of fact unless supported by evidence; and

8 (b) If the defense is submitted to the trier of fact the
9 defendant has the burden of persuasion that the defense is more
10 probably true than not;

11 (3) "Burden of injecting the issue":

12 (a) The issue referred to is not submitted to the trier of
13 fact unless supported by evidence; and

14 (b) If the issue is submitted to the trier of fact any
15 reasonable doubt on the issue requires a finding for the
16 defendant on that issue;

17 (4) "Commercial film and photographic print processor", any
18 person who develops exposed photographic film into negatives,
19 slides or prints, or who makes prints from negatives or slides,
20 for compensation. The term commercial film and photographic
21 print processor shall include all employees of such persons but
22 shall not include a person who develops film or makes prints for
23 a public agency;

24 (5) "Computer", the box that houses the central processing
25 unit (CPU), along with any internal storage devices, such as
26 internal hard drives, and internal communication devices, such as
27 internal modems capable of sending or receiving electronic mail

1 or fax cards, along with any other hardware stored or housed
2 internally. Thus, computer refers to hardware, software and data
3 contained in the main unit. Printers, external modems attached
4 by cable to the main unit, monitors, and other external
5 attachments will be referred to collectively as peripherals and
6 discussed individually when appropriate. When the computer and
7 all peripherals are referred to as a package, the term "computer
8 system" is used. Information refers to all the information on a
9 computer system including both software applications and data;

10 (6) "Computer equipment", computers, terminals, data
11 storage devices, and all other computer hardware associated with
12 a computer system or network;

13 (7) "Computer hardware", all equipment which can collect,
14 analyze, create, display, convert, store, conceal or transmit
15 electronic, magnetic, optical or similar computer impulses or
16 data. Hardware includes, but is not limited to, any data
17 processing devices, such as central processing units, memory
18 typewriters and self-contained laptop or notebook computers;
19 internal and peripheral storage devices, transistor-like binary
20 devices and other memory storage devices, such as floppy disks,
21 removable disks, compact disks, digital video disks, magnetic
22 tape, hard drive, optical disks and digital memory; local area
23 networks, such as two or more computers connected together to a
24 central computer server via cable or modem; peripheral input or
25 output devices, such as keyboards, printers, scanners, plotters,
26 video display monitors and optical readers; and related
27 communication devices, such as modems, cables and connections,

1 recording equipment, RAM or ROM units, acoustic couplers,
2 automatic dialers, speed dialers, programmable telephone dialing
3 or signaling devices and electronic tone-generating devices; as
4 well as any devices, mechanisms or parts that can be used to
5 restrict access to computer hardware, such as physical keys and
6 locks;

7 (8) "Computer network", two or more interconnected
8 computers or computer systems;

9 (9) "Computer program", a set of instructions, statements,
10 or related data that directs or is intended to direct a computer
11 to perform certain functions;

12 (10) "Computer software", digital information which can be
13 interpreted by a computer and any of its related components to
14 direct the way they work. Software is stored in electronic,
15 magnetic, optical or other digital form. The term commonly
16 includes programs to run operating systems and applications, such
17 as word processing, graphic, or spreadsheet programs, utilities,
18 compilers, interpreters and communications programs;

19 (11) "Computer-related documentation", written, recorded,
20 printed or electronically stored material which explains or
21 illustrates how to configure or use computer hardware, software
22 or other related items;

23 (12) "Computer system", a set of related, connected or
24 unconnected, computer equipment, data, or software;

25 (13) "Confinement":

26 (a) A person is in confinement when such person is held in
27 a place of confinement pursuant to arrest or order of a court,

1 and remains in confinement until:

2 a. A court orders the person's release; or

3 b. The person is released on bail, bond, or recognizance,
4 personal or otherwise; or

5 c. A public servant having the legal power and duty to
6 confine the person authorizes his release without guard and
7 without condition that he return to confinement;

8 (b) A person is not in confinement if:

9 a. The person is on probation or parole, temporary or
10 otherwise; or

11 b. The person is under sentence to serve a term of
12 confinement which is not continuous, or is serving a sentence
13 under a work-release program, and in either such case is not
14 being held in a place of confinement or is not being held under
15 guard by a person having the legal power and duty to transport
16 the person to or from a place of confinement;

17 (14) "Consent": consent or lack of consent may be
18 expressed or implied. Assent does not constitute consent if:

19 (a) It is given by a person who lacks the mental capacity
20 to authorize the conduct charged to constitute the offense and
21 such mental incapacity is manifest or known to the actor; or

22 (b) It is given by a person who by reason of youth, mental
23 disease or defect, intoxication, a drug-induced state, or any
24 other reason is manifestly unable or known by the actor to be
25 unable to make a reasonable judgment as to the nature or
26 harmfulness of the conduct charged to constitute the offense; or

27 (c) It is induced by force, duress or deception;

1 (15) "Controlled substance", a drug, substance, or
2 immediate precursor in schedules I through V as defined in
3 chapter 195;

4 (16) "Criminal negligence", failure to be aware of a
5 substantial and unjustifiable risk that circumstances exist or a
6 result will follow, and such failure constitutes a gross
7 deviation from the standard of care which a reasonable person
8 would exercise in the situation;

9 (17) "Custody", a person is in custody when he or she has
10 been arrested but has not been delivered to a place of
11 confinement;

12 (18) "Damage", when used in relation to a computer system
13 or network, means any alteration, deletion, or destruction of any
14 part of the computer system or network;

15 (19) "Dangerous felony", the felonies of arson in the first
16 degree, assault in the first degree, attempted rape in the first
17 degree if physical injury results, attempted forcible rape if
18 physical injury results, attempted sodomy in the first degree if
19 physical injury results, attempted forcible sodomy if physical
20 injury results, rape in the first degree, forcible rape, sodomy
21 in the first degree, forcible sodomy, assault in the second
22 degree if the victim of such assault is a special victim as
23 defined in subdivision (14) of section 565.002, kidnapping in the
24 first degree, kidnapping, murder in the second degree, assault of
25 a law enforcement officer in the first degree, domestic assault
26 in the first degree, elder abuse in the first degree, robbery in
27 the first degree, vehicle hijacking punished as a class A felony,

1 statutory rape in the first degree when the victim is a child
2 less than twelve years of age at the time of the commission of
3 the act giving rise to the offense, statutory sodomy in the first
4 degree when the victim is a child less than twelve years of age
5 at the time of the commission of the act giving rise to the
6 offense, child molestation in the first or second degree, abuse
7 of a child if the child dies as a result of injuries sustained
8 from conduct chargeable under section 568.060, child kidnapping,
9 parental kidnapping committed by detaining or concealing the
10 whereabouts of the child for not less than one hundred twenty
11 days under section 565.153, and an "intoxication-related traffic
12 offense" or "intoxication-related boating offense" if the person
13 is found to be a "habitual offender" or "habitual boating
14 offender" as such terms are defined in section 577.001;

15 (20) "Dangerous instrument", any instrument, article or
16 substance, which, under the circumstances in which it is used, is
17 readily capable of causing death or other serious physical
18 injury;

19 (21) "Data", a representation of information, facts,
20 knowledge, concepts, or instructions prepared in a formalized or
21 other manner and intended for use in a computer or computer
22 network. Data may be in any form including, but not limited to,
23 printouts, microfiche, magnetic storage media, punched cards and
24 as may be stored in the memory of a computer;

25 (22) "Deadly weapon", any firearm, loaded or unloaded, or
26 any weapon from which a shot, readily capable of producing death
27 or serious physical injury, may be discharged, or a switchblade

1 knife, dagger, billy club, blackjack or metal knuckles;

2 (23) "Digital camera", a camera that records images in a
3 format which enables the images to be downloaded into a computer;

4 (24) "Disability", a mental, physical, or developmental
5 impairment that substantially limits one or more major life
6 activities or the ability to provide adequately for one's care or
7 protection, whether the impairment is congenital or acquired by
8 accident, injury or disease, where such impairment is verified by
9 medical findings;

10 (25) "Elderly person", a person sixty years of age or
11 older;

12 (26) "Felony", an offense so designated or an offense for
13 which persons found guilty thereof may be sentenced to death or
14 imprisonment for a term of more than one year;

15 (27) "Forcible compulsion" either:

16 (a) Physical force that overcomes reasonable resistance; or

17 (b) A threat, express or implied, that places a person in
18 reasonable fear of death, serious physical injury or kidnapping
19 of such person or another person;

20 (28) "Incapacitated", a temporary or permanent physical or
21 mental condition in which a person is unconscious, unable to
22 appraise the nature of his or her conduct, or unable to
23 communicate unwillingness to an act;

24 (29) "Infraction", a violation defined by this code or by
25 any other statute of this state if it is so designated or if no
26 sentence other than a fine, or fine and forfeiture or other civil
27 penalty, is authorized upon conviction;

1 (30) "Inhabitable structure", a vehicle, vessel or
2 structure:

3 (a) Where any person lives or carries on business or other
4 calling; or

5 (b) Where people assemble for purposes of business,
6 government, education, religion, entertainment, or public
7 transportation; or

8 (c) Which is used for overnight accommodation of persons.
9

10 Any such vehicle, vessel, or structure is inhabitable regardless
11 of whether a person is actually present. If a building or
12 structure is divided into separately occupied units, any unit not
13 occupied by the actor is an inhabitable structure of another;

14 (31) "Knowingly", when used with respect to:

15 (a) Conduct or attendant circumstances, means a person is
16 aware of the nature of his or her conduct or that those
17 circumstances exist; or

18 (b) A result of conduct, means a person is aware that his
19 or her conduct is practically certain to cause that result;

20 (32) "Law enforcement officer", any public servant having
21 both the power and duty to make arrests for violations of the
22 laws of this state, and federal law enforcement officers
23 authorized to carry firearms and to make arrests for violations
24 of the laws of the United States;

25 (33) "Misdemeanor", an offense so designated or an offense
26 for which persons found guilty thereof may be sentenced to
27 imprisonment for a term of which the maximum is one year or less;

1 (34) "Of another", property that any entity, including but
2 not limited to any natural person, corporation, limited liability
3 company, partnership, association, governmental subdivision or
4 instrumentality, other than the actor, has a possessory or
5 proprietary interest therein, except that property shall not be
6 deemed property of another who has only a security interest
7 therein, even if legal title is in the creditor pursuant to a
8 conditional sales contract or other security arrangement;

9 (35) "Offense", any felony or misdemeanor;

10 (36) "Physical injury", slight impairment of any function
11 of the body or temporary loss of use of any part of the body;

12 (37) "Place of confinement", any building or facility and
13 the grounds thereof wherein a court is legally authorized to
14 order that a person charged with or convicted of a crime be held;

15 (38) "Possess" or "possessed", having actual or
16 constructive possession of an object with knowledge of its
17 presence. A person has actual possession if such person has the
18 object on his or her person or within easy reach and convenient
19 control. A person has constructive possession if such person has
20 the power and the intention at a given time to exercise dominion
21 or control over the object either directly or through another
22 person or persons. Possession may also be sole or joint. If one
23 person alone has possession of an object, possession is sole. If
24 two or more persons share possession of an object, possession is
25 joint;

26 (39) "Property", anything of value, whether real or
27 personal, tangible or intangible, in possession or in action;

1 (40) "Public servant", any person employed in any way by a
2 government of this state who is compensated by the government by
3 reason of such person's employment, any person appointed to a
4 position with any government of this state, or any person elected
5 to a position with any government of this state. It includes,
6 but is not limited to, legislators, jurors, members of the
7 judiciary and law enforcement officers. It does not include
8 witnesses;

9 (41) "Purposely", when used with respect to a person's
10 conduct or to a result thereof, means when it is his or her
11 conscious object to engage in that conduct or to cause that
12 result;

13 (42) "Recklessly", consciously disregarding a substantial
14 and unjustifiable risk that circumstances exist or that a result
15 will follow, and such disregard constitutes a gross deviation
16 from the standard of care which a reasonable person would
17 exercise in the situation;

18 (43) "Serious emotional injury", an injury that creates a
19 substantial risk of temporary or permanent medical or
20 psychological damage, manifested by impairment of a behavioral,
21 cognitive or physical condition. Serious emotional injury shall
22 be established by testimony of qualified experts upon the
23 reasonable expectation of probable harm to a reasonable degree of
24 medical or psychological certainty;

25 (44) "Serious physical injury", physical injury that
26 creates a substantial risk of death or that causes serious
27 disfigurement or protracted loss or impairment of the function of

1 any part of the body;

2 (45) "Services", when used in relation to a computer system
3 or network, means use of a computer, computer system, or computer
4 network and includes, but is not limited to, computer time, data
5 processing, and storage or retrieval functions;

6 (46) "Sexual orientation", male or female heterosexuality,
7 homosexuality or bisexuality by inclination, practice, identity
8 or expression, or having a self-image or identity not
9 traditionally associated with one's gender;

10 (47) "Vehicle", a self-propelled mechanical device designed
11 to carry a person or persons, excluding vessels or aircraft;

12 (48) "Vessel", any boat or craft propelled by a motor or by
13 machinery, whether or not such motor or machinery is a principal
14 source of propulsion used or capable of being used as a means of
15 transportation on water, or any boat or craft more than twelve
16 feet in length which is powered by sail alone or by a combination
17 of sail and machinery, and used or capable of being used as a
18 means of transportation on water, but not any boat or craft
19 having, as the only means of propulsion, a paddle or oars;

20 (49) "Voluntary act":

21 (a) A bodily movement performed while conscious as a result
22 of effort or determination. Possession is a voluntary act if the
23 possessor knowingly procures or receives the thing possessed, or
24 having acquired control of it was aware of his or her control for
25 a sufficient time to have enabled him or her to dispose of it or
26 terminate his or her control; or

27 (b) An omission to perform an act of which the actor is

1 physically capable. A person is not guilty of an offense based
2 solely upon an omission to perform an act unless the law defining
3 the offense expressly so provides, or a duty to perform the
4 omitted act is otherwise imposed by law;

5 (50) "Vulnerable person", any person in the custody, care,
6 or control of the department of mental health who is receiving
7 services from an operated, funded, licensed, or certified
8 program.

9 565.002. As used in this chapter, unless a different
10 meaning is otherwise plainly required the following terms mean:

11 (1) "Adequate cause", cause that would reasonably produce a
12 degree of passion in a person of ordinary temperament sufficient
13 to substantially impair an ordinary person's capacity for
14 self-control;

15 (2) "Child", a person under seventeen years of age;

16 (3) "Conduct", includes any act or omission;

17 (4) "Course of conduct", a pattern of conduct composed of
18 two or more acts, which may include communication by any means,
19 over a period of time, however short, evidencing a continuity of
20 purpose. Constitutionally protected activity is not included
21 within the meaning of course of conduct. Such constitutionally
22 protected activity includes picketing or other organized
23 protests;

24 (5) "Deliberation", cool reflection for any length of time
25 no matter how brief;

26 (6) "Domestic victim", a household or family member as the
27 term "family" or "household member" is defined in section

1 455.010, including any child who is a member of the household or
2 family;

3 (7) "Emotional distress", something markedly greater than
4 the level of uneasiness, nervousness, unhappiness, or the like
5 which are commonly experienced in day-to-day living;

6 (8) "Full or partial nudity", the showing of all or any
7 part of the human genitals, pubic area, buttock, or any part of
8 the nipple of the breast of any female person, with less than a
9 fully opaque covering;

10 (9) "Legal custody", the right to the care, custody and
11 control of a child;

12 (10) "Parent", either a biological parent or a parent by
13 adoption;

14 (11) "Person having a right of custody", a parent or legal
15 guardian of the child;

16 (12) "Photographs" or "films", the making of any
17 photograph, motion picture film, videotape, or any other
18 recording or transmission of the image of a person;

19 (13) "Place where a person would have a reasonable
20 expectation of privacy", any place where a reasonable person
21 would believe that a person could disrobe in privacy, without
22 being concerned that the person's undressing was being viewed,
23 photographed or filmed by another;

24 (14) "Special victim", any of the following:

25 (a) A law enforcement officer assaulted in the performance
26 of his or her official duties or as a direct result of such
27 official duties;

1 (b) Emergency personnel, any paid or volunteer firefighter,
2 emergency room, hospital, or trauma center personnel, or
3 emergency medical technician, assaulted in the performance of his
4 or her official duties or as a direct result of such official
5 duties;

6 (c) A probation and parole officer assaulted in the
7 performance of his or her official duties or as a direct result
8 of such official duties;

9 (d) An elderly person;

10 (e) A person with a disability;

11 (f) A vulnerable person;

12 (g) Any jailer or corrections officer of the state or one
13 of its political subdivisions assaulted in the performance of his
14 or her official duties or as a direct result of such official
15 duties;

16 (h) A highway worker in a construction or work zone as the
17 terms "highway worker", "construction zone", and "work zone" are
18 defined under section 304.580;

19 (i) Any utility worker, meaning any employee of a utility
20 that provides gas, heat, electricity, water, steam,
21 telecommunications services, or sewer services, whether
22 privately, municipally, or cooperatively owned, while in the
23 performance of his or her job duties, including any person
24 employed under a contract;

25 (j) Any cable worker, meaning any employee of a cable
26 operator, as such term is defined in section 67.2677, including
27 any person employed under contract, while in the performance of

1 his or her job duties; ~~and~~

2 (k) Any employee of a mass transit system, including any
3 employee of public bus or light rail companies, while in the
4 performance of his or her job duties; or

5 (l) A sports official assaulted at a sporting event while
6 the sports official is performing his or her duties as a sports
7 official or as a direct result of such duties. A sporting event
8 shall include all levels of competition. A sports official shall
9 include, but not be limited to, a judge, linesman, official,
10 referee, or umpire. To qualify as a sports official, a person
11 shall be trained and certified or registered as such by an
12 organization engaged in the education, training, and certifying
13 or registering of sports officials;

14 (15) "Sudden passion", passion directly caused by and
15 arising out of provocation by the victim or another acting with
16 the victim which passion arises at the time of the offense and is
17 not solely the result of former provocation;

18 (16) "Trier", the judge or jurors to whom issues of fact,
19 guilt or innocence, or the assessment and declaration of
20 punishment are submitted for decision;

21 (17) "Views", the looking upon of another person, with the
22 unaided eye or with any device designed or intended to improve
23 visual acuity, for the purpose of arousing or gratifying the
24 sexual desire of any person.

25 570.027. 1. A person commits the offense of vehicle
26 hijacking when he or she knowingly uses or threatens the use of
27 physical force upon another person to seize or attempt to seize

1 possession or control of a vehicle, as defined in section
2 302.010, from the immediate possession or control of another
3 person.

4 2. The offense of vehicle hijacking is a class B felony
5 unless it meets one of the criteria listed in subsection 3 of
6 this section.

7 3. The offense of vehicle hijacking is a class A felony if,
8 in the course thereof, a person or another participant in the
9 offense:

10 (1) Causes serious physical injury to any person in
11 immediate possession, control, or presence of the vehicle;

12 (2) Is armed with a deadly weapon;

13 (3) Uses or threatens the immediate use of a dangerous
14 instrument against any person;

15 (4) Displays or threatens the use of what appears to be a
16 deadly weapon or dangerous instrument; or

17 (5) Seizes a vehicle, or attempts to seize a vehicle, in
18 which a child or special victim as defined in section 565.002 is
19 present.

20 575.150. 1. A person commits the offense of resisting or
21 interfering with arrest, detention, or stop if he or she knows or
22 reasonably should know that a law enforcement officer is making
23 an arrest or attempting to lawfully detain or stop an individual
24 or vehicle, and for the purpose of preventing the officer from
25 effecting the arrest, stop or detention, he or she:

26 (1) Resists the arrest, stop or detention of such person by
27 using or threatening the use of violence or physical force or by

1 fleeing from such officer; or

2 (2) Interferes with the arrest, stop or detention of
3 another person by using or threatening the use of violence,
4 physical force or physical interference.

5 2. This section applies to:

6 (1) Arrests, stops, or detentions, with or without
7 warrants;

8 (2) Arrests, stops, or detentions, for any offense,
9 infraction, or ordinance violation; and

10 (3) Arrests for warrants issued by a court or a probation
11 and parole officer.

12 3. A person commits the offense of resisting arrest by
13 fleeing in a motor vehicle if he or she resists an arrest, a
14 stop, or a detention by fleeing in a motor vehicle from a law
15 enforcement officer and, during the course of fleeing, drives at
16 a speed or in a manner that demonstrates a disregard for the
17 safety of any person or property, including that of the pursuing
18 officer or other occupants of the fleeing vehicle.

19 4. A person commits the offense of aggravated resisting
20 arrest by fleeing in a motor vehicle if he or she resists an
21 arrest, a stop, or a detention by fleeing in a motor vehicle from
22 a law enforcement officer and, during the course of fleeing,
23 drives at a speed or in a manner that demonstrates a disregard
24 for the safety of any person or property, including that of the
25 pursuing officer or other occupants of the fleeing vehicle, and
26 that results in serious bodily injury or death to another person,
27 including any officer.

1 5. A person is presumed to be fleeing a vehicle stop if he
2 or she continues to operate a motor vehicle after he or she has
3 seen or should have seen clearly visible emergency lights or has
4 heard or should have heard an audible signal emanating from the
5 law enforcement vehicle pursuing him or her.

6 ~~[4.]~~ 6. It is no defense to a prosecution pursuant to
7 subsection 1, 3, or 4 of this section that the law enforcement
8 officer was acting unlawfully in making the arrest. However,
9 nothing in this section shall be construed to bar civil suits for
10 unlawful arrest.

11 7. Nothing in this section shall be construed to require
12 the state to prove in a prosecution against a defendant that the
13 defendant knew why he or she was being stopped, detained, or
14 arrested.

15 ~~[5.]~~ 8. The offense of resisting or interfering with an
16 arrest is a class E felony for an arrest for a:

17 (1) Felony;

18 (2) Warrant issued for failure to appear on a felony case;

19 or

20 (3) Warrant issued for a probation violation on a felony
21 case.

22
23 The offense of resisting an arrest, detention or stop in
24 violation of subdivision (1) or (2) of subsection 1 of this
25 section is a class A misdemeanor~~[, unless the person fleeing~~
26 ~~creates a substantial risk of serious physical injury or death to~~
27 ~~any person, in which case it is a class E felony]~~. The offense

1 of resisting arrest by fleeing in a motor vehicle is a class E
2 felony, unless the person has been previously convicted under
3 subsection 3 of this section, in which case it is a class D
4 felony. The offense of aggravated resisting arrest by fleeing in
5 a motor vehicle is a class D felony, unless the person has been
6 previously convicted under subsection 4 of this section, in which
7 case it is a class C felony.

8 575.180. 1. A law enforcement officer commits the offense
9 of failure to execute an arrest warrant if, with the purpose of
10 allowing any person charged with or convicted of a crime to
11 escape, he or she fails to execute any arrest warrant, capias, or
12 other lawful process ordering apprehension or confinement of such
13 person, which he or she is authorized and required by law to
14 execute. For purposes of this section, "escape" means to flee
15 from; to avoid; to get away, as to flee to avoid arrest.

16 2. The offense of failure to execute an arrest warrant is a
17 class A misdemeanor, unless the offense involved is a felony, in
18 which case failure to execute an arrest warrant is a class E
19 felony.

20 3. It shall be an affirmative defense to prosecution under
21 this section that the law enforcement officer acted under exigent
22 circumstances in failing to execute an arrest warrant on a person
23 who has committed a misdemeanor offense under chapter 301, 302,
24 304, or 307 or a misdemeanor traffic offense in another state;
25 except that, the provisions of this subsection shall not apply to
26 the following offenses:

27 (1) Failure to drive in a careful and prudent manner under

1 section 304.012;

2 (2) Driving with a cancelled, suspended, or revoked license
3 under section 302.321;

4 (3) Operating a motor vehicle without a proper license
5 under section 302.020; or

6 (4) Any offense committed in another state that is
7 comparable to the offenses listed under subdivisions (1), (2),
8 and (3) of this subsection.

9 577.011. In addition to other terms and conditions imposed
10 on a person who has pled guilty to or been found guilty of
11 driving while intoxicated under section 577.010, except for good
12 cause shown, such person shall complete a victim impact program
13 approved by the court. Such person shall be responsible for any
14 charges imposed by the victim impact program.

15 577.800. 1. A person commits the offense of unlawful use
16 of unmanned aircraft over an open-air facility if he or she
17 purposely:

18 (1) Operates an unmanned aircraft within a vertical
19 distance of four hundred feet from the ground and within the
20 property line of an open-air facility; or

21 (2) Uses an unmanned aircraft with the purpose of
22 delivering to a person within an open-air facility any object
23 described in subdivision (1) or (2) of subsection 4 of this
24 section.

25 2. For purposes of this section, "open-air facility" shall
26 mean any sports, theater, music, performing arts, or other
27 entertainment facility with a capacity of five thousand people or

1 more and not completely enclosed by a roof or other structure.

2 3. The provisions of this section shall not prohibit the
3 operation of an unmanned aircraft by:

4 (1) An employee of an open-air facility at the direction of
5 the president or chief executive officer of the open-air
6 facility;

7 (2) A person who has written consent from the president or
8 chief executive officer of the open-air facility;

9 (3) An employee of a law enforcement agency, fire
10 department, or emergency medical service in the exercise of
11 official duties;

12 (4) A government official or employee in the exercise of
13 official duties;

14 (5) A public utility or a rural electric cooperative if:

15 (a) The unmanned aircraft is used for the purpose of
16 inspecting, repairing, or maintaining utility transmission or
17 distribution lines or other utility equipment or infrastructure;

18 (b) The utility or cooperative notifies the open-air
19 facility before flying the unmanned aircraft, except during an
20 emergency; and

21 (c) The person operating the unmanned aircraft does not
22 physically enter the prohibited space without an escort provided
23 by the open-air facility; or

24 (6) An employee of a railroad in the exercise of official
25 duties on any land owned or operated by a railroad corporation
26 regulated by the Federal Railroad Administration.

27 4. The offense of unlawful use of unmanned aircraft over an

1 open-air facility shall be punishable as a class A misdemeanor
2 unless the person uses an unmanned aircraft for:

3 (1) Delivering a gun, knife, weapon, or other article that
4 may be used in such manner to endanger the life of an employee or
5 guest at an open-air facility, in which case the offense is a
6 class B felony; or

7 (2) Delivering a controlled substance, as that term is
8 defined under section 195.010, in which case the offense is a
9 class D felony.

10 5. Each open-air facility shall post a sign warning of the
11 provisions of this section. The sign shall be at least eleven
12 inches by fourteen inches and posted in a conspicuous place.

13 578.018. 1. Any duly authorized public health official or
14 law enforcement official may seek a warrant from the appropriate
15 circuit court to enable ~~him or her~~ the law enforcement official
16 to enter private property in order to inspect, care for, or
17 ~~impound~~ confiscate neglected or abused animals as set forth in
18 such warrant. All requests for such warrants shall be signed,
19 witnessed, and accompanied by an affidavit stating the probable
20 cause to believe a violation of sections 578.005 to ~~[578.023]~~
21 578.025 has occurred. All warrants shall be served in the
22 presence of a law enforcement official. A person acting under
23 the authority of a warrant shall:

24 (1) ~~[Be given]~~ Appear at a disposition hearing before the
25 court through which the warrant was issued, within ~~[thirty]~~ ten
26 days of ~~[the filing of the request]~~ confiscation for the purpose
27 of granting immediate disposition of the animals ~~[impounded]~~. No

1 animal shall be sterilized prior to the completion of such
2 disposition hearing unless necessary to save life or relieve
3 suffering;

4 (2) Place [~~impounded~~] animals in the care or custody of a
5 veterinarian, the appropriate animal control authority, [~~or~~] an
6 animal shelter, or a third party approved by the court. If no
7 appropriate veterinarian, animal control authority, [~~or~~] animal
8 shelter, or third party is available, the animal shall not be
9 [~~impounded~~] confiscated unless it is diseased or disabled beyond
10 recovery for any useful purpose;

11 (3) Humanely kill any animal [~~impounded~~] confiscated if it
12 is determined by a licensed veterinarian that the animal is
13 diseased or disabled beyond recovery for any useful purpose;

14 (4) Not be liable for any reasonable and necessary damage
15 to property while acting under such warrant.

16 2. (1) The owner of any animal that has been confiscated
17 under this section shall not be responsible for the animal's care
18 and keeping prior to a disposition hearing if the owner is
19 acquitted or there is a final discharge without conviction.

20 (2) After completion of the disposition hearing, the owner
21 or custodian or any person claiming an interest in any animal
22 that has been [~~impounded~~] confiscated because of neglect or abuse
23 may prevent disposition of the animal after the disposition
24 hearing and until final judgment, settlement, or dismissal of the
25 case by posting reasonable bond or security within seventy-two
26 hours of the disposition hearing in an amount sufficient to
27 provide for the animal's care and keeping [~~for at least thirty~~

1 ~~days, inclusive of the date on which the animal was taken into~~
2 ~~e custody]~~ and consistent with the fair market cost of boarding
3 such an animal in an appropriate retail boarding facility.

4 Notwithstanding the fact that reasonable bond may be posted
5 pursuant to this ~~[subsection]~~ subdivision, the authority having
6 custody of the animal may humanely dispose of the animal at the
7 end of the time for which reasonable expenses are covered by the
8 bond or security, unless there is a court order prohibiting such
9 disposition. Such order shall provide for a reasonable bond or
10 other security in the amount necessary to protect the authority
11 having custody of the animal from any cost of the care, keeping,
12 or disposal of the animal.

13 (3) The authority taking custody of an animal shall give
14 notice of the provisions of this section ~~[by posting a copy of~~
15 ~~this section at the place where the animal was taken into custody~~
16 ~~or]~~ by delivering ~~[it]~~ a copy of this section to a person
17 residing on the property.

18 3. The owner or custodian of any animal humanely killed
19 pursuant to this section shall not be entitled to recover any
20 damages related to nor the actual value of the animal if the
21 animal was found by a licensed veterinarian to be diseased or
22 disabled beyond recovery for any useful purpose, or if the owner
23 or custodian failed to post bond or security for the care,
24 keeping, and disposition of the animal after being notified of
25 ~~[impoundment]~~ confiscation and after completion of the
26 disposition hearing.

27 4. All animals confiscated under this section shall receive

1 proper care as determined by state law and regulations for each
2 specific animal and facility or organization where the animal is
3 placed after such confiscation. Any such facility or
4 organization shall be liable to the owner for damages for any
5 negligent acts or abuse of such animal that occurs while the
6 animal is in the care, custody, and control of the facility or
7 organization.

8 5. In the event that the animal owner is not liable for the
9 costs incurred for the placement and care of an animal or animals
10 while charges were pending, such costs relating to placement and
11 care, as well as liability for the life or death of the animal
12 and for medical procedures performed while charges were pending,
13 shall be the responsibility of and shall be borne and paid by the
14 confiscating agency. Such costs shall be consistent with the
15 fair market value of boarding an animal at a retail establishment
16 and with the usual and customary costs of veterinary medical
17 services provided by a clinic licensed under chapter 340.

18 6. If the owner posted a sufficient bond and is acquitted
19 or there is a final discharge without conviction, unless there is
20 a settlement agreement, consent judgment, or a suspended
21 imposition of sentence, the owner may demand the return of the
22 animal held in custody. Any entity with care, custody, and
23 control of such animal shall immediately return such animal to
24 the owner upon demand and proof of such acquittal or final
25 discharge without conviction. Upon acquittal or final discharge
26 without conviction, unless there is a settlement agreement,
27 consent judgment, or a suspended imposition of sentence, the

1 owner shall not be liable for any costs incurred relating to the
2 placement or care of the animal during the pendency of the
3 charges.

4 7. Any person or entity that intentionally euthanizes,
5 other than as permissible under this section, or intentionally
6 sterilizes an animal prior to a disposition hearing or during any
7 period for which reasonable bond was secured for the animal's
8 care is guilty of a class B misdemeanor and shall be liable to
9 the owner of the animal for damages, including the actual value
10 of the animal. Each individual animal for which a violation
11 occurs is a separate offense. Any second or subsequent violation
12 is a class A misdemeanor, and any entity licensed under state law
13 shall be subject to licensure sanction by its governing body.

14 578.030. 1. The provisions of section 43.200
15 notwithstanding, any member of the state highway patrol or other
16 law enforcement officer may apply for and serve a search warrant,
17 and shall have the power of search and seizure in order to
18 enforce the provisions of sections 578.025 to 578.050. All
19 requests for such warrants shall be signed, witnessed, and
20 accompanied by an affidavit stating the probable cause to believe
21 a violation of sections 578.025 to 578.050 has occurred.

22 2. Any member of the state highway patrol or other law
23 enforcement officer making an arrest under section 578.025 shall
24 lawfully take possession of all dogs or other animals in
25 accordance with the provisions of section 578.018 and all
26 paraphernalia, implements, or other property or things used or
27 employed, or about to be employed, in the violation of any of the

1 provisions of section 578.025. Such officer, after taking
2 possession of such dogs, animals, paraphernalia, implements or
3 other property or things, shall file with the court before whom
4 the complaint is made against any person so arrested an affidavit
5 stating therein the name of the person charged in such complaint,
6 a description of the property so taken and the time and place of
7 the taking thereof together with the name of the person from whom
8 the same was taken and the name of the person who claims to own
9 such property, if known, and that the affiant has reason to
10 believe and does believe, stating the ground of such belief, that
11 the property so taken was used or employed, or was about to be
12 used or employed, in such violation of section 578.025. [~~He or~~
13 ~~she~~] The officer shall thereupon deliver the property so taken to
14 the court, which shall, by order in writing, place the same in
15 the custody of an officer or other proper person named and
16 designated in such order, to be kept by [~~him or her~~] such officer
17 or other proper person named and designated in such order until
18 the conviction or final discharge of such person complained
19 against, and shall send a copy of such order without delay to the
20 prosecuting attorney of the county. The officer or person so
21 named and designated in such order shall immediately thereupon
22 assume the custody of such property and shall retain the same,
23 subject to the order of the court before which such person so
24 complained against may be required to appear for trial. If the
25 property includes animals, the placement of the animals shall be
26 handled in accordance with the provisions of section 578.018.
27 Upon the conviction of the person so charged, all property so

1 seized shall be adjudged by the court to be forfeited and shall
2 thereupon be destroyed or otherwise disposed of as the court may
3 order. In the event of the acquittal or final discharge without
4 conviction of the person so charged, such court shall, on demand,
5 direct the delivery of such property so held in custody to the
6 owner thereof.

7 579.040. 1. A person commits the offense of unlawful
8 distribution, delivery, or sale of drug paraphernalia if he or
9 she unlawfully distributes, delivers, or sells, or possesses with
10 intent to distribute, deliver, or sell drug paraphernalia
11 knowing, or under circumstances in which one reasonably should
12 know, that it will be used to plant, propogate, cultivate, grow,
13 harvest, manufacture, compound, convert, produce, process,
14 prepare, test, analyze, pack, repack, store, contain, conceal,
15 inject, ingest, inhale, or otherwise introduce into the human
16 body a controlled substance or an imitation controlled substance
17 in violation of this chapter. Any entity registered with the
18 department of health and senior services that possesses,
19 distributes, or delivers hypodermic needles or syringes for the
20 purpose of operating a syringe exchange program or otherwise
21 mitigating health risks associated with unsterile injection drug
22 use shall be exempt from the provisions of this section.

23 2. No entity shall be present within five hundred feet of
24 any school building, unless such entity is in operation prior to
25 the school building.

26 3. The offense of unlawful delivery of drug paraphernalia
27 is a class A misdemeanor, unless done for commercial purposes, in

1 which case it is a class E felony.

2 579.060. 1. A person commits the offense of unlawful sale,
3 distribution, or purchase of over-the-counter methamphetamine
4 precursor drugs if he or she knowingly:

5 (1) Sells, distributes, dispenses, or otherwise provides
6 any number of packages of any drug product containing detectable
7 amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or
8 any of their salts, optical isomers, or salts of optical isomers,
9 in a total amount greater than [~~nine~~] seven and two-tenths grams
10 to the same individual within a thirty-day period, unless the
11 amount is dispensed, sold, or distributed pursuant to a valid
12 prescription; or

13 (2) Purchases, receives, or otherwise acquires within a
14 thirty-day period any number of packages of any drug product
15 containing any detectable amount of ephedrine,
16 phenylpropanolamine, or pseudoephedrine, or any of their salts or
17 optical isomers, or salts of optical isomers in a total amount
18 greater than [~~nine~~] seven and two-tenths grams, without regard to
19 the number of transactions, unless the amount is purchased,
20 received, or acquired pursuant to a valid prescription; or

21 (3) Purchases, receives, or otherwise acquires within a
22 twenty-four-hour period any number of packages of any drug
23 product containing any detectable amount of ephedrine,
24 phenylpropanolamine, or pseudoephedrine, or any of their salts or
25 optical isomers, or salts of optical isomers in a total amount
26 greater than three and six-tenths grams, without regard to the
27 number of transactions, unless the amount is purchased, received,

1 or acquired pursuant to a valid prescription; or

2 (4) Dispenses or offers drug products that are not excluded
3 from Schedule V in subsection 17 or 18 of section 195.017 and
4 that contain detectable amounts of ephedrine,
5 phenylpropanolamine, or pseudoephedrine, or any of their salts,
6 optical isomers, or salts of optical isomers, without ensuring
7 that such products are located behind a pharmacy counter where
8 the public is not permitted and that such products are dispensed
9 by a registered pharmacist or pharmacy technician under
10 subsection 11 of section 195.017; or

11 (5) Holds a retail sales license issued under chapter 144
12 and knowingly sells or dispenses packages that do not conform to
13 the packaging requirements of section 195.418.

14 2. A pharmacist, intern pharmacist, or registered pharmacy
15 technician commits the offense of unlawful sale, distribution, or
16 purchase of over-the-counter methamphetamine precursor drugs if
17 he or she knowingly:

18 (1) Sells, distributes, dispenses, or otherwise provides
19 any number of packages of any drug product containing detectable
20 amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or
21 any of their salts or optical isomers, or salts of optical
22 isomers, in a total amount greater than three and six-tenth grams
23 to the same individual within a twenty-four hour period, unless
24 the amount is dispensed, sold, or distributed pursuant to a valid
25 prescription; or

26 (2) Fails to submit information under subsection 13 of
27 section 195.017 and subsection 5 of section 195.417 about the

1 sales of any compound, mixture, or preparation of products
2 containing detectable amounts of ephedrine, phenylpropanolamine,
3 or pseudoephedrine, or any of their salts, optical isomers, or
4 salts of optical isomers, in accordance with transmission methods
5 and frequency established by the department of health and senior
6 services; or

7 (3) Fails to implement and maintain an electronic log, as
8 required by subsection 12 of section 195.017, of each transaction
9 involving any detectable quantity of pseudoephedrine, its salts,
10 isomers, or salts of optical isomers or ephedrine, its salts,
11 optical isomers, or salts of optical isomers; or

12 (4) Sells, distributes, dispenses or otherwise provides to
13 an individual under eighteen years of age without a valid
14 prescription any number of packages of any drug product
15 containing any detectable quantity of pseudoephedrine, its salts,
16 isomers, or salts of optical isomers, or ephedrine, its salts or
17 optical isomers, or salts of optical isomers.

18 3. Any person who violates the packaging requirements of
19 section 195.418 and is considered the general owner or operator
20 of the outlet where ephedrine, pseudoephedrine, or
21 phenylpropanolamine products are available for sale shall not be
22 penalized if he or she documents that an employee training
23 program was in place to provide the employee who made the
24 unlawful retail sale with information on the state and federal
25 regulations regarding ephedrine, pseudoephedrine, or
26 phenylpropanolamine.

27 4. The offense of unlawful sale, distribution, or purchase

1 of over-the-counter methamphetamine precursor drugs is a class A
2 misdemeanor.

3 579.065. 1. A person commits the offense of trafficking
4 drugs in the first degree if, except as authorized by this
5 chapter or chapter 195, such person knowingly distributes,
6 delivers, manufactures, produces or attempts to distribute,
7 deliver, manufacture or produce:

8 (1) More than thirty grams [~~but less than ninety grams~~] of
9 a mixture or substance containing a detectable amount of heroin;

10 (2) More than one hundred fifty grams [~~but less than four~~
11 ~~hundred fifty grams~~] of a mixture or substance containing a
12 detectable amount of coca leaves, except coca leaves and extracts
13 of coca leaves from which cocaine, ecgonine, and derivatives of
14 ecgonine or their salts have been removed; cocaine salts and
15 their optical and geometric isomers, and salts of isomers;
16 ecgonine, its derivatives, their salts, isomers, and salts of
17 isomers; or any compound, mixture, or preparation which contains
18 any quantity of any of the foregoing substances;

19 (3) More than eight grams [~~but less than twenty-four grams~~]
20 of a mixture or substance described in subdivision (2) of this
21 subsection which contains cocaine base;

22 (4) More than five hundred milligrams [~~but less than one~~
23 ~~gram~~] of a mixture or substance containing a detectable amount of
24 lysergic acid diethylamide (LSD);

25 (5) More than thirty grams [~~but less than ninety grams~~] of
26 a mixture or substance containing a detectable amount of
27 phencyclidine (PCP);

1 (6) More than four grams [~~but less than twelve grams~~] of
2 phencyclidine;

3 (7) More than thirty kilograms [~~but less than one hundred~~
4 ~~kilograms~~] of a mixture or substance containing marijuana;

5 (8) More than thirty grams [~~but less than ninety grams~~] of
6 any material, compound, mixture, or preparation containing any
7 quantity of the following substances having a stimulant effect on
8 the central nervous system: amphetamine, its salts, optical
9 isomers and salts of its optical isomers; methamphetamine, its
10 salts, optical isomers and salts of its optical isomers;
11 phenmetrazine and its salts; or methylphenidate; [~~or~~]

12 (9) More than thirty grams [~~but less than ninety grams~~] of
13 any material, compound, mixture, or preparation which contains
14 any quantity of 3,4-methylenedioxymethamphetamine;

15 (10) One gram or more of flunitrazepam for the first
16 offense;

17 (11) Any amount of gamma-hydroxybutyric acid for the first
18 offense; or

19 (12) More than ten milligrams of fentanyl, or any
20 derivative thereof, or any compound, mixture, or substance
21 containing more than ten milligrams of fentanyl, carfentanyl, or
22 their optical isomers or analogues.

23 2. The offense of trafficking drugs in the first degree is
24 a class B felony.

25 3. The offense of trafficking drugs in the first degree is
26 a class A felony if the quantity involved is:

27 (1) Ninety grams or more of a mixture or substance

1 containing a detectable amount of heroin; or

2 (2) Four hundred fifty grams or more of a mixture or
3 substance containing a detectable amount of coca leaves, except
4 coca leaves and extracts of coca leaves from which cocaine,
5 ecgonine, and derivatives of ecgonine or their salts have been
6 removed; cocaine salts and their optical and geometric isomers,
7 and salts of isomers; ecgonine, its derivatives, their salts,
8 isomers, and salts of isomers; or any compound, mixture, or
9 preparation which contains any quantity of any of the foregoing
10 substances; or

11 (3) Twenty-four grams or more of a mixture or substance
12 described in subdivision (2) of this subsection which contains
13 cocaine base; or

14 (4) One gram or more of a mixture or substance containing a
15 detectable amount of lysergic acid diethylamide (LSD); or

16 (5) Ninety grams or more of a mixture or substance
17 containing a detectable amount of phencyclidine (PCP); or

18 (6) Twelve grams or more of phencyclidine; or

19 (7) One hundred kilograms or more of a mixture or substance
20 containing marijuana; or

21 (8) Ninety grams or more of any material, compound,
22 mixture, or preparation containing any quantity of the following
23 substances having a stimulant effect on the central nervous
24 system: amphetamine, its salts, optical isomers and salts of its
25 optical isomers; methamphetamine, its salts, optical isomers and
26 salts of its optical isomers; phenmetrazine and its salts; or
27 methylphenidate; or

1 (9) More than thirty grams of any material, compound,
2 mixture, or preparation containing any quantity of the following
3 substances having a stimulant effect on the central nervous
4 system: amphetamine, its salts, optical isomers, and salts of
5 its optical isomers; methamphetamine, its salts, optical isomers,
6 and salts of its optical isomers; phenmetrazine and its salts; or
7 methylphenidate, and the location of the offense was within two
8 thousand feet of real property comprising a public or private
9 elementary, vocational, or secondary school, college, community
10 college, university, or any school bus, in or on the real
11 property comprising public housing or any other governmental
12 assisted housing, or within a motor vehicle, or in any structure
13 or building which contains rooms furnished for the accommodation
14 or lodging of guests, and kept, used, maintained, advertised, or
15 held out to the public as a place where sleeping accommodations
16 are sought for pay or compensation to transient guests or
17 permanent guests; or

18 (10) Ninety grams or more of any material, compound,
19 mixture or preparation which contains any quantity of
20 3,4-methylenedioxymethamphetamine; or

21 (11) More than thirty grams of any material, compound,
22 mixture, or preparation which contains any quantity of
23 3,4-methylenedioxymethamphetamine and the location of the offense
24 was within two thousand feet of real property comprising a public
25 or private elementary, vocational, or secondary school, college,
26 community college, university, or any school bus, in or on the
27 real property comprising public housing or any other governmental

1 assisted housing, within a motor vehicle, or in any structure or
2 building which contains rooms furnished for the accommodation or
3 lodging of guests, and kept, used, maintained, advertised, or
4 held out to the public as a place where sleeping accommodations
5 are sought for pay or compensation to transient guests or
6 permanent guests; or

7 (12) One gram or more of flunitrazepam for a second or
8 subsequent offense; or

9 (13) Any amount of gamma-hydroxybutyric acid for a second
10 or subsequent offense; or

11 (14) Twenty milligrams or more of fentanyl, or any
12 derivative thereof, or any compound, mixture, or substance
13 containing twenty milligrams or more of fentanyl, carfentanyl, or
14 their optical isomers or analogues.

15 579.068. 1. A person commits the offense of trafficking
16 drugs in the second degree if, except as authorized by this
17 chapter or chapter 195, such person knowingly possesses or has
18 under his or her control, purchases or attempts to purchase, or
19 brings into this state:

20 (1) More than thirty grams [~~but less than ninety grams~~] of
21 a mixture or substance containing a detectable amount of heroin;

22 (2) More than one hundred fifty grams [~~but less than four~~
23 ~~hundred fifty grams~~] of a mixture or substance containing a
24 detectable amount of coca leaves, except coca leaves and extracts
25 of coca leaves from which cocaine, ecgonine, and derivatives of
26 ecgonine or their salts have been removed; cocaine salts and
27 their optical and geometric isomers, and salts of isomers;

1 ecgonine, its derivatives, their salts, isomers, and salts of
2 isomers; or any compound, mixture, or preparation which contains
3 any quantity of any of the foregoing substances;

4 (3) More than eight grams [~~but less than twenty-four grams~~]
5 of a mixture or substance described in subdivision (2) of this
6 subsection which contains cocaine base;

7 (4) More than five hundred milligrams [~~but less than one~~
8 ~~gram~~] of a mixture or substance containing a detectable amount of
9 lysergic acid diethylamide (LSD);

10 (5) More than thirty grams [~~but less than ninety grams~~] of
11 a mixture or substance containing a detectable amount of
12 phencyclidine (PCP);

13 (6) More than four grams [~~but less than twelve grams~~] of
14 phencyclidine;

15 (7) More than thirty kilograms [~~but less than one hundred~~
16 ~~kilograms~~] of a mixture or substance containing marijuana;

17 (8) More than thirty grams [~~but less than ninety grams~~] of
18 any material, compound, mixture, or preparation containing any
19 quantity of the following substances having a stimulant effect on
20 the central nervous system: amphetamine, its salts, optical
21 isomers and salts of its optical isomers; methamphetamine, its
22 salts, optical isomers and salts of its optical isomers;
23 phenmetrazine and its salts; or methylphenidate; [~~or~~]

24 (9) More than thirty grams [~~but less than ninety grams~~] of
25 any material, compound, mixture, or preparation which contains
26 any quantity of 3,4-methylenedioxymethamphetamine; or

27 (10) More than ten milligrams of fentanyl, or any

1 derivative thereof, or any compound, mixture, or substance
2 containing more than ten milligrams of fentanyl, carfentanyl, or
3 their optical isomers or analogues.

4 2. The offense of trafficking drugs in the second degree is
5 a class C felony.

6 3. The offense of trafficking drugs in the second degree is
7 a class B felony if the quantity involved is:

8 (1) Ninety grams or more of a mixture or substance
9 containing a detectable amount of heroin; or

10 (2) Four hundred fifty grams or more of a mixture or
11 substance containing a detectable amount of coca leaves, except
12 coca leaves and extracts of coca leaves from which cocaine,
13 ecgonine, and derivatives of ecgonine or their salts have been
14 removed; cocaine salts and their optical and geometric isomers,
15 and salts of isomers; ecgonine, its derivatives, their salts,
16 isomers, and salts of isomers; or any compound, mixture, or
17 preparation which contains any quantity of any of the foregoing
18 substances; or

19 (3) Twenty-four grams or more of a mixture or substance
20 described in subdivision (2) of this subsection which contains
21 cocaine base; or

22 (4) One gram or more of a mixture or substance containing a
23 detectable amount of lysergic acid diethylamide (LSD); or

24 (5) Ninety grams or more of a mixture or substance
25 containing a detectable amount of phencyclidine (PCP); or

26 (6) Twelve grams or more of phencyclidine; or

27 (7) One hundred kilograms or more of a mixture or substance

1 containing marijuana; or

2 (8) More than five hundred marijuana plants; or

3 (9) Ninety grams or more but less than four hundred fifty
4 grams of any material, compound, mixture, or preparation
5 containing any quantity of the following substances having a
6 stimulant effect on the central nervous system: amphetamine, its
7 salts, optical isomers and salts of its optical isomers;
8 methamphetamine, its salts, optical isomers and salts of its
9 optical isomers; phenmetrazine and its salts; or methylphenidate;
10 or

11 (10) Ninety grams or more but less than four hundred fifty
12 grams of any material, compound, mixture, or preparation which
13 contains any quantity of 3,4-methylenedioxymethamphetamine; or

14 (11) Twenty milligrams or more of fentanyl, or any
15 derivative thereof, or any compound, mixture, or substance
16 containing twenty milligrams or more of fentanyl, carfentanyl, or
17 their optical isomers or analogues.

18 4. The offense of trafficking drugs in the second degree is
19 a class A felony if the quantity involved is four hundred fifty
20 grams or more of any material, compound, mixture or preparation
21 which contains:

22 (1) Any quantity of the following substances having a
23 stimulant effect on the central nervous system: amphetamine, its
24 salts, optical isomers and salts of its optical isomers;
25 methamphetamine, its salts, isomers and salts of its isomers;
26 phenmetrazine and its salts; or methylphenidate; or

27 (2) Any quantity of 3,4-methylenedioxymethamphetamine.

1 5. The offense of drug trafficking in the second degree is
2 a class C felony for the first offense and a class B felony for
3 any second or subsequent offense for the trafficking of less than
4 one gram of flunitrazepam.

5 579.076. 1. A person commits the offense of unlawful
6 manufacture of drug paraphernalia if he or she unlawfully
7 manufactures with intent to deliver drug paraphernalia, knowing,
8 or under circumstances where one reasonably should know, that it
9 will be used to plant, propagate, cultivate, grow, harvest,
10 manufacture, compound, convert, produce, process, prepare, test,
11 analyze, pack, repack, store, contain, conceal, inject, ingest,
12 inhale, or otherwise introduce into the human body a controlled
13 substance or an imitation controlled substance in violation of
14 this chapter or chapter 195. Any entity registered with the
15 department of health and senior services that delivers or
16 manufactures hypodermic needles or syringes for the purpose of
17 operating a syringe exchange program or otherwise mitigating
18 health risks associated with unsterile injection drug use shall
19 be exempt from the provisions of this section.

20 2. The offense of unlawful manufacture of drug
21 paraphernalia is a class A misdemeanor, unless done for
22 commercial purposes, in which case it is a class E felony.

23 589.400. 1. Sections 589.400 to 589.425 shall apply to:

24 (1) Any person who, since July 1, 1979, has been or is
25 hereafter adjudicated for an offense referenced in section
26 589.414, unless such person is exempt from registering under
27 subsection 9 or 10 of this section or section 589.401;

1 (2) Any person who, since July 1, 1979, has been or is
2 hereafter convicted of, been found guilty of, or pled guilty or
3 nolo contendere to committing, attempting to commit, or
4 conspiring to commit one or more of the following offenses:
5 kidnapping or kidnapping in the first degree when the victim was
6 a child and the defendant was not a parent or guardian of the
7 child; abuse of a child under section 568.060 when such abuse is
8 sexual in nature; felonious restraint or kidnapping in the second
9 degree when the victim was a child and the defendant is not a
10 parent or guardian of the child; sexual contact or sexual
11 intercourse with a resident of a nursing home or sexual conduct
12 with a nursing facility resident or vulnerable person in the
13 first or second degree; endangering the welfare of a child under
14 section 568.045 when the endangerment is sexual in nature;
15 genital mutilation of a female child, under section 568.065;
16 promoting prostitution in the first degree; promoting
17 prostitution in the second degree; promoting prostitution in the
18 third degree; sexual exploitation of a minor; promoting child
19 pornography in the first degree; promoting child pornography in
20 the second degree; possession of child pornography; furnishing
21 pornographic material to minors; public display of explicit
22 sexual material; coercing acceptance of obscene material;
23 promoting obscenity in the first degree; promoting pornography
24 for minors or obscenity in the second degree; incest; use of a
25 child in a sexual performance; or promoting sexual performance by
26 a child; patronizing prostitution if the individual the person
27 patronizes is less than eighteen years of age;

1 (3) Any person who, since July 1, 1979, has been committed
2 to the department of mental health as a criminal sexual
3 psychopath;

4 (4) Any person who, since July 1, 1979, has been found not
5 guilty as a result of mental disease or defect of any offense
6 referenced in section 589.414;

7 (5) Any juvenile certified as an adult and transferred to a
8 court of general jurisdiction who has been adjudicated for an
9 offense listed under section 589.414;

10 (6) Any juvenile fourteen years of age or older at the time
11 of the offense who has been adjudicated for an offense which is
12 equal to or more severe than aggravated sexual abuse under 18
13 U.S.C. Section 2241, which shall include any attempt or
14 conspiracy to commit such offense;

15 (7) Any person who is a resident of this state who has,
16 since July 1, 1979, been or is hereafter adjudicated in any other
17 state, territory, the District of Columbia, or foreign country,
18 or under federal, tribal, or military jurisdiction for an offense
19 which, if committed in this state, would constitute an offense
20 listed under section 589.414, or has been or is required to
21 register in another state, territory, the District of Columbia,
22 or foreign country, or has been or is required to register under
23 tribal, federal, or military law; or

24 (8) Any person who has been or is required to register in
25 another state, territory, the District of Columbia, or foreign
26 country, or has been or is required to register under tribal,
27 federal, or military law and who works or attends an educational

1 institution, whether public or private in nature, including any
2 secondary school, trade school, professional school, or
3 institution of higher education on a full-time or on a part-time
4 basis or has a temporary residence in Missouri. "Part-time" in
5 this subdivision means for more than seven days in any
6 twelve-month period.

7 2. Any person to whom sections 589.400 to 589.425 apply
8 shall, within three business days of adjudication, release from
9 incarceration, or placement upon probation, register with the
10 chief law enforcement official of the county or city not within a
11 county in which such person resides unless such person has
12 already registered in that county for the same offense. For any
13 juvenile under subdivision (6) of subsection 1 of this section,
14 within three business days of adjudication or release from
15 commitment to the division of youth services, the department of
16 mental health, or other placement, such juvenile shall register
17 with the chief law enforcement official of the county or city not
18 within a county in which he or she resides unless he or she has
19 already registered in such county or city not within a county for
20 the same offense. Any person to whom sections 589.400 to 589.425
21 apply if not currently registered in their county of residence
22 shall register with the chief law enforcement official of such
23 county or city not within a county within three business days.
24 The chief law enforcement official shall forward a copy of the
25 registration form required by section 589.407 to a city, town,
26 village, or campus law enforcement agency located within the
27 county of the chief law enforcement official.

1 3. The registration requirements of sections 589.400
2 through 589.425 shall be as provided under subsection 4 of this
3 section unless:

4 (1) All offenses requiring registration are reversed,
5 vacated, or set aside; or

6 (2) ~~【The registrant is no longer required to register and~~
7 ~~his or her name shall be removed from the registry under the~~
8 ~~provisions of section 589.414; or~~

9 ~~——(3)】~~ The court orders the removal or exemption of such
10 person from the registry under section 589.401.

11 4. The registration requirements shall be as follows:

12 (1) Fifteen years if the offender is a tier I sex offender
13 as provided under section 589.414;

14 (2) Twenty-five years if the offender is a tier II sex
15 offender as provided under section 589.414; or

16 (3) The life of the offender if the offender is a tier III
17 sex offender.

18 5. (1) The registration period shall be reduced as
19 described in subdivision (3) of this subsection for a sex
20 offender who maintains a clean record for the periods described
21 under subdivision (2) of this subsection by:

22 (a) Not being adjudicated of any offense for which
23 imprisonment for more than one year may be imposed;

24 (b) Not being adjudicated of any sex offense;

25 (c) Successfully completing any periods of supervised
26 release, probation, or parole; and

27 (d) Successfully completing an appropriate sex offender

1 treatment program certified by the attorney general.

2 (2) In the case of a:

3 (a) Tier I sex offender, the period during which the clean
4 record shall be maintained is ten years;

5 (b) Tier III sex offender adjudicated delinquent for the
6 offense which required registration in a sex offender registry
7 under sections 589.400 to 589.425, the period during which the
8 clean record shall be maintained is twenty-five years.

9 (3) In the case of a:

10 (a) Tier I sex offender, the reduction is five years;

11 (b) Tier III sex offender adjudicated delinquent, the
12 reduction is from life to that period for which the clean record
13 under paragraph (b) of subdivision (2) of this subsection is
14 maintained.

15 6. For processing an initial sex offender registration the
16 chief law enforcement officer of the county or city not within a
17 county may charge the offender registering a fee of up to ten
18 dollars.

19 7. For processing any change in registration required
20 pursuant to section 589.414 the chief law enforcement official of
21 the county or city not within a county may charge the person
22 changing their registration a fee of five dollars for each change
23 made after the initial registration.

24 8. Any person currently on the sexual offender registry or
25 who otherwise would be required to register for being adjudicated
26 for the offense of felonious restraint of a nonsexual nature when
27 the victim was a child and he or she was the parent or guardian

1 of the child, nonsexual child abuse that was committed under
2 section 568.060, or kidnapping of a nonsexual nature when the
3 victim was a child and he or she was the parent or guardian of
4 the child shall be removed from the registry. However, such
5 person shall remain on the sexual offender registry for any other
6 offense for which he or she is required to register under
7 sections 589.400 to 589.425.

8 9. The following persons shall be exempt from registering
9 as a sexual offender upon petition to the court of jurisdiction
10 under section 589.401; except that, such person shall remain on
11 the sexual offender registry for any other offense for which he
12 or she is required to register under sections 589.400 to 589.425:

13 (1) Any person currently on the sexual offender registry or
14 who otherwise would be required to register for a sexual offense
15 involving:

16 (a) Sexual conduct where no force or threat of force was
17 directed toward the victim or any other individual involved, if
18 the victim was an adult, unless the adult was under the custodial
19 authority of the offender at the time of the offense; or

20 (b) Sexual conduct where no force or threat of force was
21 directed toward the victim, the victim was at least fourteen
22 years of age, and the offender was not more than four years older
23 than the victim at the time of the offense; or

24 (2) Any person currently required to register for the
25 following sexual offenses:

26 (a) Promoting obscenity in the first degree under section
27 573.020;

1 (b) Promoting obscenity in the second degree under section
2 573.030;

3 (c) Furnishing pornographic materials to minors under
4 section 573.040;

5 (d) Public display of explicit sexual material under
6 section 573.060;

7 (e) Coercing acceptance of obscene material under section
8 573.065;

9 (f) Trafficking for the purpose of slavery, involuntary
10 servitude, peonage, or forced labor under section 566.206;

11 (g) Abusing an individual through forced labor under
12 section 566.203;

13 (h) Contributing to human trafficking through the misuse of
14 documentation under section 566.215; or

15 (i) Acting as an international marriage broker and failing
16 to provide the information and notice as required under section
17 578.475.

18 10. Any person currently on the sexual offender registry
19 for having been adjudicated for a tier I or II offense or
20 adjudicated delinquent for a tier III offense or other comparable
21 offenses listed under section 589.414 may file a petition under
22 section 589.401.

23 11. Any nonresident worker, including work as a volunteer
24 or intern, or nonresident student shall register for the duration
25 of such person's employment, including participation as a
26 volunteer or intern, or attendance at any school of higher
27 education whether public or private, including any secondary

1 school, trade school, professional school, or institution of
2 higher education on a full-time or part-time basis in this state
3 unless granted relief under section 589.401. Any registered
4 offender shall provide information regarding any place in which
5 the offender is staying when away from his or her residence for
6 seven or more days, including the period of time the offender is
7 staying in such place. Any registered offender from another
8 state who has a temporary residence in this state and resides
9 more than seven days in a twelve-month period shall register for
10 the duration of such person's temporary residency unless granted
11 relief under section 589.401.

12 589.401. 1. A person on the sexual offender registry may
13 file a petition in the division of the circuit court in the
14 county or city not within a county in which the offense requiring
15 registration was committed to have his or her name removed from
16 the sexual offender registry.

17 2. A person who is required to register in this state
18 because of an offense that was adjudicated in another
19 jurisdiction shall file his or her petition for removal according
20 to the laws of the state, federal, territory, tribal, or military
21 jurisdiction, the District of Columbia, or foreign country in
22 which his or her offense was adjudicated. Upon the grant of the
23 petition for removal in the jurisdiction where the offense was
24 adjudicated, such judgment may be registered in this state by
25 sending the information required under subsection 5 of this
26 section as well as one authenticated copy of the order granting
27 removal from the sexual offender registry in the jurisdiction

1 where the offense was adjudicated to the court in the county or
2 city not within a county in which the offender is required to
3 register. On receipt of a request for registration removal, the
4 registering court shall cause the order to be filed as a foreign
5 judgment, together with one copy of the documents and
6 information, regardless of their form. The petitioner shall be
7 responsible for costs associated with filing the petition.

8 3. A person required to register as a tier III offender
9 shall not file a petition under this section unless the
10 requirement to register results from a juvenile adjudication.

11 4. The petition shall be dismissed without prejudice if the
12 following time periods have not elapsed since the date the person
13 was required to register for his or her most recent offense under
14 sections 589.400 to 589.425:

15 (1) For a tier I offense, ten years;

16 (2) For a tier II offense, twenty-five years; or

17 (3) For a tier III offense adjudicated delinquent,
18 twenty-five years.

19 5. The petition shall be dismissed without prejudice if it
20 fails to include any of the following:

21 (1) The petitioner's:

22 (a) Full name, including any alias used by the individual;

23 (b) Sex;

24 (c) Race;

25 (d) Date of birth;

26 (e) Last four digits of the Social Security number;

27 (f) Address; and

1 (g) Place of employment, school, or volunteer status;

2 (2) The offense and tier of the offense that required the
3 petitioner to register;

4 (3) The date the petitioner was adjudicated for the
5 offense;

6 (4) The date the petitioner was required to register;

7 (5) The case number and court, including the county or city
8 not within a county, that entered the original order for the
9 adjudicated sex offense;

10 (6) Petitioner's fingerprints on an applicant fingerprint
11 card;

12 (7) If the petitioner was pardoned or an offense requiring
13 registration was reversed, vacated, or set aside, an
14 authenticated copy of the order; and

15 (8) If the petitioner is currently registered under
16 applicable law and has not been adjudicated for failure to
17 register in any jurisdiction and does not have any charges
18 pending for failure to register.

19 6. The petition shall name as respondents the Missouri
20 state highway patrol and the chief law enforcement official in
21 the county or city not within a county in which the petition is
22 filed.

23 7. All proceedings under this section shall be governed
24 under the Missouri supreme court rules of civil procedure.

25 8. The person seeking removal or exemption from the
26 registry shall provide the prosecuting attorney in the circuit
27 court in which the petition is filed with notice of the petition.

1 The prosecuting attorney may present evidence in opposition to
2 the requested relief or may otherwise demonstrate the reasons why
3 the petition should be denied. Failure of the person seeking
4 removal or exemption from the registry to notify the prosecuting
5 attorney of the petition shall result in an automatic denial of
6 such person's petition.

7 9. The prosecuting attorney in the circuit court in which
8 the petition is filed shall have access to all applicable records
9 concerning the petitioner including, but not limited to, criminal
10 history records, mental health records, juvenile records, and
11 records of the department of corrections or probation and parole.

12 10. The prosecuting attorney shall make reasonable efforts
13 to notify the victim of the crime for which the person was
14 required to register of the petition and the dates and times of
15 any hearings or other proceedings in connection with such
16 petition.

17 11. The court shall not enter an order directing the
18 removal of the petitioner's name from the sexual offender
19 registry unless it finds the petitioner:

20 (1) Has not been adjudicated or does not have charges
21 pending for any additional nonsexual offense for which
22 imprisonment for more than one year may be imposed since the date
23 the offender was required to register for his or her current tier
24 level;

25 (2) Has not been adjudicated or does not have charges
26 pending for any additional sex offense that would require
27 registration under sections 589.400 to 589.425 since the date the

1 offender was required to register for his or her current tier
2 level, even if the offense was punishable by less than one year
3 imprisonment;

4 (3) Has successfully completed any required periods of
5 supervised release, probation, or parole without revocation since
6 the date the offender was required to register for his or her
7 current tier level;

8 (4) Has successfully completed an appropriate sex offender
9 treatment program as approved by a court of competent
10 jurisdiction or the Missouri department of corrections; and

11 (5) Is not a current or potential threat to public safety.

12 12. In order to meet the criteria required by subdivisions
13 (1) and (2) of subsection 11 of this section, the fingerprints
14 filed in the case shall be examined by the Missouri state highway
15 patrol. The petitioner shall be responsible for all costs
16 associated with the fingerprint-based criminal history check of
17 both state and federal files under section 43.530.

18 13. If the petition is denied due to an adjudication in
19 violation of subdivision (1) or (2) of subsection 11 of this
20 section, the petitioner shall not file a new petition under this
21 section until:

22 (1) Fifteen years have passed from the date of the
23 adjudication resulting in the denial of relief if the petitioner
24 is classified as a tier I offender;

25 (2) Twenty-five years have passed from the date of
26 adjudication resulting in the denial of relief if the petitioner
27 is classified as a tier II offender; or

1 (3) Twenty-five years have passed from the date of the
2 adjudication resulting in the denial of relief if the petitioner
3 is classified as a tier III offender on the basis of a juvenile
4 adjudication.

5 14. If the petition is denied due to the petitioner having
6 charges pending in violation of subdivision (1) or (2) of
7 subsection 11 of this section, the petitioner shall not file a
8 new petition under this section until:

9 (1) The pending charges resulting in the denial of relief
10 have been finally disposed of in a manner other than
11 adjudication; or

12 (2) If the pending charges result in an adjudication, the
13 necessary time period has elapsed under subsection 13 of this
14 section.

15 15. If the petition is denied for reasons other than those
16 outlined in subsection 11 of this section, no successive petition
17 requesting such relief shall be filed for at least five years
18 from the date the judgment denying relief is entered.

19 16. If the court finds the petitioner is entitled to have
20 his or her name removed from the sexual offender registry, the
21 court shall enter judgment directing the removal of the name. A
22 copy of the judgment shall be provided to the respondents named
23 in the petition.

24 17. Any person subject to the judgment requiring his or her
25 name to be removed from the sexual offender registry is not
26 required to register under sections 589.400 to 589.425 unless
27 such person is required to register for an offense that was

1 different from that listed on the judgment of removal.

2 18. The court shall not deny the petition unless the
3 petition failed to comply with the provisions of sections 589.400
4 to 589.425 or the prosecuting attorney provided evidence
5 demonstrating the petition should be denied.

6 589.404. As used in sections 589.400 to 589.425, the
7 following terms mean:

8 (1) "Adjudicated" or "adjudication", adjudication of
9 delinquency, a finding of guilt, plea of guilt, finding of not
10 guilty due to mental disease or defect, or plea of nolo
11 contendere to committing, attempting to commit, or conspiring to
12 commit. "Adjudicated" or "adjudication" includes charges
13 adjudicated as part of a multicount offense;

14 (2) "Adjudicated delinquent", a person found to have
15 committed an offense that, if committed by an adult, would be a
16 criminal offense;

17 (3) "Chief law enforcement official", the sheriff's office
18 of each county or the police department of a city not within a
19 county;

20 (4) "Offender registration", the required minimum
21 informational content of sex offender registries, which shall
22 consist of, but not be limited to, a full set of fingerprints on
23 a standard sex offender registration card upon initial
24 registration in Missouri, as well as all other forms required by
25 the Missouri state highway patrol upon each initial and
26 subsequent registration;

27 (5) "Residence", any place where an offender sleeps for

1 seven or more consecutive or nonconsecutive days or nights within
2 a twelve-month period;

3 (6) "Sex offender", any person who meets the criteria to
4 register under sections 589.400 to 589.425 or the Sex Offender
5 Registration and Notification Act, Title I of the Adam Walsh
6 Child Protection and Safety Act of 2006, P.L. 109-248;

7 (7) "Sex offense", any offense, including each individual
8 charge adjudicated as part of a multicount offense, which is
9 listed under section 589.414 or comparable to those listed under
10 section 589.414 or otherwise comparable to offenses covered under
11 the Sex Offender Registration and Notification Act, Title I of
12 the Adam Walsh Child Protection and Safety Act of 2006, P.L.
13 109-248;

14 (8) "Sexual act", any type or degree of genital, oral, or
15 anal penetration;

16 (9) "Sexual contact", any sexual touching of or contact
17 with a person's body, either directly or through the clothing;

18 (10) "Sexual element", used for the purposes of
19 distinguishing if sexual contact or a sexual act was committed.
20 Authorities shall refer to information filed by the prosecutor,
21 amended information filed by the prosecutor, indictment
22 information filed by the prosecutor, or amended indictment
23 information filed by the prosecutor, the plea agreement, or court
24 documentation to determine if a sexual element exists;

25 (11) "Signature", the name of the offender signed in
26 writing or electronic form approved by the Missouri state highway
27 patrol;

1 (12) "Student", an individual who enrolls in or attends the
2 physical location of an educational institution, including a
3 public or private secondary school, trade or professional school,
4 or an institution of higher education;

5 (13) "Vehicle", any land vehicle, watercraft, or aircraft.

6 589.414. 1. Any person required by sections 589.400 to
7 589.425 to register shall, within three business days, appear in
8 person to the chief law enforcement officer of the county or city
9 not within a county if there is a change to any of the following
10 information:

11 (1) Name;

12 (2) Residence;

13 (3) Employment, including status as a volunteer or intern;

14 (4) Student status; or

15 (5) A termination to any of the items listed in this
16 subsection.

17 2. Any person required to register under sections 589.400
18 to 589.425 shall, within three business days, notify the chief
19 law enforcement official of the county or city not within a
20 county of any changes to the following information:

21 (1) Vehicle information;

22 (2) Temporary lodging information;

23 (3) Temporary residence information;

24 (4) Email addresses, instant messaging addresses, and any
25 other designations used in internet communications, postings, or
26 telephone communications; or

27 (5) Telephone or other cellular number, including any new

1 forms of electronic communication.

2 3. The chief law enforcement official in the county or city
3 not within a county shall immediately forward the registration
4 changes described under subsections 1 and 2 of this section to
5 the Missouri state highway patrol within three business days.

6 4. If any person required by sections 589.400 to 589.425 to
7 register changes such person's residence or address to a
8 different county or city not within a county, the person shall
9 appear in person and shall inform both the chief law enforcement
10 official with whom the person last registered and the chief law
11 enforcement official of the county or city not within a county
12 having jurisdiction over the new residence or address in writing
13 within three business days of such new address and phone number,
14 if the phone number is also changed. If any person required by
15 sections 589.400 to 589.425 to register changes his or her state,
16 territory, the District of Columbia, or foreign country, or
17 federal, tribal, or military jurisdiction of residence, the
18 person shall appear in person and shall inform both the chief law
19 enforcement official with whom the person was last registered and
20 the chief law enforcement official of the area in the new state,
21 territory, the District of Columbia, or foreign country, or
22 federal, tribal, or military jurisdiction having jurisdiction
23 over the new residence or address within three business days of
24 such new address. Whenever a registrant changes residence, the
25 chief law enforcement official of the county or city not within a
26 county where the person was previously registered shall inform
27 the Missouri state highway patrol of the change within three

1 business days. When the registrant is changing the residence to
2 a new state, territory, the District of Columbia, or foreign
3 country, or federal, tribal, or military jurisdiction, the
4 Missouri state highway patrol shall inform the responsible
5 official in the new state, territory, the District of Columbia,
6 or foreign country, or federal, tribal, or military jurisdiction
7 of residence within three business days.

8 5. Tier I sexual offenders, in addition to the requirements
9 of subsections 1 to 4 of this section, shall report in person to
10 the chief law enforcement official annually in the month of their
11 birth to verify the information contained in their statement made
12 pursuant to section 589.407. Tier I sexual offenders include:

13 (1) Any offender who has been adjudicated for the offense
14 of:

15 (a) ~~Sexual abuse in the first degree under section 566.100~~
16 ~~if the victim is eighteen years of age or older;~~

17 ~~(b) Sexual misconduct involving a child under section~~
18 ~~566.083 if it is a first offense and the punishment is less than~~
19 ~~one year;~~

20 ~~(c)~~ Sexual misconduct in the first degree under section
21 566.090 as it existed prior to August 28, 2013, or sexual abuse
22 in the second degree under section 566.101 [if the punishment is
23 less than a year], if either offense is a misdemeanor;

24 ~~(d) Kidnapping in the second degree under section 565.120~~
25 ~~with sexual motivation;~~

26 ~~(e) Kidnapping in the third degree under section 565.130;~~

27 ~~(f)~~ (b) Sexual conduct with a nursing facility resident

1 or vulnerable person in the first degree under section 566.115
2 ~~[if the punishment is less than one year]~~ if the offense is a
3 misdemeanor;

4 ~~[(g)]~~ (c) Sexual conduct under section 566.116 with a
5 nursing facility resident or vulnerable person;

6 ~~[(h)]~~ (d) Sexual ~~[contact]~~ conduct with a prisoner or
7 offender under section 566.145 if the victim is eighteen years of
8 age or older;

9 ~~[(i)]~~ (e) Sex with an animal under section 566.111;

10 ~~[(j)]~~ (f) Trafficking for the purpose of sexual
11 exploitation under section 566.209 if the victim is eighteen
12 years of age or older;

13 ~~[(k)]~~ (g) Possession of child pornography under section
14 573.037;

15 ~~[(l)]~~ (h) Sexual misconduct in the second degree under
16 section 566.093 as it existed prior to August 28, 2013, or sexual
17 misconduct in the first degree under section 566.093;

18 ~~[(m)]~~ (i) Sexual misconduct in the third degree under
19 section 566.095 as it existed prior to August 28, 2013, or sexual
20 misconduct in the second degree under section 566.095;

21 ~~[(n)]~~ (j) Child molestation in the second degree under
22 section 566.068 as it existed prior to January 1, 2017, ~~[if the~~
23 ~~punishment is less than one year]~~ if the offense is a
24 misdemeanor; [or

25 ~~—(o)]~~ (k) Invasion of privacy under section 565.252 if the
26 victim is less than eighteen years of age; or

27 (l) Sexual assault in the second degree under section

1 566.050 as it existed prior to August 28, 1994, if no force or
2 threat of force was used and no injury was inflicted on any
3 person;

4 (2) Any offender who is or has been adjudicated in any
5 other state, territory, the District of Columbia, or foreign
6 country, or under federal, tribal, or military jurisdiction of an
7 offense of a sexual nature or with a sexual element that is
8 comparable to the tier I sexual offenses listed in this
9 subsection or, if not comparable to those in this subsection,
10 comparable to those described as tier I offenses under the Sex
11 Offender Registration and Notification Act, Title I of the Adam
12 Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248.

13 6. Tier II sexual offenders, in addition to the
14 requirements of subsections 1 to 4 of this section, shall report
15 semiannually in person in the month of their birth and six months
16 thereafter to the chief law enforcement official to verify the
17 information contained in their statement made pursuant to section
18 589.407. Tier II sexual offenders include:

19 (1) Any offender who has been adjudicated for the offense
20 of:

21 (a) Statutory sodomy in the second degree under section
22 566.064 if the victim is sixteen to seventeen years of age;

23 (b) Child molestation in the third degree under section
24 566.069 if the victim is between thirteen and fourteen years of
25 age;

26 (c) ~~Sexual contact with a student under section 566.086 if~~
27 ~~the victim is thirteen to seventeen years of age;~~

1 ~~——(d)]~~ Enticement of a child under section 566.151;

2 ~~[(e)]~~ (d) Abuse of a child under section 568.060 if the
3 offense is of a sexual nature and the victim is thirteen to
4 seventeen years of age;

5 ~~[(f)]~~ (e) Sexual exploitation of a minor under section
6 573.023;

7 ~~[(g)]~~ (f) Promoting child pornography in the first degree
8 under section 573.025;

9 ~~[(h)]~~ (g) Promoting child pornography in the second degree
10 under section 573.035;

11 ~~[(i)]~~ (h) Patronizing prostitution under section 567.030;

12 ~~[(j)]~~ (i) Sexual contact with a prisoner or offender under
13 section 566.145 if the victim is thirteen to seventeen years of
14 age;

15 ~~[(k)]~~ (j) Child molestation in the fourth degree under
16 section 566.071 if the victim is thirteen to seventeen years of
17 age;

18 ~~[(l)]~~ (k) Sexual misconduct involving a child under section
19 566.083 if it is a first offense ~~[and the penalty is a term of~~
20 ~~imprisonment of more than a year]; [or~~

21 ~~——(m)]~~ (l) Age misrepresentation with intent to solicit a
22 minor under section 566.153; or

23 (m) Sexual misconduct in the first degree under section
24 566.090 as it existed prior to August 28, 2013, if the offense
25 was a felony;

26 (2) Any person who is adjudicated of an offense comparable
27 to a tier I offense listed in this section or failure to register

1 offense under section 589.425 or comparable out-of-state failure
2 to register offense and who is already required to register as a
3 tier I offender due to having been adjudicated of a tier I
4 offense on a previous occasion; or

5 (3) Any person who is or has been adjudicated in any other
6 state, territory, the District of Columbia, or foreign country,
7 or under federal, tribal, or military jurisdiction for an offense
8 of a sexual nature or with a sexual element that is comparable to
9 the tier II sexual offenses listed in this subsection or, if not
10 comparable to those in this subsection, comparable to those
11 described as tier II offenses under the Sex Offender Registration
12 and Notification Act, Title I of the Adam Walsh Child Protection
13 and Safety Act of 2006, Pub. L. 109-248.

14 7. Tier III sexual offenders, in addition to the
15 requirements of subsections 1 to 4 of this section, shall report
16 in person to the chief law enforcement official every ninety days
17 to verify the information contained in their statement made under
18 section 589.407. Tier III sexual offenders include:

19 (1) Any offender registered as a predatory sexual offender
20 as defined in section ~~[566.123]~~ 566.125 or a persistent sexual
21 offender as defined in section ~~[566.124]~~ 566.125;

22 (2) Any offender who has been adjudicated for the crime of:

23 (a) Rape in the first degree under section 566.030;

24 (b) Statutory rape in the first degree under section
25 566.032;

26 (c) Rape in the second degree under section 566.031;

27 (d) Endangering the welfare of a child in the first degree

1 under section 568.045 if the offense is sexual in nature;

2 (e) Sodomy in the first degree under section 566.060;

3 (f) Statutory sodomy under section 566.062;

4 (g) Statutory sodomy under section 566.064 if the victim is
5 under sixteen years of age;

6 (h) Sodomy in the second degree under section 566.061;

7 (i) Sexual misconduct involving a child under section
8 566.083 if the offense is a second or subsequent offense;

9 (j) Sexual abuse under section 566.100 as it existed prior
10 to August 28, 2013, or sexual abuse in the first degree under
11 section 566.100 [~~if the victim is under thirteen years of age~~];

12 (k) Kidnapping in the first degree under section 565.110 if
13 the victim is under eighteen years of age, excluding kidnapping
14 by a parent or guardian;

15 (l) Child kidnapping under section 565.115;

16 (m) Sexual conduct with a nursing facility resident or
17 vulnerable person in the first degree under section 566.115 [~~if~~
18 ~~the punishment is greater than a year~~] if the offense is a
19 felony;

20 (n) Incest under section 568.020;

21 (o) Endangering the welfare of a child in the first degree
22 under section 568.045 with sexual intercourse or deviate sexual
23 intercourse with a victim under eighteen years of age;

24 (p) Child molestation in the first degree under section
25 566.067;

26 (q) Child molestation in the second degree under section
27 566.068;

1 (r) Child molestation in the third degree under section
2 566.069 if the victim is under thirteen years of age;

3 (s) Promoting prostitution in the first degree under
4 section 567.050 if the victim is under eighteen years of age;

5 (t) Promoting prostitution in the second degree under
6 section 567.060 if the victim is under eighteen years of age;

7 (u) Promoting prostitution in the third degree under
8 section 567.070 if the victim is under eighteen years of age;

9 (v) Promoting travel for prostitution under section 567.085
10 if the victim is under eighteen years of age;

11 (w) Trafficking for the purpose of sexual exploitation
12 under section 566.209 if the victim is under eighteen years of
13 age;

14 (x) Sexual trafficking of a child in the first degree under
15 section 566.210;

16 (y) Sexual trafficking of a child in the second degree
17 under section 566.211;

18 (z) Genital mutilation of a female child under section
19 568.065;

20 (aa) Statutory rape in the second degree under section
21 566.034;

22 (bb) Child molestation in the fourth degree under section
23 566.071 if the victim is under thirteen years of age;

24 (cc) Sexual abuse in the second degree under section
25 566.101 [~~if the penalty is a term of imprisonment of more than a~~
26 ~~year~~] if the offense is a felony;

27 (dd) Patronizing prostitution under section 567.030 if the

1 offender is a persistent offender;

2 (ee) Abuse of a child under section 568.060 if the offense
3 is of a sexual nature and the victim is under thirteen years of
4 age;

5 (ff) Sexual ~~[contact]~~ conduct with a prisoner or offender
6 under section 566.145 if the victim is under thirteen years of
7 age;

8 (gg) Sexual ~~[intercourse]~~ conduct with a prisoner or
9 offender under section 566.145;

10 (hh) Sexual contact with a student under section 566.086 if
11 the victim is ~~[under thirteen]~~ eighteen years of age or under;

12 (ii) Use of a child in a sexual performance under section
13 573.200; ~~[or]~~

14 (jj) Felonious restraint under section 565.120 as it
15 existed prior to January 1, 2017, or kidnapping in the second
16 degree under section 565.120 if either offense is sexual in
17 nature;

18 (kk) False imprisonment under section 565.130 as it existed
19 prior to January 1, 2017, or kidnapping in the third degree under
20 section 565.130 if either offense is sexual in nature or if the
21 victim is a minor and the offense is a felony;

22 (ll) Sexual assault in the second degree under section
23 566.050 as it existed prior to August 28, 1994, if the offense is
24 a class C felony; or

25 (mm) Promoting a sexual performance by a child under
26 section 573.205;

27 (3) Any offender who is adjudicated for a crime comparable

1 to a tier I or tier II offense listed in this section or failure
2 to register offense under section 589.425, or other comparable
3 out-of-state failure to register offense, who has been or is
4 already required to register as a tier II offender because of
5 having been adjudicated for a tier II offense, two tier I
6 offenses, or combination of a tier I offense and failure to
7 register offense, on a previous occasion;

8 (4) Any offender who is adjudicated in any other state,
9 territory, the District of Columbia, or foreign country, or under
10 federal, tribal, or military jurisdiction for an offense of a
11 sexual nature or with a sexual element that is comparable to a
12 tier III offense listed in this section or a tier III offense
13 under the Sex Offender Registration and Notification Act, Title I
14 of the Adam Walsh Child Protection and Safety Act of 2006, Pub.
15 L. 109-248; or

16 (5) Any offender who is adjudicated in Missouri for any
17 offense of a sexual nature requiring registration under sections
18 589.400 to 589.425 that is not classified as a tier I or tier II
19 offense in this section.

20 8. In addition to the requirements of subsections 1 to 7 of
21 this section, all Missouri registrants who work, including as a
22 volunteer or unpaid intern, or attend any school whether public
23 or private, including any secondary school, trade school,
24 professional school, or institution of higher education, on a
25 full-time or part-time basis or have a temporary residence in
26 this state shall be required to report in person to the chief law
27 enforcement officer in the area of the state where they work,

1 including as a volunteer or unpaid intern, or attend any school
2 or training and register in that state. "Part-time" in this
3 subsection means for more than seven days in any twelve-month
4 period.

5 9. If a person who is required to register as a sexual
6 offender under sections 589.400 to 589.425 changes or obtains a
7 new online identifier as defined in section 43.651, the person
8 shall report such information in the same manner as a change of
9 residence before using such online identifier.

10 590.207. Notwithstanding any other provision of law to the
11 contrary, any person designated as a school protection officer
12 under the provisions of section 160.665 who allows any such
13 firearm out of ~~[his or her]~~ such officer's personal control while
14 that firearm is on school property as provided under ~~[subsection~~
15 ~~2-of]~~ section 160.665 shall be guilty of a class B misdemeanor
16 and may be subject to employment termination proceedings within
17 the school district if such school protection officer is an
18 elementary or secondary school teacher or administrator or
19 dismissal if such school protection officer is a volunteer under
20 section 160.665.

21 610.021. Except to the extent disclosure is otherwise
22 required by law, a public governmental body is authorized to
23 close meetings, records and votes, to the extent they relate to
24 the following:

25 (1) Legal actions, causes of action or litigation involving
26 a public governmental body and any confidential or privileged
27 communications between a public governmental body or its

1 representatives and its attorneys. However, any minutes, vote or
2 settlement agreement relating to legal actions, causes of action
3 or litigation involving a public governmental body or any agent
4 or entity representing its interests or acting on its behalf or
5 with its authority, including any insurance company acting on
6 behalf of a public government body as its insured, shall be made
7 public upon final disposition of the matter voted upon or upon
8 the signing by the parties of the settlement agreement, unless,
9 prior to final disposition, the settlement agreement is ordered
10 closed by a court after a written finding that the adverse impact
11 to a plaintiff or plaintiffs to the action clearly outweighs the
12 public policy considerations of section 610.011, however, the
13 amount of any moneys paid by, or on behalf of, the public
14 governmental body shall be disclosed; provided, however, in
15 matters involving the exercise of the power of eminent domain,
16 the vote shall be announced or become public immediately
17 following the action on the motion to authorize institution of
18 such a legal action. Legal work product shall be considered a
19 closed record;

20 (2) Leasing, purchase or sale of real estate by a public
21 governmental body where public knowledge of the transaction might
22 adversely affect the legal consideration therefor. However, any
23 minutes, vote or public record approving a contract relating to
24 the leasing, purchase or sale of real estate by a public
25 governmental body shall be made public upon execution of the
26 lease, purchase or sale of the real estate;

27 (3) Hiring, firing, disciplining or promoting of particular

1 employees by a public governmental body when personal information
2 about the employee is discussed or recorded. However, any vote
3 on a final decision, when taken by a public governmental body, to
4 hire, fire, promote or discipline an employee of a public
5 governmental body shall be made available with a record of how
6 each member voted to the public within seventy-two hours of the
7 close of the meeting where such action occurs; provided, however,
8 that any employee so affected shall be entitled to prompt notice
9 of such decision during the seventy-two-hour period before such
10 decision is made available to the public. As used in this
11 subdivision, the term "personal information" means information
12 relating to the performance or merit of individual employees;

13 (4) The state militia or national guard or any part
14 thereof;

15 (5) Nonjudicial mental or physical health proceedings
16 involving identifiable persons, including medical, psychiatric,
17 psychological, or alcoholism or drug dependency diagnosis or
18 treatment;

19 (6) Scholastic probation, expulsion, or graduation of
20 identifiable individuals, including records of individual test or
21 examination scores; however, personally identifiable student
22 records maintained by public educational institutions shall be
23 open for inspection by the parents, guardian or other custodian
24 of students under the age of eighteen years and by the parents,
25 guardian or other custodian and the student if the student is
26 over the age of eighteen years;

27 (7) Testing and examination materials, before the test or

1 examination is given or, if it is to be given again, before so
2 given again;

3 (8) Welfare cases of identifiable individuals;

4 (9) Preparation, including any discussions or work product,
5 on behalf of a public governmental body or its representatives
6 for negotiations with employee groups;

7 (10) Software codes for electronic data processing and
8 documentation thereof;

9 (11) Specifications for competitive bidding, until either
10 the specifications are officially approved by the public
11 governmental body or the specifications are published for bid;

12 (12) Sealed bids and related documents, until the bids are
13 opened; and sealed proposals and related documents or any
14 documents related to a negotiated contract until a contract is
15 executed, or all proposals are rejected;

16 (13) Individually identifiable personnel records,
17 performance ratings or records pertaining to employees or
18 applicants for employment, except that this exemption shall not
19 apply to the names, positions, salaries and lengths of service of
20 officers and employees of public agencies once they are employed
21 as such, and the names of private sources donating or
22 contributing money to the salary of a chancellor or president at
23 all public colleges and universities in the state of Missouri and
24 the amount of money contributed by the source;

25 (14) Records which are protected from disclosure by law;

26 (15) Meetings and public records relating to scientific and
27 technological innovations in which the owner has a proprietary

1 interest;

2 (16) Records relating to municipal hotlines established for
3 the reporting of abuse and wrongdoing;

4 (17) Confidential or privileged communications between a
5 public governmental body and its auditor, including all auditor
6 work product; however, all final audit reports issued by the
7 auditor are to be considered open records pursuant to this
8 chapter;

9 (18) Operational guidelines, policies and specific response
10 plans developed, adopted, or maintained by any public agency
11 responsible for law enforcement, public safety, first response,
12 or public health for use in responding to or preventing any
13 critical incident which is or appears to be terrorist in nature
14 and which has the potential to endanger individual or public
15 safety or health. Financial records related to the procurement
16 of or expenditures relating to operational guidelines, policies
17 or plans purchased with public funds shall be open. When seeking
18 to close information pursuant to this exception, the public
19 governmental body shall affirmatively state in writing that
20 disclosure would impair the public governmental body's ability to
21 protect the security or safety of persons or real property, and
22 shall in the same writing state that the public interest in
23 nondisclosure outweighs the public interest in disclosure of the
24 records;

25 (19) Existing or proposed security systems or procedures
26 and structural plans of real property owned or leased by a public
27 governmental body including, but not limited to, evacuation and

1 lockdown procedures for the buildings on such real property, and
2 information that is voluntarily submitted by a nonpublic entity
3 owning or operating an infrastructure to any public governmental
4 body for use by that body to devise plans for protection of that
5 infrastructure including, but not limited to, software or
6 surveillance companies that secure access to such buildings, the
7 public disclosure of which would threaten public safety:

8 (a) Records related to the procurement of or expenditures
9 relating to security systems purchased with public funds shall be
10 open;

11 (b) When seeking to close information pursuant to this
12 exception, the public governmental body shall affirmatively state
13 in writing that disclosure would impair the public governmental
14 body's ability to protect the security or safety of persons or
15 real property, and shall in the same writing state that the
16 public interest in nondisclosure outweighs the public interest in
17 disclosure of the records;

18 (c) Records that are voluntarily submitted by a nonpublic
19 entity shall be reviewed by the receiving agency within ninety
20 days of submission to determine if retention of the document is
21 necessary in furtherance of a state security interest. If
22 retention is not necessary, the documents shall be returned to
23 the nonpublic governmental body or destroyed;

24 (20) The portion of a record that identifies security
25 systems or access codes or authorization codes for security
26 systems of real property;

27 (21) Records that identify the configuration of components

1 or the operation of a computer, computer system, computer
2 network, or telecommunications network, and would allow
3 unauthorized access to or unlawful disruption of a computer,
4 computer system, computer network, or telecommunications network
5 of a public governmental body. This exception shall not be used
6 to limit or deny access to otherwise public records in a file,
7 document, data file or database containing public records.

8 Records related to the procurement of or expenditures relating to
9 such computer, computer system, computer network, or
10 telecommunications network, including the amount of moneys paid
11 by, or on behalf of, a public governmental body for such
12 computer, computer system, computer network, or
13 telecommunications network shall be open;

14 (22) Credit card numbers, personal identification numbers,
15 digital certificates, physical and virtual keys, access codes or
16 authorization codes that are used to protect the security of
17 electronic transactions between a public governmental body and a
18 person or entity doing business with a public governmental body.
19 Nothing in this section shall be deemed to close the record of a
20 person or entity using a credit card held in the name of a public
21 governmental body or any record of a transaction made by a person
22 using a credit card or other method of payment for which
23 reimbursement is made by a public governmental body; and

24 (23) Records submitted by an individual, corporation, or
25 other business entity to a public institution of higher education
26 in connection with a proposal to license intellectual property or
27 perform sponsored research and which contains sales projections

1 or other business plan information the disclosure of which may
2 endanger the competitiveness of a business.

3 632.460. 1. A person commits the offense of unlawful use
4 of unmanned aircraft over a mental health hospital if he or she
5 purposely:

6 (1) Operates an unmanned aircraft within a vertical
7 distance of four hundred feet over the mental health hospital's
8 property line; or

9 (2) Uses an unmanned aircraft to deliver to a person
10 confined in a mental health hospital any object described in
11 subdivision (1) or (3) of subsection 6 of this section.

12 2. For the purposes of subsection 1 of this section,
13 vertical distance extends from ground level.

14 3. For purposes of this section, "mental health hospital"
15 shall mean a facility operated by the department of mental health
16 to provide inpatient evaluation, treatment, or care to persons
17 suffering from a mental disorder, as defined under section
18 630.005; mental illness, as defined under section 630.005; or
19 mental abnormality, as defined under section 632.480.

20 4. The provisions of this section shall not prohibit the
21 operation of an unmanned aircraft by:

22 (1) An employee of the mental health hospital at the
23 direction of the chief administrative officer of the mental
24 health hospital;

25 (2) A person who has written consent from the chief
26 administrative officer of the mental health hospital;

27 (3) An employee of a law enforcement agency, fire

1 department, or emergency medical service in the exercise of
2 official duties;

3 (4) A government official or employee in the exercise of
4 official duties;

5 (5) A public utility or a rural electric cooperative if:

6 (a) The unmanned aircraft is used for the purpose of
7 inspecting, repairing, or maintaining utility transmission or
8 distribution lines or other utility equipment or infrastructure;

9 (b) The utility notifies the mental health hospital before
10 flying the unmanned aircraft, except during an emergency; and

11 (c) The person operating the unmanned aircraft does not
12 physically enter the prohibited space without an escort provided
13 by the mental health hospital;

14 (6) An employee of a railroad in the exercise of official
15 duties on any land owned or operated by a railroad corporation
16 regulated by the Federal Railway Administration; or

17 (7) A person operating an unmanned aircraft pursuant to and
18 in compliance with any waiver issued by the Federal Aviation
19 Authority under 14 C.F.R. Section 107.200.

20 5. Each mental health hospital shall post a sign warning of
21 the provisions of this section. The sign shall be at least
22 eleven inches by fourteen inches and posted in a conspicuous
23 place.

24 6. The offense of unlawful use of unmanned aircraft over a
25 mental health hospital shall be punishable as an infraction
26 unless the person uses an unmanned aircraft for the purpose of:

27 (1) Delivering a gun, knife, weapon, or other article that

1 may be used in such manner to endanger the life of a patient or
2 mental health hospital employee, in which case the offense is a
3 class B felony;

4 (2) Facilitating an escape from commitment or detention
5 under section 575.195, in which case the offense is a class C
6 felony; or

7 (3) Delivering a controlled substance, as that term is
8 defined under section 195.010, in which case the offense is a
9 class D felony.

10 640.042. 1. As used in this section, the term "hazardous
11 waste site" means:

12 (1) Any site on the registry of confirmed abandoned or
13 uncontrolled hazardous waste disposal sites as described in
14 section 260.440;

15 (2) Any hazardous waste facility, as defined in section
16 260.360; or

17 (3) Any site that once contained hazardous waste, as
18 defined in section 260.360, that is under long-term stewardship
19 in order to prevent residual contamination from posing a risk to
20 the public.

21 2. The department of natural resources shall create and
22 make available on its website an interactive map of hazardous
23 waste sites in Missouri. The map shall contain links to
24 additional information on each hazardous waste site and a method
25 for members of the public to sign up to receive updates on any
26 hazardous waste site. The information shall appear together in
27 one document or web page that is easily accessible.

1 3. Before January 1, 2021, each hazardous waste site shall
2 post an informational sign in a conspicuous place at each
3 entrance to the site. The department of natural resources shall
4 develop the language for the sign, which shall declare that the
5 site contains hazardous waste and shall indicate that more
6 information can be found at the website described in subsection 2
7 of this section.

8 640.142. 1. Within twelve months of the effective date of
9 this section, each public water system shall create a plan that
10 establishes policies and procedures for identifying and
11 mitigating cyber risk. The plan shall include risk assessments
12 and implementation of appropriate controls to mitigate identified
13 cyber risks.

14 2. Public water systems that do not use an internet-
15 connected control system are exempt from the provisions of this
16 section.

17 3. The provisions of this section shall not apply to any
18 state parks, cities with a population of more than thirty
19 thousand inhabitants, a county with a charter form of government
20 and with more than six hundred thousand but fewer than seven
21 hundred thousand inhabitants, a county with a charter form of
22 government and with more than nine hundred fifty thousand
23 inhabitants, or a public service commission regulated utility
24 with more than thirty thousand customers.

25 640.144. 1. All public water systems shall be required to
26 create a valve inspection program that includes:

27 (1) Inspection of all valves every ten years;

1 (2) Scheduled repair or replacement of broken valves; and
2 (3) Within five years of the effective date of this
3 section, identification of each shut off valve location using a
4 geographic information system or an alternative physical mapping
5 system that accurately identifies the location of each valve.

6 2. All public water systems shall be required to create a
7 hydrant inspection program that includes:

8 (1) Annual testing of every hydrant in the public water
9 system;

10 (2) Scheduled repair or replacement of broken hydrants;

11 (3) A plan to flush every hydrant and dead-end main;

12 (4) Maintenance of records of inspections, tests, and
13 flushings for six years; and

14 (5) Within five years of the effective date of this section,
15 identification of each hydrant location using a geographic
16 information system or an alternative physical mapping system that
17 accurately identifies the location of each hydrant.

18 3. The provisions of this section shall not apply to any
19 state parks, cities with a population of more than thirty
20 thousand inhabitants, a county with a charter form of government
21 and with more than six hundred thousand but fewer than seven
22 hundred thousand inhabitants, a county with a charter form of
23 government and with more than nine hundred fifty thousand
24 inhabitants, or a public service commission regulated utility
25 with more than thirty thousand customers.

26 640.145. 1. Public water systems shall submit a report
27 upon request of the department of natural resources that shall

1 certify compliance with all regulations regarding:

2 (1) Water quality sampling, testing, and reporting;

3 (2) Hydrant and valve inspections under section 640.144;

4 and

5 (3) Cyber security plans and policies, if required under
6 section 640.142.

7 2. The provisions of this section shall not apply to any
8 state parks, cities with a population of more than thirty
9 thousand inhabitants, a county with a charter form of government
10 and with more than six hundred thousand but fewer than seven
11 hundred thousand inhabitants, a county with a charter form of
12 government and with more than nine hundred fifty thousand
13 inhabitants, or a public service commission regulated utility
14 with more than thirty thousand customers.

15 650.005. 1. There is hereby created a "Department of
16 Public Safety" in charge of a director appointed by the governor
17 with the advice and consent of the senate. The department's role
18 will be to provide overall coordination in the state's public
19 safety and law enforcement program, to provide channels of
20 coordination with local and federal agencies in regard to public
21 safety, law enforcement and with all correctional and judicial
22 agencies in regard to matters pertaining to its responsibilities
23 as they may interrelate with the other agencies or offices of
24 state, local or federal governments.

25 2. All the powers, duties and functions of the state
26 highway patrol, chapter 43 and others, are transferred by type II
27 transfer to the department of public safety. The governor by and

1 with the advice and consent of the senate shall appoint the
2 superintendent of the patrol. With the exception of sections
3 43.100 to 43.120 relating to financial procedures, the director
4 of public safety shall succeed the state highways and
5 transportation commission in approving actions of the
6 superintendent and related matters as provided in chapter 43.
7 Uniformed members of the patrol shall be selected in the manner
8 provided by law and shall receive the compensation provided by
9 law. Nothing in the Reorganization Act of 1974, however, shall
10 be interpreted to affect the funding of appropriations or the
11 operation of chapter 104 relating to retirement system coverage
12 or section 226.160 relating to workers' compensation for members
13 of the patrol.

14 3. All the powers, duties and functions of the supervisor
15 of liquor control, chapter 311 and others, are transferred by
16 type II transfer to the department of public safety. The
17 supervisor shall be nominated by the department director and
18 appointed by the governor with the advice and consent of the
19 senate. The supervisor shall appoint such agents, assistants,
20 deputies and inspectors as limited by appropriations. All
21 employees shall have the qualifications provided by law and may
22 be removed by the supervisor or director of the department as
23 provided in section 311.670.

24 4. All the powers, duties and functions of the safety and
25 fire prevention bureau of the department of public health and
26 welfare are transferred by type I transfer to the director of
27 public safety.

1 5. All the powers, duties and functions of the state fire
2 marshal, chapter 320 and others, are transferred to the
3 department of public safety by a type I transfer.

4 6. All the powers, duties and functions of the law
5 enforcement assistance council administering federal grants,
6 planning and the like relating to Public Laws 90-351, 90-445 and
7 related acts of Congress are transferred by type I transfer to
8 the director of public safety. The director of public safety
9 shall appoint such advisory bodies as are required by federal
10 laws or regulations. The council is abolished.

11 7. The director of public safety shall promulgate motor
12 vehicle regulations and be ex officio a member of the safety
13 compact commission in place of the director of revenue and all
14 powers, duties and functions relating to chapter 307 are
15 transferred by type I transfer to the director of public safety.

16 8. ~~【The office of adjutant general and the state militia
17 are assigned to the department of public safety; provided,
18 however, nothing herein shall be construed to interfere with the
19 powers and duties of the governor as provided in Article IV,
20 Section 6 of the Constitution of the state of Missouri or chapter
21 41.~~

22 ~~—9.]~~ All the powers, duties and functions of the Missouri
23 boat commission, chapter 306 and others, are transferred by type
24 I transfer to the "Missouri State Water Patrol", which is hereby
25 created, in the department of public safety. The Missouri boat
26 commission and the office of secretary to the commission are
27 abolished. All deputy boat commissioners and all other employees

1 of the commission who were employed on February 1, 1974, shall be
2 transferred to the water patrol without further qualification.
3 Effective January 1, 2011, all the powers, duties, and functions
4 of the Missouri state water patrol are transferred to the
5 division of water patrol within the Missouri state highway patrol
6 as set out in section 43.390.

7 ~~[10.]~~ 9. The Missouri veterans's commission, chapter 42,
8 is assigned to the department of public safety.

9 ~~[11.]~~ 10. Any rule or portion of a rule, as that term is
10 defined in section 536.010, that is created under the authority
11 delegated in this section shall become effective only if it
12 complies with and is subject to all of the provisions of chapter
13 536 and, if applicable, section 536.028. This section and
14 chapter 536 are nonseverable and if any of the powers vested with
15 the general assembly pursuant to chapter 536 to review, to delay
16 the effective date, or to disapprove and annul a rule are
17 subsequently held unconstitutional, then the grant of rulemaking
18 authority and any rule proposed or adopted after August 28, 2009,
19 shall be invalid and void.

20 Section B. Because immediate action is necessary to ensure
21 that all owners, officers, managers, contractors, employees, and
22 other support staff of medical marijuana facilities be subjected
23 to state and federal fingerprint-based criminal background checks
24 to insure the integrity of the Missouri medical marijuana
25 industry, the enactment of section 195.815 of this act is deemed
26 necessary for the immediate preservation of the public health,
27 welfare, peace, and safety, and the enactment of section 195.815

1 of this act is hereby declared to be an emergency act within the
2 meaning of the constitution, and the enactment of section 195.815
3 of this act shall be in full force and effect on July 1, 2020, or
4 upon its passage and approval, whichever occurs later.

5 Section C. The repeal and reenactment of the first
6 occurrence of section 211.071 of this act shall become effective
7 on January 1, 2021, and the repeal and reenactment of the second
8 occurrence of section 211.071 of this act shall become effective
9 on August 28, 2020.

10 Section D. The repeal and reenactment of section 650.005 of
11 section A and the enactment of sections 40.003, 41.005, 45.010,
12 45.020, and 45.030, of section A of this act shall become
13 effective only upon the passage and approval by the voters of a
14 constitutional amendment submitted to them by the general
15 assembly regarding the creation of the department of defense.